



**Town of Hilton Head Island
Board of Zoning Appeals
Regular Meeting
January 25, 2016 2:30 p.m.
Benjamin M. Racusin Council Chambers
AGENDA**

1. **Call to Order**
2. **Pledge of Allegiance to the Flag**
3. **Roll Call**
4. **Freedom of Information Act Compliance**
Public notification of the Board of Zoning Appeals meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the requirements of the Town of Hilton Head Island Land Management Ordinance.
5. **Welcome and Introduction to Board Procedures**
6. **Approval of Agenda**
7. **Approval of the Minutes – Regular Meeting December 14, 2015**
8. **New Business**
APL-2043-2015: Request for Appeal from Taiwan Scott on behalf of Gullah Geechee Catering, LLC. The appellant is appealing staff's determination, dated October 21, 2015, that 15 Marshland Road and 13 Marshland Road do not function together as a single development and therefore the adjacent use setback and buffer requirements are applicable.
Presented by: Teri Lewis
- PUBLIC HEARING**
VAR-2298-2015: On behalf of Beaufort County, Jon Rembold applied for a variance from LMO Section 16-3-106.E, Airport Overlay (A-O) District, to reduce the adjacent street buffer along the west side of Summit Drive from 75 feet to 20 feet. The applicant is requesting the variance to allow the relocation of the General Aviation Replacement Ramp and the helicopter parking pad, per the Airport Layout Plan in the Hilton Head Island Airport Master Plan and in compliance with FAA requirements.
Presented by: Anne Cyran
9. **Board Business**
10. **Staff Reports**
Waiver Report
11. **Adjournment**

Please note that a quorum of Town Council may result if four or more Town Council members attend this meeting.

TOWN OF HILTON HEAD ISLAND
Board of Zoning Appeals
Minutes of the December 14, 2015 2:30pm Meeting **DRAFT**
Benjamin M. Racusin Council Chambers

Board Members Present: Chairman Glenn Stanford, Vice Chairman Jeffrey North, David Fingerhut, Steve Wilson, Lisa Laudermilch

Board Members Absent: Jerry Cutrer, John White

Council Members Present: None

Town Staff Present: Nicole Dixon, Senior Planner & Board Coordinator
Teri Lewis, LMO Official
Jill Foster, Deputy Director of Community Development
Brian Hulbert, Staff Attorney
Rocky Browder, Environmental Planner
Eileen Wilson, Senior Administrative Assistant

1. Call to Order

2. Pledge of Allegiance to the Flag

3. Roll Call

4. Freedom of Information Act Compliance

Public notification of the Board of Zoning Appeals meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the requirements of the Town of Hilton Head Island Land Management Ordinance.

5. Welcome and Introduction to Board Procedures

Chairman Stanford welcomed the public and introduced the Board's procedures for conducting the business meeting.

6. Approval of Agenda

The agenda was approved as presented.

7. Approval of the Minutes

The minutes of the November 16, 2015 meeting were approved as presented.

8. Board Business

None

9. New Business

Public Hearing

A. APL-001971-2015: Request for Appeal from Randy Downing. The appellant is appealing the Town's decision to deny a tree removal request at 100 Shipyard Drive, Unit 805 in Tennis Master. Chairman Stanford introduced the application and requested that the applicant make their

presentation. The appellant, Randy Downing was not present at today's Board of Zoning Appeals meeting.

Ms. Nicole Dixon made the presentation on behalf of staff. Ms. Dixon stated that a tree removal request was submitted to the Town on August 12, 2015 to remove a Laurel Oak tree at the back of the unit to allow sun light in and extend the life of the exterior of the unit. According to the narrative submitted by the applicant, when it rains they have an issue with mold and mildew on the house, the patio and the roof.

After a site visit, Rocky Browder denied the request to remove the tree because it is a large, healthy tree and its removal would result in the loss of a significant amount of tree canopy that would not be rectified by mitigation plantings for decades. Mr. Browder suggested other alternatives such as trimming and pruning the tree to open up the canopy and allow more air flow and sun light to reach the home. The applicant has not tried any of these alternatives.

The staff recommended that the Board of Zoning Appeals uphold the staff determination to deny the tree removal request.

The Board discussed the application for appeal and asked questions of Rocky Browder regarding the tree. The Board agreed with the staff's determination regarding upholding the denial of the tree removal request based on the Findings of Fact and Conclusions of Law contained in the staff's report. Following final comments, Chairman Stanford requested that a motion to deny be made.

Mr. North made a **motion to deny** application for appeal, APL-001971-2015. This motion is based on the Findings of Fact and Conclusions of Law contained in the staff's report. Ms. Laudermilch **seconded** the motion and the motion **passed** with a vote of 5-0-0.

Chairman Stanford thanked Kathleen Carlin for her great service and the board appreciates her many years of service. It will be difficult to fill that position.

10. Staff Reports

None

11. Adjournment

The meeting was adjourned at 2:45p.m.

Submitted By:

Approved By:

Eileen Wilson
Sr. Administrative Assistant

Glenn Stanford
Chairman



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
VIA: Nicole Dixon, *Senior Planner and Board Coordinator*
FROM: Teri Lewis, *LMO Official*
DATE: November 5, 2015
SUBJECT: APL #2043-2015

Staff has received an appeal from Taiwan Scott. Mr. Scott is appealing my determination, dated October 21, 2015, that 15 Marshland Road (subject site) and 13 Marshland Road (adjacent site) do not function together as a single development and therefore the adjacent use setback and buffer requirements are applicable.

Findings of Fact

1. Teri Lewis is the LMO Official for the Town of Hilton Head Island.
2. As the LMO Official for the Town of Hilton Head Island, Teri Lewis has the authority to make written interpretations of the LMO.
3. 15 Marshland Road and 13 Marshland Road are adjacent properties. 15 Marshland Road, based on the proposed use, is classified as a commercial services use. 13 Marshland Road is classified as a single-family residential use.
4. Section 16-5-102.D.4 states that the Official may waive the requirement for an adjacent use setback on determination that the proposed development and the adjacent development function as a single development. Section 16-5-103.E.2 states that the Official may waive the requirement for an adjacent use buffer on determination that the proposed development and the adjacent development function as a single development.

Conclusions of Law

1. Appendix A, A-1 states that, "The Official is the LMO Official who is designated by the Town Manager as the person who administers and enforces the Ordinance."
2. Appendix A, A-1.A.3 states that one of the powers and duties of the Official is to make Written Interpretations of the LMO.
3. Table 16-5-102.D, Adjacent Use Setback Requirements, requires a 30' setback between a commercial services use and a single-family use. Table 16-5-103.E requires a Type C buffer between a commercial services use and a single-family residential use.
4. The development at 15 Marshland Road is proposed to be an open air sales food business with outside seating and a farmers market. The property at 13 Marshland Road is a single-family house with a home occupation business license for the sale of honey. Therefore, I have determined that the commercial business and the single-family house do not function as a single development.

Per the Code of Laws of South Carolina, specifically 6-29-800.B, upon receipt of an appeal, staff is required to immediately transmit to the board all the papers constituting the record upon which the action appealed from was taken. The record as attached consists of the following documents:

Appellant Submittal:

- (1) Appeal Application
- (2) Appellant's response to the meeting that took place on October 21, 2015
- (3) September 2, 2015 letter from Anne Cyran to Tai Scott
- (4) Portion of an e-mail from Anne Cyran dated 9/23/15
- (5) Appeal Submittal Narrative
- (6) October 21, 2015 determination letter from Teri Lewis to Tai Scott
- (7) Portion of the draft Minutes from the 9/22/15 Design Review Board (DRB) meeting
- (8) Copy of the 10/13/15 DRB meeting agenda
- (9) Series of e-mails between Anne Cyran and Tai Scott beginning on August 27, 2015 and ending on September 14, 2015.

Staff Submittal:

- (1) October 21, 2015 determination letter from Teri Lewis to Tai Scott
- (2) Copy of Appendix A, A-1 and A-1.A.3 from the LMO
- (3) Copy of LMO Table 16-5-102.D
- (4) Copy of LMO Table 16-5-103.E
- (5) Copy of LMO Section 16-5-102.D.4
- (6) Copy of LMO Section 16-5-103.E.2

Staff reserves the right to submit additional documents.

If you have any questions, please contact Teri Lewis at 341-4698 or teril@hiltonheadislandsc.gov.



Town of Hilton Head Island
Community Development Department
One Town Center Court
Hilton Head Island, SC 29928
Phone: 843-341-4757 Fax: 843-842-8908
www.hiltonheadislandsc.gov

FOR OFFICIAL USE ONLY	
Date Received:	11/2/15
Accepted by:	DH
App. #: APL	2043-2015
Meeting Date:	1/25/16

Applicant/Agent Name: Taiwan Scott Company: Beautiful Island LLC
Mailing Address: 5 Candy Doll Bluff City: HHI State: SC Zip: 29928
Telephone: 843-290-0868 Fax: _____ E-mail: TAIFRE@HOTMAIL.COM

APPEAL (APL) SUBMITTAL REQUIREMENTS

If you are interested in submitting your appeal electronically please call 843-341-4757 for more information.

The following items must be attached in order for this application to be complete:

_____ A detailed narrative stating the Town Official or Body who made the decision, the date of the decision being appealed, the decision being appealed, the basis for the right to appeal, the grounds of the appeal, cite any LMO Section numbers relied upon; **and** a statement of the specific decision requested of the review body.

_____ Any other documentation used to support the facts surrounding the decision.

Filing Fee - \$100.00 cash or check made payable to the Town of Hilton Head Island.

To the best of my knowledge, the information on this application and all additional documentation is true, factual, and complete. I hereby agree to abide by all conditions of any approvals granted by the Town of Hilton Head Island. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale.

I further understand that in the event of a State of Emergency due to a Disaster, the review and approval times set forth in the Land Management Ordinance may be suspended.

Applicant/Agent Signature: Taiwan Scott Date: 11-2-15

Please see response to the meeting dated October 21, 2015

I totally disagree with this proposal.

Please find these reasons to justify my position.

1. Regarding the Fence surrounding the mobile unit.--see attachment DPR-1584-2015 Bottom of first page whereas Town official states fence enclosure surrounding mobile unit is legally non-conforming and does not have to be removed

2. Regarding the removal of the walkway / bike rack --section 16-5-103 states ---b

J. Development Within Required Buffers

Development is prohibited within required buffers except in accordance with this subsection.

1.

The following activities may occur in required buffers, unless expressly prohibited elsewhere in this Ordinance.

a.

Street or driveway access provided it runs approximately perpendicular to/from the adjacent street right-of-way or common property line.

b.

Walkways, pathways, trails, benches, bike racks, and other elements associated with passive recreation or the provision of continuous pedestrian and bicycle connections between adjoining properties, provided all landscaping required by Sec. 16-5-103.F, Buffer Types, is provided and the Official determines that installation or maintenance of such elements will minimize impacts on to required vegetation to the maximum extent practicable.

3. Regarding the variance proposal-- The fact that they have the power to waive the use and buffer setback and they have stated that I met the criteria for it ie. Adjacent owner has business license, we have a business license, they sell products to the public, we sell products to the public, and, as they have requested,(something in writing about the access) I can provide a recorded deed showing the we have a shared access easement. A town official stated that if I have an agreement

in writing about the access, along with the above mentioned criteria then the set back/buffer will be waived. (HEATHER COLIN Development Review administrator)

THE WAIVER OF THIS SECTION WILL RESOLVE ALL ISSUES

16-5-102D & 16-5-103E ADJACENT USE SETBACK AND BUFFER REQUIREMENT

- The Official may waive the requirement for an adjacent use setback on determining that the proposed development and the adjacent development function as a single development.
- The Official may waive the requirement for an adjacent use buffer on determining that the proposed development and the adjacent development function as a single development.

Regarding the officials willingness to speak to adjacent owners on our behave

In my opinion, if the official would have not made this a personal issue, then the adjacent owner's public comments regarding the development, would have remained undisputed and we would not be in this situation today. Clearly, we meet the criteria for the waiver. In my opinion, she over stepped her position as a representative of the Town and made this a personal issue. Requiring unnecessary steps which placed her in a position to influence my neighbor, truly displays an abuse of authority. She should have accepted the deeded access as the final necessary proof as requested, and my neighbors position would not have been influenced. This was very vindictive on her part. The September 22, 2015 DRB minutes clearly stated my neighbors support for the establishment. She is a town official and this type of behavior should not be tolerated. It really sets a bad example for the Town of Hilton Head Island. Her fellow employee Heather Colin had stated to me that I met the criteria and the setback/buffer will be waived. She should have honored Heather's position and move forward.

Regarding her position stating that the "food truck" is considered a permanent open air sales use

After her" thorough review of the LMO"- She obviously missed the fact that her position totally goes against BUILDING CODES-- This unit has to remain mobile, if not, then the criteria changes

and the unit will have to be lifted above flood. We are in a flood zone. I am **REQUIRED** to have the tires on the unit **at all times. THE UNIT MUST REMAIN MOBILE FOR FLOOD PURPOSES AND CAN NOT BE A PERMANENT STRUCTURE.** However, A Farmers Market status may be an option, I presented this to them, which I felt we could meet.

A *farmers' market* may operate as a temporary *use* in accordance with the following conditions:

- a. The market shall operate on a regular basis for no more than nine months per year on a single site.
- b. Market sales shall be limited to the retail sale of fresh fruits and vegetables, herbs, mushrooms, nuts, honey, raw juices, molasses, dairy products, eggs, poultry, meats, fish, shellfish, fresh-cut or dried flowers, nursery stock, seedlings, plants, and other agriculture, aquaculture, and horticulture products produced by the vendor/producer, including the sale of products made by the vendor/producer from such agriculture, aquaculture, and horticulture products (e.g., baked goods, jams and jellies, juices, cheeses), incidental sales of crafts or **similar home-made products made by the vendor/producer, and food and beverages from local restaurants and vendors.**
- c. The market shall provide adequate ingress, egress, and off-street parking areas.
- d. Items for sale may not be displayed or stored within customer pathways.
- e. The market shall comply with applicable signage standards in Sec. 16-5-114, Sign Standards.

Regarding the Business license for Gullah Geechee Catering

Her conclusion, based solely on the wording of the business license? If this is to be considered a legitimate argument, obviously she is not aware of DHEC Rules and Regulations which states that the mobile unit must have an Operations Base. The address and permit number of 15 Marshland Rd has to be posted on the unit and is required for DHEC licensing purposes. If her determination is being based solely on that, then surely which ever license category suits her requirements, we are prepared to apply for it. This is a catering business which has been and will continue to cater private and public functions. Again, the farmers market option was a suggestion made by me, to help her realize that there are multiple criteria that we fall under which allows our development to be permitted "as is".

Her determination that the lots cannot function as a single development is, in my opinion, subjective. That's her personal opinion which truly should not be used. She must look at the facts :

1. Both my neighbor and I have property zoned Marsh Front Mixed Use
2. The previous owner of both lots has for over 15 years utilized the property as Mixed use (town business license can confirm)
3. Both my neighbor and I have a business license
4. Both my neighbor and I sell products to the public
5. We have a deeded reciprocal access easement across each other property (**DB 3261 PG 3033 & DB 3264 PG 1375**)
6. For over two years my neighbors and I have been working together. They have held "BEE Honey Club" Functions at which, large tents were erected and dozens of people would attend. At times throughout the years, 20+ cars have been parked within **my property**. It's very obvious we have been working together.

These are the facts, there is no need for her personal opinion regarding this.

Better yet, what does she need in order to justify the waiver? I have met all possible requirements!!!

FOR THESE REASONS ALONE THE WAIVER IS JUSTIFIABLE AND THE WAIVER SOLVES ALL STATED ISSUES.

1. **MOBILE UNIT IN BUFFER AND SET BACK-WAIVED**
2. **POTENTIAL LOCATION OF FARMERS MARKET-WAIVED**
3. **SCREENED FACADE AROUND MOBILE UNIT-WAIVED**
4. **BIKE RACK-BRICK WALK BETWEEN STORAGE AND FENCE - WAIVED**

16-5-102D & 16-5-103E ADJACENT USE SETBACK AND BUFFER REQUIRMENT

- The Official may waive the requirement for an adjacent use setback on determining that the proposed development and the adjacent development function as a single development.
 - The Official may waive the requirement for an adjacent use buffer on determining that the proposed development and the adjacent development function as a single development.
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TOWN OF HILTON HEAD ISLAND

COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court, Hilton Head Island, SC 29928
843-341-4600 <http://www.hiltonheadislandsc.gov>

September 2, 2015

Tai Scott
Sent to taifr@hotmail.com

Re: DPR-1584-2015, Gullah Geechee Catering

Dear Tai:

This letter is regarding your Minor Development Plan Review (Minor DPR) application for Gullah Geechee Catering at 15 Marshland Road. As we discussed on Friday, the application materials are incomplete. Staff needs further information to review this project for compliance with the Land Management Ordinance (LMO). The comments below reflect many of the same comments staff provided to you at the pre-application meeting for this project, which was held on October 14, 2013.

Since the use of the structure and this site are changing from an accessory storage structure for the single family home on the parcel to a commercial eating establishment, the site must be brought into compliance to the maximum extent practicable with current LMO standards for a commercial eating establishment. In meetings with staff since the 2013 pre-application meeting and in an email sent to you by Heather Colin, Development Review Administrator, on February 23, 2015, staff informed you that prior to any change to the use of the property for anything other than a single family use, the site must comply with the regulations for the new use.

Staff found some areas of flexibility in the LMO to reduce the alterations that must be made to the site to bring it into compliance with LMO standards. The gravel drive aisle running along the western property line (adjacent to Lot 9) existed prior to the development of the commercial portion of the site and is considered a legally non-conforming site feature. Even though the drive aisle runs through the required adjacent use buffer, you do not have to remove the drive aisle from the buffer or plant vegetation in the buffer to meet current adjacent use buffer standards; the drive aisle can remain in its current location.

The wood screen fence surrounding the food truck and the enclosed building encroach into the 30-foot adjacent use setback from Lot 7. Though the building and fence enclosure would not have been permitted in the setback area if the building permit applications for these structures were submitted as part of a commercial development instead of residential accessory structures,

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the building and fence enclosure do not have to be removed to bring the site into full compliance with the LMO. They are legally non-conforming structures. The remaining non-conforming site features, however, must be brought into compliance with current LMO standards to the maximum extent practicable.

Please submit the following materials to complete the application and begin staff review:

1. Check Yes or No after the “Are there recorded private covenants...” question on the application form (attached).
 2. Please revise the narrative to include the size of the enclosed building (not the food truck), the size of the covered eating area, and, if the area in between the gravel drive and the building will be used as an outdoor seating area, state the size of that outdoor seating area.
The narrative should also address the following questions/issues:
 - a) When will food and supplies be delivered and where the delivery truck will access the food truck;
 - b) How waste will be removed – will there be a dumpster?
 - c) The number of bicycle and vehicle parking spaces required based on the size of the enclosed building and outdoor seating areas. See LMO Sections 16-5-107.D (page 5-31) and 16-5-107.H.7 (page 5-42).
 - d) The number, size, and species of existing overstory trees, understory trees, and evergreen shrubs in the adjacent street buffer and in the adjacent use buffer next to Lot 7. The existing vegetation in the buffer will count toward the required buffer vegetation. See LMO Section 16-5-103.F, Buffer Types (page 5-8).
 3. A site plan including all of the items listed in LMO Appendix D, Section 7 (attached), including but not limited to:
 - a) The adjacent street setback line, labeled “40 Foot, 70 degree angle Adjacent Street Setback”.
 - b) The adjacent street buffer line, labeled “Type B, Option (1 or 2) Adjacent Street Buffer”.
 - c) The adjacent use setback line, labeled “30 foot, 60 degree angle Adjacent Use Setback”. The line should be drawn on the side of the property next to Lot 7 and should extend from the Marshland Road right-of-way to the back of the building.
 - d) The adjacent use buffer line, labeled “Type C, Option (1 or 2) Adjacent Use Buffer”. The lines should be drawn on the side of the property next to Lot 7 and should extend from the Marshland Road right-of-way to the back of the building.
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TOWN OF HILTON HEAD ISLAND

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- e) The required 15 foot wide landscape medians at the ends of the parking row. See LMO Section 16-5-107.G (page 5-39).
- f) Lines showing the location and width of the 20-foot driveway. The lines do not need to be marked on the site; they just need to be shown on the site plan.
- g) Lines delineating the lengths and widths of the parking spaces. The lines do not need to be marked on the ground; they just need to be shown on the site plan to demonstrate that they are the required dimensions: all spaces must be 18 feet long; spaces at the ends of the parking row must be 10 feet wide; spaces on the inside of the parking row must be 9 feet wide.
- h) Add a table with the following information to the site plan:
 - The gross area of the site in square feet (33,300 sq ft) and acres (0.76 acres).
 - The area of the tidal wetland on the site in square feet (2,462 sq ft) and acres (0.06 acres).
 - The net area of the site (gross area – tidal wetland area) in square feet (30,838 sq ft) and acres (0.7 acres).
 - The Zoning District: MF, Marshfront Mixed Use.
 - The maximum impervious coverage allowed for the MF Zoning District: 60%.
 - The maximum impervious coverage allowed on the site in square feet (18,503 sq ft) and acres (0.42 acres).
 - The amount of impervious coverage on the site in square feet, acres, and as a percent of the site.
 - The maximum density permitted for the site per the MF Zoning District: 4 Single Family Dwelling Units; and 4,900 square feet of Nonresidential Use.
 - The proposed density for the site: Retain the existing Single Family Dwelling Unit; and add 300 square feet of Nonresidential Use.
 - The number of parking spaces required: 1 space per every 100 square feet of enclosed floor area and outdoor seating area.
 - The number of parking spaces provided.
 - The number of bicycle parking spaces required: parking for 4 bicycles for every 10 vehicle parking spaces required, or major fraction thereof.
 - The number of bicycle parking spaces provided.
- i) An Electric Vehicle (EV) Charging Station. Land Management Ordinance Section 16-5-107.D.10 (page 5-38) states that “All multifamily and nonresidential development shall provide one electric vehicle (EV) charging station per site. The electric vehicle charging station shall be located within 100 feet of the primary entrance.” Note the location of the EV charging station and provide

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specs for the station for staff review of the design.

4. A landscape plan for the adjacent street buffer, adjacent use buffer, and the parking medians.
5. The estimated impact fees for a 300 square foot High Turnover Eating Establishment are: \$2,628.30 (Town of Hilton Head Island) + \$1,030.20 (Beaufort County) = \$3,658.50. The impact fees must be paid at Town Hall prior to the Certificate of Compliance (C of C) being issued for this project.
6. If required by Hilton Head PSD, a Will Serve letter stating that the PSD will provide water and sewer service to the site. If this letter is required, it does not have to be submitted to start staff review of the application, but it is required before the Minor DPR will be approved.
7. If required by Palmetto Electric, a Will Serve letter stating that Palmetto Electric will provide electrical service to the site. Again, if this letter is required, it does not have to be submitted to start staff review of the application, but it is required before the Minor DPR will be approved.

Please note that this list is not inclusive; additional information or materials may be required by Town staff once they review the complete application. Once the materials required to complete the application have been submitted, staff will begin reviewing the application. A comment letter or an approval (if staff has no comments) will be sent to you within seven business days of receiving the complete application.

Please note that, when making the above changes to the site plan, if you find that you aren't able to meet some of the current LMO standards, you can apply for a variance from the Board of Zoning Appeals (BZA) from the section or sections of the LMO. A variance application is attached and the BZA application deadlines, meeting schedule, and further information about the variance process are on the Town's website:

<http://www.hiltonheadislandsc.gov/boards/boarddetails.cfm?BoardID=BZA>. Please note that each of the four criteria in LMO Section 16-2-103.S.4.a.i (see attached application form) must be met for the variance to be approved. Please also note that any variances requested for this site must be approved before the site plan can be approved.

You will need to submit the C of C application when the approved site work for this project is complete. The required application forms for the C of C will be provided to you when the

TOWN OF HILTON HEAD ISLAND

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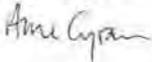
Minor DPR application is approved. The C of C must be approved by staff **prior** to this site being used as a Commercial Eating Establishment.

Please ensure that no further work (demolition, removing vegetation, moving gravel, installing site features, building structures, etc.) takes place on this site until the Minor DPR is approved.

Again, the Design Review Board (DRB) application must be approved, the Minor DPR must be approved, any alterations to the building or site required by the DRB must be complete, all site work must be complete, and a C of C must be approved before the site can be used as anything other than a single family residence.

Please contact me at (843) 341-4697 or at annec@hiltonheadislandsc.gov if you have any questions about these requirements.

Sincerely,



Anne Cyran, AICP
Senior Planner

cc: File
Heather Colin, Development Review Administrator
Teri Lewis, LMO Official

Attachments: Minor DPR Application Form
PAPP130019 Staff Comment Sheet
Email from Heather Colin dated 02/23/2015
LMO Appendix D, Section 7
VAR Application

9-23-15

Email from: Anne Cyran

Regarding the cedar stain, the BZA cannot overturn a decision by the DRB. The next step in appealing a DRB decision is to appeal the decision to circuit court. LMO Section 16-2-102.H.2.b, Post-Decision Actions and Limitations – Appeals, states “The following decisions shall constitute final decisions of the Town, and a party aggrieved or adversely affected by such a decision may appeal the decision to the courts in accordance with applicable state law: (v). A final decision by the Design Review Board on applications for Major Corridor Review or a Sign Permit.” The LMO is on the Town’s website: <http://www.hiltonheadislandsc.gov/publications/codeoflaws.cfm>.

If you want to apply for a variance from any additional standards (aside from the ones listed below), you can apply for any of the LMO sections listed in 16-2-103.S.2. The list below covers the issues we discussed last week:

~~1.~~ The adjacent use setback and buffer from Lot 7. LMO 16-5-102.D, Adjacent Use Setback Requirements, and 16-5-103.E, Adjacent Use Buffer Requirements.

If you receive a variance from these sections for the setback and buffer requirements from Lot 7, you could place new structures (such as food or merchandise display areas, seating areas, fences, etc.) in the setback area and you would not be required to create a landscaped buffer along the property line you share with Lot 7. A variance from these sections would not exempt you from receiving Design Review Board approval or applicable building permits for any new structures or landscaping you build, locate, or plant in the adjacent use setback and buffer area.

~~2.~~ As stated during the meeting, staff will support a variance from this requirement.

2. The adjacent street buffer from Marshland Road. LMO 16-5-103.D, Adjacent Street Buffer Requirements.

If you receive a variance from this section for the adjacent street buffer requirements from Marshland Road, you would not be required to create a landscaped buffer along the Marshland Road property line.

For staff to support a variance from this requirement, you will need to demonstrate that you cannot meet the minimum width requirement for a Type B buffer (for a minor arterial street). Type B buffers must be 25 feet wide (Option 1) or 15 feet wide (Option 2). Based on the site plan you submitted, there is enough space to establish the required adjacent street buffer.

3. The requirement for 15 foot wide landscape medians at the ends of parking rows. LMO 16-5-107.G, Landscaping of Parking Lots.

If you receive a variance from this section, you will not need to establish landscaped medians at the ends of the row of parking spaces.

For staff to support a variance from this requirement, you will need to demonstrate that you cannot add the medians at the ends of the row of parking spaces because there isn’t enough room on the site to do so. Based on the site plan you submitted, there is enough space to establish a row of parking spaces with 15 foot wide landscape medians on the ends.

The number of parking spaces required for an open air sales use 1 space per 200 square feet of gross floor area of the sales/display area. Based on the site plan submitted for the Minor DPR, the site has 600

Appeal Submittal Narrative

Please consider this as a formal request to hear this case at the January BZA meeting. I will be out of the States handling family matters for the December 14, 2015 meeting. I am scheduled to leave the states on Saturday December 12, 2015. I would like to formally request for the board to exercise the powers vested in them to subpoena the following town officials:

TERRY LEWIS-LMO Official-Abuse of authority by a town official

HEATHER COLINS-Development Review Administrator Agreed that waiver requirements were met

JILL FOSTER- Agreed that letter between neighbors and I was not required

DONNA HORSEMANN- Community Development Assistant Can confirm the project intent from beginning. Present when Terry stated she would help. Day before I purchased unit

SARAH Community Development Assistant - was present when Terry stated she would help. Day before I purchased unit

Keisha Community Development Assistant - was present when Terry stated she would help. Day before I purchased unit

Also Marie Arnal 13 Marshland Road HHI SC 29928 neighbor- Can verify Terry Lewis misled her in regards to the establishment ie. My neighbors and I must be business partners

Their presence will be crucial to the validity of my case.

As required, please accept this narrative as a formal request to appeal the decision made by Town Official Terry Lewis regarding **her opinion** that the criteria to waive LMO section 16-5-102.D and 16-5-103.E ADJACENT USE SETBACK AND BUFFER has not been met. This decision was rendered on October 21, 2015 Re: DPR-1584-2015, GULLAH GEECHEE CATERING. I am requesting for the BZA to use the powers vested in them to waive LMO section 16-5-102D& 16-5-103E

16-5-102D. & 16-5-103E ADJACENT USE SETBACK AND BUFFER REQUIRMENTS

- **The Official may waive the requirement for an adjacent use setback on determining that the proposed development and the adjacent development function as a single development.**
- **The Official may waive the requirement for an adjacent use buffer on determining that the proposed development and the adjacent development function as a single development.**

To support this request I have proven that my property and the adjacent property can be considered a functional single development. The facts are as follows, both properties are zoned marsh front mixed use. The neighbors are currently utilizing their property as a home based business which caters to the public. They have an agricultural license to process honey and a Town of Hilton Head Island Business license to sell honey to the public. They have held honey functions throughout the past couple of years in which customers, friends, and bee club members have utilized my property, along with theirs, for these functions. At times 20+ automobiles would be parked on my property. They have verbally stood before the DRB on September 22, 2015 and stated that we have been working with and supporting each other since they acquired the property. We have a business license which allows us to cater to the public as well. We will display local vendor stations at various times, selling fruits, vegetables, seafood, and native islander made products. For these very apparent reasons, I believe that both sites complement each other and can be considered a functional single development. After speaking with Development Review Administrator (Heather Colin), she stated that those criteria did show proof however I would also need something in writing to solidify the waiver. I stated that my neighbors and I have a deeded reciprocal easement which encumbers our properties. Heather stated that I would have to provide a copy of it and that she would notify Terry Lewis that I have met the requirements for the waiver.(e-mail 9-14-15) Furthermore, town official Anne Cyran has stated staffs support of a variance from these requirements.(e-mail 9-23-15) The fact that they do have the power to waive this section, in my opinion, does not warrant a variance. For these very apparent reasons I am requesting for the board to reverse town's official Terry Lewis decision not to waive section 16-5-102 D & 16-5-103.E Adjacent use setback and buffer requirements.

16-5-102 ADJACENT USE SETBACK AND BUFFER REQUIRMENTS

- **The Official may waive the requirement for an adjacent use setback on determining that the proposed development and the adjacent development function as a single development.**
- **The Official may waive the requirement for an adjacent use buffer on determining that the proposed development and the adjacent development function as a single development.**

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, SC 29928

843-341-4600 phone 843-842-7728 fax

www.hiltonheadislandsc.gov

Sent via e-mail to taifr@hotmail.com

October 21, 2015

Mr. Taiwan Scott
5 Candy Doll Bluff
Hilton Head Island, SC 29928

Re: DPR-1584-2015, Gullah Geechee Catering

Dear Mr. Scott:

This is a follow up to the meeting held on October 20, 2015 between you, Alex Brown, Richard Spruce, Jill Foster, Charles Cousins and myself. At that meeting we agreed that I would send you a letter listing your options to complete your Minor Development Plan Review (DPR) application. Below are our ideas and recommendations based on yesterday's meeting.

The first option is to locate the food truck (open air sales unit), associated screening fence, bike rack and farmers' market area out of the required setback and buffer (see attached site plan for possible layout). The brick walk between the storage shed and the fence along the property line must be removed or relocated out of the required buffer. If you choose this option, I will circulate the attached site plan among reviewers to determine anything else with the site that needs to be addressed.

The second option is to do the first option **and** apply for a variance asking for a 15' adjacent use setback instead of the required 30' setback. I think you have a great case for a variance to reduce the adjacent use setback based on the narrowness of the property, especially once you apply the various setback and buffer requirements to the site plan. I would support such a variance and be willing to meet with your neighbor ahead of time to explain my support of the variance. This variance would give you even more area for the farmers' market and for the open air sales use (food truck).

Per Richard Spruce, please be advised that building permits will still be required for the restroom and the screening fence around the food truck (which were installed without the required permits) and any propane tanks that have been or are proposed to be added. Additionally any electrical or plumbing work already done or proposed to be done related to the food truck will need to be inspected.

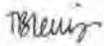
The paragraphs above simply explain your options; as stated before, until such time that the stop work orders are removed, no work can occur on this site.

To keep this project moving forward, please let me know by **November 3, 2015** which option you choose and we will work with you to continue the permitting of this project as expediently as possible.

Yesterday you stated that you wanted a final answer on the Open Air Sales use and the Farmers' Market use. I have determined, after a thorough review of the LMO, particularly the Use and Definition sections, that the food truck is considered a permanent Open Air Sales use and not just a part of a temporary Farmers' Market use. This determination is based in part on the information provided on the business license submitted by Gullah Geechee Catering. Their business license states that this is a permanent location for their business, the description of which is catering and restaurant, not a farmers' market. The determination regarding the

use classification of the food truck is also based on the definition of Farmers' Market which states that, "... held...occasionally or periodically for only a limited time period during the year..." Additionally I have determined, as we discussed yesterday, that based on the information available to me, your site (Lot 8) and the neighboring site (Lot 7) do not appear to function as a single development and therefore the adjacent use setback and buffer are applicable. These are my final written determinations on these two issues. **Should you disagree with them and wish to appeal these two determinations to the Board of Zoning Appeals, you must do so within 14 days of receipt of this letter (November 3, 2015).**

Sincerely,



Teri B. Lewis
LMO Official

cc: Alex Brown
Charles Cousins
Jill Foster
Richard Spruce

**Town of Hilton Head Island
Design Review Board
Minutes of the Tuesday, September 22, 2015 Meeting
1:15p.m. – Benjamin M. Racusin Council Chambers**

DRAFT

Board Members Present: Chairman Jake Gartner, Vice Chairman Dale Strecker,
Ron Hoffman, Debbie Remke, Kyle Theodore, and Brian Witmer

Board Members Absent: Michael Gentemann

Town Council Present: Mayor Pro Tem Bill Harkins and John McCann

Town Staff Present: Jennifer Ray, Urban Designer
Teri Lewis, LMO Official
Heather Colin, Development Review Administrator
Richard Spruce, Plans Examiner
Charles Cousins, Director, Community Development
Shawn Colin, Deputy Director, Community Development
Anne Cyran, Senior Planner
Don Kirkman, Director, Economic Development
Kathleen Carlin, Administrative Assistant

1. **Call to Order**
2. **Roll Call**
3. **Freedom of Information Act Compliance**
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
4. **Approval of Agenda**
Ms. Ray reported that application DRB-001678-2015, Outdoor Dining Patio (SCTC-Wren), has been withdrawn at the applicant's request. The agenda was **approved** as amended by general consent.
5. **Approval of Minutes**
The minutes of the September 8, 2015 meeting were **approved** as amended by general consent.
6. **Staff Report**
Ms. Ray reported that staff has modified the draft DRB Minutes to focus more on the applicants' presentations and the Board's comments, recommendations and directives. The Board stated that they like the new format for the draft minutes.

Ms. Ray reported that Town Council has approved first reading of the Ordinance to adopt the updated Design Guide. The second reading by Town Council is scheduled on October 6, 2015.
7. **Board Business**
None

8. Old Business

- A. Gullah Geechee Catering LLC – DRB-001583-2015 *Request to rescind previous DRB motion*
Ms. Ray stated that this project is located at 15 Marshland Road and was reviewed by the Board on September 8, 2015. The Board approved the application with the following conditions: (1) the orange color on the lattice, the fence, and the building is to be muted to bring it into compliance with the Design Guide; (2) the roof on the enclosed structure and the covered porch shall be the same color to be consistent with the Design Guide; (3) basic landscaping shall be placed consistent with the LMO along the fence and the picnic area as recommended by the staff.

Ms. Ray stated that the applicant is here today to request that the Board rescind their motion based on additional information that he would like to present today. The Board's Rules of Procedure allow the Board to rescind a previously approved motion. A member would have to make a motion to rescind and that motion would have to be seconded. Approval of the motion requires a two-thirds vote. If the Board approves rescinding the motion, the Board will then need to take action on the submittal that was reviewed at the September 8, 2015 meeting with a new vote, a second, and a majority vote.

Ms. Ray stated that following the September 8th meeting the staff met with Mr. Scott on site to discuss color options. Following this discussion, the applicant stated that he had additional information that he would like to present to the Board today. This resulted in the applicant's request to rescind the previous motion for this project. If the Board does not approve the applicant's request to rescind their previous motion, and the applicant wishes to pursue the matter further, the next step in the process would be an appeal to the Circuit Court. Following these statements, Chairman Gartner requested that the applicant make his presentation.

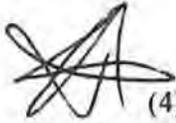
Mr. Taiwan Scott requested that the Board rescind their previous motion on this project regarding the Board's condition to mute the orange color. Mr. Scott stated that he does not agree with this condition. Mr. Scott stated that the orange color is actually a cedar toned stain and that the use of orange is already established on several projects throughout the island. Mr. Scott presented an actual sample of the cedar toned stained lattice for the Board's review.

Mr. Scott also presented an overhead review of several photos of projects located throughout the island that contain an element of orange. Mr. Scott stated that he believes the cedar tone stain is already muted when compared to the previously approved orange used on projects elsewhere on the island.

Mr. Scott also presented comments with regard to the town's R/UDAT Study's Vision Statement. Mr. Scott encouraged the DRB to support the Native Islander's culture when reviewing these types of projects. Native Islander colors are often more vibrant than the nature blending color palette that dominates the island. Mr. Scott stated that he has complied with the Board's condition regarding a uniform color for the roofs. Following his presentation, Mr. Scott requested that the Board allow public comments.

Before inviting public comments on this project, Chairman Gartner stated that the Design Review Board is tasked with reviewing design criteria based on the town's Design Review Guidelines. Public comments should relate to design criteria only. Chairman Gartner then requested public comments and the following were received:

- (1) Mr. Don Brashears presented statements in support of the project including the cedar tone stained color; (2) Ms. Dot Law, Chairman of the Marshland POA, presented statements in support of the project including the cedar tone stained color. Ms. Law encouraged the Board to consider the Native Island culture when reviewing Native Islander projects; (3) Mr. Joe Buckingham presented statements in support of the project including the cedar tone stained color;



(4) Mr. David Arnal presented statements in support of the project including the cedar tone stained color. Following public comments, Chairman Gartner requested discussion by the Board. The Board discussed their previous motion and the new information presented to them today.

A majority of the Board members stated that while they support the applicant's business idea, the Design Review Board is tasked with interpreting and complying with the town's Design Guidelines. The cedar tone stain does not appear in the Design Guide and presents as orange when viewed on site in the sun. The Board stated that the color should be muted to comply with the Design Guide. Mr. Scott stated his objection to the Board's comments since he believes the color orange is already well established on previously approved projects.

The Board stated that the problem is the dominant amount of orange on this project. The amount of orange makes it the dominant color and incompliant with the Design Guide. The color orange shown in the photographs is used as an accessory color rather than a dominant color.

One Board member stated that, based on the new information presented today by the applicant, she believes that a precedent has already been set for the use of orange. The majority of Board members stated that the orange color does not comply with the Design Guide.

The Board stated that while they appreciate the Native Islander community and culture, they are nonetheless tasked with judging properties according to the Design Guide. The Board has one set of guidelines that apply to the entire island. Perhaps the idea of a Native Islander Corridor should be explored at some point but this is not under the DRB's jurisdiction. The Board stated that the uniform roof color is a big improvement. Additional landscaping is needed to be compliant with the LMO. At the completion of final comments by the Board, Chairman Gartner asked if there was a motion to rescind the previous motion regarding application DRB-001583-2015. No motion to rescind the previous motion was received from the Board. Based on the lack of a motion, Chairman Gartner stated that the Board's original motion stands. The Board stated that the color needs to be toned down and basic landscaping is required per the LMO. The applicant is to work with the staff on these two conditions.

9. Unfinished Business

A. Alteration/Addition

Engel + Volkers – DRB-001501-2015

Ms. Ray stated that this project is located at 800 Main Street. The Board first reviewed this application on August 25, 2015 but no action was taken. At the time the Board's comments focused on modifications to the ramps and handrails, the addition of the white awnings, and the addition of the storefront on the rear of the building. Changes were made to the site plan based on the Board's comments as well as code requirements.

Ms. Ray presented an in-depth overhead review of the revised plans. The staff recommends approval with the condition that consideration be given on how to make the lift better match the architecture of the building. A landscape plan is also required with extensive landscaping to screen the end of the building. Following staff's presentation, Chairman Gartner requested that the applicant make his presentation.

Mr. Michael Kronimus, KRA architecture + design, presented statement in support of the application. The applicant stated that they are looking for a very simple white lift and it does not have to be the glass enclosure presented today. The applicant stated that the display of real estate listings is still an issue. Ms. Ray stated that the listings have to meet the requirements for window signs and this issue falls under Code Enforcement rather than the DRB. The applicant stated that they will submit the required landscaping plan. The applicant stated that they would like to paint all of the doors black. The awnings are all black.



Town of Hilton Head Island Regular Design Review Board Meeting

October 13, 2015

1:15 p.m. – Benjamin M. Racusin Council Chambers

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

1. **Call to Order**
2. **Roll Call**
3. **Freedom of Information Act Compliance**
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
4. **Approval of Agenda**
5. **Approval of Minutes** – Meeting of September 22, 2015
6. **Staff Report**
7. **Board Business** – Approval of 2016 Regular Meeting Schedule
8. **Old Business**
9. **Unfinished Business**
10. **New Business**
 - A. Alteration/Addition
 - 1) DRB-001757-2015 – Graves Warehouse
 - 2) DRB-001821-2015 – Ocean Gate repaint/re-roof
 - 3) DRB-001824-2015 – Greenwood Gate repaint/re-roof
 - 4) DRB-001839-2015 – Renovation as law offices
 - 5) DRB-001840-2015 – Alterations & Additions St. Luke's Church
 - 6) DRB-001851-2015 – World of Beers
 - 7) DRB-001852-2015 – Engel & Volkers (7 New Orleans Road)
 - 8) DRB-001854-2015 – 151 Arrow Road
 - 9) DRB-001855-2015 – 1020 William Hilton Parkway
 - B. New Development – Conceptual
 - 1) DRB-001842-2015 – Sea Turtle Marketplace
 - 2) DRB-001860-2015 – Home 2 Suites by Hilton

[Print](#)[Close](#)**RE: DPR-1584-2015 Gullah Geechee Catering - Letter re Application Requirements 09-02-2015**

From: **Taiwan scott** (taifr@hotmail.com)
Sent: Mon 9/14/15 12:20 PM
To: annec@hiltonheadislandsc.gov (annec@hiltonheadislandsc.gov);
HeatherC@hiltonheadislandsc.gov (heatherc@hiltonheadislandsc.gov); Lewis Teri
(teril@hiltonheadislandsc.gov)

Anne,

I would like to schedule a time to meet with you, Heather, and Teri to discuss your comments. I met with Heather after the DRB meeting and we agreed that there are areas which qualify for modifications / adjustments. She said that she would talk to Teri about them. The sooner the better, as I would like to have the changes displayed on the survey as requested. I am available any time after 11 this week.

Thank you

Tai
843-290-0868

From: annec@hiltonheadislandsc.gov
To: taifr@hotmail.com
CC: HeatherC@hiltonheadislandsc.gov; TeriL@hiltonheadislandsc.gov
Subject: DPR-1584-2015 Gullah Geechee Catering - Letter re Application Requirements 09-02-2015
Date: Wed, 2 Sep 2015 21:27:43 +0000

Good afternoon Tai,

I'm sorry for the delay in sending this to you.

Please contact me if you have any questions.

Sincerely,

Anne Cyran, AICP

Senior Planner

Town of Hilton Head Island

One Town Center Court

Hilton Head Island, SC 29928

(843) 341-4697

annec@hiltonheadislandsc.gov

From: Taiwan scott [mailto:taifr@hotmail.com]
Sent: Tuesday, September 01, 2015 4:55 PM
To: Cyran Anne
Subject: RE: Meeting tomorrow

Anne,

As to the meeting on last Friday, can you please forward me the expected changes that will be needed for final approval. I do understand that the DRB will have their comments on Tuesday however, you stated that I should receive yours comments by yesterday.

I'm just touching base, in case you forgot.

thanks

tai

843-290-0868

From: annec@hiltonheadislandsc.gov
To: taifr@hotmail.com
Subject: RE: Meeting tomorrow
Date: Thu, 27 Aug 2015 20:30:05 +0000

Tai,

Teri, Heather, Jennifer and I will be there.

We'll see you tomorrow.

Anne Cyran, AICP

Senior Planner

Town of Hilton Head Island

One Town Center Court

Hilton Head Island, SC 29928

(843) 341-4697

annec@hiltonheadislandsc.gov

From: Taiwan scott [mailto:taifr@hotmail.com]
Sent: Thursday, August 27, 2015 4:28 PM

<

>

To: Cyran Anne
Subject: Meeting tomorrow

Anne,

If possible, I would like for Terry to be at the meeting on tomorrow. If this isn't possible, then we can reschedule at another time that fits her schedule.

Please let me know.

Tai

This email 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 have received this email in error please notify the originator of the message.

Any views expressed in this message are those of the individual sender.

This message has been scanned for viruses and spam by McAfee.

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TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, SC 29928
843-341-4600 phone 843-842-7728 fax
www.hiltonheadislandsc.gov

Sent via e-mail to taifr@hotmail.com

October 21, 2015

Mr. Taiwan Scott
5 Candy Doll Bluff
Hilton Head Island, SC 29928

Re: DPR-1584-2015, Gullah Geechee Catering

Dear Mr. Scott:

This is a follow up to the meeting held on October 20, 2015 between you, Alex Brown, Richard Spruce, Jill Foster, Charles Cousins and myself. At that meeting we agreed that I would send you a letter listing your options to complete your Minor Development Plan Review (DPR) application. Below are our ideas and recommendations based on yesterday's meeting.

The first option is to locate the food truck (open air sales unit), associated screening fence, bike rack and farmers' market area out of the required setback and buffer (see attached site plan for possible layout). The brick walk between the storage shed and the fence along the property line must be removed or relocated out of the required buffer. If you choose this option, I will circulate the attached site plan among reviewers to determine anything else with the site that needs to be addressed.

The second option is to do the first option **and** apply for a variance asking for a 15' adjacent use setback instead of the required 30' setback. I think you have a great case for a variance to reduce the adjacent use setback based on the narrowness of the property, especially once you apply the various setback and buffer requirements to the site plan. I would support such a variance and be willing to meet with your neighbor ahead of time to explain my support of the variance. This variance would give you even more area for the farmers' market and for the open air sales use (food truck).

Per Richard Spruce, please be advised that building permits will still be required for the restroom and the screening fence around the food truck (which were installed without the required permits) and any propane tanks that have been or are proposed to be added. Additionally any electrical or plumbing work already done or proposed to be done related to the food truck will need to be inspected.

The paragraphs above simply explain your options; as stated before, until such time that the stop work orders are removed, no work can occur on this site.

To keep this project moving forward, please let me know by **November 3, 2015** which option you choose and we will work with you to continue the permitting of this project as expediently as possible.

Yesterday you stated that you wanted a final answer on the Open Air Sales use and the Farmers' Market use. I have determined, after a thorough review of the LMO, particularly the Use and Definition sections, that the food truck is considered a permanent Open Air Sales use and not just a part of a temporary Farmers' Market use. This determination is based in part on the information provided on the business license submitted by Gullah Geechee Catering. Their business license states that this is a permanent location for their business, the description of which is catering and restaurant, not a farmers' market. The determination regarding the

use classification of the food truck is also based on the definition of Farmers' Market which states that, "... held...occasionally or periodically for only a limited time period during the year..." Additionally I have determined, as we discussed yesterday, that based on the information available to me, your site (Lot 8) and the neighboring site (Lot 7) do not appear to function as a single development and therefore the adjacent use setback and buffer are applicable. These are my final written determinations on these two issues. **Should you disagree with them and wish to appeal these two determinations to the Board of Zoning Appeals, you must do so within 14 days of receipt of this letter (November 3, 2015).**

Sincerely,



Teri B. Lewis
LMO Official

cc: Alex Brown
Charles Cousins
Jill Foster
Richard Spruce

Appendix A: Advisory and Decision Making Bodies and Persons

A-1. Official

The **Official** is the LMO Official who is designated by the Town Manager as the **person** who administers and enforces this **Ordinance**. The **Official** shall have the following powers and duties under this **Ordinance**:

A. Powers and Duties

1. Review and make decisions on:
 - a. Subdivision Reviews (Minor and Major) (Sec. 16-2-103.F);
 - b. Development Plan Reviews (Minor and Major) (Sec. 16-2-103.G);
 - c. Small Residential Development Reviews (Sec. 16-2-103.H)
 - d. Minor Corridor Reviews (Sec. 16-2-103.I);
 - e. Natural Resources Permits (Sec. 16-2-103.K);
 - f. Wetlands Alteration Permits (Sec. 16-2-103.L);
 - g. Certain Sign Permits (Sec. 16-5-114.E);
 - h. Development Project Name Reviews (Sec. 16-2-103.N);
 - i. Certificates of Compliance (Sec. 16-2-103.P);
 - j. Minor Deviations to PUD Master Plans (Sec. 16-2-103.D.8).
2. Review and prepare a staff report with a recommendation on:
 - a. Text Amendments (Sec. 16-2-103.B);
 - b. Zoning Map Amendments (Rezoning) (Sec. 16-2-103.C);
 - c. Planned Unit Development (PUD) Districts (Sec. 16-2-103.D);
 - d. Special Exceptions (Sec. 16-2-103.E);
 - e. Major Corridor Reviews (Sec. 16-2-103.I);
 - f. Certain Sign Permits (Sec. 16-5-114.E);
 - g. Street/Vehicular Access Easement Name Reviews (Sec. 16-2-103.O);
 - h. Public Project Reviews (Sec. 16-2-103.Q);
 - i. Variances (Sec. 16-2-103.S).
3. Make Written Interpretations of this **Ordinance** (Sec. 16-2-103.R).
4. Enforce the provisions of this **Ordinance** (Sec. 16-8-105)
5. Maintain the **Official Zoning Map** (Sec. 16-1-107).
6. Provide expertise and technical assistance to the **Town Council, Planning Commission, Board of Zoning Appeals, and Design Review Board**, upon request.

TABLE 16-5-102.D: ADJACENT USE SETBACK REQUIREMENTS ¹				
MINIMUM SETBACK DISTANCE ¹ /MAXIMUM SETBACK ANGLE ²				
PROPOSED USE ³	USE OF ADJACENT DEVELOPMENT PROPERTY ³			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATION; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	CR, CC, WMU, S, RD, SPC, LC, MF, MV, MS, NC, MED	IL
Single-Family	20 ft ^{4,5} /75°	20 ft ⁵ /75°	30 ft ⁵ /60°	40 ft ⁵ /45°
<ul style="list-style-type: none"> Any Other Residential Uses Commercial Recreation 	20 ft ⁵ /75°	20 ft ⁵ /75°	25 ft ⁵ /75°	30 ft ⁵ /60°
<ul style="list-style-type: none"> Public, Civic, Institutional, and Education Resort Accommodation Offices Commercial Services Vehicle Sales and Services Boat Ramps, Docking Facilities, or Marinas 	30 ft ⁵ /60°	25 ft ⁵ /75°	20 ft ⁵ /75°	20 ft ⁵ /75°
Industrial Uses	40 ft ⁵ /45°	30 ft ⁵ /60°	20 ft ⁵ /75°	20 ft ⁵ /75°

1. Measured from the common property line to the closest portion of a **structure**.

2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a **height** of 20 feet above the **base flood elevation** or **pre-development grade**, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.D, Use Setback Angle).

3. See Sec. 16-10-103 for a description or definition of the listed **use** classification and types.

4. Reduced to 5 feet where adjoining another **single-family dwelling lot** in the same **subdivision**; may be reduced to less than 5 feet if it, when combined with the platted setback distance for the adjoining **lot**, is at least 10 feet.

5. May be reduced by up to 10 percent in any district on demonstration to the **Official** that:

- The reduction is consistent with the character of **development** on surrounding **land**;
- Development resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;
- The reduction either (1) is required to compensate for some unusual aspect of the site or the proposed **development**, or (2) results in improved site conditions for a **development** with **nonconforming site features** (e.g., allows the extension of a wall or fence that screens an existing **outdoor storage** area);
- The reduction will not pose a danger to the public health or safety;
- Any adverse impacts directly attributable to the reduction are mitigated (e.g., the closer proximity of **buildings** to a property line are mitigated by a wider or more densely screened adjacent use buffer along that property line); and
- The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 10 percent.

designated in Table 16-5-103.E, Adjacent Use Buffer Requirements, for the proposed **use** and the classification of the **use** of the **adjacent** property (or zoning of a vacant **adjacent** property). Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F, Buffer Types.

TABLE 16-5-103.E: ADJACENT USE BUFFER REQUIREMENTS ¹

PROPOSED USE ²	REQUIRED BUFFER TYPE ²			
	USE OF ADJACENT DEVELOPED PROPERTY ³			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATIONS; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	CR, CC, WMU, S, SPC, RD, MS, MV, MF, LC, NC, MED	IL
Single-Family	n/a	C	C	D
• All Other Residential Uses • Commercial Recreation	A	n/a	B	D
• Public, Civic, Institutional, and Education • Resort Accommodations • Offices • Commercial Services • Vehicle Sales and Services • Boat Ramps, Docking Facilities, or Marinas	C	B	n/a	A
Industrial Uses	D	D	A	n/a

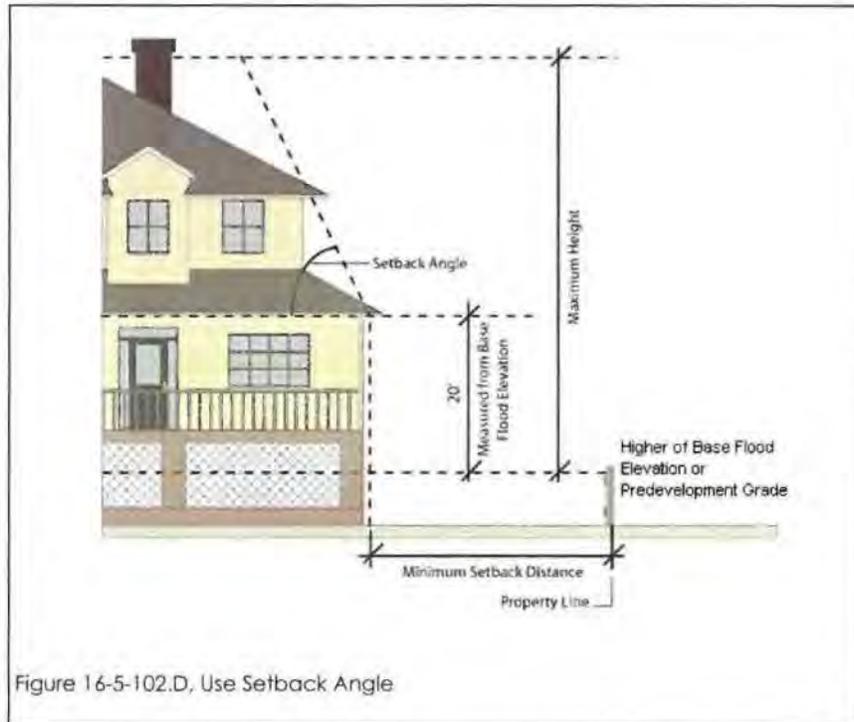
NOTES: n/a = not applicable
 1. Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F, Buffer Types.
 2. When a shared **access easement** is located along a common property line, any required buffer shall be provided to the interior of the **access easement**.
 3. See Sec. 16-10-103 for a description or definition of the listed **use** classification and types.

- The **Official** may waive the requirement for an adjacent use buffer on determining that the proposed **development** and the **adjacent development** function as a single **development**.

F. Buffer Types

Table 16-5-103.F, Buffer Types, describes the five different buffer types in terms of their function, opacity, width, and planting requirements. Either of the options under a specific buffer type may be used at the option of the **developer/applicant**.

TABLE 16-5-103.F: BUFFER TYPES MINIMUM BUFFER WIDTH AND SCREENING REQUIREMENTS ^{1,2,3,4,5,6, 7}		
TYPE A BUFFER		
This buffer includes low- density screening designed to partially block visual contact and create spatial separation between adjacent uses or between development and adjacent streets with low traffic volumes.		
Option 1		<ul style="list-style-type: none"> • Width: 20 feet • Overstory trees: 2 every 100 linear feet • Understory trees: 3 every 100 linear feet • Evergreen shrubs: 8 every 100 linear feet
Option 2		<ul style="list-style-type: none"> • Width: 10 feet • Overstory trees: 2 every 100 linear feet • Understory trees: 4 every 100 linear feet • Evergreen shrubs: 10 every 100 linear feet
TYPE B BUFFER		
This buffer includes low- to medium- density screening designed to create the impression of spatial separation without significantly interfering with visual contact between adjacent uses or between development and adjacent minor arterials.		
Option 1		<ul style="list-style-type: none"> • Width: 25 feet • Overstory trees: 3 every 100 linear feet • Understory trees: 6 every 100 linear feet • Evergreen shrubs: 10 every 100 linear feet
Option 2		<ul style="list-style-type: none"> • Width: 15 feet • Overstory trees: 4 every 100 linear feet • Understory trees: 8 every 100 linear feet • Evergreen shrubs: 12 every 100 linear feet
TYPE C BUFFER		
This buffer includes medium- density screening designed to eliminate visual contact at lower levels and create spatial separation between adjacent uses .		
Option 1		<ul style="list-style-type: none"> • Width: 25 feet • Overstory trees: 3 every 100 linear feet • Understory trees: 5 every 100 linear feet • A solid wall or fence at least 3 feet high or a solid evergreen hedge at least 3 feet high and 3 feet wide
Option 2		<ul style="list-style-type: none"> • Width: 15 feet • Overstory trees: 4 every 100 linear feet • Understory trees: 6 every 100 linear feet • A solid wall or fence at least 3 feet high or a solid evergreen hedge at least 3 feet high and 3 feet wide • At least 50% of all trees must be evergreen



2. Where the **adjacent** property includes **uses** from more than one listed **use** classification/**use** type (including **mixed-use** developments), the adjacent **use** setback required shall be that for the **use** classification/**use** type to which the greatest percentage of the **development's gross floor area** is devoted.
3. The adjacent use setback distance applicable to **lots** along the perimeter of **development** subject to Small Residential Development Review may be reduced by up to 50 percent, down to no less than five feet. The **Official** may allow further reduction as necessary to ensure that the total area within such perimeter setbacks does not exceed 20 percent of the total area of the site of the Small Residential Development.
4. The **Official** may waive the requirement for an adjacent use setback on determining that the proposed **development** and the **adjacent development** function as a single **development**.

E. Allowable Setback Encroachments

Table 16-5-102.E, Allowable Setback Encroachments, identifies features that are allowed to encroach beyond the vertical and angled planes defined by minimum adjacent street and use setback requirements.

designated in Table 16-5-103.E, Adjacent Use Buffer Requirements, for the proposed **use** and the classification of the **use** of the **adjacent** property (or zoning of a vacant **adjacent** property). Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F, Buffer Types.

TABLE 16-5-103.E: ADJACENT USE BUFFER REQUIREMENTS ¹				
PROPOSED USE ²	REQUIRED BUFFER TYPE ²			
	USE OF ADJACENT DEVELOPED PROPERTY ³			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATIONS; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	CR, CC, WMU, S, SPC, RD, MS, MV, MF, LC, NC, MED	IL
Single-Family	n/a	C	C	D
<ul style="list-style-type: none"> All Other Residential Uses Commercial Recreation 	A	n/a	B	D
<ul style="list-style-type: none"> Public, Civic, Institutional, and Education Resort Accommodations Offices Commercial Services Vehicle Sales and Services Boat Ramps, Docking Facilities, or Marinas 	C	B	n/a	A
Industrial Uses	D	D	A	n/a

NOTES: n/a = not applicable
 1. Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F, Buffer Types.
 2. When a shared **access easement** is located along a common property line, any required buffer shall be provided to the interior of the **access easement**.
 3. See Sec. 16-10-103 for a description or definition of the listed **use** classification and types.

