



Town of Hilton Head Island
Board of Zoning Appeals Meeting
Monday, October 24, 2022 – 2:30 p.m.
AGENDA

The Board of Zoning Appeals meeting will be held in-person at Town Hall in the Benjamin M. Racusin Council Chambers.

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 26, 2022 Meeting

7. Appearance by Citizens

Citizens may submit written comments via the [Town's Open Town Hall Portal](#). The portal will close at 4:30 p.m. on Friday, October 21, 2022. Comments submitted through the portal will be provided to the Board of Zoning Appeals and made part of the official record.

8. Unfinished Business – None

9. New Business

a. Public Hearing

VAR-002402-2022 – Request from Patricia Bourgoin for a variance from LMO Section 16-5-102.D, Adjacent Use Setbacks and LMO Section 16-5-103.E, Adjacent Use Buffers, to allow a pool to encroach into the setback and buffer. The property is located at 1 Hammock Breeze Way, with a parcel number of R510 005 000 0435 0000. *Presented by Shea Farrar.*

b. Public Hearing

VAR-002405-2022 – Request from Julia and Fred Rummans for a variance from LMO Section 16-5-102.D, Adjacent Use Setbacks, to allow a proposed deck, pool, and stairs to encroach within the setback. The property is located at 33 Corine Lane, with a parcel number of R510 012 000 0561 0000 – *Presented by Michael Connolly.*

10. Board Business

11. Staff Reports

a. Status of Appeals to Circuit Court

b. Status of LMO Amendments

c. Wavier Summary 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 26, 2022, at 2:30 p.m.

Benjamin M. Racusin Council Chambers

MEETING MINUTES

Present from the Board: Chair Patsy Brison, Peter Kristian, Kay Bayless, Charles Walczak, Robert Johnson

Absent from the Board: Vice Chair Anna Ponder, David Fingerhut

Present from Town Council: Glenn Stanford; Alex Brown; Tamara Becker

Present from Town Staff: Josh Gruber, Deputy Town Manager; Chris Yates, Development Services Manager; Nicole Dixon, Development Review Program Manager; Michael Connolly, Senior Planner; Shari Mendrick, Floodplain Administrator; Danielle Tison; Senior Fire Inspector; Trey Lowe, Planner; Karen Knox, Senior Administrative Assistant; Brian Glover, Administrative Assistant

Other's Present: Kathleen Duncan, J.K. Tiller Associates; Dr. Louise Miller Cohen, Director Gullah Museum, Jay Nelson, May River Custom Homes, Craig Lamb; Barbara Grimes, Crosswinds ARB

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. Swearing In Ceremony of Reappointed Board Member Robert Johnson

Josh Gruber, Deputy Town Manager swore in reappointed Board Member Robert Johnson and thanked him for his service to the Town.

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. Mr. Walczak moved to approve. Mr. Kristian seconded. By way of roll call, the motion passed with a vote of 5-0-0.

7. Approval of Minutes

a. July 25, 2022, Meeting

Chair Brison asked for a motion to approve the minutes of the July 25, 2022, meeting. Mr. Kristian moved to approve. Mr. Johnson seconded. By way of roll call, the motion passed with a vote of 5-0-0.

8. Appearance by Citizens

Two comments were received via the Open Town Hall HHI portal. Copies were sent to the Board and made part of the record.

9. Unfinished Business – None

10. New Business

a. Public Hearing

VAR-001890-2022 – Request from Kathleen Duncan of J.K. Tiller Associates, Inc. on behalf of Dr. Louise Miller Cohen, for a variance from LMO Section 16-5-102.D, Adjacent Use Setbacks to allow two outbuildings and a manufactured office building to encroach within the setbacks. The property is known as the Gullah Museum of Hilton Head Island and is located at 12 Georgianna Drive, with a parcel number of R510 003 000 0048 0000. *Presented by Michael Connolly*

Mr. Connolly provided staff's presentation as included in the packet. Staff recommended that the application be approved with the following conditions:

- The applicant submit an application for and receive approval through the Development Plan Review process
- The applicant submit an application for and receive approval through the Design Review Board prior to any development
- The proposed outhouse buildings would only be developed at the locations shown on the survey
- Any ramp and deck proposed to access the outhouse buildings would not encroach in the adjacent use setback
- A landscape plan will be required for the buffer along the property line to screen the proposed outhouse buildings from view as part of the Development Plan Review application

Mr. Connolly answered questions from the Board. The applicant added a short presentation on the project. Following their presentation, the applicant answered questions from the Board. The Applicant stated that the conditions included by staff are acceptable to their clients.

Staff did not submit a rebuttal. Chair Brison asked for further comments from the applicant and the public. After receiving none, the Board moved to discussion. Following discussion, Chair Brison asked for a motion on the agenda item. Mr. Kristian submitted a motion to approve with staff conditions. Ms. Bayless seconded. By way of roll call, the motion passed with a vote of 5-0-0.

b. Public Hearing

VAR-002173-2022 – Request from Jay Nelson of May River Custom Homes, on behalf of Dawn and Craig Lamb, for a variance from LMO Section 16-5-102.C, Adjacent Street Setbacks to allow a proposed porch and stairs to encroach within the setback. The property is located at 9 Mossy Oaks Lane, with a parcel number of R510 012 000 0487 0000. *Presented by Michael Connolly*

Mr. Connolly provided staff's presentation as included in the packet. Staff recommended that the application be denied. Mr. Connolly answered questions from the Board. He clarified specifics on the parcel's unusual setback requirements and the previous variance granted

for the parcel. The previous variance was submitted by a different applicant, permitted different setback encroachments, and expired before this application.

The Applicant provided a short presentation on the project. They clarified what part of the proposed house encroaches the street setbacks and how far into the setback it goes. The Applicant answered questions from the Board. Barbara Grimes, a representative from the Crosswinds Architectural Review Board, spoke on behalf of the Applicant. The Board asked why the ARB chose to suggest an encroachment on the street setback instead of the adjoining properties.

Following the presentations, Chair Brison asked for any questions before moving to discussion. The Board asked the property owner about the choice to encroach on the street setback. The Board asked further questions about the house plan and layout.

Staff did not submit a rebuttal.

Chair Brison asked for further comments from the Applicant and the public. Mrs. Knox stated that there were two portal comments received and the comments will be made part of the official record.

The Board moved to discussion. The Board stated that there could be solutions to the situation without granting a variance. The Board also stated that there could be other variances which might be better solutions for the situation. Additionally, concerns were expressed about road safety when encroaching closer to the road. Chair Brison asked staff about the review process for the Board and the Applicant if the Board makes a motion on their request.

The applicant withdrew their application.

11. Board Business

a. Review and Adoption of 2023 Meeting Schedule.

Chair Brison asked for a motion to approve the 2023 Meeting Schedule. Mr. Kristian moved to approve. Mr. Johnson seconded. By way of roll call, the motion passed with a vote of 5-0-0.

12. Staff Reports

a. Status of Appeals to Circuit Court

Curtis Coltrane was not in attendance to report on the item.

b. Status of LMO Amendments

Nicole Dixon provided the report on LMO amendments progress. She stated that staff was working to schedule the next LMO Committee meeting and looking to present the proposed amendments at the November Planning Commission meeting.

13. Adjournment

With no other business before the Board, the meeting was adjourned at 4:27 p.m.

Submitted by: Brian Glover, Administrative Assistant

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-002402-2022	Oct. 24, 2022

Parcel Data:	Applicant and Owners:
Parcel#: R510 005 000 0435 0000 Address: 1 Hammock Breeze Way Parcel size: 0.090 acres Zoning: MV Overlay: Historic Neighborhood	Patricia Bourgoin 1 Hammock Breeze Way Hilton Head Island, SC 29926

Application Summary:

VAR-002402-2022 – Request from Patricia Bourgoin for a variance from LMO Section 16-5-102.D, Adjacent Use Setbacks and LMO Section 16-5-103.E, Adjacent Use Buffers, to allow a pool to encroach into the setback and buffer. The property is located at 1 Hammock Breeze Way, with a parcel number of R510 005 000 0435 0000.

Staff Recommendations:

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 Town’s Land Management Ordinance (LMO), based on those Findings of Fact 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 parcel is located in the Hammock Breeze Subdivision off Mitchelville Road. The property is adjacent to single family lots on one side and in the rear and common open space on the other side (See Exhibit A, Location Map).

The Hammock Breeze subdivision, SUB-1079-2018, approval was granted on April 7, 2020. There is a 20' Setback and 20' Buffer (Type A) along the rear of the subject property, which is also the perimeter boundary of the subdivision as shown on Exhibit B, Subdivision Plat.

The applicant would like to construct a pool directly behind the home as shown in Exhibits C and D. The proposed pool would be 9.84 feet wide and 19.69 feet long and would encroach 15 feet into the setback and buffer, as shown in Exhibit C. Pools are not permitted in setbacks or buffers per LMO Sections 16-5-102.E, Allowable Setback Encroachments, and 16-5-103.J, Development Within Required Buffers.

Before purchasing the property, the home design was selected by K. Hovnanian Homes, the developer for the subdivision. The applicant purchased the property prior to the construction of the home; however, after modifications could be made to the design and location of the home. The home is built directly up to the rear setback and buffer lines, leaving no room for additional structures, like a pool.

When the subdivision was being permitted, the South Carolina Department of Transportation required that the entrance be shifted closer to the Baygall Rd. and farther away from the existing driveway entrance to Barker Field, creating a jog in the roadway. This resulted in a reduction of the lot depth of two properties at the entrance by 25', one being the subject property. These two lots are the smallest lots in the subdivision.

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

Grounds for Variance:

The applicant is applying for a variance from LMO Section 16-5-102.D, Adjacent Use Setbacks and LMO Section 16-5-103.E, Adjacent Use Buffers, to allow a proposed pool to encroach within the required setback and buffer as stated in Exhibit C, Application Materials. According to the applicant, the home was pushed back because of the curve in the road when the road was designed which created the smallest driveway and the smallest backyard in the neighborhood. The Variance would not be a detriment to the other lots, because there is a 5 foot separation fence along the back of the property and side between the neighboring home, with greenspace/neighborhood property on the other side.

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:

- The Variance Application was submitted on Sept. 26, 2022 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 Oct. 9, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on October 4, 2022, as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on Oct. 4, 2022 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 property is rectangular in shape which is typical for a single family lot.
- During permitting for the subdivision, the South Carolina Department of Transportation required that the entrance location be shifted from the center of the property toward Baygall Road. Rather than adjusting the lot configuration to mitigate, the developer reduced the depth of two lots by 25', one of which is the subject property.
- The majority of homes built in the subdivision fill the entire building envelope and are built directly adjacent to setback/buffer lines. This results in a lot without the potential for additional structures, such as pool and patios, to be added.

Conclusion of Law:

- 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 or exceptional conditions that pertain to this lot.

Summary of Facts and Conclusions of Law:

Criteria 2: These conditions do not generally apply to other properties in the vicinity (LMO Section 16-2-103.S.4.a.i.02):

Findings of Fact:

- Nearby properties are similar in that they do not have any buildable area remaining for pools or patios.
- There are no extraordinary or exceptional conditions that pertain to the subject lot.

Conclusion of Law:

- 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 apply to the subject property 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:

- LMO Section 16-5-102.D requires a 20-foot adjacent use setback on the exterior boundary of subdivisions. This area is also the Type A, Option 1, 20' buffer required by LMO Section 16-5-103.E and selected by the developer as part of SUB-1079-2018.
- The property is developed as was intended by the developer. As a recently permitted and developed subdivision, the developer had the opportunity to configure the subdivision in a different manner that could accommodate pools and patios in the rear but chose not to.

