



Town of Hilton Head Island
Board of Zoning Appeals Meeting
Monday, July 26, 2021 – 2:30 p.m.
Benjamin M. Racusin Council Chambers
AGENDA

The Board of Zoning Appeals meeting will be held in-person at Town Hall in the Benjamin M. Racusin Council Chambers. The outside doors will be opened to the public one hour before the meeting start time, seating will be limited to no more than 80 individuals.

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. **Swearing in Ceremony of Reappointed and New Board Members** – *Performed by Josh Gruber, Deputy Town Manager*
5. **Welcome and Introduction to Board Procedures**
6. **Approval of Agenda**
7. **Approval of Minutes**
 - a. June 28, 2021 Meeting
8. **Appearance by Citizens**
9. **Unfinished Business – None**
10. **New Business**
 - a. **Public Hearing**
VAR-001218-2021 – Request from Jeffrey Loch, of Seagrass Construction, LLC, on behalf of Steven A. Weston for a variance from LMO Sections 16-5-102, Setback Standards, 16-5-103, Buffer Standards and 16-6-104.F, Specimen and Significant Tree Preservation to allow a proposed development of 3 homes and associated driveway to exceed allowable specimen tree impacts and be located within the adjacent use setback and buffer. The property address is 202 Mitchelville Road with a parcel number of R510 005 000 001B 0000. **WITHDRAWN**
 - b. **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. **POSTPONED**

c. Public Hearing

VAR-001375-2021 – Request from Joseph Perota for a variance from LMO Section 16-5-102, Setback Standards to allow an existing HVAC unit to remain in the adjacent use setback. The property address is 13 Mangrove Street with a parcel number of R510 004 000 0382 0000. *Presented by Tyler Newman*

11. Board Business

12. 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

13. 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
June 28, 2021 at 2:30 p.m. Virtual Meeting
MEETING MINUTES

Present from the Board: Chair Patsy Brison, Vice Chair Anna Ponder, Robert Johnson, Lisa Laudermilch, Charles Walczak, David Fingerhut, John White

Absent from the Board: None

Present from Town Council: Bill Harkins, Glenn Stanford, David Ames, Tamara Becker, Tom Lennox

Present from Town Staff: Josh Gruber, Deputy Town Manager; Teri Lewis, Deputy Community Development Director; Nicole Dixon, Development Review Administrator; Missy Luick, Senior Planner; Tyler Newman, Senior Planner; Rocky Browder, Environmental Planner; Diane Busch, Staff Attorney; Teresa Haley, Senior Administrative Assistant; Vicki Pfannenschmidt, Temporary Administrative Assistant

1. Call to Order

Chair Brison called the meeting to order at 2:30 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. Presentation of the Town's Crystal Award to outgoing Board Member John White – Presented by Josh Gruber, Deputy Town Manager

Mr. Gruber made comments regarding Mr. White's accomplishments and thanked him for his service on the Board of Zoning Appeals.

5. Welcome and Introduction to Board Procedures

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

6. Approval of Agenda

Chair Brison asked for a motion to approve the agenda as presented. Ms. Laudermilch moved to approve. Mr. Walczak seconded. By way of roll call, the motion passed with a vote of 7-0-0.

7. Approval of Minutes

a. May 24, 2021 Meeting

Chair Brison asked for a motion to approve the minutes of the May 24, 2021 meeting as presented. Mr. Fingerhut moved to approve. Mr. White seconded. By way of roll call, the motion passed with a vote of 7-0-0.

8. Appearance by Citizens

Public comments concerning agenda items were to be submitted electronically via the Open Town Hall portal. There were no comments via the portal. Citizens were also provided the option to give public comment during the meeting by phone. There were no requests.

9. Unfinished Business - None

10. New Business

a. Public Hearing

VAR-001218-2021 – Request from Jeffrey Loch, of Seagrass Construction, LLC, on behalf of Steven A. Weston for a variance from LMO Sections 16-5-102, Setback Standards, 16-5-103, Buffer Standards and 16-6-104.F, Specimen and Significant Tree Preservation to allow a proposed development of 3 homes and associated driveway to exceed allowable specimen tree impacts and be located within the adjacent use setback and buffer. The property address is 202 Mitchelville Road with a parcel number of R510 005 000 001B 0000.

Chair Brison opened the Public Hearing.

Ms. Luick presented the application as described in the Staff Report. She stated that 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. She explained the variance criteria in detail.

The Board made comments and inquiries regarding: request for an explanation of parameter requirements for tree protection; the suggested relocation of the homes; impact from relocation of homes; inquiries regarding the discussion of suggested modifications with the applicant; the types of trees in question; and the difference between specimen and significant trees.

Following the Staff presentation and questions by the Board, Chair Brison asked the applicant to make a presentation. Legal Counsel for the applicant raised specific questions regarding the variance requirements and the possibility of changes in design to comply with buffer and setback requirements. He suggested the matter be tabled until the next regular meeting scheduled for July 26, 2021. The applicant was in concurrence.

Chair Brison noted there were no requests for public comment.

The applicant requested a continuance of the application to the regular meeting scheduled for July 26, 2021. Mr. Walczak moved to approve. Mr. White seconded. By way of roll call, the motion passed by a vote of 7-0-0.

b. Election of Officers for the July 1, 2021 – June 30, 2022 Term

Vice Chair Ponder nominated Patsy Brison as Chair. Ms. Laudermilch seconded. There were no additional nominations for Chair and Chair Brison accepted the nomination. Mr. Fingerhut moved to accept the nomination by acclamation. Mr. Walczak seconded. By way of roll call, the motion passed by a vote of 7-0-0.

