



**Town of Hilton Head Island
Board of Zoning Appeals
Regular Meeting
March 28, 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 February 22, 2016
8. **New Business**

PUBLIC HEARING

VAR-338-2016: Richard Lowe, on behalf of the YANA Club, is requesting a variance from LMO Sections 16-5-102.C, Adjacent Street Setbacks and 16-5-103.D, Adjacent Street Buffers, to retain a non-permitted paver patio and arbor that extends into the adjacent street setback and buffer. The property is located at 107 Mathews Drive and is identified as Parcel # 92 on Beaufort County Tax Map# 8. *Presented by Nicole Dixon*

PUBLIC HEARING

VAR-352-2016: John P. Qualey, on behalf of Frederick Craig and Shirley Dorsey, is requesting a variance from LMO Sections 16-5-102.C, Adjacent Street Setbacks and 16-5-103.D, Adjacent Street Buffers, to allow the construction of two single family attached homes within the adjacent street setback and buffer on both sides of the property. The property is located at 28 Bradley Circle and is identified as Parcels # 896 and 1102 on Beaufort County Tax Map# 9. *Presented by Nicole Dixon*

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 February 22, 2016 2:30pm Meeting
Benjamin M. Racusin Council Chambers

Board Members Present: Chairman Glenn Stanford, Vice Chairman Jeffrey North, David Fingerhut, Jerry Cutrer, Lisa Laudermitch, John White

Board Members Absent: Steve Wilson (excused)

Council Members Present: Tom Lennox

Town Staff Present: Nicole Dixon, Senior Planner & Board Coordinator
Teri Lewis, LMO Official
Jill Foster, Deputy Director of Community Development
Heather Colin, DRZ Administrator
Anne Cyran, Senior Planner
Jennifer Ray, Urban Designer
Eileen Wilson, Senior Administrative Assistant
Teresa Haley, Secretary

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

Chairman Stanford added to the agenda the appointment of the Board's new Secretary. The Board of Zoning Appeals **approved** the **amended** agenda by general consent.

7. Approval of the Minutes

Mr. Cutrer made a motion to **approve** the minutes of the January 25, 2016 meeting as presented. Ms. Laudermitch **seconded** the motion. The motion **passed** unanimously.

8. New Business

PUBLIC HEARING

VAR-2367-2015: Mike Ruegamer of Group III Design, on behalf of Robert Graves, is requesting a variance from LMO Sections 16-5-102, Adjacent Use Setbacks and 16-5-103, Adjacent Use Buffers,

to reduce the adjacent use setback and buffer along one side of the property from a 12.5 foot setback and a 12 foot buffer to a 10 foot setback and buffer. The applicant is requesting the variance to allow the preservation of a protected size magnolia tree and a specimen size water oak tree in conjunction with a plan to construct four homes on the subject property. The property is located on Avocet Road and is identified as Parcel# 245 on Beaufort County Tax Map# 18. **WITHDRAWN**

The applicant has withdrawn the application at this time.

PUBLIC HEARING

VAR-124-2016 - Medardo Cadiz applied for a variance from LMO Section 16-6-102.D, Wetland Protection, to enclose an existing deck that encroaches into a wetland buffer. The property is located in the PD-1 Zoning District (Sea Pines). The property is located at 34 Hearthwood Drive, further identified as Beaufort County parcel R550 014 00B 0207 0000.

Anne Cyran presented an in-depth review of the project. Staff recommends the Board of Zoning Appeals **disapprove** the application based on the Findings of Fact and Conclusions of Law contained in the staff report. Staff also recommends if the Board approves the application, adding the following condition of approval: The Applicant shall replace the existing sod and any non-native plants with wetland vegetation in the buffer per a planting plan approved by Town staff.

Chairman Stanford requested the Applicant make a presentation. Mrs. Cadiz presented statements regarding awkward interior arrangements of a door in the living room; the possibility of installing gutters to the proposed roof addition to avoid direct drainage runoff into the lagoon; adding native planting in the buffer for filtering; and the fact that the enclosed area is elevated. She also indicated that the Sea Pines ARB was awaiting the Town's approval prior to their approval. However, the Sea Pines ARB has no issue with the variance request.

Chairman Stanford asked for comments from the public. A member of the public gave the history of the subdivision as it was approved by the County prior to Town incorporation, indicating that the County at that time did not anticipate any further restrictions along the lagoon. These restrictions were added later by the Town and therefore, the applicant should not be held to the new restrictions. Staff clarified that Criteria 1 addresses extraordinary and exceptional conditions as raised by the public. The Staff Report indicated the applicant met this criteria.

Chairman Stanford requested comments from the Board. The Board discussed concerns of the proposed expansion to a legally nonconforming structure and how variances can allow proposed expansions; the adverse impact to the buffer with additional impervious coverage of the proposed enclosed roof and additional deck that would replace the stairs; and the possibility of installing gutters to the new roof to flow the runoff away from the lagoon for water quality protection. The Board spoke at length with Staff regarding the Board's authority of expanding a legally nonconforming structure in a redevelopment scenario. Staff explained that LMO 16-7-103A expressly prohibits expansion or redevelopment unless the structure is made conforming to the LMO. Staff emphasized that the expansion or redevelopment of a legally nonconforming structure would be allowed through a variance procedure such as this.

Mr. North moved to **approve** the variance request based on the following: (1) Town Staff concludes that Criteria 1 has been met; (2) Criteria 2 has been met because Beaufort County required the Applicant to set the house closer to the lagoon in order to protect the oak trees in the front of the house; (3) Criteria 3 has been met because the application of the LMO would unreasonably restrict the Applicant's ability to use the house; (4) Criteria 4 has been met because the Applicant proposes to

gutter the water away from the lagoon; and (5) the Applicant should implement the native plantings as suggested by Staff.

Mr. White **seconded** the motion. The motion **passed** with a vote of 5-1-0.

PUBLIC HEARING

VAR-127-2016: Jennifer Ray, on behalf of the Town of Hilton Head Island, is requesting a variance from LMO Section 16-6-104.F.2.iii, Specimen Tree Protection, to allow impact (soil compaction and paving) within 15 feet of the trunk of two trees rather than removing them. The property is located at 90 Pope Avenue and is identified as Parcels # 235 and 65A on Beaufort County Tax Map# 18.

Nicole Dixon presented an in-depth review of the project. 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. Ms. Dixon indicated she has received no opposition from the public and the Town Council had previously approved this project for the public good.

Chairman Stanford requested the Applicant to make comments. The Applicant made no further statements at this time.

Chairman Stanford opened the meeting for public comment. The public made comments regarding the concern of pedestrian traffic being moved closer to vehicular traffic at the park access point, and the impact of additional parking to existing large trees.

Chairman Stanford opened up for Board discussion. The Board raised questions as to the involvement of tree experts and the impact of parking to the large trees.

Mr. Cutrer made a motion to **approve** the variance request. Ms. Laudermilch **seconded** the motion. The motion **passed** unanimously.

9. Board Business – None

10. Staff Reports

Waiver Report – Ms. Dixon indicated the Waiver Report was included in the packet.

11. Adjournment

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

Submitted By:

Approved By:

Teresa Haley, Secretary

Glenn Stanford, Chairman



TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

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

Case #:	Public Hearing Date:
VAR-000338-2016	March 28, 2016

Parcel or Location Data:	Property Owner	Applicant
Parcel#: R511 018 000 0092 0000 Acreage: 0.32 acres Zoning: LC (Light Commercial District) Overlay: COR (Corridor Overlay District)	YANA Club PO Box 7691 Hilton Head Island, SC 29938	Richard Lowe YANA Club, Secretary PO Box 7691 Hilton Head Island, SC 29938

Application Summary:

Richard Lowe, on behalf of the YANA Club, is requesting a variance from LMO Sections 16-5-102.C, Adjacent Street Setbacks and 16-5-103.D, Adjacent Street Buffers, to retain a non-permitted paver patio and arbor that extends into the adjacent street setback and buffer.

Staff Recommendation:

Staff recommends the Board of Zoning Appeals **disapprove** the application, based on the Findings of Fact and Conclusions of Law contained in the staff report.

Background:

The subject property is located on the corner of Mathews Drive and Oak Park Drive. It is surrounded by a veterinary clinic to the south, a Midas auto repair facility to the north across Oak Park Drive, residential condominiums across Mathews Drive to the west and the Programs for Exceptional People facility to the east. The YANA Club is a facility that hosts meetings and associated fellowship to promote substance abuse recovery.

About four or five years ago a couple of representatives from the YANA Club met with staff to discuss the possibilities of constructing the arbor addition and expanding the patio. At that time, staff

advised them that what they were proposing was not permitted as it would encroach into the adjacent street setback and buffer. Staff also advised them that the only way to construct what they were proposing would be if they received a variance from the Board of Zoning Appeals. After that meeting, staff did not hear back from those representatives.

In November 2015 staff received a complaint that the YANA Club had made improvements to the property without obtaining proper permits. A Town building inspector did a site visit and found that they had constructed the arbor and expanded the patio without approval. Staff contacted Peter Rice with the YANA Club and informed him of the development plan review process he needs to go through in order to possibly keep the additions.

In December 2015, staff received the Minor Development Plan Review application from Mr. Lowe. After staff completed the review of the application, comments were sent to the applicant advising that because what they built was located in the adjacent street setback and buffer and not in compliance with the LMO, they needed to remove the encroachments or apply for a variance. The applicant chose to apply for the variance.

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

Grounds for Variance:

According to the applicant, they were unaware they needed to obtain permits for the improvements made to the property. The applicant states in the narrative that there was an existing arbor that was extended out over an existing cement patio in 2013 to provide shelter for outdoor seating for its members. The applicant states that much of the patio area that was sheltered by the existing arbor had to remain unobstructed to allow building entry and exit, which limited the use as a gathering area for the members. In 2015 they used memorial donations to install a brick paver patio to honor members of their fellowship who have passed away. They intend to gradually replace the pavers with inscribed bricks honoring their deceased members. The applicant states the pavers were installed on a sand and aggregate base and that no significant trees were impacted during the process. The applicant states that the arbor extension and patio are not visible from Mathews Drive or Oak Park Drive because of the existing vegetation and because the materials blend with the existing structure. According to the applicant, the exterior seating space is needed because there isn't enough space inside the building for small group or one on one discussion if other meetings are taking place simultaneously.

Summary of Fact:

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

Conclusion of Law:

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

Summary of Facts and Conclusions of Law:

Summary of Facts:

- Application was submitted on February 24, 2016 as set forth in LMO Section 16-2-102.C and

Appendix D-23.

- Notice of the Application was published in the Island Packet on March 6, 2016 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on March 8, 2016 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on February 29, 2016 as set forth in LMO Section 16-2-102.E.2.
- The Board has authority to render the decision reached here under LMO Section 16-2-102.G.

Conclusions of Law:

- The application is in compliance with the submittal requirements established in LMO Section 16-2-102.C.
- The application was submitted 33 days prior to the meeting, therefore meeting the 30 day deadline required in the LMO.
- Notice of application was published 22 days prior to the meeting, therefore meeting the 15 day deadline required in the LMO.
- Notice of application was posted 20 days prior to the meeting, therefore meeting the 15 day deadline required in the LMO.
- Notice of application was mailed 28 days prior to the meeting, therefore meeting the 15 day deadline required in the LMO.
- 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 Facts:

- The property is rectangular in shape with an existing building located on it.
- The lot is about 0.32 acres in size.
- The property does not contain any wetlands or other natural features that prohibit development on the lot.

Conclusion of Law:

- Staff concludes that this application does not meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.01 because the property is average in shape and size and does not contain any extraordinary or exceptional conditions.

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 Facts:

- There are no extraordinary or exceptional conditions that pertain to this property.
- The other properties in the vicinity are similar in shape, are already developed and do not typically contain any wetlands or natural features.

