



Town of Hilton Head Island  
**Board of Zoning Appeals Meeting**  
**Monday, May 23, 2022 – 2:30 p.m.**  
**AGENDA**

---

The Board of Zoning Appeals meeting will be held in-person at Town Hall in the Benjamin M. Racusin Council Chambers.

**1. Call to Order**

**2. FOIA Compliance** – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

**3. Roll Call**

**4. Welcome and Introduction to Board Procedures**

**5. Approval of Agenda**

**6. Approval of Minutes**

a. April 25, 2022 Meeting

**7. Appearance by Citizens**

Citizens may submit written comments via the [Town's Open Town Hall Portal](#). The portal will close at 4:30 p.m. on Friday, May 20, 2022. Comments submitted through the portal will be provided to the Board of Zoning Appeals and made part of the official record.

**8. Unfinished Business – None**

**9. New Business**

a. **Public Hearing**

**VAR-000620-2022** – Request from John Nicholas Crago for a variance from LMO Section 16-4-102.B.7.c, Use-Specific Conditions for Principal Uses, for proposed screened outdoor storage of bicycles in the Light Commercial (LC) District where outdoor storage of bicycles is not allowed. The property is located at 13 Executive Park Road and has a parcel number of R552 015 000 0087 0000. *Presented by Shea Farrar*

**10. Board Business**

**11. Staff Reports**

a. Status of Appeals to Circuit Court

b. Status of LMO Amendments

c. Waiver Report

**12. Adjournment**

**Please note that a quorum of Town Council may result if four (4) or more of their members attend this meeting.**



Town of Hilton Head Island  
**Board of Zoning Appeals Meeting**  
April 25, 2022, at 2:30 p.m. Virtual Meeting  
**MEETING MINUTES**

**Present from the Board:** Chair Patsy Brison, Charles Walczak, David Fingerhut, Peter Kristian, Robert Johnson

**Absent from the Board:** Vice Chair Anna Ponder (excused), Lisa Laudermilch (excused)

**Present from Town Council:** Glenn Stanford

**Present from Town Staff:** Chris Yates, Development Services Manager; Nicole Dixon, Development Review Program Manager; Missy Luick, Principal Planner; Teresa Haley, Community Development Coordinator

**Others Present:** Curtis Coltrane, Town Attorney

---

**1. Call to Order**

Chair Brison called the meeting to order at 2:30 p.m.

**2. FOIA Compliance** – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

**3. Roll Call** – See as noted above.

**4. Welcome and Introduction to Board Procedures**

Chair Brison welcomed all in attendance and noted she would not be introducing the Board's procedures for conducting the meeting, as the item listed on the agenda has been postponed.

**5. Approval of Agenda**

Chair Brison asked for a motion to approve the agenda as presented. Mr. Kristian moved to approve. Mr. Walczak seconded. By way of roll call, the motion passed with a vote 5-0-0.

**6. Approval of Minutes**

a. March 28, 2022, Meeting

Chair Brison asked for a motion to approve the minutes of the March 28, 2022, meeting. Mr. Fingerhut moved to approve. Mr. Kristian seconded. By way of roll call, the motion passed with a vote of 5-0-0.

**7. Appearance by Citizens**

Public comments concerning agenda items were to be submitted electronically via the Open Town Hall HHI portal. There were no comments submitted. Citizens were provided the option to sign up for public comment participation during the meeting by phone. There were no requests.

## **8. Unfinished Business – None**

## **9. New Business**

### **a. Public Hearing**

**VAR-000620-2022** – Request from John Nicholas Crago for a variance from LMO Section 16-4-102.B.7.c, Use-Specific Conditions for Principal Uses, for proposed screened outside storage of bicycles in the Light Commercial (LC) District where outside storage of bicycles is not allowed. The property is located at 13 Executive Park Road and has a parcel number of R552 015 000 0087 0000. **POSTPONED**

Chair Brison noted the above referenced variance has been postponed until the regularly scheduled May meeting pursuant to the authority of the Chair, as found in Article XI, Section 3 of the Rules of Procedure.

