



Town of Hilton Head Island
Board of Zoning Appeals Meeting
Monday, September 26, 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. Swearing In Ceremony of Reappointed Board Member Robert Johnson – *Performed by Josh Gruber, Deputy Town Manager*

5. Welcome and Introduction to Board Procedures

6. Approval of Agenda

7. Approval of Minutes

a. July 25, 2022 Meeting

8. 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, September 23, 2022. Comments submitted through the portal will be provided to the Board of Zoning Appeals and made part of the official record.

9. Unfinished Business – None

10. New Business

a. Public Hearing

VAR-001890-2022 – Request from Kathleen Duncan of J.K. Tiller Associates, Inc., on behalf of Louise Miller Cohen, for a variance from LMO Section 16-5-102.D, Adjacent Use Setbacks to allow two outbuildings and a manufactured office building to encroach within the setbacks. The property is known as the Gullah Museum of Hilton Head Island and is located at 12 Georgianna Drive, with a parcel number of R510 003 000 0048 0000. *Presented by Michael Connolly.*

b. Public Hearing

VAR-002173-2022 – Request from Jay Nelson of May River Custom Homes, on behalf of Dawn and Craig Lamb, for a variance from LMO Section 16-5-102.C, Adjacent Street Setbacks to allow a proposed porch and stairs to encroach within the setback. The property is located at 9 Mossy Oaks Lane, with a parcel number of R510 012 000 0487 0000. *Presented by Michael Connolly.*

11. Board Business

a. Review and Adoption of 2023 Meeting Schedule

12. Staff Reports

- a. Status of Appeals to Circuit Court
- b. Status of LMO Amendments

13. 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

July 25, 2022, at 2:30 p.m.

Benjamin M. Racusin Council Chambers

MEETING MINUTES

Present from the Board: Chair Patsy Brison, Vice Chair Anna Ponder, David Fingerhut, Peter Kristian, Kay Bayless

Absent from the Board: Charles Walczak, Robert Johnson (excused)

Present from Town Council:

Present from Town Staff: Josh Gruber, Deputy Town Manager; Nicole Dixon, Development Review Program Manager; Shea Farrar, Senior Planner; Michael Connolly, Senior Planner; Trey Lowe, Planner; Aaron Black, Facilities Manager; Teresa Haley, Community Development Coordinator; Karen Knox, Senior Administrative Assistant

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. Swearing In Ceremony of Reappointed Board Member Anna Ponder and New Board Member Kathryn Bayless

Joshua Gruber, Deputy Town Manager swore in reappointed Board Member Anna Ponder and new member Kathryn Bayless.

5. Welcome and Introduction to Board Procedures

Chair Brison welcomed all in attendance and introduced the Board's procedures for conducting the meeting.

6. Approval of Agenda

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

7. Approval of Minutes

a. June 27, 2022, Meeting

Chair Brison asked for a motion to approve the minutes of the June 27, 2022, meeting. Mr. Fingerhut moved to approve. Mr. Kristian seconded. By way of roll call, the motion passed with a vote of 4-0-0. Ms. Bayless abstained as she was not a member of the Committee at the time.

8. Appearance by Citizens

No comments were received via the Open Town Hall HHI portal.

9. Unfinished Business – None

10. New Business

a. Election of Officers for the July 1, 2022 – June 30, 2023, Term

Chair Brison asked for a motion to nominate a board member to serve as Chair for the new term. Mr. Kristian moved to nominate Ms. Brison as Chair. Dr. Ponder seconded. The motion passed with a vote of 4-0-1. Ms. Brison abstained.

Chair Brison asked for a motion to nominate a board member to serve as Vice Chair for the new term. Mr. Kristian moved to nominate Dr. Ponder as Vice Chair. Mr. Fingerhut seconded. The motion passed with a vote of 4-0-1. Dr. Ponder abstained.

Chair Brison asked for a motion to nominate Karen Knox to serve as Secretary for the new term. Dr. Ponder moved to nominate Karen Knox as Secretary. Mr. Kristian seconded. The motion passed with a vote of 5-0-0.

b. APL-001469-2022 – Request for Appeal from Jason Bullock of Island Cruisers Bike Rentals. The appellant is appealing staff's determination, dated May 19, 2022, that the outside storage of bicycles for the Hilton Head Bicycle Company located at 112 Arrow Road, is a legal non-conforming use.

Chair Brison outlined the procedures for the appeal hearing process. Chair Brison invited the Appellant to proceed with his presentation. Mr. Jason Bullock on behalf of Island Cruisers Bike Rentals presented his case as described in the Board's Agenda Package.

The Board made comments and inquiries about where in the LMO it talks about ownership interest changing and having that affect a non-conforming use.

Chair Brison asked Ms. Nicole Dixon to present on behalf of staff. Ms. Dixon stated Jason Bullock of Island Cruisers Bike Rentals is appealing staff's determination under date of May 19, 2022, that the outside storage of bicycles for the Hilton Head Bicycle Company located at 112 Arrow Road is a legal nonconforming use. Ms. Dixon gave an in-depth history and timeline which led to staff's determination that the outside storage of bicycles for the Hilton Head Bicycle Company located at 112 Arrow Road, is a legal non-conforming use. Based on recent site visits, the outdoor storage of bicycles is behind the building and not visible from Arrow Road. Staff, based on recommendations from the Board of Zoning Appeals, added having outdoor storage of bicycles be permitted in the LC Zoning District to the list of proposed LMO amendments. We have a list of LMO Amendments that are going to go through the review and adoption process shortly, which includes this amendment. Should the amendment be approved, bicycle shops with outdoor storage will be permitted in the LC Zoning District.

The Board made additional comments and inquiries regarding the relevant rules about ownership; the number of complaints that were made against other businesses and if they were made by the same individual; whether there are any provisions that address change in ownership; whether fencing or screening is considered a site feature.

Chair Brison asked the Property Owner, Jim Hall to present. Mr. Hall stated we are here today because of LMO 16-4-102 requiring that a bicycle shop comply with certain conditions. Hilton Head Bicycle is located in the LC District and the Ordinance states that outdoor storage of bicycles is not allowed in this district. Bikes being stored behind fences and screened from public view shouldn't be a problem. The purpose of this Hearing is to decide an Appeal filed by Mr. Bullock. He is appealing the letter to me from the Town dated May 19th and requesting that the Town reverse its decision and not allow Hilton Head Bicycle Company to store bikes outside. Mr. Hall provided the Board with a Spreadsheet entitled "Bike Companies – Compliance Spreadsheet" which is a copy of the tracking form that the Town has been using in meeting with Mr. Bullock on a regular basis that lists the 34 bike shops, the status of their compliance and the Code Enforcement actions that have been taken. This document will be marked Exhibit "A" and made part of the official record. Mr. Bullock didn't follow the rules for his Appeal, including not putting in the required Code Citation, not providing any basis for his appeal, materially misrepresenting statements and throwing wild guesses about new companies being formed. The Appeal should be denied simply on these grounds. I have been advised the Town ruled correctly in allowing the legal non-conformity as detailed in the letter from Shawn Colin to the Hilton Head Bicycle Company on May 19, 2022. Mr. Hall presented the Board with an email exchange under date of January 28, 2020, between the Town and Mr. Bullock. This document will be marked Exhibit "B" and made part of the official record. Mr. Hall stated this email exchange initiates with Mr. Bullock asking the Town about him ending one LLC and starting a new LLC and whether the legal non-conforming variance he has at 3 Pensacola Place goes with the land or with the business entity. The response back from the Town is the Variance goes with the land. Mr. Bullock has benefited from the exact same thing that we are here today to try and not allow for me. Mr. Hall concluded by stating bike shops are here for a reason and we are here to send a message to the Town – this war on the bike shops and this harassment is too much. Mr. Hall also mentioned that one bike shop, Coastal Bikes went out of business. The campaign that has been conducted for two years by one individual in an effort to damage his competitors and weaponize the Town against them needs to be stopped. After Mr. Hall's presentation, he answered questions posed to him by the Board.

Ms. Nicole Dixon stated there is no presentation by the holder of the permit or their Agent for the property.

Chair Brison asked if the Appellant had a rebuttal. Mr. Bullock stated he is not on a campaign to hurt anyone, reduce trade or eliminate competition. I am simply here to have everyone follow the LMO consistently. Mr. Bullock stated he has no idea who Coastal Bikes is. If they went out of business, I am very sorry for that, but have no idea who they are. The Board had no questions for the Appellant.

Staff had no rebuttal for the Appellant.

Chair Brison asked the Property Owner, Mr. Hall for his rebuttal and instructed Mr. Hall this rebuttal is in response solely to Mr. Bullock's rebuttal, not to introduce new evidence into the record. Mr. Hall stated there are photographs taken by Mr. Bullock of Coastal Bikes so when he says he doesn't know who they are it is hard to believe. In Mr. Bullock's rebuttal he still has yet to say any relevant LMO that has to do with the change of business ownership. There were no questions from the Board on Mr. Hall's rebuttal.

Chair Brison stated there is no public comment on an Appeal Case. At this time the Chair would enter into the record the evidence. Included in the record that the Board received the

following documents: letter to the Board of Zoning Appeals dated May 31, 2022, from Island Cruisers Bike Rentals consisting of 9 pages signed by Jason Bullock on behalf of Island Cruisers Bike Rentals. In addition to the record furnished to the Board includes May 19, 2022, letter to James E. Hall, Owner Hilton Head Bicycle Company from Town of Hilton Head Island signed by Shawn Colin, Assistant Town Manager, Community Development, LMO Official; and letter dated December 1, 2021, to Teri Lewis, Deputy Community Development Director Town of Hilton Head Island from Hilton Head Bicycle Company signed by James E. Hall, Owner. In addition to that, the other documents produced in evidence today by Mr. Hall are Exhibit "A", entitled Bike Companies-Compliance Spreadsheet which is a document he received from the Town of Hilton Head Island in response to a FOIA request. In addition, Mr. Hall produced Exhibit "B" which is an email chain starting under date of April 28, 2022, from Teri Lewis to Missy Luick. Also, as part of the record the testimony provided by witnesses today. Chair Brison asked if there were any objections to any of those items or testimony being entered into the record. Hearing none, The Chair incorporates all that evidence into the record. The Hearing is now closed on this matter. The Board will enter into discussion prior to considering a motion and vote on the case. The Board has as part of its process form Motions for matters which come before it and we have a form entitled Appeal Motion which Board Members can use in their discussion and subsequently in making a Motion on this matter.

The Board made closing remarks on the appeal. Mr. Kristian stated bike use is an absolute necessity on Hilton Head Island and it is enjoyed by family and individuals all the time. All the folks that supply that service should be commended. Obviously, it is a competitive business and requires a lot of work and effort to keep the public safe and happy. I indicated at the last BZA meeting that I felt the LMO was being weaponized, and I continue to have that belief. The staff time that has gone into this, the amount of time many of you have spent defending yourselves, it is a cost you should not have to endure. The email exchange that Mr. Hall provided is quite telling where it indicates to Mr. Bullock that the Variance runs with the land. We are arguing exactly the opposite here today. This is troubling as well. Mr. Bullock was granted a variance legitimately by the BZA and he argues against others from getting the same consideration. Ms. Bayless stated she adopts the same comments that Mr. Kristian has made. Secondly, there is only one conclusion to draw as to whether a non-conforming use runs with the land and not the business. The LMO is clear in my opinion that the use is with the property and not with the business entity. Mr. Fingerhut echoed the comments of his colleagues and stated the Town staff made the correct decision. Dr. Ponder stated in 2020 as a Board we asked the Town to reconsider this matter of outdoor storage in certain districts on the Island. I think there is no one on this Board who is not supportive of the amazing work that you do as businesses. Most would like to support strong enterprise on this Island for residents, tourists. I would like to reiterate strong support and encouragement for the Town to take this up. It has been two years and we are here for the third time listening to much of the same words and sentiments. I would truly like to encourage some serious consideration from the Town to 1) consider the residents and the businesses involved and 2) to think about this Board and what we were asked to consider in these matters. I would like to see Town Council get to this issue as quickly as possible, so we are not here again. Nothing here today has persuaded me to disagree with how Town Staff has ruled here. Chair Brison stated she has looked at the relevant Chapter regarding non-conformities in the LMO to see if there was any language regarding ownership and have not found any. During the testimony of Ms. Dixon today we went through the entire Chapter to look for that language and I asked her questions regarding specific sub-sections within that LMO because that is the crux of the matter – whether there was an error in the interpretation of the language regarding non-conformities in the LMO. I have not heard any

testimony or seen any documents which would show that the ownership of the business controls the question about non-conforming use. Chair Brison stated that she was disturbed that the staff member, Shawn Colin who wrote the letter under date of May 19, 2022, indicating the Town's formal determination that outside bicycle storage at 112 Arrow Road is a legal nonconforming use was not present at the meeting and noted it would be helpful in the future for the staff member who makes the decision to be here for our proceedings. Chair Brison appreciated Ms. Dixon's testimony and expertise but indicated Ms. Dixon did not make this determination. I join the Vice Chair to ask the Town Council and the Planning Commission to consider addressing this Sub-Section regarding outdoor storage for bicycle shops and move it along as quickly as possible. Chair Brison asked for a motion.

Mr. Kristian moved to affirm the decision and the interpretation made by Staff on this matter based on the Findings of Fact and conclusion of law included in the staff's representation as indicated in Staff's letter under date of May 19, 2022. Dr. Ponder seconded. By way of roll call, the motion passed with a vote of 5-0-0.

11. Board Business –

Chair Brison asked for a motion to thank Ms. Teresa Haley for her service to the Board of Zoning Appeals with our grateful thanks and congratulations and best wishes on her promotion. Mr. Fingerhut moved to approve. Mr. Kristian seconded. The motion passed with a vote of 5-0-0. The entire board thanked Ms. Haley for her kindness and dedication to the Board over the past 6 years.

12. Staff Reports

a. Status of Appeals to Circuit Court

Mr. Coltrane was not in attendance to report on the item.

b. Status of LMO Amendments

Ms. Dixon noted she will be presenting the list of potential LMO Amendments to the Public Planning Committee on August 4, 2022, for their support in the prioritization of the list. We have it separated into several different tiers. We will move the first tier which we have called Tier 1A forward after we get the support from that meeting. In Tier 1A is the Amendment to include outdoor storage bicycles and the LC Zoning District. Ms. Dixon noted it is going to the Public Planning Committee first to make sure we have our prioritization correct in what their needs and goals are. It is not going to them for any action. It will then be put on the LMO Committee Agenda and then Planning Commission for Public Hearing. The Board noted that with all the Committees it must go before it will be several months. Ms. Dixon noted that staff didn't have it on hold or not take it forward for any reason. When we started bringing forth our first set two years ago, Covid happened, things got put on hold, we had higher priorities we were given to take forward, management shifted and changed, and we are dealing with circumstances out of our control. Chair Brison respectfully requested that this goes straight to the LMO Committee of the Planning Commission and bypass the Town Council's Public Planning Committee as it is high time, we did this. Chair Brison asked for a motion from the Board to direct the Chair to write a letter to the Mayor and the Town Manager to make that request on this specific issue. Mr. Kristian moved to approve. Ms. Bayless seconded. The motion passed with a vote of 5-0-0.

c. Waiver Report

Ms. Dixon noted that based on the Board’s concern over the last several years regarding the number of waivers that had been issued, it has been the direction of our upper management to no longer have staff grant waivers. We are no longer reviewing or taking them through any type of process. You will no longer receive a Waiver Report. The provisions in the non-conforming section in Chapter 7 do allow for substitution of non-conformities for redevelopment – those were not considered Waivers and we will continue to review those. I wanted to see if it was at the Board’s recommendation or request that you still receive a report at your meeting on those requests that we do review and approve or deny. Ms. Dixon advised staff is currently advising Applicants to come to the BZA for variances from those sections of the LMO where it currently says you need to get a Waiver. Mr. Kristian inquired how much increased activity will that place on the BZA’s agenda if staff is not making those judgment calls. Ms. Dixon advised it all depends on what types of application or requests we receive, and which ones comes to fruition with going for a Variance. Ms. Dixon stated included in the LMO Amendments in Tier 1A is the removal of all staff granted Waivers. Any section in the LMO that suggests that you can get a Waiver from staff will be stricken through. Ms. Dixon said it is of the opinion of upper management that Waivers are not legal. Rather it being at staff’s discretion to waive requirements in the LMO, it is more appropriate for it to come to the BZA as a Variance. This has not gone through the process yet but is on our list. Mr. Kristian said he does not want to be listening to things that could easily be determine by staff and if staff can make a decision in a lot less time than bringing it to the BZA it will set these people back and burden them. Dr. Ponder stated this is not the best possible course of action. Chair Brison echoed the concern expressed by two other Board members and questioned why the Town is deciding to not do this – until the LMO has been amended because in effect the Town is ignoring compliance with the LMO by not pursuing Waivers unless the Town has been given a legal opinion. The Chair entertained a motion to prepare a letter to the Town Manager and the Mayor and request that the LMO Section regarding Waivers proceed until there is an Amendment. Mr. Kristian moved to approve. Ms. Bayless seconded. The motion passed with a vote of 5-0-0.