Conclusion of Law:

- Staff concludes that this application does not meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.02 because there are no extraordinary or exceptional conditions that apply to the subject property that do not generally apply to other properties in the vicinity.

Summary of Facts and Conclusions of Law:

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

Findings of Facts:

- There are no extraordinary or exceptional conditions that pertain to this property.
- LMO Section 16-5-102.C, Adjacent Street Setbacks, requires a 40 foot setback from Mathews Drive, a Minor Arterial Road.
- LMO Section 16-5-103.D, Adjacent Street Buffers, requires a Type B buffer from Mathews Drive. The applicant chooses option 2 for their buffer requirement which is 15 feet in width with specific planting requirements.
- There appears to be room on both sides of what was the existing arbor to expand outwards and parallel to the building instead of expanding straight out into the setback and buffer.

Conclusions of Law:

- Staff concludes that this application does not meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.03 because there are no extraordinary or exceptional conditions that apply to the subject property that would restrict the utilization of the property.
- The arbor and patio expansion may have been constructed to meet LMO requirements.

Summary of Facts and Conclusions of Law:

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

Findings of Facts:

- The purpose of the Light Commercial Zoning District is to provide lands for commercial uses such as offices, banks, restaurants and low intensity retail sales and service uses.
- The use of the subject property conforms to the district and the surrounding uses.
- The vegetation that exists in the remaining area of the buffer adjacent to Mathews Drive is thick enough to shield the view of the patio and arbor structure.
- Staff has not received any letters or comments in opposition of this variance request.

Conclusions of Law:

- Staff concludes that this application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.04 because the variance will not be of substantial detriment to adjacent property.
- The use complements the other commercial uses in the vicinity and because the view of the property is screened by existing vegetation staff finds the variance will not harm the character of the district or impact the adjacent properties.

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 not be granted to the applicant because all four of the variance criteria have not been met.

BZA Determination and Motion:

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

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

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

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

PREPARED BY:

ND

Nicole Dixon, CFM, Senior Planner

March 8, 2016

DATE

REVIEWED BY:

HC

Heather Colin, AICP, Development Review
Administrator

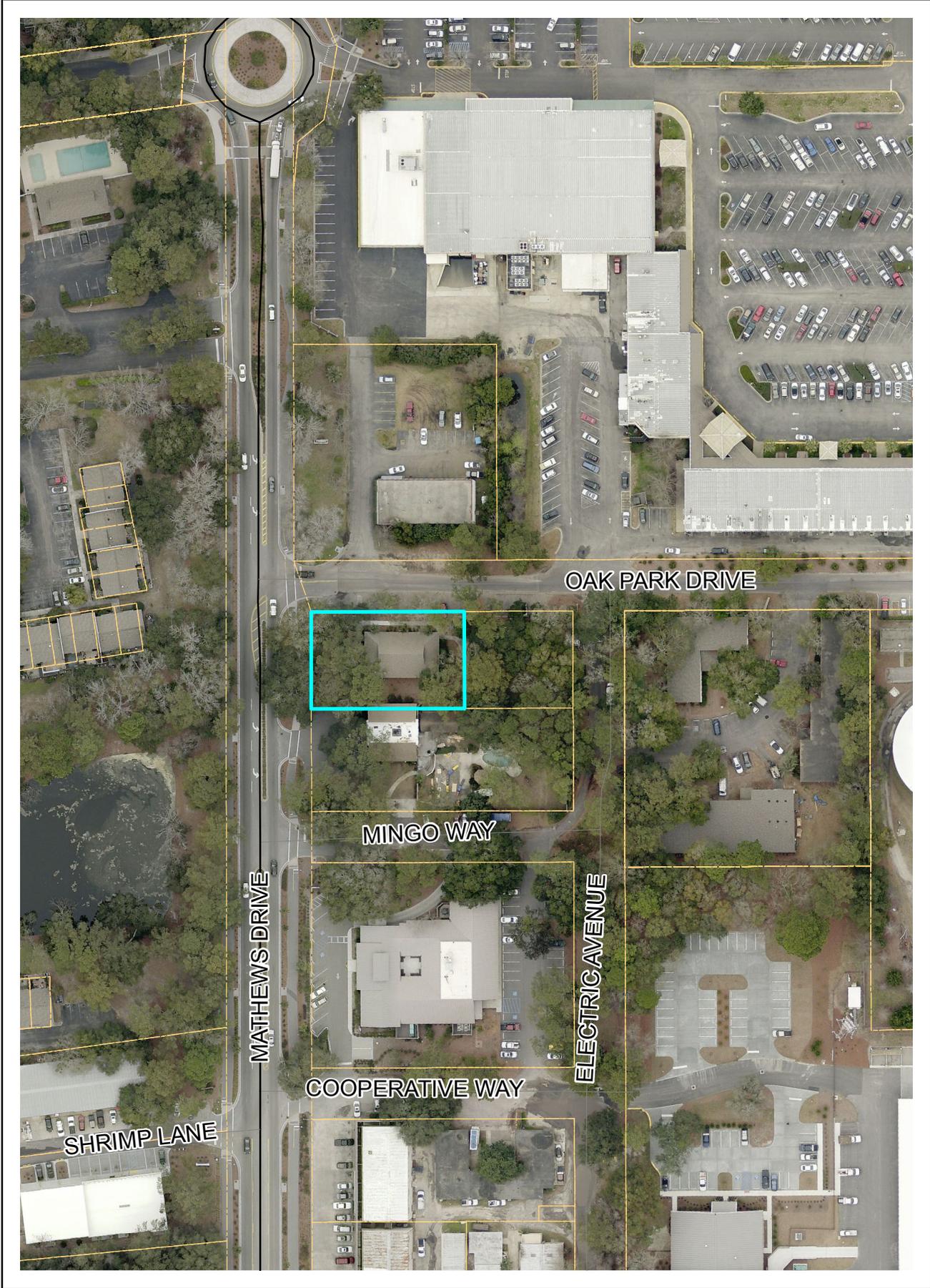
March 8, 2016

DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Applicant's Narrative and Exhibits
- C) Pictures

ATTACHMENT A



VAR-338-2016 Vicinity Map

ATTACHMENT B

YANA Club of Hilton Head Island Zoning Variance (VAR) Submittal Attachment B: Narrative Explanation

What Is The YANA Club?

The YANA Club was founded in 1986 as a non-profit private club providing a community service. Specifically, our mission is to provide a safe and comfortable facility to host 12-step meetings and associated fellowship to promote substance abuse recovery. We currently host 35 meetings per week attended by both local residents and tourists.

The YANA of Hilton Head Island, Inc. is a registered 501(c)(3) charitable organization. We are managed by an all-volunteer Board of Directors that meets monthly. There is no facility staff; we rely on volunteers to carry out day-to-day building management and maintenance functions.

Property History

In September 2000, YANA purchased a property from the Grace Community Church identified as Lots 2 & 3, Block "A", Industrial Park Subdivision. Lot 2 is a 150'x92' parcel occupied by the church building, a front concrete patio partially covered by a 13' x 15' arbor, and various concrete walkways. The property is located at 107 Mathews Drive.

Exhibit B-1 is a picture of the building at the time of purchase. The most detailed historical depiction of the property in our possession is an "as built" survey dated 8/04/09 performed by Sea Island Land Survey, LLC (file 09054, drawing 5-1399). That survey is the source of most of the exhibits attached to this application.

Why Are We Submitting an After-the-Fact Zoning Variance Request?

In 2013, the YANA Club extended the existing arbor out to the end of the cement patio to provide sheltered outside seating for our members. In 2015, we used memorial donations to install a 16' x 16' brick paver patio to honor members of our fellowship who have passed away.

When the YANA Board of Directors approved these projects, we were unaware of the requirement to obtain advance approval from the Town of Hilton Head. We have since learned of this requirement, and are now in the process of seeking after-the-fact approval for these exterior property enhancements.

As instructed, we submitted a Minor Development Plan Review (DPR) in December 2015, and subsequently received a Plan Correction Report (DPR-02374-2015) identifying additional steps we needed to take. Two of the actions specified in the Plan Corrections Report require requesting variance approval from the Board of Zoning Appeals.

ATTACHMENT B

Variance Request #1: Paver Patio

1-1 Project Description

In Fall 2015, YANA added a 16' x 16' brick paver "Memorial Patio" connected to the historic cement patio by a 3' x 3' walkway. The patio materials were purchased with funds donated in memory of deceased members. The design and installation work was performed by volunteers drawn from our membership. Our intention is to gradually replace the pavers with inscribed bricks honoring deceased members of our recovery community. In support of key components of our recovery programs, we have provided simple benches along three edges to facilitate individual meditation or one-on-one discussion, but to maintain the spiritual focus as a memorial area, we envision this as a low-usage area – no tables and chairs. **Exhibit B-2** shows the memorial patio as built.

To minimize environmental impact, the pavers are installed on a sand and aggregate base – there is no cement, and we did not impact any of the plantings on our property other than removing two small boxwood bushes.

1-2 Why Is A Variance Required?

The Plan Corrections Report states that we must request a zoning variance if any portion of the paver patio we installed is located in the Type B buffer zone described in LMO Section 16-5-103.D.

1-3 Discussion

As illustrated in **Exhibit B-3**:

- The paver patio extends 3 feet into the buffer area, assuming selection of option 2 (buffer width 15 feet) from LMO Table 16-5-103.F
- The buffer area where the paver patio was installed is an open pine straw area heavily bordered by 13 large evergreens (8 viburnum, 5 azaleas) to provide privacy to our members, consistent with our tradition of anonymity.
- While there are only two overstory trees planted directly within the buffer area, there are eight additional mature overstory trees (including 3 huge live oaks) whose base lies within a few feet of the buffer area.

Exhibit B-4 provides views of the existing YANA property vegetation in the area of the memorial patio.

ATTACHMENT B

This table summarizes application of the Ordinance to the YANA property, assuming election of the 15' buffer zone option:

Buffer Area Depth	Paver Patio Buffer Area Intrusion		Overstory Trees	Understory Trees	Evergreen Shrubs
Option 2 (buffer width 15 feet)	3 feet	LMO Requirement	4	8	12
		YANA "As Is" Inventory	2	0	13

Our understanding is that if the zoning variance is granted, we might be required to install additional vegetation. We invite the Board to consider whether the installation of additional overstory trees would be appropriate given the extensive canopy already in place. However, we are fully willing to undertake whatever actions the Board may direct.

Variance Request #2: Arbor Extension

2-1 Project Description

When YANA purchased the building in 2000, there was a cement patio that extended 24' out from the front doors. The patio was partially covered by a 13' x 15' arbor that sheltered the area immediately in front of the entrance door. This "historic" arbor is 10' from the ground where it joins the building overhang, and 9" at its outer end. It is covered with a flat roof of transparent corrugated fiberglass. It lies entirely outside the setback zone.

In August 2013, YANA added a 13' x 15' extension to the historic arbor to provide shelter out to the end of the existing cement patio. The design and installation work was performed by volunteers drawn from our membership. The appearance and materials exactly match the characteristics of the historic arbor structure: slightly downward sloping to provide runoff, covered by a flat transparent corrugated fiberglass roof, and 8' from the ground at the outer end.

2-2 Why Is A Variance Required?

The Plan Corrections Report states that we must request a zoning variance for the arbor extension we installed because it was built within the required 40-foot setback zone prescribed in LMO 16-5-102C.

ATTACHMENT B

2-3 Discussion

Exhibit B-5 shows the relationship of the arbor extension to the 40' street setback line.

Exhibit B-6 provides views of the as-built arbor extension.

