

**TOWN OF HILTON HEAD ISLAND**  
**The Board of Zoning Appeals**  
**Minutes of the Monday, February 22, 2010 Meeting**  
**2:30pm – Benjamin M. Racusin Council Chambers**

**APPROVED**

Board Members Present: Vice Chairman David D’Amico, Alan Brenner,  
Michael Lawrence, Jack Qualey, Stephen Murphy and Bob Sharp

Board Members Absent: Chairman Roger DeCaigny

Council Members Present: John Safay

Town Staff Present: Nicole Dixon, Planner  
Jayme Lopko, Senior Planner & BZA Coordinator;  
Kathleen Carlin, Board Secretary

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**I CALL TO ORDER**

**II ROLL CALL**

**III APPROVAL OF THE AGENDA**

Mr. Sharp made a **motion to approve** the agenda as presented. Mr. Murphy **seconded** the motion and the motion **passed** with a vote of 6-0-0.

**IV APPROVAL OF THE MINUTES**

Mr. Sharp made a **motion to approve** the minutes of the January 25, 2010 meeting as presented. Mr. Qualey **seconded** the motion and the motion **passed** with a vote of 6-0-0.

**V UNFINISHED BUSINESS**

**VAR090010:** Request for a variance from LMO Sections 16-5-202, General Requirements, 16-5-203, Layout of Lots and Blocks, 16-5-704B, Adjacent Street Setbacks, and 16-5-806B, Adjacent Street Buffers. Scott Monson with Thomas & Hutton Engineering, on behalf of Robert Denckhoff with Abbey Glen, is requesting a variance from lot frontage, lot layout, adjacent street setback and adjacent street buffer requirements in order to meet the requirements to change the use of the subject property from Multi-Family Residential to a Single Family Residential Major Subdivision. The development known as Abbey Glen is located at 664 Spanish Wells Road, and is further identified as Parcel 15 on Beaufort County Tax Map #10.

Ms. Nicole Dixon made the presentation on behalf of staff. At the Board of Zoning Appeals’ January 25, 2010 meeting, the Board decided that the applicant had failed to appropriately address the required criteria. At the request of the applicant, the Board remanded the application to today’s meeting to give the applicant an opportunity to re-address the required criteria.

Following the staff’s presentation, Acting Chairman David D’Amico requested that the applicant make his presentation. Mr. Scott Monson, with Thomas & Hutton Engineering, and Mr. Robert Denckhoff with Abbey Glen, presented statements in support of the

application. The Board discussed the applicant's request for a variance from lot frontage, lot layout, adjacent street setback, and adjacent street buffer requirements to meet the requirements to change the use on the property from Multi-Family Residential to Single-Family Residential. The Board reported that they felt that the change in use from Multi-Family (condominium) to Single Family use is appropriate. The application has met the intention of the LMO and has already been approved for condominium use.

At the completion of the discussion, Acting Chairman D'Amico requested that a motion be made

Mr. Qualey made a **motion** to grant **approval** of Application for Variance VAR090010 as presented based on the criteria having been met as stated in the applicant's revised submission dated February 11, 2010. In addition, it seems that part of the hardship that the applicant is facing here is imposed as a result of the Town's own Ordinances which approved this project for 40 homes as a condominium project but do not approve it for a single-family project, which does not make any sense. This seems to be a defect in the Town's own ordinances and further supports the hardship position that the applicant is facing. The staff's two conditions are made part of this approval. These two conditions are:

1. The specimen trees shown on the site plan remain undisturbed and protected as shown on the site plan, and that it be included as an on going obligation in the project's Declaration of Covenants so that the Owners' Association is obligated to maintain those trees after the sale of the units to third party purchasers.
2. All driveways and access drives shown on the site plan are to be pervious materials, other than Abbey Glen Way from Spanish Wells to the Circle as shown on the site plan.

Mr. Brenner **seconded** the motion and the motion **passed** with a vote of 6-0-0.

**VI NEW BUSINESS**

None

**VII BOARD BUSINESS**

None

**VIII STAFF REPORT**

Mrs. Lopko presented the Waiver Report to the Board.

**IX ADJOURNMENT**

The meeting was adjourned at 3:10pm.

Submitted By:

Approved By:

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Kathleen Carlin  
Board Secretary

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David D'Amico  
Acting Chairman