



Town of Hilton Head Island
Board of Zoning Appeals
Special Meeting
Monday, August 31, 2020 – 9:00 a.m.
AGENDA

This meeting is being conducted virtually in accordance with Town Council Emergency Ordinance 2020-17 and can be viewed live on the Town's Public Meeting Facebook Page at <https://www.facebook.com/townofhiltonheadislandmeetings/>. Following the meeting, the video record will be made available on the Town's website at <https://www.hiltonheadislandsc.gov/>.

1. Call to Order

2. FOIA Compliance – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

3. Roll Call

4. Welcome and Introduction to Board Procedures

5. Approval of Agenda

6. Approval of Minutes

a. Special Meeting of July 29, 2020

7. Citizen Comments

8. Request for Postponement Approved by the BZA Chairman – The case listed below has been granted a postponement by the BZA Chairman and placed on the agenda to establish an original hearing date for the request. No action will be taken by the Board at this time.

- **VAR-001529-2020** – Request from Bruce Goff for a variance from LMO Sections 16-5-102, Setback Standards and 16-5-103, Buffer Standards for a proposed home to be built in the required adjacent street setback and buffer from the access easement. The property address is 102 North Forest Beach Drive with a parcel number of R550 015 00A 0707 0000.

9. New Business

a. **Public Hearing**

VAR-001461-2020 – Request from Michael Liker for a variance from LMO Section 16-3-106.H.4.b., Forest Beach Neighborhood Character Overlay (FB-NC-O) District for a proposed driveway to be built parallel within the adjacent use buffer and exceeding the 24 foot width maximum. The property address is 3 Alder Lane with a parcel number of R550 015 00A 0075 0000. *Presented by Missy Luick*

10. Staff Report

a. Waiver Report

11. Adjournment

Public comments concerning the variance cases can be submitted electronically via the Town's Virtual Town Hall public comment portal at <https://hiltonheadislandsc.gov/opentownhall/>. The portal will close at **Noon on Friday, August 28, 2020**. Citizens may also call (843) 341-4684 to sign up to comment on the variance cases during the meeting by phone. The public comment period will close at **Noon on Friday, August 28, 2020**. Comments will be provided to the Board for review and made part of the official record.

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



Town of Hilton Head Island
Board of Zoning Appeals Special Meeting

July 29, 2020 at 9:00 a.m. Virtual Meeting

MEETING MINUTES

Present from the Board: Chairman Jerry Cutrer, Vice Chair Patsy Brison, Lisa Laudermilch, Anna Ponder, Charles Walczak, John White

Absent from the Board: Robert Johnson (excused)

Present from Town Council: Tamara Becker

Present from Town Staff: Nicole Dixon, Development Review Administrator; Josh Gruber, Assistant Town Manager; Teri Lewis, Deputy Director of Community Development; Missy Luick, Senior Planner; Tyler Newman, Senior Planner; Stephen Ryan, Staff Attorney; Teresa Haley, Senior Administrative Assistant

1. Call to Order

Chairman Cutrer called the meeting to order at 9:00 a.m.

2. FOIA Compliance – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

3. Swearing in Ceremony for Reappointed Board Member Charles Walczak – Josh Gruber, Assistant Town Manager, performed the swearing in ceremony for reappointed Board Member Charles Walczak.

4. Roll Call – See as noted above.

5. Welcome and Introduction to Board Procedures

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

6. Approval of Agenda

Chairman Cutrer asked for a motion to approve the agenda. Mr. Walczak moved to approve. Ms. Laudermilch seconded. By way of roll call, the motion passed with a vote of 6-0-0.

7. Approval of Minutes

a. Meeting of January 27, 2020

Chairman Cutrer asked for a motion to approve the minutes of the January 27, 2020 regular meeting. Vice Chair Brison moved to approve. Mr. White seconded. By way of roll call, the motion passed with a vote of 6-0-0.

8. Citizen Comments

Pursuant to the Board's Rules of Procedure, public comment is not permitted in a case involving an appeal from an administrator decision. Public comments were permitted on the variance application. All public comments received by Staff were provided to the Board for

review and made a part of the official record. Citizens were provided the opportunity to sign up for public comment participation by phone during the meeting. There were no requests from citizens to participate by phone.

9. Requests for Postponement Approved by the BZA Chairman – The cases listed below have been granted a postponement by the BZA Chairman and placed on the agenda to establish an original hearing date for the request.

