



Town of Hilton Head Island  
**Board of Zoning Appeals Meeting**  
**Monday, November 22, 2021 – 2:30 p.m.**  
**AGENDA**

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This meeting will be conducted virtually and can be viewed on the [Town of Hilton Head Island Public Meetings Facebook Page](#). A Facebook account is not required to access the meeting livestream.

**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. September 27, 2021 Meeting

**7. Appearance by Citizens**

Citizens who wish to address the Board concerning items on the agenda may do so by contacting the Board Secretary at 843-341-4691 no later than 1:30 p.m. the day of the meeting. Citizens may also submit written comments via the [Town's Open Town Hall Portal](#). The portal will close at 1:30 p.m. the day of the meeting. Comments submitted through the portal will be provided to the Board and made part of the official record.

**8. Unfinished Business – None**

**9. New Business**

**a. Public Hearing**

**VAR-002117-2021** – Request from Courtney Struna on behalf of the Palmetto Hall Property Owners Association for a variance from LMO Sections 16-5-113, Fence and Wall Standards, 16-5-102 Setback Standards and 16-5-103 Buffer Standards to allow a proposed fence to exceed the maximum fence height of 4 feet in an adjacent street setback and buffer. The parcel numbers of the properties associated with this variance request include R510 005 000 0278 0000, R510 004 000 0370 0000, and R510 004 000 0304 0000. *Presented by Missy Luick*

**b. Public Hearing**

**VAR-002417-2021** – Request from Chester C. Williams, ESQ on behalf of Beachwalk Hilton Head, LLC for a variance from LMO Section 16-4-102.B.5.b., Use Specific Conditions, to allow an Outdoor Commercial Recreation Use Other Than a Water Park to not have the required direct vehicular access to a minor arterial street. The address subject to this request is 40 Waterside Drive with a parcel number of R552 018 000 202D 0000. **POSTPONED**

**c. Public Hearing**

**SER-002416-2021** – Request from Chester C. Williams, ESQ on behalf of Beachwalk Hilton Head, LLC for a special exception to allow an Outdoor Commercial Recreation Use Other Than a Water Park, specifically a miniature golf course, on property zoned Resort Development (RD). The address subject to this request is 40 Waterside Drive with a parcel number of R552 018 000 202D 0000. **POSTPONED**

**10. Board Business**

- a. Discussion of consideration of LMO Amendments related to lot sizes and setbacks

**11. Staff Reports**

- a. Status of Appeals to Circuit Court
- b. Status of Amendments to BZA Rules of Procedure
- c. Status of LMO Amendments
- d. Waiver Report

**12. Adjournment**

**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 Meeting

September 27, 2021, at 2:30 p.m. Virtual Meeting

### MEETING MINUTES

**Present from the Board:** Chair Patsy Brison, Vice Chair Anna Ponder, Lisa Laudermilch, Charles Walczak, David Fingerhut, Peter Kristian

**Absent from the Board:** Robert Johnson (unexcused)

**Present from Town Council:** Bill Harkins, Tamara Becker, Glenn Stanford

**Present from Town Staff:** Missy Luick, Senior Planner; Chris Yates, Interim Community Development Director; Diane Busch, Staff Attorney; Nicole Dixon, Development Review Administrator; Teresa Haley, Senior Administrative Assistant; Vicki Pfannenschmidt; Temporary Administrative Assistant

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#### 1. Call to Order

Chair Brison called the meeting to order at 2:32 p.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. **Roll Call** – See as noted above.

#### 4. Welcome and Introduction to Board Procedures

Chair Brison welcomed all in attendance and introduced the Board's procedures for conducting the meeting.

#### 5. Approval of Agenda

Chair Brison asked for a motion to approve the agenda as presented. Mr. Kristian moved to approve. Ms. Laudermilch seconded. By way of roll call, the motion passed with a vote of 6-0-0.

#### 6. Approval of Minutes

##### a. July 26, 2021, Meeting

Chair Brison asked for a motion to approve the minutes of the July 26, 2021, meeting as presented. Mr. Fingerhut moved to approve. Mr. Walczak seconded. By way of roll call, the motion passed with a vote of 6-0-0.

#### 7. Appearance by Citizens

Public comments concerning agenda items were to be submitted electronically via the Open Town Hall HHI portal. There were no comments of record via the portal. There were public comments submitted via USPS and email regarding 14 Ibis Street and have been distributed to the Board and made part of the official record for this meeting. Citizens were provided the option to sign up for public comment participation during the meeting by phone. There were no requests to participate by phone.

#### 8. Unfinished Business – None

## 9. New Business

### a. Public Hearing

**VAR-001411-2021** – Request from Brian Rose, of Rose Landscape LLC, on behalf of Monica Duvall, for a variance from LMO Sections 16-5-113, Fence and Wall Standards, 16-5-102 Setback Standards, and 16-5-103 Buffer Standards, to allow a proposed fence to exceed the maximum fence height of 7 feet on or along a common property line. The property address is 14 Ibis Street with a parcel number of R550 015 00A 0301 0000. *Presented by Missy Luick*

Chair Brison opened the Public Hearing at 2:39 p.m.

Ms. Luick presented the application as described in the Staff Report. Staff concluded the variance request does not meet any of the four required criteria and recommended denial of the application.

The Board made comments and inquiries regarding: why the applicant did not submit an application for the fence to the Forest Beach Owners' Association ARB review/approval; and clarified that the extended fence height is in violation of the Land Management Ordinance (LMO).

Following the Staff presentation and questions by the Board, Chair Brison asked the applicant to make a presentation.

Ms. Duvall addressed the Board stating she did not realize it was a violation of the LMO to extend the height of the fence. She asked the Board to consider and approve the variance as she has completed many improvements to the property to enhance the appearance and compliment the neighborhood.

The Board made comments and inquiries to Ms. Duvall regarding: clarification of the reason for the extended fence; suggestion that landscaping could provide the solution; and the need for Ms. Duvall to explain how the variance would meet the criteria requirements.

Chair Brison asked for public comment. Melissa Sellers spoke in support of the variance. Chair Brison closed the Public Hearing at 3:48 p.m.

The Board made final comments and inquiries regarding: consideration of an alternative solution to get the outcome the applicant wants; emphasis on the need for Ms. Duvall to present her case concerning the criteria; and the absence of proof of meeting any of the required criteria.

Upon the conclusion of the discussion, Chair Brison asked for a motion.

Mr. Kristian moved that the Board of Zoning Appeals deny the application based on those Findings of Facts and Conclusions of Law contained in the Staff Report. Mr. Walczak seconded. By way of roll call, the motion passed by a vote of 6-0-0.

### b. Public Hearing

**VAR-001987-2021** – Request from Eric Walsnovich, on behalf of Palmetto Coastal Landscaping LLC, for a variance from LMO Section 16-6-104.F., Specimen and Significant Tree Preservation Standards, to allow the removal of one 30" Water Oak Tree. The subject property is located at 161 Dillon Road with a parcel number of R510 005 000 0284 0000. **WITHDRAWN**

Chair Brison referenced VAR-001987-2021 stating it had been withdrawn.

## 10. Board Business

- a. Discussion of consideration of LMO Amendments related to lot sizes and setbacks

Nicole Dixon provided an update stating staff continues to do research on the potential amendments and will be working with the consultant soon to begin the drafting process.

- b. Review and Adoption of 2022 Meeting Schedule

Chair Brison asked the Board for comments or questions regarding the 2022 Meeting Schedule. There being none, she asked for a motion to approve. Mr. Kristian moved to approve. Mr. Fingerhut seconded. By way of roll call the motion passed by a vote of 6-0-0.

Vice Chair Anna Ponder excused herself from the meeting at 4:02 p.m. A quorum of the Board remained in effect.

## 11. Staff Reports

- a. Status of Appeals to Circuit Court – Diane Busch updated the Board on various appeals to the Circuit Court.
- b. Status of Amendments to BZA Rules of Procedure – Missy Luick reported staff continues to review and work on the amendments and hope to have something for the Board to review at the next meeting.
- c. Status of LMO Amendments – Nicole Dixon updated the Board and added Staff will be working with the consultant regarding the list of proposed amendments and the first priority will be the short-term rental ordinance.
- d. Waiver Report – Missy Luick noted the Waiver Report was included in the Board's agenda package and she was available to answer any questions regarding the report. There were none.

## 12. Adjournment

The meeting adjourned at 4:24 p.m.

**Submitted by:** Vicki Pfannenschmidt, Secretary

**Approved:** [DATE]



**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**

<b>Case #:</b>	<b>Public Hearing Date:</b>
VAR-002117-2021	November 22, 2021

<b>Parcels / Location Data:</b>	<b>Property Owners</b>	<b>Applicant</b>
Parcel#’s: R510 005 000 0278 0000; R510 004 000 0370 000; R510 004 000 0304 0000 Location: Perimeter fence adjacent to Beach City Road and Fish Haul Road Zoning: PD-1 (Planned Development District) Overlays: AOD (Airport Overlay District); COR (Corridor Overlay District)	Palmetto Hall Owners’ Association PO Box 23017 Hilton Head Island, SC 29925  Hilton Head Public Service District PO Box 21264 Hilton Head Island, SC 29925  Topper Golf World, LLC 106 S. Saint Johns Dr. Camp Hill, PA 17011	Courtney Struna Palmetto Hall Association Manager PO Box 23017 Hilton Head Island, SC 29925

**Application Summary:**

Request from Courtney Struna on behalf of the Palmetto Hall Property Owners Association for a variance from LMO Sections 16-5-113, Fence and Wall Standards, 16-5-102 Setback Standards and 16-5-103 Buffer Standards to allow a proposed fence to exceed the maximum fence height of 4 feet in an adjacent street setback and buffer. The parcel numbers of the properties associated with this variance request include R510 005 000 0278 0000, R510 004 000 0370 0000, and R510 004 000 0304 0000.

**Staff Recommendation:**

Staff recommends the Board of Zoning Appeals **approve** the application **with the condition that the applicant obtains Minor Corridor Review approval**, based on the Findings of Fact and Conclusions of Law contained in the staff report.

**Background:**

The lots subject to this application are part of Palmetto Hall Plantation and are known as the Arthur Hills Golf Course property, the Palmetto Hall Plantation Owners' Association property and Hilton Head Public Service District property. The property is located along Beach City Road, across from the Airport and along Fish Haul Road.

Previously, the Board of Zoning Appeals approved case #'s VAR-001810-2016 and VAR-001253-2017 to install an 8-foot tall wood fence as a sound attenuation and landscaping improvement to create a buffer between Palmetto Hall and the Hilton Head Island Airport. The 2016 and 2017 variances were for approval of 4,800 linear feet of fence and 875 linear feet respectively. The prior variances were for sections of the fence to exceed the allowable fence height and included encroachments within the adjacent street setback and buffer.

The prior variances referred to FAA mandated tree trimming and tree removal on Airport property and within the Airport approach path for safety maintenance, part of which encroached onto Palmetto Hall property. Because of the significant amount of tree trimming and removal on Palmetto Hall property, its residents had concerns about the noise generated from the airport. The noise mitigation project, which was initiated in response to a Memorandum of Understanding agreement dated December 22, 2015 between Beaufort County, the Town of Hilton Head Island and the Palmetto Hall Plantation POA, proposed sound attenuation and landscaping improvements to create a buffer in between Palmetto Hall and the Hilton Head Island Airport. Per the application materials, a sound engineer consultant, determined that an 8-foot tall wood fence is the best option for sound attenuation.

The amount of fencing replaced per the prior approvals was limited to the funding available. Palmetto Hall would like to continue the fencing project for further sound attenuation as well as for perimeter security. In the application materials, Palmetto Hall has documented security breaches, crime and vandalism.

