



Town of Hilton Head Island

Board of Zoning Appeals Meeting

Monday, March 24, 2025, 2:30 PM

**1 Town Center Court, Hilton Head Island, SC
Benjamin M. Racusin Council Chambers**

- 1. Call to Order**
- 2. Welcome and Introduction to Board Procedures**
- 3. Adoption of the Agenda**
- 4. Approval of the Minutes**
 - a. Regular Meeting Minutes of November 25, 2024
- 5. Unfinished Business**
- 6. New Business**
 - a. Approval of Proposed 2025 Meeting Dates
 - b. **VAR-000603-2024** - Request from Karina Mondelci of Level 5 Builders, owner of 81 Sandcastle Court, also identified as Beaufort County Tax Map Parcel R511 009 000 1136 0000, for a variance from LMO Section 16-5-102.D, Adjacent Use Setback Standards, to allow a proposed home to encroach into the setback angles.
- 7. Public Comment - Non Agenda Items**
- 8. Staff Reports**
- 9. Adjournment**

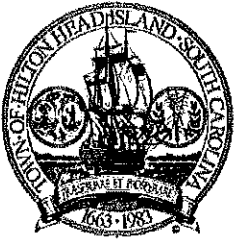
FOIA Compliance: Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

In accordance with the requirements of Title II of the Americans with Disabilities Act of

1990 ("ADA"), the Town of Hilton Head Island will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Auditory accommodations are available. Any person requiring further accommodation should contact the Town of Hilton Head Island ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

Municipal Association of South Carolina (MASC) Civility Pledge:

"I pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of my city or town."



**Town of Hilton Head Island
BOARD OF ZONING APPEALS MEETING
Monday, November 25, 2024, 2:30 PM
Minutes**

1. Call to Order

Chair Fingerhut called this meeting to order at 2:30 p.m.

2. Welcome and Introduction to Board Procedures

3. Adoption of the Agenda

Ms. Fee made a Motion to adopt the Agenda. Ms. Bayless seconded. The Motion passed unanimously.

4. Approval of the Minutes

a. Regular Meeting Minutes of July 22, 2024

Mr. Johnson made a Motion to approve the meeting Minutes of July 22, 2024. Ms. Fee seconded. The Motion passed unanimously.

5. Unfinished Business

None

6. New Business

a. Continuing Education: Floodplain Management for Local Elected Officials, Shari Mendrick, Floodplain Administrator

Shari Mendrick, Floodplain Administrator, delivered a presentation on floodplain management to the Committee. During the presentation, several Committee members sought clarification on various points, which Ms. Mendrick addressed. Ms. Bayless inquired about the sections of the Land Management Ordinance (LMO) that pertain to flooding and building height requirements for flood prevention, or whether such provisions are included in the current LMO.

7. Public Comment - Non Agenda Items

None

8. Board Business

None

9. Staff Reports

Michael Connolly, Senior Planner, informed the Board that he is awaiting confirmation from the Town of Hilton Head Island Board of Zoning Appeals Meeting Minutes
11/25/2024

Town Clerk regarding the meeting dates for the 2025 calendar. Once confirmed, the Board will be notified.

10. Adjournment

The meeting was adjourned at 3:25 p.m.

The recording of this Meeting can be found on the Town's website at www.hiltonheadislandsc.gov



The Town of Hilton Head Island

Board of Zoning Appeals

2025 Meeting Schedule

BZA Powers and Duties	Application Procedure																										
The Board of Zoning Appeals has the following powers: A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of Title 16 of the Municipal Code, Land Management Ordinance. B. To hear and decide requests for variance from the Design and Performance Standards of the Land Management Ordinance. C. To review and take action on applications for uses by special exception; and D. To review and take action on appeals of Planning Commission action on certain traffic analysis plans.	Applications for Variance and Special Exception must be completed and submitted not later than 30 days prior to the meeting at which the application will be considered. In addition, Applications for Appeal must be filed not later than 14 days from the date of the decision being appealed. An Application Check-In Conference is required for all applications to determine whether the application meets the minimum requirements for acceptance. Application Check-In Conferences must be scheduled by appointment with the Community Development Department staff.																										
<table> <tr> <th><u>BZA PUBLIC MEETING DATE</u></th><th><u>APPLICATION DEADLINE</u></th></tr> <tr> <td>January 27, 2025</td><td>December 28, 2024</td></tr> <tr> <td>February 24, 2025</td><td>January 25, 2025</td></tr> <tr> <td>March 24, 2025.....</td><td>February 24, 2025</td></tr> <tr> <td>April 28, 2025.....</td><td>March 29, 2025</td></tr> <tr> <td>*May 19, 2025</td><td>April 19, 2025</td></tr> <tr> <td>June 23, 2025.....</td><td>May 24, 2025</td></tr> <tr> <td>July 28, 2025.....</td><td>June 28, 2025</td></tr> <tr> <td>August 25, 2025.....</td><td>July 26, 2025</td></tr> <tr> <td>September 29, 2025.....</td><td>August 30, 2025</td></tr> <tr> <td>October 27, 2025.....</td><td>September 27, 2025</td></tr> <tr> <td>November 24, 2025.....</td><td>October 25, 2025</td></tr> <tr> <td>December 22, 2025.....</td><td>November 22, 2025</td></tr> </table> <i>*The May meeting is moved to the third Monday of the month due to Memorial Day.</i> <i>**The September meeting is moved to the fifth Monday of the month due to Rosh Hashanah.</i>		<u>BZA PUBLIC MEETING DATE</u>	<u>APPLICATION DEADLINE</u>	January 27, 2025	December 28, 2024	February 24, 2025	January 25, 2025	March 24, 2025.....	February 24, 2025	April 28, 2025.....	March 29, 2025	*May 19, 2025	April 19, 2025	June 23, 2025.....	May 24, 2025	July 28, 2025.....	June 28, 2025	August 25, 2025.....	July 26, 2025	September 29, 2025.....	August 30, 2025	October 27, 2025.....	September 27, 2025	November 24, 2025.....	October 25, 2025	December 22, 2025.....	November 22, 2025
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Regular meetings are generally held on the 4th Monday of each month at 2:30 p.m. in Benjamin M. Racusin Council Chambers, subject to change with notice.



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-000603-2024	March 24, 2025

Parcel or Location Data:	Property Owner	Applicant
Address: 81 Sandcastle Court Parcel#: R511 009 000 1136 0000 Zoning: RD (Resort Development District) Overlay: COR (Corridor Overlay District)	Karina Mondelci Level 5 Builders, LLC 70 Sifted Grain Road Bluffton, SC 29909	Karina Mondelci 70 Sifted Grain Road Bluffton, SC 29909

Application Summary:

Request from Karina Mondelci of Level 5 Builders, owner of 81 Sandcastle Court, also identified as Beaufort County Tax Map Parcel R511 009 000 1136 0000, for a variance from LMO Section 16-5-102.D, Adjacent Use Setback Standards, to allow a proposed home to encroach into the setback angles.

Staff Recommendation:

Staff recommends the Board of Zoning Appeals find the request 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 Facts and Conclusions of Law as determined by the LMO official and enclosed herein. Staff recommends that the Board of Zoning Appeals *deny the application*.

Background:

The subject parcel is an undeveloped lot located mid-island in the Sandcastles by the Sea Subdivision at 81 Sandcastle Court (Lot 30). It is adjacent to two single-family properties within

the subdivision and to a vacant lot in the rear. The property is located within the Resort Development (RD) District and resides within the Corridor Overlay.

The purpose of RD District, according to the Town's Land Management Ordinance (LMO), Section. 16-3-105.L.1, is "to provide for resort development in the form of multifamily development, bed and breakfasts, and resort hotels. It is also the purpose of this district to provide for commercial development aimed at serving the island visitor."

The Sandcastles by the Sea Subdivision was approved in 2005 and is recorded in the Beaufort County Register of Deeds in Plat Book 113 on Page 164. (See Exhibit B). Plat Book 159 on Page 30 shows the parcel to be .076 acres in size. There is a required 20-foot street setback from Sandcastle Court, a 20-foot setback and buffer in the rear of the property, and three-foot-six-inch adjacent use setbacks from Lots 29 and 31. (See Exhibit B).

Section 16-5-102.A of the LMO, reads. "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."

The LMO has been amended since the Sandcastles by the Sea Subdivision was approved by the Town of Hilton Head. However, the Adjacent Use Setback Standards, including the setback angles, have not changed. The required 75-degree setback angle from single-family use to single-family was in place prior to the approval of the Sandcastles by the Sea Subdivision and was included in the 1998 and 2014 LMO. (See Exhibits C and D).

In late 2023, the owner of the property, Karina Mondelci, and her builder, Sam Liberti discovered that the proposed site plan does not conform with the Town's LMO setback angle requirements. No official building permit application has been submitted to the Town for review. The applicant submitted a variance application on April 11, 2024. The owner has updated their application in hopes of receiving a variance to a home that encroaches into the adjacent use setback angles. (See Exhibit A).

Nearing build-out, approximately 75 of the 83 lots have been developed, and eight empty lots remain in the subdivision (See Exhibit F). Since the Sandcastles by the Sea Subdivision was approved by the Town, Staff has not correctly reviewed the adjacent use setback angles for this subdivision. However, the adjacent street setback standards have been enforced.

Town Staff incorrectly approved three building permits in 2022 that encroached into the setback angle: 57 Sandcastle Court, Permit #BLDR-000489-2022, 65 Sandcastle Court, Permit #BLDR-003118-2022, 131 Sandcastle Court; Permit #BLDR-002038-2022. (See Exhibit E).

The property owner of 81 Sandcastle Court hired Sam Liberti of Low Tide Designs to build a single-family home that complies with the developed neighborhood character. Architectural elements reflected in the neighborhood mirror the Architectural Review Guidelines for Sandcastles by the Sea and include a minimum of two living floors over a garage, and also, "All

homes must have a two-car shielded/enclosed garage with room for two additional off-street parking spaces in front of the garage. (See Exhibit G, pages 2 and 3).

During the design process, the applicant contacted the Town with questions regarding the adjacent use setback angles. Staff informed the applicant that the proposed setback angle encroachments were not permitted. LMO Section 16-5-102.E, Allowable Setback Encroachments, lists permitted development activity within a required setback. The variance application proposes development beyond what is listed in Section 16-5-102.E to encroach into the adjacent use setback angle. The applicant has requested a variance to allow a home to encroach into the required adjacent use setback angles.

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

Grounds for Variance:

- Per the application, the applicant is seeking a variance from LMO Section 16-5-102.D, Setback Standards, specifically, the setback angles, to allow a home to encroach into the setback angles.

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:

- Application was submitted on April 8, 2024 as set forth in LMO Section 16-2-102.C and Appendix D-19.
- Notice of the Application was published in the Island Packet on March 2, 2025 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on February 18, 2025 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on March 3, 2025 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

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 subject parcel is .076 acres.
- The lot is approximately the same shape and size (.075 to .093 acres) as all of the other properties on the same side of Sandcastle Court.
- The required adjacent use setback angle from single-family use to single-family use is 75-degrees. This requirement applies to all single-family homes that are adjacent to another single-family home.
- Town Staff has incorrectly approved building permits for single-family homes within the subdivision that do not comply with the adjacent use setback angle requirements in the LMO.

Conclusions of Law:

- The subject property is approximately the same size (.075 to .093 acres) as all of the other properties on the same side of Sandcastle Court.
- The required setback angles have not been enforced in the subdivision.
- 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 and exceptional conditions that pertain to this particular property.

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:

- The subject property is approximately the same size (.075 to .093 acres) as all of the other properties on the same side of Sandcastle Court.
- The 3.5-foot adjacent use setbacks are shown on the subdivision plat.
- The required adjacent use setback angle from single-family use to single-family use is 75 degrees and applies to all single-family properties in the subdivision.
- Town Staff has incorrectly approved building permits for single-family homes within the

subdivision that do not comply with the adjacent use setback angle requirements in the LMO.

Conclusion of Law:

- The subject property is approximately the same size (.075 to .093 acres) as all of the other properties on the same side of Sandcastle Court.
- Town Staff has incorrectly approved building permits for single-family homes within the subdivision that do not comply with the adjacent use setback angle requirements in the LMO.
- 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 pertain to this particular property that don't also 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:

- The original developer of the Sandcastles by the Sea Subdivision created a subdivision with small lot sizes with limited buildable footprints, which limits the ability of the subject property to meet the required adjacent use setback angles.
- The Sandcastles by the Sea Subdivision was approved with 3.5-foot adjacent use setbacks from adjacent lots in the subdivision.
- LMO Section 16-5-102.E, Allowable Setback Encroachments, lists permitted development activity within a required setback. The variance application proposes development beyond what is listed in Section 16-5-102.E to encroach into the adjacent use setback angle.
- Town Staff has incorrectly approved building permits for single-family homes within the subdivision that do not comply with the adjacent use setback angle requirements in the LMO.

Conclusion of Law:

- The setback angle requirements have incorrectly not been enforced by the Town within the subdivision. Enforcing the setback angles would reduce the gross floor area of a new home, thus unreasonably restricting the utilization of the parcel in the subdivision. (See elevation sheets in the application).
- This application meets the criteria as set forth in LMO Section 16-2-103.S.4.a.i.03 because there are extraordinary or exceptional conditions that pertain to this property that unreasonably prohibit the use 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 Facts:

- The LMO describes the purpose of the RD District, “to provide for resort development in the form of multifamily development, bed and breakfasts, and resort hotels. It is also the purpose of this district to provide for commercial development aimed at serving the island visitor.”
- The purpose of the adjacent use setback standards is to provide separation between structures and property lines. Such separation is intended to maintain and protect the Town’s Island character and facilitate adequate air circulation and light between structures in adjacent developments.
- The district allows for the residential development of up to 16 dwelling units per net acre.
- The majority of the lots in the subdivision have been developed and do not appear to comply with the required adjacent use setback angle. The enforcement of the setback angle would result in a change of character to the subdivision.

Conclusions of Law:

- The enforcement of the setback angle would result in a change of character to the subdivision.
- Staff did not identify any substantial detriment to the adjacent property caused by granting the variance of the encroachment into the adjacent use setback angle.
- This application meets the criteria set forth in LMO Section 16-2-103.S.4.a.i.04 because the variance will not substantially detriment the adjacent property or public good.

LMO Official Determination:

Based on the above Findings of Facts and Conclusions of Law, the LMO Official determines the request to be inconsistent with the Town’s Our Plan and does not serve to carry out the purposes of the LMO and recommends that the request for a variance should be denied to the applicant.