Conclusion of Law:

- This application does not meet the criteria set forth in LMO Section 16-2-103.S.4.a.i.03 because there are no extraordinary or exceptional conditions that pertain to the property that restrict the utilization 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 Fact:

- LMO Sec.16-5-102.B - Setback Standards - Purpose, states: “The purpose of the adjacent street and use setback standards in this section is to provide separation between structures and adjacent street rights-of-way and property lines. Such separation is intended to maintain and protect the Town's Island character, ensure protection from street traffic, and facilitate adequate air circulation and light between structures and the street, and between structures in adjacent developments.”
- LMO Sec.16-5-103.A - Buffer Standards - Purpose and Intent, states: “The purpose of the adjacent street and use buffer standards in this section is to spatially separate development from adjacent streets and adjacent development with aesthetically pleasing natural or landscaped buffers. Such buffers are intended to help mitigate potential adverse impacts (e.g., noise, odor, fumes) from adjacent street traffic, create an attractive streetscape for motorists, allow the location of certain dissimilar land uses adjacent to one another by mitigating potential negative effects between the uses, and provide space for landscaping that can help improve air and water quality and be used to reduce stormwater runoff.”
- The authorization of this variance would be contrary to the standards of the LMO that were required for the permitting of the subdivision.

Conclusion of Law:

- This application does not meet the criteria set forth in LMO Section 16-2-103.S.4.a.i.04 because the variance could be a detriment to the adjacent property or public good.

LMO Official Determination:

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 Fact and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Board of Zoning Appeals deny this application because all four of the required criteria are not met.

BZA Determination and Motion:

The “powers” of the BZA over variances are defined by the South Carolina Code, Section 6-29-800, and in exercising the power, the BZA may grant a variance “in an individual case of unnecessary hardship if the board makes and explains in writing ...” their decisions based on certain findings or “may remand a matter to an administrative official, upon motion by a party or the board’s own motion, if the board determines the record is insufficient for review.”

This State law is implemented by the Hilton Head Island Land Management Ordinance, Chapter 2, Article 103 and the Rules of Procedure for the BZA.

A written Notice of Action is prepared for each decision made by the BZA based on findings of fact and conclusions of law.

The BZA can either Approve the application, Disapprove the application, or Approve with Modifications. Findings of Fact and Conclusions of Law must be stated in the motion.

PREPARED BY

SF

Shea Farrar
Senior Planner

Oct. 12, 2022

DATE

REVIEWED BY:

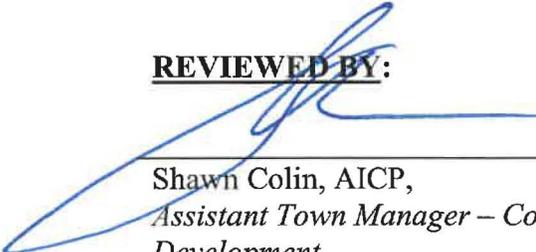


Nicole Dixon, AICP, CFM,
Development Review Program Manager

10-17-22

DATE

REVIEWED BY:



Shawn Colin, AICP,
*Assistant Town Manager – Community
Development*

10/17/22

DATE

ATTACHMENTS:

- A) Location Map
- B) Subdivision Plat
- C) Application Plan
- D) Application Narrative

Exhibit A - Location Map



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

Town of Hilton Head Island

VAR-2402-2022
Location Map



130 65 0 130 Feet

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

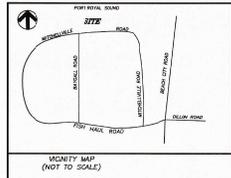


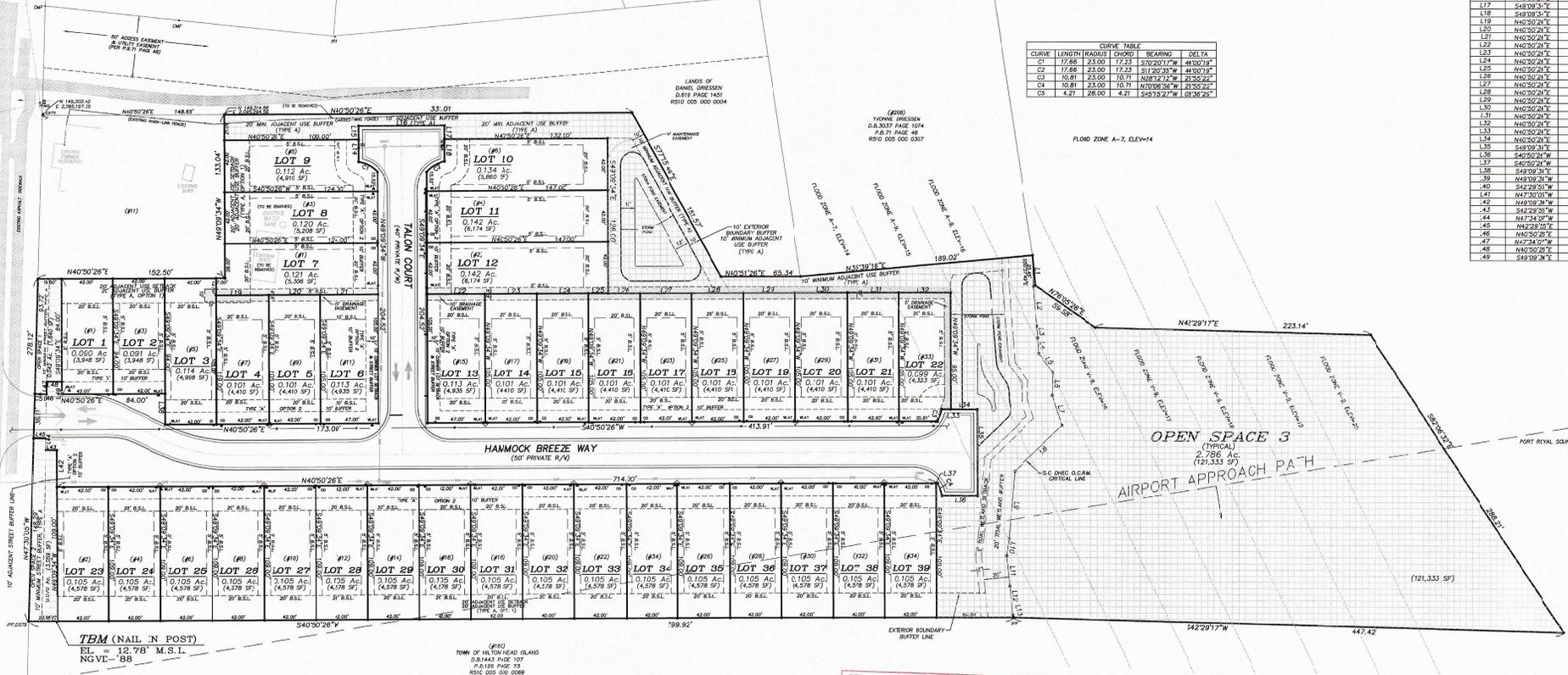
Exhibit B- Subdivision Plat



LINE	BEARING	LENGTH
L1	S45°02'41\"/>	
L2	S45°02'41\"/>	
L3	S33°32'17\"/>	
L4	S22°27'00\"/>	
L5	S83°36'17\"/>	
L6	S27°15'50\"/>	
L7	S63°08'21\"/>	
L8	S03°07'17\"/>	
L9	S44°08'34\"/>	
L10	S41°07'27\"/>	
L11	S54°48'29\"/>	
L12	S43°30'48\"/>	
L13	S68°37'7\"/>	
L14	N49°09'57\"/>	
L15	N49°09'34\"/>	
L16	N42°50'29\"/>	
L17	S49°08'31\"/>	
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L45	N42°50'29\"/>	
L46	N42°50'29\"/>	
L47	N47°30'05\"/>	
L48	N42°50'29\"/>	
L49	S49°09'31\"/>	

CURVE	LENGTH	RADIUS	CURVE TABLE	BEARING	DELTA
C1	17.68	23.00	17.23	S30°20'17\"/>	
C2	17.68	23.00	17.23	S11°20'25\"/>	
C3	10.81	23.00	10.71	N02°12'17\"/>	
C4	10.81	23.00	10.71	N70°08'50\"/>	
C5	4.27	28.00	4.27	S45°19'27\"/>	

FLOOD ZONE A-7, ELEV=4



- NOTES:**
- THIS LOT LIES IN ZONE 7-A, BEARING 7-A-1 (ELEV=114.2) 7-A-2 (ELEV= 817.16 (2.50) PER PANEL 0009-D. COMBINATION # 80222 RESUB-19/20/19
 - THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. NO INVESTIGATION FOR EASEMENTS, ENCUMBRANCES, RESTRICTIONS, COVENANTS, UNLESS THE LOCATION OF ANY OTHER PLATS HAS BEEN MADE, WILL BE MADE, AND CURRENT TITLE SEARCH MAY BE REQUIRED.
 - ALL RELEVANT SEARCH REQUIREMENTS SHOULD BE MET WITH THE PROPER AUTHORITIES PRIOR TO SIGNING AND CONSIGNING. NOTIFICATIONS AS TO SEARCH REQUIREMENTS ARE NOT NECESSARY FOR ADDITIONAL REVISIONS TO THIS SURVEY.
 - THIS PLAT DOES NOT SHOW THE PRESENCE AND/OR EXISTENCE OF EASEMENTS, ENCUMBRANCES, RESTRICTIONS, COVENANTS, UNLESS THE LOCATION OF ANY OTHER PLATS HAS BEEN MADE, WILL BE MADE, AND CURRENT TITLE SEARCH MAY BE REQUIRED.
 - THE USE OF THE LOTS WILL BE "SINGLE FAMILY RESIDENTIAL".
 - THE PROXY ADDRESS INDICATED IN THE EXEMPT SUBDIVISION MAP IS THE ADDRESS OF THE SURVEYOR'S OFFICE. THE ADDRESS OF ANY OTHER PARTY TO THIS SURVEY SHALL BE AS SHOWN ON THE PLAT AND SHALL BE SUBJECT TO CHANGE THAT MAY BE OCCASIONALLY.
 - THE OPEN SPACE TOTAL HEREIN IS 2.898 ACRES.
 - THIS PROPERTY IS SUBJECT TO ADD. VOLS. LINE 1504.00, 65. THE OPEN SPACE TOTAL HEREIN IS 2.898 ACRES.
 - THIS PROPERTY IS SUBJECT TO ADD. VOLS. LINE 1504.00, 65. THE OPEN SPACE TOTAL HEREIN IS 2.898 ACRES.

- REFERENCE PLAT:**
- A PLAT OF TRACT C-17.55 ACRES A BOUNDARY SURVEY OF LANDS BEING BOUNDARY SURVEY BY COASTAL SURVEYING CO., INC. DATED: 11/20/16 LAST RECORDED: 11/17/20 FILE: 2016-2018 RECORDED AT: P.B.#18 PAGE 28
 - A BOUNDARY SURVEY OF LOT 3 A SECTION OF FISH HAUL PLANTATION MICHIGANVILLE SECTION BY T-SQUARE GROUP, INC. DATED: 07/28/21 FILE: 21-0028 RECORDED AT: P.B.#1 PAGE 126
 - PLAT FOR OWN DRESSION AND YOUNG DRESSION A BOUNDARY SURVEY OF LOTS 1 & 2 BY T-SQUARE GROUP, INC. DATED: 12/24/18 FILE: 2018-2018 RECORDED AT: P.B.#11 PAGE 48
 - AN ALTA/ADMS LAND TITLE SURVEY OF FISH HAUL PLANTATION BY ALTA SURVEYING, INC. FILE: 897-1719 ALTA/ADMS RECORDED AT: P.B.:

Some of the easements in this plat are flood hazard areas and have been identified as such in a separate sheet of this plat. Flood hazard areas are shown on the plat and are subject to the provisions of the Flood Hazard Protection Act. Local regulations require that when flood hazard areas are shown on a plat, the plat must include a legend and a description of the flood hazard areas. The plat must also include a legend and a description of the flood hazard areas. The plat must also include a legend and a description of the flood hazard areas.