- **VAR-000284-2020** – Request from Edward K. Pritchard, III for a variance from LMO Sections 16-5-102, Setback Standards and 16-5-103, Buffer Standards for an existing non-permitted food truck and associated screening fence to remain in the required adjacent use setback and buffer. The property address is 15 Marshland Road with a parcel number of R510 008 000 013H 0000. No action was taken by the Board on the application.
- **VAR-000352-2020** – Request from James Schwamman for a variance from LMO Sections 16-5-102, Setback Standards and 16-5-103, Buffer Standards for an existing patio which is encroaching in the adjacent use setback and buffer. The property is located at 13 Sandcastle Court and has a parcel number of R511 009 000 1109 0000. No action was taken by the Board on the application.
- **APL-000760-2020** – William M. Bowen, on behalf of Island Club III Horizontal Property Regime, is appealing staff's determination, dated March 24, 2020, that an unimproved right-of-way, currently functioning as a drainage easement and pedestrian access to the beach, is classified as a street. No action was taken by the Board on the application.

10. New Business

a. Election of Officers for July 1, 2020 – June 30, 2021 term

Mr. Walczak made a motion to nominate and elect Jerry Cutrer to serve as Chairman for the new term. Dr. Ponder seconded. There were no additional nominations for the office of Chairman and Mr. Cutrer accepted the nomination. The motion was approved by acclamation.

Ms. Laudermilch made a motion to nominate and elect Patsy Brison to serve as Vice Chair for the new term. Mr. White seconded. There were no additional nominations for the office of Vice Chair and Ms. Brison accepted the nomination. The motion was approved by acclamation.

Vice Chair Brison made a motion to appoint Teresa Haley to serve as Secretary for the new term. Ms. Laudermilch seconded. The motion was approved by acclamation.

b. Public Hearing

VAR-001076-2020 – Request for a variance from Joe DePauw, on behalf of Hog Mountain Holdings LLC, from LMO Section 16-5-102, Setback Standards, for a proposed enclosed stair to encroach 4'-0" into the required adjacent use setback. The property address is 34 Palmetto Bay Road with a parcel number of R552 014 000 0050 0000.

Chairman Cutrer asked Tyler Newman to present on behalf of Staff. Mr. Newman presented the application as described in the Staff Report. Staff recommends the Board of Zoning

Appeals deny the application based on the Findings of Fact and Conclusions of Law contained in the Staff Report.

The Board made comments and inquiries regarding: whether the proposed stairway is located in the existing slab or footprint of the building; why an enclosed staircase is not among allowable exceptions; clarification on the unbuildable area mentioned in the applicant's narrative; concern the redeveloped building is expanding beyond the existing foundation; whether the existing foundation is stable; consideration for moving the building so that there would be no encroachment; the applicant was previously granted five waivers by Town Staff; comparison of approved plans by Town Staff and the applicant's proposal.

Chairman Cutrer asked if the applicant would like to make a presentation. The applicant presented statements regarding the grounds for the variance and answered the Board's questions.

The Board made additional comments and inquiries regarding: insurance policy provisions that cover costs of improvements necessary to restore a building and meet code changes; the proposed stairway is outside of the existing footprint; the structure to enclose the stairway would be different than an open stairway, but the foundation would remain the same in either stairway option; the LMO and the International Building Code (IBC) appear to conflict on this issue; there would be additional costs if the existing cooler and freezer were relocated; implementing one staircase would be inefficient and impact daily operations and deliveries.

Chairman Cutrer opened the hearing for public comments and none were received at this time. The Board made final comments on the application and then Chairman Cutrer asked for a motion.

Dr. Ponder moved that the Board of Zoning Appeals approve the application based on the following Findings of Fact and Conclusions of Law:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property because of the fire that took place in June 2019 as well as other circumstances and the history of the property.
2. These conditions, for instance, the fire, do not generally apply to other properties in the vicinity although some of the historic conditions might.
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. For instance, the effective use of the staircase by staff and patrons and also the use of the entrance for deliveries of supplies, etc.
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.

Ms. Laudermilch seconded. By way of roll call, the motion passed with a vote of 5-1-0. (Roll: Cutrer, Laudermilch, Ponder, Walczak, White – for the motion; Brison – against the motion.)

