



Town of Hilton Head Island

Board of Zoning Appeals Meeting

Monday, June 24, 2024, 2:30 PM

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

- 1. Call to Order**
- 2. Swearing in Ceremony of new Board Member Amy Fee, performed by Shawn Colin, Assistant Town Manager**
- 3. Welcome and Introduction to Board Procedures**
- 4. Adoption of the Agenda**
- 5. Approval of the Minutes**
 - a. Regular Meeting Minutes of May 22, 2023
 - b. Special Meeting Minutes of June 8, 2023
- 6. Appearance by Citizens**
- 7. Unfinished Business**
- 8. New Business**
 - a. **Public Hearing**
VAR-000802-2024 - Request from Richard Dietrich of The Renovators of SC , on behalf of Vinod Rajasekaran, owner of 59 Sandcastle Court, also identified as Beaufort County Tax Map Parcel R511 009 000 1125 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.
 - b. **Public Hearing**
VAR-000803-2024 - Request from Richard Dietrich of The Renovators of SC, on behalf of Rosanne Magers, owner of 129 Sandcastle Court, also identified as Beaufort County Tax Map Parcel R511 009 000 1157 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.

c. Public Hearing

VAR-000804-2024 - Request from Richard Dietrich of The Renovators of SC, on behalf of Charlotte Russo, owner of 9 Sandcastle Court, also identified as Beaufort County Tax Map Parcel R511 009 000 1107 0000, for a Variance from LMO Section 15-5-102.D, Adjacent Use Setback Standards, to allow a proposed home to encroach into the setback angles.

d. Public Hearing

VAR-000818-2024 - Request from Judd Carstens of Witmer Jones Keefer, on behalf of Dave Peacock, owner of 19 Ibis Street, also identified as Beaufort County Tax Map Parcel R550 015 00A 0111 0000, for a Variance from LMO Section 16-3-106.H.4.d, Floor Area Ratio requirements, to exceed the maximum gross floor area by 2,259 square feet for the development of a detached garage with guest rooms.

e. Election of Officers for July 1, 2023 - June 30, 2024 Term

9. Board Business

a. Review and Adoption of 2024 Meeting Schedule

10. Staff Reports

a. Status of Appeals to Circuit Court

b. Status of LMO Amendments

c. Recent FAR Update - Forest Beach .55 to .45

11. 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

May 22, 2023, at 2:30 p.m.

Benjamin M. Racusin Council Chambers

MEETING MINUTES

Present from the Board: Chair David Fingerhut, Peter Kristian, Robert Johnson, Charles Walczak; Michael Sackheim, Steve DeSimone

Present from Town Council: David Ames; Tamara Becker

Present from Town Staff: Josh Gruber, *Deputy Town Manager*; Shawn Colin, *Assistant Town Manager-Community Development*; Brian Eber, *Development Services Manager*; Ashley Goodrich, *Principal Planner*; Trey Lowe, *Principal Planner*; Michael Connolly, *Senior Planner*; Shari Mendrick, *Flood Plain Administrator*; Karen Knox, *Board Secretary*; Brian Glover, *Administrative Assistant*

Other's Present: Curtis Coltrane, Esquire

1. Call to Order

Chair Ponder called the meeting to order at 2:30 p.m.

2. FOIA Compliance

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

3. Roll Call

As noted above.

4. Swearing in Ceremony of new Board Members Michael Sackheim and Steve DeSimone

Presentation of Crystal Award to Charles Walczak.

Josh Gruber swore in new members, Michael Sackheim and Steve DeSimone and presented Mr. Walczak with the Town's Crystal Award.

5. Welcome and Introduction to Board Procedures

Chair Fingerhut welcomed all in attendance and explained the Board's procedures for conducting the meeting.

6. Approval of Agenda

Chair Fingerhut asked for a motion to approve the Agenda. Peter Kristian moved to approve the Agenda. Charles Walczak seconded. By a show of hands, the Agenda was approved by a vote of 6-0.

7. Approval of Minutes

a. November 28, 2022 Meeting

Chair Fingerhut asked for a motion to approve the Minutes of November 28, 2022. Peter Kristian moved to approve. Robert Johnson seconded. By a show of hands, the Minutes

of November 28, 2022, were approved by a vote of 5-0. Mr. Sackheim and Mr. DeSimone were not Members of the Board at that time.

8. Appearance by Citizens

No citizens spoke at the meeting. There were several comments received on the Town's Open Town Hall Portal. The comments were sent to all Board Members and made part of the Official Record.

9. Unfinished Business

None

10. New Business

a. Public Hearing

VAR-000944-2023 – Request from Johnathan Roberts of Roberts Civil Engineering, on behalf of Beach House Resort Owner LLC, for a Variance from LMO Section 16-3-106.L, Coastal Protection Area District to allow an Event Pavilion to encroach within the Critical Storm Protection and Dune Accretion Area. The property is known as the Beach House of Hilton Head Island and is located at 1 S. Forest Beach, with a parcel number of R553 018 000 003A 0000 -*Presented by Michael Connolly*

After reviewing the board packet, the board decided to move the agenda item to a later date when the application would be included in the packet. This item was moved to a special meeting of the Board of Zoning Appeals on June 8th, 2023.

11. Board Business

Peter Kristian made a public apology for the inconvenience caused to the applicant.

12. Staff Reports

a. Status of Appeals to Circuit Court - None

b. Status of LMO Amendments

Ashley Goodrich and Shawn Colin provided a presentation on the LMO amendments' progress and purpose.

c. Continuing Education

Brian Eber provided an overview of the training requirements for the board.

13. Adjournment

Being no further business, the meeting was adjourned at 3:27 p.m.

Submitted by: Brian Glover, Administrative Assistant

Approved: [DATE]



Town of Hilton Head Island
Board of Zoning Appeals Meeting

June 8, 2023, at 1:00 p.m.

Benjamin M. Racusin Council Chambers

MEETING MINUTES

Present from the Board: Chair David Fingerhut, Peter Kristian, Charles Walczak; Robert Johnson; Michael Sackheim, Steve DeSimone

Absent from the Board: Kay Bayless

Present from Town Council: David Ames; Tamara Becker; Glenn Stanford

Present from Town Staff: Brian Eber, *Development Services Manager*; Trey Lowe, *Principal Planner*; Michael Connolly, *Senior Planner*; Shari Mendrick, *Flood Plain Administrator*; Alexis Cook, *Principal Planner*; Ashley Goodrich, *Principal Planner*; Karen Knox, *Board Secretary*; Brian Glover, *Administrative Assistant*

Other's Present: Curtis Coltrane, Esquire

1. Call to Order

Chair Fingerhut called the meeting to order at 1:00 p.m.

2. FOIA Compliance

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

3. Roll Call

As noted above.

4. Welcome and Introduction to Board Procedures

Chair Fingerhut welcomed all in attendance and explained the Board's procedures for conducting the meeting.

5. Approval of Agenda

Chair Fingerhut asked for a motion to approve the agenda. Mr. Sackheim moved to approve the agenda. Mr. Kristian seconded. By a rollcall vote, the agenda was approved by a vote of 6-0.

6. Appearance by Citizens

There were several comments received on the Town's Open Town Hall Portal. The comments were sent to all Board Members and made part of the Official Record.

7. Unfinished Business

None

8. New Business

a. Public Hearing

VAR-000944-2023 – Request from Johnathan Roberts of Roberts Civil Engineering, on behalf of Beach House Resort Owner LLC, for a Variance from LMO Section 16-3-106.L, Coastal Protection Area Overlay District to allow an Event Pavilion to encroach within the Coastal Protection Area Overlay District. The property is known as the Beach House of Hilton Head Island and is located at 1 S. Forest Beach Drive, with a parcel number of R553 018 000 003A 0000.

Charles Walczak recused himself.

Mr. Connolly provided the staff's presentation as included in the packet. Staff recommended denial. The applicant provided an additional presentation. Staff provided a rebuttal, and the applicant followed with a rebuttal as well.

The Board asked many questions to staff and the applicant. They asked about the permit process for the temporary tent currently used, the number of permits pulled, and the total time used. They also asked about the new structure, its footprint, and its design.

Following all questions, Mr. Fingerhut asked for public comment. One citizen spoke in support of the applicant. After public comment, Mr. Fingerhut closed the public hearing.

The Board moved to board discussion. After discussion, Mr. Kristian moved to approve the application based upon the findings of fact and conclusions of law as stated in the applicant's application and to add an additional finding of fact in Criteria 4 that there would be positive outcomes for the flood zoning ratings on Hilton Head Island as a result of the granting of this variance. Mr. DeSimone Seconded. The motion carried with a vote of 3-2. Chair Fingerhut and Robert Johnson were opposed.

9. Adjournment

Being no further business, the meeting was adjourned at 2:43 p.m.

Submitted by: Brian Glover, Administrative Assistant

Approved: [DATE]



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-000802-2024	June 24, 2024

Parcel or Location Data:	Property Owners	Applicant
Address: 59 Sandcastle Court Parcel#: R511 009 000 1125 0000 Zoning: RD (Resort Development District) Overlay: COR (Corridor Overlay District)	Vinod Rajasekaran and Janani Muthusami 6212 Kit Creek Road, Morrisville, NC 27560	Richard Dietrich The Renovators of SC 90 Capital Drive Suite 101-A Hilton Head Island, SC 29926

Application Summary:

Request from Richard Dietrich of The Renovators of SC on behalf of Vinod Rajasekaran and Janani Muthusami, owners of 59 Sandcastle Court, also identified as Beaufort County Tax Map Parcel R511 009 000 1125 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 undeveloped and is located mid-island in the Sandcastles by the Sea Subdivision at 59 Sandcastle Court (Lot 19). It is adjacent to four single-family lots; two are inside

the subdivision, and two are not. Access is provided via Sandcastles Court (See Exhibit B.) The property is located within the Resort Development (RD) District and resides in Corridor Overlay.

The purpose of RD District, according to the LMO, Section. 16-5-105.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). The subdivision plat shows the parcel to be .076 acres in size. The plat provides the required building setbacks. There is a required 20-foot adjacent setback from Sandcastle Court, a 20-foot setback and buffer in the rear of the property, and a three-foot-six-inch adjacent use setbacks from Lots 18 and 20.

Section 16-5-102.A of the Town’s Land Management Ordinance, 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).

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). Richard Dietrich of The Renovators of SC was the builder of those three permits. In March 2024, Richard Dietrich applied for another building permit to construct a single-family home in the Sandcastles by the Sea Subdivision. During the review process, he was notified that his proposed home encroaches into the setback angles. (See Exhibit F).

Nearing build-out, approximately 71 of the 83 lots have been developed, and 12 empty lots remain in the subdivision (See Exhibit G). Since the Sandcastles by the Sea was approved by the Town, Staff has not correctly reviewed the submitted single-family building plans for this subdivision. The adjacent use setback angles have not been reviewed, and therefore, the setback angles provided in the LMO have not been enforced. However, the adjacent street setback standards have been enforced.

The property owners of 59 Sandcastle Court hired Richard Dietrich of The Renovators of SC to build a single-family home that complies with the developed neighborhood character. 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 H, pages 2 and 3).

During the design process, the applicant contacted the Town with questions regarding the setback angles. Staff informed the applicant that the proposed setback angle encroachments were not permitted. The applicant has requested a variance to allow a home to encroach into the required 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., 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 May 22, 2024 as set forth in LMO Section 16-2-102.C and Appendix D-23.
- Notice of the Application was published in the Island Packet on June 2, 2024 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on May 31, 2024 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on June 6, 2024 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 LMO Section 16-2-102.E.2.

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 adjacent to two other lots in the subdivision.
- The subject parcel is .076 acres.
- The subject property is similar in size and shape as of the other properties on the same side of Sandcastle Court, “Block B” (.076 - .093 acres).
- The required setback angles have not been enforced in the subdivision.

Conclusions of Law:

- The subject property is approximately the same size (.076 to .093 acres) as all of the other properties on the same side of Sandcastle Court, “Block B”.
- 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 similar in size and shape as of the other properties on the same side of Sandcastle Court, “Block B” (.076 - .093 acres).
- The 3.5-foot adjacent use setbacks are shown on the subdivision plat.
- The required setback angles have not been enforced in the subdivision.

Conclusion of Law:

- The subject property is approximately the same size (.076 to .093 acres) as all of the other properties on the same side of Sandcastle Court, “Block B”.
- 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.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 chose to utilize nearly every square foot of buildable space on the subject property.
- 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.
- The required setback angles have not been enforced in the subdivision.

Conclusion of Law:

- The setback angle requirements were not enforced in 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 does meet 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 prohibits 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 land intensity of 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

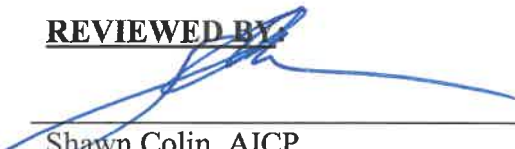
6/3/2024
DATE

REVIEWED BY:

BE
Brian Eber,
Development Review Manager

6/3/2024
DATE

REVIEWED BY:


Shawn Colin, AICP,
Assistant Town Manager

6/14/2024
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) Corrections Report
- G) Aerial of Subdivision and Site Photos
- H) Sandcastles by the Sea Architectural Review Guidelines

100-100

100-100

Exhibit A - Applicant's Variance Narrative and Site Plan
VAR-000802-2024

Date: 5/6/2024

To: The Board of Zoning Appeals

Subdivision: Sandcastle By The Sea

Address: Lot 19, 59 Sandcastle Ct Hilton Head SC 29928

Reference to the side setback angles 16-5-102.D of the Adjacent Setback within the LMO

The reason for this narrative is to request a Variance from the LMO 16-5-102 & appeal the decision for Adjacent Setback angle for 19 , 59 Sandcastle Ct Hilton Head SC 29928. This lot in Sandcastle as most of the lots in this subdivision is only 33' wide. (Please review the attached drawing). There are many reasons this does not work with 59 Sandcastle Ct. and most of the lots within Sandcastle By The Sea. The garage slab on this home will be at 12' ABFL.

Please consider that my clients within the subdivision purchased the lot for an investment as it is in an **RD (Resort Development Zone)** not a (RS Single Family Zone)

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

Sandcastle by The Sea property has extraordinary & exceptional differences due to the lot size of 33' x 99'. If you draw a line up 20' at 13 BFE, the adjacent setback/buffer you would not have a workable floorplan that would be accepted in the neighborhood and approved by the HOA. The adjacent angle requirement is exceptional condition within Sandcastle now that 85% of the homes have already been approved and built without adjacent setback requirements.

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

These conditions did not apply to other properties in Sandcastle by The Sea. The adjacent angle ordinance was approved and put into place in 1998 and Sandcastle by The Sea was approved in 2005. We are not sure why a subdivision plat was approved with 33' lots knowing the ordinance existed. With 75 homes built already why did the town exempt this subdivision up till now from this part of the ordinance.

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.

The application of this ordinance would unreasonably restrict the use of this lot as it intended use at time of purchase. If the adjacent angle is required on this lot, it would create a financial hardship to the homeowner because they purchased the lot to build a home that would match the neighborhood and as an investment for short term rental. They have in fact closed with the bank and been approved by the HOA board. Changing the homes design at this time would be unreasonable and restrict the utilization of which the lot was intended.

The existing homes in Sandcastle are all similar in design and were not required to conform to this adjacent setback angle. This requirement enforced at this time with the subdivision being almost complete would create new unappealing homes for the last 8 + lots. The homes would not match the neighborhoods existing 75 design criteria of the completed homes.

4. The Authorization of the Variance will not be of substantial detriment of 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.

The authorization of this variance will not be of substantial detriment of adjacent property owners or the public good because the adjacent homes were built without the ordinance requirement. The character of the zoning district where the property is located will not be harmed by granting this variance due to the proposed new home would match the existing homes in the neighborhood. (See attached pictures)

Closing Thoughts:

My clients purchased lots in this subdivision because they were zoned RD Resort Development instead of RS (Single Family Zone). Two of these clients already have current homes in Sandcastle and acquired a 2nd lot to build an additional home for the short term rental investment. They were not required to adhere to the adjacent setback angle on their previous homes.

If this adjacent setback angle in Sandcastle by The Sea were to be enforced, it would create a hardship on this homeowner and the remaining homeowners that still want to build. If this

ordinance is required on this piece of property, it would restrict the utilization of this property. The authorization of this variance will not be a detriment to the adjacent property owners and the public good, because the adjacent 75 homes were already approved to build and have been built without the adjacent setback angles requirement.

I have built 5 previous homes in Sandcastle by The Sea and the town has not required us to build homes using the adjacent setback angles per this ordinance, on any of them. I was told Sandcastle was exempt and I only had to adhere to the front setback angle. I have now sold 3 additional homes. 2 of the 3 homes are closed with the clients' lending institutions and are ready for the permits to be issued. After 8 weeks in the permit process, I have been instructed I must adhere to adjacent setback angles. With understanding of the subdivision, it is clear that the adjacent setback angles were not required or enforced for the new home builds in Sandcastle by The Sea. It is hard to understand with the subdivision almost complete that the town would impose the enforcement of this ordinance. That requires a totally different home design on a 33' wide lot after allowing this type of design for 18 years referring to an ordinance that was always in place.

In short all we are trying to do is build this and the remaining homes that match the existing design criteria and will meet the client's needs and the HOA approval.

I submit this variance request with the utmost respect but with concern for my clients and the current financial strain it places on them and my business if it is not approved.

Richard Dietrich

The Renovators of SC LLC

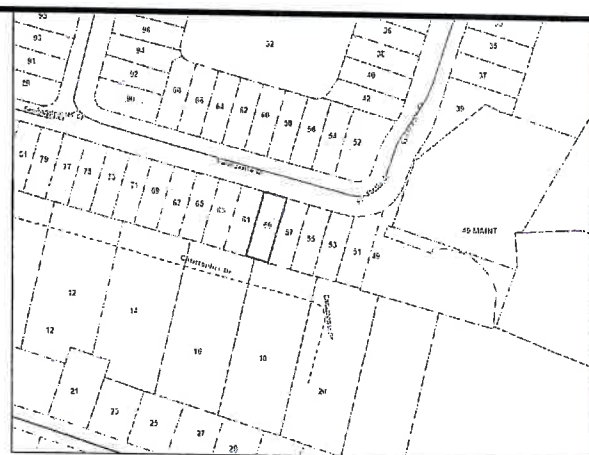
90 Capital Dr

Suite 101-A

Hilton Head SC 29926

Office: 843-689-6585

Cell: 704-516-1754



LOCATION MAP NOT TO SCALE

CONSTRUCTION EXIT & ENTRANCE

(6) PARKING SPACES

SILT FENCE

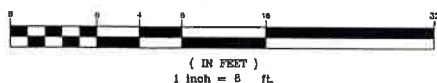
CONCRETE WASHOUT, STUCK PAINT WASHOUTS

- 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
 - 12' — - CONTOUR LINES
 - ⊙ - XFMR - TRANSFORMER
 - ⊙ - WATER LATERAL
 - ⊙ - WATER METER
 - ⊙ - 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

- WHOK - 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
- HLV - HOLLY
- CDR - CEDAR
- RDB - RED BUD
- SAS - SASSAFRAS
- DOG - DOGWOOD
- SB - SUGARBERRY
- P - PINE
- G - GUM
- B - BAY

GRAPHIC SCALE

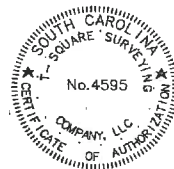


I, the undersigned, as the Owner of Record of parcels R511 009 000 1125 0000, agree to the recording of this plat.

THE RENOVATORS OF SC

"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 floor hazard protective 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."

DRAWN BY: B.M.S.
APPROVED BY: W.J.S.
PARTY CHIEF: W.J.S.
DATE: JANUARY 4, 2024



SQUARE SURVEYING
PROFESSIONAL LAND SURVEYORS
P.O. Drawer 336
139 Burnt Church Road
Bluffton, SC 29910
tsquare@bargrey.com
Phone 843-757-2630 Fax 843-757-5758
JOB No. 23-636T



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.

W. J. Smith
WILLIAM J. SMITH, PLS # 26960

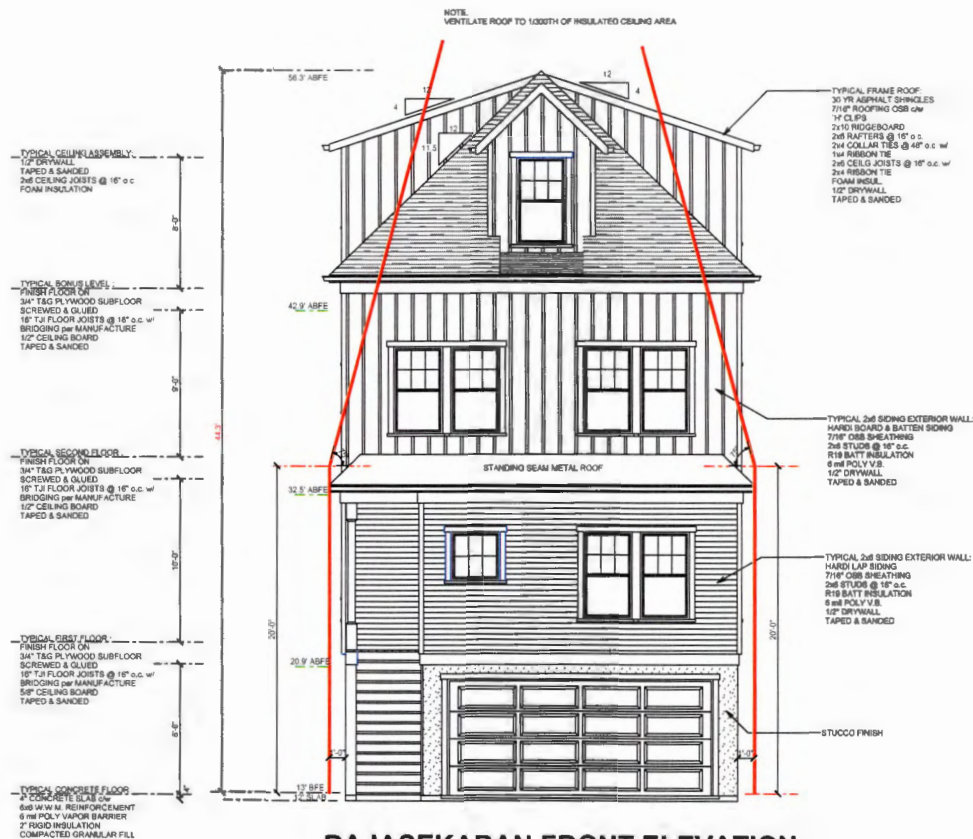
THE ABOVE PLAT PREPARED BY ME AT THE REQUEST OF

THE RENOVATORS OF SC

A TREE & TOPOGRAPHIC SURVEY OF LOT 19 SANDCASTLE COURT, A PORTION OF BLOCK B, SANDCASTLE BY THE SEA SUBDIVISION, TOWN OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA.

DIST. 511, MAP 9, PARCEL 1125

Notes:
1. According To FEMA Flood Insurance Rate Map # 45013004546 This Lot Appears To Lie In A Federal Flood Plain Zone X SHADED, Minimum Required Elevation: N/A F.L. NAVD83
2. This Property May Be Subject To Easements, Protective Covenants And Other Facts That May Be Revealed By A Complete Title Search.
3. This Survey Was Performed Without The Benefit Of A Wetland Delineation.
4. All Building Setback Requirements Should Be Verified With The Proper Authorities Prior To Design And Construction.
Reference: PLAT 23
PLAT BOOK 113 AT PAGE 164

**RAJASEKARAN FRONT ELEVATION**

SCALE: 1/4" = 1'-0"

59 SANDCASTLE CT.
HILTON HEAD, SC 29926

Proposed Home with Side Setback Angles

NOTES:
GROUND FLOOR CEILING @ 8'-0" or AS NOTED
FIRST FLOOR CEILING @ 9'-0" or AS NOTED
SECOND FLOOR CEILING @ 9'-0" or AS NOTED
BONUS LEVEL CEILING @ 8'-0" or AS NOTED

ALL SIDING EXTERIOR WALLS CALCULATED AT 5 1/2"
ALL INTERIOR WALLS CALCULATED AT 3 1/2"
unless noted otherwise

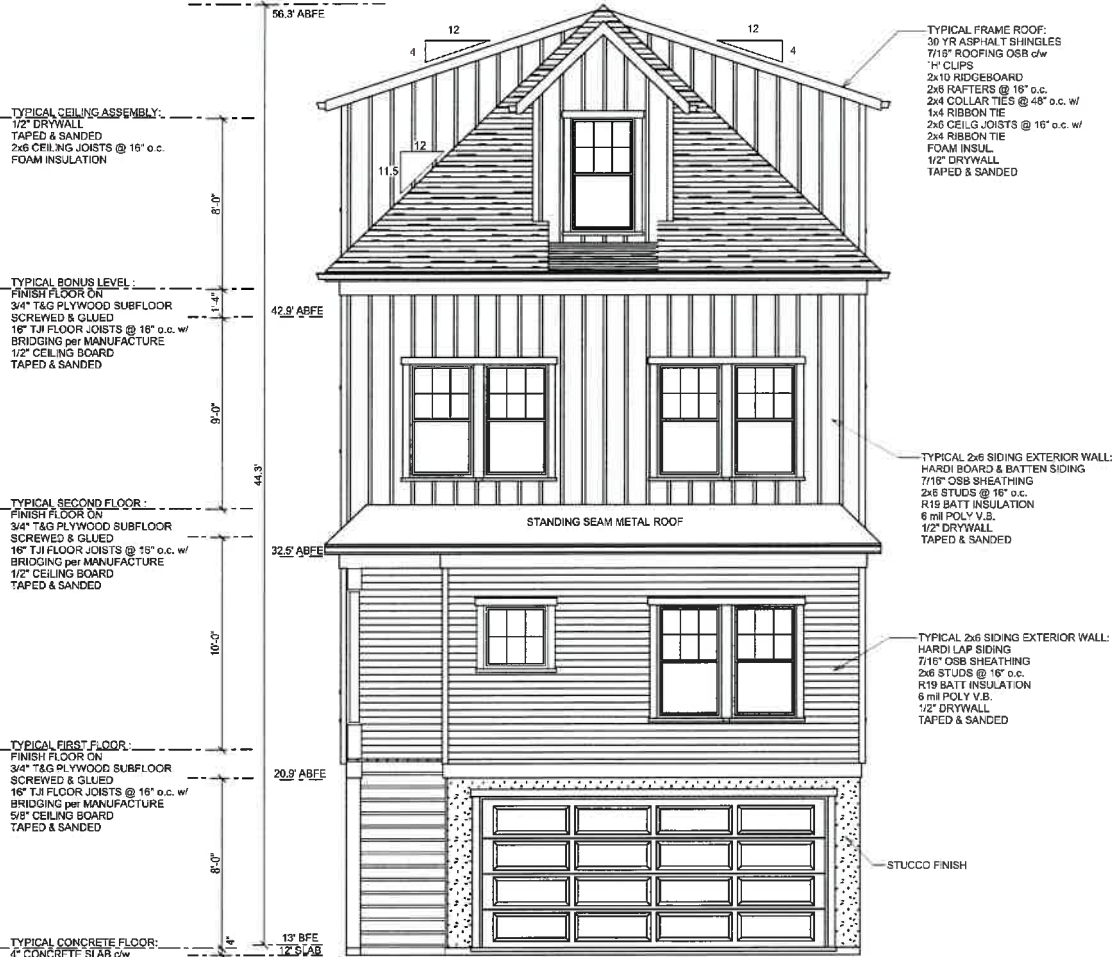
FIRST FLOOR: 1,085 SQ FT
SECOND FLOOR: 1,282 SQ FT
BONUS LEVEL: 955 SQ FT
SCREEN PORCH: 189 SQ FT
SECOND FLOOR DECK: 80 SQ FT

NOTE:
EXTERIOR FINISHES MAY VARY
FROM THE DRAWING PER OWNER'S
REQUEST.

NOTE:
VENTILATE ROOF TO 1/300TH OF INSULATED CEILING AREA



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION

INSTALL 4" TALL
ADDRESS NUMBERS



These drawings are for the use of the client only and are not to be used for any other purpose without the written consent of The Renovators Of SC. All dimensions are in feet and inches. The client is responsible for obtaining all necessary permits and approvals. Copyright Nov. 2023

CONSTRUCTION SITE:
NEW HOME @ SANDCASTLE
RAJASEKARAN RESIDENCE
59 SANDCASTLE CT.
HILTON HEAD, SC 29926

HOMEOWNER:
VINOD RAJASEKARAN
59 SANDCASTLE CT.
HILTON HEAD, SC 29926

DRAWN BY: J. CENCHUR
DATE: NOV. 30, 2023
REVISIONS: DEC. 5, 2023
APR. 9, 2024, MAY 18, 2024

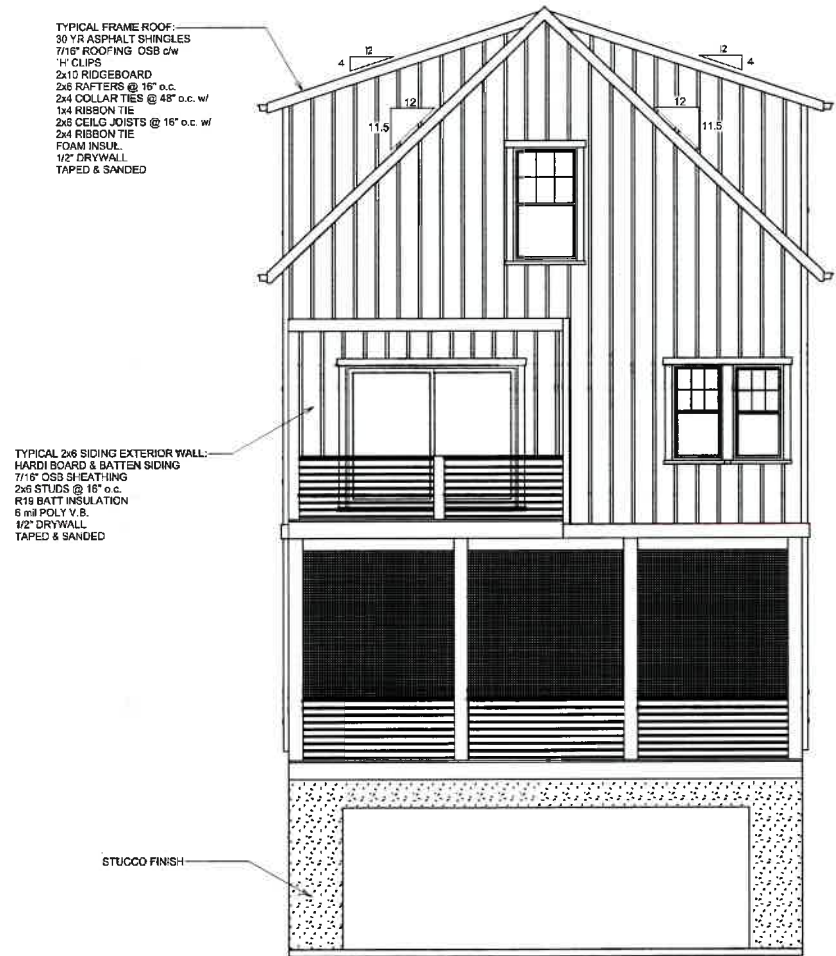
NOTES:
GROUND FLOOR CEILING @ 8'-0" or AS NOTED
FIRST FLOOR CEILING @ 9'-0" or AS NOTED
SECOND FLOOR CEILING @ 9'-0" or AS NOTED
BONUS LEVEL CEILING @ 8'-0" or AS NOTED

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unless noted otherwise

FIRST FLOOR: 1,085 SQ FT
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SECOND FLOOR DECK: 80 SQ FT

NOTE:
VENTILATE ROOF TO 1/300TH OF INSULATED CEILING AREA

NOTE:
EXTERIOR FINISHES MAY VARY
FROM THE DRAWING PER OWNER'S
REQUEST.



REAR ELEVATION
SCALE: 1/4" = 1'-0"

TYPICAL CEILING ASSEMBLY:
1/2" DRYWALL
TAPED & SANDED
2x6 CEILING JOISTS @ 16" o.c.
FOAM INSULATION

TYPICAL BONUS LEVEL:
FINISH FLOOR ON
3/4" T&G PLYWOOD SUBFLOOR
SCREWED & GLUED
16" TJI FLOOR JOISTS @ 16" o.c. w/
BRIDGING per MANUFACTURE
1/2" CEILING BOARD
TAPED & SANDED

TYPICAL SECOND FLOOR:
FINISH FLOOR ON
3/4" T&G PLYWOOD SUBFLOOR
SCREWED & GLUED
16" TJI FLOOR JOISTS @ 16" o.c. w/
BRIDGING per MANUFACTURE
1/2" CEILING BOARD
TAPED & SANDED

TYPICAL FIRST FLOOR:
FINISH FLOOR ON
3/4" T&G PLYWOOD SUBFLOOR
SCREWED & GLUED
16" TJI FLOOR JOISTS @ 16" o.c. w/
BRIDGING per MANUFACTURE
5/8" CEILING BOARD
TAPED & SANDED

TYPICAL CONCRETE FLOOR:
4" CONCRETE SLAB on
6x6 W.W.J. REINFORCEMENT
6 mil POLY VAPOR BARRIER
2" RIGID INSULATION
COMPACTED GRANULAR FILL



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

SHEET
A-2

**The Renovators
Of SC**

90 CAPITAL DR. SUITE 101A,
HILTON HEAD, SC 29926
843-685-6585 - www.renovatorssc.com



ALL DRAWINGS ARE THE PROPERTY OF THE RENOVATORS OF SC. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM THE RENOVATORS OF SC. © Copyright Nov., 2023

CONSTRUCTION SITE:

NEW HOME @ SANDCASTLE
RAJASEKARAN RESIDENCE
59 SANDCASTLE CT.
HILTON HEAD, SC 29926

HOMEOWNER:

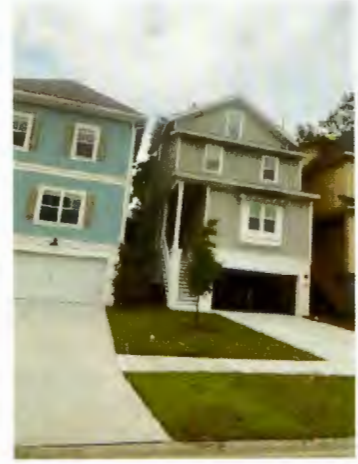
VINOD RAJASEKARAN
59 SANDCASTLE CT.
HILTON HEAD, SC 29926

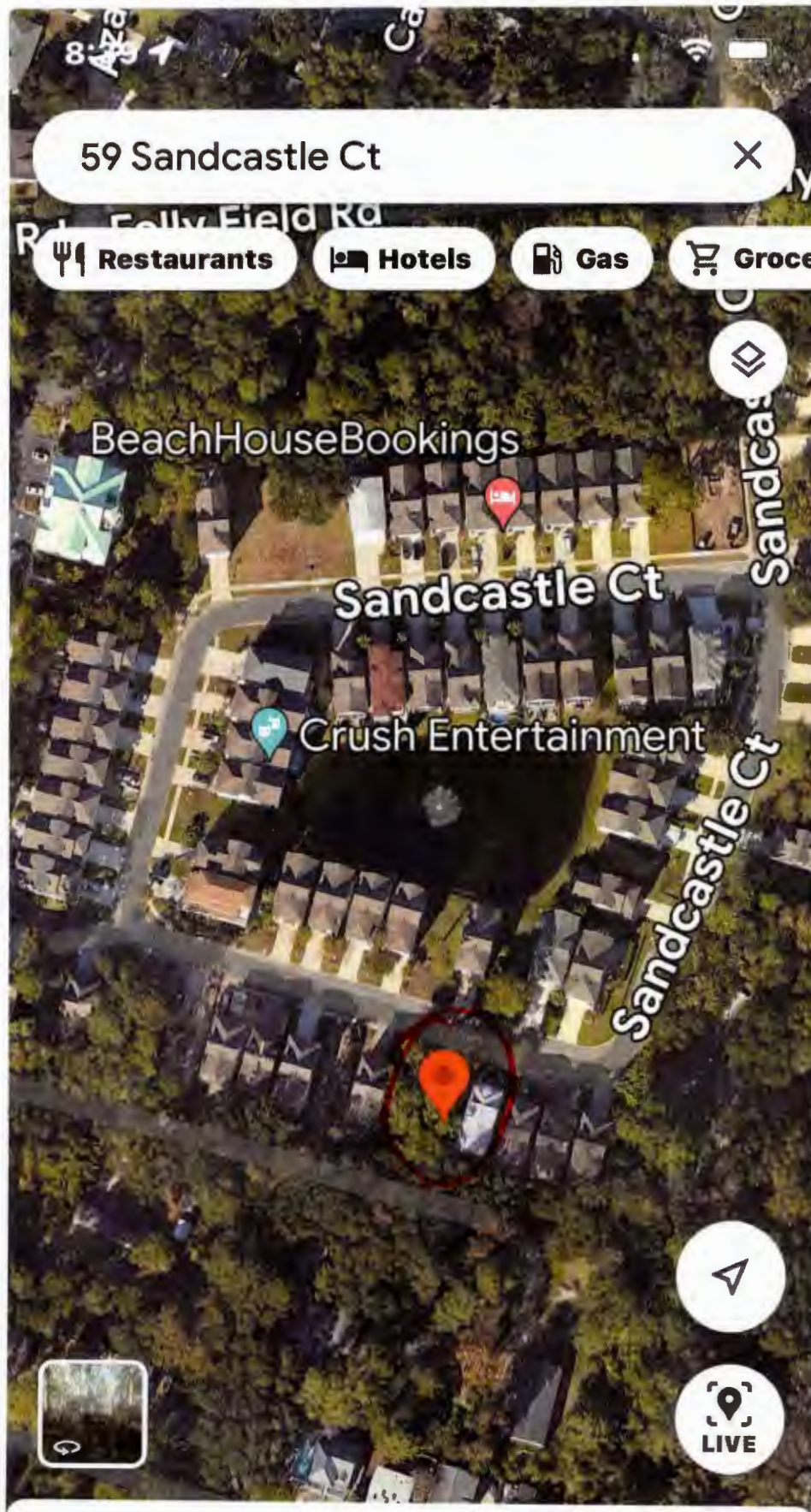
DRAWN BY: J. GENCUR

DATE: NOV. 30, 2023

REVISIONS: DEC. 5, 2023
APR. 9, 2024, MAY 18, 2024

Sandcastles By the Sea

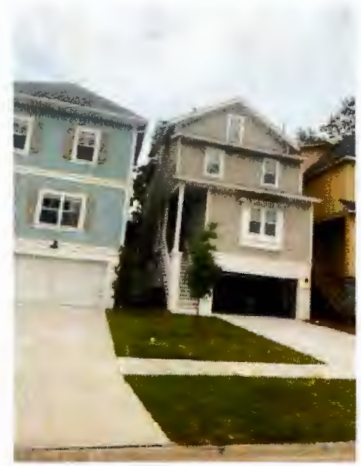




59 Sandcastle Ct

Directions Start Save

Sandcastles By the Sea



59 Sandcastle Court



From: [Richard Dietrich](#)
To: [Michael Connolly](#)
Subject: Sandcastle By The Sea appeals for lot 59, 129, 9 Sandcastle Ct HOA president response to the setback angle requirements
Date: Thursday, May 30, 2024 7:38:52 AM
Attachments: [image001.png](#)

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Good morning, Michael

I sent the plans to the ARB president Rick Ross, and he submitted the plans to the board members and they all declined the revisions with the towns adjacent setbacks. This may not help our cause, but it can't hurt. Can you please add this to the appeal for 59, 129 & 9 Sandcastle ?

