



Town of Hilton Head Island
Board of Zoning Appeals Special Meeting
August 31, 2020 at 9:00 a.m. Virtual Meeting
MEETING MINUTES

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

Absent from the Board: None

Present from Town Council: Glenn Stanford

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

1. Call to Order

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

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

3. Roll Call – See as noted above.

4. Welcome and Introduction to Board Procedures

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

5. Approval of Agenda

Chairman Cutrer asked for a motion to approve the agenda. Mr. Walczak moved to approve. Vice Chair Brison seconded. By way of roll call, the motion passed with a vote of 7-0-0.

6. Approval of Minutes

a. Special Meeting of July 29, 2020

Chairman Cutrer asked for a motion to approve the minutes of the July 29, 2020 special meeting. Vice Chair Brison moved to approve. Ms. Laudermilch seconded. By way of roll call, the motion passed with a vote of 7-0-0.

7. Citizen Comments

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

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

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

9. New Business

a. Public Hearing

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

Chairman Cutrer asked Missy Luick to present on behalf of Staff. Ms. Luick presented the application as described in the Staff Report. Staff recommends the Board of Zoning Appeals deny the application, based on the Findings of Fact and Conclusions of Law contained in the Staff Report.

The Board made comments and inquiries to Staff regarding: Alder Lane is defined as a drive aisle, not a street; 24 ft of width within the buffer is permitted provided it runs perpendicular to or from the adjacent street right-of-way; an additional 13 ft of width to run parallel to the buffer is being requested; the applicant has requested permission from Marriott to modify the concrete wall to provide straight in/out access to the property; Marriott is in receipt of the applicant's request and has not approved or denied the request at this time; if Marriott grants permission to the applicant to modify the wall, then a variance is not required; if the house is reconfigured it could meet the LMO requirements and not need a variance; waivers have not been granted in connection with the property; the variance request contains two parts – for a proposed driveway to be built parallel within the adjacent use buffer and exceed the 24 ft width maximum by 13 ft; the two letters received from the Forest Beach Owners' Association; concern Alder Lane is being used by vehicles when there is a pedestrian pathway; concern for the legal right to access the curb cut on Alder Lane; special conditional use permit granted in the 1990s for some lots; concern for restricting utilization of the property; the LMO requires 5 parking spaces based on the proposed square footage of the home; the home square footage is around 4,072 plus exterior decking around 450 sq. ft; Staff and the applicant discussed alternative reconfigurations of the home and the owners prefer the proposed design; the proposed driveway would go right up to the property line.

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

The Board made additional comments and inquiries to the applicant regarding: whether others use the drive aisle to access their property; the local Marriott has said adjacent lots have a separate gate and code to access Alder Lane; why reconfiguring the driveway does not work for the property owner; if there is straight in access of the driveway then it would

eliminate the need for a variance; the applicant contacted the Marriott on July 8, 2020 to request permission to modify the concrete wall; the Marriott is looking into the request and has not provided a timeframe to respond to the request; the applicant's timeline for permitting and construction; if a portion of the concrete wall was removed, then the driveway would be a width of 23 ft; the site plan does not appear to be complete; concern for trees outside of the property proposed to be removed; this appears to be a self-imposed hardship; possibility of granting the variance with the condition that if the Marriott permits the applicant to remove a portion of the wall then the variance is rescinded; the applicant is continuing to pursue permission from the Marriott to take down a portion of the concrete wall; concern for the legally permitted width of the curb cut; this property sits within an overlay district and therefore the intent is to have extra requirements; an affirmative decision by Marriott would provide an easier and better design; consideration of tabling the application until a decision is provided by Marriott.

Chairman Cutrer opened the hearing for public comments and none were received at this time. Following the discussion, Chairman Cutrer asked for a motion.

Mr. Johnson moved that the Board of Zoning Appeals postpone the decision on the application to the next Board of Zoning Appeals meeting in September. Vice Chair Brison seconded. By way of roll call, the motion passed with a vote of 7-0-0.

10. Staff Report

- a. Waiver Report – The report was included in the Board's agenda package.

11. Adjournment

The meeting was adjourned at 10:38 a.m.

Submitted by: Teresa Haley, Secretary

Approved: September 28, 2020