

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE BEAUFORT COUNTY
COURT OF COMMON PLEAS

HONORABLE MARVIN H. DUKES, III, MASTER IN EQUITY
AND SPECIAL CIRCUIT COURT JUDGE

CASE NO.: 2013-CP-07-02066

CAROLINA CENTER BUILDING CORP.,

Appellant,

vs.

ENMARK STATIONS, INC. AND
THE TOWN OF HILTON HEAD ISLAND,

Respondents.

SUPPLEMENTAL
RECORD ON APPEAL

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Attorneys for the Respondent
Town of Hilton Head Island

RECEIVED
MAY 07 2018
SC Court of Appeals

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MISCELLANEOUS							
PERMIT FOR DESTRUCTION IN HILTON HEAD ISLAND, SOUTH CAROLINA							
Department of Planning and Inspections							
PERMIT FEE: \$ <u>5.00</u>				PERMIT NUMBER: <u>42649</u>			
DISTRICT	TAX MAP SHEET	SUB-MAP	PARCEL	BLOCK	DATE ISSUED		
<u>550-550</u>	<u>15</u>		<u>206</u>		<u>11-4-88</u>		
LOCATION OF BUILDING	LOT	BLOCK	SUBDIVISION				
		<u>Palmetto Bay Rd</u>	<u>Forest Beach S/D</u>				
FLOOD ZONE	ELEVATION REQUIRED		NSL				
<u>N/A</u>	<u>N/A</u>						
OWNER	MAILING ADDRESS		NO. ST.	CITY & STATE	ZIP CODE	TELEPHONE NO.	
<u>Island CHEVRON</u>	<u>3 Palmetto Bay Rd</u>		<u>HHI</u>	<u>SC</u>	<u>29929</u>		
GEN. CONTR.	<u>HEWSON Electric Co.</u>						
☐ MOBILE HOME	\$		☐ PLUMBING	\$			
☐ SWIMMING POOL	\$		☐ HVAC	\$			
☐ RESIDENTIAL	\$		☐ MOVING	\$			
☐ COMMERCIAL	\$		☒ ELECTRICAL	\$	<u>10 GAS PUMPS</u>	<u>1,000.00</u>	
☐ DEMOLITION	\$		☐	\$			
☐ SIGN	\$		☐	\$			
☐ GAS	\$		☐	\$			
☐	\$		☐	\$			
☐	\$		☐	\$			
☐	\$		☐	\$			
☐	\$		☐	\$			
INSPECTION REPORT							
REMARKS							

000001



Date issued: 11-2-88
 Date paid: 11-2-88

Single family bldg permit: #	Ant	Rec'd by	Fee #
Single family misc permit: #	Ant	Rec'd by	Fee #
Com. Bldg for bldg permit: #	Ant	Rec'd by	Fee # Auth:
Com. Bldg for misc permit: # <u>42819</u>	Ant <u>5100</u>	Rec'd by <u>DM</u>	Fee # <u>20014</u> Auth: <u>WLS</u>
Sign Permit:	Ant	Rec'd by	Fee #
Reinspection Fee:	Ant	Rec'd by	Fee #
Trade Certificate Fee:	Ant	Rec'd by	Fee #
Appeals:	Ant	Rec'd by	Fee #
Contras:	Ant	Rec'd by	Fee #

PROJECT NAME: _____

INSPECTION REPORT						
PERMIT FOR CONSTRUCTION IN HILTON HEAD ISLAND, SOUTH CAROLINA						
Department of Planning and Inspections						
PERMIT FEES			PERMIT NUMBER 42649			
DISTRICT 550	TAX MAP SHEET 15	SUB-MAR	PARCEL 206	BLOCK	DATE ISSUED 11/18/88	
LOCATION OF BUILDING	LOT 3	BLOCK	SUBDIVISION FOREST BEACH S/D			
	STREET 3 PAYNTER TO BAY RD					
FLOOD ZONE N/A	ELEVATION REQUIRED N/A		MSL			
OWNER NAME	MAKING ADDRESS	NO. ST.	CITY & STATE	ZIP CODE	TELEPHONE NO.	
ESTLAND CHEVON						
GEN. CONTR.	HERNDON ELECTRIC CO.					
<i>Elec Int? this permit is for elec only</i> <i>0-5</i> <i>Do Not Go To River Co</i> <i>Wesley Thomas</i>						

000003

#1

TOWN OF
HILTON HEAD ISLAND

P.O. BOX 6659, HILTON HEAD ISLAND, S.C. 29938
(803) 681-9440

DEPARTMENT OF PLANNING & INSPECTIONS
Office-681-8396/Recorder-681-9506

Electrician's Name: John H. Gordon B.P.# 42649

H.H. Trade Certification # 228 H.H. Bus. Lic. # 70853

General Contractor: Denard & Moore Const. Co. Inc.

Address Of Work To Be Performed: Palmetto Bay Rd

Owner's Name: CHEVROLET INC.

Mailing Address: Palmetto Bay Rd

Size of Electrical Service (Amps): N/A

Description of Work: Replace 10 Gas Dispensers

Cost of Job: _____

ALL OF THE ABOVE INFORMATION MUST BE COMPLETED BEFORE PERMIT WILL BE ISSUED.

I, the undersigned will perform the electrical work as described above in accordance with Title 15 of the Municipal Code of the Town of Hilton Head Island and the current National Electrical Code, and possess a valid Hilton Head Electrical License.

James Charles Stewart
Notary Public for South Carolina
My Commission Exp: 10-10-98

John H. Gordon
Electrician's Signature
Date Nov 7 1988

NOTE: Electrician's signature must be notarized.

Revised: 1/87

Incorporated 1983

000004

Town of
Hilton Head Island
Beaufort, County South Carolina

PERMIT

B0900720

Final
4-3-09
WA

552 15-206

ISSUED:	03/20/2009	Est Completion:		Parcel ID:	R55201500002060000	Fee:	\$410.00	Value:	\$39,672.00
Address	3 PALMETTO BAY ROAD			Lot		Subdivision:	UNKNOWN	Building #	Unit#
Permit Type:	Renovation Commercial			Occupancy:	Mercantile	Fl. Zone/Min Finished Floor Elevation		A7(14)	

Description: REPLACE CERAMIC TILE, PAINT INTERIOR & EXTERIOR, TREPLACE CEILING TILE IN RETAIL AREA, REPLACE ROTTEN SDING, REPLACE BATH FIXTURES,

Heated Square Ft	0	Unheated Square Ft	0	Total Square Feet	0	Number of Units	0
Number of Stories	0	Type of Exterior		Type of Construction	RCOM	Number of Fireplaces	0
Number of Bedrooms	0	Type Roofing		Type Sewage		Fire Alarm System	
Number of Bathrooms	0	Type of Heating/Air		Septic Tank #		Sprinklered	
Total Residential Rooms	0	Type of Fuel		Number of Elevators	0	Square Feet of Pool	0

Property Owner:	ASA INC	3 PALMETTO BAY RD	HILTON HEAD ISLAND SC		29928 0000	
Contractor:	JDR ENTERPRISES	JOHN DEERING ROBERTS	208 EAST MONTGOMERY CROSSROAD	SAVANNAH GA	31406	912-927-4861
Applicant:	JDR ENTERPRISES	JOHN DEERING ROBERTS	208 EAST MONTGOMERY CROSSROAD	SAVANNAH GA	31406	912-927-4861
Architect:						
Engineer:						
Business:						

All work must comply with Town of Hilton Head Island adopted codes.

Print Name: JOHN D. ROBERTS JR Signature: [Signature] Date: 3/20/09

Owner or Authorized Agent of Owner

No actions to recover damages based upon or arising out of the defective or unsafe condition of an improvement to real property may be brought more than eight years after substantial completion of the improvement. An owner has a right to extend this period by entering into a contractual agreement for extended liability under Section 15-3-640 of South Carolina state code. Additions to or renovations of habitable space must be constructed at or above the first legal habitable floor.

000005

Town HHI
1287

OK TO ISSUE
RTS

Town of Hilton Head Island
Community Development Department
1 Town Center Court
Hilton Head Island SC 29928
843-341-4757



Building Permit Application

B 0900720

DPR # _____
(Commercial- if required)

Office use only: Permit fee:	Plan ck:	Impact:	Total: # <u>875.00</u>
------------------------------	----------	---------	------------------------

Project Address	Street number: <u>3</u>	Street Name: <u>PALMETTO BAY ROAD</u>
Lot: <u> </u>	Subdivision:	Place Name: <u>Island Chevron</u>
Parcel ID <u>R552 / 15 / 2061</u>		Project /Business Name:
Bldg:		Unit:

Property Owner		Applicant: Owner ☐ Authorized Agent ☒	
Name: <u>ENMARK SOLUTIONS INC</u>		Name: <u>JDR ENTERPRISES</u>	
Address: <u>2112 RANKIN ST.</u>		Address: <u>208 E. MONTGOMERY AVE</u>	
Address: <u>SAVANNAH, GA 31415</u>		Address: <u>SAVANNAH, GA 31406</u>	
Phone: <u>912 236 1331</u>		Phone: <u>912 303 0432</u>	
Phone: <u>912 443 6637 FAX</u>		Phone: <u>912 303 0433 FAX</u>	
Contractor		Primary Contact	
Name: <u>JDR ENTERPRISES</u>		Name: <u>JOHN ROBERTS (JDR)</u>	
Address: <u>208 EAST MONTGOMERY AVE</u>		Address: <u>208 EAST MONTGOMERY AVE</u>	
Address: <u>SAVANNAH, GA 31406</u>		Address: <u>SAVANNAH, GA 31406</u>	
Phone: <u>912 303 0432</u>		Phone: <u>912 303 0432</u>	
Contractor License/registration #: <u>6114832</u>		Phone: <u>912 303 0433 FAX</u>	
HHI Business License #: <u>11342</u>			
Architect		Engineer	
Name:		Name:	
Phone:		Phone:	
State License #:		State License #	
Project Type: New Structure ☐ Addition ☐ Renovation/Repair ☒ Other ☐			
Single Family ☐ Duplex ☐ Detached Garage ☐ Accessory ☐ Modular Structure ☐ Multi Family ☐ Commercial ☒ Affordable Housing ☐			
Is this a change on occupancy? Y ☐ N ☒			Number of Units <u> </u>

Application is hereby made for a permit to perform work as described in this application along with accompanying drawings if required. The information on this application is complete and accurate and I am authorized to submit this application. I understand that all work must be according to approved plan and in compliance with Town of Hilton Head Island current adopted codes.

