



Town of Hilton Head Island  
**Board of Zoning Appeals Meeting**  
June 28, 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:** Bill Harkins, Glenn Stanford, David Ames, Tamara Becker, Tom Lennox

**Present from Town Staff:** Josh Gruber, Deputy Town Manager; Teri Lewis, Deputy Community Development Director; Nicole Dixon, Development Review Administrator; Missy Luick, Senior Planner; Tyler Newman, Senior Planner; Rocky Browder, Environmental Planner; Diane Busch, Staff Attorney; Teresa Haley, Senior Administrative Assistant; Vicki Pfannenschmidt, Temporary Administrative Assistant

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**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. Presentation of the Town's Crystal Award to outgoing Board Member John White – Presented by Josh Gruber, Deputy Town Manager**

Mr. Gruber made comments regarding Mr. White's accomplishments and thanked him for his service on the Board of Zoning Appeals.

**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. Ms. Laudermilch moved to approve. Mr. Walczak seconded. By way of roll call, the motion passed with a vote of 7-0-0.

**7. Approval of Minutes**

**a. May 24, 2021 Meeting**

Chair Brison asked for a motion to approve the minutes of the May 24, 2021 meeting as presented. Mr. Fingerhut moved to approve. Mr. White seconded. By way of roll call, the motion passed with a vote of 7-0-0.

**8. Appearance by Citizens**

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

**9. Unfinished Business - None**

**10. New Business**

**a. Public Hearing**

**VAR-001218-2021** – Request from Jeffrey Loch, of Seagrass Construction, LLC, on behalf of Steven A. Weston for a variance from LMO Sections 16-5-102, Setback Standards, 16-5-103, Buffer Standards and 16-6-104.F, Specimen and Significant Tree Preservation to allow a proposed development of 3 homes and associated driveway to exceed allowable specimen tree impacts and be located within the adjacent use setback and buffer. The property address is 202 Mitchelville Road with a parcel number of R510 005 000 001B 0000.

Chair Brison opened the Public Hearing.

Ms. Luick presented the application as described in the Staff Report. She 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. She explained the variance criteria in detail.

The Board made comments and inquiries regarding: request for an explanation of parameter requirements for tree protection; the suggested relocation of the homes; impact from relocation of homes; inquiries regarding the discussion of suggested modifications with the applicant; the types of trees in question; and the difference between specimen and significant trees.

Following the Staff presentation and questions by the Board, Chair Brison asked the applicant to make a presentation. Legal Counsel for the applicant raised specific questions regarding the variance requirements and the possibility of changes in design to comply with buffer and setback requirements. He suggested the matter be tabled until the next regular meeting scheduled for July 26, 2021. The applicant was in concurrence.

Chair Brison noted there were no requests for public comment.

The applicant requested a continuance of the application to the regular meeting scheduled for July 26, 2021. Mr. Walczak moved to approve. Mr. White seconded. By way of roll call, the motion passed by a vote of 7-0-0.

**b. Election of Officers for the July 1, 2021 – June 30, 2022 Term**

Vice Chair Ponder nominated Patsy Brison as Chair. Ms. Laudermilch seconded. There were no additional nominations for Chair and Chair Brison accepted the nomination. Mr. Fingerhut moved to accept the nomination by acclamation. Mr. Walczak seconded. By way of roll call, the motion passed by a vote of 7-0-0.

Mr. Walczak nominated Dr. Anna Ponder as Vice Chair. Ms. Laudermilch seconded. There were no additional nominations for Vice Chair and Vice Chair Ponder accepted the nomination. Mr. Fingerhut moved to accept the nomination by acclamation. Mr. White seconded. By way of roll call, the motion passed by a vote of 7-0-0.

Ms. Laudermilch nominated Teresa Haley as Secretary. Mr. Walczak seconded. Ms. Haley accepted the nomination. Mr. Walczak moved to accept the nomination by acclamation. Ms. Laudermilch seconded. By way of roll call, the motion passed by a vote of 7-0-0.

## **11. Board Business**

### **a. Discussion of consideration of LMO Amendments related to lot sizes and setbacks**

Ms. Dixon explained there would be educational outreach and workshops held with contractors and developers regarding setbacks and buffers. She added that staff presented the first set of LMO amendments at the June 16 Public Planning Committee, with setbacks and buffers as part of the list. Ms. Dixon stated it was requested of staff to hold on any suggestions of reductions or flexibility because Town Council would like to schedule a workshop for discussion regarding a full review of that section of the LMO. She concluded that at this time staff is not recommending any type of reduction or flexibility in setbacks and buffers.

## **12. Staff Reports**

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

Ms. Busch stated that of a total of twelve Circuit Court Appeals, five have been disposed, five regarding Sandcastles by the Sea properties are active in mediation status, and two involving Arbor Nature have a last filing date of June 29, 2020. She noted there is not further information regarding the cases.

### **b. Status of Amendments to BZA Rules of Procedure**

Ms. Luick said internal staff meetings are scheduled this week on compiled research done to date. She added she will have an update at the next scheduled meeting.

### **c. Status of LMO Amendments**

Ms. Dixon reported the first set of LMO Amendments were presented to the Public Planning Committee on June 16. The Committee raised concerns regarding some of the Amendments and directed staff to come back to their July 22 meeting with clarification. She added that afterwards, the items will move on to the LMO Committee for review in August.

Board Members discussed with staff the need for property owners to be aware of LMO requirements when purchasing property. Suggestions and input regarding how to accomplish such were discussed.

### **d. Waiver Report - The Waiver Report was included in the Board's agenda package.**

## **13. Adjournment**

The meeting was adjourned at 3:52 p.m.

**Submitted by:** Vicki Pfannenschmidt, Secretary

**Approved:** July 26, 2021