13. Adjournment

With no other business before the Board, the meeting was adjourned at 4:35 p.m.

Submitted by: Karen Knox, 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
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STAFF REPORT VARIANCE

Case #:	Public Hearing Date:
VAR-001890-2022	Aug. 22, 2022

Parcel Data:	Applicant and Owner:
<p>Parcel#: R510 003 000 0048 0000 Address: 12 Georgianna Drive Parcel size: 1.57 acres Zoning: RM-4 (Low to Moderate Density Residential District) Overlay: Corridor Overlay District, Historic Neighborhoods Overlay District</p>	<p style="text-align: center;">Applicant: Kathleen Duncan of J.K. Tiller Associates, Inc 181 Bluffton Road, Ste. F203 Bluffton, SC 29910</p> <hr style="border: 0.5px solid black;"/> <p style="text-align: center;">Owner: Dr. Louise Miller Cohen 3 Farmers Club Road Hilton Head Island, SC 29926</p>

Application Summary:

Request for a variance from the Land Management Ordinance (LMO) Section 16-5-102.D, Adjacent Use Setbacks to allow a manufactured office building and two outhouse buildings to encroach within the adjacent use setbacks. The property is known as the Gullah Museum of Hilton Head.

Staff Recommendations:

1. Staff recommends the Board of Zoning Appeals find the request as it relates to the proposed manufactured office building to be inconsistent with the Town’s Our Plan and does not serve to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Board of Zoning Appeals ***deny this portion of the application.***

2. Staff recommends the Board of Zoning Appeals find the request as it relates to the proposed two outhouse buildings to be consistent with the Town’s Our Plan and does serve to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of

Law as determined by the LMO official and enclosed herein. Staff recommends that the Board of Zoning Appeals ***approve this portion of the application with the following conditions:***

- a. The applicant submit an application for, and receive approval through the Development Plan Review process.
- b. The applicant submit an application for, and receive approval from the Design Review Board prior to any development.
- c. The proposed outhouse buildings would only be developed at the locations shown on the survey (see Exhibit D).
- d. Any ramp and deck proposed to access the outhouse buildings would not encroach in the adjacent use setback.
- e. A landscape plan will be required for the buffer along the property line to screen the proposed outhouse buildings from view as part of the Development Plan Review application.

Background:

The subject property is located on the island's north end, is adjacent to the Chinaberry and Hanahan subdivisions, and is accessed from Gum Tree Road. (See Exhibit A.) The property is located in the Low to Moderate Density Residential (RM-4) Zoning District in the Squire Pope Historic Neighborhood and resides within the Corridor Overlay. The property is used for Community Services and is classified as "Public, Civic, Institutional and Educational Uses" per Section 16-10-103.B.2. The property is known as the Gullah Museum of Hilton Head. The owner, Dr. Ms. Louise Cohen, founded the Museum to provide context and understanding of Gullah culture and revive, restore and preserve the Hilton Head Island Gullah history.

The 1.57-acre property is currently developed with a storage unit, a shed, a trailer, a stage, a single-story house (the Little Blue House), two historic homes (the Gray House and the Red House), a fence, port-o-let, two manufactured homes, and a driveway. Per 16-5-102.D, a 30-foot setback is required for Community Services use adjacent to single family residential use. Multiple encroachments exist in the property's adjacent use setbacks and are listed below. See Exhibit B for current adjacent setback encroachments.

1. The Gray House and the Red House both encroach in the 30-foot adjacent use setback. The Gray House is located 2.4 feet away from the adjacent property line.
2. A storage unit is located 9.8 feet from the adjacent property line.
3. The Little Blue House is 16.5 feet from an adjacent property.
4. A port-o-let is located on the property and is connected to a sewer lateral. The port-o-let is 15 feet away (half the required distance) from an adjacent property line.
5. A manufactured home is located 7.3 feet, 10.8 feet, and 13.9 feet away from the adjacent property lines.
6. The second manufactured home is located 15.8 feet away from one adjacent property and 12.5 feet from another adjacent property. The manufactured home also encroaches into the adjacent street setback from Gum Tree Road.

The applicant proposes to place three additional structures that would encroach into the adjacent use setbacks: one manufactured office building (12'x32') and two outhouse buildings (7'x10'), approximate in size.

In early 2022, Town Staff had conversations with representatives from the Museum about further developing the property as there is a need to improve and expand on the current facilities to better accomplish their mission. An informal pre-application was held in March, with a formal pre-application following later in March.

Based on these conversations, the museum representatives indicated they would like to phase in site improvements as resources become available. The improvements proposed include the following:

Structure Additions/Changes

- a. Construct replica of the "Big Gullah House" for use as a visitor center/ gift shop
- b. Add 7'x10' outhouse with handicap ramp near "Small Gullah House"
- c. Remove existing manufactured home and add 16'x40' manufactured office space
- d. Remove rented storage container and replace with 10'x16' manufactured unit

Site Improvements

- a. Add wrought iron fence along front and sides of property line
- b. Add vehicular security gate at property entrance
- c. Add handicap accessible parking spots
- d. Improve driveway loop
- e. Add contemplation garden near Great Dane Trailer
- f. Provide walkway to all structures (except the existing Red and Grey house)
- g. Add pedestrian access near Great Dane Trailer to connect to Town of Hilton Head Pathway and Boys and Girls club
- h. Add picnic tables throughout the site

During the pre-application meeting, the Museum representatives were informed the proposed encroachments would require a variance from the BZA. Town Staff encouraged them to adjust the layout of the site to meet LMO requirements. The applicant explained they do not want to change the layout of their site as it was developed to be similar to the Gullah traditional family compound site, with a cultural space under a Live Oak tree for gathering and structures on the perimeter of the site. The applicant decided to pursue a variance.

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

Grounds for Variance:

According to the applicant, if the 30' setback requirement is enforced for the proposed office, the location of the structure would either limit access to make improvements to other buildings on the property, impact the trees on the property, prohibit the location of the future "Big House", or require the relocation/ shifting of Georgianna Drive.

With respect to the two proposed outhouse buildings, the applicant has stated the owner would incur additional and undue costs to extend the sewer to the interior of the property to reach 30' inward of the property boundary. Additionally, they need to provide an accessible ramp, that will further encroach on the usable space at the interior of the property that will need to be utilized for vehicular and pedestrian access and parking improvements.

Summary of Fact:

- The applicant seeks a variance as set forth in LMO Section 16-2-103.S.

Conclusion of Law:

- The applicant may seek a variance as set forth in LMO Section 16-2-103.S.

Summary of Facts and Conclusions of Law:

Summary of Facts:

- The Variance Application was submitted on Jul. 22, 2022 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 Jul. 28, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on Aug. 4, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on Aug. 4, 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 property is 1.57 acres in size.

- There is a specimen Live Oak in the middle of the property.
- A sewer lateral exists at the location of the proposed two outhouse buildings, which provides use for a port-o-let currently onsite.
- The existing port-o-let encroaches into the adjacent use setback 15 feet.
- The site is one of the few remaining Gullah Geechee properties in the community, which has been passed down through the family and has taken the family compound development pattern as a result.

Conclusion of Law:

- This application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.01 because there are extraordinary or exceptional conditions that apply to this 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 other properties in the vicinity on the Island that serve as a museum to relive and teach Gullah history.
- There are no other properties on the Island that have developed over time as a family compound with a large tree and central gathering space, with structures located on the perimeter of the site.

Conclusion of Law:

- This application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.02 because there are extraordinary and 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):

Findings of Fact:

- The site contains a specimen-sized Live Oak tree in the middle of the property.
- There is a boat and a stage currently under the Live Oak, see Exhibit D.
- Per Section 16-5-102.D, there is a 30 foot setback adjacent to residential use.
- There is an existing sewer lateral on the property and extending it 15 feet would cause hardship on the applicant.

- There are existing structures on site that currently encroach into the adjacent use setbacks and buffers.

Conclusions of Law:

- As it pertains to the proposed manufactured office building, this application does not meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.03 because the extraordinary and exceptional conditions that apply to the subject property do not prohibit or unreasonably restrict the utilization of the property. While there is a specimen tree on site, it does not prohibit the placement of the manufactured office building. It can be located elsewhere on site that is not within a setback.
- With respect to the proposed two outhouse buildings, this application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.03 because the extraordinary conditions do restrict the use of the property. The location of the proposed outhouse buildings are restricted to where the sewer service exists. To extend the sewer lateral would create a hardship on the applicant.

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 Fact:

- Section 16-5-102.B, “The purpose of the adjacent street and use setback standards in this section is to provide separation between structures and adjacent street rights-of-way and property lines. Such separation is intended to maintain and protect the Town’s Island character, ensure protection from street traffic, and facilitate adequate air circulation and light between structures and the street, and between structures in adjacent developments.”
- The site is adjacent to single family residential uses.
- The proposed manufactured office building would be located in close proximity to an adjacent single family dwelling.
- The proposed outhouse buildings would be located in an area of an existing port-o-let, which has not caused a detriment to the adjacent property or neighborhood thus far.

Conclusions of Law:

- The proposed manufactured office building does not meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.04 because the variance could cause substantial detriment to the adjacent property or the public good as it would be a new encroachment into the adjacent setback.
- The proposed outhouse buildings meet 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 public good.

LMO Official Determination:

Based on the above Findings of Facts and Conclusions of Law, the LMO Official determines that the request for a variance allowing the proposed manufactured office building should be denied, and that the proposed two outhouse buildings be approved as shown on the survey included in this variance application with the following conditions:

- a. The applicant submit an application for, and receive approval through the Development Plan Review process.
- b. The applicant submit an application for, and receive approval from the Design Review Board prior to any development.
- c. The proposed outhouse buildings would only be developed at the locations shown on the survey (see Exhibit D).
- d. Any ramp and deck proposed to access the outhouse buildings would not encroach in the adjacent use setback.
- e. A landscape plan will be required for the buffer along the property line to screen the proposed outhouse buildings from view as part of the Development Plan Review application.

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



Michael Connolly
Senior Planner

Aug. 9, 2022

DATE

REVIEWED BY:



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

Aug. 10, 2022

DATE

REVIEWED BY:



Shawn Colin, AICP,
*Assistant Town Manager – Community
Development*

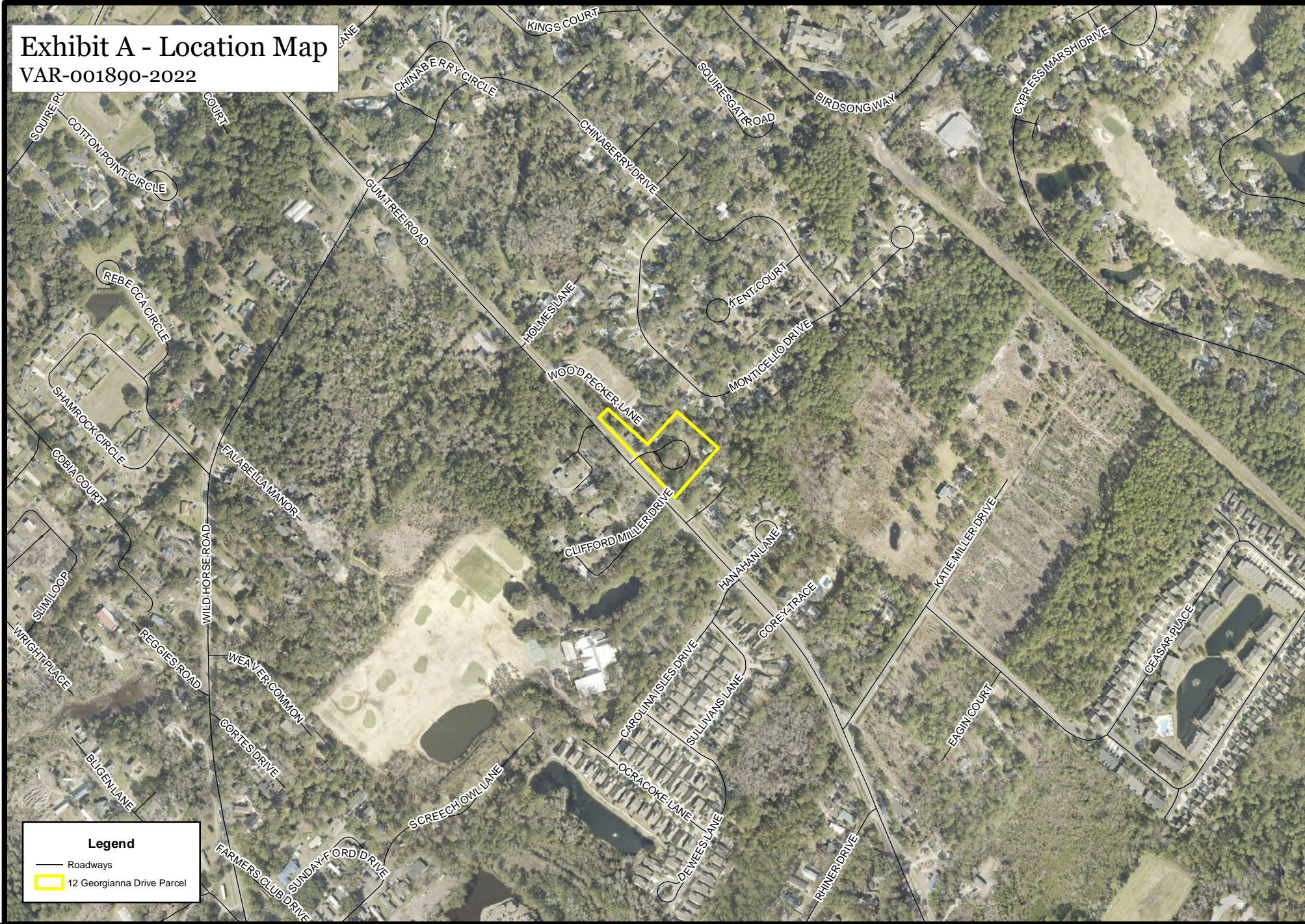
Aug. 12, 2022

DATE

ATTACHMENTS:

- A) Location Map
- B) Map of Encroachments
- C) Applicant's Narrative
- D) Proposed Site Plan
- E) Site Pictures

Exhibit A - Location Map
VAR-001890-2022



Legend

- Roadways
- ▭ 12 Georgianna Drive Parcel



Town of Hilton Head Island
Exhibit A: 12 Georgianna Drive



The information on this map has been compiled from a variety of sources and is intended to be used only as a guide. It is provided without any warranty or representation as to the accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for its accuracy or scale or completion or for any losses arising from the use of the map.



Exhibit B - Map of Encroachments

VAR-001890-2022



Legend

- Roadways
- 12 Georgianna Drive Parcel
- Property Buildings
- 30' Adjacent Setback

Town of Hilton Head Island

12 Georgianna Drive



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Exhibit C - Applicant's Narrative

VAR-001890-2022



VARIANCE APPLICATION NARRATIVE

7/22/2022

The Gullah Museum of Hilton Head Island, 12 Georgianna Drive, Hilton Head Island, SC29926, R510 003 000 0048 0000

1. INTRODUCTION

This Attachment is the Narrative that is part of the Application for Variance (this "AFV"), as per LMO Sec. 16-2-103.S., filed on behalf of Ms. Louise Miller Cohen, Founder of the Gullah Museum of Hilton Head Island, in connection with Phase 1 proposed structures to be located at her property at 12 Georgianna Drive, Hilton Head Island. The proposed structures, as located on Exhibit B, consist of:

- A. 2 outhouse buildings, approximately 7'x10', each with a shed roof and a raised deck and ramp.
- B. 1 manufactured building, approximately 12'x32',

Founded by Ms. Louise Miller Cohen in 2003, the Gullah Museum provides a location that has serves the community, providing context and understanding of Gullah culture's influence on Hilton Head Island. The museum seeks to revive, restore, and preserve the Hilton Head Island Gullah history. The 1.57-acre property offers a living testimony and picture of the way of life for the Gullah Geechee people. The property is host to daily tours as well as large events celebrating their culture and community.

2. THE PROPERTY

The site is located at 12 Georgianna Drive and is located near the Boys and Girls Club. Attached is a proposed phase 1 conceptual master plan for the 1.57-acre Gullah Museum Site. The site is zoned RM-4 and is used for community services. The survey (Exhibit A) shows that site has two manufactured homes, the Great Dane Trailer/Rena's House, Little Blue (also referred to as "Small Gullah House"), the Migrant houses (noted as the Gray House and the Red House on the survey), a storage unit, an approx. 10' wide dirt loop road called Georgiana Drive with unimproved parking areas, a small stage, and bateau boat exhibit. Additionally on the property, but not shown on the survey is one port-o-let unit behind Little Blue and a temporary tent used as the reception space to great guests (not shown on the survey,

The site developed in a manner similar to the Gullah Geechee traditional family compound site. There is a central space under a specimen live oak for gathering. The informal dirt drive wraps around the central gathering space providing access to structures located along the perimeter of the site.