Mr. Walczak nominated Dr. Anna Ponder as Vice Chair. Ms. Laudermilch seconded. There were no additional nominations for Vice Chair and Vice Chair Ponder accepted the nomination. Mr. Fingerhut moved to accept the nomination by acclamation. Mr. White seconded. By way of roll call, the motion passed by a vote of 7-0-0.

Ms. Laudermilch nominated Teresa Haley as Secretary. Mr. Walczak seconded. Ms. Haley accepted the nomination. Mr. Walczak moved to accept the nomination by acclamation. Ms. Laudermilch seconded. By way of roll call, the motion passed by a vote of 7-0-0.

11. Board Business

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

Ms. Dixon explained there would be educational outreach and workshops held with contractors and developers regarding setbacks and buffers. She added that staff presented the first set of LMO amendments at the June 16 Public Planning Committee, with setbacks and buffers as part of the list. Ms. Dixon stated it was requested of staff to hold on any suggestions of reductions or flexibility because Town Council would like to schedule a workshop for discussion regarding a full review of that section of the LMO. She concluded that at this time staff is not recommending any type of reduction or flexibility in setbacks and buffers.

12. Staff Reports

a. Status of Appeals to Circuit Court

Ms. Busch stated that of a total of twelve Circuit Court Appeals, five have been disposed, five regarding Sandcastles by the Sea properties are active in mediation status, and two involving Arbor Nature have a last filing date of June 29, 2020. She noted there is not further information regarding the cases.

b. Status of Amendments to BZA Rules of Procedure

Ms. Luick said internal staff meetings are scheduled this week on compiled research done to date. She added she will have an update at the next scheduled meeting.

c. Status of LMO Amendments

Ms. Dixon reported the first set of LMO Amendments were presented to the Public Planning Committee on June 16. The Committee raised concerns regarding some of the Amendments and directed staff to come back to their July 22 meeting with clarification. She added that afterwards, the items will move on to the LMO Committee for review in August.

Board Members discussed with staff the need for property owners to be aware of LMO requirements when purchasing property. Suggestions and input regarding how to accomplish such were discussed.

d. Waiver Report - The Waiver Report was included in the Board's agenda package.

13. Adjournment

The meeting was adjourned at 3:52 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

STAFF REPORT VARIANCE

Case #:	Public Hearing Date:
VAR-001375-2021	July 26, 2021

Parcel or Location Data:	Applicant/Property Owner
Address: 13 Mangrove Street Parcel#: R510 004 000 0382 0000 Zoning: PD-1(Palmetto Hall) Overlay: N/A Parcel Size: .127 acres	Joseph Perota 13 Mangrove Street Hilton Head Island, SC 29926

Application Summary:

Request from Joseph Perota for a variance from LMO Section 16-5-102, Setback Standards to allow an existing HVAC unit to remain in the adjacent use setback. The property address is 13 Mangrove Street with a parcel number of R510 004 000 0382 0000.

Staff Recommendation:

Staff recommends the Board of Zoning Appeals find this application to be inconsistent with the Town's Our Plan and does not serve to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Board of Zoning Appeals *deny* this application.

Background:

The subject property, 13 Mangrove Street, was built in 2020 and purchased by the applicant in January 2021. The subject property is located in The Estuary subdivision. The subdivision was approved in 2019 (SUB-000675-2018). The subdivision is located off from Fish Haul Road and is primarily surrounded by Palmetto Hall golf course property as well as vacant open space both of which are zoned PD-1 (see Attachment A, Vicinity Map).

The Estuary subdivision was approved with a 20 foot adjacent use setback and buffer around the perimeter of the subdivision, a 20 foot adjacent street setback and buffer along the front of each property, and 5 foot adjacent use setbacks along the sides of each property (see Attachment C, Subdivision Plat).

After the certificate of occupancy (CO) was issued for the single-family residence, in approximately late April or early May of 2021 the applicant hired Dean's Custom Air to relocate their HVAC unit from the approved location at the rear of the residence to the side of the residence. It should be noted that while the Town does require a building permit for the relocation of an HVAC unit, a permit was not pulled for the work that took place at the subject property.

In mid-May of 2021 Town staff received a complaint from a citizen indicating that HVAC units associated with single-family residences in The Estuary were not being constructed in the approved locations. Staff inspected all of the HVAC units in The Estuary and found that many of the units had been installed in the wrong locations. The subject property was the only property that had relocated their HVAC unit after receiving a CO for the single-family residence. All of the other incorrectly placed HVAC units were located on properties that hadn't received a final CO therefore staff was able to defer issuing a CO for those residences until the HVAC units are placed in the correct location.

On May 19, 2021, staff sent a violation letter to the owners of the subject property making them aware that the HVAC relocation was done without first obtaining the required building permit. Staff also indicated that the HVAC unit had been placed within the required 5' adjacent use setback which is not permitted per Land Management Ordinance (LMO) Section 16-5-102.E, Allowable Setback Encroachments (see Attachment G, Violation Letter). The violation letter went on to instruct the property owners to retain the services of a licensed HVAC company to relocate the HVAC unit back to its approved location (see Attachment D, As-Built Survey) and obtain the necessary permit by June 7, 2021.

As an alternative to relocating the HVAC unit the applicant is requesting a variance to allow the existing HVAC unit to remain in the 5' side adjacent use setback. It should be noted that the applicant has specified that 1) they are only seeking permission to keep the HVAC unit in the 5' adjacent use setback and that no further development will take place in the setback and 2) they are willing to camouflage, cover or disguise the HVAC unit (see Attachment B, Applicant's Narrative).

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

Grounds for Variance:

According to the applicant, the required 5' side adjacent use setbacks come right up to the sides of their house which leaves a very limited area for any development in these areas of their property which is unusual and impractical. The applicant goes on to state that the originally approved location of the HVAC unit at the rear of the property is not typical for homes on Hilton Head Island. The variance is required in order to allow the existing HVAC unit to remain in the 5' side adjacent use setback.

