

TOWN OF HILTON HEAD ISLAND
Community Development Department
1 Town Center Court
Hilton Head Island, SC 29928
843-341-4757

**CONSTRUCTION BOARD OF
ADJUSTMENTS AND APPEALS**

**APPLICATION FOR REQUEST FOR
VARIANCES or APPEALS**

Fee: \$75.00 (Make check payable to the Town of Hilton Head Island)

Meeting Date: _____

Building Permit Number: _____

Street Address of Property: _____

Owner Name: _____

Owner Address: _____

Owner Phone Number: _____

Owner Representative: _____

Representative Address: _____

Representative Phone Number: _____

Description of Request: *(Attach description if necessary)* **CODE SECTION:** _____

REQUEST FOR APPEAL PROCEDURES

Appeal of Administrative Decisions Request

This is a request to appeal to the Board or Commission by any person aggrieved by a decision, interpretation or determination of the Official. An aggrieved person is defined as any property owner within 350 feet of the property for which a decision or determination has been rendered, and may include persons owning property beyond 350 feet if it is determined by the Board or Commission that such property owners may be affected by a decision or determination of the Official or the Board or Commission. An application for appeal shall be filed (received by the Official or postmarked) not later than 14 calendar days after receipt of the decision being appealed in order to be considered by the Board or Commission.

PROCEDURES

A. Submission of Application

1. Submit the application by the deadline indicated for each meeting on the appropriate Public Hearing Schedule.
2. For an appeal of administrative decisions request, please submit the Appeal Application Form, along with the items listed as submittal requirements on that form.
3. An application check-in conference is required for all applications to determine whether the application meets the minimum requirements for acceptance. The application check-in conference must be scheduled by appointment with the Community Development Department staff.

B. Public Notice Requirements

1. Public notice to be published is required for an appeal request.
2. **Published Notice** - A Public Notice shall be placed by the Official in a local newspaper of general circulation within the Town for not less than 30 calendar days prior to the meeting for the purpose of notifying the public.

C. Staff Review and Report

1. In an appeal, the Official will prepare a staff report which provides in detail staff's decision/interpretation of the Land Management Ordinance or Town Design Guide.
2. The Official shall provide a copy of the report to the Board or Commission and the appellant (applicant) before the scheduled meeting.

D. Meeting Conduct

1. The Board of Zoning Appeals is comprised of seven members, appointed by Town Council. The Planning Commission is comprised of nine members, appointed by Town Council. The Design Review Board is comprised of seven members, appointed by Town Council.
2. The Chairman of the Board or Commission opens the meeting and reads the procedures to be followed during the meeting.
3. In an appeal, staff will present the Official's interpretation of the LMO or the Design Guide. The applicant will then have an opportunity to present why they are appealing staff's decision.
4. The Board or Commission may have questions for Town staff or the applicant.
5. The Board or Commission will then deliberate until a decision is reached. During the deliberations, members may address questions to staff or the applicant, but no person shall participate in these discussions unless addressed by the Chairman or a Board or Commission member.
6. The Chairman will then ask for a motion.
7. In an appeal, at the conclusion of the proceeding on the appeal, the Board or Commission will either: affirm the action of the Official, modify the action of the Official, or reverse the action of the Official.

E. Written Notification of Decision

1. Within 10 calendar days after a decision has been made by the Board or Commission, a copy of the written decision shall be sent to the applicant or appellant and the property owner.
2. A copy of the notice shall be filed in the office of the Official, where it shall be available for public inspection during regular office hours.

F. Appeals from the Decision of the Board or Commission

1. A person who may have a substantial interest in any decision of the Board or Commission, or an officer or agent of the appropriate governing authority may appeal from a decision of the Board or Commission to the Circuit Court of Beaufort County. The appeal must be filed within 30 days after the decision of the Board or Commission is mailed.
2. A property owner whose land is the subject of a decision of the Board or Commission may appeal to the Circuit Court of Beaufort County or by filing a notice with the circuit court accompanied by a request for pre-litigation in mediation. The notice of appeal and request for pre-litigation in mediation must be filed within 30 days after the decision of the board is mailed.