At 10:33 a.m., immediately following the vote on the variance application, the Chairman obtained general consent to briefly recess the meeting. At 10:38 a.m., with all Board Members present, the Chairman reconvened the meeting.

c. Hearing

APL-001105-2020 – Request for Appeal from Jason Bullock with E-Ride LLC. The appellant is appealing staff’s determination, dated May 15, 2020, that mokes (electric car) and skoozas (scooter) are classified as Auto Rentals and Auto Sales.

Chairman Cutrer outlined the procedures for the appeal hearing process. Chairman Cutrer invited the appellant to proceed with his presentation. The appellant presented the case as described in the Board’s agenda package.

The Board made comments and inquiries regarding: a standard Class C driver’s license is required to drive a moke; the State allows a low speed vehicle to be operated by a licensed driver; the appellant’s rental agreement requires the licensed person to be 21 to rent a moke; low speed vehicle as defined by SC Motor Vehicle Code; classification of moke and skooza according to the SC Motor Vehicle Code; how to ensure moke and skooza rentals will not be used on the bike paths.

Chairman Cutrer asked Teri Lewis to present on behalf of Staff. Ms. Lewis presented Staff’s findings as described in the Board’s agenda package.

The Board made additional comments and inquiries regarding: classifying the use of mokes and skoozas; in order for these types of vehicles to be allowed in SPC which is the location of the property there would need to be a text amendment to the LMO; it appears Staff is in favor of amending the LMO to allow these vehicles; the process for potential changes to the LMO to allow this use; consideration for proposing a definition for low speed vehicles, create it as a use under Auto Rentals and Auto Sales and in certain zoning districts; Staff’s determination letter dated August 3, 2017 related to the use of mopeds, segways, golf carts or bicycles as an Auto Rental; the BZA does not have jurisdiction to amend the text of the LMO to add definitions.

Chairman Cutrer asked for rebuttals of the appellant and Staff. Following the rebuttals, the Board made closing remarks on the appeal and Chairman Cutrer asked for a motion.

Vice Chair Brison moved that the Board of Zoning Appeals affirm the Staff determination. Ms. Laudermilch seconded. By way of roll call, the motion failed with a vote of 2-4-0. (Roll: Brison, Laudermilch – for the motion; Cutrer, Ponder, Walczak, White – against the motion.)

Mr. Walczak moved that the Board of Zoning Appeals reverse the determination of the LMO Official pursuant to LMO Section 16-2-103.T.5.a., based on the following:

Finding of Fact: The LMO Official made an error in applying the definition of Auto Rentals and Auto Sales to the use of Mokes and Skoozas.

Conclusion of Law: The use of Mokes and Skoozas is most appropriately classified as Other Commercial Services.

Mr. White seconded. By way of roll call, the motion passed with a vote of 4-2-0. (Roll: Cutrer, Ponder, Walczak, White – for the motion; Brison, Laudermilch – against the motion.)

d. Hearing

APL-001167-2020 – Request for Appeal from Douglas W. MacNeille, Esq. on behalf of Hilton Head Helicopters, LLC d/b/a Atomic VR Virtual Reality. The appellant is appealing staff’s determination, dated May 22, 2020, that a Virtual Reality Helicopter Arcade Game business is not permitted at 52 Gateway Circle, a property that is zoned Light Industrial.

Chairman Cutrer outlined the procedures for the appeal hearing process. Chairman Cutrer invited the appellant to proceed with his presentation. The appellant presented the case as described in the Board's agenda package.

The Board made comments and inquiries regarding: the virtual reality arcade game is primarily used for customers waiting to go on the helicopter tour; a small percentage of customers use only the virtual reality arcade game; the virtual experience use appears to be incidental to the primary business use which is helicopter tours; the helicopter tour is one fee and the virtual reality game is an add-on experience; the helicopter tours make up about 90% of the revenue; there is only one company with one EIN number offering both helicopter tours and virtual reality experiences; helicopter tour prices vary from \$39 per person up to \$349 per person and the virtual reality experience is approximately a \$20 add-on.

Chairman Cutrer asked Nicole Dixon to present on behalf of Staff. Ms. Dixon presented Staff's findings as described in the Board's agenda package.