- The **Official** may waive the requirement for an adjacent use buffer on determining that the proposed **development** and the **adjacent development** function as a single **development**.

F. Buffer Types

Table 16-5-103.F, Buffer Types, describes the five different buffer types in terms of their function, opacity, width, and planting requirements. Either of the options under a specific buffer type may be used at the option of the **developer/applicant**.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
VIA: Nicole Dixon, *Senior Planner and Board Coordinator*
FROM: Teri Lewis, *LMO Official*
DATE: December 22, 2015
SUBJECT: APL #2043-2015

Staff has received an appeal from Taiwan Scott. Mr. Scott is appealing my determination, dated October 21, 2015, that 15 Marshland Road (subject site) and 13 Marshland Road (adjacent site) do not function together as a single development and therefore the adjacent use setback and buffer requirements are applicable. Staff is submitting the following additional items to aid in your review of this appeal.

1. Timeline
 - a. Pre-application meeting packet
 - b. Single-family residential building permit application packet
 - c. Minor development plan review (DPR) application submittal
 - d. Design Review Board application packets (2)
 - e. Letter from David Arnal to Teri Lewis with copy of waiver document
 - f. List of items completed without permits or approvals
 - g. Stop work order pictures
 - h. List of items necessary to complete DPR
 - i. Identified actions taken by staff or the DRB to reduce the requirements
 - j. Letter from Teri Lewis to Taiwan Scott with attachment
 - k. Memo from Jill Foster to Steve Riley and Town Council
2. Miscellaneous Correspondence
3. Business License Information

Staff reserves the right to submit additional documents.

If you have any questions, please contact Teri Lewis at 341-4698 or teril@hiltonheadislandsc.gov.

1. Timeline

This timeline provides a history of the events associated with the subject property from initial inquiries by Taiwan Scott in 2013 through the submittal of the subject appeal (APL 2043-2015).

Timeline for Gullah Geechee Catering (DPR-1584-2015) Project

- 2013 (unknown date; sometime prior to pre-application meeting): Teri Lewis, LMO Official, and Richard Spruce, Building Plans Review Examiner, met with Tai Scott to discuss his idea of how he could do a mobile food truck business in the Marshland Road area. It was explained to him that a land use like this, called open air sales, was allowed in that zoning district, but that these types of trucks were not allowed by the LMO. Staff explained that for something like this to exist, a physical site was needed, and that Tai could screen the truck via some type of enclosure (therefore making it non-mobile), but keeping wheels on the truck for removal in case of flooding (therefore avoiding flood regulations).
- 10/02/2013: Tai submitted a pre-application request (**PAPP130019**) which describes providing “food for take-out for the public via a self-contained vendor’s concession trailer.” It also described providing “a screened in sitting/viewing area overlooking the lagoon....” Application also contained a conceptual layout showing building, access, parking placement and proximity to wetlands. No mention was made of single family residential storage and deck on the Pre-application.
- 10/14/2013: Pre-application meeting was held and verbal and written comments were given to Tai. Purpose of this meeting is to advise the applicant of all code requirements (LMO, Building, Flood codes), describe the commercial development review and building process (i.e., different applications, board reviews, timeline for approval, outside agency review), suggest ideas to achieve the intent of these codes when unusual circumstances exist (such as the need for variances), and to answer general questions from the applicant. No mention was made in the meeting of single family residential storage and deck.
- 09/15/2014: Tai submitted a Single Family Residential-Accessory building permit application (**BLDR2025-2014**) for a “14’x20’ shed and deck” to the Building Division. There was no mention on the application of this shed becoming a commercial business in the future, or being accessible to the public. At this time, the Development Review & Zoning staff was not aware that this type of permit had been applied for.
- 10/27/2014: BLDR2025-2014 Single Family Residential- Accessory building permit was issued for a “14’ x20’ storage and deck.” There is no mention on the application of this storage becoming a commercial business in the future, or as being accessible to the public, nor did Tai discuss with staff at this time the fact that he wished to later turn the residential storage into a commercial establishment. Construction of the building and deck commenced shortly thereafter.
- 01/08/2015: Mr. Herbert Ford, an adjacent property owner, came in and discussed with Teri Lewis and Heather Colin, Development Review & Zoning Administrator, Tai’s proposed improvements that would involve a driveway he shared with Mr. Ford that would be needed should his proposed commercial project be built. Mr. Ford was concerned about the amount of traffic that would be generated by a commercial establishment on that driveway, and he wanted the driveway upgraded.

- 02/23/2015: Based on a few phone calls from the neighbor reporting development activity on the site, Heather Colin emailed Tai informing him that “prior to any changes to the use of the property for anything other than single family you will have to comply with the Town’s regulations for the specific use, in this case a commercial restaurant. This includes review and approval by the Town’s Design Review Board (DRB).”
- On 3/31/2015, Building Division staff finalized the Single Family Residential Accessory building for use as a storage and deck.
- 08/24/2015: Tai submitted an incomplete Minor DPR application (**DPR1584-2015**) and an incomplete DRB application (**DRB-1583-2015**). The incomplete DPR application consisted of only the application form, owner affidavit, DHEC Inspection report information, and an ‘as built’ site plan. In addition, the incomplete DRB application consisted of only the application form, narrative, and ‘as built.’ The narrative described the project as “The public will have the opportunity to place orders to go or elect to sit down in a covered deck...” At this point, staff discovered from pictures submitted by Tai for DRB that the food truck had been placed on site in a buffer/setback area prior to any planning approval; a fence higher than 7’ had been constructed around it without a building permit; a fences had been constructed in a buffer/setback along the property line; and the fence and storage/deck had been painted without DRB approval.
- 08/27/2015: Anne called Tai to discuss submission for all remaining required materials to make the DPR application complete, such as a project narrative and a site plan.
- 08/27/2015: Tai emailed the project narrative and existing photos of the site to Anne.
- 08/28/29015: Beautiful Island LLC applied for a business license.
- 08/28/2015: Heather, Teri, Anne, Jennifer Ray (Urban Designer), and Joheida Fister (Fire Marshal) met with Tai and his wife to discuss the applications. They explained the need for required items as a result of the change in use from the residential accessory storage shed to a commercial establishment serving food.
- 09/02/2015: As a follow-up to the 8-28 meeting, Anne emailed a letter to Tai listing all requirements to complete the DPR site development application. It also explained in detail the commercial development and building process to complete the entire project. Further, this letter suggested areas of flexibility to reduce the alterations to the site to bring it into LMO compliance.
- 09/08/2015: In a Design Review Board meeting, the Board approved the design aspect of the project with conditions: 1) orange color on the lattice, fence, and building is to be muted to bring it into conformance with the Design Guide; 2) roof on the enclosed structure and the covered porch shall be the same color and consistent with the Design Guide; 3) basic landscaping shall be placed consistent with the LMO along the fence and picnic area as recommended by staff.
- 09/08/2015: Immediately after the DRB meeting, Tai met with Jennifer and Heather to further discuss the DRB motion requirements and those of the 9/2/2015 letter from Anne Cyran in regard to the DPR application requirements. Jennifer offered to meet Tai on site to look at color samples for the roof.
- 09/10/2015: Jennifer met Tai on site to discuss possible paint colors for matching the two roofs. Tai mentioned that he is contemplating taking the Town to court. Jennifer

mentioned that for due process, he should consider submitting a Rescind the Motion request to the DRB, which could save himself time and costs if the DRB changes its motion.

- 09/13/2015: Jennifer received a Request to Rescind the DRB's motion from Tai in regard to muting the orange color of the buildings. The request indicates several other establishments across the Island which have an orange color. Photos of these establishments were attached to the Request.
- 09/17/2015: Anne, Teri, Heather, Richard and Jennifer met with Tai and Don Brashears (acquaintance of Tai's) to discuss the DPR comment letter, the DRB motion, and building permit requirements. Tai inquired as to the possibility of waiving LMO requirements pertaining to the medians, adjacent use buffers and setbacks, and the electric car plug-in. Teri worked out an alternative for the medians (they could be part of the street and wetland buffers), and suggested that Tai seek a variance from the Board of Zoning Appeals for the buffer/setback issue and eV charging station.
- 09/18/2015: Island Packet printed article and photo about Gullah Geechee Catering.
- 09/22/2015: In the Design Review Board meeting, Tai presented his case to Rescind the Motion. After hearing his reasoning, no motion was given by the Board to rescind their previous motion; therefore, the Request to Rescind died due to lack of a motion. The Chairman requested that Tai continue to work with staff on the required landscaping and a more muted orange color. He also reiterated ways that the DRB had been flexible with Tai's project and areas where they did not make him do actions which other developers would have been required to do.
- 09/22/2015: Gullah Geechee Catering applied for a business license.
- 09/23/2015: Email from Tai to Steve Riley and Town Council members, complaining of double standards. The letter complained about the recent DRB decision on the orange color and how other versions of orange can be found around Town. He also raised the question as to why staff did not make a recommendation to the DRB during the Rescind the Motion meeting, as they do with other types of applications.
- 9/24/2015: Tai met with Teri to discuss the required electric vehicle charging station and the adjacent use setback/buffer. Teri agreed that he could put up a sign that said electric vehicle charging was available upon request and have the necessary cord on site to accommodate any requests. Tai stated that in regard to the adjacent use setback and buffer, he and his neighbor (Mr. Arnal) were working together and, as such, he wanted to request a waiver from that requirement. Teri referenced LMO Section 16-5-102.D.4 which states that the LMO Official can only waive the adjacent use setback/buffer if the two developments function as a single development. Teri told Tai that in order for her to consider a waiver of the buffer/setback issue, she needed in writing signed by both Tai and his neighbor, a statement as to how the two properties (residential and commercial) would function as a single development. Tai asked what this letter should include, and Teri indicated he needs to focus on how the two businesses (Gullah Geechee and honey making by Mr. Arnal) work together as businesses. She gave a few examples of other developments which were successful in obtaining this waiver. Teri again advised that applying for a variance from the BZA was a better option than

seeking a waiver. This is because, based on the information she had been told to date about his proposed commercial business, she did not currently see it as functioning as one development with a single family residential structure which had a home occupation of honey making.

- 09/24/2015: Teri followed up with an e-mail to Tai detailing what he still needed to submit to request a waiver for the adjacent use setback.
- 09/28/2015: DRB Chairman Jake Gartner sent the Mayor, Town Council, and Town Manager Steve Riley a letter which was a response to Tai's 9/23 letter to Town Council in regard to double standards. Mr. Gartner's letter pointed out that Tai's project "was already complete" by the time the DRB saw it, and that this is atypical. He indicated he believed the Board was "very lenient" in regard to only requesting the muting the color of the building, requesting the landscaping come up to LMO standards, and that the roof color had to change to allow for one color across the massing of the buildings. He also expressed concern that the Board did not have the usual opportunity to "direct the development" as per the charge of the Board, because the project was already complete. Chairman Gartner expressed the belief that "if the project would have been submitted prior to being completed, there would have been many other stipulations and requirements that would have been added in order to approve the project." He further reiterates that "the board stuck its neck out to assist Mr. Scott in completing his project. We offered a solution to the unique situation of an already completed project with LIMITED interference and favorable economic impact to the owner."
- 09/29/2015: Tai contacted Teri and asked if he could start working on his 15' medians. Teri stated that he could do no work on the property until his DPR was approved, and that he needed to complete the paperwork for this, including submitting a site plan and a waiver request letter showing how the properties function as a single development prior to having the surveyor make changes to the site plan.
- 09/29/2015: Other adjacent property owners, David and Marie Arnal, met with Teri and Jennifer to discuss Tai's project and a written statement that Tai wanted them to sign (for a waiver to the adjacent use setback). They have a home occupation involving bees and honey production. They were very upset about the project and the Town staff for 'allowing' Tai to build what was recently built. Staff informed the neighbors that what they were seeing was largely built without proper Town permits. The Arnals also expressed concern over the written waiver request as given to them by Tai, and said that they were not going to sign the request. They stated that they are very unhappy that the food truck is so close to their property line and did not want more traffic using their shared driveway. (This driveway is different from Mr. Ford's shared driveway.)
- 9/30/2015: Tai came in and met with Jill Foster, Deputy Community Development Director. He handed her a copy of the written waiver that he had given to the Arnals, and said he feels like staff has been resisting his project from 'day one.' He complained that based on what Teri told the Arnals yesterday, they are now unwilling to sign the waiver when he had had their consent before. He expressed confusion and frustration over his perception of staff's unwillingness to 'recommend' anything in the recent DRB meeting to Rescind the Motion.' He is frustrated over the DRB concern about the orange color. He kept reiterating that he has an 'approved structure' and that means he

does not have to abide by many sections of the LMO, 'as your staff has told me.' He mentioned he's done everything staff has asked him to do, and yet he still cannot get the project finished because of the demands of staff and the LMO. He reiterated that the LMO allows the LMO Official to waive certain requirements and asked why she is not doing that with him. He mentioned he's discussed this with the staff attorney (mentioning Brian Hulbert by name). Jill noticed that in the written waiver, it mentioned having a farmers market, and she asked him about the sequence of events in regard to changes from a mobile unit to non-mobile to residential storage shed to take-out restaurant to farmers market. She said this was the first time she has heard of it including a farmers market and that the inclusion of that land use opens additional set of rules (parking, etc.) Jill told Tai she would meet with staff to determine what Tai needed to do to complete the submission of the project.

- 10/1/2015: Jill met with Jennifer, Teri, Anne, and Richard to discuss a timeline and sequence of events. She said that she will prepare a letter that sums up all the issues Tai needs to complete, including areas where staff has been flexible on this project, so that Tai can have an updated list of items needed to complete the approval process.
- 10/5/2015: Richard sent Tai a letter outlining building code requirements for the restroom that was added to the storage shed without a permit. This letter also indicated the need to apply for a building permit; licensed framers, electricians, and plumbers are required to install a bathroom; and that double permit fee will be charged since the work commenced before a permit was obtained.
- 10/5/2015: Tai emailed to Jill a revised site plan and a narrative for the DPR. The site plan was still missing critical elements such as buffers & setback lines.
- 10/6/2015: Tai emailed to Jill a conceptual sign for the main development. He requested preliminary review prior to submitting for a sign application.
- 10/6/2015: Gullah Geechee Catering business license was issued.
- 10/7/2015: Stop work order for any LMO requirements was posted.
- 10/9/2015: Stop work order for any building code requirements was posted.
- 10/9/2015: Beautiful Island LLC business license was issued.
- 10/12/2015?: Charles met with Planning Commission Chairman Alex Brown to discuss 15 Marshland Road.
- 10/12/2015: Teri sent a letter to Mr. Richard Williams advising them that they may not open a business at the 15 Marshland Road location until the DPR Notice of Action for this site has been issued.
- 10/14/2015: Charles asked Eileen Wilson, Administrative Assistant, to set up a meeting with Tai, Alex Brown, Teri Lewis, Richard Spruce and him to discuss the project. Meeting was established for 10/20/2015.
- 10/15/2015: staff received notice of a meeting that will be set up between Greg Alford, Town Attorney, and Roberts Vaux, attorney for Tai, for week of 10/19.
- 10/20/2015: Charles Cousins, Teri Lewis, Jill Foster, Richard Spruce, Alex Brown and Tai Scott met to discuss what is needed to complete this project. It was determined that staff will put together a list of required actions for two scenarios: 1) if Tai was going to re-locate the food truck and other features outside of the setback/buffer area and into

the buildable area, and make the project a permanent open air facility; and 2) if Tai chooses to make a temporary farmers market instead of permanent open air facility, what would need to be accomplished.

- 10/21/2015: Email from Teri Lewis with attached proposed site plan showing buffers, setbacks, relocated food truck and other features currently located within adjacent use setback/buffer. Also, she issued a letter explaining open air facility vs farmer's market land use. Requested Tai get back to her by Nov 3 on which option he chooses for site-redesign.
- 10/22/2015: Email from Tai refusing to follow any of the options in the Oct 21st letter.
- 10/22/2015: Jill sent Steve a memo to update Town Council.
- 10/27/2015: Teri received a letter from Dean Bell, attorney for the Arnals, requesting certain actions be taken to stop Tai's development.
- 10/28/2015: Tai picked up an appeal application and questioned Jill as to how he can subpoena witnesses. Jill told him she would check with Brian Hulbert for proper procedure & get back to him. Jill talked to Brian and Charles, and was advised by Charles to have Tai call Brian for the procedure. She left a voice mail message for Tai to call Brian.
- 10/29/2015: Tai stopped in to discuss with Brain the subpoena procedure.
- 10/30/2015: Brian Hulbert sent Tai an email about the procedure to subpoena people.
- 10/30/2015: Tai stopped in at 4:15pm and spoke with Jill. He asked if this appeal was the last resort for him, and began arguing again about how staff had miscommunicated with him from the beginning, told him inconsistent things, turned his neighbor against him, etc. After 15 minutes of discussion, Jill told him it sounded like the appeal was the last step for him since he did not want to think that staff was helping him or would work with him.
- 11/2/2015: Tai applied for an appeal and requested to be heard in January. He also requested that several staff and his neighbor be subpoenaed.

a. Pre-application meeting packet

This is provided to show that as early as 2013, Taiwan Scott anticipated that the subject property would be developed as a commercial project.

PRE-APPLICATION MEETING AGENDA

Monday, October 14, 2013
10:30 AM in Conference Room 4

Facilitator: Anne Cyran

1.	<p>PAPP130019, 15 Marshland Road</p> <p>The proposed project consists of installing a concession trailer and related drive aisles and parking on a currently vacant lot. The project is located at 15 Marshland Road in the Marshfront Mixed Use (MMU) Zoning District.</p> <p>Project Manager: Anne Cyran, Senior Planner</p> <p>Approximate Time: 30 Minutes</p>
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NOTE: The applicant or representative of the proposed project must be present at this meeting in order to receive comments from Town Staff and other outside agencies. If you cannot be present please notify this office at (843) 341-4757 prior to the scheduled meeting.

Contact Anne Cyran, Pre-Application Facilitator, at annec@hiltonheadislandsc.gov or at (843) 341-4697 if you have any questions.



Town of Hilton Head Island
 Community Development Department
 One Town Center Court
 Hilton Head Island, SC 29928
 Phone: 843-341-4757 Fax: 843-842-8908
 www.hiltonheadislandsc.gov

10/2/13
 FOR OFFICIAL USE ONLY
 Date Received: Bob PAPP 10/13/2019
 Accepted by: Richard Spruce
 App #: PAPP
 Meeting Date: _____

Applicant/Agent Name: TAIWAN Scott Company: _____
 Mailing Address: 5 Candy Doll Bluff City: HHT State: SC Zip: 29928
 Telephone: 843-290-0868 Fax: _____ E-mail: TAIFR@HOTMAIL.COM
 Project Name: _____ Project Address: 15 Marshland Rd
LOT 8 Estate of Mingo Green
 Parcel Number [PIN]: R510 008 000 013H 0000
 Zoning District: MMU Overlay District(s): _____

PRE-APPLICATION (PAPP) SUBMITTAL REQUIREMENTS

Digital Submissions may be accepted via e-mail by calling 843-341-4757.

*To be filled out by Community Development Staff- Applicants may use this checklist as a guide
 All items are required at the time of submittal to be distributed for review.*

- One Copy of the Project Narrative describing the scope of the project
- One 11" X 17" inch Copy of the Conceptual Site Plan
- Any additional information pertinent to the proposed project

PAPP130019 15 MARSHLAND ROAD CONCESSION STAND
STAFF COMMENTS

Meeting Date(s):	<u>October 14, 2013</u>	Bldg. & Fire Codes/Floodplain:	<u>Richard Spruce, Plans Review Administrator</u>
PAPP Number:	<u>PAPP130019</u>	Engineering:	<u>Bryan McIlwee, Assistant Town Engineer</u>
Project Name:	<u>15 Marshland Road Concession Stand</u>	Urban Design:	<u>Jennifer Ray, Urban Designer</u>
Project Manager:	<u>Anne Cyran, Senior Planner</u>	Traffic Engineering:	<u>Darrin Shoemaker, Traffic and Transportation Engineer</u>
Addressing:	<u>Suzanne Brown, Addressing Technician</u>	Fire Marshal:	<u>Joheida Fister, Fire Marshal</u>
		Natural Resources:	<u>Rocky Browder, Environmental Planner</u>

Additional comments may result from changes to the plans and further discussions.
The comments contained herein do NOT constitute an approval.

REQUIRED PERMITS, NECESSARY APPROVALS

Town of Hilton Head Island

- Design Review Board: Conceptual and Final Approval for New Development
(The project must have Final Approval from the DRB before DPR application will be approved)
- Development Plan Review
(The project must have an approved DPR before building permits are submitted)
 - Tree Removal Permit (if necessary)
- Building Permits

SCDOT: Encroachment Permit (submitted with DPR application)

DHEC-OCRM: NPDES and CZC approvals (submitted with DPR application)

DHEC: Water permit and Wastewater permit

Palmetto Electric: Will serve letter (submitted with DPR application)

Hilton Head Public Service District: Will serve letter (submitted with DRP application)

ADDRESSING COMMENTS		
Comment	Resolution	Applicable LMO Sec. or Town Reg.
The address of picnic area would be 15 and trailer would have to change the address to 17 and number would need to be posted.	Town staff will make these changes after the DPR is approved.	

BUILDING CODES & FLOODPLAIN COMMENTS		
Comment	Resolution	Applicable LMO Sec. or Town Reg.
Flood elevations are required for the bathroom, and shelter if the shelter is enclosed.	IBC section 1612.5	
Accessibility requirements for both structures will be required.	IBC section 1007	

ENGINEERING (General) COMMENTS		
Comment	Resolution	Applicable LMO Sec. or Town Reg.
Depending upon the total area of disturbance and the proximity to the nearest receiving water body, this project may require submittal to SC DHEC/OCRM for either coverage or concurrence under the NPDES General Construction Permit as well as for Coastal Zone Consistency Certification.	If the applicant desires more information on submittal requirements, please contact SC DHEC Bureau of Water at (803) 898-4300.	DHEC Requirement
Provide an erosion and sediment control plan.	The erosion and sediment control plan must be submitted with the DPR application.	LMO 16-5-608
If the applicant is disturbing an area greater than 5,000 SF, a stormwater management plan, including relevant calculations, signed and	The total area of disturbance must be noted on the site plans submitted with the DPR application.	LMO Chapter 5

sealed by a professional engineer registered in South Carolina must be provided. The stormwater design must comply with the requirements of Chapter 5 of the LMO.		
Show proposed utility locations on the plans.	This information must be shown on the site plan submitted with the DPR application.	LMO 16-5-1702
Show existing or spot elevations and any proposed grading associated with the project.	This information must be shown on the site plan submitted with the DPR application.	LMO 16-3-303

TRAFFIC ENGINEERING COMMENTS

Comment	Resolution	Applicable LMO Sec. or Town Reg.
Need documentation related to shared access easement with Lot 7 owner in application and to see proposed easement on plat.	Provide documentation related to the shared access easement with Lot 7 owner in application and show proposed easement on a plat.	SC Code
One-way access aisle loop is 12' wide and the access aisle serving the pull-in parking needs to be 20' minimum, with 24' minimum backing area provided behind pull-in parking	Provide minimum 14' width on one-way access aisle loop and ensure that the access aisle serving the pull-in parking is 20' minimum, with 24' minimum backing area provided behind pull-in parking.	LMO 16-5-1207(D)
Need to direct folks leaving the parking area in the correct direction on the one-way loop aisle	Include placement of a ONE WAY → and DO NOT ENTER sign	Suggestion
One-way, two-way and parking areas need to be properly improved to LMO requirements. Parking stalls to be adequately delineated	Create a delineation plan that satisfies the requirements of the LMO.	LMO 16-5-1207(D)
Parking is not placed perpendicular to adjoining drive aisle nor does it abut it.	Provide perpendicular parking abutting improved drive aisle	LMO 16-5-1207(D)
Parking spaces are shown as 10' x 20'.	Parking stall standard size is 9' x 18' or 10' x 18' for stalls on ends of bays.	LMO 16-5-1205(A,B)
Wheel stops required	Provide a wheel stops 18" from the end of each parking space.	LMO 16-5-1207(E)

20' wide access points at both curb cuts on Marshland Road are required to adequately serve the site and to allow the commercial and residential uses to be combined at the eastern access point	Widen access points to 20'	LMO 16-5-1207(D)
No ADA parking is provided	Provide one ADA accessible parking space. It must be van accessible.	LMO 16-5-1205(D), ADA
SCDOT encroachment permit required to widen the driveways	Obtain SCDOT encroachment permit to widen access points to 20'	SC Code
Parking bay is not separated from adjoining one-way drive aisle with a 15' median	Separate parking bay from one-way drive aisle with a 15' landscaped median	LMO 16-5-1207(I)
4' wide pedestrian walking path is narrower than typical 5' sidewalk width	Increase width from 4' to 5' minimum	ADA

<i>FIRE MARSHAL COMMENTS</i>		
Comment	Resolution	Applicable LMO Sec. or Town Reg.
In order to determine if the number of hydrants is adequate and if the required fire flow is met I will need the following information - square footage of each building, the construction type.	Provide square footage of the building and the construction type in the DPR project narrative.	LMO 16-5-1601 & Section 507, Appendix B&C of 2012 International Fire Code
A minimum of one fire hydrant shall be located within 500 feet of all portions of the building. Depending on the required fire flow additional hydrants may be required.	Show and call out hydrants on the site plans.	LMO 16-5-1601 & Section 507, Appendix B&C of 2012 International Fire Code
Fire flow data will need to be provided from the closest hydrant.	Provide Flow data, which can be obtained from HHPSD.	LMO 16-5-1601 & Section 507, Appendix B&C of 2012 International Fire Code
All access roads are required to be at least 20 feet wide. Where one-way traffic occurs, 14 feet minimum clearance is required each way.	While the drive through area can remain one way and be 14 feet wide, the two intersections at Marshland road need to be increased to 20 feet due to the potential for 2 way traffic.	LMO 16-5-404/16-5-1106 & Section 503 of 2012 International Fire Code

NATURAL RESOURCES COMMENTS		
Comment	Resolution	Applicable LMO Sec. or Town Reg.
All grading and utilities must be shown in relation to existing trees, and Palmetto Electric, cable, and/or telephone must be certified by the provided.	Submit a plan showing the grading and utilities in relation to existing trees. Submit certification for Palmetto Electric, cable, and telephone.	LMO 16-3-404.A.5
Provide a tree tally, pre and post construction divided into buffer and non-buffer, if applicable.	Provide a tree tally, pre and post construction divided into buffer and non-buffer.	LMO 16-3-404.A.4
Mark all tree to be removed with an "X".	Mark all trees to be removed with an "X".	LMO 16-3-404.A.5
Critical area line shown on the survey needs to be verified by SCDHEC-OCRM.	Have critical area line shown on survey verified by SCDHEC-OCRM.	LMO 16-3-303.O.5

DEVELOPMENT REVIEW COMMENTS		
Comment	Resolution	Applicable LMO Sec. or Town Reg.
A current site survey (less than two years old) must be submitted with the DPR application.	Ensure the survey is sealed and signed by the surveyor and includes all trees in the construction and within 20 feet of the construction area.	LMO 16-3-303.D
A location for the dumpster was not shown on the site plan.	Indicate the location of the dumpster on the site plan. The DRB must approve the dumpster enclosure.	LMO 16-3-303.F
Will this use require any outdoor storage?	If so, indicate the location of the storage on the site plan.	LMO 16-3-303.F
The estimated impact fees for this use are \$2,341.44 (Beaufort County \$659.33, Town of HHI \$1,682.11).	The impact fees will be due when the building permits are submitted.	LMO Chapter 5, Article XVIII
All required setbacks and buffers must be drawn and labeled on the site plans.	The required setbacks and buffers for this site are: <ul style="list-style-type: none"> • 40' Adjacent Street Setback from Marshland Road • 30' Average/25' Minimum Adjacent Street Buffer from Marshland Road • 20 Adjacent Street Setback from Mingo Lane • 20' Adjacent Street Buffer from Mingo Lane 	LMO 16-5-704.A,B LMO 16-5-806.A,B

	<ul style="list-style-type: none"> • 30' Adjacent Use Setback on the east side • 25' Adjacent Use Buffer on the east side • 30' Adjacent Use Setback on the west side • 25' Adjacent Use Buffer on the west side <p>The adjacent use setbacks and buffers on the sides of the property cannot be located within an access easement. The setback and buffer areas should begin where the access easements end.</p>	
Since this is a narrow lot, the required setback and buffer areas, in addition to the access and utility easements along the sides of the property, may render the property undevelopable.	The Board of Zoning Appeals (BZA) may grant variances from LMO requirements in the case of hardship. All required variances would need to be approved prior to the approval of a DPR application.	LMO Chapter 2, Article III
Are any accessory structures required for this development?	Show all accessory structures – HVAC units, transformers, etc. – on the site plans.	LMO 16-3-303
The required number of parking spaces for this use will include the kitchen, the pavilion and the outdoor seating areas.	Since the picnic tables are scattered throughout the site, include a description in the DPR project narrative of how many parking spaces you think will be necessary to serve these tables.	LMO Chapter 5, Article XII
A loading area will need to be delineated on the site plan showing where delivery trucks will be able to park while loading. The loading area cannot obstruct the traffic flow.	Show the loading area on the site plan.	LMO 16-5-1211
This use requires bicycle parking in a ratio of 1 bicycle parking space for every 10 vehicle parking space.	Show the location of the required bicycle parking on the site plan. Provide a detail of the bicycle rack.	LMO 16-5-1213
Beaufort County and LMO standards require information about the site and the proposed improvements.	Provide the following information on the site plan: <ul style="list-style-type: none"> • Gross area of the site in square feet and acres. • Area of all tidal wetlands on the site in square feet and acres. • Net area of the site (gross area – tidal wetland area) in square feet and acres. • Amount of open space in square feet and as a percentage of the gross acreage. • Amount of impervious coverage in square feet and 	LMO 16-3-303

	<p>as a percent of the gross acreage.</p> <ul style="list-style-type: none"> • Number of buildings on site. • The maximum density permitted on site for the use proposed. • The density of the use proposed. • The maximum allowed impervious surface coverage, including lagoons, asphalt and building footprints, in square feet and as a percent of the total site. • The proposed impervious surface coverage, including lagoons, asphalt and building footprints, in square feet and as a percent of the total site. • The minimum allowed open space coverage in square feet and as a percentage of the site. • The open space coverage of the proposed site design in square feet and as a percentage of the site. • The maximum building height for the zoning district. • The maximum height of the buildings proposed. 	
Is there any site lighting proposed?	If yes, provide a site lighting plan that meets the standards of LMO Chapter 5 Article XIV with the DPR application.	LMO Chapter 5, Article XIV
Does the site have sewer service available?	If yes, show the utility line on the site plan. If no, show the location of the septic lines and field and provide an approval from DHEC.	LMO 16-3-303

<i>DESIGN COMMENTS</i>		
Comment	Resolution	Applicable LMO Sec. or Town Reg.
All vertical additions to the site and landscaping must be reviewed and approved by the Design Review Board.	Submit a DRB application and all required items for New Development.	

UTILITY COMPANY COMMENTS

Public Service District: Hilton Head Public Service District

Contact Information: Charlie Wire, cwire@hhpsd.com

Please contact the Public Service District directly for all applicable requirements.

Palmetto Electric

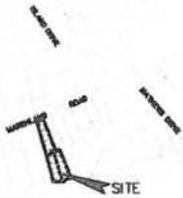
Contact Information: Bob Casavant, 843-208-5508, bcasavant@palelec.com

Please contact Palmetto Electric directly for all applicable requirements.

Hargray (Telephone, Internet, Cable)

Contact Information: 1-800-726-1266

Please contact Hargray directly for all applicable requirements.



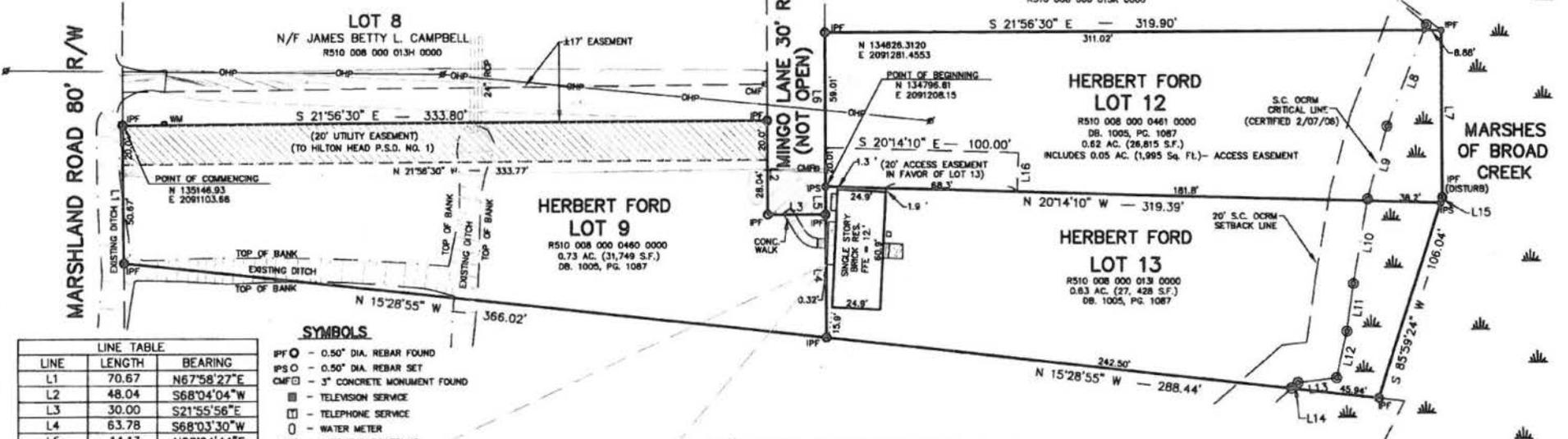
VICINITY MAP
N.T.S.

REFERENCE PLATS

- 1) PLAT SHOWING DIVISION OF LAND NOW OWNED BY MINGO GREEN ESTATE HILTON HEAD TOWNSHIP, BEAUFORT COUNTY, S.C.
DRAWN: 5/78/85
RECORDED IN BOOK 17, PAGE 104, DATED
RMC. BEAUFORT COUNTY, SC
BY: O.L. CLOUD, S.C.R.L.S. (NONE SHOWN)
- 2) PLAT PREPARED FOR THE HEIRS OF ALEX PATTERSON HILTON HEAD ISLAND, BEAUFORT COUNTY, S.C.
DRAWN: 6/22/85
RECORDED IN BOOK 17, PAGE 104, DATED
RMC. BEAUFORT COUNTY, SC
BY: BENJAMIN WILSON, S.C.R.L.S. NO. 5424
- 3) PLAT OF AS-BUILT SURVEY FOR JIM WILEY REALTY CO. LOTS 9,12,13, (2,009 AC.), MINGO GREEN ESTATE HILTON HEAD ISLAND, BEAUFORT COUNTY, S.C.
DRAWN: 4/16/97, LAST REVISED: 11/12/97
RECORDED IN BOOK 63, PAGE 101, DATED:
RMC. BEAUFORT COUNTY, SC
BY: M.A. DUNHAM, S.C.P.L.S. NO. 11509

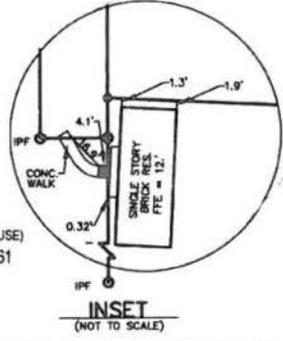
SOME OR ALL AREAS ON THIS PLAT ARE FLOOD HAZARD AREAS AND HAVE BEEN IDENTIFIED AS HAVING AT LEAST A ONE PERCENT CHANCE OF BEING FLOODED IN ANY GIVEN YEAR BY RISING TIDAL WATERS ASSOCIATED WITH POSSIBLE HURRICANES. LOCAL REGULATIONS REQUIRE THAT CERTAIN FLOOD HAZARD PROTECTIVE MEASURES BE INCORPORATED IN THE DESIGN AND CONSTRUCTION OF STRUCTURES IN THESE DESIGNATED AREAS. REFERENCE SHALL BE MADE TO THE DEVELOPMENT COVENANTS AND RESTRICTIONS OF THIS DEVELOPMENT AND REQUIREMENTS OF THE TOWN BUILDING OFFICIAL. IN ADDITION, FEDERAL LAW REQUIRES MANDATORY PURCHASE OF FLOOD INSURANCE AS A PREREQUISITE TO FEDERALLY INSURED MORTGAGE FINANCING IN THESE DESIGNATED FLOOD HAZARD AREAS.

OWNERS ACKNOWLEDGEMENT
(LOTS 9,12&13)
HERBERT FORD _____



LINE	LENGTH	BEARING
L1	70.67	N67°58'27"E
L2	48.04	S68°04'04"W
L3	30.00	S21°55'56"E
L4	63.78	S68°03'30"W
L5	14.13	N68°04'44"E
L6	79.02	N68°04'44"E
L7	85.60	S67°52'36"W
L8	52.86	S89°31'32"W
L9	38.69	S83°44'16"W
L10	44.42	S77°54'27"W
L11	24.99	S76°11'35"W
L12	24.67	S80°57'37"W
L13	20.35	N28°30'17"W
L14	4.51	N62°13'11"W
L15	3.08	S85°59'24"W
L16	20.00	S69°45'50"W

- SYMBOLS**
- PF ○ - 0.50" DIA. REBAR FOUND
 - PS ○ - 0.50" DIA. REBAR SET
 - CMF □ - 3" CONCRETE MONUMENT FOUND
 - TELEVISION SERVICE
 - TELEPHONE SERVICE
 - - WATER METER
 - DHP - OVERHEAD POWERLINE



ADDRESS: #21 MARSHLAND ROAD (PARENT TRACT-EXISTING HOUSE)
DISTRICT: 510, MAP: 008, PARCELS: 131, 460 & 461
THIS PROPERTY LIES IN F.E.M.A. ZONE A7
BASE FLOOD ELEVATION = 14.0'
COMMUNITY 450250, PANEL 0014D, DATED: 9/29/86

THE AREA SHOWN ON THIS PLAT IS A GENERAL REPRESENTATION OF DHEC-OCRM 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-OCRM, THE OFFICE OF OCRM IN NO WAY WAIVES THE RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREIN OR NOT.

SIGNATURE _____ DATE _____
THE CRITICAL LINE SHOWN ON THIS PLAT IS VALID FOR FIVE YEARS FROM THE DATE OF THE 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. ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



NOT VALID UNLESS EMBOSSED.

BOUNDARY SURVEY OF:
LOTS 9,12 & 13, MINGO GREEN ESTATE,
MARSHLAND COMMUNITY, HILTON HEAD ISLAND,
BEAUFORT COUNTY, SOUTH CAROLINA
PREPARED FOR: HERBERT FORD



SIS Sea Island Land Survey, LLC.
P.O. Box 21568, Hilton Head Island, SC 29925 Tel: (843) 681-3248
4-D Mathews Court, Hilton Head Island, SC 29926 Fax: (843) 689-3871
FILE No.: 03177/B DWG No.: 5-1142
COPYRIGHT © BY SEA ISLAND LAND SURVEY, LLC. OADR REC. FIELD 18'

b. Single-family residential building permit application packet

This is provided to show that Taiwan Scott built the deck and storage shed on the subject property as accessory single family structures.



Town of Hilton Head Island
 Community Development Department
 One Town Center Court
 Hilton Head Island, SC 29928
 Phone: 843-341-4757 Fax: 843-842-8908
www.hiltonheadislandsc.gov

FOR OFFICIAL USE ONLY
 Permit #: 2025-2014
 Fee: \$548.00

BLDR 2025-2014

APPLICATION PACKET FOR SINGLE FAMILY RESIDENTIAL BUILDING PERMIT

<input type="checkbox"/> New Structure	<input type="checkbox"/> Addition	<input type="checkbox"/> Detached Garage	<input type="checkbox"/> Modular Structure	<input checked="" type="checkbox"/> Accessory
--	-----------------------------------	--	--	---

Address: 15 Marshland Rd Subdivision: _____
 Parcel Number [PIN]: R510 008 000 0134 0000 Flood Zone: _____

Are there recorded private covenants and/or restrictions that are contrary to, conflict with, or prohibit the proposed request? If so, a copy of the private covenants and/or restrictions must be submitted with this application. YES NO

Fees & Forms: Please see www.hiltonheadislandsc.gov for Building Plan Review and Approval fees. The Town accepts cash or check made Payable to Town of Hilton Head Island. Credit cards are accepted as payment for some items.

License Requirements: Individuals and entities involved in the construction, repair or renovation of structures are required to comply with licensing requirements of the State of South Carolina and the Town. No contractor or sub-contractor shall begin work on a job without a business license. Both the contractor and the sub-contractor shall be subject to a suspension of his license in accordance with Section 10-1-150 of the Town of Hilton Head Island Code of Ordinances.

Acknowledgement: Application is hereby made to perform work on the building and accompanying features, and I am authorized to submit this application. To the best of my knowledge, information included in this application is factual and complete. I hereby agree to abide by all conditions of any approvals granted by the Town and understand that such conditions shall apply to the subject property only. I acknowledge that the Town Municipal Code requires that all construction in a Special Flood Hazard Zone be constructed in accordance with floodplain provisions. I understand that failure to abide by this approval, any conditions, and all codes adopted by the Town of Hilton Head Island deems me subject to enforcement action and/or fines.

Print Name: <u>TERRAN SCOTT</u>	Signature: <u>[Signature]</u>
Company Name: _____	Date: <u>9-15-14</u>

2025-14

Building Owner:		Applicant:	
Name:	TAIWAN SCOTT	Name:	TAIWAN SCOTT
Address:	5 Candy Doll Bluff	Address:	5 Candy Doll Bluff
Address:		Address:	
Phone:	843-290-0868	Phone:	843-290-0868
Email:		Email:	
General Contractor:		Primary Contact:	
Name:	OWNER	Name:	
Address:		Address:	
Superintendent Phone:		Address:	
Contractor Phone:		Phone:	
Phone:		Phone:	
Email:		Email:	
Contractor State License/registration #:			
License Group:			
Town Business License #:			
Architect/Designer:		Engineer:	
Name:		Name:	
Phone:		Phone:	
Email:		Email:	
State License #:		State License #:	
Town License #:		Town License #:	

Detailed Description of Work: Construct 14x20 storage and Deck

2025-14

Total Pervious (sq ft)	30,314	Number of Fireplaces	
Total Impervious (sq ft)	1712	Type of Exterior Materials =	
Heated Sq. Ft. (new or added)	200	Fire Alarm System	<input type="checkbox"/> YES <input type="checkbox"/> NO
Unheated Sq. Ft. (new or added)	200	Sprinklered	<input type="checkbox"/> YES <input type="checkbox"/> NO
Number of Stories		Type of heating/air	
Number of Bedrooms		Gas appliances	
Number of Bathrooms		Size of Liquid Propane tank	
Total Residential Rooms		Septic Tank Number	
Number of Elevators		Insulation (Prescriptive or Performance Base)	

Material: Asphalt	Wind Uplift:
Amount of Fasteners:	Years of Guarantee: 30
Type of Fasteners: GAL Nails	

Plumbing	\$
Electrical	\$ 1,000
Mechanical	\$
Building	\$
TOTAL	\$ 7,000

Note: No deductions shall be made on the permit application by a general or independent contractor for value of work performed by a subcontractor.

Flood Hazard Areas as per International Building Code 3403.1.1:

In flood hazard areas, any addition/alteration/improvement to an existing building or structure in a flood hazard area must come into compliance with this code section if the value of construction equals or exceeds 50% of the appraised building value. The Town requests a more detailed construction cost estimate for substantial improvement determination.

Detailed cost estimates requested? YES NO

Town of Hilton Head Island Municipal Code requires that all construction in a Special Flood Hazard Zone be constructed in accordance with the following provisions:

1. Any enclosed area below the base flood elevation will be used solely for parking of vehicles, limited storage or access to the building. This space will never be used for human habitation without first becoming fully compliant with the Town's Flood Damage Controls Ordinance in effect at the time of conversion.
2. All interior walls, ceilings and floors below the base flood elevation will be constructed of flood resistant materials.
3. All mechanical, electrical and plumbing devices will be installed above base flood elevation.
4. Walls of the enclosed area below base flood elevation will be equipped with at least two openings which allow automatic entry and exit of flood water. Openings will be on two different walls with at least one square inch of free area for every square foot of enclosed space and have the bottom of openings no more than a foot above grade.
5. The structure may be subject to increased premium rates for flood insurance from the National Flood Insurance Program.

Permit #: 2025-2014

**Town of Hilton Head Island
Mechanical Certification of Work to be Performed**

Note:

- The Mechanical Certificate is required before work *begins* in PLUMBING, ELECTRICAL or HVAC
- All information on the form is required. Only completed forms will be accepted.

<i>State Mechanical License (Residential & Commercial)</i> # _____	<i>Municipal Assoc License (Residential)</i> # _____
LICENSE GROUP: _____	
Business License # _____	

Work Site: 15 Marshland Rd (as it appears on the permit)
Owner: TAIWAN SCOTT
Contractor: _____

Description of work to be performed by mechanical contractor:

- Electrical _____ Electric Service Size _____
 Plumbing _____
 Heating and Air _____ Heat Pump Size _____

I am the Owner or Authorized Agent of _____
Company Name

The Electrical or Heating and Air Conditioning or Plumbing work as described above shall be installed in accordance all applicable codes.

TAIWAN SCOTT
Name (PRINT)

[Signature]
Signature

Date: 9/15/14

Sam H. Wallace
Notary Public (PRINT)

[Signature]
Signature

Date: 9/15/14
State: SC
Commission Expires: 2/2/19

PLAN CORRECTIONS REPORT (PRR-001541-2014)

PLAN ADDRESS: 15 Marshland Road
Hilton Head, SC 29926

PARCEL: R510 008 000 013H 0000

APPLICATION DATE: 09/15/2014

SQUARE FEET: 0.00

DESCRIPTION: CONSTRUCTION OF A UTILITY SHED AND
DECK 14 X 20 (560 SQ FT.) ELEC

EXPIRATION DATE:

VALUATION: \$0.00

CONTACTS	Name	Company	Address
Applicant / Owner	SCOTT TAIWAN		5 Candy Doll Bluff Hilton Head Island, SC 29928
Contractor	SCOTT TAIWAN		5 Candy Doll Bluff Hilton Head Island, SC 29928
Owner	SCOTT TAIWAN		5 Candy Doll Bluff Hilton Head Island, SC 29928

1. Building Plan Examiner
BPE - Richard Spruce
Richard Spruce Ph: 843-247-2855 email: richards@hiltonheadislandsc.gov
Correction: Building - General Comments
Comments: THE OCRM CRITICAL LINE IS DATED AS 8-21-2007. THESE DESIGNATIONS ARE ONLY GOOD FOR FIVE YEARS. SUBMIT A SITE PLAN THAT HAS BEEN REVERIFIED, SIGNED AND DATED PER OCRM.
2. Development Review & Zoning
DRZ - Rocky Browder
Rocky Browder Ph: email: rockyb@hiltonheadislandsc.gov
Correction: Natural Resources
Comments: SCDHEC-OCRM critical area line delineation date has exceeded its 5 year approval timeframe. Applicant will need to have the OCRM critical area line revalidated so that Town wetland buffers can be accurately represented.

PERMIT DETAILED REPORT (BLDR-002025-2014)

Permit Type: Building - Residential - INTERNAL TESTING ON **Project:** **App Date:** 09/15/2014
Work Class: Accessory Structure **District:** Not Applicable **Issue Date:** 10/27/2014
Status: Finalized **Square Feet:** 560.00 **Exp Date:** 09/28/2015
Description: CONSTRUCTION OF A UTILITY SHED AND DE **Valuation:** \$ 7,000.00 **Final Date:** 03/31/2015
14 X 20 (560 SQ FT.) ELEC

Parcel: R510 008 000 013H 0000 R510 008 000 013H 0000 Main	Address: 15 Marshland Road Hilton Head, SC 29926 Main	Zone: A7(14) (A7(14)) MMU (MMU) OCRM_HTL (Corridor Overlay OCRM_HTL) ROW_ART (ROW_ART)
--	---	--

Contractor	Owner	Applicant
Scott Taiwan	Scott Taiwan	Scott Taiwan
5 Candy Doll Bluff Hilton Head Island, SC 29928	5 Candy Doll Bluff Hilton Head Island, SC 29928	5 Candy Doll Bluff Hilton Head Island, SC 29928
Home: 8432900868	Home: 8432900868	Home: 8432900868
Business:	Business:	Business:
Mobile:	Mobile:	Mobile:

Note	Created By	Date and Time Created
1. ALL WORK BY OWNER- TAI SCOTT	Sarah Wallace	September 15, 2014 12:58 pm
2. NEED TO CHANGE ADDRESS- SHOULD BE 15 NOT 17	Sarah Wallace	April 2, 2015 2:25 pm

Activity Type	Activity Number	Name	User	Created On
Custom Field	PMACT-002629-10-14Y		Donna Horsman	10/27/2014 1:19:15PM
Permit Activity	PMACT-003731-06-15Y		Kisha O'Donnell	6/18/2015 10:35:39AM
Phone Call	PMACT-002166-09-14Y		Richard Spruce	9/25/2014 10:19:44AM

Type of Hold	Created By	Date Created	Comments	Active
Soft Hold Permit	Sarah Wallace	9/15/2014 3:24:37PM	NEED TO PAY PERMIT FEE	No
Soft Hold Permit	Nancy Heath	10/13/2014 11:53:36AM	NOW 15 MARSHLAND ROAD	No

Invoice No.	Fee	Fee Amount	Amount Paid
00002217	Permit Fee Adjustment	\$248.00	\$248.00
Total for Invoice 00002217		\$248.00	\$248.00
NOT INVOICED	Permit Fee Adjustment	\$122.00	\$0.00
Total for Invoice NOT INVOICED		\$372.50	\$0.00
Grand Total for Permit		\$620.50	\$248.00

?



TOWN OF HILTON HEAD ISLAND
SOUTH CAROLINA
BUILDING PERMIT #:

BLDR-002025-2014

Date issued: 10/27/14	Parcel ID: R510 008 000 013H 0000	Permit Fee: \$248.00	Value of Construction: \$7,000.00
Address: 17 Marshland Road	Lot #	Subdivision: Not Applicable	Building # Unit #
Type of Construction: Accessory Structure	Occupancy: Other	Flood Zone/Minimum Finished Floor Elevation: A7(14)	

Scope of Work: CONSTRUCTION OF A UTILITY SHED AND DECK 14 X 20 (560 SQ FT.) ELEC

Heated Square Ft.	Unheated Square Ft	560	Total Square Ft	Number of Units
Stories	Exterior Finish		Square Feet of Pool	Fireplaces
Bedrooms	Roofing Type	ASPHALT	Septic Tank #	Fire Alarm System
Bathrooms	Heating/Air		Elevators	Fire Sprinkler
Total Rooms	Type of Fuel			

	Name	Address	City, State	ZIP Code	Phone
Owner:	TAIWAN SCOTT	5 Candy Doll Bluff	Hilton Head Island, SC	29928	
Contractor:	TAIWAN SCOTT	5 Candy Doll Bluff	Hilton Head Island, SC	29928	
Applicant / Owner:	TAIWAN SCOTT	5 Candy Doll Bluff	Hilton Head Island, SC	29928	

I acknowledge the following: All work must comply with Town of Hilton Head Island adopted codes.
This is in a special flood hazard zone

Conditions of the Approval:

Town Staff conditions are included, additional pages may be attached.

Print Name: TAIWAN SCOTT Signature: Date: 10-27-14

Expiration: Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.

If you have questions or concerns regarding this permit, please call the Community Development Department at 843-341-4757.

c. Minor development plan review (DPR) application submittal

This is provided to show the incomplete submittal that was requesting an approval after the work was nearly complete.



Town of Hilton Head Island
 Community Development Department
 One Town Center Court
 Hilton Head Island, SC 29928
 Phone: 843-341-4757 Fax: 843-842-8908
 www.hiltonheadislandsc.gov

FOR OFFICIAL USE ONLY	
Date Received:	8/24/15
Accepted by:	DH
App. #:DPR	1584-2015
Meeting Date:	

Applicant/Agent Name: TAIWAN SCOTT Company: _____
 Mailing Address: 5 Candy Doll Bluf City: MHI State: SC Zip: 29928
 Telephone: 843-290-0868 Fax: _____ E-mail: TAIFRE@HOTMAIL.COM
 Business License #: Pending
 Project Name: Gullah Grace Catering LLC Project Address: 15 Marshland Rd
 Parcel Number [PIN]: R510008002013H0000
 Zoning District: MF Overlay District(s): _____

MINOR DEVELOPMENT PLAN REVIEW (DPR) SUBMITTAL

Digital Submissions may be accepted via e-mail by calling 843-341-4757.

*To be filled out by Community Development Staff- Applicants may use this checklist as a guide
 All items (if determined applicable by staff) are required at the time of submittal to be distributed for review.*

- Affidavit of Ownership and Hold Harmless Permission to Enter Property
- Written narrative describing the scope of the project
- Four copies of a survey or plan of area of the property being affected by this application showing existing topography, all trees 6 inches in diameter and larger, all improvements, and if applicable the location of bordering streets, marshes and beaches
- N/A A Landscape Plan showing any changes being proposed, if applicable
- N/A Copy of approval from any outside agencies, if applicable DHEC
- N/A Copy of approval from Property Owners Association and/or Architectural Review Board, if applicable
- Filing Fee - \$100 cash or check made payable to the Town of Hilton Head Island

Note: Further documentation may be required upon review of the application.

Are there recorded private covenants and/or restrictions that are contrary to, conflict with, or prohibit the proposed request?
 If yes, a copy of the private covenants and/or restrictions must be submitted with this application. YES NO

To the best of my knowledge, the information on this application and all additional documentation is true, factual, and complete. I hereby agree to abide by all conditions of any approvals granted by the Town of Hilton Head Island. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale.

I further understand that in the event of a State of Emergency due to a Disaster, the review and approval times set forth in the Land Management Ordinance may be suspended.

[Signature]
 SIGNATURE

8-24-15
 DATE



Town of Hilton Head Island
 Community Development Department
 One Town Center Court
 Hilton Head Island, SC 29928
 Phone: 843-341-4757 Fax: 843-341-2087
www.hiltonheadislandsc.gov

FOR OFFICIAL USE ONLY
 Date Received: _____
 App. #: _____
 Form revised 10-2012

**AFFIDAVIT OF OWNERSHIP AND
 HOLD HARMLESS PERMISSION TO ENTER PROPERTY**

The undersigned being duly sworn and upon oath states as follows:

1. I am the current owner of the property which is the subject of this application.
2. I hereby authorize _____ to act as my agent for this application only.
3. All statements contained in this application have been prepared by me or my agents and are true and correct to the best of my knowledge.
4. The application is being submitted with my knowledge and consent.
5. Owner grants the Town, its employees, agents, engineers, contractors or other representatives the right to enter upon Owner's real property, located at 15 Marshland Rd (address), RS10 008 000 013H 0000 (parcel ID) for the purpose of application review, for the limited time necessary to complete that purpose.
 Description of Work: Selling of food
6. Owner agrees to hold the Town harmless for any loss or damage to persons or property occurring on the private property during the Town's entry upon the property, unless the loss or damage is the result of the sole negligence of the Town.
7. I acknowledge that the Town of Hilton Head Island Municipal Code requires that all construction in a Special Flood Hazard Zone be constructed in accordance with the following provisions that:
 - a. any enclosed area below the base flood elevation will be used solely for parking of vehicles, limited storage or access to the building. This space will never be used for human habitation without first becoming fully compliant with the Town's Flood Damage Controls Ordinance in effect at the time of conversion.
 - b. all interior walls, ceilings and floors below the base flood elevation will be constructed of flood resistant materials.
 - c. all mechanical, electrical and plumbing devices will be installed above base flood elevation.
 - d. walls of the enclosed area below base flood elevation will be equipped with at least two openings which allow automatic entry and exit of flood water. Openings will be on two different walls with at least one square inch of free area for every square foot of enclosed space and have the bottom of openings no more than a foot above grade.
 - e. the structure may be subject to increased premium rates for flood insurance from the National Flood Insurance Program.
8. I understand that failure to abide by Town permits, any conditions, and all codes adopted by the Town of Hilton Head Island deems me subject to enforcement action and/or fines.

Print Name: <u>TAIWAN SCOTT</u>	Owner Signature: <u><i>Taiwan Scott</i></u>
Phone No.: <u>843-290-0868</u>	Email: <u>TAIFRE@HOTMAIL.COM</u>
Date: <u>8-24-15</u>	

The foregoing instrument was acknowledged before me by <u>TAIWAN SCOTT</u> , who is personally known to me or has produced _____ as identification and who did not take an oath.	
WITNESS my hand and official seal this <u>24th</u> day of <u>August</u> , A.D., <u>2015</u> .	
<u><i>Donna Howman</i></u> Notary Public Signature	My Commission expires: <u>9/25/18</u> Please affix seal or stamp.

Narrative of Development

15 Marshland Road

This development will provide food to the public through a DEHEC Approved unit. The public will have the opportunity to place orders to go or elect to sit down in a covered deck and enjoy the natural setting.

The structures on this site comprise of natural earth tone colors ie. BHER Cedar Natural tone wood stains, BHER Grey tone stains. The deck is comprised of a sitting area in which customers can enjoy sky lit views through the grey tone poly carbonated roof.

Pictures attached

Narrative of Development

15 Marshland Road

This development will provide food to the public through a self-contained DEHEC Approved unit. The public will have the opportunity to place orders to go or elect to sit down at the covered deck and enjoy the natural setting. This open air sales site will feature a local seafood and produce stand which will also display local products. There are plans for a weekly farmers market with local vendors for this site. There are also plans to work with other family owned businesses throughout the island such as, The Gullah Heritage Tours to add this site to one of the stops on the tour.

The food supply for the Unit will be purchased on an as needed basis, and will be picked up from local super markets. The refuse will be handled daily by occupants. There are currently 6 available bicycle parking spaces with room for expansion. The site will feature 10 parking spaces of which 1 will be dedicated handicapped. This open air site use only requires 3 parking spaces base on the s/f. Regarding the EV charging station. As stated within the LMO, we will provide an electrical charging point via an electrical cord which will transfer current to the vehicles battery. We will display a sign which reads "Electric Vehicle charging available upon request." This meets LMO 16-5-107 standards.

TOWN OF HILTON HEAD ISLAND

COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court, Hilton Head Island, SC 29928
843-341-4600 <http://www.hiltonheadislandsc.gov>

September 2, 2015

Tai Scott
Sent to taifr@hotmail.com

Re: DPR-1584-2015, Gullah Geechee Catering

Dear Tai:

This letter is regarding your Minor Development Plan Review (Minor DPR) application for Gullah Geechee Catering at 15 Marshland Road. As we discussed on Friday, the application materials are incomplete. Staff needs further information to review this project for compliance with the Land Management Ordinance (LMO). The comments below reflect many of the same comments staff provided to you at the pre-application meeting for this project, which was held on October 14, 2013.

Since the use of the structure and this site are changing from an accessory storage structure for the single family home on the parcel to a commercial eating establishment, the site must be brought into compliance to the maximum extent practicable with current LMO standards for a commercial eating establishment. In meetings with staff since the 2013 pre-application meeting and in an email sent to you by Heather Colin, Development Review Administrator, on February 23, 2015, staff informed you that prior to any change to the use of the property for anything other than a single family use, the site must comply with the regulations for the new use.

Staff found some areas of flexibility in the LMO to reduce the alterations that must be made to the site to bring it into compliance with LMO standards. The gravel drive aisle running along the western property line (adjacent to Lot 9) existed prior to the development of the commercial portion of the site and is considered a legally non-conforming site feature. Even though the drive aisle runs through the required adjacent use buffer, you do not have to remove the drive aisle from the buffer or plant vegetation in the buffer to meet current adjacent use buffer standards; the drive aisle can remain in its current location.

The wood screen fence surrounding the food truck and the enclosed building encroach into the 30-foot adjacent use setback from Lot 7. Though the building and fence enclosure would not have been permitted in the setback area if the building permit applications for these structures were submitted as part of a commercial development instead of residential accessory structures,

TOWN OF HILTON HEAD ISLAND

COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court, Hilton Head Island, SC 29928
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the building and fence enclosure do not have to be removed to bring the site into full compliance with the LMO. They are legally non-conforming structures. The remaining non-conforming site features, however, must be brought into compliance with current LMO standards to the maximum extent practicable.