## **10. Board Business**

### **a. Adoption of Amendments to the Rules of Procedure**

Missy Luick noted there were no changes from the previous month. Mr. Kristian moved to approve. Mr. Johnson seconded. By way of roll call, the motion passed by a vote of 5-0-0.

## **11. Staff Reports**

### **a. Status of Appeals to Circuit Court**

Curtis Coltrane reported there has been an agreement reached with the Town of Hilton Head Island, the six Sandcastles by the Sea property owners that originally filed the lawsuit, as well as all Sandcastles by the Sea property owners along the common boundary with the Town property. He explained the Town is conveying a small strip of land to the owners which will move the buffer far enough away from the homes to encompass the improvements that were improperly made. He stated the owners are paying the appraised value for the property, plus a pro-rated cost for the expenses incurred by the Town.

Curtis Coltrane reported there has not been a ruling on the Bradley Circle Vacation Partners appeal.

### **b. Status of LMO Amendments**

Nicole Dixon stated there was no report at this time. She noted the amendments are still being drafted by the on-call code writing team and when they are received, she will update the Board.

### **c. Waiver Report**

Chair Brison noted the report was included in the agenda packet and invited Board members to ask questions. There were none.

## **12. Adjournment**

With no other business before the Board, Mr. Kristian moved for adjournment. Mr. Fingerhut seconded. By way of roll call, the motion passed with a vote of 5-0-0. The meeting was adjourned at 2:48 p.m.

**Submitted by:** Vicki Pfannenschmidt, Secretary

**Approved:** [DATE]



## TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court

Hilton Head Island, SC 29928

843-341-4757

FAX 843-842-8908

### STAFF REPORT VARIANCE

| Case #:         | Public Hearing Date: |
|-----------------|----------------------|
| VAR-000620-2022 | May 23, 2022         |

| Parcel or Location Data:  | Property Owner  | Applicant           |
|---|---|---------------------|
| Parcel#: R552 015 000 0087 0000<br>Address: 13 Executive Park Road<br>Parcel size: 0.61 acres<br>Net acreage: 0.61 net acres<br>Zoning: LC (Light Commercial)<br>Overlay: COD (Corridor Overlay District) | Lucky Investments, LLC<br>13 Executive Park Road<br>Hilton Head Island, SC<br>29928 | John Nicholas Crago |

#### Application Summary:

John Nicholas Crago has applied for a variance from LMO Section 16-4-102.B.7.c, Use-Specific Conditions for Principal Uses, for proposed screened outdoor storage of bicycles in the Light Commercial (LC) District where outside storage of bicycles is not allowed. The property is located at 13 Executive Park Road and has a parcel number of R552 015 000 0087 0000.

#### Staff Recommendation:

Staff recommends the Board of Zoning Appeals find this application not to be consistent with the Town's Our Plan and does not serve to carry out the purposes of the LMO, based on those Findings of Fact and Conclusions of Law as determined by the LMO Official and enclosed herein.

#### Background:

The property subject to this application is located at 13 Executive Park Road, off Pope Avenue in a commercial area adjacent to the entrance to Shipyard. Refer to Attachment A, Vicinity Map. The property is currently developed with a 2,756 building with associated parking. Surrounding properties along Executive Park Road are similar in size and are developed with primarily office and restaurant uses. Shipyard Golf Course is located to the rear of the property.

The zoning of the property is Light Commercial (LC). This property has been the location of a bicycle business since 2007 and the applicant has operated a bicycle shop at this location since 2020. Since bicycle shops are allowed in the LC District, but the outdoor storage of bicycles is not, the applicant is requesting relief from this use specific condition to enable the permitting of a screened outdoor storage area for bicycles.

Of the 10 zoning districts where bicycle shops are allowed, only 2 districts do not allow outdoor bicycle storage: LC and Community Commercial (CC) per LMO Section 16-4-102.B.7.c:

A bicycle shop shall comply with the following conditions.