JOHN D. ROBERTS JR [Signature] Date: 3/16/09
Print name Signature of owner/authorized tenant/authorized agent

Everyone doing business in the Town of Hilton Head Island is required to have a Town business license.

000006

Detailed Description of Work			
REPLACE CERAMIC TILE			
REPLACE CERAMIC TILE IN BATH AREA			
PAINT INTERIOR & EXTERIOR			
REPLACE ROOF SIDING			
REPLACE BATH FIXTURES			
Solid waste containment method: <u>OPEN TOP DUMPSTER</u> Waste pick-up and disposal schedule: <u>AS NEEDED - AT LEAST WEEKLY</u> Disposal location (site): <u>SWANSON REGIONAL INDUSTRIAL LANDFILL</u> Name of party or company responsible for the removal: <u>REPUBLIC WASTE SOLS.</u>			
New Structure or Addition			
Heated Sq. Ft. (new or added)		Total Parcel Area	
Unheated Sq. Ft. (new or added)		Total Impervious	
Number of stories		Fire alarm system	☐ Y ☐ N
Number of bedrooms		Sprinklered	☐ Y ☐ N
Number of bathrooms			
Total residential rooms		Type of heating/air	
Number of elevators		Gas appliances	
Number of fireplaces		Size of LP tank	
Type of exterior materials		Type of sewage	☐ PSD ☐ Septic
Type of roofing materials		Septic tank number	
Other Permit Types			
☐ Construction trailer ☐ Electrical Change out <200 Amp ☐ Electrical Change out >200 Amp ☐ Electrical	☐ Plumbing ☐ Irrigation ☐ Moving permit ☐ Demo ☐ Other	POOL APPLICATIONS: ☐ Residential pool/spa Sq Ft: _____ ☐ Commercial pool/spa Sq Ft: _____ ☐ Natural Grade Elevation: _____ ☐ Elevation of Pool Deck: _____ ☐ Tent ☐ Air supported structure ☐ Re-roof - Indicate type of materials used:	
Value of Construction (includes materials, labor, profit)			
Plumbing	\$	1500 -	Total Value of Construction \$ 39672.00
Electrical	\$		
Heating/Air	\$		
Building	\$	39672.00	

✓
Town of Hilton Head Island
Mechanical Certification of Work to be Performed

ADD

Note

- The Mechanical Certificate is required **before work begins** in plumbing, electrical or HVAC
- All information on the form is **required**. Only completed forms will be accepted.
- Owners doing work in any of the trades are required to have the certificate approved by the Chief Building Official

B0900720

State Mechanical License (Residential & Commercial)

M2402 License Group: 4

Municipal Assoc License (Residential)

/

Business License # BLN 3066

Work Site: 3 Palmetto Bay Rd (as it appears on the permit)

Owner: ENmark Stations

Contractor: JDR Enterprises

Description of work to be performed by mechanical contractor:

☐ Electrical _____ Electric Service Size _____
☒ Plumbing remodel _____
☐ Heating and Air _____ Heat Pump Size _____

I, am the owner or authorized agent of Butler's Plumbing Service Inc
Company Name

The electrical or heating and air conditioning or plumbing work as described above shall be installed in accordance with Title 15 of the Municipal Code of the Town of Hilton Head Island and all other applicable codes.

DOUGLAS S. BUTLER
Name (PRINT)

Douglas S. Butler
Signature

Date: 4-1-09

Michael Chapman

Notary Public (PRINT)

Michael Chap
Signature

Date: 4/1/2009

State: SC Commission Expires: 02/08/2011

Permit #: B 0900720

Job location: 3 Palmetto Bay Rd

SUBCONTRACTOR ROSTER

Instructions: Fill in the information in each column. All license numbers must be current. This form is required before the inspection for permanent service. A specialty contractor's license is not needed for commercial work. Current business licenses are required.

Owner name: ENMARK SIMIONS Date: 3/31/09

Contractor name: JDR ENTERPRISES Business License # 11342

PRINT ALL INFORMATION

TRADE	CONTRACTOR FIRM NAME	License Holder Name	HHI BUSINESS LICENSE #	SC STATE CONTR LICENSE#
Electrician	—			
Plumber	BUTLER Plumbing & Svc.	DOUG BUTLER	3066	M2402
HVAC	—			
Roofer	—			
Foundation	—			
Masonry	—			
Steel	—			
Vinyl/alumi- num siding	—			
Stucco	—			
Insulation	—			
Sheet rock/drywall	—			
Carpentry- framing	JDR	JDR ENTERPRISES	11342	6114832
Carpentry - interior trim	JDR	"	"	"
Cabinets	—			
Painting	JDR	"	"	6114832
Iron railings	—			NA
Wallpaper	—			
Tile work	JDR	"	"	6114832
Equipment	—			
Elevator	—			
Factory fireplace	—			NA
Glass	—			NA
Building Sprinkler	—			
Alarm system	—			
Gas	—			

000009

Town of
Hilton Head Island
Beaufort County, South Carolina

PERMIT

B0900725

Final
5-28-09
HH

552 15-206

ISSUED:	03/20/2009	Est Completion:		Parcel ID:	R55201500002060000	Fee:	\$35.00	Value:	\$10,000.00
Address	3 PALMETTO BAY ROAD			Lot		Subdivision:	PALMETTO BAY	Building #	Unit#
Permit Type:	Electrical >200 Amps		Occupancy:	Business		Fl. Zone/Min Finished Floor Elevation	A7(14)		

Description: REPLACE CERAMIC TILE, CEILING TILE IN RETAIL AREA, PAINT INTERIOR AND EXTERIOR, REPLACE ROTTEN SIDING, REPLACE BATH FIXTURES.

Heated Square Ft	0	Unheated Square Ft	0	Total Square Feet	0	Number of Units	0
Number of Stories	0	Type of Exterior		Type of Construction	E>200	Number of Fireplaces	0
Number of Bedrooms	0	Type Roofing		Type Sewage		Fire Alarm System	
Number of Bathrooms	0	Type of Heating/Air		Septic Tank #		Sprinklered	
Total Residential Rooms	0	Type of Fuel		Number of Elevators	0	Square Feet of Pool	0

Property Owner:	ASA INC	3 PALMETTO BAY RD	HILTON HEAD ISLAND SC		29928 0000	
Contractor:	JDR ENTERPRISES	JOHN DEERING ROBERTS	208 EAST MONTGOMERY CROSSROAD	SAVANNAH GA	31406	912-927-4861
Applicant:	JDR ENTERPRISES	JOHN DEERING ROBERTS	208 EAST MONTGOMERY CROSSROAD	SAVANNAH GA	31406	912-927-4861
Architect:						
Engineer:						
Business:						

All work must comply with Town of Hilton Head Island adopted codes.

Print Name: Michael Wilson Signature: Michael Wilson Date: 3-20-09

Owner or Authorized Agent of Owner

No actions to recover damages based upon or arising out of the defective or unsafe condition of an improvement to real property may be brought more than eight years after substantial completion of the improvement. An owner has a right to extend this period by entering into a contractual agreement for extended liability under Section 15-3-640 of South Carolina state code. Additions to or renovations of habitable space must be constructed at or above the first legal habitable floor.

000010

Town of Hilton Head Island
Community Development Department
1 Town Center Court
Hilton Head Island SC 29928
843-341-4757



Building Permit Application

B0900725
DPR #
(Commercial- if required)

Office use only: Permit fee:		Plan ck:	Impact:	Total:
Project Address	Street number: 3	Street Name: Palmetto Bay Rd.		
Lot:	Subdivision: NA.	Place Name:		
Parcel ID		Project /Business Name: ENR-M-K.		Unit:
R		Bldg:		

Property Owner		Applicant: Owner ☐ Authorized Agent ☐	
Name:	ENR-M-K.	Name:	
Address:	P.O. Box 728	Address:	
Address:	SAV, Ga.	Address:	SAV, Ga.
Phone:	912-236-1331	Phone:	
Phone:		Phone:	
Contractor		Primary Contact	
Name:	J.M. Wilson Electric, Inc.	Name:	Mike Wilson
Address:	5119 Augusta Road	Address:	5119 Augusta Rd
Address:	Garden City, GA 31408	Address:	Garden City, GA 31408
Phone:	912-966-1280	Phone:	912-966-1280
Contractor License/registration #:		Phone:	
HHI Business License #:			
Architect		Engineer	
Name:		Name:	
Phone:		Phone:	
State License #:		State License #:	
Project Type: New Structure ☐ Addition ☐ Renovation/Repair ☐ Other ☐			
Single Family ☐ Duplex ☐ Detached Garage ☐ Accessory ☐ Modular Structure ☐			
Multi Family ☒ Commercial ☒ Affordable Housing ☐			
Is this a change on occupancy? Y ☐ N ☐			Number of Units

Application is hereby made for a permit to perform work as described in this application along with accompanying drawings if required. The information on this application is complete and accurate and I am authorized to submit this application. I understand that all work must be according to approved plan and in compliance with Town of Hilton Head Island current adopted codes.

Michael Wilson
Print name
Signature of owner/authorized tenant/authorized agent
Date: 3-20-09
Everyone doing business in the Town of Hilton Head Island is required to have a Town business license.

Detailed Description of Work

Installing new Pole lights and
lights inside store, Changing out
panel in car wash, installing a couple
of extra circuits inside store.