The configuration of the site works well for showing their development pattern, but also works well for sequencing their tours. Additionally, the configuration is also quite functional as it pertains to their large events they have been hosting. One of their most recent events was host to over 1,000 guests. The central gathering space, informal drive, and structures along the perimeter allow for optimal use of the site.

The Gullah Museum has cast a vision for the property that includes improving the structural soundness of the Migrant Houses, rebuilding a replica of the Big Blue House that was formally located across the street, making pedestrian and vehicular access improvements throughout the site, and improving site security through fences and gates. Due to funding constraints, site improvements must be phased in over time.

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Currently, the greatest need for the Gullah Museum includes an improved office space and guest reception space. The docent meets with a handful of pre-scheduled guests under a temporary tent that sits in the central gathering space. The tent does not offer the proper conditioned space that is needed for this type of use. Additionally, guests are asked to use a Port-o-let (which is currently located approximately 15' from the property line near Little Blue). The Port-o-let is neither in keeping with the traditional development pattern, nor does it adequately serve the needs for the events that are held on property.

The Gullah Museum faces several challenges as they seek to make site improvements that best communicate their story to the community. First, they have limited funds by which to make site improvements, so implementation of their site improvements must be phased. In order to have access for necessary future improvements, they must keep certain areas open for staging materials and operating equipment. Additionally, they must keep a minimum distance of 10' from adjacent existing structures for fire protection. Additionally, there are several significant and specimen trees located on the property. With the LMO required 30' side setback, there is simply insufficient space to place these structures and future structures that won't impact trees, require relocating existing infrastructure, cut off access to future /renovation work, or significantly limit the use of the property.

Also affecting the site is water run-off. While town has plans to improve stormwater along Gum Tree Road, this site receives runoff from adjacent properties and the site is frequently wet. Due to the frequency of this occurrence, the Owner would prefer to raise the structures to limit the impact of the intermittent inundation of stormwater.

3. THE LAND MANAGEMENT ORDINANCE

The Town of Hilton Head adopted the LMO by ordinance approved on October 7, 2014 and most recently amended March 16, 2021. Among other things, the LMO provides for certain adjacent setbacks where a use will be community services and the adjacent use is single-family dwelling, as here. As per Table 16-5-102.D of the LMO, there is a 30' setback requirement. If that 30' setback requirement is enforced, it will cost the owner significant funds to relocate infrastructure and it will limit the use of the site.

For the proposed outhouses, the owner would incur additional and undue costs to extend the sewer to the interior of the property to reach 30' inward of the property boundary. Additionally, because they need to provide an accessible ramp, that will further encroach on the usable space at the interior of the property that will need to be utilized for vehicular and pedestrian access and parking improvements.

If the 30' setback requirement is enforced for the proposed office; the location of the structure would either limit access to make improvement to other buildings on the property, impact the trees on the property, prohibit the location of the future "Big House", require the relocation/ shifting of Georgianna Drive.

The LMO Appendix D.19, establishes the procedure for an application for a variance permit. The application has been filed on July 22, 2022, pursuant to Section LMO Section 16-2-103.S.

The Application has been filed on the proper form (Section 16-2-102.C.2) and the appropriate fee has been tendered. The applicant therefor requests the Town of Hilton Head planning staff review the Application and forward the same to the BZA for public hearing and consideration by the BZA at this August 2022 meeting.

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4. THE VARIANCE REQUEST

The Applicant requests the BZA grant a Variance Permit pursuant to the LMO for the specific relief as follows: The Applicant requests a variance 10' from the 30' adjacent use setback to allow the following structures to be placed 20' from the adjacent property line:

- a. (2) 7' x 10' Outhouses with handicap ramp near "Little Blue"
- b. (1) Office building (12'x32') in a manufactured unit

As is noted above, without the Variance, The Gullah Museum will incur additional undue costs to extend sewer to the interior of the property, limit the ability to make future improvements, risk damaging the trees, and potentially require significant and costly infrastructure changes that would alter the character of the site.

The staff and BZA shall be guided in their consideration of this Application by the Variance Permit Review Standards set forth in the LMO Section 16-2-103.S.4.a. Thereunder, the Application shall be approved on a finding the Applicant demonstrates all of the following standards are met.

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- b. These conditions do not generally apply to other properties in the vicinity;
- c. Because of these conditions, the application of the Town of Hilton Head Land Management Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. The authorization of the Variance will not be of substantial detriment to the 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.

Responding to each of the standards, the Application shows:

- a. This site is one of the few remaining vestiges of the Gullah Geechee community. It has been passed down through the family and has taken this development pattern as a result. This site is intended to show how the people lived. It is intended to show the family compound development type through the architecture and the placement of the structures.
Due to the unusual configuration of the property, portions of the 1.57 acres are unusable for locating structures due to the significant setbacks.
The existing specimen and significant trees impact significant areas of the property.
- b. In 2021, the Town recognized the need to allow the family compound development type for the Gullah Geechee community. This development is an invitation to the community to meet and learn about the Gullah Geechee community here on Hilton Head. This is not like any other civic use on Hilton Head. It is a stand alone and unique asset to the island.
- c. As mentioned previously, pushing the new structures to the interior of the property would not only be out of character, but it would limit access to make the necessary improvements to the property. The access road needs to be widened. An accessible pathway system needs to circulate to the structures. The Migrant Houses need to be rehabilitated and there needs to be an area to set materials and move equipment. The client would like to rebuild the Big House that was across the street to this property to further tell the story. Moving these structures to the interior of the property would limit the ability to provide vendor spaces, kid zone and adequate gathering space for large events.

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- d. Because the port-o-let is located approximately 15' from the property line, the Owner is proposing an improvement to the property. The proposed Outhouses will be safer and be more in keeping with the character of the museum and Hilton Head Island and be more aesthetically pleasing to the neighbor. The proposed office is a small one-story unit. It will not be visible from Gum Tree Road, the adjacent neighbor has a wooden privacy fence that blocks the view of the proposed location for the office.

5. THE AUTHORITY AND POWER OF THE Board of Zoning Appeals (BZA)

Section 16-2-103.S.3.d of the LMO grant the BZA the power and duty to hold public hearings concerning, and then hear and decide, Applications for Variance Permits. Following a public hearing properly noticed, the BZA shall consider and vote to approve, approve with conditions, or disapprove, an Application for Variance Permit

6. CONCLUSION

The Application has demonstrated through the Application for Variance, attached Narrative and or oral argument, that it would be appropriate for the BZA to issue the requested 10' adjacent use setback variance to allow for the proposed minimal structures to be located 20' from the property line, as necessary for the continued use of The Gullah Museum site.

The Applicant reserves the right to submit additional materials, documents, and information to the BZA in connection with this application.

Respectfully submitted on behalf of the Owner on July 22, 2022

Kathleen Duncan, PLA
J.K. Tiller Associates, Inc.



EXISTING CONDITIONS
Entrance



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Existing Structure – Manufactured Home to remain



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COMPREHENSIVE LAND PLANNING ■ LANDSCAPE ARCHITECTURE



Existing Structure – Little Blue House



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COMPREHENSIVE LAND PLANNING ■ LANDSCAPE ARCHITECTURE



Existing Structure – Migrant Houses



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Existing Structure – Manufactured Home to be removed



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Existing Structure – Shed



Asphaltic Road



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COMPREHENSIVE LAND PLANNING ■ LANDSCAPE ARCHITECTURE



Asphaltic Road



Dirt and Grass Drive Loop and Parking



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COMPREHENSIVE LAND PLANNING ■ LANDSCAPE ARCHITECTURE



Dirt and Grass Drive Loop



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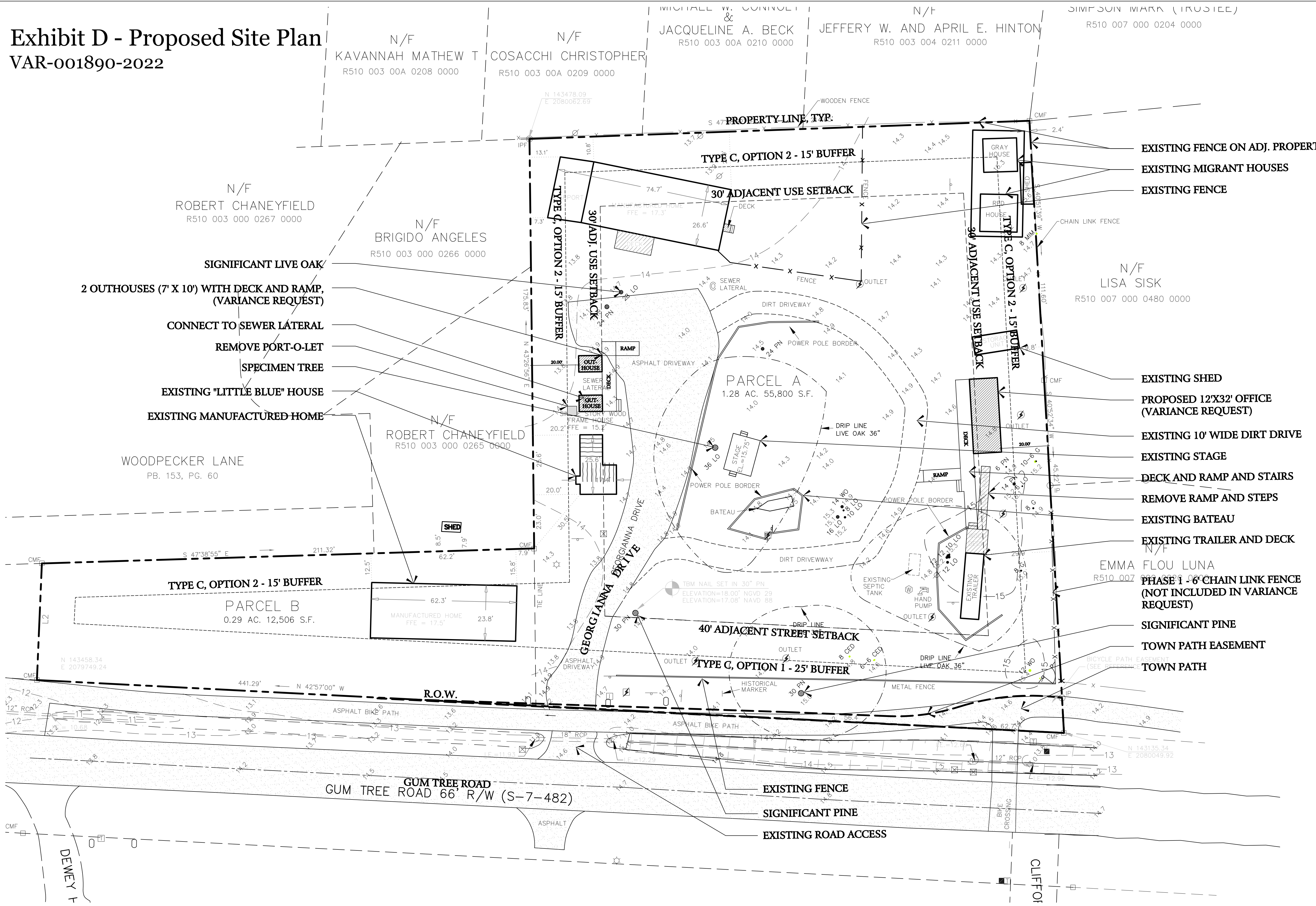
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COMPREHENSIVE LAND PLANNING ■ LANDSCAPE ARCHITECTURE

Exhibit D - Proposed Site Plan
VAR-001890-2022



PHASE 1

1. LOCATE 12'X32' MANUFACTURED UNIT *
 2. REMOVE PORT-O-LET
 3. PLACE (2) OUTHOUSES (7'X10') *
 4. CHAIN LINK SECURITY FENCE 1' OFF EASTERN PROPERTY BOUNDARY
- NOTE:
 * VARIANCE REQUEST

FUTURE PHASES

1. MIGRANT HOUSES RENOVATION
2. BIG GULLAH HOUSE RECONSTRUCTION
3. DRIVEWAY AND PARKING IMPROVEMENTS
4. OYSTER SHELL PATHWAYS
5. SECURITY GATE
6. FENCE ALONG WESTERN PROPERTY BOUNDARY

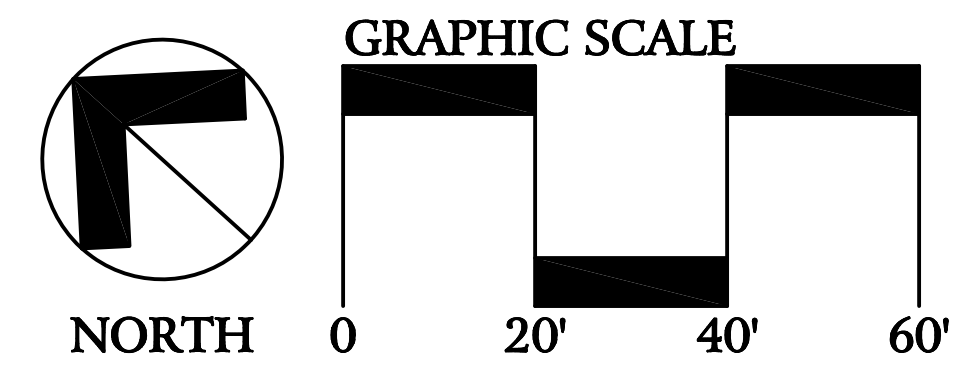
DEVELOPMENT SUMMARY

ZONING DISTRICT:	RM-4
OVERLAY DISTRICT:	COR
USE OF PROPERTY:	COMMUNITY SERVICES
GROSS SITE ACRES:	1.57 AC.

PREPARED FOR:
 LOUISE COHEN

PREPARED BY:
J. K. TILLER ASSOCIATES, INC.
 LAND PLANNING LANDSCAPE ARCHITECTURE
 TEN PINCKNEY COLONY ROAD SUITE 101 BLUFFTON, SC 29909
 Voice 843.815.4800 Fax 843.815.4802

THE GULLAH MUSEUM OF HILTON HEAD ISLAND
CONCEPTUAL PLAN
 HILTON HEAD ISLAND, SOUTH CAROLINA
 JULY 22, 2022



THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION.

Attachment E – Site Pictures

VAR-001890-2022

Date taken: Aug. 7, 2022











**TOWN OF HILTON HEAD ISLAND
COMMUNITY DEVELOPMENT DEPARTMENT**

One Town Center Court	Hilton Head Island, SC 29928	843-341-4757	FAX 843-842-8908
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**STAFF REPORT
VARIANCE**

Case #:	Public Hearing Date:
VAR-002173-2022	Sept. 26, 2022

Parcel Data:	Applicant and Owners:
Parcel#: R510 012 000 0487 0000 Address: 9 Mossy Oaks Lane Parcel size: 0.17 acres Zoning: PD-1 Overlay: Corridor Overlay District (COR)	<p align="center">Applicant: Jay Nelson of May River Custom Homes 6 Shults Road, Unit D Bluffton, SC 29910</p> <p align="center">Owners: Craig R. Lamb and Dawn F. Lamb 2654 Kinsley Ave NW Concord, NC 28077</p>

Application Summary:

Request from Jay Nelson of May River Custom Homes, on behalf of Dawn and Craig Lamb, for a variance from LMO Section 16-5-102.C, Adjacent Street Setback, to allow a proposed porch and stairs to encroach within the setback. The property is located at 9 Mossy Oaks Lane, with a parcel number of R510 012 000 0487 0000.

Staff Recommendations:

Staff recommends the Board of Zoning Appeals find this application to be inconsistent with the Town’s Our Plan and does not serve to carry out the purposes of the Town’s Land Management Ordinance (LMO), based on those Findings of Fact and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Board of Zoning Appeals deny this application.

Background:

The subject parcel is located mid-island in the Crosswinds subdivision community at 9 Mossy Oaks Lane. It is adjacent to two residential properties and Mossy Oaks Lane. (See Exhibit A.) The

parcel is located in a Planned Development Mixed-Use District (PD-1) Zoning District and resides within the Corridor Overlay.

The 0.17-acre parcel is undeveloped. The owners have hired the applicant, Jay Nelson of May River Custom Homes, to design a Single-Family home to be built on the lot. The applicant submitted a Building Permit application (BLDR-003025-2022) to the Town on July 13, 2022. After reviewing the proposed site plan, Town Staff informed the applicant that the proposal did not meet the LMO requirements. The proposed site plan showed encroachments into the Adjacent Street Setback.

Per LMO Section 16-5-102.C, a 20-foot setback is required from adjacent streets for Single-Family uses. The LMO provides provisions for allowable encroachments in Table 16-5-102.E; uncovered porches, stoops, decks, patios or terraces may encroach up to 5 feet. The applicant proposes to develop stairs and a covered porch beyond the permissible encroachments defined in the table. The applicant has decided to seek a variance from LMO Section 16-5-102.C, Adjacent Street Setback, to allow a proposed porch and stairs to encroach within the setback.