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:

MC

Michael Connolly
Senior Planner

2/7/2025

DATE

REVIEWED BY:

TL

Trey Lowe
Development Services Program Manager

2/10/2025

DATE

REVIEWED BY:

ML

Missy Luick
Director of Planning

3-10-25

DATE

ATTACHMENTS:

- A) Applicant’s Variance Narrative and Site Plan**
- B) Sandcastles by the Sea Subdivision Plat**
- C) 1998 LMO Adjacent Use Setback Angles**
- D) 2014 LMO Adjacent Use Setback Angles**
- E) Letter from the Town**
- F) Aerial of Subdivision and Site Photos**
- G) Sandcastles by the Sea Architectural Review Guidelines**

We have purchased the property at 81 Sandcastle Ct in October of 2022 with an intent of building a second home for our family. Before we purchased the property we had driven and walked several times through the neighborhood and even toured some of the houses available for sale with our realtor. We have also requested the architectural review guidelines from the association to make sure everything fitted with what we were planning to do. We knew we wanted to build a house very similar to those in the neighborhood since we already loved the look of all the houses. We were just planning to put in a few special touches on the inside of the home. All of houses in the neighborhood are 3 to 4 stories tall with a garage underneath.

Our intent was to build a 3 story house that would suit our family's needs. We wanted to make sure it had minimum of 4-5 bedrooms to accommodate family reunions or large Thanksgiving gatherings. Consequently, we hired Sam Liberti with Low Tide Designs, who we worked with before. He was familiar with the neighborhood and has already designed two houses that were built there. It was almost an entire year later when we were finalizing our plans and Sam called the zoning department to inquire about the setback angles. It was our understanding that there was a front setback angle being enforced. We had this knowledge from meeting with other contractor's project manager (The Renovators), who was currently finishing 2 homes in the neighborhood and starting another project just a few houses down from ours. It was to our surprise when we found out that there were 4 setback angles that would be enforced on our property. That was in November of 2023. Since then, we have had 3 meetings with the zoning department trying to figure out a solution and it was determined that we would have to proceed with an application for a variance.

01. There are extraordinary and exceptional conditions pertaining to the particular piece of property:

With the setback angles the way they are currently being or planning to be enforced; it is not possible to build a 3 story or even a 2 story house. We will present documentation showing that if the side angles and the back and front angle were enforced, we would essentially have to build one story house with one small bonus room on the second story. It would become a 2 bedroom home with about 1700 square feet of heated and cooled space. This is one of the last lots to be built in this neighborhood and enforcing the angle rule would cause it to look out of place and not matching the neighborhood.

02. These conditions do not generally apply to other properties in the vicinity;

Because these angles haven't been properly enforced in the past, they did not apply to the other houses built before ours. It created sort of an architectural conundrum where our house would look odd and out of place if built within the guidelines of the setback angles. So, these conditions are new, due to the angles being enforced properly now but not in the past when other properties in vicinity were developed.

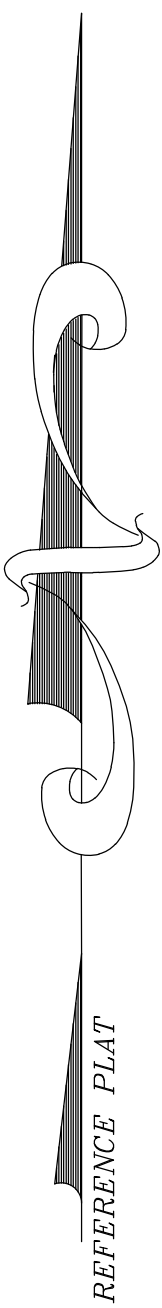
03. Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property

Here is an excerpt from the neighborhood's architectural guidelines: "All homes are to be minimal two living floors over a garage level. All homes must have a two-car shielded/enclosed garage with room for two additional off-street parking spaces in front of the garage. Under no circumstances shall the garage space be converted to any other use. All vertical construction and improvements shall comply with the minimum building." In essence, we will not be able to comply with the requirements of these architectural guidelines while also following the setback angle guidelines. As mentioned before the setback angles on the sides and front and back would effectively shrink the house to being 1.5 story tall. Have these angles been enforced on the adjoining properties, these houses would not have been able to be built the way they are now. Both of our neighbors on each side have a 2.5 story house. It is virtually impossible to do that now that the angle setbacks are being enforced. Moreover, there are at least 3 houses on our street that have been completed or started construction in the last 12 months that are full 3 story houses and have been approved without the side or back angles requirement. Again, have the setbacks angles been enforced, this would not have been possible. We feel very strongly that these angles restrict proper utilization of our property and make it impossible to develop it in accordance and agreement to the HOA's intent.

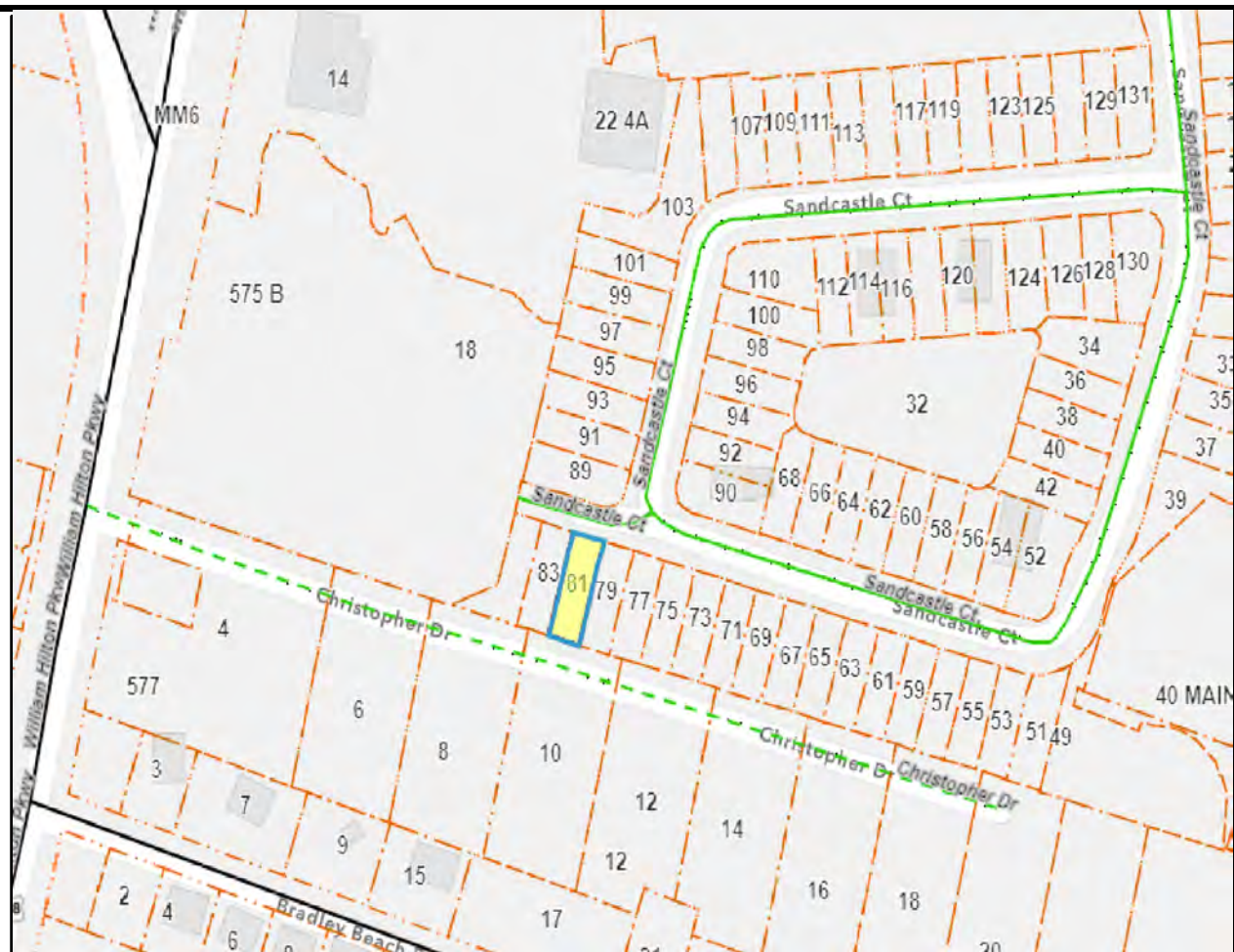
04. The authorization of the Variance will not be of substantial detriment to adjacent property or the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the Variance.

It is our belief that building a house that blends within the neighborhood and does not distract from the overall look of the neighborhood is essential. We also believe that if the angles were enforced the way they are designed it might effectively prohibit us from developing our property.

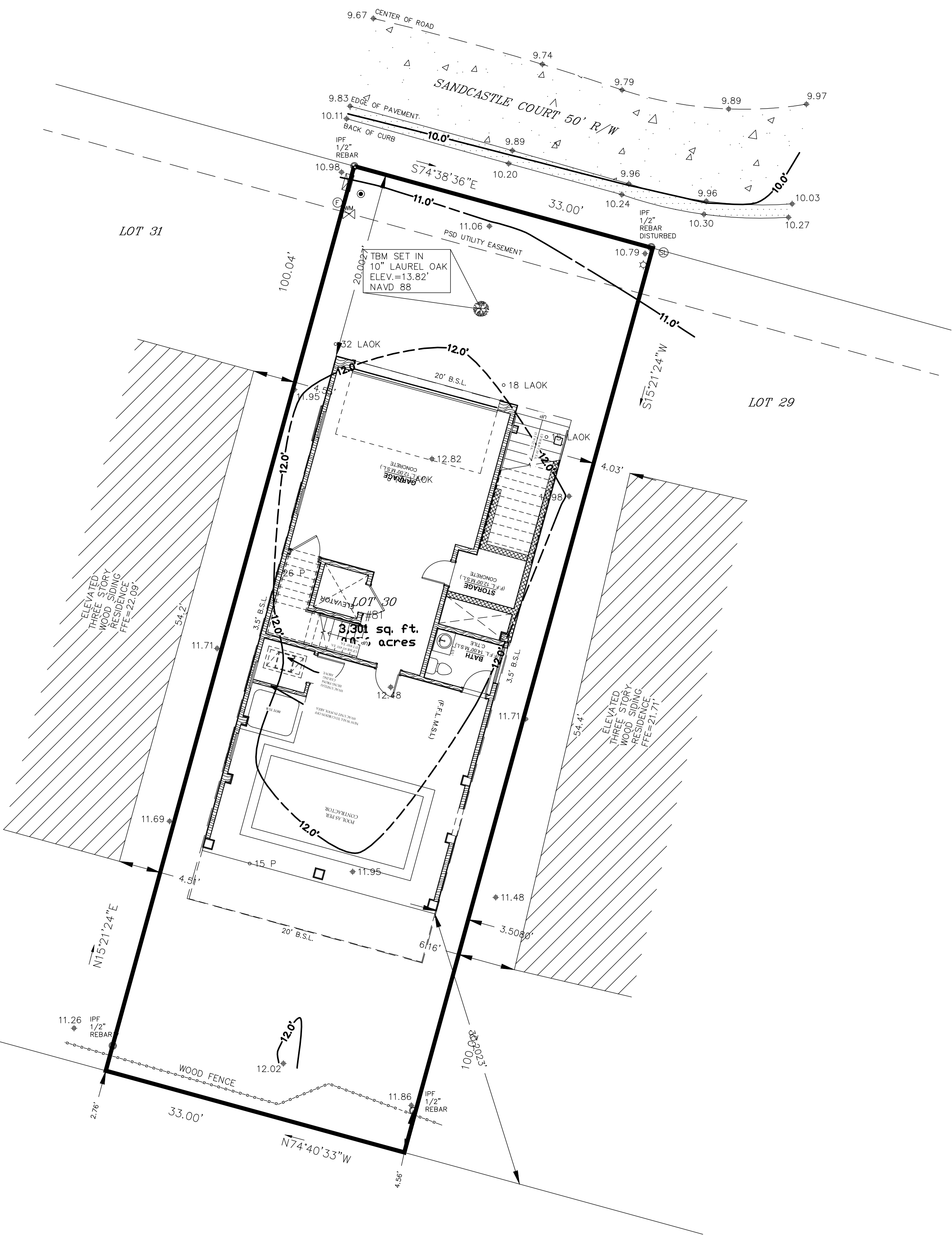
The plans that we have developed for this property do not aim to differ from the essential character of the neighborhood. On the contrary, they were developed to be in line with the entire design of the neighborhood and based on the observations of what the existing houses looked like as well as the ones being built. They were also developed to be in line with requirements of the architectural guidelines of the HOA.



REFERENCE PLAT



LOCATION MAP NOT TO SCALE



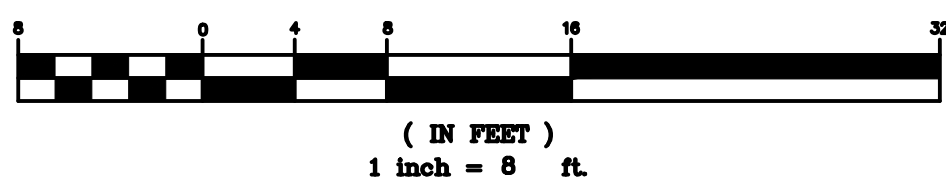
LEGEND

- CMS - CONCRETE MONUMENT SET
- CMF - CONCRETE MONUMENT FOUND
- IPS - IRON PIN SET
- IPF - IRON PIN FOUND
- # - INDICATES STREET ADDRESS
- TBM - TEMPORARY BENCH MARK
- BSL - BUILDING SETBACK LINE
- TELEPHONE PEDESTAL/COMMUNICATOR
- SEWER LATERAL
- SANITARY SEWER MANHOLE
- ELECTRIC BOX
- SPOT ELEVATION SHOTS
- CONTOUR LINES
- XFMR - TRANSFORMER
- WL - WATER LATERAL
- WM - WATER METER
- ICV - IRRIGATION CONTROL VALVE
- FIRE HYDRANT
- GRATE INLET
- POWER POLE
- O.H.P.L. - OVER HEAD POWER LINE
- GUY LINE
- LIGHT POLE
- STORM DRAIN MANHOLE
- FIBEROPTICS MANHOLE

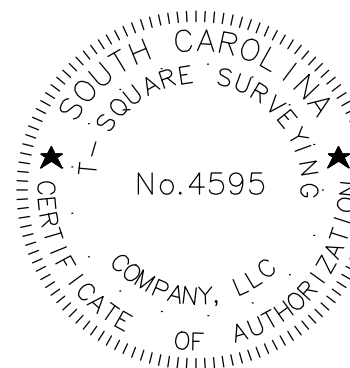
TREE LEGEND

- WHIOK - WHITE OAK
- LAOK - LAUREL OAK
- LOK - LIVE OAK
- WOK - WATER OAK
- ROK - RED OAK
- PCAN - PECAN
- MAG - MAGNOLIA
- HIC - HICKORY
- MPL - MAPLE
- PLM - PALMETTO
- CHY - CHERRY
- HLY - HOLLY
- CDR - CEDAR
- RDB - RED BUD
- SAS - SASSAFRAS
- DOG - DOGWOOD
- SB - SUGARBERRY
- P - PINE
- G - GUM
- B - BAY

GRAPHIC SCALE



(IN FEET)
1 inch = 8 ft.



