

FOREST BEACH PROPERTY OWNERS

As an owner of real estate in Forest Beach, you may be aware of the new construction at 3 & 5 Heron Street. But, if not, below are some details:

Among other things, the buffers between the two houses were cleared and a deck built joining the two houses. If you haven't been by these houses already, drive by and have a look for yourself.

These two houses have been built in a manner that is not in keeping with the Town's Land Management Ordinance (LMO) including the section specific to our neighborhood, the Forest Beach Neighborhood Character Overlay District. In addition we believe that the Covenants governing these properties has also been violated. You can find these documents at these links:

Town LMO

https://www.municode.com/library/sc/hilton_head_island/codes/land_management_ordinance

Forest Beach Covenants

<http://www.forestbeachassociation.com/cov-master.htm>

There was an article in The Island Packet on June 1st by Alex Kincaid in which she wrote about what some of your neighbors had to say regarding the changes to your neighborhood. If you wish to write a letter to the Editor to express your opinions on this matter you can do so by emailing your letter/comments to Brian Tolley at btolley@islandpacket.com.

In addition to the above, you and sign up to be heard at the next Town Council meeting this coming Tuesday, June 6th starting at 5pm. To do so you must sign up in advance, either at Town Hall by noon on Tuesday or by emailing kristaw@hiltonheadislandsc.gov, also by noon. You can then show up for the meeting and be called to speak during the Appearance by Citizens section on the agenda. Or, if you prefer, you can simply show up to the meeting to observe and lend support to your neighbors who are speaking.

Please inform your neighbors of the issues as well and encourage them to attend this meeting and speak out with their opinions and concerns about what is happening in our neighborhood. This is the opportunity for everyone to be involved in the process.

If you know anyone who has not already joined the Associations email list, encourage them to do so. The Association keeps us informed of many issues and areas of concern via this method.

The Association is reviewing what actions are appropriate in this matter. If you wish to check on the current status of what your Association is doing, contact John Snodgrass, the Executive Director at 843-785-5565, fbassn@aol.com, or Jack Daly, the President at 843-247-4781, jackdalyhhi@yahoo.com.

Regardless of whatever method you choose to express your opinions in this matter, here are some additional points of thought:

Housing options are disappearing in the neighborhoods where there are no gates. Many gated plantations have covenants and ARB rules that strictly prohibit the type of construction we now see at 3 & 5 Heron Street. We have long relied upon a combination of our ARB and the Town's LMO to achieve the same results.

Investors are urging developers to put up the biggest houses possible, with minimal yards (thus requiring kids to play in the street) and removing as much landscaping as possible to maximize amenities for the rental market. This allows them to fill the properties with large numbers of occupants, charge greater rents and get a bigger return on their investment. It appears that money is the only motivator. Quite neighborhoods with homes for families are quickly disappearing.

What we feel is happening at these homes on Heron Street is an indication of a much larger problem, the development is motivated by the desire for prosperity, not the needs of the community. Without a system of managing development, such as the LMO, anyone would be able to build whatever they wanted, anywhere they wanted, without concern for the community and neighborhood. The LMO provides for zoning districts where similar uses (such as residential, commercial, manufacturing, etc.) are lumped together so that there will not be a mish-mash of buildings that don't conform to uniform design standards. The Town uses the Design Guide to dictate what they will or Won't allow in these districts. When you look at the LMO for guidance on how Forest Beach is to be developed, you do not find any language that would allow the two houses on Heron Street to be joined in the manner that they have been.

An attorney representing the owner/builder of these homes found a loophole in the LOM that says two adjacent properties that have a "common purpose" can eliminate buffer requirements between the two properties. How can these two "single family residences" be considered to have a common purpose? The only way we can determine that this loophole can be applied is to admit that these are NOT single family residences, but are in actuality conjoined rental properties to be rented with the intended use as a single property. We question who put this new language in the LMO and why wasn't it restricted to Commercial properties only as the Town now states that it should have been?

If this language in the LMO is not changed, who is to say that the owner/builder cannot acquire adjoining properties on Heron Street (number 1 & 7) or properties that back up to these properties on Heron Street, such as properties on Park Road, and apply the same loophole to the LMO and ultimately create a large rental complex/community in the middle of our residential neighborhood?

About five years ago there was an attempt to change the buffer restrictions in the Forest Beach and Folly Field Zoning Districts. It was debated long and hard, with the owners in Forest Beach objecting to the elimination of buffers. The Council passed a change for Folly Field, after long debates, but they left the buffer requirements of 10 feet on each side of a property line in Forest Beach. In addition, the LMO requires that the buffers remain in a natural vegetative state. There are provisions that if buffer material is removed, it must be replaced. The LMO speaks to the importance of the buffers to the environment to help control storm runoff, providing vegetation for wildlife, reducing noise, etc.

The contractor who built these homes also sits as the Chairman of the Design Review Board that enforces the LMO in the major commercial corridors of the Island. Having built homes in Forest Beach previously, he also knows what the Covenants say regarding the placement of construction on the properties. The construction joining the two homes was done after they had received their Certificate of Occupancy from the Town, the final inspection during the construction process. The deck was initially constructed without a building permit from the Town, any inspections and without any approvals from your ARB. There are example of homes built in Forest Beach next to one another that are used as rental properties that have maintained their wooded buffers.

The LMO language that has allowed this has not been changed and the Town as not said what they are doing to correct this.

Additionally, the use of concrete for the driveways is contradictory to the use of pervious materials that allow for percolation of water into the ground, thus creating additional runoff for our sometimes stressed storm water systems.

We feel that the decision by the Town Staff was discretionary and contradictory to both the spirit of the LMO but the practical application of the LMO for years past. Leaving a loophole in the LMO that allows for a development that is contrary to the common usage of the community is unacceptable.

We are awaiting a response from the Coastal Conservation League on several issues: Storm water impacts from the use of impervious materials, damage done to the character of the neighborhood, destruction of vegetative buffers on the impact to wildlife and as a sound barrier.

The bottom line is that the actions of the owner/builder have changed the character of this residential neighborhood. If the LMO cannot be followed and administered to the benefit of the community then it has lost its teeth. This is not a time to be asking forgiveness, but rather one to be following the spirit of the document and the examples set by the redevelopment standards that have been fought for and followed for nearly two decades.