Please submit the following materials to complete the application and begin staff review:

1. Check Yes or No after the “Are there recorded private covenants...” question on the application form (attached).
2. Please revise the narrative to include the size of the enclosed building (not the food truck), the size of the covered eating area, and, if the area in between the gravel drive and the building will be used as an outdoor seating area, state the size of that outdoor seating area.
The narrative should also address the following questions/issues:
 - a) When will food and supplies be delivered and where the delivery truck will access the food truck;
 - b) How waste will be removed – will there be a dumpster?
 - c) The number of bicycle and vehicle parking spaces required based on the size of the enclosed building and outdoor seating areas. See LMO Sections 16-5-107.D (page 5-31) and 16-5-107.H.7 (page 5-42).
 - d) The number, size, and species of existing overstory trees, understory trees, and evergreen shrubs in the adjacent street buffer and in the adjacent use buffer next to Lot 7. The existing vegetation in the buffer will count toward the required buffer vegetation. See LMO Section 16-5-103.F, Buffer Types (page 5-8).
3. A site plan including all of the items listed in LMO Appendix D, Section 7 (attached), including but not limited to:
 - a) The adjacent street setback line, labeled “40 Foot, 70 degree angle Adjacent Street Setback”.
 - b) The adjacent street buffer line, labeled “Type B, Option (1 or 2) Adjacent Street Buffer”.
 - c) The adjacent use setback line, labeled “30 foot, 60 degree angle Adjacent Use Setback”. The line should be drawn on the side of the property next to Lot 7 and should extend from the Marshland Road right-of-way to the back of the building.
 - d) The adjacent use buffer line, labeled “Type C, Option (1 or 2) Adjacent Use Buffer”. The lines should be drawn on the side of the property next to Lot 7 and should extend from the Marshland Road right-of-way to the back of the building.

TOWN OF HILTON HEAD ISLAND

COMMUNITY DEVELOPMENT DEPARTMENT

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- e) The required 15 foot wide landscape medians at the ends of the parking row. See LMO Section 16-5-107.G (page 5-39).
- f) Lines showing the location and width of the 20-foot driveway. The lines do not need to be marked on the site; they just need to be shown on the site plan.
- g) Lines delineating the lengths and widths of the parking spaces. The lines do not need to be marked on the ground; they just need to be shown on the site plan to demonstrate that they are the required dimensions: all spaces must be 18 feet long; spaces at the ends of the parking row must be 10 feet wide; spaces on the inside of the parking row must be 9 feet wide.
- h) Add a table with the following information to the site plan:
 - The gross area of the site in square feet (33,300 sq ft) and acres (0.76 acres).
 - The area of the tidal wetland on the site in square feet (2,462 sq ft) and acres (0.06 acres).
 - The net area of the site (gross area – tidal wetland area) in square feet (30,838 sq ft) and acres (0.7 acres).
 - The Zoning District: MF, Marshfront Mixed Use.
 - The maximum impervious coverage allowed for the MF Zoning District: 60%.
 - The maximum impervious coverage allowed on the site in square feet (18,503 sq ft) and acres (0.42 acres).
 - The amount of impervious coverage on the site in square feet, acres, and as a percent of the site.
 - The maximum density permitted for the site per the MF Zoning District: 4 Single Family Dwelling Units; and 4,900 square feet of Nonresidential Use.
 - The proposed density for the site: Retain the existing Single Family Dwelling Unit; and add 300 square feet of Nonresidential Use.
 - The number of parking spaces required: 1 space per every 100 square feet of enclosed floor area and outdoor seating area.
 - The number of parking spaces provided.
 - The number of bicycle parking spaces required: parking for 4 bicycles for every 10 vehicle parking spaces required, or major fraction thereof.
 - The number of bicycle parking spaces provided.
- i) An Electric Vehicle (EV) Charging Station. Land Management Ordinance Section 16-5-107.D.10 (page 5-38) states that “All multifamily and nonresidential development shall provide one electric vehicle (EV) charging station per site. The electric vehicle charging station shall be located within 100 feet of the primary entrance.” Note the location of the EV charging station and provide

TOWN OF HILTON HEAD ISLAND

COMMUNITY DEVELOPMENT DEPARTMENT

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specs for the station for staff review of the design.

4. A landscape plan for the adjacent street buffer, adjacent use buffer, and the parking medians.
5. The estimated impact fees for a 300 square foot High Turnover Eating Establishment are: \$2,628.30 (Town of Hilton Head Island) + \$1,030.20 (Beaufort County) = \$3,658.50. The impact fees must be paid at Town Hall prior to the Certificate of Compliance (C of C) being issued for this project.
6. If required by Hilton Head PSD, a Will Serve letter stating that the PSD will provide water and sewer service to the site. If this letter is required, it does not have to be submitted to start staff review of the application, but it is required before the Minor DPR will be approved.
7. If required by Palmetto Electric, a Will Serve letter stating that Palmetto Electric will provide electrical service to the site. Again, if this letter is required, it does not have to be submitted to start staff review of the application, but it is required before the Minor DPR will be approved.

Please note that this list is not inclusive; additional information or materials may be required by Town staff once they review the complete application. Once the materials required to complete the application have been submitted, staff will begin reviewing the application. A comment letter or an approval (if staff has no comments) will be sent to you within seven business days of receiving the complete application.

Please note that, when making the above changes to the site plan, if you find that you aren't able to meet some of the current LMO standards, you can apply for a variance from the Board of Zoning Appeals (BZA) from the section or sections of the LMO. A variance application is attached and the BZA application deadlines, meeting schedule, and further information about the variance process are on the Town's website:

<http://www.hiltonheadislandsc.gov/boards/boarddetails.cfm?BoardID=BZA>. Please note that each of the four criteria in LMO Section 16-2-103.S.4.a.i (see attached application form) must be met for the variance to be approved. Please also note that any variances requested for this site must be approved before the site plan can be approved.

You will need to submit the C of C application when the approved site work for this project is complete. The required application forms for the C of C will be provided to you when the

TOWN OF HILTON HEAD ISLAND

COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court, Hilton Head Island, SC 29928
843-341-4600 <http://www.hiltonheadislandsc.gov>

Minor DPR application is approved. The C of C must be approved by staff **prior** to this site being used as a Commercial Eating Establishment.

Please ensure that no further work (demolition, removing vegetation, moving gravel, installing site features, building structures, etc.) takes place on this site until the Minor DPR is approved.

Again, the Design Review Board (DRB) application must be approved, the Minor DPR must be approved, any alterations to the building or site required by the DRB must be complete, all site work must be complete, and a C of C must be approved before the site can be used as anything other than a single family residence.

Please contact me at (843) 341-4697 or at annec@hiltonheadislandsc.gov if you have any questions about these requirements.

Sincerely,



Anne Cyran, AICP
Senior Planner

cc: File
Heather Colin, Development Review Administrator
Teri Lewis, LMO Official

Attachments: Minor DPR Application Form
PAPP130019 Staff Comment Sheet
Email from Heather Colin dated 02/23/2015
LMO Appendix D, Section 7
VAR Application



Retail Food Establishment Inspection Report

Facility Information		Audit Information	
Permit Number:	07-206-10056	Audit Name:	Retail Food Establishment Inspection Report
Facility Name:	SCRAPP BS	Audit Type:	11_Permit Issued Inspection-New Facility
Address:	15 MARSHLAND ROAD	Start Date:	21 Jul 2015 11:02 AM
Facility Service (Full/Limited):	F	End Date:	21 Jul 2015 11:39 AM
City/State/Zip:	HILTON HEAD ISLAND, SC 299280000 BEAUFORT	Inspector:	Treavor Haywood
Contact Name:	Taiwan Scott		

Overall Score
100%

Overall Rating
A

Foodborne Illness Risk Factors & Interventions and Good Retail Practices

Item	Answer	Points Current	Points to Total
1. PIC Present, Demonstration - Certification by accredited program, and Performs duties.	Delayed Implementation	2	2
2. Management and food employee knowledge, and conditional employee; responsibilities and reporting.	In	2	2
3. Proper use of reporting, restriction and exclusion	In	2	2
4. Proper eating, tasting, drinking, or tobacco use	In	2	2
5. No discharge from eyes, nose, and mouth	In	2	2
6. Hands clean and properly washed	In	4	4
7. No bare hand contact with RTE foods	Not Observed	3	3
8. Handwashing sinks, properly supplied and accessible	In	2	2
9. Food obtained from approved source	In	2	2
10. Food received at proper temperature	Not Observed	2	2
11. Food in good condition, safe and unadulterated	In	2	2
12. Required records available: shellstock tags, parasite destruction	Not Applicable	2	2
13. Food separated and protected	Not Observed	3	3
14. Food-contact surfaces: cleaned and sanitized	In	3	3
15. Proper disposition of returned, previously served, reconditioned, and unsafe food	In	2	2
16. Proper cooking time and temperatures	Not Observed	3	3
17. Proper reheating procedures for hot holding	Not Observed	3	3
18. Proper cooling time and temperatures	Not Observed	3	3

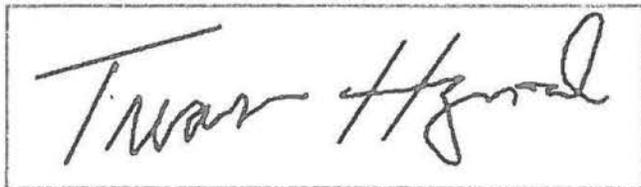
24. Pasteurized foods used; prohibited foods not offered	Not Applicable	2	2
25. Food additives: approved and properly used	Not Applicable	2	2
26. Toxic substances properly identified, stored, and used	In	2	2
27. Compliance with variance, specialized process, reduced oxygen packaging criteria or HACCP plan	Not Applicable	2	2
28. Pasteurized eggs used where required	Not Applicable	1	1
29. Water and ice from approved source	In	2	2
30. Variance obtained for specialized processing methods	Not Applicable	1	1
31. Proper cooling methods used; adequate equipment for temperature control	In	1	1
32. Plant food properly cooked for hot holding	Not Observed	1	1
33. Approved thawing methods used	Not Observed	1	1
34. Thermometers provided and accurate	In	1	1
35. Food properly labeled: original container	In	1	1
36. Insects and rodents not present; no unauthorized animals	In	2	2
37. Contamination prevented during food preparation, storage and display	In	2	2
38. Personal cleanliness	In	2	2
39. Wiping cloths: properly used and stored	In	1	1
40. Washing fruits and vegetables	In	1	1
41. In-use utensils: properly stored	In	1	1
42. Utensils, equipment and linens: properly stored, dried & handled	In	1	1
43. Single-use and single-service articles: properly stored and used	In	1	1
44. Gloves used properly	In	1	1
45. Equipment, food and non-food-contact surfaces approved; cleanable, properly designed, constructed and used	In	2	2
46. Warewashing facilities: installed, maintained and used; test strips	In	1	1
47. Non-food-contact surfaces clean	In	1	1
48. Hot and cold water available; adequate pressure	In	2	2
49. Plumbing installed; proper backflow devices	In	2	2
50. Sewage and waste water properly disposed	In	2	2
51. Toilet facilities: properly constructed, supplied and cleaned	In	1	1
52. Garbage and refuse properly disposed; facilities maintained	In	1	1
53. Physical facilities installed, maintained and clean	In	1	1
54. Meets ventilation and lighting requirements; designated areas used	In	1	1
55. Chapter 8 - Meets all requirements of Chapter 8: Compliance & Enforcement	In	0	0
56. Chapter 9 - Meets all applicable requirements of Chapter 9: Standards for Additional Operations	In	1	1
Totals		100	100

Temperature Observations

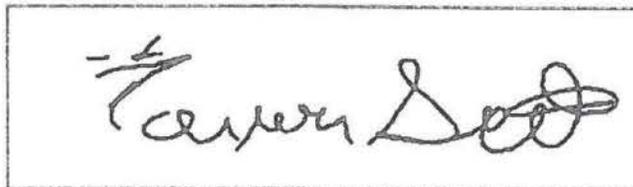
Item	Answer	Points Current	Points to Total
PRODUCT, PROCESS, LOCATION AND TEMPERATURE - Documented	No Temperatures to Document		
Totals			

Item	Answer	Points Current	Points to Total
Facility Category	Category 2		
Grade Posted	A		
Is a Follow-Up required within 10 days?	No		
DHEC Contact Phone and Fax Number.	Low Country EQC Orangeburg - (803)533-5490 Fax- (803)268-5784		
Violations may be subject to enforcement action and penalty. Information collected on this form is subject to public scrutiny or release as well as the Freedom of Information Act. For additional information see. www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/Food/	Notification	0	0
Totals			

Auditor Signature: Treavor Haywood



Account Signature: Taiwan Scott





Retail Food Establishment Inspection Report

Facility Information	Audit Information
Permit Number: 07-204-00107	Audit Name: Retail Food Establishment Inspection Report
Facility Name: SCRAPP BS	Audit Type: 11_Permit Issued Inspection-New Facility
Address: 15 MARSHLAND ROAD	Start Date: 21 Jul 2015 11:17 AM
City/State/Zip: HILTON HEAD ISLAND, SC 299280000	End Date: 21 Jul 2015 11:29 AM
Contact Name: Taiwan Scott	Inspector: Treavor Haywood

Overall Score
100%

Overall Rating
A

Foodborne Illness Risk Factors & Interventions and Good Retail Practices

Item	Answer	Points Current	Points to Total
1. PIC Present, Demonstration - Certification by accredited program, and Performs duties.	Delayed Implementation	2	2
2. Management and food employee knowledge, and conditional employee; responsibilities and reporting.	In	2	2
3. Proper use of reporting, restriction and exclusion	In	2	2
4. Proper eating, tasting, drinking, or tobacco use	In	2	2
5. No discharge from eyes, nose, and mouth	In	2	2
6. Hands clean and properly washed	In	4	4
7. No bare hand contact with RTE foods	Not Observed	3	3
8. Handwashing sinks, properly supplied and accessible	In	2	2
9. Food obtained from approved source	In	2	2
10. Food received at proper temperature	Not Observed	2	2
11. Food in good condition, safe and unadulterated	In	2	2
12. Required records available: shellstock tags, parasite destruction	Not Applicable	2	2
13. Food separated and protected	Not Observed	3	3
14. Food-contact surfaces: cleaned and sanitized	In	3	3
15. Proper disposition of returned, previously served, reconditioned, and unsafe food	In	2	2
16. Proper cooking time and temperatures	Not Observed	3	3
17. Proper reheating procedures for hot holding	Not Observed	3	3
18. Proper cooling time and temperatures	Not Observed	3	3
19. Proper hot holding temperatures	Not Observed	3	3

23. Consumer advisory provided for raw or undercooked foods	Not Applicable	1	1
24. Pasteurized foods used; prohibited foods not offered	Not Applicable	2	2
25. Food additives: approved and properly used	Not Applicable	2	2
26. Toxic substances properly identified, stored, and used	In	2	2
27. Compliance with variance, specialized process, reduced oxygen packaging criteria or HACCP plan	Not Applicable	2	2
28. Pasteurized eggs used where required	Not Applicable	1	1
29. Water and ice from approved source	In	2	2
30. Variance obtained for specialized processing methods	Not Applicable	1	1
31. Proper cooling methods used; adequate equipment for temperature control	In	1	1
32. Plant food properly cooked for hot holding	Not Observed	1	1
33. Approved thawing methods used	Not Observed	1	1
34. Thermometers provided and accurate	In	1	1
35. Food properly labeled: original container	In	1	1
36. Insects and rodents not present; no unauthorized animals	In	2	2
37. Contamination prevented during food preparation, storage and display	In	2	2
38. Personal cleanliness	In	2	2
39. Wiping cloths: properly used and stored	In	1	1
40. Washing fruits and vegetables	In	1	1
41. In-use utensils: properly stored	In	1	1
42. Utensils, equipment and linens: properly stored, dried & handled	In	1	1
43. Single-use and single-service articles; properly stored and used	In	1	1
44. Gloves used properly	In	1	1
45. Equipment, food and non-food-contact surfaces approved; cleanable, properly designed, constructed and used	In	2	2
46. Warewashing facilities: installed, maintained and used; test strips	In	1	1
47. Non-food-contact surfaces clean	In	1	1
48. Hot and cold water available; adequate pressure	In	2	2
49. Plumbing installed; proper backflow devices	In	2	2
50. Sewage and waste water properly disposed	In	2	2
51. Toilet facilities: properly constructed, supplied and cleaned	In	1	1
52. Garbage and refuse properly disposed; facilities maintained	In	1	1
53. Physical facilities installed, maintained and clean	In	1	1
54. Meets ventilation and lighting requirements; designated areas used	In	1	1
55. Chapter 8 - Meets all requirements of Chapter 8: Compliance & Enforcement	In	0	0
56. Chapter 9 - Meets all applicable requirements of Chapter 9: Standards for Additional Operations	In	1	1
Totals		100	100

Temperature Observations

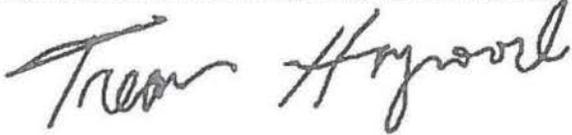
Item	Answer	Points Current	Points to Total
PRODUCT, PROCESS, LOCATION AND TEMPERATURE - Documented	No Temperatures to Document		
Totals			

Comments:

First Routine Inspection will be done within 60 days from today.

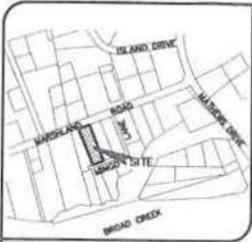
Item	Answer	Points Current	Points to Total
Facility Category	Category 2		
Grade Posted	A		
Is a Follow-Up required within 10 days?	No		
DHEC Contact Phone and Fax Number.	Low Country EQC Orangeburg - (803)533-5490 Fax- (803)268-5784		
Violations may be subject to enforcement action and penalty. Information collected on this form is subject to public scrutiny or release as well as the Freedom of Information Act. For additional information see. www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/Food/	Notification	0	0
Totals			

Auditor Signature: Treavor Haywood



Account Signature: Taiwan Scott





LINE	LENGTH	BEARING
L1	23.39	N 80°28'29" W
L2	29.80	N 00°47'22" W
L3	9.21	N 72°03'42" E
L4	21.96	S 78°51'59" W
L5	40.83	S 71°45'58" W
L6	13.05	N 11°03'00" W
L7	9.20	N 61°53'11" E
L8	30.39	N 28°30'12" W
L9	54.38	N 72°34'29" E

LOT 9
 R510 000 000 0460 0000
 FORD HERBERT
 18 MARSHLAND RD
 HILTON HEAD ISLAND SC 29928

SYMBOLS

- TREE SIZES ARE INCHES IN DIAMETER
- ⊕ - ELECTRIC SERVICE
 - ⊖ - ELECTRIC TRANSFORMER
 - ⊗ - TELEVISION SERVICE
 - ⊙ - WATER METER
 - ⊚ - SEPTIC PUMP
 - ⊛ - UTILITY POLE
 - ⊜ - LIGHT POLE
 - ⊝ - 1/2" IRON PIN FOUND
 - ⊞ - 1/2" IRON PIN SET WITH CAP
 - ⊟ - PE SET
 - ⊠ - WATER LATERAL
 - ⊡ - SPIGOT
 - ⊢ - WETLAND FLAG
 - ⊣ - AC UNIT
 - ⊤ - SPOT ELEVATION
 - LD - LIVE OAK
 - PN - PINE
 - G - GUM
 - BN - BANANA

REFERENCE PLATS

- PLAT OF SURVEY OF LOTS 9, 12, 13, (2,309 AC) MINGO GREEN ESTATE, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA. DRAWING: 04/14/97, LAST REVISED: 11/23/97, RECORDED IN BOOK 63, PAGE 101, DATED: 1/12/98, RMC, BEAUFORT COUNTY, SC. BY: M.A. DUNHAM, S.C.R.L.S. NO. 11590
- PLAT SHOWING DIVISION OF LAND NOW OWNED BY MINGO GREEN ESTATE, LOCATED HILTON HEAD TWP., BEAUFORT COUNTY, S.C. ON HILTON HEAD ISLAND AND ON N.W. SIDE OF PAVED ROAD 5-CHS NEAR INTERSECTION WITH OLD S.C. PAH. DRAWING: 3/28/85, RECORDED IN BOOK 17, PAGE 104, DATED: 1/12/85, RMC, BEAUFORT COUNTY, SC. BY: G.L. CLOUD, S.C.R.L.S. (NONE SHOWN)

PROPERTY AREA = 0.76 AC. 33,300 SQ FT (TOTAL)
 HIGH GROUND = 0.69 AC. TIDAL MARSH = 0.07 AC
 ADDRESS: # 13 MARSHLAND ROAD
 DISTRICT: 510, MAP: 8, PARCEL: 13G

THIS PROPERTY LIES IN F.E.M.A. ZONE A7 - 14.0'
 COMMUNITY NO. 450250, PANEL: 00140, DATED: 9/29/86

NOTES:

- THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH BY SEA ISLAND LAND SURVEY, LLC.
- THIS PROPERTY MAY BE SUBJECT TO EASEMENTS OF RECORD AND COVENANT RESTRICTIONS AS RECORDED IN THE OFFICE OF THE REC FOR BEAUFORT COUNTY.
- SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988.
- BUILDING SETBACKS, WHETHER SHOWN OR NOT, SHOULD BE VERIFIED BY THE LOCAL BUILDING AUTHORITY OR ARCHITECTURAL REVIEW BOARD.
- USE OF THIS PROPERTY MAY BE AFFECTED BY THE TERMS OF COVENANTS RELATING TO THIS PLANNED RESIDENTIAL COMMUNITY.

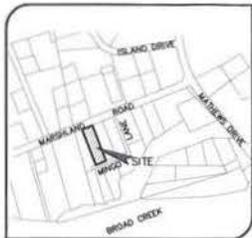
THEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARD MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "M" SURVEY AS SPECIFIED THEREIN.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



ASBUILT SURVEY OF:
 LOT 8, ESTATE OF MINGO GREEN
 MARSHLAND COMMUNITY, HILTON HEAD ISLAND,
 BEAUFORT COUNTY, SOUTH CAROLINA
 PREPARED FOR: TAIWAN SCOTT

DATE: 06/24/15 SCALE: 1" = 30'

SIS Sea Island Land Survey, LLC
 40 Mathews Court,
 Hilton Head Island,
 SC 29926
 Tel: (843) 681-3248
 Fax: (843) 689-3871
 E-mail: sis@spynet.com
 FILE NO: 072235 DWG NO: S-1655



LINE	LENGTH	BEARING
L1	23.39	N 80°28'29" W
L2	29.80	N 00°47'22" W
L3	9.21	N 72°03'42" E
L4	21.96	S 78°51'59" W
L5	40.83	S 71°45'58" W
L6	13.05	N 11°03'00" W
L7	9.20	N 61°53'11" E
L8	30.39	N 28°30'12" W
L9	54.36	N 72°34'25" E

ZONING DISTRICT IS MF, MARSHFRONT MIXED USE
 PROPERTY AREA = 0.76 Ac. 33,300 SQ FT (TOTAL)
 HIGH GROUND = 0.69 Ac. 30,838 SQ FT
 TIDAL MARSH = 0.07 Ac. 2,462 SQ FT
 IMPERVIOUS COVERAGE IS 2,844 SQ FT (9.2%)

- SYMBOLS**
 THREE SIZES ARE INCHES IN DIAMETER
- ⊖ - ELECTRIC SERVICE
 - ⊖ - ELECTRIC TRANSFORMER
 - ⊖ - TELEVISION SERVICE
 - ⊖ - WATER METER
 - ⊖ - SEPTIC PUMP
 - ⊖ - UTILITY POLE
 - ⊖ - LIGHT POLE
 - ⊖ - 1/2" IRON PIN FOUND
 - ⊖ - 1/2" IRON PIN SET WITH CAP
 - ⊖ - PK SET
 - ⊖ - WATER LATERAL
 - ⊖ - SPOUT
 - ⊖ - WETLAND FLAG
 - ⊖ - AC UNIT
 - ⊖ - SPOT ELEVATION
 - LO - LIVE OAK
 - PK - PINE
 - DU - DUM
 - BH - BANANA

REFERENCE PLATS

- 1) PLAT OF SURVEY OF LOTS 8,12,13, (2.009 AC.) MINGO GREEN ESTATE, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA. DRAWN: 04/14/93, LAST REVISED: 11/12/94, RECORDED IN BOOK 63, PAGE 101, DATED: 1/12/95, RMC, BEAUFORT COUNTY, SC BY: W.A. DUNHAM, S.C.R.L.S. NO. 11590
- 2) PLAT SHOWING DIVISION OF LAND NOW OWNED BY MINGO GREEN ESTATE, LOCATED HILTON HEAD TWP., BEAUFORT COUNTY, S.C. ON HILTON HEAD ISLAND AND ON N.W. SIDE OF PAVED ROAD 5'-24" NEAR INTERSECTION WITH OLD S.C. PAV. DRAWN: 3/06/05, RECORDED IN BOOK 17, PAGE 104, DATED: RMC, BEAUFORT COUNTY, SC BY: G.L.CLOUD, S.C.R.L.S. (NONE SHOWN)

PROPERTY AREA = 0.76 Ac. 33,300 SQ FT (TOTAL)
 HIGH GROUND = 0.69 Ac. 30,838 SQ FT
 TIDAL MARSH = 0.07 Ac. 2,462 SQ FT
 ADDRESS: # 13 MARSHLAND ROAD
 DISTRICT: 510 • MAP: 8 • PARCEL: 13G
 THIS PROPERTY LIES IN F.E.M.A. ZONE A7 - 14.0
 COMMUNITY NO. 450250, PANEL: 00140, DATED: 8/29/85

LOT 9
 R510 008 000 0480 0000
 FORD HERBERT
 19 MARSHLAND RD
 HILTON HEAD ISLAND SC 29928

LOT 7
 R510 008 000 8137 0000
 BAILEY CHARLES S RALPH E
 PO BOX 553
 ST HELENA ISL SC 29920

SITE PLAN OF:
 GULLAH GEECHEE CATERING
 LOT 8, ESTATE OF MINGO GREEN
 MARSHLAND COMMUNITY, HILTON HEAD ISLAND,
 BEAUFORT COUNTY, SOUTH CAROLINA
 PREPARED FOR: TAMMAY SCOTT

DATE: 08/01/15 SCALE: 1"=80'
 GRAPHIC SCALE: 0 30 60 90
SIS Sea Island Land Survey, LLC.
 4D Mathews Court, Hilton Head Island, SC 29928
 Tel: (843) 681-2248 Fax: (843) 688-3571 E-mail: sis@spinnet.com
 FILE No: 072235 DWG No: 5-1622REY



- NOTES:**
- 1) THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH BY SEA ISLAND LAND SURVEY, LLC.
 - 2) THIS PROPERTY MAY BE SUBJECT TO EASEMENTS OF RECORD AND COVENANT RESTRICTIONS AS RECORDED IN THE OFFICE OF THE BOOK FOR BEAUFORT COUNTY.
 - 3) SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988.
 - 4) BUILDING SETBACKS, WHETHER SHOWN OR NOT, SHOULD BE VIEWED BY THE LOCAL BUILDING AUTHORITY OR ARCHITECTURAL REVIEW BOARD.
 - 5) USE OF THIS PROPERTY MAY BE AFFECTED BY THE TERMS OF COVENANTS RELATING TO THIS PLANNED RESIDENTIAL COMMUNITY.

NOT VALID UNLESS SIGNED

d. Design Review Board (DRB) application packets (2)

The first DRB application packet shows that Taiwan Scott was requesting DRB approval for a project that was nearly complete. The minutes of this meeting (9/8/15) are included.

The second DRB submittal was a request to rescind the previous (9/8/15) DRB motion relative to the subject property. The minutes of this meeting (9/22/15) are included.



Town of Hilton Head Island
 Community Development Department
 One Town Center Court
 Hilton Head Island, SC 29928
 Phone: 843-341-4757 Fax: 843-842-8908
 www.hiltonheadislandsc.gov

FOR OFFICIAL USE ONLY
 Date Received: 8/24/15
 Accepted by: DH
 DRB #: 1583-2015
 Meeting Date: _____

Applicant/Agent Name: Taiwan Scott Company: _____
 Mailing Address: 5 Candy Bell Bluff City: HHI State: SC Zip: 29928
 Telephone: 843-290-0868 Fax: _____ E-mail: TAIFR@HOTMAIL.COM
 Project Name: Gullah Beechree Catering LLC. Project Address: 15 Marshland Rd
 Parcel Number [PIN]: R510 008 000
 Zoning District: MF Overlay District(s): Corridor

**CORRIDOR REVIEW, MAJOR
 DESIGN REVIEW BOARD (DRB) SUBMITTAL REQUIREMENTS**

Digital Submissions may be accepted via e-mail by calling 843-341-4757. -4665

Project Category:
 Concept Approval – Proposed Development
 Final Approval – Proposed Development
 Alteration/Addition
 Sign

Submittal Requirements for *All* projects:

Private Architectural Review Board (ARB) Notice of Action (if applicable): When a project is within the jurisdiction of an ARB, the applicant shall submit such ARB's written notice of action per LMO Section 16-2-103.I.4.b.iii.01. Submitting an application to the ARB to meet this requirement is the responsibility of the applicant.

Filing Fee: Concept Approval-Proposed Development \$175, Final Approval – Proposed Development \$175, Alterations/Additions \$100, Signs \$25; cash or check made payable to the Town of Hilton Head Island.

Additional Submittal Requirements:
Concept Approval – Proposed Development

A survey (1"=30' minimum scale) of property lines, existing topography and the location of trees meeting the tree protection regulations of Sec. 16-6-104.C.2, and if applicable, location of bordering streets, marshes and beaches.

A site analysis study to include specimen trees, access, significant topography, wetlands, buffers, setbacks, views, orientation and other site features that may influence design.

A draft written narrative describing the design intent of the project, its goals and objectives and how it reflects the site analysis results.

Context photographs of neighboring uses and architectural styles.

Conceptual site plan (to scale) showing proposed location of new structures, parking areas and landscaping.

Conceptual sketches of primary exterior elevations showing architectural character of the proposed development, materials, colors, shadow lines and landscaping.

Narrative of Development

15 Marshland Road

This development will provide food to the public through a DEHEC Approved unit. The public will have the opportunity to place orders to go or elect to sit down in a covered deck and enjoy the natural setting.

The structures on this site comprise of natural earth tone colors ie. BHER Cedar Natural tone wood stains, BHER Grey tone stains. The deck is comprised of a sitting area in which customers can enjoy sky lit views through the grey tone poly carbonated roof.

Pictures attached



THE TOWN OF HILTON HEAD ISLAND
DESIGN REVIEW BOARD – NOTICE OF ACTION



PROJECT NAME: Gullah Geechee Catering, LLC

PROJECT #: DRB-001583-2015

PROJECT ADDRESS: 15 Marshland Road

CATEGORY: Alteration/Addition

ACTION DATE: September 8, 2015

NOTICE DATE: September 10, 2015

APPLICANT/AGENT:

Mr. Taiwan Scott
5 Candy Doll Bluff
Hilton Head Island, SC 29928
Email: taifr@hotmail.com

On the above meeting date your Application received the following action:

- APPROVED AS SUBMITTED
- APPROVED WITH THE SPECIFIC CONDITIONS LISTED BELOW
- DENIED FOR THE REASONS LISTED BELOW
- WITHDRAWN AT THE APPLICANTS REQUEST

(1) the orange color on the lattice, the fence, and the building is to be muted to bring it into compliance with the Design Guide; (2) the roof on the enclosed structure and the covered porch shall be the same color and consistent with the Design Guide; (3) basic landscaping shall be placed consistent with the LMO along the fence and the picnic area as recommended by the staff. Staff is to approve these conditions.

PURSUANT TO LMO 16-2-103-1.7, THIS APPROVAL WILL EXPIRE ONE YEAR FROM THE DATE OF THIS NOTICE UNLESS A DEVELOPMENT PLAN (SEE LMO 16-2-103.G) OR SMALL RESIDENTIAL DEVELOPMENT (SEE LMO 16-2-103.H) IS APPROVED OR, WHERE DEVELOPMENT PLAN REVIEW OR SMALL RESIDENTIAL DEVELOPMENT REVIEW IS NOT REQUIRED, THE APPROVED ACTIVITY IS COMPLETED. YOU HAVE THE RIGHT TO APPEAL THIS DECISION TO CIRCUIT COURT IN ACCORDANCE WITH LMO 16-2-103-1.4.c.ii.

NOTICE: APPROVAL BY THE DESIGN REVIEW BOARD MAY NOT CONSTITUTE AUTHORITY TO PROCEED. PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT 341-4757 TO FIND OUT IF OTHER APPROVALS OR PERMITS ARE REQUIRED FROM THE DEVELOPMENT REVIEW AND ZONING, BUILDING, OR ENGINEERING DIVISIONS.

BY: Taiwan B. Ray, Urban Designer















9-13-2015

Request for DRB to Rescind the Motion Regarding Gullah Geechee Catering LLC

Please consider this letter as a formal request to rescind the motion regarding the use of the Cedar Natural Tone Stain for Gullah Geechee Catering. This establishment is located on MarshLand Road one of Hilton Head Island's Minor Arterial roads which is also within the **Corridor Overlay District**. It does not front William Hilton Parkway, Hilton Head's Major Arterial Road. Marshland Road is considered a secondary road. The Cedar Tone by definition is considered a natural tone. The Board previously voted 6-1 recommending the change of the Cedar stain because, "**it was too Orange and needed to be muted**".

Please see attached photos of previously approved signs, artwork, logos, and Awnings located throughout William Hilton Parkway and (**The Corridor Overlay District**). The majority of board members considered my Cedar Natural Tone stain as "ORANGE". Taking that into account, I am requesting that whichever criteria used for these establishments to gain approval, for you to use that same criteria to approve my establishment. It's very obvious that the presence of an orange color tone has already been established throughout the Corridor Overlay District. I am not requesting anything that hasn't been previously approved by the Design Review board. My cedar stain is obviously already muted, in comparison to these approved structures.

Please take into account that Gullah Geechee Catering is located on a Minor Arterial **also within The Corridor Overlay District**. The Cedar Stain at its highest point throughout the development is only 8' tall. Please look at the picture of the AT&T building located at the entrance of The Town Center at Shelter Cove. This building displays ORANGE Awnings over the windows and front doors that are at least 20' high. The AT&T building is located direct frontage of William Hilton Parkway within **the same Corridor Overlay District**. AT &T is not the only exception to the rule Legendary Golf, Chow Daddy's, Capital Materials, Public Storage located on the same street as my establishment, and the entire TJ's building and roof located on Main Street are among others actually using the orange color, which is a lot brighter than my Cedar Stain. There are many others throughout the island using it. The town of HHI themselves has placed on town owned property a 20' + tall **Bright Orange** sculpture within this same Corridor Overlay District.

All of the previously mentioned approved establishments are using a brighter color than my cedar stain. For these very apparent reasons, I am requesting for you to rescind your motion regarding the Cedar Stain located within my development.











Public
Storage

CAPITAL
BUSINESS PARK



Town of Hilton Head Island Regular Design Review Board Meeting

Tuesday, September 22, 2015

1:15 p.m. – Benjamin M. Racusin Council Chambers

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

1. **Call to Order**
2. **Roll Call**
3. **Freedom of Information Act Compliance**
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
4. **Approval of Agenda**
5. **Approval of Minutes** – Meeting of September 8, 2015
6. **Staff Report**
7. **Board Business**
8. **Old Business**
 - A. DRB-001583-2015 – Gullah Geechee Catering LLC – *Request to rescind previous DRB motion*
9. **Unfinished Business**
 - A. Alteration/Addition
 - 1) DRB-001501-2015 – Engel + Volkers
 - B. New Development – Final
 - 1) DRB-001268-2015 – Golf Academy
10. **New Business**
 - A. Alteration/Addition
 - 1) DRB-001678-2015 – Outdoor Dining Patio (SCTC-Wren)
 - B. New Development – Final
 - 1) DRB-001732-2015 – Sea Pines Trolley Stops
11. **Appearance by Citizens**
12. **Adjournment**

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

Town of Hilton Head Island
Design Review Board **Approved**
Minutes of the Tuesday, September 22, 2015 Meeting
1:15p.m. – Benjamin M. Racusin Council Chambers

Board Members Present: Chairman Jake Gartner, Vice Chairman Dale Strecker,
Ron Hoffman, Debbie Remke, Kyle Theodore, and Brian Witmer

Board Members Absent: Michael Gentemann

Town Council Present: Mayor Pro Tem Bill Harkins and John McCann

Town Staff Present: Jennifer Ray, Urban Designer
Teri Lewis, LMO Official
Heather Colin, Development Review Administrator
Richard Spruce, Plans Examiner
Charles Cousins, Director, Community Development
Shawn Colin, Deputy Director, Community Development
Anne Cyran, Senior Planner
Don Kirkman, Director, Economic Development
Kathleen Carlin, Administrative Assistant

1. Call to Order

2. Roll Call

3. Freedom of Information Act Compliance

Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

4. Approval of Agenda

Ms. Ray reported that application DRB-001678-2015, Outdoor Dining Patio (SCTC-Wren), has been withdrawn at the applicant's request. The agenda was **approved** as amended by general consent.

5. Approval of Minutes

The minutes of the September 8, 2015 meeting were **approved** as amended by general consent.

6. Staff Report

Ms. Ray reported that staff has modified the draft DRB Minutes to focus more on the applicants' presentations and the Board's comments, recommendations and directives. The Board stated that they like the new format for the draft minutes.

Ms. Ray reported that Town Council has approved first reading of the Ordinance to adopt the updated Design Guide. The second reading by Town Council is scheduled on October 6, 2015.

7. Board Business

None

8. Old Business

A. Gullah Geechee Catering LLC – DRB-001583-2015 *Request to rescind previous DRB motion*
Ms. Ray stated that this project is located at 15 Marshland Road and was reviewed by the Board on September 8, 2015. The Board approved the application with the following conditions: (1) the orange color on the lattice, the fence, and the building is to be muted to bring it into compliance with the Design Guide; (2) the roof on the enclosed structure and the covered porch shall be the same color to be consistent with the Design Guide; (3) basic landscaping shall be placed consistent with the LMO along the fence and the picnic area as recommended by the staff.

Ms. Ray stated that the applicant is here today to request that the Board rescind their motion based on additional information that he would like to present today. The Board's Rules of Procedure allow the Board to rescind a previously approved motion. A member would have to make a motion to rescind and that motion would have to be seconded. Approval of the motion requires a two-thirds vote. If the Board approves rescinding the motion, the Board will then need to take action on the submittal that was reviewed at the September 8, 2015 meeting with a new vote, a second, and a majority vote.

Ms. Ray stated that following the September 8th meeting the staff met with Mr. Scott on site to discuss color options. Following this discussion, the applicant stated that he had additional information that he would like to present to the Board today. This resulted in the applicant's request to rescind the previous motion for this project. If the Board does not approve the applicant's request to rescind their previous motion, and the applicant wishes to pursue the matter further, the next step in the process would be an appeal to the Circuit Court. Following these statements, Chairman Gartner requested that the applicant make his presentation.

Mr. Taiwan Scott requested that the Board rescind their previous motion on this project regarding the Board's condition to mute the orange color. Mr. Scott stated that he does not agree with this condition. Mr. Scott stated that the orange color is actually a cedar toned stain and that the use of orange is already established on several projects throughout the island. Mr. Scott presented an actual sample of the cedar toned stained lattice for the Board's review.

Mr. Scott also presented an overhead review of several photos of projects located throughout the island that contain an element of orange. Mr. Scott stated that he believes the cedar tone stain is already muted when compared to the previously approved orange used on projects elsewhere on the island.

Mr. Scott also presented comments with regard to the town's R/UDAT Study's Vision Statement. Mr. Scott encouraged the DRB to support the Native Islander's culture when reviewing these types of projects. Native Islander colors are often more vibrant than the nature blending color palette that dominates the island. Mr. Scott stated that he has complied with the Board's condition regarding a uniform color for the roofs. Following his presentation, Mr. Scott requested that the Board allow public comments.

Before inviting public comments on this project, Chairman Gartner stated that the Design Review Board is tasked with reviewing design criteria based on the town's Design Review Guidelines. Public comments should relate to design criteria only. Chairman Gartner then requested public comments and the following were received:

(1) Mr. Don Brashears presented statements in support of the project including the cedar tone stained color; (2) Ms. Dot Law, Chairman of the Marshland POA, presented statements in support of the project including the cedar tone stained color. Ms. Law encouraged the Board to consider the Native Island culture when reviewing Native Islander projects; (3) Mr. Joe Buckingham presented statements in support of the project including the cedar tone stained color; (4) Mr. David Arnal presented statements in support of the project including the cedar tone stained color. Following public comments, Chairman Gartner requested discussion by the Board. The Board discussed their previous motion and the new information presented to them today.

A majority of the Board members stated that while they support the applicant's business idea, the Design Review Board is tasked with interpreting and complying with the town's Design Guidelines. The cedar tone stain does not appear in the Design Guide and presents as orange when viewed on site in the sun. The Board stated that the color should be muted to comply with the Design Guide. Mr. Scott stated his objection to the Board's comments since he believes the color orange is already well established on previously approved projects.

The Board stated that the problem is the dominant amount of orange on this project. The amount of orange makes it the dominant color and incompliant with the Design Guide. The color orange shown in the photographs is used as an accessory color rather than a dominant color.

One Board member stated that, based on the new information presented today by the applicant, she believes that a precedent has already been set for the use of orange. The majority of Board members stated that the orange color does not comply with the Design Guide.

The Board stated that while they appreciate the Native Islander community and culture, they are nonetheless tasked with judging properties according to the Design Guide. The Board has one set of guidelines that apply to the entire island. Perhaps the idea of a Native Islander Corridor should be explored at some point but this is not under the DRB's jurisdiction. The Board stated that the uniform roof color is a big improvement. Additional landscaping is needed to be compliant with the LMO. At the completion of final comments by the Board, Chairman Gartner asked if there was a motion to rescind the previous motion regarding application DRB-001583-2015. No motion to rescind the previous motion was received from the Board. Based on the lack of a motion, Chairman Gartner stated that the Board's original motion stands. The Board stated that the color needs to be toned down and basic landscaping is required per the LMO. The applicant is to work with the staff on these two conditions.

9. Unfinished Business

A. Alteration/Addition

Engel + Volkers – DRB-001501-2015

Ms. Ray stated that this project is located at 800 Main Street. The Board first reviewed this application on August 25, 2015 but no action was taken. At the time the Board's comments focused on modifications to the ramps and handrails, the addition of the white awnings, and the addition of the storefront on the rear of the building. Changes were made to the site plan based on the Board's comments as well as code requirements.

Ms. Ray presented an in-depth overhead review of the revised plans. The staff recommends approval with the condition that consideration be given on how to make the lift better match the architecture of the building. A landscape plan is also required with extensive landscaping to screen the end of the building. Following staff's presentation, Chairman Gartner requested that the applicant make his presentation.

Mr. Michael Kronimus, KRA architecture + design, presented statement in support of the application. The applicant stated that they are looking for a very simple white lift and it does not have to be the glass enclosure presented today. The applicant stated that the display of real estate listings is still an issue. Ms. Ray stated that the listings have to meet the requirements for window signs and this issue falls under Code Enforcement rather than the DRB. The applicant stated that they will submit the required landscaping plan. The applicant stated that they would like to paint all of the doors black. The awnings are all black.

The Board discussed the application and stated that the applicant did a good job addressing their issues. The Board stated that they like the black awnings and the black doors. The Board recommended that the handrails be painted white. The Board discussed the glass lift and stated concern that the glass does not really fit in with the architecture of the building. Several Board

members recommended that the material be changed to the same stucco material as the building so that the elevator shaft blends in better. The Board stated that landscaping should be required along the ramp with some taller plant material around the elevator shaft for screening purposes. The plant material should be a minimum of 6-ft. tall at installation. The Board stated that they look forward to receiving the landscape plan. At the completion of the Board's discussion, Chairman Gartner requested that a motion be made.

Ms. Theodore made a **motion to approve** application DRB-001501-2015 with the following conditions: (1) a landscape plan shall be provided at a later date for the Board's review and approval; (2) the handrail shall be painted white. Mr. Hoffman **seconded** the motion and the motion **passed** with a vote of 6-0-0.

10. New Development – Final

1. Golf Academy - DRB-001268-2015

Ms. Ray stated that this project is located at 128 Beach City Road and was reviewed by the DRB on July 14, 2015 but no action was taken. At the time the Board stated that they like the project overall. In order to approve the project, however, a complete package with adequate details to describe the project still needed to be submitted to the Board for review and approval. The staff complimented the direction of the project.

Ms. Ray presented an in-depth overhead review of the revised submission including the updated landscape plan. The staff recommends changes to the landscape plan including using natural sod in lieu of artificial turf, adding shade trees, adding plants around the dumpster, and relocating some of the palm trees in the courtyard. Staff noted that no architectural details were provided for the Board's review and approval which is expected at Final approval. Following staff's presentation, Chairman Gartner requested that the applicant make his presentation.

Mr. Keith Bach, JPGA representative, presented statements in support of the application. The applicant stated that artificial turf is preferred due to the heavy anticipated use at the designated locations.

The Board complimented the applicant on the direction of the project. The Board discussed the project and stated the need to break up the monotony of the back elevation of the Fitness Center. The Board stated that the rear façade should have additional trim and perhaps more shutters or banding to provide additional detail on the backside underneath the dormers. The addition of louvers or shutters in the closed position should be considered.

The Board stated that they prefer a bronze finish for the lighting. The Board agreed with staff's recommendations for additional landscaping.

Most members of the Board stated that they did not have an issue with the artificial turf based on the project's unique location. A couple of Board members described the environmental benefits of using the artificial turf. Some Board members stated that they are not so sure about using the artificial turf on the area facing Beach City Road.

The Board discussed the roof plan and the elevations. The three buildings tie together nicely. The roofs have a 1-1/2 and 12 roof pitch. The board stated that they would like to see additional details regarding the roof.

The size of the viburnum plants should be increased to 7-gallon. Several Board members recommended the use of tabby for the concrete sidewalks instead of the broom finish because it ties in better with a lowcountry feeling.

The Board stated that they like the colors including the Cobblestone gray roof color. The trim color may still be too white; consider "Devine White" versus "Dover White." The Board

recommended the addition of overstory trees for shade and larger viburnum at the dumpster location.

The Board stated concern that they are lacking some wall details and cut sheets. The applicant stated that these items will be provided to the Board at a later date. Following final discussion by the Board, Chairman Gartner requested that a motion be made.

Vice Chairman Strecker made a **motion to approve** application DRB-001268-2015 with the following conditions: (1) The 3:12 roof at the corners shall be resolved; (2) additional detailing shall be added at the rear façade of the fitness center, suggest shutters in the closed position; (3) more shade trees shall be incorporated, particularly in the parking area and within the buffers; (4) additional landscaping shall be added to the Finch Street side of the dumpster enclosure; (5) the building light fixtures shall be bronze; (6) the size of the viburnum shall be increased to 7-gallon at installation; (7) suggest tabby concrete to be used in lieu of broom finish concrete, (8) building details shall be brought back to the Board for review and approval. Ms. Remke **seconded** the motion and the motion **passed** with a vote of 6-0-0.

11. New Business

A. New Development – Final

1. Sea Pines Trolley Stops - DRB-001732-2015

Ms. Ray stated that this project is located in Sea Pines and received Conceptual on September 8, 2015. The applicant is seeking approval of the shelter frame today so that they can place the order. When the Board reviewed this project on September 8th, their comments focused on the addition and location of the solar panels as well as the landscaping. The frame and structure of the bench remain the same. Signage and lighting is not included in this submission. The Sea Pines ARB has given final approval for the frame. The staff recommends approval of the frame as submitted. Following staff's presentation, Chairman Gartner requested that the applicant make his presentation.

Mr. Mack Fraser presented statements on behalf of the project. All Board members complimented the project. Following final comments by the Board, Chairman Gartner requested that a motion be made.

Mr. Witmer made a **motion to approve** DRB-001732-2015 as submitted. Vice Chairman Strecker **seconded** the motion and the motion **passed** with a vote of 6-0-0.

12. Appearance by Citizens

None

13. Adjournment

The meeting was adjourned at 3:15p.m.

Submitted By:

Approved By:

October 13, 2015

Kathleen Carlin
Secretary

Jake Gartner
Chairman

e. Letter from David Arnal to Teri Lewis with copy of waiver document

David Arnal, the adjacent property owner, contacted Jennifer Ray, Urban Designer, and requested a meeting with her and Teri Lewis to discuss the work going on at the subject property. David Arnal wanted to find out the facts related to any development permits issued for the subject property. He also showed us a copy of the waiver document that Taiwan Scott had asked Marie Arnal to sign. The attached letter is David Arnal's summary of his meeting with Jennifer Ray and Teri Lewis.

David E. Arnal

13 Marshland Road, Hilton Head Island, SC 29926

October 2, 2015

Teri Lewis, LMO Official
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928

cc: Jennifer Ray, Urban Designer (jenniferr@hiltonheadislandsc.gov)
Marie Arnal (marnal19@gmail.com)
Dean Bell, Esq. (dbell@deanbell-law.com)

via: E-mail teril@hiltonheadislandsc.gov & U.S. Mail certified

Dear Teri:

Thank you for taking the time to meet with Jennifer Ray, my wife, Marie, and me on Tuesday September 29, 2015, regarding the project at 15 Marshland Road. I am sending you this letter as I promised in order to recap the issues that we discussed.

Marie and I expressed our concerns regarding the on-going construction at 15 Marshland Road by Tai Scott and his wife Lisa. You mentioned that several other neighbors in the area had also expressed concerns regarding this project to Town staff. Of primary importance to us is the fact that this project has been proceeding without the proper permits -- we have only recently become aware of this fact. Accordingly, we agreed that the project only has a permit for an accessory structure to the primary use of the property at 15 Marshland Road - Residential. Nevertheless Mr. Scott has built a restaurant facility on the property, which is not an accessory use to a residence.

I stated to you and Ms. Ray that this project appears to be the ultimate "build it now and ask for forgiveness later" example that I have seen in my years on Hilton Head. I also expressed our expectations to you that we are entitled to equal protection under the law.

The issues regarding 15 Marshland Road that we discussed included:

1. Construction without permits – There are no posted building or land disturbance permits for a restaurant facility on the property, no approved site plan(s), no general contractor, no erosion control, no bathroom facility for construction workers, or permits for a restaurant facility for this property.
2. Not built as accessory structure – Based on information and belief, Mr. Scott has received a permit from the South Carolina Department of Health and Environmental Control (DHEC) for a commercial kitchen that he has installed in the accessory structure. While you indicated that you were aware of this construction inside of the accessory structure, you stated that you were "unable to do anything about it."

actively been filling in the marsh using fill material that has been brought into the site or dug from the Town's 20 foot OCRM buffer on his property. I explained that I expected the Town to rectify this buffer situation for the residential structure along with any action on the restaurant site buffers. If the Town will not actively handle the marsh filling operations and the OCRM buffer grading violations, I will take up this matter with the OCRM and the Board of Zoning Appeals.

5. Requirement for Variances – You and Ms. Ray shared with us the fact that Mr. Scott will be required to submit a variance application for setbacks and buffers adjacent to i.) our shared property line; and ii.) the dirt road / easement that borders the western side of Mr. Scott's property; and iii.) Marshland road. The variance application will go before the Town's Board of Zoning Appeals, but no variance application had been made to date. You stated that if a variance application is made the property will be posted and all adjacent property owners will be notified.

You also stated that a variance application is typically made on the basis of a hardship by the property owner. I shared that I do not believe there is a hardship in this case since Mr. Scott already has a residential rental structure on the property. Further I shared that the need for multiple variances by Mr. Scott goes to show that the site is very likely incapable of accommodating a restaurant pursuant to the LMO requirements. I shared my belief that Mr. Scott is simply trying "to squeeze 10 pounds of flour in a 5 pound sack."

6. Landscaping and Planting – It was agreed that no planting plan for landscaping on the property has been submitted, but would be required. It was not clear to Marie and me if we would have the opportunity to review a landscape plan. Or if the previous *modus operandi* would be allowed where Mr. Scott was simply going to install a few plants and ask the Town to approve it after landscape construction.

7. Mobile Kitchen – Marie and I expressed our concerns regarding the fact that Mr. Scott has placed a mobile kitchen food truck 3 feet from our property line. Further, Mr. Scott has boxed in this food truck so that it is a permanent fixture. You explained that the LMO allows food trucks to be parked in a parking space of an associated facility so that it can be easily hooked up and used off-premises. Everyone was in agreement that Mr. Scott's food truck was parked within the setback.

Further in my opinion, Mr. Scott's mobile food truck poses a life safety issue having two propane tanks being located so close to our home. We also made it clear that this mobile food truck and its exposed chimney is right on top of us and will be a nuisance with its unsightly / smelly kitchen smoke blowing into our yard and our house.

8. Adequate Parking and median areas – Marie and I asked if there was going to be adequate parking for a restaurant on the property. You indicated that she thought there should be 6 to 8 parking spaces. You said that medians for a parking lot would also be required.

Finally, we believe that Mr. Scott has acted under a series of false representations to the Town by stating in his application to the Town that he was building a series of accessory structures to his residential rental structure, when in fact he intended all along to convert it to a restaurant facility. In fact these buildings were never used as residential accessory structures. Our belief was developed as a result of our meeting with you and Ms. Ray by learning about the facts regarding this project that you shared. In this regard we believe the Town of Hilton Head Island is complicit with Mr. Scott's false representations by allowing him to continue on the construction on an unpermitted restaurant facility at 15 Marshland Road, resulting in harm to us and to our neighbors.

Sincerely,

/s/ David E. Arnal

/s/ Marie H. Arnal

David E. Arnal

Marie H. Arnal

David and Marie Arnal
13 Marshland Road
Hilton Head Island, SC 29926

Waiver of 16-5-102 Adjacent Use setback and Buffer Requirements

As discussed, these requirements are being met as follows:

The adjacent property owner has a state issued agricultural license to process honey and also has a business license from the Town of Hilton Head Island. Gullah Geechee Catering's establishment will be permitted as an open air sales facility. We will offer a local farmers market within the establishment. We will have on display, the honey processed from next door. Once permitted, our sign will advertise Gullah Geechee Catering LLC, Carolina Seafood & Produce, Local Honey, and Farmers market.

For these reasons, we both feel that our establishments complement each other and the adjacent use setback and buffer requirements should be waived.

Thank you in advance

OWNER OF LOT 7

DATE

OWNER OF LOT 8

DATE

f. List of items completed without permits or approvals

This document is provided to show which portions of the project were completed without the required permits or approvals.

Items Completed without Permits or Approvals

Gullah Geechee Catering

10-15-2015

Food Truck:

- Plumbing for the exterior sink on food truck.
- Moved truck into adjacent use buffer without BZA or DPR approval.

Storage Unit:

- Framing, electrical, and plumbing work for the restroom that was added inside the residential storage building. (licensed plumber and electrician did not do the work and are required to).

Site Work:

- Constructed a fence surrounding the food truck that is higher than 7 feet from grade.
- Added brick walkways, some appear to be within buffer/setback
- Added parking lot with gravel and wheel stops.
- Added bike rack within buffer/setback

g. Stop work order pictures

This document is provided to show that stop work orders were ultimately posted to ensure that no other work occurred on the subject site.

10-9-2015

STOP WORK

Address: St. Michaels Rd Building #: _____ Lot #: _____

For Section 113 of the International Building Code (IBC): Work being performed on this site is contrary to provisions of the IBC re design and safety. All work is hereby ordered to cease immediately. Failure to comply could result in fines of up to \$1,000.00 per day, per violation.

Description of illegal work observed at site:
Construction of a new addition to the rear of the existing building.

Location of illegal work: 25 Meridian Road
Parcel # 0110 000 000 0134 0000

Compliance to Section: _____

Work may not resume until after approval of the issuing official.
 Issued by: [Signature]
 Title: Inspector

No one crosses under penalty of law

STOP WORK ORDER

For the following violations of Title 16, Land Management Ordinance, of the Town of Milton Head Island Municipal Code:

16.02.01.01.01.01
16.02.01.01.01.02
16.02.01.01.01.03
16.02.01.01.01.04
16.02.01.01.01.05

Address of Violation: 25 Meridian Road
Parcel # 0110 000 000 0134 0000

Penalty:
\$1000.00 per I.M.O. Official
DATE: October 7, 2015
(847) 741-4000

As provided in I.M.O. 16.02.01.01, the I.M.O. Official may issue a STOP WORK ORDER AGAINST ANY ATTEMPT TO VIOLATE THIS TITLE 16.

Receipt of this stop work order shall be acknowledged within 24 hours. If not, the I.M.O. Official may proceed with enforcement of the I.M.O. 16.02.01.01.01.01 through 16.02.01.01.05 without notice.

STOP WORK

Address: 15 Marshland Rd Building #: _____ Unit #: _____

Per Section 115 of the International Building Code (IBC): Work being performed on this site is contrary to provisions of the IBC or dangerous and unsafe. All work is hereby ordered to cease immediately. Failure to comply could result in fines of up to \$1,092.50 per day, per violation.

Description of illegal work observed at site:

CHANGING RESIDENTIAL SHED INTO COMMERCIAL STRUCTURE WITH RESTROOMS WITHOUT PERMITS ELEC + PLUMBING WORK INCLUDED

Conditions to Resume:

OBTAIN ALL PROPER PERMITS TO COMPLETE THIS WORK

Work may not resume without prior approval of the Building Official

Date: 7 Oct 15

Issued by: Richard K. Jones



Town of Hilton Head Island
Building Division
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-4757

Do not remove under penalty of law.

Revised 7-2011

STOP WORK ORDER

For the following violation(s) of Title 16, Land Management Ordinance, of the Town of Hilton Head Island Municipal Code:

LMO Sec. 16-8-103.A

LMO Sec. 16-8-103.B

LMO Sec. 16-8-103.C

LMO Sec. 16-8-103.K

LMO Sec. 16-8-103.O

LMO Sec. 16-8-103.T

Address of Violation: 15 Marshland Road
Parcel R510 008 000 013H 0000

Teri Lewis
Teri Lewis, LMO Official

DATE: October 7, 2015
(843) 341-4698

AS PROVIDED IN LMO 16-8-106.C, THE LMO OFFICIAL MAY ISSUE A STOP WORK ORDER AGAINST ANY ACTIONS IN VIOLATION OF TITLE 16.

REMOVAL OF THIS STOP WORK ORDER BY UNAUTHORIZED PERSONS IS UNLAWFUL. VIOLATIONS ARE SUBJECT TO A PENALTY OF UP TO \$1,092 OR UP TO THIRTY (30) DAYS IN JAIL AS DESCRIBED IN SECTION 16-8-111 PENALTIES OF THE LMO. EACH DAY CONSTITUTES A SEPARATE OFFENSE.