The Board made additional comments and inquiries regarding: whether the doctrine of equitable estoppel applies to the case; the County granting the appellant permission to operate a virtual reality arcade in the Commercial Operating Agreement does not affect the appeal; issuance of a business license does not necessarily grant zoning designations; the original application submitted in 2015 by the previous owner was approved in error; the appellant's submittal in 2020 was denied by Town Staff because the proposed virtual reality game business is classified as an Indoor Commercial Recreation Use which is not a use that is permitted in the IL zoning district; the marketing of virtual experiences for the business appears to be minimal; clarification of staff's classification of the virtual experience as a primary use; the history and concern of one business that requires two business licenses for the two separate uses; as the previous owner had done, the appellant submitted for two business licenses for the two uses in 2019 and 2020; the previous owner occupied the business since 2015 and had two separate licenses, one for helicopter tours and the other for the virtual experiences; Staff recently determined the business license issued in 2015 for the virtual experiences was issued in error; consideration of the intent of the uses permitted in this zoning district when the LMO was written.

Chairman Cutrer asked for rebuttals of the appellant and Staff. Following the rebuttals, the Board made closing remarks on the appeal and Chairman Cutrer asked for a motion.

Upon the conclusion of the discussion, Chairman Cutrer asked for a motion.

Vice Chair Brison moved that the Board of Zoning Appeals reverse the determination of Staff pursuant to LMO Section 16-2-103.T.5.a., based on the following:

Findings of Fact:

- The helicopter tour business is the primary or principal use on the property within the Light Industrial (IL) zoning district.
- The virtual experiences as described in the testimony today are incidental or ancillary to that primary or principal use on the property.

Conclusion of Law:

- The helicopter tour business is allowed within the Light Industrial (IL) zoning district along with the incidental or ancillary use.

Ms. Laudermilch seconded. By way of roll call, the motion passed with a vote of 6-0-0.

11. Staff Report

a. Waiver Approvals Summary 2017-Present

Vice Chair Brison recommended that the Board forward the summary to the Planning Commission and appropriate persons to review and determine whether amendments to the LMO might be appropriate. Dr. Ponder seconded. By way of roll call, the motion passed with a vote of 6-0-0.

b. Waiver Report – The report was included in the Board’s agenda package.

12. Adjournment

The meeting was adjourned at 1:32 p.m.

Submitted by: Teresa Haley, Secretary

Approved: [DATE]

DRAFT



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:
VAR-001461-2020	August 31, 2020

Parcel or Location Data:	Property Owner	Applicant
Parcel#: R550 015 00A 0075 0000 Address: 3 Alder Lane Parcel size: 0.195 acres Zoning: RS-5 (Residential Single Family District-5) Overlay: Forest Beach Neighborhood Character Overlay District	Ryan Michael Sabo 12910 Harbor Dr Woodbridge, VA 22192	Michael Liker 4 Alder Lane Hilton Head Island, SC 29928

Application Summary:

Michael Liker, on behalf of the property owner, is requesting a variance from LMO Section 16-3-106.H.4.b., Forest Beach Neighborhood Character Overlay (FB-NC-O) District for a proposed driveway to be built parallel within the adjacent use buffer and exceeding the 24 foot width maximum. The property is located at 3 Alder Lane and is within the Forest Beach Neighborhood Character Overlay District.

Staff Recommendation:

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

Background:

The subject property is located in the Forest Beach Neighborhood Character Overlay District. The property is located at 3 Alder Lane, which is accessed through the Marriott Grande Ocean property. According to historical aerial imagery, a concrete wall was constructed in the Alder Lane right-of-way sometime between 1986 and 1999. Also according to historical aerial imagery during that time period, it appears that Alder Lane was removed from the right-of-way and replaced with a multi-use pathway. Alder Lane, which now functions as a named drive aisle, is incorporated as part of the Marriott

Grande Ocean development.

According to the applicant, the concrete wall is under Marriott ownership and control. The concrete wall runs in front of the subject property. The north end of the subject property has a break in the concrete wall, which according to the applicant, is where the former home's driveway was located. The applicant has stated that requests to Marriott Real Estate Division regarding removing the wall for more direct driveway access have been made, but no outcome has been determined. The proposed house plans utilize the existing driveway curb cut which, due to the home design, necessitates the driveway make a 90 degree turn and run parallel within the front adjacent use buffer. The Land Management Ordinance allows driveways to run perpendicular through the buffer, but not parallel. Additionally, the driveway exceeds the 24 foot width maximum. This property does not have an adjacent street buffer as Alder Lane is a multi-use pathway and drive aisle and not a street. The property has 3 sides and a rear adjacent use buffer.

According to building division records, there was a house on the lot that was demolished in March 2009. According to the applicant, the former home utilized the driveway location that is currently proposed. The applicant is requesting a variance to allow construction of a driveway parallel within the adjacent use buffer exceeding the 24 foot width maximum.