- Much of the patio area sheltered by the historic arbor has to remain unobstructed to allow building entry and exit, limiting its use as a gathering area. In support of our mission, the additional shelter provided by the arbor extension enables small group fellowship prior to and following scheduled recovery group meetings and at other times during the day.
- Since the arbor extension is only 8'-9' above the ground and has a flat roof, it is virtually invisible from Mathews Drive due to the large evergreen bushes on our property perimeter, and unnoticeable from Oak Park Drive because it conforms so exactly to the historic arbor structure and appearance.

Consideration of Criteria Specified in Variance Review Standards

LMO Section 16-2-103.S.4 states that a variance may be granted if strict enforcement of the standard set forth in the Ordinance would result in an individual case of unnecessary hardship

Criterion 1. Extraordinary and exceptional conditions pertain to this property.

The YANA Club building was constructed as a church. The interior design provides two sizeable rooms suitable for 12-Step group meetings, but does not provide space configured for small group fellowship or one-on-one interaction, especially when group or individual meetings take place simultaneously. To fully support the recovery mission, YANA needs to take advantage of the exterior space available.

Arbor Extension: Since inside space is limited, pre- and post-meeting gathering and fellowship, as well as one-on-one sponsorship discussions -- both important parts of the 12-Step recovery process -- most often take place on the cement patio located at the front of the building. The historic arbor does not provide sufficient shelter to accommodate these mission functions. The arbor extension mitigates this limitation.

Memorial Patio: YANA stands for "You Are Not Alone." Those who have successfully recovered develop friendships and a sense of unity that pervades their lives. Memorializing colleagues in the fellowship who have passed away has long been a tradition at the club. Locating the memorial patio at the front of the building helps to foster a sense of spiritual fellowship.

ATTACHMENT B

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

Other properties in the area are commercial facilities designed or adapted to support their intended use. In particular, it does not appear that interior space limitations or exterior characteristics restrict accomplishment of their objectives as is the case at YANA.

One of the key recovery traditions is preserving “anonymity” to protect program participants from potential embarrassment. In support of this tradition, the YANA property is heavily shielded by vegetation that makes the arbor and patio area virtually invisible, especially from Mathews Drive. Other properties in the area are much more open to view either by design or to attract commercial customers.

Criterion 3. Because of these conditions, application of the Ordinance to this property would effectively prohibit or unreasonably restrict the utilization of the property.

Arbor Extension: The arbor installed at the time of purchase covered only the entry area and did not allow for outside seating. Extending the arbor out to the end of the existing cement patio allowed placement of four sheltered table-and-chairs sets to better support the YANA recovery mission. Application of the Ordinance would restrict the accomplishment of the YANA mission, since there is no offsetting interior capability.

Memorial Patio: In 2015, YANA received about \$4000 in donations to commemorate the lives of departed friends. The Board determined that a memorial patio would be a lasting way to achieve the intended use of these funds. There is no other location on the parcel where a suitable memorial patio could be installed.

Criterion 4. Authorization of variance will not be of substantial detriment to the adjacent property or the public good, and the character of the zoning district will not be harmed.

Adjacent properties on either side are a veterinary clinic and a Midas Muffler repair shop, facilities that seem unlikely to be impacted by noise (if there were any). Across Mathews Drive is the Heron Lake Apartment complex. The rear view of a couple of buildings face Mathews drive, but they are fairly far away from YANA, and more likely to be impacted by traffic sights and sounds than by YANA activities.

The requested variance does not act to the detriment of the public good. In contrast, it promotes furtherance of the YANA substance abuse recovery mission. YANA works for the direct benefit of the Hilton Head community, and also provides support to numerous tourists who see our strong recovery program as one of the reasons they enjoy visiting Hilton Head.

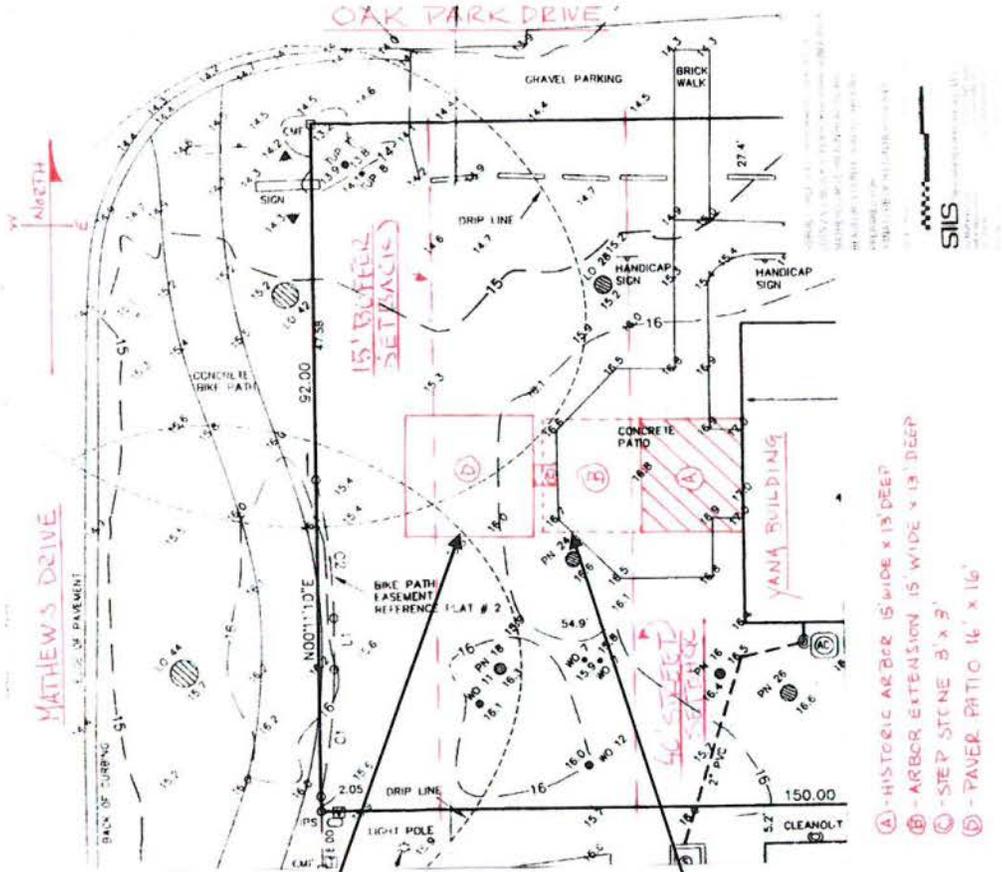
The Mathews Drive zoning district is characterized by commercial business buildings and associated parking lots. The arbor and patio located at the front of the YANA

ATTACHMENT B

property are visually unobtrusive since they are heavily shielded by vegetation; in fact the vegetation probably adds to the overall ambience of the area. Usage of these exterior features is limited to a relatively small number of people, so they are also socially unobtrusive.

ATTACHMENT B

THE YANA CLUB OF HILTON HEAD ISLAND IS LOCATED AT 107 MATHEWS DRIVE, AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MATHEWS DRIVE AND OAK PARK DRIVE.



YANA CLUB ZONING VARIANCE APPLICATION
VAR-000338-2016
PROJECT OVERVIEW

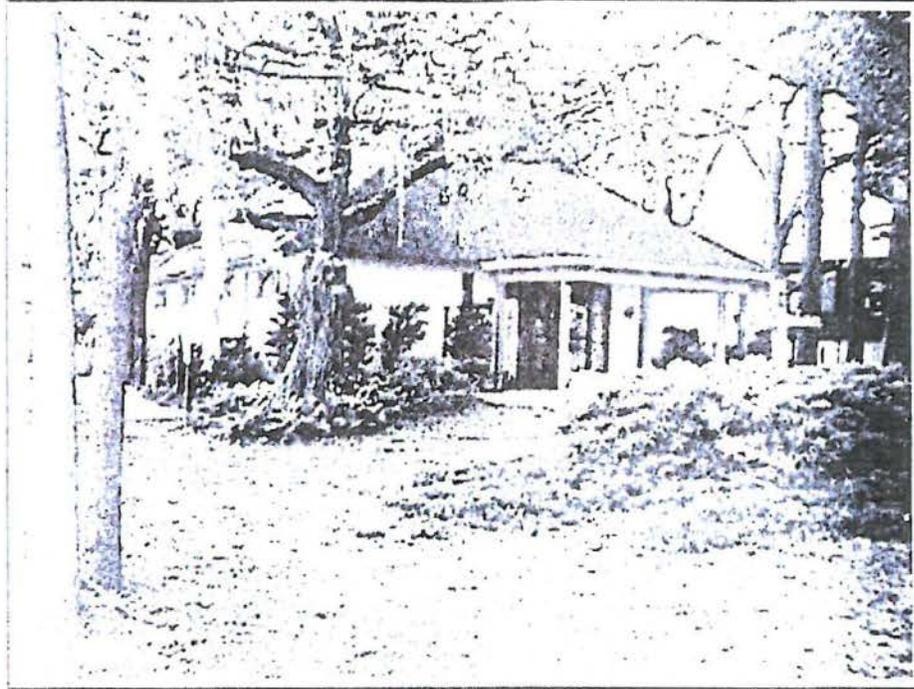


Memorial Patio extends 3 feet into buffer area setback approximated by dashed line. Plain pavers will gradually be replaced by inscribed bricks to honor deceased members of the YANA fellowship. Shielded from view by large bushes along property border.

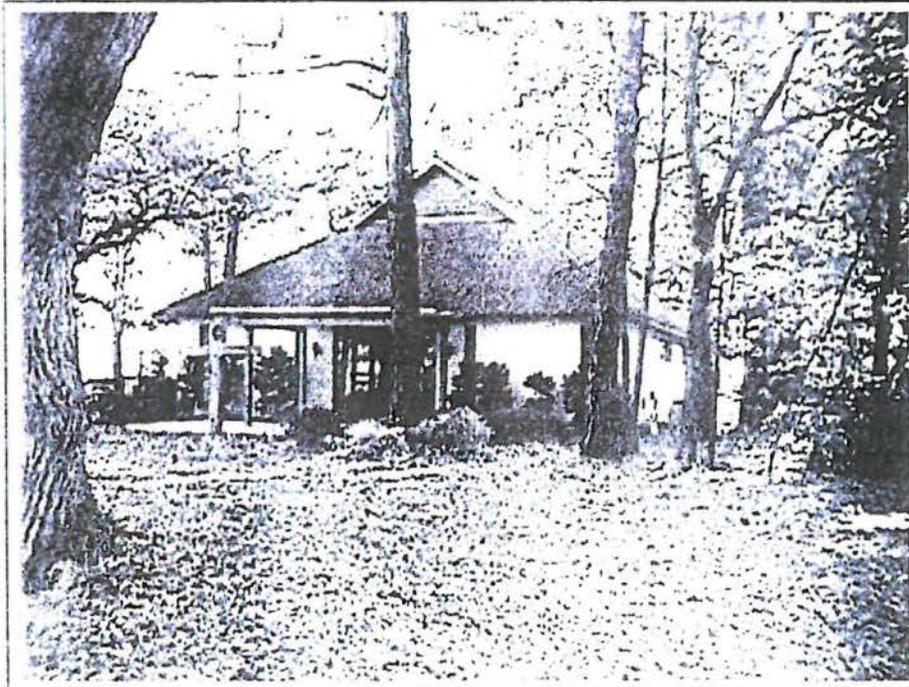


Dotted line shows approximate location of 40' street setback. Historic arbor to the left partially shelters existing cement patio. Arbor Extension to the right reaches 10 feet into setback zone to provide shelter out to the end of the existing patio. Design exactly matches historic arbor. Unobtrusive due to flat roof.

ATTACHMENT B



View of Building from Matthews Drive



View of Building from Matthews Drive

YANA CLUB RESPONSE
DPR-002374-2015
ZONING VARIANCE APPLICATION
ATTACHMENT B
EXHIBIT B-1

ATTACHMENT B



VIEW OF MEMORIAL PATIO TAKEN FROM FRONT PORCH LOOKING TOWARDS MATHEWS DRIVE.
LARGE EVERGREENS ALONG THE PROPERTY LINE PROVIDE PRIVACY.