10-9-2015



10-9-2015



10-9-2015



10-9-2015



10-9-2015





10-9-2015



15-9-2015

10-12-2015



10-12-2015







RESERVED
PARKING

STATE DISABLED PARKING
PERMIT REQUIRED

DULLAH CATERING LLC
IS MA
070020000







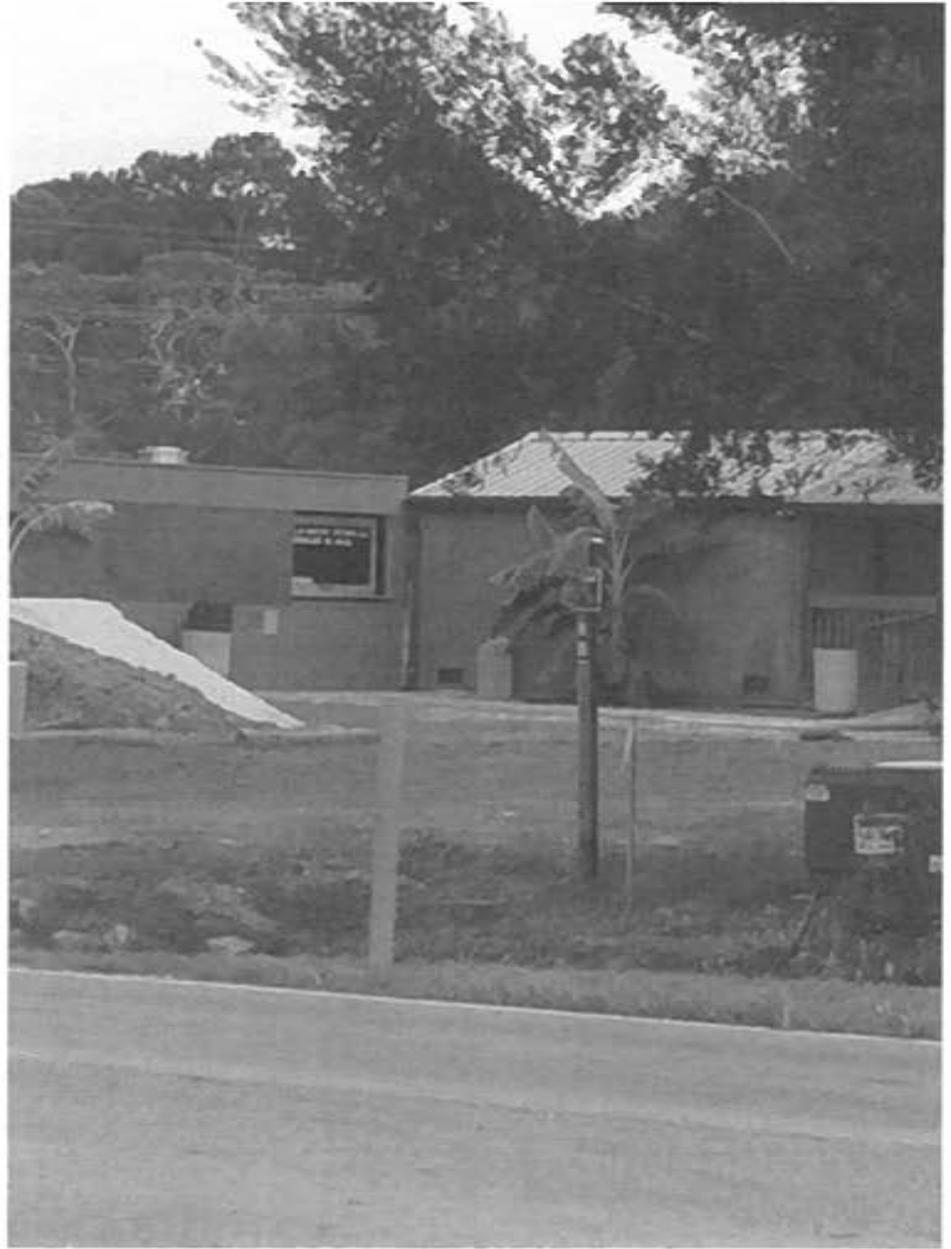
GULLAH GEECHEE CATERING LLC
15 MARSHLAND RD HHI SC

0720410066

RESERVED
PARKING

STATE DISABLED PARKING
PERMIT REQUIRED





h. List of items necessary to complete DPR

This document is provided to show the list of items that were necessary for the DPR application to be considered complete.

**List of Items To Complete DPR Application
10-6-2015**

Building Permits required for a change in use from residential storage to commercial establishment:

Storage building (from residential to commercial):

- A building permit is required for a public restroom. Since this commercial development is a “permanent” open air sales, sanitary facilities are required. If it is under 300 square feet in size, this restroom could be located below the base flood elevation (BFE); however, wet flood proofing is required. The easiest way to accomplish this is to provide a minimum of two flood vents that would provide 1 square inch of vent for each square foot of the enclosed space.

Food truck:

- No permit would be required for the food truck since it is a mobile structure; however, the electrical and plumbing feeds need to be inspected to ensure they were installed properly.

Fence around the mobile food truck:

- A building permit is required for the fence if it is above the 7 foot requirement.

Propane tank installation:

- A building permit before installation is required.

Items Still Needed for DPR Application Review:

- Variance from any LMO requirements on buffer/setbacks based on details from site plan. (location of the mobile unit, fence around food truck, other site features)
- Provide DPR application information:
 - What is the square foot size of the open area to be used for vendors? This will affect the parking requirements.
 - Where will a dumpster be placed? This will affect site design requirements.
- Changes to the submitted site plan required to complete our review:
 - Existing overstory trees, understory trees, and evergreen shrubs must be identified in the adjacent street buffer and use buffer next to Lot 7 (see Sept 2, 2015 letter from Anne Cyran, #2e). (These trees and shrubs count toward the landscaping plan; if existing trees and shrubs are not identified, more plantings will be required; thus, raising costs on the landscaping).
 - Buffer line along Marshland Road must be added and labeled as “**Type B Option 2 15’ Buffer**” (see Sept 2, 2015 letter from Anne Cyran, #3b).

- Setback line next to Lot 7 must be added and labeled as **“30’ 60 degree angle adjacent use setback.”** This line determines if a variance is required and aids in identification for landscaping of this buffer (see Sept 2, 2015 letter from Anne Cyran, #3c).
- Buffer next to Lot 7 must be added and labeled as **“Type C Option 2 15’ Buffer.”** This line determines if a variance is required and aids in identification for landscaping of this buffer. (see Sept 2, 2015 letter from Anne Cyran, #3d)
- Location for the electric charging sign with a rendering of the sign (see Sept 2, 2015 letter from Anne Cyran, #3i).
- Payment of impact fees prior to receiving the Certificate of Compliance.
- Letter from Hilton Head PSD prior to DPR approval. They will require capacity fee payment, a change to a commercial account, and possible requirements for a grease trap. They might have certain requirements for any septic tank.
- Will Serve Letter from Palmetto Electric prior to DPR approval.
- There may be additional items required based on review by other departments – this review has not occurred yet because the application is incomplete.

Items to Complete Design Review Approval:

- Mute the cedar color after Jennifer Ray’s approval of color
- Submit a landscaping plan for staff approval (see Sept 2, 2015 letter from Anne Cyran, #4).

Fire Code Violation Fixes:

- Post address
- Fill open spaces in electrical panel
- Provide a fire extinguisher

Possible Additional Applications:

- Sign application for main development sign and any façade signs

i. Identified actions taken by staff or the DRB to reduce the requirements

This document is provided to show that, despite being put in an awkward position of reviewing construction that had been built without the required permits and approvals, both the staff and the DRB members did what they could within their purview to lessen the requirements.

Identified Actions Taken to Reduce the Requirements:

- Staff explained to Tai that for something like a mobile food truck to exist, a physical address was needed, and that Tai could screen the truck via some type of enclosure (therefore making it non-mobile), but keeping wheels on the truck for removal in case of flooding (therefore being in compliance with flood regulations). We would classify the use as Open Air Sales.
- Staff found some areas of flexibility in the LMO to reduce the alterations that must be made to the site to bring it into compliance with LMO standards. The gravel drive aisle running along the western property line (adjacent to Lot 9) existed prior to the development of the commercial portion of the site and is considered a legally non-conforming site feature. Even though the drive aisle runs through the required adjacent use buffer, Tai does not have to remove the drive aisle from the buffer or plant vegetation in the buffer to meet current adjacent use buffer standards or reestablish a buffer adjacent to the drive aisle; the drive aisle can remain in its current location.
- The enclosed building (storage shed) encroaches into the adjacent use setback/buffer from Lot 7. Though the building would not have been permitted in the setback and buffer area if the building permit application for this structure was submitted as part of a commercial development instead of as a residential accessory structure, the building does not have to be relocated. The storage shed is considered a legally non-conforming structure. The remaining non-conforming site features and structures, however, must be brought into compliance with current LMO standards to the maximum extent practicable by locating them elsewhere on the site or seeking a variance.
- The DRB typically does not review projects after they are already complete. The DRB weighs in from the beginning in order to be able to direct the design of the structure(s) and site in conformance with the Design Guide. In this case, the DRB was presented with a nearly complete site so they were lenient in their comments rather than requiring a full re-design. They could have required the applicant to add overhangs to all of the structures, required roofs to be pitched, required all roofs to be the same color and material and required any equipment on the roof to be screened from sight. They also could have required that an extensive landscape plan be submitted rather than delegating the review of a landscape plan to staff.

j. Letter from Teri Lewis to Taiwan Scott with attachment

This document is being provided because it is the subject of the appeal. An attachment of an alternative site plan provided to Taiwan Scott by staff is also provided to show that staff tried to find ways to help Mr. Scott best utilize his site within the LMO requirements.

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, SC 29928
843-341-4600 phone 843-842-7728 fax
www.hiltonheadislandsc.gov

Sent via e-mail to taifr@hotmail.com

October 21, 2015

Mr. Taiwan Scott
5 Candy Doll Bluff
Hilton Head Island, SC 29928

Re: DPR-1584-2015, Gullah Geechee Catering

Dear Mr. Scott:

This is a follow up to the meeting held on October 20, 2015 between you, Alex Brown, Richard Spruce, Jill Foster, Charles Cousins and myself. At that meeting we agreed that I would send you a letter listing your options to complete your Minor Development Plan Review (DPR) application. Below are our ideas and recommendations based on yesterday's meeting.

The first option is to locate the food truck (open air sales unit), associated screening fence, bike rack and farmers' market area out of the required setback and buffer (see attached site plan for possible layout). The brick walk between the storage shed and the fence along the property line must be removed or relocated out of the required buffer. If you choose this option, I will circulate the attached site plan among reviewers to determine anything else with the site that needs to be addressed.

The second option is to do the first option **and** apply for a variance asking for a 15' adjacent use setback instead of the required 30' setback. I think you have a great case for a variance to reduce the adjacent use setback based on the narrowness of the property, especially once you apply the various setback and buffer requirements to the site plan. I would support such a variance and be willing to meet with your neighbor ahead of time to explain my support of the variance. This variance would give you even more area for the farmers' market and for the open air sales use (food truck).

Per Richard Spruce, please be advised that building permits will still be required for the restroom and the screening fence around the food truck (which were installed without the required permits) and any propane tanks that have been or are proposed to be added. Additionally any electrical or plumbing work already done or proposed to be done related to the food truck will need to be inspected.

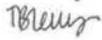
The paragraphs above simply explain your options; as stated before, until such time that the stop work orders are removed, no work can occur on this site.

To keep this project moving forward, please let me know by **November 3, 2015** which option you choose and we will work with you to continue the permitting of this project as expediently as possible.

Yesterday you stated that you wanted a final answer on the Open Air Sales use and the Farmers' Market use. I have determined, after a thorough review of the LMO, particularly the Use and Definition sections, that the food truck is considered a permanent Open Air Sales use and not just a part of a temporary Farmers' Market use. This determination is based in part on the information provided on the business license submitted by Gullah Geechee Catering. Their business license states that this is a permanent location for their business, the description of which is catering and restaurant, not a farmers' market. The determination regarding the

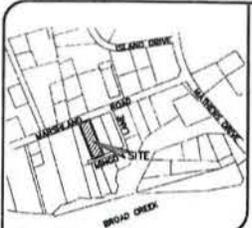
use classification of the food truck is also based on the definition of Farmers' Market which states that, "... held...occasionally or periodically for only a limited time period during the year..." Additionally I have determined, as we discussed yesterday, that based on the information available to me, your site (Lot 8) and the neighboring site (Lot 7) do not appear to function as a single development and therefore the adjacent use setback and buffer are applicable. These are my final written determinations on these two issues. **Should you disagree with them and wish to appeal these two determinations to the Board of Zoning Appeals, you must do so within 14 days of receipt of this letter (November 3, 2015).**

Sincerely,



Teri B. Lewis
LMO Official

cc: Alex Brown
Charles Cousins
Jill Foster
Richard Spruce



LINE	LENGTH	BEARING
L1	23.39	N 80°28'29" W
L2	29.80	N 00°47'22" W
L3	9.21	N 72°03'42" E
L4	21.96	S 78°31'59" W
L5	40.63	S 71°45'58" W
L6	13.05	N 11°03'00" W
L7	9.20	N 81°33'11" E
L8	30.39	N 28°30'12" W
L9	54.38	N 72°34'25" E

LOT 9
 8510 008 000 0440 0000
 FORD HENDERST
 19 MARSHLAND RD
 HILTON HEAD ISLAND SC 29928

- SYMBOLS**
- THREE SIZES ARE INCHES IN DIAMETER
- ⊕ - ELECTRIC SERVICE
 - ⊖ - ELECTRIC TRANSFORMER
 - ⊗ - TELEVISION SERVICE
 - ⊙ - WATER METER
 - ⊚ - SEPTIC PUMP
 - ⊛ - UTILITY POLE
 - ⊜ - LIGHT POLE
 - ⊝ - 1/2" HIGH PIN FOUND
 - ⊞ - 1/2" HIGH PIN SET WITH CAP
 - ⊟ - PIN SET
 - ⊠ - WATER LATERAL
 - ⊡ - SPOUT
 - ⊢ - WETLAND FLAG
 - ⊣ - AC UNIT
 - ⊤ - SPOT ELEVATION
 - LD - LINE DATA
 - PN - PINE
 - G - GUM
 - BN - BANANA

- REFERENCE PLATS**
- 1) PLAT OF SURVEY OF LOTS 8,12,13, (CLOSE AC) MINGO GREEN ESTATE, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA. DRAWING 04/74/87, LAST REVISED: 11/12/87, RECORDED IN BOOK 83, PAGE 101, DATED 11/12/88, REC. BEAUFORT COUNTY, SC BY: M.A. DUNHAM, S.C.R.L.S. NO. 11590
 - 2) PLAT SHOWING DIVISION OF LAND NOW OWNED BY MINGO GREEN ESTATE, LOCATED HILTON HEAD T.R.P., BEAUFORT COUNTY, S.C. ON HILTON HEAD ISLAND AND ON N.W. SIDE OF PAVED ROAD S-240 NEAR INTERSECTION WITH U.S. 17, DRAWING: 2/09/85, RECORDED IN BOOK 17, PAGE 104, DATED REC. BEAUFORT COUNTY, SC BY: G.C. CLOUD, S.C.R.L.S. (NONE SHOWN)

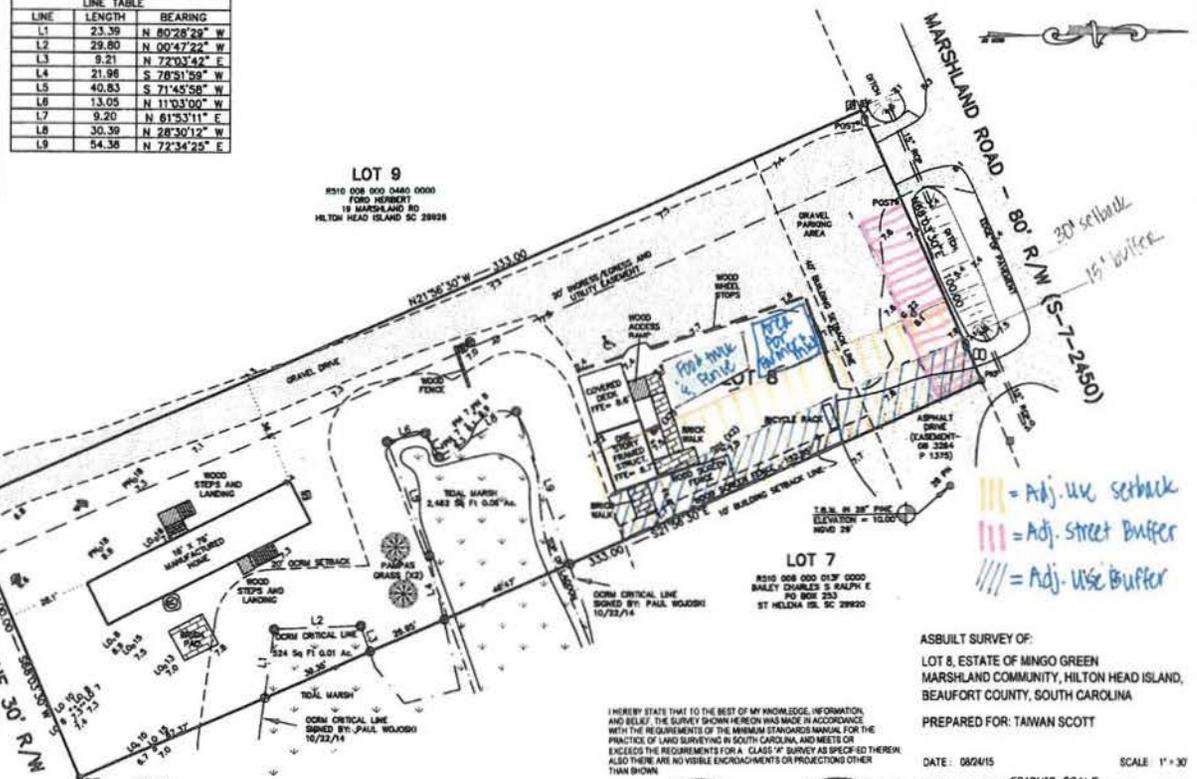
PROPERTY AREA = 0.76 Ac. 33,300 SQ FT (TOTAL)
 HIGH GROUND = 0.69 Ac. TIDAL MARSH = 0.07 Ac
 ADDRESS: # 13 MARSHLAND ROAD
 DISTRICT: 510, MAP: 8, PARCEL: 13G
 THIS PROPERTY LIES IN F.E.M.A. ZONE A7 - 14.0'
 COMMUNITY NO. 450250, PANEL: 0014D, DATED: 9/29/86

- NOTES:**
- 1) THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH BY SEA ISLAND LAND SURVEY, LLC.
 - 2) THIS PROPERTY MAY BE SUBJECT TO EASEMENTS OF RECORD AND COVENANT RESTRICTIONS AS RECORDED IN THE OFFICE OF THE SOG FOR BEAUFORT COUNTY.
 - 3) SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988.
 - 4) BUILDING SETBACKS, WHETHER SHOWN OR NOT, SHOULD BE VIEWED BY THE LOCAL BUILDING AUTHORITY OR ARCHITECTURAL REVIEW BOARD.
 - 5) USE OF THIS PROPERTY MAY BE AFFECTED BY THE TERMS OF COVENANTS RELATING TO THIS PLANNED RESIDENTIAL COMMUNITY.

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.



ASBUILT SURVEY OF:
 LOT 8, ESTATE OF MINGO GREEN
 MARSHLAND COMMUNITY, HILTON HEAD ISLAND,
 BEAUFORT COUNTY, SOUTH CAROLINA
 PREPARED FOR: TAWAN SCOTT
 DATE: 08/24/15 SCALE: 1" = 30'
 GRAPHIC SCALE: 0 30 60 90
SIS Sea Island Land Survey, LLC.
 40 Mathews Court, Hilton Head Island, SC 29928
 Tel: (843) 681-3248 Fax: (843) 688-3871
 E-mail: sis@sipls.com
 FILE NO: 072235 DWG NO: 5-1606



NOT VALID UNLESS EMBOSSED

k. Memo from Jill Foster to Steve Riley and Town Council

This document is being provided to show that both the Town Manager and Town Council have been briefed on the subject issue.

TOWN OF HILTON HEAD ISLAND

Community Development Department

TO:	Steve Riley, ICMA CM; Town Council
FROM:	Jill Foster, Deputy Director
CC:	Charles Cousins, Director
CC:	Teri Lewis, LMO Official
DATE	October 22, 2015
SUBJECT:	Gullah Geechee Catering development

In light of recent inquiries, this is to explain events surrounding the Gullah Geechee Catering development and building applications.

Tai Scott approached Community Development staff in 2013 with a concept of setting up a food truck to sell Gullah food at 15 Marshland Road. Since the LMO does not allow mobile food trucks to be parked on site on a permanent basis, staff worked with Tai on an alternative approach. This alternative would be to construct a structure within which the food truck could be located and classified as Open Air Sales. Staff reviewed various LMO and building code requirements with Tai and described the process of obtaining various required permits. These included, at a minimum, a Minor Development Review (for site development), Design Review (for color, landscaping, and other design issues), and building plan review (for flood and building code regulations for a commercial development). Variances were mentioned, but they are dependent on the final site design. Various methods were also discussed to allow for code flexibility, such as screening a 'mobile' food truck (therefore making it 'non-mobile' for LMO purposes), but keeping it on wheels for evacuation purposes (therefore in compliance with flood regulations). At no time was Tai advised to begin construction without having the appropriate approvals and permits in hand.

As a follow up to the above discussion with staff, Tai applied for a Pre-application in 2013 for a commercial project involving "food for take-out for the public via a self-contained vendor's concession trailer" and a "screened in sitting/viewing area." During the Pre-application meeting, members of staff who would conduct the review were present, and described various code regulations, outside agency review, timelines, and the development review process. Written comments were given to Tai at that meeting with more in depth description of the requirements.

Eleven months later in September 2014, Tai submitted for a Single Family Residential Accessory building permit for a "14'x20' storage and deck." No mention was given to staff or any indication made on the building permit about the structure later becoming a commercial establishment. The Residential building permit was issued in October 2014.

In January 2015, Mr. Ford, a neighbor of Tai's, alerted us of land disturbance activities during construction of the storage and deck, and inquired as to the proposed commercial

outlining options to bring the site into compliance, as discussed in the October 21st meeting. The letter was sent on October 22nd.

What Tai still has to do to complete his project:

- Inform staff as to which option in the October 21st letter he wishes to choose and submit any required documents to complete the option. This letter included one option that required a variance that would enlarge the buildable area.
- Complete DPR application requirements (payment of impact fees, PSD requirements)
- Obtain a PSD Will Serve Letter for a commercial establishment. He has requested only a residential meter for the storage building, not mentioning any future commercial establishment to PSD personnel.
- Complete conditions established with DRB approval (submit a landscaping plan and mute the orange color).
- Apply for a building permit for the screening fence and restroom, and if any plumbing is to be done to the food truck, inspections are to be approved.

2. Miscellaneous Correspondence

Jake Gartner
88 Point Comfort Rd
Hilton Head, SC 29928
843 368 6624
jake@hammerheadbuilders.net

9/28/15

Mayor David Bennett
Hilton Head Island Town Council Members
Hilton Head Island Town Manager Steve Riley

Dear Mr. Mayor, Town Council Members and Mr. Riley,

My name is Jake Gartner and I currently serve as the Chairman on the Design Review Board. I am writing in response to the letter you received from Mr. Tai Scott regarding the perceived double standard he believes The Design Review Board is responsible for regarding his project, The Gullah Geechee Catering Company. Mr. Scott's project first came before the Board during our Regular Hilton Head Island Design Review Board Meeting on Tuesday September 8th. This was item DRB- 001583-2015 on our agenda.

Typically, our board will receive plans to review so that we can weigh in on the project's relationship to the island character which we are charged with maintaining and directing the project towards. In this case, the project was already complete. This is atypical, but not the first time this has occurred during my tenure. However, a project that is already complete quite certainly puts the board in an uncomfortable position. We are citizens, similar to those that come before us, and we understand that our decisions sometimes come with an unfavorable financial burden, particularly on a project that is already complete. I will not belabor the points of the meeting as they are accurate in the approved minutes from the September 8th meeting. I believe the board was very lenient in passing the motion for DRB -001583-2015 with the stipulations that the color of the building needed to be toned down, landscaping had to come up to standards determined by the LMO and the roof color had to be changed to allow for one color across the massing of the roof over the covered porch and building in question. Attached is a copy of the photos the Island Packet published regarding the building.

Business

SEPTEMBER 17, 2015

Mayor David Bennett
Hilton Head Island Town Council Members
Hilton Head Island Town Manager Steve Riley

9/28/15
Page 2

Gullah Geechee Catering Company owners to open restaurant on Hilton Head



Read more here: <http://www.islandpacket.com/news/business/article35651676.html#storylink=cpy>

Mayor David Bennett
Hilton Head Island Town Council Members
Hilton Head Island Town Manager Steve Riley

9/28/15
Page 3



Our design guide directs that the goal of the guide is to preserve island character by directing development to demonstrate the fundamental principles of good architectural design, design structures with subtle visual impact and utilize natural materials, textures and colors, provide continuity of design on all facades of the building and conceal visually undesirable utilities and equipment. Almost all of these items were challenged on this project as were others.

1. The board did not have an opportunity to direct the development as it was already completed.
2. "Treat the landscape as a major element of the project" as directed by the design guide was left to town staff and LMO guidelines. Typically this is a major element in our review.

9/28/15

Page 4

3. The tan building is a "non-mobile," mobile unit. Its roof is flat and the utilities are easily seen. This building and its utilities on the roof were allowed.

Our changes were limited to changing the color of the building and accent lattice to a color more muted and natural, changing the color of the roof to a single dark color and upgrading the landscaping to meet the requirements of the LMO. In all, I believe this was a very lenient motion and that motion was seconded and passed. My belief is that if the project would have been submitted prior to being completed, there would have been many other stipulations and requirements that would have been added in order to approve the project. However, as a board we were proud of the part we played in helping a native islander's business come to fruition with limited interference.

We then received a "request to rescind previous DRB motion" for our Regular Design Review Board Meeting on Tuesday, September 22nd. This request was for the Gullah Geechee Catering Company. The owner had changed the color of the roof and was back to ask for leniency on changing the color of the building and accent lattice (The roof color that was changed is easily read as two different materials and looks slightly different, but it is close). The board took comments from Mr. Scott and then allowed comments from citizens regarding this project based on an appeal by Mr. Scott. When this was complete and all comments were taken, the board took the opportunity to weigh in on the changes and the request to rescind the earlier motion. No motion was made to rescind the earlier motion and the regular meeting was resumed.

This is what I would offer in respect to Mr. Scott's requests and recent letter. I am disappointed to hear that Mr. Scott disagrees with The Design Review Board's ruling. There are a number of issues with his building that left me feeling a bit uncomfortable with the possible precedents we might be setting by allowing a number of infringements to stand. However, as a board we took into account the location of the project and its surroundings. We also tried to be respectful to the heritage of the Gullah community and its native inhabitants. The perception of a double standard is unacceptable to me. The board stuck its neck out to assist Mr. Scott in completing his project. We offered a solution to the unique situation of an already completed project with LIMITED interference and favorable economic impact to the owner. The ruling could have included a number of expensive requirements, could have been much more forceful and probably should have been. I believe that some of the local architects and developers that regularly stand before our board would certainly be interested in receiving some of the leniency that we offered the Gullah Geechee Catering Company project.

I hope this helps and I appreciate your time in this matter. I am available for any questions or concerns that you might have. Thank you.

Mayor David Bennett
Hilton Head Island Town Council Members
Hilton Head Island Town Manager Steve Riley

9/28/15
Page 5

1 of 2

Sincerely,

Jake Gartner

TOWN OF HILTON HEAD ISLAND

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

(843) 341-4757 Fax (843) 341-2087

<http://www.hiltonheadislandsc.gov>

5 Oct 15

Tai Scott
3 Pensacola Place
Hilton Head Island, SC 29928

Re: Gullah Geechee Site on Marshland Road

Dear Mr. Scott;

This letter is in regards to the Code requirements for the restroom that was installed in the storage building on this site. The following are the regulations that pertain to this situation:

1. Since it is a required sanitary facility and the building is less than 300 square feet in size the flood regulations for elevation of the floor will not be required. Flood vents are required for all enclosures.
2. The threshold for the entry door to the restroom may not exceed $\frac{1}{4}$ to $\frac{1}{2}$ -inch depending on whether the threshold is beveled or not per ICC/ANSI A117.1 section 303.
3. The restroom shall have a 60-inch turn around space inside the room per ICC/ANSI section 603.2.1.
4. The water closet shall be between 16 and 18-inches away from the wall to the side per section 604.2.
5. The vanity shall be at least 60-inches away from the wall the water closet is next to per section 604.3.
6. The water closet height shall be between 17 and 19 inches above the floor per section 604.4.
7. Grab bars are required to be installed behind and alongside water closet per sections 604.5 and 604.5.1.
8. The flush controls shall be on the open side of the water closet per section 604.6.
9. All items such as soap dispensers and paper towels, light switches, etc shall be no higher than 48 inches above the floor per section 308.2.
10. The accessible restroom sign shall be between 48 and 60 inches above the floor on the wall to the latch side of the door per section 703.3.11.
11. Obtain a letter from the Public Service District that they can provide the service for this building and that the tap fees (if any) have been paid.

A permit is required for this work including the reframing of the walls to provide the required size of the room and the plumbing and electrical work. Licensed framers, electricians, and plumbers are required for the required work. A double permit fee will be charged since the work was commenced before the permit was obtained. Please call me with any questions you may have concerning this letter at 843-341-4651.

Yours for Building Safety

Richard A. Spruce, MCP/CBO/CFPM
Plans Examiner/Floodplain Manager
Town of Hilton Head Island

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, SC 29928

843-341-4600 phone 843-842-7728 fax

www.hiltonheadislandsc.gov

October 12, 2015

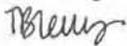
Mr. Richard Williams
Gullah Geechee Catering, LLC
P.O. Box 21184
Hilton Head Island, SC 29925

Dear Mr. Williams:

Recently the Town of Hilton Head Island issued you a business license to operate your business at 15 Marshland Road. The business license application stated that you were waiting for approval from the Town's Design Review Board prior to opening at your permanent location of 15 Marshland Road. Please be advised that a Development Plan Review Notice of Action has not been issued for the improvements to this site and until an approval is issued, you may not operate your business at the 15 Marshland Road location. Staff has been working with the owner of the property to resolve the outstanding issues. I would be happy to notify you once the Notice of Action has been issued for the property.

Please contact me at (843) 341-4698 or at teril@hiltonheadislandsc.gov if you have any questions.

Sincerely,



Teri B. Lewis
LMO Official

Foster Jill

From: Cousins Charles
Sent: Thursday, October 22, 2015 3:07 PM
To: Foster Jill
Subject: FW: DRB DOUBLE STANDARDS!!!
Attachments: 10-21 Letter re 15 Marshland Road.pdf; Possible Site Plan layout.pdf; DPR-1584-2015 Letter re Application Requirements 09-02-2015.pdf

From: Riley Steve
Sent: Thursday, October 22, 2015 2:03 PM
To: Cousins Charles; Deloach Greg; Gregg Alford (gregg@alfordlawsc.com)
Subject: FW: DRB DOUBLE STANDARDS!!!

Steve Riley

Town Manager
Town of Hilton Head Island
843.341.4700

From: Taiwan scott [<mailto:taifr@hotmail.com>]
Sent: Thursday, October 22, 2015 1:49 AM
To: Bennett, David
Cc: Riley Steve; McCann John; Likins Kim; Lennox, Tom; Harkins Bill; Grant Marc; Edwards Lee
Subject: RE: DRB DOUBLE STANDARDS!!!

All,

Sadly this issue is becoming worse!!!!

Please see attached response to the meeting held yesterday.

I totally disagree with this proposal.

Please find these reasons to justify my position.

1. Regarding the Fence surrounding the mobile unit.--see attachment DPR-1584-2015 Bottom of first page where as Town official states fence enclosure surrounding mobile unit is legally non-conforming and does not have to be removed

2. Regarding the removal of the walkway / bike rack --section 16-5-103 states ---b

J. Development Within Required Buffers

Development is prohibited within required buffers except in accordance with this subsection.

1.

The following activities may occur in required buffers, unless expressly prohibited elsewhere in this Ordinance.

a.

Street or driveway access, provided it runs approximately perpendicular to/from the adjacent street right-of-way or common property line.

b.

Walkways, pathways, trails, benches, bike racks, and other elements associated with passive recreation or the provision of continuous pedestrian and bicycle connections between adjoining properties, provided all landscaping required by Sec. 16-5-103.F, Buffer Types, is provided and the Official determines that installation or maintenance of such elements will minimize impacts on to required vegetation to the maximum extent practicable.

3. Regarding the variance proposal-- The fact that they have the power to waive the use and buffer setback and they have stated that I met the criteria for it ie. adjacent owner has business license, we have a business license, they sell products to the public, we sell products to the public, and, as they have requested,(something in writing about the access) I can provide a recorded deed showing the we have a shared access easement. A town official stated that if I have an agreement in writing about the access, along with the above mentioned criteria then the set back/buffer will be waived. (HEATHER COLIN Development Review administrator)

THE WAIVER OF THIS SECTION WILL RESOLVE ALL ISSUES

16-5-102 ADJACENT USE SETBACK AND BUFFER REQUIRMENT

- The Official may waive the requirement for an adjacent use setback on determining that the proposed development and the adjacent development function as a single development.
- The Official may waive the requirement for an adjacent use buffer on determining that the proposed development and the adjacent development function as a single development.

Regarding the officials willingness to speak to adjacent owners on our behave

In my opinion, if the official would have not made this a personal issue, then the adjacent owners public comments regarding the development, would have remained undisputed and we would not be in this situation today. Clearly, we meet the criteria for the waiver. In my opinion, she over stepped her position as a representative of the Town and made this a personal issue. Requiring unnecessary steps which placed her in a position to influence my neighbor, truly displays an abuse of authority. She should have accepted the deeded access as the final necessary proof as requested, and my neighbors position would not have been influenced. This was very vindictive on her part. The September 22, 2015 DRB minutes clearly stated my neighbors support for the establishment. She is a town official and this type of behavior should not be tolerated. It really sets a bad example for the Town of Hilton Head Island. Her fellow employee Heather Colin had stated to me that I met the criteria and the setback/buffer will be waived. She should have honored Heather's position and move forward.

Regarding her position stating that the "food truck" is considered a permanent open air sales use

After her" thorough review of the LMO"- She obviously missed the fact that her position **totally goes against BUILDING CODES--** This unit has to remain mobile, if not, then the criteria changes and the unit will have to be lifted above flood. We are in a flood zone. I am **REQUIRED** to have the tires on the unit **at all times. THE UNIT MUST REMAIN MOBILE FOR FLOOD PURPOSES AND CAN NOT BE A PERMANENT STRUCTURE.** However, A Farmers Market status may be an option, I presented this to them, which I felt we could meet.

A *farmers' market* may operate as a temporary *use* in accordance with the following conditions:

- a. The market shall operate on a regular basis for no more than nine months per year on a single site.
- b. Market sales shall be limited to the retail sale of fresh fruits and vegetables, herbs, mushrooms, nuts, honey, raw juices, molasses, dairy products, eggs, poultry, meats, fish, shellfish, fresh-cut or dried flowers, nursery stock, seedlings, plants, and other agriculture, aquaculture, and horticulture products produced by the vendor/producer, including the sale of products made by the vendor/producer from such agriculture, aquaculture, and horticulture products (e.g., baked goods, jams and jellies, juices, cheeses), incidental sales of crafts or similar home-made products made by the vendor/producer, and food and beverages from local restaurants and vendors.
- c. The market shall provide adequate ingress, egress, and off-street parking areas.
- d. Items for sale may not be displayed or stored within customer pathways.
- e. The market shall comply with applicable signage standards in Sec. 16-5-114, Sign Standards.

Regarding the Business license for Gullah Geechee Catering

Her conclusion, based solely on the wording of the business license? If this is to be considered a legitimate argument, obviously she is not aware of DHEC Rules and Regulations which states that the mobile unit must have an Operations Base. The address and permit number of 15 Marshland Rd has to be posted on the unit and is required for DHEC licensing purposes. If her determination is being based solely on that, then surely which ever license category suits her requirements, we are prepared to apply for it. This is a catering business which has been and will continue to cater private and public functions. Again, the farmers market option was a suggestion made by me, to help her realize that there are multiple criteria that we fall under which allows our development to be permitted "as is".

Her determination that the lots can not function as a single development is, in my opinion, subjective. That's her personal opinion which truly should not be used. She must look at the facts :

1. Both my neighbor and I have property zoned Marsh Front Mixed Use
2. The previous owner of both lots has for over 15 years utilized the properties as Mixed use (town business

license can confirm)

3. Both my neighbor and I have a business license

4. Both my neighbor and I sell products to the public

5. We have a deeded reciprocal access easement across each others property (DB 3261 PG 3033 & DB 3264 PG 1375)

6. For over two years my neighbors and I have been working together. They have held "BEE Honey Club" Functions at which, large tents were erected and dozens of people would attend. At times throughout the years, 20+ cars have been parked within **my property**. It's very obvious we have been working together.

These are the facts, there is no need for her personal opinion regarding this.

Better yet, what does she need in order to justify the waiver? I have met all possible requirements!!!

FOR THESE REASONS ALONE THE WAIVER IS JUSTIFIABLE AND THE WAIVER SOLVES ALL STATED ISSUES.

1. **MOBILE UNIT IN BUFFER AND SET BACK-WAIVED**

2. **POTENTIAL LOCATION OF FARMERS MARKET-WAIVED**

3. **SCREENED FACADE AROUND MOBILE UNIT-WAIVED**

4. **BIKE RACK-BRICK WALK BETWEEN STORAGE AND FENCE - WAIVED**

16-5-102 ADJACENT USE SETBACK AND BUFFER REQUIRMENT

- The Official may waive the requirement for an adjacent use setback on determining that the proposed development and the adjacent development function as a single development.
- The Official may waive the requirement for an adjacent use buffer on determining that the proposed development and the adjacent development function as a single development.

OTHER THAN A PERSONAL OBJECTIVE, WHERE IS HER ARGUEMENT?

AGAIN,I AM REQUESTING HELP FROM YOU ALL. PLEASE LOOK INTO THIS MATTER

THIS ESTABLISHMENT WILL HELP PROMOTE SMALL BUSINESSES. VENDORS WILL REQUIRE A BUSINESS LICENSE IN ORDER TO OPERATE. WE ARE TRYING TO PROMOTE ECONOMIC DEVELOPMENT WITHIN AN IMPOVISHED AREA OF THE ISLAND!!

HELP ME PLEASE---I DON'T KNOW WHAT ELSE TO DO

I LOOK FORWARD TO A RESPONSE

THANK YOU

Taiwan Scott

843-290-0868

From: taifr@hotmail.com

To: davidb@hiltonheadislandsc.gov

C: stever@hiltonheadislandsc.gov; johnm@hiltonheadislandsc.gov; kiml@hiltonheadislandsc.gov;
toml@hiltonheadislandsc.gov; williamh@hiltonheadislandsc.gov; marcg@hiltonheadislandsc.gov;
lee@hiltonheadislandsc.gov

Subject: DRB DOUBLE STANDARDS!!!

Date: Wed, 23 Sep 2015 14:13:11 +0000

Mayor Bennett, Town Manager Steve Riley, and Hilton Head Island Town Council members please consider the attached letter as a cry for help from a newly proposed small business owner.

Thank you for you time. Please do not hesitate to call if you have any questions.

Taiwan Scott
843-290-0868

The Law Office of Dean B. Bell, LLC

Dean B. Bell *
Robert C. Dills
* Certified Circuit Court Mediator

1 Corpus Christi Place
Bldg. 105, Executive Center
Post Office Box 7401(29938)
Hilton Head Island, SC 29928

Telephone+ (843) 785-9772
Fax +(843) 785-9773
Website: www.deanbell-law.com

October 27, 2015

Via E-mail and First Class Mail

Teri Lewis, LMO Official
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928

RE: Proposed Restaurant at 15 Marshland Road, Hilton Head Island, SC

Dear Ms. Lewis:

I represent David and Marie Arnal the owners and residents of 13 Marshland Road, Hilton Head Island, South Carolina. I understand that you are aware that my clients are very concerned about the proposed restaurant construction project at 15 Marshland Road, as outlined in their letter to you dated October 2, 2015. My clients are aware of the Town halting construction on this project through the issuance of a Stop Work Order dated October 7, 2015 that states, "Changing Residential Shed into Commercial Structure with Restroom without Permits – Elec. & Plumbing work included."

It is surprising to me that the Town considered the property owner Taiwan Scott's application for Design Review Board (DRB) approval on September 8, 2015 and September 22, 2015 with this set of facts before the Town's planning and legal staff. Based upon my review of the applicable zoning regulations it appears that this project should have never been considered for permitting by the Town in the first place. The relevant sections of the Town's Land Management Ordinance (LMO) are as follows:

I. Mixed Use Development is allowed as a Permitted Conditional (PC) use for the base zoning district (MF - Marshfront District) for 15 Marshland Road in the Town's Land LMO in Principal Use Table 16-4-A6.

II. The conditions for a Mixed Use Development in the MF zoning district are outlined in LMO section 16-4-B.1.a.i., which provides:

B. Use-Specific Conditions for Principal Uses

1. Residential Uses

a. Mixed-Use

i. *Mixed-use development* shall designate separate parking spaces for *use* by the residential units. The parking spaces designated for residential *use* shall not be included as part of a *shared parking* plan.

III. *Mixed-use development* is defined in section 16-10-103.A.2, as follows:

2. Use Types and Definitions

Mixed-Use Development includes two or more different *uses*, which shall include *multifamily use* and one or more of the Office *uses*, as described in Sec. 16-10-103.F or one or more of the Commercial Services *uses*, as described in Sec. 16-10-103.G or some combination thereof. Such *uses* should be functionally integrated and share vehicular use areas, ingress/egress, and pedestrian *access*.

As such Mixed-Use Development *must* include *multifamily use* which is defined by the in section 16-10-103.A.2, as follows:

2. Use Types and Definitions

Multifamily

A *building, parcel, or development* containing three or more *dwelling units*. This *use* includes townhouse developments and manufactured housing parks.

The property owner, Mr. Scott, does not have three or more multifamily dwelling units on the property at 15 Marshland Road, *and* his Principal Use is Single Family Residential. It follows that he cannot integrate a restaurant, a farmers market, or an open air sales center into this project pursuant to the Town's LMO.

Therefore, I am asking the Town of Hilton Head Island to immediately:

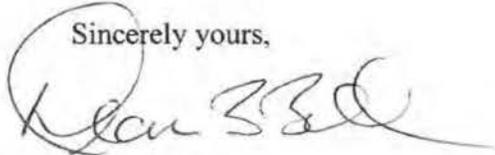
1. Rescind the conditional DRB approval(s) for this project;
2. Require removal of the food truck and associated enclosure;
3. Issue a Cease and Desist Order for this project pursuant to the LMO sections outlined above;
4. Provide with me with a copy of the Cease and Desist Order.

In the event that the Town allows the project to proceed, my clients will proceed as necessary to protect their rights. I would be happy to discuss this matter with you. Or, if I am misinterpreting the relevant provisions of the LMO or there are other sections which allow a restaurant, a farmers market, or an open air sales center at 15 Marshland Road, please point me to those sections.

Ms. Teri Lewis
October 27, 2015
pg. 3

With kind regards, I am

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dean B. Bell". The signature is fluid and cursive, with a large initial "D" and "B".

Dean B. Bell

Cc: Brian Hulbert, Town Attorney (brianh@hiltonheadislandsc.gov)
Jennifer Ray, Urban Designer (jenniferr@hiltonheadislandsc.gov)
Marie Arnal (marnal19@gmail.com)

Lewis Teri

From: Taiwan scott <taifr@hotmail.com>
Sent: Monday, September 14, 2015 8:21 AM
To: Cyran Anne; Colin Heather; Lewis Teri
Subject: RE: DPR-1584-2015 Gullah Geechee Catering - Letter re Application Requirements 09-02-2015

Anne,

I would like to schedule a time to meet with you, Heather, and Teri to discuss your comments. I met with Heather after the DRB meeting and we agreed that there are areas which qualify for modifications / adjustments. She said that she would talk to Teri about them. The sooner the better, as I would like to have the changes displayed on the survey as requested. I am available any time after 11 this week.

Thank you

Tai
843-290-0868

From: annec@hiltonheadislandsc.gov
To: taifr@hotmail.com
CC: HeatherC@hiltonheadislandsc.gov; TeriL@hiltonheadislandsc.gov
Subject: DPR-1584-2015 Gullah Geechee Catering - Letter re Application Requirements 09-02-2015
Date: Wed, 2 Sep 2015 21:27:43 +0000

Good afternoon Tai,

I'm sorry for the delay in sending this to you.

Please contact me if you have any questions.

Sincerely,

Anne Cyran, AICP
Senior Planner
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-4697
annec@hiltonheadislandsc.gov

From: Taiwan scott [mailto:taifr@hotmail.com]
Sent: Tuesday, September 01, 2015 4:55 PM

To: Cyran Anne
Subject: RE: Meeting tomorrow

Anne,

As to the meeting on last Friday, can you please forward me the expected changes that will be needed for final approval. I do understand that the DRB will have their comments on Tuesday however, you stated that I should receive your comments by yesterday.

I'm just touching base, in case you forgot.

thanks

tai

843-290-0868

From: annec@hiltonheadislandsc.gov
To: taifr@hotmail.com
Subject: RE: Meeting tomorrow
Date: Thu, 27 Aug 2015 20:30:05 +0000
Tai,

Teri, Heather, Jennifer and I will be there.

We'll see you tomorrow.

Anne Cyran, AICP
Senior Planner
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-4697
annec@hiltonheadislandsc.gov

From: Taiwan scott [<mailto:taifr@hotmail.com>]
Sent: Thursday, August 27, 2015 4:28 PM
To: Cyran Anne
Subject: Meeting tomorrow

Anne,

If possible, I would like for Terry to be at the meeting on tomorrow. If this isn't possible, then we can reschedule at another time that fits her schedule.

Please let me know.

Tai

Lewis Teri

From: Cyran Anne
Sent: Wednesday, September 23, 2015 11:25 AM
To: Taiwan scott
Cc: Lewis Teri; Colin Heather
Subject: RE: DPR-1584-2015 Gullah Geechee Catering - Letter re Application Requirements 09-02-2015
Attachments: VAR Application.pdf; Affidavit of Ownership.pdf; VAR-1586-2015 Staff Report - Attachment C.pdf

Good morning Tai,

Regarding the cedar stain, the BZA cannot overturn a decision by the DRB. The next step in appealing a DRB decision is to appeal the decision to circuit court. LMO Section 16-2-102.H.2.b, Post-Decision Actions and Limitations – Appeals, states “The following decisions shall constitute final decisions of the Town, and a party aggrieved or adversely affected by such a decision may appeal the decision to the courts in accordance with applicable state law: (v). A final decision by the Design Review Board on applications for Major Corridor Review or a Sign Permit.” The LMO is on the Town’s website:

<http://www.hiltonheadislandsc.gov/publications/codeoflaws.cfm>.

If you want to apply for a variance from any additional standards (aside from the ones listed below), you can apply for any of the LMO sections listed in 16-2-103.S.2. The list below covers the issues we discussed last week:

1. The adjacent use setback and buffer from Lot 7. LMO 16-5-102.D, Adjacent Use Setback Requirements, and 16-5-103.E, Adjacent Use Buffer Requirements.
If you receive a variance from these sections for the setback and buffer requirements from Lot 7, you could place new structures (such as food or merchandise display areas, seating areas, fences, etc.) in the setback area and you would not be required to create a landscaped buffer along the property line you share with Lot 7. A variance from these sections would not exempt you from receiving Design Review Board approval or applicable building permits for any new structures or landscaping you build, locate, or plant in the adjacent use setback and buffer area.

As stated during the meeting, staff will support a variance from this requirement.

2. The adjacent street buffer from Marshland Road. LMO 16-5-103.D, Adjacent Street Buffer Requirements.
If you receive a variance from this section for the adjacent street buffer requirements from Marshland Road, you would not be required to create a landscaped buffer along the Marshland Road property line.

For staff to support a variance from this requirement, you will need to demonstrate that you cannot meet the minimum width requirement for a Type B buffer (for a minor arterial street). Type B buffers must be 25 feet wide (Option 1) or 15 feet wide (Option 2). Based on the site plan you submitted, there is enough space to establish the required adjacent street buffer.

3. The requirement for 15 foot wide landscape medians at the ends of parking rows. LMO 16-5-107.G, Landscaping of Parking Lots.
If you receive a variance from this section, you will not need to establish landscaped medians at the ends of the row of parking spaces.

For staff to support a variance from this requirement, you will need to demonstrate that you cannot add the

medians at the ends of the row of parking spaces because there isn't enough room on the site to do so. Based on the site plan you submitted, there is enough space to establish a row of parking spaces with 15 foot wide landscape medians on the ends.

The number of parking spaces required for an open air sales use 1 space per 200 square feet of gross floor area of the sales/display area. Based on the site plan submitted for the Minor DPR, the site has 600 square feet of sales/display area, which would require 3 parking spaces. Three parking spaces would require a parking area 29 feet wide (two, 10 foot wide spaces and one, 9 foot wide space) with two, 15 foot wide medians on either end. The total length of the parking area would be 59 feet. The site plan you submitted shows an area 115 feet wide where a row of parking with landscape medians could be established. This 115 foot area doesn't include the adjacent street buffer or the wetland buffer. As we discussed during the meeting last week, you can use the adjacent street buffer and the wetland buffer as landscape medians if they are planted with appropriate vegetation.

4. The requirement to install an Electric Vehicle (EV) charging station. LMO 16-5-107.D, Parking Space Requirements.

If you receive a variance from this section, you will not be required to install an EV charging station. As stated during the meeting, staff will support a variance from this requirement.

Staff will support a variance from this requirement.

In writing your narrative, be sure to address the four criteria in Section 16-2-103.S.4.a, Variance Review Standards – Required Findings, which are listed on the variance application form. I suggest organizing the narrative as:

1. A brief description of the property and the limitations of the developing the property. I would focus on the fact that the property is narrow and that it's bisected by a wetland (which requires a wetland buffer). If you apply the required setbacks and buffer to the property, the developable area is limited to an area 70 feet wide by 87 feet long – about 6,090 square feet. I would also emphasize the fact that you're not proposing to develop the wetland buffer area.
2. List the sections from which you're applying for a variance.
3. List each of the four variance criteria and explain after each why the variance application meets that criterion. For example, #1 is that "There are extraordinary and exceptional conditions pertaining to the particular piece of property." Under that, you could again describe the limitations of the property in developing it for a commercial use: the required setbacks and buffers from adjacent properties and from Marshland Road; the wetland bisecting the property; the required wetland buffer. To address the issue of the EV charging station, I would emphasize the proposed use of the property: it's for pick-up food orders, which are necessarily brief visits. EVs can't reasonably benefit from using a charging station in the short amount of time that customers would be on-site. Criterion #2 is that "These conditions do not generally apply to other properties in the vicinity." I would describe how the property is unique to other properties with commercial uses in the vicinity: all the nearby commercial sites are wider and overall larger, they don't appear to contain wetlands, etc. To address the issue of the EV charging station, I would state that this is a new requirement, so none of the other properties in the vicinity have been required to install an EV Charging Station. Criterion #3 is that "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." I would again emphasize how the size of the property and the wetland limits the developable area to an unreasonably small size. Not only would you have to fit a building in that area, but also associated parking, a drive aisle, service areas, etc. To address the issue of the EV charging station, I would state that it's an unreasonable restriction on developing the site to require the installation of an EV Charging Station that, due to the time it takes to recharge and the limited time customers will be on site, would be used seldom, if ever. Criterion #4 is that "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." I would ask your neighbor (on Lot 7) and anyone else who lives in the area to submit letters in support of your variance application. To address the

EV charging station, I would simply state that not installing an EV charging station on the site will not be a detriment to the adjacent properties or the character of the area.

A couple of things to consider when writing your narrative:

1. The BZA tends to favorably consider applicants who try to meet some portion of the LMO requirement. For example, instead of requesting that the requirement for an adjacent use buffer be eliminated, you could request that the width of the buffer be reduced from 15 feet to 10 feet.
2. You can include photos, letters, or any other information that supports your variance request. To strengthen your application, I would make sure the materials you submit directly address the site conditions (narrow width, wetland, etc.) and the four variance criteria.

I attached an example of a variance narrative. If you'd like, I'll be happy to review a draft of your narrative before you submit the application.

As we discussed, the variance application is due on Friday for the October 26th meeting. You'll need to submit the application form (attached), the narrative, the notarized Affidavit of Ownership and Hold Harmless form (attached), and the filing fee. Be sure to check Yes or No after "Are there recorded private covenants..." near the bottom of the application form.

After I receive the application, I'll send the "copy of correspondence" listed on the application form to you via email. The "copy of correspondence" consists of a letter and map that you'll need to mail to all property owners within 350 feet of your property. I'll also send the mailing list to you via email. The deadline to mail the letters is October 9th.

We will publish the legal ad in the newspaper and post a sign on the property to notify the public of the meeting. I'll send a copy of the staff report to you at least a week before the meeting.

The meeting will be held on Monday, October 26th at 2:30 PM in Council Chambers. For your application, the board will ask for a staff presentation, and then they will ask if you'd like to make a presentation. Even if you don't want to make a presentation, they usually have a few questions for the applicant. Then they will ask for public comment. After public comments, they will close the public hearing portion of the meeting. They will discuss the application among the board and make a motion.

As we discussed last week, while there is no guarantee that the BZA will grant the variances, you can continue to work on your Minor DPR application between now and the BZA meeting.

Please call me if you have any questions.

Sincerely,

Anne Cyran, AICP
Senior Planner
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-4697
annec@hiltonheadislandsc.gov

From: Taiwan scott [mailto:taifr@hotmail.com]

Sent: Tuesday, September 22, 2015 6:40 PM

To: Cyran Anne

Subject: RE: DPR-1584-2015 Gullah Geechee Catering - Letter re Application Requirements 09-02-2015

Anne,

Just a follow up e-mail to our meeting last Thursday . You ALL stated that you would help me by forwarding all information over that I would need regarding the variance issues and there relationship to the LMO (adjacent street-use/buffer set back, 15' landscape median, EV charging station, CEDAR STAIN?)As you stated, there are a lot of issues so a detailed follow up would be greatly appreciated. I understand that you are busy however, I really need the information so that I can get it over to the surveyor and submit everything by the Friday deadline. I just want to make sure that ALL issues are addressed through the BZA and that I am not delayed any further. As you ALL mentioned in the meeting, my establishment fits the criteria for various variances and what ever I need to do in order to move forward I would like to do it.

BTW
I am being told that the BZA has heard and made decisions regarding colors throughout the island in the past. Can I also present the cedar satin issue to them?

thank you in advance

tai

From: annec@hiltonheadislandsc.gov
To: taifr@hotmail.com
CC: HeatherC@hiltonheadislandsc.gov; TeriL@hiltonheadislandsc.gov
Subject: DPR-1584-2015 Gullah Geechee Catering - Letter re Application Requirements 09-02-2015
Date: Wed, 2 Sep 2015 21:27:43 +0000

Good afternoon Tai,

I'm sorry for the delay in sending this to you.

Please contact me if you have any questions.

Sincerely,

Anne Cyran, AICP
Senior Planner
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-4697
annec@hiltonheadislandsc.gov

From: Taiwan scott [<mailto:taifr@hotmail.com>]
Sent: Tuesday, September 01, 2015 4:55 PM
To: Cyran Anne
Subject: RE: Meeting tomorrow

Anne,

As to the meeting on last Friday, can you please forward me the expected changes that will be needed for final approval. I do understand that the DRB will have their comments on Tuesday however, you stated that I should receive yours comments by yesterday.

I'm just touching base, in case you forgot.

thanks

tai

843-290-0868

From: annec@hiltonheadislandsc.gov
To: taifr@hotmail.com
Subject: RE: Meeting tomorrow
Date: Thu, 27 Aug 2015 20:30:05 +0000
Tai,

Teri, Heather, Jennifer and I will be there.

We'll see you tomorrow.

Anne Cyran, AICP
Senior Planner
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-4697
annec@hiltonheadislandsc.gov

From: Taiwan scott [<mailto:taifr@hotmail.com>]
Sent: Thursday, August 27, 2015 4:28 PM
To: Cyran Anne
Subject: Meeting tomorrow

Anne,

If possible, I would like for Terry to be at the meeting on tomorrow. If this isn't possible, then we can reschedule at another time that fits her schedule.

Please let me know.

Tai

This email 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 have received this email in error please notify the originator of the message.

Lewis Teri

From: Cousins Charles
Sent: Wednesday, September 23, 2015 4:10 PM
To: Foster Jill; Lewis Teri; Colin Heather; Ray Jennifer
Subject: FW: DRB DOUBLE STANDARDS!!!
Attachments: TOWN HHI Gullah Geechee Catering.docx; ATT00001.htm

From: Riley Steve
Sent: Wednesday, September 23, 2015 3:32 PM
To: Cousins Charles
Subject: Fwd: DRB DOUBLE STANDARDS!!!

Steve Riley
Town Manager
Town of Hilton Head Island
Sent from my iPad

Begin forwarded message:

From: Taiwan scott <taifr@hotmail.com>
Date: September 23, 2015 at 10:13:11 AM EDT
To: "DavidB@hiltonheadislandsc.gov" <davidb@hiltonheadislandsc.gov>
Cc: "SteveR@hiltonheadislandsc.gov" <stever@hiltonheadislandsc.gov>, "JohnM@hiltonheadislandsc.gov" <johnm@hiltonheadislandsc.gov>, "KimL@hiltonheadislandsc.gov" <kiml@hiltonheadislandsc.gov>, "TomL@hiltonheadislandsc.gov" <toml@hiltonheadislandsc.gov>, "WilliamH@hiltonheadislandsc.gov" <williamh@hiltonheadislandsc.gov>, "MarcG@hiltonheadislandsc.gov" <marcg@hiltonheadislandsc.gov>, "LeeE@hiltonheadislandsc.gov" <lee@hiltonheadislandsc.gov>
Subject: DRB DOUBLE STANDARDS!!!

Mayor Bennett, Town Manager Steve Riley, and Hilton Head Island Town Council members please consider the attached letter as a cry for help from a newly proposed small business owner.

Thank you for you time. Please do not hesitate to call if you have any questions.

Taiwan Scott
843-290-0868

TO: Mayor David Bennett

Town Manager Steve Riley

Hilton Head Island Town Council

I write this letter to you to voice my opinion about what I believe has been a very obvious case of double standards by town officials here on Hilton Head Island.

Let me start by saying that family members are trying to open one of the first and only Native owned and operated small business restaurants here on the island. Please see The Island Packet 9-18-15 Business section GULLAH GEECHEE CATERING LLC. This establishment will have an open concept throughout. Customers will be able to walk up, place orders to go or they have an option to enjoy their meals on site, under the covered deck provided. The location of this establishment is 15 Marshland Road. It is located within the Corridor Overlay District.

On 9-8-15 I presented an application to the DRB for approval of this establishment. Town staff recommended approval with conditions. One of these conditions being the "ORANGE" color was too bright and needed to be muted. For the record, I am using a Transparent CEDAR NATURAL TONE STAIN. After the motion was rendered, I decided to comply. In my opinion, it would have been quicker to comply even though I am not using ORANGE. I purchased stain options so that the official would make the decision for the appropriate color. However, after driving throughout the island I began to notice the color ORANGE in various locations within this same corridor overlay district. The most prevalent being the AT&T building at Shelter Coves Town Center, which has ORANGE awnings above the windows and doors. The official and I met at my site and I questioned her about the use of Orange at the AT&T location. She stated that if I began to look throughout the island, I would see lots more orange. This statement was confusing to me, being that staff recommended muting the color. I stated that in my opinion, this is a good argument to appeal. My understanding was that an appeal would have to go to circuit court. She verified my understanding and suggested to bring the issue back before the DRB. She stated that I had raised a very obvious point and that she felt I had a good chance for approval. She even said that she would waive the application fee so that I could bring it before the Board. I began to drive throughout the island and noticed more uses of the orange color. I took photos, wrote a narrative to support my findings and requested for the DRB to rescind the motion regarding the use of Orange throughout my establishment. I just want to restate it, my color is not Orange, but a Cedar Natural Tone Satin (TRANSPARENT).

On 9-22-15 DRB meeting town staff stated that they would explain to the board what the process detailed and what their procedures to follow were. Staff stated that I would present my findings to the board. Along with pictures of various establishments throughout the Corridor Overlay District using "orange," I stated that:

"The majority of board members considered my Cedar Natural Tone stain as "ORANGE". Taking that into account, I am requesting that whichever criteria used for these establishments to gain approval, for you to use that same criteria to approve my establishment. It's very obvious that the presence of an orange color tone has already been established throughout the Corridor Overlay District. I am not requesting anything that hasn't been previously approved by the Design Review board. My cedar stain is obviously already muted, in comparison to these approved structures."

Please see DRB-001583-2015

I then requested for the town staff to give a recommendation. Which they denied! I stated that town staff made the suggestion for me to come back before the board. Why would they not give a recommendation? This is really disturbing to me. In my opinion, this is obviously double standards. The DRB along with the staff did not make any comments regarding the pictures I presented. Their motion specifically referenced Orange and I proved that orange had already been established throughout the island. My cedar natural tone stain is muted when compared to previously approved structures. I also requested for the board to give the public the opportunity to speak. Concerned citizens voiced their opinions. They expressed how nice the project was, the risk I took regarding the establishments surroundings, the wood color being as natural as the color inside the council chambers. The difficulty that I was enduring in regards to the town staff. Many other comments were made. Please see minutes.

I am trying to understand the how the EDC is going to help the Town. I believe the Executive Director of the EDC has a heavy load placed upon him. This town needs to acknowledge and support the native community. We are always the last on the list. The available property to make his job successful is located within our communities. He should guide the town towards working with the native community and becoming more flexible when native owned developments are proposed. We should feel as though the town is here to Support us not STOP us.

It truly bothers me that the town is presenting this "**BRING YOUR BUSINESS TO LIFE**" theme and making me go through such hurdles in order to move forward. The LMO was supposed to be rewritten to make things easier. I am trying to establish a new small business on Hilton Head Island. I am trying to make a place for my kids to always be able to call home. The struggles that island natives face daily, is truly a fight for survival and our continued presence and heritage.