From: rick [rickcrossrealestate.com](mailto:rick@rickcrossrealestate.com) <rick@rickcrossrealestate.com>
Sent: Wednesday, May 15, 2024 11:48:08 AM
To: Richard Dietrich <rickd@renovatorssc.com>
Subject: Re: Sandcastle appeals

Hi Rick,

I showed the board your elevation drawings and we unanimously agreed the cropping of the homes to meet town setback requirements will not meet our ARB guidelines. All the existing homes are very similar and we don't won't 20 percent of the remaining homes left to build to not match the existing construction.

We should have a signed letter for you outlining our decision by late tomorrow.

When is your variance hearing? I have spoke in front of the BZA several times about Sandcastles. I would be happy to speak on your behalf as the President of the Sandcastles POA and resident to help make your case. If interested, let me know the hearing date and I will check and see if I'm available.

Take care,

Rick

On May 15, 2024 12:45:07 AM Richard Dietrich <rickd@renovatorssc.com> wrote:

Hello Rick,

I have attached my appeal narration and would like your opinion and additions to help the cause.

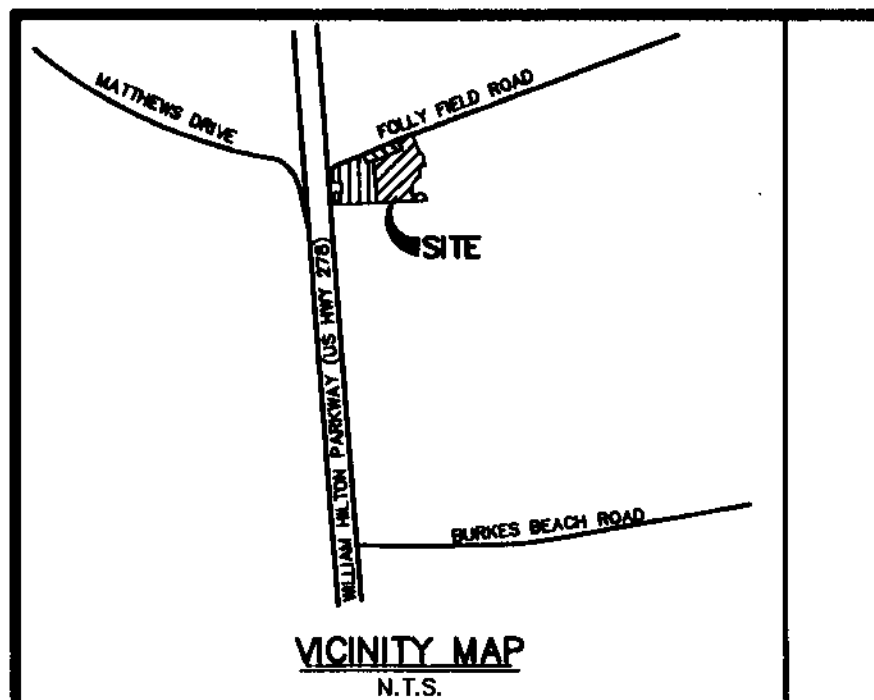
I have attached the 3 jobs we have in Sandcastle currently and with the side setback angles the town is wanting on each of them. Please review and give me an HOA letter with opposition for these changes.

Richard Dietrich



“Transforming Your Ideas into Your Ideal Living Space”

The Renovators of SC
90 Capital Drive Ste 101A
Hilton Head, SC 29926
Office: 843-689-6585
Cell: 704.516.1754
RickD@RenovatorsSC.com
www.renovatorssc.com



LINE TABLE				LINE TABLE			
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING	LINE	LENGTH
L1	4.00'	S 04°17'57" W	L71	53.12'	S 68°24'56" E	L1	4.00'
L2	40.00'	N 64°29'04" W	L72	15.66'	S 58°28'49" W	L2	40.00'
L3	3.98'	S 71°38'22" E	L73	100.00'	S 72°38'56" E	L3	3.98'
L4	18.78'	S 18°55'11" W	L74	100.00'	S 72°38'56" E	L4	18.78'
L5	71.92'	S 71°04'49" E	L75	100.00'	S 72°38'56" E	L5	71.92'
L6	6.78'	S 08°55'01" E	L76	119.29'	S 85°05'01" E	L6	6.78'
L7	53.28'	S 04°08'54" W	L77	108.18'	S 85°05'01" E	L7	53.28'
L8	47.80'	S 79°27'45" E	L78	97.77'	S 87°11'36" W	L8	47.80'
L9	55.25'	N 20°18'12" W	L79	97.31'	S 85°42'03" E	L9	55.25'
L10	53.92'	N 04°17'57" W	L80	98.98'	N 85°42'03" E	L10	53.92'
L11	80.86'	N 74°38'36" W	L81	95.97'	N 85°42'03" E	L11	80.86'
L12	42.18'	N 18°22'35" E	L82	94.91'	N 85°42'03" E	L12	42.18'
L13	27.73'	S 32°22'57" E	L83	95.04'	N 85°42'03" E	L13	27.73'
L14	27.73'	S 32°22'57" E	L84	96.72'	N 85°42'03" E	L14	27.73'
L15	42.18'	S 18°22'35" E	L85	108.28'	N 85°42'03" E	L15	42.18'
L16	72.24'	S 13°12'15" W	L86	134.81'	N 85°42'03" E	L16	72.24'
L17	42.60'	S 13°12'15" W	L87	18.81'	S 44°01'28" W	L17	42.60'
L18	10.00'	S 85°05'01" E	L88	39.93'	S 85°42'03" E	L18	10.00'
L19	18.74'	N 52°50'10" W	L89	33.36'	S 85°42'03" E	L19	18.74'
L20	31.52'	N 15°42'17" W	L90	29.32'	S 85°42'03" E	L20	31.52'
L21	34.13'	N 09°51'20" W	L91	100.00'	S 72°38'56" E	L21	34.13'
L22	45.37'	N 12°06'57" W	L92	100.00'	S 72°38'56" E	L22	45.37'
L23	39.03'	N 12°06'57" W	L93	100.00'	S 72°38'56" E	L23	39.03'
L24	33.00'	N 04°52'45" W	L94	100.54'	S 72°38'56" E	L24	33.00'
L25	33.02'	N 08°03'05" W	L95	13.70'	S 72°38'56" E	L25	33.02'
L26	33.02'	N 08°07'40" W	L96	33.02'	S 72°38'56" E	L26	33.02'
L27	33.00'	N 04°04'28" W	L97	80.23'	S 72°38'56" E	L27	33.00'
L28	33.04'	N 01°23'42" W	L98	102.99'	S 15°21'24" W	L28	33.04'
L29	34.98'	N 14°58'13" E	L99	104.13'	S 15°21'24" W	L29	34.98'
L30	28.59'	N 28°09'48" E	L100	100.00'	S 15°21'24" W	L30	28.59'
L31	11.20'	N 85°22'38" E	L101	100.00'	S 15°21'24" W	L31	11.20'
L32	99.80'	N 04°17'57" W	L102	100.00'	S 15°21'24" W	L32	99.80'
L33	99.80'	N 04°17'57" W	L103	100.00'	S 15°21'24" W	L33	99.80'
L34	99.80'	N 04°17'57" W	L104	100.00'	S 15°21'24" W	L34	99.80'
L35	99.80'	N 04°17'57" W	L105	100.00'	S 15°21'24" W	L35	99.80'
L36	99.80'	N 04°17'57" W	L106	43.47'	S 15°21'24" W	L36	99.80'
L37	99.80'	N 04°17'57" W	L107	33.00'	S 15°21'24" W	L37	99.80'
L38	99.80'	N 04°17'57" W	L108	17.91'	S 15°21'24" W	L38	99.80'
L39	99.80'	N 04°17'57" W	L109	104.57'	S 74°38'36" E	L39	99.80'
L40	99.80'	N 04°17'57" W	L110	104.80'	S 74°38'36" E	L40	99.80'
L41	99.80'	N 04°17'57" W	L111	101.40'	S 76°27'45" E	L41	99.80'
L42	99.80'	N 04°17'57" W	L112	100.00'	S 76°27'45" E	L42	99.80'
L43	99.80'	N 04°17'57" W	L113	108.04'	S 76°27'45" E	L43	99.80'
L44	104.60'	N 04°17'57" W	L114	102.95'	S 76°27'45" E	L44	104.60'
L45	114.95'	N 04°17'57" W	L115	68.10'	S 04°17'57" W	L45	114.95'
L46	106.00'	S 76°27'45" E	L116	31.94'	N 04°17'57" W	L46	106.00'
L47	106.00'	S 76°27'45" E	L117	100.00'	N 04°17'57" W	L47	106.00'
L48	106.00'	S 76°27'45" E	L118	100.00'	N 04°17'57" W	L48	106.00'
L49	106.00'	S 76°27'45" E	L119	100.00'	N 04°17'57" W	L49	106.00'
L50	105.99'	S 74°38'36" E	L120	100.00'	N 04°17'57" W	L50	105.99'
L51	105.99'	S 74°38'36" E	L121	100.00'	N 04°17'57" W	L51	105.99'
L52	105.99'	S 74°38'36" E	L122	100.00'	N 04°17'57" W	L52	105.99'
L53	100.00'	N 15°21'24" E	L123	88.94'	N 04°17'57" W	L53	100.00'
L54	100.00'	N 15°21'24" E	L124	84.78'	N 04°17'57" W	L54	100.00'
L55	100.02'	N 15°21'24" E	L125	99.65'	N 04°17'57" W	L55	100.02'
L56	100.01'	N 15°21'24" E	L126	27.28'	S 62°23'46" E	L56	100.01'
L57	99.99'	N 15°21'24" E	L127	6.94'	S 62°23'46" E	L57	99.99'
L58	99.97'	N 15°21'24" E	L128	23.84'	S 32°22'57" E	L58	99.97'
L59	99.85'	N 15°21'24" E	L129	7.08'	S 69°54'32" E	L59	99.85'
L60	99.83'	N 15°21'24" E				L60	99.83'
L61	99.81'	N 15°21'24" E				L61	99.81'
L62	99.89'	N 15°21'24" E				L62	99.89'
L63	99.87'	N 15°21'24" E				L63	99.87'
L64	99.85'	N 15°21'24" E				L64	99.85'
L65	99.83'	N 15°21'24" E				L65	99.83'
L66	99.80'	N 15°21'24" E				L66	99.80'
L67	99.78'	N 15°21'24" E				L67	99.78'
L68	99.75'	N 15°21'24" E				L68	99.75'
L69	101.17'	N 15°21'24" E				L69	101.17'
L70	121.89'	N 15°21'24" W				L70	121.89'

AREA TABLE	
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 TERQUEM 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, DATED: 11/29/2004, REVISED: 11/29/2004, BY: TERRY G. HATCHELL, S.C.R.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: 11/29/2004, BY: TERRY G. HATCHELL, S.C.R.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.

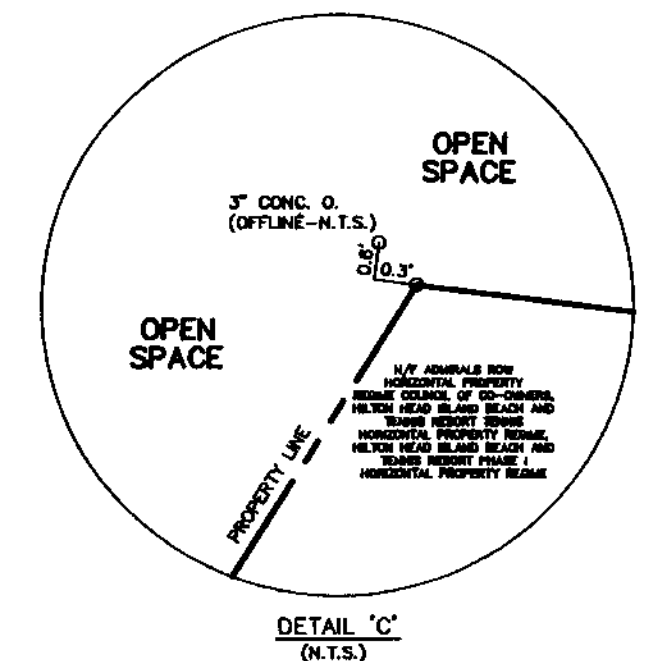
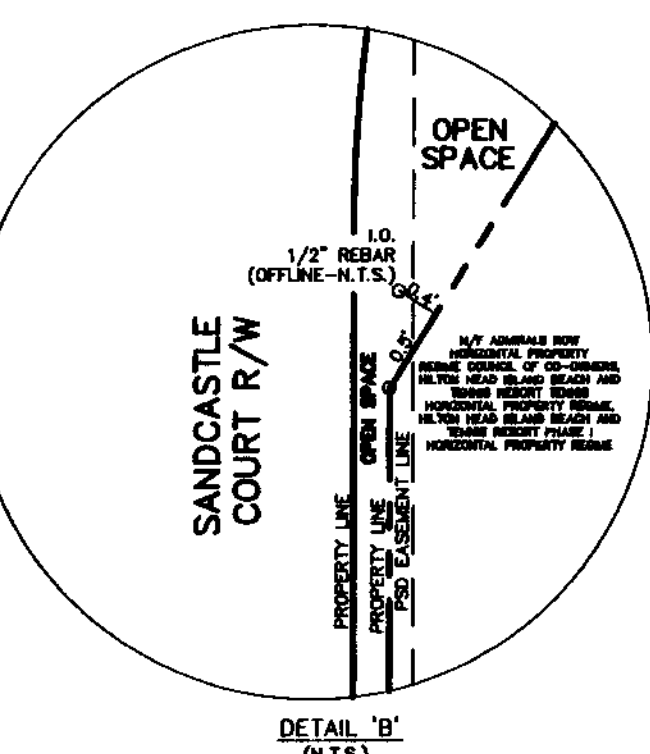
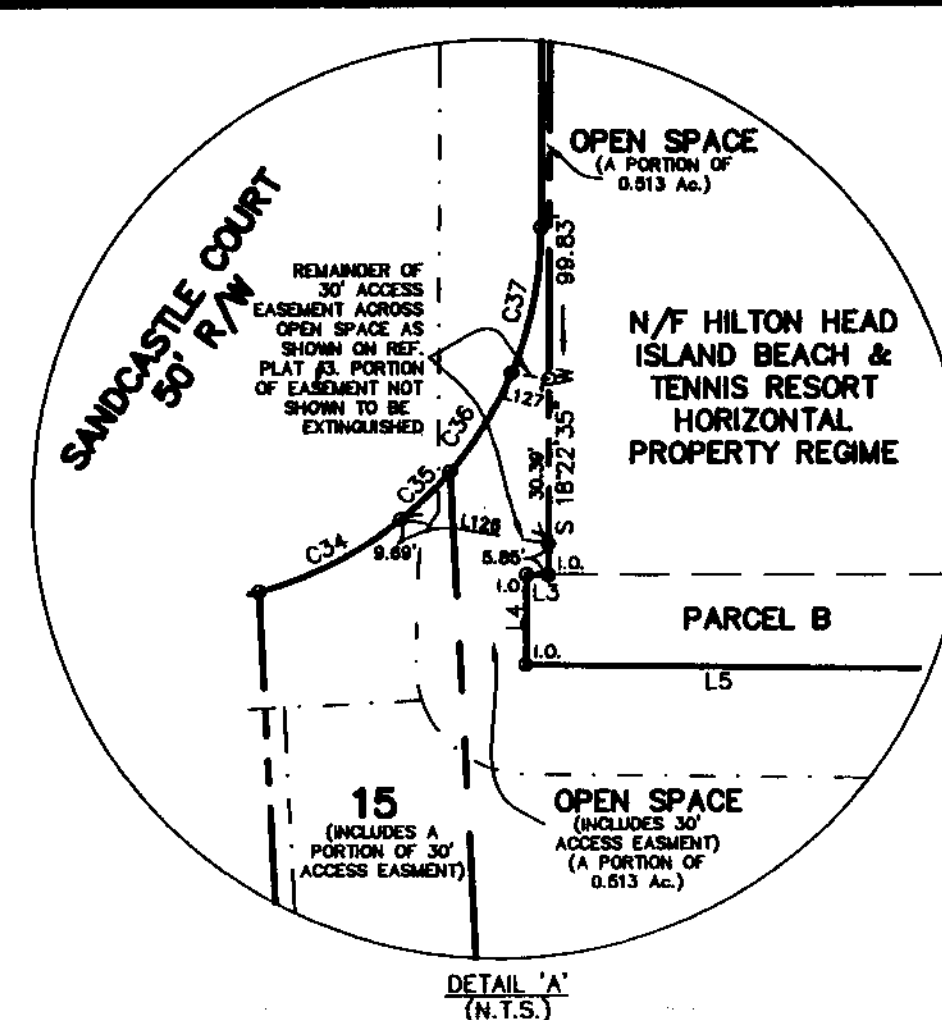
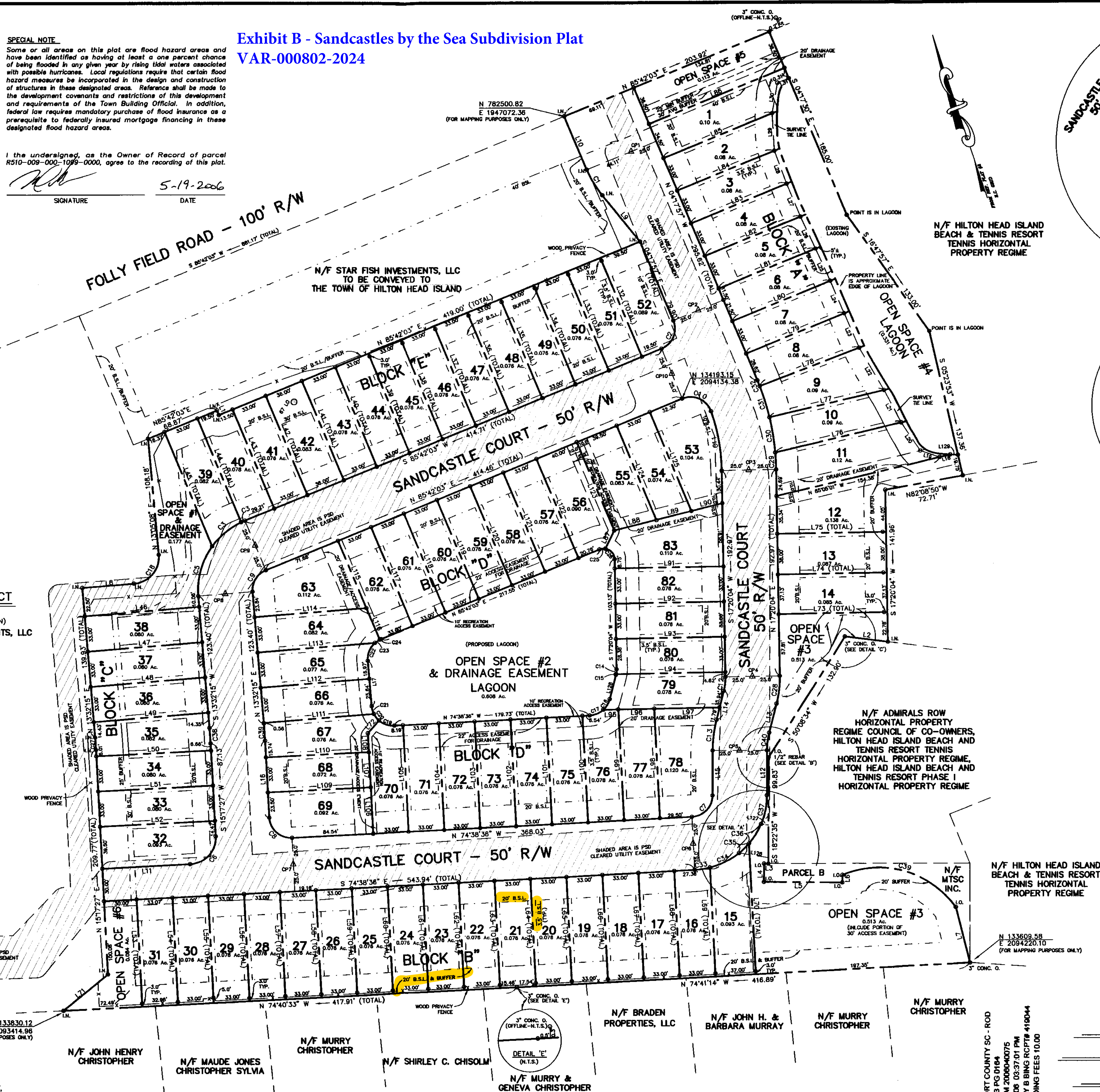
I, the undersigned, as the Owner of Record of parcel R510-009-000-1099-0000, agree to the recording of this plat.

SIGNATURE

DATE

FOLLY FIELD ROAD - 100' R/W

Exhibit B - Sandcastles by the Sea Subdivision Plat VAR-000802-2024



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

TOWN OF HILTON HEAD, SC

Subdivision Plat

The Town of Hilton Head, SC, is hereby approving this Subdivision Plat for recording and has authorized the recording of this plat.

Date of approval: 7/8/05

Application Number: 81805002

Created by: M. D. D. D.

Date: May 2015

7/8/05

7/8/05

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7/8/05

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

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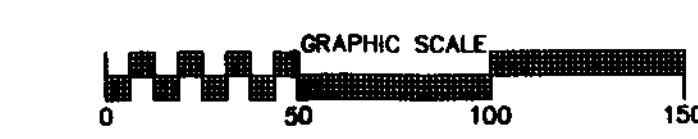
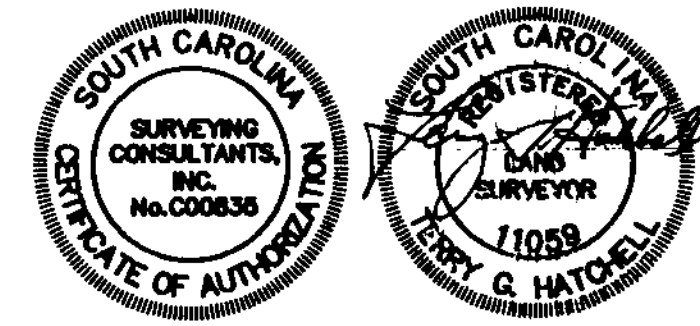
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SURVEYING CONSULTANTS
17 Sherington Drive, Suite C, Bluffton, SC 29910
Telephone: (843) 815-3304 FAX: (843) 815-3305
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PREPARED FOR: STAR FISH INVESTMENTS, LLC
TAX PARCEL I.D. NO. R510-009-000-1099-0000

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]

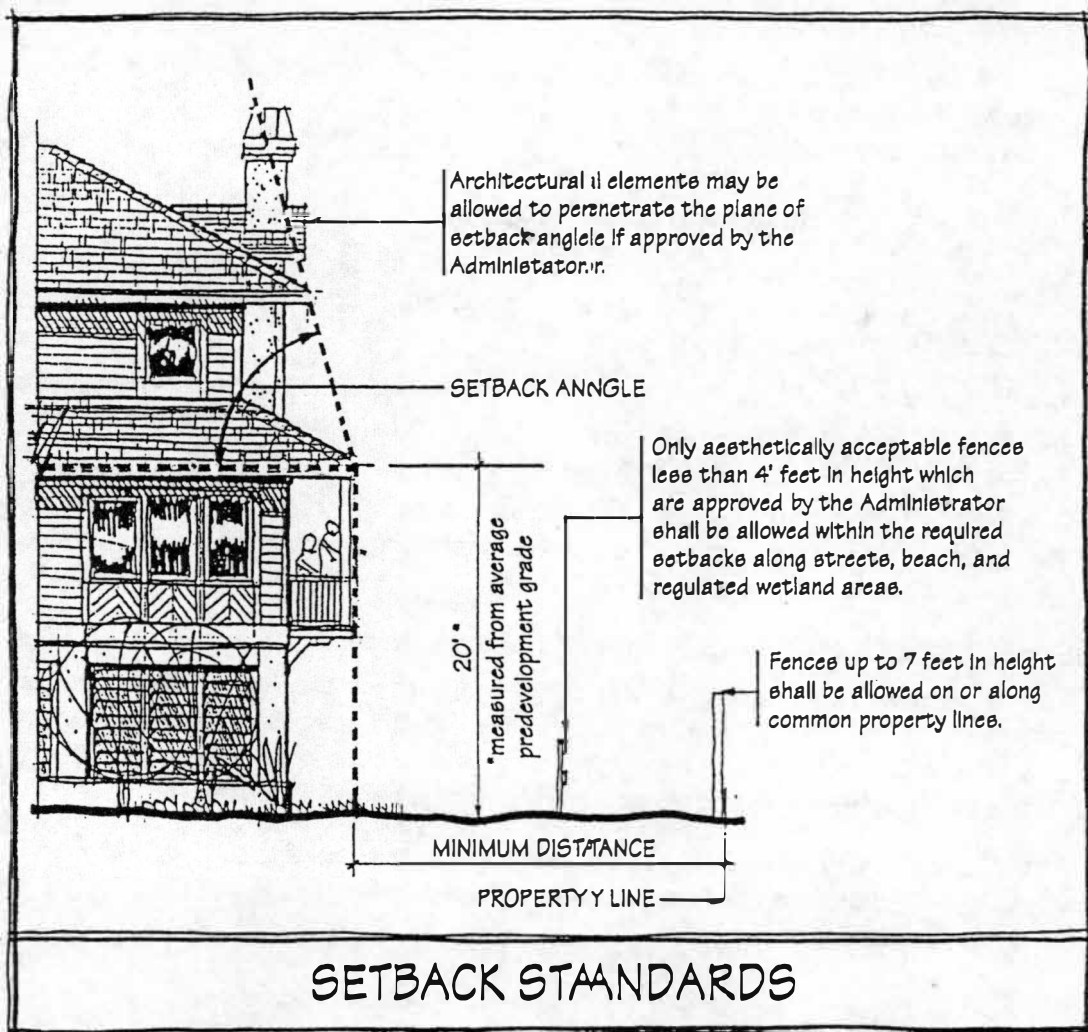


Exhibit D - 2014 Setback Angles
VAR-000802-2024

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.

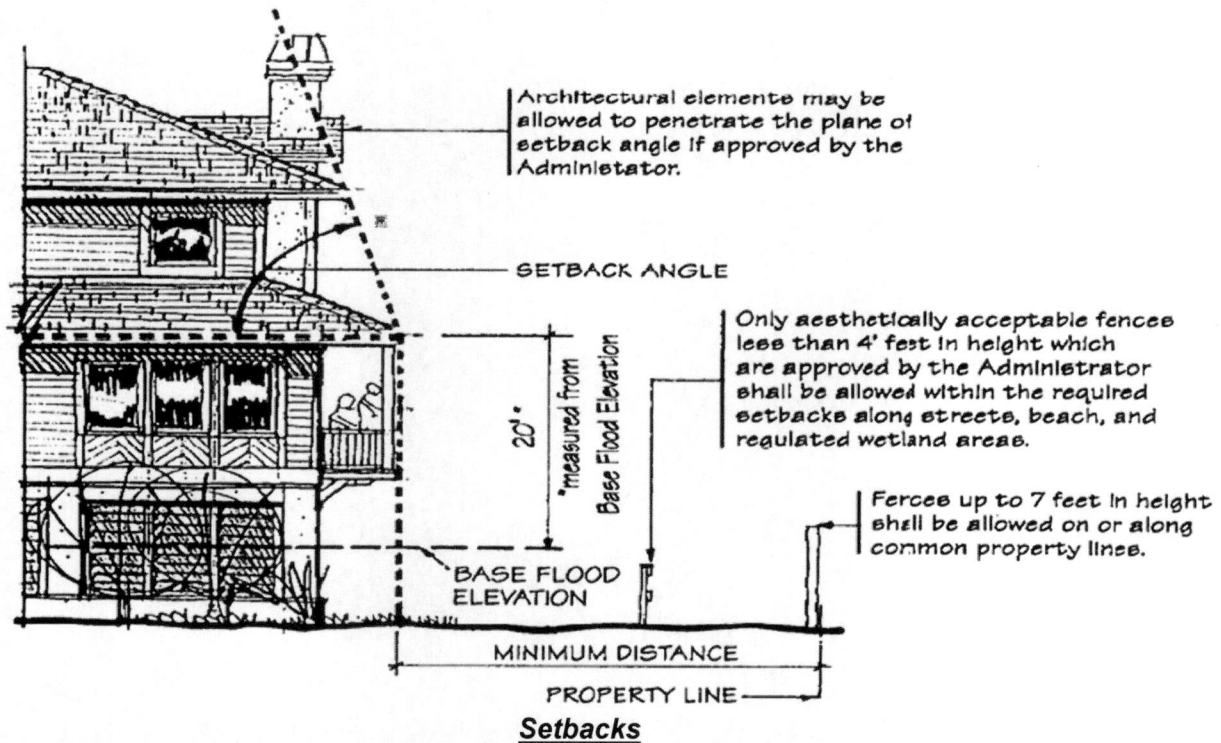
(Revised 3/6/07—Ordinance 2007-05)

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.

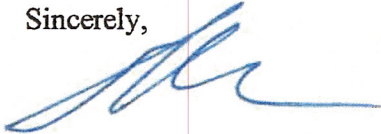
In order to appropriately address these issues, the Town will draft and route a Land Management Ordinance amendment, that if adopted, will remove the setback angle requirements from the Land Management Ordinance as it would otherwise apply to these units. Once the amendment is approved, we will allow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



PERMIT CORRECTIONS REPORT (BLDR-000919-2024) FOR TOWN OF HILTON HEAD ISLAND

PERMIT ADDRESS: 59 SANDCASTLE COURT
Hilton Head, SC 29928
PARCEL: R511 009 000 1125 0000

APPLICATION DATE: 03/01/2024
SQUARE FEET: 3,571.00
DESCRIPTION: SANDCASTLES BY THE SEA- NEW SINGLE FAMILY HOME. 3302 HEATED, 269 UNHEATED

EXPIRATION DATE:
VALUATION: \$988,976.00

CONTACTS	NAME	COMPANY	ADDRESS
Applicant	RICHARD DIETRICH JR	RENOVATORS OF SC LLC (THE)	90 CAPITAL DRIVE, 101-A HILTON HEAD ISLAND, SC 29926
Contractor	RICHARD DIETRICH JR	RENOVATORS OF SC LLC (THE)	90 CAPITAL DRIVE, 101-A HILTON HEAD ISLAND, SC 29926
Electrical Contractor	WALTER BRIONES daly	BRIONES SOLUTIONS LLC	34 SANDY POINTE DRIVE BLUFFTON, SC 29910
HVAC Contractor	JOSEPH ZOKAN	NORTHPOINT HEAT & AIR CO INC	591 BROWNS COVE RD, K2 RIDGELAND, SC 29936
Owner	VINOD RAJASEKARAN		6212 KIT CREEK RD MORRISVILLE, NC 27660
Plumbing Contractor	JOSE DURAN	J & J PLUMBING COMPANY LLC	7 COURTLAND LANE BLUFFTON, SC 29910

Building Plans (Res New SF Res)

REVIEW ITEM	STATUS	REVIEWER
Addressing v.1 Address review	Approved	Joheida Fister Ph: 843-247-3741 email: joheidaf@hiltonheadislandsc.gov
Building Plan Review v.1 Building Plan Examiner	Corrections Required	Doug Cook Ph: 843-341-4688 email: dougc@hiltonheadislandsc.gov
Building Plan Review - SafeBuilt v.1 SafeBuilt Review	Approved	Stephen Yeargin Ph: 803-804-7840 email: syeargin@safebuilt.com
Correction: Building - Electrical - Stephen Yeargin (3/19/24) - Resolved Comments: GFCI Locations Corrective Action: Contractor to ensure garage and kitchen dishwasher receptacles are GFCI protected per E3902.		
Correction: Building - Electrical - Stephen Yeargin (3/19/24) - Resolved Comments: ARC Faults Corrective Action: Contractor shall ensure E3902.20 In areas other than kitchen and laundry areas , branch circuits that supply 120 volt single phase, 15 or 20 amp outlets installed in family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways and similar rooms shall have ARC Fault Protection.		
Correction: Building - Garages And Carports - Stephen Yeargin (3/19/24) - Resolved Comments: Garage Floor, Sloped Corrective Action: Contractor shall ensure R309.1 Garage floor surfaces shall be sloped to a drain or the main vehicle door		
Correction: Building - General Comments - Stephen Yeargin (3/19/24) - Resolved Comments: General Comments Corrective Action: Please provide fireplace manufacturers installation instructions on site for inspector use.		
Correction: Building - Mechanical - Stephen Yeargin (3/19/24) - Resolved Comments: Dryer Vents length Hard Metal Corrective Action: Contractor to ensure M1502.4.6 Maximum dryer exhaust duct to be 35 feet unless dryer is listed for a longer length. Exhaust shall terminate at the exterior wall or roof		
Correction: Building - Mechanical - Stephen Yeargin (3/19/24) - Resolved Comments: Bath Fans 50 CFM Min. Direct to Exterior Corrective Action: Contractor to ensure R311.2 Bathroom exhaust fans are to exhaust to the outdoors. Bathrooms shown without glazing must be provided with mechanical exhaust.		
Correction: Building Other - Moisture Vapor Retarders - Stephen Yeargin (3/19/24) - Resolved Comments: Moisture Vapor Retarders Corrective Action: Contractor to ensure use of a 10 mil vapor retarder at slabs per R506.2.3 rather than 6 mil shown on drawings.		

PERMIT CORRECTIONS REPORT (BLDR-000919-2024)

Community Development - Site Plan v.1

Corrections Required

Alexis Cook email: alexisc@hiltonheadislandsc.gov

Site Plans - CDIC

Correction: Planning - Alexis Cook (3/27/24) - Not Resolved

Comments: LMO Section 16-5-102.C and D – The plan needs to show front (street) and adjacent use setback angles on all sides of the property.

Correction: Planning - Alexis Cook (3/27/24) - Not Resolved

Comments: Show all building and site improvements on the plan, including HVAC units, utility equipment and pedestals, and stairs. No improvements are permitted within buffers.

