



**Town of Hilton Head Island
Board of Zoning Appeals
Regular Meeting
Monday, April 28, 2014 2:30p.m
Benjamin M. Racusin Council Chambers
AGENDA**

1. **Call to Order**
2. **Roll Call**
3. **Freedom of Information Act Compliance**
Public notification of the Board of Zoning Appeals meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the requirements of the Town of Hilton Head Island Land Management Ordinance.
4. **Wireless Telephone Usage**
Please turn off all wireless telephones so as not to interrupt the meeting.
5. **Welcome and Introduction to Board Procedures**
6. **Approval of Agenda**
7. **Approval of the Minutes** – February 24, 2014 Meeting
8. **Unfinished Business**
None
9. **New Business**
Public Hearing
SER140001: Paige Grisette is requesting special exception approval from Land Management Ordinance Section 16-4-1204, Use Table, to allow a kennel and boarding in the Commercial Center (CC) Zoning District. The property is located at 25 Bow Circle and is further identified as parcel 860 on Beaufort County Tax Map 14. *Presented by: Anne Cyran*

Public Hearing
VAR140001: Joel Lewis, on behalf of Frank and Cheri Sloane, is requesting a variance from Land Management Ordinance Section 16-5-704, Minimum Required Setback Area. The applicant proposes to build a single family house that encroaches into adjacent use setbacks. The subject parcel is located at 9 Mossy Oaks Lane, further identified as Parcel 487 on Beaufort County Tax Map 12. *Presented by: Anne Cyran*
10. **Board Business**
11. **Staff Reports**
Waiver Report
12. **Adjournment**

Please note that a quorum of Town Council may result if four or more Town Council members attend this meeting.

TOWN OF HILTON HEAD ISLAND
Board of Zoning Appeals
Minutes of the Monday, February 24, 2014 Meeting
2:30p.m. - Benjamin M. Racusin Council Chambers

DRAFT

Board Members Present: Chairman Peter Kristian, Vice Chairman Glenn Stanford, Irv Campbell, David Fingerhut, Michael Lawrence and Steve Wilson

Board Members Absent: P. Jeffrey North

Council Members Present: None

Town Staff Present: Nicole Dixon, Senior Planner & Board Coordinator
Anne Cyran, Senior Planner
Teri Lewis, LMO Official
Heather Colin, Development Review Administrator
Brian Hulbert, Board Attorney
Jayme Lopko, Senior Planner
Charles Cousins, Director of Community Development
Kathleen Carlin, Secretary

1. Call to Order

Chairman Kristian called the meeting to order at 2:30p.m.

2. Roll Call

3. Freedom of Information Act Compliance

Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and Town of Hilton Head Island requirements.

4. Introduction to Board Procedures

Chairman Kristian welcomed the public and introduced the Board's procedures for conducting the business meeting. Chairman Kristian stated that he will recuse himself from review of application for appeal, APL130008, appearing under Unfinished Business, due to a professional conflict of interest. Vice Chairman Stanford will assume the role of Chairman for the review of APL130008.

5. Approval of the Agenda

Chairman Kristian requested that a motion be made to approve the agenda. Vice Chairman Stanford made a **motion** to **approve** the agenda as presented. Mr. Lawrence **seconded** the motion and the motion **passed** with a vote of 6-0-0.

6. Approval of the Minutes

Chairman Kristian requested that a motion be made to approve the minutes of the January 24, 2014 meeting. Mr. Lawrence made a **motion** to **approve** the January 24, 2014 minutes as presented. Mr. Fingerhut **seconded** the motion and the motion **passed** with a vote of 5-0-1. Mr. Campbell abstained from the vote due to his absence from the meeting.

Chairman Peter Kristian recused himself from review of the following application, Application for Appeal, APL130008, based on a professional conflict of interest. A Conflict of Interest Form was completed and signed by Chairman Kristian and attached to the record. Chairman Kristian requested that Vice Chairman Stanford serve as Acting Chairman for this portion of the meeting.

Mr. Irv Campbell recused himself from review of APL130008 due to his absence from the first hearing of the application on January 24, 2014. Mr. Campbell completed and signed a Conflict of Interest Form for the record.

7. **Unfinished Business**

APL130008:

Request from Brad Wainwright. The appellant is appealing the Town's decision on October 23, 2013 to issue approval of a minor zoning map amendment to change the land use designation on a portion of parcel 60 on Tax Map 3 from 'Open Space' to 'Open Space/Telecommunication Facilities'.

Acting Chairman Stanford presented brief comments regarding the first hearing of the appeal on January 24, 2014. Since that time the Board has received notification from the applicant for the zoning map amendment that they intend to withdraw their application for the zoning map amendment.

Acting Chairman Stanford requested that a motion be made for the Board to go into an Executive Session to receive legal advice from Brian Hulbert, Board Attorney, concerning the procedures that are applicable to this matter. The Board agreed to meet in an Executive Session with Mr. Hulbert. Acting Chairman Stanford then requested that a motion be made.

Mr. Wilson made a **motion** for the Board to go into an Executive Session. Mr. Lawrence **seconded** the motion and the motion **passed** with a vote of 4-0-0. Acting Chairman Stanford called a recess in the proceedings at this time.

When the meeting resumed, Acting Chairman Stanford stated that the Board met with Board attorney, Brian Hulbert, to receive legal advice concerning several procedural matters. No decisions concerning application for appeal APL130008 have been made.

Acting Chairman Stanford stated that Crown Castle has requested to withdraw their application for the zoning map amendment. That request was denied by the Town because the Town had already acted on the application. Subsequently, Crown Castle made a request that the Town rescind the Notice of Action. The Town agreed to rescind the Notice of Action. The question before the Board at this time is whether this matter is now moot.

Chester C. Williams, Esq., counsel for the appellant, Mr. Brad Wainwright, presented statements on behalf of his client. Mr. Williams stated that he had not been informed that Crown Castle had requested to rescind the Notice of Action in this matter.

Jack Qualey, Esq., counsel for Hilton Head Plantation and for Crown Castle also presented brief statements on behalf of his clients. Mr. Qualey stated that he was aware of the rescission of the Notice of Action but not the request to withdraw the zoning map

amendment application. Mr. Qualey stated that he believes the end result is the same, however, because Crown Castle has requested rescission of the Notice of Action.

Brian Hulbert, Board Attorney, presented statements regarding the issue. Mr. Hulbert stated that Acting Chairman Stanford is correct in his summation of facts. The case manager for the zoning map amendment application, Mrs. Jayme Lopko, presented statements on behalf of the staff regarding the timeline of events.

Jack Qualey, Esq., stated that the Town staff believes that it is at the discretion of the Board to decide whether or not they can or will accept the end of this appeal. Since the Town has rescinded the notice of action, it appears that the application for appeal is now moot.

Mr. Qualey stated that he, the appellant, Mr. Brad Wainwright, and his legal counsel, Chester Williams, have come to an agreement on several issues that they would like to bring before the Board for their consideration.

Mr. Qualey, Mr. Wainwright, and Mr. Williams jointly request that the Board accept the notice of rescission that was requested by Ms. Jenna McKee, attorney for Crown Castle, on behalf of Zoning Map Amendment application, ZMA130005. They jointly ask that the Board accept the letter from Mrs. Jayme Lopko to the applicant confirming that the Notice of Action regarding the zoning map amendment was rescinded on February 14, 2014. Mr. Qualey requested that this become part of the official record.

Mr. Qualey stated that the Board is also asked to affirm the decision of that action at the request of the zoning map amendment applicant. Also the Board should confirm that the application for the zoning map amendment is void because it has been rescinded. In addition, we further ask that the Board confirm that this application for appeal is ended.

Mr. Williams requested that the fee paid to the Town for the application for appeal be refunded to the appellant, Mr. Wainwright. Acting Chairman Stanford asked if Mr. Williams is in agreement with the statements just presented by Mr. Qualey. Mr. Williams stated that he is in agreement with these statements.

Acting Chairman Stanford then requested that the staff make their presentation. Ms. Teri Lewis stated that the staff has two concerns: (1) the first is related to the voiding of the application for zoning map amendment as this may be a matter outside of the Board's jurisdiction; (2) the refund of the fee for the application for appeal is also not before the Board. The staff will need to review the LMO to determine whether the fee can be refunded to the appellant.

Chester Williams, Esq., stated that he believes this matter is correctly before the Board of Zoning Appeals and the Board should ratify the action. Following final discussion by the Board, Acting Chairman Stanford requested that a motion be made.

Mr. Fingerhut made a **motion** that the Board should **dismiss** application for appeal, APL130008, as moot based on the representations of both of the parties in this matter. The Board should not be giving advisory opinions on these issues. Acting Chairman Stanford stated that he agrees with this statement. Mr. Lawrence **seconded** the motion and the motion **passed** with a vote of 4-0-0.

**8. New Business
Public Hearing**

VAR130015:

Cameron & Cameron Custom Homes, on behalf of Sheila Hammer, is requesting a variance from Land Management Ordinance Section 16-6-204, Wetland Buffers, to build a pool in a portion of the wetland buffer. The subject parcel is located at 19 Knightsbridge Lane and is further identified as parcel 337 on Beaufort County Tax Map 15D. Chairman Kristian introduced the application and opened the public hearing. Chairman Kristian then requested that the staff make their presentation.

Ms. Anne Cyran made the presentation on behalf of staff. Ms. Cyran presented an in-depth overhead review of the application including the vicinity map, an aerial photo, the site plan and photos of the existing conditions. Staff recommended that the Board *disapprove* the application based on the Findings of Facts and Conclusions of Law contained in the staff's report.

The subject parcel is located at 19 Knightsbridge Lane in Wexford Plantation in the PD-1 Zoning District. The subject parcel is bound by an undeveloped parcel on the north, Knightsbridge Lane on the east, a single family house to the south and a tidal wetland (lagoon) to the west.

Wexford Plantation's tidal wetland was developed between 1979 and 1986. The subject parcel is separated from the wetland by a concrete bulkhead, as are most of the parcels adjacent to the wetland in Wexford. The State of South Carolina's Department of Health and Environmental Control's (DHEC) Ocean & Coastal Resource Management (OCRM) determined that the tidal wetlands Critical Line (the boundary of the wetland system) is located at the edge of the bulkhead.

Land Management Ordinance (LMO) Section 16-2-204, Wetland Buffers, requires a 20-foot buffer from tidal wetlands for single family residential structures and uses. These wetland buffer standards have been in place since the LMO was enacted in 1987. Most properties in the vicinity of the subject parcel have wetland buffers that do not conform to the standards of the LMO because they have sod or non-native vegetation planted in the wetland buffer.

A building permit was issued for a new house on the subject parcel on February 19, 2013. Andrea Eldred of Cameron & Cameron Custom Homes approached Town staff in December 2013 with an application to add a pool. The staff informed Ms. Eldred that, because the proposed pool was shown in the 20-foot wetland buffer, a variance would be required prior to review and approval of a building permit for the pool.

