

TOWN OF HILTON HEAD ISLAND
Board of Zoning Appeals
Minutes of the Monday, August 27, 2012 Meeting
2:30p.m. - Benjamin M. Racusin Council Chambers

APPROVED

Board Members Present: Vice Chairman Peter Kristian, Alan Brenner, Irvin Campbell, Michael Lawrence, and Glenn Stanford

Board Members Absent: Chairman Roger DeCaigny and Stephen Murphy, Excused

Council Members Present: Bill Ferguson

Town Staff Present: Nicole Dixon, Senior Planner & Board Coordinator
Anne Cyran, Senior Planner; Rocky Browder, Environmental Planner
Teri Lewis, LMO Official
Jill Foster, Deputy Director, Community Development Department
Kathleen Carlin, Secretary

1. **Call to Order**
Acting Chairman Peter 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 stated the Board's procedures for conducting the business meeting.
5. **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 5-0-0.
6. **Approval of the Minutes**
Mr. Brenner made a **motion** to **approve** the minutes of the July 23, 2012 meeting as presented. Mr. Stanford **seconded** the motion and the motion **passed** with a vote of 5-0-0.
7. **Unfinished Business**
None
8. **New Business**
Public Meeting
APL120001: Request for Appeal from Thomas C. Taylor. The appellant is appealing the Town's decision (made on August 4, 2011) that the parking supply at Broad Creek Marina is

in compliance with the Land Management Ordinance (LMO). Chairman Kristian reported that this application has been **withdrawn** by the appellant.

Public Hearing

VAR120002: Request for variance from LMO Section 16-6-402, Preservation of Trees and Native Vegetation. Cary Corbitt, with Sea Pines Resort, is requesting a variance to remove two specimen trees at Harbour Town Golf Links in order to alleviate shade problems on two greens of the golf course. The property is located at 11 Lighthouse Lane, and is further identified as Parcel 304 on Beaufort County Tax Map 17. Chairman Kristian opened the public hearing for the application and requested that the staff make their presentation.

Ms. Nicole Dixon made the presentation on behalf of staff. The staff recommended that the Board of Zoning Appeals *disapprove* the application based on the Findings of Facts and Conclusions of Law stated in the LMO Official Determination and contained in the staff's report.

Mr. Cary Corbitt, with Sea Pines Resort, is requesting a variance from LMO Section 16-6-402, Preservation of Trees and Native Vegetation, to remove a 39" Live Oak specimen tree at the Harbour Town Golf Links in order to alleviate shade problems on the 1st green of the Harbour Town Golf Links course.

The applicant states that over the last ten years they have repeatedly trimmed, pruned and cut back the tree to allow sunlight to pass through, but the tree continues to grow taller and wider. The applicant states that the shade is destroying the green and prohibiting the turf to grow. The applicant stated his concern with the condition of the green as this is one of the most well-known courses on the island. When vacation golfers see the course on TV, they expect the greens to be in tournament condition when they play the course. The applicant states that pruning would not meet the goal of addressing the shading issue and that it would leave the tree looking bad and not aesthetically pleasing.

Ms. Dixon presented an in-depth review of the application including an overhead review of the vicinity map, a plan showing the location of the tree, and several photographs of the site and the tree. Ms. Dixon briefly reviewed the staff's Findings of Fact and Conclusions of Law. LMO Section 16-6-402, Preservation of Trees and Native Vegetation, requires that specimen trees be protected unless they are hazardous. The 39" Live Oak tree is a healthy tree. At the completion of staff's presentation, Chairman Kristian requested that the applicant make his presentation.

The applicant, Mr. Cary Corbitt, with Sea Pines Resort, and Consulting Arborist, Mr. Gary Mullane, presented statements in support of the application. Mr. Corbitt stated that after discussions with Mr. Rocky Browder, the Harbour Town Golf staff, and the staff of the Sea Pines Resort, regarding the shade problems, it was decided that the best solution to the problem would be to request the removal of the specimen tree. The tree stands at the back of the 2nd Tee across Plantation Road and is located within 2-feet of the road. The specimen tree is the largest tree in a cluster of three trees.

Mr. Mullane stated that over the last ten years the tree has repeatedly been trimmed, cut back and pruned to allow sunlight to pass through to the 1st Green. The tree is about 50-ft. tall and

the early morning shade extends all the way onto the Green. The shade problem is particularly troublesome during the winter months when the sun is lower. Mr. Corbitt stated that the 1st Green has been totally renovated in the last month largely due to problems with the shade. The applicants feel that they have reached the point where all arboricultural practices have been applied. Because the tree continues to grow taller and fuller, the type of pruning that is required would result in a very odd looking and unattractive tree.

Mr. Corbitt presented statements regarding the prestige of the Sea Pines Harbour Town Golf Links and its importance to the island. The Board stated that they would like to balance the need to protect the specimen tree with the needs of the Sea Pines Harbour Town Golf Links. The Board stated that they are limited in reaching a decision on the application because of the constraints of the LMO.

The Board and the applicant discussed a couple of options to potentially save the tree such as trying to relocate the tree or maybe removing the two smaller trees instead of the larger tree. The applicant stated that they do not feel that they can relocate the tree due to its size and the prohibitive cost of trying to relocate it. The applicant stated that it is the larger tree that causes the problems with shade rather than the smaller trees.