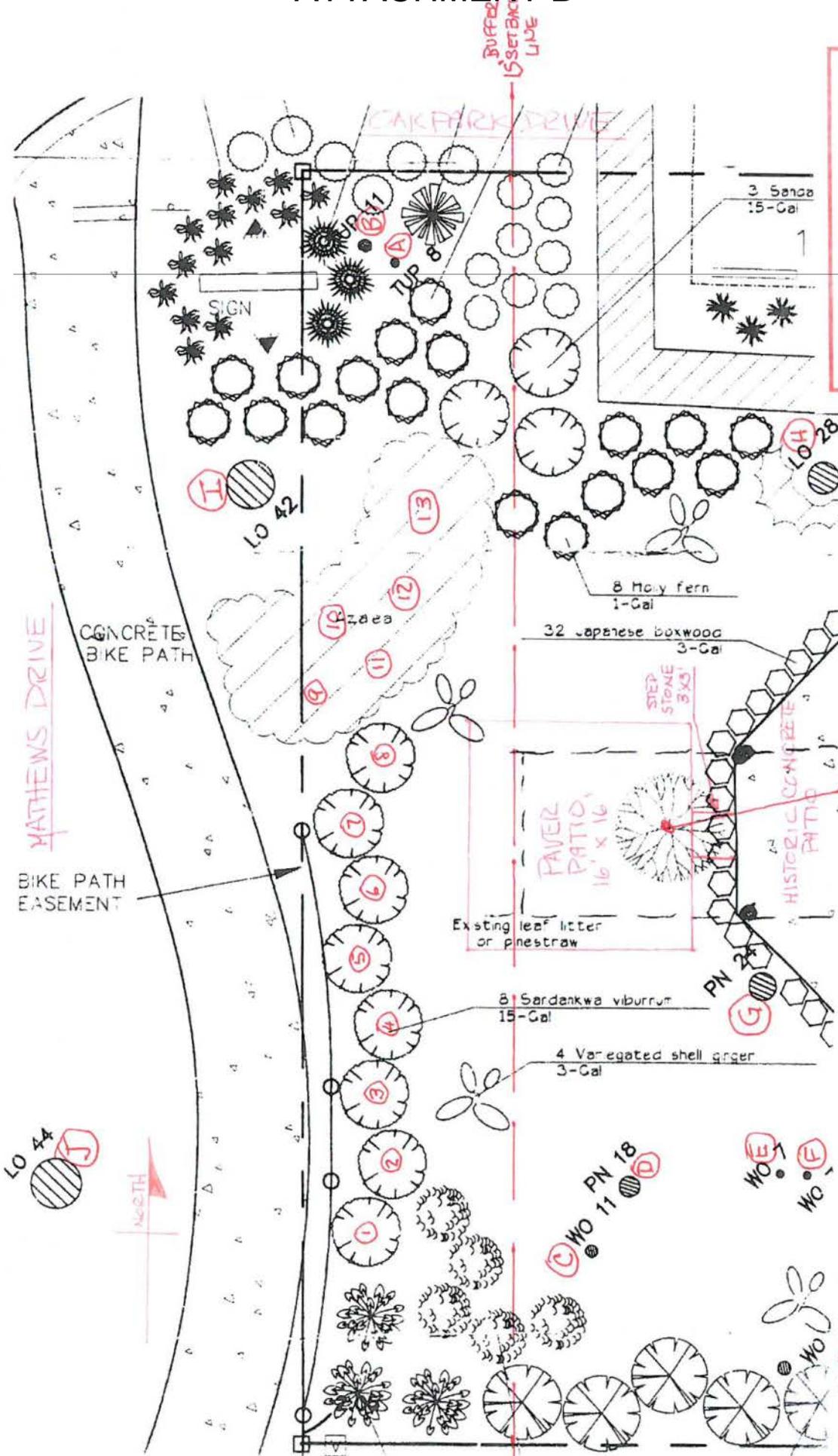
SAMPLE MEMORIAL BRICK OF TYPE THAT WILL GRADUALLY REPLACE PLAIN
PAVERS. MEMORIAL BRICK COLOR AND TYPE FONT ARE NOT YET FINALIZED.

YANA CLUB RESPONSE
DPR-002374-2015
ZONING VARIANCE APPLICATION
ATTACHMENT B
EXHIBIT B-2

ATTACHMENT B

YANA CLUB PROPERTY
2009 LANDSCAPE PROPOSAL
SCALE 1" = 10'

NOTE: THIS IS A PROPOSAL.
NOT ALL PLANTINGS SHOWN
WERE PURCHASED.



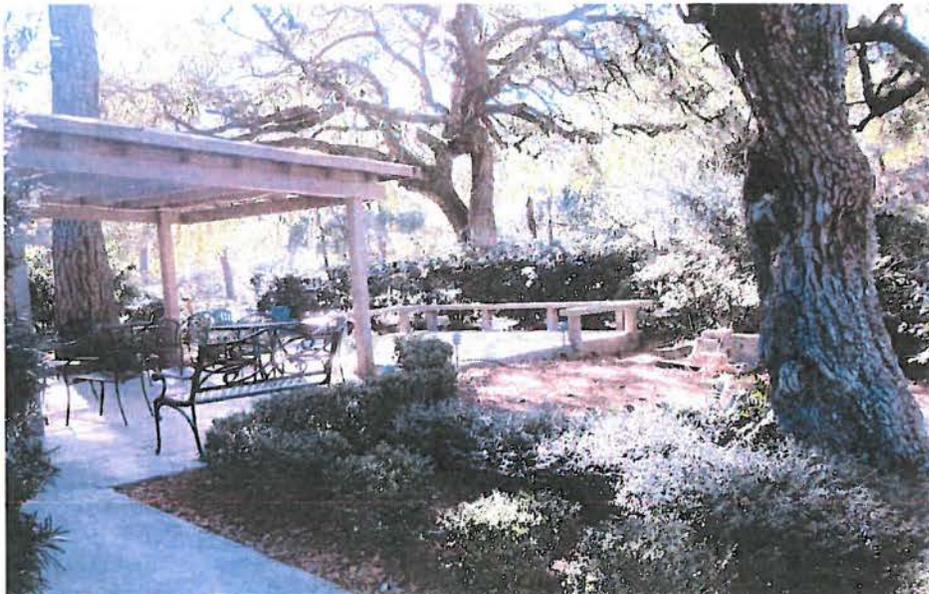
YANA CLUB RESPONSE
DPR-002374-2015
ZONING VARIANCE APPLICATION
ATTACHMENT B
EXHIBIT B-3

- IN BUFFER AREA
- ① THRU ⑬ - LARGER GREENS
 - ⑭ ⑮ - OVERSTORY TREES
- NEAR BUFFER AREA
- ⑯ THRU ⑳ - LARGE OVERSTORY TREES
 - ㉑ ㉒, ㉓ - HUGE LIVE OAKS

ATTACHMENT B



VIEW LOOKING NORTHWEST SHOWS EXTENSIVE VEGETATION AND HEAVY MID-DAY SHADING.



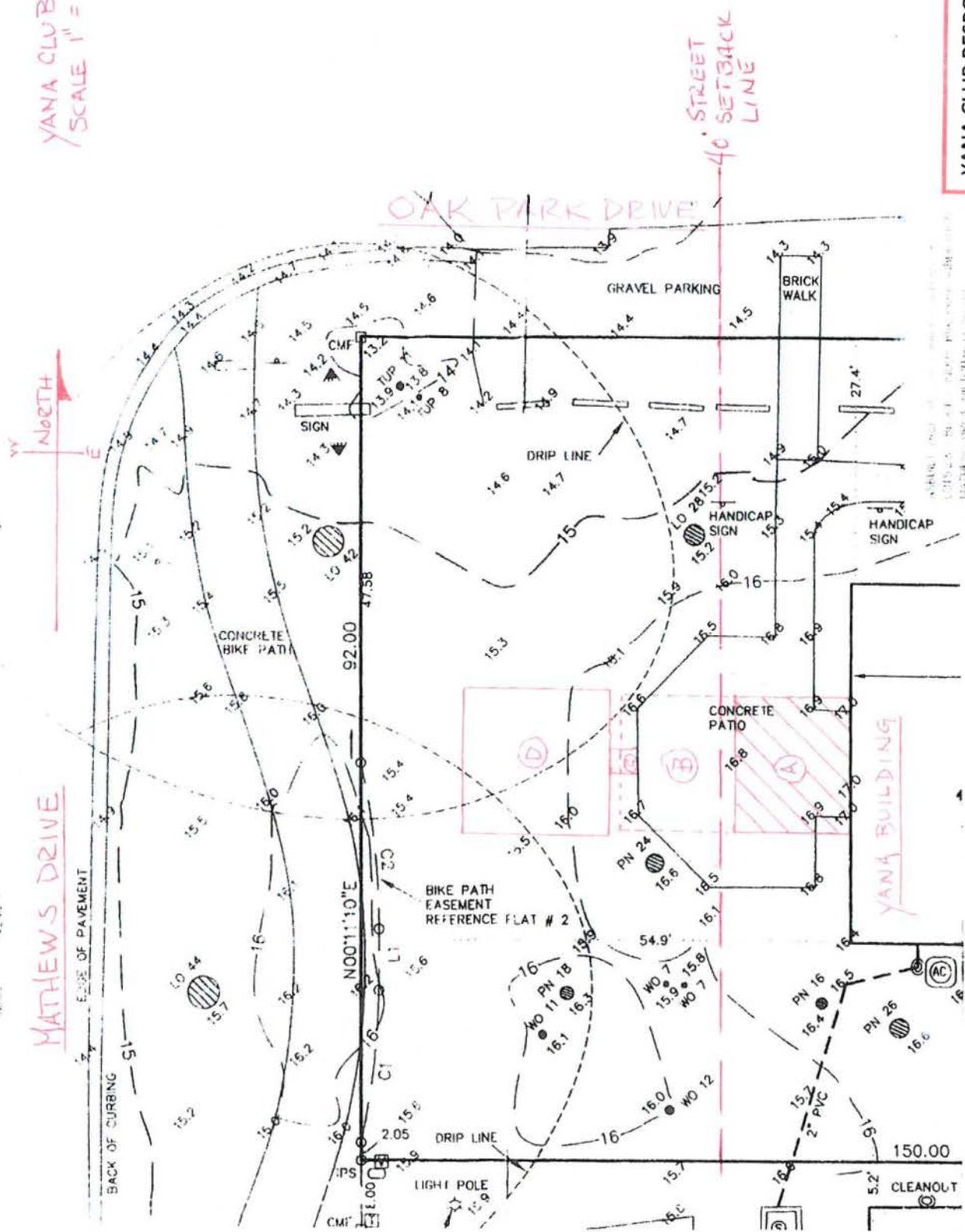
VIEW LOOKING SOUTHWEST TOWARDS MATHEWS DRIVE. THE OVERSTORY TREES VISIBLE HERE SHADE THE PROPERTY BUT ARE NOT WITHIN THE BUFFER AREA.