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 June 2, 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 July 4, 2021 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on July 2, 2021 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on July 6, 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 property is .127 acres.
- Lots in The Estuary range in size from .127 acres at the smallest to .410 acres at the largest with the average lot size being .176 acres.
- The subject property is rectangular in shape as are the majority of other properties in The Estuary.
- The subject property does not contain any unique site features that prohibit development on the lot.

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.01 because there are no extraordinary and exceptional conditions that pertain to this particular property.

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 majority of lots in The Estuary subdivision are similar in approximate size and shape.

- A 5' side adjacent use setback is applied to all properties within the subdivision, with the exception of Lots 1 and 32 which each have a 5' side setback on one side and a 20' adjacent street setback and buffer on the other side because they are adjacent to Fish Haul Road.

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.02 because there are no extraordinary and exceptional conditions that pertain to this particular property.

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:

- The approved subdivision plat for The Estuary requires a 5' adjacent use setback on both sides of the subject property per LMO Section 16-5-102, Setback Standards.
- A two story single-family residence with 2,202 heated square feet, 530 unheated square feet, 3 bedrooms, 2.5 bathrooms, and a garage has been constructed at the subject property.
- The as-built survey that corresponds with construction of the existing single-family residence shows the HVAC unit located at the rear of the residence outside of any required setback or buffer (see Attachment D, As-Built Survey).

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 there are no extraordinary or exceptional conditions that pertain to this property that unreasonably prohibit the use of the property.

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:

- Town staff were initially made aware of the violation because of a complaint from another resident within The Estuary subdivision.
- Staff has received no letters of opposition to this specific variance request.
- Staff has received letters of support from two property owners that have a view of the HVAC unit that is the subject of this variance request (see Attachment F, Letters of Support).
- The purpose of the adjacent use setback standards is to provide separation between structures and property lines. Such separation is intended to maintain and protect the Town's Island character and facilitate adequate air circulation and light between structures in adjacent developments.

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.04 because the granting of the variance would be of detriment to property in the vicinity of the subject property.

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 denied to the applicant.

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:

TN.

Tyler Newman
Senior Planner

7/14/2021

DATE

REVIEWED BY:

ND

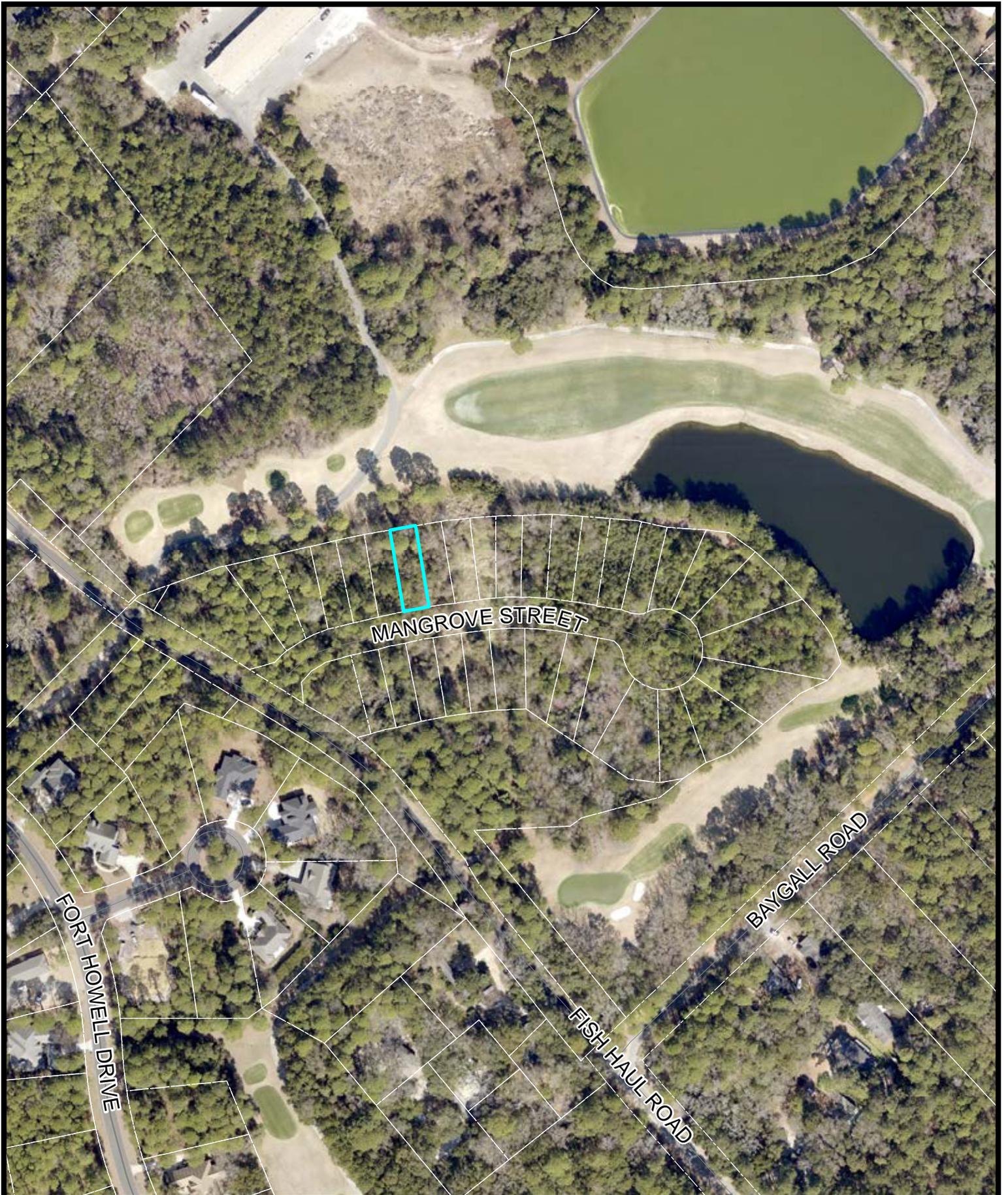
Nicole Dixon, AICP, CFM,
Development Review Administrator