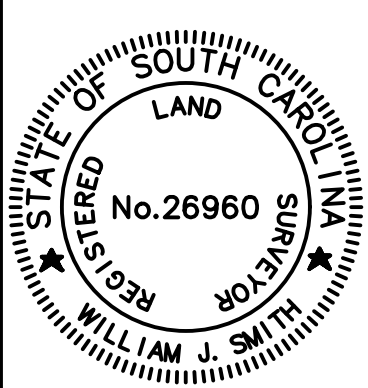
DRAWN BY: B.M.S

APPROVED BY: W.J.S

PARTY CHIEF: W.J.S

DATE: MAY 16, 2023

T. SQUARE SURVEYING
PROFESSIONAL LAND SURVEYORS
P.O. Drawer 330
139 Burnt Church Road
Bluffton, S.C. 29910
tsquare@hangray.com
Phone 843-757-2650 Fax 843-757-5738
JOB No. 23-190T



I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION & 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.

WILLIAM J. SMITH, PLS # 26960

THE ABOVE PLAT PREPARED BY ME AT THE REQUEST OF

LEVEL 5 BUILDERS

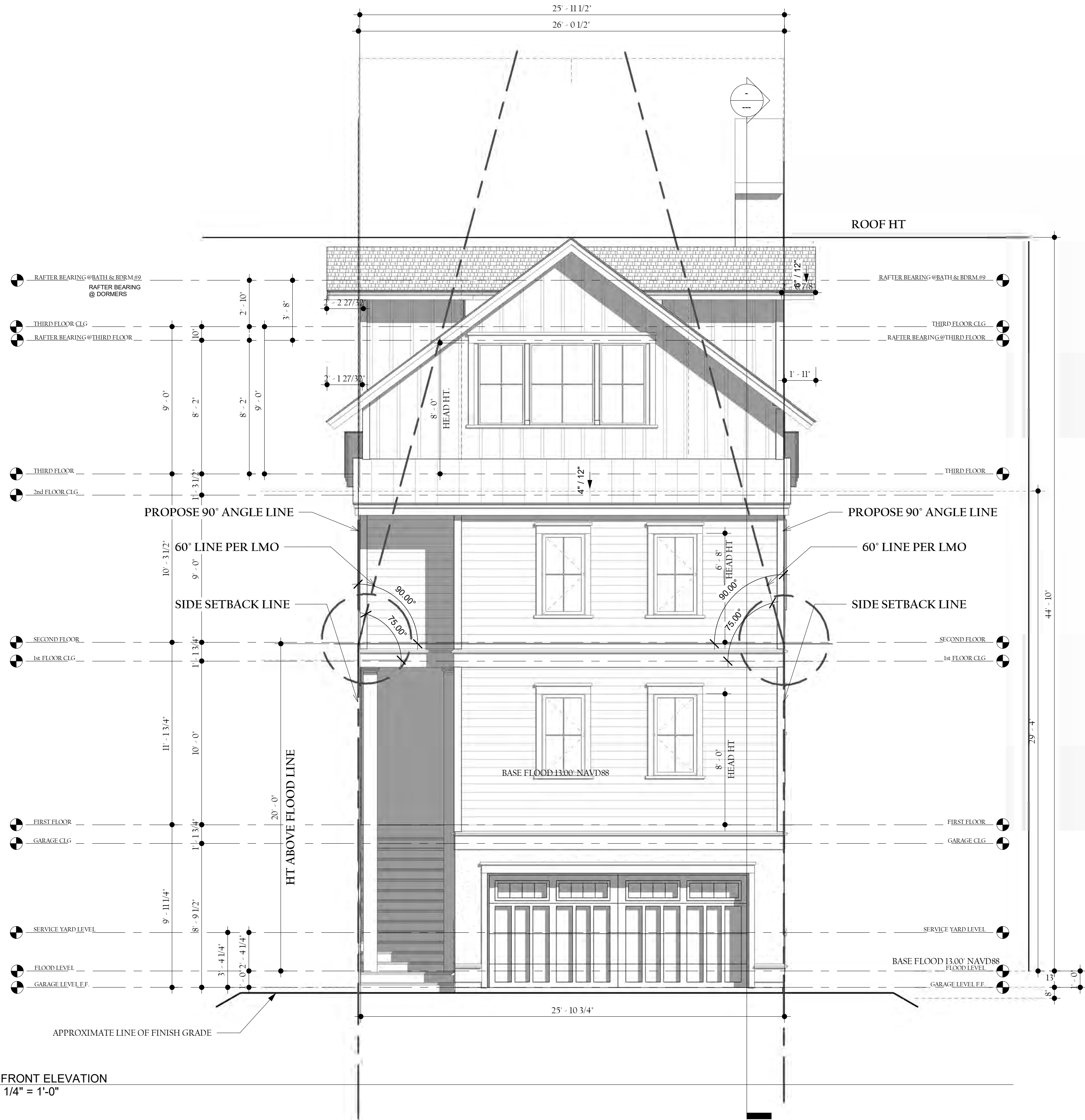
A TREE & TOPOGRAPHIC SURVEY OF LOT 30 SANDCASTLE COURT,
A PORTION OF BLOCK B, SANDCASTLES BY THE SEA,
TOWN OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA.

DIST. 511, MAP 9, PARCEL 1136

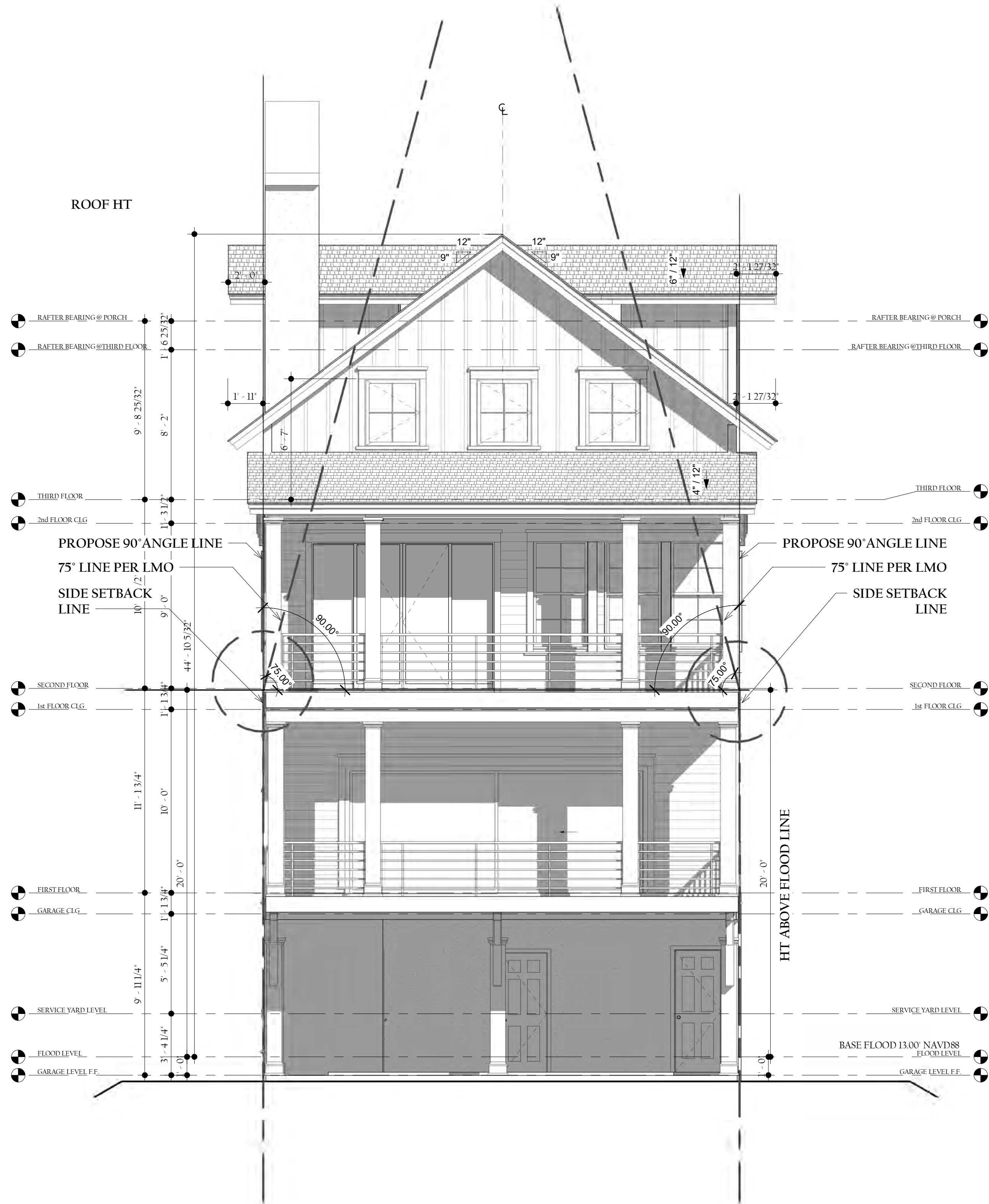
- Notes:
- According To FEMA Flood Insurance Rate Map # 45013C04546 This Lot Appears To Lie In A Federal Flood Plain Zone X, Minimum Required Elevation N/A Ft. NAVD88
 - This Property May Be Subject To Easements, Protective Covenants And Other Facts That May Be Revealed By A Complete Title Search.
 - This Survey Was Performed Without The Benefit Of A Wetland Delineation.
 - All Building Setback Requirements Should Be Verified With The Proper Authorities Prior To Design And Construction.
- Reference Plats:
PLAT BOOK 113 AT PAGE 164

COPYRIGHT 2022 LOW TIDE DESIGNS, THE USE OF THE DOCUMENT(S) AND THE DESIGN CONTENT WITHOUT WRITTEN PERMISSION FROM LOW TIDE DESIGNS IS PROHIBITED.

1 FRONT ELEVATION
1/4" = 1'-0"



2 REAR ELEVATION
1/4" = 1'-0"



INITIALS

OWNERS _____

BUILDER _____

LEGEND	
ROOF	FIBERGLASS ARCHITECTURAL SHINGLES
	5V METAL ROOF
WAL	HARDIE HORIZONTAL PLANK SIDING
	TABBY STUCCO

LOW TIDE DESIGNS HAS NOT BEEN HIRED FOR CONSTRUCTION OR OBSERVATION MANAGEMENT

FLASHING NOTES:

1. PROVIDE ISOLATION MATERIAL BETWEEN DISSIMILAR METALS TO PREVENT GALVANIC REACTION.
2. PROVIDE PREFINISHED CONCEALED METAL FLASHING AT ALL WINDOWS AND DOORS.
3. PROVIDE PREFINISHED OR CONCEALED METAL FLASHING AT ROOF TO WALL APPLICATIONS. IF WALL IS RUNNING AT AN ANGLE, PROVIDE STEP FLASHING. INSTALL PER BUILDING CODE.

ARB

DESIGN FOR
LEVEL 5 BUILDERS

DATE: 12/12/2023

REVISION:

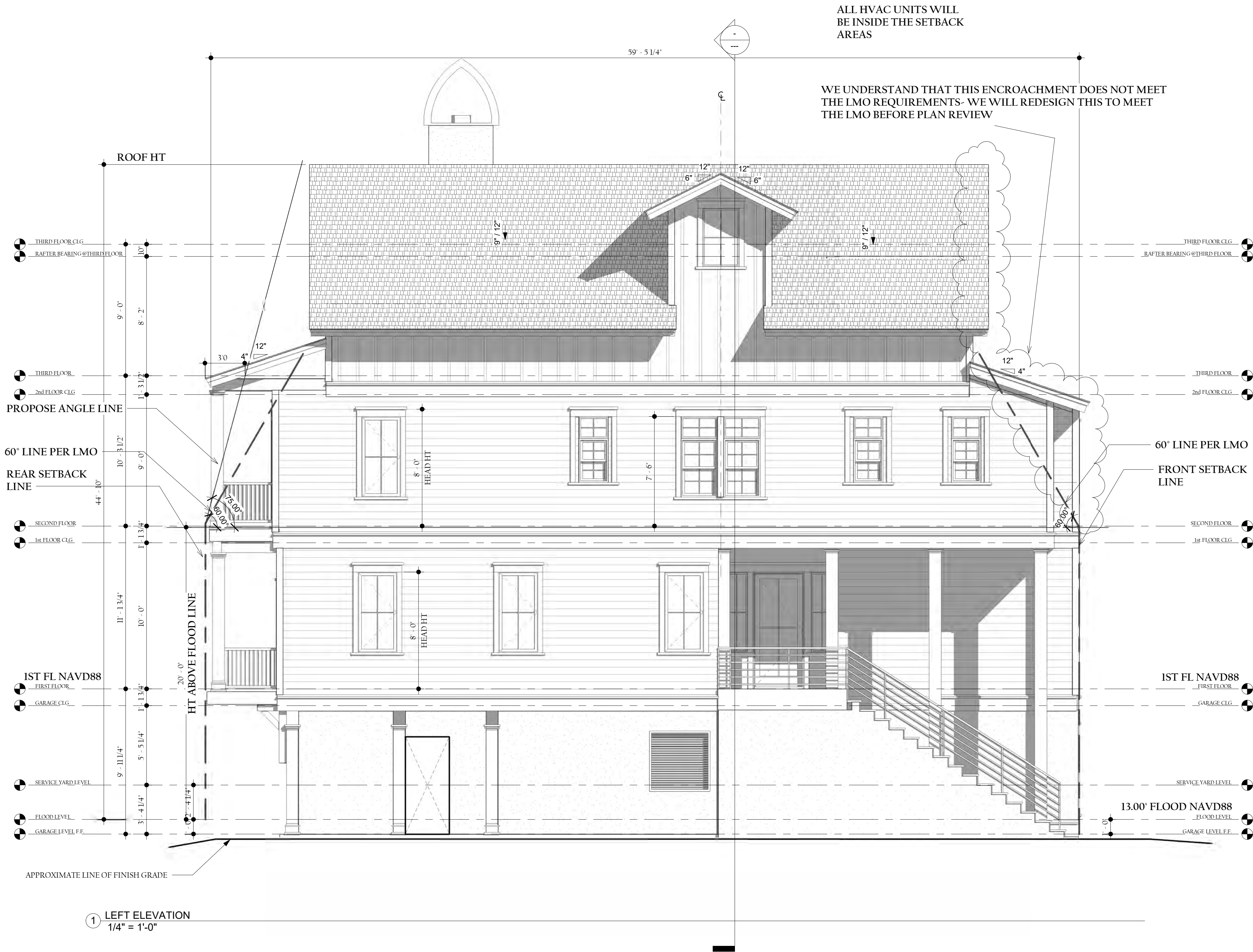
03.19.2024
04.10.2024

DESIGNED BY
S. LIBERTI
DRAWN BY
MAB
PROJECT
24-
SHEET

A3.1

Low Tide Designs
Residential Designers - Architects
23 Plantation Park Drive-BLDG 100- STE 103
Bluffton SC 29910 Ph. 843.815.9575
Certified Professional Building Designer
Certified Green Professional