- i. Outdoor storage is permitted only in the CR, SPC, MS, WMU, S, MF, MV, and RD Districts.
- ii. Vegetation, fences, and walls shall be installed to screen outdoor storage areas.
- iii. In the S District, a bicycle shop shall not direct vehicular access to a major arterial.

In 2019, the Board of Zoning appeals approved VAR-002648-2019 to allow outdoor storage of bicycles in the LC Zoning District at 3 Pensacola Place. At that time, the applicant was relocating from 13 Executive Park Road to this new location. In 2009, at 13 Executive Park Road, the Town permitted a screened outdoor storage area when the property was zoned Commercial Center, which allowed for screened outdoor storage of bicycles. The zoning of the property changed in 2014 when the LMO was rewritten, from Commercial Center to LC, which made the property non-conforming because of the use specific conditions. This storage area was maintained as a legal nonconformity until the business relocated to 3 Pensacola place following the approval of VAR-002648-2019 as the screened storage area was removed.

When reviewing VAR-002648-2019, consideration was given to the fact that the LMO, while it restricts the screened outdoor storage of bicycles in the LC and CC Districts, allows other uses to have screened outdoor storage as an accessory use. Businesses, such as contractors, could have screened outdoor storage for materials and bike business could have screened outdoor storage for other items, such as baskets, but not bicycles.

Following the approval of VAR-002648-2019, the Board of Zoning Appeals sent a letter to the Planning Commission and Town Council regarding issues that may warrant the consideration of changes to the Town's LMO. Refer to Attachment B. One of the issues identified was the restriction on screened outdoor storage for bicycle shops in only two Zoning Districts (LC and CC) of the 10 that permitted bicycle shops. This issue was included in staff's list of modifications to the LMO to be reviewed with potential future amendments. Currently, these amendments are being drafted to help address this conflict.

Unfortunately, the amendments to the LMO have not moved forward quickly enough due to other priorities and based on continued complaints, staff had to inform all bicycle shops that were prohibited from having screened outdoor storage that they must come into compliance by removing the outdoor storage or applying for a variance from this use specific condition.

In 2020, in response to complaints regarding local bicycle businesses not complying with the LMO requirements for bike screening for storage areas, staff conducted a comprehensive review of bicycle shops on the Island. Letters were sent to all business that were not in compliance.

A letter was sent to Mr. Crago, dated November 29, 2021, that outlined the enforcement effort and compliance options. As his business is located in the Light Commercial District, Mr. Crago was asked

to remove the outdoor storage or to apply for a variance from this use specific condition. Mr. Crago filed a variance application in December of 2021.

During staff's preliminary review of the variance application, staff found that screened outdoor storage had been permitted on the property through XDPR090074. Per legal advice, this screened outdoor storage of bicycles was identified as a legal nonconforming site feature, meaning that the variance would no longer be required. So, staff voided the application.

Following another inquiry regarding the status of enforcement efforts, staff provided an update that the application had been voided due to the permitted screened area. It was at that time that staff was made aware that the screen had been removed by the prior business when relocating. This effectively removed the legal nonconformity that staff had identified for the outdoor storage of bicycles on the property. So, Mr. Crago was again informed that the variance was still required.

#### **Applicant's Grounds for Variance, Summary of Facts and Conclusions of Law:**

##### **Grounds for Variance:**

According to the applicant, the applicant has tried to maintain compliance by not storing bicycles outside, but the normal operations of such a business are dependent upon having a large inventory of bicycles that can be rented.

##### **Summary of Fact:**

- The applicant seeks a variance as set forth in LMO Section 16-4-102.B.7.c.

##### **Conclusion of Law:**

- The applicant may seek a variance as set forth in LMO Section 16-4-102.B.7.c.

#### **Summary of Facts and Conclusions of Law:**

##### **Summary of Facts:**

- Application was submitted on December 23, 2021 as set forth in LMO Section 16-2-102.C and Appendix D-23.
- Notice of the Application was published in the Island Packet on May 1, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on May 6, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on May 6, 2022 as set forth in LMO Section 16-2-102.E.2.
- The Board has authority to render the decision reached here under LMO Section 16-2-102.G.