Along with the variance request, the applicant submitted a proposed landscape plan for the wetland buffer to mitigate the effects of the encroachment of the pool into the buffer. The Town's Environmental Planner has approved the proposed landscape plan.

Ms. Cyran presented the Findings of Fact and Conclusions of Law contained in the staff's report. Following the staff's presentation, Chairman Kristian requested that the applicant make his presentation.

Mr. Nathan Cameron, Cameron & Cameron Custom Homes, agent for the applicant, presented statements in support of the application. Chairman Kristian and the applicant discussed the six criteria necessary for approval of the application. Ms. Andrea Eldred also presented statements on behalf of the applicant. Ms. Eldred reviewed several of the criteria and stated that she believes the application should be approved. There are several existing homes in Wexford with non-compliant pools that encroach into the buffer. The applicant and the Board discussed several issues including the wetland buffer and the landscaping plan.

Following the applicants' presentation, Chairman Kristian requested public comments and the following were received: (1) Ms. Deb Palazzo, Wexford Plantation representative, presented statements with regard to the existing bulkhead and 20-foot buffer from the tidal wetlands; (2) Mr. Dean Pierce, Esq., counsel for adjacent property owners, presented statements in opposition to the application.

Following all public comments, Chairman Kristian stated that the public hearing for this application is closed. The Board discussed several issues including the OCRM critical line and the existing non-conforming properties in Wexford. Several Board members expressed concern with the existing non-conforming pools in Wexford. Chairman Kristian stated that the Board is required to follow the LMO in addressing all six of the required six criteria. Following final comments by the Board, Chairman Kristian requested that a motion be made.

Mr. Fingerhut made a **motion** that the Board should adopt the staff's recommendation for **denial** of VAR130015 based on the Findings of Fact and Conclusions of Law contained in the staff's report. Mr. Lawrence **seconded** the motion and the motion **passed** with a vote of 4-2-0. Ms. Heather Colin presented statements on behalf of staff with regard to waivers and non-conformities contained in the LMO. These issues will need to be decided if other properties in Wexford wish to develop or redevelop in the future.

9. Board Business

None

10. Staff Report

Waiver Report - Ms. Nicole Dixon presented the Waiver Report on behalf of staff.

11. Adjournment

The meeting was adjourned at 3:40p.m.

Submitted By:

Kathleen Carlin
Secretary

Approved By:

Glenn Stanford
Acting Chairman
(For review of APL130008)

Approved By:

Peter Kristian
Chairman
(For review of VAR130015)



TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court

Hilton Head Island, SC 29928

843-341-4757

FAX 843-842-8908

STAFF REPORT SPECIAL EXCEPTION

Case #	Name of Development	Public Hearing Date
SER140001	Red Rover Inn	April 28, 2014

Parcel Data	Owner	Applicant
Tax Map ID: Map 14, Parcel 860 Address: 25 Bow Circle Zoning District: Commercial Center (CC) Overlay District: Corridor Overlay District (COR)	Absolute Island Management 25 Bow Circle Hilton Head Island SC 29928	Paige Grisette 1 New Orleans Road Suite F Hilton Head Island SC 29928

Application Summary

Paige Grisette is requesting a special exception to operate a kennel and boarding facility in the Commercial Center (CC) Zoning District, which requires special exception approval per Land Management Ordinance (LMO) Section 16-4-1204, Use Table.

Background

The subject parcel is located at 25 Bow Circle in the CC Zoning District. As shown on the Aerial Photo (Attachment B), the subject parcel is bound by Bow Circle to the northeast, the Church of Christ to the southeast, Palmetto Bay Road and an undeveloped lot owned by the Town of Hilton Head Island to the southwest, and an undeveloped lot owned by the Town of Hilton Head Island to the northwest.

The subject parcel was developed in 1982 and contains a 5,566 square foot building with an attached garage and associated parking. The property was previously used by the South Island Public Service District as an office.

Applicant's Grounds for Special Exception, Summary of Facts and Conclusion

Grounds for Special Exception

The applicant is requesting special exception approval to operate a kennel and boarding facility in the Commercial Center (CC) Zoning District per the requirement of LMO 16-4-1204, Use Table. The applicant's narrative states that the business will operate in the existing building and that no site changes will be required to accommodate the use. The applicant states the proposed use will be compatible with surrounding uses because the use is consistent with the Character and Purpose of the CC Zoning District and the site is already

developed. The applicant states the proposed uses will not be a nuisance to neighboring properties because measures will be taken to minimize noise and odor. These measures include:

- Keeping the dogs inside at all other times. The dogs will only be taken outside to relieve them;
- Not taking the dogs outside during the bible class and worship services of the adjacent church;
- Not allowing owners to pick up dogs during the bible class and worship services of the church;
- Designing the interior space so that 89% of the kennels face away from the church;
- Constructing a privacy fence around the area where the dogs will relieve themselves to limit the dogs' vision of stimulus and prevent barking;
- Using ultra-sonic emitters and/or collars to discourage the dogs from barking;
- Immediately bagging waste and depositing it in lid-tight containers;
- Using a bacteria-killing cleaning product to clean the driveway on a daily basis;
- Creating 37 kennels, which will allow greater separation of the dogs and the ability to manage noise;
- Using an existing sound-proof room in the center of the building for a play area;
- Replacing the existing garage door with a heavier, more insulated door so the garage can be used as a play area while minimizing noise.

Summary of Facts

1. The applicant seeks a special exception as set forth in LMO 16-3-1801.
2. The applicant is proposing to operate a kennel and boarding facility in the Commercial Center (CC) Zoning District.

Conclusion

1. The applicant may seek a special exception from the requested LMO Section as set forth in LMO 16-3-1801.

Staff Summary of Facts and Conclusions

Summary of Facts

1. The application was submitted as set forth in LMO 16-3-1802.
2. Notice of the Application was published in the Island Packet on March 23, 2014 as set forth in LMO 16-3-110 and 16-3-111.
3. Notice of the Application was posted and mailed as set forth in LMO 16-3-110 and 16-3-111.
4. The applicant submitted an affidavit stating she met the mailed notice requirements as set forth in LMO 16-3-11.
5. The Board has authority to render the decision reached here under LMO 16-3-1804.

Conclusions

1. The application is in compliance with the submittal requirements established in LMO 16-3-1802.
2. The application and notice requirements comply with the legal requirements established in LMO 16-3-110 and 16-3-111.

As provided in **LMO 16-3-1805, Special Exception Review Criteria**, the BZA shall approve an application for use by special exception if and only if the applicant shall demonstrate that the proposed use and any associated development will be consistent with the following criteria.

Staff Summary of Facts and Conclusions

Criteria 1: It will be in accordance with the Comprehensive Plan (LMO 16-3-1805.A).

Findings of Fact

Goal 8.1 - Existing Land Use

- A. The goal is to have an appropriate mix of land uses to meet the needs of existing and future populations.

Goal 8.5 – Land Use Per Capita

- A. The goal is to have an appropriate mix and availability of land uses to meet the needs of the existing and future populations.

Goal 8.6 – Build-Out

- B. The goal is to consider developing regulations and requirements to maintain the Island Character and meet the needs of the community as it approaches build out.

Goal 8.10 – Zoning Changes

- A. Consider focusing higher intensity land uses in areas with available sewer connections.

Conclusions

1. Staff concludes that this application meets the criteria as set forth in LMO 16-3-1805.A.
2. This application would allow other retail sales and service uses within a commercial corridor bringing a mixture of land uses to meet the needs of the population.
3. This application would allow moderate intensity uses to be located where a sewer connection has already been established and where it would meet the needs of the surrounding community.

Staff Summary of Facts and Conclusions

Criteria 2: It will be consistent with the ‘character and purpose’ statement of the applicable district (LMO 16-3-1805.B).

Findings of Fact

1. The purpose statement of the Commercial Center (CC) Zoning District is to “provide for moderate to high intensity commercial development...”
2. LMO Section 16-4-1213.G, Commercial Use Categories – Retail Sales and Service, lists examples of service-oriented uses, which includes veterinarians and animal grooming.

Conclusions

1. Staff concludes that this application meets the criteria as set forth in LMO 16-3-1805.B.
2. The proposed use will be located in the CC Zoning District, which is meant for such service-oriented uses as a kennel and boarding facility.

Staff Summary of Facts and Conclusions

Criteria 3: It will be compatible with the existing uses adjacent to and near the property (LMO 16-3-1805.C).

Findings of Fact

1. The proposed use is a kennel and boarding facility.
2. The existing uses adjacent to and near the subject parcel include offices and a church.
3. The narrative states the church holds a bible class at 9:30 AM on Sunday and services at 10:30 AM and 6:00 PM on Sunday.
4. The narrative states the dogs will be taken outside prior to 9:00 AM on Sunday and will not be taken outside between 6:00 and 7:00 PM.
5. The narrative states dog pickup and delivery will be prohibited before noon and between 5:30 and 7:30 PM on Sundays.

Conclusions

1. Staff concludes that this application meets the criteria as set forth in LMO 16-3-1805.C.
2. The proposed business is a commercial use in an area with commercial uses and an institutional use.
3. The applicant states that the kennel’s operations and hours will be coordinated with the adjacent church’s meeting and services to limit any disturbance to the church.

Staff Summary of Facts and Conclusions

Criteria 4: It will not be hazardous, detrimental or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, water pollution or general nuisance (LMO 16-3-1805.D).

Findings of Fact

1. The narrative states the dogs will be kept inside the building or the garage except to occasionally use a fenced area behind the building for elimination.
2. The narrative states the dogs will not be taken outside during the bible class and worship services of the adjacent church.
3. The narrative states owners will not be allowed to pick up dogs during the bible class and worship services of the church.
4. The narrative states the interior of the building will be designed so that 89% of the kennels face away from the church.
5. The narrative states the owner will build a privacy fence around the area where the dogs will relieve themselves to limit the dogs’ vision of stimulus and prevent barking.
6. The narrative states the owner will use ultra-sonic emitters and/or collars to discourage the dogs from barking.
7. The narrative states the employees will immediately bag waste and deposit it in lid-tight containers.

8. The narrative states the driveway will be cleaned daily using a bacteria-killing cleaning product.
9. The narrative states the interior will be divided into 37 kennels, which will allow greater separation of the dogs and the ability to manage noise.
10. The narrative states an existing sound-proof room in the center of the building will be used for a play area.
11. The narrative states the owner will replace the existing garage door with a heavier, more insulated door so the garage can be used as a play area while minimizing noise.

Conclusions

1. Staff concludes that this application meets the criteria as set forth in LMO 16-3-1805.D.
2. The applicant will take many steps to limit noise disturbance to neighboring properties.
3. The applicant will take steps to limit odor disturbance to neighboring properties.