I hope and pray that my words will touch you all. There are very obvious inconsistencies throughout the island. Let me leave you all with: **IS LIFE GOOD ON THE ISLAND? IF SO, FOR WHO?**

The Resource Committee for Native Island Affairs appointed by the Town Council

VISION STATEMENT

R/UDAT. On December 19, 1995

“Our vision for the Native Island Community of Hilton Head is that we not be treated as, viewed as, nor live as second class citizens; but, as equals of the other communities of Hilton Head Island. However, we must not be forced to become another *plantation*, but retain our character and our culture. We must view ourselves as ‘PEOPLE WITH A PROBLEM’ rather than ‘PROBLEM PEOPLE.’ Residents of the other communities on the island must gain a better understanding of *their role* in creating some of the problems faced by Native Islanders. *They* must develop a more caring attitude and a willingness to work with Native Islanders to improve relationships and to build a better community for everyone. Together, we must build a single community to replace the patch work of communities that now exist on our island.”⁶

JUST SOME FOOD FOR THOUGHT

Thank you for your time. I hope and pray that something can be done to help expedite the approval of my establishment. I’m being told that I also need to apply for variances. Which such a small lot it’s very difficult to comply with LMO Rules.

Praying for the chance to establish a small business and promote economic development on Hilton Head Island.

Truly,

TAI

843-290-0868 (anytime)

Lewis Teri

From: Ray Jennifer
Sent: Wednesday, September 30, 2015 12:16 PM
To: Lewis Teri
Subject: FW: DRB DOUBLE STANDARDS!!!
Attachments: Gullah Geechee.docx

From: Jason Gartner [mailto:jake@hammerheadbuilders.net]
Sent: Monday, September 28, 2015 10:16 PM
To: Ray Jennifer
Subject: RE: DRB DOUBLE STANDARDS!!!

Jennifer,

Sorry for the delay. Please let me know if you need anything further.

Thank you.

Jake Gartner

Hammerhead CustomBuilders
jake@hammerheadbuilders.net
843-368-6624

From: Ray Jennifer [mailto:jenniferr@hiltonheadislandsc.gov]
Sent: Wednesday, September 23, 2015 4:43 PM
To: Jason Gartner <jake@hammerheadbuilders.net>
Subject: FW: DRB DOUBLE STANDARDS!!!

Jake,
If you would like to respond to this letter on the DRB's behalf please forward it to me and Charles will get it to Town Council. I will be doing the same regarding his comments about staff. Thanks.
JR

From: Ray Jennifer
Sent: Wednesday, September 23, 2015 4:22 PM
To: Jake Gartner (email); Dale Strecker (email); Brian Witmer (email); Kyle Theodore (email); Ron Hoffman (email); Michael Gentemann (email) ; debbie.remke@hotmail.com
Subject: FW: DRB DOUBLE STANDARDS!!!

Please see attached.
JR

From: Cousins Charles
Sent: Wednesday, September 23, 2015 4:10 PM
To: Foster Jill; Lewis Teri; Colin Heather; Ray Jennifer
Subject: FW: DRB DOUBLE STANDARDS!!!

From: Riley Steve
Sent: Wednesday, September 23, 2015 3:32 PM
To: Cousins Charles
Subject: Fwd: DRB DOUBLE STANDARDS!!!

Steve Riley
Town Manager
Town of Hilton Head Island
Sent from my iPad

Begin forwarded message:

From: Taiwan scott <taifr@hotmail.com>
Date: September 23, 2015 at 10:13:11 AM EDT
To: "DavidB@hiltonheadislandsc.gov" <davidb@hiltonheadislandsc.gov>
Cc: "SteveR@hiltonheadislandsc.gov" <stever@hiltonheadislandsc.gov>, "JohnM@hiltonheadislandsc.gov" <johnm@hiltonheadislandsc.gov>, "KimL@hiltonheadislandsc.gov" <kiml@hiltonheadislandsc.gov>, "TomL@hiltonheadislandsc.gov" <toml@hiltonheadislandsc.gov>, "WilliamH@hiltonheadislandsc.gov" <williamh@hiltonheadislandsc.gov>, "MarcG@hiltonheadislandsc.gov" <marcg@hiltonheadislandsc.gov>, "LeeE@hiltonheadislandsc.gov" <lee@hiltonheadislandsc.gov>
Subject: DRB DOUBLE STANDARDS!!!

Mayor Bennett, Town Manager Steve Riley, and Hilton Head Island Town Council members please consider the attached letter as a cry for help from a newly proposed small business owner.

Thank you for you time. Please do not hesitate to call if you have any questions.

Taiwan Scott
843-290-0868

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Jake Gartner
88 Point Comfort Rd
Hilton Head, SC 29928
843 368 6624
jake@hammerheadbuilders.net

9/28/15

Mayor David Bennett
Hilton Head Island Town Council Members
Hilton Head Island Town Manager Steve Riley

Dear Mr. Mayor, Town Council Members and Mr. Riley,

My name is Jake Gartner and I currently serve as the Chairman on the Design Review Board. I am writing in response to the letter you received from Mr. Tai Scott regarding the perceived double standard he believes The Design Review Board is responsible for regarding his project, The Gullah Geechee Catering Company. Mr. Scott's project first came before the Board during our Regular Hilton Head Island Design Review Board Meeting on Tuesday September 8th. This was item DRB- 001583-2015 on our agenda.

Typically, our board will receive plans to review so that we can weigh in on the project's relationship to the island character which we are charged with maintaining and directing the project towards. In this case, the project was already complete. This is atypical, but not the first time this has occurred during my tenure. However, a project that is already complete quite certainly puts the board in an uncomfortable position. We are citizens, similar to those that come before us, and we understand that our decisions sometimes come with an unfavorable financial burden, particularly on a project that is already complete. I will not belabor the points of the meeting as they are accurate in the approved minutes from the September 8th meeting. I believe the board was very lenient in passing the motion for DRB -001583-2015 with the stipulations that the color of the building needed to be toned down, landscaping had to come up to standards determined by the LMO and the roof color had to be changed to allow for one color across the massing of the roof over the covered porch and building in question. Attached is a copy of the photos the Island Packet published regarding the building.

Business

SEPTEMBER 17 2015

Mayor David Bennett
Hilton Head Island Town Council Members
Hilton Head Island Town Manager Steve Riley

9/28/15
Page 2

Gullah Geechee Catering Company owners to open restaurant on Hilton Head



Read more here: <http://www.islandpacket.com/news/business/article35651676.html#storylink=cpy>



Our design guide directs that the goal of the guide is to preserve island character by directing development to demonstrate the fundamental principles of good architectural design, design structures with subtle visual impact and utilize natural materials, textures and colors, provide continuity of design on all facades of the building and conceal visually undesirable utilities and equipment. Almost all of these items were challenged on this project as were others.

1. The board did not have an opportunity to direct the development as it was already completed.
2. "Treat the landscape as a major element of the project" as directed by the design guide was left to town staff and LMO guidelines. Typically this is a major element in our review.

3. The tan building is a "non-mobile," mobile unit. Its roof is flat and the utilities are easily seen. This building and its utilities on the roof were allowed.

Our changes were limited to changing the color of the building and accent lattice to a color more muted and natural, changing the color of the roof to a single dark color and upgrading the landscaping to meet the requirements of the LMO. In all, I believe this was a very lenient motion and that motion was seconded and passed. My belief is that if the project would have been submitted prior to being completed, there would have been many other stipulations and requirements that would have been added in order to approve the project. However, as a board we were proud of the part we played in helping a native islander's business come to fruition with limited interference.

We then received a "request to rescind previous DRB motion" for our Regular Design Review Board Meeting on Tuesday, September 22nd. This request was for the Gullah Geechee Catering Company. The owner had changed the color of the roof and was back to ask for leniency on changing the color of the building and accent lattice (The roof color that was changed is easily read as two different materials and looks slightly different, but it is close). The board took comments from Mr. Scott and then allowed comments from citizens regarding this project based on an appeal by Mr. Scott. When this was complete and all comments were taken, the board took the opportunity to weigh in on the changes and the request to rescind the earlier motion. No motion was made to rescind the earlier motion and the regular meeting was resumed.

This is what I would offer in respect to Mr. Scott's requests and recent letter. I am disappointed to hear that Mr. Scott disagrees with The Design Review Board's ruling. There are a number of issues with his building that left me feeling a bit uncomfortable with the possible precedents we might be setting by allowing a number of infringements to stand. However, as a board we took into account the location of the project and its surroundings. We also tried to be respectful to the heritage of the Gullah community and its native inhabitants. The perception of a double standard is unacceptable to me. The board stuck its neck out to assist Mr. Scott in completing his project. We offered a solution to the unique situation of an already completed project with LIMITED interference and favorable economic impact to the owner. The ruling could have included a number of expensive requirements, could have been much more forceful and probably should have been. I believe that some of the local architects and developers that regularly stand before our board would certainly be interested in receiving some of the leniency that we offered the Gullah Geechee Catering Company project.

I hope this helps and I appreciate your time in this matter. I am available for any questions or concerns that you might have. Thank you.

Mayor David Bennett
Hilton Head Island Town Council Members
Hilton Head Island Town Manager Steve Riley

9/28/15
Page 5

10/7

Sincerely,

Jake Gartner

JR email

Ray Jennifer

From: Ray Jennifer
Sent: Thursday, August 27, 2015 11:48 AM
To: 'Taiwan scott'
Subject: RE: test

Got it – thanks!
JR

From: Taiwan scott [<mailto:taifr@hotmail.com>]
Sent: Thursday, August 27, 2015 11:38 AM
To: Ray Jennifer
Subject: RE: test

Jennifer,

Last one! Just let me know that you received this

thanks

tai
843-290-0868

From: jenniferr@hiltonheadislandsc.gov
To: taifr@hotmail.com
Subject: test
Date: Thu, 27 Aug 2015 15:32:07 +0000

Jennifer B. Ray, ASLA
Urban Designer
Town of Hilton Head Island

(843) 341-4665 phone
(843) 842-8908 fax
jenniferr@hiltonheadislandsc.gov

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Any views expressed in this message are those of the individual sender.

This message has been scanned for viruses and spam by McAfee.

Ray Jennifer

From: Ray Jennifer
Sent: Tuesday, September 01, 2015 8:52 AM
To: 'Taiwan scott'
Subject: RE: test

1:15pm in Town Council Chambers. The packet, including agenda, is in the process of being posted to the TOHHI website.
JR

From: Taiwan scott [mailto:taifr@hotmail.com]
Sent: Monday, August 31, 2015 7:33 PM
To: Ray Jennifer
Subject: RE: test

Jennifer,

What time will the DRB meeting be next Tuesday?

TAI

From: jenniferr@hiltonheadislandsc.gov
To: taifr@hotmail.com
Subject: RE: test
Date: Thu, 27 Aug 2015 15:47:42 +0000

Got it – thanks!
JR

From: Taiwan scott [mailto:taifr@hotmail.com]
Sent: Thursday, August 27, 2015 11:38 AM
To: Ray Jennifer
Subject: RE: test

Jennifer,

Last one! Just let me know that you received this

thanks

tai
843-290-0868

From: jenniferr@hiltonheadislandsc.gov
To: taifr@hotmail.com

Subject: test

Date: Thu, 27 Aug 2015 15:32:07 +0000

Jennifer B. Ray, ASLA
Urban Designer
Town of Hilton Head Island

(843) 341-4665 phone
(843) 842-8908 fax
jenniferr@hiltonheadislandsc.gov

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This message has been scanned for viruses and spam by McAfee.

Ray Jennifer

From: Taiwan scott <taifr@hotmail.com>
Sent: Thursday, September 10, 2015 6:50 PM
To: Ray Jennifer
Subject: RE: test

Jennifer,

As to our conversation today, please add Gullah Geechee Catering LLC to the agenda for the DRB 's next meeting. We would like for the DRB to reconsider their motion regarding the use of the cedar stain at the project.

Thank you

tai

843-290-0868

If you have any questions please do not hesitate to call.

From: jenniferr@hiltonheadislandsc.gov
To: taifr@hotmail.com
Subject: RE: test
Date: Tue, 1 Sep 2015 12:51:38 +0000

1:15pm in Town Council Chambers. The packet, including agenda, is in the process of being posted to the TOHHI website.
JR

From: Taiwan scott [<mailto:taifr@hotmail.com>]
Sent: Monday, August 31, 2015 7:33 PM
To: Ray Jennifer
Subject: RE: test

Jennifer,

What time will the DRB meeting be next Tuesday?

TAI

From: jenniferr@hiltonheadislandsc.gov
To: taifr@hotmail.com
Subject: RE: test
Date: Thu, 27 Aug 2015 15:47:42 +0000
Got it – thanks!
JR

From: Taiwan scott [<mailto:taifr@hotmail.com>]
Sent: Thursday, August 27, 2015 11:38 AM
To: Ray Jennifer
Subject: RE: test

Jennifer,

Last one! Just let me know that you received this

thanks

tai
843-290-0868

From: jenniferr@hiltonheadislandsc.gov
To: taifr@hotmail.com
Subject: test
Date: Thu, 27 Aug 2015 15:32:07 +0000

Jennifer B. Ray, ASLA
Urban Designer
Town of Hilton Head Island

(843) 341-4665 phone
(843) 842-8908 fax
jenniferr@hiltonheadislandsc.gov

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Ray Jennifer

From: Ray Jennifer
Sent: Friday, September 11, 2015 8:46 AM
To: 'Taiwan scott'
Subject: RE: test

Tai,
For the packet I need a letter or written narrative that describes the additional information you want the DRB to consider and asks them to rescind their previous motion. I also need you to send photos that support your request. You can email all of this to me or drop off hard copies. I need it no later than 8:00 am Monday, September 14th in order to be on the September 22nd agenda.

Also, I have been thinking about the paint/stain and the samples we looked at yesterday. If you decide to comply with the current approved conditions, I think you need to use a solid stain versus a semi-transparent stain so that it covers better. I also though more about their motion that all of the "orange" be covered and that means all of the lattice, including the gaps/pieces behind will need to be painted/stained too so that there aren't "orange" stripes.

Let me know if you have any questions or need anything else from me.
JR

From: Taiwan scott [<mailto:taifr@hotmail.com>]
Sent: Thursday, September 10, 2015 6:50 PM
To: Ray Jennifer
Subject: RE: test

Jennifer,

As to our conversation today, please add Gullah Geechee Catering LLC to the agenda for the DRB 's next meeting. We would like for the DRB to reconsider their motion regarding the use of the cedar stain at the project.

Thank you

tai

843-290-0868

If you have any questions please do not hesitate to call.

From: jenniferr@hiltonheadislandsc.gov
To: taifr@hotmail.com
Subject: RE: test
Date: Tue, 1 Sep 2015 12:51:38 +0000

1:15pm in Town Council Chambers. The packet, including agenda, is in the process of being posted to the TOHHI website.
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From: Taiwan scott [mailto:taifr@hotmail.com]
Sent: Monday, August 31, 2015 7:33 PM
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jenniferr@hiltonheadislandsc.gov

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Ray Jennifer

From: Taiwan scott <taifr@hotmail.com>
Sent: Sunday, September 13, 2015 9:28 PM
To: Ray Jennifer
Subject: RE: test
Attachments: Request for DRB to Rescind the Motion Regarding Gullah Geechee Catering LLC.docx

Jennifer,

Having trouble send the pictures. Sent them through phone which should compress them.

Please let me know that you received this and the pictures so that I can be on the 22nd agenda

thanks

tai
843-290-0868

From: jenniferr@hiltonheadislandsc.gov
To: taifr@hotmail.com
Subject: RE: test
Date: Fri, 11 Sep 2015 12:45:53 +0000

Tai,
For the packet I need a letter or written narrative that describes the additional information you want the DRB to consider and asks them to rescind their previous motion. I also need you to send photos that support your request. You can email all of this to me or drop off hard copies. I need it no later than 8:00 am Monday, September 14th in order to be on the September 22nd agenda.

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Thank you

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To: taifr@hotmail.com

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Subject: test

Date: Thu, 27 Aug 2015 15:32:07 +0000

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Ray Jennifer

From: Ray Jennifer
Sent: Monday, September 14, 2015 8:50 AM
To: 'Taiwan scott'
Subject: RE: test

Tai,
I received photos (2 of AT&T, the artwork, the can of stain, legendary golf, TJs, Chow Daddy's, Capitol Materials, and Public Storage) as well as the narrative. I will put this on the agenda for the 22nd. Thanks.
JR

From: Taiwan scott [mailto:taifr@hotmail.com]
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From: jenniferr@hiltonheadislandsc.gov
To: taifr@hotmail.com
Subject: test
Date: Thu, 27 Aug 2015 15:32:07 +0000

Jennifer B. Ray, ASLA
Urban Designer
Town of Hilton Head Island

(843) 341-4665 phone
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Fister Joheida

From: Anderson Jeff
Sent: Monday, August 17, 2015 10:47 AM
To: Fister Joheida
Subject: Fwd: Business

I got this from Heather Jonathan had ask her about it.

Thanks!
Jeff

Sent from my iPad

Begin forwarded message:

From: Colin Heather <HeatherC@hiltonheadislandsc.gov>
Date: August 17, 2015 at 10:14:05 AM EDT
To: Garcia Jonathan <jonathang@hiltonheadislandsc.gov>, Anderson Jeff <jeffa@hiltonheadislandsc.gov>, Spellerberg Beth <beths@hiltonheadislandsc.gov>, Wooster Barbara <barbaraw@hiltonheadislandsc.gov>, Akins April <april@hiltonheadislandsc.gov>, Yates Chris <chrisdy@hiltonheadislandsc.gov>, Klein Bob <bobk@hiltonheadislandsc.gov>
Cc: Lewis Teri <TeriL@hiltonheadislandsc.gov>
Subject: RE: Business

It isn't a business. Tai Scott had a building permit to build a residential accessory building on the site. I do know from a previous pre-app and discussions with Tai that in the future he would like to turn it into some sort of small restaurant, hot dog stand type of business. Per the LMO and zoning that use is allowed; however, he will be required to go through the appropriate approvals and reviews.

There is a neighbor who shares the access drive that calls periodically to check. I also sent Tai an email reminding him that he cannot operate a business at this location until he receives the necessary approvals.

I hope this helps.

Heather

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

File Dept Emails

From: Garcia Jonathan
Sent: Monday, August 17, 2015 10:10 AM
To: Anderson Jeff; Spellerberg Beth; Wooster Barbara; Akins April; Yates Chris; Klein Bob
Cc: Colin Heather
Subject: RE: Business

Jeff,

I am going to copy Heather Colin on this, as she may have more information. I recall her mentioning something about a Tai Scott doing a project out there.

Respectfully,

Jonathan L. Garcia
Legal Services Division
Code Enforcement Officer
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-4642
jonathang@hiltonheadislandsc.gov

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

From: Anderson Jeff
Sent: Monday, August 17, 2015 9:35 AM
To: Spellerberg Beth; Wooster Barbara; Akins April; Garcia Jonathan; Yates Chris; Klein Bob
Subject: Business

Good morning all

I have seen a lot of work at this place but don't see an address it does appear it's going to be a new business as this is all new construction. I don't know the address but I did attach a screen shot of maps showing the location. It front Marshland just before the Mathews circle. I can never catch anyone there to ask about a permit of business license. Do any of you know anything about this place and a name so I can see if we have anything on it?

Jeff Anderson
Fire Inspector
843-505-2259

Fister Joheida

From: Anderson Jeff
Sent: Monday, August 17, 2015 9:44 AM
To: Fister Joheida
Subject: RE: Business

Ok did you see the large screen TV that had been added in the last couple weeks? It's to the left of the main building.

Jefd

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Fister Joheida <JoheidaF@hiltonheadislandsc.gov>
Date: 08/17/2015 9:42 AM (GMT-05:00)
To: Anderson Jeff <jeffa@hiltonheadislandsc.gov>, Black Perry <PerryB@hiltonheadislandsc.gov>, Burnett Sam <SamB@hiltonheadislandsc.gov>
Subject: RE: Business

It is not technically a business. He is using it at as storage. I can explain more but he would still have to have a building permit.

Address is 15 Marshland Rd.

THANK YOU,

Joheida



Joheida B. Fister
Fire Marshal
Hilton Head Island Fire Rescue
40 Summit Drive
Hilton Head Island, SC 29926

843-682-5100 Work
843-247-3741 Mobile

JoheidaF@hiltonheadislandsc.gov

Sign up for the Town's E-subscription service to receive emergency alerts & public education information

From: Anderson Jeff
Sent: Monday, August 17, 2015 9:38 AM
To: Black Perry; Fister Joheida; Burnett Sam
Subject: Fwd: Business

Sent from my iPad

Begin forwarded message:

From: "Anderson Jeff" <jeffa@hiltonheadislandsc.gov>
To: "Spellerberg Beth" <beths@hiltonheadislandsc.gov>, "Wooster Barbara" <barbaraw@hiltonheadislandsc.gov>, "Akins April" <aprila@hiltonheadislandsc.gov>, "Garcia Jonathan" <jonathang@hiltonheadislandsc.gov>, "Yates Chris" <chrisdy@hiltonheadislandsc.gov>, "Klein Bob" <bobk@hiltonheadislandsc.gov>
Subject: Business

Good morning all

I have seen a lot of work at this place but don't see an address it does appear it's going to be a new business as this is all new construction. I don't know the address but I did attach a screen shot of maps showing the location. It front Marshland just before the

Mathews circle. I can never catch anyone there to ask about a permit of business license. Do any of you know anything about this place and a name so I can see if we have anything on it?

Jeff Anderson
Fire Inspector
843-505-2259



Sent from my iPad



Hilton Head Island Fire Rescue
 40 SUMMIT DRIVE
 Hilton Head Island, SC 29926

31. Business License Initial Inspection Assigned To BURNETT, Sam on 09/30/2015

Start Date:
Business Name: Gullah Geechee Catering Inc.
Address: 15 Marshland RD
 HILTON HEAD ISLAND, SC 29926

Finish Date:
Occupancy ID: 79253
Station No.: Station 3
Business Phone: (843)683-4796

<u>Complex Info</u>	<u>Main Floor</u>	<u>Stories</u>	<u>Estimated Values</u>
Commercial Units: 0	Length: 0	Above Grade: 0	Property: \$0.00
Residential Units: 0	Width: 0	Below Grade: 0	Content: \$0.00
Complex Type: 4	Area: 0	Upper Construction: -	
Complex:	Construction: -		

Occupancy Use: -	Roof Type: -
Property Uses: -	Roof Material: -
Building Style: -	Roof Const.: -
Building Status: -	Roof Access: -
Construction Type: -	Interior Walls: -
Detector Type: -	Exterior Walls: -
Power Supply: -	
Auto. Extinguisher: -	
Year of Construction: 0	

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Fee</u>
EXTINGUISHERS			
IFC 906.1	09/30/2015		\$0.00
Standard:	:		
Long Desc:	Portable fire extinguishers shall be installed in the following locations. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.		
Comments:	add a dry chemical fire extinguisher in the kitchen, (food Truck)		
ELECTRICAL			
IFC 605.6	09/30/2015		\$0.00
Standard:	:		
Long Desc:	ELECTRICAL BOX COVERS -Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.		
Comments:	cover open spaces in the electrical panel		
MISCELLANEOUS			
IFC 505.1	09/30/2015		\$0.00
Standard:	:		

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Start Date:
Business Name: Gullah Geechee Catering Inc.
Address: 15 Marshland RD
HILTON HEAD ISLAND, SC 29926

Finish Date:
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Station No.: Station 3
Business Phone: (843)683-4796

<u>Violations</u>	<u>Date Found</u>	<u>Date Cleared</u>	<u>Fee</u>
Long Desc: ADDRESS POSTING - New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch.			
Comments: post the unit number on the buildings in 4" letters in a visible location			
Comment	09/30/2015		\$0.00
Standard: :			
Comments: Prior to opening, replace the 20 lb. portable propane cylinder. A permit is required to install the 150 gal. permanent cylinder.			

Recipient Signature

Recipient:

Richard Williams, skeet1260@hargray.com

Sam Burnett, CFPS

Senior Fire Inspector
843-682-5142, office
843-247-3746, cell
samb@hiltonheadislandsc.gov

Fister Joheida

From: Fister Joheida
Sent: Friday, October 16, 2015 4:51 PM
To: Fister Joheida
Subject: FW: Gullah Geechee Catering

----- Original message -----

From: Taiwan Scott <taifr@hotmail.com>
Date: 09/30/2015 6:15 PM (GMT-05:00)
To: Burnett Sam <SamB@hiltonheadislandsc.gov>
Subject: Re: Gullah Geechee Catering

Will do!

Thanks Sam!

Tai

On Sep 30, 2015 4:29 PM, "Burnett Sam" <SamB@hiltonheadislandsc.gov> wrote:

Tai, here is the copy of the inspection report. I have approved the Fire Rescue section and will be back to confirm corrections we discussed. The installation of the large permanent propane cylinder will require a permit. Contact Richard Spruce for more information about the permit.

Thank you,

Sam F. Burnett, CFPS

Senior Fire Inspector

Hilton Head Island Fire Rescue

Cell, 843.247.3746

Office, 843.682.5142

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4 Emails

From: Colin Heather
To: Cyran Anne
Subject: FW: Marshland Road
Date: Thursday, August 27, 2015 11:38:46 AM

Heather

From: Colin Heather
Sent: Monday, February 23, 2015 2:36 PM
To: taifr@hotmail.com
Cc: Lewis Teri
Subject: Marshland Road

Tai –

I wanted to follow up to our phone call from last week. The new storage building at 17 Marshland Road was approved as an accessory structure for the single family home on the parcel. In 2013 you had submitted a pre-application request with the Town for a concession stand and restaurant for the same site. I have attached a copy of the comments for your review. Prior to any changes to the use of the property for anything other than single family you will have to comply with the Town's regulations for the specific use, in this case a commercial restaurant. This includes review and approval by the Town's Design Review Board (DRB). I have attached an application for the DRB and for a DPR (Development Plan Review).

The only changes to the property that have been approved by the Town are those shown on the approved building permit (BLDR-002025-2014), which was for the construction of a utility shed and 14'x20' deck with electrical service. Any and all other changes must be submitted to the Town for review prior to any construction or change of use.

Please call me if you have any questions.

Heather L. Colin, AICP
Development Review Administrator

Community Development Department
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
phone (843) 341-4607
fax (843) 842-8908

Foster Jill

From: Cousins Charles
Sent: Wednesday, September 23, 2015 4:10 PM
To: Foster Jill; Lewis Teri; Colin Heather; Ray Jennifer
Subject: FW: DRB DOUBLE STANDARDS!!!
Attachments: TOWN HHI Gullah Geechee Catering.docx; ATT00001.htm

From: Riley Steve
Sent: Wednesday, September 23, 2015 3:32 PM
To: Cousins Charles
Subject: Fwd: DRB DOUBLE STANDARDS!!!

Steve Riley
Town Manager
Town of Hilton Head Island
Sent from my iPad

Begin forwarded message:

From: Taiwan scott <taifr@hotmail.com>
Date: September 23, 2015 at 10:13:11 AM EDT
To: "DavidB@hiltonheadislandsc.gov" <davidb@hiltonheadislandsc.gov>
Cc: "SteveR@hiltonheadislandsc.gov" <stever@hiltonheadislandsc.gov>, "JohnM@hiltonheadislandsc.gov" <johnm@hiltonheadislandsc.gov>, "KimL@hiltonheadislandsc.gov" <kiml@hiltonheadislandsc.gov>, "TomL@hiltonheadislandsc.gov" <toml@hiltonheadislandsc.gov>, "WilliamH@hiltonheadislandsc.gov" <williamh@hiltonheadislandsc.gov>, "MarcG@hiltonheadislandsc.gov" <marcg@hiltonheadislandsc.gov>, "LeeE@hiltonheadislandsc.gov" <lee@hiltonheadislandsc.gov>
Subject: DRB DOUBLE STANDARDS!!!

Mayor Bennett, Town Manager Steve Riley, and Hilton Head Island Town Council members please consider the attached letter as a cry for help from a newly proposed small business owner.

Thank you for you time. Please do not hesitate to call if you have any questions.

Taiwan Scott
843-290-0868

7-23-2015

TO: Mayor David Bennett

Town Manager Steve Riley

Hilton Head Island Town Council

I write this letter to you to voice my opinion about what I believe has been a very obvious case of double standards by town officials here on Hilton Head Island.

Let me start by saying that family members are trying to open one of the first and only Native owned and operated small business restaurants here on the island. Please see The Island Packet 9-18-15 Business section GULLAH GEECHEE CATERING LLC. This establishment will have an open concept throughout. Customers will be able to walk up, place orders to go or they have an option to enjoy their meals on site, under the covered deck provided. The location of this establishment is 15 Marshland Road. It is located within the Corridor Overlay District.

On 9-8-15 I presented an application to the DRB for approval of this establishment. Town staff recommended approval with conditions. One of these conditions being the "ORANGE" color was too bright and needed to be muted. For the record, I am using a Transparent CEDAR NATURAL TONE STAIN. After the motion was rendered, I decided to comply. In my opinion, it would have been quicker to comply even though I am not using ORANGE. I purchased stain options so that the official would make the decision for the appropriate color. However, after driving throughout the island I began to notice the color ORANGE in various locations within this same corridor overlay district. The most prevalent being the AT&T building at Shelter Coves Town Center, which has ORANGE awnings above the windows and doors. The official and I met at my site and I questioned her about the use of Orange at the AT&T location. She stated that if I began to look throughout the island, I would see lots more orange. This statement was confusing to me, being that staff recommended muting the color. I stated that in my opinion, this is a good argument to appeal. My understanding was that an appeal would have to go to circuit court. She verified my understanding and suggested to bring the issue back before the DRB. She stated that I had raised a very obvious point and that she felt I had a good chance for approval. She even said that she would waive the application fee so that I could bring it before the Board. I began to drive throughout the island and noticed more uses of the orange color. I took photos, wrote a narrative to support my findings and requested for the DRB to rescind the motion regarding the use of Orange throughout my establishment. I just want to restate it, my color is not Orange, but a Cedar Natural Tone Satin (TRANSPARENT).

On 9-22-15 DRB meeting town staff stated that they would explain to the board what the process detailed and what their procedures to follow were. Staff stated that I would present my findings to the board. Along with pictures of various establishments throughout the Corridor Overlay District using "orange," I stated that:

"The majority of board members considered my Cedar Natural Tone stain as "ORANGE". Taking that into account, I am requesting that whichever criteria used for these establishments to gain approval, for you to use that same criteria to approve my establishment. It's very obvious that the presence of an orange color tone has already been established throughout the Corridor Overlay District. I am not requesting anything that hasn't been previously approved by the Design Review board. My cedar stain is obviously already muted, in comparison to these approved structures."

Please see DRB-001583-2015

I then requested for the town staff to give a recommendation. Which they denied! I stated that town staff made the suggestion for me to come back before the board. Why would they not give a recommendation? This is really disturbing to me. In my opinion, this is obviously double standards. The DRB along with the staff did not make any comments regarding the pictures I presented. Their motion specifically referenced Orange and I proved that orange had already been established throughout the island. My cedar natural tone stain is muted when compared to previously approved structures. I also requested for the board to give the public the opportunity to speak. Concerned citizens voiced their opinions. They expressed how nice the project was, the risk I took regarding the establishments surroundings, the wood color being as natural as the color inside the council chambers. The difficulty that I was enduring in regards to the town staff. Many other comments were made. Please see minutes.

I am trying to understand the how the EDC is going to help the Town. I believe the Executive Director of the EDC has a heavy load placed upon him. This town needs to acknowledge and support the native community. We are always the last on the list. The available property to make his job successful is located within our communities. He should guide the town towards working with the native community and becoming more flexible when native owned developments are proposed. We should feel as though the town is here to Support us not STOP us.

It truly bothers me that the town is presenting this "**BRING YOUR BUSINESS TO LIFE**" theme and making me go through such hurdles in order to move forward. The LMO was supposed to be rewritten to make things easier. I am trying to establish a new small business on Hilton Head Island. I am trying to make a place for my kids to always be able to call home. The struggles that island natives face daily, is truly a fight for survival and our continued presence and heritage.

I hope and pray that my words will touch you all. There are very obvious inconsistencies throughout the island. Let me leave you all with: **IS LIFE GOOD ON THE ISLAND? IF SO, FOR WHO?**

The Resource Committee for Native Island Affairs appointed by the Town Council

VISION STATEMENT

R/UDAT. On December 19, 1995

“Our vision for the Native Island Community of Hilton Head is that we not be treated as, viewed as, nor live as second class citizens; but, as equals of the other communities of Hilton Head Island. However, we must not be forced to become another *plantation*, but retain our character and our culture. We must view ourselves as ‘PEOPLE WITH A PROBLEM’ rather than ‘PROBLEM PEOPLE.’ Residents of the other communities on the island must gain a better understanding of *their role* in creating some of the problems faced by Native Islanders. *They* must develop a more caring attitude and a willingness to work with Native Islanders to improve relationships and to build a better community for everyone. Together, we must build a single community to replace the patch work of communities that now exist on our island.”⁶

JUST SOME FOOD FOR THOUGHT

Thank you for your time. I hope and pray that something can be done to help expedite the approval of my establishment. I’m being told that I also need to apply for variances. Which such a small lot it’s very difficult to comply with LMO Rules.

Praying for the chance to establish a small business and promote economic development on Hilton Head Island.

Truly,

TAI

843-290-0868 (anytime)

Lewis Teri

From: Lewis Teri
Sent: Thursday, September 24, 2015 12:18 PM
To: taifr@hotmail.com
Subject: Marshland Road Site

Tai-
As we discussed today please submit a letter signed by you and your neighbor that states how the two of you function as a single development. Please submit this letter to me. If I can approve the elimination of the adjacent use buffer and setback I will let you know that and then you can advise your surveyor to show that there is no adjacent use buffer/setback on that side of the property. Please remember that you still do not have an approved Minor DPR application. You must re-submit the site plan as well as the other items that were listed in Anne's September 2, 2015 letter before staff can continue to review the application. Based on our discussion today the narrative should state how you will be handling the electric vehicle charging station requirement and the site plan should indicate which parking space you plan to place the sign in front of.

Please submit any information related to this application to me. If you need to discuss the requirements further, please contact me.

I regret that we cannot see eye to eye on this application and that you continue to state that staff is trying to everything we can to not help you. Despite how you have gone about this process, staff has done everything possible to try to find flexibility for your development and to help you through the various processes.

Regards-
Teri B. Lewis, AICP
LMO Official
Community Development Department
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-4698(p)
(843) 842-8907(f)
teril@hiltonheadislandsc.gov

Foster Jill

From: Spruce Richard
Sent: Thursday, October 01, 2015 9:54 AM
To: Foster Jill
Subject: Marshland Road Food establishment

When Teri and I met with Tai in the very beginning the requirements for elevations, due to flood requirements; accessibility; and sanitary facilities were all brought to Tai' attention. We discussed the ramps that would be required to provide the accessibility to both the restrooms and the sales counters.

As the property sits at this time the following items would be required for a commercial structure, or a residential structure that was to become a commercial building:

1. The residential storage shed appears to be proposed as the storage for the food truck. As long as it is only storage, the building can be dry or wet floodproofed. The easiest way to accomplish this is to provide a minimum of two flood vents that would provide 1 square inch of vent for each square foot of the enclosed space.
2. No permit would be required for the food truck since it is a mobile structure, however the electrical and plumbing feeds need to be inspected to ensure they were installed properly.
3. Since this is a "permanent" open air sales, sanitary facilities are required per the IBC Chapter 29. In this chapter I can see the allowance of only requiring one restroom that is unisex due to the proposed occupant load, including open air seating. Per the town' previously allowed requirements for required sanitary facilities that are under 300 square feet in size this restroom could be located below the base flood elevation (BFE).
4. The fence would not require a building permit if the height is 7 feet or less. The screen around the mobile restaurant may be above the 7 foot requirement and would require a permit but further investigation into this would be required. There are no building code requirements that would prohibit a permanent portable restroom as long as it was the accessible type and all sanitary facilities were provided, which includes the capability of hand washing.
5. The accessible parking space is required to be marked, identified, and be the proper size per the ICC/ANSI A117.1 and the town' LMO.
6. Address numbers are required to be posted so that they are visible from the road it numbers off of per the International Fire Code section 505.

With a recent on site walk around I noticed an exterior sink that is located below the BFE. I talked to Tai and came up with a solution that the sink could stay there as long as it had a quick disconnect and the sink would be removed from the property during an evacuation event along with the food truck. An written evacuation plan will be required outlining all of these requirements from Tai before the final approval of the use of the property could be given.

got it → sink + trailer

Foster Jill

From: Cyran Anne
Sent: Friday, October 02, 2015 4:16 PM
To: Foster Jill
Subject: RE: revised timeline

Jill,

Do you want me to send the updated letter regarding application requirements to Tai?

Thanks,

Anne Cyran, AICP
Senior Planner
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-4697
annec@hiltonheadislandsc.gov

From: Cyran Anne
Sent: Thursday, October 01, 2015 4:54 PM
To: Foster Jill; Lewis Teri
Subject: RE: revised timeline

I updated the Letter re: Application Requirements (what he'll need to complete the Minor DPR application) to reflect our conversations/determinations since the letter was sent on September 2nd.

For the impact fees, I used the "Convenience Market, No Gas Pumps" use for Beaufort County and the "Specialty Retail <50,000 sf" for the Town.

[I:\Development Review\Expedited Plan Review\2015\DPR-1584-2015 - Gullah Geechee Catering\DPR-1584-2015 Letter re Application Requirements - Updated 10-02-2015.docx](#)

Anne Cyran, AICP
Senior Planner
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-4697
annec@hiltonheadislandsc.gov

From: Foster Jill
Sent: Thursday, October 01, 2015 4:12 PM
To: Lewis Teri; Cyran Anne
Subject: revised timeline

[I:\Development Review\Expedited Plan Review\2015\DPR-1584-2015 - Gullah Geechee Catering\DPR-1584-2015 Timeline 09-16-2015 jfrevised.docx](#)

Please check for accuracy and completeness. Add any event that is not recorded here, if you think it is pertinent. I took out some things like: Tai asked to set up a meeting, and just described the meeting itself.

More to follow.

Anne—I want to get with you to see what he needs to do to have a 'complete' DPR application.

Foster Jill

From: Taiwan scott <taifr@hotmail.com>
Sent: Monday, October 05, 2015 9:26 AM
To: Foster Jill
Subject: 15 Marshland Rd
Attachments: 5-1655 REV.pdf; Narrative of Development Marshland.docx

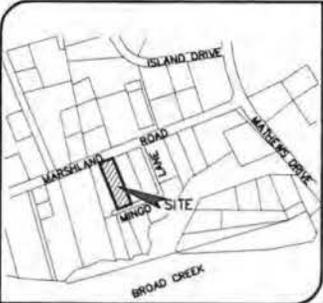
Jill,

As discussed, please find the requested DPR information attached.

Thank you for your time and efforts regarding this very disturbing matter.

I look forward to hearing from you

tai
843-290-0868



LINE	LENGTH	BEARING
L1	23.39	N 80°28'29" W
L2	29.80	N 00°47'22" W
L3	9.21	N 72°03'42" E
L4	21.96	S 78°51'59" W
L5	40.83	S 71°45'58" W
L6	13.05	N 11°03'00" W
L7	9.20	N 61°53'11" E
L8	30.39	N 28°30'12" W
L9	54.38	N 72°34'25" E

ZONING DISTRICT IS MF, MARSHFRONT MIXED USE

PROPERTY AREA = 0.76 Ac. 33,300 SQ FT (TOTAL)
 HIGH GROUND = 0.69 Ac. 30,838 SQ FT
 TIDAL MARSH = 0.07 Ac. 2,462 SQ FT
 IMPERVIOUS COVERAGE IS 2,844 SQ FT (9.2%)

LOT 9
 R510 008 000 0460 0000
 FORD HERBERT
 19 MARSHLAND RD
 HILTON HEAD ISLAND SC 29925

SYMBOLS

- TREE SIZES ARE INCHES IN DIAMETER
- ⊕ - ELECTRIC SERVICE
 - ⊕ - ELECTRIC TRANSFORMER
 - ⊕ - TELEVISION SERVICE
 - - WATER METER
 - ⊕ - SEPTIC PUMP
 - ⊕ - UTILITY POLE
 - ☆ - LIGHT POLE
 - IPF ○ - 1/2" IRON PIN FOUND
 - IPSO ○ - 1/2" IRON PIN SET WITH CAP
 - PKSO ○ - PK SET
 - ⊕ - WATER LATERAL
 - ⊕ - SPIGOT
 - ⊕ - WETLAND FLAG
 - ⊕ - AC UNIT
 - ⊕ - SPOT ELEVATION
 - LD - LIVE OAK
 - PN - PINE
 - G - GUM
 - BN - BANANA

REFERENCE PLATS

- PLAT OF SURVEY OF LOTS 9,12,13, (2.009 AC.) MINGO GREEN ESTATE, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA
 DRAWN: 04/14/97, LAST REVISED: 11/12/97
 RECORDED IN BOOK 63, PAGE 101, DATED: 1/12/98
 RMC, BEAUFORT COUNTY, SC
 BY: M.A. DUNHAM, S.C.R.L.S. NO. 11590
- PLAT SHOWING DIVISION OF LAND NOW OWNED BY MINGO GREEN ESTATE, LOCATED HILTON HEAD T.W.P., BEAUFORT COUNTY, S.C. ON HILTON HEAD ISLAND AND ON N.W. SIDE OF PAVED ROAD S-245 NEAR INTERSECTION WITH OLD S.C. #46.
 DRAWN: 3/09/85
 RECORDED IN BOOK 17, PAGE: 104, DATED
 RMC, BEAUFORT COUNTY, SC
 BY: O.L.CLOUD S.C.R.L.S. (NONE SHOWN)

PROPERTY AREA = 0.76 Ac. 33,300 SQ FT (TOTAL)
 HIGH GROUND = 0.69 Ac. 30,838 SQ FT
 TIDAL MARSH = 0.07 Ac. 2,462 SQ FT
 ADDRESS: # 13 MARSHLAND ROAD
 DISTRICT: 510 · MAP: 8 · PARCEL: 13G
 THIS PROPERTY LIES IN F.E.M.A. ZONE A7 - 14.0'
 COMMUNITY NO. 450250, PANEL: 00140, DATED: 9/28/86

NOTES:

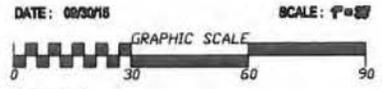
- THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH BY SEA ISLAND LAND SURVEY, LLC.
- THIS PROPERTY MAY BE SUBJECT TO EASEMENTS OF RECORD AND COVENANT RESTRICTIONS AS RECORDED IN THE OFFICE OF THE ROD FOR BEAUFORT COUNTY.
- SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988.
- BUILDING SETBACKS, WHETHER SHOWN OR NOT, SHOULD BE VERIFIED BY THE LOCAL BUILDING AUTHORITY OR ARCHITECTURAL REVIEW BOARD.
- USE OF THIS PROPERTY MAY BE AFFECTED BY THE TERMS OF COVENANTS RELATING TO THIS PLANNED RESIDENTIAL COMMUNITY.

NOT VALID UNLESS EMBOSSED



LOT 7
 R510 008 000 0137 0000
 BAILEY CHARLES S RALPH E
 PO BOX 253
 ST HELENA ISL SC 29920

SITE PLAN OF:
 GULLAH GEECHEE CATERING
 LOT 8, ESTATE OF MINGO GREEN
 MARSHLAND COMMUNITY, HILTON HEAD ISLAND,
 BEAUFORT COUNTY, SOUTH CAROLINA
 PREPARED FOR: TAWAN SCOTT



SL Sea Island Land Survey, LLC.
 40 Mathews Court,
 Hilton Head Island,
 SC 29928
 TEL: (843) 681-3248
 FAX: (843) 688-3871
 E-mail: slls@sprynet.com
 FILE No: 072235 DWG No.: 6-1669REV

COPYRIGHT © BY SEA ISLAND LAND SURVEY, LLC. 048 17

Narrative of Development

15 Marshland Road

This development will provide food to the public through a self-contained DEHEC Approved unit. The public will have the opportunity to place orders to go or elect to sit down at the covered deck and enjoy the natural setting. This open air sales site will feature a local seafood and produce stand which will also display local products. There are plans for a weekly farmers market with local vendors for this site. There are also plans to work with other family owned businesses throughout the island such as, The Gullah Heritage Tours to add this site to one of the stops on the tour.

The food supply for the Unit will be purchased on an, as needed bases, and will be picked up from local super markets. The refuse will be handled daily by occupants. There are currently 6 available bicycle parking spaces with room for expansion. The site will feature 10 parking spaces of which 1 will be dedicated handicapped. This open air site use only requires 3 parking spaces base on the s/f. Regarding the EV charging station. As stated within the LMO, we will provide an electrical charging point via an electrical cord which will transfer current to the vehicles battery. We will display a sign which reads "Electric Vehicle charging available upon request." This meets LMO 16-5-107 standards.

Foster Jill

From: taihhi20@gmail.com on behalf of Taiwan Scott <taifr@hotmail.com>
Sent: Monday, October 05, 2015 9:58 AM
To: Foster Jill
Subject: RE: 15 Marshland Rd

No, Thank You Jill !!!

On Oct 5, 2015 9:30 AM, "Foster Jill" <JillF@hiltonheadislandsc.gov> wrote:

Got it! Thanks, Tai.

From: Taiwan scott [mailto:taifr@hotmail.com]
Sent: Monday, October 05, 2015 9:26 AM
To: Foster Jill
Subject: 15 Marshland Rd

Jill,

As discussed, please find the requested DPR information attached.

Thank you for your time and efforts regarding this very disturbing matter.

I look forward to hearing from you

tai
[843-290-0868](tel:843-290-0868)

This email 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 have received this email in error please notify the originator of the message.

Any views expressed in this message are those of the individual sender.

This message has been scanned for viruses and spam by McAfee.

Foster Jill

From: taihhi20@gmail.com on behalf of Taiwan Scott <taifr@hotmail.com>
Sent: Tuesday, October 06, 2015 2:04 PM
To: Foster Jill
Subject: RE: Signs

Jill,
Thanks for all that you are doing.

Tai

On Oct 6, 2015 1:57 PM, "Foster Jill" <JillF@hiltonheadislandsc.gov> wrote:

Thanks, Tai. I will send it to staff for preliminary look-see. I am still working on a list of remaining items for the DPR and will contact you shortly.

Jill

From: Taiwan scott [mailto:taifr@hotmail.com]
Sent: Tuesday, October 06, 2015 1:53 PM
To: Foster Jill
Subject: FW: Signs

Jill,

Please find attached a copy of the proposed sign for the development. Just thought that it would be best to try and send as much information over as possible.

If this is acceptable then will submit the sign application.

Thanks again for your help

tai
[843-290-0868](tel:843-290-0868)

From: Signdoc689@aol.com
Date: Tue, 6 Oct 2015 11:39:37 -0400
Subject: Signs
To: taifr@hotmail.com

Tai,

How about this?

This email 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 have received this email in error please notify the originator of the message.

Any views expressed in this message are those of the individual sender.

This message has been scanned for viruses and spam by McAfee.

Foster Jill

From: Taiwan scott <taifr@hotmail.com>
Sent: Tuesday, October 06, 2015 1:53 PM
To: Foster Jill
Subject: FW: Signs
Attachments: Beautiful Is. Square.pdf

Jill,

Please find attached a copy of the proposed sign for the development. Just thought that it would be best to try and send as much information over as possible.

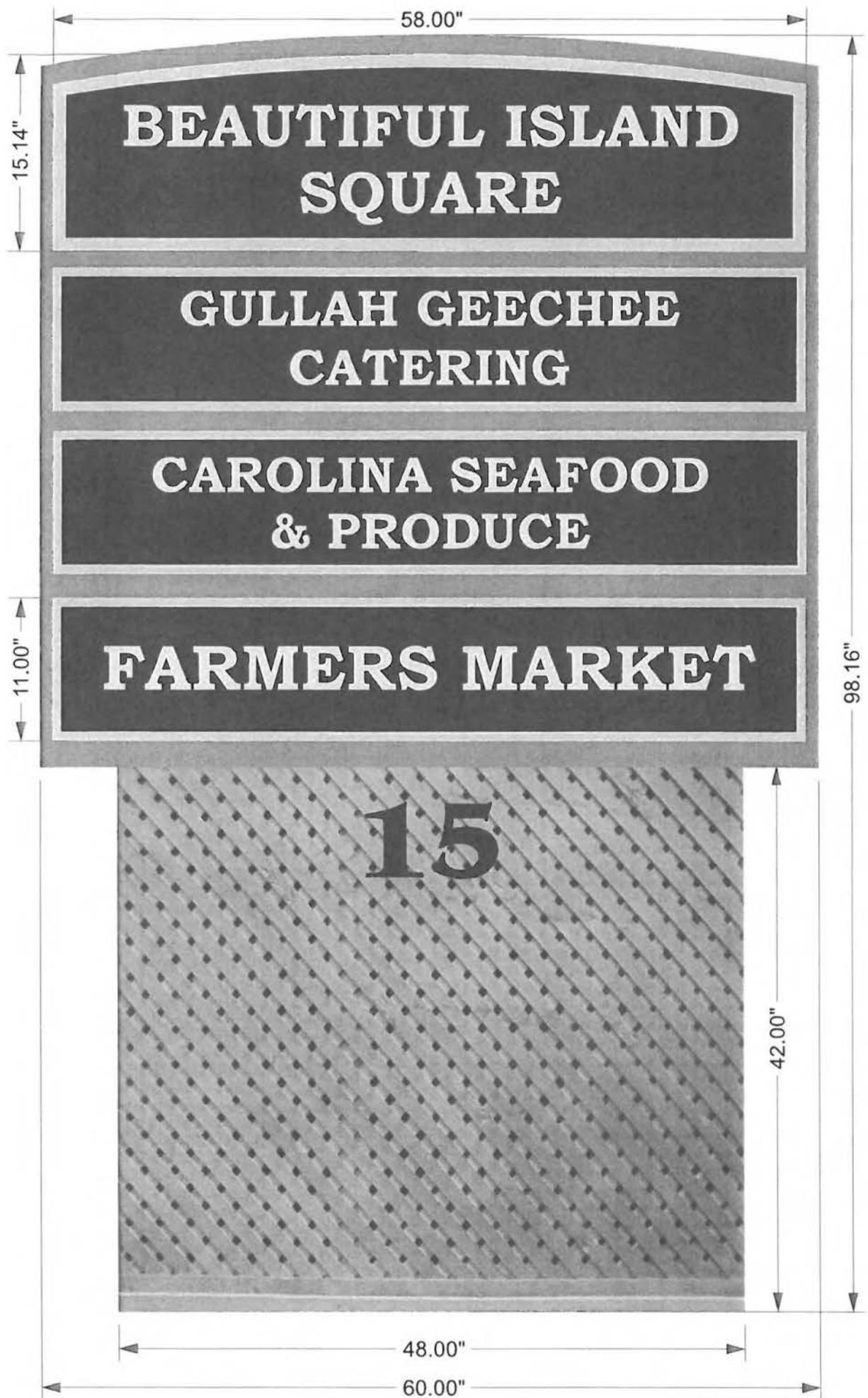
If this is acceptable then will submit the sign application.

Thanks again for your help

tai
843-290-0868

From: Signdoc689@aol.com
Date: Tue, 6 Oct 2015 11:39:37 -0400
Subject: Signs
To: taifr@hotmail.com

Tai,
How about this?



**BEAUTIFUL ISLAND
SQUARE**

**GULLAH GEECHEE
CATERING**

**CAROLINA SEAFOOD
& PRODUCE**

FARMERS MARKET

15

48.00"

60.00"

15.14"

11.00"

42.00"

98.16"

Foster Jill

From: Colin Heather
Sent: Tuesday, October 06, 2015 1:47 PM
To: pnardi@hhpsd.com
Cc: Foster Jill; Lewis Teri
Subject: FW: 15 Marshland Rd

Pete –

I'm not sure if Arnold is in or not (I'm sure you all are very busy with all of this rain as well, so I'm sorry to bother you), but this issue has become a high priority here. Can you help me out with this, or direct me to someone who can? I'm not even sure that Arnold is the right person to ask.

Thanks,

*Heather Colin, AICP
Development Review Administrator
(843)341-4607*

From: Colin Heather
Sent: Tuesday, October 06, 2015 10:13 AM
To: 'aellison@hhpsd.com'
Cc: Lewis Teri
Subject: 15 Marshland Rd

Arnold –

I just wanted to follow up on the voicemail that I left you concerning what approvals and/or fees are required for Taiwan Scott's proposed restaurant, Gullah Geechee Catering at 15 Marshland Road.

We are working with him on resolving various Town regulations and requirements and want to make sure that he has the appropriate approvals from the PSD.

Can you either forward me his approval from you all or let me know what you still need from him in order to issue an approval?

Thanks-

*Heather L. Colin, AICP
Development Review Administrator*

Community Development Department
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
phone (843) 341-4607
fax (843) 842-8908

Foster Jill

From: Heath Nancy
Sent: Tuesday, October 06, 2015 11:03 AM
To: Foster Jill
Cc: Horsman Donna
Subject: 15 Marshland Road - 2025-2014

Jill,

Donna and I reviewed the fee issue on the 15 Marshland Road permit and determined that he was overcharged. He should have been charged on heated square footage for the shed and ½ of that for the deck.

\$15,442.00 is the value of construction for the shed and \$7,722.40 is the value of construction for the deck. Total: \$23,164.40

The correct fee for this value of construction for residential new structures is: \$133.00. I will request a refund.

Energov is going to correct the fee status of the deleted fees.

Nancy

*Nancy Heath
Town of Hilton Head Island
Community Development Department
Applications / Records Manager
843-341-4663 fax: 843-842-8587*

Foster Jill

From: Klein Bob
Sent: Wednesday, October 07, 2015 3:23 PM
To: Kaminski Todd; Lewis Teri
Cc: Foster Jill; Spruce Richard; Hulbert Brian
Subject: RE: Tai Scott

I believe Jill wanted to hold off on the postings till the letter was finished and sent to Tai. See her email sent at 2:44pm.....

From: Kaminski Todd
Sent: October 07, 2015 2:55 PM
To: Klein Bob; Lewis Teri
Cc: Foster Jill; Spruce Richard; Hulbert Brian
Subject: RE: Tai Scott

I posted a stop work for Teri about 30 minutes ago. Just an fyi

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Klein Bob <bobk@hiltonheadislandsc.gov>
Date: 10/7/2015 2:42 PM (GMT-05:00)
To: Lewis Teri <TeriL@hiltonheadislandsc.gov>
Cc: Foster Jill <JillF@hiltonheadislandsc.gov>, Spruce Richard <RichardS@hiltonheadislandsc.gov>, Kaminski Todd <toddk@hiltonheadislandsc.gov>, Hulbert Brian <brianh@hiltonheadislandsc.gov>
Subject: Tai Scott

Terri,

We're ready to post the building code stop works, let me know when you're ready to post the LMO stop works. Richard is assigned to monitor the issue, but I will accompany him for the initial posting.

Bob



Robert Klein CBO
Town of Hilton Head Island
Chief Building Official

(843) 341-4664 Work
(843) 226-0053 Mobile
bobk@hiltonheadislandsc.gov
One Town Center Court
Hilton Head Island, SC 29928



Foster Jill

From: Klein Bob
Sent: Wednesday, October 07, 2015 3:18 PM
To: Kaminski Todd; Lewis Teri
Cc: Foster Jill; Spruce Richard; Hulbert Brian
Subject: RE: Tai Scott

OK we will be posting 2, one on the bathroom/shed and one on the fence.

From: Kaminski Todd
Sent: October 07, 2015 2:55 PM
To: Klein Bob; Lewis Teri
Cc: Foster Jill; Spruce Richard; Hulbert Brian
Subject: RE: Tai Scott

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Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

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Date: 10/7/2015 2:42 PM (GMT-05:00)
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Subject: Tai Scott

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Subject: Tai Scott

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Bob



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Town of Hilton Head Island
Chief Building Official

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(843) 226-0053 Mobile
bobk@hiltonheadislandsc.gov
One Town Center Court
Hilton Head Island, SC 29928



Foster Jill

From: Klein Bob
Sent: Wednesday, October 07, 2015 2:43 PM
To: Lewis Teri
Cc: Foster Jill; Spruce Richard; Kaminski Todd; Hulbert Brian
Subject: Tai Scott

Terri,

Were ready to post the building code stop works, let me know when you're ready to post the LMO stop works. Richard is assigned to monitor the issue, but I will accompany him for the initial posting.

Bob



Robert Klein CBO
Town of Hilton Head Island
Chief Building Official

(843) 341-4664 Work
(843) 226-0053 Mobile
bobk@hiltonheadislandsc.gov
One Town Center Court
Hilton Head Island, SC 29928



Foster Jill

From: Taiwan scott <taifr@hotmail.com>
Sent: Wednesday, October 07, 2015 3:43 PM
To: Foster Jill
Subject: FW: 15 Marshland Road
Attachments: stop work order.pdf

Jill,

I just went to the site and this is posted. As you can see from the forwarded e-mail I responded to her regarding not leveling the dirt, until the notice of action is issued. Was this called for? Is she aware that I met with the Building Codes official on Monday and he has requested for work to be done on site?

I have been asked to pull permits and proceed with required work.

Where is the communication amongst the departments? Or is this another very obvious display of POWER? Is this a joke?

Jill, Please try to help me move forward with this ASAP and any correspondence to me comes through you.

Thank You

TAI
843-290-0868

Date: Wed, 7 Oct 2015 15:24:26 -0400
Subject: Fwd: Re: 15 Marshland Road
From: taifr@hotmail.com
To: taifr@hotmail.com

----- Forwarded message -----

From: "Taiwan Scott" <taifr@hotmail.com>
Date: Oct 1, 2015 4:15 PM
Subject: Re: 15 Marshland Road
To: "Lewis Teri" <TeriL@hiltonheadislandsc.gov>
Cc:

Terry,

Don't worry, the pile of dirt will not be touch until the notice of action is issued.

Tai

On Oct 1, 2015 3:40 PM, "Lewis Teri" <TeriL@hiltonheadislandsc.gov> wrote:

Tai-

During a routine site visit, I noticed that a pile of dirt had been delivered to the above address. As we discussed on the phone yesterday, no work can be done on the site until a Development Plan Review (DPR) notice of action has been issued. Please make sure that nothing is done with that pile of dirt and that no work at all takes place on the site until such time that a DPR notice of action has been issued to you.

Regards-

Teri B. Lewis, AICP

LMO Official

Community Development Department

One Town Center Court

Hilton Head Island, SC 29928

(843) 341-4698(p)

(843) 842-8907(f)

teril@hiltonheadislandsc.gov

This email 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 have received this email in error please notify the originator of the message.

Any views expressed in this message are those of the individual sender.

This message has been scanned for viruses and spam by McAfee.

STOP WORK ORDER

For the following violation(s) of Title 16, Land Management Ordinance, of the Town of Hilton Head Island Municipal Code:

LMO Sec. 16-8.103.A

LMO Sec. 16-8.103.B

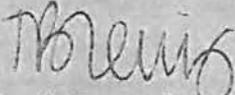
LMO Sec. 16-8-103.C

LMO Sec. 16-8-103.K

LMO Sec. 16-8-103.Q

LMO Sec. 16-8-103.T

Address of Violation: 15 Marshland Road
Parcel R510 008 000 013H 0000


Teri Lewis, LMO Official
DATE: October 7, 2015
(843) 341-4698

AS PROVIDED IN LMO 16-8-106.C, THE LMO OFFICIAL MAY ISSUE A STOP WORK ORDER AGAINST ANY ACTIONS IN VIOLATION OF TITLE 16.

REMOVAL OF THIS STOP WORK ORDER BY UNAUTHORIZED PERSONS IS UNLAWFUL. VIOLATIONS ARE SUBJECTED TO A PENALTY OF UP TO \$1,092 OR UP TO THIRTY (30) DAYS IN JAIL AS DESCRIBED IN SECTION 16-8-111 PENALTIES OF THE LMO. EACH DAY CONSTITUTES A SEPARATE OFFENSE.

Foster Jill

From: Taiwan scott <taifr@hotmail.com>
Sent: Wednesday, October 07, 2015 3:43 PM
To: Foster Jill
Subject: FW: 15 Marshland Road
Attachments: stop work order.pdf

Jill,

I just went to the site and this is posted. As you can see from the forwarded e-mail I responded to her regarding not leveling the dirt, until the notice of action is issued. Was this called for? Is she aware that I met with the Building Codes official on Monday and he has requested for work to be done on site?