- LEGEND**
- B.S.L. BOUNDARY SETBACK LINE
 - C.S.L. CABLE TELEVISION
 - E.C.S. ELEC. BOX
 - F.P. FISH POND
 - I.P. IRON PIPE (NEW SET)
 - S.P. SANITARY
 - T.P. TELEPHONE
 - O.P. OVERHEAD POWERLINE
 - W.P. WATER LINE
 - M.P. MISC. PIPE
 - F.F. FENCE

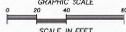
OPEN SPACE 1	0.042 Ac.
OPEN SPACE 2	0.070 Ac.
OPEN SPACE 3	2.786 Ac.
TOTAL	2.898 Ac.

TOWN OF HILTON HEAD ISLAND, SC
 SUBDIVISION APPROVAL
 The Town has found this plan to be in compliance with the Town's Land Use Ordinance and has approved this plat for recording.
 Approved by: *[Signature]* 4/2/20
 Date: 4/7/20

The undersigned, as the Owner/Agent of Record of parcel 8510-005-000-000-000, agree to the recording of this plat.
[Signature] 4-2-20
 SIGNATURE DATE

PREPARED FOR: K HOVANIAN HOMES

LOTS	4,193 Ac.
OPEN SPACE	2,898 Ac.
R/W	1,157 Ac.
TOTAL	8,278 Ac.



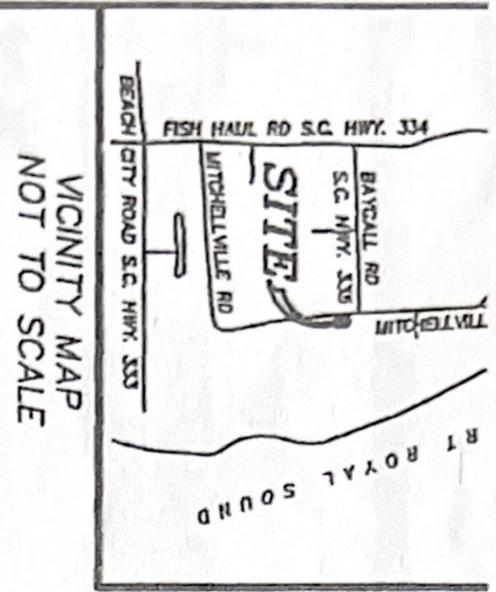
A SUBDIVISION PLAT FOR A PART OF R510 005 000 004 "HAMMOCK BREEZE"

A PORTION OF THE DANIEL DRIESSEN TRACT OLD FISH HAUL PLANTATION
 HILTON HEAD, BEAUFORT COUNTY, SOUTH CAROLINA
 SCALE: 1" = 40' SURVEYED BY: CS
 DATE: 01/17/19 DRAWN BY: MRD
 JOB No.: 62,226 SUB CHECKED BY: TWW

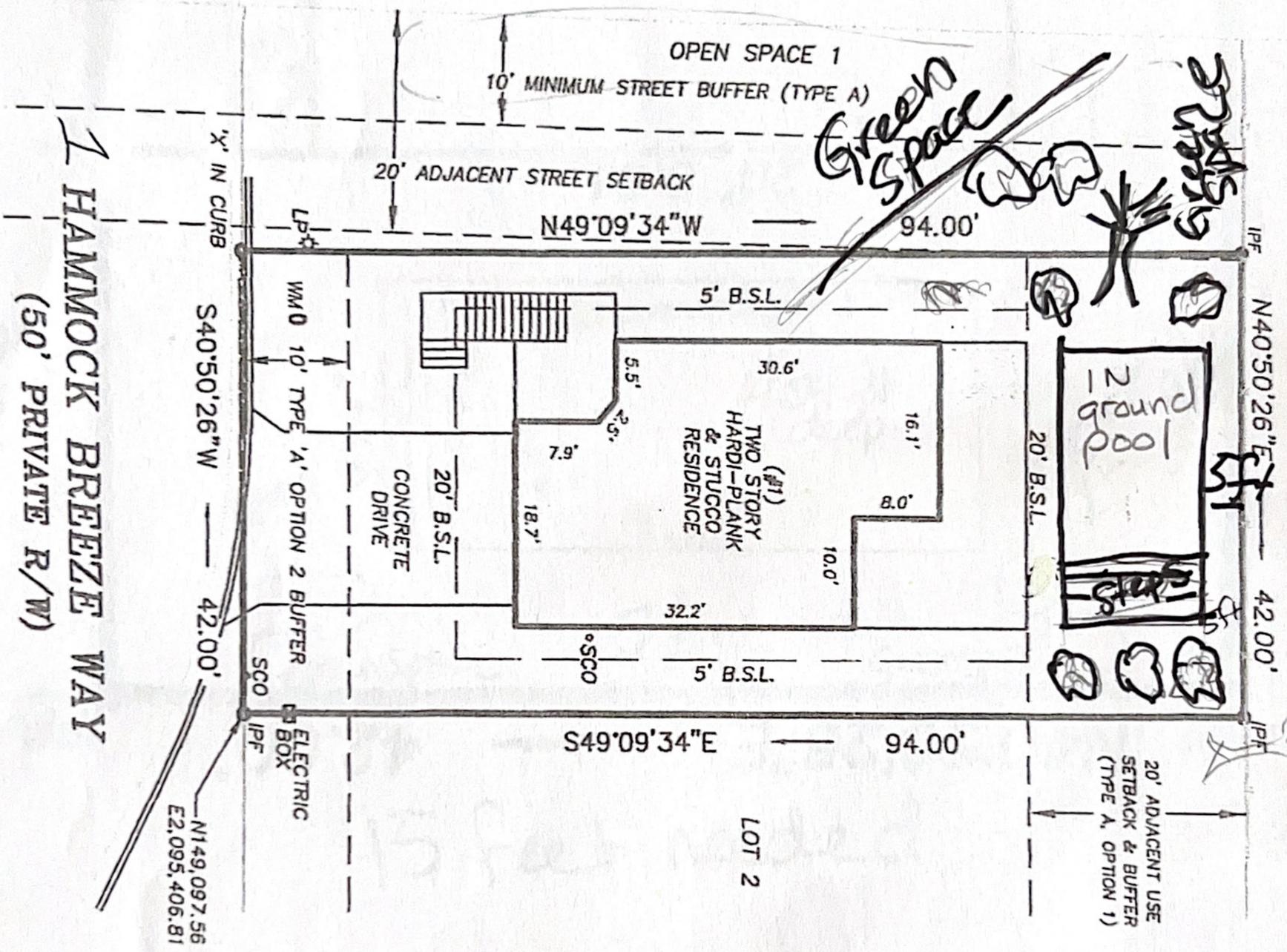


"I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ANNOTATED STANDARD MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'A' SURVEY. THERE ARE NO ENCUMBRANCES OR PROJECTIONS OTHER THAN SHOWN."
[Signature]
 REVISIONS:
 03/03/20 TO SHOW 'TYPE A' 10' BUFFER
 05/24/20 TO ADD OWNER'S SIGNAGE BLOCK
 02/09/19 TO ADD UTILITIES IN R/W
 02/09/19 TO ADD STREET ADDRESSES
 12/03/19 TO UPDATE LOT 7 AREA

Exhibit C - Application Plan

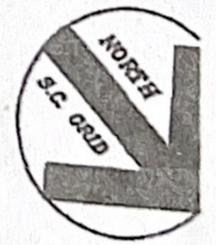


MITCHELVILLE ROAD
(66' R/W)



pool 15.4 x 6.961 x 8.6

Green Space



We need 15 feet for pool of the 20 ft setback

Exhibit D - Application Narrative

Michael and Patricia Bourgoin

1 Hammock Breeze Way

Hilton Head Island, SC 29926

August 25, 2022

Dear Town Of Hilton Head Board Of Directors

We are asking for a Variance of 15 feet of our current 20 foot setback that we have currently to put in an in the ground pool.

We built our home at 1 Hammock Breeze Way 2020-2021 and closed June 24, 2021. We love the island and plan on retiring here. We would like a pool for low impact exercise as we age. My husband suffers from neuropathy in his feet. We have included a letter from his Primary Care Physician stating that a pool would benefit his condition.

What makes our lot extraordinary and exceptional is that our lot is the smallest lot in the neighborhood due to the curved road in front of the house which made our driveway shorter and our stairs to our porch to the side. The builder had to ask for a Variance to put the steps in because of the set back in the front of the house.

The 20 foot setback that is in the back of our house is our whole backyard and that leaves no room to do anything without a Variance on the setback.

Our lot also butts up to the Common area at the beginning of the neighborhood with greenspace and trees all on that side.

We would like to be granted this Variance and will relocate the bushes and tree in the area that the pool will be constructed to the sides of the pool.

If you have any questions please contact me at 704-904-6380

Thank you for your Consideration

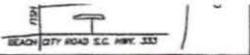
Michael and Patricia Bourgoin

Part C 1-4 answers to the questions below

1. The extraordinary and exceptional conditions are : The home was pushed back because of the curve in the road when the road was designed which gives us the smallest driveway and the smallest backyard in the neighborhood. The builder had to ask for a variance on the front setback for our front steps to our front door.
2. We have the smallest lot in the community because of the setback and the curve in the road.
3. With these conditions we are unable to make any improvements to our property because all we have left is the 20 ft setback which is our whole backyard. There is no space left for improvements.
4. The Variance would not be a detriment to the other lots, because we have a 5 ft separation fence along the back of our property and we have one neighbor to the right of us and greenspace neighborhood property to the left of our lot.

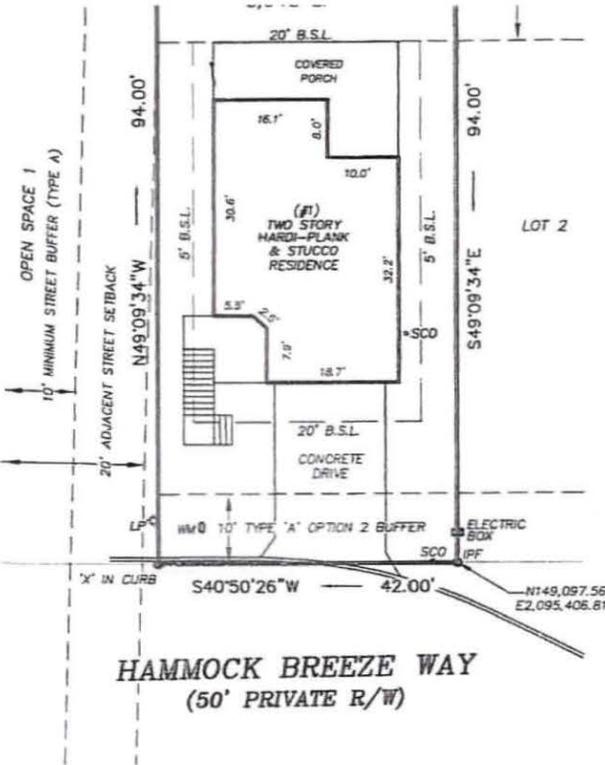
Sincerely,

Michael and Patricia Bourgoin



VICINITY MAP
NOT TO SCALE

MITCHELLEVILLE ROAD
(66' R/W)



HAMMOCK BREEZE WAY
(50' PRIVATE R/W)

REFERENCE PLAT:

A SUBDIVISION PLAT OF A PART OF
R510 005 000 0004, HAMMOCK BREEZE,
A PORTION OF THE DANIEL DRIESSEN TRACT
OLD FISH HAUL PLANTATION
BY: COASTAL SURVEYING CO., INC.
DATED: 01/17/19
FILE: 62,226SUB
RECORDED AT: P.B.153 PAGE 183

A.P.N. R510-005-000-0435

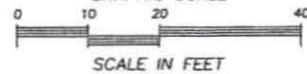
NOTES:

1. THIS LOT LIES IN ZONE: "AE", B.F.E.=7' PER F.I.R.M. PANEL 45013C 0453-G, COMMUNITY No. 450250, EFFECTIVE: 03/23/21.
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.