##### **Conclusions of Law:**

- The application is in compliance with the submittal requirements established in LMO Section 16-2-102.C.
- The application and notice requirements comply with the legal requirements established in LMO Section 16-2-102.E.2.

*As provided in LMO Section 16-2-103.S.4, Variance Review Standards, a variance may be granted in an individual case of unnecessary hardship if the Board determines and expresses in writing all of the following findings of fact.*

**Summary of Facts and Conclusions of Law:**

*Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property (LMO Section 16-2-103.S.4.a.i.01):*

**Findings of Fact:**

- The subject property has a size and shape similar to adjacent properties.
- The subject property has been the location of a permitted bicycle rental business since 2007.
- Outdoor storage of bicycles is not permitted in the LC District per the current LMO, but it was permitted in the prior zoning of Commercial Center prior to the 2014 LMO re-write.
- Outdoor storage was permitted when the property was zoned Commercial Center through XDPR090074.
- This storage area was removed when the prior business relocated.
- The applicant has operated a bicycle shop at this location since 2020.

**Conclusions of Law:**

- This application does not meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.01 because there are not extraordinary and exceptional conditions that pertain to this particular property.
- The subject property is average in shape and size for the subdivision and does not contain any extraordinary or exceptional conditions that prohibit other uses of the property.

**Summary of Facts and Conclusions of Law:**

*Criteria 2: These conditions do not generally apply to other properties in the vicinity (LMO Section 16-2-103.S.4.a.i.02):*

**Findings of Fact:**

- There are no extraordinary and exceptional conditions that pertain to this particular property.
- The applicant has made continued efforts to operate without outdoor storage and to comply with enforcement requirements.

**Conclusion of Law:**

- This application does not meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.02 because there are extraordinary or exceptional conditions that apply to the subject property that do not also generally apply to other properties in the vicinity.

---

**Summary of Facts and Conclusions of Law:**

*Criteria 3: Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property (LMO Section 16-2-103.S.4.a.i.03):*

**Finding of Fact:**

- The applicant has made continued efforts to operate without outdoor storage and to comply with enforcement requirements, but because of the large inventory of bicycles being rented out, the use tends to require outdoor storage at times.

**Conclusion of Law:**

- This application does not meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.03 because there are no extraordinary or exceptional conditions that apply to the subject property that would prohibit or unreasonably restrict the utilization of the property.

---

**Summary of Facts and Conclusions of Law:**

*Criteria 4: The authorization of the Variance will not be of substantial detriment to adjacent property or the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the Variance (LMO Section 16-2-103.S.4.a.i.04):*

**Findings of Facts:**

- The applicant is proposing to screen the outdoor bicycle storage area, which will meet the requirements of LMO Section 16-5-113, Fences and Walls.
- The applicant is not proposing to remove any existing vegetated buffer areas.
- Permitting outdoor storage on the subject property will not be of substantial detriment to the adjacent property or the public good as it has been the location of a bicycle shop with outdoor storage since 2007.

**Conclusion of Law:**

- This application meets the criteria as set forth in LMO Section 16-2-103.S.4.a.i.04 because the variance will not be of substantial detriment to the adjacent property or the public good.

---

**LMO Official Determination:**

**Staff recommends the Board of Zoning Appeals find that this application is not consistent with the Town's Our Plan and does not serve to carry out the purposes of the LMO, based on those Findings of Fact and Conclusions of Law as determined by the LMO Official and enclosed herein.**



**BZA Determination and Motion:**

The "powers" of the BZA over variances are defined by the South Carolina Code, Section 6-29-800, and in exercising the power, the BZA may grant a variance "in an individual case of unnecessary hardship if the board makes and explains in writing ..." their decisions based on certain findings or "may remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines the record is insufficient for review."