Staff Summary of Facts and Conclusions

Criteria 5: It will not otherwise adversely affect the development of the general neighborhood or of the district in which the use is proposed (LMO 16-3-1805.E).

Findings of Fact

1. The narrative states the only change proposed to the site is the addition of a privacy fence behind the building to minimize the dogs' barking while they are being relieved.
2. The narrative lists several measures that will be used to limit noise disturbance.
3. The narrative states the dogs' waste will be disposed of immediately.

Conclusions

1. Staff concludes that this application meets the criteria as set forth in LMO 16-3-1805.E.
2. The addition of this business should have a minimal effect on the neighborhood since the site will not be altered, the applicant plans to take several measures to limit noise disturbance and the dogs' waste will be disposed of immediately.

Staff Summary of Facts and Conclusions

Criteria 6: It will be consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property (LMO 16-3-1805.F).

Findings of Fact

1. The site is developed with a shared driveway with Church of Christ, a drive aisle through the site and a garage behind the site.
2. The applicant proposes no changes to the site's vehicular or pedestrian circulation.

Conclusions

1. Staff concludes that this application meets the criteria as set forth in LMO 16-3-1805.F.
2. The property will remain consistent with the existing and planned pedestrian and vehicular circulation in the area.

Staff Summary of Facts and Conclusions

Criteria 7: It will have adequate water and sewer supply, storm water facilities, waste disposal and other public services (LMO 16-3-1805.G).

Findings of Fact

1. The site is developed with storm water facilities.
2. The building already has adequate water and sewer supplies.
3. The applicant will hire a company to provide waste removal services.

Conclusions

1. Staff concludes that this application meets the criteria as set forth in LMO 16-3-1805.G.
2. The site has water, sewer and storm water facilities.
3. The applicant will ensure waste disposal services are provided for the site.

Staff Summary of Facts and Conclusions

Criteria 8: It will be developed in a way that will preserve and incorporate any important natural features that are a part of the site (LMO 16-3-1805.H).

Findings of Fact

1. The site is developed with an adjacent street setback and buffer and a rear adjacent use setback and buffer, which contain trees and other vegetation.
2. The applicant plans to install a privacy fence to surround a portion of the drive leading to the garage on the rear of the building.
3. The applicant may enclose the building's front porch in the future.

Conclusions

1. Staff concludes that this application meets the criteria as set forth in LMO 16-3-1805.H.
2. The applicant will generally maintain the site as it has been developed, which will preserve the natural features on the site.

Staff Summary of Facts and Conclusions

Criteria 9: It will conform to any specific criteria or conditions specified for that use by special exception in the applicable district or for the proposed use, as set forth in Chapter 4 of this Title (LMO 16-3-1805.I).

Findings of Fact

1. LMO 16-4-1332 states kennels and boarding facilities are permitted in the CC Zoning District subject to the following standards:
 - a. All kennels and runs and other areas where animals are to be kept must be located within the building and suitably insulated to prevent noise from reaching neighboring properties.
 - b. There shall be no objectionable odors generated by the use detectable from neighboring properties.
2. The narrative states the dogs will be kept inside the building except to occasionally

- use the fenced area behind the building for elimination.
3. The narrative states a sound proof room in the building will be used as a play area for the dogs to prevent noise from reaching neighboring properties.
 4. The narrative states a heavier, more insulated door will be added to the garage, which will be used as a play area.
 5. The narrative states all waste will be bagged and thrown away in a lid-tight container immediately.
 6. The narrative states a bacteria-killing cleaning product will be used to clean the driveway (which is in the dogs' elimination area) on a daily basis.
- Conclusions**
1. Staff concludes that this application meets the criteria as set forth in LMO 16-3-1805.I.
 2. The applicant will ensure LMO 16-4-1332.A is met by keeping the dogs inside the building and in insulated play areas. The dogs will only be allowed outside when they are being relieved.
 3. The applicant will ensure LMO 16-4-1332.B is met by disposing of the dogs' waste immediately and by cleaning the impervious surface in the dogs' elimination area daily.

Staff Summary of Facts and Conclusions

Criteria 10: It will not be contrary to the public health, safety and welfare, provided that a denial based exclusively on this language shall include explicit findings regarding the way in which granting the special exception would be contrary to the public health, safety and welfare (LMO 16-3-1805.J).

Findings of Fact

1. The proposed kennel and boarding facility would be subject to the provisions of all Town ordinances.
2. Staff received many letters and emails in support of the application (Attachment D).
3. Staff has not received any objections to the application.

Conclusions

1. Staff concludes that this application meets the criteria as set forth in LMO 16-3-1805.J.
2. The proposed kennel and boarding facility will not be contrary to the public health, safety and welfare because it will be held to the same standards as other kennels and boarding facilities in the area. Also, staff received many letters and emails in support of the application.

Staff Recommendation

Staff recommends that the Board of Zoning Appeals **approve** the application based on the Findings of Facts and Conclusions of Law.

BZA Determination and Motion

The "powers" of the BZA over special exceptions are defined by the South Carolina Code, Section 6-29-800, and in exercising the power, the BZA may "permit uses by special

exception subject to the terms and conditions for the uses set forth for such uses in the zoning ordinance...” or “may remand a matter to an administrative official, upon motion by a party or the board’s own motion, if the board determines the record is insufficient for review.”

This State law is implemented by the Hilton Head Island Land Management Ordinance, Chapter 2, Article III and the Rules of Procedure for the BZA. A written Notice of Action is prepared for each decision made by the BZA based on findings of fact and conclusions of law.

PREPARED BY:

AC

Anne Cyran, AICP
Senior Planner

April 14, 2014

REVIEWED BY:

ND

Nicole Dixon, CFM
Senior Planner & Board Coordinator

April 14, 2014

DATE

REVIEWED BY:

HC

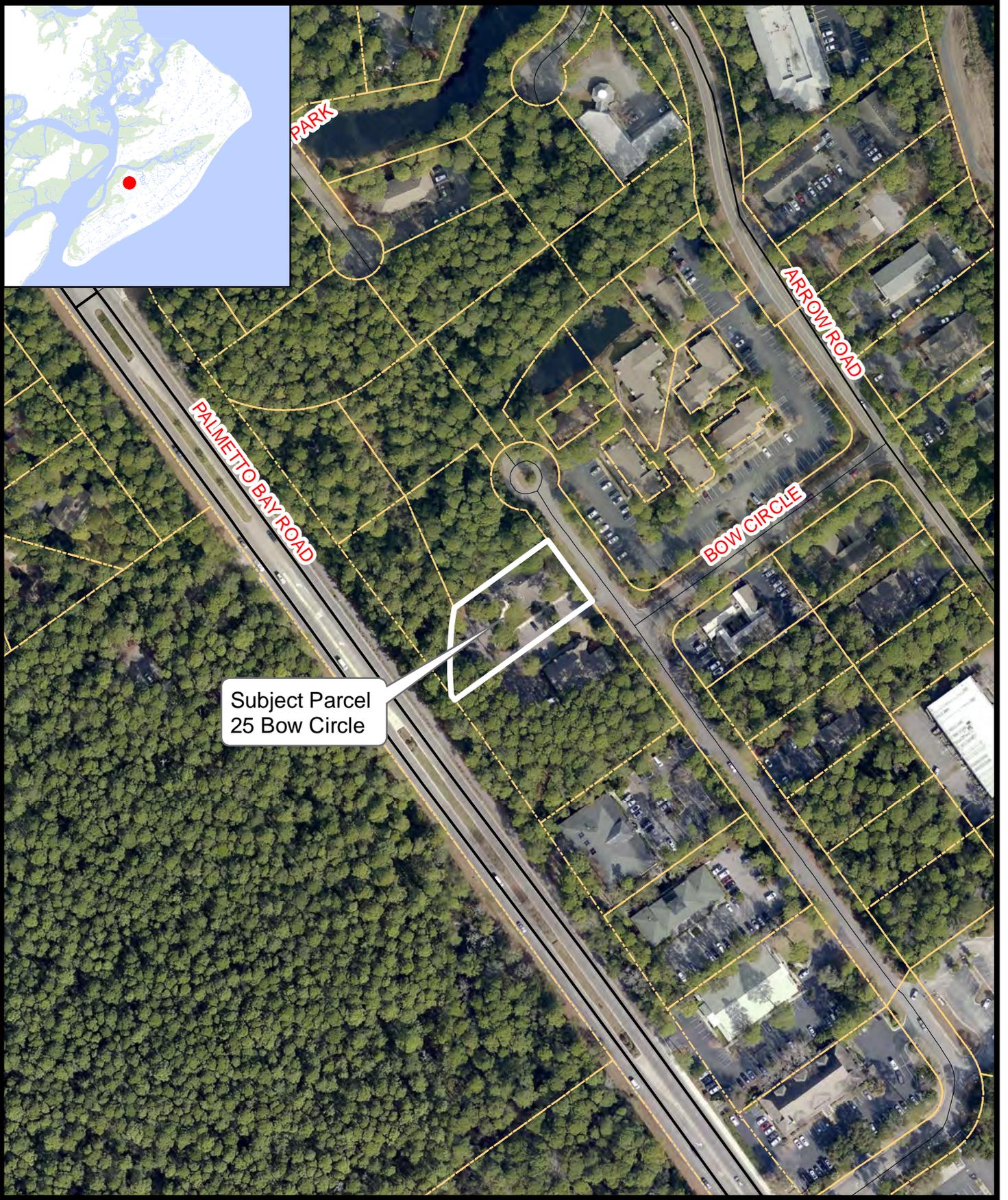
Heather Colin, AICP
Development Review Administrator

April 14, 2014

DATE

ATTACHMENTS:

- A) Aerial Vicinity Map
- B) Aerial Site Photo
- C) Applicant’s Narrative
- D) Letters and Emails in Support of the Application
- E) Site Photos



Subject Parcel
25 Bow Circle



Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-6000

Red Rover Inn SER140001

Staff Report Attachment A - Aerial Vicinity Map



1 inch = 192 feet



This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.



Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-6000

Red Rover Inn SER140001

Staff Report Attachment B - Aerial Site Photo



1 inch = 51 feet



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Special Exception Criteria Narrative
25 Bow Circle

25 Bow Circle is an existing, stand-alone building on the cul de sac dead end of Bow Circle. This is a request to the Town of Hilton Head Island to utilize the existing space for a dog daycare/boarding/grooming facility. The following addresses special exception criteria:

- A. The requested daycare/boarding/grooming facility is in accordance with the Comprehensive Plan for the Town of Hilton Head Island. Several years ago, the town council approved an amendment to the LMO allowing kenneling and boarding in the CC District with a special exception because they recognized a need for this service on the south end of the island. There is a large population of full and part time dog-owning residents as well as hundreds of south-end tourists who bring their dogs and are in need of day care and/or boarding.
- B. The requested daycare/boarding/grooming facility is consistent with the "character and purpose" statement of the District. The building has been there for a number of years. It is on the dead-end cul de sac of the street, largely bordered by town-owned forest, Bow Circle and Palmetto Bay Road.
- C. The requested daycare/boarding/grooming facility will be compatible with the existing uses adjacent to and near the property. It is a stand-alone property bordered mainly by Bow Circle, town-owned woods and Palmetto Bay Road. It shares a parking lot and drive with the Church of Christ. Across and down the street are a variety of businesses.