Solid waste containment method: _____
Waste pick-up and disposal schedule: _____
Disposal location (site): _____
Name of party or company responsible for the removal: _____
Location of dumpster is required for Commercial and Multi-family permits— please provide a
drawing. If you have any questions, please call 341-4681 or 341-4757.

New Structure or Addition

Heated Sq. Ft. (new or added)		Total Parcel Area	
Unheated Sq. Ft. (new or added)		Total Impervious	
Number of stories		Fire alarm system	☐ Y ☐ N
Number of bedrooms		Sprinklered	☐ Y ☐ N
Number of bathrooms			
Total residential rooms		Type of heating/air	
Number of elevators		Gas appliances	
Number of fireplaces		Size of LP tank	
Type of exterior materials		Type of sewage	☐ PSD ☐ Septic
Type of roofing materials		Septic tank number	

Other Permit Types

☐ Construction trailer	☐ Plumbing	POOL APPLICATIONS: ☐ Residential pool/spa Sq Ft: _____ ☐ Commercial pool/spa Sq Ft: _____ ☐ Natural Grade Elevation: _____ ☐ Elevation of Pool Deck: _____	
☐ Electrical Change out <200 Amp ☐ Electrical Change out >200 Amp ☐ Electrical	☐ Irrigation		
	☐ Moving permit		☐ Tent
	☐ Demo		☐ Air supported structure
☐ HVAC replacement ☐ HVAC-other	☐ Other	☐ Re-roof – Indicate type of materials used:	

Value of Construction (includes materials, labor, profit)

Plumbing	\$	Total Value of Construction \$ <u>10,000</u>
Electrical	\$	
Heating/Air	\$	
Building	\$	

DESIGN TEAM/ DRB COMMENT SHEET

*The comments below are staff recommendations to the Design Review Board (DRB),
and do not constitute DRB approval or denial*

PROJECT Enmark- Palmetto Bay Road DRB# DR080080

DATE 1-13-09 RECOMMEND ☐ RECOMMEND ☒ RECOMMEND ☐
APPROVE APPROVE W/COND. DENY

ARCHITECTURAL DESIGN: SEE COMMENTS AT END OF REPORT		
DESIGN GUIDE/LMO CRITERIA	COMPLIES YES/NO/N/A	COMMENTS OR CONDITIONS
Structure is designed to be appropriate to the neighborhood		
Promotes pedestrian scale and circulation		
Design is unobtrusive and set into the natural environment		
Utilizes natural materials and colors		
Avoids distinctive vernacular styles		
Design is appropriate for its use		
All facades are have equal design characteristics		
Avoids monotonous planes or unrelieved repetition		
Has a strong roof form with enough variety to provide visual interest		
Minimum roof pitch of 6/12		
Overhangs are sufficient for the façade height.		
Forms an details are sufficient to reduce the mass of the structure		
Human scale is achieved by the use of proper proportions and architectural elements		
Utilizes a variety of materials, textures and colors.		
Incorporates wood or wood simulating materials		
Windows are in proportion to the facade		
Details are clean, simple and appropriate while avoiding excessive ornamentation		
Utilities and equipment are concealed from view		
Decorative lighting is limited and low wattage and adds to the visual character		

000013

Accessory elements are design to coordinate with the primary structure		
LANDSCAPE DESIGN		
There are several opportunities to improve the landscaping at the street buffer, which the Board might consider making a condition for approval.		
DESIGN GUIDE/LMO CRITERIA	COMPLIES YES/NO/NA	COMMENTS OR CONDITIONS
Treats the Landscape as a major element of the project		
Provides Landscaping of a scope and size that is in proportion to the scale of the development		
Landscape is designed so that it may be maintained in its natural shape and size		
Preserves a variety of existing native trees and shrubs		
Provides for a harmonious setting for the site's structures, parking areas or other construction		
Location of existing trees and new trees provides street buffers, mitigation for parking lots, and an architectural complement that visually mitigates between parking lots and building(s)		
Shrubs are selected to complement the natural setting, provide visual interest and screen less desirable elements of the project		
A variety of species is selected for texture and color		
Provides overall order and continuity of the Landscape plan		
Native plants or plants that have historically been prevalent on the Island are utilized		
A variety of sizes is selected to create a "layered" appearance for visual interest and a sense of depth		
The location of existing mature trees is taken into account in placement of shrubs so as not to damage tree roots		
Proper spacing and location for plants to reach		

000014

their mature size and natural shape while avoiding excessive or unnatural pruning		
Proposed groundcovers are evergreen species with low maintenance needs		
Large grassed lawn areas encompassing a major portion of the site are avoided		
The adjacent development is taken into account in determining the most appropriate buffer so as not to depart too dramatically from the neighborhood		
Ornamentals and Annuals are limited to entrances and other focal points		

NATURAL RESOURCES PROTECTION

DESIGN GUIDE/LMO CRITERIA	COMPLIES YES/NO/NA	COMMENTS OR CONDITIONS
An effort has been made to preserve existing trees and under story plants		Since site is non-conforming for the street buffer and little space exists for planting due to a drainage ditch, would suggest applicant plant native grasses and flowering plants.
Supplemental and replacement trees meet LMO requirements for size, species and number		
Wetlands if present are avoided and the required buffers are maintained		
Sand dunes if present are not disturbed		

MISCELLANEOUS COMMENTS/QUESTIONS

This application is to make color changes to an existing convenience store/gas station on Palmetto Bay Road. The stucco facades will be changed from the present terracotta color to a light tan and the canvas awnings to a solid dark red/brown color. These changes are proposed for all structures on the site. In addition the applicant proposes to paint the canopy columns black. The staff thinks this will not be desirable and suggests they remain the existing color or painted to match the new awning color.

000015

TOWN OF HILTON HEAD ISLAND
COMMUNITY DEVELOPMENT DEPARTMENT
MASTER APPLICATION FORM

ONE TOWN CENTER COURT • HILTON HEAD ISLAND, SC 29928 • 843-341-4681 • FAX 843-842-8908

Please TYPE or PRINT legibly

NAME OF DEVELOPMENT or BUSINESS Enmark Stations, Inc.
STREET ADDRESS 3 Palmetto Bay Rd. Hilton Head Island SC
ZONING DISTRICT Commercial Center OVERLAY DISTRICT Corridor
TAX DISTRICT _____ MAP _____ PARCEL (S) R552 015 000 0206
LAND OWNER ASA, Inc. APPLICANT Enmark Stations, Inc. AGENT Bonnie Courrier
NAME _____ PROPERTY MANAGER
COMPANY 25 St. Andrews Place
MAILING ADDRESS Hilton Head Island SC
CITY _____ STATE _____ ZIP 29928
TELEPHONE 843-671-5886 FAX _____
Bus License # _____ (For DRB, DR & SUB Only)
Bus License# _____ (For DRB, DR & SUB Only)

* A CHECK-IN CONFERENCE IS REQUIRED FOR THESE ITEMS. SEE LMO 16-3-104 FOR MORE INFORMATION. ATTACH THE NECESSARY SUPPLEMENTAL FORM(S).

- | | |
|--|---|
| ☐ APPEAL * | ☐ ZONING MAP AMENDMENT * |
| ☐ DEVELOPMENT PLAN REVIEW (DPR) * | ☐ DESIGN REVIEW BOARD |
| ☐ PLANNED UNIT DEVELOPMENT * | ☐ PUBLIC PROJECT |
| ☐ SPECIAL EXCEPTION * | ☒ SIGN PERMIT & External Minor Changes to Bldg/Car wash |
| ☐ SUBDIVISION * | ☐ TREE APPROVAL |
| ☐ VARIANCE * | ☐ WETLAND ALTERATION |
| ☐ ABBREVIATED DPR * | ☐ EXPEDITED DPR * |

TO THE BEST OF MY KNOWLEDGE, THE INFORMATION ON THIS APPLICATION AND ALL ADDITIONAL DOCUMENTATION IS TRUE, FACTUAL AND COMPLETE. I HEREBY AGREE TO ABIDE BY ALL CONDITIONS OF ANY APPROVALS GRANTED BY THE TOWN OF HILTON HEAD ISLAND. I UNDERSTAND THAT SUCH CONDITIONS SHALL APPLY TO THE SUBJECT PROPERTY ONLY AND ARE A RIGHT OR OBLIGATION TRANSFERABLE BY SALE.

SIGNATURE Bonnie Courrier
Property Manager

DATE 12/29/08

I UNDERSTAND THAT IN THE EVENT OF A STATE OF EMERGENCY, DUE TO A DISASTER, THOSE REVIEW & APPROVAL TIMES SET FORTH IN THE LAND MANAGEMENT ORDINANCE MAY BE SUSPENDED.

SIGNATURE _____

DATE _____

DATE RECEIVED: 12/22/08
ACCEPTED BY: ED/DH

FOR OFFICIAL USE ONLY

TIME: _____
MASTER TRACKING NUMBER: DR080080

000016

COMMUNITY DEVELOPMENT DEPARTMENT
DESIGN REVIEW BOARD
SUPPLEMENTAL APPLICATION FORM
THIS FORM MUST BE ACCOMPANIED BY A MASTER APPLICATION FORM.

NAME OF DEVELOPMENT Please TYPE or PRINT legibly Enmark Stations Inc.

PROJECT CATEGORY:

- | | |
|--|---|
| ☐ New Development -- Conceptual | ☐ Alteration/Addition |
| ☐ New Development -- Final | ☒ Minor External Change |
| Project # from Notice of Action DR _____ | |

I. APPLICATION REQUIREMENTS FOR ALL PROJECTS:

☐ ARCHITECTURAL REVIEW BOARD NOTICE OF ACTION (If applicable): When a project is within the jurisdiction of an Architectural Review Board (ARB), the applicant shall submit such ARB's written notice of action LMO Section 16-3-1004. Submitting an application to the ARB to meet this requirement is the responsibility of the applicant.