LEGEND

B.S.L.	BUILDING SETBACK LINE
IPF	IRON PIN (OLD) FOUND
LP	LAMP POST
SCO	SANITARY SEWER CLEANOUT
WM	WATER METER

GRAPHIC SCALE



SCALE IN FEET

PREPARED FOR:

K. HOVNANIAN HOMES

AN ASBUILT LAND SURVEY OF
LOT 1
HAMMOCK BREEZE WAY
A PORTION OF
R510 005 000 0004
HAMMOCK BREEZE
HILTON HEAD ISLAND, BEAUFORT COUNTY,
SOUTH CAROLINA

REVISED: 06/23/21 -
SHOW 20' FRONT B.S.L.

SCALE: 1"=20'
DATE: 06/17/21
FIELD CK: DJ/MH
DRAWN BY: LAN
OFFICE CK: MRD
JOB#: 62230-1A

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. Dungan
MICHAEL R. DUNGAN
S.C.P.L.S. No. 11,905

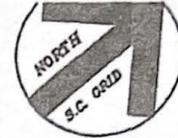


COASTAL
SURVEYING CO., INC.
49 RIVERWALK BLVD.
BUILDING 8
RIDGELAND, SC 29936
(843) 645-4446

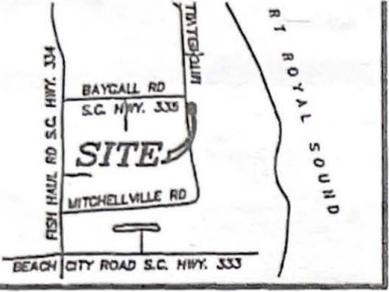
Done 7/24/2021 + 20' setbacks

20210624160804.pdf

we need 15 feet for pool for pool

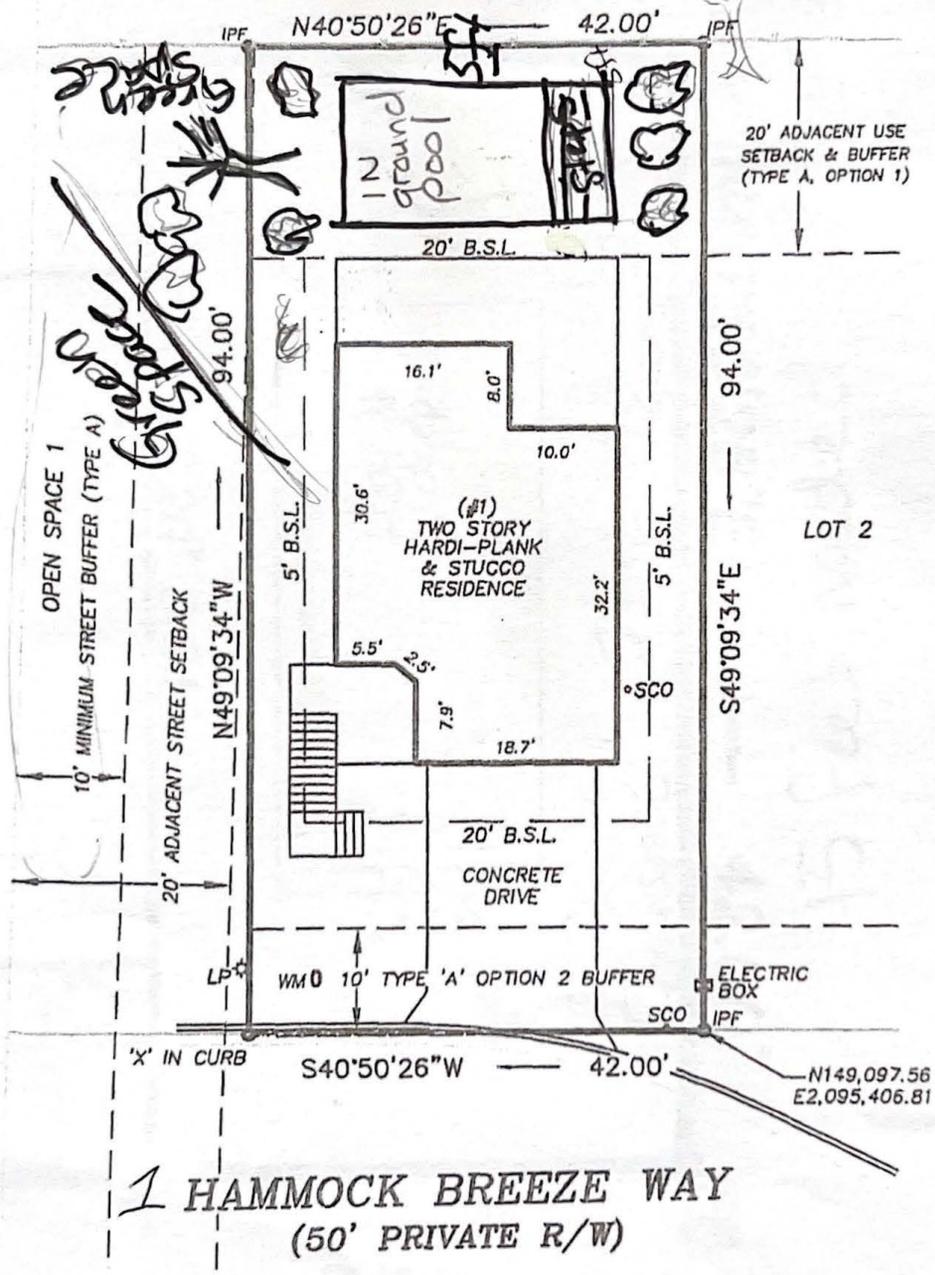


9.84x19.69x4.39 pool size



VICINITY MAP NOT TO SCALE

MITCHELVILLE ROAD (66' R/W)



1 HAMMOCK BREEZE WAY (50' PRIVATE R/W)





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

Case #: VAR-002405-2022	Public Hearing Date: Oct. 24, 2022
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Parcel Data:	Applicant and Owner:
Parcel#: R510 012 000 0561 0000 Address: 33 Corine Lane Parcel size: 0.098 acre Zoning: RM-8 Overlay: Historic Neighborhood	Applicant: Julia and Fred Rummans 3 Oyster Landing Road Hilton Head Island, SC 29928

Application Summary:

Request from Julia and Fred Rummans for a variance from LMO Section 16-5-102.D, Adjacent Use Setbacks, to allow a proposed deck, pool, and stairs to encroach within the setback. The property is located at 33 Corine Lane, with a parcel number of R510 012 000 0561 0000. 0.098

Staff Recommendations:

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 Town's Land Management Ordinance (LMO), based on those Findings of Fact 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 parcel is located mid-island near Chaplin Community Park and Harold's Diner at 33 Corine Lane in the Singleton by the Beach Subdivision. It is adjacent to two residential properties, a common open space and Corine Lane. (See Exhibit A.) The parcel is located in the Moderate Density Residential (RM-8) Zoning District and is within the Chaplin Historic Neighborhood.

According to the Beaufort County Register of Deeds, the parcel at 33 Corine Lane, R510 012 000 0561 0000, was purchased by Julia Murphy Rummans in 2021. The deed notes the recorded plat can be found in Plat Book 109 at Page 72. (See Exhibit B). The referenced plat illustrates the required 20-foot setback in the rear of the property. (See Exhibit C).

The site plan shows that the undeveloped 0.098-acre parcel is 4,254 square feet. The lots to the right of the property, if you are looking at the plat: lots 27, 26, 25, 24 and 23 are smaller in size at 0.07 acres and require the same 20-foot Adjacent Use Setback as the subject lot.

LMO Section 16-5-102.E provides a table that lists specific improvements that may encroach into a setback. The table allows five feet of encroachment for: open balconies, fire escapes, or exterior stairways and uncovered porches, stoops, decks, patios or terraces. Pools are not listed as an allowable encroachment. Also, the proposed second-story deck creates a covered area underneath the deck, which is not permitted to encroach.

The applicant had submitted a building permit with these encroachments proposed and was informed by Staff that the proposed encroachments were not permitted. The applicant decided to request a variance to allow a proposed deck, pool and stairs to encroach within the setback.

The applicant provided a letter from the President of Singleton by the Beach HOA, Howard Rutherford, dated Oct. 11, 2021. The letter supports the proposed construction in the Adjacent Use Setback, limited to the pool and deck as shown – approximately six feet in the setback.

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

Grounds for Variance:

The applicant requested a variance from LMO Section 16-5-102.D, Adjacent Use Setback, to allow a proposed deck, pool, and stairs to encroach within the required setback. The applicant states in their narrative. (See Exhibit H) "The shape of the lot has created a hardship to design a comparable house that would meet the neighborhood standard. The architect was able to place a single car garage on the front and entrance on the side in Lew of other double garages and entrance on the street side of house to maintain the integrative and conforming nature of the house.

This created the additional hardship to design a house without that necessary footage. The house also to be competitive with other rents must possessive a deck and pool. (See rental comparisons) Without these two amenities it would generate a severe hardship on the owner and would prevent long term ownership."

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:

- The Variance Application was submitted on Sept. 26, 2022 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 Oct. 9, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on Sept. 29, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on Oct. 7, 2022 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 lot is rectangular in shape and part of a legally recorded subdivision.
- The majority of homes built in the subdivision fill the entire building envelope and are built directly adjacent to setback/buffer lines. This results in a lot without the potential for additional structures, such as pool and patios, to be added.

Conclusion of Law:

- 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 or exceptional conditions that pertain to this lot.

Summary of Facts and Conclusions of Law:

Criteria 2: These conditions do not generally apply to other properties in the vicinity (LMO Section 16-2-103.S.4.a.i.02):

Findings of Fact:

- Nearby properties are similar in shape.
- There are no extraordinary or exceptional conditions that apply to the subject lot.

Conclusion of Law:

- 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 apply to the subject property 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:

- There are no extraordinary or exceptional conditions that pertain to the subject lot.
- The LMO Sections 16-5-102.D and 16-5-103.E require a 20-foot adjacent use setback and buffer.
- The subdivision was recorded on June 5, 2005 with the 20 foot adjacent use setback delineated. The buffer was not delineated so we cannot require or enforce it.
- Nearby properties are smaller in size than the applicants and homes have been successfully built that fit within the required Adjacent Use Setback. (See Exhibit G.)
- LMO Section 16-2-103.S.4.c reads, “Factors Not be Considered. The fact that the property may be utilized more profitably should a Variance be granted, may not be considered as ground for a Variance.”

Conclusions of Law:

- This application does not meet the criteria set forth in LMO Section 16-2-103.S.4.a.i.03 because there are no extraordinary conditions that pertain to the property that restrict the utilization of the property.
- The property can be developed with a home and pool that meets the 20 foot setback requirement.

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 Singleton by the Beach HOA has written a letter of support for the applicant.
- LMO Section 16-5-102.B, states the purpose of adjacent use setback standards is to provide separation between structures and adjacent property lines. Such separation is intended to maintain and protect the Towns’ Island character and to facilitate adequate air circulation and light between structures in adjacent developments.

Conclusion of Law:

- This application does not meet the criteria set forth in LMO Section 16-2-103.S.4.a.i.04 because the variance would allow development in very close proximity to the adjacent site which could be a detriment to the adjacent property or public good.