A
B
D
® Professional Member
of American Institute
of Building Design



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LEGEND	
ROOF	FIBERGLASS ARCHITECTURAL SHINGLES
ROOF	5V METAL ROOF
WAL	HARDIE HORIZONTAL PLANK SIDING
WAL	TABBY STUCCO

ARB

DESIGN FOR
LEVEL 5 BUILDERS

LOT#30 -#81 SANDCASTLE COURT
HILTON HEAD, SOUTH CAROLINA

DATE: 12/12/2023

REVISION:

03.19.2024
04.10.2024

DESIGNED BY
S. LIBERTI
DRAWN BY
MAB
PROJECT
24-
SHEET

A3.3

INITIALS

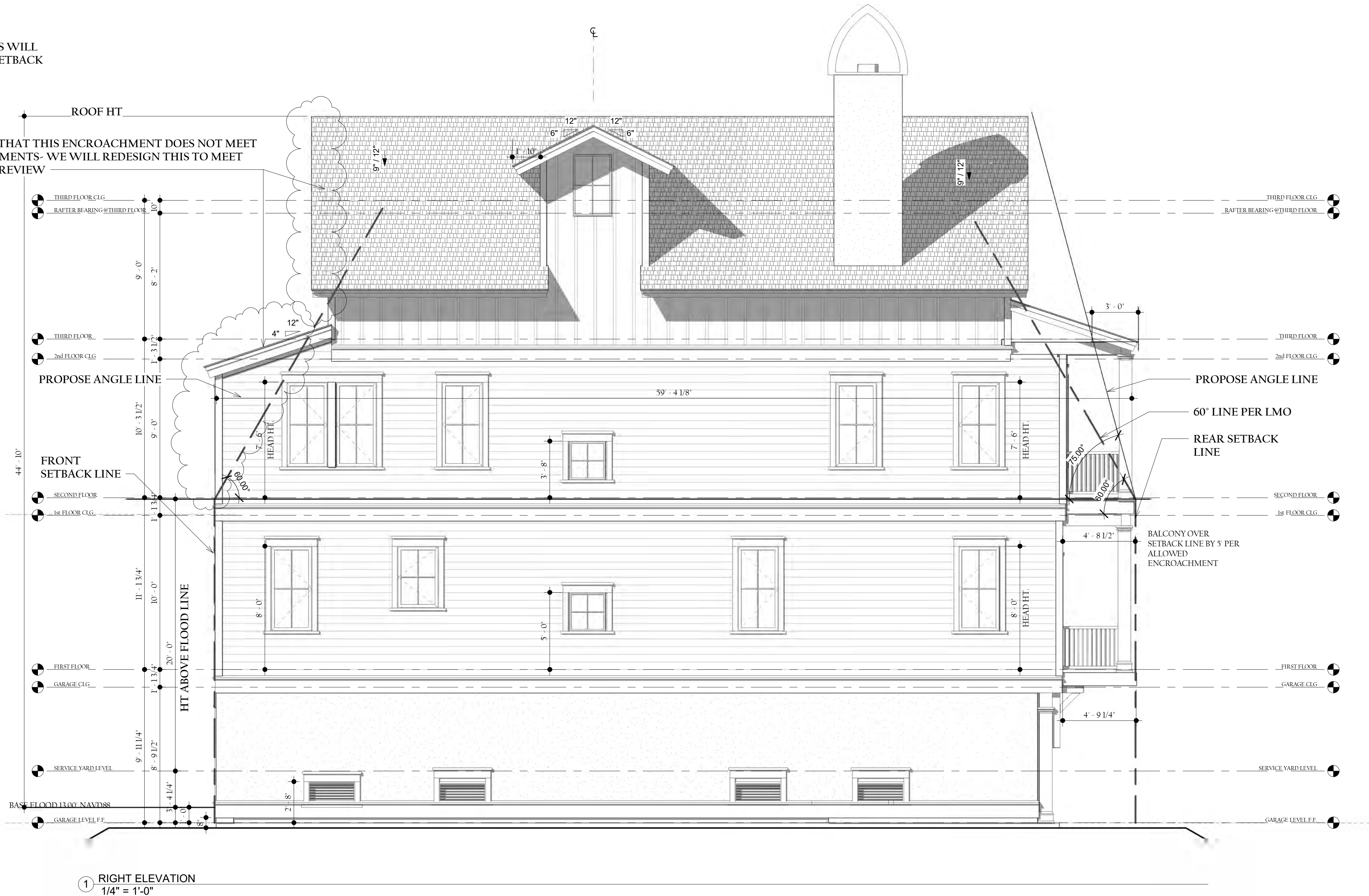
OWNERS _____

BUILDER _____

Low Tide Designs
Residential Designers - Architects
23 Plantation Park Drive-BLDG 100- STE 103
Bluffton SC 29910 Ph. 843.815.9575
Certified Professional Building Designer
Certified Green Professional

ALL HVAC UNITS WILL
BE INSIDE THE SETBACK
AREAS

WE UNDERSTAND THAT THIS ENCROACHMENT DOES NOT MEET
THE LMO REQUIREMENTS- WE WILL REDESIGN THIS TO MEET
THE LMO AT PLAN REVIEW

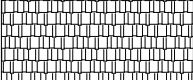
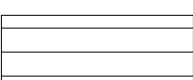
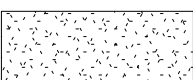


1 RIGHT ELEVATION
1/4" = 1'-0"

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LEGEND	
ROOF	 FIBERGLASS ARCHITECTURAL SHINGLES
	 5V METAL ROOF
WAL	 HARDIE HORIZONTAL PLANK SIDING
	 TABBY STUCCO

ARB

DESIGN FOR
LEVEL 5 BUILDERS

LOT#30 -#81 SANDCASTLE COURT
HILTON HEAD, SOUTH CAROLINA

DATE: 12/12/2023

REVISION:

03.19.2024
04.10.2024

DESIGNED BY

S. LIBERTI

DRAWN BY

MAB

PROJECT

24-

SHEET

A3.2

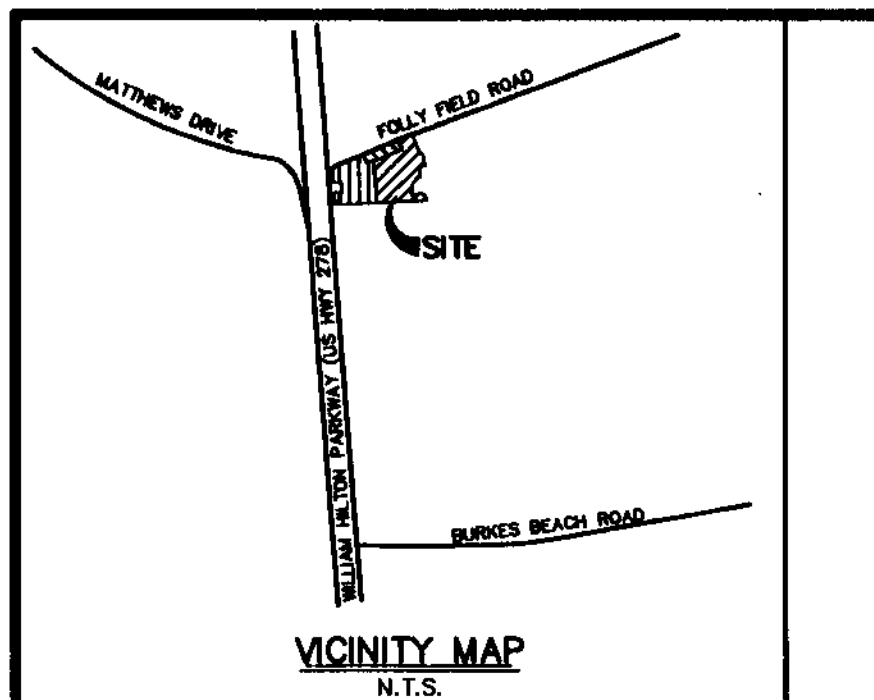
INITIALS

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A
B
D
® Professional Member
of American Institute
of Building Design



LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	4.00'	S 04°17'57" E	L71	53.12'	S 68°24'56" E
L2	40.00'	N 64°29'04" W	L72	15.66'	S 58°28'49" W
L3	3.98'	S 71°38'22" E	L73	100.00'	S 72°38'56" E
L4	18.78'	S 18°55'11" W	L74	100.00'	S 72°38'56" E
L5	71.92'	S 71°04'49" E	L75	100.00'	S 72°38'56" E
L6	6.78'	S 08°55'01" E	L76	119.29'	S 85°05'01" E
L7	53.28'	S 04°58'54" W	L77	108.18'	S 85°05'01" E
L8	47.80'	N 79°27'45" E	L78	97.77'	S 87°11'36" W
L9	55.25'	N 20°18'12" W	L79	97.31'	N 85°42'03" E
L10	53.92'	N 04°17'57" W	L80	98.98'	N 85°42'03" E
L11	80.86'	N 74°38'36" W	L81	95.97'	N 85°42'03" E
L12	42.18'	N 18°22'35" E	L82	94.91'	N 85°42'03" E
L13	27.73'	S 32°22'57" E	L83	95.04'	N 85°42'03" E
L14	27.73'	S 32°22'57" E	L84	96.72'	N 85°42'03" E
L15	42.18'	S 18°22'35" E	L85	108.28'	N 85°42'03" E
L16	72.24'	S 13°12'15" W	L86	134.81'	N 85°42'03" E
L17	42.60'	S 13°12'15" W	L87	18.81'	S 44°01'28" W
L18	10.00'	S 85°05'01" E	L88	39.93'	S 85°42'03" E
L19	18.74'	N 52°50'10" W	L89	33.36'	S 85°42'03" E
L20	31.52'	N 15°42'17" W	L90	29.32'	S 85°42'03" E
L21	34.13'	N 09°51'20" W	L91	100.00'	S 72°38'56" E
L22	45.37'	N 12°06'57" W	L92	100.00'	S 72°38'56" E
L23	39.03'	N 12°06'57" W	L93	100.00'	S 72°38'56" E
L24	33.00'	N 04°52'45" W	L94	100.54'	S 72°38'56" E
L25	33.02'	N 08°03'05" W	L95	13.70'	S 72°38'56" E
L26	33.02'	N 08°07'40" W	L96	33.02'	S 72°38'56" E
L27	33.00'	N 04°04'28" W	L97	80.23'	S 72°38'56" E
L28	33.04'	N 01°23'42" W	L98	102.99'	S 15°21'24" W
L29	34.98'	N 14°58'13" E	L99	104.13'	S 15°21'24" W
L30	28.59'	N 28°09'46" E	L100	100.00'	S 15°21'24" W
L31	11.20'	N 85°22'38" E	L101	100.00'	S 15°21'24" W
L32	99.80'	N 04°17'57" W	L102	100.00'	S 15°21'24" W
L33	99.80'	N 04°17'57" W	L103	100.00'	S 15°21'24" W
L34	99.80'	N 04°17'57" W	L104	100.00'	S 15°21'24" W
L35	99.80'	N 04°17'57" W	L105	100.00'	S 15°21'24" W
L36	99.80'	N 04°17'57" W	L106	43.47'	S 15°21'24" W
L37	99.80'	N 04°17'57" W	L107	33.00'	S 15°21'24" W
L38	99.80'	N 04°17'57" W	L108	17.91'	S 15°21'24" W
L39	99.80'	N 04°17'57" W	L109	104.57'	S 74°38'36" E
L40	99.80'	N 04°17'57" W	L110	104.80'	S 74°38'36" E
L41	99.80'	N 04°17'57" W	L111	101.40'	S 76°27'45" W
L42	99.80'	N 04°17'57" W	L112	100.00'	S 76°27'45" W
L43	99.80'	N 04°17'57" W	L113	108.04'	S 76°27'45" W
L44	104.60'	N 04°17'57" W	L114	102.95'	S 76°27'45" W
L45	114.95'	N 04°17'57" W	L115	68.10'	N 04°17'57" W
L46	106.00'	S 76°27'45" E	L116	31.94'	N 04°17'57" W
L47	106.00'	S 76°27'45" E	L117	100.00'	N 04°17'57" W
L48	106.00'	S 76°27'45" E	L118	100.00'	N 04°17'57" W
L49	106.00'	S 76°27'45" E	L119	100.00'	N 04°17'57" W
L50	105.99'	S 74°38'36" E	L120	100.00'	N 04°17'57" W
L51	105.99'	S 74°38'36" E	L121	100.00'	N 04°17'57" W
L52	105.99'	S 74°38'36" E	L122	100.00'	N 04°17'57" W
L53	100.00'	N 15°21'24" E	L123	88.94'	N 04°17'57" W
L54	100.00'	N 15°21'24" E	L124	84.78'	N 04°17'57" W
L55	100.02'	N 15°21'24" E	L125	99.65'	N 04°17'57" W
L56	100.01'	N 15°21'24" E	L126	27.28'	S 62°23'46" E
L57	99.99'	N 15°21'24" E	L127	6.94'	S 62°23'46" E
L58	99.97'	N 15°21'24" E	L128	23.84'	S 32°22'57" W
L59	99.85'	N 15°21'24" E	L129	7.08'	S 69°54'32" E
L60	99.83'	N 15°21'24" E			
L61	99.81'	N 15°21'24" E			
L62	99.89'	N 15°21'24" E			
L63	99.87'	N 15°21'24" E			
L64	99.85'	N 15°21'24" E			
L65	99.83'	N 15°21'24" E			
L66	99.80'	N 15°21'24" E			
L67	99.78'	N 15°21'24" E			
L68	99.75'	N 15°21'24" E			
L69	101.17'	N 15°21'24" E			
L70	121.89'	S 15°21'24" W			

83 RESIDENTIAL LOTS	=	6.779 AC.
SANDCASTLE COURT R/W	=	2.313 AC.
OPEN SPACE	=	1.826 AC.
TOTAL AREA	=	10.918 ACRES

NOTES

- 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.
- THIS PROPERTY IS LOCATED IN ZONE A-7, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY H.U.D. PANEL 14-D, COMMUNITY NO. 450250, MAP DATED 9/29/86, BASE ELEVATION 14.0'. FLOOD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTIONS DEPARTMENT.
- UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
- LN. DENOTES IRON NEW, 1/2" REBAR SET. ALL LOT CORNERS TO BE WITH LN. UPON FINAL APPROVAL, RECORDING AND WHEN ROAD CONSTRUCTION IS COMPLETE.
- UPON APPROVAL AND RECORDING, PROPERTY CORNERS WILL BE SET.
- THE ONLY ACTIVITIES PERMITTED IN THE EXTERIOR SUBDIVISION BUFFER AS LABELED ON THIS PLAN SHALL BE THOSE LISTED IN PERMITTED ACTIVITY IN OTHER BUFFER AREAS AS PER THE LMO.