☐ FILING FEE (New Development \$175, Alterations/Additions \$100, Minor External \$50)

II. APPLICATION REQUIREMENTS FOR NEW DEVELOPMENT (CONCEPTUAL):

Sec. 16-3-1003, Submission Requirements

Applicants shall submit an application form as published by the Administrator and appropriate fee as required by Sec. 16-3-105 along with the following materials before an application shall be considered complete.

A. Concept Approval -- New Development. (11 copies)

- ☐ 1. A survey (1"=30' minimum scale) of property lines, existing topography and the location of trees meeting the tree protection regulations of Sec. 16-3-405, and if applicable, location of bordering streets, marshes and beaches.
- ☐ 2. A site analysis study to include specimen trees, access, significant topography, wetlands, buffers, setbacks, views, orientation and other site features that may influence design.
- ☐ 3. A draft written narrative describing the design intent of the project, its goals and objectives and how it reflects the site analysis results.
- ☐ 4. Context photographs of neighboring uses and architectural styles.
- ☐ 5. Conceptual site plan (to scale) showing proposed location of new structures, parking areas and landscaping.
- ☐ 6. Conceptual sketches of primary exterior elevations showing architectural character of the proposed development, materials, colors, shadow lines and landscaping.

000017

DESIGN REVIEW BOARD SUPPLEMENTAL APPLICATION FORM (continued)

III. APPLICATION REQUIREMENTS FOR NEW DEVELOPMENT (FINAL)

Sec. 16-3-1003, Submission Requirements

NA

Applicants shall submit an application form as published by the Administrator and appropriate fee as required by Sec. 16-3-105 along with the following materials before an application shall be considered complete.

B. Final Approval -- New Development. (11 copies)

- ☐ 1. A final written narrative describing how the project conforms with the conceptual approval and design review guidelines of Sec. 16-4-503.
- ☐ 2. Final site development plan meeting the requirements of Sec. 16-3-303.F.
- ☐ 3. Final site lighting and landscaping plans meeting the requirements of Sec. 16-3-304 and Sec. 16-3-305.
- ☐ 4. Final floor plans and elevation drawings (1/8"=1'-0" minimum scale) showing exterior building materials and colors with architectural sections and details to adequately describe the project.
- ☐ 5. A color board (11"x17" maximum) containing actual color samples of all exterior finishes, keyed to the elevations, and indicating the manufacturer's name and color designation.
- ☐ 6. Any additional information requested by the Design Review Board at the time of concept approval, such as scale model or color renderings, that the Board finds necessary in order to act on a final application.

IV. APPLICATION REQUIREMENTS FOR ALTERATIONS/ADDITIONS AND MINOR EXTERNAL CHANGES (11 copies):

- ☒ WRITTEN NARRATIVE describing how project conforms to design guidelines of Section 16-4-503.
- ☒ PHOTOGRAPHS AND/OR DRAWINGS OF EXISTING DEVELOPMENT
- ☒ DRAWINGS OF PROPOSED DEVELOPMENT - 11"x 17"
- ☒ MATERIAL/COLOR SAMPLES OF EXISTING AND PROPOSED CHANGES
8 1/2" X 14" Maximum STATING MANUFACTURER AND MATERIAL NAME

*NOTE: ALL APPLICATION ITEMS MUST BE SUBMITTED BY THE DEADLINE DATE IN ORDER TO BE REVIEWED BY THE DRB LMO SECTION 16-3-106.

FOR OFFICIAL USE ONLY	
DATE RECEIVED: _____	TIME: _____
ACCEPTED BY: _____	MASTER TRACKING NUMBER: _____

000018

December 29, 2008

Town of Hilton Head Island
Community Development Department
One Town Center Court
Hilton Head Island, SC 29928

Re: Enmark Stations, Inc.- 3 Palmetto Bay Road, Hilton Head Island, SC
Minor external changes to building, carwash and freestanding sign

NARRATIVE

Enmark Stations, Inc. proposes to purchase an existing service station located south of the intersection of Palmetto Bay Road and Dunagan's Alley. The existing facility consists of a convenience store and four (4) fueling dispensers, all located under an existing canopy. Also located on the site is a car wash building located behind the fueling canopy, and an existing monument sign east of the existing paved area and adjacent to the right of way of Palmetto Bay Road. (See pictures enclosed)

The extent of the exterior modifications to the facility will be limited to re-painting the convenience store and car wash buildings Sherwin-Williams "Natural Tan" (paint sample enclosed). The monument sign and dumpster enclosure will also be repainted Sherwin-Williams "Natural Tan."

The existing striped canvas awnings over the windows at the front of the convenience store building and over the windows in the side of the car wash building will be replaced with new, solid colored awnings by Sunbrella colored "Tresco Brick" (color sample enclosed- will provide fabric sample at DRB Meeting)

The existing fueling canopy will remain the existing color; however, the canopy columns will be repainted flat black.

The existing fuel dispensers will be replaced with new fuel dispensers.

The existing sign faces on the monument sign will be replaced with new Enmark sign faces that will be the same size as the existing sign faces. The sign faces will be sandblasted wood-type "Sign Foam" (polyurethane). (Please see sign application, together with attachments, also enclosed).

000019

[illegible]

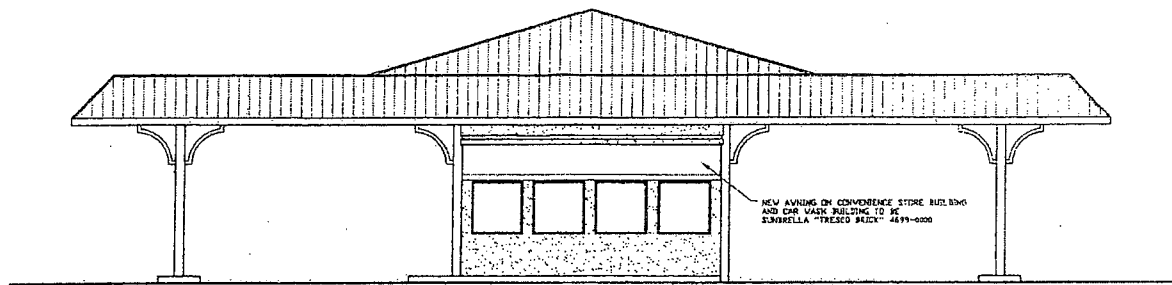
Exhibit A

$$AREA = 32.076 \text{ Sq Ft} / 0.844 \text{ ACRO}$$
[illegible]

000020

Town HHI
1302

PROPOSED CHANGES
PAINT COLOR/ AWNINGS



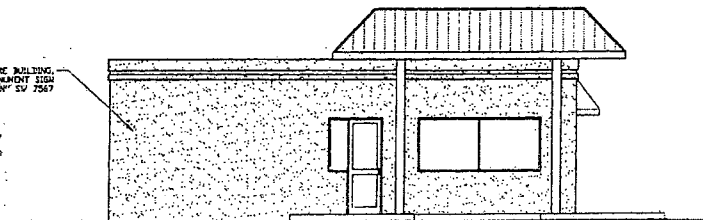
FRONT ELEVATION



4499-0000 TESCO BRICK

STAINED ON CONVENIENCE STORE BUILDING,
CAR WASH BUILDING AND PERMANENT SIGN
TO BE SHERWIN-WILLIAMS "NATURAL TAN" SW 7567

SW 7567
Natural Tan



SIDE ELEVATION

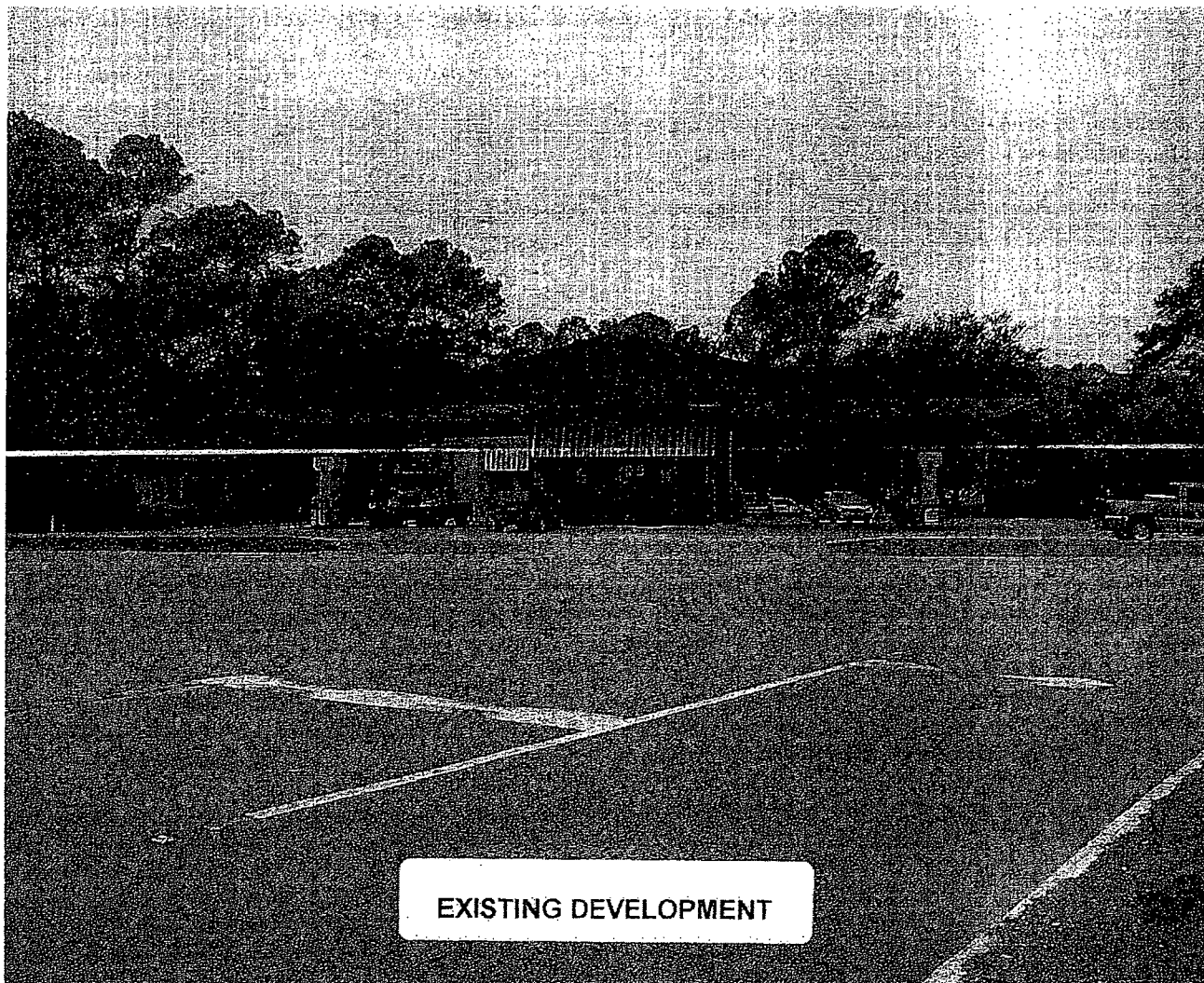
ENMARK STATIONS, INC.