In the variance application package, the property owners, Craig and Dawn Lamb reference an approved variance request from 2014, VAR140001. (See Exhibit B.) The applicant's narrative reads, "The purchase of this property included a full set of approved plans (approved by both the Crosswinds ARB and the Town of Hilton Head)."

A similar, but not the same, variance was requested by the previous landowners, Frank and Cheri Sloan of 12 Harbour Passage Patio, Hilton Head Island, SC 29926, in April 2014. (See Exhibit E.) They sought relief from Adjacent Use Setbacks (not Adjacent Street Setback as the current applicant) on the south and northeast side of the parcel.

The request for the variance was granted by the Town's Board of Zoning Appeals and the Notice of Action was signed and provided. The Notice of Action issued 2014 has since expired. The current applicant is seeking relief from a different section of the LMO.

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

Grounds for Variance:

The applicant is applying for a variance from LMO Section 16-5-102.C, Adjacent Street Setback, to allow a proposed porch and stairs to encroach within the setback. The applicant states in their narrative that the variance is needed due to the radius of the Adjacent Street Setback, which prohibits the placement of a structure on the lot. After working diligently with the parcel owners and the architect to propose a design that would be cohesive with the existing community and work within the given setbacks, the applicant is seeking relief from the LMO.

Summary of Fact:

- The applicant seeks a variance as set forth in LMO Section 16-2-103.S.

Conclusion of Law:

- The applicant may seek a variance as set forth in LMO Section 16-2-103.S.

Summary of Facts and Conclusions of Law:

Summary of Facts:

- The Variance Application was submitted on Aug. 26, 2022 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 Sept. 4, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on Sept. 1, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on Sept. 9, 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:

- There is a 15-foot setback from the property line adjacent to another lot on the south side of the parcel. (See Exhibit D.)
- There is a 15-foot setback from the property line adjacent to another lot on the northeast side of the parcel. (See Exhibit D.)
- LMO Section 16-5-102.D.5 currently requires a five-foot setback from another lot within the same subdivision.
- LMO Sections 16-5-704.B and 16-5-806.B currently requires a 20-foot setback and buffer along all non-arterial streets. The plat was recorded with only a 10-foot street setback for this section of Mossy Oaks Lane.
- It is unknown why the Crosswinds subdivision was designed with larger than required setbacks along internal property lines and less than required adjacent street setbacks for many of the lots.

Conclusion of Law:

This application meets the criteria as set forth in LMO Section 16-2-103.S.4.a.i.01 because there are extraordinary or exceptional conditions that pertain to this lot.

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 adjacent parcels along this section of Mossy Oaks Lane that also have a 15-foot setback from the rear property line on the northeast side of the parcel. (See Exhibit D.)
- There are several adjacent parcels along this section of Mossy Oaks Lane that only have a seven-foot setback from the property line adjacent to another lot to the north or south.

Conclusions of Law:

- This application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.02 because there are extraordinary and exceptional conditions that apply to the subject property that do not also generally apply to other properties in the vicinity.
- The majority of the lots in the subdivision do not have a 15-foot setback on both sides of the property.

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):

Findings of Fact:

- Since the Adjacent Use Setbacks on the subdivision plat are larger than the setbacks required by the LMO, any restriction of the utilization of the property the applicant claims are the result of the subdivision plat, not the standards of the LMO.
- The applicant provided a plan showing the stairs and porch encroaching into the required Adjacent Street Setback.
- The applicant does not demonstrate why a home cannot be designed to meet all of the required setbacks.

Conclusions of Law:

- This application does not meet the criteria set forth in LMO Section 16-2-103.S.4.a.i.03 because the extraordinary conditions that pertain to the property do not restrict the utilization of the property.

- Even though the subject parcel has greater setback requirements than some adjacent parcels, the applicant has not demonstrated why a home cannot be designed so that it doesn't encroach into the setbacks.

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 Fact:

- Staff did not identify any substantial detriment to the adjacent property caused by granting the variance for the stairs and porch encroachment.
- The Crosswinds Architectural Review Board has granted a variance for the front corner of the porch. (Included in Exhibit B.)

Conclusion of Law:

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

LMO Official Determination:

Staff recommends the Board of Zoning Appeals find this application to be inconsistent 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. Staff recommends that the Board of Zoning Appeals deny this application because all four of the required criteria are not met.

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."

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PREPARED BY



Michael Connolly
Senior Planner

Sept. 12, 2022

DATE

REVIEWED BY:



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

Sept. 13, 2022

DATE

REVIEWED BY:



Shawn Colin, AICP,
Assistant Town Manager – Community Development

9/15/2022

DATE

ATTACHMENTS:

- A) Location Map
- B) Applicant's Narrative
- C) Proposed Site Plan
- D) Recorded Plat
- E) Previous Variance

Legend


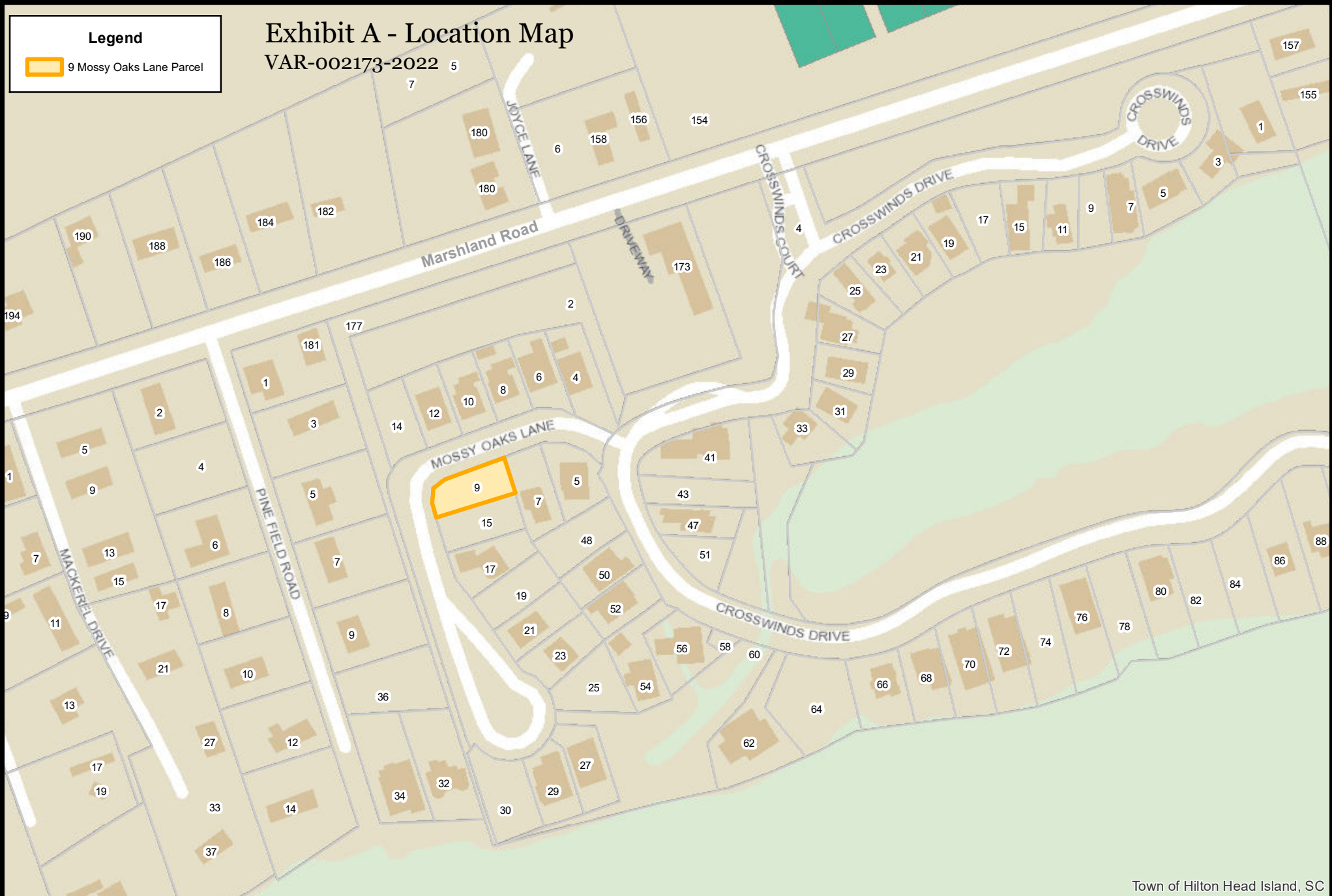
 9 Mossy Oaks Lane Parcel

Exhibit A - Location Map

VAR-002173-2022 5



Town of Hilton Head Island, SC

Town of Hilton Head Island 9 Mossy Oaks Lane



3,700 1,850 0 3,700 7,400 11,100 Feet



1 inch = 7,461 feet

Exhibit B - Applicant's Narrative

VAR-002173-2022

Dawn and Craig Lamb
2654 Kinsley Avenue NW
Concord, NC 28027
980.781.7385
dawnlamb2942@gmail.com

Town of Hilton Head
Community Development Department
One Town Center Court
Hilton Head Island, SC 29928

To Whom it May Concern,

The purchase of this property included a full set of approved plans (approved by both the Crosswinds ARB and the Town of Hilton Head). Those previous plans did not fulfil our interpretation of a "Charleston Low country style home which led us to the house plan we have currently designed.

The previously approved plan did include reducing the setback along the East and South property lines by five feet. The new home design respects the full 15 foot setback on the East and South property lines.

The current plan moved the house 5 feet North and 5 feet West. Locating the house in this manner leaves a very small triangle of the westernmost corner of the porch beyond the setback line (approximately ten square feet total), but still approximately 14 feet from the back of the curb at its furthest extension. This plan allows us to site the house as designed and has no impact on abutting properties.

We believe this is a workable solution that respects the integrity of the neighborhood's theme, presents a beautiful façade throughout the turn on Mossy Oaks Drive, and preserves the lot line separation with abutting properties.

Thank you,

A handwritten signature in black ink, appearing to read "Dawn & Craig Lamb", written in a cursive style.

Dawn and Craig Lamb

MAY RIVER

C U S T O M H O M E S

To: Hilton Head Island Zoning Board of Appeals

From: Jay Nelson, May River Custom Homes
6 Shults Road, Suite D
Bluffton, SC 29910

RE: Variance Request for 9 Mossy Oaks Lane Crosswinds Subdivision.

Variance Criteria:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.

RESPONSE: The existing property is only 0.167 acres. It is a corner lot in Crosswinds subdivision. The entire front of the lot is a radius that follows the street therefore creates a setback that follows the same radius of the street which greatly prohibits the placement of the structure on the lot.

2. These conditions do not generally apply to other properties in the vicinity;

RESPONSE: Again, a corner lot that is not square with a vast radius setback that effect the corner of the proposed structure. Which is a porch corner and front steps.

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; and

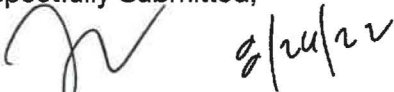
RESPONSE: Due to the small size of the lot and the radius this greatly diminishes the flexibility of the design that can be proposed on the lot. Myself, my clients, and the architect have worked diligently to propose a design that will be cohesive with the existing community and work within the given setbacks. We have attached the garage to the structure in a community where breezeways and detached garage are the norm.

4. The authorization of the Variance will not be of substantial detriment to the 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.

RESPONSE: Since the requested variance is facing the street there is no effect on the neighboring properties and there is no residence across the street or a sidewalk to content with. There is only a small portion of the front porch and steps that encroaches into the setback.

Thank you for your time and consideration. Please let me know if you have any questions or need anything else.

Respectfully Submitted,


Jay Nelson,
May River Custom Homes

CROSSWINDS COMMUNITY

August 25, 2022

A variance has been granted for the front corner of the porch for 9 Mossy Oaks Lane in the Crosswinds Community as is shown in the final approved plans dated 8/22/22.

Barbara Grimes
Chairperson
Crosswinds ARB

Exhibit C - Proposed Site Plan
VAR-002173-2022



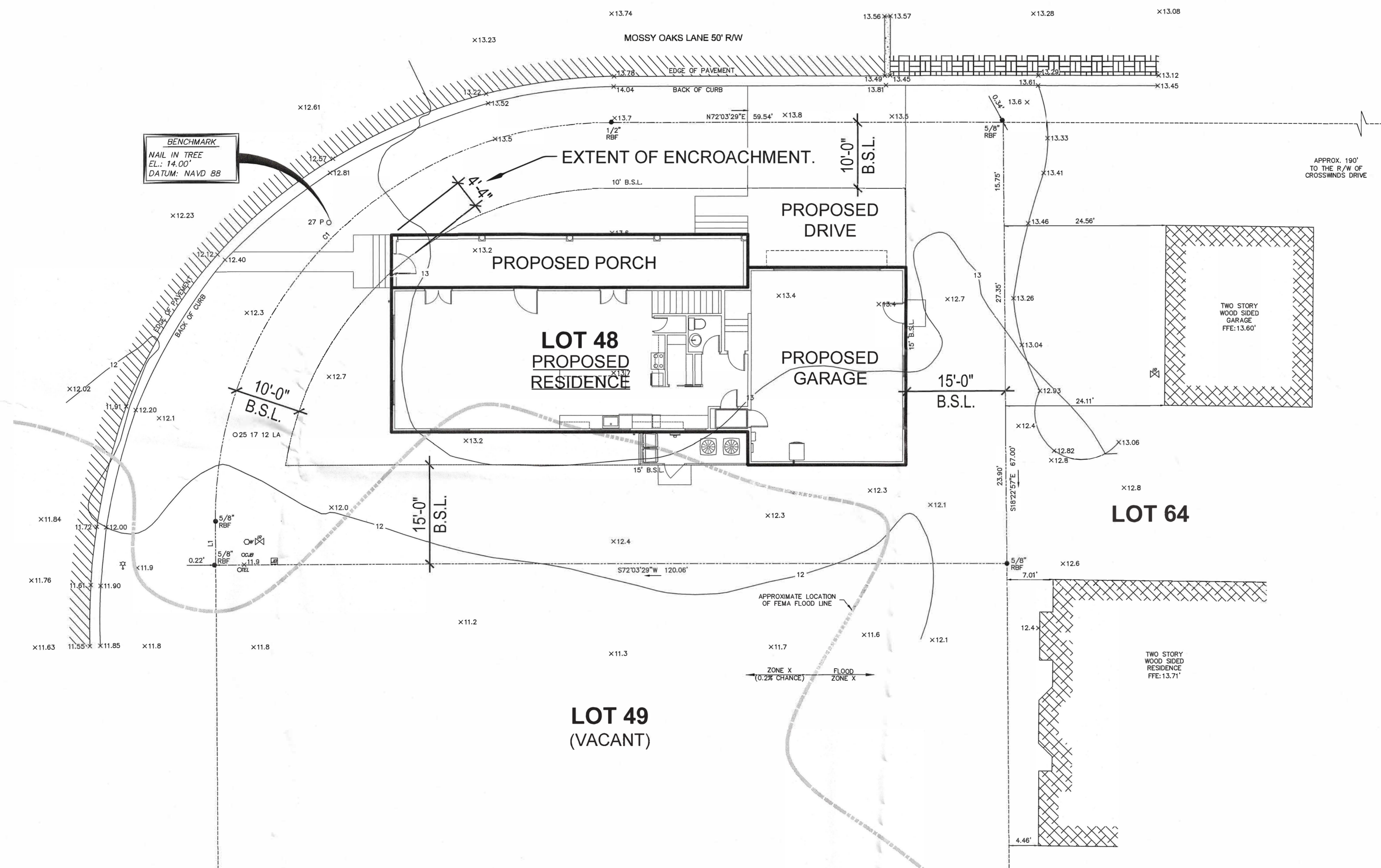
**MYLES
NELSON
MCKENZIE
DESIGN**

Telephone: 949-683-6895
843-505-1031
Email: info@mylesmckenzie.com
Web: www.mylesmckenzie.com

These drawings, documents and specifications are an instrument of service, copyright and the property of MYLES NELSON MCKENZIE DESIGN and shall not be used or reproduced in any part or whole, except by written agreement with the Architect or Designer of MYLES NELSON MCKENZIE DESIGN. Their use for publication shall be restricted to the original project in which they are designed for.

Written dimensions shall be verified on the job site. Any discrepancy shall be brought to notice of the Architect or Designer of MYLES NELSON MCKENZIE DESIGN prior to the commencement of any construction.