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

Grounds for Variance:

According to the applicant's narrative, the current buffer standards of the Land Management Ordinance and the existence of a concrete block wall make it difficult to build a driveway access to the house that they plan to construct on the subject property.

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 July 22, 2020 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 August 9, 2020 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on August 12, 2020 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on August 10, 2020 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 41 days prior to the meeting, therefore meeting the 30 day deadline required in the LMO.
- Notice of application was published 21 days prior to the meeting, therefore meeting the 15 day deadline required in the LMO.
- Notice of application was posted 18 days prior to the meeting, therefore meeting the 15 day deadline required in the LMO.
- Notice of application was mailed 20 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 Fact:

- The subject lot is 0.195 acres in size. The subject lot is 85 feet wide adjacent to Alder Lane.
- The subject lot has a concrete wall owned by the Marriott that is approximately 56 feet long that runs along Alder Lane in front of the property which restricts direct access to the Alder Lane drive aisle.
- The subject lot was previously developed with a single family home which was demolished in 2009 which had driveway access to Alder Lane in the current proposed driveway location.

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.
- The concrete wall in front of the lot limits restricts access to Alder Lane and limits development of the lot.

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:

- The subject property has a concrete wall located in front of the property within the Alder Lane right-of-way (contains a multi-use pathway) which restricts access to the Alder Lane drive aisle.
- This wall applies to very few other properties in the vicinity (the neighboring property at 4 Alder Lane also has the same concrete wall in front of their home).

Conclusion 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 there are 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 Fact:

- Per LMO Section 16-3-106.4.a.iii the required side adjacent use setback for a single family residence is 10 feet.
- Per LMO Section 16-3-106.H.4.b.i the required adjacent use buffer is 10 feet which applies to all 4 sides of the subject property.
- Per LMO Section 16-3-106.H.4.b.ii properties located in the Forest Beach Neighborhood Character Overlay (FB-NC-O) District may not have a driveway width of more than 24 feet within a buffer.
- Per LMO Section 16-5-103.J.1.a driveway access is allowed within the buffer provided it runs approximately perpendicular to/from the adjacent street right-of-way.
- Due to the size of the proposed home, 5 parking spaces are required, which as designed, requires 3 garage bays and necessitates that the driveway in the buffer be wider than the maximum 24 feet to accommodate access into the third garage bay.
- Due to the concrete wall limiting driveway access to the street, the proposed driveway runs parallel within the buffer.
- The home could be reduced in size or driveway access redesigned so that it meets all LMO requirements.

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.03 because while there are extraordinary or exceptional conditions that pertain to this property, the home design could be altered to provide access from the north side of the home which would eliminate the driveway in the front adjacent use buffer.

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:

- Staff has received no letters in opposition to this variance request.
- The variance approval would allow removal of trees and vegetation from the required buffer which could have a negative effect on the neighborhood

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 proposed variance will not be a substantial detriment to the adjacent property, the public good, or the character of the zoning district where the property is located.

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:

ML

Missy Luick, Senior Planner

August 18, 2020

DATE

REVIEWED BY:

ND

Nicole Dixon, AICP, CFM, Development
Review Administrator

August 19, 2020

DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Applicant's Narrative
- C) Proposed Home Site Plan
- D) Site Photos
- E) Historic Imagery



Town of Hilton Head Island

Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-4600

3 Alder Lane
Attachment A: Vicinity Map



130 65 0 130 Feet

This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.

Attachment B- Applicants Narrative

VAR-
1461-2020

Michael Liker Construction
4 Alder Lane
Hilton Head Island 29928

To whom it my concern, I am requesting a variance on behalf of Kim and Ryan Sabo
3 Alder Lane, the request is to use the existing curb cut which is located at the Marriot Grand Ocean
The variance will create a small offset to main garage approach. To achieve a straight line to garage
doors would require removal of a CMU wall which is owned by the Marriot. All driveway materials will
be pervious in nature.