Note: There is an existing agreement with the Church around parking on Sundays and Wednesday evenings. This agreement will remain 100% in tact. In addition:

*Currently, Red Rover is open from noon to 5 on Sundays. Church bible class is at 9:30; worship services are at 10:30am and 6pm. Operating hours for all but boarding services are compatible.

*Boarded dogs will be taken out for "relief" prior to 9am on Sunday's; unless there is some kind of "relief" emergency, no dogs will be allowed outside between 9:30 and noon or between 6pm and 7pm.

*Boarding dog pick up and delivery will be prohibited before noon and between 5:30 and 7:30 on Sundays. Red Rover will offer free pick up and delivery; this service will serve as a "back up" for any customers who can not comply with these restrictions.

*It's important to note that Red Rover customers come and go pretty quickly. Most clients visit to buy food, drop off or pick up their dogs; they park for 15 minutes or less. Clients who wash their own dogs are in-store, on average, for less than 30 minutes.

D. The requested daycare/boarding/grooming facility will not be hazardous, detrimental or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, water pollution or general nuisance. As a stand alone building, any impact on neighboring businesses is minimized. The following should be noted as well:

*89% of the kennels (33 of the planned 37) face the street/wooded buffer areas (note: 100% occupancy will be rare; we will fill the 33 'buffered' kennels first and foremost)

*A planned 6-ft. privacy fence (same materials and look of the existing building) will surround a portion of the the drive leading into the garage on the rear side of the building; this will be where pups will "do their business" (small groups taken out at a time). Note: This type fence (vs a less-expensive chain-link fence) will not only be advantageous aesthetically, it also will block dogs' vision of people coming/going in the drive area, squirrels, deer, etc. which will prevent barking due to this type of stimulus.

*Ultra-sonic sound emitters and/or collars will be utilized. Any barking sets off a high-pitched sound (undetected by the human ear) which squelches barking. This is a "safety net" as all dogs and their behavior are supervised 100% of the time with the objective being a calm, quiet and clean environment.

Toward the same end:

- All personnel are trained in behavioral control techniques
- 24-Hour supervision. Someone is on site overnight to address any problems or disturbances; this ensures each day starts in a well-managed, controlled way

*Any and all solid pet waste will be immediately "bagged" and deposited in lid-tight containers. A proven-effective bacteria-killing (ie odor-killing) cleaning product, Wyze-Wash, will be utilized inside and out on a daily basis. The outdoor surface is the existing, impervious driveway.

*Plans call for constructing 24 walls within the existing floorplan of 12 rooms, creating 37 kennels. This is important for the following reasons:

- The more separation, the greater the ability control/manage quiet
- The new walls will slide open each day creating a total of 14 play areas inside the building.

NOTE:

*There is a sound-proof room in the center of the building which will be used as a play area; this will also serve as an excellent go-to area for any dogs who resist our methods/tools to control their behavior

*The existing garage will be utilized as a play area; the door will be replaced with one that is heavier and more insulated

D. As the area around 25 Bow Circle is fully developed, the requested daycare/boarding/grooming facility will not otherwise adversely affect the development of the general neighborhood or of the District.

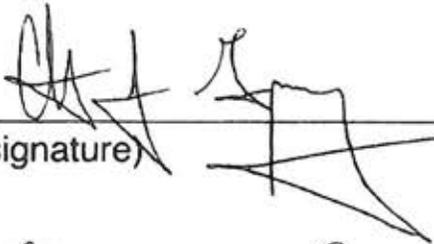
- E. Upon permit approval, there are plans to enclose the building's front porch. This would be in keeping with the existing look & feel of the building. The porch enclosure and privacy fence are the only planned changes to the exterior. As both will be constructed on the current building foot print, the requested daycare/boarding/grooming facility will remain consistent with existing pedestrian and vehicular circulation adjacent to and near the property.
- F. Public water and sewage is provided by SIPSD and waste disposal services will be renewed.
- G. 25 Bow Circle is an existing building and developed in a way that preserves and incorporates natural features that are part of the site. Aside from the aforementioned porch enclosure and privacy fence in the back of the building, there are no exterior structural changes planned.
- H. The requested daycare/boarding/grooming facility will conform to specific criteria and conditions specified by special exception in the District. Of particular importance,
- *All kennels will be located within the building which is suitably insulated to prevent noise from reaching neighboring properties. NOTE: Insulation will be enhanced via a new garage door; and where possible, sheet rock will be replaced with concrete sheets.
 - *All play areas will be located within the building. And, with 14 play pens, groups will stay small and manageable. One of the play pens is completely sound-proof (walls are cinder block) and will be the go-to area for any dogs who incessantly bark or are otherwise unruly.
 - *The sole exterior area, located at the rear of the building and surrounded by a 6-foot privacy fence, will be utilized only as a relief area.
 - *With as-generated waste pickup, immediate disposal in lid-tight containers and daily sanitation inside and out with bacteria killing spray (environmentally and dog safe), there will be no odor generated by the requested facility.
- I. For all the reasons stated in A-H, the requested daycare/boarding/grooming facility will not be contrary to the public health, safety or welfare.

February, 2014

To Whom It May Concern,

I own/manage Dough Boys which is located in
(business name)

the same building with Red Rover. As a matter of record, I have never had any cause for concern about noise or odor coming from or around Red Rover. We have not had any issues of that nature or any other for that matter. Beyond any question, they are considerate and excellent neighbors.


(signature)

Chris Gregory
(print name)

February, 2014

To Whom It May Concern,

I own/manage Mattress Firm which is located in
(business name)

the same building with Red Rover. As a matter of record, I have never had any cause for concern about noise or odor coming from or around Red Rover. We have not had any issues of that nature or any other for that matter. Beyond any question, they are considerate and excellent neighbors.

Kimberly J. Morris
(signature)

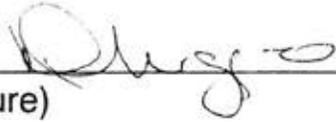
Kimberly Morris 2/28/14
(print name)

February, 2014

To Whom It May Concern,

I own/manage Conviction Training Facility which is located in
(business name)

the same building with Red Rover. As a matter of record, I have never had any cause for concern about noise or odor coming from or around Red Rover. We have not had any issues of that nature or any other for that matter. Beyond any question, they are considerate and excellent neighbors.


(signature)

Dayna Mugges
(print name)

February, 2014

To Whom It May Concern,

I own/manage POMODORI which is located in
(business name)

the same building with Red Rover. As a matter of record, I have never had any cause for concern about noise or odor coming from or around Red Rover. We have not had any issues of that nature or any other for that matter. Beyond any question, they are considerate and excellent neighbors.

Joseph Ventrice
(signature)

Joseph VENTRICE
(print name)

please!

We want/need Red Rover's boarding facility
at 25 Bow Circle.

Bev & Ted Jensen	175 Club Course Dr.
Ed & Michaela Twomey	168 Club Course Drive
Janet Nancy Cope	177 CLUB COURSE DRIVE
Naomis Bill Henderson	165 " " "
Jerry & Cindy Robert	160 Club Course Drive
Geneva DuRoi	83 3 rd Ave
Barry W Ginn	54 Planters Row
Suzanne Weber	816-4029
Suzanne Thomas	44 Edgewood Rd
Rich Thomas	Club Course Rd
Allison Baroni	ll
Susan Eckert	169 GARDEN PLACE
Robert Eckert	162 Club Course
Anne Lambess	" " "
	40 Pines

please!

We want/need Red Rover's boarding facility
at 25 Bow Circle.

Carol Peck 16 Tupelo Rd
Lynne & Blaine Lutz 22 n. Live Oak
Margaret Lawless
Dee Lawless Hong Kong, China
Margaret Branch } Idaho.
Pat Branch. }
Fran Luke
Wayne Luke } Atlanta
Charles Luke }
Goffrey Luke }
Elizabeth Luke }
Caroline Luke }
Lucy Beauchamp } Atlanta
Rob Beauchamp }



please!

We want/need Red Rover's boarding facility
at 25 Bow Circle.

Sally Farmer
Marti Buehler
Elaine Skayae

Wanne Drum
Elaine Lopez
Geraldine Vite
Maureen Lane

Cara Golden
BOB VELDRAN
KATH: VELDRAN
Betsy Santospago
PFSantospago

Susan McClave
SHERRY Babcock
Ann Raikes
Liz Glenn

Marge Orind

Peg Williams
Susan Green
LINDSAY Bunting
Stephanie Pullon

Janya Dyan
E. Burley
Debra Denton
Oliver Bentley
Ron MacLennan

please!

We want/need Red Rover's boarding facility
at 25 Bow Circle.

Maryjo Maltzman
Lynn Cuccaro
Brie McCune
Bob Tomber
WJ
D. W.
Mike Connolly
Scott McGowan
Scott & Scottie Lindsay
Robert B.
Michelle Wilson
Walter Young
Quito boeber
Anthony Muni
Jant Morris
Kate Gallaher

Cynthia Callan
Lily Gallo
David Ferguson
Pat Power
Beth DeHoff
Anna Shub
M. Cole
C. J.
Lance Bell
Carol Bayer

please!

We want/need Red Rover's boarding facility
at 25 Bow Circle.

Anne Leigh
Lucy Hadley
Dyrell Hobbs
Nancy Keely 686-6856
Barbara Meyer 413 575 1781
Lynne Ludovini 540-556-7000
Catherine Higgins 342-3091
Dorothy Mundy
Kim + Larry Trivium
Chris Spiner 384-7133
Valerie Bost
Matthew 363-5249
Fredrick Haul
Mary Ann
Orion
Carlynn Overstreet
Ann K. Boyd
Jim Fogarty 705-634
Judy Weaver
Lin Padic

please!

We want/need Red Rover's boarding facility
at 25 Bow Circle.

- John Rush 27 Beachwood 816-1985
- Diane Guenther
- Debby and IS Lorington HHI
- Dan Calkins Dan Calkins 60atman NH
Branch Rd
- Loren Hull 917-913-2601
- Sally Breedlove 864-653-5257
- Lynne Clark 828-458-9960
- Amie Burns
- Sue Simpson 363-2233
- Justin Meddfield 614-307-4791
- Thomas [Signature]
- Judy Powell 785 266-3859
- Dawna Floyd 843-384-4335

please!