1/8" = 1'-0" 12/17/08

DVG H ESCO

000021

Town HH
1303



000022



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000024



THE TOWN OF HILTON HEAD ISLAND
DESIGN REVIEW BOARD - NOTICE OF ACTION

COPY

PROJECT: Enmark Stations, Inc.

PROJECT #: DR080080

LOCATED AT: 3 Palmetto Bay Road

CATEGORY: Minor External Change

ACTION DATE: January 13, 2009

NOTICE DATE: January 16, 2009

OWNER:

ASA, Inc.

25 St. Andrews Place

Hilton Head Island, SC 29928

APPLICANT:

Enmark Stations, Inc.

AGENT:

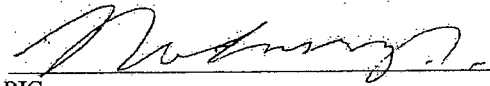
ON THE ABOVE MEETING DATE YOUR APPLICATION RECEIVED THE FOLLOWING ACTION:

- ☐ APPROVED FOR REVIEW AS SUBMITTED
- ☒ APPROVED WITH THE SPECIFIC CONDITIONS LISTED BELOW
- ☐ WAIVED REVIEW
- ☐ WITHDRAWN AT THE APPLICANTS REQUEST
- ☐ DISAPPROVED FOR THE REASONS LISTED BELOW

The columns and brackets are to remain the existing brown color.

PURSUANT TO LMO 16.3.116, THIS APPROVAL WILL EXPIRE ONE YEAR FROM THE DATE OF THIS NOTICE UNLESS A COMPLETED DEVELOPMENT PLAN REVIEW APPLICATION (SEE LMO 16.3.303) IS SUBMITTED OR, WHERE DEVELOPMENT PLAN REVIEW IS NOT REQUIRED, THE APPROVED ACTIVITY IS COMPLETED. YOU HAVE THE RIGHT TO APPEAL THIS DECISION TO CIRCUIT COURT IN ACCORDANCE WITH LMO 16.2.407.

NOTICE: APPROVAL BY THE DESIGN REVIEW BOARD MAY NOT CONSTITUTE AUTHORITY TO PROCEED. PLEASE CONTACT THE PLANNING DEPARTMENT AT 341-4681 TO FIND OUT IF OTHER APPROVALS OR PERMITS ARE REQUIRED FROM THE PLANNING, INSPECTIONS OR ENGINEERING DIVISIONS.

BY: , URBAN DESIGN ADMINISTRATOR
cc: PIC

000025

NOTICE OF COMPLIANCE

PERMIT #: SIGN080295
TYPE: Freestanding
DATE: 19 July 2008
NAME: Chevron
LOCATION: 3 Palmetto Bay Road

Any alteration of this sign will render this permit void and require that a new permit be issued, unless the alteration is exempted by LMO Section 16-3-903. Failure to obtain a new permit will result in this sign being subject to the penalty provisions of LMO Section 16-8-109 and the enforcement provisions of LMO Section 16-8-107.



Anne Cyran

Anne Cyran:
Planner

000026

Town HHI
1308



OFFICE OF ACTION BY: DESIGN REVIEW BOARD
TOWN OF HILTON HEAD ISLAND

COPY

PROJECT: Chevron

PROJECT#: SIGN080295

LOCATED AT: 3 Palmetto Bay Road

CATEGORY: Signs

ACTION DATE: May 28, 2008

NOTICE DATE: May 30, 2008

OWNER:

Ms. Alice Means/ASA Inc.
DBA Island Chevron
3 Palmetto Bay Road
Hilton Head Island, SC 29928

APPLICANT:

Same

AGENT:

Mr. Cal Ellington
Graphics Corp.
P.O. Box 21469
Hilton Head Is., SC 29925

ON THE ABOVE MEETING DATE YOUR APPLICATION RECEIVED THE FOLLOWING ACTION:

- ☐ WAIVED REVIEW
- ☐ WITHDRAWN AT THE APPLICANTS REQUEST
- ☒ APPROVED AS SUBMITTED
- ☐ APPROVED WITH CONDITIONS LISTED BELOW
- ☐ DISAPPROVED FOR REASONS LISTED BELOW
- ☐ NO ACTION TAKEN - TABLED

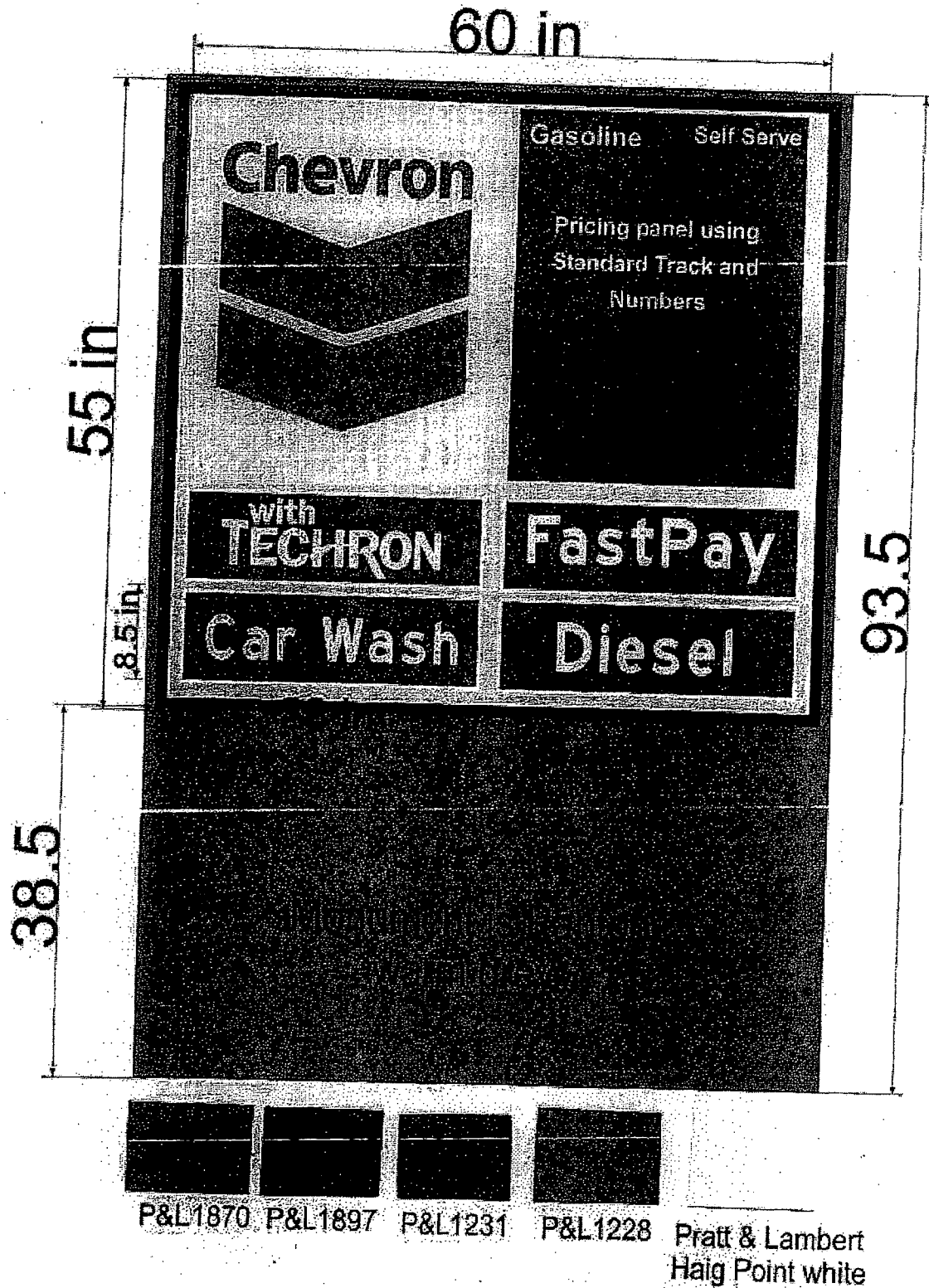
PURSUANT TO LMO 16.3.116, THIS APPROVAL WILL EXPIRE ONE YEAR FROM THE DATE OF THIS NOTICE UNLESS A COMPLETED DEVELOPMENT PLAN REVIEW APPLICATION (SEE LMO 16.3.303) IS SUBMITTED OR, WHERE DEVELOPMENT PLAN REVIEW IS NOT REQUIRED, THE APPROVED ACTIVITY IS COMPLETED. YOU HAVE THE RIGHT TO APPEAL THIS DECISION TO CIRCUIT COURT IN ACCORDANCE WITH LMO 16.2.407.