YANA CLUB RESPONSE
DPR-002374-2015
ZONING VARIANCE APPLICATION
ATTACHMENT B
EXHIBIT B-4

ATTACHMENT B

YANA CLUBS PROPERTY
SCALE 1" = 16'

YANA CLUB RESPONSE
DPR-002374-2015
ZONING VARIANCE APPLICATION
ATTACHMENT B
EXHIBIT B-5



APPROVED FOR THE CITY OF BOSTON
DATE: 05/11/2015
BY: [Signature]
PREPARED BY:
YANA CLUBS PROPERTY

SIS
Site Inspection Services, Inc.
1000 Beacon Street, Suite 200
Boston, MA 02116
Tel: 617-267-1111
Fax: 617-267-1112
www.sisinc.com

- (A) - HISTORIC ARBOR 15' WIDE X 13' DEEP
- (B) - ARBOR EXTENSION 15' WIDE X 13' DEEP
- (C) - STEP STONE 3' X 3'
- (D) - PAVER PATIO 16' X 16'

ATTACHMENT B



THE HISTORIC ARBOR SHELTERS THE ENTRYWAY AREA AND MUST REMAIN CLEAR. THE ARBOR EXTENSION PROVIDES SHELTERED SEATING FOR SMALL GROUP FELLOWSHIP.



AS SEEN FROM MATHEWS DRIVE, THE FLAT-ROOFED ARBOR IS VIRTUALLY INVISIBLE.

YANA CLUB RESPONSE
DPR-002374-2015
ZONING VARIANCE APPLICATION
ATTACHMENT B
EXHIBIT B-6

ATTACHMENT B

YANA Club of Hilton Head Island Zoning Variance (VAR) Submittal Attachment E: Site Plan

We are providing two diagrams to show the relationship of the requested variance to the affected site and surrounding parcels and uses:

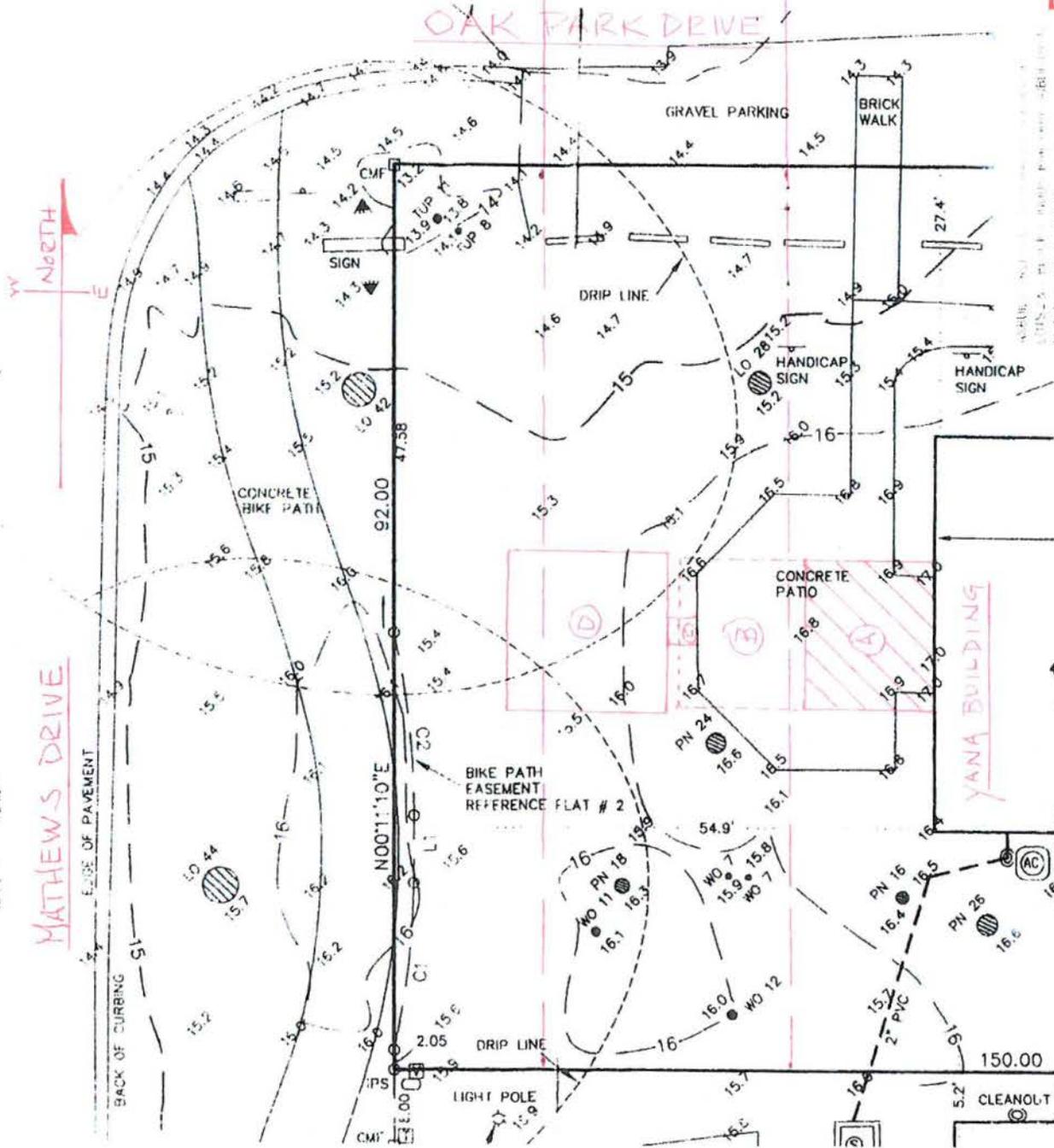
- **Exhibit E-1** is an annotated survey of the front portion of the YANA parcel, showing the arbor extension and memory patio components in relation to the 15' buffer area setback, and the 40' street setback.
- **Exhibit E-2** is a Google Map depiction of the surrounding area, annotated to show the location of the arbor extension and memory patio as they relate to surrounding properties. Note that the recent Town project to pave Electric Avenue is not shown on Google, so an approximate location has been added for context.

ATTACHMENT B

YANA CLUB PROPERTY
SCALE 1" = 16'

BUFFER AREA
15' SETBACK

STREET
40' SETBACK



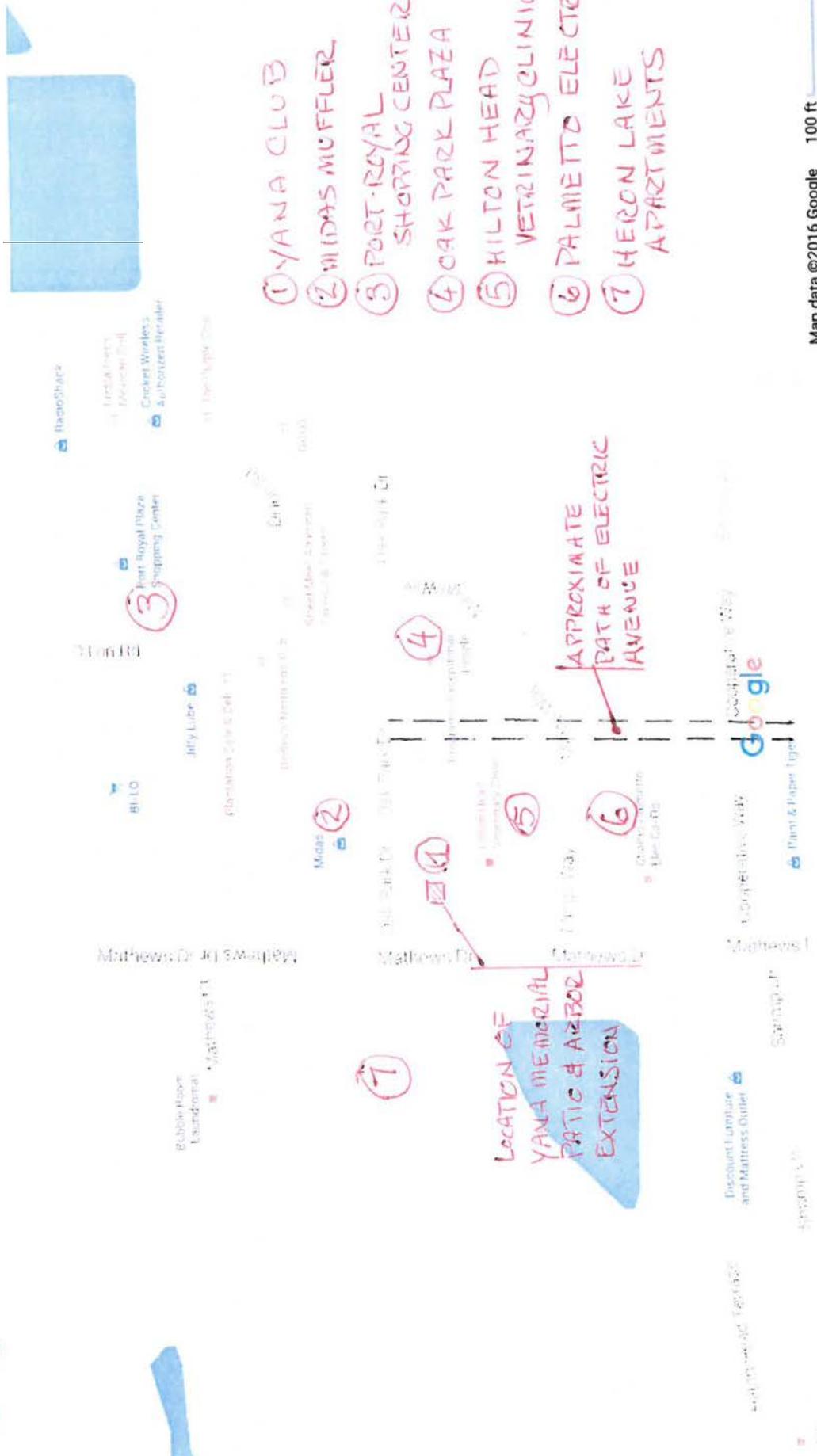
YANA CLUB RESPONSE
DPR-002374-2015
ZONING VARIANCE APPLICATION
ATTACHMENT E
EXHIBIT E-1

- (A) - HISTORIC ARBOR 15' WIDE X 13' DEEP
- (B) - ARBOR EXTENSION 15' WIDE X 13' DEEP
- (C) - STEP STONE 3' X 3'
- (D) - PAVER PATIO 16' X 16'

SIS
Site Specific Information System
LLC
10000 1st Street, Suite 100
San Diego, CA 92121
Tel: 619.444.1111
Fax: 619.444.1112
www.sisllc.com

ATTACHMENT B

Google Maps



- ① YANA CLUB
- ② MIDAS MUFFLER
- ③ PORT ROYAL SHOPPING CENTER
- ④ OAK PARK PLAZA
- ⑤ HILTON HEAD VETERINARY CLINIC
- ⑥ PALMETTO ELECTRIC
- ⑦ HERON LAKE APARTMENTS

Map data ©2016 Google 100 ft

YANA CLUB RESPONSE
 DPR-002374-2015
 ZONING VARIANCE APPLICATION
 ATTACHMENT E
 EXHIBIT E-2

ATTACHMENT C



View of arbor from Oak Park Drive

ATTACHMENT C



View of arbor from Mathews Drive

ATTACHMENT C



View of patio from Mathews Drive



TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

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

Case #:	Public Hearing Date:
VAR-000352-2016	February 22, 2016

Parcel or Location Data:	Property Owner	Applicant
Parcels#: R510 009 000 0896 0000 and R510 009 000 01102 0000 Acreage: Parcel 896: 0.115 acres Parcel 1102: 0.189 acres Zoning: RD (Resort Development District)	Frederick Craig & Shirley Dorsey PO Box 5236 Hilton Head Island, SC 29938	John P. Qualey Qualey Law Firm PO Box 10 Hilton Head Island, SC 29938

Application Summary:

John P. Qualey, on behalf of Frederick Craig and Shirley Dorsey, is requesting a variance from LMO Sections 16-5-102.C, Adjacent Street Setbacks and 16-5-103.D, Adjacent Street Buffers, to allow the construction of two single family attached homes to be built without a setback angle requirement and within the adjacent street setback and buffer on both sides of the property.