LMO Official Determination:

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 Fact and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Board of Zoning Appeals deny this application because all four of the required criteria are not met.

BZA Determination and Motion:

The “powers” of the BZA over variances are defined by the South Carolina Code, Section 6-29-800, and in exercising the power, the BZA may grant a variance “in an individual case of unnecessary hardship if the board makes and explains in writing ...” their decisions based on certain findings or “may remand a matter to an administrative official, upon motion by a party or the board’s own motion, if the board determines the record is insufficient for review.”

This State law is implemented by the Hilton Head Island Land Management Ordinance, Chapter 2, Article 103 and the Rules of Procedure for the BZA.

A written Notice of Action is prepared for each decision made by the BZA based on findings of fact and conclusions of law.

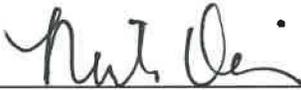
The BZA can either Approve the application, Disapprove the application, or Approve with Modifications. Findings of Fact and Conclusions of Law must be stated in the motion.

PREPARED BY


Michael Connolly
Senior Planner

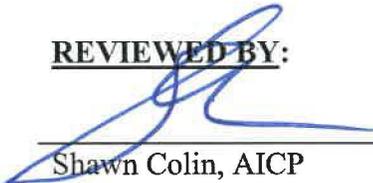
Oct. 10, 2022
DATE

REVIEWED BY:


Nicole Dixon, AICP, CFM
Development Review Program Manager

10-13-22
DATE

REVIEWED BY:

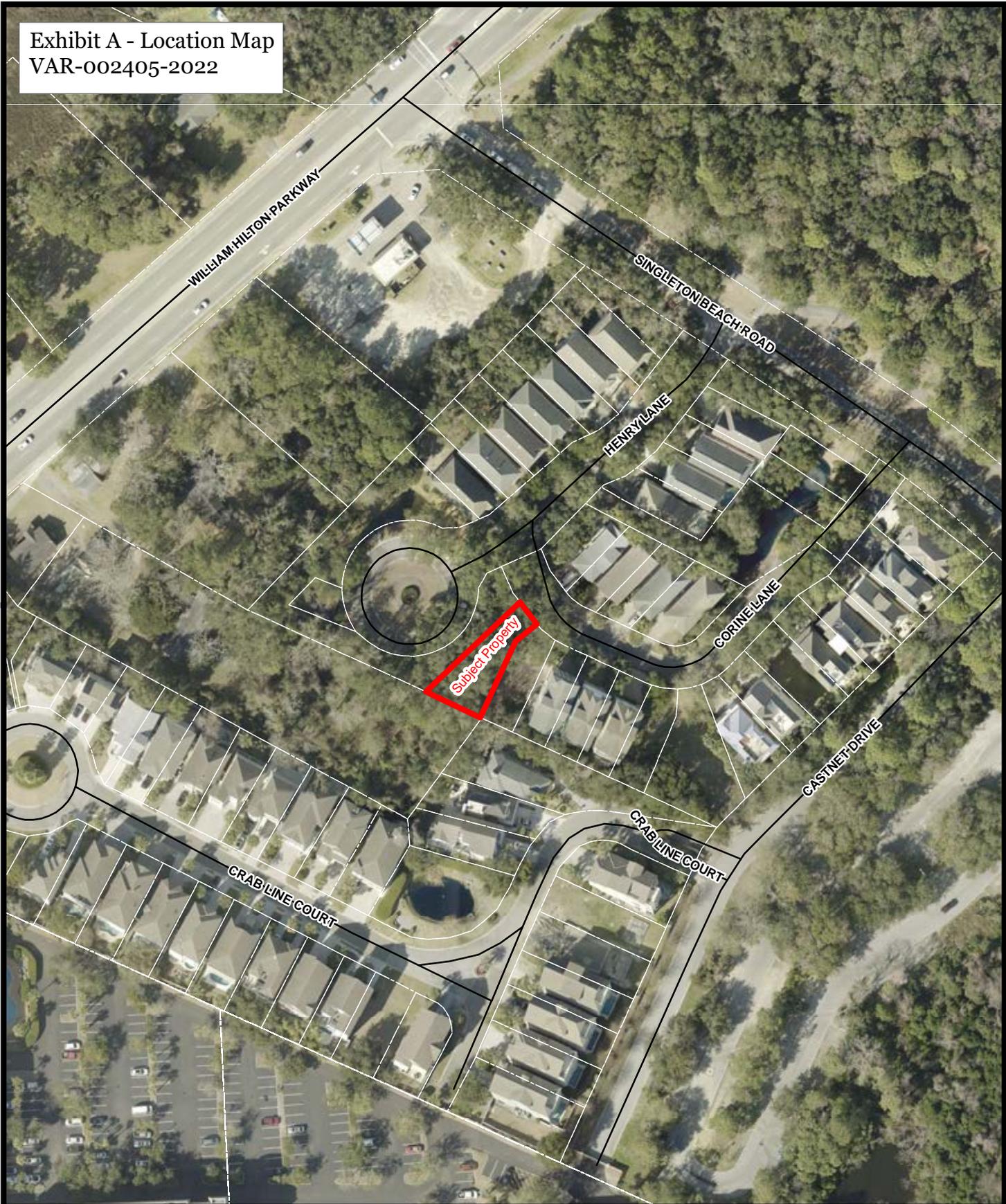

Shawn Colin, AICP
*Assistant Town Manager – Community
Development*

10/13/22
DATE

ATTACHMENTS:

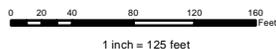
- A) Location Map
- B) Record of Deed
- C) Recorded Plat
- D) Proposed Site Plan
- E) As Built and Ariel Photography
- F) Applicant's Narrative

Exhibit A - Location Map
VAR-002405-2022



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-4600
09/28/2022

Town of Hilton Head Island
33 Corine Lane



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.

THE within Deed was prepared in the Law Office of Reilley Law Firm, LLC, Post Office Box 5879, Hilton Head Island, SC 29938 without the benefit of a title examination.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining thereto.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said Grantee, her heirs and assigns, forever. Subject, however, to the rights, conditions and restrictions that constitute covenants running with the land, all as set forth herein.

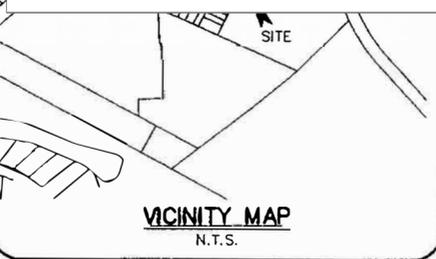
AND WE, GRANTORS, do hereby bind ourselves and our heirs, assigns, personal representatives and administrators, to warrant and forever defend, all and singular, the said premises unto the said Grantee, her heirs, assigns, personal representatives and administrators, against ourselves and our heirs and assigns, and all persons whomsoever now and hereafter lawfully claiming, or to claim the same or any part thereof.

(Signature on Following Page)

Exhibit C - Recorded Plat VAR-002405-2022

CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
	7.45	70.00	7.44	N47°11'26"E	6°05'40"
	24.68	70.00	24.55	N60°20'19"E	20°12'06"
	21.84	70.00	21.75	N79°22'41"E	17°52'39"
	24.97	70.00	24.84	S81°27'54"E	20°26'11"
	7.84	70.00	7.84	S68°02'15"E	6°25'07"
	8.25	70.00	8.25	S61°27'00"E	6°45'22"
	23.04	70.00	22.94	S48°38'31"E	18°51'38"
	2.74	70.00	2.74	S38°05'18"E	2°14'47"
C9	19.45	40.00	19.26	S50°53'48"E	27°51'47"
C10	37.19	30.00	34.85	N79°39'27"E	71°01'43"

LINE	LENGTH	BEARING
L1	36.13	N 56°58'07" E
L2	28.08	S 36°57'54" E
L3	26.65	N 36°57'54" W
L4	25.37	N 50°47'18" E
L5	25.75	N 04°13'46" E
L6	19.71	S 44°08'36" W
L7	18.59	S 02°48'38" E
L8	23.58	N 22°18'18" W
L9	5.60	N 36°57'54" W
L10	19.26	N 23°58'29" W



TOWN OF HILTON HEAD ISLAND, SC
SUBDIVISION APPROVAL

The Town has found this plan to be in compliance with the Town's Land Management Ordinance and has authorized this approval.

Date of approval: 7/5/05

Application Number: SUBD040011

Certified by: [Signature]

Title: Map, DR & E

THIS APPROVAL WILL EXPIRE ON 7/5/07
IN ACCORDANCE WITH LMO SECTION 16-3-508

- SYMBOLS**
- ⊕ - ELECTRIC SERVICE
 - ⊞ - ELECTRIC TRANSFORMER
 - ☎ - TELEPHONE SERVICE
 - 📺 - TELEVISION SERVICE
 - ⊕ - WATER METER
 - ⊙ - SANITARY MANHOLE
 - ⊕ - FIRE HYDRANT
 - ⊕ - UTILITY POLE
 - ⊕ - SIGN
 - ⊕ - LIGHT POLE
 - ⊕ - IRON PIN
 - ⊕ - IRON PIN (OLD)
 - ⊕ - 3" CONCRETE MONUMENT FOUND
 - ⊕ - REINFORCED CONCRETE PIPE
 - ⊕ - POLYVINYLCHLORIDE PIPE
 - ⊕ - BACK OF CURB
 - ⊕ - EDGE OF PAVEMENT

REFERENCE PLAT

1) A COMPOSITE MAP OF PROPERTIES AT THE INTERSECTION OF U.S. HWY. 278 AND SINGLETON BEACH ROAD
DRAWN: 4/6/92, LAST REVISED: 6/29/92
R.M.C. BEAUFORT COUNTY, SC
BY: B.W. CONNOR, S.C.R.L.S. NO. 9056

- NOTES:
- SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988.
 - HORIZONTAL DATUM IS LOCAL
 - USE OF THIS PROPERTY MAY BE AFFECTED BY THE TERMS BY THE LOCAL BUILDING AUTHORITY OR ARCHITECTURAL REVIEW BOARD OF COVENANTS RELATING TO THIS PLANNED RESIDENTIAL COMMUNITY.
 - BUILDING SETBACKS, WHETHER SHOWN OR NOT, SHOULD BE VERIFIED
 - 1/2" REBAR TO BE SET AT ALL NEW CORNERS

PROPERTY AREA = 1.506 Ac.
ADDRESS: #647 WILLIAM HILTON PARKWAY
DISTRICT: 510, MAP: 12, PARCEL: 8

THIS PROPERTY LIES IN F.E.M.A. ZONE A7, (15.0')
COMMUNITY NO 450250 PANFI 0014D. DATED: 9/29/86

NO.	DESCRIPTION	DATE
3	REVISED BUILDING SETBACK LOTS 29 AND 32.	9/20/05
2	ADDED FLOOD STATEMENT	7/5/05
1	REVISED PER TOWN'S PLANNING STAFF REVIEW	10/19/04

Some or all areas on this plat are flood hazard areas and have been identified as having at least a one percent chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain floor hazard protective measures be incorporated in the design and construction of structures in these designated areas. Reference shall be made to the development covenants and restrictions of this development and requirements of the Town Building Official. In addition, federal law requires mandatory purchase of flood insurance as a prerequisite to federally insured mortgage financing in these designated flood hazard areas.

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.