7/15/2021

DATE

ATTACHMENTS:

- A) Vicinity Map**
- B) Applicant's Narrative**
- C) Subdivision Plat**
- D) As-Built Survey**
- E) Applicant's Site Plan**
- F) Letters of Support**
- G) Violation Letter**
- H) Site Photos**



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

VAR-001375-2021
13 Mangrove Street
Attachment A: Vicinity Map



210 105 0 210 Feet

This information has been compiled from a variety of unverfied 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.

Introduction

My name is Joseph Perota. I am the owner of the property located at 13 Mangrove Street on Hilton Head Island, SC. I respectfully request a variance for relief from section 16-5-102.D of the LMO. *In making this request, I would like to make clear that I am not seeking relief of the entire setback line surrounding the property.* I only am asking permission to move the setback line 3 feet out from the home to the east creating a small “box” to accommodate an HVAC unit (see attached site plan). The rest of the setback line would remain in place and nothing else will ever encroach upon it.

The criteria set forth in section 16-2-103.s.4.a of the LMO when viewed objectively apply to this request.

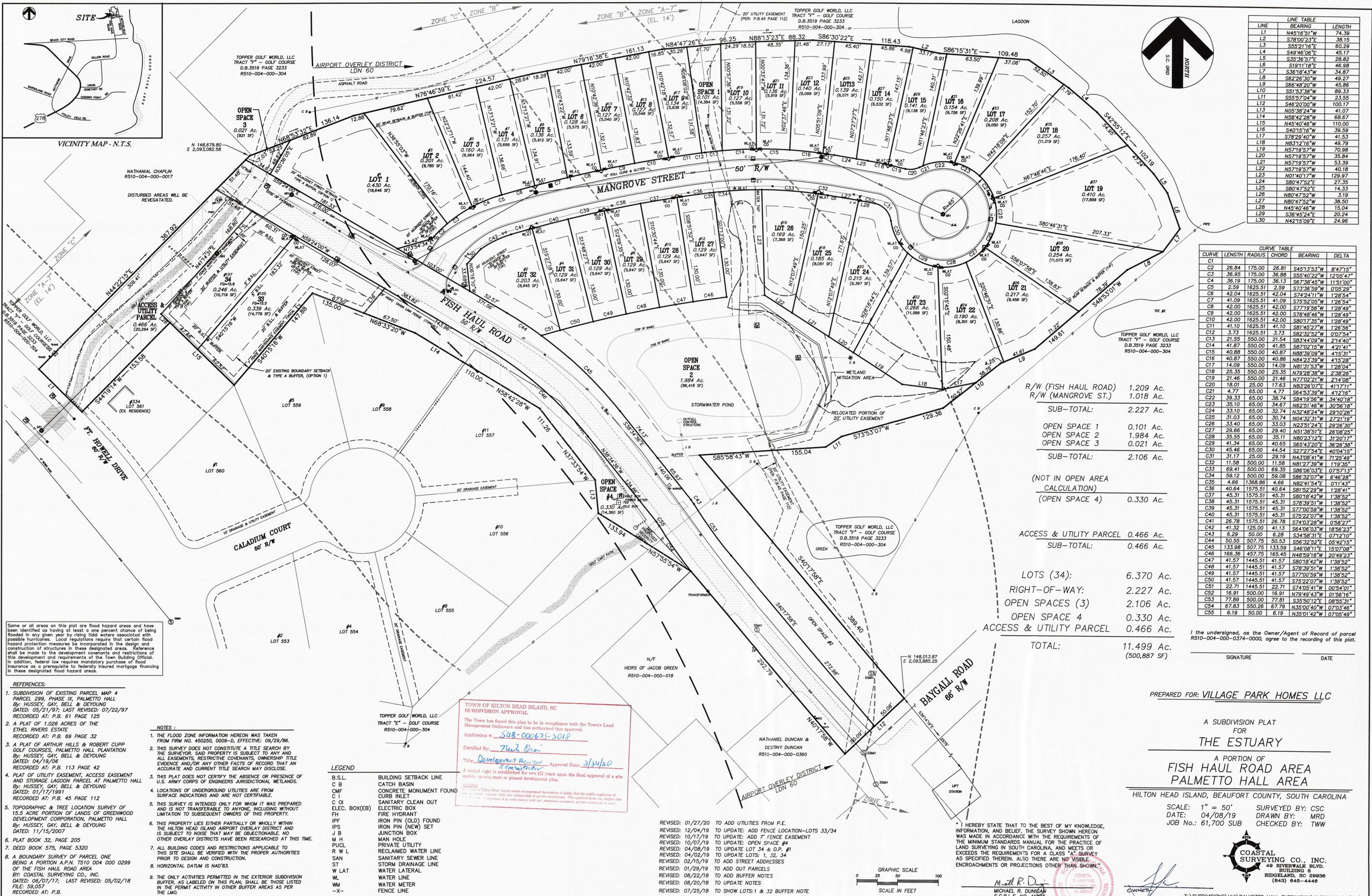
- 1) The first criteria requires that there are “extraordinary and exceptional” conditions pertaining to the property. By standard definition the words extraordinary and exceptional mean “unusual”, “not typical”, “not ordinary”. They do not necessarily imply large or dramatic differences. The property at 13 Mangrove is atypical in the following respects. It is part of a newly constructed subdivision not usually seen on Hilton Head Island. The developer, in order to make maximum use of the space, has created a number of extremely narrow lots. Within the gated community of The Estuary, over 50% of the properties have a wider lot than 13 Mangrove. When expanded to include Palmetto Hall, which is the adjacent neighborhood, the percentage of lots with more space than 13 Mangrove increases dramatically. In a review of Palmetto Hall’s guidelines minimum setbacks of 15 feet are called for on the sides of properties. At the subject property there is only 5 feet 9 inches of space until the adjacent property line. The 5 foot setback line leaves almost no space (9 inches) not in the setback. This is unusual and impractical. To comply with section 16-5-102.D of the LMO the developer was forced to put the HVAC unit of 13 Mangrove onto Outdoor Living Area (family patio). Again, this is not typical for homes on Hilton Head Island. HVAC units do not normally occupy space used for outdoor living. To review: 13 Mangrove is not ordinary from the majority of properties on Hilton Head Island. It is in a new subdivision. It has an extremely narrow lot compared to other properties in its vicinity and on all other areas of the Island. It has a setback line that virtually eliminates the area around the home for any use. To comply with the LMO if forces the the HVAC unit onto Outdoor Living Area, which is not usual on Hilton Head Island.
- 2) The conditions outlined above do not generally apply to other properties in the vicinity. This is true no matter how vicinity is defined. In the wider vicinity of Hilton Head Island the property of 13 Mangrove is much narrower than the average lot. To comply with the LMO a setback line has been drawn that restricts use of space not typical to Hilton Head Island. The same can also be said of the properties in the immediate adjacent neighborhood of Palmetto Hall. Even if we confine the “vicinity” to the new subdivision of The Estuary the conditions of 13 Mangrove are not generally like the other properties in it. While it is accurate that code enforcement will require a group of properties in the Estuary to place the HVAC unit in the back of the home to comply with the LMO, it is not accurate to use that fact as the sole requirement to create the same conditions. A brief site survey shows that only 3, and possibly a 4th property, will have the HVAC unit placed on an Outdoor Living Area like a family patio. This means that the exact conditions described above exist in only 8 to 10 percent of the homes in the Estuary. That puts the conditions at 13 Mangrove in the ***90th percentile of being not typical.*** In other words, just because a property has an HVAC unit in the rear does not automatically, nor exactly, duplicate the conditions at 13 Mangrove.
- 3) The definition of restrict is “restrain” or “put a limit on”. If the HVAC unit at 13 Mangrove is placed in the Outdoor Living Area it will severely and unreasonably restrict the use of that space. It will occupy approximately 25 percent of the patio and be a noise nuisance. It will