There is an existing nonconforming fence along Beach City Road and Fish Haul Road, which is a mixture of wood and chain link with its height ranging from six to seven feet. The applicant is proposing to remove a portion of it and replace it with an eight foot high wooden fence. The proposed length of the fence replacement sections is approximately 3,048 linear feet. Both the existing fence and proposed fence exceed the height requirements and are within the adjacent street setback and buffer.

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

**Grounds for Variance:**

According to the applicant, an eight-foot high fence is necessary to provide both sound mitigation for residents affected by airport noise and to deter crime. The applicant states in their narrative the location of the proposed fence is limited due to the existing golf course development. The new fence will generally follow the existing fence line and as necessary will be shifted away from trees. Most replacement fence sections are proposed to decrease the adjacent street setback and buffer encroachments.

**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 September 22, 2021 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 October 31, 2021 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on November 5, 2021 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on November 4, 2021 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 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 properties contain existing nonconforming perimeter fencing (wood and/or chain link) that exceeds the 4-foot height limitation and is located within the setback and buffer.
- The subject properties contain a large number of specimen and significant-sized trees, residential properties and existing golf course infrastructure such as cart paths, fairways and greens.
- There have been documented acts of theft and vandalism reported to Beaufort County Sherriff's office due to breaches of the fence.
- The properties are subject to a Memorandum of Understanding where the property owner has agreed to provide sound mitigation for its residents affected by airport noise.

**Conclusions of Law:**

- This application meets 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 these particular properties.
- Specimen and significant-sized trees, residential property, existing golf course infrastructure and an existing non-conforming fence are all considered 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 Fact:**

- While there may be other properties in the vicinity that contain specimen and significant-sized trees, there are no other residential properties adjacent to the airport containing specimen and significant-sized trees where a fence is being proposed for both noise and crime attenuation.
- There are no other properties in the vicinity that are subject to a Memorandum of Understanding with the Town and Beaufort County.

**Conclusion of Law:**

- This application meets 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 properties that do not also 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 16-5-113.C, Fence and Wall Standards, fences are only allowed up to four feet in height if they are located within an adjacent street setback.
- Per LMO Section 16-5-102.C, Adjacent Street Setbacks, there is a 40 foot setback adjacent to Beach City Road, a Minor Arterial Road and a 20 foot setback adjacent to Fish Haul Road, an Other Street.
- Per LMO Section 16-5-102.E, Allowable Setback Encroachments, a fence is allowed within an adjacent street setback if it is less than 4 feet in height.
- Per LMO Section 16-5-103.D, Adjacent Street Buffers, there is a Type B (25 foot) buffer required adjacent to Beach City Road, a Minor Arterial Road and a Type A (20 foot) buffer required adjacent to Fish Haul Road.

- Fences of up to four feet in height are permitted within adjacent street setbacks and buffers.
- The fence cannot be located behind the setback and buffer for the entire length because it would disturb the existing golf infrastructure, residential properties and naturally wooded areas.
- The fence must also tie into existing fence sections where the existing fence is not being removed in order to maintain security.

**Conclusion of Law:**

- This application meets the criteria as set forth in LMO Section 16-2-103.S.4.a.i.03 because there are extraordinary or exceptional conditions that apply to the subject properties that would prohibit or unreasonably restrict the utilization of the properties.

**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 Fact:**

- The fence cannot be located behind the setback and buffer for the entire length because it would disturb the existing golf infrastructure and disturb specimen and significant-sized trees.
- The applicant is hoping to preserve the trees on site and to take advantage of the existing vegetation concentrated in the project area to provide screening that will hide the fence from the road, golfers and residents.
- The existing aged wood and chain link fence will be replaced with a new aesthetically pleasing wooden fence.
- The applicant is proposing landscaping improvements in areas determined to be in need of plantings to soften the view of the fence.
- Letters of support were provided from the Hilton Head Public Service District, Topper Golf World, LLC, and residents of 71 and 73 Tucker Ridge Court.

**Conclusions of Law:**

- This application meets 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 the adjacent property or the public good.
- The variance will allow the fence to be located in a way that will avoid disturbing or removing specimen and significant-sized trees.
- The variance will allow the construction of the fence at the height needed to provide mitigation from noise and crime.

**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 with the following conditions:

1. The applicant obtains Minor Corridor Review approval.

**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*

November 5, 2021  
\_\_\_\_\_  
DATE

**REVIEWED BY:**

ND  
\_\_\_\_\_  
Nicole Dixon, AICP, CFM, *Development Review Administrator*

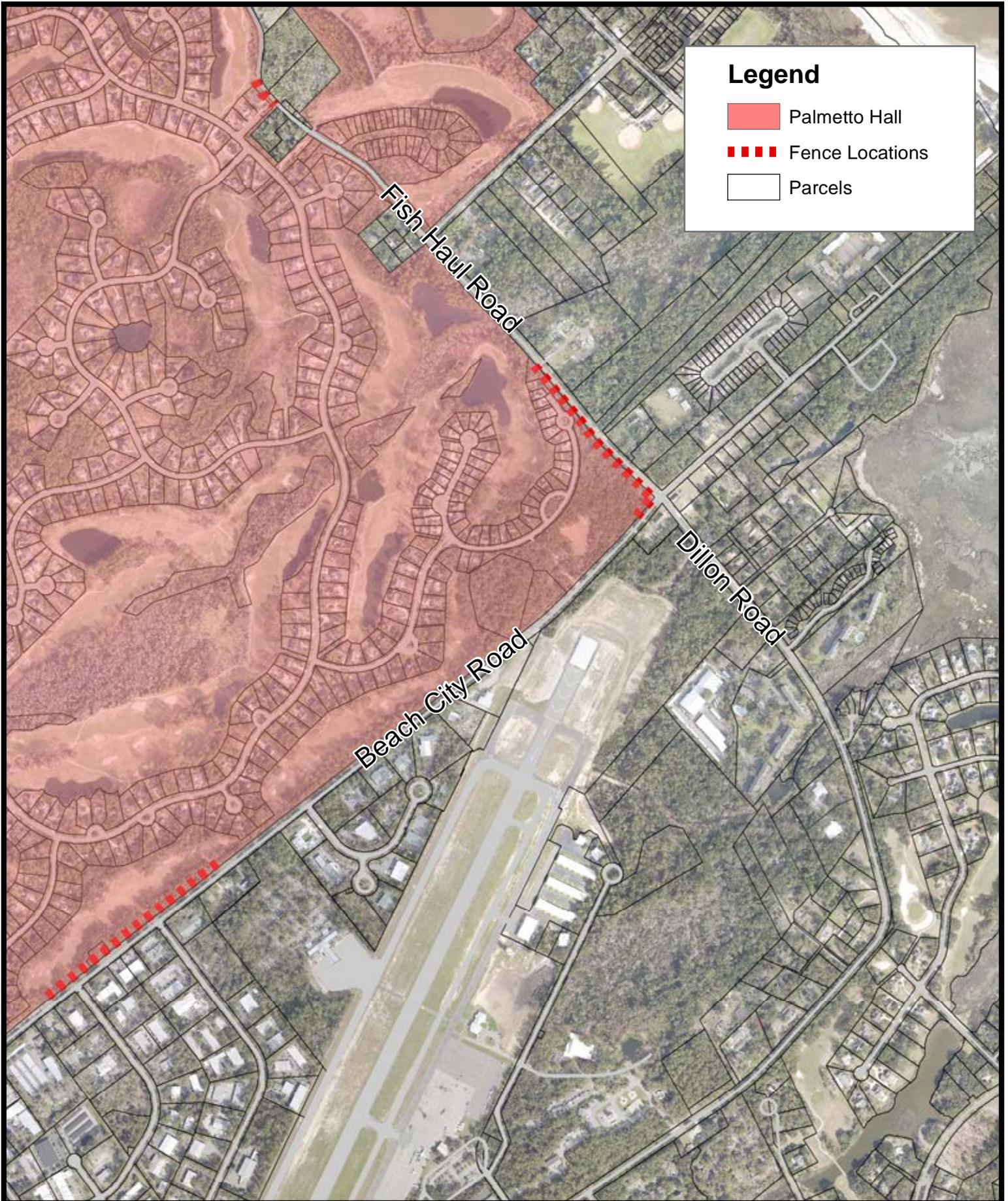
November 8, 2021  
\_\_\_\_\_  
DATE

TL  
\_\_\_\_\_  
Teri Lewis, AICP, *Deputy Community Development Director*

November 8, 2021  
\_\_\_\_\_  
DATE

**ATTACHMENTS:**

- A) Vicinity Map
- B) Applicant's Narrative
- C) Applicant's Security Presentation
- D) Applicant's Letters of Support
- E) Site Plan
- F) Site Photos



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

## Town of Hilton Head Island

VAR-2117-2021 Palmetto Hall Fence  
 Attachment A: Location Map



900 450 0 900 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: Applicant's Narrative

September 13, 2021

Town of Hilton Head  
Community Development Department  
Attention: Tyler Newman Senior Planner  
One Town Center Court  
Hilton Head Island, SC 29928

**Town of Hilton Head Variance Submittal Application - A Variance from LMO Section 16-5-102, Setback Standards, and LMO Section 16-5-103, Buffer Standards to allow an 8' privacy fence to be constructed within the required adjacent street setback and buffer".**

Project: Palmetto Fence Replacement and Improvement -Along a Portion of Beach City Road and Fish Haul

Parcels: # R510-000-0278-0000, R510-004-000-304-0000, R510-004-000-136-0000, R510-004-000-0370-0000

Location: A portion of Arthur Hill Golf Course located on Beach City Road and Fish Haul Road, a portion of Palmetto Hall property located on Beach City Road and Fish Hall Road, and a portion of PSD property along Beach City Road

Zoning District - PD-1 Overly District - Airport

Applicant: Courtney Struna, Palmetto Hall Association Manager  
Address: 11 Palmetto Hall Parkway Suite 201, Hilton Head Island, SC (Mailing Address: PO Box 23017 Hilton Head Island, SC 29925)

Email: manager@palmettohallhi.com  
Phone Number 843 682 4182

Application Date: 9/13/21

**Narrative**

Project Overview

In 2017 Palmetto Hall received approval to construct an 8 foot Sound Barrier Wall along Beach City Road. The Board of Zoning Appeals approval number was VAR- 001810- 2016 on 11/28/16. This was for approximately 4000-foot section of new fence. Subsequently, an additional section of fence totaling approximately 750-feet was also approved in 2017. The amount of fencing to be replaced was limited to the funding available at that time.

Palmetto Hall now requests approval to continue replacing the original chain link fence and a section of 6- foot wood shadow box fence with the 8-foot wood fence that is similar to the Sound Barrier fence. The purpose of the fence replacement is for perimeter security. Over the years since the fences were installed by Greenwood Development in the early 1990's, the chain link fences and the 6- foot shadow box fence have been breached multiple times. The chainlink fences have been frequently cut, pulled up and climbed over by vandals with the intent to vandalize and commit larceny on Palmetto Hall property

## Attachment B: Applicant's Narrative

owners and the golf club owned by Topper Golf World (operated by Brown Golf). These acts of vandalism and thefts have been repeatedly reported to the Beaufort County Sheriff's office and they have promptly responded. Some of the thefts have been recorded on camera. There have also been reports of gun fire near Palmetto Hall and bullet strikes on several homes in Palmetto Hall, all of which have been reported to and investigated by the Sheriff's office.

Most recently, a section of chain link fence on Fish Haul Road was pulled down and intruders were spotted walking through the neighborhood, opening unlocked car doors and entering open garages. In this instance, the Sheriff officers and along with Palmetto Hall's Security Company, PSI were able to apprehend one of the vandals. The man in his early thirties was arrested and a gun was found nearby.