We want/need Red Rover's boarding facility
at 25 Bow Circle.

~~Paul Smith~~
~~Tommy~~
~~Clark~~
Maunders
Cynthia
Debra H Gillette
KARE BOEMS
Paula
Lenny Haney
Stacy Williams
Peg Wildermuth

~~Paul~~
Adam Smith
Duggo
Keri
Sydney
Daniel & Asha
Keri
Frankie
Ashley
Jan Bush

Bonnie King
Deborah
Mary Ann
Lynn
Kim Alcock
Tracy
Dorothy Scott
Jerry Brown
Magan Bruce
Charles Mair
W

please!

We want/need Red Rover's boarding facility

Peggy Pettigrew 25
Eileen Sulchheit
Tricia Sexton
Elizabeth Hancock
Danica Cafasso
Susan Hestitz
David Weinrauch
12th St
Elaine Rocca
Ron Rine
Burroughs
Alexa Jones
Sharon Everett

A. Folger
Ann Van Hoesen
Tamar Gluss
Jan T. Ryan
John G. Ryan
T. J. Jone
DAVE HUMPHRY
CANDACE HUMPHREY
Rachel J. Raini
J. V. Shy
Mary Beth Mazzulli
Janet Brown
Nancy Kiviat
Anne P. Foley

Doufuskie Island
RESIDENTS

SER140001 Red Rover Inn
Staff Report Attachment D - Letters and Emails in Support of the Application

please!

We want/need Red Rover's boarding facility
at 25 Bow Circle.

- John Wilton
- Kathy Wagoner
- Kathy Shimmer
- Bark McCallion
- Jayne Wiggins
- Bonnie Schroeder
- Jorie McKniff
- Lynell Linker
- Judy Wade

SER140001 Red Rover Inn
Staff Report Attachment D - Letters and Emails in Support of the Application

From: Kathleen Wagoner [REDACTED]
Subject: **Bow Circle variance**
Date: March 8, 2014 7:01:08 AM EST
To: [REDACTED]

Dear Paige

We support your efforts to open a day care and boarding facility for dogs on Bow Circle, or any effort you might undertake. We have been so happy with your wonderful work at Red Rover and look forward to utilizing these additional services soon!
Kathy and Rick Wagoner
28 South Range Overlook
Daufuskie Island 29915
[REDACTED]

SER140001 Red Rover Inn
Staff Report Attachment D - Letters and Emails in Support of the Application

From: Barbara McCallion [REDACTED]
Subject: **Re: Red Rover**
Date: March 8, 2014 7:30:37 AM EST
To: [REDACTED]
Cc: [REDACTED]

Love Paige and we would be happy to support her
Barb

Sent from Yahoo Mail for iPhone

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]

Subject: Re: Red Rover
Sent: Sat, Mar 8, 2014 11:52:38 AM

Great - so happy to do this!!
Kathy

> On Mar 7, 2014, at 10:43 PM, Susan Coptly [REDACTED] wrote:
>
> Dear friends,
>
> As some of you may know, my sister Paige, who owns Red Rover on Hilton Head, is seeking to open a boarding and day care facility for dogs on Bow Circle off Arrow Road. To do this, she needs to get a zoning variance for this business. As part of her application to the town of Hilton Head, expressions of support from her clients would be helpful.
>
> If you would be in favor of this service on the south end of the island, Paige would really appreciate your support. I will post a sheet at the Mansion that you can sign in the next week or you can just email Paige at [REDACTED] to let her know you are in favor of her efforts.
>
> Thanks for your help! See you soon -
> Susan
>
> Sent from my iPad

SER140001 Red Rover Inn
Staff Report Attachment D - Letters and Emails in Support of the Application

From: Lynn Wiggins [REDACTED]
Subject: **RE: Red Rover**
Date: March 8, 2014 7:40:04 AM EST
To: [REDACTED]
Cc: [REDACTED]

Me too.

Lynn

Date: Sat, 8 Mar 2014 04:30:37 -0800
From: [REDACTED]
Subject: Re: Red Rover
To: [REDACTED]
CC: [REDACTED]

Love Paige and we would be happy to support her
Barb

Sent from Yahoo Mail for iPhone

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]

Subject: Re: Red Rover
Sent: Sat, Mar 8, 2014 11:52:38 AM

Great - so happy to do this!!
Kathy

> On Mar 7, 2014, at 10:43 PM, Susan Copty [REDACTED] wrote:
>
> Dear friends,
>
> As some of you may know, my sister Paige, who owns Red Rover on Hilton Head, is seeking to open a boarding and day care facility for dogs on Bow Circle off Arrow Road. To do this, she needs to get a zoning variance for this business. As part of her application to the town of Hilton Head, expressions of support from her clients would be helpful.
>
> If you would be in favor of this service on the south end of the island, Paige would really appreciate your support. I will post a sheet at the Mansion that you can sign in the next week or you can just email Paige at [REDACTED] to let her know you are in favor of her efforts.
>
> Thanks for your help! See you soon -
> Susan
>
> Sent from my iPad

SER140001 Red Rover Inn
Staff Report Attachment D - Letters and Emails in Support of the Application

From: Lorie McKniff [REDACTED]
Subject: **Re: Red Rover**
Date: March 8, 2014 9:44:59 AM EST
To: [REDACTED]
Cc: [REDACTED]

I would be more than happy to support Paige in any way possible!

Thanks,

Lorie
Sent from my iPhone

On Mar 7, 2014, at 10:43 PM, Susan Coptly [REDACTED] wrote.

Dear friends,

As some of you may know, my sister Paige, who owns Red Rover on Hilton Head, is seeking to open a boarding and day care facility for dogs on Bow Circle off Arrow Road. To do this, she needs to get a zoning variance for this business. As part of her application to the town of Hilton Head, expressions of support from her clients would be helpful.

If you would be in favor of this service on the south end of the island, Paige would really appreciate your support. I will post a sheet at the Mansion that you can sign in the next week or you can just email Paige at [REDACTED] to let her know you are in favor of her efforts.

Thanks for your help! See you soon -
Susan

Sent from my iPad

SER140001 Red Rover Inn
Staff Report Attachment D - Letters and Emails in Support of the Application

From: Emma Jo Walter [REDACTED]
Subject: **Support of Day Care facility for dogs**
Date: March 7, 2014 11:39:12 PM EST
To: [REDACTED]

Paige... From my experience with Red Rover and my interactions with you and your staff, I would wholeheartedly support your effort to open a facility for dog care on Hilton Head. I will gladly help in any way I can.

Best of luck,
Jo Walter

Sent from my iPad

SER140001 Red Rover Inn
Staff Report Attachment D - Letters and Emails in Support of the Application

From: Lynell Linke [REDACTED]
Subject: **Re: Red Rover**
Date: **March 8, 2014 2:41:27 PM EST**
To: [REDACTED]
Cc: [REDACTED]

As will we.

Lynell Linke
Sent from my iPhone

On Mar 7, 2014, at 10:43 PM, Susan Coptly [REDACTED] wrote.

Dear friends,

As some of you may know, my sister Paige, who owns Red Rover on Hilton Head, is seeking to open a boarding and day care facility for dogs on Bow Circle off Arrow Road. To do this, she needs to get a zoning variance for this business. As part of her application to the town of Hilton Head, expressions of support from her clients would be helpful.

If you would be in favor of this service on the south end of the island, Paige would really appreciate your support. I will post a sheet at the Mansion that you can sign in the next week or you can just email Paige at [REDACTED] to let her know you are in favor of her efforts.

Thanks for your help! See you soon -
Susan

Sent from my iPad

SER140001 Red Rover Inn
Staff Report Attachment D - Letters and Emails in Support of the Application

From: Bonnie Schroeder [REDACTED]
Subject: **Dog care facility**
Date: March 8, 2014 3:33:06 PM EST
To: [REDACTED]

I would love to see Red Rover get approval for opening a boarding and dog Care facility on the south end of the Island. This would be a great benefit to me as it would be much closer to the Haig Point embarkation center.

Bonnie Schroeder
13 Front Light Walk
Daufuskie island, SC

SER140001 Red Rover Inn
Staff Report Attachment D - Letters and Emails in Support of the Application

From: Judy wade [REDACTED]
Subject: **Re: Red Rover**
Date: March 8, 2014 4:55:43 PM EST
To: [REDACTED]
Cc: [REDACTED]

Will be glad to!

Sent from my iPhone

On Mar 7, 2014, at 10:43 PM, Susan Coptly [REDACTED] wrote:

Dear friends,

As some of you may know, my sister Paige, who owns Red Rover on Hilton Head, is seeking to open a boarding and day care facility for dogs on Bow Circle off Arrow Road. To do this, she needs to get a zoning variance for this business. As part of her application to the town of Hilton Head, expressions of support from her clients would be helpful.

If you would be in favor of this service on the south end of the island, Paige would really appreciate your support. I will post a sheet at the Mansion that you can sign in the next week or you can just email Paige at [REDACTED] to let her know you are in favor of her efforts.

Thanks for your help! See you soon -
Susan

Sent from my iPad

SER140001 Red Rover Inn
Staff Report Attachment E – Site Photos

Front of Property



Side of Property



SER140001 Red Rover Inn
Staff Report Attachment E – Site Photos

Back of Property



Drive Aisle Between Property and Church





**TOWN OF HILTON HEAD ISLAND
COMMUNITY DEVELOPMENT
DEPARTMENT**

One Town Center Court	Hilton Head Island SC 29928	843-341-4757	FAX 843-842-8908
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**STAFF REPORT
VARIANCE**

Case #	Address of Development	Public Hearing Date
VAR#140001	9 Mossy Oaks Lane	April 28, 2014

Parcel Data	Owners	Applicant & Agent
Tax Map ID: Map 12, Parcel 487 Address: 9 Mossy Oaks Lane Zoning District: Residential Low Density (RM-4) Overlay District: Corridor Overlay (COR)	Frank & Cheri Sloan 12 Harbour Passage Patio Hilton Head Island SC 29926	Joel Lewis The Castle Point Group PO Box 245 Bluffton SC 29910

Application Summary

The Community Development Department received a variance request from Joel Lewis, on behalf of Frank and Cheri Sloan, for the following Section of the Land Management Ordinance (LMO):

16-5-704, Minimum Required Setback Area

The applicant is requesting the variance to build a house that would encroach into adjacent use setbacks.

Background

The subject parcel is located at 9 Mossy Oaks Lane in the RM-4 Zoning District. As shown on the Vicinity Map (Attachment A), the subject parcel is a corner lot, bound by Mossy Oaks Lane on the north and west, a single family house on the east, and an undeveloped lot on the south. The subject parcel is undeveloped.