Sincerely,
Michael Liker
843-718-8816

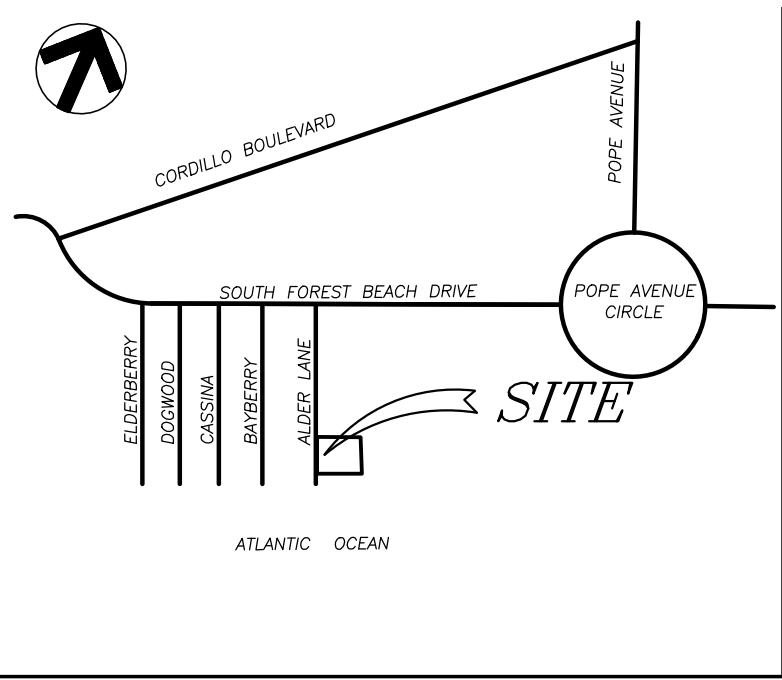
Attachment B- Applicants Narrative

The following Variance request for 3 Alder Lane, Hilton Head Island SC

1. The extraordinary and exceptional conditions pertaining to this particular property
 1. The access to this particular lot is through the Marriott Grande Ocean, which contains a CMU block wall which runs the front of the property with a curb cut located at the far end of the parcel, limiting accessibility.
2. These conditions do not apply to other properties in the vicinity, the property contains a concrete block wall which limits access to property.
3. Because of these conditions the Sabo's would like to request a Variance to connect existing curb cut into new proposed gravel driveway pad, and increasing pad size by 7'-33/4" for overall driveway measuring 24'x31'3 3/4" for accessing the 3rd garage bay for required 5 car parking.
4. A Variance in this circumstance would be the least impact to surrounding area and vegetation, and would also have zero impact to
5. general public safety, as the property is along the Alder Lane public beach access

Sincerely,

Michael Likier



VICINITY MAP - N.T.S.

LOT 10

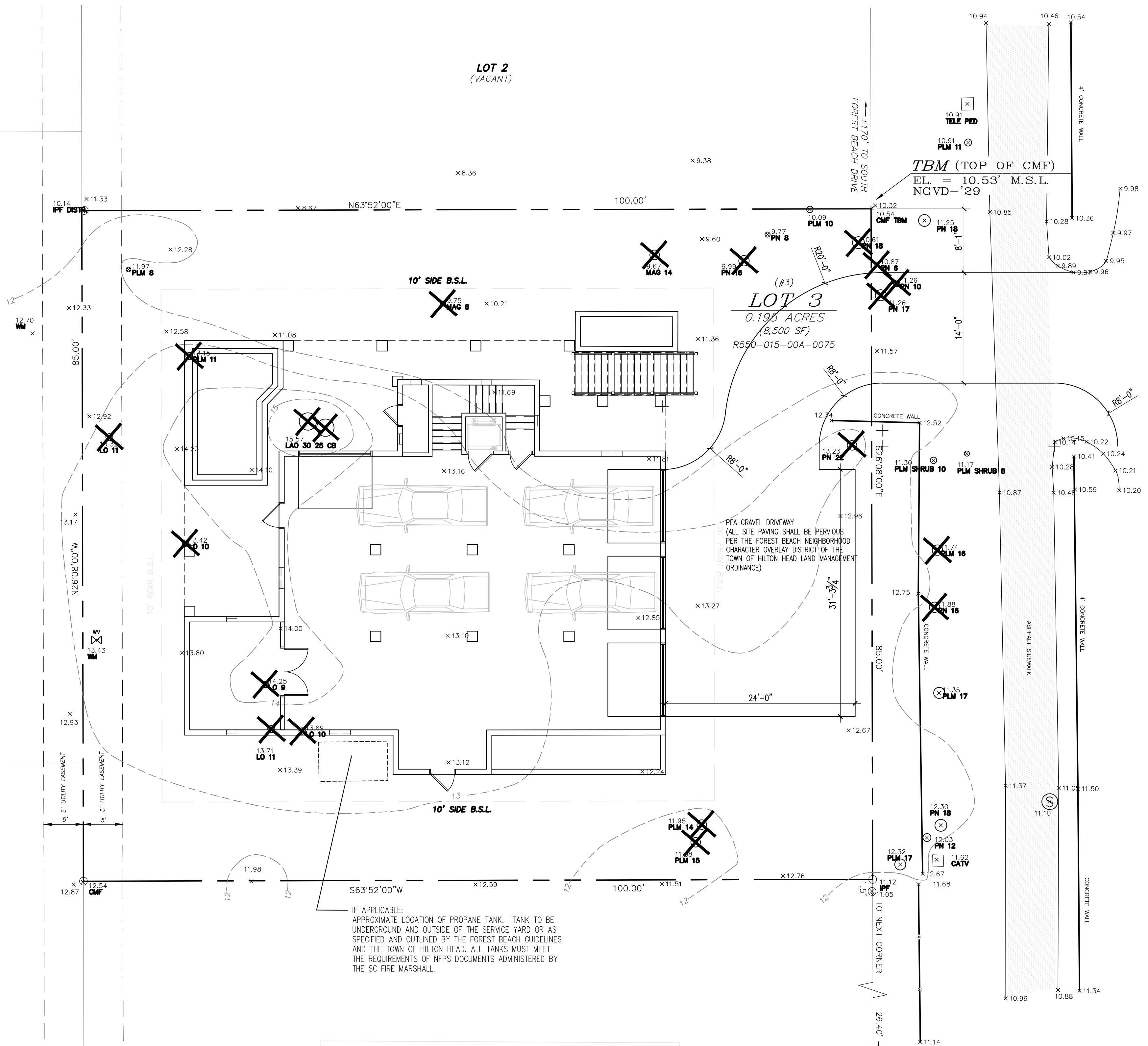
LOT 2
(VACANT)