These continuing events have caused significant anxiety and fear amongst the residents in Palmetto and they have asked the Palmetto Hall Board of Directors to take necessary steps to improve the security within Palmetto Hall and along the perimeter of Palmetto Hall.

The Board of Directors has responded by approving the necessary funds for increasing safety and security, including surveillance cameras, community awareness programs and improved perimeter fencing. PH has also liaised with the Sheriff's office and other communities to determine the best way to enhance security.

Replacing the perimeter 6-foot chain link and the 6-foot wood fence with a taller more secure wood fence is one of the best ways of accomplishing better security.

At a recent meeting with the Sheriff office attended by many of the communities in Beaufort County it was revealed that chain link fences provide limited protection as they are easily breached. A more secure fence would be a wood fence at least 8-foot tall. Other communities who have this type of fence have confirmed they are more secure. In fact, there have been no known breaches of the 8-foot Sound Barrier fence that Palmetto Hall erected along the Beach City Road in 2017.

Coupled with the other security enhancements mentioned above, Palmetto Hall would like to continue replacing the old 6-foot chain link fences that are topped with barb wire with a more secure 8-foot wood fence. Palmetto Hall also wants to replace the 6-foot wood fence that is along the Beach City Road that is dilapidated with a 8-foot wood fence. This section of the fence is situated between two existing sections of the 8-foot wood fences and would have been included in the first permit requested in 2017 had funding been available.

Due to the very high cost of the wood fence that presently exists, Palmetto Hall's plan is to complete the full perimeter fence replacement over a number of years, starting with the most vulnerable areas which is the reason of this initial variance request.

Because a portion of fence line (Survey Sheet 3A, 3B and 4) is on Golf Course property, Brown Golf and the property owner Topper World Golf has been consulted on this project. They have given Palmetto Hall permission to replace the fence and move it further into their property. See attached letter from Topper Golf World. Property Owners in Palmetto Hall living near the fence line along the Tucker Ridge Road have also been given notice. The PSD who owns a well site in the vicinity of the fence that will be replaced and moved further away from the road has also been notified. They have no objection. See attached letter from Pete Nardi, General Manager Hilton Head PSD.

## Attachment B: Applicant's Narrative

The new fence will generally follow the existing fence line and as necessary, will be shifted away from any specimen trees six (6) or more inches in diameter. The diversion of the fence will be further into the property and further away from the road as was done when the Sound Barrier Fence was installed. These areas are heavily wooded which will provide significant screening for the new fence.

Survey Consultants were contracted to provide the property boundaries, buffers, setbacks lines and topo survey. This survey is attached. The survey indicates there are only a few trees that may need be removed when it is not practical to shift the fence line. No specimen trees, like live oak will be removed.

Variance Requested: In preliminary discussions with Town Planners, Palmetto Hall was advised that although a variance was previously approved for the 8-foot Sound Barrier fence, another variance would be needed for fence replacement along Beach City Road and for the portion on Fish Haul Road. Attached is the Variance Submittal Form along with the other documents.

Palmetto Hall was also asked to respond to the variance criteria list in Section D of the Submittal Requirements.

01. There are extraordinary and exceptional conditions to the particular piece of property.

**Palmetto Hall Response:** Yes. The current perimeter fencing around Palmetto Hall which is typically 6 -feet has been regularly and easily breached by vandals. They cut the barb wire to climb over, they cut the fence fabric to crawl through or, pull the fence up to slide under. An 8 foot wood fence should greatly reduce this problem and provide greater security for the property owners in Palmetto Hall. Due to the frequency of the fence breaches the matter is urgent.

02. These conditions do not generally apply to other properties in the vicinity.

**Palmetto Hall Response:** Palmetto Hall does not have information on the other properties along south side Beach City Road or Fish Haul Road. However, it is important note that the airport has an 8-foot chain fence link fence topped with barb wire along their perimeter, and the South Paw Animal Boarding Center on Fish Haul Road has a 10- foot fence around a portion of their property. This suggests that an 8- foot fence is preferable to a lower one.

03. Because of these conditions the application of this Ordinance to the particular property would affectively prohibit or unreasonably restrict the utilization of the property.

**Palmetto Hall Response:** The properties in question, whether it be Topper Golf World or Palmetto Hall are unbuildable land. Building or replacing a fence on this land for perimeter security should not be detrimental. In fact, for the property owners in Palmetto Hall it would enhance the value of the property.

04. 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 granting the variance.

## Attachment B: Applicant's Narrative

**Palmetto Hall Response:** There will be no detriment to the adjacent property or public good. In fact, replacing the dilapidated 6-foot wood fence would be an improvement to the area, particularly along the bike path that runs along the fence and along the Beach City Road where visitors and islanders travel every day. Further the area is heavily wooded which will screen much of the fence.

The property owners in Palmetto Hall will greatly appreciate approval of the application.

Please advise if you require additional information or further explanation and thank you for your appreciation of the concerns of Palmetto Hall Property owners.

Respectfully submitted,



Courtney Struna

Palmetto Hall Association Manager

### **Exhibits and Attachments:**

Signed application

Public notice to landowners (sample letter to be provide by TOHH)

List of owners of record (to be provided by TOHH)

Affidavit of Ownership and Hold Harmless Permission to Enter Property

Site Plan Surveys Prepared by Survey Consultants

Filing Fee \$250.00

Attachment – Sample letter to Palmetto Hall Property Owners living near the fence to be rebuild

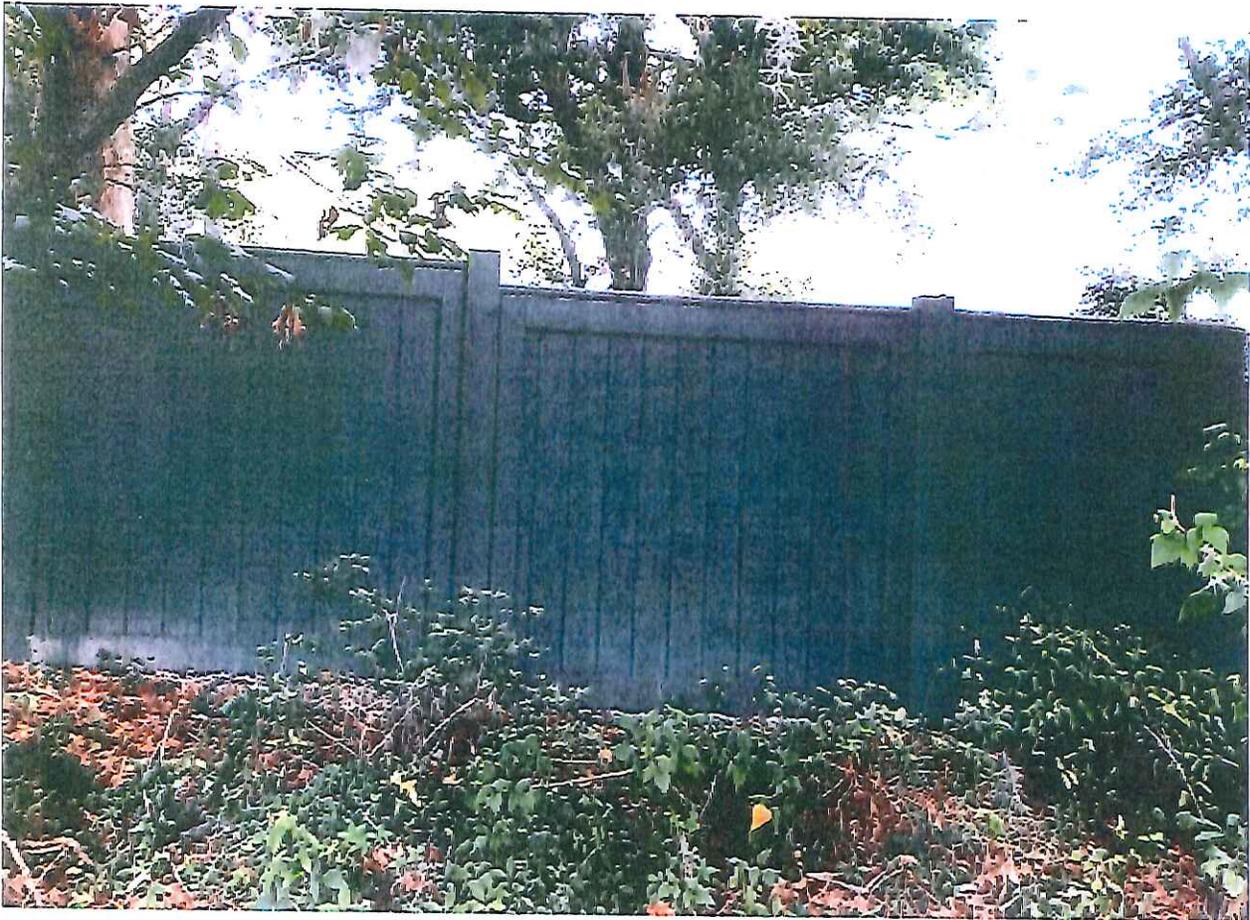
Attachment - Letter from PSD

Attachment -Letter from Topper Golf World

Attachment - Picture of current 8-foot fence on Beach City Road

Attachment - Pictures of dilapidated 6-foot shadow box fence on Beach City Road and pictures of fences along Fish Haul Road

Attachment B: Applicant's Narrative



Picture of Existing Green 8 Foot Fence Installed in 2017 Along Beach City Road. (

Attachment B: Applicant's Narrative



Picture 1

6 Foot Shadow Fence Along Beach City Road In Very Poor Condition And Very Easy To Climb Over Due to Horizontal Middle Board Support Board. New 8 Foot Fence Similar to Existing 8 Foot Fence Which Adjoins This Fence Will Be Moved Further Back from Bike Path 12 or More Feet To Avoid Trees

Attachment B: Applicant's Narrative



Picture 2 Same Description as Picture 1

Attachment B: Applicant's Narrative



*Picture 3*

8 Foot Wood Fence Installed in 2017 to Provide Sound Buffer from Airport Which is Now Mostly Screened by Natural Vegetation. This Fence Adjoins the 6 Foot Fence in Picture 1 and 2

## Attachment B: Applicant's Narrative



Picture 4

6 Foot Chain Link Fence Across from Baptist Church By Dillon Road Which Will be Replaced With 8 Foot Fence and Moved Back 12 or More Feet Avoid Trees. As The Fence Can Barely Be Seen Today, It Will Be Further Screened in New Location. The Existing 6 Foot Fence Has been Cut and Pulled Up Many Times.

## Attachment B: Applicant's Narrative



Picture 5

6 Foot Chain link Fence Along Fish Haul Road Opposite Animal Shelter and is Heavily Screened by Natural Vegetation. The Fences Along Fish Haul Road Have Been Cut and Pulled Up Many Times. The Fence Will Be Replaced With 8 Foot Wood Fence and Moved Further Back From Road By 2 or More Feet to Avoid Trees. When Complete it Will Remain Heavily Screened By Natural Vegetation.

## Attachment B: Applicant's Narrative



**Picture 6**

6 Foot Chain Link Fence with Wood Screening Along Fish Haul Road and Very Close to Houses on Tucker Ridge Court. This Fence Area has been Breached Many times Mostly by Pulling Down or Cutting the Barb Wire and Climbing Over. There is Much Natural Vegetation and Trees Between the Fence and Fish Haul Road. The new 8 Foot Wood Fence will place 2 or mor Feet Further Away from Fish Haul Road to Avoid Trees.