Correction: Planning - Alexis Cook (3/27/24) - Not Resolved

Comments: No pavers are allowed in rear 20" setback and buffer.

Correction: Planning - Alexis Cook (3/27/24) - Not Resolved

Comments: LMO Section 16-3-105.(Letter) - The maximum building height is 45 feet. Provide an elevation showing the proposed building height, measured from 13 feet above Mean Sea Level using NAVD 88 vertical datum. If the proposed height is within 10% of the maximum allowed, a final height survey will be required prior to a Certificate of Occupancy is issued to make sure the building was not constructed higher than the maximum allowed.

Floodplain Review v.1

Corrections Required

Shari Mendrick Ph: 843-341-4687 email:
sharim@hiltonheadislandsc.gov

Building Plans Floodplain Review

Correction: Floodplain Management - Shari Mendrick (3/25/24) - Not Resolved

Comments: Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be elevated per Town Ordinance 15-9-311(d). HVAC platform shall be elevated no less than 13'.

NPDES Review v.1

Corrections Required

Jacob Terry email: jacobt@hiltonheadislandsc.gov

NPDES Engineering Review

Correction: Stormwater NPDES - Jacob Terry (3/15/24) - Not Resolved

Comments: Demonstrate on the site plan the location of a washout for concrete, paint, stucco, etc.

Correction: Stormwater NPDES - Jacob Terry (3/15/24) - Not Resolved

Comments: Please have applicant demonstrate on site plan the location of redline silt fencing. When working around water, marshes, and dunes, a double row of redline silt fencing is required.

Correction: Stormwater NPDES - Jacob Terry (3/15/24) - Not Resolved

Comments: Demonstrate on the site plan the location of the construction exit.

CONDITION(S) Fire: - Access & water supply for fire department operations shall be provided during construction.

Addressing: - Numbers are to be reflective and a contrasting color with the background. They must be a minimum of 4 inches in height and a minimum of 1/2" in width.

Addressing: - Must be posted within 20 feet of the property line and clearly visible from the street.

Fire: - The fire lane/access road must remain open and unimpeded at all times – there is to be no parking or anything set up on the access road.

eReview Session for Building Plans (Res New SF Res) v.1

FILES: Plan Review 59 Sand Castle Ct BLDR-000919-2024 SFD.pdf

PLANS - 59 Sandcastle Court.pdf

PLANS - 59 Sandcastle Court_v1 with notes.pdf

REVIEWER

SteveYeargin

MARKUP

10 mil vapor retarder required per R506.2.3

DATE/TIME

03/14/2024 6:39 pm

FILE NAME

PLANS - 59 Sandcastle Court_v1 with
notes.pdf

PG

1



Sandcastle by the Sea Subdivision

Subject Property

Aerial imagery captured in February 2023.

59 Sandcastle Court

Town of Hilton Head Island

Aerial of Sandcastle by the Sea Subdivision

June, 2024

Exhibit G - Aerial of Sandcastles and Site Photos
VAR-000802-2024



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-4600
Date Created: Tuesday, June 4, 2024

2,000 1,000 0 2,000 4,000 6,000 Feet



The information on this map has been compiled from a variety of sources and is intended to be used only as a guide. It is provided without any warranty or representation as to the accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion or for any losses arising from the use of the map.







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.





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-000803-2024	June 24, 2024

Parcel or Location Data:	Property Owner	Applicant
Address: 129 Sandcastle Court Parcel#: R511 009 000 1157 0000 Zoning: RD (Resort Development District) Overlay: COR (Corridor Overlay District)	Rosanne Magers 410 Trotting Trail, Efland, NC 27243	Richard Dietrich The Renovators of SC 90 Capital Drive Suite 101-A Hilton Head Island, SC 29926

Application Summary:

Request from Richard Dietrich of The Renovators of SC on behalf of Rosanne Magers, owner of 129 Sandcastle Court, also identified as Beaufort County Tax Map Parcel R511 009 000 1157 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 undeveloped and is located mid-island in the Sandcastles by the Sea Subdivision at 129 Sandcastle Court (Lot 51). It is adjacent to two single-family lots and property

owned by the Town of Hilton Head. (See Exhibit B.) The property is located within the Resort Development (RD) District and resides within the Corridor Overlay.

The purpose of RD District, according to the LMO, Section. 16-5-105.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). In 2022, the lot was reconfigured via a reconfiguration boundary plat. (See Exhibit B). Plat Book 159 on Page 30 shows the parcel to be .086 acres in size. Though the setbacks are not shown on the reconfiguration plat, they are still required per the Sandcastles by the Sea Subdivision plat.

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 50 and 52. (See Exhibit A).

Section 16-5-102.A of the Town’s Land Management Ordinance, 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).

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). Richard Dietrich of The Renovators of SC was the builder of those three permits. In March 2024, Richard Dietrich applied for another building permit to construct a single-family home in the Sandcastles by the Sea Subdivision. During the review process, he was notified that his proposed home encroaches into the setback angles. (See Exhibit F).

Nearing build-out, approximately 71 of the 83 lots have been developed, and 12 empty lots remain in the subdivision (See Exhibit G). Since the Sandcastles by the Sea was approved by the Town, Staff has not correctly reviewed the submitted single-family building plans for this subdivision. The adjacent use setback angles have not been reviewed, and therefore, the setback angles provided in the LMO have not been enforced. However, the adjacent street setback standards have been enforced.

The property owner of 129 Sandcastle Court hired Richard Dietrich of The Renovators of SC to build a single-family home that complies with the developed neighborhood character. 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 H, pages 2 and 3).

During the design process, the applicant contacted the Town with questions regarding the setback angles. Staff informed the applicant that the proposed setback angle encroachments were not permitted. The applicant has requested a variance to allow a home to encroach into the required 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., 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 May 22, 2024 as set forth in LMO Section 16-2-102.C and Appendix D-23.
- Notice of the Application was published in the Island Packet on June 2, 2024 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on May 31, 2024 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on June 6, 2024 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 LMO Section 16-2-102.E.2.

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 .086 acres.
- The lot is approximately the same shape and size (.086 to .1 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.

Conclusions of Law:

- The subject property is approximately the same size (.086 to .1 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 (.086 to .1 acres) as all of the other properties on the same side of Sandcastle Court.
- The 3.5-foot adjacent use setback is shown on the subdivision plat.
- The required setback angles have not been enforced in the subdivision.

Conclusion of Law:

- The subject property is approximately the same size (.086 to .1 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.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 chose to utilize nearly every square foot of buildable space on the subject property.
- 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.
- The required setback angles have not been enforced in the subdivision.

Conclusion of Law:

- The setback angle requirements were not enforced in 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 does meet 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 prohibits 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 land intensity of 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

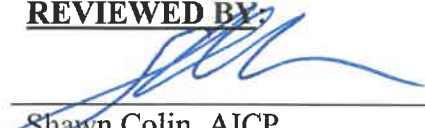
6/3/2024
DATE

REVIEWED BY:

BE
Brian Eber,
Development Review Manager

6/3/2024
DATE

REVIEWED BY:


Shawn Colin, AICP,
Assistant Town Manager

6/14/2024
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) Corrections Report
- G) Aerial of Subdivision and Site Photos
- H) Sandcastles by the Sea Architectural Review Guidelines

Date: 5/6/2024

To: The Board of Zoning Appeals

Subdivision: Sandcastle By The Sea

Address: Lot 51, 129 Sandcastle Ct Hilton Head SC 29928

Reference to the side setback angles 16-5-102.D of the Adjacent Setback within the LMO

The reason for this narrative is to request a Variance from the LMO 16-5-102 & appeal the decision for Adjacent Setback angle for lot 51, 129 Sandcastle Ct Hilton Head SC 29928. This lot in Sandcastle as most of the lots in this subdivision is only 33' wide. (Please review the attached drawing). There are many reasons this does not work with 129 Sandcastle Ct. and most of the lots within Sandcastle By The Sea. The garage slab on this home will be at 13' BFL.

Please consider that my clients within the subdivision purchased the lot for an investment as it is in an **RD (Resort Development Zone)** not a (RS Single Family Zone)

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

Sandcastle by The Sea property has extraordinary & exceptional differences due to the lot size of 33' x 99'. If you draw a line up 20' at 13 BFE, the adjacent setback/buffer you would not have a workable floorplan that would be accepted in the neighborhood and approved by the HOA. The adjacent angle requirement is exceptional condition within Sandcastle now that 85% of the homes have already been approved and built without adjacent setback requirements.

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

These conditions did not apply to other properties in Sandcastle by The Sea. The adjacent angle ordinance was approved and put into place in 1998 and Sandcastle by The Sea was approved in 2005. We are not sure why a subdivision plat was approved with 33' lots knowing the ordinance existed. With 75 homes built already why did the town exempt this subdivision up till now from this part of the ordinance.

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.

The application of this ordinance would unreasonably restrict the use of this lot as it intended use at time of purchase. If the adjacent angle is required on this lot, it would create a financial hardship to the homeowner because they purchased the lot to build a home that would match the neighborhood and as an investment for short term rental. They have in fact closed with the bank and been approved by the HOA board. Changing the homes design at this time would be unreasonable and restrict the utilization of which the lot was intended.

The existing homes in Sandcastle are all similar in design and were not required to conform to this adjacent setback angle. This requirement enforced at this time with the subdivision being almost complete would create new unappealing homes for the last 8 + lots. The homes would not match the neighborhoods existing 75 design criteria of the completed homes.

4. The Authorization of the Variance will not be of substantial detriment of 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.

The authorization of this variance will not be of substantial detriment of adjacent property owners or the public good because the adjacent homes were built without the ordinance requirement. The character of the zoning district where the property is located will not be harmed by granting this variance due to the proposed new home would match the existing homes in the neighborhood. (See attached pictures)

Closing Thoughts:

My clients purchased lots in this subdivision because they were zoned RD Resort Development instead of RS (Single Family Zone). Two of these clients already have current homes in Sandcastle and acquired a 2nd lot to build an additional home for the short term rental investment. They were not required to adhere to the adjacent setback angle on their previous homes.

If this adjacent setback angle in Sandcastle by The Sea were to be enforced, it would create a hardship on this homeowner and the remaining homeowners that still want to build. If this

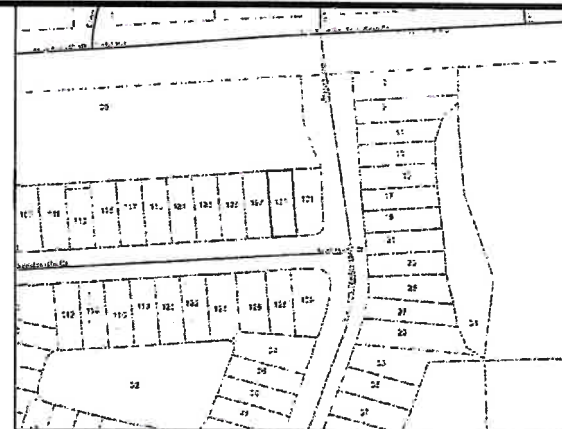
ordinance is required on this piece of property, it would restrict the utilization of this property. The authorization of this variance will not be a detriment to the adjacent property owners and the public good, because the adjacent 75 homes were already approved to build and have been built without the adjacent setback angles requirement.

I have built 5 previous homes in Sandcastle by The Sea and the town has not required us to build homes using the adjacent setback angles per this ordinance, on any of them. I was told Sandcastle was exempt and I only had to adhere to the front setback angle. I have now sold 3 additional homes. 2 of the 3 homes are closed with the clients' lending institutions and are ready for the permits to be issued. After 8 weeks in the permit process, I have been instructed I must adhere to adjacent setback angles. With understanding of the subdivision, it is clear that the adjacent setback angles were not required or enforced for the new home builds in Sandcastle by The Sea. It is hard to understand with the subdivision almost complete that the town would impose the enforcement of this ordinance. That requires a totally different home design on a 33' wide lot after allowing this type of design for 18 years referring to an ordinance that was always in place.

In short all we are trying to do is build this and the remaining homes that match the existing design criteria and will meet the client's needs and the HOA approval.

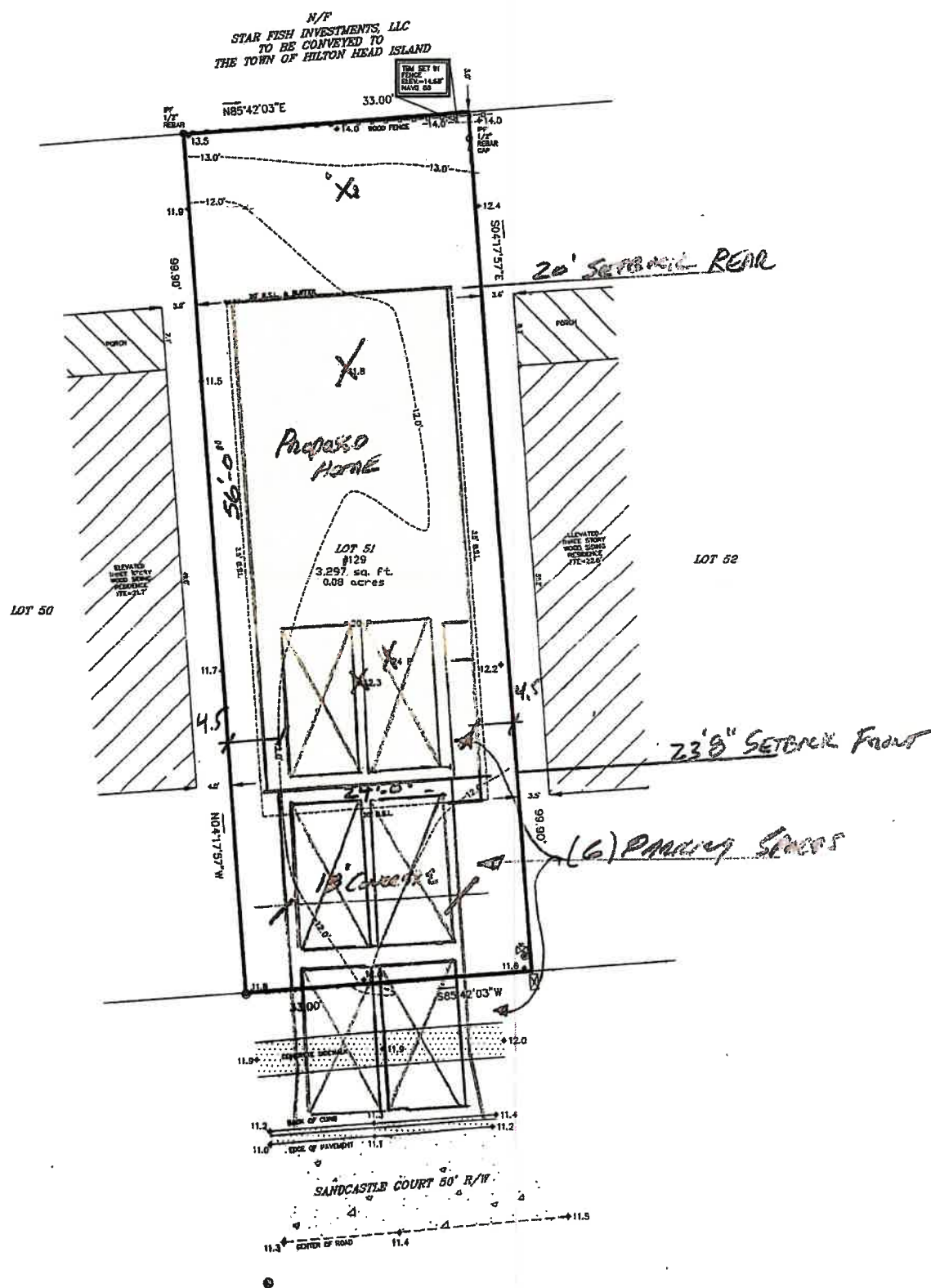
I submit this variance request with the utmost respect but with concern for my clients and the current financial strain it places on them and my business if it is not approved.

Richard Dietrich
The Renovators of SC LLC
90 Capital Dr
Suite 101-A
Hilton Head SC 29926
Office: 843-689-6585
Cell: 704-516-1754



LOCATION MAP NOT TO SCALE

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



- LEGEND
- CHS - CONCRETE MONUMENT SET
 - CHF - CONCRETE MONUMENT FOUND
 - IPS - IRON PIN SET
 - IPF - IRON PIN FOUND
 - # - INDICATES STREET ADDRESS
 - TSW - TEMPORARY SETBACK MARK
 - BSL - BUILDING SETBACK LINE
 - ⊙ - TELEPHONE PEDESTAL/COMMUNICATOR
 - ⊙ - SEWER LATERAL
 - ⊙ - SANITARY SEWER MANHOLE
 - ⊙ - ELECTRIC BOX
 - ⊙ - SPOT ELEVATION SHOTS
 - - - - - CONTOUR LINES
 - ⊙ - XFORMER - TRANSFORMER
 - ⊙ - WATER LATERAL
 - ⊙ - WATER METER
 - ⊙ - 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
 - HLV - HOLLY
 - CDR - CEDAR
 - RDB - RED BUD
 - SAS - SASSAFRAS
 - DOG - DOGWOOD
 - SB - SUGARBERRY
 - P - PINE
 - G - GUM
 - B - BAY

GRAPHIC SCALE



I the undersigned, as the Owner of Record of parcels(s) R511 009 000 1157 0000, agree to the recording of this plat.

THE RENOVATORS OF SC

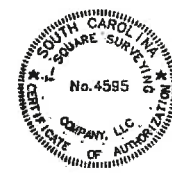
"Some or all areas on this plat are flood hazard areas and have been identified as having at least a one percent chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain flood hazard protective measures be incorporated 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."

DRAWN BY: B.M.S.

APPROVED BY: W.J.S.

PARTY CHIEF: W.J.S.

DATE: JANUARY 4, 2024



SQUARE SURVEYING
PROFESSIONAL LAND SURVEYORS
P.O. Drawer 330
139 Burnt Church Road
Buffton, S.C. 29910
tsquare@earthlink.net
Phone 843-757-2650 Fax 843-757-5736
JOB No. 23-635T



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
WILLIAM J. SMITH, PLS # 26960

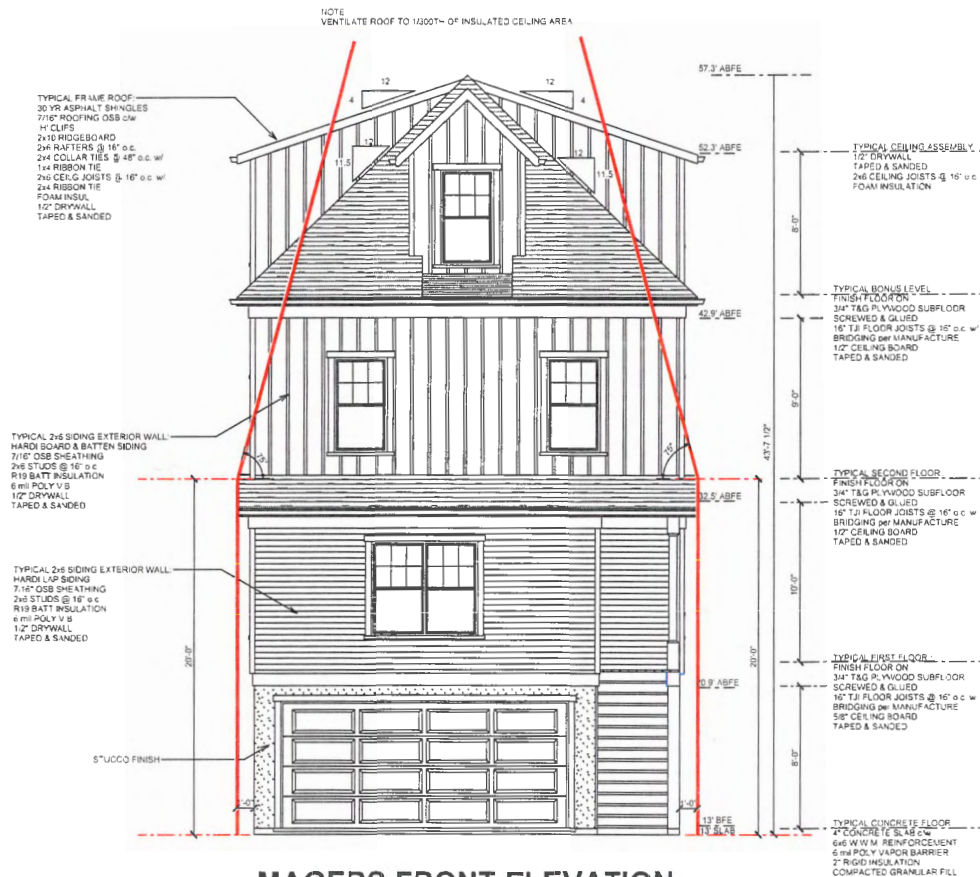
THE ABOVE PLAT PREPARED BY ME AT THE REQUEST OF

THE RENOVATORS OF SC

A TREE & TOPOGRAPHIC SURVEY OF LOT 51 SANDCASTLE COURT, A PORTION OF BLOCK E, SAND CASTLE BY THE SEA SUBDIVISION, TOWN OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA.

DIST. 511, MAP 9, PARCEL 1157

Notes
1. According To FEMA Flood Insurance Rate Map # 45013C0414G This Lot Appears To Lie In A Federal Flood Plain Zone X SHADEN, which Requires Elevation 10'11" NAVD83
2. This Property May Be Subject To Easements, Protective Covenants And Other Facts That May Be Revealed By A Complete Title Search
3. This Survey Was Performed Without The Benefit Of A Wetland Delineation
4. All Building Setback Requirements Should Be Verified With The Proper Authorities Prior To Design And Construction.
Reference: 6/15/23
PLAT BOOK 159 AT PAGE 30

**MAGERS FRONT ELEVATION**

SCALE: 1/4" = 1'-0"

129 SANDCASTLE CT.
HILTON HEAD, SC 29926

Proposed Home with Side Setback Angles

NOTES:
GROUND FLOOR CEILING @ 8'-0" or AS NOTED
FIRST FLOOR CEILING @ 9'-0" or AS NOTED
SECOND FLOOR CEILING @ 9'-0" or AS NOTED
BONUS LEVEL CEILING @ 8'-0" or AS NOTED

ALL SIDING EXTERIOR WALLS CALCULATED AT 5 1/2"
ALL INTERIOR WALLS CALCULATED AT 3 1/2"
unless noted otherwise

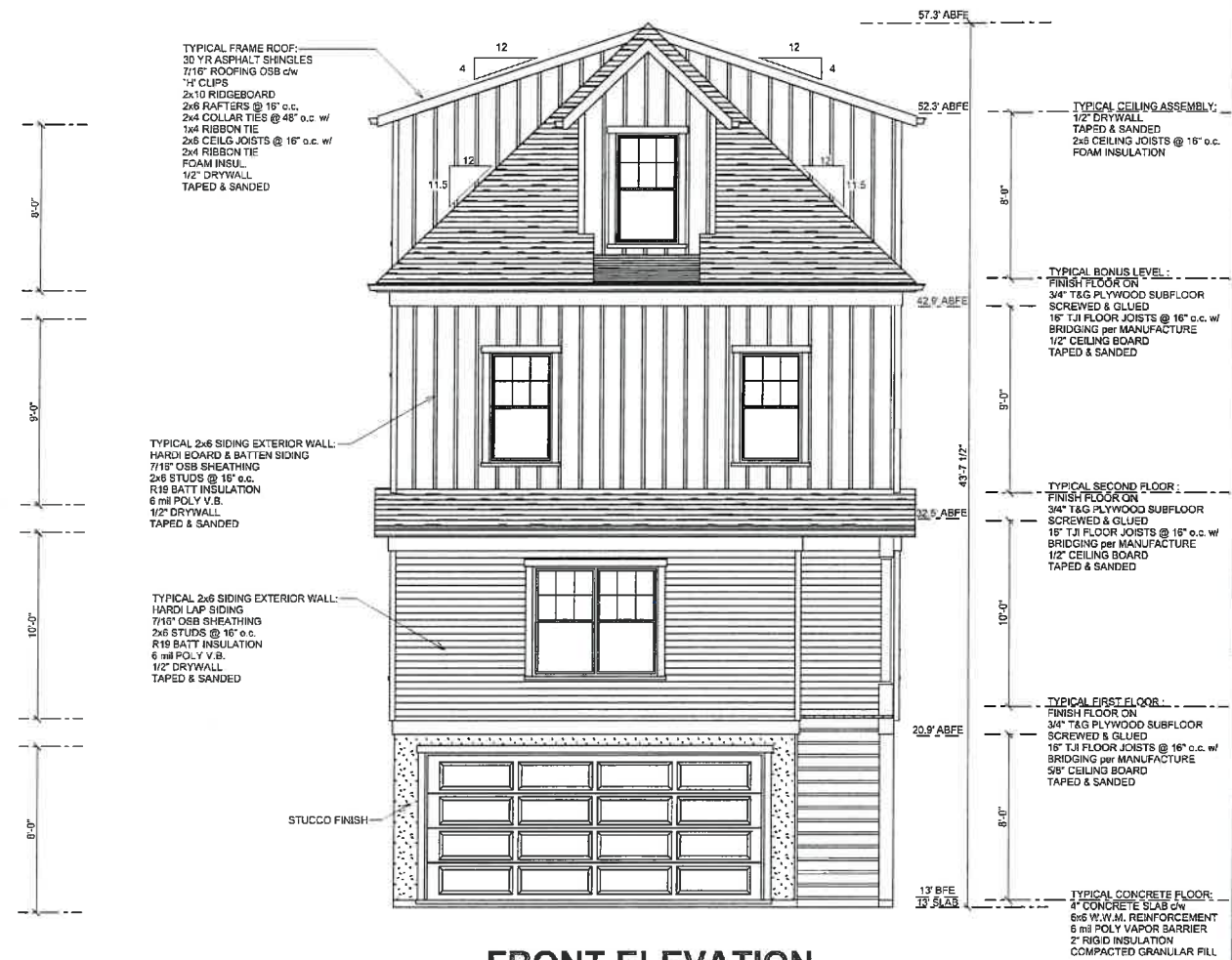
FIRST FLOOR: 1,133 SQ FT
SECOND FLOOR: 1,280 SQ FT
BONUS LEVEL: 955 SQ FT
SCREEN PORCH: 144 SQ FT
SECOND FLOOR DECK: 60 SQ FT



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

NOTE:
EXTERIOR FINISHES MAY VARY
FROM THE DRAWING PER OWNER'S
REQUEST.

NOTE:
VENTILATE ROOF TO 1/300TH OF INSULATED CEILING AREA



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

INSTALL 4" TALL
ADDRESS NUMBERS

SHEET

A-1

The Renovators
Of SC

90 CAPITAL DR. SUITE 101A,
HILTON HEAD, SC 29926
843-689-6585 - www.renovatorssc.com



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CONSTRUCTION SITE:
NEW HOME @ SANDCASTLE
MAGERS RESIDENCE
129 SANDCASTLE CT.
HILTON HEAD, SC 29926

HOMEOWNER:
ROSANNE MAGERS
129 SANDCASTLE CT.
HILTON HEAD, SC 29926

DRAWN BY: J. GERCHUR
DATE: OCT. 4, 2023
REVISIONS: NOV. 13, 2023
NOV. 20, 2023, APR. 22, 2024
MAY 18, 2024

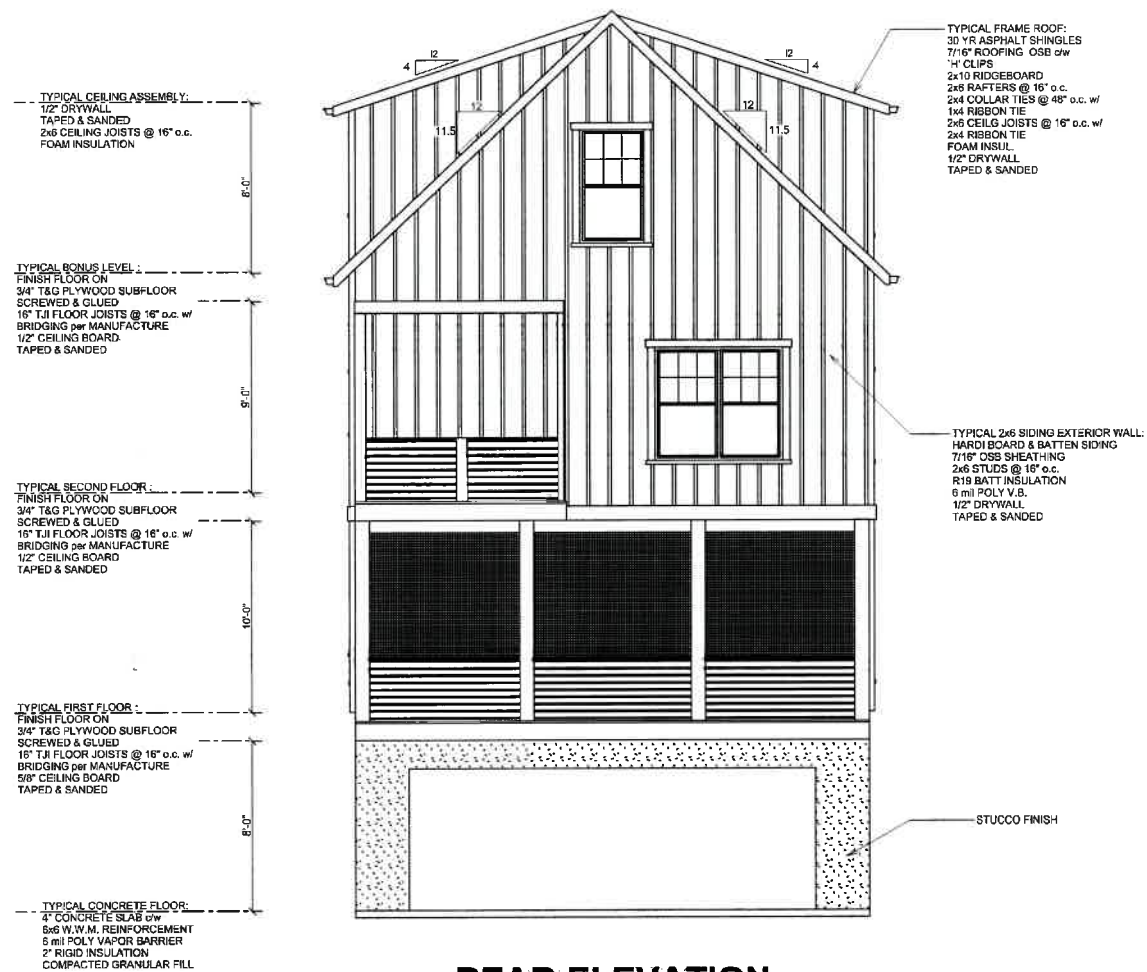
NOTES:
GROUND FLOOR CEILING @ 8'-0" or AS NOTED
FIRST FLOOR CEILING @ 9'-0" or AS NOTED
SECOND FLOOR CEILING @ 9'-0" or AS NOTED
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ALL INTERIOR WALLS CALCULATED AT 3 1/2"
unless noted otherwise

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SECOND FLOOR: 1,280 SQ FT
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NOTE:
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FROM THE DRAWING PER OWNER'S
REQUEST.

NOTE:
VENTILATE ROOF TO 1/300TH OF INSULATED CEILING AREA



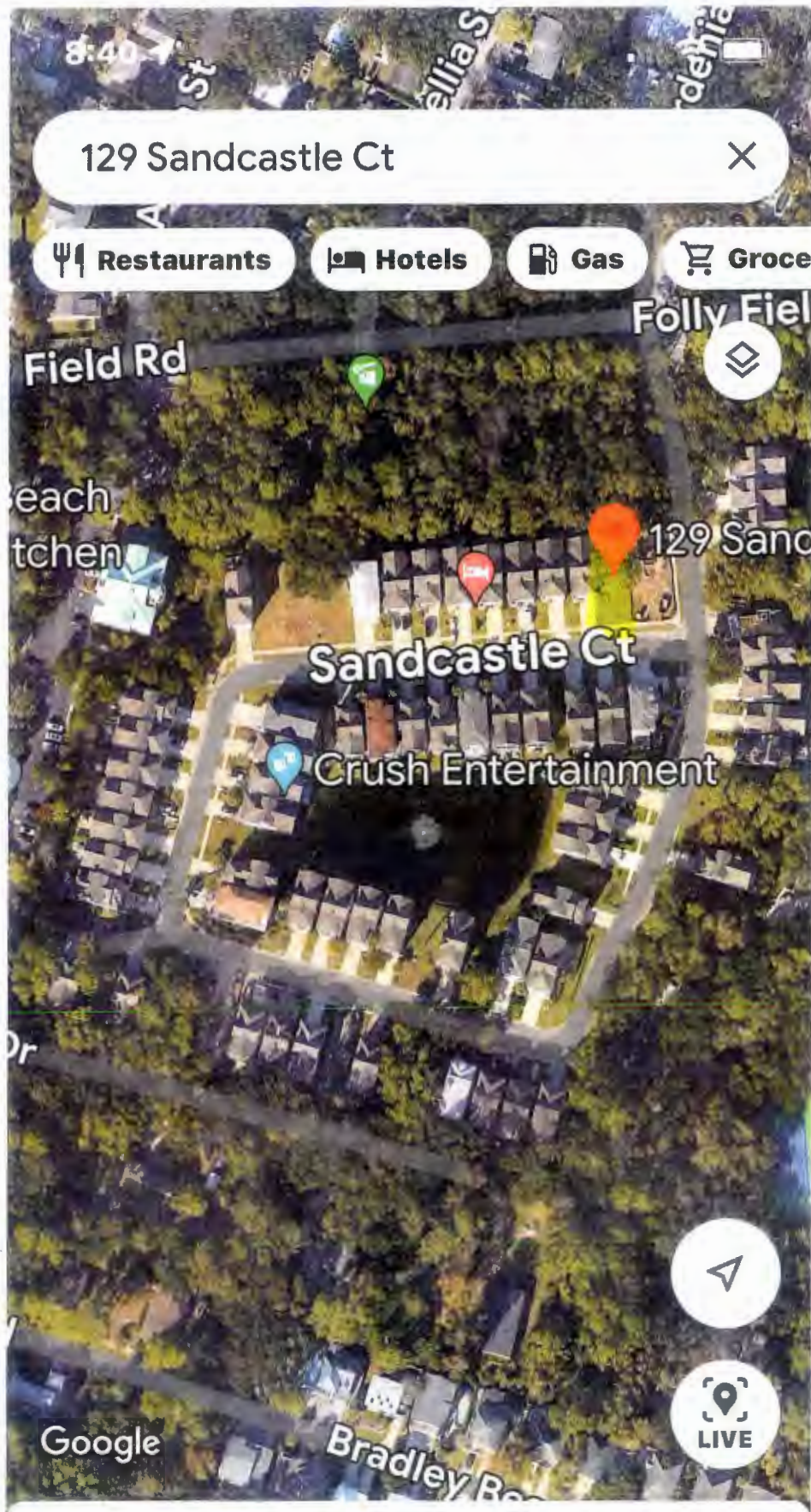
REAR ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"

SHEET A-2	
The Renovators Of SC 90 CAPITAL DR. SUITE 101A, HILTON HEAD, SC 29926 843-688-6585 - www.renovatorsinc.com	
Small text block containing legal disclaimer and copyright information.	
DRAWN BY: J. GENCHUR DATE: OCT. 4, 2023 REVISIONS: NOV. 13, 2023 NOV. 20, 2023, APR. 22, 2024 MAY 18, 2024	CONSTRUCTION SITE: NEW HOME @ SANDCASTLE MAGERS RESIDENCE 129 SANDCASTLE CT. HILTON HEAD, SC 29926
HOMEOWNER: ROSANNE MAGERS 129 SANDCASTLE CT. HILTON HEAD, SC 29926	

0803-2024



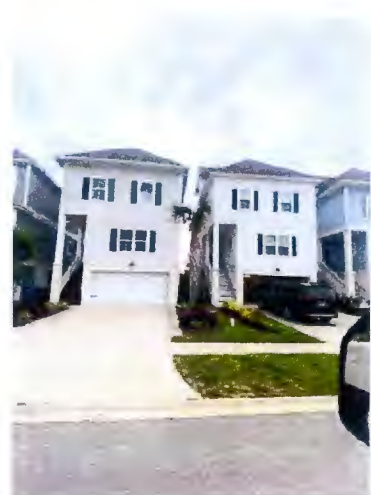
129 Sandcastle Ct

[Directions](#) [Start](#) [Save](#) [Share](#)

129 Sandcastle Court



Sandcastles By the Sea



From: [Richard Dietrich](#)
To: [Michael Connolly](#)
Subject: Sandcastle By The Sea appeals for lot 59, 129, 9 Sandcastle Ct HOA president response to the setback angle requirements
Date: Thursday, May 30, 2024 7:38:52 AM
Attachments: [image001.png](#)

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Good morning, Michael

I sent the plans to the ARB president Rick Ross, and he submitted the plans to the board members and they all declined the revisions with the towns adjacent setbacks. This may not help our cause, but it can't hurt. Can you please add this to the appeal for 59, 129 & 9 Sandcastle ?