This State law is implemented by the Hilton Head Island Land Management Ordinance, Chapter 2, Article 103 and the Rules of Procedure for the BZA.

A written Notice of Action is prepared for each decision made by the BZA based on findings of fact and conclusions of law.

**The BZA can either Approve the application, Disapprove the application, or Approve with Modifications. Findings of Fact and Conclusions of Law must be stated in the motion.**

**PREPARED BY:**

SF

\_\_\_\_\_  
Shea Farrar, *Senior Planner*

May 17, 2022

\_\_\_\_\_  
DATE**REVIEWED BY:**

ND

\_\_\_\_\_  
Nicole Dixon, AICP, CFM, *Development  
Review Program Manager*

May 17, 2022

\_\_\_\_\_  
DATE

SC

\_\_\_\_\_  
Shawn Colin, AICP, *Assistant Town Manager -  
Community Development*

May 17, 2022

\_\_\_\_\_  
DATE**ATTACHMENTS:**

- A) Vicinity Map
- B) Letter to from BZA
- C) Applicant Materials
- D) Site Picture





Town of Hilton Head Island  
One Town Center Court  
Hilton Head Island, SC 29928  
(843) 341-4600

## Town of Hilton Head Island

13 Executive Park Road  
Attachment A: Vicinity Map

100 50 0 100 Feet



This information has been compiled from a variety of unverfied general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.



## Attachment B

### TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

John J. McCann  
Mayor

William D. Harkins  
Mayor ProTem

February 13, 2020

\_\_\_\_\_  
Council Members

David Ames  
Tamara Becker  
Marc A. Grant  
Thomas W. Lennox  
Glenn Stanford

\_\_\_\_\_  
Stephen G. Riley  
Town Manager

Hilton Head Island Town Council  
Hilton Head Island Planning Commission  
One Town Center Court  
Hilton Head Island, SC 29928

Re: Board of Zoning Appeals Recommendations for Possible LMO Changes

Dear Town Council and Planning Commission Members:

At its January 27, 2020 meeting, the Board of Zoning Appeals heard two cases with issues that may warrant consideration of changes to the Town's Land Management Ordinance.

VAR-002648-2019 (Land Cruisers Bike Rental LLC)

Land Cruisers Bike Rental LLC requested a variance from LMO Section 16-4-102.B.7.c, Use-Specific Conditions for Principal Uses, for proposed screened outside storage of bicycles in the Light Commercial (LC) District where outside storage of bicycles is not allowed. The subject property is located at 3 Pensacola Place (a non-arterial cul-de-sac street located off New Orleans Road) and within the Corridor Overlay District.

The Applicant has been in business since 1983 and proposed to purchase 3 Pensacola Place as a new location for its bicycle rental business currently on Executive Park Road. Prior to closing on its purchase, the Applicant met with Town Staff regarding the intended use of the property including outdoor storage of bicycles and was incorrectly advised that the proposed use was permitted by the LMO. Subsequent to purchasing the property, the Applicant was notified that while bicycle shops are an allowed use, outdoor storage of bicycles is not a permitted use in the Light Commercial (LC) District.

During the BZA hearing, testimony was presented by Town Staff and the Applicant that:

- Outside storage of bicycles is an essential component of the Applicant's business and the property would not have been purchased if the outside storage prohibition had been known.

- The LMO allows bicycle shops in 10 Zoning Districts (Coligny Resort, Community Commercial, Light Commercial, Main Street, Marshfront, Mitchelville, Resort Development, Sea Pines Circle, Stoney and Waterfront Mixed Use). Of these Districts, only two (Community Commercial and Light Commercial) do not allow outdoor bicycle storage. Staff had researched the LMO's legislative history but could find no reason for these exclusions.
- Staff recommended approval of the Variance request for screened outside storage of bicycles with the condition that the Applicant obtain minor development plan review and minor corridor review approvals.

The Board of Zoning Appeals approved the Variance request on a 6-0 vote and authorized the Chairman to forward a recommendation that the Town review whether or not any adjustment should be made to the LMO regarding outside storage of bicycles where bicycle shops are permitted.