These plans have been reviewed and approved by:



SITE PLAN

SCALE : 1" = 20'



PROJECT INFORMATION:

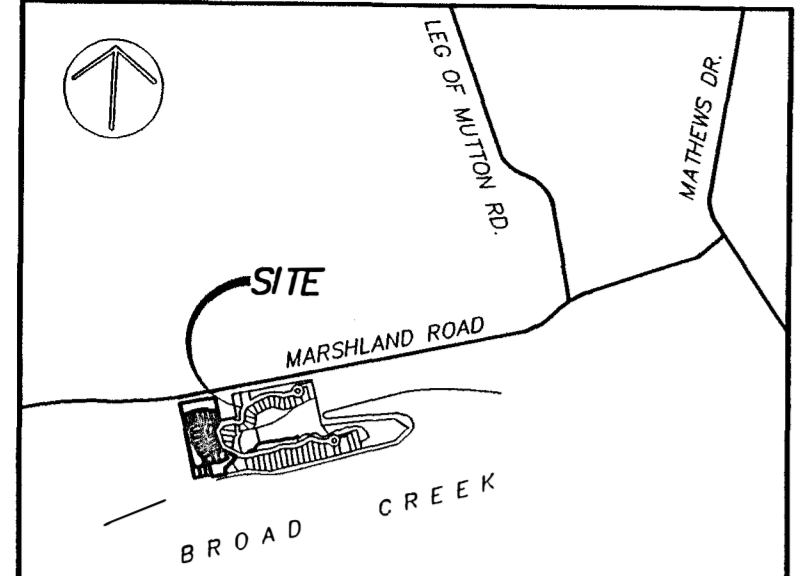
PROJECT SCOPE:

A new custom home located in the community of Crosswinds on Hilton Head Island.

PROJECT OWNER:

Mr. & Mrs Lamb
9 Mossy Oaks Lane, Crosswinds Community
Hilton Head, SC 29926

3893 FILED
JOHN A. SULLIVAN, JR.
BEAUFORT COUNTY, S.C.
00 JUN 22 PM 1:00
BK 75 PG 14
FOLDER #



VICINITY MAP NOT TO SCALE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	CH. BRG.	DELTA
C1	100.00'	61.81'	31.93'	60.83'	N 68°56'30" W	35°24'46"
C2	100.00'	6.17'	3.09'	6.17'	N 88°24'59" W	03°32'10"
C3	60.00'	94.71'	60.46'	85.18'	S 44°35'43" W	90°26'26"
C4	65.00'	47.03'	24.60'	46.01'	N 35°56'17" W	41°27'14"
C5	65.00'	28.77'	14.62'	28.53'	N 23°50'07" W	25°21'21"
C6	65.00'	20.08'	10.12'	20.00'	N 18°59'42" E	17°42'01"
C7	65.00'	22.55'	11.39'	22.43'	N 37°46'54" E	19°52'23"
C8	65.00'	49.98'	26.30'	48.75'	N 69°44'38" E	44°03'06"
C9	65.00'	74.84'	42.19'	70.78'	S 55°14'38" E	65°58'21"
C10	65.00'	24.54'	12.42'	24.40'	S 11°26'29" E	21°37'58"
C11	100.00'	15.64'	7.84'	15.62'	S 35°20'07" W	08°57'40"
C12	100.00'	36.63'	18.47'	36.33'	S 18°48'59" W	20°55'50"
C13	100.00'	71.51'	37.36'	70.00'	S 49°45'10" W	40°58'19"
C14	100.00'	34.17'	17.25'	34.00'	S 80°13'38" W	19°34'37"
C15	150.00'	12.97'	6.49'	12.97'	N 87°42'24" W	04°57'20"
C16	150.00'	58.17'	29.45'	57.80'	N 74°7'11" W	22°13'06"
C17	150.00'	30.83'	15.47'	30.77'	N 57°7'22" W	11°46'39"
C18	25.00'	114.01'	29.12'	37.94'	N 48°43'1" E	26°17'43"

LINE	LENGTH	BEARING
L1	35.00'	N39°48'44"E
L2	35.00'	N50°11'16"W
L3	16.67'	N42°39'12"E
L4	2.45'	N63°56'40"W
L5	23.26'	N19°26'23"W
L6	4.30'	S36°26'20"E
L7	15.53'	S36°26'20"E
L8	50.00'	S36°26'20"E
L9	5.00'	S36°26'20"E
L10	50.00'	S36°26'20"E
L11	5.00'	S36°26'20"E
L12	50.00'	S36°26'20"E
L13	1.77'	N18°53'08"W
L14	27.39'	S32°50'55"W
L15	12.48'	S08°37'43"E
L16	21.61'	S88°58'12"E
L17	48.50'	N41°25'54"E
L18	44.23'	S49°17'11"W
L19	58.71'	S19°29'07"E
L20	61.13'	S73°53'30"W
L21	59.09'	N79°35'20"W
L22	35.14'	S88°14'13"E
L23	57.01'	S66°08'43"W
L24	58.45'	S54°28'43"W
L25	12.88'	N81°51'24"E
L26	78.11'	N41°28'38"E

ACREAGE SUMMARY

PARCEL	ACRES
LOTS (42-64)	3.67
ROAD R/W	1.13
COMMON RECREATIONAL OPEN SPACE	0.95
COMMON OPEN SPACE	0.51
LAGOON AREA	0.48
LIFT STATION	0.03
TOTAL	6.77

This Plan, Map, or Project is prepared from the requirements of the Town of Hilton Head Island, SC Land Management Ordinance according to Section:

16.1.106A 16.1.106D
16.1.106B 16.1.106E

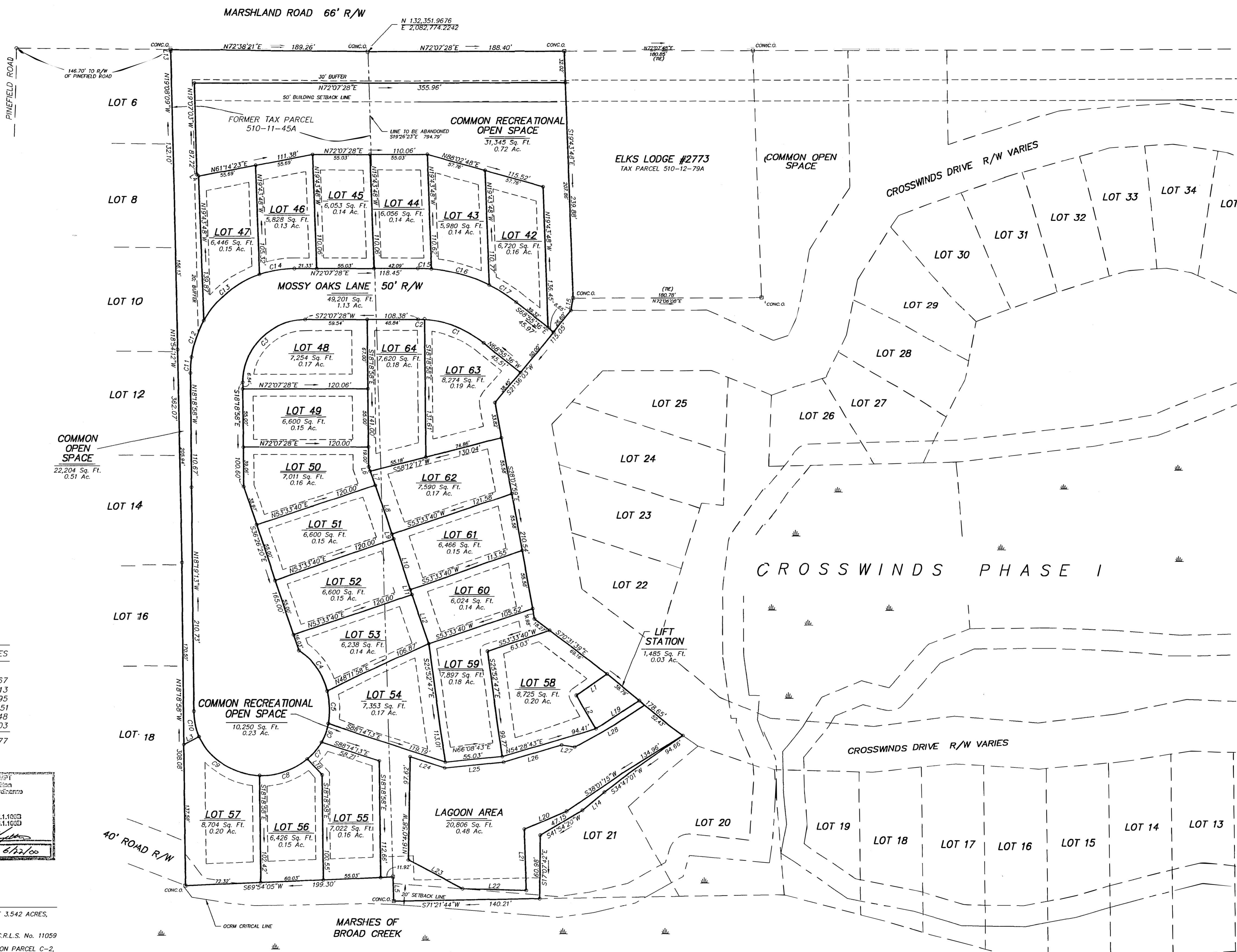
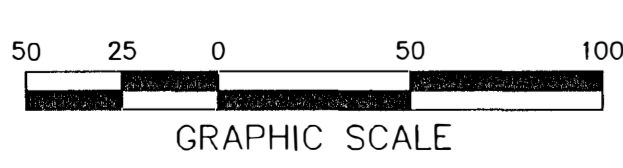
Created by: *[Signature]*
Date: 6/22/00

REFERENCE PLAT

- "BOUNDARY SURVEY OF 3.542 ACRES, MARSHLAND ROAD"
DATE: 7/19/93
BY: T.G. HATCHELL, S.C.R.L.S. No. 11059
- "CROSSWINDS SUBDIVISION PARCEL C-2, MARSHLAND ROAD"
DATE: 9/25/97, LAST REVISED: 12/10/97
BY: M.M. CRAWFORD, S.C.R.L.S. No. 9756

LEGEND

- CONC. O. CONCRETE MONUMENT, OLD (FOUND)
- PROPERTY LINE TO BE ABANDONED



- NOTES
- THIS PARCEL LIES IN FLOOD ZONE A-7, (MIN. EL.: 14.0') PER FIRM PANEL No. 8-D, COMMUNITY No. 450250, DATED 9/29/86.
 - THIS SURVEY CONSTITUTES THE SUBDIVISION OF TAX PARCEL No. 510-11-45A; AND A PORTION OF TAX PARCEL 510-12-253.
 - ALL CORNERS SET ARE 3/4" IRON PINS (REBAR).
 - BUILDING SETBACKS LINES ARE 7' SIDE, 10' REAR, 15' FRONT
 - REFERENCE IS MADE TO THE ATTACHED NEIGHBORHOOD DRAINAGE PLAN TO BE RECORDED WITH THIS PLAT.

THE AREA SHOWN HEREON IS A GENERAL REPRESENTATION OF DHEC-ODRM PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS, BY THEIR NATURE, ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY GENERALLY DELINEATING THE PERMIT AUTHORITY OF THE DHEC-ODRM, THE OFFICE OF OCRM IN NO WAY WAIVES THE RIGHT TO ASSERT PERMIT JURISDICTION IN ANY CRITICAL AREA OF THE SUBJECT PROPERTY WHETHER SHOWN OR NOT.

Michael Hudson 12/15/98
SIGNATURE DATE

The critical lines shown on this plat is valid for three years from the date of this signature, subject to the cautionary language above.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

MATTHEW W. CRAWFORD
S.C.R.L.S. No. 9756
NOT VALID UNLESS COMBINED WITH SEAL

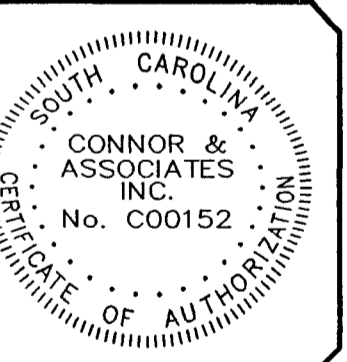
CONNOR AND ASSOCIATES, INC.
engineers & planners • surveyors

P.O. BOX 381
BLUFFTON, SOUTH CAROLINA 29910
PH: 843-837-5220 / FAX: 843-837-2558

A SUBDIVISION PLAT OF
CROSSWINDS PHASE II
6.77 ACRES
MARSHLAND ROAD

HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

RECORDED IN:
PLAT BK. _____
PAGE _____
DATE _____



REVISIONS:

FIELD CHECK: _____ DME
OFFICE CHECK: _____ PNA
DRAWN BY: _____ LAM

DATE: 3/3/99
SCALE: 1"=50'

PROJECT No.: BAC-001

FILE: bac01pl2.dwg

SHEET
1
OF
1

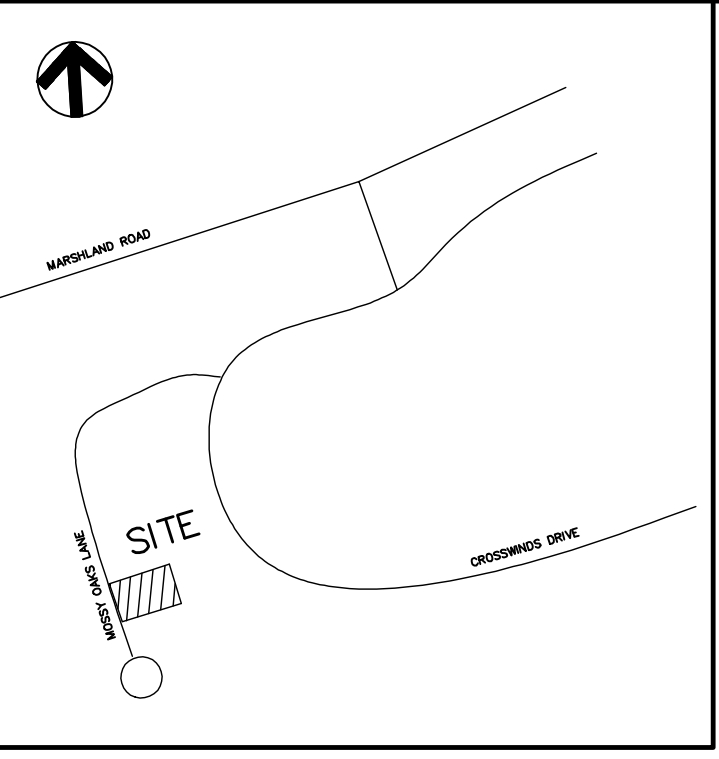


TOWN OF HILTON HEAD ISLAND

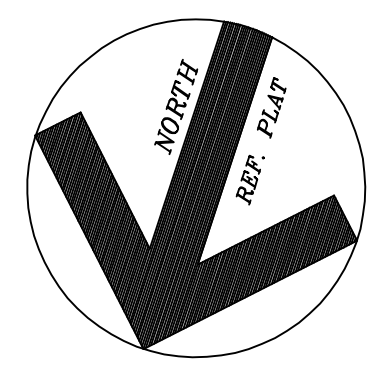
Community Development Department

TO: Board of Zoning Appeals
VIA: Nicole Dixon, AICP, *Senior Planner & Board Coordinator*
FROM: Anne Cyran, AICP, *Senior Planner*
DATE: May 5, 2014
SUBJECT: VAR140001 9 Mossy Oaks Lane – Revised Site Plan

During the April 28, 2014 meeting, the Board of Zoning Appeals postponed making a determination about this application and requested that the applicant provide a revised site plan showing the footprint of the house moved out of the adjacent use setbacks and toward Mossy Oaks Lane. The applicant has submitted the attached site plan for the Board's review.