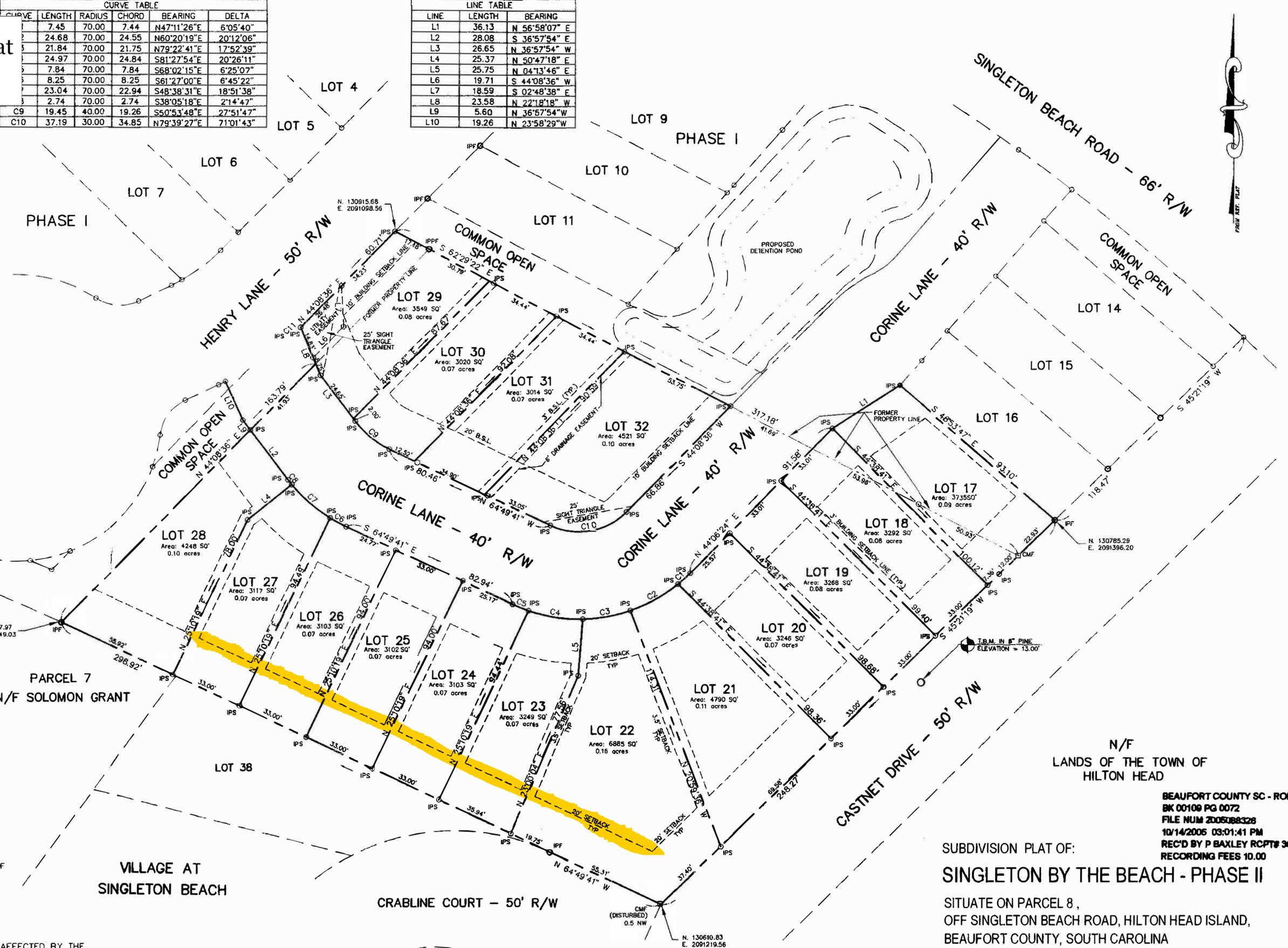


SUBDIVISION PLAT OF:
SINGLETON BY THE BEACH - PHASE II
SITUATE ON PARCEL 8,
OFF SINGLETON BEACH ROAD, HILTON HEAD ISLAND,
BEAUFORT COUNTY, SOUTH CAROLINA

PREPARED FOR: JOHN MELKON
DATE: 06/25/04 SCALE: 1" = 30'



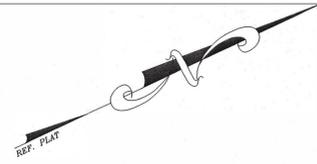
SILS Sea Island Land Survey, LLC.
P.O. Box 21568, Hilton Head Island, SC 29925 Tel (843) 681-3248
4-D Mathews Court, Hilton Head Island, SC 29926 Fax (843) 689-3871
FILE No: 03305/2 DWG No: 3-1126



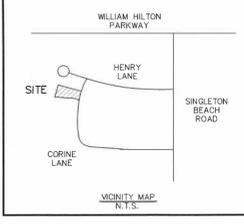
BEAUFORT COUNTY SC - ROD
BK 00109 PG 0072
FILE NUM 2005088328
10/14/2005 03:01:41 PM
REC'D BY P BAXLEY RCPT# 36862
RECORDING FEES 10.00

NOT VALID UNLESS EMBOSSED

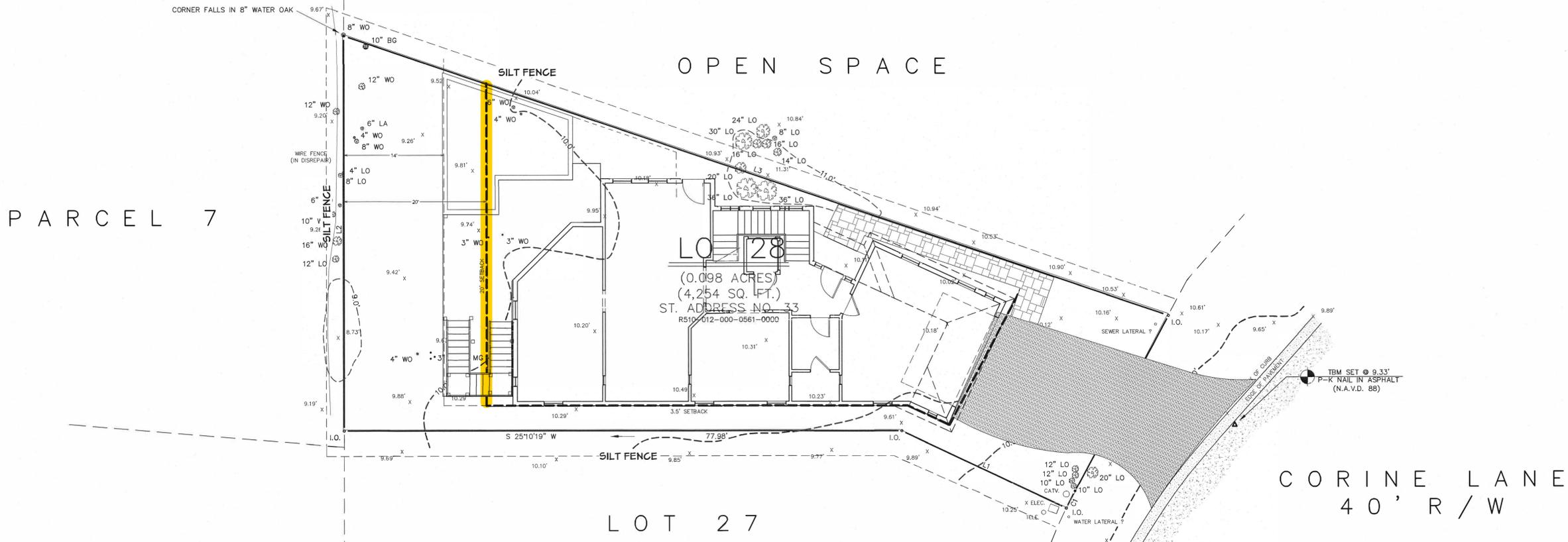
Exhibit D - Proposed Site Plan VAR-002405-2022



LEGEND
 WO - WATER OAK
 LO - LIVE OAK
 LA - LAUREL OAK
 BG - BLACK GUM
 MG - MAGNOLIA



NOTE:
 BUILDING SETBACKS WHICH EXIST FOR THIS LOT, SHOWN OR NOT SHOWN ON THIS SURVEY, ARE EXPLAINED IN THE COVENANTS, EASEMENTS AND SETBACKS SHOULD BE VERIFIED THROUGH THE APPROPRIATE ARCHITECTURAL REVIEW BOARD OR BUILDING AGENCY.



PARCEL 7

OPEN SPACE

LOT 28
 (0.098 ACRES)
 (4,254 SQ. FT.)
 ST. ADDRESS NO. 33
 RS102-012-000-0561-0000

LOT 27

CORINE LANE
 40' R/W

JULIA'S BEACH HOUSE
 33 CORINE LANE
 HILTON HEAD ISLAND, SC

LINE TABLE

LINE	BEARING	DISTANCE
L1	S89°41'31"W	25.49
L2	N84°49'41"W	55.97
L3	N44°06'33"E	121.88
L4	S47°07'12"E	28.12

CURVE TABLE

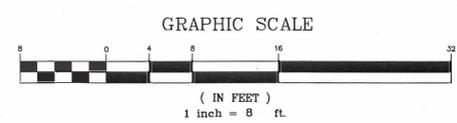
CURVE	ARC	RADIUS	CHORD	BEARING
C1	2.74	70.00	2.74	S38°18'17"E

NOTE: This lot lies in a Federal Flood Plain Zone X. Minimum Req. Elevation N/A Ft. MSL '88 DATUM

Reference Plat: A SUBDIVISION PLAT OF SINGLETON BY THE BEACH-PHASE II, SITUATE ON PARCEL B, OFF SINGLETON BEACH ROAD, HILTON HEAD ISLAND, PREPARED BY SEA ISLAND LAND SURVEY, LLC. DATED 06/25/04. REVISED 09/20/05, BOOK 109, PAGE 72

A TREE AND TOPO SURVEY

LOT 28 CORINE LANE
 SINGLETON BY THE BEACH-PHASE II
 TOWN OF HILTON HEAD ISLAND
 BEAUFORT COUNTY-SOUTH CAROLINA



RUDY W. WHEELER
 S. C. Prof. Land Surveyor No. 7263
 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.



SURVEYED FOR
 MR. FRED RUMMAN

DRAWING PROVIDED BY:
RUMMAN CONSTRUCTION

DATE:
 APRIL 2022

ATLANTIC SURVEYING & GEO.
 HILTON HEAD ISLAND, SC 29938
 (843) 785-6262
 FAX (843) 785-9062

JOB NO. SHEET
 FILE NO.
 SCALE 1" = 8'
 DATE JUNE 1, 2021
 OFFICE CK. FIELD CK.