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Thank You

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Terry,

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Regards-

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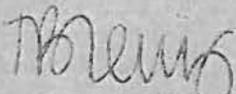
LMO Sec. 16-8-103.C

LMO Sec. 16-8-103.K

LMO Sec. 16-8-103.Q

LMO Sec. 16-8-103.T

Address of Violation: 15 Marshland Road
Parcel R510 008 000 013H 0000


Teri Lewis, LMO Official

DATE: October 7, 2015

(843) 341-4698

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Foster Jill

From: Tmbdab@aol.com
Sent: Thursday, October 08, 2015 3:28 PM
To: Foster Jill
Subject: Comments I am receiving from business people in the area

Jill,

Gullah Catering Site

This situation has now become vindictive with the town personnel. The neighbor who went to the DRB to assist Tai has now been attacked via his business, by town officials, and things like STOP WORK ORDERS on his site would never be issued because had Tai not gone to the town recently, they would never have visited his site on Marshland road, they would have driven right passed it.

I am becoming a lightning rod for town complaints...WHY? Because they can't go to the town, they are afraid of the treatment they will get in the future. As one fellow said, "it never gets better".

Comment I received today from a very prominent business owner in the area:

I sure hope Tai files in circuit court. Once that occurs I believe the citizens should file a public officials lawsuit for the Town's failure to protect taxpayer funds by entering and forcing legal actions against the Town thus expending resources which so not warrant the situation. This is causing the Town to lose future tax revenue due to unwarranted decisions.

This just shows that what happens when guidelines are stretched into laws by those enforcing them and writing them.

The town measures nothing when it comes to performance. If it does, please send me something. When it comes to small businesses, they get totally different treatment than the big guys and everyone knows it and no one denies it. The performance measures should include all those businesses that start the process vs. those that drop out. Why do the Blanchards of the world get people to work with them to mentor them in the process and grease the skids with the town and the little guys, many of them simply throw in the towel and walk away from their business plans because the town makes it impossible or too expensive to follow through. The town should apply for grants to give the employees one year paid leave to build a business on HHI and experience themselves the nightmares and sleepless nights they have caused small business owners.

We put warnings on cigarettes, but don't warn anyone about how the town works and how hazardous it is to your health. Jill, I am not blaming you for all this, I know Town Council and the Town Manager keep their heads in the sand on this issue. It is embarrassing that most of them have college educations and can't fix this and have always given it lip service, if any service at all.

Don Brashears
843 290-053

Don

Foster Jill

From: Fister Joheida
Sent: Thursday, October 08, 2015 4:43 PM
To: Foster Jill; Lewis Teri
Subject: RE: Tai Scott's 15 Marshland Road mobile food truck

We did our fire inspection for the business license and cleared their violations. Approval was given on 9/30/2015. The license was also approved by planning on 9/28.

THANK YOU,
Joheida



Sign up for the Town's [E-subscription](#) service to receive emergency alerts & public education information

From: Foster Jill
Sent: Tuesday, October 06, 2015 3:23 PM
To: Cyran Anne; Heath Nancy; Colin Heather; Lewis Teri; Spruce Richard; Yates Chris; Fister Joheida; Ray Jennifer
Subject: Tai Scott's 15 Marshland Road mobile food truck

I am trying to sort out what all has happened on this development and what all needs to happen. Do not do any other thing on this site until we can figure all this out.

If you have something that you have to do on this site, please contact me first.

Teri is going to route around a PARTIAL DPR site plan for preliminary comments. Go ahead & give her comments on what she gives you.

I will be talking to Tai about what feedback we get from everyone once it is all collected.

Everyone—please send out no more letters to Tai without first consulting me. It might be a duplicate of a letter I am preparing for him.

THANKS!

Foster Jill

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Don Brashears
843 290-053

Don

Foster Jill

From: Wallace Sarah
Sent: Friday, October 09, 2015 1:23 PM
To: Foster Jill
Subject: TIA SCOTT

Importance: High

IS HERE TO SEE YOU ABOUT THE STOP WORK THAT HE JUST RECEIVED!

Sarah H. Wallace
Town of Hilton Head
Community Development
Services Coordinator
1 Town Center Ct
Hilton Head Isl, SC 29928

843-341-4757

www.hiltonheadislandsc.gov

sarahw@hiltonheadislandsc.gov

Foster Jill

From: Cousins Charles
Sent: Monday, October 12, 2015 9:21 AM
To: Foster Jill
Subject: FW: Tai's place - Gullah Geechee Catering

From: Riley Steve
Sent: Monday, October 12, 2015 8:38 AM
To: Deloach Greg; Cousins Charles
Subject: FW: Tai's place - Gullah Geechee Catering

Steve Riley

Town Manager
Town of Hilton Head Island
843.341.4700

From: Bennett, David
Sent: Friday, October 09, 2015 3:46 PM
To: Riley Steve
Subject: FW: Tai's place - Gullah Geechee Catering

Steve: FYI. I did speak with Alex Brown about this matter yesterday and there is supposed to be meeting of native islanders next week, with this matter on the agenda. DB

From: Tmbdab@aol.com [Tmbdab@aol.com]
Sent: Friday, October 09, 2015 3:19 PM
To: dkirkman@hhiedc.com
Subject: Tai's place - Gullah Geechee Catering

Don,

Thinking about your comment about a high wall to climb, the town is not cooperating and trying to help Tai open a business. He is a stereotypical example of the treatment of small businesses on HHI in my opinion. The issue now is something I never do in business, threaten, and he has been threatened by the Town (i.e. we will be seeking legal counsel to see how we are going to proceed). This now opens a lot of doors. Besides getting his neighbor in to talk, and turning him 180 degrees against Tai and his business, besides all the silly dictates, they now want to push him to the BZA which we have already figured out is so he can be denied his variance, and his business, and told to get out, and the Town won't have any responsibility.

This is the worst behavior by any entity, government or business, I have ever seen. I have worked on major issues with OSHA, the Department of Labor, and the EPA and have never seen such unethical conduct and lack of common sense.

I will assist Tai in whatever he needs to scale this wall.

Don Brashears
843 290-0593

Spruce Richard

From: Spruce Richard
Sent: Tuesday, October 13, 2015 12:34 PM
To: Foster Jill
Subject: 15 Marshland Road

Wayne called me a few minutes ago and stated that Bob had told him to have someone go by today and take a picture. Wayne was confused because Chris had told him to have everyone stay away from that site. I advised Wayne to have someone go by to check to see if there were any changes to the site. Nothing else was to be done. Waymon will be going by this afternoon.

Foster Jill

From: Cousins Charles
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To: Foster Jill
Subject: FW: Tai's place - Gullah Geechee Catering

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Don Brashears
843 290-0593

From: [Fister Joheida](#)
To: [Foster Jill](#)
Subject: RE: Tai Scott's 15 Marshland Road mobile food truck
Date: Monday, October 12, 2015 9:34:10 AM

They have some minor thing to fix.

Post address
Fill open spaces in electrical panel
Provide a fire extinguisher

Note was also added to get a permit for installation of the propane tank before they install

THANK YOU,
Joheida



Sign up for the Town's [E-subscription](#) service to receive emergency alerts & public education information

From: Foster Jill
Sent: Friday, October 09, 2015 8:36 AM
To: Fister Joheida
Subject: RE: Tai Scott's 15 Marshland Road mobile food truck

Ok. What were the violations? Besides adding the restroom without a permit....

From: Fister Joheida
Sent: Thursday, October 08, 2015 4:43 PM
To: Foster Jill; Lewis Teri
Subject: RE: Tai Scott's 15 Marshland Road mobile food truck

We did our fire inspection for the business license and cleared their violations. Approval was given on 9/30/2015. The license was also approved by planning on 9/28.

THANK YOU,
Joheida



Joheida B. Fister
Fire Marshal
Hilton Head Island Fire Rescue
40 Summit Drive
Hilton Head Island, SC 29926

843-682-5100 Work
843-247-3741 Mobile

JoheidaF@hiltonheadislandsc.gov

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From: Foster Jill

Sent: Tuesday, October 06, 2015 3:23 PM

To: Cyran Anne; Heath Nancy; Colin Heather; Lewis Teri; Spruce Richard; Yates Chris; Fister Joheida; Ray Jennifer

Subject: Tai Scott's 15 Marshland Road mobile food truck

I am trying to sort out what all has happened on this development and what all needs to happen. Do not do any other thing on this site until we can figure all this out.

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Teri is going to route around a PARTIAL DPR site plan for preliminary comments. Go ahead & give her comments on what she gives you.

I will be talking to Tai about what feedback we get from everyone once it is all collected.

Everyone—please send out no more letters to Tai without first consulting me. It might be a duplicate of a letter I am preparing for him.

THANKS!

Foster Jill

From: Akins April
Sent: Monday, October 12, 2015 1:18 PM
To: Cousins Charles; Foster Jill
Subject: Gullah Geechee Catering & Beautiful Island
Attachments: 18269 Beautiful Island BI App.pdf; 18269 Beautiful Island BL.pdf; 18348 Gullah Geechee Catering BL App.pdf; 18348 Gullah Geechee BL.pdf

Hello,

I have attached the business license applications and copies of business licenses issued for Gullah Geechee Catering LLC and Beautiful Island LLC.

According to the owners of Gullah Geechee they are only catering until they receive approval for DRB.

Please let me know if you need anything further.

Enjoy your afternoon,

April Akins

Revenue Specialist

Town of Hilton Head Island

One Town Center Court

Hilton Head Island, SC 29928

Email: aprila@hiltonheadislandsc.gov

Office (843) 341-4613

Fax (843)341-4637

Visit us online! www.hiltonheadislandsc.gov

Foster Jill

From: Spruce Richard
Sent: Tuesday, October 13, 2015 1:05 PM
To: Foster Jill
Subject: RE: items needed for Tai

The fence along the property line would not require a building permit since it is less than 7 feet high.

From: Foster Jill
Sent: Tuesday, October 13, 2015 11:39 AM
To: Spruce Richard; Lewis Teri
Cc: Fister Joheida
Subject: items needed for Tai

See attachment or link at <I:\Development Review\Expedited Plan Review\2015\DPR-1584-2015 - Gullah Geechee Catering\Items Still Needed for DPR Application Review.docx>

Please check this and add anything or clarify anything. We want as complete a list as possible to give Tai at next week's meeting.

Joheida—do you still have anything besides the propane tank permit?

Foster Jill

From: Spruce Richard
Sent: Tuesday, October 13, 2015 12:34 PM
To: Foster Jill
Subject: 15 Marshland Road

Wayne called me a few minutes ago and stated that Bob had told him to have someone go by today and take a picture. Wayne was confused because Chris had told him to have everyone stay away from that site. I advised Wayne to have someone go by to check to see if there were any changes to the site. Nothing else was to be done. Waymon will be going by this afternoon.

Foster Jill

From: Taiwan scott <taifr@hotmail.com>
Sent: Tuesday, October 13, 2015 11:46 AM
To: Foster Jill
Subject: RE: meeting for Gullah Geechee Catering project

Jill,

I am available anytime next week before 3. Monday I have a 12:30 appointment at the school. Other than that anytime, the sooner the better, just let me know.

Tai

From: JillF@hiltonheadislandsc.gov
To: taifr@hotmail.com
CC: EileenW@hiltonheadislandsc.gov
Subject: meeting for Gullah Geechee Catering project
Date: Tue, 13 Oct 2015 15:32:41 +0000

Howdy Tai-

Charles has asked us to set up a meeting with you, Charles, Teri and Alex Brown next week to further discuss your project and what items remain to be done.

Can you send me some dates & times that you are available so Eileen Wilson can coordinate staff's and Alex's schedules?

Thanks.

Jill

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Foster Jill

From: Fister Joheida
Sent: Tuesday, October 13, 2015 4:34 PM
To: Foster Jill
Subject: RE: items needed for Tai

These things were set for re-inspection this week but I have told Sam to hold for the moment.

Post address
Fill open spaces in electrical panel
Provide a fire extinguisher

THANK YOU,
Joheida



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From: Foster Jill
Sent: Tuesday, October 13, 2015 11:39 AM
To: Spruce Richard; Lewis Teri
Cc: Fister Joheida
Subject: items needed for Tai

See attachment or link at <I:\Development Review\Expedited Plan Review\2015\DPR-1584-2015 - Gullah Geechee Catering\Items Still Needed for DPR Application Review.docx>

Please check this and add anything or clarify anything. We want as complete a list as possible to give Tai at next week's meeting.

Joheida—do you still have anything besides the propane tank permit?

Foster Jill

From: Cousins Charles
Sent: Wednesday, October 14, 2015 6:18 PM
To: Foster Jill
Cc: Lewis Teri
Subject: Fwd: Tai Scott

Please contact alex brown on my behalf and tell him that since Tye has now engaged a lawyer I am not sure why we are meeting with him next week

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Gregg
Date: 10/14/2015 3:51 PM (GMT-05:00)
To: Cousins Charles , Lewis Teri
Subject: Tai Scott

I got a call from Roberts Vaux who wants to meet next week and discuss Mr. Scott's permitting and zoning, etc.,

I will let you know what dates we have next week. Thanks

Gregory M. Alford
Alford & Thoreson, LLC
18 Executive Park Rd., Bldg. 1
P.O. Drawer 8008
Hilton Head Island, SC 29938
(843) 842-5500

Foster Jill

From: Lewis Teri
Sent: Wednesday, October 14, 2015 4:22 PM
To: Foster Jill
Subject: FW: Tai Scott

FYI

Thanks-
Teri

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

From: Gregg [<mailto:gregg@alfordlawsc.com>]
Sent: Wednesday, October 14, 2015 3:51 PM
To: Cousins Charles; Lewis Teri
Subject: Tai Scott

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Gregory M. Alford
Alford & Thoreson, LLC
18 Executive Park Rd., Bldg. 1
P.O. Drawer 8008
Hilton Head Island, SC 29938
(843) 842-5500

Foster Jill

From: Tmbdab@aol.com
Sent: Wednesday, October 21, 2015 5:31 PM
To: Foster Jill
Subject: Tai's place
Attachments: 10-21Letterre15MarshlandRoad.zip

Jill,

Please see review option 1 on the town's letter to Tai. Does the writer understand that small business people do not trust the town and in saying.....if you chose option 1 we will tell you what else you need to do" is a lazy and financially dangerous method to lay something out and ask a business person to trust the town NOT to financially drain them?

I am waiting for the moment that common sense enters in the discussion. There is discretion that is not being used here. The property is built out, now a rebuild, then "trust us" not to bankrupt you with another list of requirements. Your employees need to do internships in private enterprise. I would have been fired for saying to my boss, "here is the plan and if you approve it, I will tell you the rest of the plan and the additional cost, but not until you approve the initial plan". Is this work acceptable in government?

Can you tell me that this makes sense, not from the town's position which is convenience, but for a business person to accept? Put more money in, move everything around and we will then tell you more things that will cost you more time and money? This isn't Kroger and it isn't Popeye's. It is a native islander on a small budget trying to open a business representative of the Gullah culture....the culture and people who were here before we were. His business, as it stands, is a **huge improvement** to the environment in which it has been developed.

What you guys are doing to this person trying to open a small business is just plain wrong. The worst part may be that your staff don't even see that.

Don Brashears
843 290-0593

Foster Jill

From: Lewis Teri
Sent: Wednesday, October 28, 2015 10:51 PM
To: Dixon Nicole
Cc: Foster Jill
Subject: FW: Tai Scott appeal

Nicole-

I apologize if someone already forwarded this to you. I just want to make sure you stay in the loop as the BZA Coordinator. I'm sure the BZA will need Brian's input at the November meeting because I don't think this BZA has ever been asked to subpoena witnesses and I'm sure they will need some guidance. We probably should also find out from Brian if it is appropriate for either him or you to give the Chair and Vice Chair a heads up about the fact that a request for subpoenas will be coming forward so that they can be prepared.

Thanks.

Teri

From: Foster Jill
Sent: Wednesday, October 28, 2015 4:53 PM
To: Lewis Teri; Spruce Richard; Heath Nancy; Colin Heather; Cyran Anne; Ray Jennifer
Cc: Cousins Charles; Hulbert Brian
Subject: Tai Scott appeal

Tai came in today and requested a copy for an appeal. I spoke to him and gave him an application for LMO appeal. Tai showed me a copy of state code that talks about subpoenas for witnesses. Tai wants to subpoena his witnesses. I told him I did not think he needed to subpoena witnesses, that they could come speak on his behalf without a subpoena. I also pointed out that according to the state code, only the board could subpoena witnesses. Tai said that his witnesses would have to be subpoena'ed. I told him I'd get back to him on procedure for such a thing, as I was not aware that it has happened before. Tai also requested the hearing to be scheduled in January, as he missed the November meeting deadline and he's out of state during the December meeting. I told him I thought the 14 day deadline was for submission of the application, and that I thought we could schedule the hearing in January. I asked exactly what Tai wanted to appeal. He said the 'waiver' decision. Not real clear if he meant Teri's not-a-single -development- can't waive-that decision, or the fact that she cannot waive what he's asking her to waive on other issues.

I asked Brian H what the procedure was for getting subpoenas. He said Tai could request in his appeal application for the BZA to subpoena certain people (he needs to give names & addresses where they can be found, and they can only be within HHI—we cannot issue subpoenas outside HHI; and that he'd have to pay BCSO to serve the subpoena). That request can be taken to the November meeting for action, with the actual appeal hearing being in January. IF the board agrees to issue subpoenas, that would give the BCSO and the court time to issue and serve the subpoenas. He has to explain to the board what he expects his witnesses will say; how relevant it is to the case; and why it is necessary for the BZA to hear their testimony. Brian also said the court needs time to write the subpoenas, etc. (not real clear how the subpoenas get written—we'll have to learn that procedure).

Charles requested that I relay to Tai to call Brian for direction on how to request the subpoenas. I left a voice mail with Tai to call Brian.

Foster Jill

From: Hulbert Brian
Sent: Friday, October 30, 2015 10:11 AM
To: Taiwan scott
Cc: Hulbert Brian; Foster Jill; Lewis Teri; Cousins Charles
Subject: RE: Appeals App Requirements

Tai,

To request a Town employee be present at a BZA appeal, submit your request to Ms. Lewis or Mr. Cousins and detail who you wish to be present, and provide a brief statement as to their relevance to your appeal. You may do this immediately so that you may receive an answer from them as to whether or not they will make the requested witnesses available. If they are to be denied, then you may submit the request to the BZA, if you wish.

For any witnesses who are not Town employees, please submit a request to the BZA and state the names, addresses, and phone numbers of the witnesses you wish to subpoena, what you expect each witness would state if called to testify, and the relevance of their testimony to your appeal.

You should submit this request in a timely fashion so that the BZA may act upon it in a November meeting, since you will not be here to make your case to them in December and desire the appeal to be heard in January. I would recommend that you also request the appeal not be heard until January due to your unavailability to be present during December.

You should be aware that the BZA subpoena power does not extend beyond the Town of HHI. Additionally, you will be responsible for the cost of service of the subpoenas upon the witnesses that the BCSO charges.

Brian Hulbert
Staff Attorney and Town Prosecutor
Hilton Head Island, SC 29928
843 341-4633

From: Taiwan scott [<mailto:taifr@hotmail.com>]
Sent: Thursday, October 29, 2015 6:01 PM
To: Hulbert Brian
Subject: Appeals App Requirements

Brian,

As I stated today, you presented a lot of information for me to take in at one time. Please consider this as a written request for you to forward a detailed explanation on the process which I would need to fulfill regarding subpoenaing town officials and public citizens. I know that you stated, it would not be necessary to subpoena any town officials and that I would only need to request for their department heads to make them available. I want to make sure that there isn't any misunderstandings regarding this. Their availability is crucial to my appeal and I just want to make sure that I meet ALL criteria / standards required. If you would, please send any and all required info over ASAP. As you are aware of, based on the letter from Terry Lewis, I have until November 3, 2015 to submit my appeals application. I want to make sure any and all required information is available so that the process will not be delayed.

As I have stated to you and Jill, I will be out of the states for the December BZA meeting and would like to be placed on the January's agenda. If there are requirements on my part, then I need to for fill them ASAP.

I look forward to your detailed response.

tai

843-290-0868

This email

Foster Jill

From: Cousins Charles
Sent: Thursday, October 22, 2015 3:07 PM
To: Foster Jill
Subject: FW: DRB DOUBLE STANDARDS!!!
Attachments: 10-21 Letter re 15 Marshland Road.pdf; Possible Site Plan layout.pdf; DPR-1584-2015 Letter re Application Requirements 09-02-2015.pdf

From: Riley Steve
Sent: Thursday, October 22, 2015 2:03 PM
To: Cousins Charles; Deloach Greg; Gregg Alford (gregg@alfordlawsc.com)
Subject: FW: DRB DOUBLE STANDARDS!!!

Steve Riley

Town Manager
Town of Hilton Head Island
843.341.4700

From: Taiwan scott [mailto:taifr@hotmail.com]
Sent: Thursday, October 22, 2015 1:49 AM
To: Bennett, David
Cc: Riley Steve; McCann John; Likins Kim; Lennox, Tom; Harkins Bill; Grant Marc; Edwards Lee
Subject: RE: DRB DOUBLE STANDARDS!!!

All,

Sadly this issue is becoming worse!!!!

Please see attached response to the meeting held yesterday.

I totally disagree with this proposal.

Please find these reasons to justify my position.

1. **Regarding the Fence surrounding the mobile unit.--see attachment DPR-1584-2015** Bottom of first page where as Town official states fence enclosure surrounding mobile unit is legally non-conforming and does not have to be removed

2. **Regarding the removal of the walkway / bike rack --section 16-5-103 states ---b**

J. Development Within Required Buffers
Development is prohibited within required buffers except in accordance with this subsection.

1.

The following activities may occur in required buffers, unless expressly prohibited elsewhere in this Ordinance.

a.

Street or driveway access, provided it runs approximately perpendicular to/from the adjacent street right-of-way or common property line.

b.

Walkways, pathways, trails, benches, bike racks, and other elements associated with passive recreation or the provision of continuous pedestrian and bicycle connections between adjoining properties, provided all landscaping required by Sec. 16-5-103.F, Buffer Types, is provided and the Official determines that installation or maintenance of such elements will minimize impacts on to required vegetation to the maximum extent practicable.

3. Regarding the variance proposal-- The fact that they have the power to waive the use and buffer setback and they have stated that I met the criteria for it ie. adjacent owner has business license, we have a business license, they sell products to the public, we sell products to the public, and, as they have requested, (something in writing about the access) I can provide a recorded deed showing the we have a shared access easement. A town official stated that if I have an agreement in writing about the access, along with the above mentioned criteria then the set back/buffer will be waived. (HEATHER COLIN Development Review administrator)

THE WAIVER OF THIS SECTION WILL RESOLVE ALL ISSUES

16-5-102 ADJACENT USE SETBACK AND BUFFER REQUIRMENT

- The Official may waive the requirement for an adjacent use setback on determining that the proposed development and the adjacent development function as a single development.
- The Official may waive the requirement for an adjacent use buffer on determining that the proposed development and the adjacent development function as a single development.

Regarding the officials willingness to speak to adjacent owners on our behave

In my opinion, if the official would have not made this a personal issue, then the adjacent owners public comments regarding the development, would have remained undisputed and we would not be in this situation today. Clearly, we meet the criteria for the waiver. In my opinion, she over stepped her position as a representative of the Town and made this a personal issue. Requiring unnecessary steps which placed her in a position to influence my neighbor, truly displays an abuse of authority. She should have accepted the deeded access as the final necessary proof as requested, and my neighbors position would not have been influenced. This was very vindictive on her part. The September 22, 2015 DRB minutes clearly stated my neighbors support for the establishment. She is a town official and this type of behavior should not be tolerated. It really sets a bad example for the Town of Hilton Head Island. Her fellow employee Heather Colin had stated to me that I met the criteria and the setback/buffer will be waived. She should have honored Heather's position and move forward.

Regarding her position stating that the "food truck" is considered a permanent open air sales use

not allowed by LMO if it mobile

After her" thorough review of the LMO"- She obviously missed the fact that her position totally goes against BUILDING CODES-- This unit has to remain mobile, if not, then the criteria changes and the unit will have to be lifted above flood. We are in a flood zone. I am **REQUIRED** to have the tires on the unit **at all times. THE UNIT MUST REMAIN MOBILE FOR FLOOD PURPOSES AND CAN NOT BE A PERMANENT STRUCTURE.** However, A Farmers Market status may be an option, I presented this to them, which I felt we could meet.

A *farmers' market* may operate as a temporary *use* in accordance with the following conditions:

- a. The market shall operate on a regular basis for no more than nine months per year on a single site.
- b. Market sales shall be limited to the retail sale of fresh fruits and vegetables, herbs, mushrooms, nuts, honey, raw juices, molasses, dairy products, eggs, poultry, meats, fish, shellfish, fresh-cut or dried flowers, nursery stock, seedlings, plants, and other agriculture, aquaculture, and horticulture products produced by the vendor/producer, including the sale of products made by the vendor/producer from such agriculture, aquaculture, and horticulture products (e.g., baked goods, jams and jellies, juices, cheeses), incidental sales of crafts or similar home-made products made by the vendor/producer, and food and beverages from local restaurants and vendors.
- c. The market shall provide adequate ingress, egress, and off-street parking areas.
- d. Items for sale may not be displayed or stored within customer pathways.
- e. The market shall comply with applicable signage standards in Sec. 16-5-114, Sign Standards.

why did catering
our just apply
for bus lic?

Regarding the Business license for Gullah Geechee Catering

Her conclusion, based solely on the wording of the business license? If this is to be considered a legitimate argument, obviously she is not aware of DHEC Rules and Regulations which states that the mobile unit must have an Operations Base. The address and permit number of 15 Marshland Rd has to be posted on the unit and is required for DHEC licensing purposes. If her determination is being based solely on that, then surely which ever license category suits her requirements, we are prepared to apply for it. This is a catering business which has been and will continue to cater private and public functions. Again, the farmers market option was a suggestion made by me, to help her realize that there are multiple criteria that we fall under which allows our development to be permitted "as is".

Her determination that the lots can not function as a single development is, in my opinion, subjective. That's her personal opinion which truly should not be used. She must look at the facts :

- 1. Both my neighbor and I have property zoned Marsh Front Mixed Use
- 2. The previous owner of both lots has for over 15 years utilized the properties as Mixed use (town business

license can confirm)

3. Both my neighbor and I have a business license

4. Both my neighbor and I sell products to the public

5. We have a deeded reciprocal access easement across each others property (DB 3261 PG 3033 & DB 3264 PG 1375)

6. For over two years my neighbors and I have been working together. They have held "BEE Honey Club" Functions at which, large tents were erected and dozens of people would attend. At times throughout the years, 20+ cars have been parked within my property. It's very obvious we have been working together.

These are the facts, there is no need for her personal opinion regarding this.

Better yet, what does she need in order to justify the waiver? I have met all possible requirements!!!

FOR THESE REASONS ALONE THE WAIVER IS JUSTIFIABLE AND THE WAIVER SOLVES ALL STATED ISSUES.

1. MOBILE UNIT IN BUFFER AND SET BACK-WAIVED

2. POTENTIAL LOCATION OF FARMERS MARKET-WAIVED — *no waiver needed*

3. SCREENED FACADE AROUND MOBILE UNIT-WAIVED

4. BIKE RACK-BRICK WALK BETWEEN STORAGE AND FENCE - WAIVED

16-5-102 ADJACENT USE SETBACK AND BUFFER REQUIRMENT

- The Official may waive the requirement for an adjacent use setback on determining that the proposed development and the adjacent development function as a single development.
- The Official may waive the requirement for an adjacent use buffer on determining that the proposed development and the adjacent development function as a single development.

OTHER THAN A PERSONAL OBJECTIVE, WHERE IS HER ARGUEMENT?

AGAIN, I AM REQUESTING HELP FROM YOU ALL. PLEASE LOOK INTO THIS MATTER

THIS ESTABLISHMENT WILL HELP PROMOTE SMALL BUSINESSES. VENDORS WILL REQUIRE A BUSINESS LICENSE IN ORDER TO OPERATE. WE ARE TRYING TO PROMOTE ECONOMIC DEVELOPMENT WITHIN AN IMPOVISHED AREA OF THE ISLAND!!

HELP ME PLEASE---I DON'T KNOW WHAT ELSE TO DO

I LOOK FORWARD TO A RESPONSE

THANK YOU

Taiwan Scott

843-290-0868

From: taifr@hotmail.com

To: davidb@hiltonheadislandsc.gov

CC: stever@hiltonheadislandsc.gov; johnm@hiltonheadislandsc.gov; kiml@hiltonheadislandsc.gov; toml@hiltonheadislandsc.gov; williamh@hiltonheadislandsc.gov; marcg@hiltonheadislandsc.gov; lee@hiltonheadislandsc.gov

Subject: DRB DOUBLE STANDARDS!!!

Date: Wed, 23 Sep 2015 14:13:11 +0000

Mayor Bennett, Town Manager Steve Riley, and Hilton Head Island Town Council members please consider the attached letter as a cry for help from a newly proposed small business owner.

Thank you for you time. Please do not hesitate to call if you have any questions.

Taiwan Scott
843-290-0868

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, SC 29928

843-341-4600 phone 843-842-7728 fax

www.hiltonheadislandsc.gov

Sent via e-mail to taifr@hotmail.com

October 21, 2015

Mr. Taiwan Scott
5 Candy Doll Bluff
Hilton Head Island, SC 29928

Re: DPR-1584-2015, Gullah Geechee Catering

Dear Mr. Scott:

This is a follow up to the meeting held on October 20, 2015 between you, Alex Brown, Richard Spruce, Jill Foster, Charles Cousins and myself. At that meeting we agreed that I would send you a letter listing your options to complete your Minor Development Plan Review (DPR) application. Below are our ideas and recommendations based on yesterday's meeting.

The first option is to locate the food truck (open air sales unit), associated screening fence, bike rack and farmers' market area out of the required setback and buffer (see attached site plan for possible layout). The brick walk between the storage shed and the fence along the property line must be removed or relocated out of the required buffer. If you choose this option, I will circulate the attached site plan among reviewers to determine anything else with the site that needs to be addressed.

The second option is to do the first option **and** apply for a variance asking for a 15' adjacent use setback instead of the required 30' setback. I think you have a great case for a variance to reduce the adjacent use setback based on the narrowness of the property, especially once you apply the various setback and buffer requirements to the site plan. I would support such a variance and be willing to meet with your neighbor ahead of time to explain my support of the variance. This variance would give you even more area for the farmers' market and for the open air sales use (food truck).

Per Richard Spruce, please be advised that building permits will still be required for the restroom and the screening fence around the food truck (which were installed without the required permits) and any propane tanks that have been or are proposed to be added. Additionally any electrical or plumbing work already done or proposed to be done related to the food truck will need to be inspected.

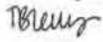
The paragraphs above simply explain your options; as stated before, until such time that the stop work orders are removed, no work can occur on this site.

To keep this project moving forward, please let me know by **November 3, 2015** which option you choose and we will work with you to continue the permitting of this project as expediently as possible.

Yesterday you stated that you wanted a final answer on the Open Air Sales use and the Farmers' Market use. I have determined, after a thorough review of the LMO, particularly the Use and Definition sections, that the food truck is considered a permanent Open Air Sales use and not just a part of a temporary Farmers' Market use. This determination is based in part on the information provided on the business license submitted by Gullah Geechee Catering. Their business license states that this is a permanent location for their business, the description of which is catering and restaurant, not a farmers' market. The determination regarding the

use classification of the food truck is also based on the definition of Farmers' Market which states that, "... held...occasionally or periodically for only a limited time period during the year..." Additionally I have determined, as we discussed yesterday, that based on the information available to me, your site (Lot 8) and the neighboring site (Lot 7) do not appear to function as a single development and therefore the adjacent use setback and buffer are applicable. These are my final written determinations on these two issues. **Should you disagree with them and wish to appeal these two determinations to the Board of Zoning Appeals, you must do so within 14 days of receipt of this letter (November 3, 2015).**

Sincerely,



Teri B. Lewis
LMO Official

cc: Alex Brown
Charles Cousins
Jill Foster
Richard Spruce

TOWN OF HILTON HEAD ISLAND

COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court, Hilton Head Island, SC 29928
843-341-4600 <http://www.hiltonheadislandsc.gov>

September 2, 2015

Tai Scott
Sent to taifr@hotmail.com

Re: DPR-1584-2015, Gullah Geechee Catering

Dear Tai:

This letter is regarding your Minor Development Plan Review (Minor DPR) application for Gullah Geechee Catering at 15 Marshland Road. As we discussed on Friday, the application materials are incomplete. Staff needs further information to review this project for compliance with the Land Management Ordinance (LMO). The comments below reflect many of the same comments staff provided to you at the pre-application meeting for this project, which was held on October 14, 2013.

Since the use of the structure and this site are changing from an accessory storage structure for the single family home on the parcel to a commercial eating establishment, the site must be brought into compliance to the maximum extent practicable with current LMO standards for a commercial eating establishment. In meetings with staff since the 2013 pre-application meeting and in an email sent to you by Heather Colin, Development Review Administrator, on February 23, 2015, staff informed you that prior to any change to the use of the property for anything other than a single family use, the site must comply with the regulations for the new use.

Staff found some areas of flexibility in the LMO to reduce the alterations that must be made to the site to bring it into compliance with LMO standards. The gravel drive aisle running along the western property line (adjacent to Lot 9) existed prior to the development of the commercial portion of the site and is considered a legally non-conforming site feature. Even though the drive aisle runs through the required adjacent use buffer, you do not have to remove the drive aisle from the buffer or plant vegetation in the buffer to meet current adjacent use buffer standards; the drive aisle can remain in its current location.

The wood screen fence surrounding the food truck and the enclosed building encroach into the 30-foot adjacent use setback from Lot 7. Though the building and fence enclosure would not have been permitted in the setback area if the building permit applications for these structures were submitted as part of a commercial development instead of residential accessory structures,

Not legal;
no permit
to build fence

TOWN OF HILTON HEAD ISLAND

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One Town Center Court, Hilton Head Island, SC 29928
843-341-4600 <http://www.hiltonheadislandsc.gov>

the building and fence enclosure do not have to be removed to bring the site into full compliance with the LMO. They are legally non-conforming structures. The remaining non-conforming site features, however, must be brought into compliance with current LMO standards to the maximum extent practicable.

Please submit the following materials to complete the application and begin staff review:

1. Check Yes or No after the “Are there recorded private covenants...” question on the application form (attached).
2. Please revise the narrative to include the size of the enclosed building (not the food truck), the size of the covered eating area, and, if the area in between the gravel drive and the building will be used as an outdoor seating area, state the size of that outdoor seating area.
The narrative should also address the following questions/issues:
 - a) When will food and supplies be delivered and where the delivery truck will access the food truck;
 - b) How waste will be removed – will there be a dumpster?
 - c) The number of bicycle and vehicle parking spaces required based on the size of the enclosed building and outdoor seating areas. See LMO Sections 16-5-107.D (page 5-31) and 16-5-107.H.7 (page 5-42).
 - d) The number, size, and species of existing overstory trees, understory trees, and evergreen shrubs in the adjacent street buffer and in the adjacent use buffer next to Lot 7. The existing vegetation in the buffer will count toward the required buffer vegetation. See LMO Section 16-5-103.F, Buffer Types (page 5-8).
3. A site plan including all of the items listed in LMO Appendix D, Section 7 (attached), including but not limited to:
 - a) The adjacent street setback line, labeled “40 Foot, 70 degree angle Adjacent Street Setback”.
 - b) The adjacent street buffer line, labeled “Type B, Option (1 or 2) Adjacent Street Buffer”.
 - c) The adjacent use setback line, labeled “30 foot, 60 degree angle Adjacent Use Setback”. The line should be drawn on the side of the property next to Lot 7 and should extend from the Marshland Road right-of-way to the back of the building.
 - d) The adjacent use buffer line, labeled “Type C, Option (1 or 2) Adjacent Use Buffer”. The lines should be drawn on the side of the property next to Lot 7 and should extend from the Marshland Road right-of-way to the back of the building.

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- e) The required 15 foot wide landscape medians at the ends of the parking row. See LMO Section 16-5-107.G (page 5-39).
- f) Lines showing the location and width of the 20-foot driveway. The lines do not need to be marked on the site; they just need to be shown on the site plan.
- g) Lines delineating the lengths and widths of the parking spaces. The lines do not need to be marked on the ground; they just need to be shown on the site plan to demonstrate that they are the required dimensions: all spaces must be 18 feet long; spaces at the ends of the parking row must be 10 feet wide; spaces on the inside of the parking row must be 9 feet wide.
- h) Add a table with the following information to the site plan:
 - The gross area of the site in square feet (33,300 sq ft) and acres (0.76 acres).
 - The area of the tidal wetland on the site in square feet (2,462 sq ft) and acres (0.06 acres).
 - The net area of the site (gross area – tidal wetland area) in square feet (30,838 sq ft) and acres (0.7 acres).
 - The Zoning District: MF, Marshfront Mixed Use.
 - The maximum impervious coverage allowed for the MF Zoning District: 60%.
 - The maximum impervious coverage allowed on the site in square feet (18,503 sq ft) and acres (0.42 acres).
 - The amount of impervious coverage on the site in square feet, acres, and as a percent of the site.
 - The maximum density permitted for the site per the MF Zoning District: 4 Single Family Dwelling Units; and 4,900 square feet of Nonresidential Use.
 - The proposed density for the site: Retain the existing Single Family Dwelling Unit; and add 300 square feet of Nonresidential Use.
 - The number of parking spaces required: 1 space per every 100 square feet of enclosed floor area and outdoor seating area.
 - The number of parking spaces provided.
 - The number of bicycle parking spaces required: parking for 4 bicycles for every 10 vehicle parking spaces required, or major fraction thereof.
 - The number of bicycle parking spaces provided.
- i) An Electric Vehicle (EV) Charging Station. Land Management Ordinance Section 16-5-107.D.10 (page 5-38) states that “All multifamily and nonresidential development shall provide one electric vehicle (EV) charging station per site. The electric vehicle charging station shall be located within 100 feet of the primary entrance.” Note the location of the EV charging station and provide

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specs for the station for staff review of the design.

4. A landscape plan for the adjacent street buffer, adjacent use buffer, and the parking medians.
5. The estimated impact fees for a 300 square foot High Turnover Eating Establishment are: \$2,628.30 (Town of Hilton Head Island) + \$1,030.20 (Beaufort County) = \$3,658.50. The impact fees must be paid at Town Hall prior to the Certificate of Compliance (C of C) being issued for this project.
6. If required by Hilton Head PSD, a Will Serve letter stating that the PSD will provide water and sewer service to the site. If this letter is required, it does not have to be submitted to start staff review of the application, but it is required before the Minor DPR will be approved.
7. If required by Palmetto Electric, a Will Serve letter stating that Palmetto Electric will provide electrical service to the site. Again, if this letter is required, it does not have to be submitted to start staff review of the application, but it is required before the Minor DPR will be approved.

Please note that this list is not inclusive; additional information or materials may be required by Town staff once they review the complete application. Once the materials required to complete the application have been submitted, staff will begin reviewing the application. A comment letter or an approval (if staff has no comments) will be sent to you within seven business days of receiving the complete application.

Please note that, when making the above changes to the site plan, if you find that you aren't able to meet some of the current LMO standards, you can apply for a variance from the Board of Zoning Appeals (BZA) from the section or sections of the LMO. A variance application is attached and the BZA application deadlines, meeting schedule, and further information about the variance process are on the Town's website:

<http://www.hiltonheadislandsc.gov/boards/boarddetails.cfm?BoardID=BZA>. Please note that each of the four criteria in LMO Section 16-2-103.S.4.a.i (see attached application form) must be met for the variance to be approved. Please also note that any variances requested for this site must be approved before the site plan can be approved.

You will need to submit the C of C application when the approved site work for this project is complete. The required application forms for the C of C will be provided to you when the

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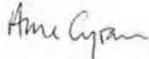
Minor DPR application is approved. The C of C must be approved by staff **prior** to this site being used as a Commercial Eating Establishment.

Please ensure that no further work (demolition, removing vegetation, moving gravel, installing site features, building structures, etc.) takes place on this site until the Minor DPR is approved.

Again, the Design Review Board (DRB) application must be approved, the Minor DPR must be approved, any alterations to the building or site required by the DRB must be complete, all site work must be complete, and a C of C must be approved before the site can be used as anything other than a single family residence.

Please contact me at (843) 341-4697 or at annec@hiltonheadislandsc.gov if you have any questions about these requirements.

Sincerely,



Anne Cyran, AICP
Senior Planner

cc: File

Heather Colin, Development Review Administrator
Teri Lewis, LMO Official

Attachments: Minor DPR Application Form
PAPP130019 Staff Comment Sheet
Email from Heather Colin dated 02/23/2015
LMO Appendix D, Section 7
VAR Application

Foster Jill

From: Cousins Charles
Sent: Wednesday, September 23, 2015 4:10 PM
To: Foster Jill; Lewis Teri; Colin Heather; Ray Jennifer
Subject: FW: DRB DOUBLE STANDARDS!!!
Attachments: TOWN HHI Gullah Geechee Catering.docx; ATT00001.htm

From: Riley Steve
Sent: Wednesday, September 23, 2015 3:32 PM
To: Cousins Charles
Subject: Fwd: DRB DOUBLE STANDARDS!!!

Steve Riley
Town Manager
Town of Hilton Head Island
Sent from my iPad

Begin forwarded message:

From: Taiwan scott <taifr@hotmail.com>
Date: September 23, 2015 at 10:13:11 AM EDT
To: "DavidB@hiltonheadislandsc.gov" <davidb@hiltonheadislandsc.gov>
Cc: "SteveR@hiltonheadislandsc.gov" <stever@hiltonheadislandsc.gov>, "JohnM@hiltonheadislandsc.gov" <johnm@hiltonheadislandsc.gov>, "KimL@hiltonheadislandsc.gov" <kiml@hiltonheadislandsc.gov>, "TomL@hiltonheadislandsc.gov" <toml@hiltonheadislandsc.gov>, "WilliamH@hiltonheadislandsc.gov" <williamh@hiltonheadislandsc.gov>, "MarcG@hiltonheadislandsc.gov" <marcg@hiltonheadislandsc.gov>, "LeeE@hiltonheadislandsc.gov" <lee@hiltonheadislandsc.gov>
Subject: DRB DOUBLE STANDARDS!!!

Mayor Bennett, Town Manager Steve Riley, and Hilton Head Island Town Council members please consider the attached letter as a cry for help from a newly proposed small business owner.

Thank you for you time. Please do not hesitate to call if you have any questions.

Taiwan Scott
843-290-0868

From: [Taiwan scott](#)
To: [Foster Jill](#)
Subject: FW: 15 Marshland Road
Date: Wednesday, October 07, 2015 3:43:11 PM
Attachments: [stop work order.pdf](#)

Jill,

I just went to the site and this is posted. As you can see from the forwarded e-mail I responded to her regarding not leveling the dirt, until the notice of action is issued. Was this called for? Is she aware that I met with the Building Codes official on Monday and he has requested for work to be done on site?

I have been asked to pull permits and proceed with required work.

Where is the communication amongst the departments? Or is this another very obvious display of POWER? Is this a joke?

Jill, Please try to help me move forward with this ASAP and any correspondence to me comes through you.

Thank You

TAI
843-290-0868

Date: Wed, 7 Oct 2015 15:24:26 -0400
Subject: Fwd: Re: 15 Marshland Road
From: taifr@hotmail.com
To: taifr@hotmail.com

----- Forwarded message -----

From: "Taiwan Scott" <taifr@hotmail.com>
Date: Oct 1, 2015 4:15 PM
Subject: Re: 15 Marshland Road
To: "Lewis Teri" <TeriL@hiltonheadislandsc.gov>
Cc:

Terry,

Don't worry, the pile of dirt will not be touch until the notice of action is issued.

Tai

On Oct 1, 2015 3:40 PM, "Lewis Teri" <TeriL@hiltonheadislandsc.gov> wrote:

Tai-

During a routine site visit, I noticed that a pile of dirt had been delivered to the above address. As we discussed on the phone yesterday, no work can be done on the site until a Development Plan Review (DPR) notice of action has been issued. Please make sure that nothing is done with that pile of dirt and that no work at all takes place on the site until such time that a DPR notice of action has been issued to you.

Regards-

Teri B. Lewis, AICP

LMO Official

Community Development Department

One Town Center Court

Hilton Head Island, SC 29928

(843) 341-4698(p)

(843) 842-8907(f)

teril@hiltonheadislandsc.gov

This email 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 have received this email in error please notify the originator of the message.

Any views expressed in this message are those of the individual sender.

This message has been scanned for viruses and spam by McAfee.

TO: Mayor David Bennett

Town Manager Steve Riley

Hilton Head Island Town Council

I write this letter to you to voice my opinion about what I believe has been a very obvious case of double standards by town officials here on Hilton Head Island.

Let me start by saying that family members are trying to open one of the first and only Native owned and operated small business restaurants here on the island. Please see The Island Packet 9-18-15 Business section GULLAH GEECHEE CATERING LLC. This establishment will have an open concept throughout. Customers will be able to walk up, place orders to go or they have an option to enjoy their meals on site, under the covered deck provided. The location of this establishment is 15 Marshland Road. It is located within the Corridor Overlay District.

Context 1
On 9-8-15 I presented an application to the DRB for approval of this establishment. Town staff recommended approval with conditions. One of these conditions being the "ORANGE" color was too bright and needed to be muted. For the record, I am using a Transparent CEDAR NATURAL TONE STAIN. After the motion was rendered, I decided to comply. In my opinion, it would have been quicker to comply even though I am not using ORANGE. I purchased stain options so that the official would make the decision for the appropriate color. However, after driving throughout the island I began to notice the color ORANGE in various locations within this same corridor overlay district. The most prevalent being the AT&T building at Shelter Coves Town Center, which has ORANGE awnings above the windows and doors. The official and I met at my site and I questioned her about the use of Orange at the AT&T location. She stated that if I began to look throughout the island, I would see lots more orange. This statement was confusing to me, being that staff recommended muting the color. I stated that in my opinion, this is a good argument to appeal. My understanding was that an appeal would have to go to circuit court. She verified my understanding and suggested to bring the issue back before the DRB. She stated that I had raised a very obvious point and that she felt I had a good chance for approval. She even said that she would waive the application fee so that I could bring it before the Board. I began to drive throughout the island and noticed more uses of the orange color. I took photos, wrote a narrative to support my findings and requested for the DRB to rescind the motion regarding the use of Orange throughout my establishment. I just want to restate it, my color is not Orange, but a Cedar Natural Tone Satin (TRANSPARENT).

?

On 9-22-15 DRB meeting town staff stated that they would explain to the board what the process detailed and what their procedures to follow were. Staff stated that I would present my findings to the board. Along with pictures of various establishments throughout the Corridor Overlay District using "orange," I stated that:

"The majority of board members considered my Cedar Natural Tone stain as "ORANGE". Taking that into account, I am requesting that whichever criteria used for these establishments to gain approval, for you to use that same criteria to approve my establishment. It's very obvious that the presence of an orange color tone has already been established throughout the Corridor Overlay District. I am not requesting anything that hasn't been previously approved by the Design Review board. My cedar stain is obviously already muted, in comparison to these approved structures."

Please see DRB-001583-2015

enter 1
I then requested for the town staff to give a recommendation. Which they denied! I stated that town staff made the suggestion for me to come back before the board. Why would they not give a recommendation? This is really disturbing to me. In my opinion, this is obviously double standards. The DRB along with the staff did not make any comments regarding the pictures I presented. Their motion specifically referenced Orange and I proved that orange had already been established throughout the island. My cedar natural tone stain is muted when compared to previously approved structures. I also requested for the board to give the public the opportunity to speak. Concerned citizens voiced their opinions. They expressed how nice the project was, the risk I took regarding the establishments surroundings, the wood color being as natural as the color inside the council chambers. The difficulty that I was enduring in regards to the town staff. Many other comments were made. Please see minutes.

I am trying to understand the how the EDC is going to help the Town. I believe the Executive Director of the EDC has a heavy load placed upon him. This town needs to acknowledge and support the native community. We are always the last on the list. The available property to make his job successful is located within our communities. He should guide the town towards working with the native community and becoming more flexible when native owned developments are proposed. We should feel as though the town is here to Support us not STOP us.

It truly bothers me that the town is presenting this "**BRING YOUR BUSINESS TO LIFE**" theme and making me go through such hurdles in order to move forward. The LMO was supposed to be rewritten to make things easier. I am trying to establish a new small business on Hilton Head Island. I am trying to make a place for my kids to always be able to call home. The struggles that island natives face daily, is truly a fight for survival and our continued presence and heritage.

I hope and pray that my words will touch you all. There are very obvious inconsistencies throughout the island. Let me leave you all with: **IS LIFE GOOD ON THE ISLAND? IF SO, FOR WHO?**

The Resource Committee for Native Island Affairs appointed by the Town Council

VISION STATEMENT

R/UDAT. On December 19, 1995

“Our vision for the Native Island Community of Hilton Head is that we not be treated as, viewed as, nor live as second class citizens; but, as equals of the other communities of Hilton Head Island. However, we must not be forced to become another *plantation*, but retain our character and our culture. We must view ourselves as ‘PEOPLE WITH A PROBLEM’ rather than ‘PROBLEM PEOPLE.’ Residents of the other communities on the island must gain a better understanding of *their role* in creating some of the problems faced by Native Islanders. *They* must develop a more caring attitude and a willingness to work with Native Islanders to improve relationships and to build a better community for everyone. Together, we must build a single community to replace the patch work of communities that now exist on our island.”⁶

JUST SOME FOOD FOR THOUGHT

Thank you for your time. I hope and pray that something can be done to help expedite the approval of my establishment. I’m being told that I also need to apply for variances. Which such a small lot it’s very difficult to comply with LMO Rules.

Praying for the chance to establish a small business and promote economic development on Hilton Head Island.

Truly,

TAI

843-290-0868 (anytime)

Foster Jill

From: Taiwan scott <taifr@hotmail.com>
Sent: Sunday, October 25, 2015 2:40 AM
To: Riley Steve; McCann John; Likins Kim; Lennox, Tom; Harkins Bill; Grant Marc; Edwards Lee; dkirkman@hhiedc.com; Foster Jill; Alex Brown; Dot Law; Bennett, David
Subject: Gullah Geechee Catering

All,

I am a true believer that in time, everything in darkness will come into light. That being said, I would like to inform you all, about a very interesting conversation that I had with my neighbor on yesterday. I must admit, after my neighbors meeting with Terri Lewis, I basically distanced myself from them. I guess this was her intent, to turn my neighbors and I against each other. However, I did not have peace in my heart. I've known these people for almost 3 years, our daughters played on the same soccer team and I needed to know what happened. I must admit, my spirit led me to knock at their door.

?
My neighbor stated that Terri Lewis told her that we would need to be "BUSINESS PARTNERS" in order for my project to move forward. She stated to me that she did not wish to be business partner and for the record, neither do I. This requirement is far from the truth !! She miss led them! Where does it state within the LMO that property owners both having a business license with a shared access easements must be "Business Partners". There are multiple developments throughout the island with shared easements, which access multiple, privately owned properties. They are not required to be Business Partners.

I have previously expressed my opinion regarding "double standards, abuse of authority by a town official, and a town official turning my proposed establishment into a personal vendetta against me. In my opinion, this confirms exactly what I have been expressing from the beginning.

When will this very disturbing matter be resolved? This is costing me time and money! Does anyone care? There are local families ready to open their small businesses. Can someone please look into this? I believe that I have proven my point. When will some form of action be taken. see TL letter w 11-3 deadline

For the record-

DHEC has already approved this establishment
Hilton Head Island Fire Department has approved it - it being part of bus license
Hilton Head Island Business License Department has Issued a license - so?
Building Codes has given a list of items to pull permits and complete (Terri has stepped in and posted a STOP WORK ORDER and will not allow the Building Departments requested permits to be pulled.)
↓ Bab

But, throughout all this negative, I have been blessed with people willing to help-Two loads of dirt have been delivered to the site and landscape plants have been dropped at my front door-sadly, because of the stop work order placed by Terri, I can not prepare the required landscape beds or plant the plants in them. I have been trying to keep them alive throughout all this.
Not approved because we have no landscape plan

I ask you all to please look further into this matter and help a citizen of Hilton Head Island resolve this very disturbing issue. I truly believe that Hilton Head island can be a business oriented destination. However,

did this twice in 2013 & several times since

an example must be made, by the officials which says " Bring your business to Hilton Head Island big or small". A negative stereotype has already be placed on the planning department by some existing business owners on the island. This negative stereotype does easily pass to new potential business owners to the island. We must show a willingness to sit down with any and all newly proposed businesses looking to locate onto the island. Especially the small businesses, the backbone of society. Where is the planning departments business friendly and willingness to help attitude?

Please give this "small business" the same attention that any multi million dollar development would receive. I think we deserve it. But again, that's just my opinion. I have been told, " your little development is nothing compared to these multi million dollar developments on the island. They could care less about you. How many jobs are you creating"? I really hope that's not the mentality of a World Class Resort Development! Let's help prove them wrong!

I truly believe that one day we all will be held accountable for our actions and our inactions.

Hoping and praying for a resolution

Tai
843-290-0868

by who?

3. Business License Information

2015 BUSINESS AND PROFESSIONAL LICENSE

TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT, HILTON HEAD ISLAND, SC 29928

Business License No. 18348

(NOTIFICATION IN WRITING TO THE REVENUE AND COLLECTION OFFICE IS REQUIRED PRIOR TO ANY CHANGE IN LOCATION, NAME OR OWNERSHIP)

BUSINESS NAME AND ADDRESS

GULLAH GEECHEE CATERING LLC
15 MARSHLAND RD
HILTON HEAD ISLAND, SC 29926-2304

LICENSE INFORMATION

Classification : 5800IT

Expiration Date:

12/31/2015

Issue Date : 10/06/2015

CONTACT NAME

GULLAH GEECHEE CATERING LLC
PO BOX 21184
HILTON HEAD ISLAND, SC 29925-1184



AUTHORIZED SIGNATURE

TO BE POSTED IN A CONSPICUOUS PLACE

NON TRANSFERABLE

This license may be revoked any time by Town Council.

RESTAURANT WITHOUT ALCOHOL

The Business License is subject to the following regulations/procedures:

Anyone generating gross income in the Town is required to obtain a Business License annually. Each license shall be issued for one calendar year and shall expire on December 31st. The license fees shall be paid on or before May 31st, of each calendar year to avoid penalties.

A Business License is Non Transferable.

A change of location requires prior approval from the Community Development Departments. All requests for change of location must be made in writing to the Revenue and Collections Division, 1 Town Center Court, Hilton Head Island, SC 29928. You must include your:



18348 /

Town of Hilton Head Island

One Town Center Court
Hilton Head Island, SC 29928
843-341-4677 Fax 843-341-4637
www.hiltonheadislandsc.gov

Business License / Accommodations Tax and Beach Preservation Fee Permit/Application

* REQUIRED FIELD: To avoid any processing delays, please provide all required documentation. We are unable to accept incomplete applications.

PLEASE PRINT LEGIBLY

* BUSINESS NAME: Gullah Greehee Catering, LLC

* BUSINESS MAILING ADDRESS: P.O. Box 21184 HHI, SC 29925

* PHYSICAL ADDRESS OF BUSINESS: 15 Marshland Rd HHI SC 29926
Please include UNIT/SUITE # and the name of the commercial property where the business will be located. PO Box's will not be accepted.

* ATTENTION OR ON-SITE CONTACT PERSON: Richard Williams * BUSINESS PHONE #: 843-683-4796
Fax: 843-681-4796 EMAIL: srw@hwi@chargray.com (required for on line/IVR access)

NAME OF ACCOUNTANT/BOOKEEPER: / ACCOUNTANT/BOOKEEPER PH #: /

* LOCATION: IN TOWN IN COUNTY OUT OF COUNTY

* TYPE OF ENTITY:

Part 1:
 SOLE PROPRIETORSHIP CORPORATION PARTNERSHIP LLC/LLP OTHER

Part 2:
 RETAIL WHOLESALE SERVICE PROFESSIONAL CONTRACTOR OTHER

Is this business an affiliate of a Holding or parent Company? Y N If Yes, name of Parent Company: _____

Contact information: Contact Name and Position: _____ Contact Phone#: _____

* PRINCIPAL/OWNER(S) NAME: Richard Williams

* PRINCIPAL/OWNER ADDRESS: 34 Sassafras Lane, HHI 29926

* PRINCIPAL/OWNER PHONE NUMBER: 843-683-4796

SOCIAL SECURITY (Last 4 digits): _____ OR FEDERAL EIN #: 46-4072453

SC RETAIL #: 722320 007302162 SC (LLR) LICENSE #: / EXP. DATE: /

TYPE OF LICENSE: / (i.e. Contractor, Electrical, Medical, Massage, etc.)
PERMIT/ LICENSED BY THE STATE OF SOUTH CAROLINA: A PHOTOCOPY OF THE LICENSE OR PERMIT MUST ACCOMPANY THIS APPLICATION.

* BUSINESS TYPE (Retail, Design, Publishing, etc): Catering * Business Start Date: Sept 30 2015

* DESCRIBE YOUR BUSINESS ACTIVITY IN DETAIL:

Food preparation set up and delivery for function and event.

Restaurant / Food stand. Permanent location

Food only / No Alcohol still going thru DBB

HTAX

- * Do you rent residential or commercial property? N/A Residential Commercial
- * Long or short term residential rentals? Short Term Long Term Attach copy of lease. If you use a management company, name of company: _____
- * Do you hold ownership of any other property as a one member LLC? Yes NO

Please list rental property addresses:

If you own residential rental property and rent for intervals less than 90 days, you are required to collect and remit quarterly to the Town a 1% Accommodation Tax and a 2% Beach Preservation fee. If you would prefer to remit monthly, check this box:

If you prepare and/or sell prepared food/beverages you are required to collect and remit quarterly to the Town a 2% Hospitality Tax. If you would prefer to remit monthly, check this box:

PLEASE ANSWER THE FOLLOWING QUESTIONS – WHERE APPROPRIATE

- Is this a home occupation? yes no
- Is this a change in the type of business for this building space? yes _____ no
- Is this an expansion of physical space at your current location? yes _____ no
- Has the building space been vacant for 12 months or more? yes _____ no
- Will there be any renovation or construction at this site? yes _____ no
- Will you want to erect a new sign? yes _____ no Name on sign: _____

***ALTERNATE CONTACT INFORMATION (please provide at least one emergency contact person):**

Name: Thomas Bakyr Phone #: 912-507-7560

AS OWNER, OFFICER, PRINCIPAL OR MANAGING MEMBER OR AUTHORIZED AGENT, BY MY SIGNATURE BELOW, I AFFIRM UNDER OATH THAT ALL OF THE INFORMATION ABOVE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I HAVE THE AUTHORITY TO MAKE THIS APPLICATION. I AFFIRM UNDER OATH THAT ALL ASSESSMENTS, TAXES, FEES, AND PERSONAL PROPERTY TAXES DUE AND PAYABLE TO THE TOWN AND COUNTY HAVE BEEN PAID. I AFFIRM UNDER OATH THAT I WILL MAINTAIN ACCURATE CONTACT INFORMATION FOR RESPONSIBLE PERSONS ON FILE WITH THE TOWN AND THE COUNTY. I UNDERSTAND THAT THE TOWN ORDINANCE PROVIDES FOR PENALTIES AND LICENSE REVOCATION FOR MAKING FRAUDULENT STATEMENTS ON THIS APPLICATION.

I HEREBY ACKNOWLEDGE THAT IF MY BUSINESS SELLS PREPARED FOOD OR ALCOHOL, I WILL COLLECT AND REMIT HOSPITALITY TAXES IN ACCORDANCE WITH TOWN CODE TITLE 4 CHAPTER 13. IF MY BUSINESS COLLECTS GROSS PROCEEDS FROM THE LEASE/RENTAL OF SLEEPING ACCOMMODATIONS TO THE SAME PERSON (S) FOR A PERIOD OF LESS THAN 90 DAYS, I WILL COLLECT AND REMIT LOCAL ACCOMMODATION TAX AND BEACH PRESERVATION FEES IN ACCORDANCE WITH TOWN CODE TITLE 4 CHAPTERS 12 AND 9, RESPECTIVELY.

MUST BE SIGNED BY OWNER OR OFFICER OR PRINCIPAL OR MANAGING MEMBER OF THE BUSINESS.

BUSINESSES OPERATING WITHOUT A VALID BUSINESS LICENSE ARE SUBJECT TO PENALTIES AND FINES.

BUSINESS LICENSE RENEWALS ARE DUE MAY 31st, RENEWALS RECEIVED AFTER THAT DATE MAY BE ASSESSED A 5% PENALTY ON THE UNPAID AMOUNT...FOR EACH MONTH OR PORTION THEREOF AFTER THE DUE DATE UNTIL PAID. ADDITIONALLY, DELINQUENT BUSINESSES MAY BE SUBJECT TO A \$1092.50 MUNICIPAL SUMMONS.