*Picture 7 8*

6 Foot Chain Link Fence Along Fish Haul Road and At End of Chestnut Lane. This Area of Fence Has Been Breached Many Times and Has Had Bullets Shot Through It. Most Recently a Man with a Gun Pulled Down the Barb Wire Climbed Over the Fence. Fortunately, He Was Apprehended Inside Palmetto Hall By a Beaufort County Sherriff Deputy and Palmetto Hall's Security. The Fence Will be Replaced With a 8 Foot Wood Fence and Moved 2 or More feet Further From the Beaufort County Maintained Road.

Attachment B: Applicant's Narrative



*Picture 8*

See Picture 7 Description



Palmetto Security Innovations

# 2019-2021 Entries to/Thefts from Vehicles

PHPOA • BOD • TOHH • Palmetto Hall Security Sensitive



## 2020 B&E-Vehicle Incidents on HHI

- Gated communities breached via 6' chain link fence: Sea Pines, Wexford, Shipyard, Palmetto Hall, Hilton Head Plantation
- Per 2020 BCSO data, this map was created by Jim Griner (Palmetto Dunes Security)
- Indigo Run was virtually untouched in the 2019-2021 B&E Vehicle crimes. **Why? \*8' wood fence\***

Similarities for 6' chain link fence line gated community breaches:

- Proximity to residences
- Little-traveled streets
- Concealment



November 7, 2020 – 77 Tucker Ridge Court

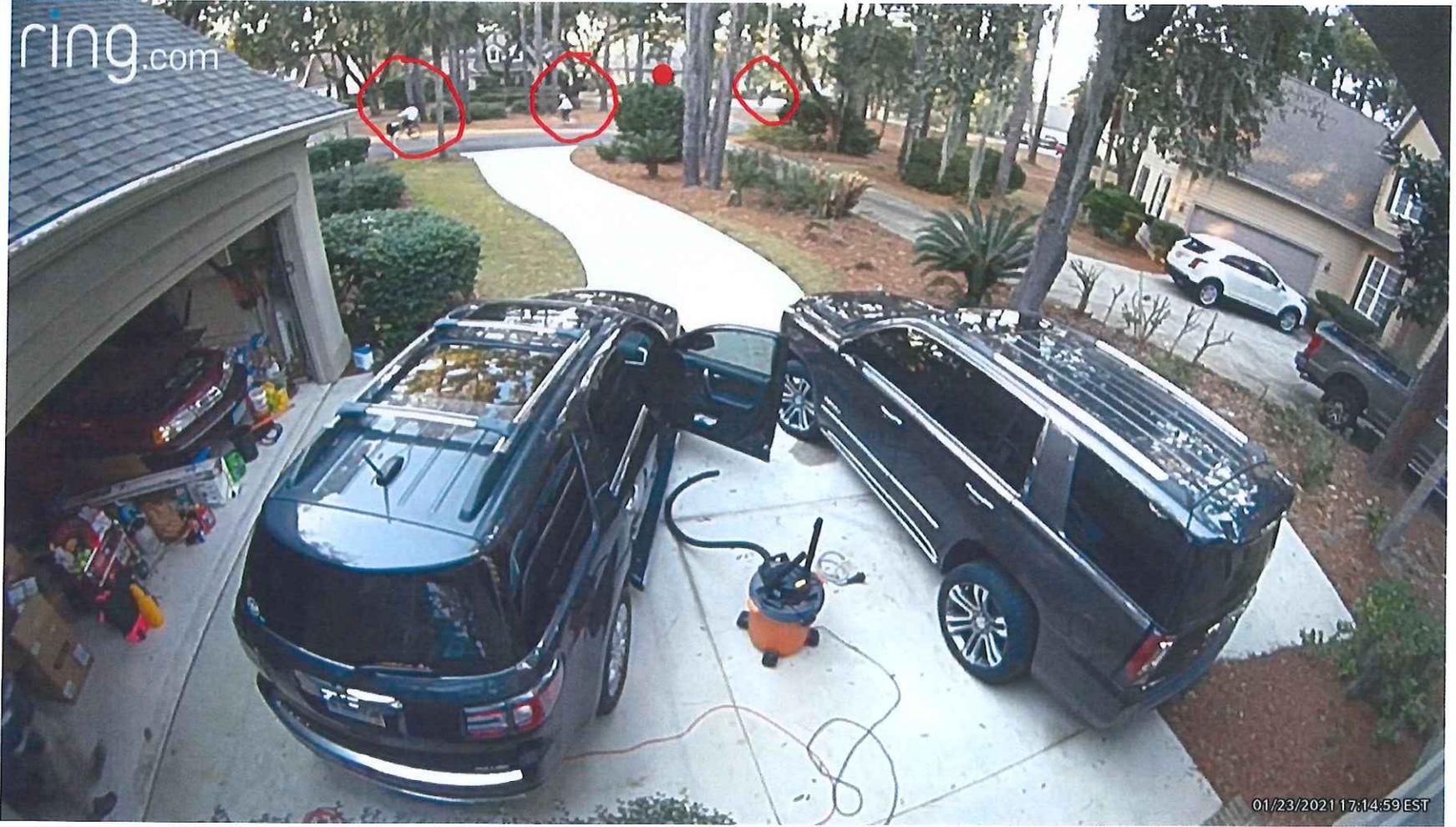


# November 7, 2020 – 14 Cherry Hill



# January 24, 2021 – 14 Cherry Hill





◀ Messages 8:43 AM 100%  
Not Secure — nixle.us

**Advisory:**

Sheriff's Office searching for male carjacking subjects near Mitchelville Road, Hilton Head.

At approximately 7:00 PM tonight, a vehicle was reported carjacked from the area of Edgewater Circle, Bluffton. Victims advised that two male subjects ordered them out of the vehicle at gunpoint and drove off.

A short time later, Sheriff's Office deputies observed the carjacked vehicle traveling on Beach City Road, Hilton Head Island, where they attempted a traffic stop.

The driver of the vehicle did not stop and continued onto Mitchelville Road, where he and a male passenger abandoned the vehicle and fled on foot.

One of the subjects was described as African American and the other was described as Hispanic. Both were wearing dark clothing and may be armed with handguns.

Residents and motorists in the area of Mitchelville Road can expect an increased law enforcement presence over the next few hours.

Anyone who has information on the whereabouts of the two subjects is urged not to approach them and to call Sheriff's Office Dispatch 9-1-1 immediately

## Other fence line incidents: **Immediate Threats to Life**

**Two occupied houses in Palmetto Hall have been struck by gunfire** that originated along Fish Haul Road (KIRITSY & EDDY residences), endangering the lives of the residents and guests in Palmetto Hall.

- EDDY residence: Rifle round went through exterior, interior drywall, and penetrated dining room chair.
- KIRITSY residence (2018): Two 9mm rounds struck the exterior of the residence above garage door and just under bedroom window. Garage door was open, and their son was in the garage when the house was struck by gunfire.

On January 20, 2021, at about 7:00pm, BCSO reported a **carjacking (firearms brandished)** in Bluffton. Both offenders were armed. Vehicle stolen at gunpoint was observed a short time later on Beach City Road. A pursuit occurred, and the offenders bailed out of the vehicle on Alice Perry Road. **BCSO alerted Palmetto Hall Security that these offenders may have entered Palmetto Hall via 6' chain link fence line.**

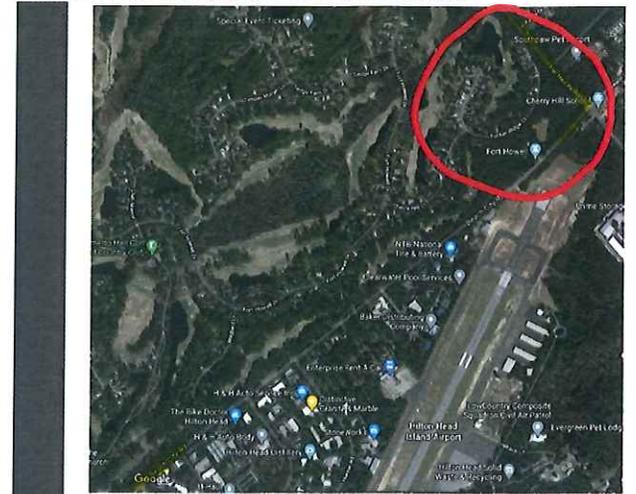
## Other fence line incidents: **Burglaries to Residences**

A burglary suspect who committed several burglaries about 10 years ago also gained access to Palmetto Hall via the Fish Haul Road 6' chain link fence line in the area of Tucker Ridge Court (Offender: Scott SNYDER).

# PERIMETER PROTECTION/ENHANCEMENT: 8' HIGH WOOD FENCE

- Erect 8' high wood barrier fence along Fish Haul Road (Alice Perry) and section of Beach City Road to fortify the perimeter fence line identified as being vulnerable to breach & suspected Point(s) of Entry. Sliding gates would need to be changed to 8' chain link with barriers to prevent climbing. *Although this is a very expensive option, it directly addresses the point-of-entry and point-of-exit offenders who have committed/are committing crimes in Palmetto Hall have been using over the past 10 years.*
- This 8' high barrier fence is extremely difficult to climb, very difficult to cut, and unlike the chain link fence, the offenders cannot see inside or outside of it.
- Indigo Run, another gated community on HHI, was largely untouched in the Breaking & Entry to Vehicles crime series that have plagued other gated communities on HHI from 2019-present. Why? We believe it is that their community has an 8' wood perimeter fence line. (IR's 8' wood perimeter fence is consistent in appearance with Palmetto Hall's 8' wood fence along Beach City Road)
- This 8' wood perimeter fence might also slow or stop stray gunshots from striking humans, animals, residences, and vehicles inside Palmetto Hall.
- Fortifies the perimeter fence line identified as being vulnerable to breach and will prevent unauthorized access used to commit crimes in the community:
  - Might prevent crimes
  - Might save lives
  - Residents might feel safer
  - Fortifying perimeter fence line supported by PHPOA community survey results

# POE: Believed to be 6' Chain Link Perimeter Fence



October 20, 2021

Town of Hilton Head  
Attention: Missy Luick, Senior Planner  
1 Town Center Court,  
Hilton Head Island, SC 29928

Dear Ms. Luick,

My wife and I live at 71 Tucker Ridge Court in Palmetto Hall, and I am writing to you because I understand that a variance from the town is required in order to replace the old chain link fence across the street from our house.

The fence has probably been there for about 30 years, and it has been repaired multiple times. It urgently needs to be replaced with a higher and more secure fence.

Since we have been living in Palmetto Hall for 4 years, our vehicles have broken into several times by intruders coming over and through the fence. We encountered these individuals late at night in our driveway while walking our dogs. Our neighbor's home at 73 Tucker Ridge Court was struck by a 9mm bullet that lodged in the siding of the home. These incidents were reported to the Beaufort County Sheriff's office. The Beaufort County Sherriff's office believes that this area is the entry point for the unlawful trespasses into Palmetto Hall.

We are pleased that Palmetto Hall is taking the necessary steps to improve security and I want the town to approve the proposed 8- foot wood fence is the same design as the one that already exists on Beach City Road. The 8- foot height will make it a lot more difficult for people to illegally enter Palmetto Hall.

Please support Palmetto Hall's request for the variance.

Thank you,

Handwritten signatures of Patrick and Ann Phillippi in black ink. The signatures are overlapping and written in a cursive style.

Patrick and Ann Phillippi

September 24, 2021

Town of Hilton Head  
Attention: Tyler Newman, Senior Planner  
1 Town Center Court,  
Hilton Head Island, SC 29928

Dear Mr. Newman,

My wife and I live at 73 Tucker Ridge Court in Palmetto Hall and I am writing to you because I understand that Palmetto Hall requires a variance from the town in order to replace the old chain link fence across the street from my house.

The fence has probably been there for about 30 years, and it has been repaired multiple times. It urgently needs to be replaced with a higher and more secure fence.