NOTICE: APPROVAL BY THE DESIGN REVIEW BOARD MAY NOT CONSTITUTE AUTHORITY TO PROCEED. PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT 341-4601 TO FIND OUT IF OTHER APPROVALS OR PERMITS ARE REQUIRED FROM THE PLANNING, INSPECTIONS OR ENGINEERING DIVISIONS.

BY: *Michael R. [Signature]*, URBAN ADMINISTRATOR
cc: CD

000027

sign panel is 60" wide by 55" tall
sand blasted cedar



000028

Town HHI
1310

FILE 181

000029

Town HHI
1311

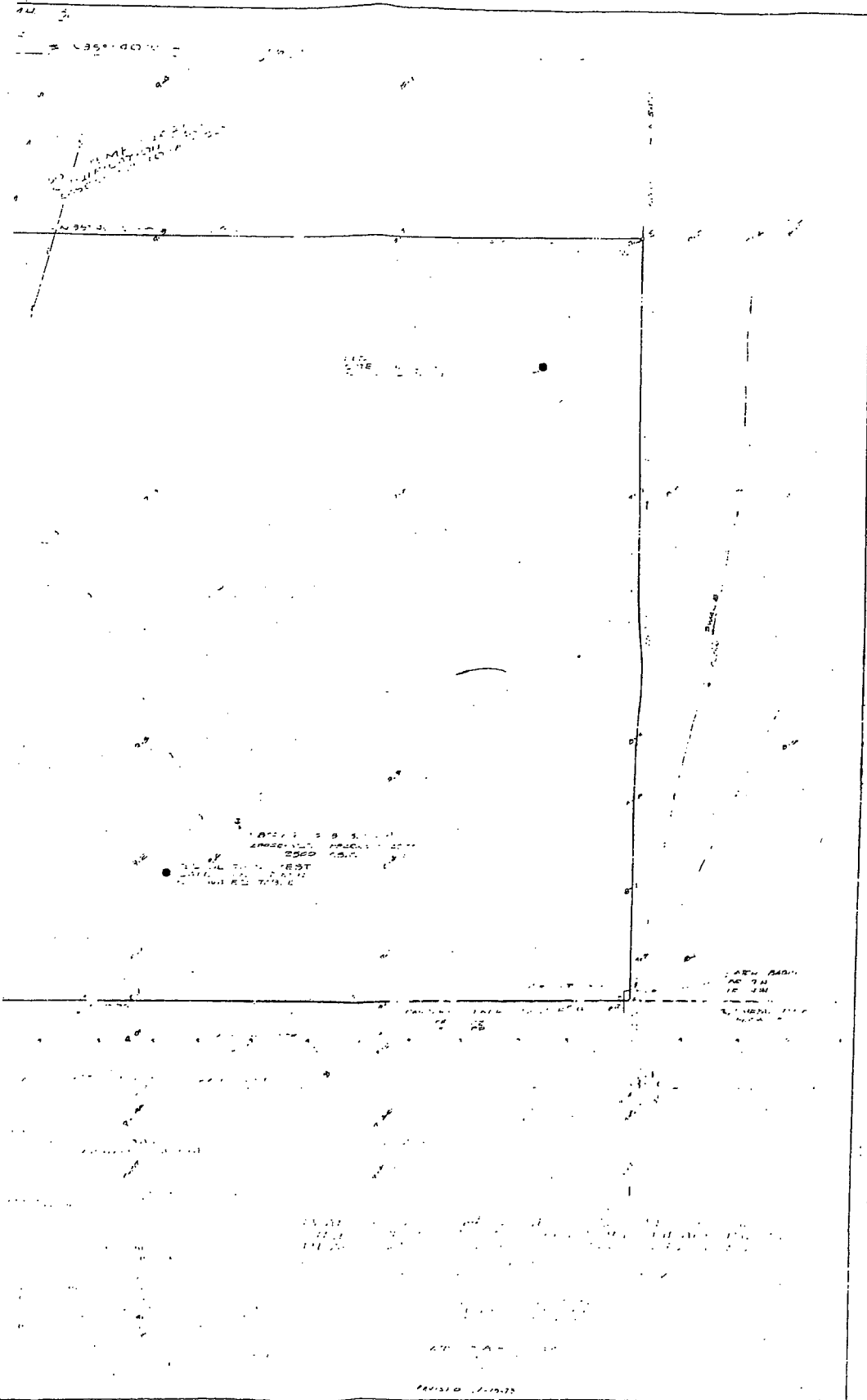
五



1942

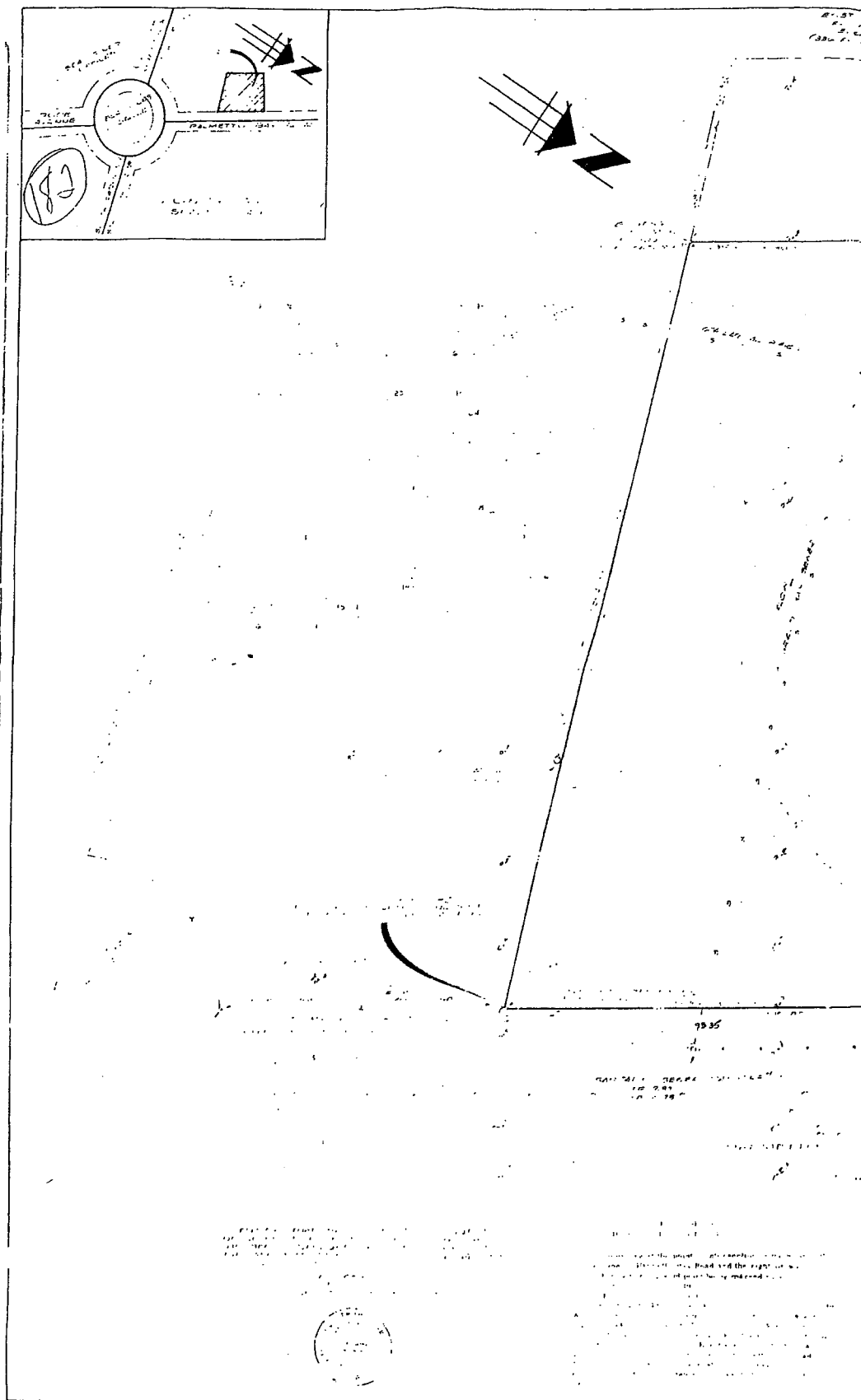
Town HHI
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182



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Town HHI
1314



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Town HHI
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Town HHI
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BO 900720

000036

Town of
Hilton Head Island
Beaufort County South Carolina

PERMIT

B0900720

Final
4-3-09
WA

552 15-206

ISSUED:	03/20/2009	Est Completion:		Parcel ID:	R55201500002060000	Fee:	\$410.00	Value:	\$39,672.00
Address	3 PALMETTO BAY ROAD			Lot		Subdivision	UNKNOWN	Building #	Unit#
Permit Type:	Renovation Commercial		Occupancy:	Mercantile		Fl. Zone/Min Finished Floor Elevation	A7(14)		

Description: REPLACE CERAMIC TILE, PAINT INTERIOR & EXTERIOR, TREPLACE CEILING TILE IN RETAIL AREA, REPLACE ROTTEN SDING, REPLACE BATH FIXTURES,

Heated Square Ft	0	Unheated Square Ft	0	Total Square Feet	0	Number of Units	0
Number of Stories	0	Type of Exterior		Type of Construction	RCOM	Number of Fireplaces	0
Number of Bedrooms	0	Type Roofing		Type Sewage		Fire Alarm System	
Number of Bathrooms	0	Type of Heating/Air		Septic Tank #		Sprinklered	
Total Residential Rooms	0	Type of Fuel		Number of Elevators	0	Square Feet of Pool	0

Property Owner:	ASA INC	3 PALMETTO BAY RD.	HILTON HEAD ISLAND SC		29928 0000	
Contractor:	JDR ENTERPRISES	JOHN DEERING ROBERTS	208 EAST MONTGOMERY CROSSROAD	SAVANNAH GA	31406	912-927-4861
Applicant:	JDR ENTERPRISES	JOHN DEERING ROBERTS	208 EAST MONTGOMERY CROSSROAD	SAVANNAH GA	31406	912-927-4861
Architect:						
Engineer:						
Business:						

All work must comply with Town of Hilton Head Island adopted codes.