*Print Name: Richard Williams Date: _____

*Signature: _____ Date: _____

*Signature: _____ Date: _____

ADMINISTRATIVE USE ONLY: APPLICATION ACCEPTED BY: [Signature] DATE: 9/22/18

APPLICATION FEE RECEIVED: NO SIC: 5812

BUSINESS DOCUMENTS: VERIFIED BY: [Signature]

OWNER/PRINCIPAL ID: DL VERIFIED BY: [Signature]

STATE LICENSE ISSUED: SC EXP DATE 9/26/18 VERIFIED BY: [Signature]

Sep 08 2015

REFERENCE ID: 1509041700123


SECRETARY OF STATE OF SOUTH CAROLINA

GULLAH GEECHEE CATERING, LLC.

Name of Corporation

PO BOX 21184

Street

HILTON HEAD

SC US

299251184

City

State

Zip Code

5. Check this box if the company is to be a term company. If so, provide the term specified:

6. Check this box only if management of the limited liability company is vested in a manager or managers. If this company is to be managed by managers, specify the name and address of each initial manager:
7. Check this box if one or more of the members of the company are to be liable for its debts and obligations under section 33-44-303(c). If one or more members are so liable, specify which members, and for which debts, obligations or liabilities such members are liable in their capacity as members.
- MEMBERS RICHARD WILLIAMS AND THOMAS BAKER WILL BE LIABLE FOR ALL DEBTS AND OBLIGATIONS FOR THE COMPANY .
8. Unless a delayed effective date is specified, these articles will be effective when endorsed for filing by the Secretary of State. Specify any delayed effective date and time:

9. Set forth any other provisions not inconsistent with law which the organizers determine to include, including any provisions that are required or are permitted to be set forth in the limited liability company operating agreement.
10. Signature of each organizer

Electronically filed on SCBOS.
Refer to attached signature page.

Date 2013-12-10

Sep 08 2015
REFERENCE ID: 1509041700123


Mark Hammond
Secretary of State

**Signature Page Attachment to South Carolina Business One Stop
(SCBOS) for the State of South Carolina Secretary of State**

This page must be completed, scanned, and submitted as an attachment when filing on SCBOS.

Type of Filing: ARTICLES OF ORGANIZATION (Limited Liability Company)

As Of: November 06, 2013 9:24 PM

Name of Limited Liability Company:

Gullah Geephee Catering, LLC.

Signature of Each Organizer:

Richard Williams, Jr

Name

Richard Williams, Jr

Signature

Richard Williams, Jr

Date 11/7/13

Thomas Baker

Name

Thomas Baker

Signature

Thomas Baker

Date 11/07/13

Upload this completed signature page through
SCBOS using one of the following file formats only:
Adobe PDF, GIF, or JPEG. Do not mail, email or
fax this document to the Secretary of State's office.



GULLAH GEECHEE CATERING, LLC.

Note: This online database was last updated on 9/22/2015 3:07:14 AM. See our Disclaimer.

DOMESTIC / FOREIGN:	Domestic
STATUS:	Good Standing
STATE OF INCORPORATION / ORGANIZATION:	SOUTH CAROLINA Profit

REGISTERED AGENT INFORMATION

REGISTERED AGENT NAME:	RICHARD WILLIAMS, JR
ADDRESS:	24 SASSAFRAS LN
CITY:	HILTON HEAD
STATE:	SC
ZIP:	29926
SECOND ADDRESS:	
FILE DATE:	12/10/2013
EFFECTIVE DATE:	12/10/2013
DISSOLVED DATE:	//

Corporation History Records

CODE	FILE DATE	COMMENT	Document
Domestic LLC	12/10/2013	SCBOS Filing: AT WILL	

Disclaimer: The South Carolina Secretary of State's Business Filings database is provided as a convenience to our customers to research information on business entities filed with our office. Updates are uploaded every 48 hours. Users are advised that the Secretary of State, the State of South Carolina or any agency, officer or employee of the State of South Carolina does not guarantee the accuracy, reliability or timeliness of such information, as it is the responsibility of the business entity to inform the Secretary of State of any updated information. While every effort is made to insure the reliability of this information, portions may be incorrect or not current. Any person or entity who relies on information obtained from this database does so at his own risk.

2015 BUSINESS AND PROFESSIONAL LICENSE

TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT, HILTON HEAD ISLAND, SC 29928

Business License No. 18269

(NOTIFICATION IN WRITING TO THE REVENUE AND COLLECTION OFFICE IS REQUIRED PRIOR TO ANY CHANGE IN LOCATION, NAME OR OWNERSHIP)

BUSINESS NAME AND ADDRESS

BEAUTIFUL ISLAND LLC
15 MARSHLAND RD
HILTON HEAD ISLAND, SC 29926-2304

LICENSE INFORMATION

Classification : 6500IT

Expiration Date:

12/31/2015

Issue Date : 10/09/2015

CONTACT NAME

BEAUTIFUL ISLAND LLC
5 CANDY DOLL BLF
HILTON HEAD ISLAND, SC 29928-3591



AUTHORIZED SIGNATURE

TO BE POSTED IN A CONSPICUOUS PLACE

NON TRANSFERABLE

This license may be revoked any time by Town Council.

COMMERCIAL REAL ESTATE OWNER: 15 MARSHLAND RD

The Business License is subject to the following regulations/procedures:

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18269 /

Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
843-341-4677 Fax 843-341-4637
www.hiltonheadislandsc.gov

Business License / Accommodations Tax and Beach Preservation Fee Permit/Application

* REQUIRED FIELD: To avoid any processing delays, please provide all required documentation. We are unable to accept incomplete applications.

PLEASE PRINT LEGIBLY

*BUSINESS NAME: Beautiful Island LLC
* BUSINESS MAILING ADDRESS: 5 Candy Doll Bluff HHI SC 29928
* PHYSICAL ADDRESS OF BUSINESS: 15 Marshland Rd 29926
Please include UNIT/SUITE # and the name of the commercial property where the business will be located. PO Box's will not be accepted.
*ATTENTION OR ON-SITE CONTACT PERSON: TAIWAN Scott * BUSINESS PHONE #: 843-290-0868
Fax: _____ EMAIL: TAIFRE@HOTMAIL.COM (required for on line/IVR access)
NAME OF ACCOUNTANT/BOOKEEPER: _____ ACCOUNTANT/BOOKEEPER PH #: _____

*LOCATION: IN TOWN IN COUNTY OUT OF COUNTY

*TYPE OF ENTITY:

Part 1:
 SOLE PROPRIETORSHIP CORPORATION PARTNERSHIP LLC/LLP OTHER
Part 2:
 RETAIL WHOLESALE SERVICE PROFESSIONAL CONTRACTOR OTHER

Is this business an affiliate of a Holding or parent Company? Y N X If Yes, name of Parent Company: _____

Contact Information: Contact Name and Position: _____ Contact Phone#: _____

*PRINCIPAL/OWNER(S) NAME: TAIWAN Scott
*PRINCIPAL/OWNER ADDRESS: 5 Candy Doll Bluff
* PRINCIPAL/OWNER PHONE NUMBER: 843-290-0868

SOCIAL SECURITY (Last 4 digits): _____ OR FEDERAL EIN #: 47-4895616

SC RETAIL #: _____ SC (LLR) LICENSE #: _____ EXP. DATE: _____

TYPE OF LICENSE: _____ (i.e. Contractor, Electrical, Medical, Massage, etc.)
PERMIT/ LICENSED BY THE STATE OF SOUTH CAROLINA: A PHOTOCOPY OF THE LICENSE OR PERMIT MUST ACCOMPANY THIS APPLICATION.

*BUSINESS TYPE (Retail, Design, Publishing, etc.): Commercial Rental *Business Start Date: 8-31-15

*DESCRIBE YOUR BUSINESS ACTIVITY IN DETAIL:
lease space

- * Do you rent residential or commercial property? N/A Residential Commercial
- * Long or short term residential rentals? Short Term Long Term Attach copy of lease. If you use a management company, name of company: _____
- * Do you hold ownership of any other property as a one member LLC? Yes NO

Please list rental property addresses:

If you own residential rental property and rent for intervals less than 90 days, you are required to collect and remit quarterly to the Town a 1% Accommodation Tax and a 2% Beach Preservation fee. If you would prefer to remit monthly, check this box:

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PLEASE ANSWER THE FOLLOWING QUESTIONS – WHERE APPROPRIATE:

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- Will there be any renovation or construction at this site? yes _____ no
- Will you want to erect a new sign? yes no Name on sign: _____

*ALTERNATE CONTACT INFORMATION (please provide at least one emergency contact person):

Name: Lisa Scott Phone #: 843-842-5858

AS OWNER, OFFICER, PRINCIPAL OR MANAGING MEMBER OR AUTHORIZED AGENT, BY MY SIGNATURE BELOW, I AFFIRM UNDER OATH THAT ALL OF THE INFORMATION ABOVE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I HAVE THE AUTHORITY TO MAKE THIS APPLICATION. I AFFIRM UNDER OATH THAT ALL ASSESSMENTS, TAXES, FEES, AND PERSONAL PROPERTY TAXES DUE AND PAYABLE TO THE TOWN AND COUNTY HAVE BEEN PAID. I AFFIRM UNDER OATH THAT I WILL MAINTAIN ACCURATE CONTACT INFORMATION FOR RESPONSIBLE PERSONS ON FILE WITH THE TOWN AND THE COUNTY. I UNDERSTAND THAT THE TOWN ORDINANCE PROVIDES FOR PENALTIES AND LICENSE REVOCATION FOR MAKING FRAUDULENT STATEMENTS ON THIS APPLICATION.

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MUST BE SIGNED BY OWNER OR OFFICER OR PRINCIPAL OR MANAGING MEMBER OF THE BUSINESS.

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BUSINESS LICENSE RENEWALS ARE DUE MAY 31ST, RENEWALS RECEIVED AFTER THAT DATE MAY BE ASSESSED A 5% PENALTY ON THE UNPAID AMOUNT...FOR EACH MONTH OR PORTION THEREOF AFTER THE DUE DATE UNTIL PAID. ADDITIONALLY, DELINQUENT BUSINESSES MAY BE SUBJECT TO A \$1092.50 MUNICIPAL SUMMONS.

*Print Name: TAIWAN SCOTT Date: 8-28-15

*Signature: [Signature] Date: 8-28-15

*Signature: _____ Date: _____

ADMINISTRATIVE USE ONLY: APPLICATION ACCEPTED BY: [Signature] DATE: 8/28/15

APPLICATION FEE RECEIVED: NO SIC: 6512

BUSINESS DOCUMENTS: ✓ VERIFIED BY: [Signature]

OWNER/PRINCIPAL ID: DL VERIFIED BY: [Signature]

STATE LICENSE ISSUED: SC EXP DATE: 7/27/18 VERIFIED BY: [Signature]

 **DEPARTMENT OF THE TREASURY**
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 08-26-2015

Employer Identification Number:
47-4895616

Form: SS-4

Number of this notice: CP 575 B

BEAUTIFUL ISLAND LLC
TAIWAN R SCOTT MBR
5 CANDY DOLL BLF
HILTON HEAD, SC 29928

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 47-4895616. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 1065

04/15/2016

If you have questions about the form(s) or the due date(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice,

(IRS USE ONLY) 575B

08-26-2015 BEAU B 999999999 SS-4

IMPORTANT REMINDERS:

- * Keep a copy of this notice in your permanent records. This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you. You may give a copy of this document to anyone asking for proof of your EIN.
- * Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- * Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is BEAU. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.

Keep this part for your records.

CP 575 B (Rev. 7-2007)

Return this part with any correspondence
so we may identify your account. Please
correct any errors in your name or address.

CP 575 B

9999999999

Your Telephone Number Best Time to Call
() -

DATE OF THIS NOTICE: 08-26-2015
EMPLOYER IDENTIFICATION NUMBER: 47-4895616
FORM: SS-4 NOBOD

The State of South Carolina



Office of Secretary of State Mark Hammond

Certificate of Existence

I, Mark Hammond, Secretary of State of South Carolina, Hereby Certify that:

BEAUTIFUL ISLAND, LLC, a limited liability company duly organized under the laws of the State of South Carolina on August 21st, 2015, with a duration that is at will, has as of this date filed all reports due this office, paid all fees, taxes and penalties owed to the State, that the Secretary of State, has not mailed notice to the company that it is subject to being dissolved by administrative action pursuant to S.C.Code Ann. §33-44-809, and that the company has not filed articles of termination as of the date hereof.

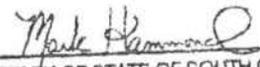
Given under my Hand and the Great
Seal of the State of South Carolina this
25th day of August, 2015.


Mark Hammond, Secretary of State

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

STATE OF SOUTH CAROLINA
SECRETARY OF STATE
ARTICLES OF ORGANIZATION
Limited Liability Company – Domestic
Filing Fee - \$110.00

AUG 21 2015


SECRETARY OF STATE OF SOUTH CAROLINA

TYPE OR PRINT CLEARLY IN BLACK INK

The undersigned delivers the following articles of organization to form a South Carolina limited liability company pursuant to S.C. Code of Laws §33-44-202 and §33-44-203.

1. The name of the limited liability company (Company ending must be included in name*)

BEAUTIFUL ISLAND, LLC

*NOTE: The name of the limited liability company must contain one of the following endings: "limited liability company" or "limited company" or the abbreviation "L.L.C.", "LLC", "L.C." "LC", or "Ltd. Co."

2. The address of the initial designated office of the limited liability company in South Carolina is

5 Candy Doll Bluff

Street Address

Hilton Head Island

29928

City

Zip Code

3. The initial agent for service of process is

Charles H. Wiseman

Name


Signature of Agent

and the street address in South Carolina for this initial agent for service of process is

62 New Orleans Road, Ste. B

Street Address

Hilton Head Island

29928

City

Zip Code

4. List the name and address of each organizer. Only one organizer is required, but you may have more than one.

- (a) Taiwan R. Scott

Name

5 Candy Doll Bluff

Street Address

Hilton Head Island

SC

29928

City

State

Zip Code

- (b)

Name

Name of Limited Liability Company BEAUTIFUL ISLAND, LLC

5. Check this box only if the company is to be a term company. If the company is a term company, provide the term specified. _____

6. Check this box only if management of the limited liability company is vested in a manager or managers. If this company is to be managed by managers, include the name and address of each initial manager.

Owners {

(a) Taiwan R. Scott
Name
5 Candy Doll Bluff
Street Address
Hilton Head Island SC 29928
City State Zip Code

(b) Lisa Scott
Name

Street Address

City State Zip Code

7. Check this box only if one or more of the members of the company are to be liable for its debts and obligations under §33-44-303(c). If one or more members are so liable, specify which members, and for which debts, obligations or liabilities such members are liable in their capacity as members. This provision is optional and does not have to be completed.

8. Unless a delayed effective date is specified, these articles will be effective when endorsed for filing by the Secretary of State. Specify any delayed effective date and time.

9. Any other provisions not inconsistent with law which the organizers determine to include, including any provisions that are required or are permitted to be set forth in the limited liability company operating agreement may be included on a separate attachment. Please make reference to this section if you include a separate attachment.

10. Each organizer listed under number 4 must sign.

Taiwan R. Scott 8-17-15
Signature of Organizer Date

Signature of Organizer Date

9-23-2015
Email

TO: Mayor David Bennett

Town Manager Steve Riley

Hilton Head Island Town Council

I write this letter to you to voice my opinion about what I believe has been a very obvious case of double standards by town officials here on Hilton Head Island.

Let me start by saying that family members are trying to open one of the first and only Native owned and operated small business restaurants here on the island. Please see The Island Packet 9-18-15 Business section GULLAH GEECHEE CATERING LLC. This establishment will have an open concept throughout. Customers will be able to walk up, place orders to go or they have an option to enjoy their meals on site, under the covered deck provided. The location of this establishment is 15 Marshland Road. It is located within the Corridor Overlay District.

On 9-8-15 I presented an application to the DRB for approval of this establishment. Town staff recommended approval with conditions. One of these conditions being the "ORANGE" color was too bright and needed to be muted. For the record, I am using a Transparent CEDAR NATURAL TONE STAIN. After the motion was rendered, I decided to comply. In my opinion, it would have been quicker to comply even though I am not using ORANGE. I purchased stain options so that the official would make the decision for the appropriate color. However, after driving throughout the island I began to notice the color ORANGE in various locations within this same corridor overlay district. The most prevalent being the AT&T building at Shelter Coves Town Center, which has ORANGE awnings above the windows and doors. The official and I met at my site and I questioned her about the use of Orange at the AT&T location. She stated that if I began to look throughout the island, I would see lots more orange. This statement was confusing to me, being that staff recommended muting the color. I stated that in my opinion, this is a good argument to appeal. My understanding was that an appeal would have to go to circuit court. She verified my understanding and suggested to bring the issue back before the DRB. She stated that I had raised a very obvious point and that she felt I had a good chance for approval. She even said that she would waive the application fee so that I could bring it before the Board. I began to drive throughout the island and noticed more uses of the orange color. I took photos, wrote a narrative to support my findings and requested for the DRB to rescind the motion regarding the use of Orange throughout my establishment. I just want to restate it, my color is not Orange, but a Cedar Natural Tone Satin (TRANSPARENT).

On 9-22-15 DRB meeting town staff stated that they would explain to the board what the process detailed and what their procedures to follow were. Staff stated that I would present my findings to the board. Along with pictures of various establishments throughout the Corridor Overlay District using "orange," I stated that:

"The majority of board members considered my Cedar Natural Tone stain as "ORANGE". Taking that into account, I am requesting that whichever criteria used for these establishments to gain approval, for you to use that same criteria to approve my establishment. It's very obvious that the presence of an orange color tone has already been established throughout the Corridor Overlay District. I am not requesting anything that hasn't been previously approved by the Design Review board. My cedar stain is obviously already muted, in comparison to these approved structures."

Please see DRB-001583-2015

I then requested for the town staff to give a recommendation. Which they denied! I stated that town staff made the suggestion for me to come back before the board. Why would they not give a recommendation? This is really disturbing to me. In my opinion, this is obviously double standards. The DRB along with the staff did not make any comments regarding the pictures I presented. Their motion specifically referenced Orange and I proved that orange had already been established throughout the island. My cedar natural tone stain is muted when compared to previously approved structures. I also requested for the board to give the public the opportunity to speak. Concerned citizens voiced their opinions. They expressed how nice the project was, the risk I took regarding the establishments surroundings, the wood color being as natural as the color inside the council chambers. The difficulty that I was enduring in regards to the town staff. Many other comments were made. Please see minutes.

I am trying to understand the how the EDC is going to help the Town. I believe the Executive Director of the EDC has a heavy load placed upon him. This town needs to acknowledge and support the native community. We are always the last on the list. The available property to make his job successful is located within our communities. He should guide the town towards working with the native community and becoming more flexible when native owned developments are proposed. We should feel as though the town is here to Support us not STOP us.

It truly bothers me that the town is presenting this "**BRING YOUR BUSINESS TO LIFE**" theme and making me go through such hurdles in order to move forward. The LMO was supposed to be rewritten to make things easier. I am trying to establish a new small business on Hilton Head Island. I am trying to make a place for my kids to always be able to call home. The struggles that island natives face daily, is truly a fight for survival and our continued presence and heritage.

I hope and pray that my words will touch you all. There are very obvious inconsistencies throughout the island. Let me leave you all with: **IS LIFE GOOD ON THE ISLAND? IF SO, FOR WHO?**

The Resource Committee for Native Island Affairs appointed by the Town Council

VISION STATEMENT

R/UDAT. On December 19, 1995

“Our vision for the Native Island Community of Hilton Head is that we not be treated as, viewed as, nor live as second class citizens; but, as equals of the other communities of Hilton Head Island. However, we must not be forced to become another *plantation*, but retain our character and our culture. We must view ourselves as ‘PEOPLE WITH A PROBLEM’ rather than ‘PROBLEM PEOPLE.’ Residents of the other communities on the island must gain a better understanding of *their role* in creating some of the problems faced by Native Islanders. *They* must develop a more caring attitude and a willingness to work with Native Islanders to improve relationships and to build a better community for everyone. Together, we must build a single community to replace the patch work of communities that now exist on our island.”⁶

JUST SOME FOOD FOR THOUGHT

Thank you for your time. I hope and pray that something can be done to help expedite the approval of my establishment. I’m being told that I also need to apply for variances. Which such a small lot it’s very difficult to comply with LMO Rules.

Praying for the chance to establish a small business and promote economic development on Hilton Head Island.

Truly,

TAI

843-290-0868 (anytime)



Town of Hilton Head Island
 Community Development Department
 One Town Center Court
 Hilton Head Island, SC 29928
 Phone: 843-341-4757 Fax: 843-842-8908
 www.hiltonheadislandsc.gov

FOR OFFICIAL USE ONLY	
Date Received:	11/2/15
Accepted by:	DH
App. #:	APL 2043-2015
Meeting Date:	1/25/16

Applicant/Agent Name: Taiwan Scott Company: Beautiful Island LLC
 Mailing Address: 5 Candy Doll Bluff City: HHI State: SC Zip: 29928
 Telephone: 843-290-0868 Fax: _____ E-mail: TAIFRE@HOTMAIL.COM

APPEAL (APL) SUBMITTAL REQUIREMENTS

If you are interested in submitting your appeal electronically please call 843-341-4757 for more information.

The following items must be attached in order for this application to be complete:

_____ A detailed narrative stating the Town Official or Body who made the decision, the date of the decision being appealed, the decision being appealed, the basis for the right to appeal, the grounds of the appeal, cite any LMO Section numbers relied upon; **and** a statement of the specific decision requested of the review body.

_____ Any other documentation used to support the facts surrounding the decision.

Filing Fee - \$100.00 cash or check made payable to the Town of Hilton Head Island.

To the best of my knowledge, the information on this application and all additional documentation is true, factual, and complete. I hereby agree to abide by all conditions of any approvals granted by the Town of Hilton Head Island. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale.

I further understand that in the event of a State of Emergency due to a Disaster, the review and approval times set forth in the Land Management Ordinance may be suspended.

Applicant/Agent Signature:  Date: 11-2-15

Please see response to the meeting dated October 21, 2015

I totally disagree with this proposal.

Please find these reasons to justify my position.

1. Regarding the Fence surrounding the mobile unit.--see attachment DPR-1584-2015 Bottom of first page whereas Town official states fence enclosure surrounding mobile unit is legally non-conforming and does not have to be removed

2. Regarding the removal of the walkway / bike rack --section 16-5-103 states ---b

J. Development Within Required Buffers

Development is prohibited within required buffers except in accordance with this subsection.

1.

The following activities may occur in required buffers, unless expressly prohibited elsewhere in this Ordinance.

a.

Street or driveway access provided it runs approximately perpendicular to/from the adjacent street right-of-way or common property line.

b.

Walkways, pathways, trails, benches, bike racks, and other elements associated with passive recreation or the provision of continuous pedestrian and bicycle connections between adjoining properties, provided all landscaping required by Sec. 16-5-103.F, Buffer Types, is provided and the Official determines that installation or maintenance of such elements will minimize impacts on to required vegetation to the maximum extent practicable.

3. Regarding the variance proposal-- The fact that they have the power to waive the use and buffer setback and they have stated that I met the criteria for it ie. Adjacent owner has business license, we have a business license, they sell products to the public, we sell products to the public, and, as they have requested,(something in writing about the access) I can provide a recorded deed showing the we have a shared access easement. A town official stated that if I have an agreement

in writing about the access, along with the above mentioned criteria then the set back/buffer will be waived. (HEATHER COLIN Development Review administrator)

THE WAIVER OF THIS SECTION WILL RESOLVE ALL ISSUES

16-5-102D & 16-5-103E ADJACENT USE SETBACK AND BUFFER REQUIREMENT

- The Official may waive the requirement for an adjacent use setback on determining that the proposed development and the adjacent development function as a single development.
- The Official may waive the requirement for an adjacent use buffer on determining that the proposed development and the adjacent development function as a single development.

Regarding the officials willingness to speak to adjacent owners on our behave

In my opinion, if the official would have not made this a personal issue, then the adjacent owner's public comments regarding the development, would have remained undisputed and we would not be in this situation today. Clearly, we meet the criteria for the waiver. In my opinion, she over stepped her position as a representative of the Town and made this a personal issue. Requiring unnecessary steps which placed her in a position to influence my neighbor, truly displays an abuse of authority. She should have accepted the deeded access as the final necessary proof as requested, and my neighbors position would not have been influenced. This was very vindictive on her part. The September 22, 2015 DRB minutes clearly stated my neighbors support for the establishment. She is a town official and this type of behavior should not be tolerated. It really sets a bad example for the Town of Hilton Head Island. Her fellow employee Heather Colin had stated to me that I met the criteria and the setback/buffer will be waived. She should have honored Heather's position and move forward.

Regarding her position stating that the "food truck" is considered a permanent open air sales use

After her" thorough review of the LMO"- She obviously missed the fact that her position totally goes against BUILDING CODES-- This unit has to remain mobile, if not, then the criteria changes

and the unit will have to be lifted above flood. We are in a flood zone. I am **REQUIRED** to have the tires on the unit **at all times. THE UNIT MUST REMAIN MOBILE FOR FLOOD PURPOSES AND CAN NOT BE A PERMANENT STRUCTURE.** However, A Farmers Market status may be an option, I presented this to them, which I felt we could meet.

A *farmers' market* may operate as a temporary *use* in accordance with the following conditions:

- a. The market shall operate on a regular basis for no more than nine months per year on a single site.
- b. Market sales shall be limited to the retail sale of fresh fruits and vegetables, herbs, mushrooms, nuts, honey, raw juices, molasses, dairy products, eggs, poultry, meats, fish, shellfish, fresh-cut or dried flowers, nursery stock, seedlings, plants, and other agriculture, aquaculture, and horticulture products produced by the vendor/producer, including the sale of products made by the vendor/producer from such agriculture, aquaculture, and horticulture products (e.g., baked goods, jams and jellies, juices, cheeses), incidental sales of crafts or **similar home-made products made by the vendor/producer, and food and beverages from local restaurants and vendors.**
- c. The market shall provide adequate ingress, egress, and off-street parking areas.
- d. Items for sale may not be displayed or stored within customer pathways.
- e. The market shall comply with applicable signage standards in Sec. 16-5-114, Sign Standards.

Regarding the Business license for Gullah Geechee Catering

Her conclusion, based solely on the wording of the business license? If this is to be considered a legitimate argument, obviously she is not aware of DHEC Rules and Regulations which states that the mobile unit must have an Operations Base. The address and permit number of 15 Marshland Rd has to be posted on the unit and is required for DHEC licensing purposes. If her determination is being based solely on that, then surely which ever license category suits her requirements, we are prepared to apply for it. This is a catering business which has been and will continue to cater private and public functions. Again, the farmers market option was a suggestion made by me, to help her realize that there are multiple criteria that we fall under which allows our development to be permitted "as is".

Her determination that the lots cannot function as a single development is, in my opinion, subjective. That's her personal opinion which truly should not be used. She must look at the facts :

1. Both my neighbor and I have property zoned Marsh Front Mixed Use
2. The previous owner of both lots has for over 15 years utilized the property as Mixed use (town business license can confirm)
3. Both my neighbor and I have a business license
4. Both my neighbor and I sell products to the public
5. We have a deeded reciprocal access easement across each other property (**DB 3261 PG 3033 & DB 3264 PG 1375**)
6. For over two years my neighbors and I have been working together. They have held "BEE Honey Club" Functions at which, large tents were erected and dozens of people would attend. At times throughout the years, 20+ cars have been parked within **my property**. It's very obvious we have been working together.

These are the facts, there is no need for her personal opinion regarding this.

Better yet, what does she need in order to justify the waiver? I have met all possible requirements!!!

FOR THESE REASONS ALONE THE WAIVER IS JUSTIFIABLE AND THE WAIVER SOLVES ALL STATED ISSUES.

1. **MOBILE UNIT IN BUFFER AND SET BACK-WAIVED**
2. **POTENTIAL LOCATION OF FARMERS MARKET-WAIVED**
3. **SCREENED FACADE AROUND MOBILE UNIT-WAIVED**
4. **BIKE RACK-BRICK WALK BETWEEN STORAGE AND FENCE - WAIVED**

16-5-102D & 16-5-103E ADJACENT USE SETBACK AND BUFFER REQUIRMENT

- The Official may waive the requirement for an adjacent use setback on determining that the proposed development and the adjacent development function as a single development.
 - The Official may waive the requirement for an adjacent use buffer on determining that the proposed development and the adjacent development function as a single development.
-

TOWN OF HILTON HEAD ISLAND

COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court, Hilton Head Island, SC 29928
843-341-4600 <http://www.hiltonheadislandsc.gov>

September 2, 2015

Tai Scott
Sent to taiifr@hotmail.com

Re: DPR-1584-2015, Gullah Geechee Catering

Dear Tai:

This letter is regarding your Minor Development Plan Review (Minor DPR) application for Gullah Geechee Catering at 15 Marshland Road. As we discussed on Friday, the application materials are incomplete. Staff needs further information to review this project for compliance with the Land Management Ordinance (LMO). The comments below reflect many of the same comments staff provided to you at the pre-application meeting for this project, which was held on October 14, 2013.

Since the use of the structure and this site are changing from an accessory storage structure for the single family home on the parcel to a commercial eating establishment, the site must be brought into compliance to the maximum extent practicable with current LMO standards for a commercial eating establishment. In meetings with staff since the 2013 pre-application meeting and in an email sent to you by Heather Colin, Development Review Administrator, on February 23, 2015, staff informed you that prior to any change to the use of the property for anything other than a single family use, the site must comply with the regulations for the new use.

Staff found some areas of flexibility in the LMO to reduce the alterations that must be made to the site to bring it into compliance with LMO standards. The gravel drive aisle running along the western property line (adjacent to Lot 9) existed prior to the development of the commercial portion of the site and is considered a legally non-conforming site feature. Even though the drive aisle runs through the required adjacent use buffer, you do not have to remove the drive aisle from the buffer or plant vegetation in the buffer to meet current adjacent use buffer standards; the drive aisle can remain in its current location.

The wood screen fence surrounding the food truck and the enclosed building encroach into the 30-foot adjacent use setback from Lot 7. Though the building and fence enclosure would not have been permitted in the setback area if the building permit applications for these structures were submitted as part of a commercial development instead of residential accessory structures,

TOWN OF HILTON HEAD ISLAND

COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court, Hilton Head Island, SC 29928

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the building and fence enclosure do not have to be removed to bring the site into full compliance with the LMO. They are legally non-conforming structures. The remaining non-conforming site features, however, must be brought into compliance with current LMO standards to the maximum extent practicable.

Please submit the following materials to complete the application and begin staff review:

1. Check Yes or No after the “Are there recorded private covenants...” question on the application form (attached).
 2. Please revise the narrative to include the size of the enclosed building (not the food truck), the size of the covered eating area, and, if the area in between the gravel drive and the building will be used as an outdoor seating area, state the size of that outdoor seating area.
The narrative should also address the following questions/issues:
 - a) When will food and supplies be delivered and where the delivery truck will access the food truck;
 - b) How waste will be removed – will there be a dumpster?
 - c) The number of bicycle and vehicle parking spaces required based on the size of the enclosed building and outdoor seating areas. See LMO Sections 16-5-107.D (page 5-31) and 16-5-107.H.7 (page 5-42).
 - d) The number, size, and species of existing overstory trees, understory trees, and evergreen shrubs in the adjacent street buffer and in the adjacent use buffer next to Lot 7. The existing vegetation in the buffer will count toward the required buffer vegetation. See LMO Section 16-5-103.F, Buffer Types (page 5-8).
 3. A site plan including all of the items listed in LMO Appendix D, Section 7 (attached), including but not limited to:
 - a) The adjacent street setback line, labeled “40 Foot, 70 degree angle Adjacent Street Setback”.
 - b) The adjacent street buffer line, labeled “Type B, Option (1 or 2) Adjacent Street Buffer”.
 - c) The adjacent use setback line, labeled “30 foot, 60 degree angle Adjacent Use Setback”. The line should be drawn on the side of the property next to Lot 7 and should extend from the Marshland Road right-of-way to the back of the building.
 - d) The adjacent use buffer line, labeled “Type C, Option (1 or 2) Adjacent Use Buffer”. The lines should be drawn on the side of the property next to Lot 7 and should extend from the Marshland Road right-of-way to the back of the building.
-

TOWN OF HILTON HEAD ISLAND

COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court, Hilton Head Island, SC 29928

843-341-4600 <http://www.hiltonheadislandsc.gov>

- e) The required 15 foot wide landscape medians at the ends of the parking row. See LMO Section 16-5-107.G (page 5-39).
- f) Lines showing the location and width of the 20-foot driveway. The lines do not need to be marked on the site; they just need to be shown on the site plan.
- g) Lines delineating the lengths and widths of the parking spaces. The lines do not need to be marked on the ground; they just need to be shown on the site plan to demonstrate that they are the required dimensions: all spaces must be 18 feet long; spaces at the ends of the parking row must be 10 feet wide; spaces on the inside of the parking row must be 9 feet wide.
- h) Add a table with the following information to the site plan:
 - The gross area of the site in square feet (33,300 sq ft) and acres (0.76 acres).
 - The area of the tidal wetland on the site in square feet (2,462 sq ft) and acres (0.06 acres).
 - The net area of the site (gross area – tidal wetland area) in square feet (30,838 sq ft) and acres (0.7 acres).
 - The Zoning District: MF, Marshfront Mixed Use.
 - The maximum impervious coverage allowed for the MF Zoning District: 60%.
 - The maximum impervious coverage allowed on the site in square feet (18,503 sq ft) and acres (0.42 acres).
 - The amount of impervious coverage on the site in square feet, acres, and as a percent of the site.
 - The maximum density permitted for the site per the MF Zoning District: 4 Single Family Dwelling Units; and 4,900 square feet of Nonresidential Use.
 - The proposed density for the site: Retain the existing Single Family Dwelling Unit; and add 300 square feet of Nonresidential Use.
 - The number of parking spaces required: 1 space per every 100 square feet of enclosed floor area and outdoor seating area.
 - The number of parking spaces provided.
 - The number of bicycle parking spaces required: parking for 4 bicycles for every 10 vehicle parking spaces required, or major fraction thereof.
 - The number of bicycle parking spaces provided.
- i) An Electric Vehicle (EV) Charging Station. Land Management Ordinance Section 16-5-107.D.10 (page 5-38) states that “All multifamily and nonresidential development shall provide one electric vehicle (EV) charging station per site. The electric vehicle charging station shall be located within 100 feet of the primary entrance.” Note the location of the EV charging station and provide

TOWN OF HILTON HEAD ISLAND

COMMUNITY DEVELOPMENT DEPARTMENT

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specs for the station for staff review of the design.

4. A landscape plan for the adjacent street buffer, adjacent use buffer, and the parking medians.
5. The estimated impact fees for a 300 square foot High Turnover Eating Establishment are: \$2,628.30 (Town of Hilton Head Island) + \$1,030.20 (Beaufort County) = \$3,658.50. The impact fees must be paid at Town Hall prior to the Certificate of Compliance (C of C) being issued for this project.
6. If required by Hilton Head PSD, a Will Serve letter stating that the PSD will provide water and sewer service to the site. If this letter is required, it does not have to be submitted to start staff review of the application, but it is required before the Minor DPR will be approved.
7. If required by Palmetto Electric, a Will Serve letter stating that Palmetto Electric will provide electrical service to the site. Again, if this letter is required, it does not have to be submitted to start staff review of the application, but it is required before the Minor DPR will be approved.

Please note that this list is not inclusive; additional information or materials may be required by Town staff once they review the complete application. Once the materials required to complete the application have been submitted, staff will begin reviewing the application. A comment letter or an approval (if staff has no comments) will be sent to you within seven business days of receiving the complete application.

Please note that, when making the above changes to the site plan, if you find that you aren't able to meet some of the current LMO standards, you can apply for a variance from the Board of Zoning Appeals (BZA) from the section or sections of the LMO. A variance application is attached and the BZA application deadlines, meeting schedule, and further information about the variance process are on the Town's website:

<http://www.hiltonheadislandsc.gov/boards/boarddetails.cfm?BoardID=BZA>. Please note that each of the four criteria in LMO Section 16-2-103.S.4.a.i (see attached application form) must be met for the variance to be approved. Please also note that any variances requested for this site must be approved before the site plan can be approved.

You will need to submit the C of C application when the approved site work for this project is complete. The required application forms for the C of C will be provided to you when the

TOWN OF HILTON HEAD ISLAND

COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court, Hilton Head Island, SC 29928
843-341-4600 <http://www.hiltonheadislandsc.gov>

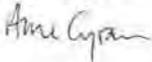
Minor DPR application is approved. The C of C must be approved by staff **prior** to this site being used as a Commercial Eating Establishment.

Please ensure that no further work (demolition, removing vegetation, moving gravel, installing site features, building structures, etc.) takes place on this site until the Minor DPR is approved.

Again, the Design Review Board (DRB) application must be approved, the Minor DPR must be approved, any alterations to the building or site required by the DRB must be complete, all site work must be complete, and a C of C must be approved before the site can be used as anything other than a single family residence.

Please contact me at (843) 341-4697 or at annec@hiltonheadislandsc.gov if you have any questions about these requirements.

Sincerely,



Anne Cyran, AICP
Senior Planner

cc: File
Heather Colin, Development Review Administrator
Teri Lewis, LMO Official

Attachments: Minor DPR Application Form
PAPP130019 Staff Comment Sheet
Email from Heather Colin dated 02/23/2015
LMO Appendix D, Section 7
VAR Application

9-23-15

Email from: Anne Cyran

Regarding the cedar stain, the BZA cannot overturn a decision by the DRB. The next step in appealing a DRB decision is to appeal the decision to circuit court. LMO Section 16-2-102.H.2.b, Post-Decision Actions and Limitations – Appeals, states “The following decisions shall constitute final decisions of the Town, and a party aggrieved or adversely affected by such a decision may appeal the decision to the courts in accordance with applicable state law: (v). A final decision by the Design Review Board on applications for Major Corridor Review or a Sign Permit.” The LMO is on the Town’s website: <http://www.hiltonheadislandsc.gov/publications/codeoflaws.cfm>.

If you want to apply for a variance from any additional standards (aside from the ones listed below), you can apply for any of the LMO sections listed in 16-2-103.S.2. The list below covers the issues we discussed last week:

~~1.~~ The adjacent use setback and buffer from Lot 7. LMO 16-5-102.D, Adjacent Use Setback Requirements, and 16-5-103.E, Adjacent Use Buffer Requirements.

If you receive a variance from these sections for the setback and buffer requirements from Lot 7, you could place new structures (such as food or merchandise display areas, seating areas, fences, etc.) in the setback area and you would not be required to create a landscaped buffer along the property line you share with Lot 7. A variance from these sections would not exempt you from receiving Design Review Board approval or applicable building permits for any new structures or landscaping you build, locate, or plant in the adjacent use setback and buffer area.

~~2.~~ As stated during the meeting, staff will support a variance from this requirement.

2. The adjacent street buffer from Marshland Road. LMO 16-5-103.D, Adjacent Street Buffer Requirements.

If you receive a variance from this section for the adjacent street buffer requirements from Marshland Road, you would not be required to create a landscaped buffer along the Marshland Road property line.

For staff to support a variance from this requirement, you will need to demonstrate that you cannot meet the minimum width requirement for a Type B buffer (for a minor arterial street). Type B buffers must be 25 feet wide (Option 1) or 15 feet wide (Option 2). Based on the site plan you submitted, there is enough space to establish the required adjacent street buffer.

3. The requirement for 15 foot wide landscape medians at the ends of parking rows. LMO 16-5-107.G, Landscaping of Parking Lots.

If you receive a variance from this section, you will not need to establish landscaped medians at the ends of the row of parking spaces.

For staff to support a variance from this requirement, you will need to demonstrate that you cannot add the medians at the ends of the row of parking spaces because there isn’t enough room on the site to do so. Based on the site plan you submitted, there is enough space to establish a row of parking spaces with 15 foot wide landscape medians on the ends.

The number of parking spaces required for an open air sales use 1 space per 200 square feet of gross floor area of the sales/display area. Based on the site plan submitted for the Minor DPR, the site has 600

Appeal Submittal Narrative

Please consider this as a formal request to hear this case at the January BZA meeting. I will be out of the States handling family matters for the December 14, 2015 meeting. I am scheduled to leave the states on Saturday December 12, 2015. I would like to formally request for the board to exercise the powers vested in them to subpoena the following town officials:

TERRY LEWIS-LMO Official-Abuse of authority by a town official

HEATHER COLINS-Development Review Administrator Agreed that waiver requirements were met

JILL FOSTER- Agreed that letter between neighbors and I was not required

DONNA HORSEMANN- Community Development Assistant Can confirm the project intent from beginning. Present when Terry stated she would help. Day before I purchased unit

SARAH Community Development Assistant - was present when Terry stated she would help. Day before I purchased unit

Keisha Community Development Assistant - was present when Terry stated she would help. Day before I purchased unit

Also Marie Arnal 13 Marshland Road HHI SC 29928 neighbor- Can verify Terry Lewis misled her in regards to the establishment ie. My neighbors and I must be business partners

Their presence will be crucial to the validity of my case.

As required, please accept this narrative as a formal request to appeal the decision made by Town Official Terry Lewis regarding **her opinion** that the criteria to waive LMO section 16-5-102.D and 16-5-103.E ADJACENT USE SETBACK AND BUFFER has not been met. This decision was rendered on October 21, 2015 Re: DPR-1584-2015, GULLAH GEECHEE CATERING. I am requesting for the BZA to use the powers vested in them to waive LMO section 16-5-102D& 16-5-103E

16-5-102D. & 16-5-103E ADJACENT USE SETBACK AND BUFFER REQUIRMENTS

- **The Official may waive the requirement for an adjacent use setback on determining that the proposed development and the adjacent development function as a single development.**
- **The Official may waive the requirement for an adjacent use buffer on determining that the proposed development and the adjacent development function as a single development.**

To support this request I have proven that my property and the adjacent property can be considered a functional single development. The facts are as follows, both properties are zoned marsh front mixed use. The neighbors are currently utilizing their property as a home based business which caters to the public. They have an agricultural license to process honey and a Town of Hilton Head Island Business license to sell honey to the public. They have held honey functions throughout the past couple of years in which customers, friends, and bee club members have utilized my property, along with theirs, for these functions. At times 20+ automobiles would be parked on my property. They have verbally stood before the DRB on September 22, 2015 and stated that we have been working with and supporting each other since they acquired the property. We have a business license which allows us to cater to the public as well. We will display local vendor stations at various times, selling fruits, vegetables, seafood, and native islander made products. For these very apparent reasons, I believe that both sites complement each other and can be considered a functional single development. After speaking with Development Review Administrator (Heather Colin), she stated that those criteria did show proof however I would also need something in writing to solidify the waiver. I stated that my neighbors and I have a deeded reciprocal easement which encumbers our properties. Heather stated that I would have to provide a copy of it and that she would notify Terry Lewis that I have met the requirements for the waiver.(e-mail 9-14-15) Furthermore, town official Anne Cyran has stated staffs support of a variance from these requirements.(e-mail 9-23-15) The fact that they do have the power to waive this section, in my opinion, does not warrant a variance. For these very apparent reasons I am requesting for the board to reverse town's official Terry Lewis decision not to waive section 16-5-102 D & 16-5-103.E Adjacent use setback and buffer requirements.

16-5-102 ADJACENT USE SETBACK AND BUFFER REQUIRMENTS

- **The Official may waive the requirement for an adjacent use setback on determining that the proposed development and the adjacent development function as a single development.**
- **The Official may waive the requirement for an adjacent use buffer on determining that the proposed development and the adjacent development function as a single development.**

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, SC 29928

843-341-4600 phone 843-842-7728 fax

www.hiltonheadislandsc.gov

Sent via e-mail to taifr@hotmail.com

October 21, 2015

Mr. Taiwan Scott
5 Candy Doll Bluff
Hilton Head Island, SC 29928

Re: DPR-1584-2015, Gullah Geechee Catering

Dear Mr. Scott:

This is a follow up to the meeting held on October 20, 2015 between you, Alex Brown, Richard Spruce, Jill Foster, Charles Cousins and myself. At that meeting we agreed that I would send you a letter listing your options to complete your Minor Development Plan Review (DPR) application. Below are our ideas and recommendations based on yesterday's meeting.

The first option is to locate the food truck (open air sales unit), associated screening fence, bike rack and farmers' market area out of the required setback and buffer (see attached site plan for possible layout). The brick walk between the storage shed and the fence along the property line must be removed or relocated out of the required buffer. If you choose this option, I will circulate the attached site plan among reviewers to determine anything else with the site that needs to be addressed.

The second option is to do the first option **and** apply for a variance asking for a 15' adjacent use setback instead of the required 30' setback. I think you have a great case for a variance to reduce the adjacent use setback based on the narrowness of the property, especially once you apply the various setback and buffer requirements to the site plan. I would support such a variance and be willing to meet with your neighbor ahead of time to explain my support of the variance. This variance would give you even more area for the farmers' market and for the open air sales use (food truck).

Per Richard Spruce, please be advised that building permits will still be required for the restroom and the screening fence around the food truck (which were installed without the required permits) and any propane tanks that have been or are proposed to be added. Additionally any electrical or plumbing work already done or proposed to be done related to the food truck will need to be inspected.

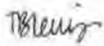
The paragraphs above simply explain your options; as stated before, until such time that the stop work orders are removed, no work can occur on this site.

To keep this project moving forward, please let me know by **November 3, 2015** which option you choose and we will work with you to continue the permitting of this project as expediently as possible.

Yesterday you stated that you wanted a final answer on the Open Air Sales use and the Farmers' Market use. I have determined, after a thorough review of the LMO, particularly the Use and Definition sections, that the food truck is considered a permanent Open Air Sales use and not just a part of a temporary Farmers' Market use. This determination is based in part on the information provided on the business license submitted by Gullah Geechee Catering. Their business license states that this is a permanent location for their business, the description of which is catering and restaurant, not a farmers' market. The determination regarding the

use classification of the food truck is also based on the definition of Farmers' Market which states that, "... held...occasionally or periodically for only a limited time period during the year..." Additionally I have determined, as we discussed yesterday, that based on the information available to me, your site (Lot 8) and the neighboring site (Lot 7) do not appear to function as a single development and therefore the adjacent use setback and buffer are applicable. These are my final written determinations on these two issues. **Should you disagree with them and wish to appeal these two determinations to the Board of Zoning Appeals, you must do so within 14 days of receipt of this letter (November 3, 2015).**

Sincerely,



Teri B. Lewis
LMO Official

cc: Alex Brown
Charles Cousins
Jill Foster
Richard Spruce

**Town of Hilton Head Island
Design Review Board
Minutes of the Tuesday, September 22, 2015 Meeting
1:15p.m. – Benjamin M. Racusin Council Chambers**

DRAFT

Board Members Present: Chairman Jake Gartner, Vice Chairman Dale Strecker,
Ron Hoffman, Debbie Remke, Kyle Theodore, and Brian Witmer

Board Members Absent: Michael Gentemann

Town Council Present: Mayor Pro Tem Bill Harkins and John McCann

Town Staff Present: Jennifer Ray, Urban Designer
Teri Lewis, LMO Official
Heather Colin, Development Review Administrator
Richard Spruce, Plans Examiner
Charles Cousins, Director, Community Development
Shawn Colin, Deputy Director, Community Development
Anne Cyran, Senior Planner
Don Kirkman, Director, Economic Development
Kathleen Carlin, Administrative Assistant

1. Call to Order

2. Roll Call

3. Freedom of Information Act Compliance

Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

4. Approval of Agenda

Ms. Ray reported that application DRB-001678-2015, Outdoor Dining Patio (SCTC-Wren), has been withdrawn at the applicant's request. The agenda was **approved** as amended by general consent.

5. Approval of Minutes

The minutes of the September 8, 2015 meeting were **approved** as amended by general consent.

6. Staff Report

Ms. Ray reported that staff has modified the draft DRB Minutes to focus more on the applicants' presentations and the Board's comments, recommendations and directives. The Board stated that they like the new format for the draft minutes.

Ms. Ray reported that Town Council has approved first reading of the Ordinance to adopt the updated Design Guide. The second reading by Town Council is scheduled on October 6, 2015.

7. Board Business

None

8. Old Business

A. Gullah Geechee Catering LLC – DRB-001583-2015 *Request to rescind previous DRB motion*

Ms. Ray stated that this project is located at 15 Marshland Road and was reviewed by the Board on September 8, 2015. The Board approved the application with the following conditions: (1) the orange color on the lattice, the fence, and the building is to be muted to bring it into compliance with the Design Guide; (2) the roof on the enclosed structure and the covered porch shall be the same color to be consistent with the Design Guide; (3) basic landscaping shall be placed consistent with the LMO along the fence and the picnic area as recommended by the staff.

Ms. Ray stated that the applicant is here today to request that the Board rescind their motion based on additional information that he would like to present today. The Board's Rules of Procedure allow the Board to rescind a previously approved motion. A member would have to make a motion to rescind and that motion would have to be seconded. Approval of the motion requires a two-thirds vote. If the Board approves rescinding the motion, the Board will then need to take action on the submittal that was reviewed at the September 8, 2015 meeting with a new vote, a second, and a majority vote.

Ms. Ray stated that following the September 8th meeting the staff met with Mr. Scott on site to discuss color options. Following this discussion, the applicant stated that he had additional information that he would like to present to the Board today. This resulted in the applicant's request to rescind the previous motion for this project. If the Board does not approve the applicant's request to rescind their previous motion, and the applicant wishes to pursue the matter further, the next step in the process would be an appeal to the Circuit Court. Following these statements, Chairman Gartner requested that the applicant make his presentation.

Mr. Taiwan Scott requested that the Board rescind their previous motion on this project regarding the Board's condition to mute the orange color. Mr. Scott stated that he does not agree with this condition. Mr. Scott stated that the orange color is actually a cedar toned stain and that the use of orange is already established on several projects throughout the island. Mr. Scott presented an actual sample of the cedar toned stained lattice for the Board's review.

Mr. Scott also presented an overhead review of several photos of projects located throughout the island that contain an element of orange. Mr. Scott stated that he believes the cedar tone stain is already muted when compared to the previously approved orange used on projects elsewhere on the island.

Mr. Scott also presented comments with regard to the town's R/UDAT Study's Vision Statement. Mr. Scott encouraged the DRB to support the Native Islander's culture when reviewing these types of projects. Native Islander colors are often more vibrant than the nature blending color palette that dominates the island. Mr. Scott stated that he has complied with the Board's condition regarding a uniform color for the roofs. Following his presentation, Mr. Scott requested that the Board allow public comments.

Before inviting public comments on this project, Chairman Gartner stated that the Design Review Board is tasked with reviewing design criteria based on the town's Design Review Guidelines. Public comments should relate to design criteria only. Chairman Gartner then requested public comments and the following were received:

(1) Mr. Don Brashears presented statements in support of the project including the cedar tone stained color; (2) Ms. Dot Law, Chairman of the Marshland POA, presented statements in support of the project including the cedar tone stained color. Ms. Law encouraged the Board to consider the Native Island culture when reviewing Native Islander projects; (3) Mr. Joe Buckingham presented statements in support of the project including the cedar tone stained color;

(4) Mr. David Arnal presented statements in support of the project including the cedar tone stained color. Following public comments, Chairman Gartner requested discussion by the Board. The Board discussed their previous motion and the new information presented to them today.

A majority of the Board members stated that while they support the applicant's business idea, the Design Review Board is tasked with interpreting and complying with the town's Design Guidelines. The cedar tone stain does not appear in the Design Guide and presents as orange when viewed on site in the sun. The Board stated that the color should be muted to comply with the Design Guide. Mr. Scott stated his objection to the Board's comments since he believes the color orange is already well established on previously approved projects.

The Board stated that the problem is the dominant amount of orange on this project. The amount of orange makes it the dominant color and incompliant with the Design Guide. The color orange shown in the photographs is used as an accessory color rather than a dominant color.

One Board member stated that, based on the new information presented today by the applicant, she believes that a precedent has already been set for the use of orange. The majority of Board members stated that the orange color does not comply with the Design Guide.

The Board stated that while they appreciate the Native Islander community and culture, they are nonetheless tasked with judging properties according to the Design Guide. The Board has one set of guidelines that apply to the entire island. Perhaps the idea of a Native Islander Corridor should be explored at some point but this is not under the DRB's jurisdiction. The Board stated that the uniform roof color is a big improvement. Additional landscaping is needed to be compliant with the LMO. At the completion of final comments by the Board, Chairman Gartner asked if there was a motion to rescind the previous motion regarding application DRB-001583-2015. No motion to rescind the previous motion was received from the Board. Based on the lack of a motion, Chairman Gartner stated that the Board's original motion stands. The Board stated that the color needs to be toned down and basic landscaping is required per the LMO. The applicant is to work with the staff on these two conditions.

9. Unfinished Business

A. Alteration/Addition

Engel + Volkens – DRB-001501-2015

Ms. Ray stated that this project is located at 800 Main Street. The Board first reviewed this application on August 25, 2015 but no action was taken. At the time the Board's comments focused on modifications to the ramps and handrails, the addition of the white awnings, and the addition of the storefront on the rear of the building. Changes were made to the site plan based on the Board's comments as well as code requirements.

Ms. Ray presented an in-depth overhead review of the revised plans. The staff recommends approval with the condition that consideration be given on how to make the lift better match the architecture of the building. A landscape plan is also required with extensive landscaping to screen the end of the building. Following staff's presentation, Chairman Gartner requested that the applicant make his presentation.

Mr. Michael Kronimus, KRA architecture + design, presented statement in support of the application. The applicant stated that they are looking for a very simple white lift and it does not have to be the glass enclosure presented today. The applicant stated that the display of real estate listings is still an issue. Ms. Ray stated that the listings have to meet the requirements for window signs and this issue falls under Code Enforcement rather than the DRB. The applicant stated that they will submit the required landscaping plan. The applicant stated that they would like to paint all of the doors black. The awnings are all black.



Town of Hilton Head Island Regular Design Review Board Meeting

October 13, 2015

1:15 p.m. – Benjamin M. Racusin Council Chambers

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

1. **Call to Order**
2. **Roll Call**
3. **Freedom of Information Act Compliance**
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
4. **Approval of Agenda**
5. **Approval of Minutes** – Meeting of September 22, 2015
6. **Staff Report**
7. **Board Business** – Approval of 2016 Regular Meeting Schedule
8. **Old Business**
9. **Unfinished Business**
10. **New Business**
 - A. Alteration/Addition
 - 1) DRB-001757-2015 – Graves Warehouse
 - 2) DRB-001821-2015 – Ocean Gate repaint/re-roof
 - 3) DRB-001824-2015 – Greenwood Gate repaint/re-roof
 - 4) DRB-001839-2015 – Renovation as law offices
 - 5) DRB-001840-2015 – Alterations & Additions St. Luke's Church
 - 6) DRB-001851-2015 – World of Beers
 - 7) DRB-001852-2015 – Engel & Volkers (7 New Orleans Road)
 - 8) DRB-001854-2015 – 151 Arrow Road
 - 9) DRB-001855-2015 – 1020 William Hilton Parkway
 - B. New Development – Conceptual
 - 1) DRB-001842-2015 – Sea Turtle Marketplace
 - 2) DRB-001860-2015 – Home 2 Suites by Hilton

[Print](#)[Close](#)**RE: DPR-1584-2015 Gullah Geechee Catering - Letter re Application Requirements 09-02-2015**

From: **Taiwan scott** (taifr@hotmail.com)
Sent: Mon 9/14/15 12:20 PM
To: annec@hiltonheadislandsc.gov (annec@hiltonheadislandsc.gov);
HeatherC@hiltonheadislandsc.gov (heatherc@hiltonheadislandsc.gov); Lewis Teri
(teril@hiltonheadislandsc.gov)

Anne,

I would like to schedule a time to meet with you, Heather, and Teri to discuss your comments. I met with Heather after the DRB meeting and we agreed that there are areas which qualify for modifications / adjustments. She said that she would talk to Teri about them. The sooner the better, as I would like to have the changes displayed on the survey as requested. I am available any time after 11 this week.

Thank you

Tai
843-290-0868

From: annec@hiltonheadislandsc.gov
To: taifr@hotmail.com
CC: HeatherC@hiltonheadislandsc.gov; TeriL@hiltonheadislandsc.gov
Subject: DPR-1584-2015 Gullah Geechee Catering - Letter re Application Requirements 09-02-2015
Date: Wed, 2 Sep 2015 21:27:43 +0000

Good afternoon Tai,

I'm sorry for the delay in sending this to you.

Please contact me if you have any questions.

Sincerely,

Anne Cyran, AICP

Senior Planner

Town of Hilton Head Island

One Town Center Court

Hilton Head Island, SC 29928

(843) 341-4697

annec@hiltonheadislandsc.gov

From: Taiwan scott [mailto:taifr@hotmail.com]
Sent: Tuesday, September 01, 2015 4:55 PM
To: Cyran Anne
Subject: RE: Meeting tomorrow

Anne,

As to the meeting on last Friday, can you please forward me the expected changes that will be needed for final approval. I do understand that the DRB will have their comments on Tuesday however, you stated that I should receive yours comments by yesterday.

I'm just touching base, in case you forgot.

thanks

tai

843-290-0868

From: annec@hiltonheadislandsc.gov
To: taifr@hotmail.com
Subject: RE: Meeting tomorrow
Date: Thu, 27 Aug 2015 20:30:05 +0000

Tai,

Teri, Heather, Jennifer and I will be there.

We'll see you tomorrow.

Anne Cyran, AICP

Senior Planner

Town of Hilton Head Island

One Town Center Court

Hilton Head Island, SC 29928

(843) 341-4697

annec@hiltonheadislandsc.gov

From: Taiwan scott [mailto:taifr@hotmail.com]
Sent: Thursday, August 27, 2015 4:28 PM

<

>

To: Cyran Anne
Subject: Meeting tomorrow

Anne,

If possible, I would like for Terry to be at the meeting on tomorrow. If this isn't possible, then we can reschedule at another time that fits her schedule.

Please let me know.

Tai

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

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Gullah Geechee Catering Company owners to open restaurant on Hilton Head







1 of 2

i

By ASHLEY FAHEYafahey@islandpacket.com

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Thomas Baker has always loved food.

So it worked out pretty well that everyone else in his family loved to cook and eat, too.

"I used to watch family members prepare meals," Baker said. "I started under the tutelage of my mom and dad."

Those early days of watching (and sampling) fostered a love for cooking, which eventually turned into a catering career based on Hilton Head Island.

Gullah Geechee Catering Company has been around for years, Baker said. Along with his immediate and extended family, who are native islanders, he prepares traditional Gullah cuisine at local festivals, events and reunions.

"I have compiled recipes from grandparents, great-grandparents," he said, adding that over the years, he had to "clean up" one or two of them. "You don't have to go overboard on fatty foods."

Baker, along with his second cousin Richard Williams, decided it was time to give the Gullah Geechee Catering Company an "operational base."

"It has been my love, my passion, my drive to have a place of business that represents the island -- and who we are," he said.

So began the process to open a restaurant with the same moniker as his catering company. The Gullah Geechee Catering Company is expected to move into 15 Marshland Road this fall, Baker said, once it receives approval from the Town of Hilton Head's Design Review Board. The restaurant will serve Gullah favorites such as gumbo, Savannah red rice, deviled crab and oyster purloo.

The restaurant is designed to have customers take their food to-go or to dine at tables on a nearby covered porch. It's envisioned as a gathering space for islanders who grew up on Gullah food and tourists who want an authentic local eating experience.

And you can't talk about Hilton Head without mentioning the influence of the Gullah culture on the island, the Lowcountry -- and, as Baker would argue, the entire Southern food genre.

"We believe Gullah cooking is the real soul food," he said. "(Southern food such as) Cajun and Creole are inspired by and have added to what we do."

Baker still recalls advice from those who taught him since the beginning.

"I didn't see the importance of being a good cook until I paid close attention to people enjoying the food," he said. "My dad used to say, 'Son, listen, you may think this is menial, but this is a service to people."

"And if you can give good service," he said, "that is so meaningful."