From: rick [rickcrossrealestate.com](mailto:rick@rickcrossrealestate.com) <rick@rickcrossrealestate.com>
Sent: Wednesday, May 15, 2024 11:48:08 AM
To: Richard Dietrich <rickd@renovatorssc.com>
Subject: Re: Sandcastle appeals

Hi Rick,

I showed the board your elevation drawings and we unanimously agreed the cropping of the homes to meet town setback requirements will not meet our ARB guidelines. All the existing homes are very similar and we don't won't 20 percent of the remaining homes left to build to not match the existing construction.

We should have a signed letter for you outlining our decision by late tomorrow.

When is your variance hearing? I have spoke in front of the BZA several times about Sandcastles. I would be happy to speak on your behalf as the President of the Sandcastles POA and resident to help make your case. If interested, let me know the hearing date and I will check and see if I'm available.

Take care,

Rick

On May 15, 2024 12:45:07 AM Richard Dietrich <rickd@renovatorssc.com> wrote:

Hello Rick,

I have attached my appeal narration and would like your opinion and additions to help the cause.

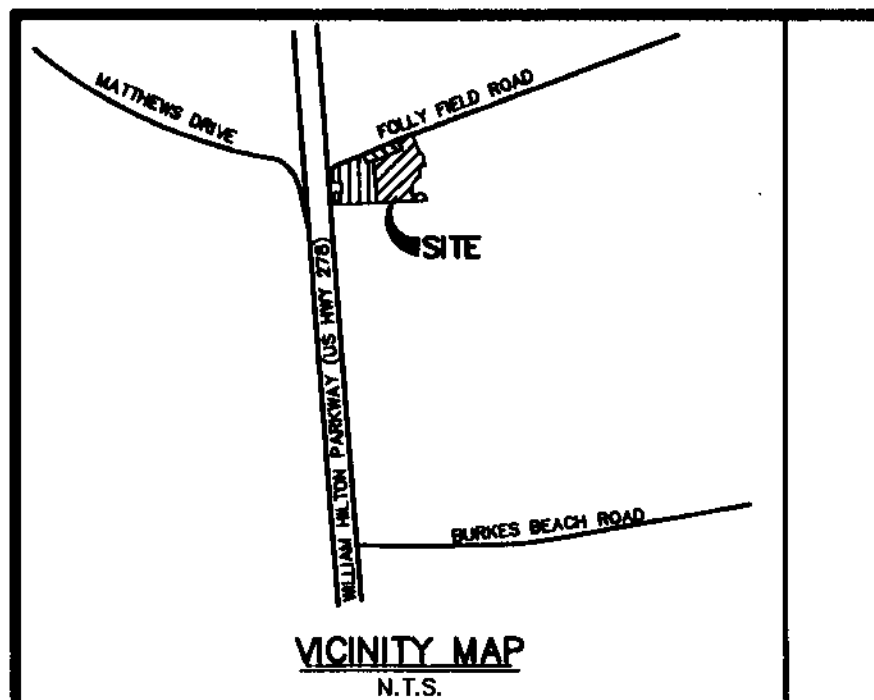
I have attached the 3 jobs we have in Sandcastle currently and with the side setback angles the town is wanting on each of them. Please review and give me an HOA letter with opposition for these changes.

Richard Dietrich



“Transforming Your Ideas into Your Ideal Living Space”

The Renovators of SC
90 Capital Drive Ste 101A
Hilton Head, SC 29926
Office: 843-689-6585
Cell: 704.516.1754
RickD@RenovatorsSC.com
www.renovatorssc.com



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 21°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°08'54" 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°09'48" 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	100.04'	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'	N 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, DATED: 11/29/2004, REVISED: 12/17/2004, BY: TERRY G. HATCHELL, S.C.R.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: 12/17/2004, BY: TERRY G. HATCHELL, S.C.R.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.

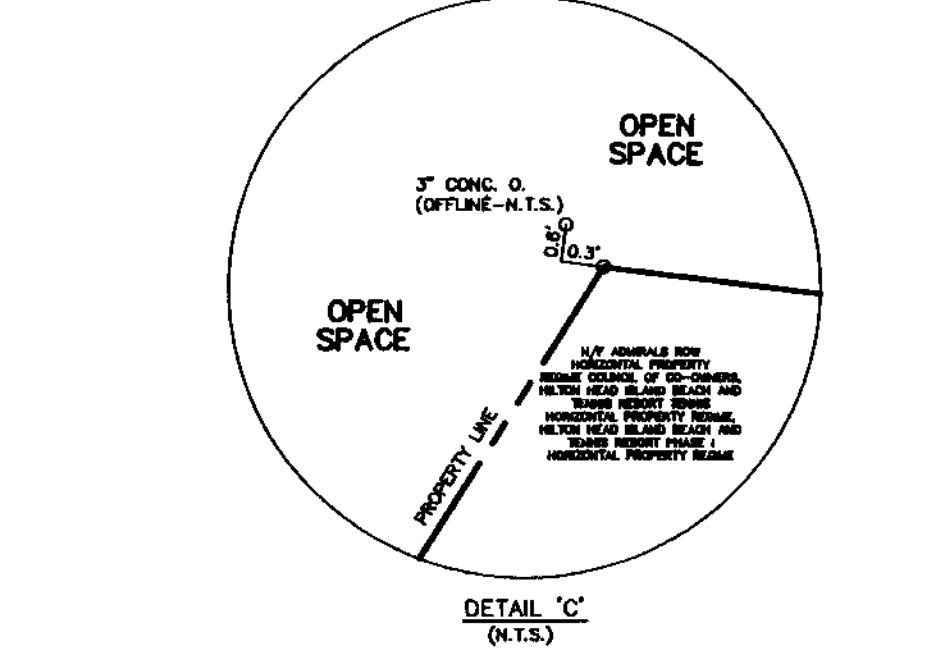
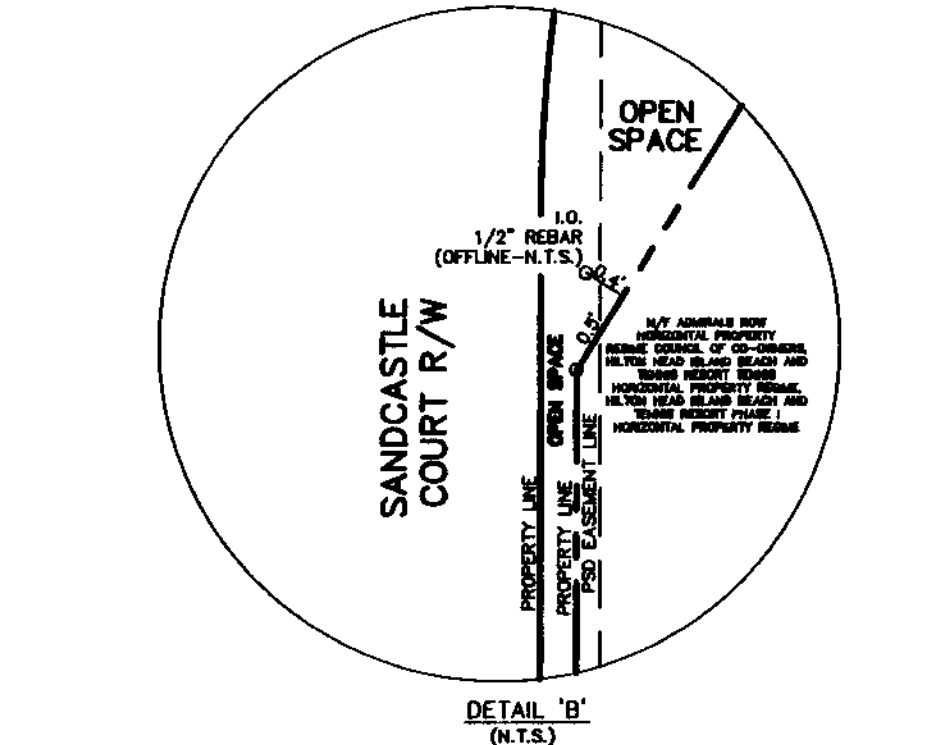
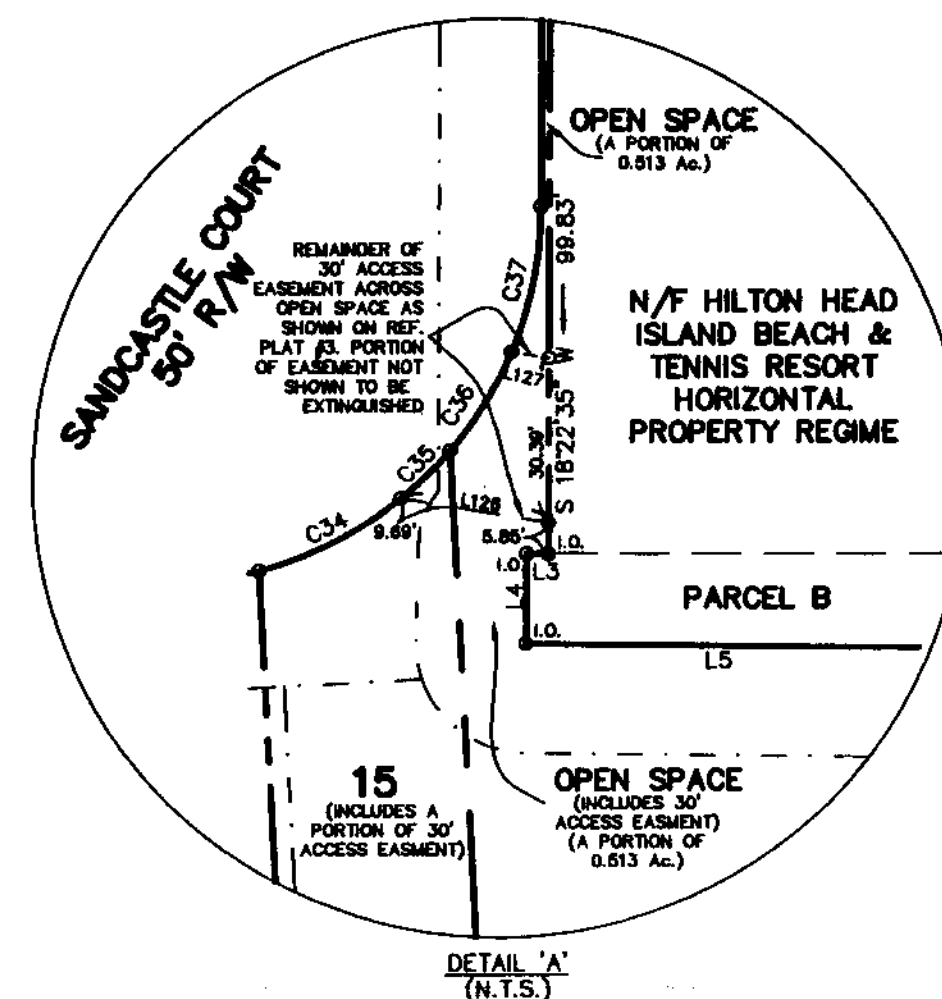
I, the undersigned, as the Owner of Record of parcel R510-009-000-1099-0000, agree to the recording of this plat.

SIGNATURE

DATE

FOLLY FIELD ROAD - 100' R/W

Exhibit B - Sandcastles by the Sea Subdivision Plat and 2022 Reconfiguration Plat VAR-000803-2024



SUBDIVISION CONTROL POINTS	
POINT	COORDINATES
CP1	N 134426.47 E 2094162.22
CP2	N 134266.35 E 2094174.26
CP3	N 134110.87 E 2094171.82
CP4	N 133926.67 E 2094114.32
CP5	N 133864.72 E 2094081.39
CP6	N 133795.49 E 2094051.47
CP7	N 133892.95 E 2093658.59
CP8	N 134152.67 E 2093678.84
CP9	N 134187.01 E 2093719.22
CP10	N 134218.10 E 2094132.76

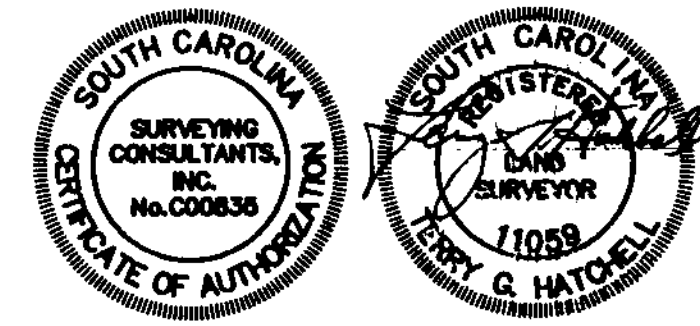
TOWN OF HILTON HEAD, SC
SUBDIVISION CONTROL POINTS
THE TOWN OF HILTON HEAD, SC, HAS REVIEWED THIS PLAT AND HAS AUTHORIZED THE SURVEYOR TO RECORD THIS PLAT.
Date of review: 7/8/05
Application Number: 818.05002
Certified by: [Signature]
Title: [Signature]
Date: 7/8/05

SUBDIVISION
PLAT OF
**SANDCASTLES
BY THE SEA**
FOLLY FIELD ROAD

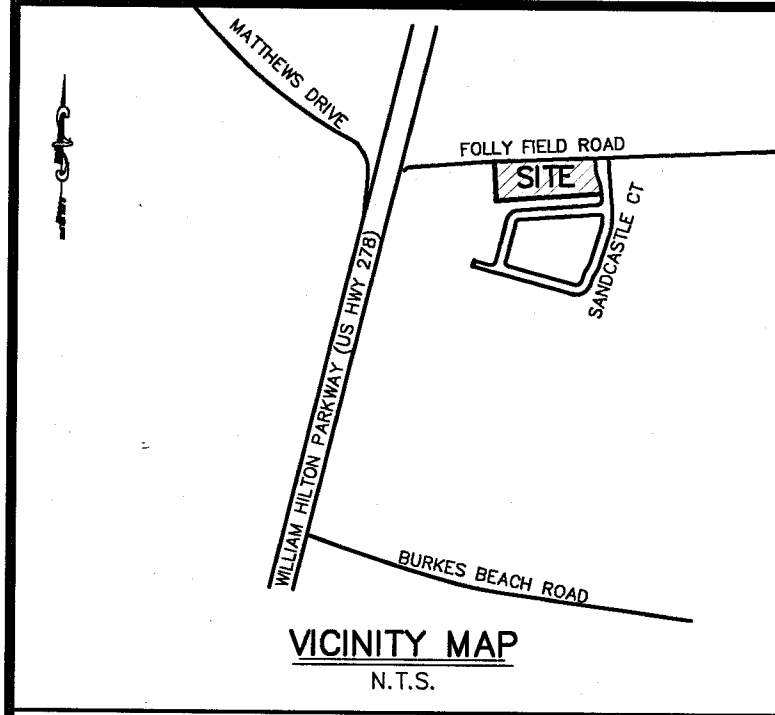
HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 50' DATE: 6/15/2005 JOB NO: 89319L
REVISED 05/19/2006: TO SHOW OFFSET PROPERTY CORNERS

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



PREPARED FOR: STAR FISH INVESTMENTS, LLC
TAX PARCEL I.D. NO. R510-009-000-1099-0000



TOWN OF HILTON HEAD ISLAND LMO
SECTION 16-5-1402 DISCLOSURE STATEMENT

Some or all areas on this plot 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 protective 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
R511-009-000-1196-0000, agree to the recording of this plat.

SIGNATURE
REPRESENTATIVE OF THE
TOWN OF HILTON HEAD ISLAND

DATE

WILLIAM HILTON PARKWAY - R/W VARIES
U.S. HIGHWAY 278

LEGEND

I.N.	IRON NEW, 1/2" REBAR SET
I.O.	IRON OLD, FOUND
Ac.	ACRES
R/W	RIGHT OF WAY
N.T.S.	NOT TO SCALE

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.
- AS OF THE DATE OF THIS SURVEY THIS PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN). THE MAP NUMBER FOR THIS AREA IS 45013004546, DATED 03/23/2021, BASE ELEVATION N/A. FLOOD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTIONS DEPARTMENT.
- BUILDING SETBACKS WHICH EXIST FOR THIS LOT, SHOWN OR NOT SHOWN ON THIS SURVEY, ARE EXPLAINED IN THE COVENANTS, EASEMENTS & SETBACKS SHOWN SHOULD BE VERIFIED THRU THE APPROPRIATE ARCHITECTURAL REVIEW BOARD OR BUILDING AGENCY.
- UNDERGROUND UTILITIES NOT LOCATED ON THIS PLAT. SURVEYING CONSULTANTS DOES NOT CERTIFY TO THE EXACT LOCATION OF ANY UNDERGROUND UTILITY.
- NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR WETLAND SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS, CONTAMINATION, OR OTHER CONDITIONS WHICH MAY AFFECT THIS PROPERTY.
- THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THEREFORE THERE MAY BE OTHER EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, RESTRICTIONS, OR OTHER SIMILAR MATTERS OF PUBLIC RECORD, NOT DEPICTED ON THIS SURVEY.

SOURCE OF TITLE:

*DEED BOOK 2171 PAGES 142-145
*PLAT BOOK 107 PAGE 160
*PLAT BOOK 113 PAGE 164

REFERENCE PLATS:

- 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, BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059 SURVEYING CONSULTANTS, RECORDED: P.B. 107, PG. 60.
- SANDCASTLES BY THE SEA, FOLLY FIELD ROAD, DATED: 6/15/05, REVISED: 5/19/06, BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059, SURVEYING CONSULTANTS, RECORDED: P.B. 113, PG. 164.
- DRAINAGE EASEMENT PLAT OF SANDCASTLES BY THE SEA, FOLLY FIELD ROAD, DATED: 6/29/05, BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059, SURVEYING CONSULTANTS, RECORDED: P.B. 113, PG. 189.
- BOUNDARY, ASBUILT & CONDOMINIUM REGIME SURVEY OF ADVENTURE COVE HORIZONTAL PROPERTY REGIME, AND BOUNDARY & ASBUILT SURVEY OF LOT 2, WILLIAM HILTON PARKWAY, HILTON HEAD ISLAND, DATED: 9/22/2008, LAST REVISED: 09/30/2015, BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059, SURVEYING CONSULTANTS, RECORDED: P.B. 127, PG. 32.

LINE TABLE		
LINE	LENGTH	BEARING
L1	41.72'	N20°18'12"W
L2	13.52'	N20°18'12"W
L3	4.60'	S04°17'57"E
L4	16.37'	N85°42'03"E
L5	14.71'	S85°42'03"W
L6	39.50'	N85°42'03"E
L7	33.00'	N85°42'03"E
L8	33.00'	N85°42'03"E
L9	33.00'	N85°42'03"E
L10	33.00'	N85°42'03"E
L11	33.00'	N85°42'03"E
L12	33.00'	N85°42'03"E
L13	33.00'	N85°42'03"E
L14	33.00'	N85°42'03"E
L15	33.00'	N85°42'03"E
L16	36.00'	N85°42'03"E
L17	33.00'	N85°42'03"E
L18	13.50'	N85°42'03"E
L19	4.60'	S04°17'57"E
L20	19.50'	N85°42'03"E

LINE TABLE		
LINE	LENGTH	BEARING
L21	33.00'	N85°42'03"E

CURVE TABLE					
CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING
C1	27.93'	100.00'	14.06'	27.84'	S12°18'05"E
C2	31.42'	20.00'	20.00'	28.28'	N40°42'03"E
C3	3.79'	70.00'	1.90'	3.79'	S84°08'57"W
C4	34.95'	70.00'	17.84'	34.58'	S68°17'45"W

FOLLY FIELD ROAD - 100' R/W

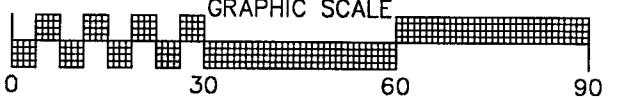
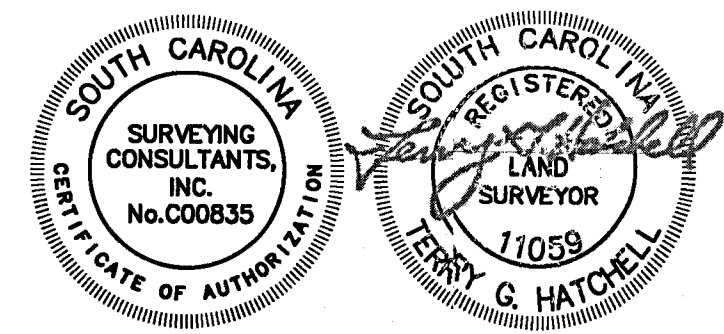
REVISED LOT 4
1.36 ACRES
TAX PARCEL I.D. NO. R511-009-000-1196-0000
THE TOWN OF HILTON HEAD ISLAND
(NOT ALL IMPROVEMENTS SHOWN)

ADVENTURE COVE HPR
REGIME TRACT
(REF. PLAT #4)
N/F STAR FISH INVESTMENTS, LLC
TAX PARCEL I.D. NO. R511-009-000-1000-0000

POINT OF BEGINNING
N. 134,369.47
E. 2,093,187.02
(FOR MAPPING PURPOSES ONLY)

BEAUFORT COUNTY SC - ROD
BK 159 Pg 30
FILE NUM 2022029677
05/20/2022 09:12:10 AM
REC'D BY FJankins RCP# 1090418
RECORDING FEES \$25.00

PREPARED FOR: THE TOWN OF HILTON HEAD ISLAND
ADDRESS: #30 FOLLY FIELD ROAD
TAX PARCEL I.D. NO. R511-009-000-1196-0000



BOUNDARY RECONFIGURATION PLAT

OF
LOT 4, #30 FOLLY FIELD ROAD
TAX PARCEL I.D. NO. R511-009-000-1196-0000
LANDS OF
THE TOWN OF HILTON HEAD ISLAND
CREATING
REVISED LOT 4 &
LOT EXTENSIONS 39A THRU 52A
TO BE ADDED TO
LOTS 39 THRU 52 OF BLOCK E
SANDCASTLES BY THE SEA SUBDIVISION

TOWN OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA
SCALE: 1" = 30' DATE: 06/02/2021 JOB NO: SC890319L.2
REVISED: 04/05/2022; ADDED PROPERTY LINE TO BE ABANDONED NOTATIONS

SG SURVEYING CONSULTANTS
17 Sherington Drive, Suite C, Bluffton, SC 29910
SC Telephone: (843) 815-3304 FAX: (843) 815-3305
GA Telephone: (912) 826-2776
www.SurveyingConsultants.com
Email: SC@SurveyingConsultants.com
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This plat does not constitute development pursuant to the Town of Hilton Head Island, SC Land Management Ordinance Section:

☐ 16-1-104.C.1	☒ 16-1-104.C.4
☐ 16-1-104.C.2	☐ 16-1-104.C.5
☐ 16-1-104.C.3	☐ 16-1-104.C.6

Certified By: Nashia Remy
Title: Deputy Planning Manager Date: 4-22-22
Signature: [Signature]
I, the Town of Hilton Head Island, do hereby certify that this plat is a true and correct copy of the original plat as recorded in the public records of Beaufort County, South Carolina, and that the same is in accordance with the provisions of the Land Management Ordinance, and that the same is in accordance with the provisions of the Land Management Ordinance, and that the same is in accordance with the provisions of the Land Management Ordinance.

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]

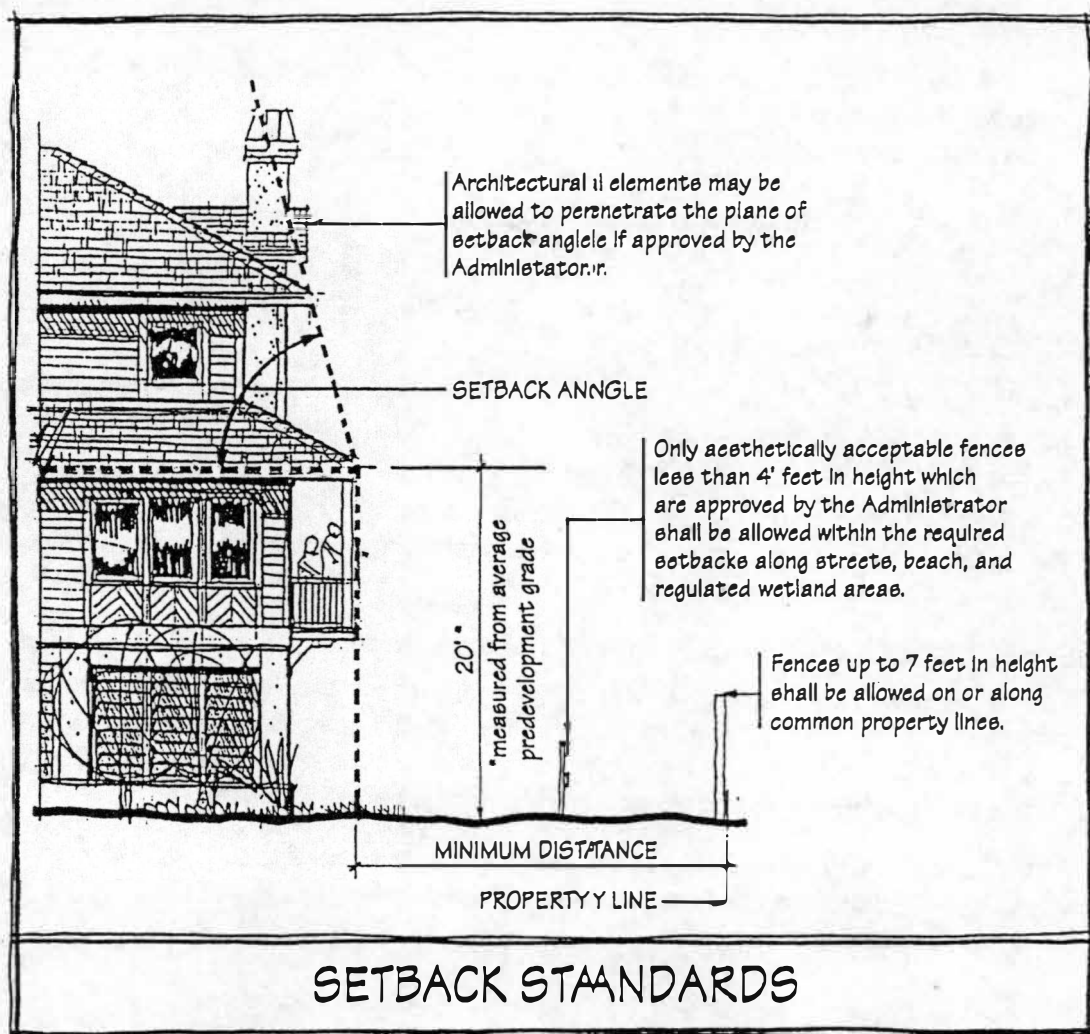


Exhibit D - 2014 Setback Angles
VAR-000803-2024

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.

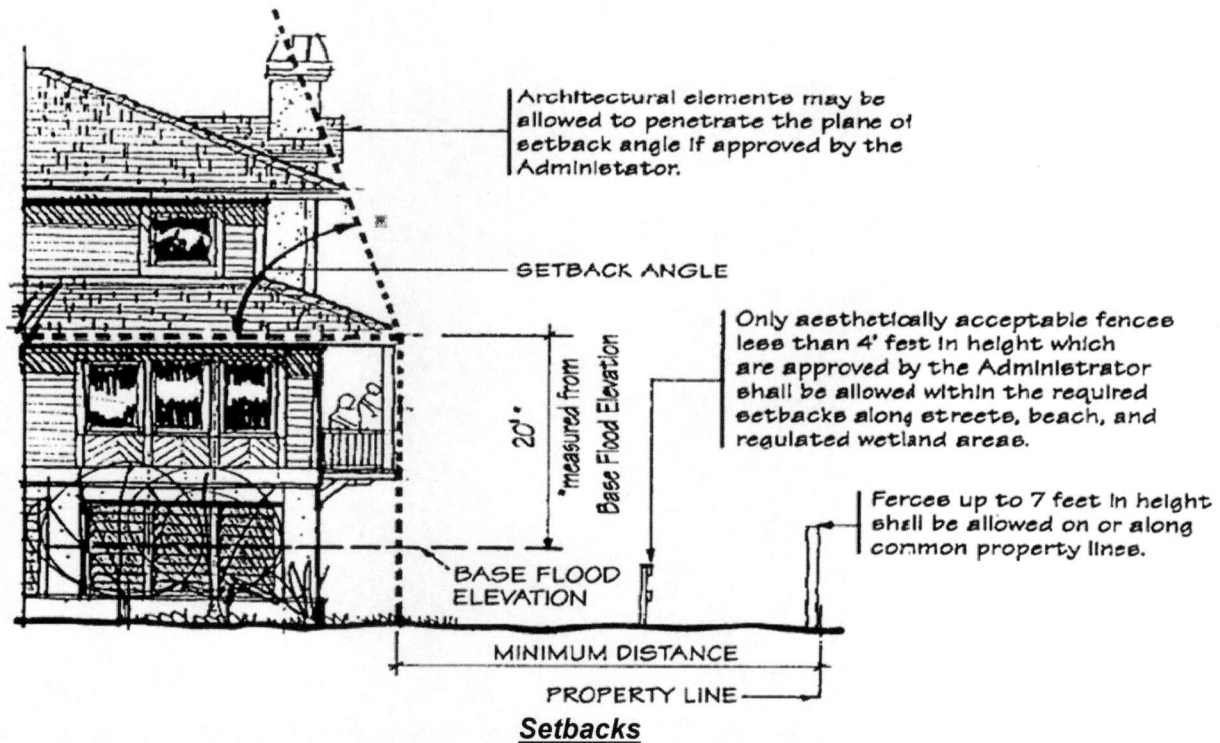
(Revised 3/6/07—Ordinance 2007-05)

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 Max. Angle	50' 75°	40' 70°	20' 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.

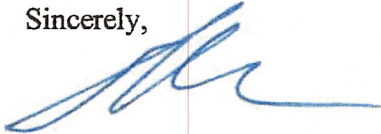
In order to appropriately address these issues, the Town will draft and route a Land Management Ordinance amendment, that if adopted, will remove the setback angle requirements from the Land Management Ordinance as it would otherwise apply to these units. Once the amendment is approved, we will allow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



PERMIT CORRECTIONS REPORT (BLDR-001010-2024) FOR TOWN OF HILTON HEAD ISLAND

PERMIT ADDRESS: 129 SANDCASTLE COURT
Hilton Head, SC 29928
PARCEL: R511 009 000 1157 0000

APPLICATION DATE: 03/08/2024
SQUARE FEET: 0.00
DESCRIPTION: SANDCASTLES BY THE SEA / NEW HOUSE 3302 HTD

EXPIRATION DATE:
VALUATION: \$952,341.00
1782 UNHTD

CONTACTS	NAME	COMPANY	ADDRESS
Applicant	RICHARD DIETRICH JR	RENOVATORS OF SC LLC (THE)	90 CAPITAL DRIVE, 101-A HILTON HEAD ISLAND, SC 29926
Contractor	RICHARD DIETRICH JR	RENOVATORS OF SC LLC (THE)	90 CAPITAL DRIVE, 101-A HILTON HEAD ISLAND, SC 29926
Electrical Contractor	WALTER BRIONES daly	BRIONES SOLUTIONS LLC	34 SANDY POINTE DRIVE BLUFFTON, SC 29910
HVAC Contractor	JOSEPH ZOKAN	NORTHPOINT HEAT & AIR CO INC	591 BROWNS COVE RD, K2 RIDGELAND, SC 29936
Plumbing Contractor	JOSE DURAN	J & J PLUMBING COMPANY LLC	7 COURTLAND LANE BLUFFTON, SC 29910
Property Owner	ROSANNE MAGERS		410 TROTTING TRAIL EFLAND, NC 27243

Building Plans (Res New SF Res)

REVIEW ITEM	STATUS	REVIEWER
Addressing v.1 Address review	Approved	Joheida Fister Ph: 843-247-3741 email: joheidaf@hiltonheadislandsc.gov
Building Plan Review v.1 Building Plan Examiner	Corrections Required	Doug Cook Ph: 843-341-4688 email: dougc@hiltonheadislandsc.gov
Building Plan Review v.2 Building Plan Examiner	Corrections Required	Kisha O'Donnell Ph: 843-341-4673 email: kishao@hiltonheadislandsc.gov
Building Plan Review - SafeBuilt v.1 SafeBuilt Review	Approved	Stephen Yeargin Ph: 803-804-7840 email: syeargin@safebuilt.com
Correction: Building - Electrical - Stephen Yeargin (3/21/24) - Resolved Comments: Tamper Resistant Receptacles Corrective Action: Contractor to ensure tamper resistant receptacles are provided per E4002.14		
Correction: Building - Electrical - Stephen Yeargin (3/21/24) - Resolved Comments: GFCI Locations Corrective Action: Contractor to ensure GFCI [protection is provided per E3902 Ground fault protection (GFCI) shall be provided for receptacles installed in bathrooms, garage and accessory buildings, outdoors, crawl space receptacles and lighting circuits, unfinished basements, kitchen countertops, sink receptacles located within 6 feet of the top inside bowl of the sink, bathtub or shower stall , laundry areas, indoor damp or wet locations, and kitchen dishwasher branch circuits,		
Correction: Building - Electrical - Stephen Yeargin (3/21/24) - Resolved Comments: ARC Faults Corrective Action: Contractor to ensure ARC fault protection is provided per E3902.20 In areas other than kitchen and laundry areas , branch circuits that supply 120 volt single phase, 15 or 20 amp outlets installed in family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways and similar rooms shall have ARC Fault Protection.		
Correction: Building - Electrical - Stephen Yeargin (3/21/24) - Resolved Comments: Service Equipment Disconnect Corrective Action: Contractor to ensure a service disconnect is provided per E3601.8 Emergency disconnects. For one- and two-family dwelling units, all service conductors shall terminate in disconnecting means having a short-circuit current rating equal to or greater than the available fault current, installed in a readily accessible outdoor location. If more than one disconnect is provided, they shall be grouped. Each disconnect shall be one of the following:		
1. 1.Service disconnects marked as follows: EMERGENCY DISCONNECT, SERVICE DISCONNECT.		
2. 2.Meter disconnect switches that have a short-circuit current rating equal to or greater than the available fault current and all metal housings and service enclosures are grounded in accordance with Section E3908.7 and bonded in accordance with Section 3609. A meter disconnect		

PERMIT CORRECTIONS REPORT (BLDR-001010-2024)

switch shall be capable of interrupting the load served and shall be marked as follows: EMERGENCY DISCONNECT, METER DISCONNECT, NOT SERVICE EQUIPMENT.

3. 3. Other listed disconnect switches or circuit breakers on the supply side of each service disconnect that are suitable for use as service equipment and marked as follows: EMERGENCY DISCONNECT, NOT SERVICE EQUIPMENT.

Markings shall comply with Section E3404.12. [230.82 (3), 230.85]

Correction: Building - General Comments - Stephen Yeargin (3/21/24) - Resolved

Comments: General Comments

Corrective Action: Contractor please provide elevator manufacturers installation instructions on site for inspector use

Correction: Building Other - Moisture Vapor Retarders - Stephen Yeargin (3/21/24) - Resolved

Comments: Moisture Vapor Retarders

Corrective Action: Contractor to ensure 10 mil vapor retarders are provided per R506.2.3 Structural drawings indicate a 6 mil vapor retarder under slabs

Community Development - Site Plan v.1

Corrections Required

Alexis Cook email: alexisc@hiltonheadislandsc.gov

Site Plans - CDIC

Correction: Planning - Alexis Cook (3/27/24) - Not Resolved

Comments: LMO Section 16-5-102.C and D – The plan needs to show front (street) and adjacent use setback angles on all sides of the property.

Correction: Planning - Alexis Cook (3/27/24) - Not Resolved

Comments: LMO Section 16-3-105. - The maximum building height is 45 feet. Provide an elevation showing the proposed building height, measured from 13 feet above Mean Sea Level using NAVD 88 vertical datum. If the proposed height is within 10% of the maximum allowed, a final height survey will be required prior to a Certificate of Occupancy is issued to make sure the building was not constructed higher than the maximum allowed.

Correction: Planning - Alexis Cook (3/27/24) - Not Resolved

Comments: Pavers are not allowed in rear setback/buffer.

Correction: Planning - Alexis Cook (3/27/24) - Not Resolved

Comments: Show all building and site improvements on the plan, including HVAC units, utility equipment and pedestals, and stairs. No improvements are permitted within buffers.

Community Development - Site Plan v.2

Corrections Required

Alexis Cook email: alexisc@hiltonheadislandsc.gov

Site Plans - CDIC

Correction: Planning - Alexis Cook (4/5/24) - Not Resolved

Comments: LMO Section 16-5-102.C and D – The plan needs to show front (street) and adjacent use setback angles on all sides of the property.

