

TOWN OF HILTON HEAD ISLAND
Board of Zoning Appeals
Minutes of the May 23, 2016 2:30pm Meeting
Benjamin M. Racusin Council Chambers

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

Board Members Absent: None

Council Members Present: None

Town Staff Present: Nicole Dixon, Senior Planner & Board Coordinator; Brian Hulbert, Staff Attorney; Teri Lewis, LMO Official; 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

Mr. Fingerhut made a motion to **approve** the agenda as submitted. Mr. North **seconded** the motion. The motion **passed** unanimously.

7. Approval of the Minutes

Mr. Cutrer noted the request by Ms. Haley to amend the minutes of the April 25, 2016 meeting to reflect Mr. White's excused absence. Mr. Cutrer made a motion to **approve** the minutes of the April 25, 2016 meeting as amended. Ms. Laudermilch **seconded** the motion. The motion **passed** unanimously.

8. New Business

PUBLIC HEARING

VAR-587-2016: Richard Schwartz, on behalf of Village Park Homes, is requesting a variance from LMO Sections 16-5-102, Adjacent Use Setbacks and 16-5-103, Adjacent Use Buffers, to

build a pool within the 20 foot adjacent use setback and buffer. The property is located at 27 Sandcastle Court and is identified as Parcel # 1116 on Beaufort County Tax Map# 9.

Chairman Stanford noted the letter that was included in the Board's packet from a law firm regarding restrictive covenants and asked Mr. Hulbert for clarification as to the impact these may have on the Board's decision. Mr. Hulbert stated that the restrictive covenants have no effect on the application for a variance before the Board today. The Board is to follow the State Code and the LMO that applies to granting a variance.

Ms. Dixon presented an in-depth review of the project as set forth in the staff report. Ms. Dixon noted the letters that she had received in opposition of the application and provided the Board with a copy of an additional opposition letter received after the packet was distributed. Ms. Dixon clarified concerns and answered questions by the Board. 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.

Chairman Stanford asked the applicant to present his position based on the applicable LMO criteria. The applicant presented his grounds for a variance as described in the staff report. The applicant answered questions by the Board.

Chairman Stanford opened the meeting for public comment. Mr. LaBruce spoke on behalf of the law firm in opposition of the application for a variance and further explained the LMO criteria as not being met. The Executive Director of the Hilton Head Island Beach & Tennis Resort expressed opposition to the variance on behalf of the homeowners and boards that are associated with the resort. One member of the public stated his opposition of the variance request and support for buffer requirements.

Chairman Stanford requested comments from the Board. The Board discussed the applicant's request to use the ten foot buffer option under the revised LMO and noted that even if this option was applied, that the property is still required to meet a twenty foot setback requirement and therefore, would not be able to construct the pool. The Board inquired as to the following: the contractor that cleared the buffer; the size of the home; and whether other swimming pools have been constructed in the subdivision. Chairman Stanford indicated concern for actions performed in contradiction of the LMO, and subsequent forgiveness is sought. Chairman Stanford stated that no explanation has been provided for the removal of the natural materials that were in the buffer.

Mr. Fingerhut made a motion to **disapprove** the application based on the Findings of Fact and Conclusions of Law contained in the staff report. Ms. Laudermilch **seconded** the motion. The motion **passed** with a vote of 7-0-0.

9. Board Business – None

10. Staff Reports

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

Upcoming Meeting – Ms. Dixon indicated that currently she has received no applications for the Board's June meeting. If no applications are received by the deadline, then the June meeting may be cancelled due to lack of agenda items and appropriate notice will be provided.

11. Adjournment

The meeting was adjourned at 3:07p.m.

Submitted by:

Approved by: August 22, 2016

Teresa Haley, Secretary

Glenn Stanford, Chairman