LOT 9
TWO STORY, STUCCO
FLR. ELEV = 14.48'

LOT 8

LOT 4
TWO STORY, STUCCO
FLR. ELEV = 12.56'

LOT 3
0.198 ACRES
(8,500 SF)
R550-015-00A-0075



IF APPLICABLE:
APPROXIMATE LOCATION OF PROPANE TANK. TANK TO BE UNDERGROUND AND OUTSIDE OF THE SERVICE YARD OR AS SPECIFIED AND OUTLINED BY THE FOREST BEACH GUIDELINES AND THE TOWN OF HILTON HEAD. ALL TANKS MUST MEET THE REQUIREMENTS OF NFPA DOCUMENTS ADMINISTERED BY THE SC FIRE MARSHALL.

LEGEND

BG	BLACK GUM
B.S.L.	BUILDING SETBACK LINE
CATV	CABLE TELEVISION
CB	COMMON BASE
CMF	CONCRETE MONUMENT FOUND
ELEC. BOX	ELECTRIC BOX
DIST	DISTURBED
IPF	IRON PIN (OLD) FOUND
IPS	IRON PIN (NEW) SET
LAO	LAUREL OAK
LO	LIVE OAK
MAG	MAGNOLIA
PALM	PALMETTO
PN	PINE
---	---

- NOTES:
- THIS LOT LIES IN ZONE "A-7", B.F.E.=14.0' PER F.I.R.M. PANEL 0013-D, COMMUNITY No. 450250, REVISED: 09/29/86.
 - THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR; NO INVESTIGATIONS FOR EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS HAVE BEEN MADE THAT AN APPROPRIATE AND

REFERENCE PLAT:
A SUBDIVISION PLAT LAWTON BEACH SUB. No. 1 SOUTH FOREST BEACH

LABEL DESCRIPTIONS (TYP.)



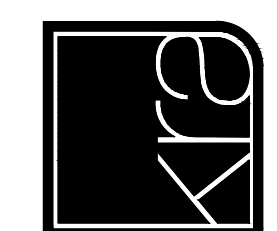
PREPARED FOR: KIM SABO

LAWTON
S
HILTON HEAD
SC
DA
JOB

* 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 MEASUREMENT SURVEYING DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE ARCHITECTS AND MAY NOT BE REPRODUCED, PUBLISHED, OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECTS.