Print Name: John D. Roberts Jr Signature: [Signature] Date: 3/20/09
Owner or Authorized Agent of Owner

No actions to recover damages based upon or arising out of the defective or unsafe condition of an improvement to real property may be brought more than eight years after substantial completion of the improvement. An owner has a right to extend this period by entering into a contractual agreement for extended liability under Section 15-3-640 of South Carolina state code. Additions to or renovations of habitable space must be constructed at or above the first legal habitable floor.

000037

OK TO ISSUE
PTS

Town of Hilton Head Island
Community Development Department
1 Town Center Court
Hilton Head Island SC 29928
843-341-4757



Building Permit Application

B 0900720

DPR #

(Commercial- if required)

Office use only: Permit fee:	Plan ctk:	Impact:	Total: 875.00
------------------------------	-----------	---------	----------------------

Project Address	Street number: 3	Street Name: PALMETTO Bay Road
Lot:	Subdivision:	Place Name: Island Chevron
Parcel ID	Project /Business Name:	
R 552 / 15 / 206 /	Bldg:	Unit:

Property Owner		Applicant: Owner ☐ Authorized Agent ☒	
Name: EDMARK SATIONS INC		Name: JDR ENTERPRISES	
Address: 2112 RANKIN ST.		Address: 208 E. MONTGOMERY CROSSROAD	
Address: SAVANNAH, GA 31415		Address: SAVANNAH, GA 31406	
Phone: 912 236 1351		Phone: 912 303 0432	
Phone: 912 443 6657 FAX		Phone: 912 303 0433 FAX	
Contractor		Primary Contact	
Name: JDR ENTERPRISES		Name: JOHN ROBERTS (JDR)	
Address: 208 EAST MONTGOMERY ROAD		Address: 208 EAST MONTGOMERY ROAD	
Address: SAVANNAH, GA 31406		Address: SAVANNAH, GA 31406	
Phone: 912 303 0432		Phone: 912 303 0432	
Contractor License/registration #: 6114852		Phone: 912 303 0433 FAX	
HHI Business License #: 11342			
Architect		Engineer	
Name:		Name:	
Phone:		Phone:	
State License #:		State License #	
Project Type: New Structure ☐ Addition ☐ Renovation/Repair ☒ Other ☐			
Single Family ☐ Duplex ☐ Detached Garage ☐ Accessory ☐ Modular Structure ☐			
Multi Family ☐ Commercial ☒ Affordable Housing ☐			
Is this a change-on occupancy? Y ☐ N ☒			Number of Units

Application is hereby made for a permit to perform work as described in this application along with accompanying drawings if required. The information on this application is complete and accurate and I am authorized to submit this application. I understand that all work must be according to approved plan and in compliance with Town of Hilton Head Island current adopted codes.

JOHN D. ROBERTS JR

Print name

[Signature]

Signature of owner/authorized tenant/authorized agent

Date: 3/16/09

Everyone doing business in the Town of Hilton Head Island is required to have a Town business license.

000038

Detailed Description of Work			
REPLACE CERAMIC TILE			
REPLACE CERAMIC TILE IN TOTAL AREA			
PAINT INTERIOR & EXTERIOR			
REPLACE ROOF SIDING			
REPLACE BATH FIXTURES			
Solid waste containment method: <u>OPEN TOP DUMPSTER</u>			
Waste pick-up and disposal schedule: <u>AS NEEDED - AT LEAST WEEKLY</u>			
Disposal location (site): <u>SWANSON REGIONAL INDUSTRIAL LANDFILL</u>			
Name of party or company responsible for the removal: <u>REPUBLIC HOME SERVICES</u>			
New Structure or Addition			
Heated Sq. Ft. (new or added)		Total Parcel Area	
Unheated Sq. Ft. (new or added)		Total Impervious	
Number of stories		Fire alarm system	☐ Y ☐ N
Number of bedrooms		Sprinklered	☐ Y ☐ N
Number of bathrooms			
Total residential rooms		Type of heating/air	
Number of elevators		Gas appliances	
Number of fireplaces		Size of LP tank	
Type of exterior materials		Type of sewage	☐ PSD ☐ Septic
Type of roofing materials		Septic tank number	
Other Permit Types			
☐ Construction trailer ☐ Electrical Change out <200 Amp ☐ Electrical Change out >200 Amp ☐ Electrical	☐ Plumbing ☐ Irrigation ☐ Moving permit ☐ Demo ☐ Other	POOL APPLICATIONS: ☐ Residential pool/spa Sq Ft: _____ ☐ Commercial pool/spa Sq Ft: _____ ☐ Natural Grade Elevation: _____ ☐ Elevation of Pool Deck: _____ ☐ Tent ☐ Air supported structure ☐ Re-roof - Indicate type of materials used: _____	
Value of Construction (includes materials, labor, profit)			
Plumbing	\$	1500 -	Total Value of Construction \$ 39672.00
Electrical	\$		
Heating/Air	\$		
Building	\$	39672.00	

Town of Hilton Head Island
Mechanical Certification of Work to be Performed

ADD

Note

- The Mechanical Certificate is required **before work begins** in plumbing, electrical or HVAC
- All information on the form is required. Only **completed forms** will be accepted.
- Owners doing work in any of the trades are required to have the certificate approved by the Chief Building Official

B0900720

State Mechanical License (Residential & Commercial)

M2402 License Group: 4

Municipal Assoc License (Residential)

Business License # BLN 3066

Work Site: 3 Palmetto Bay Rd (as it appears on the permit)

Owner: ENmark Stations

Contractor: JDR Enterprises

Description of work to be performed by mechanical contractor:

☐ Electrical _____ Electric Service Size _____
☒ Plumbing remodel _____
☐ Heating and Air _____ Heat Pump Size _____

I, am the owner or authorized agent of Butler's Plumbing Service Inc
Company Name

The electrical or heating and air conditioning or plumbing work as described above shall be installed in accordance with Title 15 of the Municipal Code of the Town of Hilton Head Island and all other applicable codes.

DOUGLAS S. BUTLER
Name (PRINT)

Douglas S. Butler
Signature

Date: 4-1-09

Michael Chapman
Notary Public (PRINT)

Michael Chap
Signature

Date: 4/1/2009

State: SC Commission Expires: 02/08/2011

Permit #: B 0 9 0 0 7 2 0

Job location: 3 Palmetto Bay Rd

SUBCONTRACTOR ROSTER

Instructions: Fill in the information in each column. All license numbers must be current. This form is required before the inspection for permanent service. A specialty contractor's license is not needed for commercial work. Current business licenses are required.

Owner name: ENMARK STATIONS Date: 3/31/09

Contractor name: JDR ENTERPRISES Business License # 11342

PRINT ALL INFORMATION

TRADE	CONTRACTOR COMPANY NAME	CONTRACTOR NAME	HHI BUSINESS LICENSE #	SC STATE CONTR LICENSE#
Electrician	—			
Plumber	<u>BUTLER Plumbing & Elec.</u>	<u>DOUG BUTLER</u>	<u>3066</u>	<u>M2402</u>
HVAC	—			
Roofer	—			
Foundation	—			
Masonry	—			
Steel	—			
Vinyl/alumi- num siding	—			
Stucco	—			
Insulation	—			
Sheet rock/drywall	—			
Carpentry- framing	<u>JDR</u>	<u>JDR ENTERPRISES</u>	<u>11342</u>	<u>6114832</u>
Carpentry - interior trim	<u>JDR</u>	<u>"</u>	<u>"</u>	<u>"</u>
Cabinets	—			
Painting	<u>JDR</u>	<u>"</u>	<u>"</u>	<u>6114832</u>
Iron railings	—			<u>611</u>
Wallpaper	—			
Tile work	<u>JDR</u>	<u>"</u>	<u>"</u>	<u>6114832</u>
Equipment	—			
Elevator	—			
Factory fireplace	—			NA
Glass	—			NA
Building Sprinkler	—			
Alarm system	—			
Gas	—			

000041

PERMIT 42649

000042

MISCELLANEOUS										
PERMIT FOR CONSTRUCTION IN HILTON HEAD ISLAND, SOUTH CAROLINA										
Department of Planning and Inspections										
PERMIT FEE \$ <u>500</u>		PERMIT NUMBER <u>42649</u>								
DISTRICT <u>590.530</u>	TAX MAP SHEET <u>15</u>	SUB-MAP	PARCEL <u>206</u>	BLOCK	DATE ISSUED <u>11-4-88</u>					
LOCATION OF BUILDING		LOT	BLOCK <u>Palmetto Bay Rd</u>	SUBDIVISION <u>Forest Park S/D</u>						
FLOOD ZONE <u>N/A</u>		ELEVATION REQUIRED <u>N/A</u>		MSL						
NAME		MAILING ADDRESS		NO. ST.	CITY & STATE		ZIP CODE	TELEPHONE NO.		
OWNER	<u>Island CHEVRON</u>		<u>3 Palmetto Bay Rd</u>		<u>HHI, SC</u>		<u>29928</u>			
GEN. CONTR.	<u>HEAVENLY Electric CO.</u>									
☒ MOBILE HOME	\$	☐ PLUMBING	\$							
☐ SWIMMING POOL	\$	☐ HVAC	\$							
☐ RESIDENTIAL	\$	☐ MOVING	\$							
☐ COMMERCIAL	\$	☒ ELECTRICAL <u>10 GAS PUMPS</u>	\$ <u>1000.00</u>							
☐ DETACHMENT	\$	☐	\$							
☒ SIGN	\$	☐	\$							
☐ EAS	\$	☐	\$							
☐	\$	☐	\$							
☐	\$	☐	\$							
☐	\$	☐	\$							
☐	\$	☐	\$							
INSPECTION REPORT										
REMARKS										

