

TOWN OF HILTON HEAD ISLAND
Board of Zoning Appeals
Minutes of the March 28, 2016 2:30pm Meeting
Benjamin M. Racusin Council Chambers

Board Members Present: Chairman Glenn Stanford, Vice Chairman Jeffrey North, Steve Wilson, David Fingerhut, John White, Lisa Laudermilch, Jerry Cutrer

Board Members Absent: None

Council Members Present: None

Town Staff Present: Nicole Dixon, Senior Planner & Board Coordinator
Teri Lewis, LMO Official
Jill Foster, Deputy Director of Community Development
Teresa Haley, Secretary

1. Call to Order

2. Pledge of Allegiance to the Flag

3. Roll Call

4. 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.

5. Welcome and Introduction to Board Procedures

Chairman Stanford welcomed the public and introduced the Board's procedures for conducting the business meeting.

6. Approval of Agenda

Mr. Fingerhut made a motion to **approve** the agenda as submitted. Mr. White **seconded** the motion. The motion **passed** with a vote of 7-0-0.

7. Approval of the Minutes

Ms. Laudermilch made a motion to **approve** the minutes of the February 22, 2016 meeting as submitted. Mr. White **seconded** the motion. The motion **passed** with a vote of 7-0-0.

8. New Business

PUBLIC HEARING

VAR-338-2016: Richard Lowe, on behalf of the YANA Club, is requesting a variance from LMO Sections 16-5-102.C, Adjacent Street Setbacks and 16-5-103.D, Adjacent Street Buffers, to retain a non-permitted paver patio and arbor that extends into the adjacent street setback and

buffer. The property is located at 107 Mathews Drive and is identified as Parcel # 92 on Beaufort County Tax Map# 8.

Ms. Dixon presented an in-depth review of the project. Staff recommends the Board of Zoning Appeals disapprove the application, based on the Findings of Fact and Conclusions of Law contained in the staff report.

Chairman Stanford requested the applicant make a presentation. The applicant explained the mission of the YANA Club and restated his grounds for a variance as contained in the staff report. The applicant clarified concerns and answered questions by the Board. Chairman Stanford asked for comments from the public and there were none.

Chairman Stanford requested comments from the Board. The Board expressed appreciation for the mission of the YANA Club. The Board stated the concern for the YANA Club's failure to obtain proper permits for the construction of the arbor and patio expansion. The Board raised questions as to the dimensions of the site and locations of live trees and plantings. The Board discussed at length whether or not the application meets the applicable criteria as set forth in the staff report.

Mr. Cutrer made a motion to **approve** the variance, based on the following Findings of Facts and Conclusions of Law: Criteria 1) the location of the building, the size and shape of the property and the existing trees all are extraordinary conditions that pertain to the property; Criteria 2) these conditions do not apply to other properties in the vicinity; Criteria 3) the application of the LMO does unreasonably restrict the property because of these conditions; and Criteria 4) as stated in the staff report. Mr. Wilson **seconded** the motion. The motion **passed** with a vote of 7-0-0.

PUBLIC HEARING

(Mr. North recused himself from review of VAR-352-2016 due to a professional conflict of interest. A Conflict of Interest form was completed and signed, and attached to the record.)

VAR-352-2016: John P. Qualey, on behalf of Frederick Craig and Shirley Dorsey, is requesting a variance from LMO Sections 16-5-102.C, Adjacent Street Setbacks and 16-5-103.D, Adjacent Street Buffers, to allow the construction of two single family attached homes within the adjacent street setback and buffer on both sides of the property. The property is located at 28 Bradley Circle and is identified as Parcels # 896 and 1102 on Beaufort County Tax Map# 9.

Ms. Dixon presented an in-depth review of the project. Staff recommends the Board of Zoning Appeals **approve** the application, based on the Findings of Fact and Conclusions of Law contained in the staff report.

Chairman Stanford requested the applicant make a presentation. The developer of the property presented an in-depth description of the variance request as set forth in the staff report. The developer clarified concerns and answered questions by the Board.

Chairman Stanford asked for comments from the public. The public expressed the following concerns regarding the proposed redevelopment: potential public safety issues with pedestrian

and vehicular traffic, and the beach access; parking overflow; the architectural design in keeping with existing development; setback angle requirements; the height of the proposed redevelopment blocking views to the beach; the removal of trees on the beach access easement; and the impact the redevelopment may have on the value of existing adjacent properties.

Chairman Stanford provided Staff and the developer the opportunity to address public comment. Staff addressed the height of the property as being in compliance with the LMO and the architectural redevelopment as being more in style and harmony with the existing redeveloped homes in the vicinity. The developer indicated that the trees in question are located on a beach access easement and for that reason will not be removed. The developer explained that the height of the proposed home is within LMO requirements and presented pictures of comparable existing redeveloped homes in the vicinity. The developer stated that previous redeveloped homes in the area were not subject to a setback angle requirement.

Chairman Stanford requested comments from the Board. The Board raised the question as to the applicant exploring the option of a variance to only lot 2. Staff and applicant had previously discussed this option and concluded that the proposed redevelopment, although requires a variance, would be in keeping with existing homes and furthermore, closer to LMO requirements. The Board raised the question as to the reconfiguration of the property if the variance is granted. Staff explained that obtaining a variance is the first step in the process – should a variance be granted, then a reconfiguration plat would need to be submitted, approved by Staff, and building permits would need to be obtained prior to construction. The Board discussed at length whether or not the application meets the applicable criteria as set forth in the staff report. Chairman Stanford noted that while there are many considerations in conjunction with a case like this, the Board is to determine whether or not the criteria for granting a variance have been met.

Mr. Wilson made a motion to **approve** the variance request as submitted. Mr. Fingerhut **seconded** the motion. The motion **passed** with a vote of 4-2-0.

(Roll: Stanford, Wilson, Fingerhut, Cutrer – for the motion; Laudermilch, White – against the motion.)

9. Board Business – None

10. Staff Reports

Waiver Report – Ms. Dixon indicated the Waiver Report was included in the packet.

11. Adjournment

The meeting was adjourned at 4:15 p.m.

Submitted By:

Approved By: April 25, 2016

Teresa Haley, Secretary

Glenn Stanford, Chairman