

**THE TOWN OF HILTON HEAD ISLAND
CONSTRUCTION BOARD OF ADJUSTMENT & APPEALS MINUTES**

Date of Meeting: Tuesday, April 24, 2018

Members Present: Marc Ellis, Randy May, Joe Nix, Jay Owen, Frank Guidobono, Michael Lynes, Robert Tanner

Members Absent: Neil Gordon, Ling Graves, Robert Zinn

Town Council: David Ames

Town Staff Present: Chris Yates, *Building Official*;

1. Call to Order

Chairman Owen called the meeting to order at 5:33 p.m.

2. FOIA Compliance

Public notification of this meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

3. Wireless Telephone Usage Please turn off all wireless devices so as not to interrupt the meeting.

4. Approval of Agenda. The agenda was approved by general consent.

5. Approval of Minutes. The minutes of February 27, 2018 were approved as presented.

6. Appearance by Citizens on Items Unrelated to Today's Agenda. None

7. Unfinished Business. None

8. New Business.

A Formal request for a motion to Reconsider the Appeal of 7 Sam Frazier Retreat (APL-000315-2018).

Mr. Yates, Town Building Official, stated that the appeal in February 2018 was specific to a Notice of Violation – this property is an unpermitted structure that is being unlawfully used for habitation in violation of the Code.

Mr. Taiwon Scott, President of the Hilton Head Island National Action Network Chapter, spoke on behalf of the applicant, Mr. Josa Ramos.

Mr. Scott covered the following items:

- Referenced the Building Permit # B1202406 – stating the Town Officials along with Palmetto Electric were at this property in 2012 to “remove old meter can and overhead service cable from existing pole. Build new treated lumber pedestal, trench conduit and wire from pedestal to new panel location in house. Add to two ground rods and clamps.”
- Mr. Ramos is disabled and lives in a Gullah-Geechee community, this is an heirs property. Mr. Ramos does not have the funds to make improvements.

- Read from a Court Order dated 2014 (included in the packet)
- The burden of proof is on the Town to show proof that this property is in violation.
- There have been administrative errors on the Town's part.
- Asked this Board if they could recommend this appeal go to the Board of Zoning Appeals.
- Mr. Scott stated that the Town did inspect Mr. Ramos' home and there was a bed in there at the time of inspection.

Chairman Owen stated that the responsibility of this Board is to make sure the laws of the Code are being followed.

Mr. Ellis made a motion that the Construction Board of Adjustments and Appeal uphold the Building Official's determination that the Illegal Non-Conforming structure located at 7 Sam Frazier Retreat, Hilton Head Island is an unpermitted structure that is being unlawfully used for habitation in violation of the Code. Mr. Nix seconded the motion. The motion passed 6-1. Mr. Lynes was opposed.

Mr. Ellis reminded everyone that at the last meeting, it was stated that if certain improvements were made to the property to bring it up to code, the Building Official was willing to work with the applicant. Mr. Ellis also pointed out to the applicant that there are many resources available to assist him and many people in the building industry that often volunteer their time and efforts.

9. Adjournment.

There being no further business, the meeting adjourned at 6:16 p.m.

Submitted by Eileen Wilson, Senior Administrative Assistant

Approved by: 7/24/2018
Jay Owen, Chairman