



Town of Hilton Head Island BOARD OF ZONING APPEALS MEETING Monday, September 29, 2025, 2:30 PM Minutes

1. Call to Order

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

2. Welcome and Introduction to Board Procedures

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

3. Adoption of the Agenda

Vice Chair Bayless asked staff if there were any changes to the Agenda. Melissa Paul-Leto advised there were not. Ms. Bayless advised she wanted to amend the Agenda to add an item under Board Business referring to an issue at our last meeting regarding staff needing to develop a recommendation on how to become assured that there really has been a check on Covenants. Mr. Green seconded. The motion passed unanimously.

4. Approval of the Minutes

a. Regular Meeting Minutes of July 28, 2025

Ms. Fee moved to approve the Minutes of July 28, 2025. Mr. Sackheim seconded. The motion passed unanimously.

5. Unfinished Business

6. New Business

a. Public Hearing

VAR-000830-2025 – Request from Richard Dietrich of The Renovators of SC, on behalf of Andrew and Kimberly Zekany, owners of 77 Sandcastle Court, also identified as Beaufort County Tax Map Parcel R511 009 000 1134 0000, for a variance from LMO Section 16-5-102.D, Adjacent Use Setback Standards, to allow a proposed home to encroach into each side adjacent use setback angle by approximately one foot and four inches, for a total encroachment of two feet and eight inches.

Melissa Paul-Leto presented the staff report, as included in the meeting packet, regarding a variance request submitted by Richard Dietrich of The Renovators of South Carolina, on behalf of Andrew and Kimberly Zekany, owners of 77 Sandcastle Court. The request sought relief from LMO Section 16-5-102.D, Adjacent Use Setback Standards, to allow a proposed home to encroach into the setback angles by approximately one foot and four

inches on both sides, for a total encroachment of two feet and eight inches. Ms. Paul-Leto advised that staff recommended denial of the application based on the Findings of Fact and Conclusions of Law outlined in the staff report.

The Board made comments and inquiries regarding how many of the homes adhere to the setback requirement; they are still able to build the home, they just have to angle it and make it a little smaller; homes in the past have been approved but we are now being more observant of the LMO and notice the decline of the Island character within the subdivision. We want to make sure that it does conform with the LMO.

Following staff's presentation and questions from the Board, Vice-Chair Bayless asked the applicant to make a presentation. Mr. Richard Dietrich stated they have seven homes in there, all of which were not required to do the setback angle, and they are trying to come up with a way to make this work for my clients. We feel that, because there have been so many of them that have already been approved, seven of which were ours, three of which were approved by the Board, that we'd like to just finish up the remaining three and move on. I understand we have to do each one individually.

The Board asked several questions of Mr. Dietrich, including whether the owners will be living in the home or whether it will be a rental property; and if the application is denied will he still be able to build the home?

Vice-Chair Bayless asked for public comment. Mr. Chester Williams stated that requiring this home to meet that setback angle makes it the odd man out there. This one will look different from everything else, and I believe that in itself creates an exceptional condition, and it imposes an unreasonable restriction on the property.

Following discussion by the Board, Vice-Chair Bayless asked for a motion. Mr. Kristian moved to deny the application based on the Findings of Fact and Conclusions of Law as included in the staff report. Ms. Fee seconded. The motion was approved by a vote of 5-1. Mr. Greene was opposed.

7. Public Comment - Non Agenda Items

Ms. Ellen Whaley spoke regarding recent and forthcoming changes to the Land Management Ordinance (LMO.) She emphasized that variances should be granted only in cases of unique hardships, such as issues related to the shape of a property. Ms. Whaley expressed the importance of the LMO in defining the character of neighborhoods and stressed the need for improved communication from the Town, its management team, and Town Council regarding LMO requirements. She stated that builders and developers should clearly understand and convey the direction and changes of the LMO to property owners. Additionally, she encouraged the Board of Zoning Appeals to actively participate in sharing information about LMO updates and their significance to the community.

8. Board Business

Ms. Bayless reported that Town Council has passed a Resolution to update the Land Management Ordinance (LMO) and has appointed a Task Force for this purpose. She noted

that the LMO is currently undergoing an extensive amendment process and stated it was appropriate for the Board to address the matter.

Ms. Bayless moved that the Board of Zoning Appeals request staff to research and prepare suggested methods to ensure that contractors, architects, residential designers, and landowners are fully informed of all restrictions and covenants applicable to a parcel for which a building permit is sought. She further requested that staff recommendations include potential actions by other Town Boards as well as any LMO amendments that may warrant discussion. Mr. Green seconded the motion. Following discussion, which included the need to consult the Town Attorney, the motion was unanimously approved.

9. Staff Reports

a. Update on LMO Priority Amendments

The update on the LMO Priority Amendments will be given at the next scheduled meeting.

10. Adjournment

The meeting adjourned at 4:00 pm

APPROVED: 11-24-25