VICINITY MAP
NOT TO SCALE

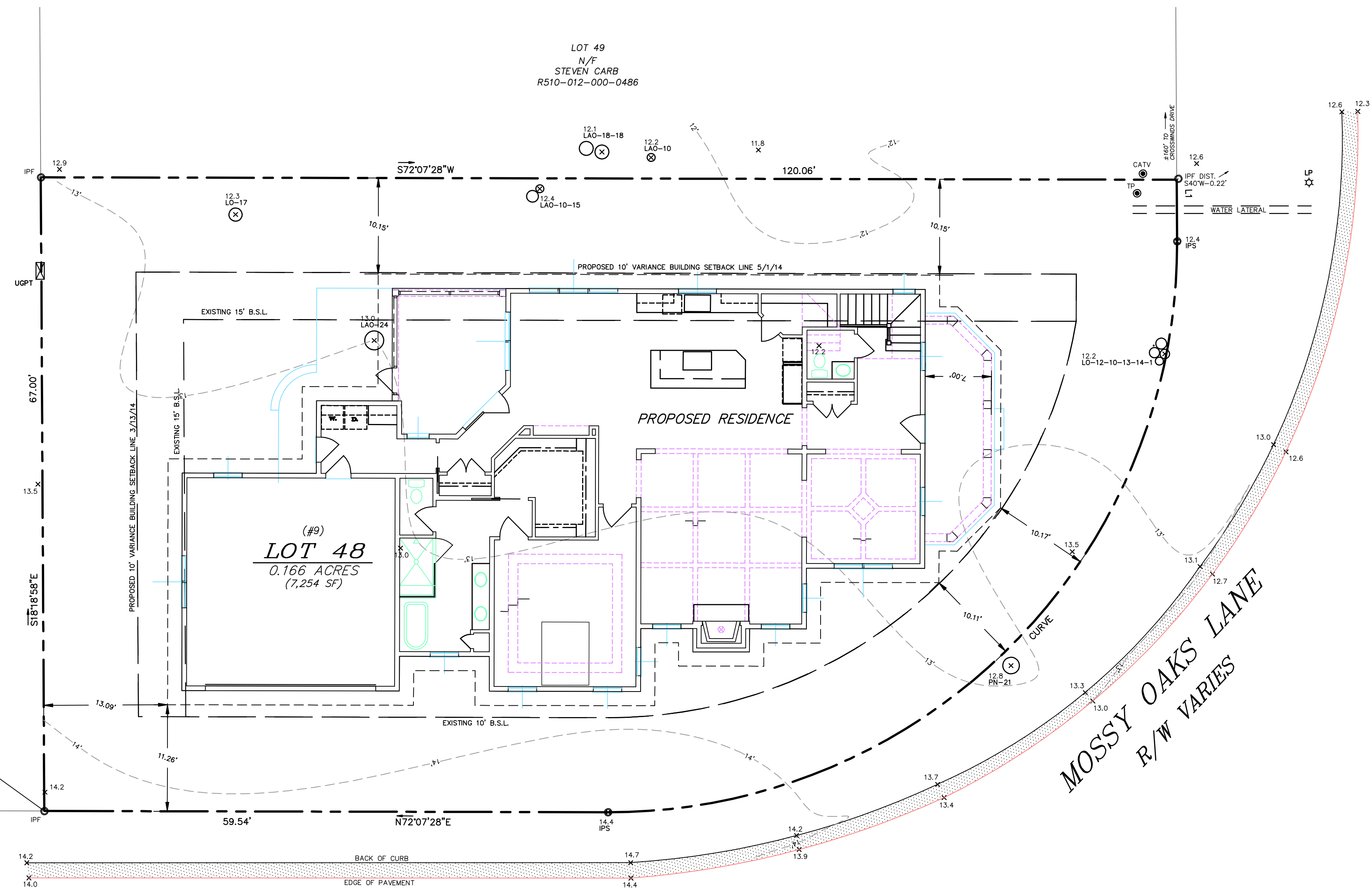


CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	60.00'	94.71'	60.47'	85.18'	N26°54'15"E	90°26'34"

LINE TABLE		
LINE	LENGTH	BEARING
L1	6.54	N18°18'58"W

LOT 64
N/F
ROBERT ALLEN FLETCHER
& MARGARET H. FLETCHER
R510-012-000-0488

TBM (TOP OF IPF)
EL. = 13.79' M.S.L.
NGVD-'29



MOSSY OAKS LANE
R/W VARIES

REVISED: 5/1/14 - TO SHOW PROPOSED RESIDENCE AND VARIANCE SETBACK LINE

- NOTES:
- THIS PROPERTY LIES IN FLOOD ZONE A-7, B.F.E. = 14.0' PER FIRM PANEL 450250, 0008-D, EFFECTIVE 9/29/86.
 - THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. SAID PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, AND/OR ANY OTHER FACTS OF RECORD THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
 - THIS PLAT DOES NOT CERTIFY THE ABSENCE OR PRESENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS.
 - LOCATIONS OF UNDERGROUND UTILITIES ARE FROM SURFACE INDICATIONS AND ARE NOT CERTIFIABLE.
 - THIS SURVEY IS INTENDED ONLY FOR WHOM IT WAS PREPARED AND IS NOT TRANSFERABLE TO ANYONE, INCLUDING WITHOUT LIMITATION, SUBSEQUENT OWNERS OF THIS PROPERTY.
 - THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS: AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.
 - THE BUILDING SETBACKS SHOWN HEREON ARE NOT CERTIFIABLE AND ARE SUBJECT TO CHANGE AND/OR VARIANCES. ALL BUILDING CODES AND RESTRICTIONS APPLICABLE TO THIS SITE SHALL BE VERIFIED WITH THE PROPER AUTHORITIES PRIOR TO ANY AND ALL IMPROVEMENTS.
 - PLAT BEARINGS HAVE BEEN ROTATED TO AGREE WITH STATE PLANE COORDINATES.

LEGEND

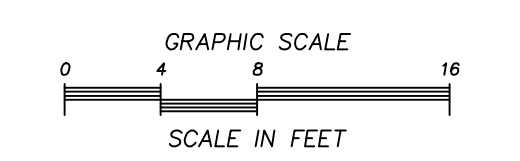
B.S.L.	BUILDING SETBACK LINE
CATV	CABLE TV PEDESTAL
DIST.	DISTRIBUTED
ICV	IRRIGATION CONTROL VALVES
IPF	IRON PIN FOUND
NEW	NEW IRON PIN SET
LAO	LAUREL OAK
LP	LIGHT POST
LP	LIGHT POST
PN	PINE
SSMH	SANITARY SEWER MANHOLE
TP	TELEPHONE PEDESTAL
UGPT	UNDERGROUND PROPANE TANK

A.P.N. R510-012-000-0487

REFERENCE PLAT:
A PLAT OF PHASE II, CROSSWINDS SUBDIVISION
PREPARED BY: CONNOR & ASSOCIATES, INC.
DATED: 3/3/1999; LAST REVISED: 8/22/2000
PROJECT NO.: BAC-001
RECORDED IN: PLAT BOOK 75 @ PAGE 16

LABEL DESCRIPTIONS (TYP.)

(Symbol)	TREE LOCATION
(Symbol)	GROUND ELEVATION
(Symbol)	TREE SPECIES & DIAMETER (IN.)



ONE FOOT CONTOUR INTERVAL

PREPARED FOR:
FRANK V. SLOAN
& CHERI SLOAN

"I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN."

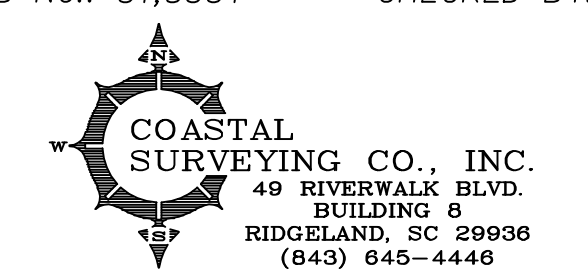
MICHAEL R. DUNIGAN
S.C.R.L.S. No. 11,905

A TREE AND TOPOGRAPHIC LAND SURVEY
OF
LOT 48 MOSSY OAKS LANE

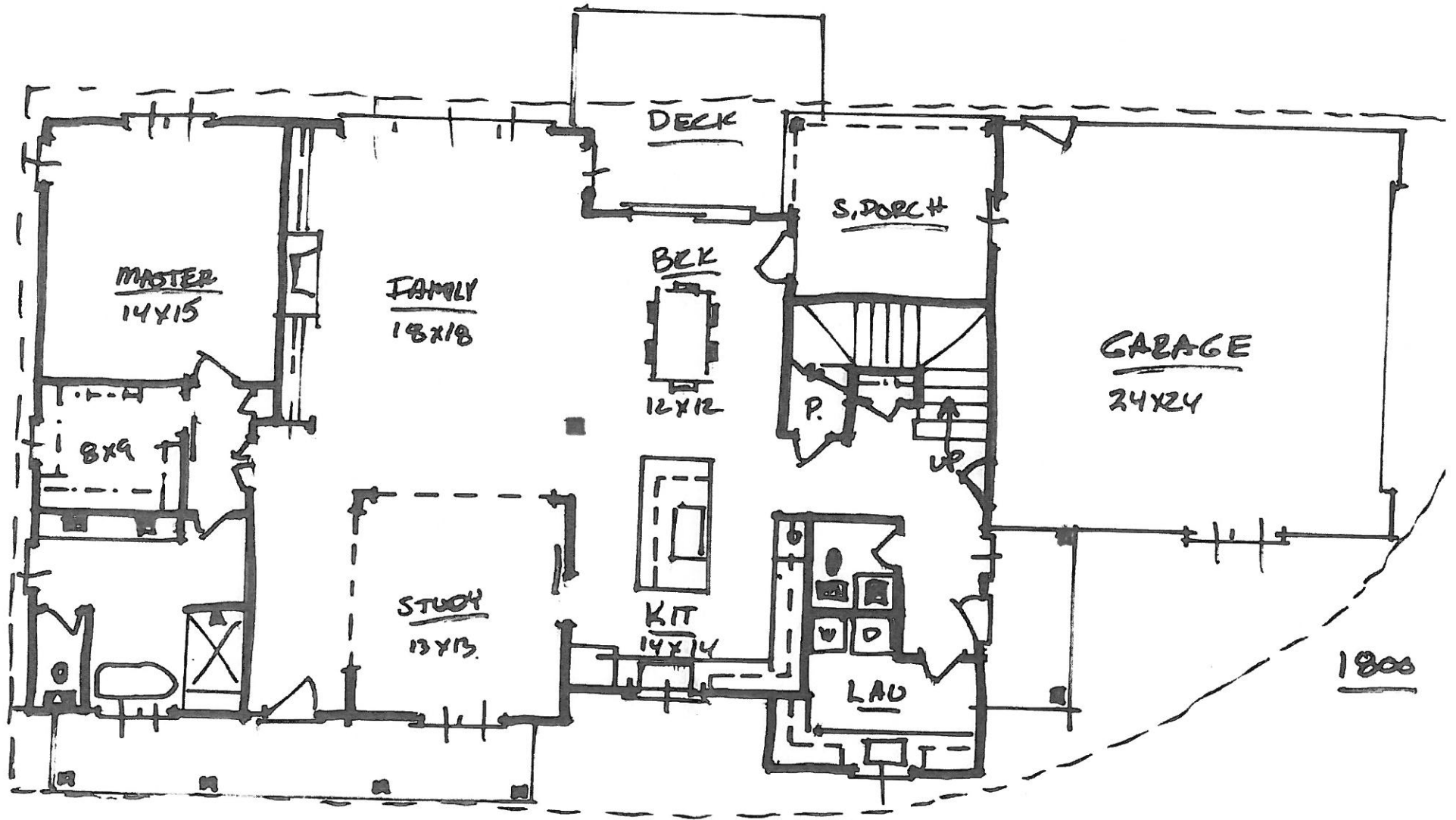
A PORTION OF
PHASE II
CROSSWINDS SUBDIVISION
HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 8'
DATE: 2/5/2014
JOB No.: 51,335T

SURVEYED BY: LC/MS
DRAWN BY: RLM
CHECKED BY: MRD



VAR140001, 9 Mossy Oaks Lane
Sketch given to BZA by Joel Lewis
at the April 28, 2014 meeting.





**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 #	Address of Development	Public Hearing Date
VAR#140001	9 Mossy Oaks Lane	April 28, 2014

Parcel Data	Owners	Applicant & Agent
Tax Map ID: Map 12, Parcel 487 Address: 9 Mossy Oaks Lane Zoning District: Residential Low Density (RM-4) Overlay District: Corridor Overlay (COR)	Frank & Cheri Sloan 12 Harbour Passage Patio Hilton Head Island SC 29926	Joel Lewis The Castle Point Group PO Box 245 Bluffton SC 29910

Application Summary

The Community Development Department received a variance request from Joel Lewis, on behalf of Frank and Cheri Sloan, for the following Section of the Land Management Ordinance (LMO):

16-5-704, Minimum Required Setback Area

The applicant is requesting the variance to build a house that would encroach into adjacent use setbacks.

Background

The subject parcel is located at 9 Mossy Oaks Lane in the RM-4 Zoning District. As shown on the Vicinity Map (Attachment A), the subject parcel is a corner lot, bound by Mossy Oaks Lane on the north and west, a single family house on the east, and an undeveloped lot on the south. The subject parcel is undeveloped.

The property owners hired the applicant, Joel Lewis of Castle Point Construction, to design a house with the primary living space on the ground floor with guest rooms on the second floor. The Crosswinds Property Owners' Association and Architectural Review Board require that homes are built with a minimum of 2,400 heated square feet. Mr. Lewis designed the house based on plat notes stating that the parcel's setbacks are 10 feet from Mossy Oaks Lane, 15 feet behind the lot and seven feet from the adjacent lot to the south.

The applicant approached Town staff for a variance to allow the garage to encroach four feet into the 15 foot setback behind the lot. (See Attachment E). Town staff informed the applicant that the setback on the south side of the parcel is 15 feet wide, not seven feet wide, and that the house is shown encroaching four feet into that setback as well.

The Crosswinds Phase II subdivision plat shows the subject parcel has a 10 foot setback from Mossy Oaks Lane, a 15 foot setback from the adjacent lot to the south and a 15 foot setback behind the lot to the northeast. (See Attachment C). All of the parcels along that section of Mossy Oaks Lane have a 10 foot setback from Mossy Oaks Lane and a 15 foot setback on the northeast side of the parcel. However, all of the other parcels along that section of Mossy Oaks Lane have a seven foot setback from the adjacent lot to the north or south instead of a 15 foot setback like the subject parcel.

The Town of Hilton Head Island Land Management Ordinance (LMO) Section 16-5-205.A requires a five foot setback along all internal property lines for lots divided into single family detached homes. Further, LMO Sections 16-5-704.B and 16-5-806.B require a 20 foot setback and buffer along all non-arterial streets. It is unknown why the Crosswinds subdivision was designed with larger than required setbacks along internal property lines and a smaller than required adjacent street setback and buffer.

The subject parcel is located in the Low Density Residential (RM-4) Zoning District. Thirteen lots in the Crosswinds subdivision are located in the RM-4 Zoning District, while the remaining 53 lots are located in the Planned Unit Development (PD-1) Zoning District in Indigo Run. (See Attachment D). The fact that the subject parcel is located in the RM-4 Zoning District means that that parcel is subject to the design standards in Chapter 5 of the LMO. Any deviations from the approved subdivision plat must be approved by the Town of Hilton Head Island Board of Zoning Appeals as a variance and the request must meet all six criteria in LMO Section 16-3-1906.A. If the subject parcel was located in the PD-1 Zoning District, the parcel would be exempt from site specific design standards and the applicant's request to build in the setback would only require approval by the Indigo Run Property Owners' Association and the Crosswinds Property Owners' Association, which do not use the six criteria in LMO Section 16-3-1906.A when reviewing such deviations.

Applicant's Grounds for Variance, Summary of Facts and Conclusion

Grounds for Variance

The applicant is applying for a variance from LMO Section 16-5-704, Minimum Required Setback Area, to build a single family house in the adjacent use setback. The applicant states the variance is needed because the required setbacks, combined with the Crosswinds' Property Owners' Association requirement to build a 2,400 heated square foot home and the owners' desire for a two-car garage, requires that the house encroach into the setbacks.

Summary of Facts

1. Applicant seeks a variance from LMO Section 16-65-704, Minimum Required Setback Area.
2. The applicant is proposing to build a single family house in adjacent use setback areas.

Conclusion

1. Applicant may seek a variance from the requested LMO sections as set forth in 16-3-1901.A.

Staff Determination

Staff recommends that the Board of Zoning Appeals **disapprove** the application based on the Findings of Facts and Conclusions of Law.

Staff Summary of Facts and Conclusions

Summary of Facts

1. Application was submitted as set forth in LMO Section 16-3-1903.
2. Notice of the Application was published in the Island Packet on Sunday, March 23, 2014, as set forth in LMO Sections 16-3-110 and 16-3-111.
3. Notice of the Application was posted as set forth in LMO Sections 16-3-110 and 16-3-111.
4. Notice of the Application met the mailing criteria in LMO Sections 16-3-110 and 16-3-111.
5. Staff received an affidavit of compliance from the applicant as set forth in LMO Section 16-3-111.
6. The Board has authority to render the decision reached here under LMO Section 16-3-1905.

Conclusions

1. The application is in compliance with the submittal requirements established in LMO Section 16-3-1903.
2. The application and notice requirements comply with the legal requirements established in LMO Sections 16-3-110 and 16-3-111.

As provided in Section 16-3-1906, Criteria for Approval of Variances, staff has based its recommendation on analysis of the following criteria:

Staff Summary of Facts and Conclusions

Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property. (LMO 16-3-1906.A.1)

Findings of Fact

1. There is a 15 foot setback from the property line adjacent to another lot on the south side of the parcel.
2. There is a 15 foot setback from the property line adjacent to another lot on the northeast side of the parcel.
3. LMO Section 16-5-205.A requires a five foot setback from a parcel line adjacent to another single family lot.

Conclusions

1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.1.
2. The subject parcel has two, 15 foot setbacks along property lines where the LMO only requires five foot setbacks.

Staff Summary of Facts and Conclusions

Criteria 2: These conditions do not generally apply to other properties in the vicinity. (LMO 16-3-1906.A.2)

Findings of Fact

- 1. Adjacent parcels along that section of Mossy Oaks Lane also have a 15 foot setback from the property line on the northeast side of the parcel.
- 2. Adjacent parcels along that section of Mossy Oaks Lane only have a seven foot setback from the property line adjacent to another lot to the north or south.

