



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

1. Call to Order

Chairman Fingerhut called the meeting to order at 2:30 p.m. In attendance were: David Fingerhut, Kay Bayless, Peter Kristian, Amy Fee, Michael Sackheim, Jeffery Greene and Robert Johnson.

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

Chairman Fingerhut asked staff if there were any changes to the Agenda. Mr. Michael Connolly advised that Item 6d - VAR-000625-2025 was withdrawn by the applicant. Vice-Chair Bayless moved to approve the Agenda. Mr. Kristian seconded. The Agenda was unanimously approved.

4. Approval of the Minutes

a. Regular Meeting Minutes of May 19, 2025

Mr. Sackheim moved to approve. Ms. Fee seconded. The minutes of May 19, 2025 were unanimously approved. Mr. Greene and Mr. Kristian did not vote as they were not members of the Board at that time.

5. Unfinished Business

6. New Business

a. Nomination and Election of Officers - July 1, 2025 - June 30, 2026 Term

Mr. Kristian nominated David Fingerhut for Chairman and Ms. Bayless as Vice Chair. Ms. Fee seconded. The Motion passed unanimously.

Karen Knox was reappointed as Board Secretary.

b. Motion to Dismiss

Cameron Hackett, holder of the three building permits, has submitted a Motion to Dismiss APL-000429-2025, pursuant to Article XI, Section 2 of the BZA Rules of Procedure. The Motion seeks dismissal of the Appeal prior to a Hearing on the merits, based on standing.

Mr. Cameron Hackett presented his Motion and subsequently withdrew his Motion to

Dismiss.

c. Public Hearing

APL-000429-2025 - Matthew Lewis is appealing an action to enforce the provisions of this Ordinance of the Official's approval of building permits for 35, 37, and 39 Oleander Street. The subject properties are located on Oleander Street, are zoned RSF-6 and are in the Holiday Homes Neighborhood Character Overlay District, and are known as Parcels 832, 833, 1106 on Beaufort County Tax Map 9.

Request for Appeal from Matthew Lewis. The appellant is appealing an action to enforce the provisions of the Land Management Ordinance of the Official's approval of building permits for 35, 37 and 39 Oleander Street.

Chairman Fingerhut outlined the procedures for the appeal hearing process. Chairman Fingerhut invited the appellant to proceed with his presentation. Mr. Matthew Lewis presented his case as described in the Board's agenda package.

The Board made comments and inquiries regarding: whether any of the existing homeowners use their homes as short-term rentals; how property owners are made aware that covenants exist; whether there is a Board of Directors or a Homeowner's Association.

Chair Fingerhut asked Shawn Leininger, Assistant Town Manager to present on behalf of staff. Mr. Leininger presented staff's findings as described in the Board's agenda package and answered questions from the Board.

Chairman Fingerhut noted that the property owner was not in attendance.

Chairman Fingerhut asked the Permit Holder/Builder, Mr. Cameron Hackett to present his case. Mr. Hackett thanked the Town for going into the details of what was done in the review. This process was extensive, more extensive than any other permit I have ever pulled on the Island. I was not present when my client purchased the lots, and I am not aware of any information that he may have been given, but not once has anything indicated to me that there were private covenant restrictions for this community. With the money that my client is investing in these properties, it is clearly not going to be a party destination to disturb the quietness and nature of the community. Mr. Hackett answered questions from the Board.

Chairman Fingerhut asked for rebuttals from the appellant and staff. Following the rebuttals, the Board made closing remarks on the appeal and Chairman Fingerhut asked for a Motion.

Vice Chair Bayless moved that the Board of Zoning Appeals deny the appeal and affirm the decision of the LMO Official as stated in the Finding of Facts and Conclusions of Law in the staff report. Mr. Kristian seconded. The motion failed 3-4 (Sackheim, Fee, Johnson and Green opposed.)

Mr. Sackheim moved that the Board of Zoning Appeals continue this Hearing until such time as the Board can hear from the property owner. Mr. Greene seconded. The motion failed 3-4 (Fingerhut, Bayless, Johnson and Kristian opposed.)

At 4:27 pm Ms. Bayless moved that the Board go into Executive Session to receive legal advice from the Town Attorney. Ms. Fee seconded.

The Board returned from Executive Session at 4:45 pm and stated that no action was taken.

Vice Chair Bayless moved that the Board of Zoning Appeals affirm the decision of the LMO Official for the reasons stated in the Findings of Fact and Conclusions of Law stated in the staff report, but to add that it is apparent the Applications for the Building Permits did not contain accurate information. The Town has acted in accordance with the information that was provided to them at the time the applications were made.

Findings of Fact

- The Official Zoning District Map of the Town of Hilton Head Island identified 35, 37 and 39 Oleander Street as being located in the RSF-6 District; these properties are also located within the HH-NC-O District.
- Section 16-3-106.j.1 explains that the goal of the HH-NC-O District is to protect the changes to existing ones must follow the rules of this overlay district, in addition to the standards for the RSF-6 District. These regulations are in place to keep the neighborhood's floor area ratio, parking, and minimum lot size.
- Review of the approved building permits cites the LMO requirements and demonstrates that the plans meet the requirements in the Ordinance.

Conclusions of Law

- The Official applied the correct requirement standards established in the LMO.
- Therefore, this appeal does not meet the criteria in LMO Section 16-2-103.T.5..III, as no mis-application of ordinance requirements has been shown.

Mr. Kristian seconded. The motion passed 5-2 (Sackheim and Fee opposed.)

d. Public Hearing

*****WITHDRAWN BY APPLICANT*** - VAR-000625-2025** - Request from James Atkins of Court Atkins Group, on behalf of Tanglewood Capital LLC, owner of 2 Tanglewood Drive, also identified as Beaufort County Tax Map Parcel R553 018 000 0330 0000, for a variance from LMO Section 16-5-102.C and D, Adjacent Street Setback Requirements and Adjacent Use Setback Requirements, to allow a three-story interval occupancy building to encroach into the adjacent use setback angles, and to allow a 24-inch infinity pool spillway to encroach into the adjacent street

setback.

The Applicant withdrew the Application.

7. Public Comment - Non Agenda Items

8. Staff Reports

9. Adjournment

The meeting adjourned at 4:53 p.m.

APPROVED: 9-29-25