REFERENCE PLATS:

- ASBUILT SURVEY OF 14.249 AC. TRACT, FOLLY FIELD ROAD & U.S. HIGHWAY 278, DATED: 5/5/2000, BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059.
- ALTA/ACSM LAND TITLE SURVEY OF PARCEL A, 3.28 AC. AND PARCEL B, 0.08 AC., WILLIAM HILTON PARKWAY, THE FORMER JULIA TERQUEN TRACT, CHARLAIN PLANTATION, DATED: 12/10/2003, REVISED: 4/28/2004, BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059.
- 14.28 ACRES COMMERCIAL & MULTI-FAMILY TRACT, A SECTION OF FOLLY FIELD ROAD AREA, DATED: 4/20/93, REVISED: 4/21/93, RECORDED: P.B. 46, PG. 127, 10/17/93.
- BOUNDARY PLAT OF 16.013 AC. TRACT, AT THE INTERSECTION OF FOLLY FIELD ROAD & WILLIAM HILTON PARKWAY, DATED: 10/13/2004, REVISED: 12/14/2004, BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059.
- BOUNDARY PLAT OF 9.327 ACRES, SINGLE FAMILY RESIDENTIAL TRACT, AT THE INTERSECTION OF FOLLY FIELD ROAD & WILLIAM HILTON PARKWAY, BY: TERRY G. HATCHELL, S.C.P.L.S. NO. 11059.
- BOUNDARY PLAT OF 6.886 ACRES, COMMERCIAL TRACT, AT THE INTERSECTION OF FOLLY FIELD ROAD & WILLIAM HILTON PARKWAY, DATED: 11/29/2004, REVISED: 6/7/2005, BY: TERRY G. HATCHELL, S.C.P.L.S. NO. 11059.
- BOUNDARY PLAT OF 17.51 AC. TRACT, AT THE INTERSECTION OF FOLLY FIELD ROAD & WILLIAM HILTON PARKWAY, DATED: 5/9/2005, REVISED: 6/7/2005, RECORDED: P.B. 107, PG. 60.

SPECIAL NOTE

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 flood hazard 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, the undersigned, as the Owner of Record of parcel R510-009-000-1099-0000, agree to the recording of this plat.

SIGNATURE

DATE

Exhibit B - Sandcastles by the Sea Subdivision Plat VAR-000603-2024

FOLLY FIELD ROAD - 100' R/W

N/F STAR FISH INVESTMENTS, LLC
TO BE CONVEYED TO
THE TOWN OF HILTON HEAD ISLAND

COMMERCIAL TRACT

4.86 ACRES
(IMPROVEMENTS NOT SHOWN)
N/F STAR FISH INVESTMENTS, LLC

N/F JOHN HENRY CHRISTOPHER

N/F MAUDE JONES CHRISTOPHER SYLVIA

N/F MURRY CHRISTOPHER

N/F SHIRLEY C. CHISOLM

N/F MURRY & GENEVA CHRISTOPHER

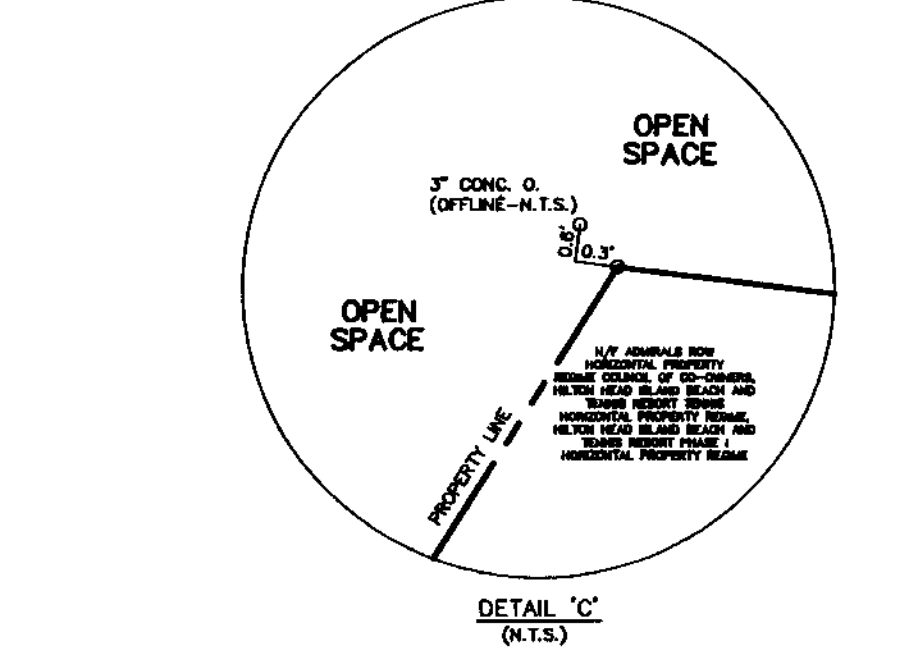
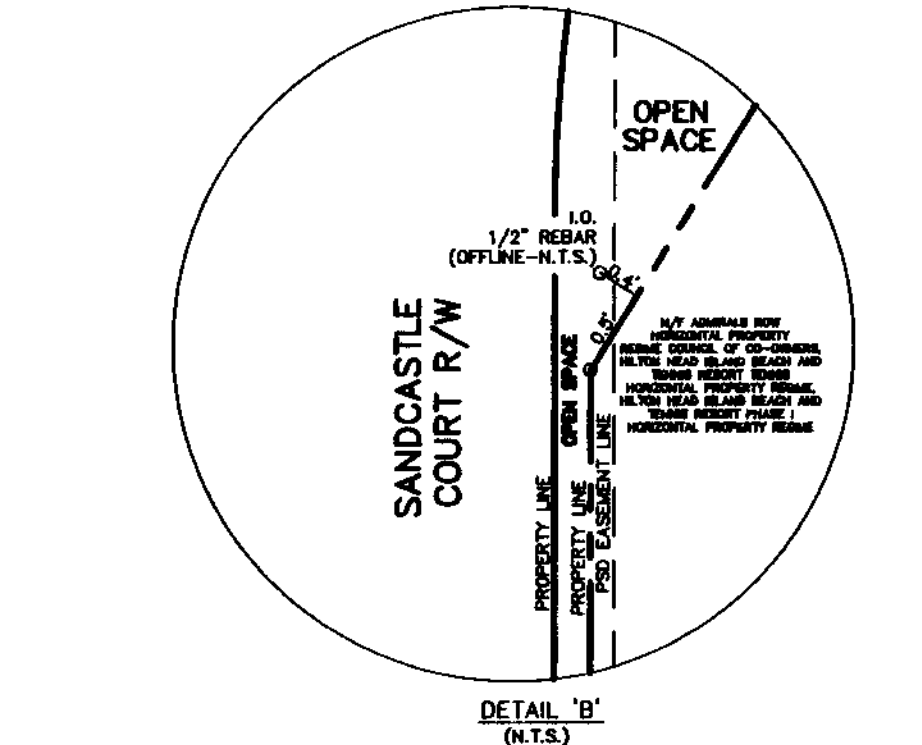
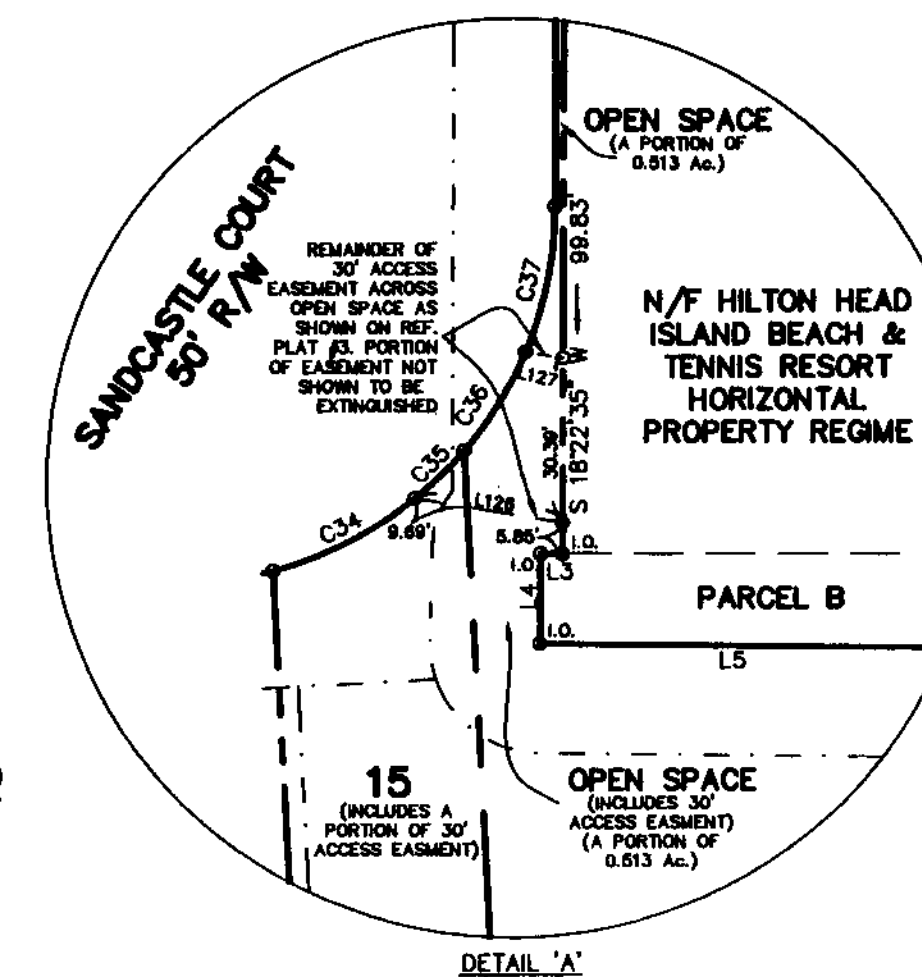
N/F BRADEN PROPERTIES, LLC

N/F JOHN H. & BARBARA MURRAY

N/F MURRY CHRISTOPHER

N/F MURRY CHRISTOPHER

BEAUFORT COUNTY SC - ROD
BK 00113 PG 0164
FILE NUM 2008040075
05/19/2008 03:37:01 PM
RECT BY B BING RECT# 415044
RECORDING FEES 10.00



SUBDIVISION CONTROL POINTS

POINT	N	E
CP1	134426.47	2094162.22
CP2	134266.35	2094174.26
CP3	134110.87	2094171.82
CP4	133926.67	2094114.32
CP5	133864.72	2094081.39
CP6	133795.49	2094035.47
CP7	133892.95	2093658.59
CP8	134152.67	2093678.84
CP9	134187.01	2093719.22
CP10	134218.10	2094132.76

TOWN OF HILTON HEAD ISLAND, SC

Subdivision Control Points

The Town of Hilton Head Island, SC, has reviewed this plat and has authorized the recording of this plat. The Town of Hilton Head Island, SC, has reviewed this plat and has authorized the recording of this plat. The Town of Hilton Head Island, SC, has reviewed this plat and has authorized the recording of this plat.

SUBDIVISION PLAT OF

SANDCASTLES BY THE SEA

FOLLY FIELD ROAD

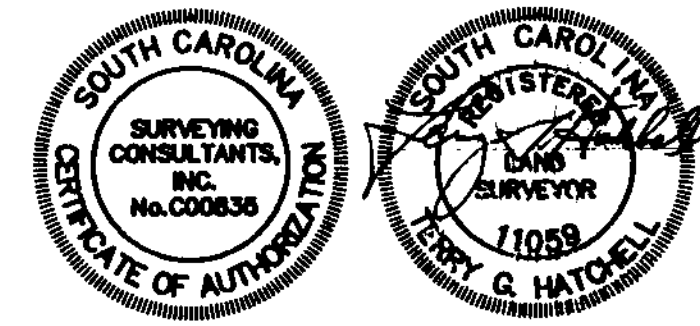
HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 50' DATE: 6/15/2005 JOB NO: 89319L

REVISED 05/19/2006: TO SHOW OFFSET PROPERTY CORNERS

SURVEYING CONSULTANTS

17 Sherlington Drive, Suite C, Bluffton, SC 29910
Telephone: (843) 815-3304 FAX: (843) 815-3305
COPYRIGHT © BY SURVEYING CONSULTANTS



Proposed Use		Adjacent Use			
		Single Family	Multifamily Recreational	Institutional, Commercial	Industrial, Warehouse
Single Family *	Min. Distance	20'	20'	30'	40'
	Max. Angle	75°	75°	60°	45°
Multifamily, Recreational	Min. Distance	20'	20'	25'	30'
	Max. Angle	75°	75°	75°	60°
Institutional, Commercial	Min. Distance	30'	25'	20'	20'
	Max. Angle	60°	75°	75°	75°
Industrial, Utility	Min. Distance	40'	30'	20'	20'
	Max. Angle	45°	60°	75°	75°

[*NOTE: Single family subdivision exterior boundary only]

