

TOWN OF HILTON HEAD ISLAND
Board of Zoning Appeals
Minutes of the August 29, 2016 4:00pm Special Meeting
Benjamin M. Racusin Council Chambers

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

Board Members Absent: Robert Johnson (excused)

Council Members Present: David Ames

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

The Board **approved** the agenda by general consent.

7. New Business

Request from Chester C. Williams: Motion for Stay or Postponement – filed on behalf of Arbor Nature LLC, the Appellant in connection with Application for Appeal APL-001006-2016. At the August 22, 2016 meeting, the BZA voted to deny the request to postpone further action by the BZA until the issues subject to the appeal are decided by the court in the pending lawsuit. The BZA voted to hear the appeal at the September 26, 2016 regular meeting. Subsequently, the BZA was informed that the appellant's counsel is unavailable. The BZA will vote on a request for postponement until the October 24, 2016 regular meeting. The BZA will also vote on a 1:00pm meeting start time.

Mr. Williams presented the motion for postponement in connection with Appeal APL-001006-2016 as described in his letter dated August 23, 2016 and provided in the Board's packet. In addition to the packet, Mr. Williams submitted an Affidavit of Thomas C. Taylor for the record. Chairman Stanford asked for the Town's position for this request. Ms. Lewis stated concern for

the additional delay in this case. Ms. Lewis suggested that if the Board grants the request for postponement, that the Board considers conducting a special meeting earlier in October when Mr. Taylor is back versus waiting until the end of October. The Board inquired as to Mr. Taylor's vacation plans being withheld from the initial request for postponement. Mr. Williams indicated that he was unaware of Mr. Taylor's vacation plans until the Board was in executive session on August 22, 2016 and Mr. Taylor had to leave the meeting regarding a separate legal matter. The Board inquired as to the availability of Mr. Williams and Mr. Taylor in September and October. Mr. Williams stepped out to call Mr. Taylor for his availability. The Board discussed holding the hearing on September 19, prior to Mr. Taylor's vacation. Mr. Williams stated that he and Mr. Taylor are available.

Chairman Stanford asked for a motion to call a Board of Zoning Appeals Special Meeting on Monday, September 19, 2016 at 9:00a.m. Mr. Fingerhut moved to **approve** the motion. Ms. Lauder Milch **seconded** the motion. The motion **passed** with a vote 6-0-0.

Chairman Stanford stated that in light of the Board's action, Mr. Williams may choose to withdraw his motion or the Board can rule on it. Mr. Williams stated that he amends his motion to schedule the hearing for September 19, 2016.

Mr. Fingerhut made a motion to **approve** the **amended** request from Chester C. Williams: Motion for Stay or Postponement to have APL-001006-2016 heard at the Board of Zoning Appeals Special Meeting for Monday, September 19, 2016 at 9:00a.m. Vice Chairman Cutrer **seconded** the motion. The motion **passed** with a vote of 6-0-0.

8. Adjournment

The meeting was adjourned at 4:23p.m.

Submitted by:

Approved by: September 26, 2016

Teresa Haley, Secretary

Glenn Stanford, Chairman