

TOWN OF HILTON HEAD ISLAND
Board of Zoning Appeals
Minutes of the Monday, April 23, 2012 Meeting
2:30p.m. - Benjamin M. Racusin Council Chambers

APPROVED

Board Members Present: Chairman Roger DeCaigny, Alan Brenner, Stephen Murphy and Glenn Stanford

Board Members Absent: Vice Chairman Peter Kristian; Michael Lawrence, Excused

Council Members Present: Bill Ferguson

Town Staff Present: Nicole Dixon, Senior Planner & Board Coordinator
Heather Colin, Development Review Administrator
Joheida Fister, Fire Marshal
Teri Lewis, LMO Official; Brian Hulbert, Staff Attorney
Kathleen Carlin, Board Secretary

1. CALL TO ORDER

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

2. ROLL CALL

3. INTRODUCTION TO BOARD PROCEDURES

Chairman DeCaigny stated the Board's procedures for conducting today's business meeting.

4. APPROVAL OF THE AGENDA

Mr. Stanford made a **motion** to **approve** the agenda as presented. Mr. Brenner **seconded** the motion and the motion **passed** with a vote of 4-0-0.

5. APPROVAL OF THE MINUTES

Mr. Brenner made a **motion** to **approve** the minutes of the March 26, 2012 meeting as presented. Mr. Stanford **seconded** the motion and the motion **passed** with a vote of 4-0-0.

6. UNFINISHED BUSINESS

None

7. NEW BUSINESS

Public Hearing

VAR120001: Request for variance from LMO Section 16-6-402, Preservation of Trees and Native Vegetation. John Ware, with Heritage Villas, is requesting a variance to remove a specimen tree in order to re-align the drive aisle for safety reasons. The property is located at 107 Lighthouse Road, and is further identified as Parcel 1083 on Beaufort County Tax Map 17. Chairman DeCaigny opened the public hearing for the application and requested that staff make their presentation. Ms. Nicole Dixon made the presentation on behalf of staff.

The staff recommended that the Board of Zoning Appeals *approve* the application with the condition that the applicant plant three (3) Category 1 trees to mitigate for the loss of the 36-inch Live Oak specimen tree, based on the Findings of Facts and Conclusions of Law stated in the LMO Official Determination.

Ms. Dixon presented an overhead review of the vicinity map, the proposed site plan and photos of the site including the tree proposed for removal. The applicant is requesting a variance to remove a specimen tree in order to re-align the drive aisle for pedestrian and vehicular safety. The applicant submitted an Expedited Development Plan Review application for drive aisle and parking lot improvements. While reviewing the site plan, staff identified that the proposed improvements, which include the realignment of the drive aisle, would result in the removal of a specimen tree. Staff informed the applicant that a specimen tree could not be removed without a variance.

Staff met on site as part of the application review process. During the site visit, staff discussed alternatives that could be presented to the applicant that would improve access to the site without having to remove the specimen tree. Fire & Rescue staff voiced their concern with the alignment of the existing drive aisle, and had a fire truck maneuver the turn into the development. The fire truck was able to turn into the drive aisle, but had to make a very wide turn and while coming through the entrance, blocked the entire drive aisle. If there was a vehicle sitting at the entrance waiting to pull out, the truck would not have been able to pull into the development. Fire & Rescue staff supports removal of the tree so that the drive aisle can be re-aligned and brought into compliance for safety reasons.

The alternative staff discussed and presented to the applicant, was the possibility of creating a one way in and one way out drive aisle, creating a median in between the two drive aisles to save the trees. But after discussing this alternative with the applicant, it was brought to staff's attention that there are three manhole vaults in the area that cannot be removed or relocated, making the creation of a new one way drive exit not feasible. The applicant decided that the alternative ideas have been exhausted and that they need to request the variance to remove the tree for safety reasons.

Ms. Joheida Fister, Fire Marshal, presented statements in support of the application on behalf of Fire & Rescue. The Board and the staff discussed plans for realignment of the drive aisle. At the completion of staff's presentation, Chairman DeCaigny requested that the applicant make his presentation.

Mr. John Ware, Board President of Heritage Villas, presented statements in support of the application. The Board and the applicant discussed the realignment plan and the staff's recommended mitigation plan. Following final discussion, Chairman DeCaigny requested public comments and the following were received: Citizen, Mr. Kent James, presented statements in opposition to removal of the specimen tree. All possible options should be explored to save the tree. Following public comments, Chairman DeCaigny stated that the public hearing for this application is closed. Following final discussion by the Board, Chairman DeCaigny requested that a motion be made.

Mr. Stanford made a **motion to approve** Request for Variance Application, VAR120001, as presented by staff subject to the mitigation requirements imposed by the staff for replacement trees and landscaping. Mr. Brenner **seconded** the motion and the motion **passed** with a vote of 4-0-0.

Public Hearing

SER120001: Mr. Martin Olsen is requesting a special exception for an Other Light Industrial Service use in the Commercial Center (CC) Zoning District pursuant to LMO Section 16-4-1204 to operate a property management office and commercial cleaning service. The property is located at 87 Arrow Road and is further identified as parcel 837 on Beaufort County Tax Map 14.

Ms. Nicole Dixon made the presentation on behalf of Ms. Anne Cyran, case manager, for the application. The staff recommended that the Board approve the application based on the Findings of Fact and Conclusions of Law contained in the staff report. The LMO Official states that the application for special exception should be granted to the applicant because it is in conformance with the Comprehensive Plan and the Land Management Ordinance.

In February 2012, the applicant asked staff about the requirements for opening a property management and commercial laundry service in an existing, unoccupied building at 87 Arrow Road. Staff informed the applicant that the commercial laundry service use would require a special exception.

The applicant is requesting special exception approval to operate a commercial cleaning service (classified as Other Light Industrial Service) in the Commercial Center (CC) Zoning District. The applicant states in the narrative that the business will operate in an existing building and that no structural changes will be required to accommodate the use. The applicant believes the proposed use will be compatible with surrounding uses because all activities will take place in the building and the proposed use will not generate noise, glare, smoke, dust, odor, fumes, water pollution or general nuisance. Ms. Dixon stated that the application complies with the Summary of Facts and Conclusions of Law. Following the staff's presentation, Chairman DeCaigny requested that the applicant make his presentation.

The applicant, Mr. Martin Olsen, presented statements in support of the application. The applicant stated that they have washers and dryers only with no dry cleaning performed. They are more of a housekeeping service rather than commercial cleaning service. Following the applicant's presentation, Chairman DeCaigny requested public comments and none were received. Chairman DeCaigny stated that the public hearing for the application is closed. Following final comments by the Board, Chairman DeCaigny requested that a motion be made.

Mr. Stanford made a **motion to approve** Application for Special Exception SER120001 as presented by the staff. Mr. Brenner **seconded** the motion and the motion **passed** with a vote of 4-0-0.

8. Staff Report

None

9. ADJOURNMENT

The meeting was adjourned at 3:30p.m.

Submitted By:

Approved By:

July 23, 2012

Kathleen Carlin
Secretary

Roger DeCaigny
Chairman