Correction: Planning - Alexis Cook (4/5/24) - Not Resolved

Comments: LMO Section 16-3-105. - The maximum building height is 45 feet. Provide an elevation showing the proposed building height, measured from 13 feet above Mean Sea Level using NAVD 88 vertical datum. If the proposed height is within 10% of the maximum allowed, a final height survey will be required prior to a Certificate of Occupancy is issued to make sure the building was not constructed higher than the maximum allowed.

Correction: Planning - Alexis Cook (4/5/24) - Not Resolved

Comments: Pavers are not allowed in rear setback/buffer.

Correction: Planning - Alexis Cook (4/5/24) - Not Resolved

Comments: Show all building and site improvements on the plan, including HVAC units, utility equipment and pedestals, and stairs. No improvements are permitted within buffers.

Floodplain Review v.1

Approved

Shari Mendrick Ph: 843-341-4687 email:
sharim@hiltonheadislandsc.gov

Building Plans Floodplain Review

NPDES Review v.1

Corrections Required

Jacob Terry email: jacobt@hiltonheadislandsc.gov

NPDES Engineering Review

Correction: Stormwater NPDES - Jacob Terry (3/15/24) - Not Resolved

Comments: Demonstrate on the site plan the location of a washout for concrete, paint, stucco, etc.

Correction: Stormwater NPDES - Jacob Terry (3/15/24) - Not Resolved

Comments: Please have applicant demonstrate on site plan the location of redline silt fencing. When working around water, marshes, and dunes, a double row of redline silt fencing is required.

Correction: Stormwater NPDES - Jacob Terry (3/15/24) - Not Resolved

Comments: Demonstrate on the site plan the location of the construction exit.

NPDES Review v.2

Corrections Required

Jacob Terry email: jacobt@hiltonheadislandsc.gov

NPDES Engineering Review

Correction: Stormwater NPDES - Jacob Terry (4/5/24) - Not Resolved

Comments: Demonstrate on the site plan the location of a washout for concrete, paint, stucco, etc.

Correction: Stormwater NPDES - Jacob Terry (4/5/24) - Not Resolved

Comments: Please have applicant demonstrate on site plan the location of redline silt fencing. When working around water, marshes, and dunes, a double row of redline silt fencing is required.

Correction: Stormwater NPDES - Jacob Terry (4/5/24) - Not Resolved

Comments: Demonstrate on the site plan the location of the construction exit.

PERMIT CORRECTIONS REPORT (BLDR-001010-2024)

CONDITION(S) Addressing: - Numbers are to be reflective and a contrasting color with the background. They must be a minimum of 4 inches in height and a minimum of 1/2" in width.

Fire: - Access & water supply for fire department operations shall be provided during construction.

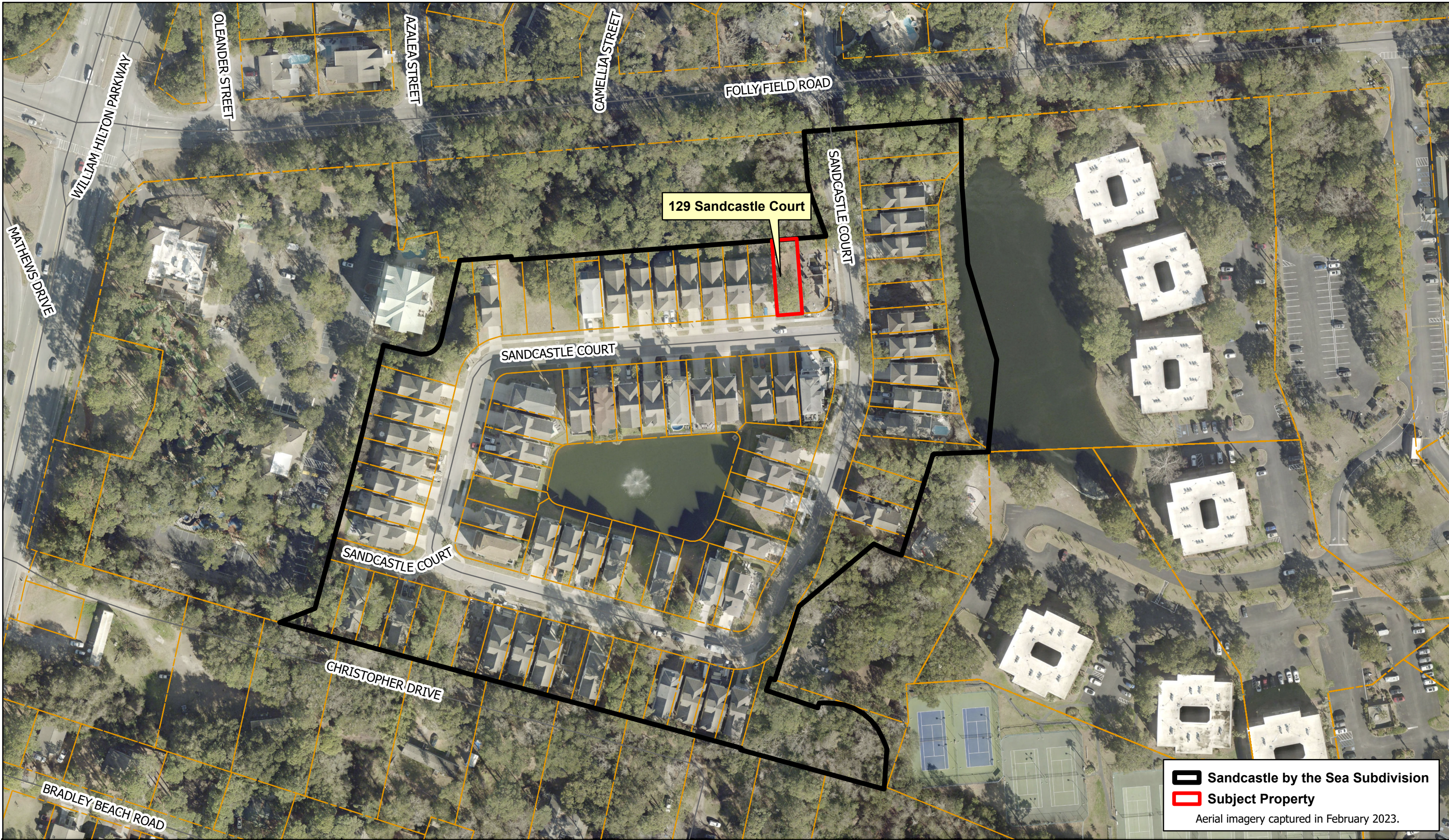
Fire: - The fire lane/access road must remain open and unimpeded at all times – there is to be no parking or anything set up on the access road.

Addressing: - Must be posted within 20 feet of the property line and clearly visible from the street.

eReview Session for Building Plans (Res New SF Res) v.1

FILES: Plan Review 129 Sandcastle Court BLDR-001010-2024 New residence.pdf
 PLANS - 129 SANDCASTLE COURT.pdf
 PLANS - 129 SANDCASTLE COURT_v1 with notes.pdf

REVIEWER	MARKUP	DATE/TIME	FILE NAME	PG #
SteveYeargin	Please provide elevator manufacturer's installation instructions on site for inspector use.	03/21/2024 2:44 pm	PLANS - 129 SANDCASTLE COURT_v1 with notes.pdf	2
SteveYeargin	10 mil vapor retarder required per R506.2.3	03/21/2024 2:45 pm	PLANS - 129 SANDCASTLE COURT_v1 with notes.pdf	2
SteveYeargin	10 mil vapor retarder required per R506.2.3	03/21/2024 2:50 pm	PLANS - 129 SANDCASTLE COURT_v1 with notes.pdf	9
SteveYeargin	3. E3902 Ground fault protection (GFCI) shall be provided for receptacles installed in bathrooms, garage and accessory buildings, outdoors, crawl space receptacles and lighting circuits, unfinished basements, kitchen countertops, sink receptacles located within 6 feet of the top inside bowl of the sink, bathtub or shower stall, laundry areas, indoor damp or wet locations, and kitchen dishwasher branch circuits, 4.E3601.8 Emergency disconnects. For one- and two-family dwelling units, all service conductors shall terminate in disconnecting means having a short-circuit current rating equal to or greater than the available fault current, installed in a readily accessible outdoor location. If more than one disconnect is provided, they shall be grouped. Each disconnect shall be one of the following: 1.1.Service disconnects marked as follows: EMERGENCY DISCONNECT, SERVICE DISCONNECT 2.2.Meter disconnect switches that have a short-circuit current rating equal to or greater than the available fault current and all metal housings and service enclosures are grounded in accordance with Section E3908.7 and bonded in accordance with Section 3609. A meter disconnect switch shall be capable of interrupting the load served and shall be marked as follows: EMERGENCY DISCONNECT, METER DISCONNECT, NOT SERVICE EQUIPMENT. 3.3.Other listed disconnect switches or circuit breakers on the supply side of each service disconnect that are suitable for use as service equipment and marked as follows: EMERGENCY DISCONNECT, NOT SERVICE EQUIPMENT. Markings shall comply with Section E3404.12. [230.82 (3), 230.85] 5.E3902.20 In areas other than kitchen and laundry areas, branch circuits that supply 120 volt single phase, 15 or 20 amp outlets installed in family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways and similar rooms shall have ARC Fault Protection.	03/21/2024 2:53 pm	PLANS - 129 SANDCASTLE COURT_v1 with notes.pdf	14



 Sandcastle by the Sea Subdivision

 Subject Property

Aerial imagery captured in February 2023.



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-4600
Date Created: Tuesday, June 4, 2024

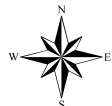
Town of Hilton Head Island

Aerial of Sandcastle by the Sea Subdivision

June, 2024

2,000 1,000 0 2,000 4,000 6,000 Feet

Exhibit F - Aerial of Subdivision and Site Photos
VAR-000803-2024



The information on this map has been compiled from a variety of sources and is intended to be used only as a guide. It is provided without any warranty or representation as to the accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion or for any losses arising from the use of the map.







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.





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-000804-2024	June 24, 2024

Parcel or Location Data:	Property Owner	Applicant
Address: 9 Sandcastle Court Parcel#: R511 009 000 1107 0000 Zoning: RD (Resort Development District) Overlay: COR (Corridor Overlay District)	Charlotte Russo 1805 Dolly Drive Vineland, NJ 08361	Richard Dietrich The Renovators of SC 90 Capital Drive Suite 101-A Hilton Head Island, SC 29926

Application Summary:

Request from Richard Dietrich of The Renovators of SC on behalf of Charlotte Russo, owner of 9 Sandcastle Court, also identified as Beaufort County Tax Map Parcel R511 009 000 1107 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 undeveloped and is located mid-island in the Sandcastles by the Sea Subdivision at 9 Sandcastle Court (Lot 1). It is adjacent to Open Space #5, Open Space #4

Lagoon, Lot 2, and abuts Hilton Head Island Beach and Tennis Resort. (See Exhibit B.) The property is located within the Resort Development (RD) District and resides within the Corridor Overlay.

The purpose of RD District, according to the LMO, Section. 16-5-105.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). The subdivision plat shows the parcel to be .10 acres in size. The plat provides the required building setbacks. There is a required 20-foot adjacent setback from Sandcastle Court, a 20-foot setback and buffer in the rear of the property, and three-foot-six-inch adjacent use setback from Lot 2, and a 40-foot setback from Folly Field Road. (See Exhibit B).

Section 16-5-102.A of the Town’s Land Management Ordinance, 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).

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). Richard Dietrich of The Renovators of SC was the builder of those three permits.

Nearing build-out, approximately 71 of the 83 lots have been developed, and 12 empty lots remain in the subdivision (See Exhibit F). Since the Sandcastles by the Sea was approved by the Town, Staff has not correctly reviewed the submitted single-family building plans for this subdivision. The adjacent use setback angles have not been reviewed, and therefore, the setback angles provided in the LMO have not been enforced. However, the adjacent street setback standards have been enforced.

The property owner of 9 Sandcastle Court hired Richard Dietrich of The Renovators of SC to build a single-family home that complies with the developed neighborhood character. 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 setback angles. Staff informed the applicant that the proposed setback angle encroachments were not permitted. The applicant has requested a variance to allow a home to encroach into the required setback angle.

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., 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 May 22, 2024 as set forth in LMO Section 16-2-102.C and Appendix D-23.
- Notice of the Application was published in the Island Packet on June 2, 2024 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on May 31, 2024 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on June 6, 2024 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 LMO Section 16-2-102.E.2.

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 adjacent to a drainage easement to the north.
- The subject parcel is .10 acres.
- The lot is approximately the same size (.08 to .138 acres) as all of the other properties on the same side of Sandcastle Court and the adjacent properties across Sandcastle Court.
- The required setback angles have not been enforced in the subdivision.

Conclusions of Law:

- The subject property is approximately the same size (.08 to .138 acres) as all of the other properties on the same side of Sandcastle Court and the adjacent properties across 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 (.08 to .138 acres) as all of the other properties on the same side of Sandcastle Court and the adjacent properties across Sandcastle Court.
- The 3.5-foot adjacent use setback is shown on the subdivision plat.
- The required setback angles have not been enforced in the subdivision.

Conclusions of Law:

- The subject property is approximately the same size (.08 to .138 acres) as all of the other properties on the same side of Sandcastle Court and the adjacent properties across 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.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 chose to utilize nearly every square foot of buildable space on the subject property.
- 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.
- The required setback angles have not been enforced in the subdivision.

Conclusions of Law:

- The setback angle requirements were not enforced in 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 does meet 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 prohibits 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 land intensity of 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

6/3/2024

DATE

REVIEWED BY:

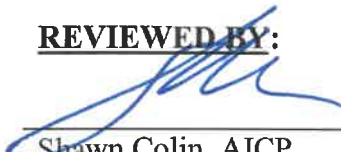
BE

Brian Eber,
Development Review Manager

6/3/2024

DATE

REVIEWED BY:



Shawn Colin, AICP,
Assistant Town Manager

6/14/2024

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**

Date: 5/6/2024

To: The Board of Zoning Appeals

Subdivision: Sandcastle By The Sea

Address: Lot 1, 9 Sandcastle Ct Hilton Head SC 29928

Reference to the side setback angles 16-5-102.D of the Adjacent Setback within the LMO

The reason for this narrative is to request a Variance from the LMO 16-5-102 & appeal the decision for Adjacent Setback angle for 1, 9 Sandcastle Ct Hilton Head SC 29928. This lot in Sandcastle as most of the lots in this subdivision is only 33' wide. (Please review the attached drawing). There are many reasons this does not work with 59 Sandcastle Ct. and most of the lots within Sandcastle By The Sea. The garage slab on this home will be at 13' BFL.

Please consider that my clients within the subdivision purchased the lot for an investment as it is in an **RD (Resort Development Zone)** not a (RS Single Family Zone)

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

Sandcastle by The Sea property has extraordinary & exceptional differences due to the lot size of 33' x 99'. If you draw a line up 20' at 13 BFE, the adjacent setback/buffer you would not have a workable floorplan that would be accepted in the neighborhood and approved by the HOA. The adjacent angle requirement is exceptional condition within Sandcastle now that 85% of the homes have already been approved and built without adjacent setback requirements.

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

These conditions did not apply to other properties in Sandcastle by The Sea. The adjacent angle ordinance was approved and put into place in 1998 and Sandcastle by The Sea was approved in 2005. We are not sure why a subdivision plat was approved with 33' lots knowing the ordinance existed. With 75 homes built already why did the town exempt this subdivision up till now from this part of the ordinance.

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.

The application of this ordinance would unreasonably restrict the use of this lot as it intended use at time of purchase. If the adjacent angle is required on this lot, it would create a financial hardship to the homeowner because they purchased the lot to build a home that would match the neighborhood and as an investment for short term rental. They have in fact closed with the bank and been approved by the HOA board. Changing the homes design at this time would be unreasonable and restrict the utilization of which the lot was intended.

The existing homes in Sandcastle are all similar in design and were not required to conform to this adjacent setback angle. This requirement enforced at this time with the subdivision being almost complete would create new unappealing homes for the last 8 + lots. The homes would not match the neighborhoods existing 75 design criteria of the completed homes.

4. The Authorization of the Variance will not be of substantial detriment of 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.

The authorization of this variance will not be of substantial detriment of adjacent property owners or the public good because the adjacent homes were built without the ordinance requirement. The character of the zoning district where the property is located will not be harmed by granting this variance due to the proposed new home would match the existing homes in the neighborhood. (See attached pictures)

Closing Thoughts:

My clients purchased lots in this subdivision because they were zoned RD Resort Development instead of RS (Single Family Zone). Two of these clients already have current homes in Sandcastle and acquired a 2nd lot to build an additional home for the short term rental investment. They were not required to adhere to the adjacent setback angle on their previous homes.

If this adjacent setback angle in Sandcastle by The Sea were to be enforced, it would create a hardship on this homeowner and the remaining homeowners that still want to build. If this

ordinance is required on this piece of property, it would restrict the utilization of this property. The authorization of this variance will not be a detriment to the adjacent property owners and the public good, because the adjacent 75 homes were already approved to build and have been built without the adjacent setback angles requirement.

I have built 5 previous homes in Sandcastle by The Sea and the town has not required us to build homes using the adjacent setback angles per this ordinance, on any of them. I was told Sandcastle was exempt and I only had to adhere to the front setback angle. I have now sold 3 additional homes. 2 of the 3 homes are closed with the clients' lending institutions and are ready for the permits to be issued. After 8 weeks in the permit process, I have been instructed I must adhere to adjacent setback angles. With understanding of the subdivision, it is clear that the adjacent setback angles were not required or enforced for the new home builds in Sandcastle by The Sea. It is hard to understand with the subdivision almost complete that the town would impose the enforcement of this ordinance. That requires a totally different home design on a 33' wide lot after allowing this type of design for 18 years referring to an ordinance that was always in place.

In short all we are trying to do is build this and the remaining homes that match the existing design criteria and will meet the client's needs and the HOA approval.

I submit this variance request with the utmost respect but with concern for my clients and the current financial strain it places on them and my business if it is not approved.

Richard Dietrich

The Renovators of SC LLC

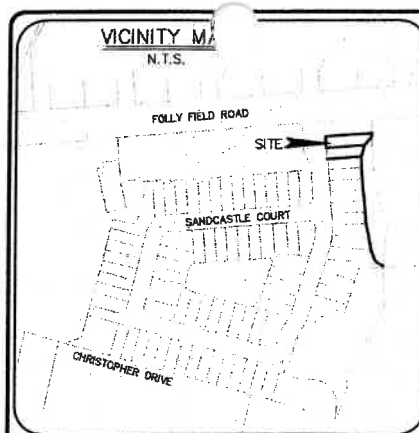
90 Capital Dr

Suite 101-A

Hilton Head SC 29926

Office: 843-689-6585

Cell: 704-516-1754

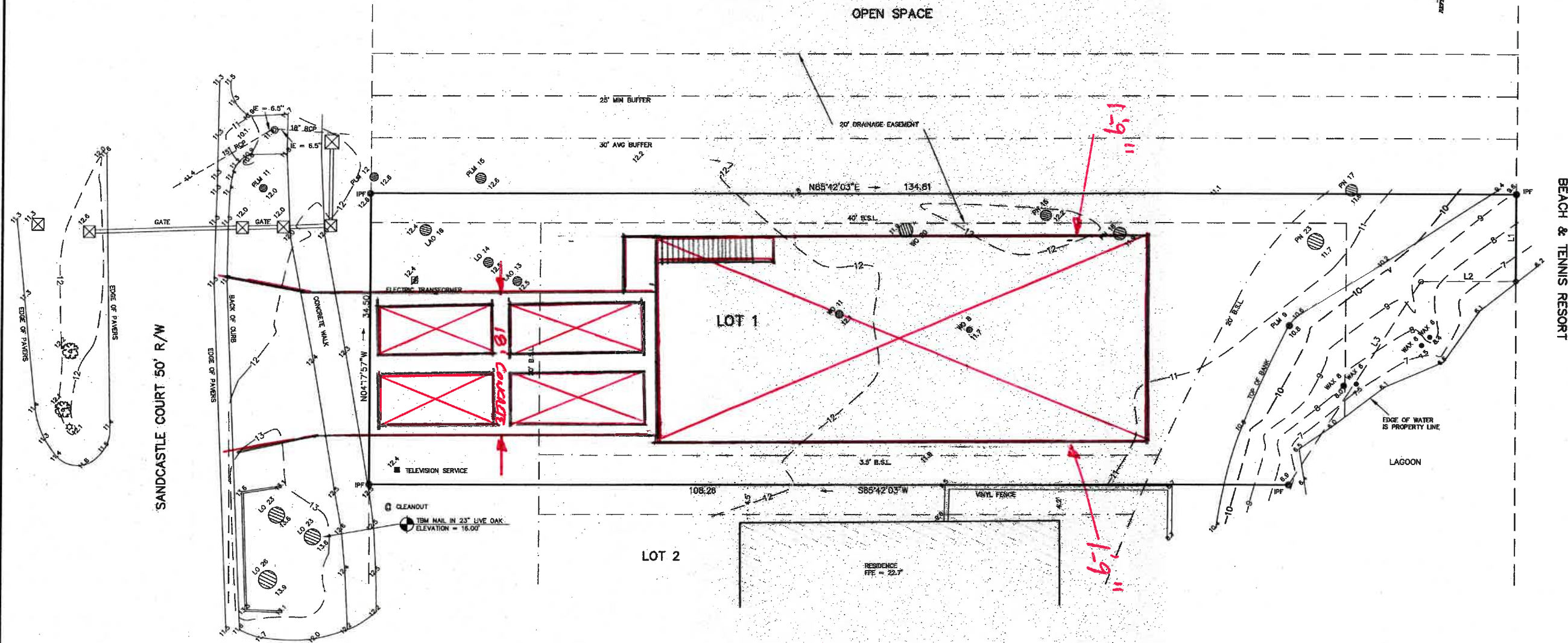


LINE	LENGTH	BEARING
L1	10.31	S 04°17'30" E
L2	11.20	S 85°22'38" W
L3	28.58	S 28°08'46" W

LEGEND & SYM

TREE SIZES ARE INCHES IN DIAMETER

SPOT ELEVATION
CONTOUR
1/2" IRON PIN FOUND
TEMPORARY BENCH MARK
INVERT ELEVATION
FINISHED FLOOR ELEVATION
REINFORCED CONCRETE PIPE
LIVE OAK
LAUREL OAK
PINE
PALM
ELECTRIC TRANSFORMER
TELEVISION SERVICE
CLEANOUT
LIGHT POLE



REFERENCE PLAT

1) A SUBDIVISION PLAT OF SANDCASTLES BY THE SEA, FOLLY FIELD ROAD, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA. DRAWN: 6/15/2005, LAST REVISED: 5/19/2006. RECORDED IN BOOK 113, PAGE 164, DATED 5/19/06. ROD: BEAUFORT COUNTY, SC. BY: TERRY G. HATCHELL S.C.R.L.C. # 11059

PROPERTY AREA = 0.10 AC. 4,315 S.F.
ADDRESS: 9 SANDCASTLE COURT
DISTRICT: 511, MAP: 9, PARCEL: 1107

THIS PROPERTY LIES IN F.E.M.A. ZONE A7
BASE FLOOD ELEVATION = 14.0'
COMMUNITY NO. 450250, PANEL: 0015D, DATED: 9/29/86

NOTES:

- 1) UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
- 2) SEA ISLAND LAND SURVEY, LLC. CERTIFIES TO THE BOUNDARY, TOPOGRAPHIC AND ASBLT INFORMATION PROVIDED HEREON AS THE DATE OF THE SURVEY. THIS SURVEY MAY BE USED IN DIGITAL FORMAT AS A BASE FOR OTHERS AND ANY REVISIONS OR ADDITIONS MADE HEREON ARE NOT THE RESPONSIBILITY OF SEA ISLAND LAND SURVEY, LLC. A HARD COPY AVAILABLE FROM SEA ISLAND LAND SURVEY, LLC. WILL BE THE ONLY OFFICIAL DOCUMENT.
- 3) SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988.
- 4) HORIZONTAL DATUM IS LOCAL.
- 5) VERTICAL DATUM IS NGVD29.
- 6) CONTOUR INTERVAL IS 1'.
- 7) USE OF THIS PROPERTY MAY BE AFFECTED BY THE TERMS OF COVENANTS RELATING TO THIS PLANNED RESIDENTIAL COMMUNITY.
- 8) BUILDING SETBACKS, TAKEN FROM REFERENCE PLAT, SHOULD BE VERIFIED BY THE LOCAL BUILDING AUTHORITY OR ARCHITECTURAL REVIEW BOARD.
- 9) THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- 10) THIS SURVEY DOES NOT CERTIFY TO THE EXISTENCE OR ABSENCE OF FRESHWATER WETLANDS.
- 11) IF IDENTIFICATION OF TREES IS CRITICAL TO DEVELOPMENT, AN ARBORIST SHOULD BE CONSULTED TO VERIFY SUCH TREE IDENTIFICATION.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND 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; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



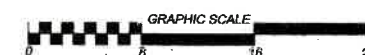
NOT VALID UNLESS EMBOSSED.

BOUNDARY, TREE AND TOPOGRAPHIC SURVEY OF:
LOT 1, SANDCASTLES BY THE SEA,
FOLLY FIELD ROAD, HILTON HEAD ISLAND,
BEAUFORT COUNTY, SOUTH CAROLINA

PREPARED FOR: CHARLOTTE TERECE RUSSO

DATE: 11/03/2020

SCALE: 1" = 8'



SILS Sea Island Land Survey, LLC.

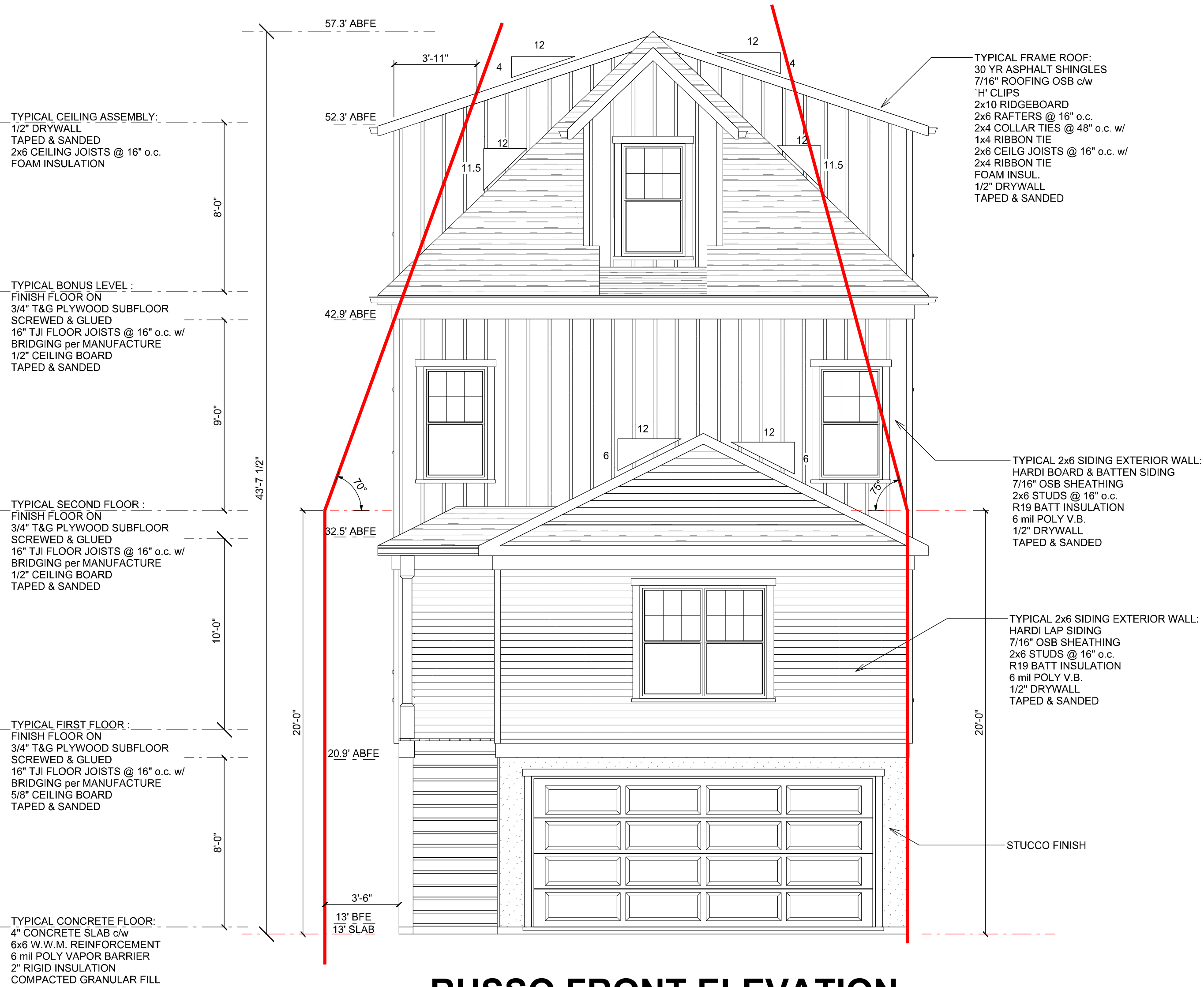
10 Oak Park Drive, Unit C1, Hilton Head Island, SC 29926
Tel (843) 681-3248
Fax (843) 689-3871
E-mail: sils@sprynet.com

FILE No: 20261

DWG No.: 3-2392

COPYRIGHT © BY SEA ISLAND LAND SURVEY, LLC. CAD: BA, FLD: CM

NOTE:
VENTILATE ROOF TO 1/300TH OF INSULATED CEILING AREA



RUSSO FRONT ELEVATION
SCALE: 1/4" = 1'-0"
9 SANDCASTLE CT.
HILTON HEAD, SC 29926

NOTES:
GROUND FLOOR CEILING @ 8'-0" or AS NOTED
FIRST FLOOR CEILING @ 10'-0" or AS NOTED
SECOND FLOOR CEILING @ 9'-0" or AS NOTED
BONUS LEVEL CEILING @ 8'-0" or AS NOTED

ALL SIDING EXTERIOR WALLS CALCULATED AT 5 1/2"
ALL INTERIOR WALLS CALCULATED AT 3 1/2"
unless noted otherwise

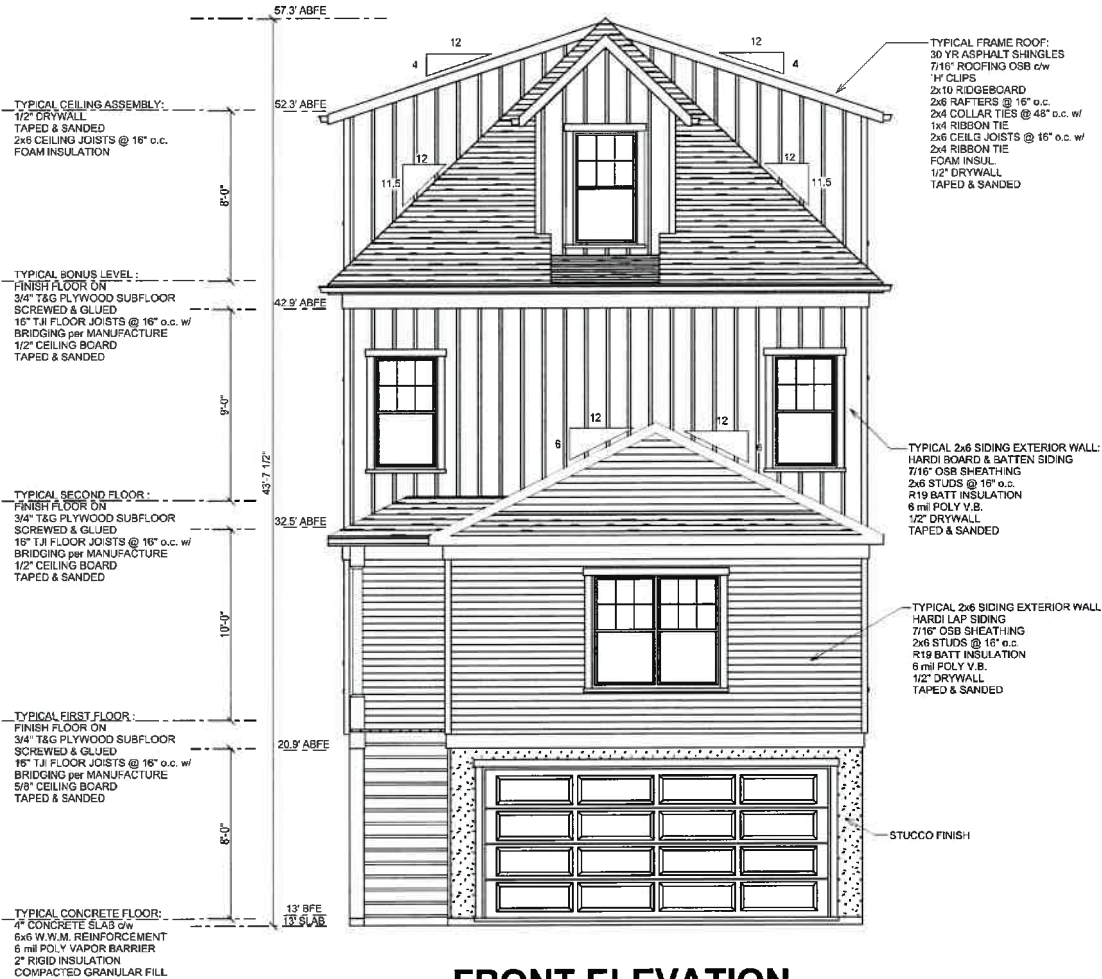
FIRST FLOOR: 1,133 SQ FT
SECOND FLOOR: 1,280 SQ FT
BONUS LEVEL: 850 SQ FT
SCREEN PORCH: 144 SQ FT
SECOND FLOOR DECK: 60 SQ FT

NOTE:
EXTERIOR FINISHES MAY VARY
FROM THE DRAWING PER OWNER'S
REQUEST

NOTE:
VENTILATE ROOF TO 1/300TH OF INSULATED CEILING AREA



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



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

INSTALL 4" TALL
ADDRESS NUMBERS

SHEET
A-1

**The Renovators
Of SC**
90 CAPITAL DR. SUITE 101A,
HILTON HEAD, SC 29926
843-689-6585 - www.renovatorssc.com



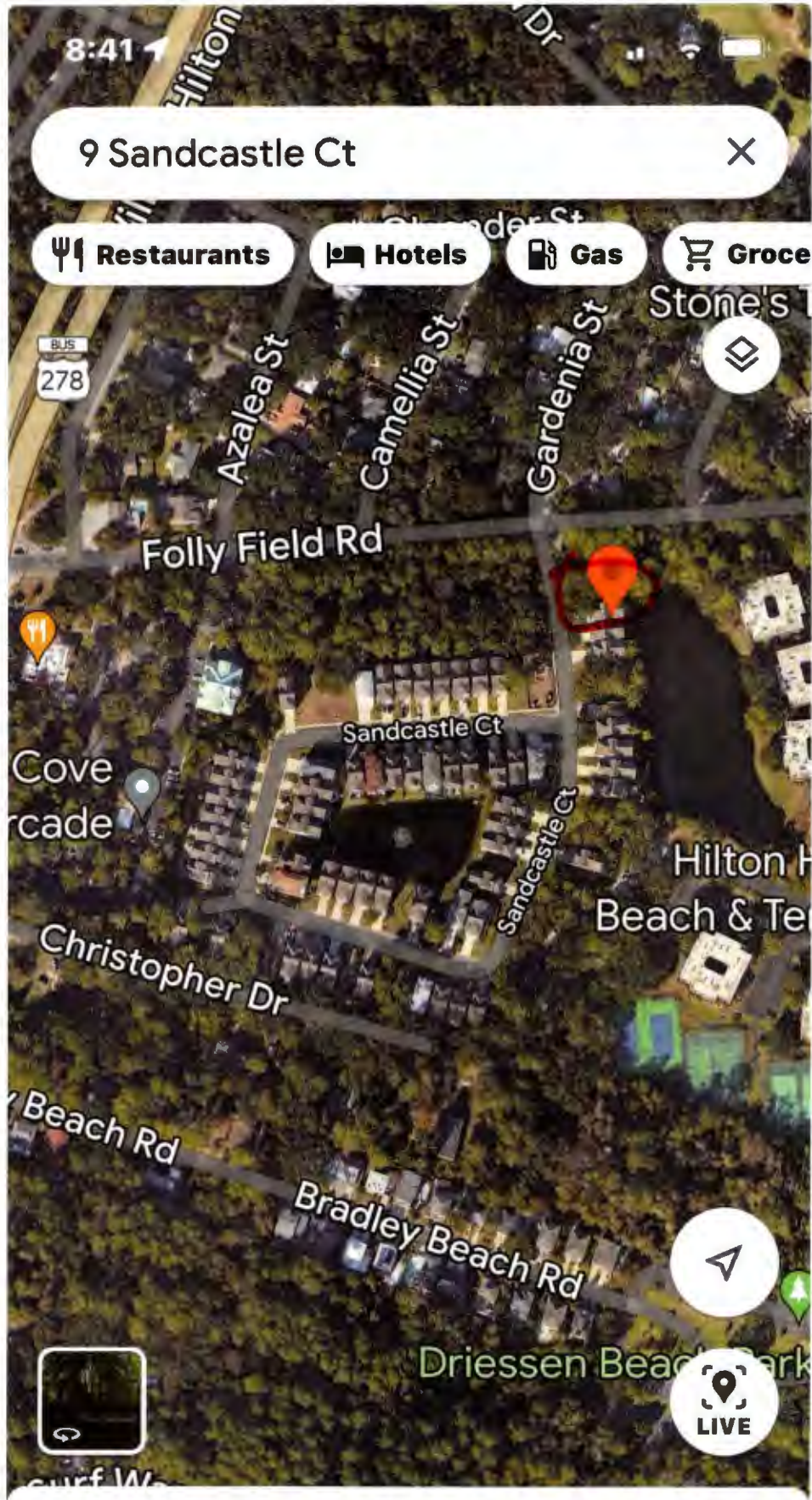
THIS DRAWING IS THE PROPERTY OF THE RENOVATORS OF SC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE RENOVATORS OF SC.