Since I have been living in Palmetto Hall for 24 years, my house has been subjected to vandalism from people coming over and through the fence. My house has also been struck by bullets that came from the Fish Haul area. This was reported to the Beaufort County Sheriff's office.

You can imagine how frightening it is to have a bullet strike your house and to see complete strangers walking in front of your house and some on bikes perusing the neighborhood. I know that some of these vandals must have come over the chain link fence because I have seen the evidence and damage they caused.

I am very happy that Palmetto Hall is taking the necessary steps to improve security and I want the town to approve the proposed 8-foot wood fence the same design as the one that already exists on Beach City Road. The 8-foot height will make it a lot more difficult for people to illegally enter Palmetto Hall. While a wood fence won't stop a powerful bullet, but it would possibly deflect it and slow it down.

Please support Palmetto Hall's request for the variance.

Thank you for any assistance you can provide.

  
Stephen and Dawn Kiritsy

Copy to Courtney Struna, Palmetto Hall Association Manager.

Attachment D: Applicant's Letters of Support

Mr. & Mrs. Stephen Kiritsy  
73 Tucker Ridge Ct.  
Hilton Head Is., SC 29926

September 24, 2021

Town of Hilton Head  
Attention: Tyler Newman, Senior Planner  
1 Town Center Court,  
Hilton Head Island, SC 29928

Dear Mr. Newman,

My wife and I live at 73 Tucker Ridge Court in Palmetto Hall, and I am writing to you because I understand that Palmetto Hall requires a variance from the town in order to replace the old chain link fence across the street from my house.

The fence has been there for nearly 30 years, and it has been repaired multiple times. It urgently needs to be replaced with a higher and more secure fence.

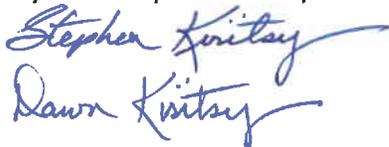
Since I have been living in Palmetto Hall for 24 years, my house has been subjected to vandalism from people coming over and through the fence. My house has also been struck by bullets that came from the Fish Haul area. This was reported to the Beaufort County Sheriff's office.

You can imagine how frightening it is to have a bullet strike your house and to see complete strangers walking in front of your house and some on bikes perusing the neighborhood. I know that some of these vandals must have come over the chain link fence because I have seen the evidence and damage they caused.

I am very happy that Palmetto Hall is taking the necessary steps to improve security and I want the town to approve the proposed 8- foot wood fence the same design as the one that already exists on Beach City Road. The 8- foot height will make it a lot more difficult for people to illegally enter Palmetto Hall. While a wood fence will not stop a powerful bullet, but it would possibly deflect it and slow it down.

Please support Palmetto Hall's request for the variance.

Thank you for any assistance you can provide.

The image shows two handwritten signatures in blue ink. The top signature is 'Stephen Kiritsy' and the bottom signature is 'Dawn Kiritsy'. Both are written in a cursive, flowing style.

Stephen and Dawn Kiritsy

Copy to Courtney Struna, Palmetto Hall Association Manager.

**COMMISSIONERS**  
Bob Manne, Chair  
Frank Turano, Vice-Chair  
Herbert Ford, Treasurer  
Jerry Cutrer, Secretary  
Frank Drehwing  
Patti Soltys  
Stuart Bell



**EXECUTIVE STAFF**  
J. Pete Nardi, General Manager  
Amy Graybill, Finance Manager  
William C. Davis, Operations Manager

## HILTON HEAD PUBLIC SERVICE DISTRICT

August 12, 2021

Palmetto Hall  
Attention: Courtney Struna, Association Manager  
PO BOX 23017  
Hilton Head Island, SC 29925

Email: [manager@palmettohallhi.com](mailto:manager@palmettohallhi.com)

Reference: Palmetto Hall Fence Along Beach City Road

Dear Courtney,

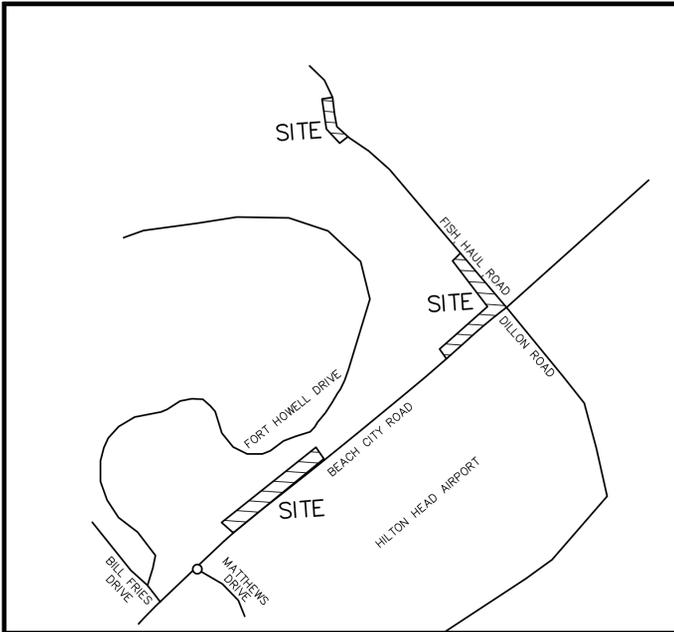
Hilton Head Public Service District (PSD) has been informed of Palmetto Hall's plans to replace the six-foot, wooden shadow-box fence along Beach City Road with an eight-foot fence similar to the existing fence that was constructed several years ago. According to the survey plans that we have received from Palmetto Hall, the new eight-foot fence will cross over PSD property as does the current six-foot fence. The PSD has an Upper Floridan Aquifer drinking-water production well on this property, which is referred to as the "Palmetto Hall Well." The well currently is not in use; however, our future water-supply planning may involve use of the well and/or our property.

There is a swing gate in the current fence, which Palmetto Hall agrees to replace at no cost to the PSD. Additionally, Palmetto Hall agrees that its work shall in no way impede nor prohibit the PSD's use of its property now or at any date in the future. As such, the PSD has no objection to Palmetto Hall replacing the current fence that crosses the PSD property.

Best regards,

A handwritten signature in black ink, appearing to read "P. Nardi", is written over a faint, larger signature.

Pete Nardi  
General Manager  
Hilton Head PSD



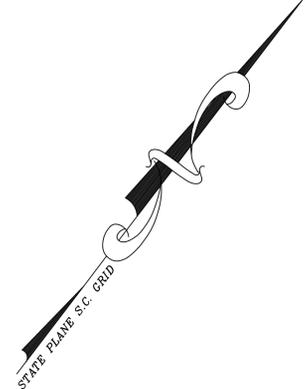
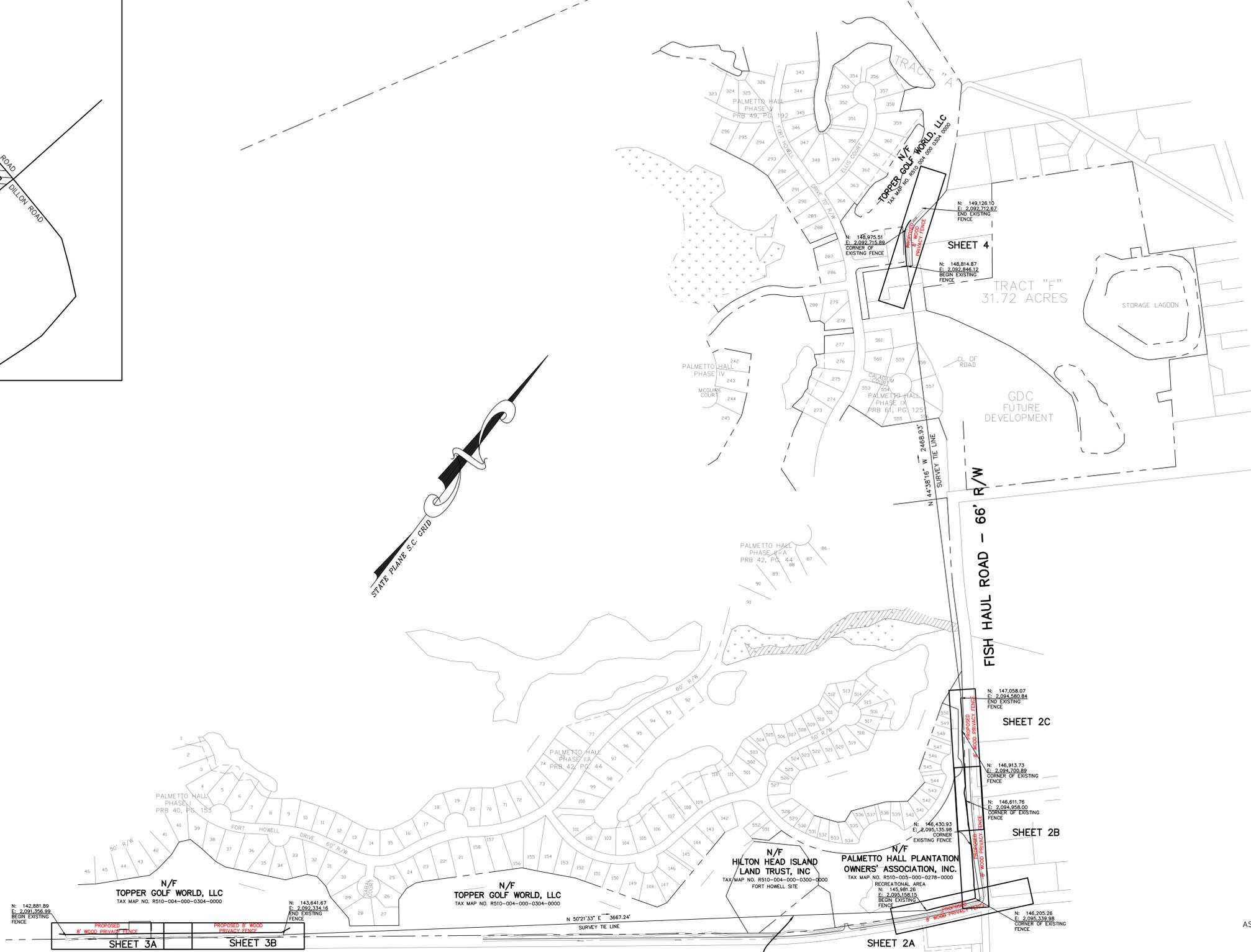
VICINITY MAP  
N.T.S.

REFERENCE PLAT:

- 1) COMPOSITE PLAT OF ARTHUR HILLS AND ROBERT CUPP GOLF COURSES, R510-004-000-0299-0000 & R510-004-000-0304-0000, BEING A PORTION OF PALMETTO HALL PLANTATION, DATED: 04/19/2006  
BY: JAMES M. SIMS, S.C.R.L.S. NO. 13169  
RECORDED: P.B. 113, PG. 42-43, DATE: 04/26/2006.
- 2) AN ASBUILT, TREE & TOPOGRAPHIC SURVEY OF RECREATION PARCEL, FORT HOWELL ACCESS EASEMENT & A PORTION OF ARTHUR HILL GOLF COURSE, A SECTION OF PALMETTO HALL PLANTATION, DATED: 06/20/2016, LAST REVISED: 09/12/2016,  
BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059
- 3) PAVING AND DRAINAGE PLAN OF FISH HAUL ROAD FOR BEAUFORT COUNTY TRANSPORTATION COMMITTEE, DATED: 09/12/2011, LAST REVISED: 11/30/2011,  
BY: ANDREWS & BURGESS, INC.  
NOT RECORDED.