Conclusions

- 1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.2.
- 2. The parcel is the only one in the vicinity that has a 15 foot setback along an internal property line on the side of the parcel.

Staff Summary of Facts and Conclusions

Criteria 3: Because of these conditions, the application of the LMO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property. (LMO 16-3-1906.A.3)

Findings of Fact

- 1. Since the setbacks on the subdivision plat are larger than the setbacks required by the LMO, any restriction of the utilization of the property the applicant claims is the result of the subdivision plat, not the standards of the LMO.
- 2. The applicant’s narrative states that, “Given the current BSL of 10’ front, 15’ side and rear, designing a house that will fit the lot and size requirement along with a two car garage have proven undoable.”
- 3. The applicant does not specify why a 2,400 heated square foot house and a two car garage could not be built within the required setbacks.
- 4. The applicant provided a sketch showing the footprint of a single story, 1,900 square foot house without a garage within the required setbacks. (See Attachment E).
- 5. The applicant’s sketch shows a single story house instead of a two story house.
- 6. The applicant’s sketch shows a large buildable area along Mossy Oaks Lane that is not being utilized for the house.

Conclusions

- 1. This application **does not meet** the variance criteria as set forth in LMO 16-3-1906.A.3.
- 2. Even though the subject parcel has greater setback requirements than adjacent parcels, the applicant failed to describe how or demonstrate that a 2,400 heated square foot house with a two car garage could not be built without encroaching into the setbacks.

Staff Summary of Facts and Conclusions

Criteria 4: This hardship is not the result of the applicant’s own actions. (LMO 16-3-1906.A.4).

Findings of Fact

- 1. The applicant designed the house using incorrect notes regarding the required setbacks.
- 2. The applicant did not explain why or demonstrate how the house could not be redesigned to meet the owners’ requests and the Crosswinds POA criteria without encroaching into the setbacks.

Conclusions

1. This application **does not meet** the variance criteria as set forth in LMO 16-3-1906.A.4.
2. Although the applicant did not use accurate information when designing the house, he failed to provide evidence that the application of the setbacks to the subject parcel will cause a hardship.

Staff Summary of Facts and Conclusions

Criteria 5: Granting of the variance does not substantially conflict with the Comprehensive Plan and the purposes of the LMO. (LMO 16-3-1906.A.5)

Findings of Fact

1. The Comprehensive Plan does not speak to the issues in this application.
2. Since the setbacks on the subdivision plat are larger than the setbacks required by the LMO, any restriction of the utilization of the property the applicant claims is the result of the subdivision plat, not the standards of the LMO.
3. LMO Section 16-5-205.A requires a five foot setback along all internal property lines for lots divided into single family detached homes.
4. The proposed encroachment of the garage will leave a 12 foot setback along the adjacent property line to the northwest.
5. The proposed encroachment of the house will leave an 11 foot setback along the adjacent property line to the south.

Conclusions

1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.5.
2. The approval of the application would not conflict with the Comprehensive Plan.
3. The approval of the application would not conflict with the purposes of the LMO because the encroachments would leave more than the required five foot setbacks along the internal property lines.

Staff Summary of Facts and Conclusions

Criteria 6: The authorization of the variance will not be of substantial detriment of adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance. (LMO 16-3-1906.A.6).

Findings of Fact

1. Staff did not identify any substantial detriment to the adjacent property that would be caused by granting the variance.
2. The proposed encroachments would result in setbacks larger than 10 feet along both adjacent property lines.
3. Staff has not received any feedback regarding this application.

Conclusions

1. This application **meets** the variance criteria as set forth in LMO 16-3-1906.A.6.
2. The approval of the application would have no detriment to the adjacent property, the public good or the character of the district.

PREPARED BY:

AC

Anne Cyran, AICP
Senior Planner

April 14, 2014

DATE

REVIEWED BY:

ND

Nicole Dixon, CFM
Senior Planner & BZA Coordinator

April 15, 2014

DATE

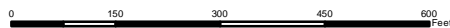
ATTACHMENTS

- A) Vicinity Map
- B) Aerial Photo
- C) Crosswinds Subdivision Phase II Plat
- D) Zoning Map
- E) Applicant's Submittal
- F) Site Photo



Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-6000

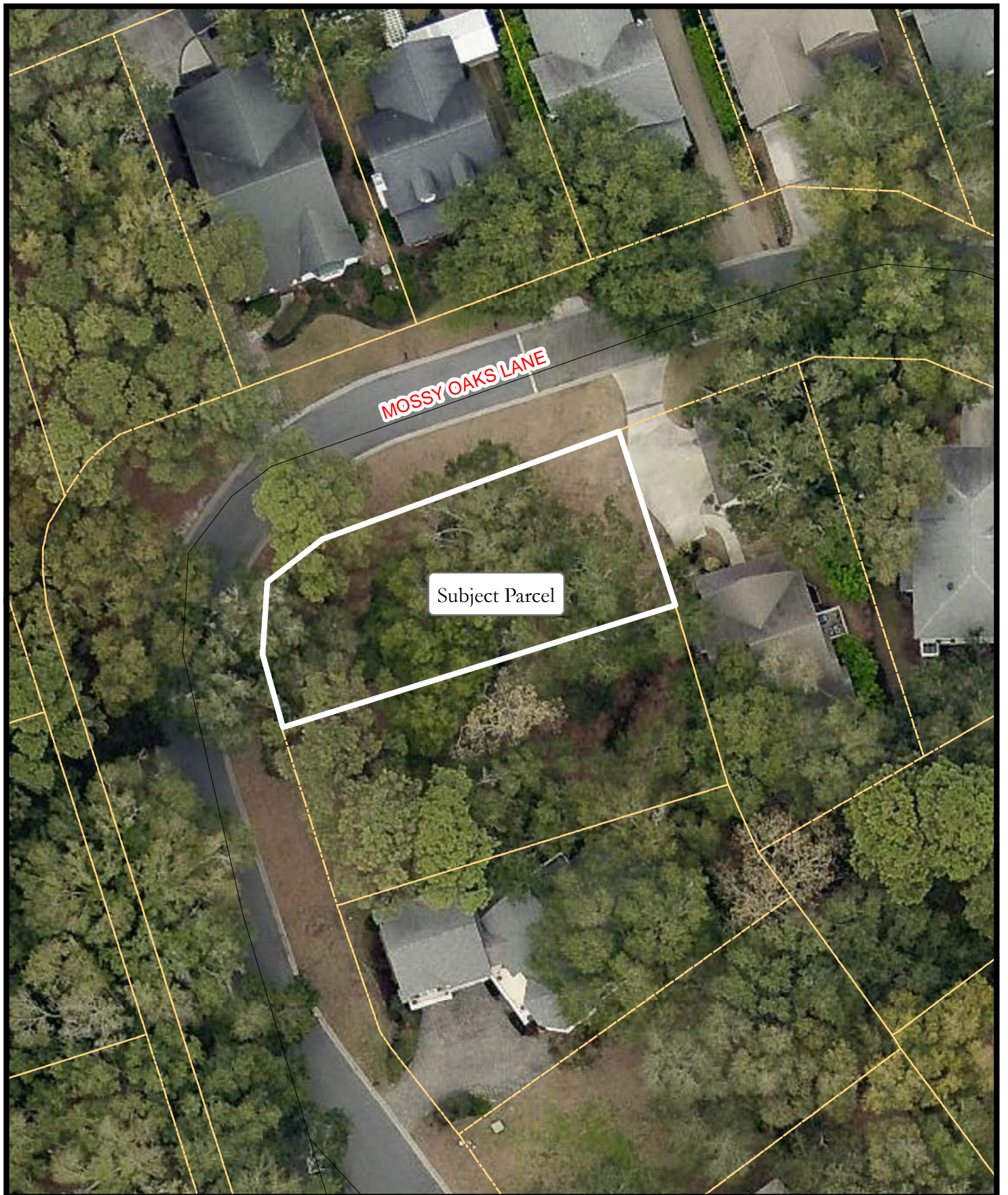
9 Mossy Oaks Lane
VAR140001
Staff Report Attachment A - Vicinity Map



1 inch = 275 feet



This information has been compiled from a variety of unverified 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.



Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-6000

9 Mossy Oaks Lane
VAR140001
Staff Report Attachment B - Aerial Photo

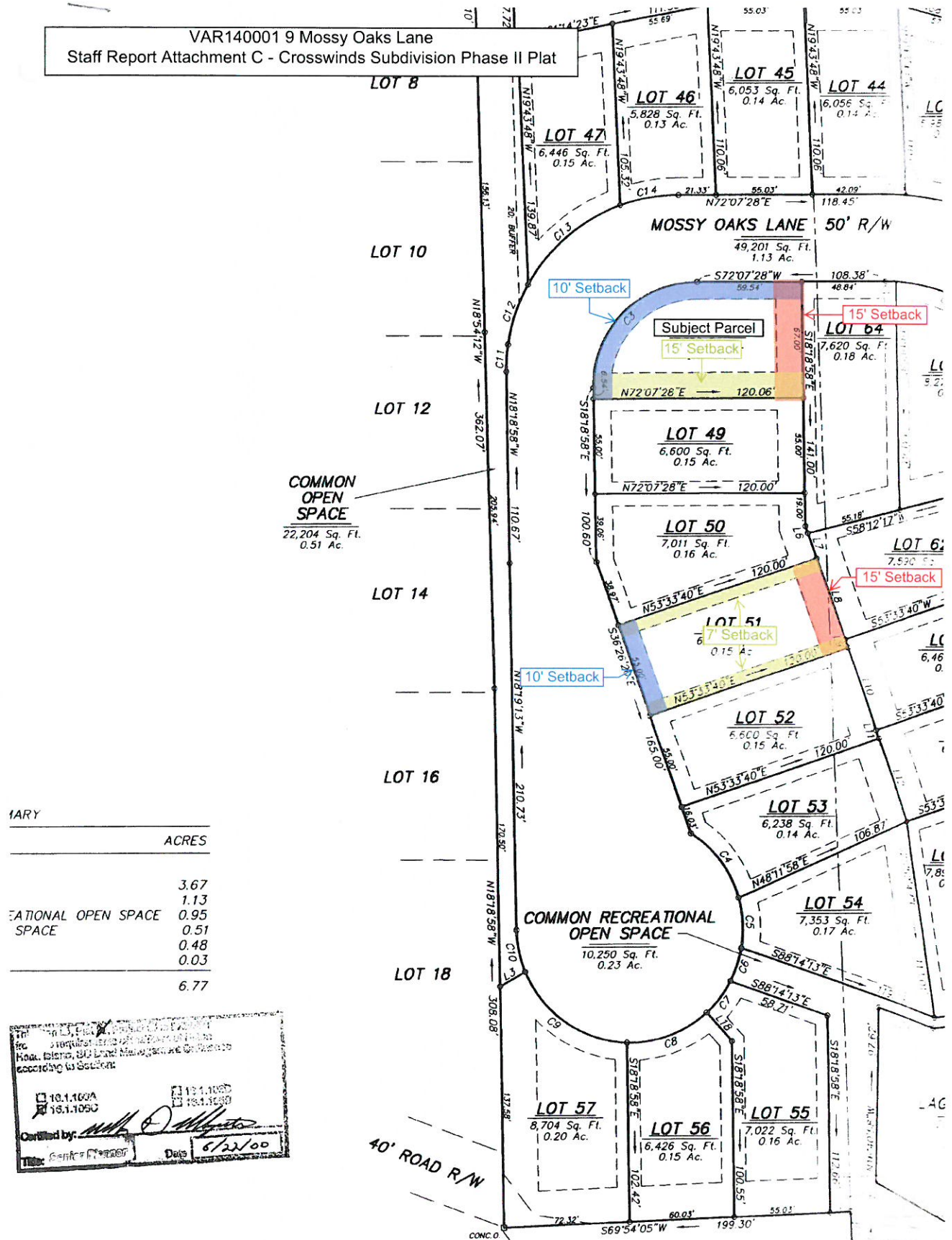


1 inch = 38 feet



This information has been compiled from a variety of unverified 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.

VAR140001 9 Mossy Oaks Lane
Staff Report Attachment C - Crosswinds Subdivision Phase II Plat



COMMON
OPEN
SPACE
22,204 Sq. Ft.
0.51 Ac.

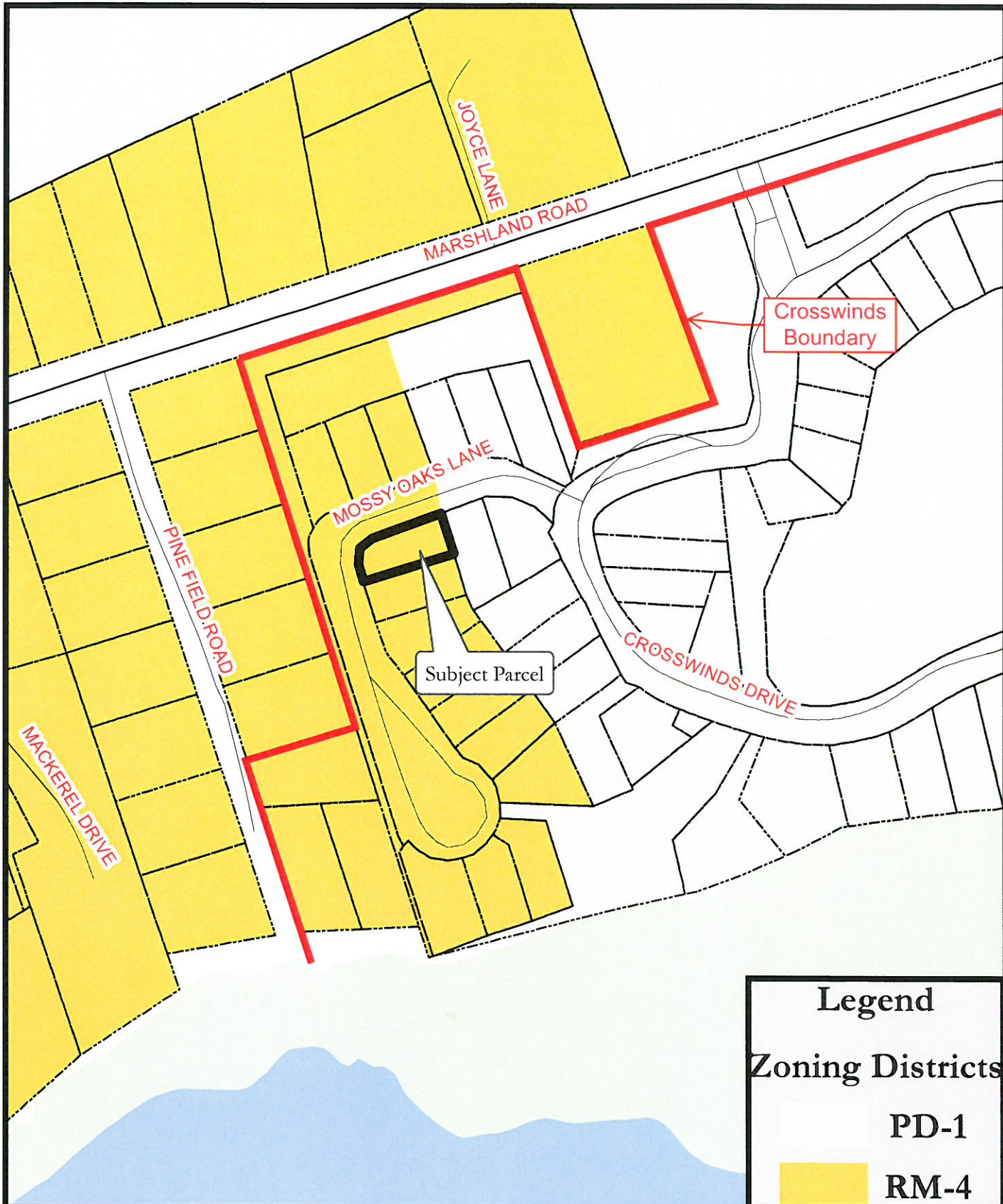
COMMON RECREATIONAL
OPEN SPACE
10,290 Sq. Ft.
0.23 Ac.

PROPERTY	ACRES
LOT 45	3.67
LOT 46	1.13
LOT 47	0.95
LOT 48	0.51
LOT 49	0.48
LOT 50	0.03
LOT 51	6.77

10.1.105A
 10.1.105B
 10.1.105C
 10.1.105D
 10.1.105E
 Certified by: *[Signature]*
 Date: 6/22/00
 Title: *[Signature]*

- REFERENCE PLAT
- "BOUNDARY SURVEY OF 3.542 ACRES, MARSHLAND ROAD" DATE: 7/19/93 BY: T.G. HATCHELL, S.C.R.L.S. No. 11059
 - "CROSSWINDS SUBDIVISION PARCEL C-2, MARSHLAND ROAD" DATE: 9/25/97, LAST REVISED: 12/10/97 BY: M.M. CRAWFORD, S.C.R.L.S. No. 9756

- NOTES
- THIS PARCEL LIES IN FLOOD ZONE 1 AND IS IN FIRM PANEL No. 5-D, CCVY...
 - THIS SURVEY CONSTITUTES THE SUBDIVISION OF PARCELS...