hinder the use of the patio and backyard with regards to quality family time and social interaction. While enforcement of this ordinance would not render the property uninhabitable it certainly restricts practical utilization of the property in accordance with the criteria.

- 4) The final criteria states: "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." This absolutely applies in this case. There are only 2 properties in the vicinity that could possibly be aware of the change in conditions if this request is granted. They are the adjacent property at 15 Mangrove and the property across the street at 10 Mangrove. Both owners have no objection and have indeed expressed support for the granting of the request (see attached letters.) This variance will in no way do any harm to the public good and it would not in any way affect the character of the immediate neighborhood or the zoning district. Quite frankly, It's unimaginable as to how any entity or individual (public or private) would have any interest in, or be harmed by, the granting of this variance.
However, if it is deemed a condition to the granting of this variance, I am more than willing to camouflage, cover or disguise the HVAC unit.

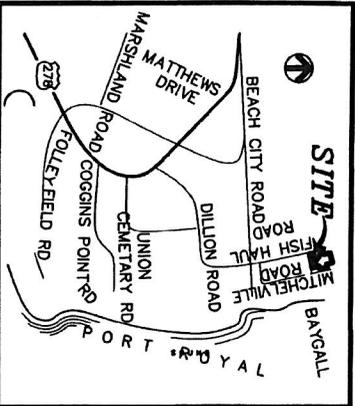
Conclusion

When this matter was brought to my attention (being a new resident I was ignorant as to setback lines) I consulted with my Council Member Glenn Stanford. He advised me to apply for a variance. He said to me "we want you to be happy here" and that stuck with me. I have faith that the Town of Hilton Head would strive to aid its citizens as long as overall public welfare is taken into account and satisfied. On the Town of Hilton Head website it states that the ultimate goal of granting variances is: "the spirit of the law will be observed, public welfare and safety will not be diminished and substantial justice will be done". The granting of this variance is in accordance with those values. The spirit of the law will be upheld and the public good will be respected. If the granting of this variance harms nothing and helps a resident of our community then, by definition, that is justice.