NOTES

- 1) I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN 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 A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO OBVIOUS, APPARENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
- 2) AS OF THE DATE OF THIS SURVEY THIS PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE IN THE 0.2% ANNUAL CHANCE FLOODPLAIN). THE MAP NUMBER FOR THIS AREA IS 45013C04526, DATED 03/23/2021. FLOOD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTIONS DEPARTMENT.
- 3) THE HORIZONTAL DATUM IS BASED ON SOUTH CAROLINA STATE PLANE COORDINATES NAD 83. THE VERTICAL AND HORIZONTAL DATUM WERE ESTABLISHED FOR STATIC GPS OBSERVATIONS AND NGS NOAA-OPUS POST PROCESSING.
- 4) UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN. SURVEYING CONSULTANTS DOES NOT CERTIFY TO THE EXACT LOCATION OF ANY UNDERGROUND UTILITY.
- 5) SURVEYING CONSULTANTS CERTIFIES TO THE TOPOGRAPHIC AND ASBUILT INFORMATION PROVIDED HEREON AS OF THE DATE OF SURVEY. THIS DOCUMENT IS PROVIDED AS A BASE MAP FOR OTHERS. INFORMATION ADDED AFTER THE DATE OF SURVEY IS NOT THE RESPONSIBILITY OF SURVEYING CONSULTANTS
- 6) THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE, THEREFORE THERE MAY BE OTHER EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, RESTRICTIONS, OR OTHER SIMILAR MATTERS OF PUBLIC RECORD, NOT DEPICTED ON THIS SURVEY.
- 7) NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR WETLAND SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS, CONTAMINATION, OR OTHER CONDITIONS WHICH MAY AFFECT THIS PROPERTY.
- 8) BOUNDARY LINES SHOWN ARE IN RELATION TO REFERENCE PLAT #1. A FULL BOUNDARY SURVEY WAS NOT PERFORMED AT THIS TIME. GREY-SHADED OVERLAY AS PER DIGITAL FILE PROVIDED BY WOOD & PARTNERS, AND IS NOT CERTIFIED BY SURVEYING CONSULTANTS.
- 9) THE PURPOSE OF THIS SURVEY IS TO ASBUILT THE EXISTING WOOD AND CHAINLINK PRIVACY FENCES FOR PROPOSED FENCE IMPROVEMENTS AND SHOW THE PROPOSED FENCE LOCATIONS PER BRUCE MASSEY WITH THE PALMETTO HALL POA.
- 10) SETBACKS AND BUFFERS WERE PROVIDED BY TYLER NEWMAN, SENIOR PLANNER, WITH THE TOWN OF HILTON HEAD ISLAND.



LEGEND:

TREE SIZES ARE INCHES IN DIAMETER

+	SPOT ELEVATION
CONC. O.	CONCRETE MONUMENT, OLD (FOUND)
I.O.	IRON PIPE, OLD (FOUND)
PKF	PK NAIL, OLD (FOUND)
RBF	REBAR, OLD (FOUND)
CHY	CHERRY
TAL	CHINESE TALLOW
CMYT	GRAPE MYRTLE
GUM	SWEET GUM
HIC	HICKORY
LA	LAUREL OAK
LO	LIVE OAK
MAG	MAGNOLIA
MAP	MAPLE
PN	PALMETTO
PN	PINE
WO	WATER OAK
WAX	WAX MYRTLE
B.S.L	BUILDING SETBACK LINE
CATV	CABLE TELEVISION JUNCTION BOX
NTS	NOT TO SCALE
N/F	NOW OR FORMERLY
R/W	RIGHT OF WAY
SSMH	SANITARY SEWER MANHOLE
SN	SIGN
TM	TEMPORARY BENCH MARK
TEL	TELEPHONE JUNCTION BOX
TMH	TELEPHONE MANHOLE
TRNF	ELECTRIC TRANSFORMER
UGPT	UNDERGROUND PROPANE TANK
—	CHAINLINK FENCE LINE
—	WOOD FENCE LINE
—	SIGN
—	PROPOSED WOOD FENCE LINE

BEACH CITY ROAD - 66' R/W

FISH HAUL ROAD - 66' R/W

SHEET 3A

SHEET 3B

SHEET 2A

SHEET 2C

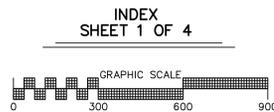
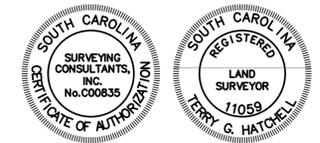
SHEET 2B

ASBUILT, TREE AND TOPOGRAPHIC SURVEY OF A  
**20' WIDE STRIP**  
SHOWING  
**EXISTING & PROPOSED FENCE LINES**  
ALONG  
**BEACH CITY ROAD & FISH HAUL ROAD**

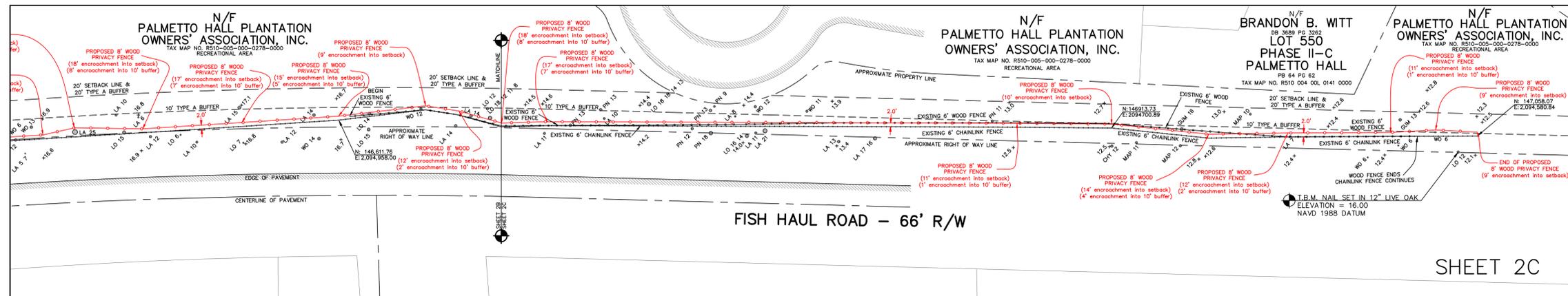
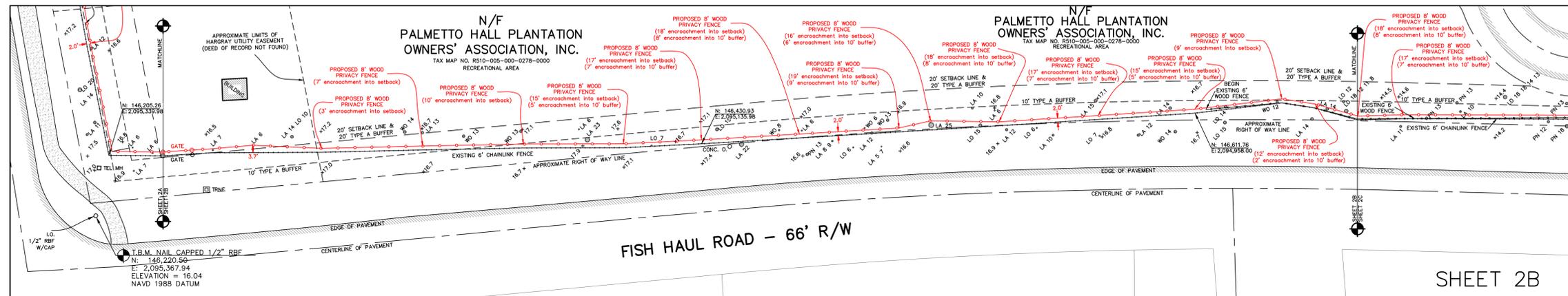
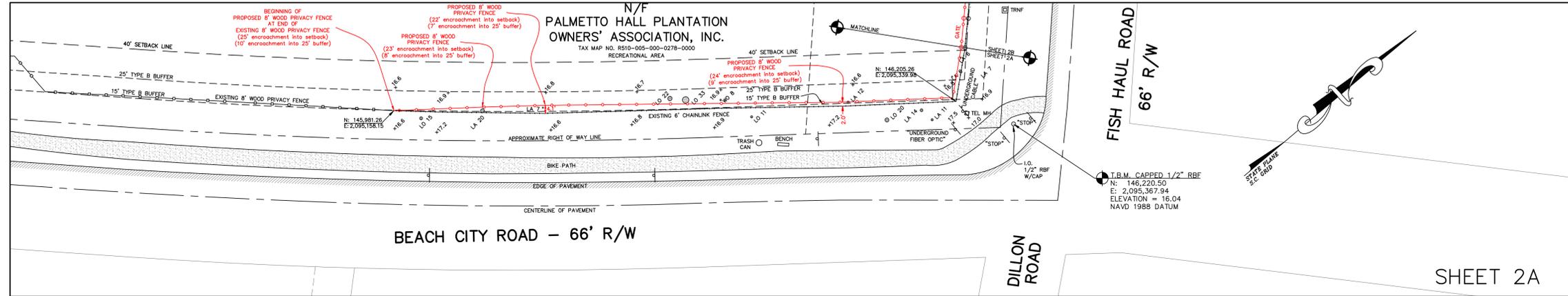
A PORTION OF  
**PALMETTO HALL PLANTATION**  
HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 300' DATE: 09/20/2021 JOB NO: SC170059C

PREPARED FOR: PALMETTO HALL PLANTATION P.O.A.



**SURVEYING CONSULTANTS**  
17 Sherington Drive, Suite C, Bluffton, SC 29910  
SC Telephone: (843) 815-3304 FAX: (843) 815-3305  
GA Telephone: (912) 828-2775  
www.SurveyingConsultants.com  
Email: SC@SurveyingConsultants.com



**LEGEND:**

CONC. O.	CONCRETE MONUMENT, OLD (FOUND)
I.O.	IRON PIPE, OLD (FOUND)
PKF	PK NAIL, OLD (FOUND)
RBF	REBAR, OLD (FOUND)
CHY	CHERRY
TAL	CHINESE TALLOW
CMYT	GRAPE MYRTLE
CLM	SWEET GUM
HIC	HICKORY
LA	LAUREL OAK
LO	LIVE OAK
MAG	MAGNOLIA
MAP	MAPLE
PLM	PALMETTO
PN	PINE
WO	WATER OAK
WAX	WAX MYRTLE
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TEL	TELEPHONE JUNCTION BOX
TMH	TELEPHONE MANHOLE
TRNF	ELECTRIC TRANSFORMER
UGPT	UNDERGROUND PROPANE TANK
—	CHAINLINK FENCE LINE
—	WOOD FENCE LINE
—	SIGN
—	PROPOSED WOOD FENCE LINE

1,430 LINEAR FEET OF PROPOSED 8' WOOD PRIVACY FENCE ON THIS PORTION OF THE PROJECT

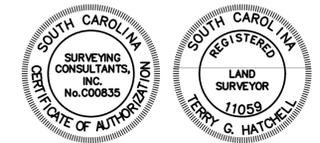
ASBUILT, TREE AND TOPOGRAPHIC SURVEY OF A

**20' WIDE STRIP**  
SHOWING  
**EXISTING & PROPOSED FENCE LINES**  
ALONG  
**BEACH CITY ROAD & FISH HAUL ROAD**

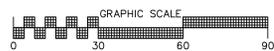
A PORTION OF  
**PALMETTO HALL PLANTATION**  
HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 30' DATE: 09/20/2021 JOB NO: SC170059C