HENRY LANE

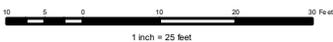
Exhibit E - As-Built & Ariel Photography
VAR-002405-2022



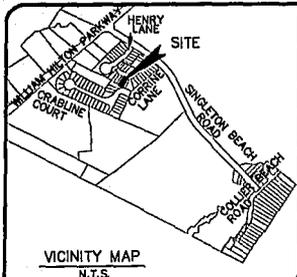
Town of Hilton Head Island
Corine Lane Parcels
 Aerial Imagery Date: February 2015



TOWN OF HILTON HEAD ISLAND
 ONE TOWN CENTER COURT
 HILTON HEAD ISLAND, S.C. 29928
 PHONE (843) 341-4600



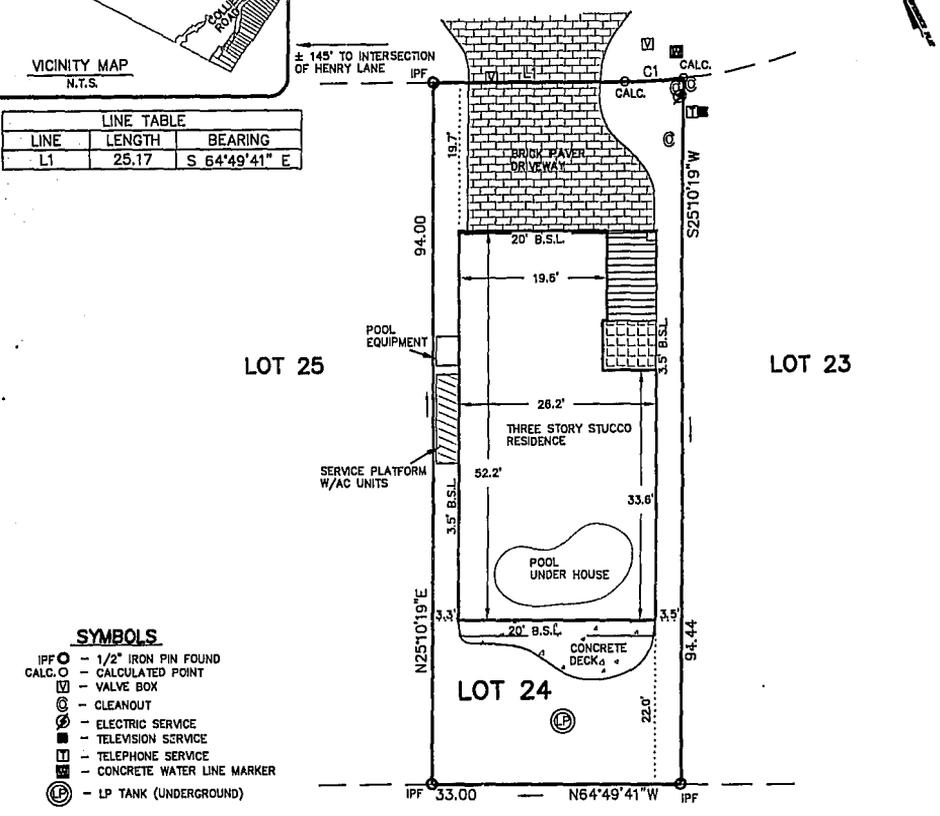
The information on this map has been compiled from a variety of sources and is intended to be used only as a guide. It is provided without any warranty or representation as to the accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for its accuracy or date of compilation or for any losses arising from the use of the map.



CURVE TABLE						
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA	
C1	7.84	70.00	7.84	S68°02'15"E	6°25'07"	

LINE TABLE		
LINE	LENGTH	BEARING
L1	25.17	S 64°49'41" E

CORRINE LANE 40' R/W



SYMBOLS

- IPF ○ - 1/2" IRON PIN FOUND
- CALC. ○ - CALCULATED POINT
- ▽ - VALVE BOX
- ⊖ - CLEANOUT
- ⊕ - ELECTRIC SERVICE
- ⊔ - TELEVISION SERVICE
- ⊗ - TELEPHONE SERVICE
- - CONCRETE WATER LINE MARKER
- ⊙ - LP TANK (UNDERGROUND)

**LOT 38
VILLAGE AT SINGLETON BEACH**

PROPERTY AREA = 0.07 Ac. 3,103 S.F.
 ADDRESS: # 25 CORRINE LANE
 DISTRICT: 510, MAP: 12, PARCEL: 557
 THIS PROPERTY LIES IN F.E.M.A. ZONE A7 - 15.0'
 COMMUNITY NO. 450250, PANEL:0014D, DATED: 9/29/86

- NOTES:**
- 1). THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH BY SEA ISLAND LAND SURVEY, LLC.
 - 2). THIS PROPERTY MAY BE SUBJECT TO COVENANT RESTRICTIONS AS RECORDED IN THE OFFICE OF THE RMC FOR BEAUFORT COUNTY.
 - 3). THIS PROPERTY MAY BE SUBJECT TO EASEMENTS OF RECORD.
 - 4). BUILDING SETBACKS, WHETHER SHOWN OR NOT, SHOULD BE VERIFIED BY THE LOCAL BUILDING AUTHORITY OR ARCHITECTURAL REVIEW BOARD.

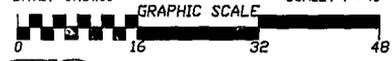
SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1983.

REFERENCE PLAT
 1) A SUBDIVISION PLAT OF SINGLETON BY THE BEACH, PHASE II, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA.
 DRAWN: 06/25/04
 RECORDED IN BOOK 109, PAGE 72, DATED 10/14/05
 ROD, BEAUFORT COUNTY, SC.
 BY: JOHN R. CARTER, SCRLS # 14801

AS BUILT SURVEY OF:
 LOT 24, PHASE II, SINGLETON BY THE BEACH,
 HILTON HEAD ISLAND,
 BEAUFORT COUNTY, SOUTH CAROLINA

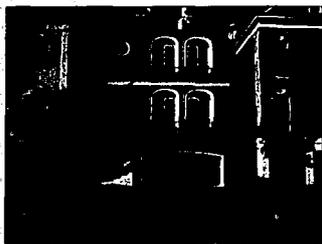
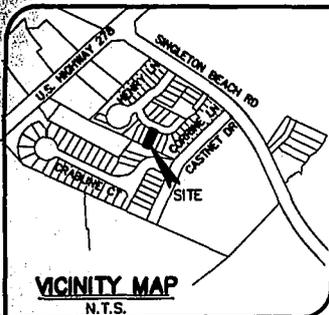
PREPARED FOR:
 PALMETTO INVESTORS GROUP

DATE: 07/31/06 SCALE: 1" = 16'



SIS Sea Island Land Survey, LLC.
 P.O. Box 21568, Hilton Head Island, SC 29925 Tel (843) 681-3248
 4-D Mathews Court, Hilton Head Island, SC 29926 Fax (843) 689-3871
 FILE No: 06309 E-mail: sils@sprynet.com DWG #: 3-1438
 COPYRIGHT © BY SEA ISLAND LAND SURVEY, LLC. CAD: BA FIELD: 01

NOT VALID UNLESS EMBOSSED.



LOT 38
VILLAGE AT
SINGLETON BEACH

REFERENCE PLAT

1) A SUBDIVISION PLAT OF SINGLETON BY THE BEACH PHASE II, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA. DRAWING: 6/25/04. RECORDED IN BOOK 108, PAGE 72, DATED 10/14/05. ROD: BEAUFORT COUNTY, SC. BY: JOHN R. CARTER S.C.R.L.S. # 14801

PROPERTY AREA = 0.07 AC. (3,102 S.F.)

ADDRESS: # 27 CORRINE LANE

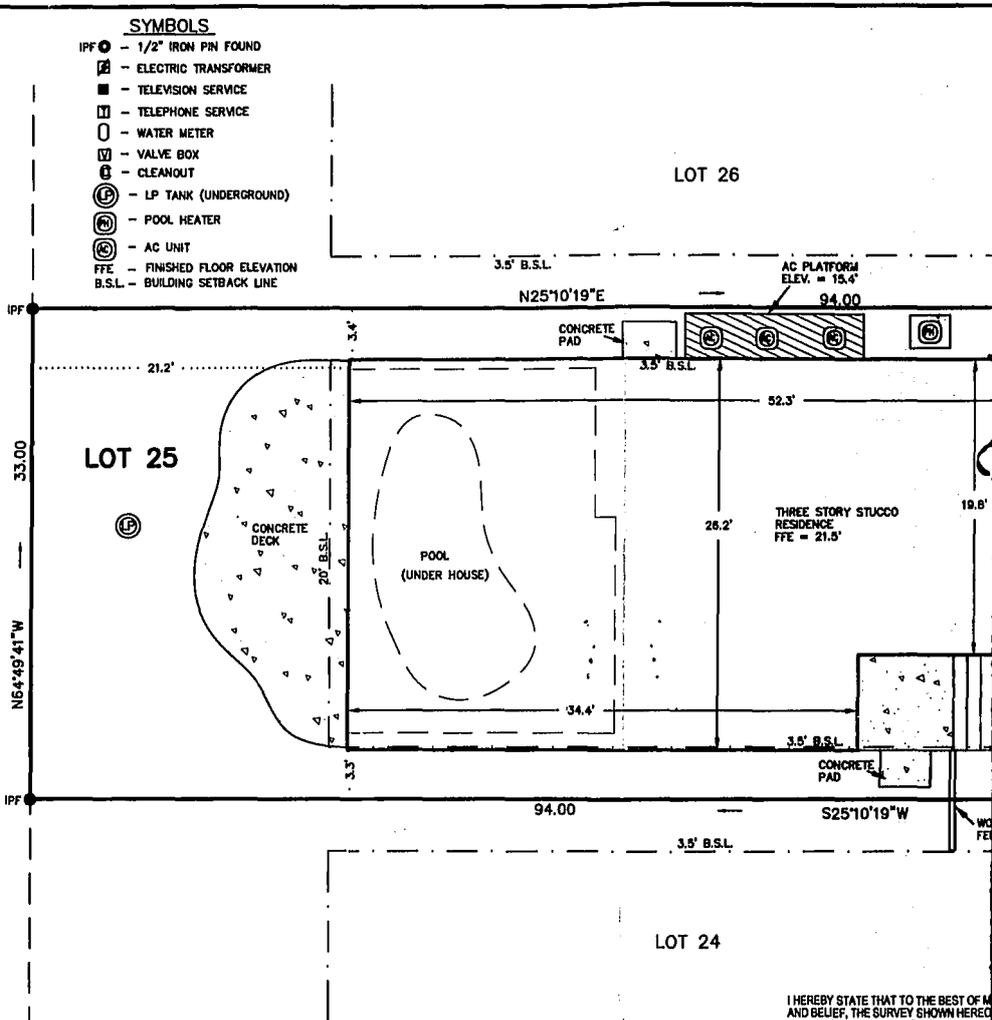
DISTRICT: 510, MAP: 12, PARCEL: 558

THIS PROPERTY LIES IN F.E.M.A. ZONE A7 - 15.0'

COMMUNITY NO. 450250, PANEL: 0014D, DATED: 9/29/88

SYMBOLS

- IPF ● - 1/2" IRON PIN FOUND
- ⊠ - ELECTRIC TRANSFORMER
- - TELEVISION SERVICE
- - TELEPHONE SERVICE
- - WATER METER
- ⊞ - VALVE BOX
- ⊞ - CLEANOUT
- ⊞ - LP TANK (UNDERGROUND)
- ⊞ - POOL HEATER
- ⊞ - AC UNIT
- FFE - FINISHED FLOOR ELEVATION
- B.S.L. - BUILDING SETBACK LINE



NOTES:

- 1). THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH BY SEA ISLAND LAND SURVEY, LLC.
- 2). THIS PROPERTY MAY BE SUBJECT TO EASEMENTS OF RECORD AND COVENANT RESTRICTIONS AS RECORDED IN THE OFFICE OF THE ROD FOR BEAUFORT COUNTY.
- 3). SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988.
- 4). BUILDING SETBACKS, WHETHER SHOWN OR NOT, SHOULD BE VERIFIED BY THE LOCAL BUILDING AUTHORITY OR ARCHITECTURAL REVIEW BOARD.
- 5). USE OF THIS PROPERTY MAY BE AFFECTED BY THE TERMS OF COVENANTS RELATING TO THIS PLANNED RESIDENTIAL COMMUNITY.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SURVEY SHOWN HEREON COMES WITHIN THE REQUIREMENTS OF THE MINIMUM PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA. IF THE SURVEYING FOR A CLIENT EXCEEDS THE REQUIREMENTS FOR A CLIENT, ALSO THERE ARE NO VISIBLE ENCROACHMENTS SHOWN.



NOT VALID UNLESS EMBOSSED.

B0601497



LOT 26

3.5' B.S.L.

N25°10'19"E

AC PLATFORM
ELEV. = 15.4'

94.00

WOOD FENCE

1/2" TO INTERSECTION
OF HEAVY LANE

CONCRETE PAD

3.5' B.S.L.