Attachment C - Subdivision Plat

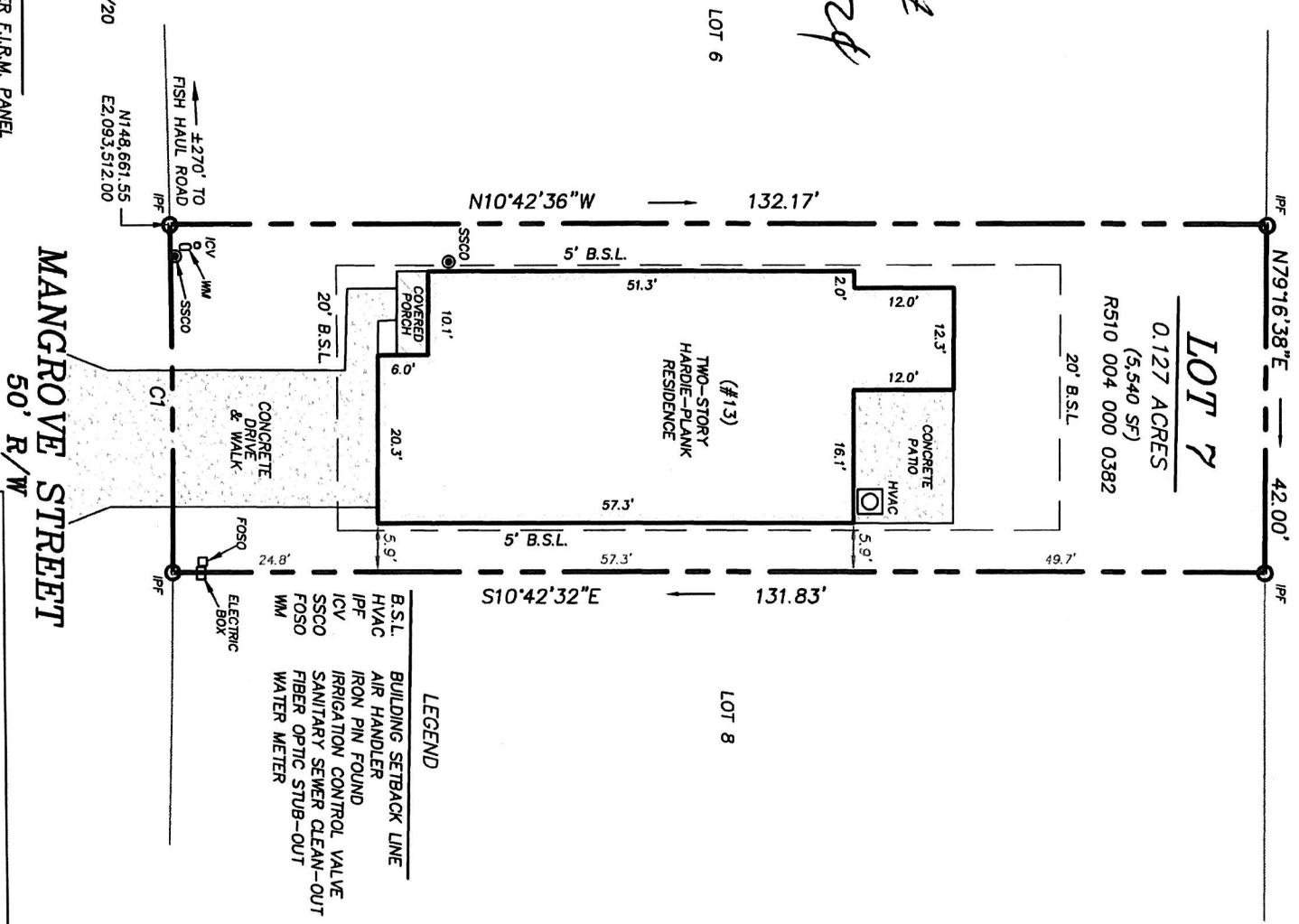
Attachment D - As Built Survey



VICINITY MAP
NOT TO SCALE

N/F
TOPPER GOLF WORLD LLC
(GOLF COURSE)
R510 004 000 0304

*Perman H
1349-2424*



LEGEND

B.S.L.	BUILDING SETBACK LINE
HVAC	AIR HANDLER
IPF	IRON PIN FOUND
ICV	IRRIGATION CONTROL VALVE
SSCO	SANITARY SEWER CLEAN-OUT
FOSO	FIBER OPTIC STUB-OUT
MM	WATER METER

CURVE TABLE

G#	ARC	RADIUS	DELTA	DIRECTION	CHORD
C1	42.00°	1625.51'	01°28'50"	S78°48'46"W	42.00'



- NOTES:**
1. THIS LOT LIES IN ZONE "B", NO B.F.E., PER F.I.R.M. PANEL No. 0009-D COMMUNITY No. 450250, REVISED: 09/29/86.
 2. 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 ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
 3. ALL BUILDING SETBACK REQUIREMENTS SHOULD BE VERIFIED WITH THE PROPER AUTHORITIES PRIOR TO DESIGN AND CONSTRUCTION.
 4. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

REFERENCE PLAT:
A SUBDIVISION PLAT OF
THE ESTUARY
BY: COASTAL SURVEYING CO., INC.
DATED: 04/08/19 LAST REVISED: 01/27/20
FILE: 61700 SUB
RECORDED: P.B. 153 PAGES 122

PREPARED FOR:

VILLAGE PARK HOMES

AN AS-BUILT LAND SURVEY OF
LOT 7
MANGROVE STREET

A PORTION OF

THE ESTUARY
HILTON HEAD ISLAND, BEAUFORT COUNTY,
SOUTH CAROLINA

SCALE: 1"=20'
DATE: 12/29/20
FIELD CK: DJ/MA
DRAWN BY: CAE
OFFICE CK: MRD
JOB No.: 63,890-7A

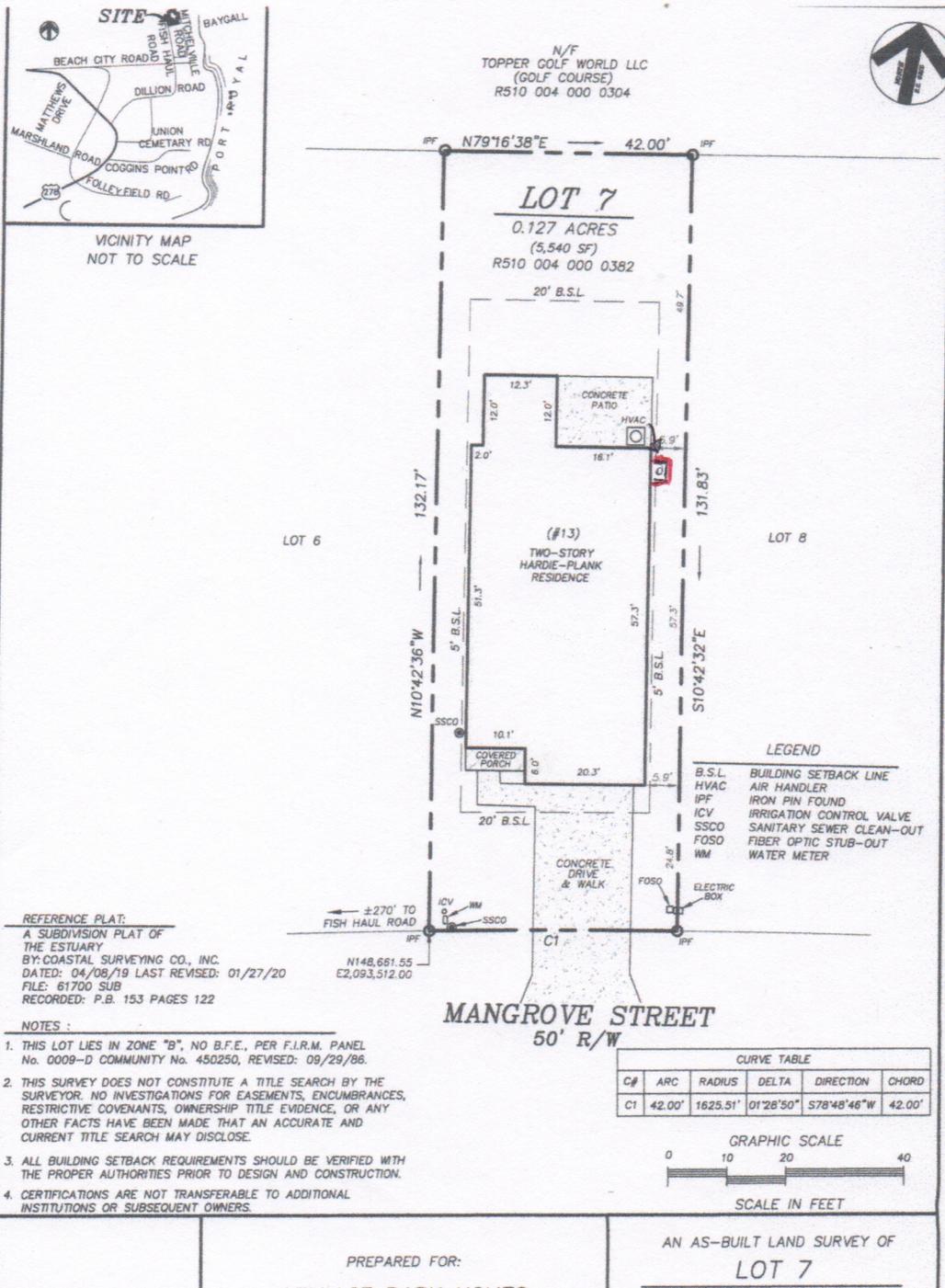
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN, HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

Michael R. Dunagan
MICHAEL R. DUNAGAN
S.C.P.L.S. No. 11,905

COASTAL SURVEYING CO., INC.
49 RIVERWALK BOULEVARD
BUILDING 8
RIDGELAND, S.C. 29936
(843) 645-4448 FAX (843) 645-2118



SITE PLAN



REQUEST: SETBACK LINE TO MOVE 3 FEET TO THE EAST FOR A DISTANCE OF ONLY 3 FEET. THAT IS THE AREA MARKED IN RED. HVAC UNIT MOVES INTO THAT AREA. WE DO NOT SEEK TO MOVE ENTIRE SETBACK.

Tyler Newman
Senior Planner
Town of Hilton Head
1 Town Center Ct
Hilton Head Island, SC 29928

June 15, 2021

Mr. Newman,

I am writing to you today in support of my neighbor, Joe Perota, who lives at 13 Mangrove St. here in The Estuary. My name is Charles Flowers and I live directly across the street at 10 Mangrove St. We are one of two homes who have direct line of sight to the position of his AC unit.

I would like to reassure you that we have no objection to it being positioned on the side of the home. In fact, we actually would prefer it be there instead of placing it on the patio in the back. Doing so would take away from The Perotas enjoying their beautiful new backyard and any neighborhood social experience they would want to host.

If you have any questions or concerns, please reach out to me at 616-706-2380 or caflowers72@gmail.com.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Charles A. Flowers III', with a long horizontal flourish extending to the right.

Charles A. Flowers III

15 Mangrove Street
Hilton Head Island, SC
29926

June 14, 2021

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

Dear Sir,

I am writing to you to let you know I have no objection to the variance application of Joseph Perota of 13 Mangrove Street. In fact, I strongly support the granting of this variance.

As the owner of the home that is adjacent to the HVAC unit and set back line, I am the property owner in the development most affected by the granting of this variance. If Mr. Perota's HVAC unit is moved the short distance he requests it would mean less noise in my home and backyard. I am strongly in favor of this. In addition, the HVAC unit will be less visible to many of the backyards of homes on the north side of the development.

The granting of this variance would be a benefit to all concerned.

Sincerely yours,

A handwritten signature in cursive script that reads "M.C. Simmons".

Mary Claire Simmons

Attachment G - Violation Letter

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

John J. McCann
Mayor

May 19, 2021

William D. Harkins
Mayor ProTem

Council Members

Thomas W. Lennox
David Ames
Tamara Becker
Glenn Stanford
Alexander Brown, Jr.