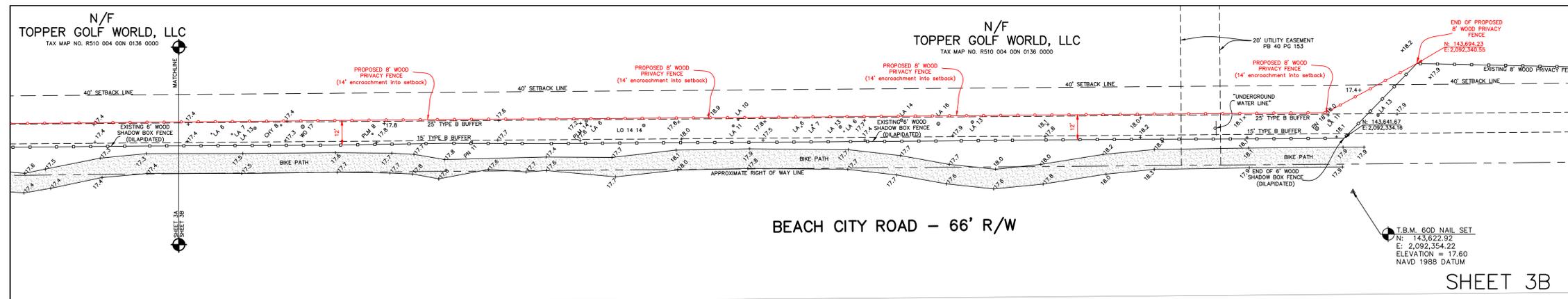
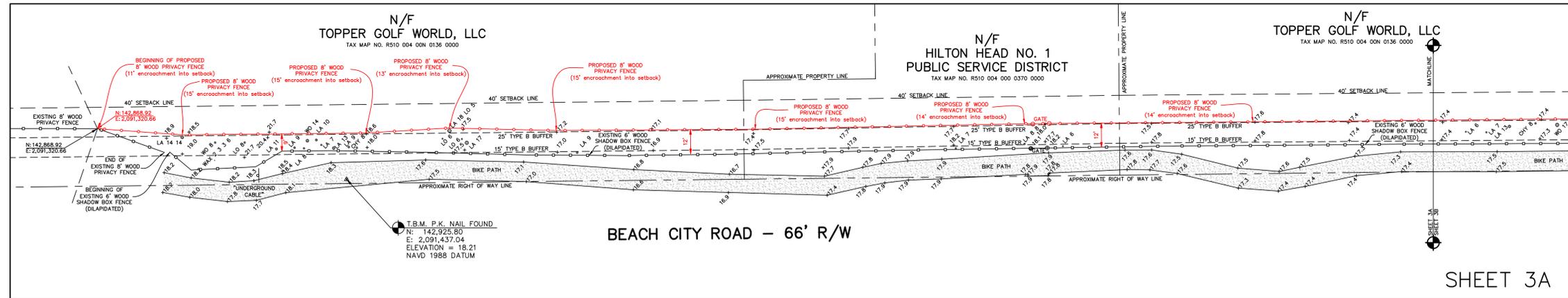
PREPARED FOR: **PALMETTO HALL PLANTATION P.O.A.**  
ADDRESS: ALONG BEACH CITY ROAD & FISH HAUL ROAD



**SHEET 2 OF 4**  
SEE SHEET 1 FOR SURVEY NOTES



**SC SURVEYING CONSULTANTS**  
17 Sherington Drive, Suite C, Bluffton, SC 29910  
SC Telephone: (843) 815-3304 FAX: (843) 815-3305  
GA Telephone: (912) 828-2775  
www.SurveyingConsultants.com  
Email: SC@SurveyingConsultants.com  
CREW: JS/EH  
DATE: 09/20/2021



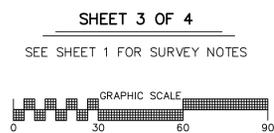
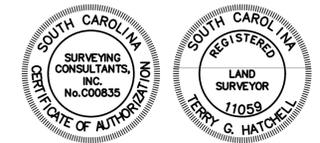
1,318 LINEAR FEET OF PROPOSED 8' WOOD PRIVACY FENCE  
ON THIS PORTION OF THE PROJECT

**LEGEND:**

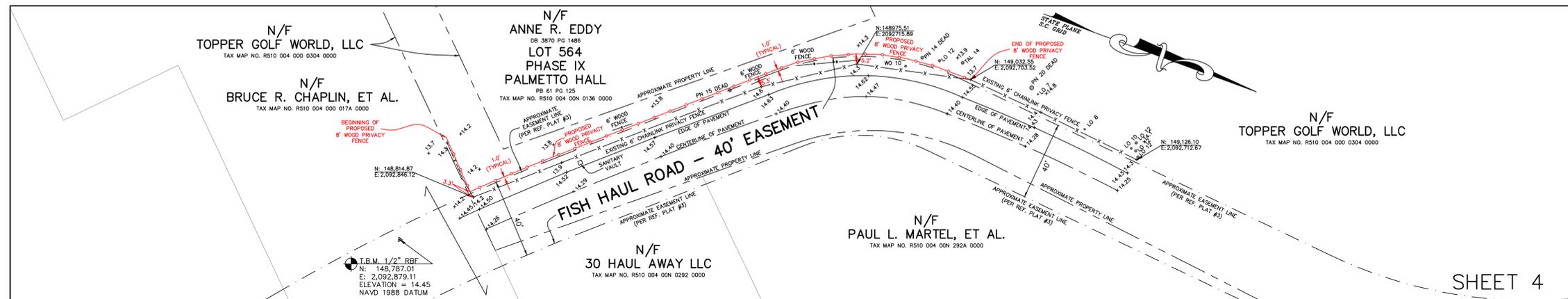
○	TREE SIZES ARE INCHES IN DIAMETER
●	SPOT ELEVATION
○	CONC. O. CONCRETE MONUMENT, OLD (FOUND)
○	I.O. IRON PIPE, OLD (FOUND)
○	PKF PK NAIL, OLD (FOUND)
○	RSF REBAR, OLD (FOUND)
○	CHY CHERRY
○	TAL CHINESE TALLOW
○	CMYT GRAPE MYRTLE
○	GUM SWEET GUM
○	HIC HICKORY
○	LA LAUREL OAK
○	LO LIVE OAK
○	MAG MAGNOLIA
○	MAP MAPLE
○	PLM PALMETTO
○	PN PINE
○	WO WATER OAK
○	WAX WAX MYRTLE
○	B.S.L. BUILDING SETBACK LINE
○	CATV CABLE TELEVISION JUNCTION BOX
○	NTS NOT TO SCALE
○	N/F NOW OR FORMERLY
○	R/W RIGHT OF WAY
○	SSMH SANITARY SEWER MANHOLE
○	SN SIGN
○	TBM TEMPORARY BENCH MARK
○	TEL TELEPHONE JUNCTION BOX
○	TMH TELEPHONE MANHOLE
○	TRNF ELECTRIC TRANSFORMER
○	UGPT UNDERGROUND PROPANE TANK
○	○ CHAINLINK FENCE LINE
○	○ WOOD FENCE LINE
○	○ SIGN
○	○ PROPOSED WOOD FENCE LINE

ASBUILT, TREE AND TOPOGRAPHIC SURVEY  
OF A  
**20' WIDE STRIP**  
SHOWING  
**EXISTING & PROPOSED FENCE LINES**  
ALONG  
**BEACH CITY ROAD & FISH HAUL ROAD**  
A PORTION OF  
**PALMETTO HALL PLANTATION**  
HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA  
SCALE: 1" = 30'      DATE: 09/20/2021      JOB NO: SC170059C

PREPARED FOR: **PALMETTO HALL PLANTATION P.O.A.**  
ADDRESS: ALONG BEACH CITY ROAD & FISH HAUL ROAD



**SC SURVEYING CONSULTANTS**  
17 Sherington Drive, Suite C, Bluffton, SC 29910  
SC Telephone: (843) 815-3304 FAX: (843) 815-3305  
GA Telephone: (912) 828-2775  
www.SurveyingConsultants.com  
Email: SC@SurveyingConsultants.com  
CREW: JS/EH  
DATE: 09/20/2021



300 LINEAR FEET OF PROPOSED 8' WOOD PRIVACY FENCE  
ON THIS PORTION OF THE PROJECT

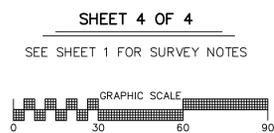
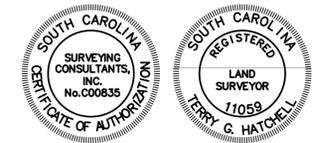
LEGEND:

○	TREE SIZES ARE INCHES IN DIAMETER
•	SPOT ELEVATION
CONC. O.	CONCRETE MONUMENT, OLD (FOUND)
I.O.	IRON PIPE, OLD (FOUND)
PKF	PK NAIL, OLD (FOUND)
RBF	REBAR, OLD (FOUND)
CHY	CHERRY
TAL	CHINESE TALLOW
CMYT	GRAPE MYRTLE
GUM	SWEET GUM
HIC	HICKORY
LA	LAUREL OAK
LO	LIVE OAK
MAG	MAGNOLIA
MAP	MAPLE
PLM	PALMETTO
PN	PINE
WO	WATER OAK
WAX	WAX MYRTLE
B.S.L.	BUILDING SETBACK LINE
CATV	CABLE TELEVISION JUNCTION BOX
NTS	NOT TO SCALE
N/F	NOW OR FORMERLY
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TMH	TELEPHONE MANHOLE
TRNF	ELECTRIC TRANSFORMER
UGPT	UNDERGROUND PROPANE TANK
—x—x—x—	CHAINLINK FENCE LINE
—o—o—o—	WOOD FENCE LINE
—	SIGN
—o—o—o—	PROPOSED WOOD FENCE LINE

SHEET 4

ASBUILT, TREE AND TOPOGRAPHIC SURVEY  
OF A  
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SCALE: 1" = 30'      DATE: 09/20/2021      JOB NO: SC170059C

PREPARED FOR: PALMETTO HALL PLANTATION P.O.A.  
ADDRESS: ALONG BEACH CITY ROAD & FISH HAUL ROAD



SHEET 4 OF 4  
SEE SHEET 1 FOR SURVEY NOTES

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CREW: JS/EH  
CAD: HC

Attachment F: Site Photos

VAR-002117-2021 Site Photos  
Palmetto Hall Fence Variance  
Photo date: October 28, 2021