The property owners hired the applicant, Joel Lewis of Castle Point Construction, to design a house with the primary living space on the ground floor with guest rooms on the second floor. The Crosswinds Property Owners' Association and Architectural Review Board require that homes are built with a minimum of 2,400 heated square feet. Mr. Lewis designed the house based on plat notes stating that the parcel's setbacks are 10 feet from Mossy Oaks Lane, 15 feet behind the lot and seven feet from the adjacent lot to the south.

The applicant approached Town staff for a variance to allow the garage to encroach four feet into the 15 foot setback behind the lot. (See Attachment E). Town staff informed the applicant that the setback on the south side of the parcel is 15 feet wide, not seven feet wide, and that the house is shown encroaching four feet into that setback as well.

The Crosswinds Phase II subdivision plat shows the subject parcel has a 10 foot setback from Mossy Oaks Lane, a 15 foot setback from the adjacent lot to the south and a 15 foot setback behind the lot to the northeast. (See Attachment C). All of the parcels along that section of Mossy Oaks Lane have a 10 foot setback from Mossy Oaks Lane and a 15 foot setback on the northeast side of the parcel. However, all of the other parcels along that section of Mossy Oaks Lane have a seven foot setback from the adjacent lot to the north or south instead of a 15 foot setback like the subject parcel.

The Town of Hilton Head Island Land Management Ordinance (LMO) Section 16-5-205.A requires a five foot setback along all internal property lines for lots divided into single family detached homes. Further, LMO Sections 16-5-704.B and 16-5-806.B require a 20 foot setback and buffer along all non-arterial streets. It is unknown why the Crosswinds subdivision was designed with larger than required setbacks along internal property lines and a smaller than required adjacent street setback and buffer.

The subject parcel is located in the Low Density Residential (RM-4) Zoning District. Thirteen lots in the Crosswinds subdivision are located in the RM-4 Zoning District, while the remaining 53 lots are located in the Planned Unit Development (PD-1) Zoning District in Indigo Run. (See Attachment D). The fact that the subject parcel is located in the RM-4 Zoning District means that that parcel is subject to the design standards in Chapter 5 of the LMO. Any deviations from the approved subdivision plat must be approved by the Town of Hilton Head Island Board of Zoning Appeals as a variance and the request must meet all six criteria in LMO Section 16-3-1906.A. If the subject parcel was located in the PD-1 Zoning District, the parcel would be exempt from site specific design standards and the applicant's request to build in the setback would only require approval by the Indigo Run Property Owners' Association and the Crosswinds Property Owners' Association, which do not use the six criteria in LMO Section 16-3-1906.A when reviewing such deviations.

Applicant's Grounds for Variance, Summary of Facts and Conclusion

Grounds for Variance

The applicant is applying for a variance from LMO Section 16-5-704, Minimum Required Setback Area, to build a single family house in the adjacent use setback. The applicant states the variance is needed because the required setbacks, combined with the Crosswinds' Property Owners' Association requirement to build a 2,400 heated square foot home and the owners' desire for a two-car garage, requires that the house encroach into the setbacks.

Summary of Facts

1. Applicant seeks a variance from LMO Section 16-65-704, Minimum Required Setback Area.
2. The applicant is proposing to build a single family house in adjacent use setback areas.

Conclusion

1. Applicant may seek a variance from the requested LMO sections as set forth in 16-3-1901.A.

Staff Determination

Staff recommends that the Board of Zoning Appeals **disapprove** the application based on the Findings of Facts and Conclusions of Law.

Staff Summary of Facts and Conclusions

Summary of Facts

1. Application was submitted as set forth in LMO Section 16-3-1903.
2. Notice of the Application was published in the Island Packet on Sunday, March 23, 2014, as set forth in LMO Sections 16-3-110 and 16-3-111.
3. Notice of the Application was posted as set forth in LMO Sections 16-3-110 and 16-3-111.
4. Notice of the Application met the mailing criteria in LMO Sections 16-3-110 and 16-3-111.
5. Staff received an affidavit of compliance from the applicant as set forth in LMO Section 16-3-111.
6. The Board has authority to render the decision reached here under LMO Section 16-3-1905.

Conclusions

1. The application is in compliance with the submittal requirements established in LMO Section 16-3-1903.
2. The application and notice requirements comply with the legal requirements established in LMO Sections 16-3-110 and 16-3-111.

As provided in Section 16-3-1906, Criteria for Approval of Variances, staff has based its recommendation on analysis of the following criteria:

Staff Summary of Facts and Conclusions

Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property. (LMO 16-3-1906.A.1)

Findings of Fact

1. There is a 15 foot setback from the property line adjacent to another lot on the south side of the parcel.
2. There is a 15 foot setback from the property line adjacent to another lot on the northeast side of the parcel.
3. LMO Section 16-5-205.A requires a five foot setback from a parcel line adjacent to another single family lot.

Conclusions

1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.1.
2. The subject parcel has two, 15 foot setbacks along property lines where the LMO only requires five foot setbacks.

Staff Summary of Facts and Conclusions

Criteria 2: These conditions do not generally apply to other properties in the vicinity. (LMO 16-3-1906.A.2)

Findings of Fact

- 1. Adjacent parcels along that section of Mossy Oaks Lane also have a 15 foot setback from the property line on the northeast side of the parcel.
- 2. Adjacent parcels along that section of Mossy Oaks Lane only have a seven foot setback from the property line adjacent to another lot to the north or south.

Conclusions

- 1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.2.
- 2. The parcel is the only one in the vicinity that has a 15 foot setback along an internal property line on the side of the parcel.

Staff Summary of Facts and Conclusions

Criteria 3: Because of these conditions, the application of the LMO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property. (LMO 16-3-1906.A.3)

Findings of Fact

- 1. Since the setbacks on the subdivision plat are larger than the setbacks required by the LMO, any restriction of the utilization of the property the applicant claims is the result of the subdivision plat, not the standards of the LMO.
- 2. The applicant’s narrative states that, “Given the current BSL of 10’ front, 15’ side and rear, designing a house that will fit the lot and size requirement along with a two car garage have proven undoable.”
- 3. The applicant does not specify why a 2,400 heated square foot house and a two car garage could not be built within the required setbacks.
- 4. The applicant provided a sketch showing the footprint of a single story, 1,900 square foot house without a garage within the required setbacks. (See Attachment E).
- 5. The applicant’s sketch shows a single story house instead of a two story house.
- 6. The applicant’s sketch shows a large buildable area along Mossy Oaks Lane that is not being utilized for the house.

Conclusions

- 1. This application **does not meet** the variance criteria as set forth in LMO 16-3-1906.A.3.
- 2. Even though the subject parcel has greater setback requirements than adjacent parcels, the applicant failed to describe how or demonstrate that a 2,400 heated square foot house with a two car garage could not be built without encroaching into the setbacks.

Staff Summary of Facts and Conclusions

Criteria 4: This hardship is not the result of the applicant’s own actions. (LMO 16-3-1906.A.4).

Findings of Fact

- 1. The applicant designed the house using incorrect notes regarding the required setbacks.
- 2. The applicant did not explain why or demonstrate how the house could not be redesigned to meet the owners’ requests and the Crosswinds POA criteria without encroaching into the setbacks.

Conclusions

1. This application **does not meet** the variance criteria as set forth in LMO 16-3-1906.A.4.
2. Although the applicant did not use accurate information when designing the house, he failed to provide evidence that the application of the setbacks to the subject parcel will cause a hardship.

Staff Summary of Facts and Conclusions

Criteria 5: Granting of the variance does not substantially conflict with the Comprehensive Plan and the purposes of the LMO. (LMO 16-3-1906.A.5)

Findings of Fact

1. The Comprehensive Plan does not speak to the issues in this application.
2. Since the setbacks on the subdivision plat are larger than the setbacks required by the LMO, any restriction of the utilization of the property the applicant claims is the result of the subdivision plat, not the standards of the LMO.
3. LMO Section 16-5-205.A requires a five foot setback along all internal property lines for lots divided into single family detached homes.
4. The proposed encroachment of the garage will leave a 12 foot setback along the adjacent property line to the northwest.
5. The proposed encroachment of the house will leave an 11 foot setback along the adjacent property line to the south.

Conclusions

1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.5.
2. The approval of the application would not conflict with the Comprehensive Plan.
3. The approval of the application would not conflict with the purposes of the LMO because the encroachments would leave more than the required five foot setbacks along the internal property lines.

Staff Summary of Facts and Conclusions

Criteria 6: The authorization of the variance will not be of substantial detriment of adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance. (LMO 16-3-1906.A.6).

Findings of Fact

1. Staff did not identify any substantial detriment to the adjacent property that would be caused by granting the variance.
2. The proposed encroachments would result in setbacks larger than 10 feet along both adjacent property lines.
3. Staff has not received any feedback regarding this application.

Conclusions

1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.6.
2. The approval of the application would have no detriment to the adjacent property, the public good or the character of the district.

PREPARED BY:

AC

Anne Cyran, AICP
Senior Planner

April 14, 2014

DATE

REVIEWED BY:

ND

Nicole Dixon, CFM
Senior Planner & BZA Coordinator

April 15, 2014

DATE

ATTACHMENTS

- A) Vicinity Map
- B) Aerial Photo
- C) Crosswinds Subdivision Phase II Plat
- D) Zoning Map
- E) Applicant's Submittal
- F) Site Photo



Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-6000

9 Mossy Oaks Lane
VAR140001
Staff Report Attachment A - Vicinity Map



1 inch = 275 feet



This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.



Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-6000

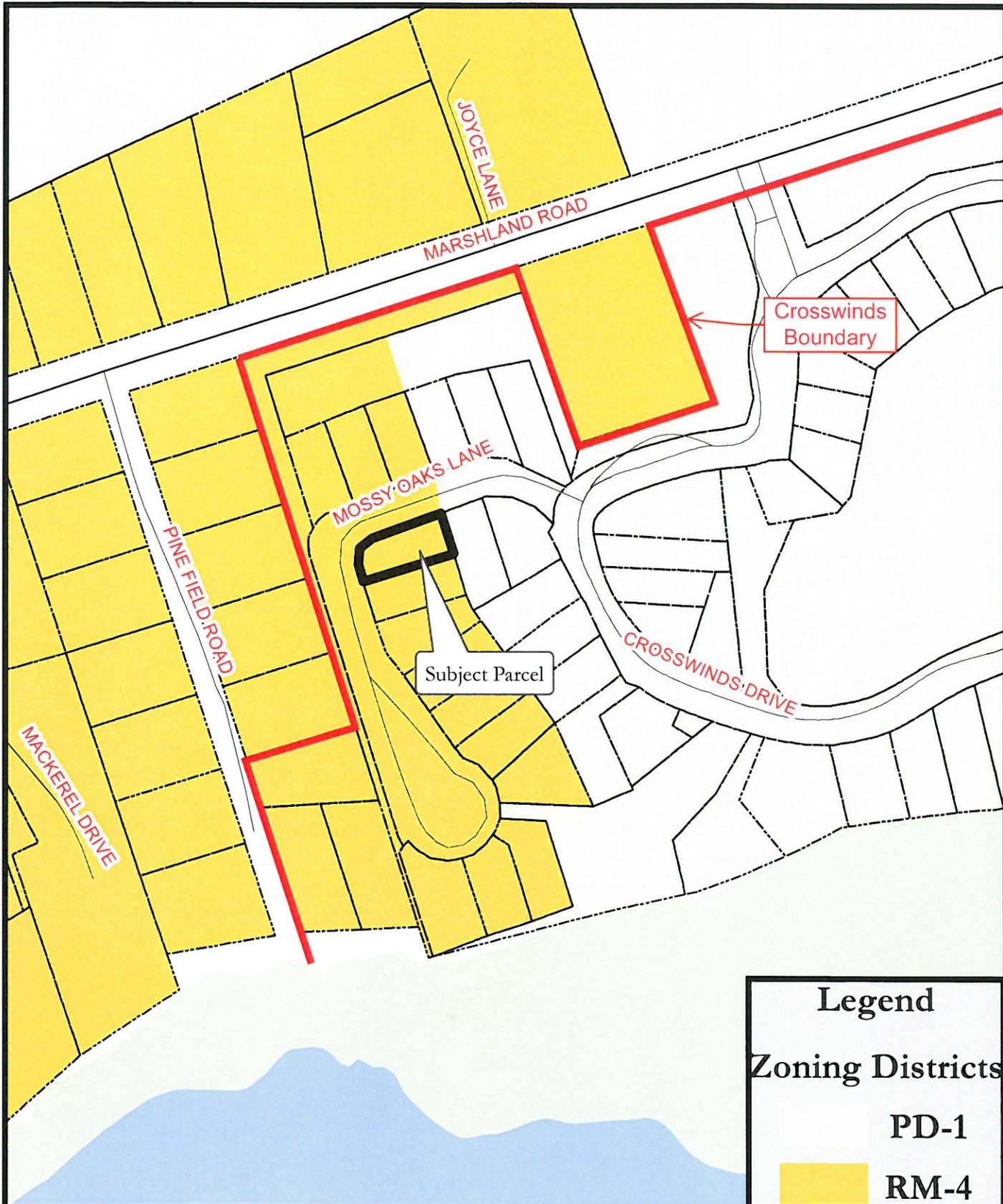
9 Mossy Oaks Lane
VAR140001
Staff Report Attachment B - Aerial Photo



1 inch = 38 feet



This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.



Legend

Zoning Districts

PD-1

RM-4



Town of Hilton Head Island
 One Town Center Court
 Hilton Head Island, SC 29928
 (843) 341-6000

9 Mossy Oaks Lane
 VAR140001

Staff Report Attachment D - Zoning Map



This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.

VAR140001 9 Mossy Oaks Lane
Staff Report Attachment E - Applicant's Submittal

Lot 48 Crosswinds

9 Mossy Oaks, HHI

Variance Criteria:

-There are extraordinary and exceptional conditions pertaining to the particular piece of property.

Yes, this property falls under Crosswinds POA and ARB. The guidelines for receiving approval for new construction require a minimum of 2400 heated square feet. Given the current BSL of 10' front, 15' side and rear, designing a house that will fit the lot and size requirement along with a two car garage have proven undoable. The Crosswinds ARB has agreed to allow the Town of Hilton Head decision for variance to be there final decision as well.

-These conditions do not generally apply to other properties in the vicinity.

No, the vast majority of the lots in this community do not require the Town of Hilton Heads approval for variance. The Tree and Topo survey was done off the recorded plat notes, stating a 7' side and 10' rear BSL. Only the scalable plat shows this individual lot to have larger than normal setbacks. We have also not been able to find another lot on the recorded plat that shows an adjoining property BSL of 15'.

-Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Yes, as stated above, the requirements for new construction in this community demand a minimum of 2400 heated square feet. Of the 28 homes that have sold since 2001 in Crosswinds, all of them have had garages. The Market Rate for having a two car garage could impact the value at a minimum of 50K dollars, along with the amount of time it may sit on the market due to a smaller buying pool. As the BLS sits, this lot has 3447 sq ft of buildable land compared to 4155 sq ft requested in this Variance. The difference of 708 sq ft is what is lost from adjoining properties with the BSL's that match the plat notes.

-Is not the result of the applicant's own actions.

No. The plat was recorded in 2000. As the survey was done using the recorded plat notes, it was not brought to the owner's attention that this particular lot had 15' BSL.

-Granting of the variance does not substantially conflict with the Comprehensive Plan and the purposes of the LMO.

We do not feel it will conflict at all, in fact by granting the variance it will make it more uniform.

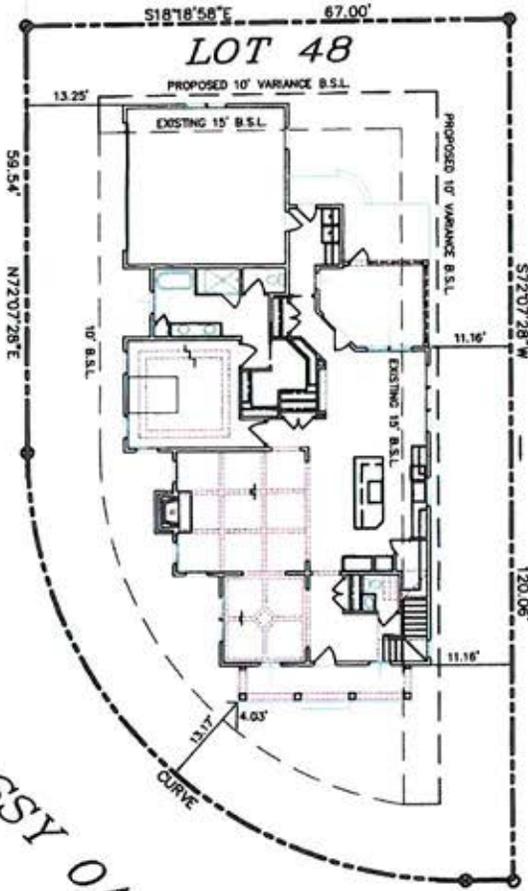
-The authorization of the variance will not be of substantial detriment to adjacent property of the public good, and the character of the district will not be harmed by the granting of the variance.

No, we do not see any situation that allowing this variance could do any harm. In fact, it will move towards filling the community towards build out.

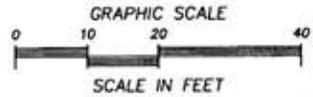
VAR140001 9 Mossy Oaks Lane
 Staff Report Attachment E - Applicant's Submittal

MOSSY OAKS LANE

MOSSY OAKS LANE



LOT 49



PREPARED FOR:

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

MICHAEL R. DUNIGAN
 S.C.P.L.S. No. 11,905

A VARIANCE
LOT 48
 MOSSY OAK LANE
 A PORTION OF
 PHASE 2
 CROSSWINDS



COASTAL SURVEYING CO., INC.
 49 RIVERWALK BLVD.
 BUILDING 8
 RIDGELAND, SC 29936
 (843) 645-4446

SCALE: 1"=20'
 DATE: 3/13/2014
 FIELD CK: _____
 DRAWN BY: JEI
 OFFICE CK: MRD
 JOB# : 51,335

Cyran Anne

From: [REDACTED]
Sent: Wednesday, April 09, 2014 2:48 PM
To: Cyran Anne
Cc: Frank Slone
Subject: 9 Mossy Oaks Ln

Anne, Please review and include this as part of the Variance request.
Thank You.

Joel Lewis
The Castle Point Group
843-505-0368

----- Original Message -----

Subject: Crosswinds Neighborhood
From: "Sheree" [REDACTED]
Date: Wed, April 09, 2014 2:17 pm
To: [REDACTED]

Mr. Lewis,

With regard to your question, "Does not having a garage (whether it be under or attached or detached) create an unnecessary hardship for a property located in the Crosswinds neighborhood on Hilton Head Island", I respectfully submit this answer.

I completed a market analysis for Crosswinds and included all homes sold since 2001. According to the MLS, none of the properties that sold since 2001 were void of a garage. The majority of homes had at least 2 and several had 3 or 4 car garages. To build a home in Crosswinds **without a garage** would be completely unlogical and I would strongly recommend that you reconsider. You will immediately incur functional obsolescence which is almost impossible to overcome with buyers and you must give a large monetary compensation. There are covenants and restrictions in place which prohibit a home from being out of place. It would seem to me that you would not be allowed to build a home in a neighborhood without a garage if every other home has a garage. Please double check your covenants, as I am sure you are required to have one in place.

Not only will building a home without a garage hurt the value of your home but it will decrease the value of your surrounding neighbors.

Mr. Lewis, I have been a Realtor since 2004 and regardless of the market, a home must conform to the neighborhood "norm". The hardship will be created for the surrounding neighbors. It is not an economically valid use of the property to build something that is non conforming.

Good luck to you, and I would urge you to encourage your client to include a 2 or more car garage on the property.