Read more here: <http://www.islandpacket.com/news/business/article35651676.html#storylink=cpy>



TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court | Hilton Head Island, SC 29928 | 843-341-4757 | FAX 843-842-8908

STAFF REPORT VARIANCE

Case #:	Public Hearing Date:	Development Name:
VAR-2298-2015	January 25, 2016	Hilton Head Island Airport

Parcel Data:	Property Owner:	Applicant:
<u>Address:</u> 120 Beach City Road <u>Parcels:</u> R510 008 000 0352 0000 R510 008 000 0085 0000 <u>Acreage:</u> 102.22 acres <u>Zoning:</u> IL (Light Industrial)	Beaufort County 100 Ribaut Road Beaufort SC 29902	Jon Rembold Airports Director 100 Ribaut Road Beaufort SC 29902

Application Summary:

On behalf of Beaufort County, Jon Rembold is requesting a variance from Land Management Ordinance (LMO) Section 16-3-106.E, Airport Overlay (A-O) District, to reduce the adjacent street buffer along the west side of Summit Drive from 75 feet from the edge of pavement to 20 feet from the edge of pavement. The applicant is requesting the variance to allow the relocation of Taxiway A, the General Aviation Replacement Ramp, and the helicopter parking pad, per the Airport Layout Plan in the Hilton Head Island Airport Master Plan and to be in compliance with FAA requirements.

Staff Recommendation:

Staff recommends the Board of Zoning Appeals **approve** the application based on the Findings of Fact and Conclusions of Law contained in the staff report.

Background:

The subject parcels are addressed as 120 Beach City Road and are part of the Hilton Head Island Airport.

The Federal Aviation Administration (FAA) design and safety standards require a separation of 300 feet between the runway and adjacent Taxiway A. To meet this standard, Beaufort

County will relocate Taxiway A 100 feet to the east, toward Summit Drive. Since the new location of Taxiway A runs through an existing aviation ramp and aircraft parking apron, Beaufort County will move the ramp and construct a new parking apron to the north, in an undeveloped area of the property. These changes are shown on the Airport Layout Plan (Attachment C), part of the approved 2010 Hilton Head Island Airport Master Plan.

The relocated parking apron and the related grading, drainage, sediment, and erosion control measures requires the removal of trees in the 75 foot street buffer along the west side of Summit Drive. The buffer is a requirement of LMO Section 16-3-106.E and it is required for all adjacent street buffers on airport property within the Approach Path subdistrict of the A-O District. For all other properties in the Town, the required buffer for a street the size of Summit Drive is either 20 or 10 feet. Beaufort County is requesting to reduce the buffer to 20 feet to allow the construction of the parking apron without encroaching into the adjacent street buffer.

Reducing the adjacent street buffer will also allow the county to relocate the helicopter parking pad. Though it is not shown on the Airport Layout Plan, the new location of Taxiway A will encroach into the existing pad. The county proposes to relocate the pad in an area between the Airport Rescue and Firefighting Facility (ARFF) and Summit Drive. The exact location of the pad has not yet been determined. The helicopter pad and the required clearance for the pad will also require the removal of trees in the 75 foot Summit Drive street buffer. Reducing the width of the buffer along Summit Drive to 20 feet will allow Beaufort County to relocate the helicopter pad without encroaching into the adjacent street buffer.

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

Grounds for Variance:

The applicant states a variance is required because the FAA regulations require the relocation of Taxiway A to an area that runs through an existing aviation ramp, aircraft parking apron, and helicopter landing pad. The county must relocate the ramp, parking apron, and pad to accommodate the required relocation of Taxiway A.

The Airport Layout Plan, part of the approved 2010 Hilton Head Island Airport Master Plan, shows the new parking apron within the required 75 foot adjacent street buffer along Summit Drive. Building the parking apron in this area will require clearing trees and vegetation within the adjacent street buffer. If the adjacent street buffer is reduced to 20 feet, the parking apron can be built without encroaching into the adjacent street buffer. The reduced street buffer will also allow the helicopter pad to be relocated between the Airport Rescue and Firefighting Facility (ARFF) and Summit Drive without encroaching into the adjacent street buffer.

Summary of Facts:

- 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:

1. Application was submitted on December 14, 2015 as set forth in LMO Section 16-2-102.C and Appendix D-23.
2. Notice of the Application was published in the Island Packet on December 20, 2015 as set forth in LMO Section 16-2-102.E.2.
3. Notice of the Application was posted on January 8, 2015 as set forth in LMO Section 16-2-102.E.2.
4. Notice of Application was mailed on January 6, 2015 as set forth in LMO Section 16-2-102.E.2.
5. The Board has authority to render the decision reached here under LMO Section 16-2-102.G.

Conclusions of Law:

1. The application is in compliance with the submittal requirements established in LMO Section 16-2-102.C.
2. The application was submitted 42 days prior to the meeting, therefore meeting the 30 day deadline required in the LMO.
3. Notice of application was published 36 days prior to the meeting, therefore meeting the 15 day deadline required in the LMO.
4. Notice of application was posted 17 days prior to the meeting, therefore meeting the 15 day deadline required in the LMO.
5. Notice of application was mailed 19 days prior to the meeting, therefore meeting the 15 day deadline required in the LMO.
6. 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:

1. Federal Aviation Administration (FAA) design and safety standards require a separation of 300 feet between the runway and adjacent Taxiway A.
2. The current separation between the runway and Taxiway A is 200 feet.
3. Beaufort County must relocate Taxiway A 100 feet to the north, toward Summit Drive, to meet FAA requirements.
4. LMO Section 16-3-106.E.4.c.ii.01.C requires a 75 foot adjacent street buffer for airport property within the Approach Path subdistrict.

Conclusion of Law:

1. Staff concludes that this request **meets the criteria** as set forth in LMO Section 16-2-103.S.4.a.i.01 because there are extraordinary and exceptional conditions that pertain to this particular property. Beaufort County must meet FAA standards by relocating Taxiway A toward Summit Drive. The LMO-required 75 foot adjacent street buffer on the west side of Summit Drive is unique to airport properties within the Approach Path subdistrict of the A-O District.

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:

1. Federal Aviation Administration (FAA) design and safety standards are unique to properties in the A-O District.
2. The Airport Overlay (A-O) District includes the airport and surrounding properties.
3. LMO Section 16-3-106.E.4.c.ii.01.C requires a 75 foot adjacent street buffer for airport property within the Approach Path subdistrict.
4. Per LMO Section 16-5-105.B.3, Summit Drive is a non-arterial street.
5. Per LMO Section 16-5-103.D, non-arterial streets require a Type A Adjacent Street Buffer.
6. Per LMO Section 16-5-103.F, Type A buffers are either 20 feet wide (Option 1) or 10 feet wide (Option 2), depending on the amount of vegetation required in the buffer.

Conclusion of Law:

1. Staff concludes that this request **meets the criteria** as set forth in LMO Section 16-2-103.S.4.a.i.02 because these conditions do not generally apply to other properties in the vicinity. This property must meet FAA standards, which are limited to properties within or in the vicinity of the airport. The LMO requires an adjacent street buffer along the west side of Summit Drive that is 55 to 65 feet wider than the required buffer for similar streets.

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:

1. Federal Aviation Administration (FAA) design and safety standards require an increased separation between the runway and Taxiway A.
2. Beaufort County must relocate Taxiway A to meet FAA standards.
3. To meet the FAA standard, Taxiway A will be shifted north, toward Summit Drive.
4. Taxiway A will be relocated to an area that runs through an existing aviation ramp,

- aircraft parking apron, and helicopter landing pad.
5. The existing ramp, parking apron, and helicopter landing pad must be relocated to accommodate the new location of Taxiway A.
 6. The ramp, parking apron, and helicopter pad will also be shifted north, toward Summit Drive.
 7. The new parking apron, helicopter pad, associated infrastructure, and required clearance areas will be built in an undeveloped area of the property that includes the required 75 foot adjacent street buffer along Summit Drive.

Conclusion of Law:

1. Staff concludes that this request **meets the criteria** as set forth in LMO Section 16-2-103.S.4.a.i.03 because the application of the 75 foot buffer along the west side of Summit Drive would effectively prohibit the relocation of Taxiway A by unreasonably restricting the development of the property in the area between Taxiway A and Summit Drive.

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:

1. The property on the other (ease) side of Summit Drive is a large parcel owned by the Town.
2. The uses on the Town-owned property on the other side of Summit Drive include the Town Facilities Management building, the Beaufort County Convenience Center, the Town Fire Rescue Headquarters, and the Town Fire Rescue Training Center.
3. Town staff did not identify any substantial detriment to adjacent property or the public good that would be caused by granting the variance.
4. Town staff did not identify any harm to the character of the IL District that would be caused by granting the variance.
5. Town staff did not receive any public comments regarding this application.

Conclusion of Law:

1. Staff concludes that this request **meets the criteria** as set forth in LMO Section 16-2-103.S.4.a.i.04 because the reduced adjacent street buffer will not be of substantial detriment to adjacent property or the public good and the character of the IL District will not be harmed by granting the variance. The reduced buffer will not negatively affect adjacent uses, which are public institutions and institutional uses on a large parcel owned by the Town of Hilton Head Island. Further, no negative comments were received from the public or adjacent property owners regarding the proposed variance.

LMO Official Determination:

Based on the above Findings of Facts and Conclusions of Law, the LMO Official determines that the request for a variance **should be granted** to the applicant.

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 determination.

PREPARED BY:

Anne Cyran, AICP, Senior Planner

January 8, 2016

DATE

REVIEWED BY:

Nicole Dixon, CFM, Board Coordinator

DATE

REVIEWED BY:

Heather Colin, AICP, Development Review
Administrator

DATE

ATTACHMENTS:

- A) Location Map
- B) Applicant's Narrative & Exhibits
- C) HHI Airport Master Plan: Airport Layout Plan
- D) HHI Airport Master Plan: Airport Layout Plan (Current Buffer)
- E) HHI Airport Master Plan: Airport Layout Plan (Proposed Buffer)
- F) Photos



Location of Variance Request
(outlined in blue)

Summit Drive
(outlined in white)

**HILTON HEAD ISLAND AIRPORT
BEAUFORT COUNTY
NARRATIVE**

LMO Section 16-2- 103.S.4.a. Variance Review Standards

4. Variance Review Standards

a. Required Findings

- i. A Variance may be granted by the *Board of Zoning Appeals* if it concludes that the strict enforcement of any appropriate dimensional, *development, design, or performance* standard set forth in this *Ordinance* would result in unnecessary hardship. A Variance may be granted in an individual case of unnecessary hardship if the *Board of Zoning Appeals* determines and expresses in writing all of the following findings:**

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

LMO Section 16-3-106.E.4.c.ii.01.C...all adjacent use buffers and adjacent street buffers shall be a minimum of 75 feet in width.

The Federal Aviation Administration (FAA) is requiring that the existing parallel Taxiway "A" at the Hilton Head Island Airport be relocated 100 feet to the east to provide a separation of 300 feet between the proposed Taxiway "A" centerline and the existing Runway centerline in order to comply with current FAA design and safety standards. The relocation of Taxiway "A" will reduce the available aircraft parking area on the existing Fixed Base Operator (FBO) aircraft parking ramp, so a new aircraft parking ramp has been designed on the north end of the existing FBO aircraft parking ramp as depicted on the attached plan sheet C503 and labeled "PROPOSED APRON" and also shown on the attached Variance Request Exhibit. The proposed relocation of Taxiway "A" and the general aviation (GA) Replacement Ramp are shown on the approved Airport Layout Plan¹ that was part of the approved Airport Master Plan.² The construction limits of this replacement ramp (apron) and related grading, drainage, sediment and erosion control measures require the existing trees to be removed as depicted to the south of the existing Airfield ARFF Station access drive on the attached *.PDF of plan sheet C104. Beaufort County maintains an operating agreement (legal contract) with the FBO wherein the FBO leases a certain square footage of aircraft parking ramp for its operations. The replacement of the ramp is therefore a legal requirement.

¹Talbert & Bright, Inc. (2010), "Hilton Head Island Airport Layout Plan," prepared for Beaufort County (approved October 27, 2010) and Town of Hilton Head Island (approved October 27, 2010) in association with Federal Aviation Administration (approved September 8, 2011) and South Carolina Aeronautics Commission.

²Talbert & Bright, Inc. (2010), "Hilton Head Island Airport Master Plan Update," prepared for Beaufort County (approved October 27, 2010) and Town of Hilton Head Island (approved October 27, 2010) in association with Federal Aviation Administration (approved November 16, 2011) and South Carolina Aeronautics Commission.

**HILTON HEAD ISLAND AIRPORT
BEAUFORT COUNTY
NARRATIVE**

A buffer 75 feet in width along the west side of Summit Drive encroaches into the proposed GA Replacement Ramp, as shown on the attached Variance Request Exhibit and will not allow the required GA Replacement Ramp to be constructed. A tighter 20-foot vegetative buffer along the west side of Summit Drive can be provided by Beaufort County that provides the intended screening buffer between Summit Drive and the proposed GA Replacement Ramp. This will allow construction of this required Replacement Ramp as depicted on the attached Variance Request Exhibit.

The relocation of Taxiway “A” as described above also requires relocation of the existing medivac helicopter parking pad as the proposed Taxiway “A” relocation required by the FAA encroaches over the existing helicopter parking pad. The proposed location of the relocated helicopter parking pad is in the wooded area between the aircraft rescue and firefighting (ARFF) station and Summit Drive (east-west) and the existing ARFF station access drive and the existing air traffic control tower (ATCT, north-south). The approach and departure paths, and visibility of the proposed helicopter parking pad from the existing ATCT require the existing trees to be removed as depicted to the north of the existing ARFF station access drive on the attached plan sheet C104 and on the attached Variance Request Exhibit.

A buffer 75 feet in width along the west side of Summit Drive encroaches into the proposed tree removal area associated with this proposed helicopter parking pad as shown on the attached Variance Request Exhibit and will not allow the proposed helicopter parking pad to be constructed. A tighter 20-foot vegetative buffer along the west side of Summit Drive can be provided by Beaufort County that provides the intended screening buffer between Summit Drive and the proposed helicopter parking pad that will allow construction of this required proposed helicopter parking pad as depicted on the attached Variance Request Exhibit.

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

The 75-foot buffer only pertains to the airport property. Adjacent properties to the project where the variance is being sought are designated as IL (Light Industrial District) for the purpose of providing for light industrial and service-related land uses with large buildings or outdoor storage requirements. The airport property is also zoned IL. Review of LMO adjacent use buffer requirements (Table 16-5-103.E), indicates that industrial uses adjacent to industrial uses do not require buffers. However; review of adjacent street buffer requirements (Table 16-5-103.D), indicates that the Type A buffer, which includes low-density screening designed to partially block visual contact and create spatial separation between adjacent uses or between development and adjacent streets with low traffic volumes – Option 1 20-foot width, is appropriate and the project was designed to provide this size buffer.

TAXIWAY RELOCATION VARIANCE REQUEST
**HILTON HEAD ISLAND AIRPORT
BEAUFORT COUNTY
NARRATIVE**

03. 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

Not allow the airfield improvements required by the FAA and depicted on the approved Airport Master Plan to be constructed. Furthermore, it may cause legal contractual conflicts with the FBO.

04. 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.

The proposed tighter 20-foot vegetative buffer along the west side of Summit Drive will be installed to provide the same or better visual screening of the proposed airfield improvements as compared to the existing 75-wide foot buffer. This would be accomplished by planting a variety of native understory species in such a way that would provide an improved visual buffer as compared to the thin visual buffer afforded by the existing vegetation.

LMO Section 16-2-102.E.2.e.ii. Mailed Notices

Property owners to be notified:

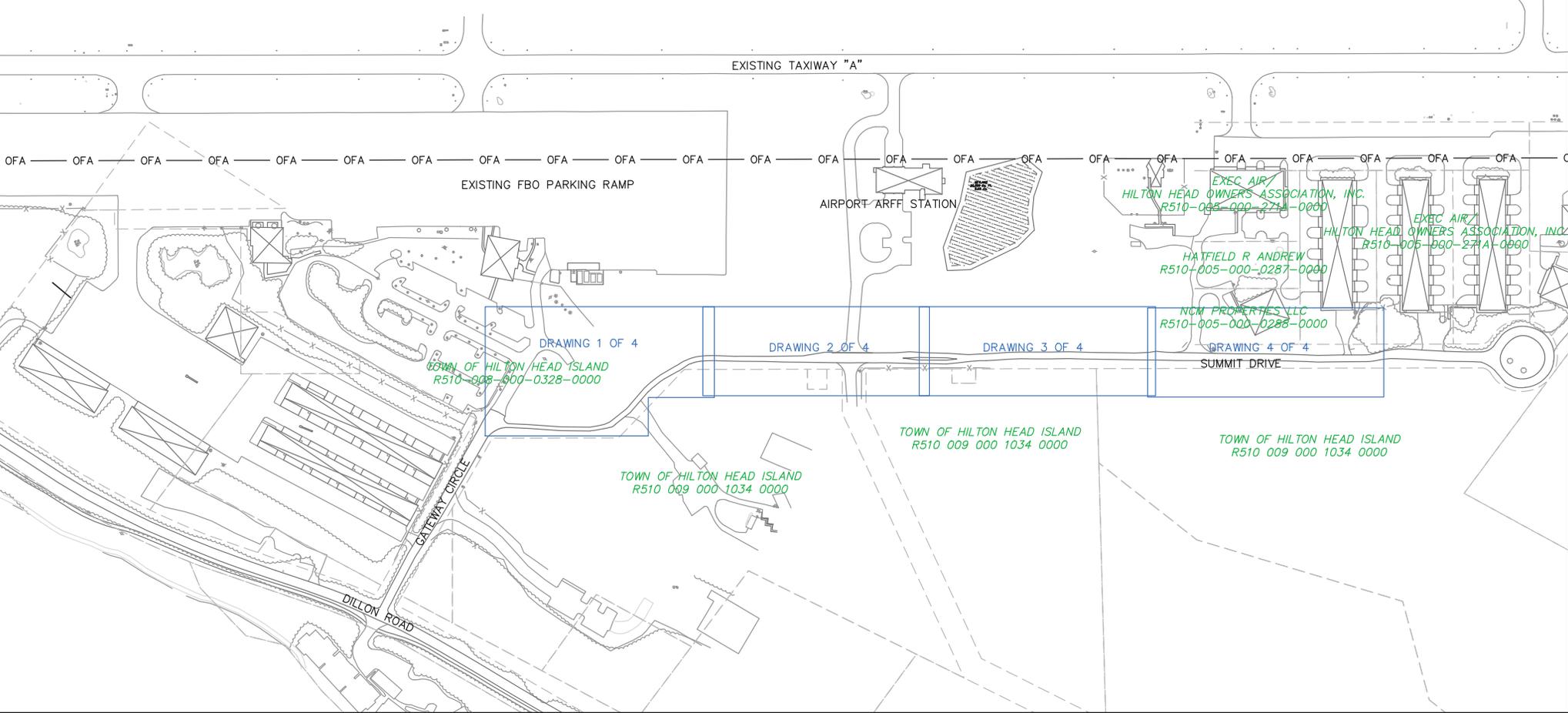
R510 009 000 1034 0000
Town of Hilton Head Island
1 Town Center Court
Hilton Head Island, SC 29928

R510 005 000 271A 0000
Exec Air/Hilton Head Owners Association Inc.
95B Summit Drive
Hilton Head Island, SC 29926

R510 005 000 0287 0000
Hatfield, R. Andrew
P.O. Box 2029
Grand Junction, CO 81502

R510 005 000 0288 0000
NCM Properties LLC
3 Castlebridge Court
Hilton Head Island, SC 29928

VAR-2298-2015, Airport Taxiway Relocation
 Attachment B: Applicant's Narrative & Exhibits



**HILTON HEAD ISLAND
 AIRPORT**

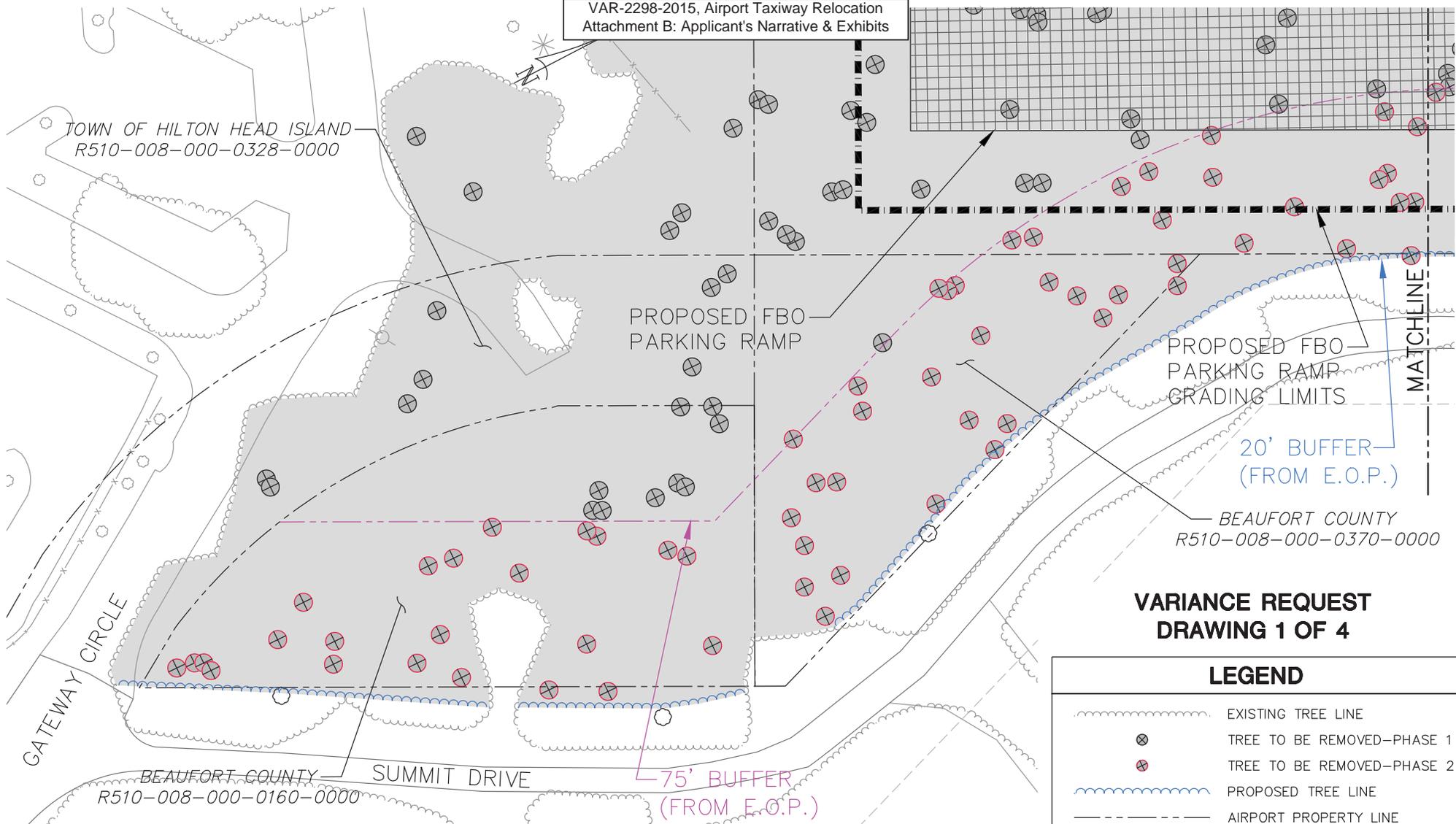
"Fly to the Fun"

**VARIANCE REQUEST
 KEY DRAWING**

**TALBERT, BRIGHT
 & ELLINGTON**

ENGINEERING & PLANNING CONSULTANTS
 2000 PARK STREET, SUITE 101
 COLUMBIA, SC 29201
 PHONE: 803-933-9290 FAX: 803-933-9205
 SC COA 4350
 www.talbertandbright.com

VAR-2298-2015, Airport Taxiway Relocation
Attachment B: Applicant's Narrative & Exhibits



TOWN OF HILTON HEAD ISLAND
R510-008-000-0328-0000

BEAUFORT COUNTY
R510-008-000-0370-0000

**VARIANCE REQUEST
DRAWING 1 OF 4**

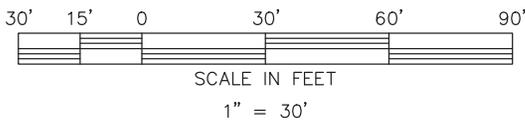
LEGEND

	EXISTING TREE LINE
	TREE TO BE REMOVED-PHASE 1
	TREE TO BE REMOVED-PHASE 2
	PROPOSED TREE LINE
	AIRPORT PROPERTY LINE
	OTHER PROPERTY LINE
	CLEARING AND GRUBBING AREA
	WETLAND AREA



**HILTON HEAD ISLAND
AIRPORT**

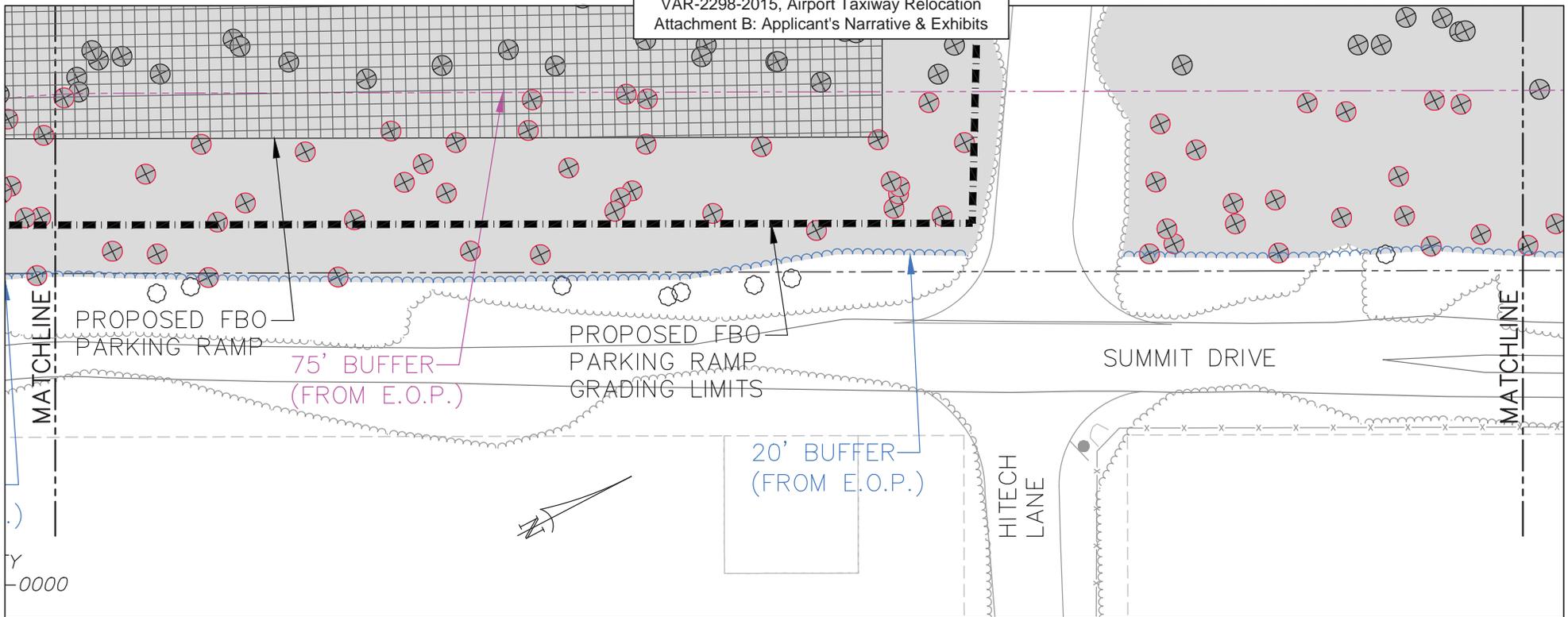
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& ELLINGTON**

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COLUMBIA, SC 29201
PHONE: 803-933-9290 FAX: 803-933-9205
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VAR-2298-2015, Airport Taxiway Relocation
Attachment B: Applicant's Narrative & Exhibits



**VARIANCE REQUEST
DRAWING 2 OF 4**

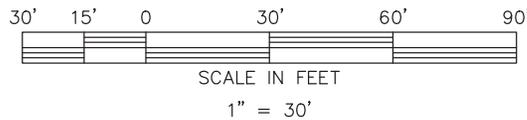
LEGEND

	EXISTING TREE LINE
	TREE TO BE REMOVED-PHASE 1
	TREE TO BE REMOVED-PHASE 2
	PROPOSED TREE LINE
	AIRPORT PROPERTY LINE
	OTHER PROPERTY LINE
	CLEARING AND GRUBBING AREA
	WETLAND AREA



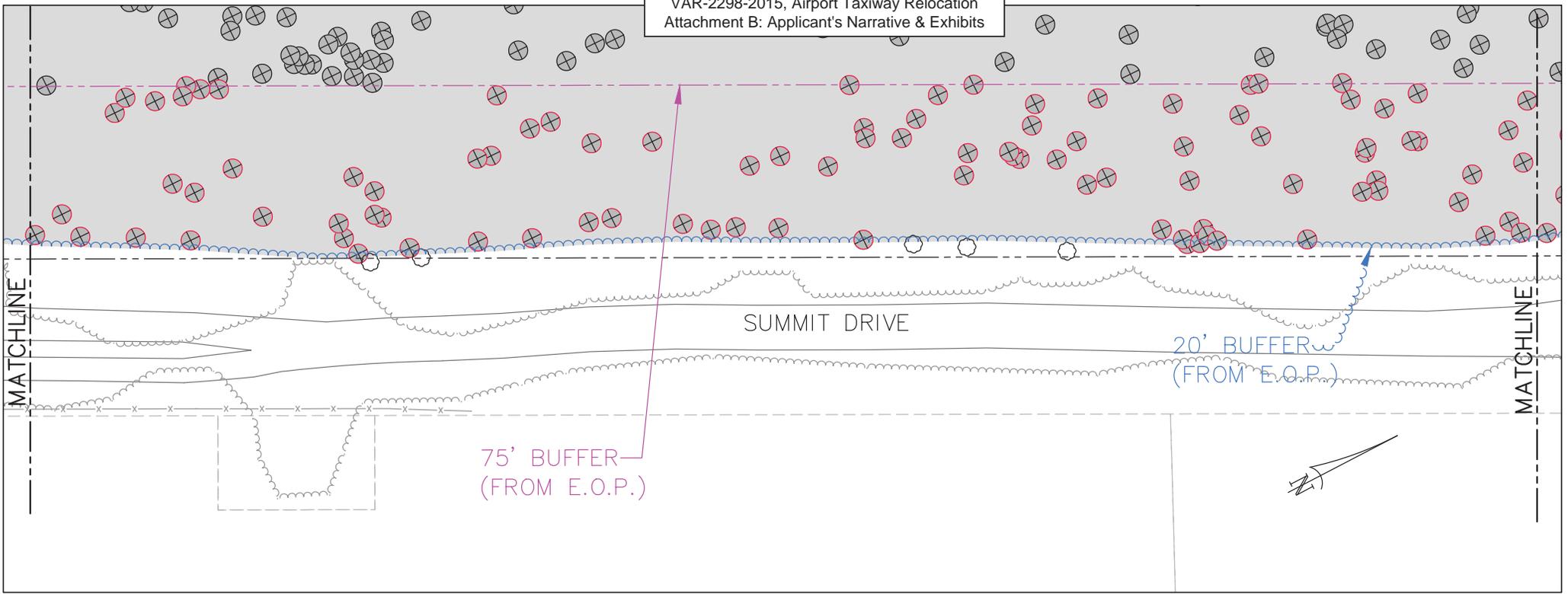
**HILTON HEAD ISLAND
AIRPORT**

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VAR-2298-2015, Airport Taxiway Relocation
Attachment B: Applicant's Narrative & Exhibits



**VARIANCE REQUEST
DRAWING 3 OF 4**

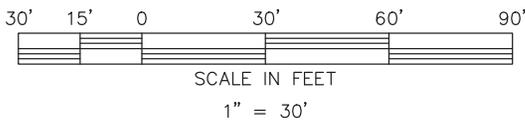
LEGEND

	EXISTING TREE LINE
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	TREE TO BE REMOVED—PHASE 2
	PROPOSED TREE LINE
	AIRPORT PROPERTY LINE
	OTHER PROPERTY LINE
	CLEARING AND GRUBBING AREA
	WETLAND AREA



**HILTON HEAD ISLAND
AIRPORT**

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VAR-2298-2015, Airport Taxiway Relocation
Attachment B: Applicant's Narrative & Exhibits

NCM PROPERTIES LLC
R510-005-000-0288-0000

SUMMIT DRIVE

20' BUFFER
(FROM E.O.P.)

75' BUFFER
(FROM E.O.P.)

MATCHLINE

**VARIANCE REQUEST
DRAWING 4 OF 4**

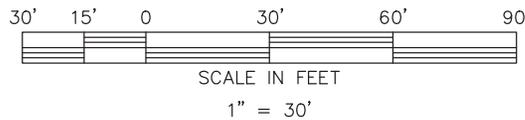
LEGEND

-  EXISTING TREE LINE
-  TREE TO BE REMOVED—PHASE 1
-  TREE TO BE REMOVED—PHASE 2
-  PROPOSED TREE LINE
-  AIRPORT PROPERTY LINE
-  OTHER PROPERTY LINE
-  CLEARING AND GRUBBING AREA
-  WETLAND AREA



**HILTON HEAD ISLAND
AIRPORT**

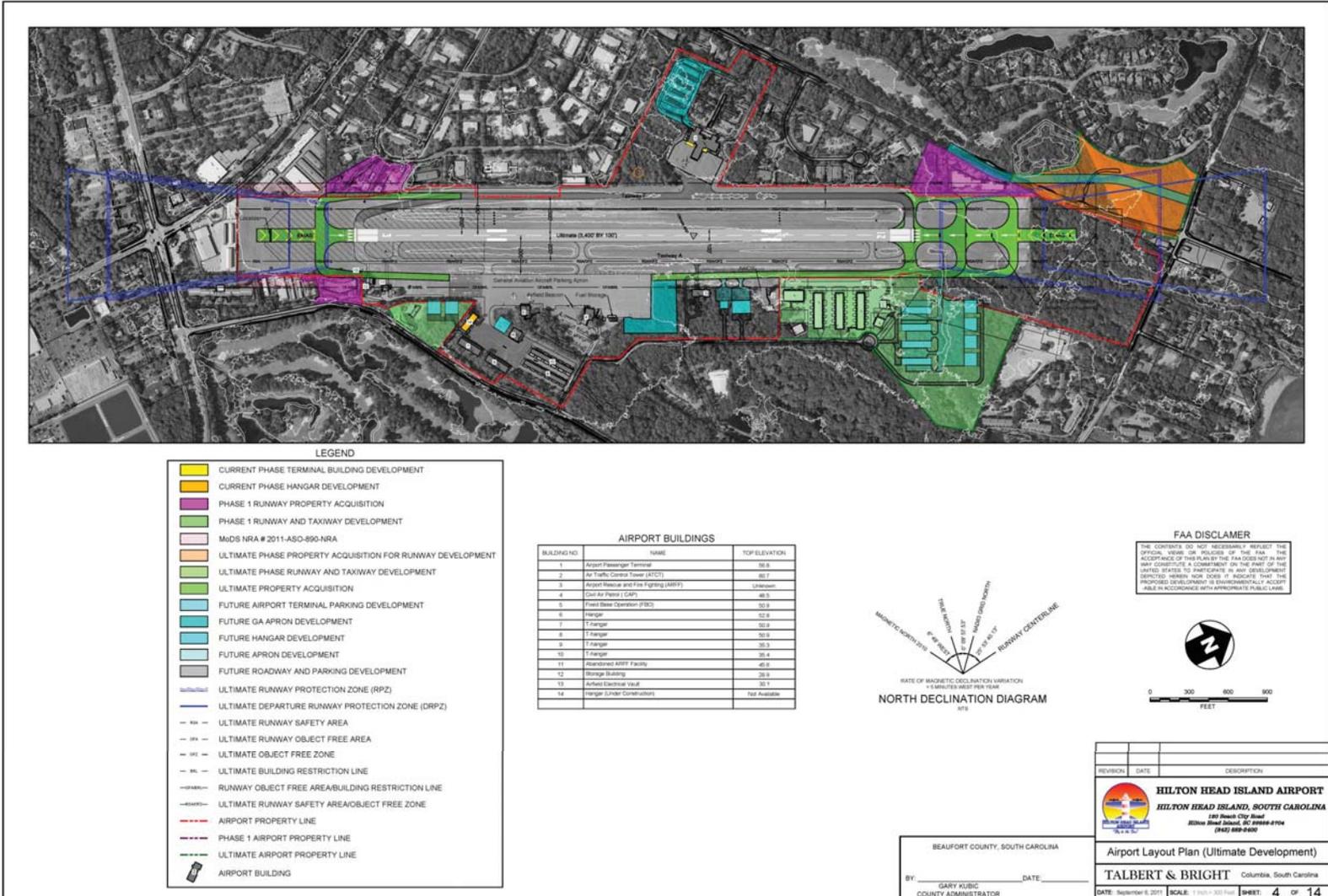
"Fly to the Fun"



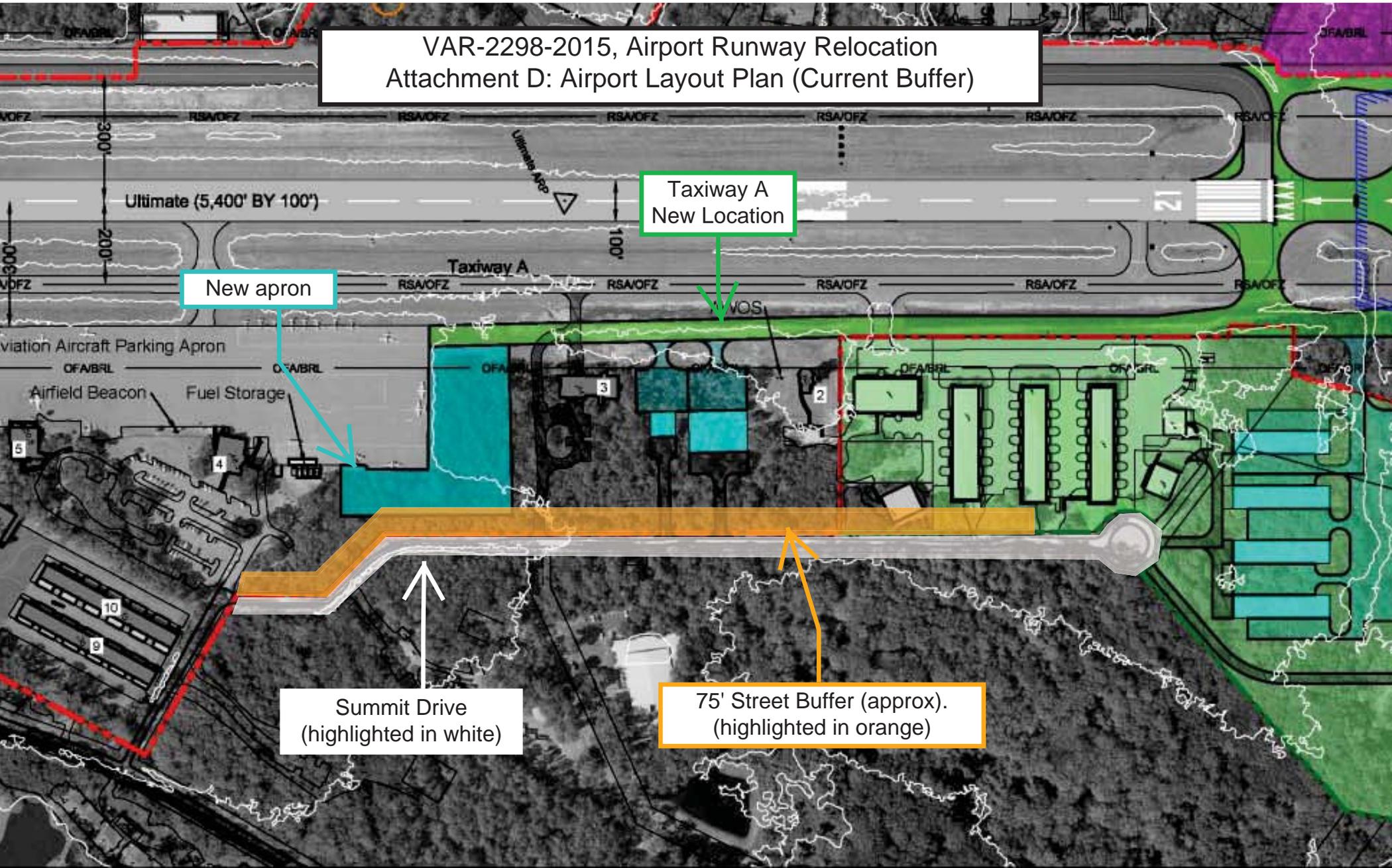
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VAR-2298-2015, Airport Runway Relocation Attachment C: Airport Layout Plan



VAR-2298-2015, Airport Runway Relocation
Attachment D: Airport Layout Plan (Current Buffer)



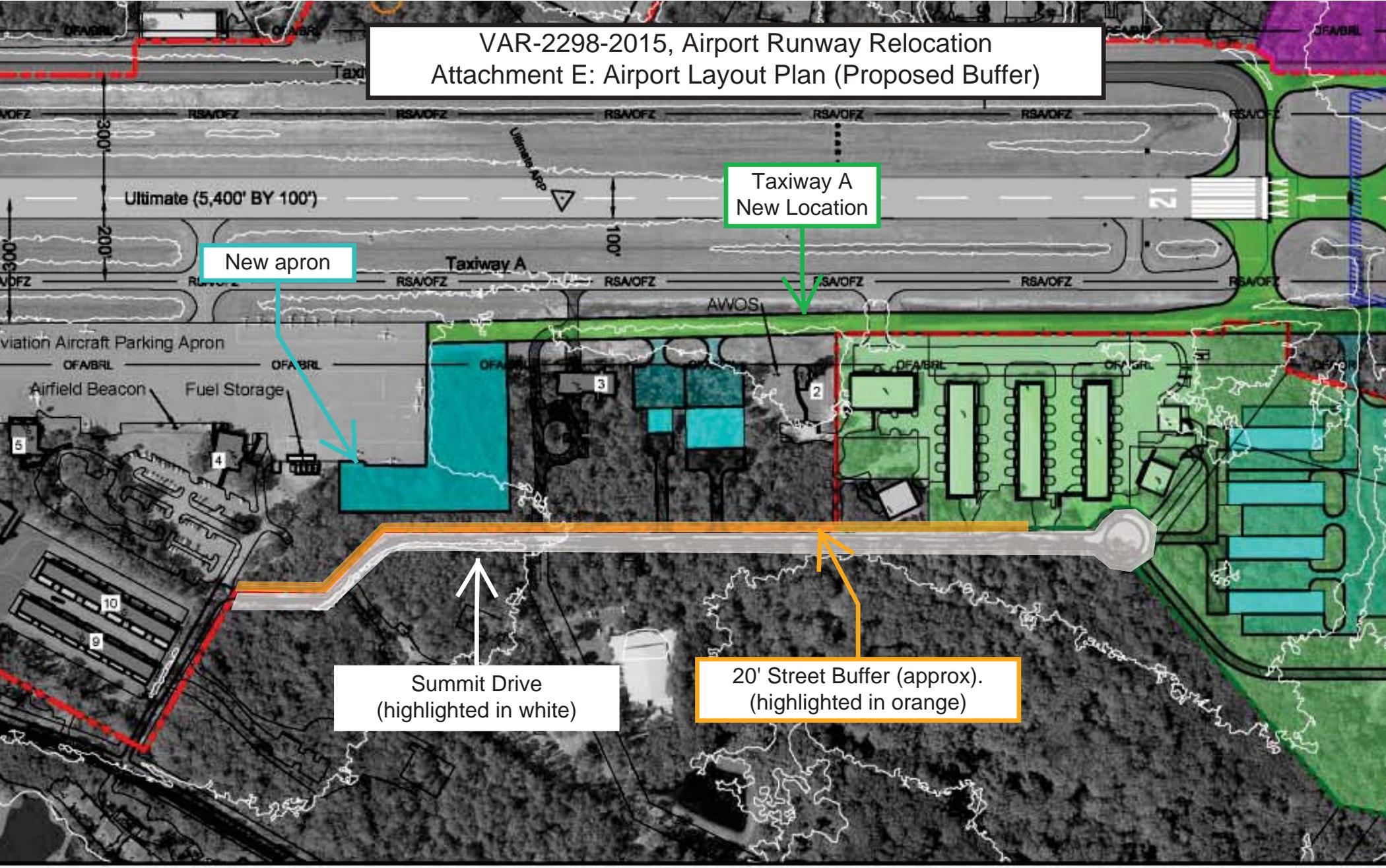
New apron

Taxiway A
New Location

Summit Drive
(highlighted in white)

75' Street Buffer (approx).
(highlighted in orange)

VAR-2298-2015, Airport Runway Relocation
Attachment E: Airport Layout Plan (Proposed Buffer)



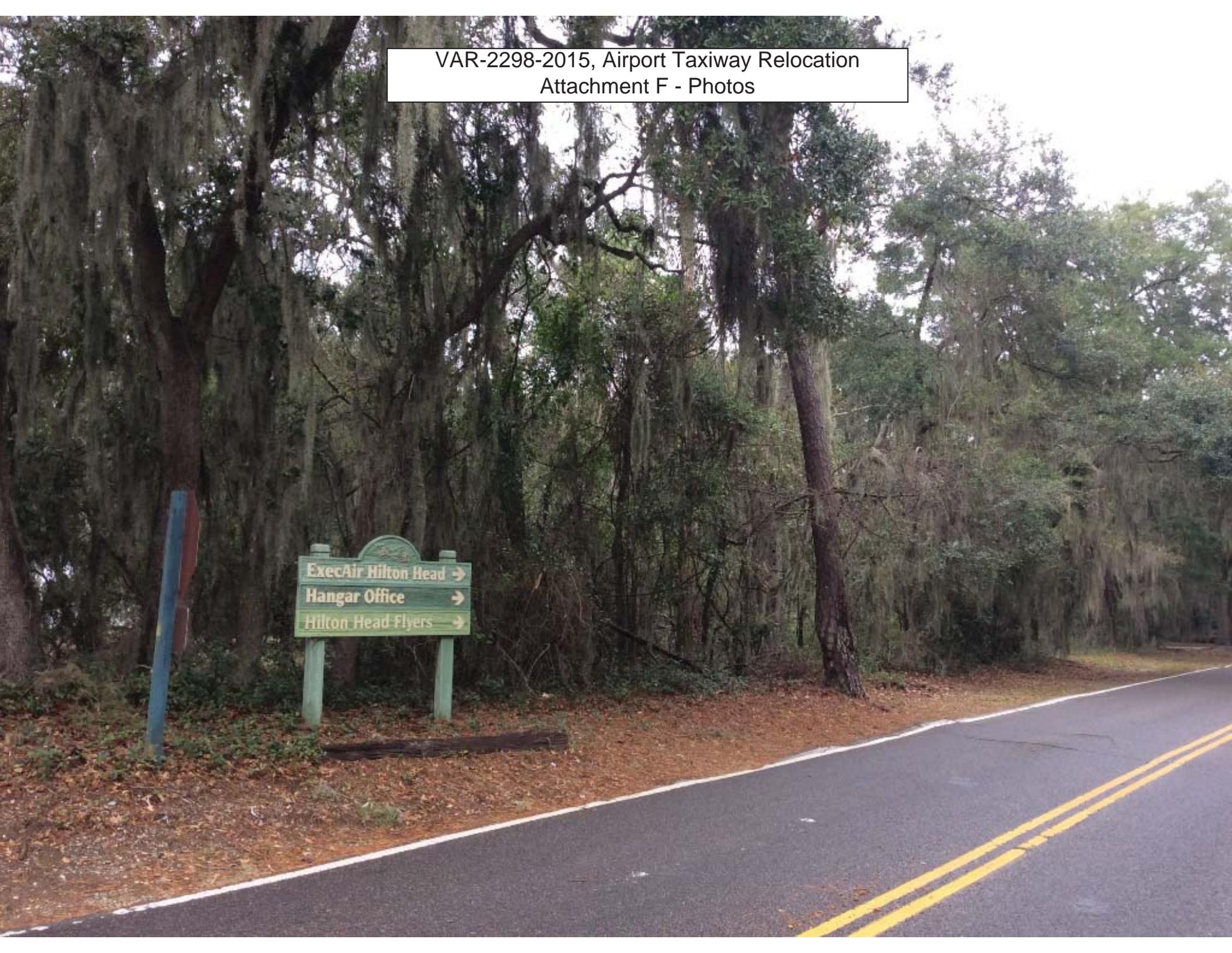
New apron

Taxiway A
New Location

Summit Drive
(highlighted in white)

20' Street Buffer (approx).
(highlighted in orange)

VAR-2298-2015, Airport Taxiway Relocation
Attachment F - Photos



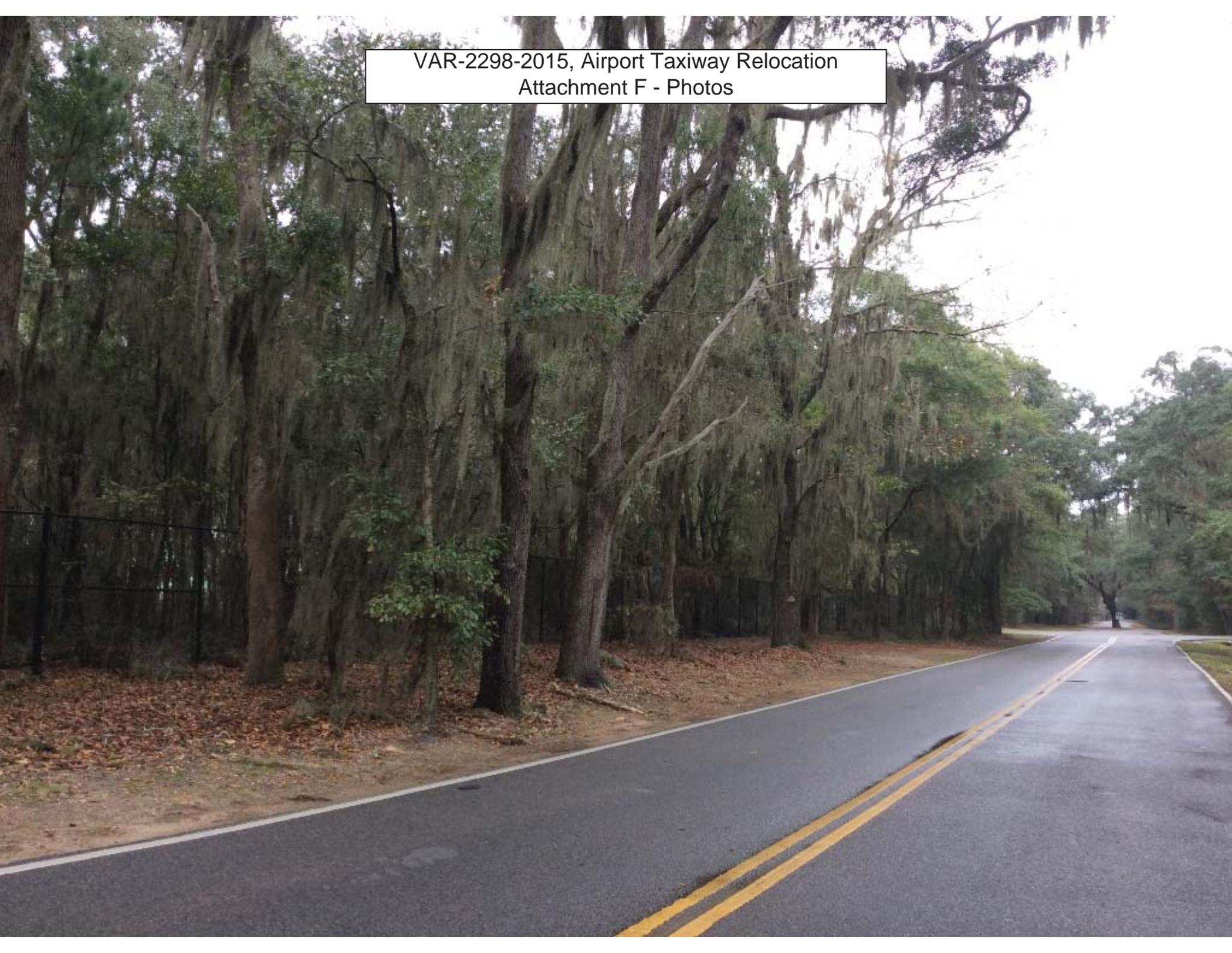
VAR-2298-2015, Airport Taxiway Relocation
Attachment F - Photos



VAR-2298-2015, Airport Taxiway Relocation
Attachment F - Photos



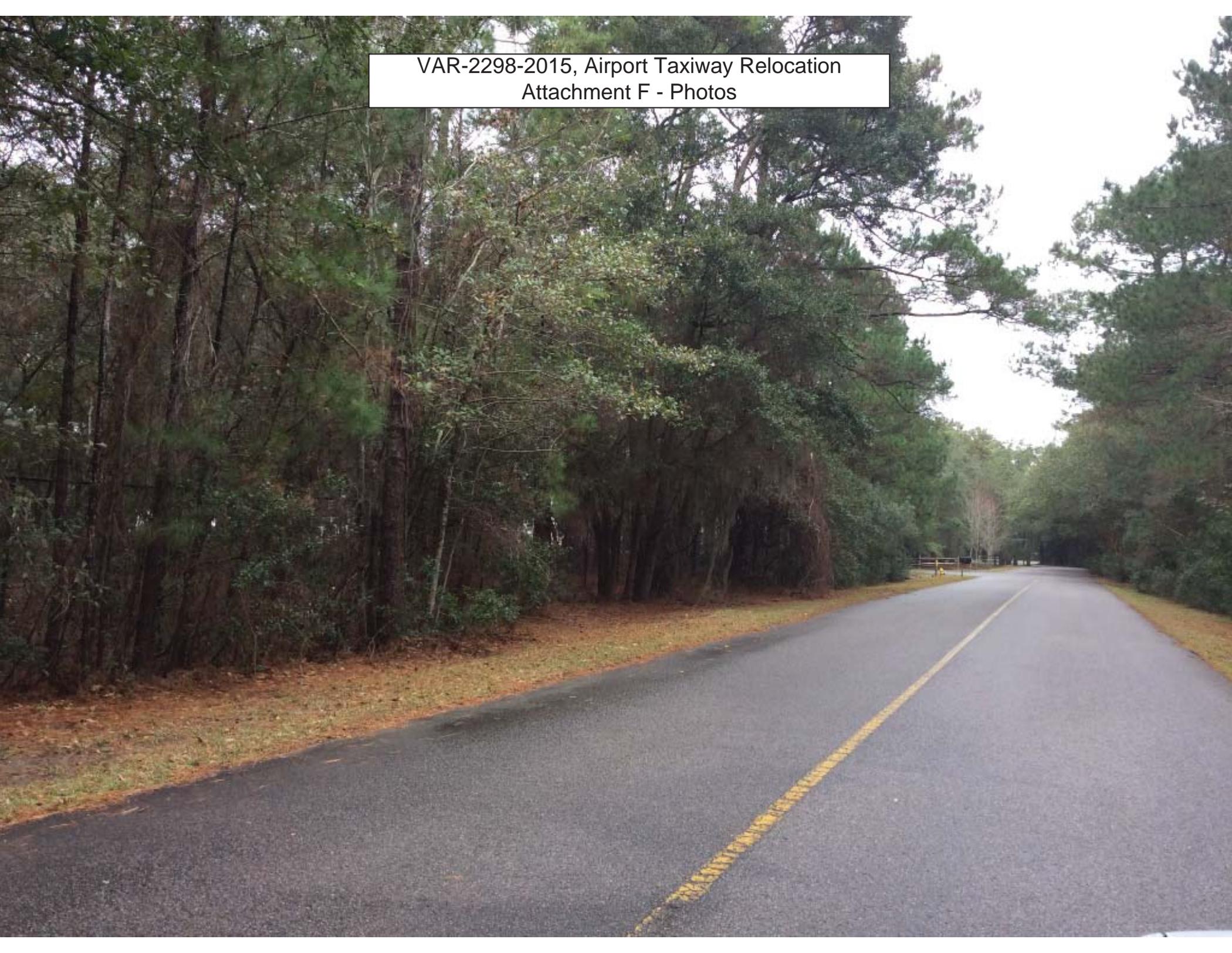
VAR-2298-2015, Airport Taxiway Relocation
Attachment F - Photos



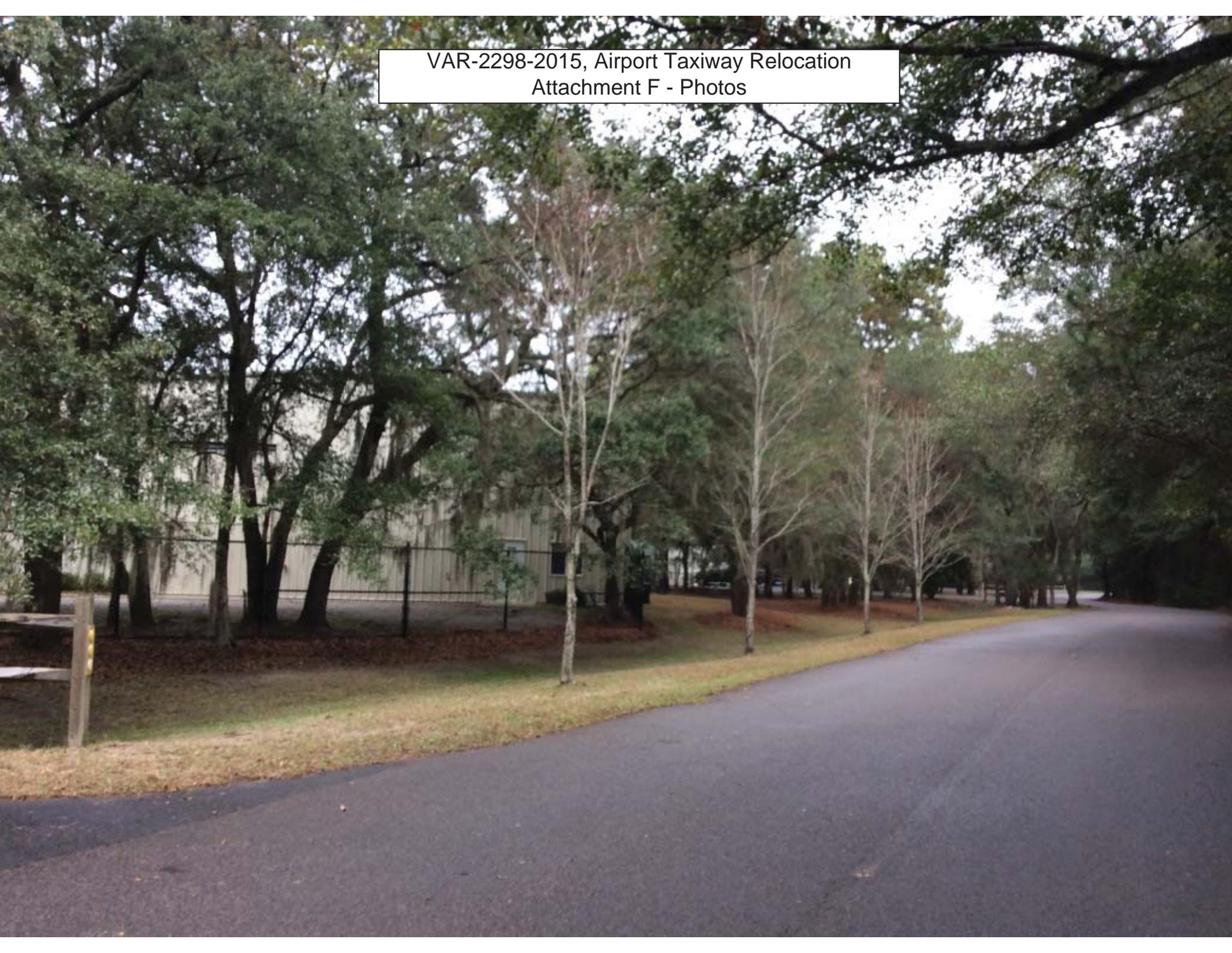
VAR-2298-2015, Airport Taxiway Relocation
Attachment F - Photos



VAR-2298-2015, Airport Taxiway Relocation
Attachment F - Photos



VAR-2298-2015, Airport Taxiway Relocation
Attachment F - Photos





TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Nicole Dixon, CFM, *Senior Planner*
DATE: January 11, 2016
SUBJECT: Substitutions of Nonconformities for Redevelopment

The Board of Zoning Appeals (BZA) requested that staff keep them informed of substitutions of nonconformities for redevelopment that are granted by staff. A memo is distributed every month at the regular BZA meetings and is discussed under staff reports on the agenda. Even if there have been no waivers for the month, a memo will be included in the packet to inform the BZA members.

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

LMO Section 16-7-101.F:

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

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

There have not been any Substitutions of Nonconformities for Redevelopment granted by staff since the December 2015 Board of Zoning Appeals meeting.