CONSTRUCTION SITE:
**NEW HOME @ SANDCASTLE
RUSSO RESIDENCE
9 SANDCASTLE CT.
HILTON HEAD, SC 29926**

HOMEOWNER:
**CHARLOTTE RUSSO
9 SANDCASTLE CT.
HILTON HEAD, SC 29926**

DRAWN BY: **J. GENCHUR**
DATE: **APR. 17, 2024**
REVISIONS: **MAY 18, 2024**

0804-2024

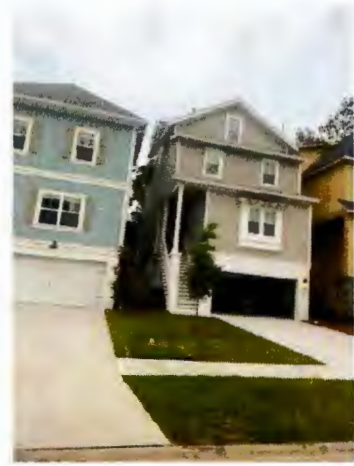


9 Sandcastle Ct

Navigation controls at the bottom of the screen:

- [Directions](#) (blue button with a white navigation arrow icon)
- [Start](#) (blue button with a white location pin icon)
- [Save](#) (blue button with a white bookmark icon)
- [Share](#) (blue button with a white share icon)

Sandcastles By the Sea



0804-2024

9 Sandcastle Court



From: [Richard Dietrich](#)
To: [Michael Connolly](#)
Subject: Sandcastle By The Sea appeals for lot 59, 129, 9 Sandcastle Ct HOA president response to the setback angle requirements
Date: Thursday, May 30, 2024 7:38:52 AM
Attachments: [image001.png](#)

THIS MESSAGE ORIGINATED OUTSIDE YOUR ORGANIZATION

Good morning, Michael

I sent the plans to the ARB president Rick Ross, and he submitted the plans to the board members and they all declined the revisions with the towns adjacent setbacks. This may not help our cause, but it can't hurt. Can you please add this to the appeal for 59, 129 & 9 Sandcastle ?

From: rick [rickcrossrealestate.com](mailto:rick@rickcrossrealestate.com) <rick@rickcrossrealestate.com>
Sent: Wednesday, May 15, 2024 11:48:08 AM
To: Richard Dietrich <rickd@renovatorssc.com>
Subject: Re: Sandcastle appeals

Hi Rick,

I showed the board your elevation drawings and we unanimously agreed the cropping of the homes to meet town setback requirements will not meet our ARB guidelines. All the existing homes are very similar and we don't won't 20 percent of the remaining homes left to build to not match the existing construction.

We should have a signed letter for you outlining our decision by late tomorrow.

When is your variance hearing? I have spoke in front of the BZA several times about Sandcastles. I would be happy to speak on your behalf as the President of the Sandcastles POA and resident to help make your case. If interested, let me know the hearing date and I will check and see if I'm available.

Take care,

Rick

On May 15, 2024 12:45:07 AM Richard Dietrich <rickd@renovatorssc.com> wrote:

Hello Rick,

I have attached my appeal narration and would like your opinion and additions to help the cause.

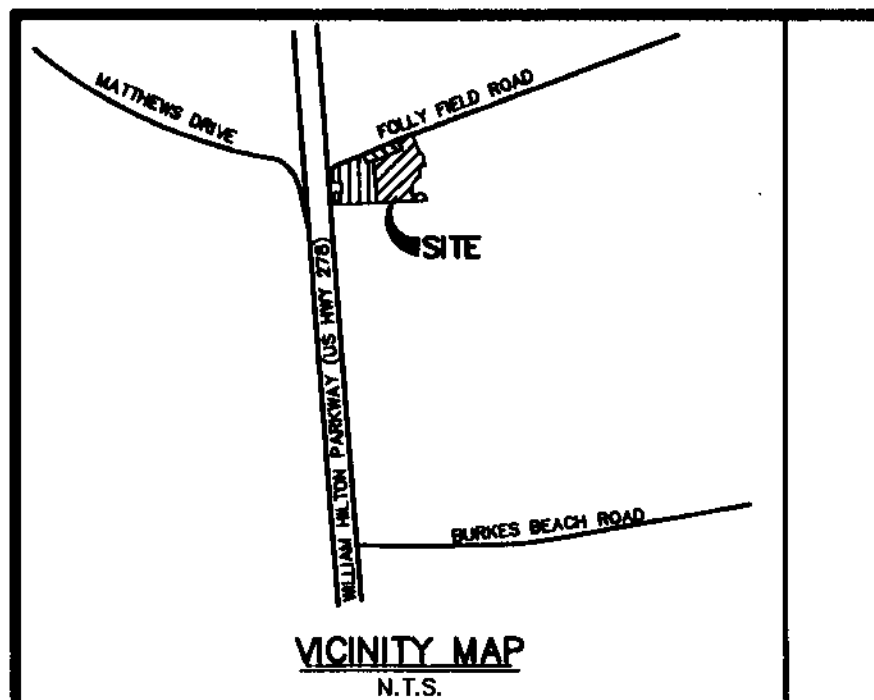
I have attached the 3 jobs we have in Sandcastle currently and with the side setback angles the town is wanting on each of them. Please review and give me an HOA letter with opposition for these changes.

Richard Dietrich



“Transforming Your Ideas into Your Ideal Living Space”

The Renovators of SC
90 Capital Drive Ste 101A
Hilton Head, SC 29926
Office: 843-689-6585
Cell: 704.516.1754
RickD@RenovatorsSC.com
www.renovatorssc.com



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°08'54" 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	99.91'	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'	N 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, 3.26 AC. AND PARCEL B, 0.08 AC., WILLIAM HILTON PARKWAY, THE FORMER JULIA TERPSON 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: 11/29/2004, 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, BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059, RECORDED: P.B. 107, PG. 60.

SPECIAL NOTE

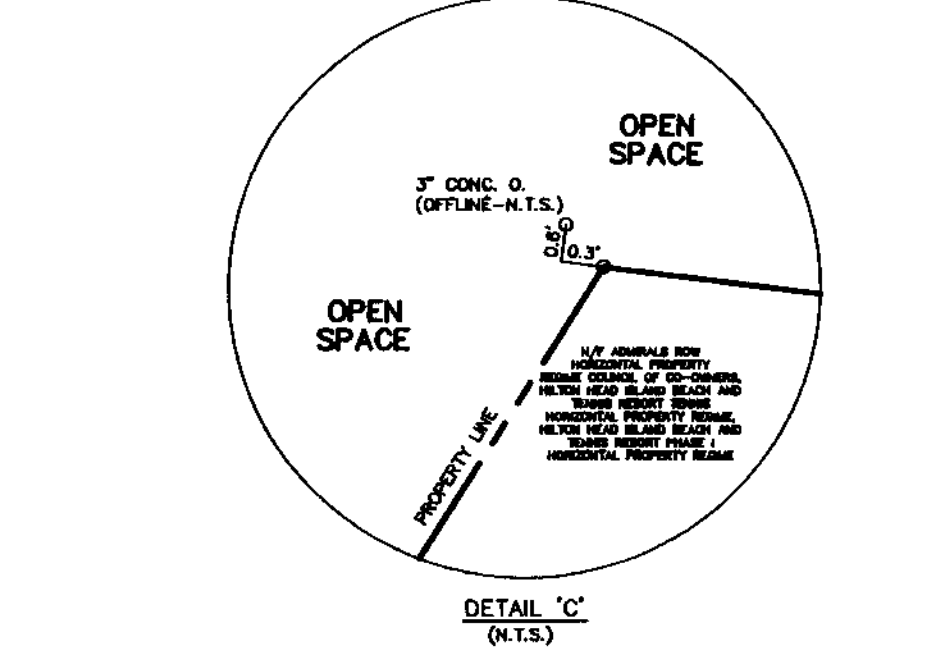
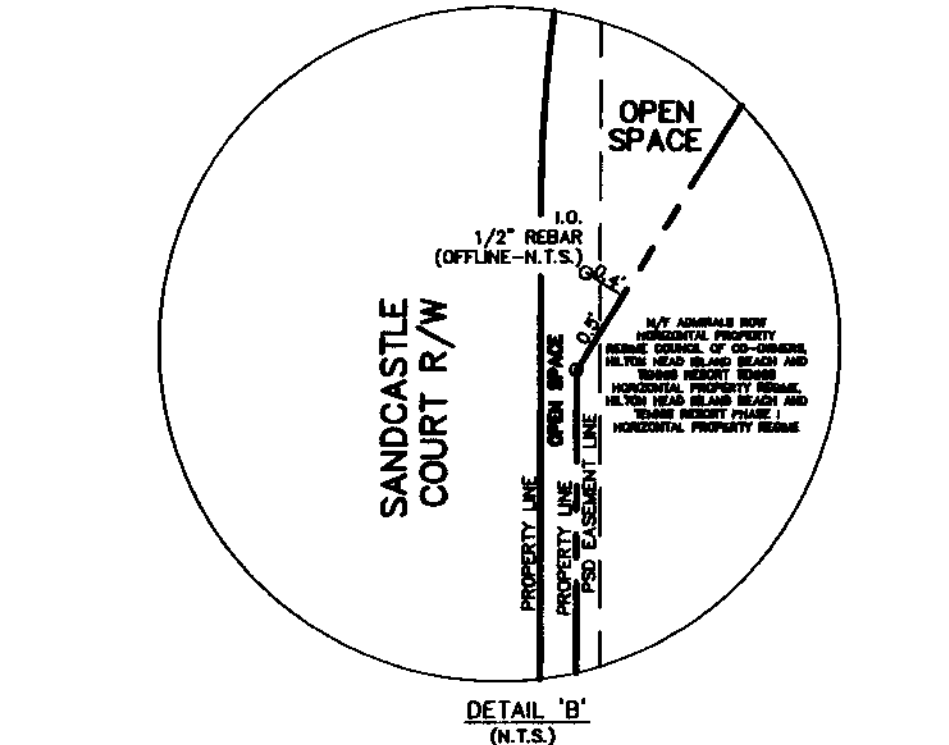
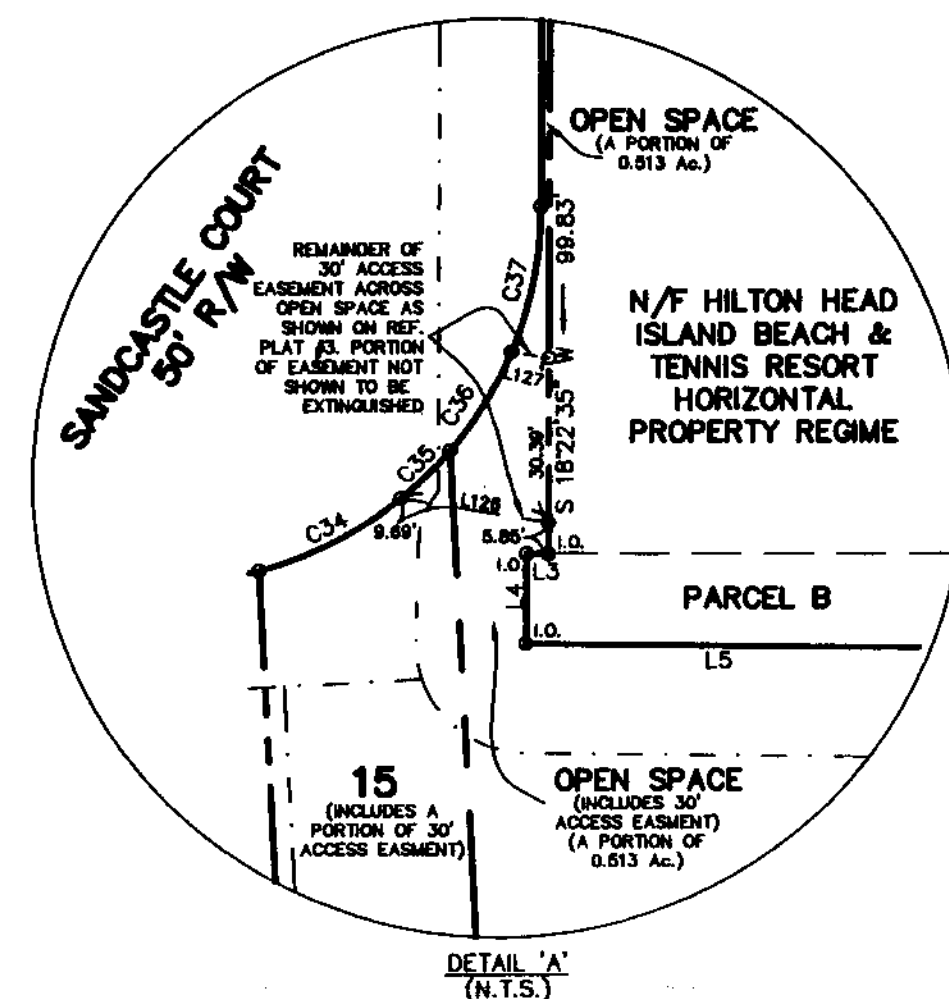
Some or all areas on this plat are flood hazard areas and have been identified as having at least a one percent chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain flood hazard measures be incorporated in the design 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

5-19-2006

Exhibit B - Sandcastles by the Sea Subdivision Plat VAR-000804-2024



SUBDIVISION CONTROL POINTS	
POINT	COORDINATES
CP1	N 134226.47 E 2094162.22
CP2	N 134266.35 E 2094174.26
CP3	N 134110.87 E 2094171.82
CP4	N 133926.67 E 2094114.32
CP5	N 133864.72 E 2094081.39
CP6	N 133795.49 E 2094051.47
CP7	N 133892.95 E 2093658.59
CP8	N 134152.67 E 2093678.84
CP9	N 134187.01 E 2093719.22
CP10	N 134218.10 E 2094132.76

TOWN OF HILTON HEAD, SC
SUBDIVISION CONTROL POINTS
(THESE POINTS TO BE SET AFTER FINAL ROADWAY CONSTRUCTION)

THE TOWN OF HILTON HEAD, SC, HAS REVIEWED THIS PLAT AND HAS AUTHORIZED THE SURVEYOR TO RECORD THIS PLAT.

Date of review: 7/8/05

Application Number: 81805002

Corrections: 1/1/06

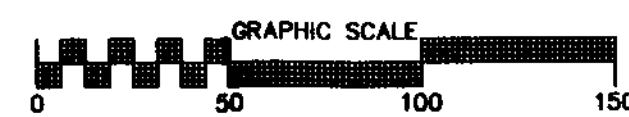
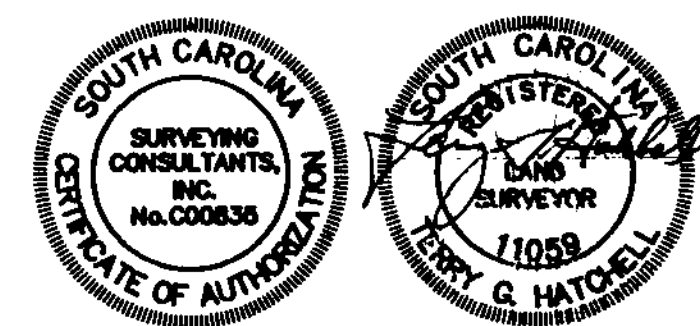
Table: Max. Date 7/8/05

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

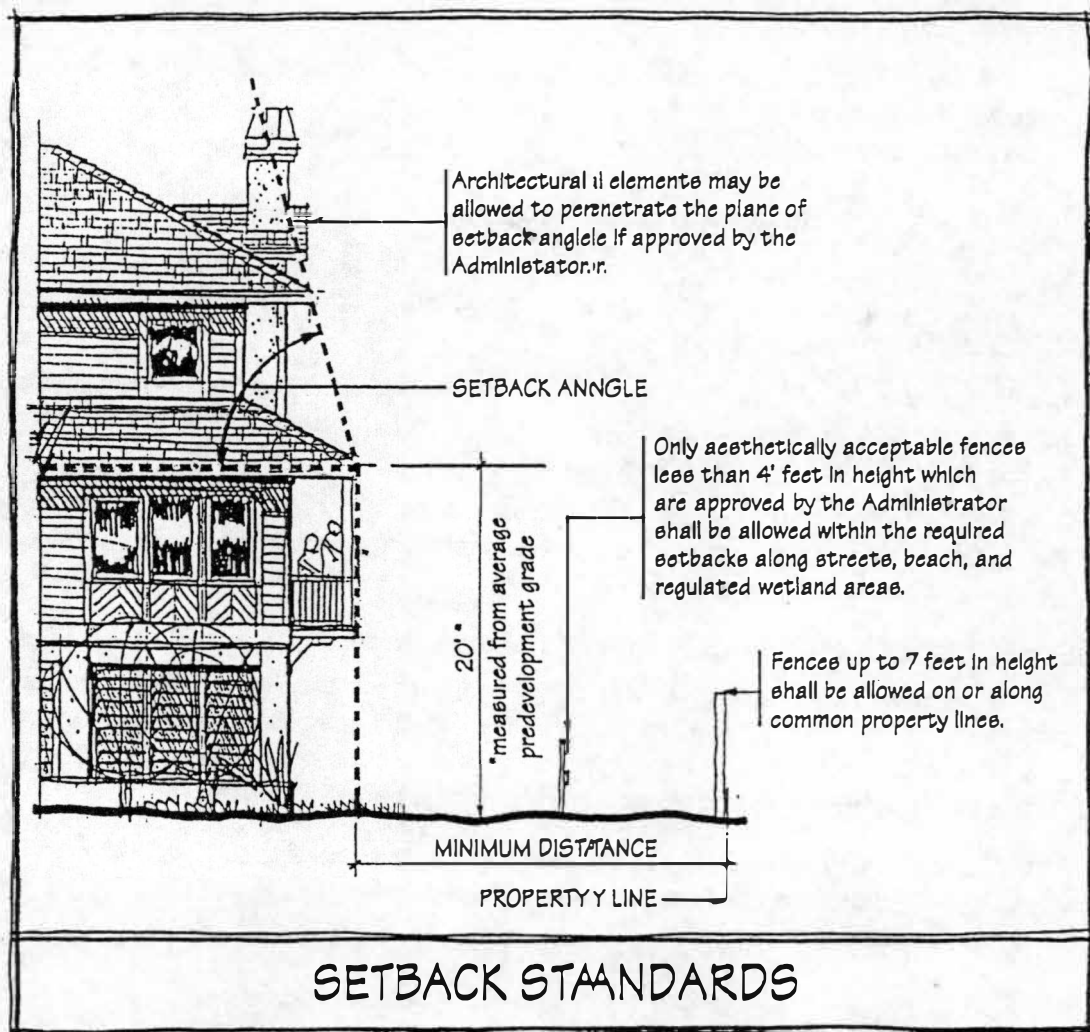
SURVEYING CONSULTANTS
17 Sherlington Drive, Suite C, Bluffton, SC 29910
Telephone: (843) 815-3304 FAX: (843) 815-3305
COPYRIGHT © BY SURVEYING CONSULTANTS



PREPARED FOR: STAR FISH INVESTMENTS, LLC
TAX PARCEL I.D. NO. R510-009-000-1099-0000

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]



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.

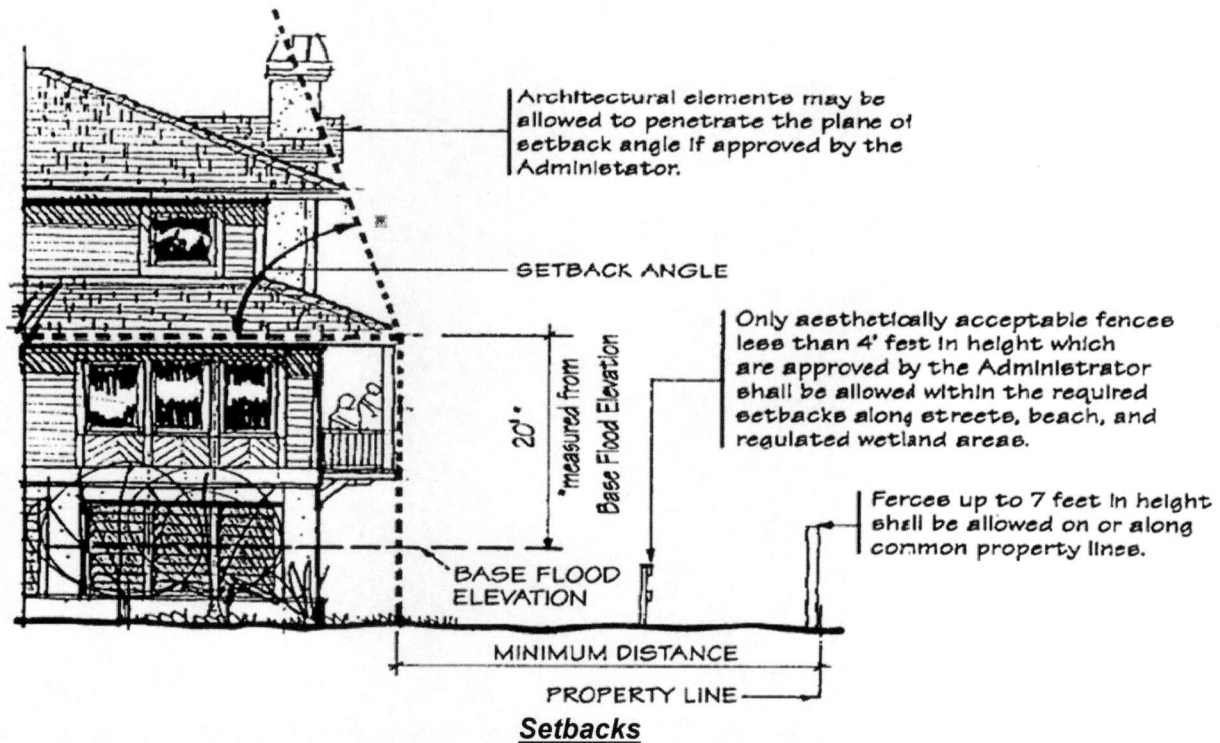
(Revised 3/6/07—Ordinance 2007-05)

Proposed Use		Major Arterials	Minor Arterials	All Other Streets
Single Family Residences	Min. Distance	50'	40'	20'
	Max. Angle	75°	70°	60°
Structures > 24" in height	Min. Distance	50'	30'	10'
Structures < 24" in height	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.

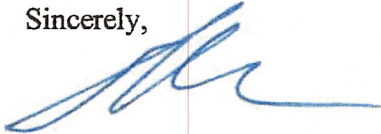
In order to appropriately address these issues, the Town will draft and route a Land Management Ordinance amendment, that if adopted, will remove the setback angle requirements from the Land Management Ordinance as it would otherwise apply to these units. Once the amendment is approved, we will allow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

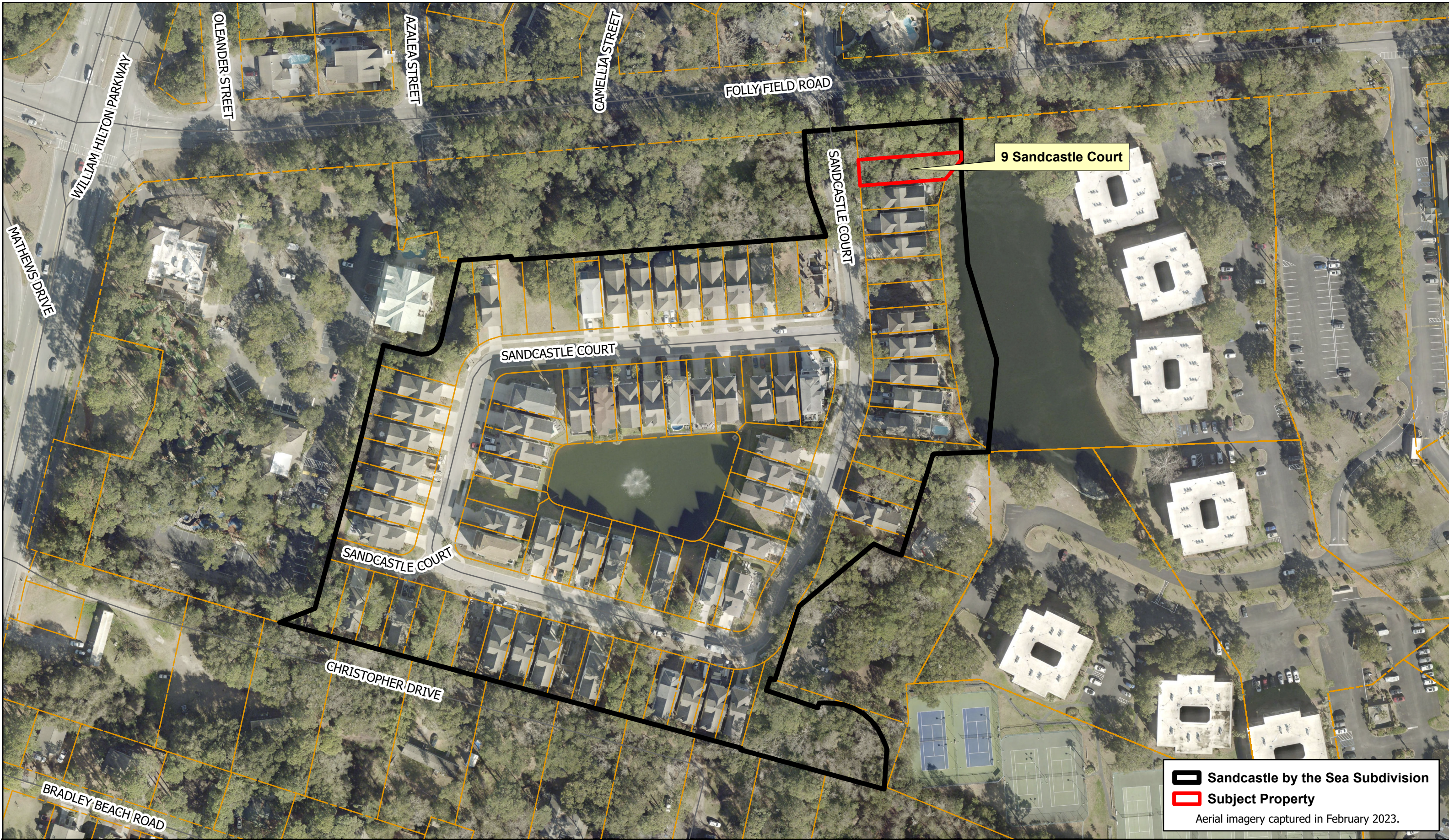
If you have any questions or concerns about the contents of this letter, please feel free to contact me directly at shawnc@hiltonheadislandsc.gov or at 843-341-4696.

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



BRADLEY BEACH ROAD

CHRISTOPHER DRIVE

SANDCASTLE COURT

SANDCASTLE COURT

SANDCASTLE COURT

9 Sandcastle Court

FOLLY FIELD ROAD

CAMELLIA STREET

AZALEA STREET

OLEANDER STREET

WILLIAM HILTON PARKWAY

MATHEWS DRIVE

BRADLEY BEACH ROAD

 Sandcastle by the Sea Subdivision

 Subject Property

Aerial imagery captured in February 2023.



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-4600
Date Created: Tuesday, June 4, 2024

Town of Hilton Head Island

Aerial of Sandcastle by the Sea Subdivision

June, 2024

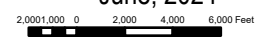


Exhibit F - Aerial of Subdivision and Site Photos
VAR-000804-2024



The information on this map has been compiled from a variety of sources and is intended to be used only as a guide. It is provided without any warranty or representation as to the accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion or for any losses arising from the use of the map.





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.





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-000818-2024	June 24, 2024

Parcel or Location Data:	Property Owner	Applicant
Address: 19 Ibis St. Parcel#: R550 015 00A 0111 0000 Zoning: RSF-5 (Residential Single-Family District-5) Overlays: COR (Corridor Overlay District) and (FB-NC-O) Forest Beach Neighborhood Character Overlay District	JLS Beach LLC Dave and Jane Peacock 19 Ibis St. HHI, SC 29928	Judd Carsons Witmer Jones Keefer 23 Promenade St. Suite 201 Bluffton, SC 29910

Application Summary:

Request from Judd Carstens of Witmer Jones Keefer, on behalf of Dave and Jane Peacock, owner of 19 Ibis St., also identified as Beaufort County Tax Map Parcel R550 015 00A 0111 0000, for a variance from LMO Section 16-3-106.H.4.d, Floor Area Ratio requirements, to exceed the maximum gross floor area by 2,259 square feet for the development of a detached garage with guest rooms.

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, 19 Ibis, also known as Lot 13 of Hilton Head Beach Subdivision No. 2 (See Exhibit B), is located approximately .6 miles north of Coligny Circle and is on the ocean side of Dune Lane. It is a corner lot abutting Ibis Street and Dune Lane. (See Exhibit C). The property is located within the Residential Single-Family-5 District (RSF-5) and resides within the Corridor Overlay (COR) and Forest Beach Neighborhood Character Overlay District (FB-NC-O). It is not subject to the Forest Beach Owners Association Review. The parcel is 25,452 square feet in size or .58 acres. (See Exhibit D).

The Town's Land Management Ordinance (LMO) describes the purpose of the RSF-5 in Section 16-3-104.C. "... to primarily accommodate neighborhoods of single-family dwellings at densities ranging up to five units per acre. It is intended to discourage any use that would substantially interfere with the development of single-family dwellings or would be detrimental to the quiet residential nature of single-family neighborhoods." The only residential use allowable in the RSF-5 is Single-Family. See Section 16-3-104.C of the LMO.

Single-family use is defined in the LMO as "A freestanding structure containing one single-family dwelling unit. More than one single-family dwelling on a single lot constitutes a multifamily dwelling."

The LMO defines a dwelling unit as "A building or a portion of a building providing complete and independent living facilities for a family, including permanent provisions for living, sleeping, eating, cooking, and sanitation."

The parcel is also located in the FB-NC-O. The LMO describes the purpose of the FB-NC-O, "to protect the single-family residential character of the district and in particular the development and redevelopment of lots within the district." Section 16-3-106.H. of the LMO provides additional District Regulations in the FB-NC-O, including restrictions on the Gross Floor Area (GFA). The FB-NC-O specifically limits the GFA to 5,000 square feet.

The LMO reads that the maximum GFA is limited to .45 times the area of the lot containing the single-family residence up to a maximum of 5,000 square feet, see Section 16-3-106.H.4.d. *In April of 2024, the Town changed the (Floor Area Ratio) FAR in FB-NC-O from a ratio of .55 to .45, keeping the maximum GFA of 5,000 square feet.* (See Exhibit E).

The FB-NC-O describes how GFA shall be calculated. "The GFA shall include covered porches and all enclosed space with a ceiling height of seven feet or greater except as follows:

- i. Areas beneath the structure utilized solely for parking and storage. All such areas must be hydrostatically vented if required by the Building Official.
- ii. The first 600 square feet of covered porches.
- iii. Attic space as defined by the latest adopted edition of the IBC."

In January of 2024, the Town issued BLDR-000002-2024, a building permit to allow the demolition of an existing home and pool at the subject property. In March of 2024, the Town

issued BLDR-000062-2024 to allow the construction of a new three-story, 9,741 square foot (4,981 square feet is heated, and 4,760 square feet is unheated) four-bedroom and five-bathroom Single-family home with four garage stalls and two outdoor parking stalls. (See Exhibit F). The home is currently under construction. (See Exhibit C.)

Hilton Head Beach Subdivision No. 2 was platted with six lots twice as large as the other 111 lots. Since then, three of the original six double-sized lots have been subdivided, making this lot three times larger than 24 of the 36 lots. It also makes the lot twice as large as 10 of the 36 lots. (See Exhibit G). Only three of the six double-sized lots remain today. The subdivision of the larger lots over time has allowed greater land intensity use and more mass and scale to be added to the neighborhood, as each lot allows Single-family use per the RSF-5.

The FB-NC-O requires a minimum lot size and width in LMO Section 16-3-106.H.4.e, “The subdivision or recombination of lots platted and recorded on or after April 3, 2001, shall not result in any lot less than 7,000 square feet in size or 70 feet in width.”

19 Ibis St., at its most narrow point, is 92 feet wide and 229 feet long. (See Exhibit D). These dimensions create the potential for the parcel to be subdivided into two lots where a single-family home could be placed on each lot.

**In March of 2023, Town Council amended the LMO in Section 16-2-103.F. Deviations from Previously Approved Major Subdivisions. The amendment outlines the process to make proposed changes to previously platted single-family residential subdivisions. (See Exhibit H).*

The application seeks 2,259 square feet of relief from the GFA limit of 5,000 square feet for the development of a detached garage with guest rooms.

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 16-3-106.H.4.d, Floor Area Ratio requirements, to allow 7,259 square feet of development on the lot.

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 May 23, 2024 as set forth in LMO Section 16-2-102.C and Appendix D-24.
- Notice of the Application was published in the Island Packet on June 2, 2024 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on May 30, 2024 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on June 6, 2024 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 LMO Section 16-2-102.E.2.

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 lot is a corner lot and is rectangular in shape.
- The parcel is zoned RSF-5.
- Single-family use is the only residential use allowed in the RSF-5.
- The land use intensity of the parcel is one dwelling unit.
- The parcel is 25,452 square feet in size or .58 acres.
- The parcel can be subdivided into two lots, where each lot could be 12,726 square feet in size.
- The allowable GFA for a 12,726 square-foot lot in the FB-NC-O is 5,000 square feet.
- Nearby properties within a 350-foot radius range in size from .16 to .35 acres.
- The LMO makes provisions to deviate from previously approved single-family residential Major Subdivisions.

Conclusions of Law:

- The property could be subdivided, which would allow a total GFA of 10,000 square feet in the same area.
- Single-family use is the only allowable residential use in the RSF-5. Dividing the lot into two would allow greater land use intensity for the same area.
- This application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.01 because there are 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:

- Hilton Head Beach Subdivision No. 2 was platted with six lots twice as large as the other 111 lots. Since then, three of the original six double-sized lots have been subdivided.
- The subdivision of those lots has allowed greater land intensity use and more mass and scale to be added to the neighborhood.
- The parcel is 25,452 square feet in size.
- Nearby properties within a 350-foot radius range in size from .16 to .35 acres.
- Properties within Hilton Head Beach Subdivision No. 2 are zoned similarly, RSF-5, with the same Overlay Zoning Districts, COR and FB-NC-O. The same FAR and GFA requirements are applied to all lots in the FB-NC-O.

Conclusions of Law:

- This property is one of three large lots left in the subdivision.
- This application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.02 because there are 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 parcel is zoned RSF-5, and allows for Single-Family residential use only.
- The LMO describes the purpose of the RSF-5, "...is intended to discourage any use that would substantially interfere with the development of single-family dwellings or would be detrimental to the quiet residential nature of single-family neighborhoods."
- The parcel is located in the FB-NC-0. The LMO describes the purpose of the FB-NC-O, "to protect the single-family residential character of the district and in particular the development and redevelopment of lots within the district."
- The applicant applied for and received approval to build a three-story, 9,741 square foot (4,981 square feet is heated, and 4,760 square feet is unheated) four-bedroom and five-bathroom Single-family home with four garage stalls and two outdoor parking stalls.
- The proposed detached garage and guest rooms would exceed the maximum GFA allowed in the FB-NC-O by 2,259 square feet.

Conclusions of Law:

- The property owner has been permitted to construct a three-story, 9,741 square foot (4,981 square feet is heated, and 4,760 square feet is unheated) four-bedroom and five-bathroom Single-family home with four garage stalls and two outdoor parking stalls.
- This application does not meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.03 because there are no 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 parcel is zoned RSF-5, and allows for Single-Family residential use only.
- The LMO describes the purpose of the RSF-5, "...is intended to discourage any use that would substantially interfere with the development of single-family dwellings or would be detrimental to the quiet residential nature of single-family neighborhoods."
- The parcel is located in the FB-NC-0. The LMO describes the purpose of the FB-NC-O, "to protect the single-family residential character of the district and in particular the development and redevelopment of lots within the district."