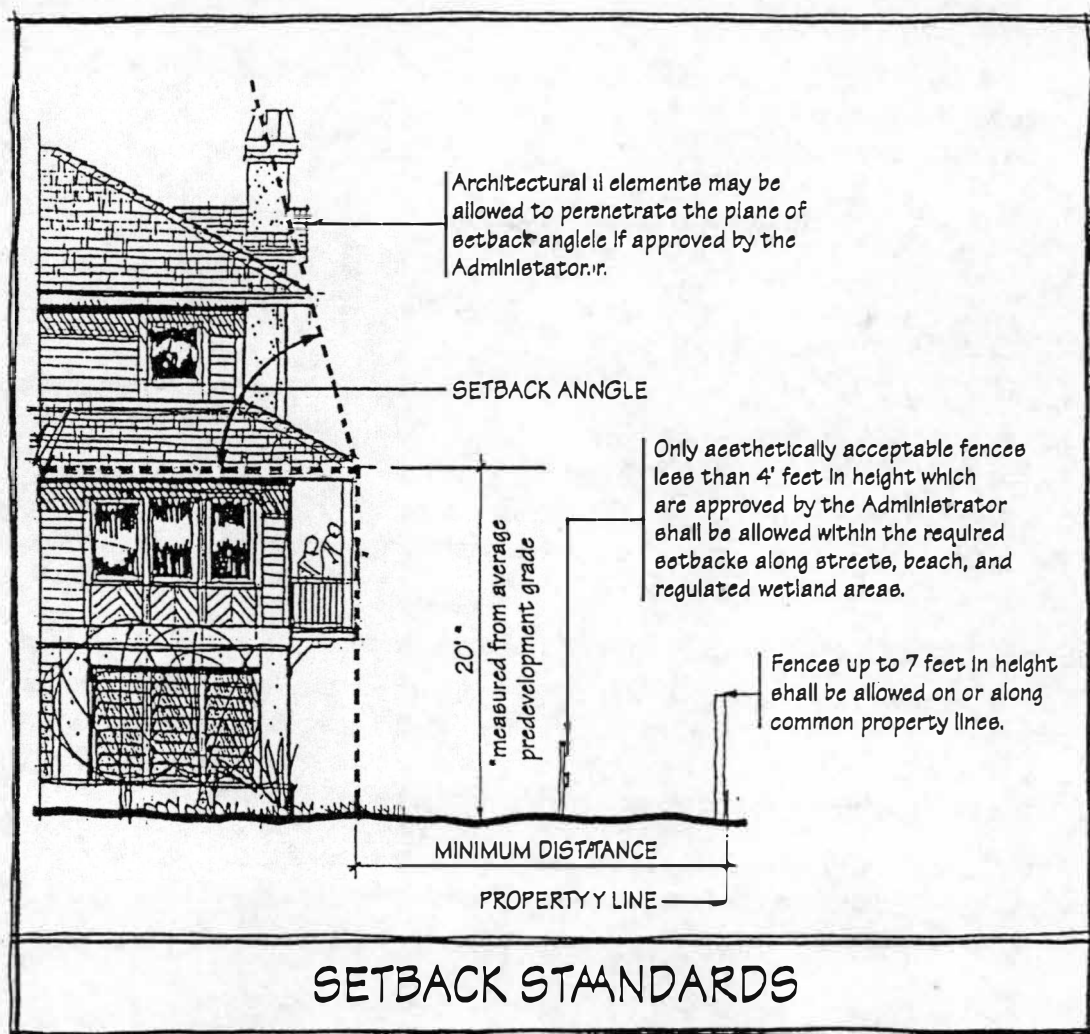


Exhibit D - Setback Angles from 2014
VAR-000603-2024

Sec. 16-5-711. - Setbacks for Zero Lot Line Development

Sec. 16-5-701. - Purpose and Function

The function of a setback is to provide separation between structures and property lines or between structures and the street right-of-way line. Setbacks facilitate adequate air circulation and light by allowing natural areas to separate developments.

Sec. 16-5-702. - Exemptions

No setback shall be required for landscaping, lagoons, retaining walls, streets, parking, street lights, and other amenities that, in the opinion of the Administrator, would normally be considered as aesthetically acceptable.

(Revised 6/15/99—Ordinance 1999-19)

Sec. 16-5-703. - Determination of Setback

- A. Required setbacks for any development shall be determined according to the relationship of the proposed use to the existing contiguous use on each property adjacent to the development.
- B. For purposes of determining the appropriate setback distance where the adjacent property is vacant, it shall be classified as the use which would require the greatest setback allowed by right in that district.
- C. The required setback and setback angle as set forth below shall be measured inward from the property line to the closest portion of a structure located on the property.

(Revised 6/15/99—Ordinance 1999-19)

Sec. 16-5-704. - Minimum Required Setback Area

The minimum required setback area is set forth in the tables below. Minimum setback distances are for structures up to 20 feet in height, measured from the minimum elevation required by FIRM/FEMA or average pre-development grade where no FIRM/FEMA floor elevation is established. Structures exceeding this 20-foot height shall require additional setback according to the appropriate setback angle set forth below.

- A. **Adjacent Use Setback.** All development shall conform to the following minimum setback distances and maximum setback angles, except as expressly provided in this Article. Adjacent use setbacks between two adjoining parcels that are functioning as one development may be eliminated as deemed appropriate by the Administrator.

(Revised 3/6/07—Ordinance 2007-05)

Proposed Use	Adjacent Use				
	Single Family	Multifamily, Recreational	Institutional, Commercial	Industrial, Warehouse	
Single Family*	Min. Distance	20'	20'	30'	40'
	Max. Angle	75°	75°	60°	45°
Multifamily, Recreational	Min. Distance	20'	20'	25'	30'
	Max. Angle	75°	75°	75°	60°
Institutional, Commercial	Min. Distance	30'	25'	20'	20'
	Max. Angle	60°	75°	75°	75°

Industrial, Utility	Min. Distance Max. Angle	40' 45°	30' 60°	20' 75°	20' 75°
[*NOTE: Single family subdivision exterior boundary only]					
1. For all minor subdivisions and Abbreviated Development Plan Review (ADPR) applications, the entire single family exterior boundary setback may be reduced by 50% in area. The setback area shall not be reduced to less than 5 feet wide at any point. The total boundary setback area shall not be required to exceed 20% of the original parcel. 2. <u>Sec. 16-5-205</u> requires a 5-foot setback along all internal property lines for lots divided for single family detached homes. A side setback may be reduced to less than 5 feet as long as the resultant setback combined with the adjacent lot is at least 10 feet wide and shown on the recorded subdivision plat. 3. For properties located in the CCW, DCW, and SMU zoning districts, the adjacent use setback requirement may be reduced in accordance with <u>Section 16-5-402A</u>.					

(Revised 9/5/06—Ordinance 2006-19; Revised 3/6/07—Ordinance 2007-05)

B. Adjacent Street Setback. Minimum setback distances from adjacent roads are specified in the table below.

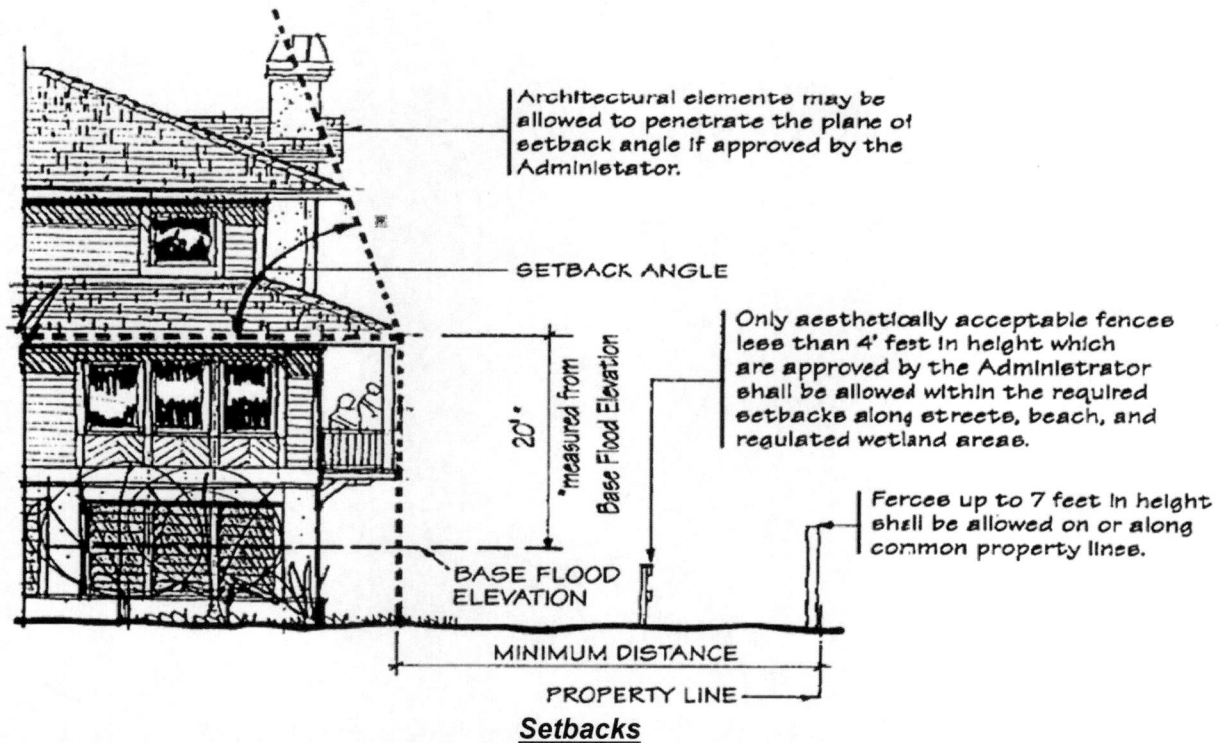
(Revised 3/6/07—Ordinance 2007-05)

Proposed Use		Major Arterials	Minor Arterials	All Other Streets
Single Family Residences Structures > 24" in height Structures < 24" in height	Min. Distance	50'	40'	20'
	Max. Angle	75°	70°	60°
	Min. Distance	50'	30'	10'
	Max Angle	none	none	none
All Other Uses	Min. Distance	50'	40'	20'
	Max. Angle	75°	70°	60°

*Note: For all corner lots, the 20 ft. adjacent street setback may be reduced to 10 ft. for one street. The 20 ft. adjacent street setback shall apply to the street having the highest number of average daily vehicle traffic (ADT) as determined by the Administrator. If both streets have equal ADT the property owner may choose which street the residence will front.

For properties located in the CCW, DCW, and SMU zoning districts, the adjacent street setback requirement may be reduced in accordance with Section 16-5-402B.

(Revised 3/6/07—Ordinance 2007-05)



(Revised 6/15/99—Ordinance 1999-19; Revised 4/25/00—Ordinance 2000-13; Revised 4/2/02—Ordinance 2002-10; Revised 6/21/05—Ordinance 2005-19)

Sec. 16-5-705. - Exceptions For Setback Angle Requirements

- A. Architectural elements may be allowed to penetrate the plane of the setback angle if approved by the Administrator. Architectural elements are parts of a structure which provide visual interest to that structure and are generally non-habitable and decorative in nature. These elements include, but are not limited to, pitched roofs, dormer windows, cupolas, bay windows, eaves and overhangs, chimneys, and church spires.
- B. Exceptions may be allowed by the Administrator only if the applicant demonstrates that:
 1. The required setback angle cannot be met for the architectural elements using alternate site layouts without major modifications to an otherwise acceptable application; and
 2. The excepted architectural elements will not cause detriment to adjacent properties through alteration of natural elements; and
 3. The excepted architectural elements shall not be major or dominant features of the structure; and
 4. The excepted architectural elements will not penetrate the plane of the minimum required setback; and
 5. The exception is the minimum reasonably required to achieve the architectural goal; and, if applicable,
 6. The placement of the structure provides protection of prominent natural features on the site such as trees and wetlands, or historic sites.

Sec. 16-5-706. - Setbacks for Fences

- A. Fences up to 7 feet in height shall be allowed on or along common property lines.
- B. Only aesthetically acceptable fences less than 4 feet in height which are approved by the Administrator shall be allowed within the required setbacks along streets, beach and regulated wetland areas.

Sec. 16-5-707. - Setbacks for Flag Poles

Setbacks shall be required for flag poles higher than 20 ft. with flags larger than 40 sq. ft.

(Revised 10/21/03—Ordinance 2003-31)

Sec. 16-5-708. - Setbacks at Intersections

Setbacks at intersection shall be governed by the requirements for sight triangles set forth in Sec. 16-5-508.

Sec. 16-5-709. - Setbacks for PUD

For the application of setback requirements to a PUD, refer to Article IX.

Sec. 16-5-710. - Setbacks for Signs

For the application of setback requirements to signs see Sec. 16-5-1308.G.

Sec. 16-5-711. - Setbacks for Zero Lot Line Development

Subdivisions may be developed with zero lot lines provided that applicable restrictive covenants require all lots to be developed as zero lot lines. However, the perimeter of the subdivision shall be subject to setbacks required in this section.

Hilton Head Island, South Carolina, Land Management Ordinance >> CHAPTER 5. - DESIGN AND PERFORMANCE STANDARDS >> ARTICLE VIII. - BUFFER STANDARDS >>

ARTICLE VIII. - BUFFER STANDARDS

Sec. 16-5-801. - Purpose and Function

Sec. 16-5-802. - Landscape Plan Required

Sec. 16-5-803. - Location of Buffer Area

Sec. 16-5-804. - Measuring Average Buffer Depth

Sec. 16-5-805. - Buffer Design Standards

Sec. 16-5-806. - Required Buffers

Sec. 16-5-807. - Specific Buffer Requirements

Sec. 16-5-808. - Permitted Activity in Street Buffers

Sec. 16-5-809. - Permitted Activity in Other Buffer Areas

Sec. 16-5-810. - Buffer Materials

Sec. 16-5-811. - Review of Installed Buffer

Sec. 16-5-801. - Purpose and Function

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928
(843) 341-4600 Fax (843) 842-7728
www.hiltonheadislandsc.gov

John J. McCann
Mayor

October 31, 2022

Sent Via: Email

William D. Harkins
Mayor ProTem

Council Members

Thomas W. Lennox
David Ames
Tamara Becker
Glenn Stanford
Alexander Brown, Jr.

Rick Dietrich
90 Capital Drive
Suite 101-A
Hilton Head SC. 29926

Marc Orlando
Town Manager

Re: 57 Sandcastle Court, Permit #BLDR-000489-2022, 65 Sandcastle Court, Permit #BLDR-003018-2022, 131 Sandcastle Court, Permit #BLDR-002038-2022

Mr. Dietrich,

On September 22, 2022, Town staff became aware of a setback angle encroachment, Land Management Ordinance, Section 16-5-102.D(1), at 57 Sandcastle Court, building permit number BLDR-000489-2022. The permitted construction was subsequently placed under a stop work order. Since that time, we have determined that you have two additional permitted jobs with the same setback angle encroachments, and they also were placed under a stop work order. These properties are 65 Sandcastle Court, building permit BLDR-003018-2022, and 131 Sandcastle Court, building permit BLDR-002038-2022 respectively.

Over the last month, Town staff has been working with you to identify a mutually agreeable path forward to resolving these concerns. In furtherance of these efforts, the Town agreed to release the stop work order on 57 Sandcastle Court, once we received a revised roof plan showing the new stepped back location of the front dormer on the third floor. On Friday, October 28, 2022, Town staff received the revised roof plans and removed the stop work order from 57 Sandcastle Court.