APL-002639-2019 (Side Hustle Beer Company, LLC)

Side Hustle Beer Company, LLC appealed the December 16, 2019 Determination Letter from the Development Review Administrator that a proposed nano brewery to be located at 144 Arrow Road was a manufacturing facility and not a permitted use in the Sea Pines (SPC) District.

The Appellant proposed to brew small quantities of craft beer using nano-sized kettles and tanks, sell tap room pours (maximum of 48-ounces per customer for on premise consumption, and sell to-go beer. Prior to leasing the space and purchasing brewing equipment, the Appellant met with Town Staff in October 2019 and was advised the nano brewery would be classified as a "night club or bar", a permitted use in the Sea Pines (SPC) District. The Appellant leased the space, purchased equipment and after applying for a business license was notified that the nano brewery would be classified as a manufacturing facility and not permitted in the Sea Pines (SPC) District.

During the BZA hearing, testimony was presented by Town Staff and the Appellant that:

- Nano brewing of craft beer is a fairly new concept and was never contemplated by the LMO. When a term is not defined in the LMO, the LMO Official is authorized to interpret meanings based upon definitions used in acceptable sources. Town Staff referenced "A Planner's Dictionary" which defines a brewery as "an industrial use that brews...beers...or similar beverages on site" to reach its determination.
- LMO Section 16-2-103.R.2.c provides "The Official is authorized to and shall be responsible for making interpretations of this Ordinance including...whether an unspecified use is comparable to a listed use or not, and whether any unspecified use should be allowed in a zoning district or prohibited in that district". LMO Section 16-10-103.G.2 (Use Classifications, Use Types and Definitions – Commercial Services) defines a Nightclub or Bar as "an establishment that sells alcoholic beverages for

consumption on the premises...but the sale of food is not a major source of revenue”.

The Board of Zoning Appeals determined that the proposed nano brewery was more like a bar than a manufacturing facility since it would brew one day per week and sell five days. On a 7-0 vote the Board reversed the Staff determination and authorized the Chairman to forward a recommendation that the Town review whether or not nano breweries should be addressed in the LMO.

The Board of Zoning Appeals recommends that the Town review these two issues and determine whether any adjustments to the LMO are warranted.

Respectfully submitted.

Hilton Head Board of Zoning Appeals  
By: Jerry W. Cutrer, Chairman

Cc: Stephen G. Riley, ICMA-CM, Town Manager

## Attachment C

John Nicholas Crago  
NickCrago14@gmail.com  
Cross Island Cruisers, LLC  
843 384 7371  
13 Executive Park Rd  
Hilton Head Island, SC, 29928

To whom it may concern within the Town of Hilton Head Island Land Management Ordinance,

### **Ammendment on May 4th, 2022.**

On or around February 16th, 2022, Cross Island Crusiers received a letter from the Town of Hilton Head stating, "During staff review of your variance application, we became aware that a screened outside storage area for bicycles was approved in 2009 for this site. Per legal advice, the screened outside storage of bicycles on your property is a legal nonconforming use. This means that a variance is no longer required. Staff will void your variance application and send you a refund for the application fee." In the original variance application submitted in December 2021, it was clearly stated that we were planning on building a screened outside storage area, per the specifications and requirements of the Town. The letter from the Town received on February 16th, 2022, states, "the screened outside storage of bicycles on your property is a legal nonconforming use. This means that a variance is no longer required." No specification is made that this is contingent on the existence of the previous structure, which could have otherwise been denoted in the statement of, "This means that a variance is no longer required." It is my hope that the Town simply honors the letter I received by approving my variance application to build a new screened and fenced storage area as stated in my first application, and considers this an upgrade to the original approval in 2009, which has already proven its functionality within the parameters of the Town of Hilton Head.