- The applicant applied for and received approval to build a three-story, 9,741 square foot (4,981 square feet is heated, and 4,760 square feet is unheated) four-bedroom and five-bathroom Single-family home with four garage stalls and two outdoor parking stalls.
- The proposed addition exceeds the 5,000 GFA maximum by 2,259 square feet of what is allowed in the FB-NC-O.
- The Town reduced the FAR in the FB-NC-O from .55 to .45 in 2024.
- The ARB Services for Hilton Head Beach S/D #2 Assets Holding Corp. approved the detached garage and guest rooms. (Included in the Application).

Conclusions of Law:

- The LMO describes the purpose of the FB-NC-O, “to protect the single-family residential character of the district and in particular the development and redevelopment of lots within the district.”
- The FB-NC-O specifically limits the GFA of 5,000 square feet. The application proposes to exceed the maximum GFA by 2,259 square feet.
- This application does not meet the criteria set forth in LMO Section 16-2-103.S.4.a.i.04 because the variance would be a substantial detriment to 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

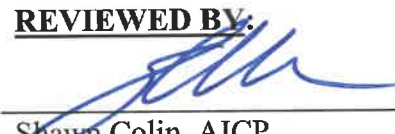
6/13/2024
DATE

REVIEWED BY:

BE
Brian Eber,
Development Review Manager

6/13/2024
DATE

REVIEWED BY:


Shawn Colin, AICP,
Assistant Town Manager

6/14/2024
DATE

ATTACHMENTS:

- A) Applicant's Variance Narrative and Site Plan
- B) Hilton Head Beach Subdivision No. 2 Plat
- C) Location Map and Site Photos
- D) Plat of 19 Ibis
- E) FB-NC-O FAR Reduction from .55 to .45
- F) Permits to demo home and build a Single-family home
- G) 350-Foot Boundary Map
- H) Provisions to Deviate from Previously Approved Major Subdivisions



Variance Request Narrative

Peacock Residence

19 Ibis Street, Hilton Head Island, SC 29928

This variance request is being submitted on behalf of the Peacock family, owners of 19 Ibis Street. The variance seeks prescribed relief from Section 16-3-106.H.4.d (SECTION) of the Hilton Head Island Land Management Ordinance (LMO):

Floor Area Ratio – The maximum gross floor area is limited to 0.45 times the area of the lot containing the single-family residence up to a maximum of 5,000 square feet. The gross floor area shall include covered porches and all enclosed space with a ceiling height of seven feet or greater except as follows:

- i. Areas beneath the structure utilized solely for parking and storage. All such areas must be hydrostatically vented if required by the Building Official.*
- ii. The first 600 square feet of covered porches.*
- iii. Attic space as defined by the latest adopted edition of the IBC.*

This variance request pertains only to the maximum 5,000 square feet requirement of the SECTION. The owners are requesting a variance for gross floor area of 7,259 square feet for reasons to be presented.

BACKGROUND:

Dave and Jane Peacock purchased 19 Ibis Street in June 2022, through JLS Beach LLC, with the intent to build a family home and gathering place for them and their children's families. While in the design process, there became the opportunity to purchase the adjacent strand (beachfront) and Ibis Street frontage parcels, which they did, closing on each in October 2022 and December 2023, respectively. The combination of these parcels produced the current lot size of 25,461 square feet. The new lot provided the designers and Peacocks additional space for buffering and appropriately siting the main house and detached garage structure desired. Another benefit of the lot size and resulting Floor Area Ratio (FAR) of the two structures proposed is that it provides ample parking for the family with no traffic impediments to Ibis Street or Dune Lane.

The Peacocks have progressed through the Forest Beach ARB and Town Building Permit process seeking to build a main house and detached garage with guest rooms. The original covenants of Subdivision #2 (North Forest Beach from Ibis Lane northeastward to Sandpiper Street) prescribe construction of a single-family home and detached garage (or servant quarters) on each lot. The original neighbor character was one of multiple structures on single-family lots. The Peacocks intend to build on their lot in this fashion and in character with North Forest Beach. Through the design process and permitting, the gross floor area of the project was identified as requiring a variance from the SECTION. In the proposed site plan, neither the main house or detached garage structure exceed the district maximum of 5,000 sf individually, it is only in the total of the two structures. The total of the two structures would be 7,259 GFA. It will be noted, another important aspect of the SECTION from which no variance is being sought, is the provision for 0.45 Floor Area Ratio (FAR). This ratio is a gross floor area (GFA) allowed in relationship to the overall lot square footage. The proposed total gross floor area of 7,259 constitutes a FAR of 0.29. This number is well below the prescribed 0.45 FAR found in the SECTION.

Communications with Liz Mead (Subdivision #2 declarant) and Forest Beach ARB (Karen Dill) have provided support for the project as submitted – a single family home with detached garage. Emphasis has been placed on overall aesthetics and appropriateness from the street side, to which the plan has a reduced building scale along Ibis Street and Dune Lane supplemented by planted buffer within existing tree canopy. The site plan aligns with neighborhood goals and covenants for single family residential within the grided streets of Forest Beach.

23 Promenade St. Ste 201
Bluffton, SC 29910
Tel: 843.757.7411

REQUEST:

This variance is being sought due to the fact that the strict application of the SECTION would unreasonably restrict appropriate single-family development on the lot within the Forest Beach Neighborhood overlay district. The district was purposely established to “protect the single-family residential character of the district and in particular the development and redevelopment of lots within the district”, per the LMO. As stated above, the intent of the Peacock lot aligns with this statement of single-family character by providing a building consistent with the covenants of the community. An analysis of the neighborhood vicinity indicates that 70% (23 of 33) of the developed lots within 350’ of the subject lot exceed 0.3 FAR, which is more than the 0.29 FAR proposed on the Peacock lot, and 55% (13 of 23) of those lots exceed the 0.45 FAR in the SECTION. These various homes were constructed over time, but many during the 2000s. The character of the neighborhood remains as single-family lots even with these existing non-conformities.

The Peacocks lot is the largest lot along the beach front in Subdivision #2. This size is a benefit to providing the extensive buffers, pervious areas, and properly scaled roadway frontages for the North Forest Beach neighborhood. The lot size allows structures performing below the SECTION 0.45 FAR to be sited for the maximum cohesiveness with the surrounding lots. If the SECTION 0.45 FAR was applied to the 25,461 sf lot, then a gross floor area 11,450 sf would be equated. This size building(s) would be out of character with the neighborhood, much more so then 7,259 sf distributed between multiple structures on the lot, as proposed.

When applied, the SECTION and the Overlay Zoning Districts (Sec. 16-3-106):

- A. Purpose – Overlay zoning districts are superimposed over portions of one or more underlying base zoning districts or planned development districts with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.*

are meant to protect against unreasonable, out of place, and unsound development of single-family lots. Providing this variance for gross floor area - and not FAR - on an oversized lot, distributed between multiple buildings meeting the neighborhood character, is not only fair, but reasonable.

The requested variance meets the following criteria, per the LMO Section 16-2-103.S.4.a:

CRITERIA 1: *There are extraordinary and exceptional conditions pertaining to the particular piece of property.*

19 Ibis Street, the lot in question, is by far the largest oceanfront lot in Subdivision #2. Application of maximum gross floor area does not account for the proper Floor Area Ratio relationship sought in a neighborhood character area such as Forest Beach. The resulting FAR of a 5,000 GFA structure on the 25,461 sf lot would be 0.19, less than half of the 0.45 FAR allowed on every other lot within the vicinity of the Forest Beach neighborhood.

CRITERIA 2: *These conditions do not generally apply to other properties in the vicinity.*

Properties within the vicinity of 19 Ibis Street range in size from 14,987 sf (79 Dune Lane) to as small as 8,000 sf (multiple lots), and 79 Dune Lane is only 60% the size of the subject property. The maximum gross floor area of 5,000 sf is far more reasonable on the average smaller lots of Subdivision #2. 5,000 GFA at 0.45 FAR equates to a 11,111 sf lot, which is still much larger than most all lots of Subdivision #2. In addition, as shown above, many of the neighborhood properties exceed the current SECTION FAR of 0.45, and the proposed Peacock project of 0.29 FAR, even with a variance granted for gross floor area, would remain well below the neighboring average.

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.*

The application of the SECTION’s maximum gross floor area inhibits the proper utilization of the property as a family retreat and gathering place. The desires to break the mass of a residence and build a main house and detached garage structure, keeping with the character of North Forest Beach covenants, is unattainable. The application of the gross floor area would produce a single-family home out of scale and lacking context in a neighborhood of smaller lots with SECTION maximum or exceeding FAR.

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.*

Granting this variance provides the most appropriate, neighborhood-scale building possible, while demonstrating the potential for FAR well below the SECTION requirements and neighborhood average. The requested 7,259 GFA exceeds SECTION maximum of 5,000 GFA by 44%, but in context of a residential lot of 25,461 SF, which exceeds the next largest lot

by 69% and the neighborhood average of 8,000 by 300%. The gross floor area will be placed in multiple structures, keeping with neighborhood character, scale and intent. The proposed garages and driveway area allow for ample parking off of the road, eliminating any risk of a traffic impediment on either Ibis Street or Dune Lane.

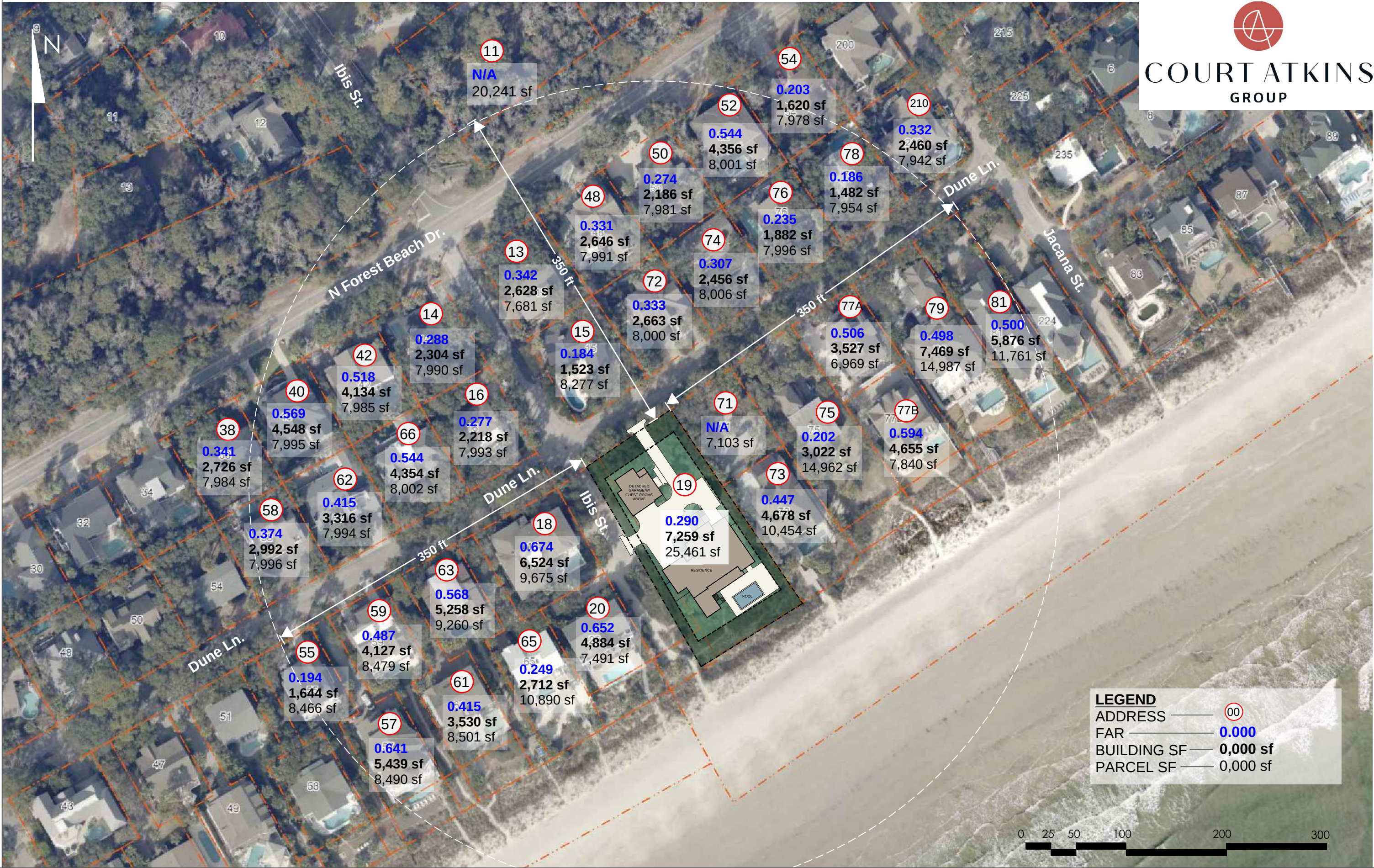
In closing, the granting of this gross floor area variance will do no harm to the character and quaintness of the North Forest Beach single-family neighborhood. Developed well within the SECTION Floor Area Ratios on an oversized lot, the main house and detached garage structure of the Peacocks will stand as an example of conscientious planning and building restraint, providing a wonderful family gathering place and a benefit to community character in North Forest Beach.

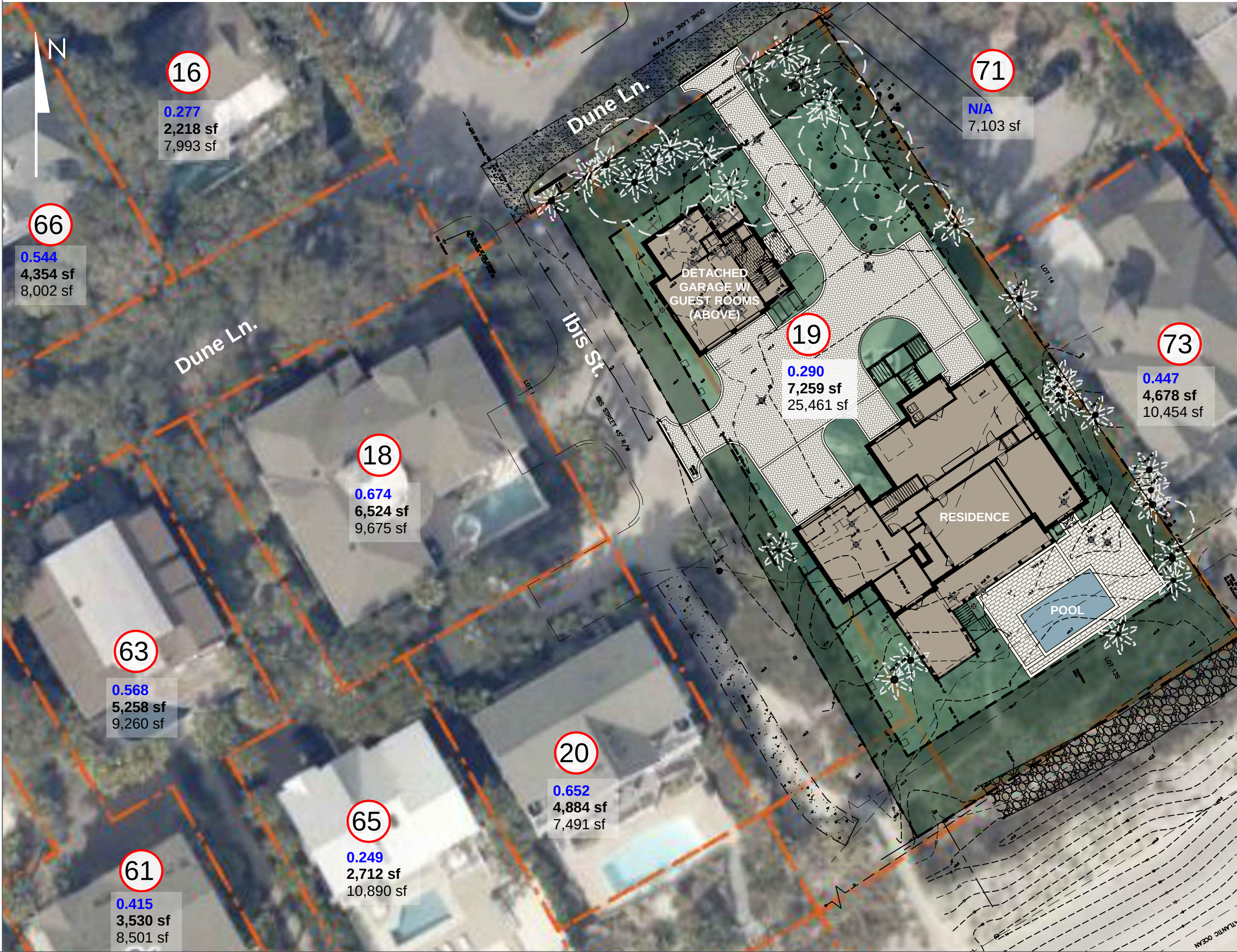
Sincerely,
Judd Carstens

A handwritten signature in black ink, appearing to read 'Judd Carstens', with a stylized, cursive script.

Attachments:

- Variance Request Form
- Hold Harmless
- Vicinity Map
- 30 scale Property Plan
- Subdivision No. 2 Covenants
- Correspondence with Karen Dill, Forest Beach ARB





LEGEND

ADDRESS	00
FAR	0.000
BUILDING SF	0,000 sf
PARCEL SF	0,000 sf

GROSS FLOOR AREA SUMMARY		
DESCRIPTION	ACTUAL COVERAGE (SF)	ALLOWABLE COVERAGE (SF)
TOTAL LOT AREA	25,461	
RESIDENCE - GROSS FLOOR AREA	4,981	5,000 (MAX. PER TOWN)
DETACHED GARAGE W/ GUEST ROOMS ABOVE - GROSS FLOOR AREA	2,278	(7,259 SHOWN)
FLOOR AREA RATION (F.A.R.)	0.29	0.45

MAX. IMPERVIOUS COVERAGE	
DESCRIPTION	ACTUAL COVERAGE (SF)
MAX. IMPERVIOUS COVERAGE (SF)	6,365 (25% OF TOTAL LOT AREA)

SETBACK SUMMARY	
DESCRIPTION	REQUIRED SETBACK (FT)
FRONT	20'
SIDE	10'
REAR	10' OR 10% LOT DEPTH (WHICHEVER IS GREATER)

Covenant (3)

Hilton Head Beach Subdivision No. 2

Deed Book 77, Page 18

STATE OF SOUTH CAROLINA,

County Of Beaufort

KNOW ALL MEN BY THESE PRESENTS, That THE HILTON HEAD COMPANY, a Georgia Corporation domesticated in South Carolina and having its principal offices in Beaufort County, South Carolina, for and in consideration of the sum of Fourteen Hundred fifty Dollars, to it in hand paid, at and before the sealing and delivery of these presents, by J. F. & Vera R. Werhan of Savannah, Chatam County, Georgia the receipt whereof is hereby acknowledged, has granted, bargained, sold, and released, and by these presents does grant, bargain, sell and release unto the said J. F. & Vera R. Werhan their heirs, legal representatives, successors and assigns, all the following described property, to-wit:

All that certain lot or parcel of land situate lying and being on Hilton Head Island, Beaufort County, South Carolina, shown and designated as Lot No. 23, of the Hilton Head Beach, Subdivision Number Two made by Fred C. Hack, Land Surveyor, May-June, 1953, recorded in the office of the Clerk of the Court for Beaufort County, South Carolina, on July 7, 1953, in Plat Book 9, at page 20. Said lot is more particularly described as being bounded northeasterly by Lot No. 24 of said subdivision, southeasterly by lands of Grantor known as Hilton Head Beach, southwesterly by J Street and northwesterly by Dune Lane North, and being rectangular in shape fronting 65 feet on Hilton Head Beach and 100 feet on J Street.

SUBJECT, HOWEVER, to the following restrictions and covenants running with the land to-wit:

1. All lots in said subdivision shall be used for residential purposes exclusively. No structures shall be erected, altered, placed or permitted to remain on any lot, other than one (1) detached single family dwelling not to exceed two and one half (2 ½) stories in height and a private garage for not more than two cars (which may include servants quarters) and other outbuildings incident to the use of one single family unit.
2. No building shall be erected, placed or altered on any lot in this subdivision until the building plans, specifications, and plot plan showing the location of such building, have been approved in writing by THE HILTON HEAD COMPANY, its agent, successors, or assigns.
3. No building shall be located on any lot nearer than twenty (20) feet to the front line, nor nearer than ten (10) feet to any side streetline, nor nearer than five (5) feet to any lot line.
4. No dwelling shall be permitted on any lot which structure shall have less than six hundred and fifty (650) sq. feet of permanently enclosed space, exclusive of garages.
5. THE HILTON HEAD COMPANY hereby reserves unto itself, its successors and assigns, a perpetual, alienable and releasable easement and right on, over and under the ground to erect, maintain and use electric and telephone poles, wires, cables, conduits, sewers, water mains, and other suitable equipment for the conveyance and use of electricity, telephone, gas, sewage, water or other public conveniences or utilities on, in, or over the rear five (5) feet of each lot and five (5) feet along one (1) side of certain lots, all as shown on the plat of said subdivision.
6. Prior to the occupancy of a residence on any lot in said subdivision, proper and suitable septic tank, or tanks, shall be constructed on such lot for the disposal of all sewage, and all sewage shall be emptied or discharged into such tank, or tanks. No sewage shall be emptied or discharged into or upon the ocean or the beach thereof.

7. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done therein which may be or may become an annoyance nuisance to the neighborhood.

8. No livestock or live fowl shall be maintained on any lot without written consent of THE HILTON HEAD COMPANY, its successors or assigns.

9. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

10. No lot shall be subdivided, or its boundary lines changed except with the written consent of THE HILTON HEAD COMPANY, its successors or assigns. However, THE HILTON HEAD COMPANY hereby expressly reserves to itself, its successors and assigns, the right to subdivide (by deed or otherwise) or replat any two (2) or more lots shown on the plat of said subdivision so as to create building plot or building plots each larger in size than any one of the lots so subdivided or replatted. When such a building plot is created, the restrictions and covenants herein apply to such building plot as a unit, and as to such building plot the word "lot" as used herein, shall be construed to mean "building plot".

11. These covenants shall run with the land and shall be binding on all parties and persons claiming under them for a period of twenty-five (25) years from January 1, 1952, after which time said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority or the then owners of said lots has been recorded, agreeing to changed said covenants and restrictions in whole or in part.

12. If the parties hereto, or any of them or their heirs, successors or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said subdivision to prosecute any lawful proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from doing so or to recover damages or other dues for such violation.

13. Invalidation of any of these covenants by judgement or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

14. THE HILTON HEAD COMPANY may include in any contract or deed hereafter made additional covenants and restrictions that are not inconsistent with and which do not lower the standards of the covenants and restrictions set forth herein.

TOGETHER WITH ALL and singular the rights, members, hereditaments and appurtenances to the said premises belonging, or in any wise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned, unto the said J. F. & Vera R. Werhan, their heirs representatives, successors and assigns, forever, subject however to the restrictions and covenants set out above.

AND, the said THE HILTON HEAD COMPANY does hereby bind itself, its successors and assigns, to warrant and forever defend, all and singular, the said premises unto the said J. F. & Vera R. Werhan, their heirs, legal representatives, successors and assigns, against it and its successors and assigns, and all other persons or person lawfully claiming, or to claim the same or any part thereof.

IN WITNESS WHEREOF, THE HILTON HEAD COMPANY has caused these presents to be signed and its Corporate Seal affixed by its proper officers, this 22nd day of July, A.D. 1953, and in the one hundred and seventy eighth year of the Sovereignty and Independence of the United States of America.

THE HILTON HEAD COMPANY

Signed, sealed and delivered in the presence of:

By: J. B. Fraser, As President

J. Wilton Graves

ATTEST: Fred C. Hack, As Secretary

C. Sidney Hendry, Jr.

STATE OF SOUTH CAROLINA

COUNTY OF Beaufort

BEFORE ME personally appeared J. Wilton Graves and made oath the he saw the within named THE HILTON HEAD COMPANY by J. B. Fraser its President and Fred C. Hack its Secretary-Treasurer sign and as its act and deed deliver the within written deed that he saw its corporate seal affixed by (balance of recorded document not legible).

Covenant (4)

Hilton Head Beach Subdivision No. 2

Deed Book 77, Page 181

HILTON HEAD COMPANY) STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT

TO: DECLARATION) WHEREAS, The Hilton Head Company, a Corporation organized and existing under the laws of the State of Georgia and domesticated under the laws of the State of South Carolina, is the owner of the following described land located in the County and State of aforesaid, on Hilton Head Island, in said County, and,

WHEREAS, The Hilton Head Company desires to make certain declarations concerning the said land in accordance with the resolution for its Board of Directors adopted at a meeting held on March 11, 1953 wherein the President and Secretary of the Hilton Head Company were authorized to make this declaration and execute the same on behalf of said company:

NOW THEREFORE, in consideration of the premises, the Hilton Head Company does hereby make the following declarations:

(1) That the Hilton Head Company, its successors and assigns, shall forever hold in Trust the following described lands for the use and benefit of all present and future property owners of any lot or lots in Hilton Head Beach Subdivision No. 2, said land is more particularly described as follows, to-wit: All that certain piece, parcel or lot of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, being that land located between the high water mark of the Atlantic Ocean and the front lot line of the lots in the Subdivision known as Hilton Beach Subdivision #2 and described as beginning at the Southeastern corner of I street as shown on a plat of said subdivision; thence northeasterly along the front lot lines of the lots fronting on the Atlantic Ocean in said Subdivision #2 to the southeast corner of "S" Street; thence in a southeasterly director to the mean high water mark of the Atlantic Ocean;

thence southwesterly along the mean high water mark of the Atlantic Ocean to a point South 29°38' East of the point of beginning; thence North 29°38' West to the point of beginning.

(2) That the persons for whose benefit this declaration is made, to-wit: the owners of the lots as aforesaid, shall save and hold The Hilton Head Company, its successors and assigns, harmless from any and all claims and demands made upon said Company, or its successors or assigns arising out of or from its ownership of said land described above.

IN WITNESS WHEREOF The Hilton Head Company has caused these presents to be executed this 24, day of February, 1954 by its President and its Secretary. THE HILTON HEAD COMPANY (SEAL) By J. B. Fraser President

ATTEST: Fred C. Hack Secretary WITNESSES: J. WILTON GRAVES BILLIE S. HACK

STATE OF SOUTH CAROLINA) PERSONALLY appeared before me J. Wilton Graves who, on oath, says that he
COUNTY OF BEAUFORT) saw the within named The Hilton Head Company by J. B. Fraser its President sign
the within instrument, and Fred C. Hack its Secretary attest the same, and the said corporation, by said officers, seal said
instrument, and, as its act and deed deliver the same, and that he with Billie S. Hack witnessed the execution thereof. J.
WILTON GRAVES SWORN to before me this 24 day of February, 1954, (SEAL) BILLIE S. HACK (L.S.) Notary of
Public for South Carolina.

Recorded & Certified April 5, 1954.

Elvira G. Rodgers (signature)

Clerk of Court

Covenant (7)

Hilton Head Beach Subdivision No. 2

Deed Book 78, Page 71

State of South Carolina County of Beaufort

Before me personally appeared C. S. Hendry Sr. and made oath that he saw the within named THE HILTON HEAD COMPANY by J. B. Fraser, its President and Fred C. Hack, its Secretary-Treasurer, sign and as its act and deed deliver the within written instrument; that he saw its corporate seal affixed by Fred C. Hack, its Secretary-Treasurer, and that he with Billie S. Hack witnessed the execution thereof. C. S. Hendry Sr.

SWORN to before me this 15th day of April, A.D. 1955 (Seal) Billie S. Hack

Recorded & Certified April 26, 1955

Elvira G. Rodgers (signature)

Clerk of Court.

HILTON HEAD COMPANY) DECLARATION OF RESTRICTIONS, CONDITIONS,

TO: RESTRICTIONS ETC.) EASEMENTS RIGHTS, PRIVILEGES, ETC.

HILTON HEAD BEACH, SUBDIV. No. 2) Applicable to Hilton Head Beach, Subdivision No. 2 the plat of which is recorded in the office of the Clerk of Court of Beaufort County, South Carolina in Plat Book 9, at page 20, made by Fred C. Hack, Land Surveyor, under date of May-June, 1953. WITNESSTH

The Hilton Head Company, a Georgia Corporation, domesticated in South Carolina, owner of the subdivision described above, hereby declares that The Hilton Head Company has established and by these presents does establish

the following restrictions, conditions, limitations, easements, rights, and privileges in respect to lots in said Hilton Head Beach Subdivision No. 2, to-wit:

1. All the lots in said subdivision shall be used for residential purposes exclusively. No structures shall be erected, placed, or altered, or permitted to remain on any lot, other than one (1) detached single family dwelling not to exceed two and one half (2½) stories in height and a private garage for not more than two cars (which may include servant's quarters) and other outbuildings incident to the use of one single family unit.
2. No building shall be erected placed or altered on any lot in this subdivision until the building plans, specifications and plot plan showing the location of such buildings, have been approved in writing by THE HILTON HEAD COMPANY, its successors or assigns.
3. No building shall be located on any lot nearer than twenty (20) feet to the front line, nor nearer than ten (10) feet to any side streetline, nor nearer than five (5) feet to any lot line.
4. No dwelling shall be permitted on any lot which structure shall have less than six hundred and fifty (650) square feet of permanently enclosed space, exclusive of garages.
5. THE HILTON HEAD COMPANY hereby reserves unto itself, its successors and assigns, a perpetual, alienable and releasable easement right on, over and under the ground to erect, maintain and use electric and telephone poles, wires, cables, conduits, sewers, water mains, and other suitable equipment for the conveyance and use of electricity, telephone, gas, sewage, water or other public conveniences or utilities on, in, or over the rear five (5) feet of each lot and five (5) feet along one (1) side of certain lots, all as shown on the plat of said subdivision.

6. Prior to the occupancy of a residence on any lot in said subdivision, proper and suitable septic tank, or tanks, shall be constructed on such lot for the disposal of sewage, and all sewage shall be emptied or discharged into such tank, or tanks. No sewage shall be emptied or discharged into or upon the ocean or the beach thereof.
7. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done therein which may be or may become an annoyance or nuisance to the neighborhood.
8. No livestock or live fowl shall be maintained on any lot without written consent of THE HILTON HEAD COMPANY, its successors or assigns.
9. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.
10. No lot shall be subdivided, or its boundary lines changed except with the written consent of THE HILTON HEAD COMPANY, its successors or assigns. However, THE HILTON HEAD COMPANY, hereby expressly reserves to itself, its successors and assigns, the right to subdivide (by deed or otherwise) or replat any two (2) or more lots shown on the plat of said subdivision so as to create building plot each larger in size than any one of the lots so subdivided or replatted. When such a building plot is created, the restrictions and covenants herein apply to such building plot as a unit, and as to such building plot the word "lot" as used herein, shall be construed to mean "building plot."
11. These covenants shall run with the land and shall be binding on all parties and persons claiming under them for a period of twenty-five (25) years from January 1, 1952, after which time said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of said lots has been recorded, agreeing to change said covenants and restrictions in whole or in part.

12. If the parties hereto, or any of them or their heirs, successors or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said subdivision to prosecute any lawful proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from doing so or to recover damages or other dues for such violation.

13. Invalidation of any of these covenants by judgement or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

14. THE HILTON HEAD COMPANY may include in any contract or deed hereafter made additional covenants and restrictions that are not inconsistent with and which do not lower the standards of the covenants and restrictions set forth herein.

In witness whereof, The Hilton Head Company has caused this instrument to be executed by the authorized officers and its corporate seal to be affixed under proper authority of its Board of Directors, this 15th day of April, 1955.

THE HILTON HEAD COMPANY (SEAL) By: J. B. Fraser President Attest: Fred C. Hack Secretary

Signed, sealed and delivered in the presence of: Billie S. Hack C.S. Hendry Sr.

STATE OF SOUTH CAROLINA) BEFORE ME personally appeared C. S. Hendry Sr. and made oath that he SAW the
COUNTY OF BEAUFORT) within named THE HILTON HEAD COMPANY by J. B. Fraser, its President and
Fred C. Hack, its Secretary-Treasurer, sign, and as its act and deed deliver the within written instrument; and that he saw

its corporate seal affixed by Fred C. Hack, its Secretary-Treasurer, and that he with Billie S. Hack witnessed the execution thereof. C. S. Hendry Sr. SWORN to before me this 15th day of April, A.D. 1955 (SEAL) BILLIE S. HACK

Recorded & Certified April 26, 1955.

Elvira G. Rodgers (signature)

Clerk of Court

... BROKER LINES WITHIN 15
INDICATE 5 FT. UTILITY EASE



MILTON HEAD BEACH
 SUBDIVISION NO. 2
 PROPERTY OF
 THE MILTON HEAD COMPANY
 MILTON HEAD, S. C.
 DATED: 10-10-1938
 REGISTERED: 10-10-1938
 J. O. HARRIS
 LAND SURVEYOR



Page 9 of 10

**ARB Services – 386 Spanish Wells Road, #A-4
Hilton Head Island, SC 29926
For
Hilton Head Beach S/D #2 Assets Holding Corp.**

May 29, 2024

Ms. Jenny Mizejeski
Court Atkins Group
P.O. Box 3978
Bluffton, SC 29910

Re: Peacock – 13 and 13A, HH Beach S/D #2, 19 Ibis Street

Dear Ms. Mizejeski,

The Architectural Review Board for Hilton Head Beach S/D #2 Assets Holding Corp. has reviewed plans for a detached garage/guest quarters at the above referenced site. We are pleased to inform you that approval was granted to the plans dated 5/16/24.

Please note that this approval is based upon the subject plans, indicating that all improvements and construction staging will be maintained within the building setback lines, as further defined in the Forest Beach Covenants and Conditions. Further, the approval is conditioned upon agreement that no hardscape (pavers, etc.) may be installed in the road rights-of-way on Ibis Street or Dune Lane, as the road and rights-of-way in this subdivision are wholly owned by the Hilton Head Beach S/D #2, Assets Holding Corp. and vehicle access on the road may not be impeded by hardscape extending from private properties.

We request that you provide the ARB with copies of a foundation survey when it has been completed. Please forward additional documents to ARB Services, as construction proceeds.

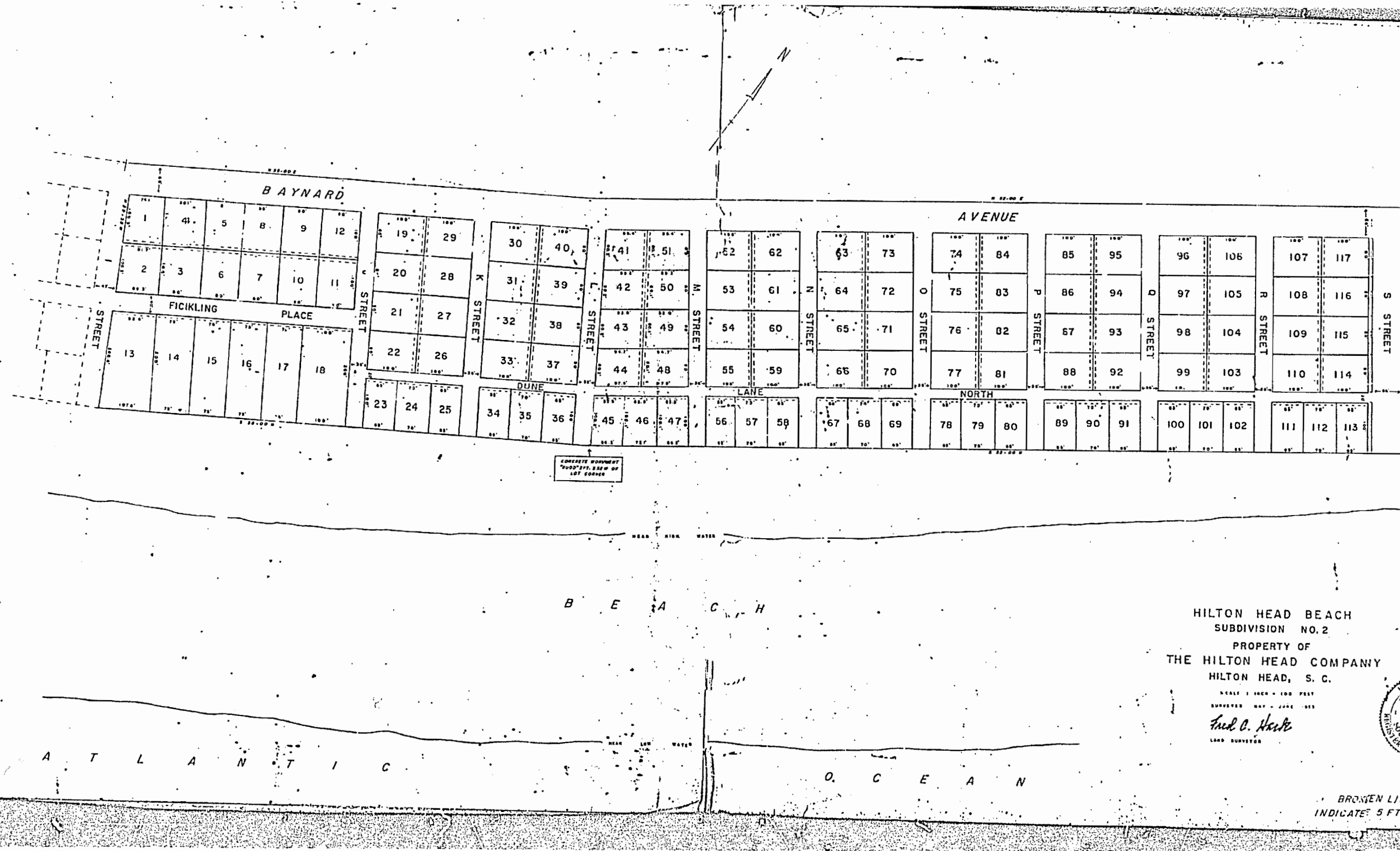
We look forward to the development of this property and the addition of this home to the Forest Beach community. If you have any questions as you prepare for the start of construction, please feel free to contact me at 843-683-3455 or at kaydill@centurylink.net.