Respectfully,
Sheree

Sheree Binder
(843) 298-7062
Broker In Charge

Calhoun Street Promenade Real Estate
1 Promenade Street, Suite 101
Bluffton, SC 29910
www.CoastalRealEstateSC.com

VAR140001 9 Mossy Oaks Lane
Staff Report Attachment E - Applicant's Submittal

Custom Detail Grid

#	ML #	Status	St #	St Name	Ar	Legal #	Lgl Addr	Lst Pr	View	Type	Beds	FB	HB	Yr Blt	ApHtd SF	Prkg	P Date
1	200273	CLOSD	12	MOSSY OAKS DRIVE	14	46	CROSSWINDS	385,000	WOODV	FSIZE	3	3	0	2003		1GARG	04/02/2003
2	259696	CLOSD	12	Mossy Oaks Drive	14	46	CROSSWINDS	299,000	WOODV	PATIO	4	3	0	2003	2280	1GARG	01/15/2010
3	318449	CLOSD	50	Crosswinds Dr	14	61	CROSSWINDS	399,000	LNDSCL,WOODV	FSIZE	3	3	1	2005	2887	1GARG	10/29/2013
4	214239	CLOSD	76	Crosswinds Drive	14	14	CROSSWINDS	1,150,000	CREEK,DEEPPW	FSIZE	4	4	1	2000		2CARP	11/23/2004
5	214027	CLOSD	11	CROSSWINDS DRIVE	14	36	CROSSWINDS	585,000	LAGON,MARSH	FSIZE	3	3	1	2002		2CARP	06/24/2005
6	84085	CLOSD	31	CROSSWINDS DRIVE	14	27	CROSSWINDS	439,900	MARSH	FSIZE	3	3		2000		2GARG	03/22/2001
7	101238	CLOSD	56	CROSSWINDS	14	58	CROSSWINDS	730,000	CREEK,LAGON	FSIZE	4	4	1	2001		2GARG	11/13/2002
8	202490	CLOSD	31	CROSSWINDS DRIVE	14	27	CROSSWINDS	489,000	LAGON,MARSH	FSIZE	3	3	0	2000		2GARG	05/29/2003
9	204368	CLOSD	11	Crosswinds Drive	14	36	CROSSWINDS	479,000	MARSH	FSIZE	3	3	1	2002		2GARG	09/02/2003
10	212843	CLOSD	3	Crosswinds Drive	14	40	CROSSWINDS	579,000	CREEK,MARSH	FSIZE	3	3	1	2000		2GARG	11/30/2004
11	224089	CLOSD	21	CROSSWINDS DR	14	32	CROSSWINDS	612,000	LAGON,MARSH	FSIZE	3	2	1	2004	2800	2GARG	04/04/2006
12	228334	CLOSD	25	Crosswinds Drive	14	30	CROSSWINDS	674,900	CREEK,LAGON	FSIZE	4	3	1	2005	2771	2GARG	05/26/2006
13	224749	CLOSD	5	Mossy Oaks Lane	14	63	CROSSWINDS	599,500	WOODV	FSIZE	4	3	1	2003	3040	2GARG	07/05/2006
14	233474	CLOSD	11	CROSSWINDS	14	36	CROSSWINDS	619,000	MARSH	FSIZE	3	3	1	2002	2800	2GARG	06/15/2007
15	242460	CLOSD	21	MOSSY OAKS LANE	14	52	CROSSWINDS	599,000	CREEK,LNDSCL	FSIZE	4	2	1	2003	2340	2GARG	05/22/2008
16	321098	CLOSD	92	Crosswinds Dr	14	6	CROSSWINDS	489,000	MARSH,DEEPPW	FSIZE	3	3		2005	3280	2GARG	03/08/2013
17	321538	CLOSD	21	Crosswinds Dr	14	32	CROSSWINDS	425,000	LAGON,MARSH	FSIZE	3	2	1	2004	2738	2GARG	07/16/2013
18	212782	CLOSD	8	MOSSY OAK	14	44	CROSSWINDS	489,000	LNDSCL	FSIZE	3	2	1	2004		2GARG,DETGR	04/02/2005
19	226111	CLOSD	92	Crosswinds Dr	14	6	CROSSWINDS	949,000	DEEPPW	FSIZE	4	3		2005		2GARG,UNDER	08/30/2006
20	90944	CLOSD	72	CROSSWINDS DRIVE	14	16	CROSSWINDS	879,000	CREEK,MARSH	FSIZE	4	4	1	2000		3GARG	03/04/2002
21	257817	CLOSD	68	Crosswinds Drive	14	18	CROSSWINDS	750,000	DEEPPW,MARSH	FSIZE	4	4	1	2006	3223	3GARG	08/01/2009
22	307325	CLOSD	62	CROSSWINDS DR	14	21	CROSSWINDS	↓ 949,000	CREEK,MARSH	FSIZE	4	4	2	2006	5286	3GARG	12/01/2011
23	320384	CLOSD	52	Crosswinds Dr	14	60	CROSSWINDS	↓ 529,000	LNDSCL	FSIZE	4	3	1	2007	3336	3GARG	08/26/2013
24	262723	CLOSD	76	Crosswinds Dr.	14	14	CROSSWINDS	↓ 563,000	MARSH,DEEPPW	FSIZE	4	4	2	2000	4000	4GARG,UNDER	05/21/2012
25	208518	CLOSD	7	Mossy Oaks	14	64	CROSSWINDS	489,000	WOODV	FSIZE	4	3	1	2004		DETGR	08/25/2004
26	207098	CLOSD	23	Mossy Oaks Drive	14	53	CROSSWINDS	525,000	DEEPPW	FSIZE	4	3	0	2003		UNDER	03/22/2004
27	218269	CLOSD	1	Crosswinds	14	41	CROSSWINDS	659,000	CREEK	FSIZE	4	4	1	2002	2816	Garage	04/28/2005
28	242111	CLOSD	4	Mossy Oaks Lane	14	42	CROSSWINDS	475,000	LNDSCL	PATIO	3	3		2002	2214	Garage	07/17/2007

Confirmed - Sherie Binder

Calhoun Street Promenade "Local" Real Estate
www.FindYourPlaceInTheLowcountry.com

Sherie Binder
Broker In Charge
843.298.7062 Direct



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1 Promenade Street, Suite 101
 Bluffton, SC 29910

For Agents Only - Not for Public Distribution

Cyran Anne

From: [REDACTED]
Sent: Wednesday, April 09, 2014 2:49 PM
To: Cyran Anne
Cc: Frank Slone
Subject: [FWD: Sloans 9 Mossy Oakx]

Anne, This is the letter from Allied Management, stating they are on board with the towns decision. Thank you.

Joel Lewis
The Castle Point Group
843-505-0368

[REDACTED]

----- Original Message -----

Subject: Sloans 9 Mossy Oakx
From: "Stacy Kaeding" [REDACTED]
Date: Fri, March 14, 2014 3:58 pm
To: [REDACTED]

Hi Joel - The Crosswinds ARB will approve the variance request as submitted for the Sloans at 9 Mossy Oaks Lane, providing that this is also approve by the Town of Hilton Head, as required.

Please let me know if you require anything further on this matter.

Best regards,

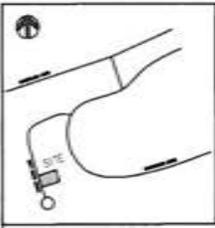
Stacy Kaeding
Property Manager
Allied Management Group
(843) 785-3278 ext 224
(843) 785-3381 Fax

[REDACTED]

www.alliedhiltonhead.com
*Voted Best Property Management Company in the Island Packet's Reader's Choice Awards **Again!***

This electronic transmission and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you received this email in error please notify the sender and delete and destroy this message and its attachments.

VAR140001 9 Mossy Oaks Lane
Staff Report Attachment E - Applicant's Submittal



DATE: 01/11/2014
DRAWN BY: J. SLOAN
CHECKED BY: M. WOOD

LOT 48
1.21 ACRES (2.24 AC)

LOT 44
NOT FULLY PLATTED
A REMAINDER & ALIEN
REMAINDER

TRM (TOP OF SPV)
EL. = 15.79' W.S.L.
NG13-28

MOSSY OAKS LANE
R/W VARIES

MOSSY OAKS LANE
R/W VARIES

1900 h.s.f. w/o garage

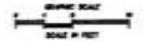
LOT 48
1.21 ACRES (2.24 AC)

1. THE PROPERTY SHOWN ON THIS MAP IS A REPRESENTATION OF THE PROPERTY AS OWNED BY THE APPLICANT AS OF THE DATE OF THE SURVEY AND DOES NOT CONSTITUTE A TITLE OPINION OF THE SURVEYOR. THE APPLICANT IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE SURVEYOR AND FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
2. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF UNRECORDED EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS THAT WOULD AFFECT THE PROPERTY.
3. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF UNRECORDED EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS THAT WOULD AFFECT THE PROPERTY.
4. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF UNRECORDED EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS THAT WOULD AFFECT THE PROPERTY.
5. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF UNRECORDED EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS THAT WOULD AFFECT THE PROPERTY.
6. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF UNRECORDED EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS THAT WOULD AFFECT THE PROPERTY.

APPROVED BY:
J. SLOAN
SURVEYOR

APR 2010-02-000-0487

SCALE: 1" = 20'
1" = 20'



ONE FOOT CONTOUR INTERVAL

FRANK V. SLOAN
& CHERI SLOAN

PREPARED FOR:
FRANK V. SLOAN
& CHERI SLOAN

MOSSY OAKS LANE
SCALE 1" = 20'

A TREE AND TOPOGRAPHIC LAND SURVEY
OF
LOT 48 MOSSY OAKS LANE

A PORTION OF
PHASE II
CROSSWINDS SUBDIVISION

HELDON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 20' SURVEYED BY: JCS/MS
DATE: 2/3/2014 DRAWN BY: R/W
JOB NO.: 21.3157 CHECKED BY: M/W



UNPLATTED LOT 48, CROSSWINDS SUBDIVISION

VAR140001 9 Mossy Oaks Lane
Staff Report Attachment F – Site Photo





TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Nicole Dixon, CFM, *Senior Planner*
DATE: April 14, 2014
SUBJECT: Administrative Waivers

The Board of Zoning Appeals (BZA) requested that staff keep them informed of administrative waivers that are granted by staff based on the provisions in Section 16-7-106 of the Land Management Ordinance (LMO). This memo will be distributed every month at the regular BZA meetings and will be discussed under staff reports on the agenda. Even if there have been no waivers for the month, a memo will be included in the packet to inform the BZA members of that.

The following language is contained in Section 16-7-106 Waiver by Administrator which gives the Administrator the power to grant waivers for existing nonconforming structures and site features.

“The Administrator may waive any provision of Article III or IV dealing with nonconforming structures and site features, respectively, upon a determination that:

- A. The proposed expansion, enlargement or extension does not encroach further into any required buffers or setbacks or increase the impervious area; and
- B. The proposed expansion, enlargement, or extension does not occupy a greater footprint than the existing nonconforming site feature or structure; and
- C. The proposed expansion, enlargement, or extension does not result in an increase in density greater than allowed per Sec. 16-4-1501, or the existing density, whichever is greater; and
- D. The applicant agrees to eliminate nonconformities or provide site enhancements that the Administrator determines are feasible in scope and brings the site into substantial conformance with the provisions of this Title (e.g. meeting buffer, impervious area and open space requirements); and
- E. The proposed expansion, enlargement or extension would not have a significant adverse impact on surrounding properties or the public health, safety and welfare; and
- F. If an applicant requests to relocate a nonconforming structure on the same site, they must bring the structure into conformance to the extent deemed practicable by the Administrator.”

The attached is a summary of the administrative waivers that have been granted by staff since the February Board of Zoning Appeals meeting.

Administrative Waivers

February - 2014

1. A project at 14 Valencia Drive (Hilton Head Health Institute): the applicant requested to add buildings to the property and make parking lot improvements. The parking lot is currently a non-conforming site feature. A waiver was granted because the applicant is proposing to make improvements that will bring the parking lot more into compliance with the LMO.

March – 2014

1. A project at 23 Hunter Drive (RE Michel): the applicant requested to add a loading dock and make parking lot improvements to the property. The parking lot is currently a non-conforming site feature. A waiver was granted because the applicant is proposing to make improvements that will bring the parking lot more into compliance with the LMO.