Legend

Zoning Districts

PD-1

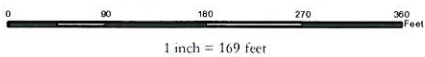
RM-4



Town of Hilton Head Island
 One Town Center Court
 Hilton Head Island, SC 29928
 (843) 341-6000

9 Mossy Oaks Lane
 VAR140001

Staff Report Attachment D - Zoning Map



This information has been compiled from a variety of unverified 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.

VAR140001 9 Mossy Oaks Lane
Staff Report Attachment E - Applicant's Submittal

Lot 48 Crosswinds

9 Mossy Oaks, HHI

Variance Criteria:

-There are extraordinary and exceptional conditions pertaining to the particular piece of property.

Yes, this property falls under Crosswinds POA and ARB. The guidelines for receiving approval for new construction require a minimum of 2400 heated square feet. Given the current BSL of 10' front, 15' side and rear, designing a house that will fit the lot and size requirement along with a two car garage have proven undoable. The Crosswinds ARB has agreed to allow the Town of Hilton Head decision for variance to be there final decision as well.

-These conditions do not generally apply to other properties in the vicinity.

No, the vast majority of the lots in this community do not require the Town of Hilton Heads approval for variance. The Tree and Topo survey was done off the recorded plat notes, stating a 7' side and 10' rear BSL. Only the scalable plat shows this individual lot to have larger than normal setbacks. We have also not been able to find another lot on the recorded plat that shows an adjoining property BSL of 15'.

-Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Yes, as stated above, the requirements for new construction in this community demand a minimum of 2400 heated square feet. Of the 28 homes that have sold since 2001 in Crosswinds, all of them have had garages. The Market Rate for having a two car garage could impact the value at a minimum of 50K dollars, along with the amount of time it may sit on the market due to a smaller buying pool. As the BLS sits, this lot has 3447 sq ft of buildable land compared to 4155 sq ft requested in this Variance. The difference of 708 sq ft is what is lost from adjoining properties with the BSL's that match the plat notes.

-Is not the result of the applicant's own actions.

No. The plat was recorded in 2000. As the survey was done using the recorded plat notes, it was not brought to the owner's attention that this particular lot had 15' BSL.

-Granting of the variance does not substantially conflict with the Comprehensive Plan and the purposes of the LMO.

We do not feel it will conflict at all, in fact by granting the variance it will make it more uniform.

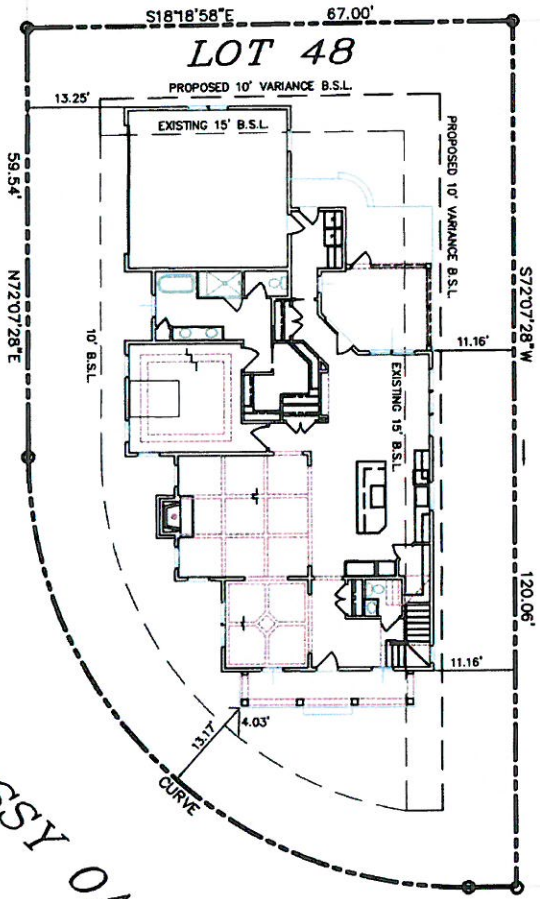
-The authorization of the variance will not be of substantial detriment to adjacent property of the public good, and the character of the district will not be harmed by the granting of the variance.

No, we do not see any situation that allowing this variance could do any harm. In fact, it will move towards filling the community towards build out.

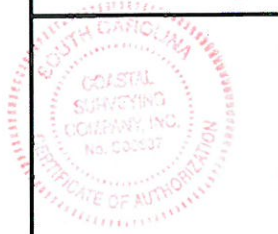
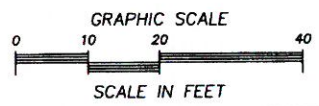
VAR140001 9 Mossy Oaks Lane
 Staff Report Attachment E - Applicant's Submittal

MOSSY OAKS LANE

MOSSY OAKS LANE



LOT 49



SCALE: 1"=20'
 DATE: 3/13/2014
 FIELD CK: _____
 DRAWN BY: JEI
 OFFICE CK: MRD
 JOB#: 51,335

PREPARED FOR:

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

MICHAEL R. DUNIGAN
 S.C.P.L.S. No. 11,905

A VARIANCE
LOT 48
 MOSSY OAK LANE
 A PORTION OF
PHASE 2
CROSSWINDS

COASTAL SURVEYING CO., INC.
 49 RIVERWALK BLVD.
 BUILDING 8
 RIDGELAND, SC 29936
 (843) 645-4448

Cyran Anne

From: joel@thecastlepointgroup.com
Sent: Wednesday, April 09, 2014 2:48 PM
To: Cyran Anne
Cc: Frank Slone
Subject: 9 Mossy Oaks Ln

Anne, Please review and include this as part of the Variance request.
Thank You.

Joel Lewis
The Castle Point Group
843-505-0368
joel@thecastlepointgroup.com

----- Original Message -----

Subject: Crosswinds Neighborhood
From: "Sheree" <shereebinder@gmail.com>
Date: Wed, April 09, 2014 2:17 pm
To: <joel@thecastlepointgroup.com>

Mr. Lewis,

With regard to your question, "Does not having a garage (whether it be under or attached or detached) create an unnecessary hardship for a property located in the Crosswinds neighborhood on Hilton Head Island", I respectfully submit this answer.

I completed a market analysis for Crosswinds and included all homes sold since 2001. According to the MLS, none of the properties that sold since 2001 were void of a garage. The majority of homes had at least 2 and several had 3 or 4 car garages. To build a home in Crosswinds **without a garage** would be completely unlogical and I would strongly recommend that you reconsider. You will immediately incur functional obsolescence which is almost impossible to overcome with buyers and you must give a large monetary compensation. There are covenants and restrictions in place which prohibit a home from being out of place. It would seem to me that you would not be allowed to build a home in a neighborhood without a garage if every other home has a garage. Please double check your covenants, as I am sure you are required to have one in place.

Not only will building a home without a garage hurt the value of your home but it will decrease the value of your surrounding neighbors.

Mr. Lewis, I have been a Realtor since 2004 and regardless of the market, a home must conform to the neighborhood "norm". The hardship will be created for the surrounding neighbors. It is not an economically valid use of the property to build something that is non conforming.

Good luck to you, and I would urge you to encourage your client to include a 2 or more car garage on the property.

Respectfully,
Sheree

Sheree Binder
(843) 298-7062
Broker In Charge

Calhoun Street Promenade Real Estate
1 Promenade Street, Suite 101
Bluffton, SC 29910
www.CoastalRealEstateSC.com

VAR140001 9 Mossy Oaks Lane
Staff Report Attachment E - Applicant's Submittal

Custom Detail Grid

#	ML #	Status	St #	St Name	Ar	Legal #	Lgl Addr	Lst Pr	View	Type	Beds	FB	HB	Yr	Bit	ApHtd	SF	Prkg	P Date
1	200273	CLOSD	12	MOSSY OAKS DRIVE	14	46	CROSSWINDS	385,000	WOODV	FSIZE	3	3	0	2003				1GARG	04/02/2003
2	259696	CLOSD	12	Mossy Oaks Drive	14	46	CROSSWINDS	299,000	WOODV	PATIO	4	3	0	2003	2280			1GARG	01/15/2010
3	318449	CLOSD	50	Crosswinds Dr	14	61	CROSSWINDS	399,000	LNDSCL,WOODV	FSIZE	3	3	1	2005	2887			1GARG	10/29/2013
4	214239	CLOSD	76	Crosswinds Drive	14	14	CROSSWINDS	1,150,000	CREEK,DEEPW	FSIZE	4	4	1	2000				2CARP	11/23/2004
5	214027	CLOSD	11	CROSSWINDS DRIVE	14	36	CROSSWINDS	585,000	LAGON,MARSH	FSIZE	3	3	1	2002				2CARP	06/24/2005
6	84085	CLOSD	31	CROSSWINDS DRIVE	14	27	CROSSWINDS	439,900	MARSH	FSIZE	3	3		2000				2GARG	03/22/2001
7	101238	CLOSD	56	CROSSWINDS	14	58	CROSSWINDS	730,000	CREEK,LAGON	FSIZE	4	4	1	2001				2GARG	11/13/2002
8	202490	CLOSD	31	CROSSWINDS DRIVE	14	27	CROSSWINDS	489,000	LAGON,MARSH	FSIZE	3	3	0	2000				2GARG	05/29/2003
9	204368	CLOSD	11	Crosswinds Drive	14	36	CROSSWINDS	479,000	MARSH	FSIZE	3	3	1	2002				2GARG	09/02/2003
10	212843	CLOSD	3	Crosswinds Drive	14	40	CROSSWINDS	579,000	CREEK,MARSH	FSIZE	3	3	1	2000				2GARG	11/30/2004
11	224089	CLOSD	21	CROSSWINDS DR	14	32	CROSSWINDS	612,000	LAGON,MARSH	FSIZE	3	2	1	2004	2800			2GARG	04/04/2006
12	228334	CLOSD	25	Crosswinds Drive	14	30	CROSSWINDS	674,900	CREEK,LAGON	FSIZE	4	3	1	2005	2771			2GARG	05/26/2006
13	224749	CLOSD	5	Mossy Oaks Lane	14	63	CROSSWINDS	599,500	WOODV	FSIZE	4	3	1	2003	3040			2GARG	07/05/2006
14	233474	CLOSD	11	CROSSWINDS	14	36	CROSSWINDS	619,000	MARSH	FSIZE	3	3	1	2002	2800			2GARG	06/15/2007
15	242460	CLOSD	21	MOSSY OAKS LANE	14	52	CROSSWINDS	599,000	CREEK,LNDSCL	FSIZE	4	2	1	2003	2340			2GARG	05/22/2008
16	321098	CLOSD	92	Crosswinds Dr	14	6	CROSSWINDS	489,000	MARSH,DEEPW	FSIZE	3	3		2005	3280			2GARG	03/08/2013
17	321538	CLOSD	21	Crosswinds Dr	14	32	CROSSWINDS	425,000	LAGON,MARSH	FSIZE	3	2	1	2004	2738			2GARG	07/16/2013
18	212782	CLOSD	8	MOSSY OAK	14	44	CROSSWINDS	489,000	LNDSCL	FSIZE	3	2	1	2004				2GARG,DETGR	04/02/2005
19	226111	CLOSD	92	Crosswinds Dr	14	6	CROSSWINDS	949,000	DEEPW	FSIZE	4	3		2005				2GARG,UNDER	08/30/2006
20	90944	CLOSD	72	CROSSWINDS DRIVE	14	16	CROSSWINDS	879,000	CREEK,MARSH	FSIZE	4	4	1	2000				3GARG	03/04/2002
21	257817	CLOSD	68	Crosswinds Drive	14	18	CROSSWINDS	750,000	DEEPW,MARSH	FSIZE	4	4	1	2006	3223			3GARG	08/01/2009
22	307325	CLOSD	62	CROSSWINDS DR	14	21	CROSSWINDS	949,000	CREEK,MARSH	FSIZE	4	4	2	2006	5286			3GARG	12/01/2011
23	320384	CLOSD	52	Crosswinds Dr	14	60	CROSSWINDS	529,000	LNDSCL	FSIZE	4	3	1	2007	3336			3GARG	08/26/2013
24	262723	CLOSD	76	Crosswinds Dr.	14	14	CROSSWINDS	563,000	MARSH,DEEPW	FSIZE	4	4	2	2000	4000			4GARG,UNDER	05/21/2012
25	208518	CLOSD	7	Mossy Oaks	14	64	CROSSWINDS	489,000	WOODV	FSIZE	4	3	1	2004				DETGR	08/25/2004
26	207098	CLOSD	23	Mossy Oaks Drive	14	53	CROSSWINDS	525,000	DEEPW	FSIZE	4	3	0	2003				UNDER	03/22/2004
27	218269	CLOSD	1	Crosswinds	14	41	CROSSWINDS	659,000	CREEK	FSIZE	4	4	1	2002	2816			Garage	04/28/2005
28	242111	CLOSD	4	Mossy Oaks Lane	14	42	CROSSWINDS	475,000	LNDSCL	PATIO	3	3		2002	2214			Garage	07/17/2007

Confirmed - Shere Binder

Calhoun Street Promenade "Local" Real Estate
www.FindYourPlaceInTheLowcountry.com

Shereé Binder
 Broker In Charge
 843.298.7062 Direct
 Shereebinder@Hargray.com



1 Promenade Street, Suite 101
 Bluffton, SC 29910

CONFIDENTIAL Restricted to

TEED
 Ints Only. Not for Public Distribution

Cyran Anne

From: joel@thecastlepointgroup.com
Sent: Wednesday, April 09, 2014 2:49 PM
To: Cyran Anne
Cc: Frank Slone
Subject: [FWD: Sloans 9 Mossy Oakx]

Anne, This is the letter from Allied Management, stating they are on board with the towns decision. Thank you.

Joel Lewis
The Castle Point Group
843-505-0368
joel@thecastlepointgroup.com

----- Original Message -----

Subject: Sloans 9 Mossy Oakx
From: "Stacy Kaeding" <kaeding@alliedhiltonhead.com>
Date: Fri, March 14, 2014 3:58 pm
To: <joel@thecastlepointgroup.com>

Hi Joel - The Crosswinds ARB will approve the variance request as submitted for the Sloans at 9 Mossy Oaks Lane, providing that this is also approve by the Town of Hilton Head, as required.

Please let me know if you require anything further on this matter.

Best regards,

Stacy Kaeding

Property Manager
Allied Management Group
(843) 785-3278 ext 224
(843) 785-3381 Fax
kaeding@alliedhiltonhead.com
www.alliedhiltonhead.com

*Voted Best Property Management Company in the Island Packet's Reader's Choice Awards **Again!***

This electronic transmission and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you received this email in error please notify the sender and delete and destroy this message and its attachments.

VAR140001 9 Mossy Oaks Lane
Staff Report Attachment F – Site Photo





The Town of Hilton Head Island
Board of Zoning Appeals
2023 Meeting Schedule

BZA Powers and Duties	Application Procedure
<p>The Board of Zoning Appeals has the following powers:</p> <p>A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of Title 16 of the Municipal Code, Land Management Ordinance.</p> <p>B. To hear and decide requests for variance from the Design and Performance Standards of the Land Management Ordinance.</p> <p>C. To review and take action on applications for uses by special exception; and</p> <p>D. To review and take action on appeals of Planning Commission action on certain traffic analysis plans.</p>	<p>Applications for Variance and Special Exception must be completed and submitted not later than 30 days prior to the meeting at which the application will be considered. In addition, Applications for Appeal must be filed not later than 14 days from the date of the decision being appealed.</p> <p>An Application Check-In Conference is required for all applications to determine whether the application meets the minimum requirements for acceptance. Application Check-In Conferences must be scheduled by appointment with the Community Development Department staff.</p>

<u>BZA PUBLIC MEETING DATE</u>	<u>APPLICATION DEADLINE</u>
January 23, 2023	*December 22, 2022
February 27, 2023	January 27, 2023
March 27, 2023.....	February 24, 2023
April 24, 2023.....	March 24, 2023
May 22, 2023	April 21, 2023
June 26, 2023.....	May 26, 2023
July 24, 2023.....	June 23, 2023
August 28, 2023.....	July 28, 2023
September 25, 2023.....	August 25, 2023
October 23, 2023.....	September 22, 2023
November 27, 2023.....	October 27, 2023
**December 18, 2023.....	November 17, 2023
<p><i>*The application deadline is Thursday, December 22, 2022 because Town Hall will be closed on Friday, December 23, 2022 in observance of Christmas Day.</i></p>	
<p><i>**The December meeting is moved to the third Monday of the month due to the Holidays.</i></p>	

Regular meetings are generally held on the 4th Monday of each month at 2:30 p.m. in Benjamin M. Racusin Council Chambers, subject to change with notice.