**The following is the narrative for project "Outside Storage at Cross Island" in accordance with VAR submittal requirements.**

### **WHY**

The variance is requested because outdoor storage is essential to increase business growth potential for Cross Island Cruisers, LLC, as bicycle businesses without outdoor storage are limited in their growth capacity. Without outdoor storage, I would be forced to spend unnecessary money and time to transport a large amount of merchandise to my business location from Bluffton, adding to already congested traffic from which Hilton Head suffers, especially in the summer months when tourists are on the road and we are at our busiest time of year.

When speaking to multiple Town officials and employees over the past year, I, as well as other bike shop owners, were informed that there would be a pause on enforcement due

Other properties in the area lack the combination of vegetation and fencing that prevents the back of the building and any such items stored there from being viewable from the front or sides. Other bicycle rental companies that operate on the main street of Pope Ave are directly in public view and currently all store bicycles outside. The front, back, and sides of other properties in the area are completely visible from the streets and bike paths, lending to the unique lack of exposure of 13 Executive Park Road. Even our entrance is framed with large landscaping which obstructs most of the parking lot itself from being visible from Executive Park Road. Thus, we have exceptional conditions to be most compliant in the requirements for outdoor storage compared to other surrounding properties.

03.

13 Executive Park Road has a large, mostly hidden outdoor area behind the building that would otherwise be a loss of value as unusable land that can serve a purpose if allowed. Because we are currently restricted from utilizing this area, we are forced to store merchandise inside the building and offsite, hindering our ability to conduct business in a presentable and professional manor. All of this directly limits in our ability to serve customers and effectively grow as a business in the short and long term.

04.

Given that the back of the building is already largely obstructed from view of both the general public and adjacent buildings, being granted variance in this ordinance would only result in positive visual change to the character of 13 Executive Park Road. Outdoor storage would further improve the visual appeal of the building by requiring the necessity of better land management to utilize the area, which directly benefits the buildings next to us. Because this improvement would only be accessible from private access, the character in zoning district LC would be preserved.

## **CONCLUSION**

The Town has put a tremendous amount of time, money and effort into planning, producing, and preserving the bike paths that Hilton Head is famous for. To best serve our community and customers, we hope you approve our request for variance within this ordinance. If granted, we will comply with all parameters for outside storage of bicycles, including but not limited to, the requirement to construct an additional fence on part of the property, and anything else the Town deems necessary. I appreciate all of the assistance I have received in this application process, and look forward to further assisting the Town in establishing regulations around E-bikes, and any further motions the Town would like insight on.

Government Comprehensive Planning Enabling Act of 1994, and the decisions of the appellate courts of South Carolina interpreting such provisions.



Attachment D





## **TOWN OF HILTON HEAD ISLAND**

---

### *Board of Zoning Appeals Memo*

**TO:** Board of Zoning Appeals  
**FROM:** Missy Luick, Principal Planner  
**DATE:** May 12, 2022  
**SUBJECT:** Waiver Report

---

The BZA requested that staff keep them informed of substitutions of nonconformities for redevelopment that are granted by staff. A memo is distributed every month at the regular BZA meeting and is discussed under staff reports on the agenda.

The following language is contained in Section 16-7-101.F, Substitutions of Nonconformities for Redevelopment, which gives the Administrator the power to grant such substitutions for existing nonconforming structures and site features.

**LMO Section 16-7-101.F:**

“To provide flexibility and encourage redevelopment of sites with nonconforming features or structures, the Official is authorized to approve a Development Plan for such sites if the proposed development:

1. Will not include any new development that increases the amount of encroachment into any required buffer or setback;
2. Will not increase the impervious cover on the site over the maximum allowed for the district or the existing impervious cover, whichever is greater;
3. Will not result in a density in excess of what is allowed under this Ordinance, or the existing density, whichever is greater;
4. Will lessen the extent of existing nonconforming site features to the greatest extent possible;
5. Will not have an adverse impact on the public health, safety or welfare; and
6. Will lessen the extent of nonconformities related to any existing nonconforming structure on the site to the greatest extent possible.”

There have been zero waivers granted by staff since the April 25, 2022 BZA meeting.