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 two lots subject to this application are part of an existing 5 lot subdivision that was approved in 2003 (See attachment C). The property is surrounded by single family residential uses and a tidal wetland in the rear. There is an existing home that straddles the common property line in between lot 1 and 2 (See attachment D).

Staff has met several times over the past few months with the developer of the property, Radu Chindris, to determine what the buildable area of the property would be after the LMO requirements

were applied and how the two properties could be reconfigured and redeveloped.

The properties as they are currently configured have the following LMO requirements:

See Attachment E

Lot 1

- 20 foot setback and buffer from Bradley Circle and a 60 degree setback angle
- 20 foot setback and 10 foot buffer from Sweet Grass Manor, which can be reduce to a 10 foot setback and buffer because it is a corner lot, and further reduced by 20% to 8 feet because it is in the RD Zoning District and a 60 degree setback angle
- 20 foot setback and 10 foot buffer from Whelk Street, which can be reduce to a 10 foot setback and buffer because it is a corner lot, and further reduced by 20% to 8 feet because it is in the RD Zoning District and a 60 degree setback angle
- 5 foot setback in the rear of the lot adjacent to lot 2 and a 75 degree setback angle

Lot 2

- 20 foot setback and 10 foot buffer from Sweet Grass Manor, which can be reduced by 20% to a 16 foot setback and 8 foot buffer because it is in the RD Zoning District and a 60 degree setback angle
- 20 foot setback and 10 foot buffer from Whelk Street, which can be reduced by 20% to a 16 foot setback and 8 foot buffer because it is in the RD Zoning District and a 60 degree setback angle
- 5 foot setback adjacent to lot 1 and a 75 degree setback angle
- 20 foot buffer adjacent to the tidal wetland in the rear of the property

The applicant has determined that when the LMO requirements are applied that lot 2 becomes an unbuildable lot. He wishes to reconfigure the two lots to be side by side or parallel to each other as opposed to one behind the other, both of which will have frontage on Bradley Circle, as a zero lot line attached subdivision. The applicant proposes to demolish the existing home and construct two homes that will be attached at the first level along the common property line and then detached at level two for views between the two homes.

The applicant is requesting the following variances in order to reconfigure the two lots and construct the two homes:

See Attachment F

Lot 1

- Reduce the 8 foot setback and buffer from Sweet Grass Manor to a 1 foot setback and no buffer
- Eliminate the 60 degree setback angle from Sweet Grass Manor

Lot 2

- Reduce the 8 foot setback and buffer from Whelk Street to a 4 foot setback and a 3 foot buffer
- Eliminate the 60 degree setback angle from Whelk Street

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

Grounds for Variance:

According to the applicant, when the LMO requirements are applied to the existing two lots, there is only room for an approximately 700 square foot structure, essentially making lot 2 an unbuildable lot. He wishes to reconfigure the two lots so that they are side by side fronting Bradley Circle and construct two single family attached homes. The applicant states in the narrative this reconfiguration will be more in harmony with the surrounding homes in the neighborhood, will allow views and breezes between the dwellings and will be more architecturally similar to other nearby homes. The applicant states in the narrative that the strict enforcement of all the required setbacks, setback angles, buffers and wetland buffer places an unnecessary hardship on them. The applicant states that with all of the setbacks, setback angles and buffer requirements, only one dwelling approximately 3,600 square feet could be constructed, which deprives him of the two lots allocated with the original subdivision plat. He states it would result in a dwelling that will be less harmonious with the neighborhood. The applicant states in the narrative that the approval of the requested variance will not be a detriment to adjacent property because the proposed homes will already be separated from the adjacent homes by the 20 foot access easements on the north and south sides.

Summary of Fact:

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

Conclusion of Law:

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

Summary of Facts and Conclusions of Law:

Summary of Facts:

- Application was submitted on February 26, 2016 as set forth in LMO Section 16-2-102.C and Appendix D-23.
- Notice of the Application was published in the Island Packet on March 6, 2016 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on March 7, 2016 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on March 9, 2016 as set forth in LMO Section 16-2-102.E.2.
- The Board has authority to render the decision reached here under LMO Section 16-2-102.G.

Conclusions of Law:

- The application is in compliance with the submittal requirements established in LMO Section 16-2-102.C.
- The application was submitted 31 days prior to the meeting, therefore meeting the 30 day deadline required in the LMO.
- Notice of application was published 22 days prior to the meeting, therefore meeting the 15 day deadline required in the LMO.
- Notice of application was posted 21 days prior to the meeting, therefore meeting the 15 day deadline required in the LMO.

- Notice of application was mailed 19 days prior to the meeting, therefore meeting the 15 day deadline required in the LMO.
- 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 Facts:

- The two properties are bound on the north side by Sweet Grass Manor, a 20 foot access easement that runs through the property and on the south side by Whelk Street, also an access easement. Both access easements require setbacks, setback angles and buffers from it, as detailed in the background section above.
- Lot 2 is bound by a tidal wetland to the east, which requires a 20 foot buffer from it.

Conclusions of Law:

- Staff concludes that this application does meet 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.
- Even though there are setback and buffer requirements adjacent to other residential properties, the setback is greater from a street. It is extraordinary to have the property reduced by the 20 foot easement that runs through the property, to have a greater setback and buffer in addition to that, have a greater setback on the south side of the property from that easement and to also have the wetland buffer requirement on the east side.

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):

Finding of Facts:

- The majority of the properties in this vicinity do not have these extraordinary conditions.
- There is only one other property in the vicinity, the property directly adjacent to the subject property, that is bound on two sides by an access easement and also bound by a tidal wetland. There is an existing home on that lot that is built right up to the access easement.

Conclusions of Law:

- Staff concludes that this application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.02 because the extraordinary conditions do not generally apply to other properties in the vicinity.
- As these conditions only apply to one other property in the vicinity, it is clear they do not generally apply to other properties in the vicinity.

Summary of Facts and Conclusions of Law:

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

Findings of Facts:

- Because there are two lots currently, the applicant is trying to redevelop the property while retaining two lots.
- With the adjacent street setbacks, setback angles, buffers and wetland buffer requirements it appears that lot 2 as it exists in the current configuration is unbuildable, as shown on attachment E.
- With the proposed reconfiguration, each lot becomes a corner lot. Because they will be corner lots (with the frontage along the access easements being the sides that can be reduced by 50%), LMO Sections 16-5-102.C, Adjacent Street Setbacks and 16-5-103.D, Adjacent Street Buffers, requires an 8 foot adjacent street setback and buffer and a 60 degree setback angle on those two sides.
- Attachment G demonstrates what the applicant would be allowed to build meeting all LMO requirements. You can clearly see by this attachment they would be left with one structure, two townhouse style units, with only a one car garage each. This would not be in harmony with the adjacent redeveloped homes.
- The applicant is requesting to reduce the 8 foot setback and buffer from Sweet Grass Manor to a 1 foot setback and no buffer and reduce the 8 foot setback and buffer from Whelk Street to a 4 foot setback and a 3 foot buffer. This will allow the construction of two single family homes, attached at the ground level, to be built at the minimum width in order to be able to provide a two car garage and a stairway entrance into the second level of the home.
- The applicant is also requesting to eliminate the 60 degree setback angle requirement from both Sweet Grass Manor and Whelk Street. This will allow the homes to be constructed with 4 levels over parking, similar to the other homes in the vicinity. The 60 degree setback angle requirement would limit the homes to be very small in size with only 2 – 2 ½ narrow levels over parking, not in harmony with the other resort style homes in the vicinity.

Conclusions of Law:

- Staff concludes that this application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.03 because the extraordinary conditions do prohibit and unreasonably restricts the utilization of the property.
- Staff finds the strict enforcement of the LMO requirements do restrict the applicant from developing the two existing properties. Staff finds the setback, setback angle and buffer

reduction request the applicant is proposing is the minimal amount in order to two construct two homes.

Summary of Facts and Conclusions of Law:

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

Findings of Facts:

- Most of the homes in this neighborhood have been redeveloped in the same architectural manner as what the applicant is proposing (tall narrow homes with no setback angles and no setbacks or buffers from adjacent access easements).
- The existing home encroaches over the Sweet Grass Manor access easement and also encroaches onto the adjacent property, into the Whelk Street access easement.
- Staff received a phone call from Tamara Becker, the property owner across the street, stating her opposition to the variance application for the following reasons: two new homes in the area will produce more traffic, parking and safety concerns for pedestrians and will block her views to the beach.

Conclusions of Law:

- Staff concludes that this application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.04 because the variance will not be of substantial detriment to adjacent property.
- The variance will allow the redevelopment of the property to be more in style and harmony with the existing redeveloped homes in the vicinity.
- The new homes when constructed will not be encroaching into the access easements, like the existing home is currently, therefore bringing it more in compliance with the LMO and providing a further setback or distance between the proposed homes and the existing adjacent homes.
- Even though there is a property owner opposed to the application, staff could not find the application to be a substantial detriment to the adjacent property or public good when the proposed homes will be in harmony with the newer adjacent homes in the neighborhood.

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 motion.

PREPARED BY:

ND

Nicole Dixon, CFM, Senior Planner

March 14, 2016

DATE

REVIEWED BY:

HC

Heather Colin, AICP, Development Review
Administrator

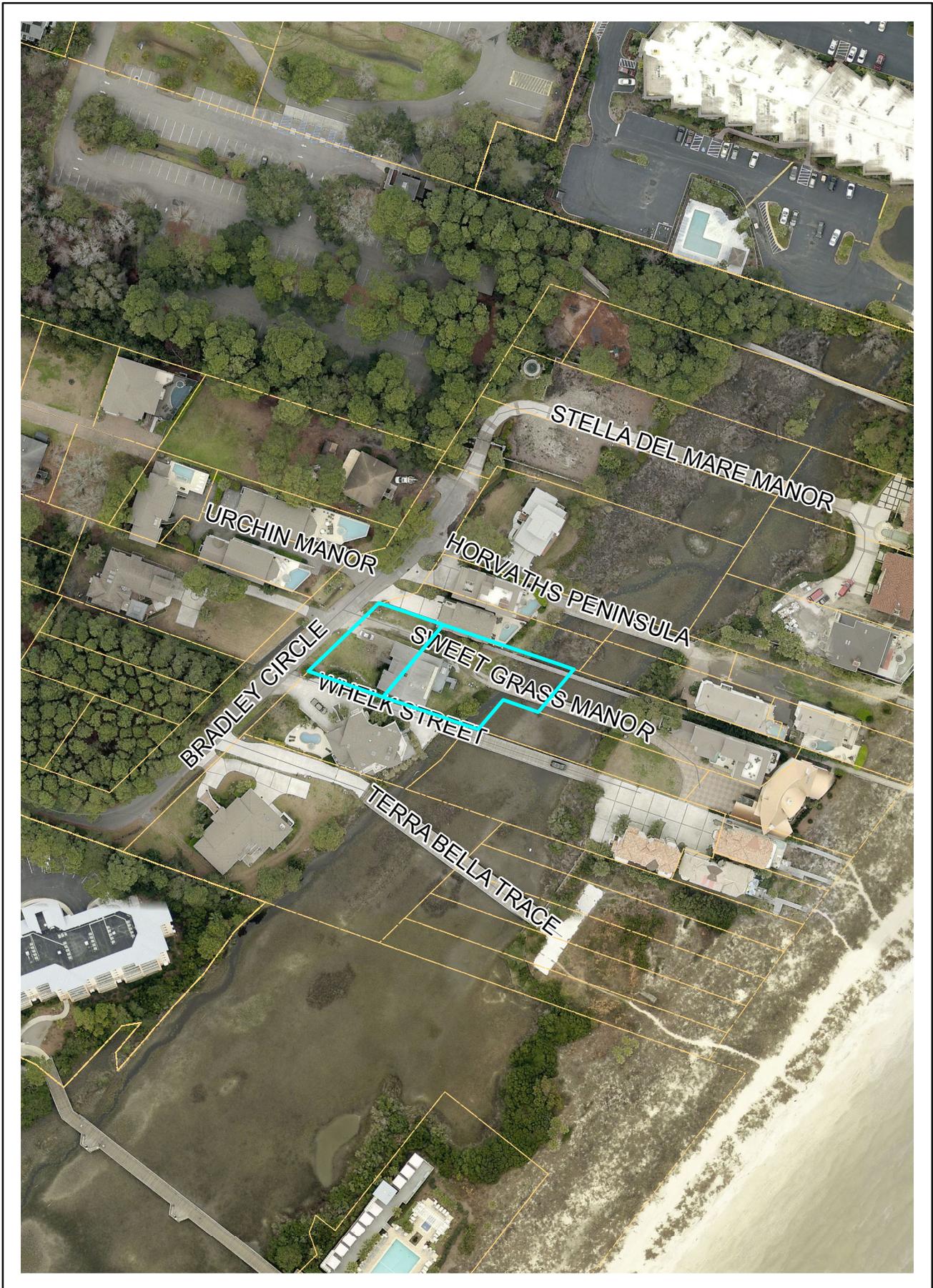
March 16, 2016

DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Applicant’s Narrative
- C) Original Subdivision Plat
- D) As-built Survey
- E) Site plan showing current lots with LMO requirements
- F) Site plans showing proposed reconfiguration and lots with proposed homes
- G) Elevation showing if the two lots met LMO requirements
- H) Elevation showing proposed homes
- I) Pictures