Attachment F) Site Photos

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Attachment F) Site Photos

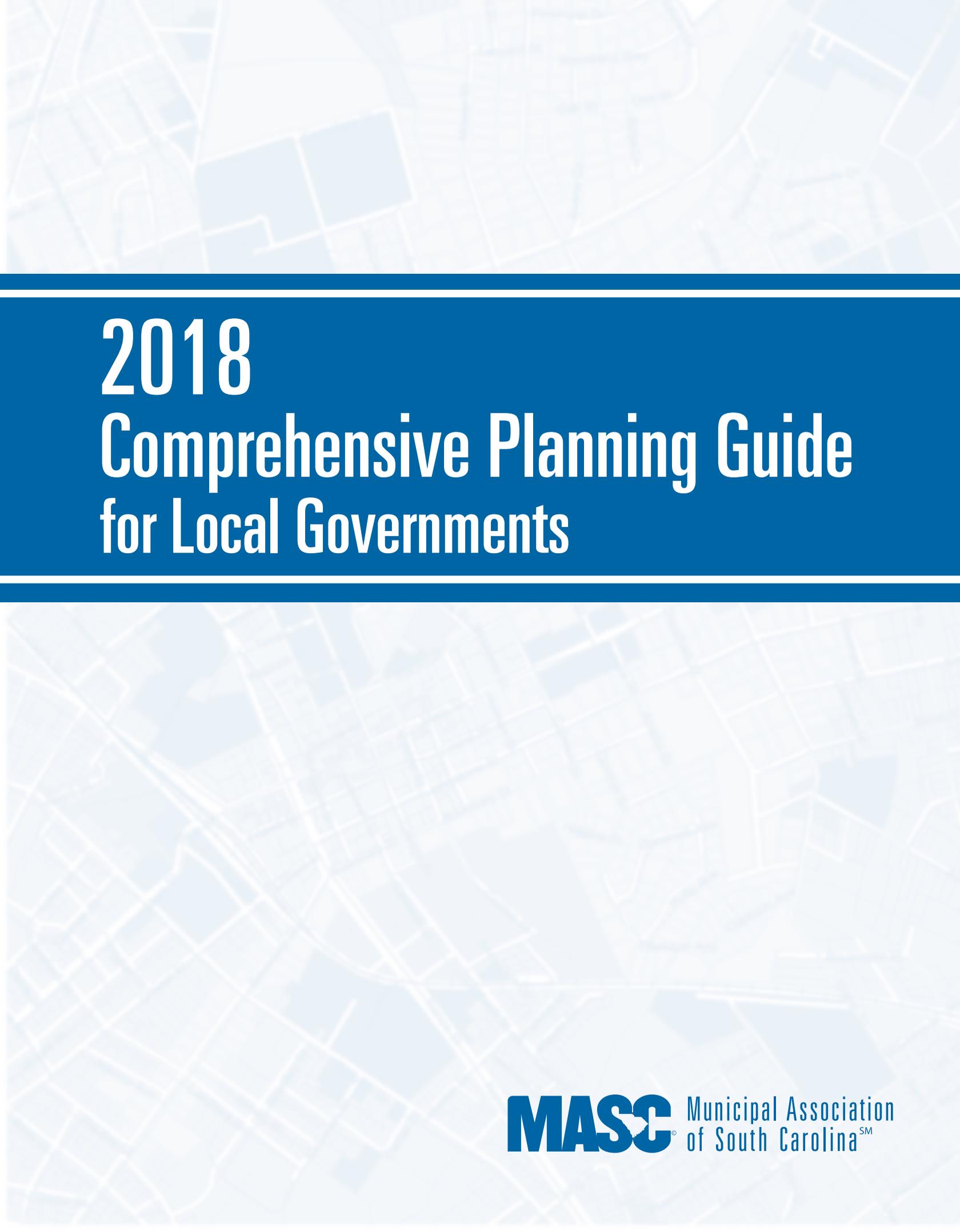
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Palmetto Hall Fence Variance  
Photo date: October 28, 2021



The background of the entire page is a light blue, semi-transparent map of a city grid, showing streets and building footprints. A solid dark blue horizontal band runs across the middle of the page, containing the title text.

2018

**Comprehensive Planning Guide  
for Local Governments**

# Appendix D

## Board of Zoning Appeals Rules of Procedure

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### Article I Organization

**Section 1. Rules.** These rules of procedure are adopted pursuant to S.C. Code § 6-29-790 for the City/Town/County Board of Zoning Appeals with \_\_\_\_ members appointed by council.

**Section 2. Officers.** The officers of the board shall be a chairman and vice chairman elected for one year terms at the first meeting of the board in each calendar year. The board shall appoint a member of the staff as secretary of the board.

**Section 3. Chairman.** The chairman shall be a voting member of the board and shall:

- a. Call meetings of the board;
- b. Preside at meetings and hearings; and swear in witnesses;
- c. Act as spokesperson for the board;
- d. Sign documents for the board;
- e. Have orders of the board served on parties; and
- f. Perform other duties approved by the board.

**Section 4. Vice Chairman.** The vice chairman shall exercise the duties of the chairman in the absence, disability or disqualification of the chairman. In the absence of the chairman and vice chairman, an acting chairman shall be elected by the members present.

**Section 5. Secretary.** The secretary shall:

- a. Provide and publish notice of appeals and meetings;
- b. Assist the chairman in preparation of agenda;
- c. Properly post property involved in appeals for variances or special exceptions.
- d. Keep recordings and minutes of meetings and hearings;
- e. Maintain board records as public records;
- f. Serve board decisions on parties;
- g. Attend to board correspondence; and
- h. Perform other duties normally carried out by a secretary.

### Article II Meetings

**Section 1. Time and Place.** An annual schedule of regular meetings shall be adopted, published and posted at the designated town office in December of each year. Special meetings may be called by the chairman upon 24 hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place stated in the notices and shall be open to the public.

**Section 2. Agenda.** A written agenda shall be furnished by the secretary to each member of the board and the news media and shall be posted at least five days prior to each regular meeting and at least 24 hours prior to a special meeting. Items may be removed from the agenda or postponed at a meeting by majority vote.

**Section 3. Quorum.** A majority of the members of the board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

**Section 4. Rules of Order.** Robert's Rules of Order Newly Revised, 10<sup>th</sup> Edition, shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

### **Article III Appeals Procedure**

**Section 1. Form of Appeal.** Appeals from administrative decisions, applications for variances and applications for special exceptions shall be filed on forms approved by the board and provided to applicants by the secretary. The board may require additional information deemed necessary. The failure to submit adequate information may be grounds for dismissal. An application filed by an agent shall be accompanied by written designation of the agent signed by the applicant or party in interest.

**Section 2. Time for Appeal.** An appeal from an administrative decision must be filed within 15 days after the decision becomes a matter of public record by denial or issuance of a permit or the filing of a written decision in the office of the zoning administrator. An appeal shall be filed by delivery of the approved appeal form to the secretary of the board who shall notify the official appealed from.

**Section 3. Calendar.** Appeals and applications shall be marked with the date of receipt and placed on the hearing calendar in the order in which received. Appeals shall be heard in the order on the calendar unless otherwise set by the board for good cause shown.

**Section 4. Withdrawal of Appeal.** Any appeal or application may be withdrawn by written notice delivered to the secretary prior to action by the board. An appeal from an administrative decision which is withdrawn may not be refiled after the 15 day time for appeal has expired. Withdrawn applications for variances and special

exceptions may be refiled after six months and shall be placed on the calendar according to the date refiled.

**Section 5. Continuances.** The board may continue an appeal or application hearing one time for good cause shown.

**Section 6. Notice.** Public notice of a hearing of the board shall be published in a local newspaper and posted on or adjacent to the property affected at least 15 days prior to the hearing. The notice shall contain a description of each matter to be heard and identify the applicant and property affected.

## **Article IV Hearing Procedure**

**Section 1. Appearances.** The applicant or any party in interest may appear in person or by agent or attorney. The board may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of an applicant.

**Section 2. Witnesses.** Parties in interest may present testimony under oath. Witnesses may be compelled to attend by subpoena requested at least 10 days prior to a hearing and signed by the chairman. The board may call its own witnesses when deemed appropriate.

**Section 3. Cross-examination.** No party shall have the right to cross-examine witnesses; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly manner. Intimidation of witnesses will not be allowed.

**Section 4. Evidence.** Relevant documents, photographs, maps, plans, drawings, etc., will be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative or hearsay will be received. The chairman will rule on all evidentiary matters. Evidence may be placed in the record with an objection noted.

**Section 5. Conduct of Hearing.** The normal order of hearing, subject to modification by the chairman, shall be

- a. statement of matter to be heard (chairman or secretary);
- b. presentation by applicant (10-minute limit);
- c. presentation by official appealed (10-minute limit); or
- d. presentation by opponents (10-minute limit);
- e. rebuttal by applicant (5-minute limit);
- f. unsworn public comment, when appropriate;
- g. the board may question participants at any point in the hearing; and
- h. matters in which additional time is granted may be moved to end of the agenda.

**Section 6. Disposition.** The board may deliberate and make final disposition of a matter by majority vote of members present and qualified to vote; provided not less than a quorum are qualified to vote. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which he or she has not heard. Deliberating and voting shall be done in public.

**Section 7. Form of Order.** An order shall be issued disposing of a matter by granting or denying relief with such conditions may be deemed necessary; or affirming, modifying, or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. Findings of fact and conclusions of law shall be separately stated in an order.

**Section 8. Service of Order.** The secretary shall deliver a copy of an order to each party in interest by certified mail immediately upon execution of the order by the chairman.

**Section 9. Rehearing.** The board may grant a rehearing of an application which has been dismissed or denied upon written request filed with the secretary within 15 days after delivery of the order accompanied by new evidence which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.

## **Article V Records**

**Section 1. Minutes.** The secretary shall record all meetings and hearings of the board on tape which shall be preserved until final action is taken on all matters presented. The secretary shall prepare minutes of each meeting for approval by the board at the next regular meeting. Minutes shall be maintained as public records.

**Section 2. Orders and Documents.** The secretary shall assist in the preparation and service of all orders of the board in appropriate form. Copies of all notices, correspondence, documentary evidence, orders and forms shall be maintained as public records.

## **Article VI Amendment and Adoption**

**Section 1. Amendment.** These rules may be amended at any regular meeting of the board by majority vote of the members of the board at least seven days after the written amendment is delivered to all members.

**Section 2. Adoption.** These rules were adopted by vote of a majority of the members of the board at a regular public meeting on\_\_\_\_\_.

Attest \_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman



# TOWN OF HILTON HEAD ISLAND

## Community Development Department

**TO:** Board of Zoning Appeals  
**FROM:** Missy Luick, *Senior Planner*  
**DATE:** November 08, 2021  
**SUBJECT:** Waiver Report

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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.”

Three waivers have been granted by staff since the September 27, 2021 BZA meeting.

1. **WAIV-001664-2021 – 18 Pope Avenue, Starbucks** –Substitution of Nonconformities and Parking waiver requests were submitted for the development of a proposed Starbucks in conjunction with a Development Plan Review (DPR-001663-2021). The site contains nonconforming site features including an existing adjacent street buffer of only 1’. Because the applicant agreed to bring the site more into conformance with the LMO by increasing the adjacent street buffer to 22’, reducing the impervious cover from .45 acres to .36 acres, providing wheel stops, bike racks, an EV charging station and increased pedestrian connectivity; the waiver was approved. Regarding the parking waiver request, the applicant requested a 10% (2 space) reduction. Because the applicant added additional bicycle parking spaces and demonstrated through developer data as to why the parking requirements will not be needed at the site as the business model is for drive-through traffic, not eat-in customers; the waiver was approved.

2. **WAIV-002114-2021- 61 E. Morgan Trail-** A substitution of Nonconformities waiver was requested for a pool and pool deck within the adjacent street setback for the property located at 61 E. Morgan Trail, specifically the parcel identified as R510 011 000 0306 0000. The parcel contains existing nonconforming features including a concrete patio within the adjacent street setback and buffer and a portion of the home and screen porch encroaching into the setback. The addition of the pool and pool deck is only allowed within the non-conforming footprint if the site is brought more into conformance with the LMO. Because the applicant removed the existing concrete patio within the adjacent street buffer, reduced the overall impervious surface area by 19 square feet and added additional buffer vegetation within the adjacent street buffer; the waiver was approved.
  
3. **WAIV-002338-2021 – 14 Greenwood Drive, Gallery of Shoppes-** A substitution of Nonconformities waiver was requested for the proposed redevelopment of the Gallery of Shoppes located at 14 Greenwood Drive, specifically the parcel identified as R552 015 000 0281 0000. The parcel contained a 19,398 square foot office building. The request was to keep the nonconforming density on the site, keep the nonconforming building footprint in the adjacent street setback and buffer, keep the nonconforming impervious surface coverage and continue to allow the property to function together with the surrounding shopping center so that the internal adjacent use setbacks and buffers can be eliminated. The site was designed to function as one site with the adjacent Publix shopping center with shared pedestrian and vehicular access and parking as well as sanitary sewer, electrical services and stormwater infrastructure. Because the properties have been functioning together for many years and the applicant agreed to plant additional vegetation in the adjacent street buffer, will provide bicycle parking, EV charging station, and a loading space; bringing the site more into conformance with the LMO, the waiver was approved.