The Town has now also agreed to remove the stop work order on 131 Sandcastle Court, and 65 Sandcastle Court, thereby allowing you the ability to move forward with the swimming pools and foundation work. This rescission was completed on Thursday, October 27, 2022, and the corresponding stop work orders were removed from both 65 Sandcastle Court, and 131 Sandcastle Court.

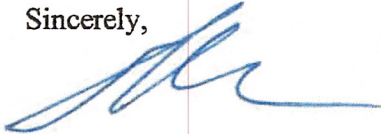
In order to appropriately address these issues, the Town will draft and route a Land Management Ordinance amendment, that if adopted, will remove the setback angle requirements from the Land Management Ordinance as it would otherwise apply to these units. Once the amendment is approved, we will allow you to continue with the full

construction of the two homes as initially submitted. If the amendment is not approved, we will continue to work with you to the fullest extent possible on any plan modifications that may be accomplished to allow the construction of the two homes to continue.

On October 31, 2022, Town staff received an application for your appeal to the Board of Zoning Appeals regarding the previously issued stop works orders. With the Town's subsequent removal of the stop work order for these properties, your appeal as submitted appears to be moot. As such, we would respectfully request that you withdraw your application with the understanding that the Town will be pursuing a Land Management Ordinance amendment that will hopefully address this situation. Such a withdrawal would not prevent you from resubmitting an appeal in the future if we are not otherwise able to successfully resolve this matter as proposed. If you are in agreement, please let me know of your desire to withdraw your application via email so that we may expeditiously issue you a full refund of the application fee.

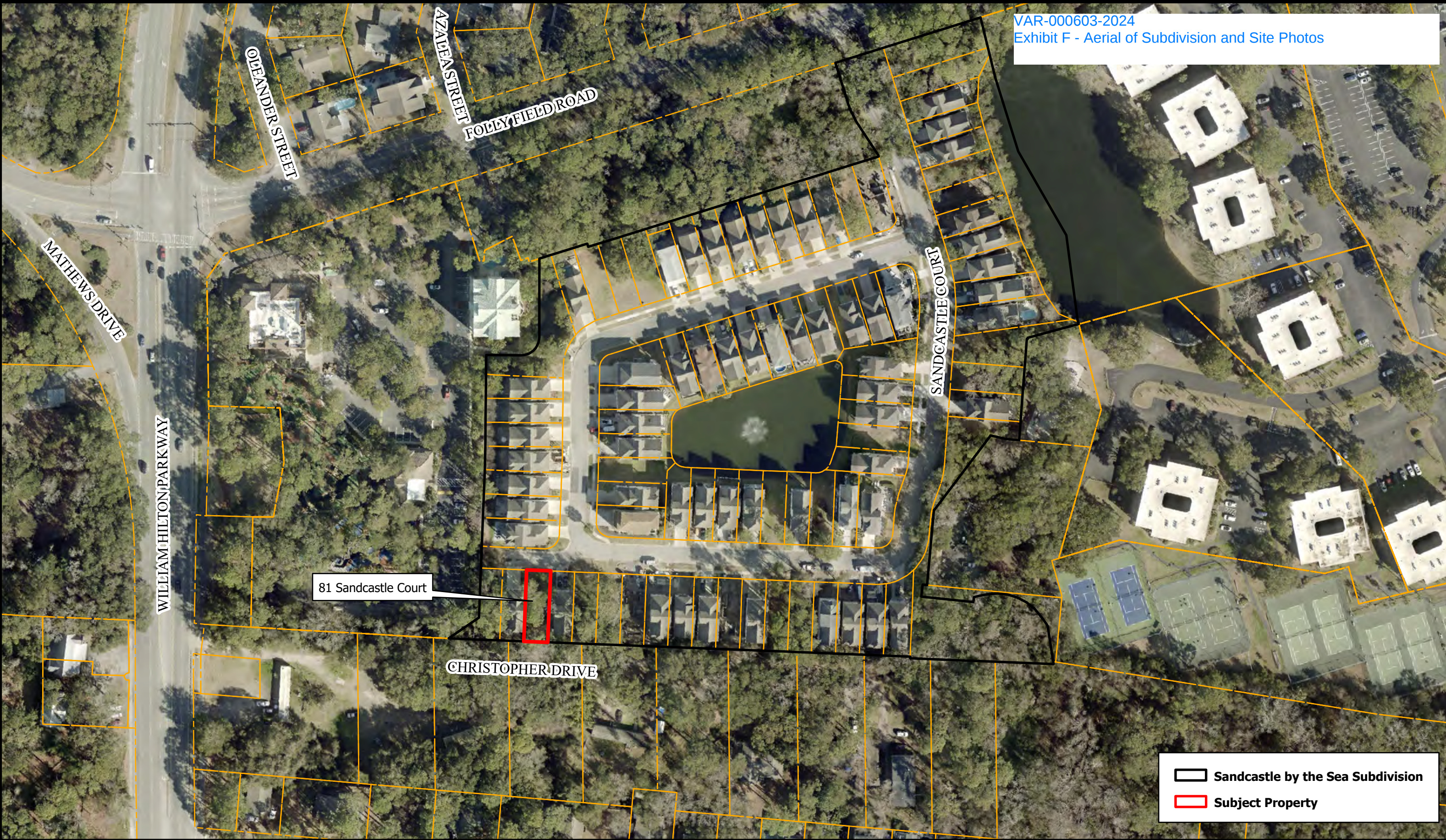
If you have any questions or concerns about the contents of this letter, please feel free to contact me directly at shawnc@hiltonheadislandsc.gov or at 843-341-4696.

Sincerely,



Shawn Colin,
Assistant Town Manager, Community Development
Town of Hilton Head Island

Cc: Marc Orlando, Town Manager
Josh Gruber, Deputy Town Manager
Chris Yates, Development Services Manager



Sandcastle by the Sea Subdivision

Subject Property



SEA TURTLE
VACATION RENTALS
(843) 753-7777
SEATURTLEVACATION.COM

VN 710

VN 710





ARCHITECTURAL REVIEW GUIDELINES

FOR

Sandcastles by the Sea

Folly Field Road
Hilton Head Island, SC 29928

Version 1.2 (Revised 08/11/15)



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SECTION I – INTRODUCTION

Sandcastles by the Sea, a private residential community, is located in the Folly Field area of Hilton Head Island, conveniently situated mid-Island near the intersection of William Hilton Parkway (U. S. Highway 278 Business) and Folly Field Road, close to schools, shopping, recreation, medical and professional services, and the beaches of the Atlantic Ocean. Sandcastles by the Sea contains a total of 83 single family residential lots on 10.918 acres.

A. AIM OF THE DEVELOPMENT

The primary aim of the development of Sandcastles by the Sea is the achievement of a high quality, aesthetically pleasing single family residential community which strives to preserve and enhance the value of each property owner's investment.

B. PURPOSE OF THE ARCHITECTURAL REVIEW COMMITTEE

The purpose of the Architectural Review Committee (the "ARC") is to protect the overall quality of the community while enhancing the value of each property owner's investment by guiding both the building design process and the long term aesthetics of the community for the mutual benefit of all property owners. The ARC, in their review process, will not, as a general rule, dictate any particular architectural style or hinder personal design preferences. It will, however, strive to insure a cohesive character in the community. Traditional design details may be incorporated in the design but "pure styles" which tend to create disharmony are discouraged. The general overall architectural theme of this community of a Bermudian/Charleston style, with the use of coastal colors. A palette of these colors is available from the ARC. No two adjacent homes may be of the same color. All homes shall utilize a darker roof shingle colors.

C. ARCHITECTURAL REVIEW GUIDELINES

These Architectural Review Guidelines are intended to provide guidance to applicants for architectural approval for construction or other improvements on a lot in Sandcastles by the Sea. These Guidelines may be amended from time to time by the ARC with the approval of the Board of Directors of Sandcastles by the Sea Owners Association, Inc.

SECTION II – ARCHITECTURAL REVIEW COMMITTEE

All projects reviewed by the ARC are evaluated with consideration of the Covenants, Conditions and Restrictions for Sandcastles by the Sea recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Record Book 2380 at Page 1162 (the "Covenants"), aesthetics, and current policies of the ARC. The ARC is concerned with all aspects of aesthetics. The ARC is not responsible for the enforcement of building codes, accuracy of plans, specifications, drawings, or structural details, or techniques of construction. Submissions may be disapproved for purely aesthetic reasons deemed contrary to the goals and objectives of the ARC.



Submissions for the final review process must be received before noon on the Monday prior to the ARC meeting at which the application will be reviewed. Submissions for the concept review process or the preliminary review process will be received until 5:00 p.m. on the Wednesday prior to the ARC meeting at which the application will be reviewed. The ARC will meet every other Tuesday at a time determined by the ARC, beginning July 11, 2006; *provided, however*, that the ARC may revise its meeting schedule as it deems appropriate.

The ARC may defer or delay action on any application depending on its complexity; *provided, however*, that no application may be deferred or delayed for more than two meetings of the ARC except for good cause.

In general, the ARC will provide written responses only to applications for final review approval. In an effort to avoid misunderstandings, the ARC prefers to meet with each applicant to review issues in a constructive and positive manner.

The ARC will welcome input and comments on its review process in an effort to improve our methods toward a more “Welcome to Sandcastles by the Sea” attitude without losing sight of the main objective of a pleasing and harmonious community.

There is a non-refundable review fee for all architectural review applications to the ARC. The ARC will review and adjust the review fee schedule as it deems appropriate. The current schedule of review fees is set forth in Section IV below.

Final architectural review approvals granted by the ARC are valid for a period of twelve calendar months from the date of issue. If substantial construction of approved improvements does not begin during this period, the approval shall be void, and a new application conforming to current ARC policies must be submitted to the ARC for review.

SECTION III – ARCHITECTURAL DESIGN GUIDELINES

A. IN GENERAL

The following are Architectural Design Guidelines that will be utilized by the ARC as it reviews applications for construction in Sandcastles by the Sea. The design parameters in these guidelines will provide the common thread to weave the fabric of an aesthetically pleasing residential community. Declarant is exempt from submitting plans and required information herein as long as the Declarant is in charge and performing the duties of the ARC. The Declarant will provide construction information for Property Management to have on file.

B. BUILDING SIZES AND SETBACK REQUIREMENTS

Single family residential structures shall contain a minimum of 1,700 square feet of heated interior space, and a maximum of 4,800 square feet of heated interior space. All homes are to be minimal two living floors over a garage level. All homes must have a two car shielded/



enclosed garage with room for two additional off-street parking spaces in front of the garage. Under no circumstances shall the garage space be converted to any other use.

All vertical construction and improvements shall comply with the minimum building setback lines established on that certain plat of survey entitled “Subdivision Plat of Sandcastles by the Sea” prepared by Surveying Consultants, Terry G. Hatchell, SCRLS 11509, dated June 15, 2005, last revised May 19, 2006, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book 113 at Page 164; *provided, however*, that the ARC may in its discretion require greater setbacks based on aesthetic concerns.

C. DESIGN PARAMETERS

Single family residential structures shall have a minimum heated finished first floor elevation of 14.0' msl. The ground (garage) floor elevation shall be a minimum of 1.0' and a maximum of 1.5' above the top of curb elevation of the adjacent roadway. In addition to a two-car enclosed garage, the ground floor may contain such elements outside and inside entry stairs, elevator foyer, pool cabana, storage and utility rooms as allowed by building codes.

The maximum height of any structure at the highest roof ridge shall be 45.0' above base flood elevation (14.0 msl), not including such accessory architectural elements as chimneys, widow's walk railings, cupolas, etc.

The minimum roof pitch for all single family residences shall be at least 4 to 12 on at least the two (out of 4 sides) larger sides of the roof.

Asphalt drives and parking areas are not permitted.

Flagpoles are not permitted.

Flags are not permitted to be mounted on the front of the homes, rear only.

Covered pools and accessory structures are permitted within setback lines, provided they do not have a material adverse impact on a neighbor's sight lines.

Exterior lighting should not adversely affect neighbors. Lights activated by motion detectors shall not be permitted.

Individual docks in the lagoons in Sandcastles by the Sea are prohibited, bulk heads are permissible.

Individual basketball goals and gym sets (playground equipment) shall not be permitted.

Wood chimney covering is prohibited.

Masonry (stucco) and or cement board (hardy as an example) siding will be the primary exterior finishes and shall appear on all elevations.



Landscape plans shall be sensitive to the natural local conditions, including factors such as water consumption requirements. Irrigation and turf shall be extended to the area along the road. At least two flowering trees are required. A detailed landscape section is found in Section V of these Guidelines. All drainage plans must meet municipal code approvals.

Residences will be reviewed for their compatibility with Town of Hilton Head Island, FEMA, and other applicable governmental laws, ordinances, rules and regulations, although enforcement in these areas is handled by the respective agencies.

Satellite dishes must be reviewed and approved prior to installation. Satellite dishes shall be concealed, and shall not have a dish diameter exceeding 24.0 inches.

Propane tanks must be buried in the rear yard.

Mailboxes shall be of a common design, a copy of which is available from the ARC.

No building or sign may use the Sandcastles by the Sea name without written permission of the Declarant.

SECTION IV – REVIEW PROCESS

A. IN GENERAL

No construction activity of any nature within Sandcastles by the Sea, including, without limitation, tree cutting, lot clearing, or site preparation, may begin before all of the following has been accomplished:

- * Final Plans have been approved by the ARC;
- * Landscape Plan deposit has been paid to the ARC;
- * Receipt by the ARC of a signed Drainage/Compliance Agreement;
- * Receipt by the ARC of a signed Acknowledgement letter;
- * Contractor's deposit for site compliance has been paid to the ARC;
- * Issuance of a Town of Hilton Head Island Building Permit; and
- * Issuance by the ARC of a Sandcastles by the Sea Building Permit

All proposed construction requires the submission to the ARC of a completed, signed and dated application on a form approved by the ARC, with the appropriate fees. Plans will not be reviewed by the ARC without the completed application and fee.

To provide a systematic and uniform review of proposed construction, the ARC has established the following application submission and approval guidelines.

B. APPLICATION REQUIREMENTS



All proposed construction requires the submission to the ARC of a completed application on a form approved by the ARC, signed and dated, and the payment to the ARC of the appropriate fee as set forth below.

C. FEE SCHEDULE

Single Family Residence up to 4,800 heated square feet	\$2,500.00
Covered Additions	\$150.00
Uncovered Additions	\$100.00
Pools, Decks, Fences, Enclosing Covered Areas, etc.	\$100.00
Re-staining or re-painting Residence	No Charge
Replacement of shingles	No Charge
Concept, Concept Site, or Preliminary Approval	No Charge
Re-Inspections, including Stake-out or Compliance Inspection, caused by Owner or Builder	\$50.00

Declarant exempt from all costs in association with building homes.