ATTACHMENT A



VAR-352-2016 Vicinity Map

ATTACHMENT B

NARRATIVE FOR VARIANCE APPLICATION

28 BRADLEY CIRCLE, TOWN OF HILTON HEAD ISLAND, SC

TAX MAP NOS.: R510-009-000-0896-0000 and

R510-009-000-1102-0000

February 26, 2016 (Revised March 9, 2016)

The Applicant owns 28 Bradley Circle, which is known as “Lot 1” containing 0.115 acres, and “Lot 2” containing 0.189 acres, as more fully shown on the plat of the property recorded in Plat Book 97 at Page 192, a copy of which is attached. These lots were approved by the Town as separate lots of record, as shown on such recorded plat.

The Applicant is proposing to subdivide the property into two (2) single family resort lots, upon which zero lot line single family homes will be constructed (which are designated as Lots 1 and 2 on the attached site plan). The Applicant is requesting two (2) variances, as follows:

1. As to Lot 1 shown on Plat Book 97 at Page 192, the LMO requires a setback and buffer of 8’ and a setback angle of 60° along the 20’ Access Easement (Sweet Grass Manor), and, as to Lot 2 shown on said plat, the LMO requires a setback of 16’, a 60° setback angle, and a buffer of 8’. As shown on the attached Site Plan, which now depicts Lots 1 and 2 as parallel with each other instead of one behind the other, the Applicant seeks approval of variances allowing a setback of 1’, no setback angle, and no buffer on the North side of Lot 2 along the Access Easement/Sweet Grass Manor. The side setback of 1’ will allow for the overhang of the roof and eaves of the dwelling to be built on Lot 2. If the Variances are authorized, the dwelling to be built on Lot 2 will be at least 20’ from the adjoining property, upon which is located a 15’ beach walkway easement, so there will be at least 35’ separation between dwellings on the adjoining properties.
2. As to Lot 1 shown on Plat Book 97 at Page 192, the LMO requires a setback and buffer of eight feet (8’) and a setback angle of 60 degrees along Whelk Street, which is located along the South property line of the project, and, as to Lot 2 shown on said recorded plat, the LMO requires a setback from Whelk Street of 16’, a 60° setback angle, and a buffer of 8’. As shown on the attached Site Plan, the Applicant seeks approval of variances to reduce the side setback of Lot 1 along Whelk Street to four feet (4’) in width, to eliminate the side setback angle, and to reduce the buffer to 3’ in width (to allow for the roof and eaves overhang). The result will be a minimum of 19’ separation between dwellings on the adjoining properties, because Whelk Street is a right of way/easement measuring fifteen feet (15’) in width.

The Applicant seeks the two (2) Variances allowing reduced side setbacks, side setback angles, and buffers along such North and South property lines so the Applicant will be able to construct two (2) zero lot line dwellings, which will: (a) be more in harmony with the existing homes in the neighborhood; and (b) may allow views and breezes between the dwellings, as requested by neighbors who live across the street on Bradley Circle. Photographs of other homes in the neighborhood will be provided to the BZA to demonstrate that the zero lot line homes which the Applicant will be allowed to build if the Variance is granted are architecturally similar to other nearby homes.

ATTACHMENT B

Without the requested variances, the building footprint of Lot 1 shown on the recorded plat will be approximately 30' by 30' and of Lot 2 would be approximately 25' by 30', because Lot 2 is subject to 16' setbacks from Sweet Grass Manor and from Whelk Street. Without the requested variances, the Applicant would only be able to build a dwelling on Lot 1 containing one story above a garage/parking area, and the Applicant would only be able to build a dwelling on Lot 2 containing approximately 700 square feet of heated/cooled space due to the extreme setbacks. Needless to say, neither of such dwellings would be in harmony with the other, newer dwellings in this resort neighborhood, and strict enforcement of the setbacks, setback angles and buffers will result in unnecessary hardship to the Applicant.

Variance Request. 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 set forth in the LMO would result in unnecessary hardship to the applicant.

The Applicant requests Variances from the following Sections of the LMO:

1. LMO Section 16-5-102.C Adjacent Street Setbacks/Setback Angles along North and South property lines of the project.
2. LMO Section 16-5-103.D Adjacent Street Buffers along North and South property lines of the project.

In this case, the Applicant requests Variances from the cited LMO Sections, because:

A. There are extraordinary and exceptional conditions pertaining to the Applicant's property, including the following: *(a) the properties are is bounded on the North side by a 20' wide access/utility easement (named Sweet Grass Manor), which has also reduced the amount of developable land for the Applicant's intended project because new LMO provisions require the setback to be measured from the access easement, not from the property line; and (b) the properties are bounded on the South side by Whelk Street, a 15' right of way/easement, which in itself provides an additional 15' wide setback from the adjoining residential property; and (c) Lots 1 and 2 shown on Plat Book 97 at Page 192 are existing lots of record, and it will not be feasible to build new homes on said lots without the requested variances.*

B. These conditions do not generally apply to other properties in the vicinity. *There are no other properties in the vicinity which have such adjoining uses and conditions that adversely affect development of the sites. Other nearby properties which have adjoining access easements were developed without the adverse effect of the revised LMO requirement that the side setbacks and buffers be measured from the access easement boundary line instead of the property line.*

C. Because of these conditions, the application of this Ordinance to this particular property will effectively prohibit or unreasonably restrict the utilization of the property. *The application of the Ordinances would unreasonably restrict Applicant's utilization of the property, because the imposition of the 8' setbacks, 60° setback angles, and buffers on the North and South property lines will result in construction of only one (1) dwelling containing only approximately 3,600 square feet, which deprives the Applicant of one of the approved dwelling units allocated to Lots 1 and 2 as shown on the recorded subdivision plat. It will also result in a dwelling which will be less attractive and less harmonious with the neighborhood than Applicants' proposal to construct two (2) smaller zero lot line*

ATTACHMENT B

dwellings. Applicant's position is that the optimum utilization of the property is as two (2) zero lot line homes and that the Ordinance would unreasonably restrict development of the property as one (1) dwelling unless the Variances are approved.

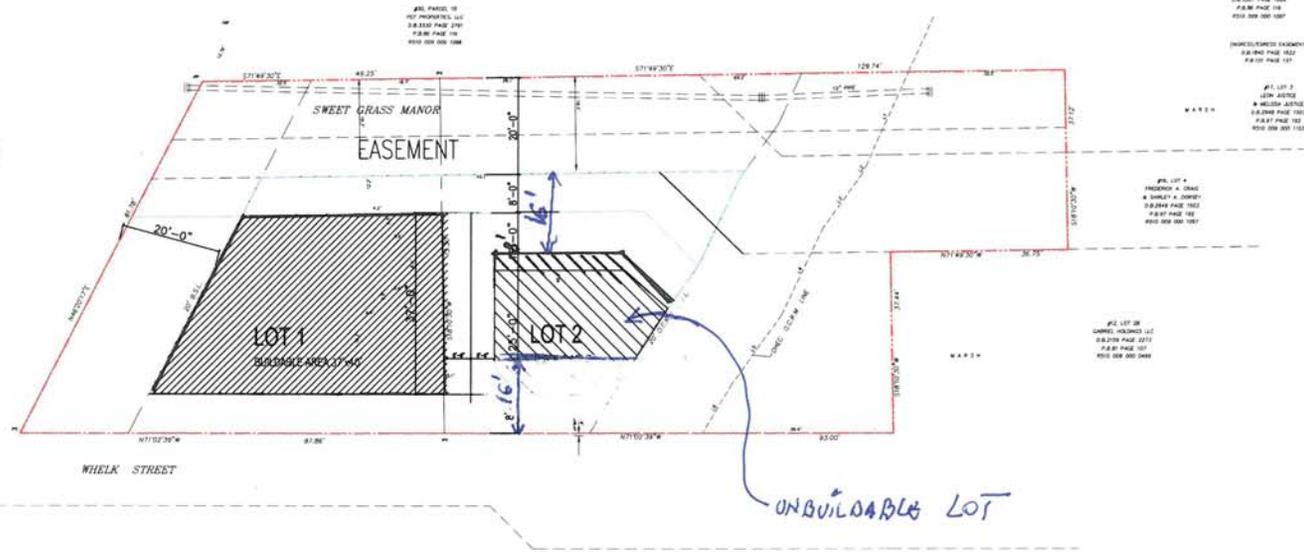
ATTACHMENT B

D. The authorization of the Variances 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 Variances. *The Variances will not be of substantial detriment to adjacent property, because the only adjacent properties affected by the Variances are already separated from the project by a 20' Access Easement (Sweet Grass Manor) along the North side and a 15' Access Easement (Whelk Street) along the South side. The closest dwelling on the North side will be approximately 35' from the property line because of the additional setback due to the 15' wide beach walkway easement which is on the other side of the 20' Access Easement. Along the South side, there will be at least 19' of separation between dwellings because of the Whelk Street access easement which lies between the properties. There is no detriment to the public good, nor will the character of the zoning district (Resort Development District) be harmed by the granting of the Variances to reduce the side setback distances, side setback angles, and buffers as applied for by the Applicant.*

ATTACHMENT E



BRADLEY CIRCLE
50' ROAD EASEMENT



UNBUILDABLE LOT

PR. LOT 2
JAMES A. HOLESTAD
S. 21.00' P. 100
P. 21.00' P. 100
R. 100' 00' 00' 100'

PR. LOT 10
CAROL HILGREN LLC
S. 21.00' P. 100
P. 21.00' P. 100
R. 100' 00' 00' 100'

LOT 1		
LOT 2		
LOTS 1&2		TOTAL

LINE	BEARING	DISTANCE
1-2	S 82° 24' 14" W	11.00
2-3	S 82° 24' 14" W	11.00
3-4	S 82° 24' 14" W	11.00
4-5	S 82° 24' 14" W	11.00
5-6	S 82° 24' 14" W	11.00

LAND ACQUISITION (P&A)
 - - - - - NEW ACQUISITION
 --- --- --- EXISTING ACQUISITION
 P.N. 18 - - - - - NEW ACQUISITION & EXISTING P&A

