



Town of Hilton Head Island
Board of Zoning Appeals Meeting
March 22, 2021 at 2:30 p.m. Virtual Meeting
MEETING MINUTES

Present from the Board: Chair Patsy Brison, Robert Johnson, Lisa Laudermilch, Charles Walczak, David Fingerhut

Absent from the Board: Vice Chair Anna Ponder (excused), John White (excused)

Present from Town Council: Tamara Becker, Glenn Stanford

Present from Town Staff: Teri Lewis, Deputy Community Development Director; Nicole Dixon, Development Review Administrator; Missy Luick, Senior 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 2:31 p.m.

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

3. Roll Call – See as noted above.

4. Welcome and Introduction to Board Procedures

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

5. Approval of Agenda

Chair Brison asked for a motion to approve the agenda as presented. Mr. Walczak moved to approve. Mr. Fingerhut seconded. By way of roll call, the motion passed with a vote of 5-0-0.

6. Approval of Minutes

a. February 22, 2021 Meeting

Chair Brison asked for a motion to approve the minutes of the February 22, 2021 meeting as presented. Ms. Laudermilch moved to approve. Mr. Fingerhut seconded. By way of roll call, the motion passed with a vote of 5-0-0.

7. Appearance by Citizens

Public comments concerning agenda items were to be submitted electronically via the Open Town Hall portal. All comments received via the portal were provided to the Board for review and made a part of the official record. Citizens were also provided the option to give public comment during the meeting by phone. There were no requests to give public comment by phone.

8. Unfinished Business – None

9. New Business

a. Public Hearing

VAR-000271-2021 – Request from Leslie B. Green for a variance from LMO Section 16-6-102.D, Wetland Buffer Standards to allow a proposed vehicular driveway to be located within the 20 foot wetland buffer. The property is described as Lot 6B Wiley Road with a parcel number of R510 005 000 016E 0000.

Chair Brison opened the Public Hearing.

Ms. Luick presented the application as described in the Staff Report. Staff recommends the Board of Zoning Appeals approve the application based on the Findings of Fact and Conclusions of Law contained in the Staff Report with conditions. She explained the conditions in detail.

The Board made comments and inquiries regarding: the irregular shape of the parcel; the size of the parcel; the width of the driveway; storm drainage issues; the wetland buffer; the movement of critical lines; and the history of the property subdivision.

Following the Staff presentation and questions by the Board, Chair Brison asked the applicant to make a presentation. Ms. Green stated she was in total agreement with staff recommendations and was available to answer any questions. She explained that the property was originally divided with similar high ground areas for possible home sites but the critical line on the Lot 6B property changed over time with the various storms.

Chair Brison asked for public comment. There being no public comments received, Chair Brison closed the Public Hearing at 3:09 p.m.

The Board made final comments and inquiries regarding: determination that the lot was large enough to construct a house and the driveway was needed to gain access to where the house would be located.

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

Mr. Fingerhut moved that the Board of Zoning Appeals approve the application based on those Findings of Facts and Conclusions of Law contained in the Staff Report with the following conditions and additional Findings of Fact and Conclusions of Law:

1. The vehicular driveway should be no more than 14 feet wide within the wetland buffer.
2. The vehicular driveway should be constructed of pervious materials.
3. The vehicular driveway should be located per the “Sketch Plan with Driveway” drawing submitted with this Staff Report.
4. All trees and plants removed from the wetland buffer for the construction of the vehicular driveway shall be mitigated and planted back elsewhere on the site. Revegetation shall be done in accordance with best management practices under guidance and approval by the Town’s Environmental Planner.
5. A Town Encroachment permit is required for the driveway connection to Wiley Road.

Mr. Walczak seconded. By way of roll call, the motion was passed by a vote of 5-0-0.

10. Board Business

a. Discussion of Possible Amendments to BZA Rules of Procedure

Ms. Luick explained to the Board that she and Chair Brison were looking at possible changes to the Rules of Procedure. She added that she has also discussed the possible changes with the Town Staff Attorney, Ms. Busch. The following topics were discussed: Best Practices in South Carolina; change in terminology from reconsideration to rehearing; timeline for the Notice of Action; change in title for Chairman to Chair or Chairperson; and the allowance of public comment on appeals. After discussion, it was determined Staff should continue research regarding the possible amendments and prepare the proposed amendments for Board review and consideration.

11. Staff Reports

a. Waiver Report – The Waiver Report was included in the Board’s agenda package.

b. Board Training Update – Ms. Luick reported there would be a training session regarding Legal Training on April 28 or 29 and the Board will be polled as to the best date. She added that there is also a possibility of a session on Conducting Effective Meetings sometime in May.

c. Status of LMO Amendments – Ms. Dixon explained that staff is prioritizing the list of amendments and will be meeting with upper management in the near future regarding the process moving forward.

12. Adjournment

The meeting was adjourned at 3:40 p.m.

Submitted by: Vicki Pfannenschmidt, Secretary

Approved: April 26, 2021