

THE TOWN OF HILTON HEAD ISLAND
Board of Zoning Appeals
Minutes of the Monday, June 27, 2011 Meeting
2:30p.m. - Benjamin M. Racusin Council Chambers

APPROVED

Board Members Present: Chairman Roger DeCaigny, Vice Chairman Peter Kristian,
Alan Brenner, Michael Lawrence, Stephen Murphy and Bob Sharp

Board Members Absent: Jack Qualey

Council Members Present: Bill Ferguson

Town Staff Present: Nicole Dixon, Senior Planner and BZA Coordinator
Heather Colin, Development Review Administrator
Brian Hulbert, Board Attorney
Kathleen Carlin, Board Secretary

1. CALL TO ORDER

Chairman DeCaigny called the meeting to order at 2:30p.m.

2. ROLL CALL

3. INTRODUCTION TO BOARD PROCEDURES

Chairman DeCaigny stated the Board's procedures for conducting today's business meeting.

4. APPROVAL OF THE AGENDA

Vice Chairman Kristian made a **motion** to approve the agenda with the addition of adding the Election of Officers under Board Business. Mr. Brenner **seconded** the motion and the motion **passed** with a vote of 6-0-0.

5. APPROVAL OF THE MINUTES

Vice Chairman Kristian made a **motion** to **approve** the minutes of the special May 3, 2011 meeting as presented. Mr. Brenner **seconded** the motion and the motion **passed** with a vote of 6-0-0.

6. UNFINISHED BUSINESS

None

7. NEW BUSINESS

PUBLIC HEARING

Public Hearing

VAR100004: Request for a variance from LMO Sections 16-6-204, Wetland Buffers, 16-5-806-A, Adjacent Use Buffers, 16-6-402, Preservation of Trees and Native Vegetation, and 16-5-1206D, Parking Area Design – Minimum Drive Aisle Width Regulations. Salvatore Tartamella is requesting a variance from adjacent use and wetland buffer requirements, tree preservation requirements and drive aisle width requirements to

install a drive aisle to access the rear portion of his property for future development. The property is located off of Blue Bell Lane and is further identified as Parcel 93 on Beaufort County Tax Map # 7.

Ms. Nicole Dixon made the presentation on behalf of staff. Ms. Dixon presented an overhead review and description of the site. For the past several years, the owner of the property has met with Town staff to discuss the development opportunities for the subject property. The conceptual plans submitted to the staff proposed a multi-family development. The property is oddly shaped, with only a narrow strip of land to access the rear portion of the property, which is about 1.25 acres. This narrow strip of land is surrounded by wetlands on one side and a separate parcel containing a power line easement on the other side. There is also a specimen tree located within this narrow area, so the owner is very limited with providing access to the rear portion of the property.

Ms. Dixon stated that the staff, including representatives from the Natural Resources and Fire & Rescue Departments, met with the applicant several times on site to determine what type of variance to seek which would cause the least amount of impact to the natural resources while also providing a safe access. The applicant has a permit from DHEC to fill a portion of the wetlands. In order to avoid filling the wetlands, the applicant decided to seek a variance to remove the specimen tree and install a 29' wide drive aisle through the wetland buffer and adjacent use buffer.

Ms. Dixon presented an in-depth review of the vicinity map, proposed development concept plan, and a survey depicting the variance request. Ms. Dixon presented the staff's Findings of Fact and Conclusions of Law. Based on the Findings of Fact and Conclusions of Law, staff recommended *approval* of the application with the following conditions: (1) the removal of the specimen tree shall be mitigated with the planting of four (4) sweet gum trees (10-12' in height at time of planting) on the subject property; (2) the compromised wetland buffer shall be mitigated to enhance the remaining 5-ft of buffer which will remain between the road surface and the wetland itself, because runoff generated by the road surface can quickly damage the health of the plants and animals within the wetland and cause degradation to the long-term sustainability of the system. A landscaping plan shall be submitted to Natural Resources for approval. This completed the staff's presentation.

The Board discussed the application and the recommended conditions with the staff. Following this discussion, Chairman DeCaigny requested that the applicant make his presentation.

The applicant, Mr. Salvatore Tartamella, presented statements in support of the application. Mr. Tartamella reviewed the site and the staff's recommended conditions. Mr. Tartamella stated his appreciation to Ms. Dixon for her assistance with his application. Following final comments by the Board, Chairman DeCaigny requested that a motion be made.

Mr. Brenner made a **motion to approve** Application for Variance, VAR100004, based on the Findings of Fact and Conclusions of Law contained in the staff's report with the following conditions: (1) the applicant agrees to mitigate the removal of the sweet gum tree by planting six sweet gum trees (10-12-ft. tall) elsewhere on the site; (2) a landscaping plan shall be submitted to Natural Resources for approval which will mitigate

the comprised wetland buffer. Vice Chairman Kristian **seconded** the motion and the motion **passed** with a vote of 6-0-0.

9. Board Business

Election of Officers - Chairman and Vice Chairman 2011 - 2012

Mr. Kristian made a **motion** to re-elect Mr. Roger DeCaigny to serve as Chairman of the Board for the term July 1, 2011 – June 30, 2012. Mr. Brenner **seconded** the motion, and the motion **passed** with a vote of 5-0-0. There were no further nominations for the office of Chairman. Mr. DeCaigny **agreed** to serve as Chairman for the term July 1, 2011 – June 30, 2012.

Mr. Lawrence made a **motion** to re-elect Mr. Peter Kristian to serve as Vice Chairman of the Board for the term July 1, 2011 – June 30, 2012. Mr. Brenner **seconded** the motion and the motion **passed** with a vote of 5-0-0. There were no further nominations for the office of Vice Chairman. Mr. Kristian **agreed** to serve as Vice Chairman for the term July 1, 2011 – June 30, 2012.

10. Staff Report

Ms. Dixon presented the staff's Waiver Report to the Board.

11. PRESENTATION OF THE TOWN'S CRYSTAL AWARD

Ms. Nicole Dixon presented the Town's Crystal Award to outgoing Board member, Mr. Bob Sharp. Mr. Sharp served on the Board of Zoning Appeals from July 1, 2008 to June 30, 2011. A Farewell Reception in appreciation of Mr. Sharp's service will be held in Council Chambers immediately following today's business meeting. Everyone is invited to attend this event.

12. ADJOURNMENT

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

Submitted By:

Approved By:

August 22, 2011

Kathleen Carlin
Board Secretary

Vice Chairman Peter Kristian on behalf of
Chairman Roger DeCaigny