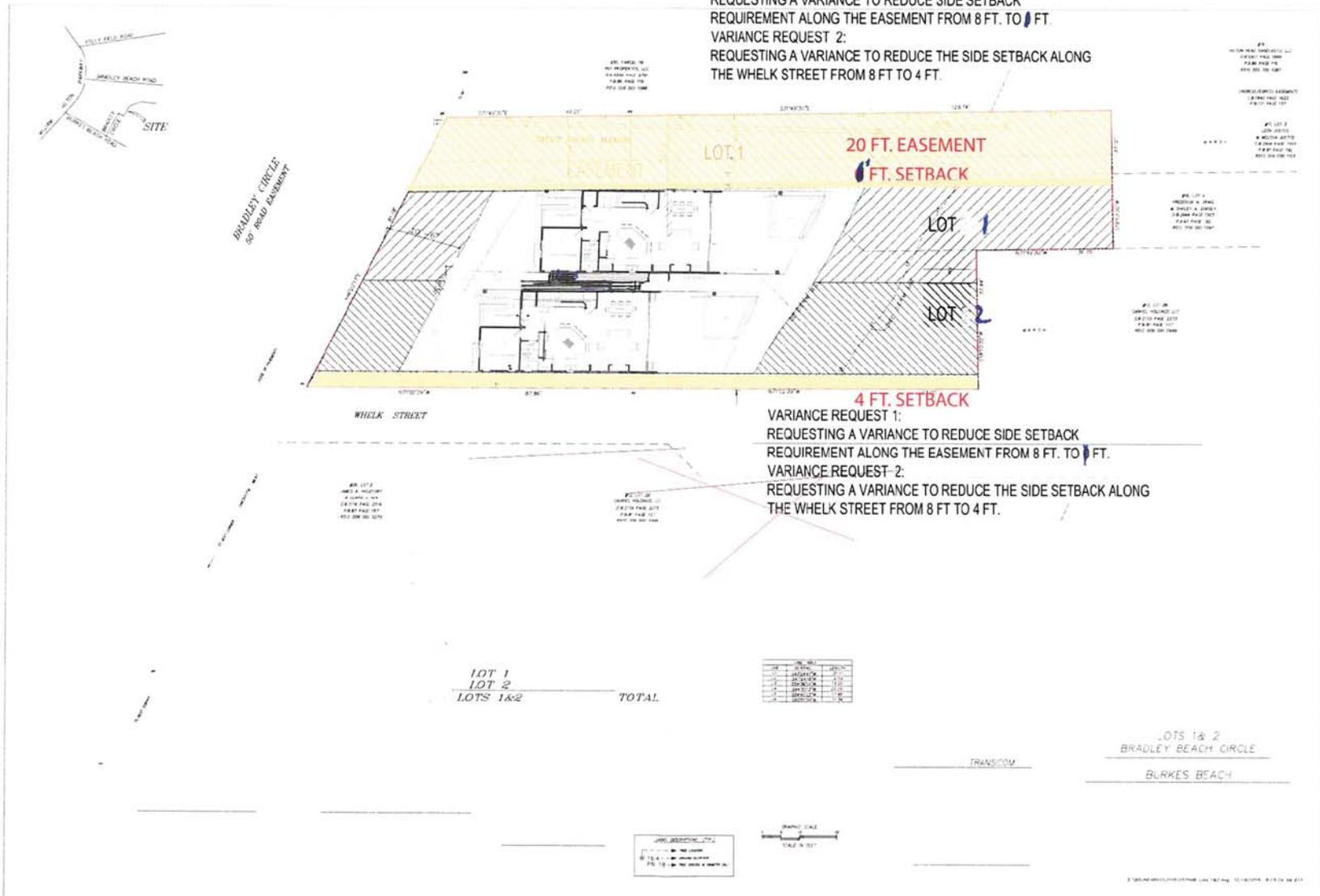


LOTS 1 & 2
BRADLEY BEACH CIRCLE
BURKES BEACH

TRANSCOM

ATTACHMENT F

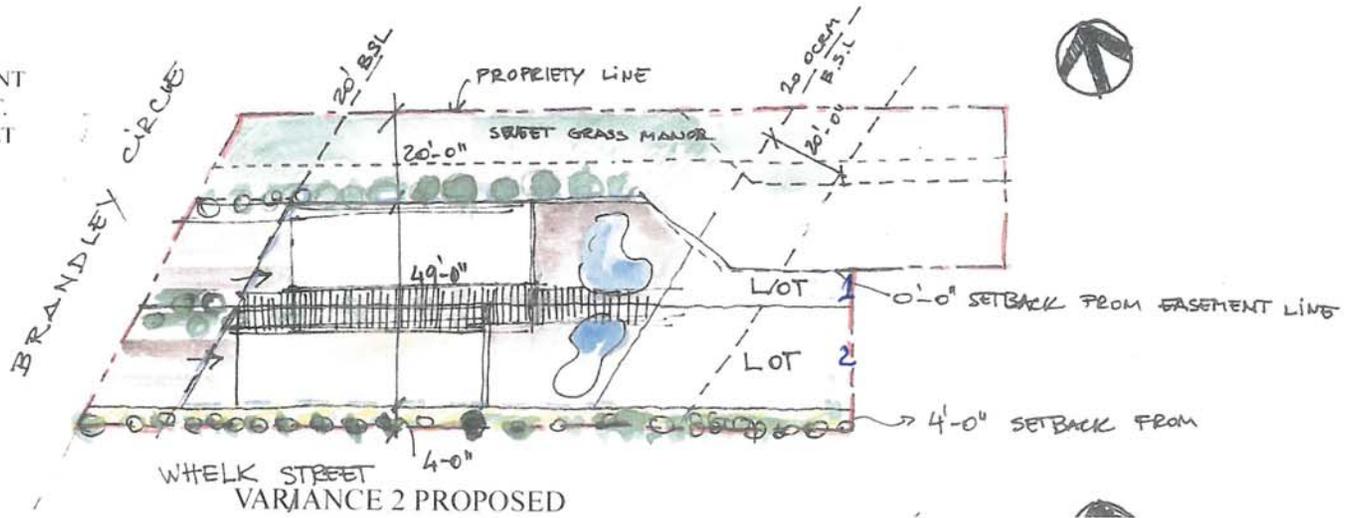
VARIANCE REQUEST 1:
REQUESTING A VARIANCE TO REDUCE SIDE SETBACK
REQUIREMENT ALONG THE EASEMENT FROM 8 FT. TO 4 FT.
VARIANCE REQUEST 2:
REQUESTING A VARIANCE TO REDUCE THE SIDE SETBACK ALONG
THE WHELK STREET FROM 8 FT TO 4 FT.



ATTACHMENT F

VARIANCE REQUEST 2

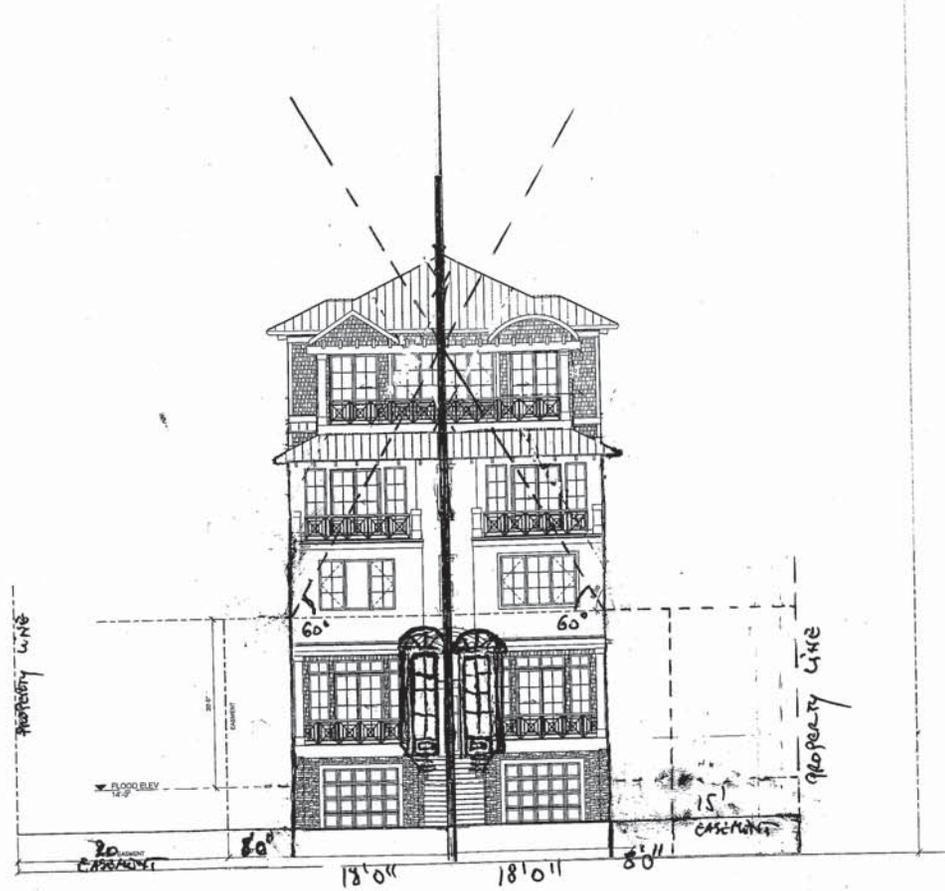
REQUESTING A VARIANCE TO REDUCE SIDE SETBACK REQUIREMENT ALONG THE EASEMENT FROM 8 FT. TO 0 FT. AND ALONG WELK STREET FROM 8 FT. TO 4 FT.



01/19/2016

TRANSCON INDUSTRIES

ATTACHMENT G



FRONT ELEVATION SETBACK LINE -60 DEGREE
SCALE : 3/16" = 1'-0"

LOT 22 BRADLEY CIRCLE HILTON HEAD ISLAND SC
TRANSCON IND. LLC

Rev	Description	Date



Project Number 22 B
Date 07-16-15
Drawn By Author
Checked By Checker



Autodesk Revit
F:\ALX PROJECTS\RADUZZ
BRADLEY CIRCLE\22 BRADLEY
CIRCLE ARCHITECTURAL
ELEVATION
SETBACK 60
DEGREE

7/16/2015 10:58:38 AM

ATTACHMENT H



BRADLEY CIRCLE ELEVATION PROPOSED

VARIANCE REQUEST 2

01/19/2016

TRANSCON INDUSTRIES

REQUESTING A VARIANCE TO REDUCE SIDE SETBACK REQUIREMENT ALONG THE EASEMENT FROM 8 FT. TO 0 FT. AND ALONG WELK STREET FROM 8FT. TO 4 FT.

ATTACHMENT I



28 Bradley Circle, Subject to variance

ATTACHMENT I



View of Sweet Grass Manor Access Easement

ATTACHMENT I



View showing existing home encroaching into access easement

ATTACHMENT I



View showing side deck and stairs of existing home encroaching into adjacent property

ATTACHMENT I



View of adjacent homes

ATTACHMENT I



View of adjacent homes

ATTACHMENT I



View of adjacent home, according to the applicant this is the minimum width a home can be constructed in order to provide two car garage and stair entrance

ATTACHMENT I



View of adjacent home

ATTACHMENT I



View of homes across the street

ATTACHMENT I



View of homes across the street

ATTACHMENT I



View of beach-front homes behind 28 Bradley Circle

ATTACHMENT I



View of beach-front homes behind 28 Bradley Circle



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Nicole Dixon, CFM, *Senior Planner*
DATE: March 16, 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 has been one Substitution of Nonconformity for Redevelopment granted by staff since the February 2016 Board of Zoning Appeals meeting.

1. Sea Turtle Marketplace (the redevelopment of Pineland Station)- 430 William Hilton Parkway. Applicant wished to make improvements to the existing parking lot in front of Steinmart. The parking lot is currently non-conforming to the parking design standards that are provided in the LMO. Because the applicant will be bringing the parking lot more into compliance with the LMO, the waiver was granted.