THREE STORY STUCCO
RESIDENCE
FFE = 21.5'

GARAGE
FFE = 11.2'

BRICK PAVEMENT
DRIVEWAY

CORRINE LANE 40' R/W

POOL
(UNDER HOUSE)

COVERED
STEPS UP

CONCRETE PAD

3.5' B.S.L.

94.00

3.5' B.S.L.

S25°10'19"W

WOOD FENCE

LOT 24

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.



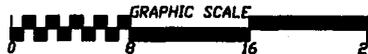
ASBLT SURVEY OF:

LOT 25, SINGLETON BY THE BEACH, PHASE II,
HILTON HEAD ISLAND,
BEAUFORT COUNTY, SOUTH CAROLINA

PREPARED FOR: PALMETTO INVESTORS GROUP

DATE: 5/16/06

SCALE: 1" = 8'



SIS Sea Island Land Survey, LLC.

4D Mathews Court,
Hilton Head Island,
SC 29926

FILE No: 062644

Tel (843) 661-3248
Fax (843) 666-3671
E-mail: sis@spymat.com

DWG No.: 3-1534

AS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE, SEA ISLAND LAND SURVEY, LLC. ANY MAY BE SUBJECT TO EASEMENTS OF RECORD AND COVENANT AS RECORDED IN THE OFFICE OF THE ROD FOR BEAUFORT COUNTY. CERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK OF: THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988. AGES, WHETHER SHOWN OR NOT, SHOULD BE VERIFIED BUILDING AUTHORITY OR ARCHITECTURAL REVIEW BOARD. PROPERTY MAY BE AFFECTED BY THE TERMS RELATING TO THIS PLANNED RESIDENTIAL COMMUNITY.

Exhibit F - Applicant's Narrative

VAR-002405-2022

Summary:

Request from Julia Rummans for a 5" variance from LMO Section 16-5-102.D, Adjacent Use Setback, to allow a proposed deck, pool, and stairs to encroach within the setback. The property is located 33 Corrine lane in the Singleton By The beach Subdivision parcel number of R510 012 000 0561 0000.

Background:

This request is from Julia and Fred Rummans who both work on Hilton head and have been full time residences for 40+. Their objective is to have a location for family vacations and a rental property to supplement their income when Fred retires at 70 next year. They would like to build a house that is similar in color and design that would complement the neighborhood as well be competitive to other rental properties in this subdivision.

Lot 33 is one of last 4 undeveloped lots in the development. It is the only lot that has a shape that restrains and hinders the architecture design to conforming to the neighborhood. The lot was plotted with the rectangular area that angles in and reduces the area in the front creating less space in the front than any other lot in the development.

Criteria for variance:

The shape of the lot has created a hardship to design a comparable house that would meet the neighborhood standard. The architect was able to place a single car garage on the front and entrance on the side in lieu of other double garages and entrance on the street side of house to maintain the integrative and conforming nature of the house.

This created the additional hardship to design a house without that necessary footage. The house also to be competitive with other rents must possessive a deck and pool. (See rental comparisons) Without these two amenities it would generate a severe hardship on the owner and would prevent long term ownership.

See the attached to see how the shape of this one lot has create this hardship and this condition **only pertains to this lot.** (Criteria 1)

The shape of the lot and the constraints it created **does not apply to any other lot** in the subdivision. See attached neighborhood plot/ (Criteria 2)

Not including a deck and pool would prevent the house to conform with other properties and severe hindering the future sale, use, and rental possibilities. (Criteria 3 "**restrict the utilization of the property**")

The house has been drawn with a 6-foot variance only on the back of the lot into the 20-foot setback, but it is possible to reduce that to 5ft and still meet the objectives of this property and prevent hardships on the owner. The house is located next to open space on one side and a land lock farm on the back and unique of any other lot. A 5-foot variance would not hinder anyone else or property. The Singleton beach Architecture Review Board has approved a 6 foot variance. (See attached)

The Singleton By The beach Covenants and Restrictions 6.3.1 The Architectural Review Committee may establishes and shall have jurisdiction over modifications and new construction on Lot. (See attached)

All homeowner in the Subdivision is aware of these covenants, conditions, and restrictions and conforms to their decisions.

This request **does not restrict or hinder the integrity of the area or the town and does not conflict** with: (Criteria 4)

Sec.16-5-102.D

D. Adjacent Use Setback Requirements

1.Unless expressly exempted or modified in this subsection or for the CR and S Districts in Chapter 16-3: Zoning Districts, all portions of a *structure* shall be located to the interior of the vertical and angled planes established by the applicable minimum setback distance from *adjacent* properties and maximum setback angle shown in Table 16-5-102.D, Adjacent Use Setback Requirements, based on the proposed *use* and the existing *use* of the *adjacent* property (or zoning of a vacant *adjacent* property). (See Figure 16-5-102.D, Use Setback Angle.

Table 16.5-102.E: Allowable Setback Encroachments

Feature: open balconies, fire escapes, or exterior stairways

Extent and Limitations: may extend up to 5 feet into any setback



TOWN OF HILTON HEAD ISLAND

Board of Zoning Appeals Memo

TO: Board of Zoning Appeals
FROM: Nicole Dixon, AICP, CFM, Development Review Program Manager
DATE: October 14, 2022
SUBJECT: Waiver Summary Report– June 2020 – July 2022

At the September 26, 2022, meeting of the Board of Zoning Appeals, Staff was asked to provide a summary of waiver types that had been granted by Staff since the last summary report was provided to the Board in June 2020. The BZA is concerned there will be a potential increase in variance requests because waivers are being removed from the LMO. The summary report is attached (Attachment A).

Of the 34 waivers listed in the summary report, 20 of them pertain to non-conformities. Requests to retain site non-conformities are processed as Substitutions of Non-Conformities for Redevelopment, which is a process that is remaining in the LMO and will continue to be processed by Staff. There were 14 waivers which did not fully deal with non-conformities; they are highlighted in the summary report. With the proposed LMO Amendments, 5 of these 14 would have had to come to the BZA as a request for variance.

ATTACHMENT A

Waiver Type	Number	Address	Apply Date	Description
Non-conforming Site Features	WAIV-001738-2022	16 BLACK TERN ROAD	07/06/2022	Request to retain non-conforming footprint of existing deck in buffer
Tree Preservation and Buffer Requirements	WAIV-001373-2021	25 CAPITAL DRIVE	06/02/2021	Request to remove one Significant Tree and a reduction in the Adjacent Street Buffer requirement
Non-conforming Structure and Site Features	WAIV-002338-2021	14 GREENWOOD DRIVE	10/12/2021	Request to redevelop the site and retain non-conforming density, existing footprint in the setback and buffer and impervious coverage over the maximum allowed
Non-conforming Site Features	WAIV-002194-2020	36 LAGOON ROAD	10/30/2020	Request to retain non-conforming footprint of existing deck in setback and buffer
Non-conforming Site Features	WAIV-001753-2021	SAND DOLLAR ROAD	07/26/2021	Request to retain non-conforming height of fence in setback and buffer
Non-conforming Site Features	WAIV-002114-2021	61 E EAST MORGAN COURT	09/16/2021	Request to retain non-conforming footprint of pool and deck in setback and buffer
Tree Preservation and Buffer Requirements	WAIV-001775-2021	202 MITCHELVILLE ROAD	07/28/2021	Request to remove two Significant Trees and a reduction in the Adjacent Street Buffer requirement
Non-conforming Site Features	WAIV-000867-2021	59 NEW ORLEANS ROAD	04/05/2021	Request to retain non-conforming height of fence in setback and buffer
Properties Functioning Together	WAIV-001098-2021	13 and 15 CARDINAL ROAD	04/30/2021	Request to eliminate setback and buffers as the properties function together
Tree Preservation and Parking Requirements and Non-conforming Site Features	WAIV-001890-2021	2 PLAZA DRIVE	08/13/2021	Request to remove one Significant Tree and a reduction in the parking requirements. Request to retain non-conforming site features while redeveloping
Properties Functioning Together	WAIV-000626-2021	296 SPANISH WELLS ROAD	03/15/2021	Request to eliminate setback and buffers as the properties function together
Non-conforming Site Features	WAIV-000485-2021	2007 DEER ISLAND ROAD	03/03/2021	Request to retain non-conforming footprint of existing deck in buffer
Tree Preservation	WAIV-000625-2021	296 SPANISH WELLS ROAD	03/15/2021	Request to remove one Significant Tree
Non-conforming Site Features	WAIV-001195-2021	30 GOVERNORS ROAD	05/13/2021	Request to retain non-conforming footprint of existing pathway in buffer
Tree Preservation	WAIV-001082-2021	51 S SOUTH FOREST BEACH DRIVE	04/29/2021	Request to remove one Significant Tree

ATTACHMENT A

Non-conforming Site Features	WAIV-000374-2021	45 PEMBROKE DRIVE	02/19/2021	Request to retain non-conforming parking design standards
Tree Preservation	WAIV-002398-2020	106 N NORTH SEA PINES DRIVE	12/02/2020	Request to remove four Significant Trees
Non-conforming Site Features	WAIV-002215-2020	435 WILLIAM HILTON PARKWAY	11/03/2020	Request to retain non-conforming parking design standards
Properties Functioning Together	WAIV-002423-2020	1 OLD WILD HORSE ROAD	12/07/2020	Request to eliminate setback and buffers as the properties function together
Non-conforming Site Features	WAIV-000019-2021	17 JACANA STREET	01/06/2021	Request to retain non-conforming height of fence in setback and buffer
Tree Preservation	WAIV-002346-2020	50 CAPITAL DRIVE	11/20/2020	Request to remove one Significant Tree
Non-conforming Site Features	WAIV-001932-2020	59 NEW ORLEANS ROAD	09/25/2020	Request to retain non-conforming parking design standards
Stormwater	WAIV-002170-2020	43 SHELTER COVE LANE	10/27/2020	Request to waive pesk discharge requirement
Non-conforming Site Features	WAIV-001665-2022	7 TRENT JONES LANE	06/24/2022	Request to retain non-conforming parking design standards
Parking Requirements and Non-conforming Site Features	WAIV-001664-2021	18 POPE AVENUE	07/13/2021	Request for a reduction in the parking requirements. Request to retain non-conforming site features while redeveloping
Parking Requirements	WAIV-000148-2022	55 WILBORN ROAD	01/20/2022	Request for a reduction in the parking requirements.
Non-conforming Site Features	WAIV-000323-2022	120 BEACH CITY ROAD	02/03/2022	Request to retain non-conforming parking design standards
Non-conforming Site Features	WAIV-000840-2022	1018 WILLIAM HILTON PARKWAY	03/22/2022	Request to retain non-conforming footprint of existing dumpster in setback
Non-conforming Site Features	WAIV-000014-2021	13 SINGLETON BEACH PLACE	01/05/2021	Request to retain non-conforming footprint of exisitng pool in buffer
Non-conforming Site Features	WAIV-000915-2022	101 MARSHLAND ROAD	03/25/2022	Request to retain non-conforming footprint of exisitng deck in buffer
Non-conforming Site Features	WAIV-000778-2022	11 SOUTHWOOD PARK DRIVE	03/15/2022	Request to redevelop the site and retain non-conforming site features
Access to Street Standards	WAIV-000595-2022	161 DILLON ROAD	03/04/2022	Request to waive the access to street standards for the separation requirements
Non-conforming Site Features	WAIV-000483-2022	85 POPE AVENUE	02/23/2022	Request to retain non-conforming parking design standards

ATTACHMENT A

Non-conforming Site Features	WAIV-000375-2021	36 DEALLYON AVENUE	02/19/2021	Request to retain non-conforming parking design standards
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