D. STAGES OF PLAN REVIEW- All requests, reviews, deposits and Fees are handled by the property management company and all fees and deposits are made out to HOA.

1. **Conceptual Review** – No fee is required for this review. This submission shall contain information depicting the exterior of the proposed structure with information as to materials and colors. Two copies of a scale drawing of the site plan with the footprint within setback lines should be included, accompanied by the completed application form and the appropriate review fee.

2. **Preliminary Review** – If conceptual review has not been requested, this submission shall include two copies of a site plan with setbacks lines, preliminary floor plans, and elevations with materials and colors clearly indicated. All plans and drawings shall be to scale. The drawing should be accompanied by the completed application form and the appropriate review fee (unless paid with a conceptual review).

3. **Final Review** – This review assumes that either one or both of the conceptual review or preliminary review has been made. Plans receiving preliminary review and having issues and concerns of the ARC, if any, adequately addressed will likely receive final review approval, with any further issues and concerns of the ARC generally being addressed as conditions to the approval. With a conditional approval, the remainder of this review will be handled in a manner so as to insure compliance with the conditions of approval. A final review submission must contain the following items:

- a. A completed, signed and dated Application form approved by the ARC;
- b. The payment of the required ARC review fee; and
- c. Completed plans, specifications and working drawings, including:



Site Plan at a 1/8" = 1" scale, including:

1. Site survey with property lines and building setback lines, signed and sealed by a South Carolina licensed surveyor.
2. Elevations of property corners, center of building, culvert inlets, edge of roadway and finished floor elevation and top of adjacent curb elevations.
3. Tree and topographic survey signed and sealed by a South Carolina licensed surveyor showing contours at one foot intervals and the location and species of all trees six (6") inches or larger in diameter four feet above grade, with trees proposed to be removed indicated with an (X).
4. Building outline, including service yard, patios, decks, air conditioning compressors, and front and rear corners of adjacent buildings.
5. Driveways, parking areas, walks, patios, etc., including type of material for these items (Note: asphalt driveways and parking areas are not allowed). A common driveway design shall be required within Sandcastles by the Sea consisting of concrete with troweled edges (picture framed on all separation joints and edges). It is the responsibility of each lot owner whose lot is adjacent to sidewalks as shown on the Sandcastles by the Sea Master Plan to construct their portion of the sidewalk as part of their respective lot development.
6. Drainage and grading plan with the existing contours indicated by solid lines. On sites where the finished floor elevation is less than three feet above the center elevation of the lot, the drainage pattern may be indicated by arrows to show that the final grading will not direct drainage unto adjacent properties. It is the responsibility of the Owner and the Owner's agent to insure that drainage is in accord with the approved plans and the master drainage plan of the community. Use of rain gutters is preferred on all homes and required on homes adjacent to lagoons, where they shall be piped into the lagoon to a depth of a minimum of 3' below normal pool water elevation. All such pipes shall have a minimum of 12" cover and be turned up at a 45° angle underwater to minimize erosion.
7. Location and identification of special features such as drainage ditches, lagoons, easements, bulkheads, retaining walls, and so forth.

Floor Plans showing the roof outline, entry steps, service yard details such as screening, and all other architectural features.

Roof Plan indicating the roof pitch, an outline of the building walls below, the roof outline, and any other pertinent features.

Elevation Drawings including all four elevations, with existing grades and finished grades, finished floor elevations above mean sea level, exterior finishes of materials,



roof pitch, window and door designs, service yard enclosure, and any other pertinent information, such as the windscreen for any chimney. The ARC prefers to see a predominant use of masonry on the exteriors.

Color Sample Board containing the actual materials and their colors, mounted on a rigid 8 ½" x 11" board. Any material and color information required in the Application is to be completed in addition to the color sample board.

Detail Drawings showing wall sections, service area enclosure details, and other architectural details, including a schedule of window types and finish colors.

Electrical Plan showing the location of the electric meter setting in the service yard, locations and specifications of exterior lighting, including security lighting, and other electrical equipment for pools or other outdoor facilities.

Landscape Plan showing proposed plantings and landscaping. Changes to landscape plans that meet or exceed the standards approved on the original landscape plan may be approved at on-site field inspections.

Two sets of plans and drawings are required for each submission, one to be returned to the applicant with any comments and one to be retained for ARC records. Declarant exempt from review process.

E. ON-SITE STAKE-OUT

After all conditions for final review approval are met and before lot clearing can commence, a stake-out of the building, drives, and service yard must be installed and approved by an on-site inspection performed by the ARC or its designee. For stake-out review, the property lines and foundation perimeter must be clearly marked on the site by a series of stakes each with a minimum of 3 feet exposed connected by string. Trees to be removed are to be flagged with red flagging ribbon. Under no circumstance may any tree removal or site clearing commence before the issuance of a Sandcastles by the Sea building permit.

F. ISSUANCE OF PERMIT TO BUILD

A Sandcastles by the Sea building permit will be issued after the on-site stake-out inspection has been made and approved, provided that the site conditions comply with the approved status of the final review and that all deposits have been made. A copy of the Town of Hilton Head Island building permit must be on file with the ARC prior to the issuance of a Sandcastles by the Sea building permit.

G. PROGRESS INSPECTIONS

The progress of construction will be monitored by the ARC or its designee to insure compliance with the approved design. An "As-Built" footing/garage level slab survey



confirming that all construction is within appropriate setbacks and elevations must be provided to the ARC prior to the start of vertical construction.

H. REQUEST FOR INSPECTION

A request for inspection of any type shall be made to the ARC.

SECTION V – LANDSCAPING

A. IN GENERAL

In order to assure all residents of Sandcastles by the Sea that our residential community will continue to be an attractive and pleasant place to reside, the ARC requires a landscape plan for all new residential construction. A building permit will not be issued to the contractor until a \$2,500.00 landscape plans deposit is received. The landscape plan must be submitted for review at the same time construction plans are submitted for review. The landscaping work shall be completed within the earlier of one year of the commencement of construction start, or 90 days after occupancy. Upon completion of landscaping work in accordance with approved plan, the landscape plans deposit will be refunded to the owner. Declarant exempt from deposit or plan submittal.

B. LANDSCAPING CRITERIA

A landscape plan shall be prepared according to the following criteria:

1. Preserve existing vegetation within setback/buffer zones to maintain natural buffers and character of the homesite.
2. Provide landscaping to enhance the beauty of the property and the residence while providing continuity between the residence and surrounding vegetation.
3. Minimize the visual intrusion of the built environment by mitigating areas disturbed during construction.

C. OBJECTIVES

All single family residential home sites shall be landscaped immediately after construction. The design of the landscaping will vary, depending on size, shape, topography, location of the property and the design of the structure. It is the intent of the landscaping to accomplish the following objectives:

1. Beautify



- a) Soften the vertical structure from the horizontal ground plane with foundation plantings of sufficient density and size to cover construction scars and screen the foundation.
 - b) Soften the impact of corners and broad wall areas with vertical and spreading foliage.
 - c) To soften and reduce apparent height of house, foundation planting at the front should be layered from the ground plane using small plants towards the front and then transitioning up to larger plants near the foundation. A single row of uniformly spaced plants of equal size arranged in a single row along the foundation is not acceptable. Installing plant material of different sizes and textures in natural groupings is a preferred alternative. Plant selection shall provide for a seasonal color change. A minimum of one canopy/shade tree shall be required in the front and rear yards.
2. Visually screen compressors, propane tanks, service yards, recreation equipment, parking, and other hard or unsightly areas.
 3. Restoration of site due to construction.
 4. It is the responsibility of each property owner to handle surface water on their property to minimize its impact on adjoining lots and insure that water is moved to the appropriate areas to flow into the subdivision's master drainage plan.
 5. A minimum of 40% of non-building/pavement areas shall be sodded (non- Bermuda), extending to the adjacent edge of curbs. Landscaping shall be designed to tie into adjacent existing landscaping in a "seamless" manner.
 6. Owners are encouraged to plan for the conservation of water by planting native and drought resistant flora, and to consider rain seasons, drip irrigation along foundations and two-phase irrigation for watering grass separately.

D. PLANS

1. The landscaping plan must be professionally prepared on a tree and topographic survey indicating the existing and proposed vegetation, drawn at a scale of 1/8 or 1/10 inch equals one foot. The plan must graphically illustrate location, lot number, adjoining lot border lines, sizes of plant material, lawn, mulched areas, and open areas such as lagoons, etc. Plant symbols must represent the mature spread of each proposed plant. A schedule must be included on the planting plan indicating the following specifications for each plant.
 - a) Botanical and common name
 - b) Plant height at time of planting
 - c) Plant spread at time of planting
 - d) Plant quantities



- e) Root specifications
 - f) Square feet of grass and mulched areas.
2. Original drawings are not acceptable for review.
 3. Existing trees six (6") inches or larger in diameter four feet above grade must be identified as to exact location, size of trunk (diameter four feet above grade), genus name, and where possible, the species.
 4. All existing site features such as roads, walks, bike paths, walls, bulkheads, docks, etc. must to be graphically noted on the landscape plan.
 5. All surfacing materials are to be clearly noted and described. Texturing or other surface treatment of concrete paving is to be indicated, including color presentation.
 6. All planted areas shall be irrigated. All irrigation must be installed by a licensed irrigation contractor in accordance with applicable Town of Hilton Head Island codes.
 7. A minimum of two flowering trees is required, one in the front yard and one in the rear yard. The extent of rear yard landscaping depends upon the exposure of these areas.
 8. The plan shall include all exterior furnishings and lighting.
 9. Sod shall be incorporated along front property line and shall extend to each side property line.

E. SUGGESTED PLANT LIST

A list of suggested planting material is available from the ARC.

F. INSPECTION

All planting is to be completed within the earlier of one year of the commencement of construction start, or 30 days after occupancy. A planting completion is required, and must be scheduled with the ARC. The landscaping deposit will be returned after a satisfactory inspection.

SECTION VI – CONSTRUCTION RULES AND REGULATIONS

A. IN GENERAL

These Construction Rules and Regulations must be complied with by all contractors, subcontractors, material suppliers, maintenance personnel, and any others engaged in construction or related activities in Sandcastles by the Sea. These Construction Rules and Regulations are not intended to restrict, penalize, or impede reasonable construction activity



within Sandcastles by the Sea; rather, they will be enforced fairly to achieve the objectives enumerated below and in the Covenants, and to facilitate orderly and controlled construction activity, thereby preserving the overall quality of the appearance of Sandcastles by the Sea. Violations are subject to assessments and repeated violations may be cause for denial of access to Sandcastles by the Sea.

B. RULES AND REGULATIONS

1. Contractor Surety Deposit.

The contractor, before proceeding with any work on site, is to post a \$7,500.00 cash deposit in order to protect the Association's common grounds, roadways, fencing, gates, landscaping, and other improvements; in the event that the contractor, or any of his subcontractors, service, or delivery men, damages any of same.

2. Site Clearing

Site clearing or construction on any property within Sandcastles by the Sea is not permitted without first obtaining a Sandcastles by the Sea Building Permit (See Section II above). Site clearing material must be transported in a covered truck.

3. Trash Receptacles

Each construction site must have a suitable trash receptacle. Construction sites must be cleared of litter each day, and all litter must be stored in the trash receptacle for removal when full. Dumping of construction trash is not permitted inside Sandcastles by the Sea. Trash containers (dumpsters) shall be emptied on a regular basis. Overflowing dumpsters shall be subject to fines.

4. Portable Toilets

Each construction site must have at least one portable toilet prior to any on-site construction, which shall be placed in an inconspicuous location, not closer than 20' from the street or 5' from any adjoining residential property lots, with the door facing away from any view from any adjacent street or house. All toilets must be kept in a clean and sanitary condition. Portable toilets may not contain phone numbers or advertising, and colors should be nature blending.

5. Compliance with ARC Approvals

All building and landscape plans must be approved in writing by the ARC. Both the property owner and the contractor are jointly and severally responsible for



compliance with approved plans in all respects. All construction must be complete to a point of being granted a Certificate of Occupancy without exception by the Town of Hilton Head Island within one year of commencement. All landscaping is also to be completed within the earlier of one year of the commencement of construction or within thirty (30) days of the issuance of a Certificate of Occupancy without exception by the Town of Hilton Head Island. Any change to the exterior of the house, siting, driveway, garage, etc., must receive prior written approval from the ARC. Failure to strictly comply with approved plans may result in an assessment (See the schedule below).

6. Street Number Identification

The Enhanced 911 system utilized by the Town of Hilton Head Fire and Rescue has specific requirements for the posting of street address along roadways. Sandcastles by the Sea has an approved design for this sign, which must be posted within 20 feet of the road.

7. Signs

No sign of any nature may be erected within Sandcastles by the Sea unless approved by the ARC. To minimize visual clutter, the ARC may establish a job site sign standard to be used on all construction sites. Individual contractors will be responsible for providing their own graphic panels, which must be approved by the ARC. All construction sign stanchions must include a plan holder tube and space on the rear to display building permits.

8. P.O.A. Regulations

Any construction work within Sandcastles by the Sea must comply with the Covenants and all rules, regulations and guidelines of the Sandcastles by the Sea Owners Association.

9. Schedule of Assessments for Violations

The following is a schedule of assessments that will be levied and enforced when a contractor or owner violates any approval by the ARC or any applicable rule, regulation or guideline. The assessments collected will be used for grounds beautification, in common areas, and will not be refunded to the contractor. Any assessment may be appealed as set forth below.

Schedule of Assessments	
Type of Violation	Assessment
Not providing proper trash receptacles for construction or keeping site clean of debris	\$100.00 per violation
Trash fires	\$100.00 per violation
Clearing of site without stake-out approval or obtaining a Sandcastles by the Sea building	\$500.00 per violation. This violation may also result in expulsion of the contractor and denial



permit, including unauthorized tree removal	of further construction within Sandcastles by the Sea.
Improperly hauling trash	\$100.00 per violation. This violation may also result in revocation of vehicle access to Sandcastles by the Sea.
Construction or landscaping that does not conform to plans approved by the ARC	\$500.00 per violation. This violation may also result in expulsion of the contractor and denial of further construction within Sandcastles by the Sea.
Failure to provide properly sited portable toilet.	\$50.00 per violation
Noncompliant sign	\$50.00 per violation
Pets on construction sites.	\$25.00 per violation
Fishing in lagoons.	\$25.00 per violations.
Trespass on, or storage of equipment or materials on, adjoining lots and properties.	\$500.00 per violation.

10. Assessment Appeal

Assessments levied by the ARC may be appealed in writing to the Chairman of the ARC within fifteen days of the assessment.

