



Town of Hilton Head Island  
**Board of Zoning Appeals Board Training**  
April 29, 2021 at 10:00 a.m. Virtual Training  
**MINUTES**

**Present from the Board:** Chair Patsy Brison, Vice Chair Anna Ponder, John White, Robert Johnson

**Absent from the Board:** Charles Walczak (excused), David Fingerhut (excused), Lisa Laudermilch (excused)

**Present from Town Council:** None

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

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**1. Call to Order**

Chair Brison called the meeting to order at 10:07 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. Legal Training** – Conducted by Diane Busch, Staff Attorney

Ms. Busch conducted a presentation regarding insight as to how the South Carolina Court of Appeals and the South Carolina Supreme Court rule on BZA decisions appealed from the 14<sup>th</sup> Circuit Court. She noted the Board is a Quasi-Judicial body with judicial responsibilities which consist of no ex-parte communications, are to find facts, must rule based on facts applied to law and must avoid conflicts. Ms. Busch added that the decision of the board must be allowed to stand unless there is no evidence which reasonably supports the findings.

Ms. Busch informed the Board that the powers of the BZA are enumerated in 6-29-800(A):

(1) **ERROR:** to hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance;

(2) **UNNECESSARY HARDSHIP:** to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship;

(3) **SPECIAL EXCEPTION – USE:** to permit uses by Special Exception, subject to the terms and conditions for uses set forth for uses in the zoning ordinance;

(4) REMAND TO STAFF: to remand a matter to an administrative official (staff), upon motion by a party or the board's own motion, if the board determines that the record is sufficient for review.

She reviewed case studies that were applicable to the criteria and detailed procedures that are necessary.

Upon completion of Ms. Busch's presentation there was a question and answer period.

Chair Brison thanked Ms. Busch for her presentation.

## **5. Adjournment**

The meeting was adjourned at 11:08 a.m.

**Submitted by:** Vicki Pfannenschmidt, Secretary

**Approved:** May 24, 2021