



# Town of Hilton Head Island BOARD OF ZONING APPEALS MEETING Monday, April 28, 2025, 2:30 PM Minutes

## 1. Call to Order

Chairman Fingerhut called the meeting to order at 2:30 p.m. Members present: Chairman Fingerhut, Vice Chair Bayless, Robert Johnson, Michael Sackheim and Amy Fee.

## 2. Welcome and Introduction to Board Procedures

Chairman Fingerhut welcomed all in attendance and introduced the Board's procedures for conducting the meeting.

## 3. Adoption of the Agenda

Vice Chair Bayless moved to approve the Agenda as presented. Mr. Sackheim seconded. The Agenda as presented was unanimously approved.

## 4. Approval of the Minutes

### a. Regular Meeting Minutes of November 25, 2024

Ms. Fee moved to approve the minutes of November 25, 2024. Vice Chair Bayless seconded. The minutes as presented were unanimously approved.

## 5. Unfinished Business

## 6. New Business

### a. Approval of proposed 2025 Meeting Dates

Mr. Sackheim moved to approve the proposed 2025 Meeting Dates. Mr. Johnson seconded. The 2025 Meeting Dates were unanimously approved.

### b. Public Hearing

**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.

Mr. Connolly provided Staff's presentation as included in the packet and stated 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. Staff recommends that the Board of Zoning Appeals deny the application based on the Findings of Fact and Conclusions of Law contained in the Staff Report.

The Board made comments and inquiries regarding the timeline and history of this

subdivision; how many buildings comply with the setback angles and implications to the builder if the variance is denied.

Following Staff's presentation and questions by the Board, Chairman Fingerhut asked the applicant to make a presentation. The applicant, Karina Mondelci of Level 5 Builders, and owner of 81 Sandcastle Court, introduced Sam Liberti of Low Tide Designs and stated that they have submitted this plan to ask for a variance so that this house can comply with all the other houses that have been built in Sandcastle. Mr. Liberti and Ms. Mondelci both answered questions from the Board.

Chairman Fingerhut asked for public comment. A citizen indicated she was against approving the variance and a citizen indicated that he believed denying the variance would be very harsh.

Following discussion by the Board, Chairman Fingerhut asked for a motion. Vice Chair Bayless moved to deny the application based on the Findings of Fact and the Conclusions of Law included in the Staff Report. Ms. Fee seconded. The motion was unanimously approved by a vote of 5-0.

**c. Public Hearing**

**VAR-000174-2025** - Request from Selena Brown, on behalf of Atlantic Best Cleaning, LLC, owner of 124 Arrow Road, also identified as Beaufort County Tax Map Parcel R552 015 000 0111 0000, for a variance from LMO Section 16-4-102.B.7.k.i & ii.05, use specific restrictions, to allow a tattoo facility within 500 feet of another tattoo facility; and within 1,000 feet of publicly owned land.

Mr. Connolly provided Staff's presentation as included in the packet and stated Staff recommends the Board of Zoning Appeals find the request to be consistent with the Town's Our Plan and serves to carry out the purposes of the LMO, based on the Findings of Facts and Conclusions of Law as determined by the LMO Official. Staff recommends that the Board of Zoning Appeals approve the application as indicated in the Staff Report.

The Board made comments and inquiries regarding confirmation that the only area on the Island that allows tattoo facilities is the LC District; compliance with the LMO and the implications of removing the 1,000-foot restriction from publicly owned land, which could affect where certain businesses, like a tattoo facility, can be established.

Following Staff's presentation and questions by the Board, Chairman Fingerhut asked the applicant to make a presentation. The applicant, Selena Brown, representing Atlantic Best Cleaning introduced her tenant, Gavan Daly, who spoke regarding his tattoo shop. Mr. Daly spoke regarding the difficulty of finding a compliant property for his tattoo shop on the Island and his need to file for a variance due to the lack of suitable properties that meet the zoning requirements. Mr. Daly expressed a commitment to comply with local zoning laws and regulations while seeking to establish a tattoo shop, indicating awareness of legal requirements and community standards. Mr. Daly and Ms. Brown both

answered questions from the Board.

Chairman Fingerhut asked for public comment. Citizens spoke about the need for the Town to evaluate the parking situation on the property; the compliance of the new tattoo shop with existing property regulations, particularly regarding parking availability and the impact on current tenants; the importance of adhering to the distance regulations of 1,000 feet from publicly owned land and 500 feet from the existing tattoo shops adding, that allowing the variance would be a detriment to the existing tattoo shop, questioning the validity of the variance request given these requirements.

Ms. Fee moved to deny the application based upon the Findings of Fact and Conclusions of Law, as follows: 1) There are no extraordinary and exceptional conditions pertaining to this particular piece of property (Section 16-2-103.S.4.a.i.01); 2) These conditions do apply to other properties in the vicinity (Section 16-2-103.S.4a.i.02); 3) The application of the LMO location restrictions does not prohibit or unreasonably restrict the utilization of the property (Section 16-2-103.S.4.a.i.03); and 4) Granting the variance would be a detriment to the adjacent properties and the public good due to the existing tattoo shop in close proximity (Section 16-2-103.S.4.a.i.04.) Ms. Bayless seconded. Mr. Johnson stated he hoped in the future that the LMO addresses this use and other uses. The motion unanimously passed with a vote of 5-0.

## **7. Public Comment - Non Agenda Items**

## **8. Staff Reports**

## **9. Adjournment**

Chairman Fingerhut adjourned the meeting at 4:24 pm.

APPROVED: May 19, 2025

**The recording of this Meeting can be found on the Town's website at [www.hiltonheadislandsc.gov](http://www.hiltonheadislandsc.gov)**