The Board and the applicant discussed the type of grass that is used in the putting green. The applicants stated that it is probably a hybrid Bermuda grass. There is a limited selection of turf grasses that can be used in the putting green. The applicants stated that this is especially true when meeting the demands of the PGA and professional golfers. Following the discussion, Chairman Kristian requested public comments for this application and none were received. Chairman Kristian then closed the public hearing for the application.

The Board stated that they feel conflicted in trying to reach a decision on the application due to the limitations imposed by the LMO. As part of the discussion, Chairman Kristian stated that he recalled seeing a similar application that was submitted some years ago by Hilton Head Plantation. Mr. Mullane stated that he remembered that particular application, too. Mr. Mullane stated that he was the tree consultant for the application. Ms. Teri Lewis also stated that she remembered the application. Chairman Kristian, Mr. Mullane, and Ms. Lewis briefly discussed the similarities between the two applications.

Chairman Kristian stated that he remembered that the previous application was very detailed. It provided a great deal of information for the Board's consideration. The applicant in that case had clearly demonstrated that they had exhausted all possible avenues to save the tree. And, based on the merits of that application, the application for variance was granted. Chairman Kristian stated that it would be helpful for the Board to receive similarly detailed information for this application.

The Board stated that they would like to receive additional information regarding the applicant's efforts to save the tree. Additional details regarding the pruning schedule and additional details regarding the tree's shade conditions throughout the year would be helpful. A representative of Sea Pines CSA then presented several diagrams to the Board that illustrated a few of the shade conditions. The Board stated that the diagrams are incomplete and do not show enough detail. Mr. Brenner stated that he would like to see the pruning schedule for all three of the live oak trees. The applicants agreed to the Board's request for

additional information. Chairman Kristian then requested that a motion be made to remand Application for Variance VAR120002 until the September 24, 2012 meeting.

Mr. Stanford made a **motion** that the Board remands Application for Variance VAR120002 until the September 24, 2012 meeting. Mr. Brenner **seconded** the motion and the motion **passed** with a vote of 5-0-0.

Public Hearing

VAR120003: Trey Griffin with Wood + Partners, on behalf of Building Innovations LLC, is requesting a variance from Land Management Ordinance Sections 16-5-704, Minimum Required Setback Area, and 16-5-806, Required Buffers, to allow grading in the adjacent use and street buffers for drainage and to allow encroachments in the adjacent use setbacks and buffers for parking, a staircase and a service yard. The subject parcel is located at 34 New Orleans Road and is further identified as parcel 69 on Beaufort County Tax Map 15C. Chairman Kristian opened the public hearing for the application and requested that staff make their presentation.

Ms. Anne Cyran made the presentation on behalf of staff. The staff recommended that the Board of Zoning Appeals *approve* the application based on the Findings of Facts and Conclusions of Law stated in the LMO Official Determination and contained in the staff's report.

The subject parcel is located at 34 New Orleans Road and is in the CC Zoning District. The subject parcel is bounded by William Hilton Parkway on the north; the Hickey Wellness Center on the east; Orleans Centre on the west; and New Orleans Road on the south. The 0.5 acre parcel is currently undeveloped. The owner wants to build a 3,500 square foot design selection center, where customers would chose building materials such as cabinets, tile, lighting fixtures, etc.

The applicant attended a pre-application meeting with Town staff in March 2012. The submitted plans showed the ends of the parking spaces encroaching into both of the adjacent use buffers, and staff recommended either re-designing the site or applying for a variance. After discussing building and site design requirements with the staff in subsequent meetings, the applicant re-designed the site plan to minimize the encroachments into the adjacent use setbacks and buffers and to minimize the amount of grading proposed in the adjacent use and adjacent street buffers.

Ms. Cyran presented an in-depth review of the application including an overhead review of the vicinity map, aerial photo, and the site plans. Ms. Cyran also presented several photographs of the site. Ms. Cyran briefly reviewed the Findings of Fact and Conclusions of Law. Following the staff's presentation, Chairman Kristian requested that the applicant make his presentation.

Mr. Trey Griffin, with Wood + Partners, presented statements in support of the application. The project proposes the construction of a new building and associated parking. The parcel is currently undeveloped and approximately 4.55 acres in size. There are several hardships related to the development of this parcel. Because of the size of the lot and frontage onto both a major arterial and minor arterial, buffer and setback requirements begin to restrict

reasonable use of the lot and minimize actual buildable area. The applicant discussed stormwater management and the grading of the site. The proposed drainage system provides the least amount of impact. Additional landscape buffer materials will be provided to offset any proposed encroachment. Grading within the buffers is proposed to work closely with the existing grades to minimize tree and vegetation removal. The applicant discussed the challenges of developing the site. The applicant stated that they have worked with staff on the buildable footprint, stormwater and grading details. The applicant discussed plans for landscaping the site.

Following the applicant's presentation, Chairman Kristian requested public comments and none were received. Chairman Kristian then closed the public hearing for the application. Following final discussion by the Board, Chairman Kristian requested that a motion be made.

Mr. Lawrence made a **motion** to **approve** Application for Variance VAR120003 as presented by staff based on the Findings of Fact and Conclusions of Law stated in the staff report. Mr. Brenner **seconded** the motion and the motion **passed** with a vote of 5-0-0.

9. Board Business

None

10. Staff Report

Ms. Dixon stated that there are no new waivers to report.

11. Adjournment

The meeting was adjourned at 3:20p.m.

Submitted By:

Approved By:

September 24, 2012

Kathleen Carlin
Secretary

Peter Kristian
Acting Chairman