



Town of Hilton Head Island
Board of Zoning Appeals Meeting
April 26, 2021 at 2:30 p.m. Virtual Meeting
MEETING MINUTES

Present from the Board: Chair Patsy Brison, Vice Chair Anna Ponder, Robert Johnson, Lisa Laudermilch, Charles Walczak, David Fingerhut, John White

Absent from the Board: None

Present from Town Council: Alex Brown, Tamara Becker

Others Present: Curtis Coltrane, Town Attorney

Present from Town Staff: Teri Lewis, Deputy Community Development Director; Nicole Dixon, Development Review Administrator; Missy Luick, Senior Planner; Tyler Newman, Senior Planner; Diane Busch, Staff Attorney; Teresa Haley, Senior Administrative Assistant; Vicki Pfannenschmidt, Temporary 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. Welcome and Introduction to Board Procedures

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

5. Approval of Agenda

Chair Brison asked for a motion to approve the agenda as presented. Ms. Laudermilch moved to approve. Mr. White seconded. By way of roll call, the motion passed with a vote of 7-0-0.

6. Approval of Minutes

a. March 22, 2021 Meeting

Chair Brison asked for a motion to approve the minutes of the March 22, 2021 meeting as presented. Mr. Fingerhut moved to approve. Mr. Walczak seconded. By way of roll call, the motion passed with a vote of 7-0-0.

7. Appearance by Citizens

Public comments concerning agenda items were to be submitted electronically via the Open Town Hall portal. All comments received via the portal were provided to the Board for review and made a part of the official record. Citizens were also provided the option to give public comment during the meeting by phone. There was one request to give public comment by phone regarding VAR-002385-2020/12 Circlewood Drive.

8. Unfinished Business – None

9. New Business

a. Public Hearing

VAR-002385-2020 – Request from Dennis Antoccia for a variance from LMO Sections 16-5-102, Setback Standards and 16-5-103, Buffer Standards to allow a shed, paver pathway, and paver patio to remain in the adjacent use setback and buffer. The property address is 12 Circlewood Drive with a parcel number of R510 005 000 0341 0000. *Presented by Tyler Newman*

Chair Brison opened the Public Hearing.

Mr. Newman presented the application as described in the Staff Report. He stated that Staff recommends the Board of Zoning Appeals deny the application based on the Findings of Fact and Conclusions of Law contained in the Staff Report. He explained the variance criteria in detail.

The Board made comments and inquiries regarding: ownership of the fence surrounding the perimeter of the property; definition of a structure as defined in the LMO; size of encroachment area; location of existing easement; the purpose of buffers; and the possibility of an alternative location for the shed.

Following the Staff presentation and questions by the Board, Chair Brison asked the applicant to make a presentation. Mr. Antoccia advised the Board that the HOA informed him that sheds were permitted as long as they are not on concrete. He presented his case stating the work done is considered an improvement and enhances the property.

Chair Brison asked for public comment. Susan Mosher spoke in support of the variance request and on behalf of the HOA stating the Association supported the request for variance. Chair Brison closed the Public Hearing at 3:33 p.m.

The Board made final comments and inquiries regarding: the disservice of the applicant being misinformed; the unusual shape of the lot; the need to meet all four criteria and none were met; the need to follow the law; the inability to utilize the fence as a basis of meeting the setback requirements; and finally, the need to relocate the shed to a place that meets the LMO requirements.

Mr. Fingerhut moved that the Board of Zoning Appeals deny the application based on those Findings of Facts and Conclusions of Law contained in the Staff Report. Mr. Johnson seconded. By way of roll call, the motion passed with a vote of 7-0-0.

b. Public Hearing

VAR-000818-2021 – Request from Edward K. Pritchard, III for a variance from LMO Sections 16-5-102, Setback Standards and 16-5-103, Buffer Standards for an existing non-permitted food truck and associated screening fence to remain in the required adjacent use setback and buffer. The property address is 15 Marshland Road with a parcel number of R510 008 000 013H 0000.

Chair Brison opened the Public Hearing.

Curtis Coltrane explained the application before the Board came forward from a mediation conference that was between the applicant, Mr. Taiwan Scott and the Town of Hilton Head Island. He stated the Town will not take a position for or against Mr. Scott's variance application.

Following Mr. Coltrane's comments and questions by the Board, Chair Brison asked the applicant to make a presentation. Mr. Pritchard confirmed that Board Members had the applications and corresponding documents that relate to the application. Chair Brison reviewed the documents in hand and Mr. Pritchard confirmed they were correct. Mr. Pritchard reviewed the four criteria required to approve a variance request stating the property in question satisfied each criteria. He detailed the property restrictions. Mr. Scott presented additional materials to support his application. He presented a September 2, 2015 letter from the Town describing the structures as legally non-conforming structures and did not need to be moved and that staff would support a variance.

The Board made comments and inquiries regarding: possible retraction of the letter presented by Mr. Scott; height of the screen fence; location of access easements; reasons for access easements; possible removal of access easements; wetlands and the latest Army Corps of Engineers assessment of such; setback requirements for property and adjacent properties; author of the letter Mr. Scott introduced and relevance of such; use of the adjacent property; number of parking spaces on said property; possibility of moving the food truck to comply with buffers and setbacks; and the need to speak with the author (Anne Cyran) of the letter referenced by Mr. Scott.

After lengthy discussion regarding the letter and mediation compliance, Mr. Fingerhut moved that the Board subpoena Anne Cyran to testify about the September 2, 2015 letter and provide relative documentation relative to correspondence that was presented by the applicant during the hearing and to continue this hearing until they get adequate answers from her and anybody else that comes up during the testimony who has relevant information. Mr. Walczak seconded. By way of roll call, the motion passed with a vote of 6-1-0 (Mr. Johnson against).

Mr. Fingerhut moved to continue the public hearing of VAR-000818-2021 to the May 24, 2021 regular BZA meeting. Mr. White seconded. By way of roll call, the motion passed with a vote of 7-0-0.

10. Staff Reports

a. Status of LMO Amendments

Ms. Dixon noted the process is ongoing and staff will keep the Board informed of the progress.

b. Status of Amendments to BZA Rules of Procedure

Ms. Luick informed the Board that she and Ms. Busch met and started the discussion of proposed amendments. She stated the next step will be to complete research of the items. She added the item will remain on upcoming agendas for discussion and they will share the results when complete.

c. Waiver Report – The Waiver Report was included in the Board's agenda package.

11. Adjournment

The meeting was adjourned at 6:03 p.m.

Submitted by: Vicki Pfannenschmidt, Secretary

Approved: May 24, 2021