Joseph and Kris Perota
13 Mangrove Street
Hilton Head Island, SC 29926

Re: Unpermitted and prohibited relocation of HVAC unit at 13 Mangrove Street

Marc Orlando
Town Manager

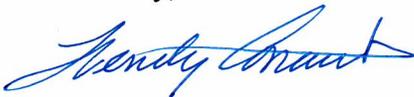
Dear Mr. and Mrs. Perota:

On May 18, 2021, Code Enforcement inspected all of the exterior HVAC units in The Estuary. During the inspection we found that your HVAC unit had been moved from the approved location on the concrete patio over to the side of the house sometime after the Certificate of Occupancy was issued on 1-20-2021. The HVAC unit was moved without a permit and was improperly placed in the 5' setback. The Town's Land Management Ordinance (LMO) does not allow HVAC units to be placed in a setback (see enclosed list of what is allowed in the setback – HVAC units are not listed so are not allowed – LMO section 16-5-102.E). Since your house is built right up to the 5' setback on each side of the house, the only place the HVAC unit can be located is on the concrete patio where it was originally placed and approved.

Please retain the services of a licensed HVAC company to relocate the HVAC unit back to its approved location as shown on the enclosed As-Built survey and aerial photograph from 2-21-2021. The HVAC company will need to obtain a permit from the Town to do this corrective work. Since the HVAC unit was moved without a permit the first time, a double permit fee will apply this time. In order to avoid a daily fine plus court costs of \$1,087.50 per day, this work must be completed by June 7, 2021.

Should you have any questions, please feel free to call me directly at 843-341-4643. The property will be re-inspected for compliance on June 8, 2021.

Yours truly,

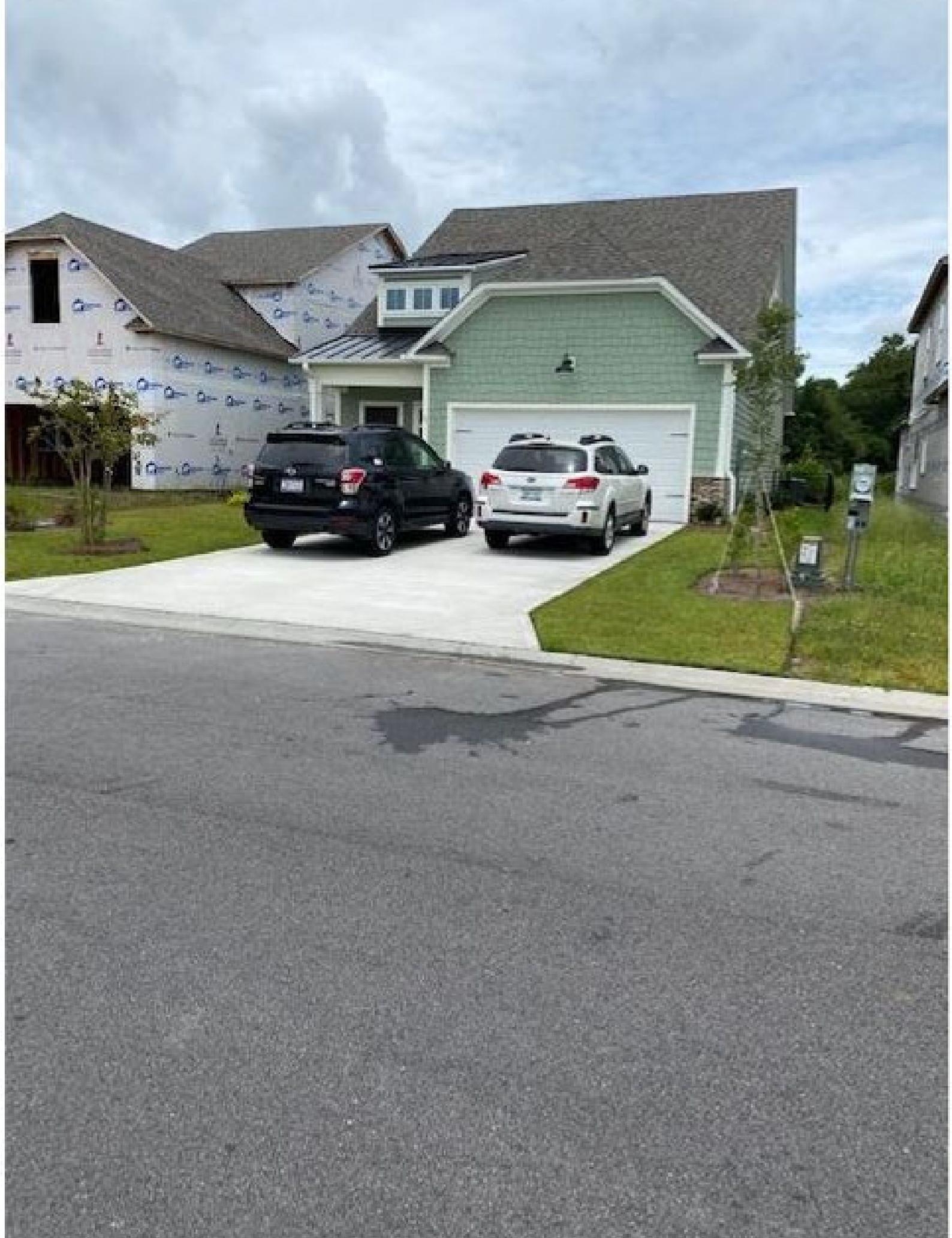


Wendy Conant
Code Enforcement Officer

WAC

Enclosures

















Builders
FirstSource



BARRICADE
WRAP

Builders
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TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Missy Luick, *Senior Planner*
DATE: July 14, 2021
SUBJECT: Waiver Report

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.”

No waivers been granted by staff since the June 28, 2021 BZA meeting.