Best regards,

Karen Dill

ARB Services

For Hilton Head Beach S/D #2 Assets Holding Corp.



HILTON HEAD BEACH
SUBDIVISION NO. 2
PROPERTY OF
THE HILTON HEAD COMPANY
HILTON HEAD, S. C.
SCALE 1 INCH = 100 FEET
SURVEYED MAY 1, 1953
Fred C. Hack
LAND SURVEYOR



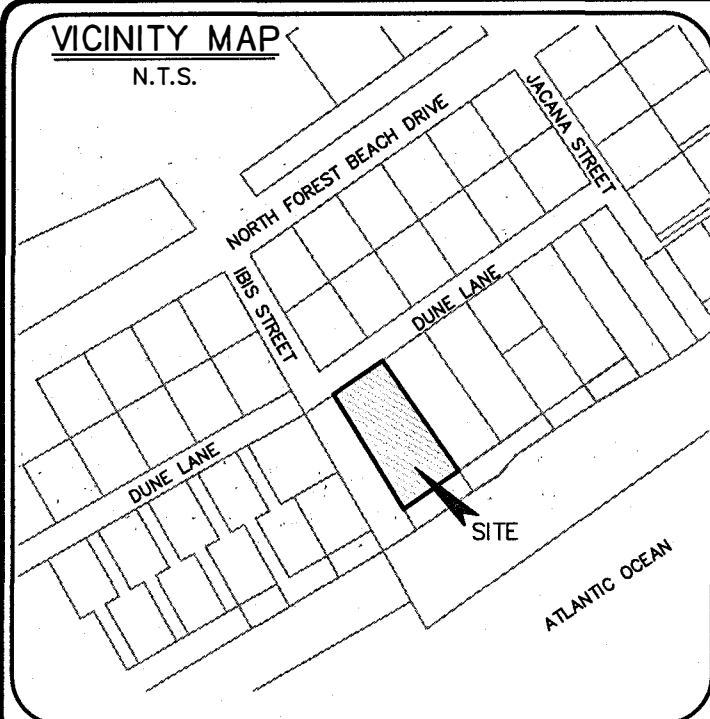
7-7-53

BROKEN LINES WITHIN LOTS
INDICATE 5 FT. UTILITY EASEMENTS









BEACHFRONT MANAGEMENT ACT
DISCLOSURE STATEMENT

THE SETBACK LINE IS 10.3 SEAWARD FEET TO 10.8 SEAWARD FEET, FROM THE SEAWARD PROPERTY LINE, THE BASE LINE IS 30.3 SEAWARD FEET TO 30.8 SEAWARD FEET FROM THE SEAWARD PROPERTY LINE. THE VELOCITY ZONE, AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT ACT, IS LOCATED APPROXIMATELY 4 LANDWARD FEET IN RELATION TO THE PROPERTY. THE SEAWARD CORNERS OF THE HABITABLE STRUCTURES UPON THIS PROPERTY, IF ANY ARE LOCATED 93.4 LANDWARD TO 94.0 LANDWARD FEET FROM THE LINE, WHICH CORNERS ARE LOCATED N 113758.53, E 2079969.33 AND N 113740.80 E 2079943.36 UNDER THE SOUTH CAROLINA PLANE COORDINATE SYSTEM. THE PROPERTY HAS AN ANNUAL EROSION RATE OF 2.30 TO 0.89 FEET PER YEAR, ACCORDING TO THE MOST RECENTLY ADOPTED EROSION RATES OF THE SOUTH CAROLINA OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT. OCRM REFERENCE POINT 1440 ANNUAL EROSION RATE OF 2.30 AND POINT 1142A ANNUAL EROSION RATE 0.89 WERE USED TO ESTABLISH THE OCRM LINES.

LOT CORNERS

1 N 113886.14
E 2079913.60
2 N 113720.82
E 2080026.16
3 N 113660.26
E 2079937.22
4 N 113834.19
E 2079837.27

HOUSE CORNERS

5 N 113758.53
E 2079969.33
6 N 113740.80
E 2079943.36

OCRM SETBACK LINE

7 N 113728.91
E 2080056.59
8 N 113696.38
E 2080008.43
9 N 113671.01
E 2079973.05
10 N 113604.91
E 2079872.95

TOWN OF HHI
BEACHFRONT LINE

12 N 113712.34
E 2080067.78
13 N 113656.38
E 2079984.92
14 N 113600.42
E 2079902.04

OCRM BASELINE

16 N 113712.34
E 2080067.78
17 N 113679.97
E 2080019.85
18 N 113654.54
E 2079984.40
19 N 113588.39
E 2079884.23

Exhibit D - Plat of 19 Ibis St.
VAR-000818-2024

LEGEND & SYMBOLS:

TREE SIZES ARE INCHES IN DIAMETER

- 3" CMF
1/2" IPS
TBM
IE
FFE
HDPE
LO
LAO
PLM
- SPOT ELEVATION
CONTOUR
3" CONCRETE MONUMENT FOUND
1/2" IRON PIN SET WITH CAP
TEMPORARY BENCH MARK
INVERT ELEVATION
FINISHED FLOOR ELEVATION
HIGH DENSITY POLYETHYLENE PIPE
LIVE OAK
LAUREL OAK
PALM
ELECTRIC TRANSFORMER
MAIL BOX
SIGN
CATCH BASIN
LP TANK (UNDERGROUND)
TELEPHONE SERVICE

ACREAGE TABLE		
LOT	ACRES	SQUARE FT
FORMER LOT 13	0.46	19,992
FORMER LOT 13A	0.05	2,069
FORMER LOT 13S	0.08	3,391
NEW LOT 13	0.58	25,452

This plat does not constitute development pursuant to the Town of Hilton Head Island, SC Land Management Ordinance Section:

- ☐ 16-1-104.C.1 ☐ 16-1-104.C.4
☐ 16-1-104.C.2 ☐ 16-1-104.C.5
☐ 16-1-104.C.3 ☒ 16-1-104.C.6

Certified By: *Michael Connolly*

Title: *Senior Planner* Date: *12-8-23*

Disclaimer:

The Town of Hilton Head Island makes an expressed declaration of policy that the public regulation of land is entirely separate from and independent of private restrictions. This approval in no way implies that the proposed development is in conformance with any restrictive covenants, private easements or deed restrictions.

REFERENCE PLAT

- 1) A PLAT OF HILTON HEAD BEACH SUBDIVISION NO. 2, HILTON HEAD ISLAND, BEAUFORT COUNTY, SC.
DRAWN: JUNE 1953
RECORDED IN BOOK 9, PAGE 20
ROD. BEAUFORT COUNTY, SC
BY: FRED C. HACK S.C.R.L.S. # 1377

- 2) A BOUNDARY OF 11.09AC. BEACH STRAND PARCEL, HILTON HEAD ISLAND, BEAUFORT COUNTY, SC.
DRAWN: 12/21/01
RECORDED IN BOOK 84, PAGE 112, DATED: 1/22/02
ROD. BEAUFORT COUNTY, SC
BY: TERRY G. HATCHELL S.C.R.L.S. # 11059

PROPERTY AREA = 0.58 AC. 25,452 S.F.
ADDRESS: 19 IBIS STREET

DISTRICT: 550, MAP: 15A, PARCEL: 111

THIS PROPERTY LIES IN F.E.M.A. ZONES X, AO & VE
BASE FLOOD ELEVATION = N/A, 1.0' DEPTH & 12.0'
COMMUNITY NO. 450250, PANEL 0463G, DATED: 3/23/2021

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 PROTECTIVE 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.

OWNERS CERTIFICATION

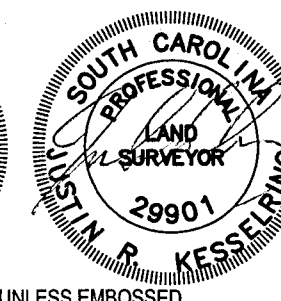
JLS Beach, LLC ARE THE OWNER(S) OF THE
THE HEREON DESCRIBED PROPERTY AND THAT I (WE) STATE THAT THIS
PLAN IS BEING PUT FORTH AS REQUESTED.

SIGNATURE *[Signature]* DATE *12/18/2023*

NOTES:

- 1). THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH BY NANDINA, INC.
- 2). THIS PROPERTY MAY BE SUBJECT TO EASEMENTS OF RECORD AND COVENANT RESTRICTIONS AS RECORDED IN THE OFFICE OF THE ROD FOR BEAUFORT COUNTY.
- 3). BUILDING SETBACKS, WHETHER SHOWN OR NOT, SHOULD BE VERIFIED BY THE LOCAL BUILDING AUTHORITY OR ARCHITECTURAL REVIEW BOARD.
- 4). USE OF THIS PROPERTY MAY BE AFFECTED BY THE TERMS OF COVENANTS RELATING TO THIS PLANNED RESIDENTIAL COMMUNITY.
- 5). HORIZONTAL DATUM IS SC STATE PLANE, NAD83.
- 6). THIS PROPERTY IS AFFECTED BY THE CRITICAL STORM PROTECTION AND DUNE ACCRETION AREA (CSPDAA) ADOPTED BY THE TOWN COUNCIL ON 9/01/2009. THE (CSPDAA) EXTENDS FROM THE SEAWARD PROPERTY TO THE TOWN OF HILTON HEAD ISLAND BEACHFRONT LINE.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND 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; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



NOT VALID UNLESS EMBOSSED.

BOUNDARY CONSOLIDATION SURVEY OF:
LOT 13, 13S, AND 13A, HILTON HEAD BEACH
SUBDIVISION NO. 2, NORTH FOREST BEACH,
HILTON HEAD ISLAND, BEAUFORT COUNTY,
SOUTH CAROLINA
PREPARED FOR: JLS BEACH, LLC

DATE: 3/22/2023

SCALE: 1" = 20'



NANDINA

d.b.a. Sea Island Land Survey, Inc.

10 Oak Park Drive, Unit C1,
Hilton Head Island,
SC 29926

FILE No: 21343.4

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Tel (843) 681-3248

Fax (843) 689-3871

E-mail: admin@nandinainc.com

DWG No.: 2-21343.4

CAD: CG, BA, FLD: CM

TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

ORDINANCE 2024-04

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND CHAPTER 16 OF THE MUNICIPAL CODE, THE LAND MANAGEMENT ORDINANCE, TO AMEND FLOOR AREA RATIO REQUIREMENTS WITHIN THE FOREST BEACH NEIGHBORHOOD CHARACTER OVERLAY DISTRICT OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on April 3, 2001, the Town Council for the Town of Hilton Head Island, South Carolina, adopted Ordinance 2001-17, by which the then existing Land Management Ordinance by, among other things, adopting the “Forest Beach Neighborhood Overlay District;” and,

WHEREAS, among other things, the “Forest Beach Neighborhood Overlay District” was intended to protect the single-family residential character of the Forest Beach Area; and,

WHEREAS, the “Forest Beach Neighborhood Overlay District” imposed setbacks and buffers a Floor Area Ratio of 0.65 on property in the “Forest Beach Neighborhood Overlay District;”

WHEREAS, on August 5, 2003, the Town Council for the Town of Hilton Head Island, South Carolina, adopted Ordinance 2003-19 which amended the “Forest Beach Neighborhood Overlay District,” and re-named it the “Forest Beach Neighborhood Character Overlay District;” and,

WHEREAS, among other things, Ordinance 2003-19 included findings that the existing “Forest Beach Neighborhood Overlay District” regulations had proven insufficient to prevent the detrimental effects of development of disproportionate sized residences in the area, and were insufficient to prevent the detrimental effects of such disproportionate sized residences on the residential single-family character of the Forest Beach neighborhood; and,

WHEREAS, Ordinance 2003-19 also reduced the Floor Area Ratio from 0.65 to 0.55; and,

WHEREAS, on May 17, 2016, the Town Council for the Town of Hilton Head Island, South Carolina, adopted Ordinance 2016-07, which made amendments text related to the

“Forest Beach Neighborhood Character Overlay District;” and,

WHEREAS, on December 5, 2017, the Town Council for the Town of Hilton Head Island, South Carolina, adopted Ordinance 2017-19, which made amendments text related to the “Forest Beach Neighborhood Character Overlay District;” and,

WHEREAS, on March 7, 2023, the Town Council for the Town of Hilton Head Island, South Carolina, adopted Ordinance 2023-04, which made amendments text related to the “Forest Beach Neighborhood Character Overlay District;” and,

WHEREAS, among other things, the “Forest Beach Neighborhood Character Overlay District” was intended to protect the single-family residential character of the Forest Beach Area; and,

WHEREAS, the Town Council finds that the “Forest Beach Neighborhood Character Overlay District” regulations have been demonstrated to be insufficient to address the detrimental effects of the construction of large residences on proportionately small lots, and the large residences have continued to be built; and,

WHEREAS, the construction of such disproportionately large residences has continued to create detrimental effects on the residential character of the Forest Beach Neighborhood, including overcrowding, with attendant noise and trash, lack of adequate parking on the property where such structures exist; drainage issues resulting from impervious coverage on lots in the Forest Beach neighborhood; and,

WHEREAS, the Town of Hilton Head Island, South Carolina, finds that further amendments to the “Forest Beach Neighborhood Character Overlay District” are needed to address the detrimental effects of disproportionately large residences; and,

WHEREAS, the Town of Hilton Head Island conducted a critical review of the Land Management Ordinance in a code assessment in January 2023. The code assessment identified core strengths, weaknesses, opportunities, and threats of existing code regulations; and,

WHEREAS, the Town Council identified a continued need for the adoption of LMO Amendments to address development and design standards to address single-family development mass, scale, and parking, to address the detrimental effects that have been experienced in the “Forest Beach Neighborhood Character Overlay District” to date; and,

WHEREAS, on January 11, 2024, the Public Planning Committee discussed amendments to the Land Management Ordinance and voted 4-0 to amend Floor Area Ratio

(FAR) regulations in the Forest Beach Neighborhood Character Overlay (FB-NC-O) District from 0.55 to 0.45; and,

WHEREAS, on April 17, 2024, the Planning Commission held a Public Hearing to consider an amendment to the LMO and voted 6-0 to reduce the FAR regulations in the FB-NC-O District from 0.55 to 0.45 and the public had an opportunity to comment on the proposed ordinance; and,

WHEREAS, the Town Council finds it is in the best interest of the Town and its citizens, residents and visitors to amend the “Forest Beach Neighborhood Character Overlay District” to establish a floor area ratio of .45 within the overlay district.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS HEREBY ORDERED AND ORDAINED BY AND UNDER AUTHORITY OF SAID TOWN COUNCIL, AS FOLLOWS:

Section 1. Amendment. That the LMO Amendment is adopted and the Land Management Ordinance is amended as shown on Exhibit “A” to this Ordinance. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

Section 2. Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS 7th DAY OF MAY, 2024.

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA



Alan R. Perry, Mayor

ATTEST:



Kimberly Gammon, Town Clerk

First Reading: February 20, 2024

Second Reading: May 7, 2024

APPROVED AS TO FORM:



Curtis L. Coltrane, Town Attorney



**TOWN OF HILTON HEAD ISLAND
SOUTH CAROLINA**

BUILDING PERMIT #:

**Exhibit F - 2024 Permits to demo home and build a Single-Family home
VAR-000818-2024**

BLDR-000002-2024

Date Issued: 01/12/2024	Parcel ID: R550 015 00A 0111 0000		Permit Fee: \$265.00	Value of Construction \$45,000.00
Address:	Street # & Street Name 19 Ibis Street	Lot #	Subdivision: NORTH FOREST BEACH	Building # Unit #
Type of Construction	Demolition	Occupancy:	Flood Zone/Minimum Finished Floor Elevation:	AO (1), X-Shaded, VE (12)

Scope of Work: NFB - DEMO

Heated Square Ft.		Unheated Square Ft		Total Square Ft		Number of Units	
Stories		Exterior Finish		Square Feet of Pool		Fireplaces	
Bedrooms		Roofing Type		Septic Tank #		Fire Alarm System	
Bathrooms		Heating/Air		Elevators		Fire Sprinkler	
Total Rooms		Type of Fuel					

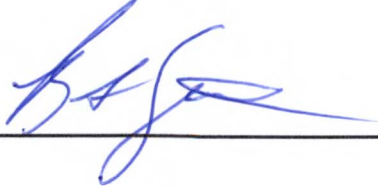
	Name	Address	City, State	ZIP Code	Phone
Owner:	JLS Beach LLC				(317) 393-5426
Contractor:	ESPOSITO CONSTRUCTION INC	1 Mathews Drive, 115	Hilton Head Island, SC	29926	(843) 757-8194
Applicant:	ESPOSITO CONSTRUCTION INC	1 Mathews Drive, 115	Hilton Head Island, SC	29926	(843) 757-8194

I acknowledge the following: All work must comply with Town of Hilton Head Island adopted codes.

Conditions of the Approval:

Town Staff conditions are included, additional pages may be attached.

Print Name: Brian A Esposito

Signature: 

Date: 1-12-24

Expiration: Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.

If you have questions or concerns regarding this permit, please call the Community Development Department at 843-341-4757.



**TOWN OF HILTON HEAD ISLAND
SOUTH CAROLINA
BUILDING PERMIT #:**

BLDR-000002-2024

Conditions of the Approval for: BLDR-000002-2024

- | | |
|------------------------|---|
| Stormwater Utility: | - All denuded areas must be stabilized. |
| Fire: | - Access & water supply for fire department operations shall be provided during construction. |
| Stormwater Engineering | - Install and maintain a construction exit. Sweep daily as needed. |
| Fire: | - The fire lane/access road must remain open and unimpeded at all times – there is to be no parking or anything set up on the access road. |
| Stormwater Engineering | - Install redline, silt fencing around the area of disturbance. If working around water, a double-row of redline, silt fencing is required. |

Expiration: Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.

If you have questions or concerns regarding this permit, please call the Community Development Department at 843-341-4757.



TOWN OF HILTON HEAD ISLAND
SOUTH CAROLINA

BUILDING PERMIT #:

BLDR-000062-2024

Date Issued:	03/13/2024	Parcel ID:	R550 015 00A 0111 0000		Permit Fee:	\$14,935.75	Value of Construction	\$2,476,524.00
Address:	Street # & Street Name	Lot #		Subdivision:	Building #	Unit #		
	19 Ibis Street			NORTH FOREST BEACH				
Type of Construction	New Residence	Occupancy:	Residential	Flood Zone/Minimum Finished Floor Elevation:	AO (1)			

Scope of Work: NFB / NEW HOUSE 4981 HTD 4760 UNHTD DEMO PERMIT 0002-2024

Heated Square Ft.	4,981	Unheated Square Ft	4,760	Total Square Ft	9,741	Number of Units	
Stories	3	Exterior Finish	HARDIE	Square Feet of Pool		Fireplaces	1
Bedrooms	4	Roofing Type	ASPHALT / METAL	Septic Tank #		Fire Alarm System	Yes
Bathrooms	5.0	Heating/Air	HVAC	Elevators	1	Fire Sprinkler	No
Total Rooms	10	Type of Fuel	ELECT				

	Name	Address	City, State	ZIP Code	Phone
Owner:	JLS Beach LLC				(317) 393-5426
Contractor:	ESPOSITO CONSTRUCTION INC	1 Mathews Drive, 115	Hilton Head Island, SC	29926	(843) 757-8194
Applicant:	ESPOSITO CONSTRUCTION INC	1 Mathews Drive, 115	Hilton Head Island, SC	29926	(843) 757-8194

I acknowledge the following: All work must comply with Town of Hilton Head Island adopted codes.

This is in a special flood hazard zone

Conditions of the Approval:

Town Staff conditions are included, additional pages may be attached.

Print Name: Peter K Cook Sr

Signature: [Signature]

Date: 3-15-24

Expiration: Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.

If you have questions or concerns regarding this permit, please call the Community Development Department at 843-341-4757.



**TOWN OF HILTON HEAD ISLAND
SOUTH CAROLINA
BUILDING PERMIT #:**

BLDR-000062-2024

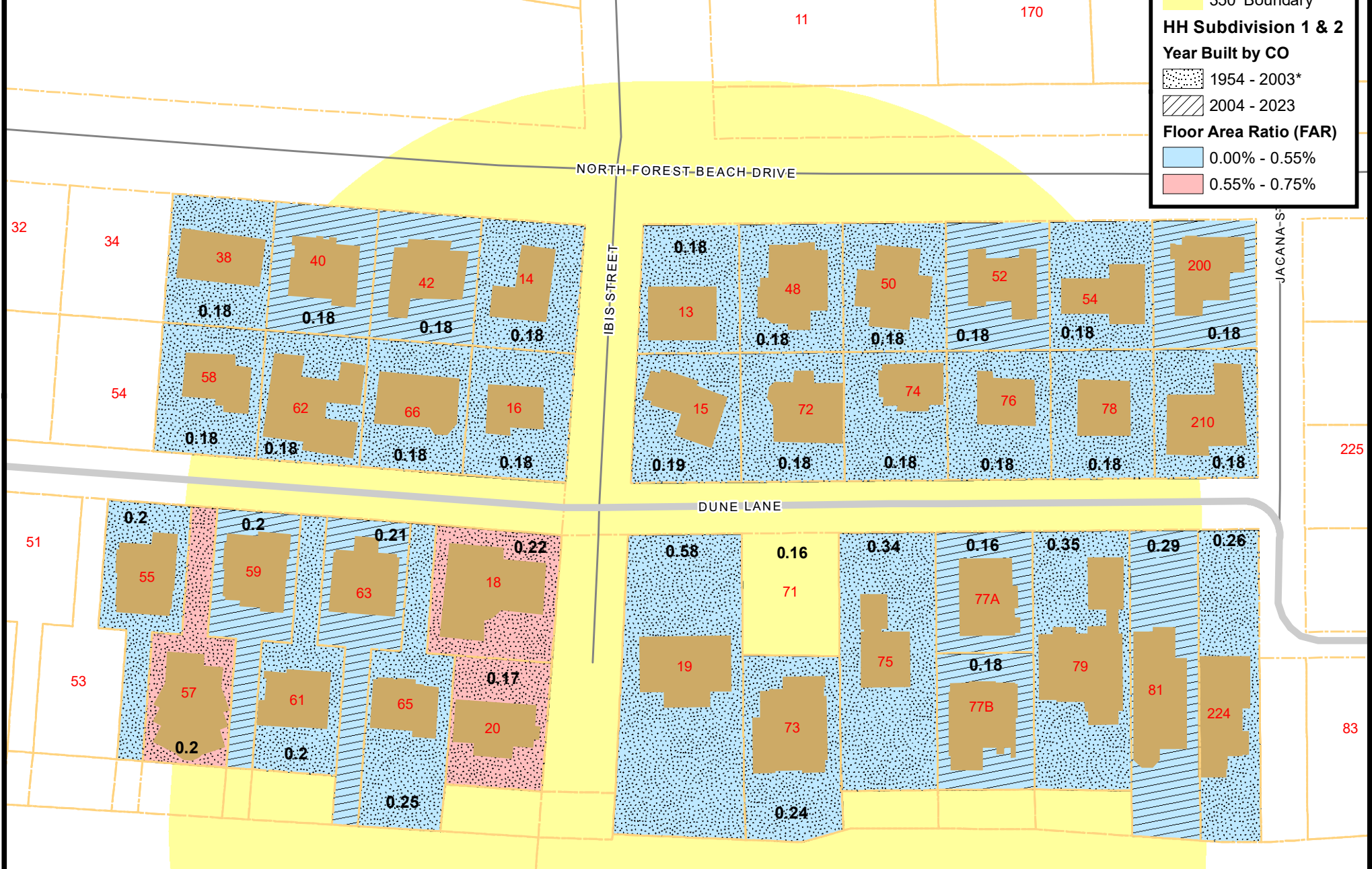
Conditions of the Approval for: BLDR-000062-2024

- | | |
|------------------------|--|
| Addressing: | - Numbers are to be reflective and a contrasting color with the background. They must be a minimum of 4 inches in height and a minimum of 1/2" in width. |
| Addressing: | - Must be posted within 20 feet of the property line and clearly visible from the street. |
| Planning | - No development or disturbance is permitted in any buffer. |
| Planning: | - The proposed driveway on Dune Lane requires a SCDOT encroachment. This plan DOES NOT approve the new driveway until the encroachment permit is approved. The applicant needs to resubmit for the new driveway once the permit is approved. |
| Fire: | - Access & water supply for fire department operations shall be provided during construction. |
| Planning | - This approval does not include the pool. The pool must be submitted as a separate review and approval. |
| Stormwater Utility: | - All denuded areas must be stabilized. |
| Stormwater Engineering | - Install and maintain a construction exit. Sweep daily as needed. |
| Stormwater Engineering | - Install and maintain a washout for concrete, stucco, paint, etc. Dispose of materials properly. |
| Stormwater Engineering | - Install redline, silt fencing around the area of disturbance. If working around water, a double-row of redline, silt fencing is required. |
| Fire: | - The fire lane/access road must remain open and unimpeded at all times – there is to be no parking or anything set up on the access road. |

Expiration: Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.

If you have questions or concerns regarding this permit, please call the Community Development Department at 843-341-4757.

*Note: FAR does not apply to homes built in and prior to 2003.



TOWN OF HELTON HEAD ISLAND
ONE TOWN CENTER COURT
HELTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-4600
Date Created: May 30, 2024
Revised: 11/15/2024

Notes:
Beaufort County Parcel Data from the Assessor's Office was used for calculations.
Building Footprints are for representation purposes only, and do not represent actual square footage of a single-family home.

Town of Hilton Head Island
19 Ibis Street - 350' Boundary
HH Subdivision 1 & 2 - Floor Area Ratio (FAR)

FAR Mean: 0.37%



The information on this map has been compiled from a variety of sources and is intended

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2023-05

PROPOSED ORDINANCE NO.2023-08

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE (LMO), SECTION 16-2-103(F)(7); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on October 7, 2014, the Town Council did adopt a new Land Management Ordinance (LMO); and

WHEREAS, from time to time it is necessary to amend the LMO; and

WHEREAS, the LMO Committee held public meetings on September 1, 2022 and November 1, 2022 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

WHEREAS, on November 1, 2022, the LMO Committee recommended that the proposed LMO amendments be forwarded to the Planning Commission with a recommendation of approval; and

WHEREAS, the Planning Commission held a public hearing on December 21, 2022 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO Amendments; and

WHEREAS, after consideration of the Staff presentation and public comments the Planning Commission voted 5-0 to forward the proposed LMO amendments to the Public Planning Committee with a recommendation of approval; and

WHEREAS, the Public Planning Committee held a public meeting on January 26, 2023 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

WHEREAS, after consideration of the Staff presentation and public comments, the Public Planning Committee voted 4-0 to recommend approval of the proposed LMO amendments; and

WHEREAS, on February 14, 2023, Town Council approved unanimously on first reading a proposed Ordinance outlining LMO amendments and requested that the language of section 16-2-103(f)(7) be revised for consideration; and

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS HEREBY ORDERED AND ORDAINED BY AND UNDER AUTHORITY OF SAID TOWN COUNCIL, AS FOLLOWS:

Section 1. Amendment. That the LMO Amendment is adopted and the Land Management Ordinance is amended as shown on Exhibit "A" to this Ordinance. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strike through~~.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

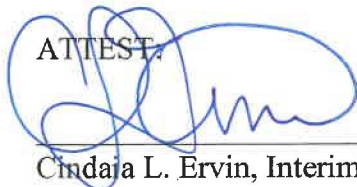
Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS 21st DAY OF March, 2023.

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA


Alan R. Perry, Mayor

ATTEST:

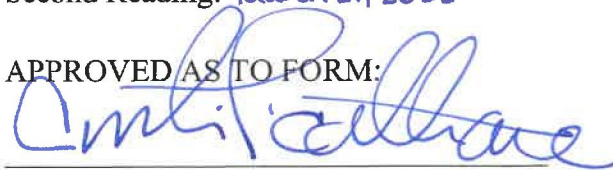

Cindaja L. Ervin, Interim, Town Clerk

Public Hearing: December 21, 2022

First Reading: March 7, 2023

Second Reading: March 21, 2023

APPROVED AS TO FORM:


Curtis L. Coltrane, Town Attorney

Introduced by Council Member: David Ames

EXHIBIT “A”

(b) In Section 16-2-103.F – Subdivision Review (Minor or Major), amend as follows:

7. Amendment

~~An approved Minor or Major Subdivision may be modified or amended only in accordance with the procedures and standards established for its original approval.~~

7. Deviations from Previously Approved Major Subdivisions

The purpose and intent of these provisions is to require additional review and approval of proposed amendments to previously approved single-family residential Major Subdivisions.

For a previously platted single-family residential subdivision, any changes proposed to be made to commonly owned property such as open space, rights-of-way, amenities and parking or any lot combinations or subdivisions that will result in either an increase in density or additional lots shall require approval by the Planning Commission following a public hearing of the Planning Commission.

A decision to approve a proposed change to a previously platted subdivision shall be based on a finding that the proposed change is not detrimental to the reasonable, investment backed expectations of owners of lots in the subdivision arising from:

- i. Increased burdens on utility of roadways caused by off-site parking;
- ii. Increased burdens on amenities in the subdivision caused by increased numbers of dwelling units;
- iii. Overcrowding in the subdivision;
- iv. Increased noise and traffic in the subdivision; and
- v. Decreased utility of amenities and other commonly owned property.

The provisions of this section shall not apply to Family Subdivisions approved pursuant to Section 16-2-103(Y).

An approved Minor Subdivision may be modified or amended only in accordance with the current procedures and standards established for the creation of a Minor Subdivision.



TOWN OF HILTON HEAD ISLAND

Board of Zoning Appeals

TO: Board of Zoning Appeals
FROM:
DATE: June 24, 2024
SUBJECT: Election of Officers for July 1, 2023 - June 30, 2024 Term

RECOMMENDATION:

SUMMARY:

BACKGROUND:

ATTACHMENTS:

None



The Town of Hilton Head Island
Board of Zoning Appeals
June 2024-December 2024 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.

BZA PUBLIC MEETING DATE

APPLICATION DEADLINE

June 24, 2024.....	May 24, 2024
July 22, 2024.....	June 21, 2024
August 26, 2024.....	July 26, 2024
September 23, 2024.....	August 23, 2024
October 28, 2024.....	September 27, 2024
November 25, 2024.....	October 25, 2024
*December 16, 2024.....	November 15, 2024

*The December meeting is moved to the third Monday of the month due to Christmas.

Regular meetings are generally held on the 4th Monday of each month @ 2:30 p.m., in Benjamin M. Racusin Council Chambers, subject to change with notice.

TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

ORDINANCE 2024-04

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND CHAPTER 16 OF THE MUNICIPAL CODE, THE LAND MANAGEMENT ORDINANCE, TO AMEND FLOOR AREA RATIO REQUIREMENTS WITHIN THE FOREST BEACH NEIGHBORHOOD CHARACTER OVERLAY DISTRICT OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on April 3, 2001, the Town Council for the Town of Hilton Head Island, South Carolina, adopted Ordinance 2001-17, by which the then existing Land Management Ordinance by, among other things, adopting the “Forest Beach Neighborhood Overlay District;” and,

WHEREAS, among other things, the “Forest Beach Neighborhood Overlay District” was intended to protect the single-family residential character of the Forest Beach Area; and,

WHEREAS, the “Forest Beach Neighborhood Overlay District” imposed setbacks and buffers a Floor Area Ratio of 0.65 on property in the “Forest Beach Neighborhood Overlay District;”

WHEREAS, on August 5, 2003, the Town Council for the Town of Hilton Head Island, South Carolina, adopted Ordinance 2003-19 which amended the “Forest Beach Neighborhood Overlay District,” and re-named it the “Forest Beach Neighborhood Character Overlay District;” and,

WHEREAS, among other things, Ordinance 2003-19 included findings that the existing “Forest Beach Neighborhood Overlay District” regulations had proven insufficient to prevent the detrimental effects of development of disproportionate sized residences in the area, and were insufficient to prevent the detrimental effects of such disproportionate sized residences on the residential single-family character of the Forest Beach neighborhood; and,

WHEREAS, Ordinance 2003-19 also reduced the Floor Area Ratio from 0.65 to 0.55; and,

WHEREAS, on May 17, 2016, the Town Council for the Town of Hilton Head Island, South Carolina, adopted Ordinance 2016-07, which made amendments text related to the

“Forest Beach Neighborhood Character Overlay District;” and,

WHEREAS, on December 5, 2017, the Town Council for the Town of Hilton Head Island, South Carolina, adopted Ordinance 2017-19, which made amendments text related to the “Forest Beach Neighborhood Character Overlay District;” and,

WHEREAS, on March 7, 2023, the Town Council for the Town of Hilton Head Island, South Carolina, adopted Ordinance 2023-04, which made amendments text related to the “Forest Beach Neighborhood Character Overlay District;” and,

WHEREAS, among other things, the “Forest Beach Neighborhood Character Overlay District” was intended to protect the single-family residential character of the Forest Beach Area; and,

WHEREAS, the Town Council finds that the “Forest Beach Neighborhood Character Overlay District” regulations have been demonstrated to be insufficient to address the detrimental effects of the construction of large residences on proportionately small lots, and the large residences have continued to be built; and,

WHEREAS, the construction of such disproportionately large residences has continued to create detrimental effects on the residential character of the Forest Beach Neighborhood, including overcrowding, with attendant noise and trash, lack of adequate parking on the property where such structures exist; drainage issues resulting from impervious coverage on lots in the Forest Beach neighborhood; and,

WHEREAS, the Town of Hilton Head Island, South Carolina, finds that further amendments to the “Forest Beach Neighborhood Character Overlay District” are needed to address the detrimental effects of disproportionately large residences; and,

WHEREAS, the Town of Hilton Head Island conducted a critical review of the Land Management Ordinance in a code assessment in January 2023. The code assessment identified core strengths, weaknesses, opportunities, and threats of existing code regulations; and,

WHEREAS, the Town Council identified a continued need for the adoption of LMO Amendments to address development and design standards to address single-family development mass, scale, and parking, to address the detrimental effects that have been experienced in the “Forest Beach Neighborhood Character Overlay District” to date; and,

WHEREAS, on January 11, 2024, the Public Planning Committee discussed amendments to the Land Management Ordinance and voted 4-0 to amend Floor Area Ratio

(FAR) regulations in the Forest Beach Neighborhood Character Overlay (FB-NC-O) District from 0.55 to 0.45; and,

WHEREAS, on April 17, 2024, the Planning Commission held a Public Hearing to consider an amendment to the LMO and voted 6-0 to reduce the FAR regulations in the FB-NC-O District from 0.55 to 0.45 and the public had an opportunity to comment on the proposed ordinance; and,

WHEREAS, the Town Council finds it is in the best interest of the Town and its citizens, residents and visitors to amend the “Forest Beach Neighborhood Character Overlay District” to establish a floor area ratio of .45 within the overlay district.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS HEREBY ORDERED AND ORDAINED BY AND UNDER AUTHORITY OF SAID TOWN COUNCIL, AS FOLLOWS:

Section 1. Amendment. That the LMO Amendment is adopted and the Land Management Ordinance is amended as shown on Exhibit “A” to this Ordinance. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

Section 2. Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS 7th DAY OF MAY, 2024.

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA



Alan R. Perry, Mayor

ATTEST:



Kimberly Gammon, Town Clerk

First Reading: February 20, 2024

Second Reading: May 7, 2024

APPROVED AS TO FORM:



Curtis L. Coltrane, Town Attorney