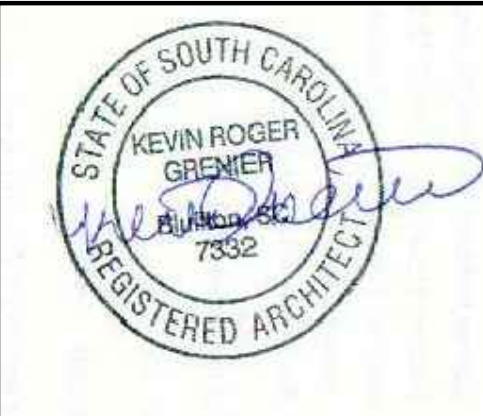
SABO RESIDENCE
SOUTH FOREST BEACH
LOT 3 ALDER LANE
HILTON HEAD ISLAND, SC

Beaufort County



KRA architecture + design

1 843.815.2021
www.krasc.com
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Bluffton, SC 29910



Stamped By:

Drawn By: KRG

Checked By: KRG

Date: 04.23.20

Revisions

1	TOWN COMMENTS	06.15.20

Project No. 19124

File Name:

Drawing Title:

SITE PLAN

Sheet No. **AS1.0**

Scale:















VAR-001461-2020 Attachment D

3 Alder Lane Site Photos

Images taken 8/12/2020



VAR-001461-2020 Attachment D

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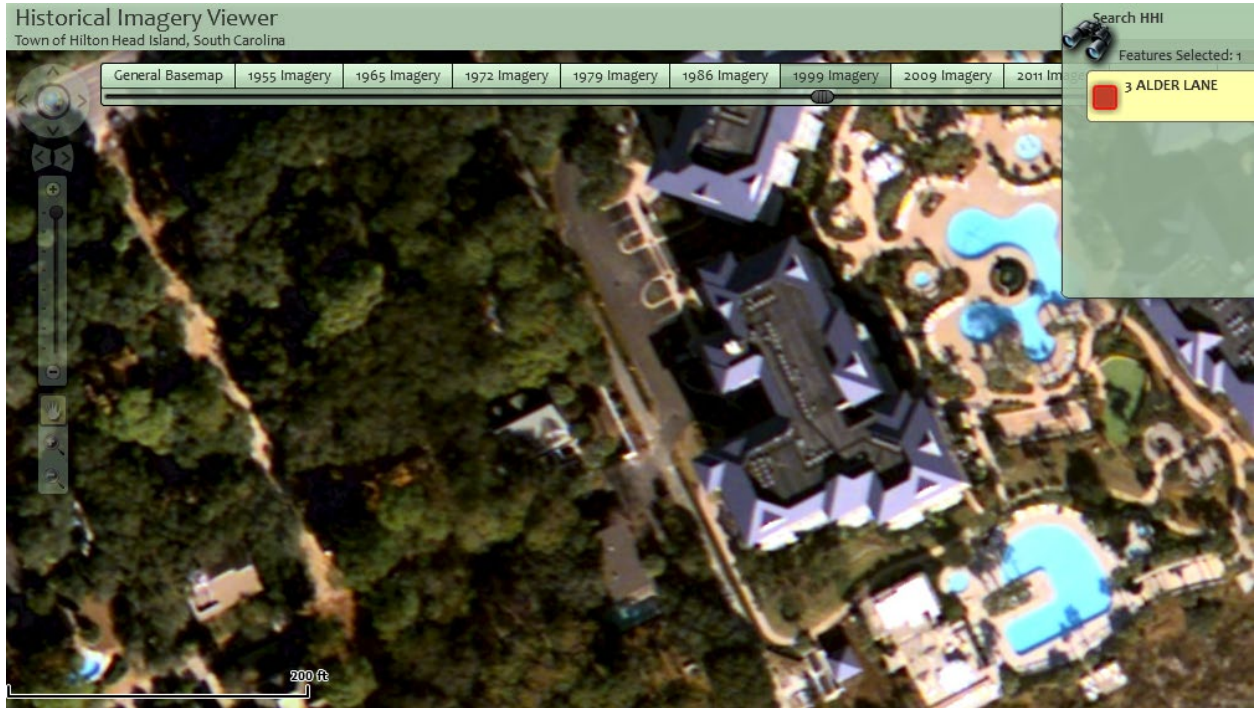


VAR-001461-2020 Attachment E
3 Alder Lane Historic Imagery

1986



1999





TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Missy Luick, *Senior Planner*
DATE: August 21, 2020
SUBJECT: Substitutions of Nonconformities for Redevelopment

The 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.

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 been no waivers that have been granted by staff since the July 29, 2020 BZA meeting.