000043



Date Issued: 11-2-88

Date Paid: 11-7-88

Single family bldg permit: #	Am	Rec'd by	Rec #
Single family misc permit: #	Am	Rec'd by	Rec #
Com/ind/res bldg permit: #	Am	Rec'd by	Rec # Auth:
Com/ind/res misc permit: #	72000	Am: 500 Rec'd by: [Signature]	Rec # 2017 Auth: [Signature]
Sign Permit: #	Am	Rec'd by	Rec #
Reinspection Fee	Am	Rec'd by	Rec #
Trade Certificate Fee	Am	Rec'd by	Rec #
Access	Am	Rec'd by	Rec #
Copies	Am	Rec'd by	Rec #

PROJECT NAME:

000044

Town HHI
1326

INSPECTION REPORT
PERMIT FOR CONSTRUCTION IN HILTON HEAD ISLAND, SOUTH CAROLINA
 Department of Planning and Inspection

PERMIT FEES

PERMIT NUMBER 42649

DISTRICT <u>540</u>	TAX MAP SHEET <u>15</u>	SUB-MAP	PARCEL <u>206</u>	BLOCK	DATE ISSUED <u>11/1/88</u>
---------------------	-------------------------	---------	-------------------	-------	----------------------------

LOCATION OF BUILDING	LOT <u>3</u>	BLOCK	SUBDIVISION <u>FOREST BEACH S/D</u>
STREET <u>3 PATRICK TO RAY RD</u>			

FLOOD ZONE <u>N/A</u>	ELEVATION REQUIRED <u>N/A</u>	MSL
-----------------------	-------------------------------	-----

OWNER NAME	MAILING ADDRESS	NO. ST.	CITY & STATE	ZIP CODE	TELEPHONE NO.
------------	-----------------	---------	--------------	----------	---------------

OWNER	<u>ISLAND CHEVROLET</u>				
-------	-------------------------	--	--	--	--

GEN. CONTR.	<u>HERNIMON ELECTRIC CO.</u>				
-------------	------------------------------	--	--	--	--

Elec. Mtg? This permit is for elec. only.

*O.S.
Do Not Go To River Co*

Wendy Thomas

TOWN OF
HILTON HEAD ISLAND

P.O. BOX 6659, HILTON HEAD ISLAND, S.C. 29928
(803) 681-9440

DEPARTMENT OF PLANNING & INSPECTIONS
Office-681-8396/Recorder-681-9506

Electrician's Name: John H. Henson E.P.#: 42644

H.H. Trade Certification # 228 H.H. Bus. Lic. # 70853

General Contractor: Denard & Moore Const. Co. Inc.

Address Of Work To Be Performed: Palmetto Bay Rd

Owner's Name: CHEMCO INC.

Mailing Address: Palmetto Bay Rd

Size of Electrical Service (Amps): N/A

Description of Work: Replace 10 Gas Dispensers

Cost of Job: _____

ALL OF THE ABOVE INFORMATION MUST BE COMPLETED BEFORE PERMIT WILL BE ISSUED.

I, the undersigned will perform the electrical work as described above in accordance with Title 15 of the Municipal Code of the Town of Hilton Head Island and the current National Electrical Code, and possess a valid Hilton Head Electrical License.

James Charles Stewart
Notary Public for South Carolina
My Commission Exp. 10-70-98

John H. Henson
Electrician's Signature
Nov 17 1988
Date

NOTE: Electrician's signature must be notarized.

Revised: 1/87

Reprinted 1983

000046

Town HHI
1328

23-2763T

000047

****REPLACEMENT** BUILDING PERMIT**

Town of Hilton Head Island
Beaufort County, South Carolina

1402265

Expires



1, 2004 Est. Completion: Cost of Construction: \$11,450.00
1e Type of Permit: Renovation Commercial Permit Fee: \$100.00
0002060000 Lot #: P.L. Exam/Pln. Finalized (R. H. 1/1/14)
TO HAY ROAD ***** Subdivision: UNKNOWN
CENT OF CANOPY WITH GABLE PER DB / 3/24/05 INCLUSION OF ADDITIONAL WORK TO INSURE BLIND CAN

3 AND REINSTALL TEXTURE ON STONE AND CAR WASH TO MATCH EXISTING COLOR

ROW/ALICE B MEANS MEANS ALICE B 25 ST ANDREWS PLACE HILTON HEAD ISLAND SC 29928 0050 410-351-4115
CONTRACTING INC ANDREWS L FISHKIND PO BOX 88 BLUFFTON SC 29910 410-351-3541 OWNER ONLY
CONTRACTING INC ANDREWS L FISHKIND PO BOX 88 BLUFFTON SC 29910 410-351-3541
ATT D 23 PLANTATION PARK DRIVE 8504 BLUFFTON SC 29910 410-351-3541

	Unheated Sq. Ft.	Total Square Feet
1e	0	Type of Construction: 11
1e	0	Type of Exterior:
1e	0	Type of Roofing Material:
1e	0	Type of Heating/Air:
1e	0	Type of Fuel:
1e	0	Gas Appliances:
1e	0	Size of LP Tank:
1e	0	Type of Sewage:

COMPLY WITH TOWN OF HILTON HEAD ISLAND CODES.

By Scott Middleton III

Signature

Date: 3/24/05

PART I

GENERAL INFORMATION

- Date: 7-20-04 Estimated Date of Completion: 10-20-04
- Location: District/Map/Parcel R PALMETTO BAY ROAD Subdivision:
Lot Street # 3 Street Name
3. Owner Name: ALICE B MEANS / SCAND CHEVRON Unit:
Owner Address: 29 ST. ANDREWS PLACE HHI, I. Phone:
4. Contractor: TINY RIVER CONTRACTING Phone:
Contractor Address: PO BOX 3229 BLUFFTON SC 29910 Phone:
Contractor State License Number [REDACTED] email:
5. Architect: SCOTT CORNELL ARCH Phone:
Architect State License Number [REDACTED] email:
6. Engineer: ENGINEERED SYSTEMS Phone:
Engineer State License Number [REDACTED] email:
7. Applicant: ANDREW L. FISHKIND Phone:
8. Type of Permit: DPR# (If applicable)
Single Family ☐ Duplex ☐ Multi Family ☐ Commercial ☒

9. Description of work being done: Use
NEW CANOPY ON EXISTING FOOTINGS AND
ADDITION OF DORMER / GABLE AS REQ'D
DBS.

10. Required for all permits that affect the percentage or amount of impervious lag

Total parcel area Total impervious area

Part II VALUE OF CONSTRUCTION

Cost of Plumbing	\$ N/A	Plb Contractor:	N/A
Cost of Electrical	\$ 2500.00	Elect Contractor:	SIMONEA
Cost of HVAC	\$ N/A	HVAC Contractor:	N/A

000048

Part III NEW STRUCTURES AND ADDITIONS Fill in only these areas that relate to the addition

New Structure ☐ Addition ☐ Modular Construction ☐ Number of Units _____

Type Construction _____

Heated Square Feet _____ Unheated Square Feet _____

Number of Stories	Fire Alarm System	Yes	No
Number of Bedrooms	Sprinklered	Yes	No
Number of Bathrooms	Type of Heating /Air		
Total Number of Residential Rooms	Type of Fuel		
Number of Elevators	Gas Appliances		
Number of Fireplaces	Size of LP Tank		
Type of Exterior Materials	Type of Sewage		
Type of Roofing Materials	Septic Tank Number		

Part IV

ALL OTHER PERMITS Please check box below

☐ Irrigation	☐ HVAC Replacement/Repair	☐ Electrical work other than change out
☐ Moving Permit	☐ Manufactured Home	☐ Electrical Change-out ☐ <200 Amps
☐ Demolition Permit	☐ Modular Business Unit	☐ Electrical Change-out ☐ >200 Amps
☐ Residential Swimming Pool/Spa	☐ Construction Trailer	☐ Renovation -Describe on Page I #9 of for
Square Ft. of Pool _____	☐ Tent Permit	
☐ Commercial Swimming Pool/Spa	☐ Air Supported Structure	
Square Ft. of Pool _____	☐ Plumbing	
☐ Portable Spa Unit		
☐ Re-roofing- Type materials _____		Which Floor(s) _____
Color _____		Which rooms or units? _____
		Exterior Material _____
		Sprinklered Y___ N___ Fire Alarm Y___
		Gas Appliances Y___ N___

Part V

The information on this application is complete and accurate. I am the owner or authorized agent owner.

Name (Print) ANDREW L. FISHKIND email: AFISHKIND@GCI

Signature: [Signature] Date: 7.20.04

000049

Part III NEW STRUCTURES AND ADDITIONS Fill in only those areas that relate to the addition

New Structure ☐ Addition ☐ Modular Construction ☐ Number of Units _____

Type Construction _____

Heated Square Feet _____

Unheated Square Feet _____

Number of Stories	Fire Alarm System	Yes	No
Number of Bedrooms	Sprinklered	Yes	No
Number of Bathrooms	Type of Heating /Air		
Total Number of Residential Rooms	Type of Fuel		
Number of Elevators	Gas Appliances		
Number of Fireplaces	Size of LP Tank		
Type of Exterior Materials	Type of Sewage		
Type of Roofing Materials	Septic Tank Number		

PART IV

ALL OTHER PERMITS Please check box below

- | | | |
|---|--|--|
| ☐ Irrigation | ☐ HVAC Replacement/Repair | ☐ Electrical work other than change out |
| ☐ Moving Permit | ☐ Manufactured Home | ☐ Electrical Change- out ☐ <200 Amps |
| ☐ Demolition Permit | ☐ Modular Business Unit | ☐ Electrical Change- out ☐ >200 Amps |
| ☐ Residential Swimming Pool/Spa | ☐ Construction Trailer | |
| Square Ft. of Pool _____ | ☐ Tent Permit | |
| ☐ Commercial Swimming Pool/Spa | ☐ Air Supported Structure | |
| Square Ft. of Pool _____ | ☐ Plumbing | |
| ☐ Portable Spa Unit | | |
| ☐ Re-roofing- Type materials _____ | | |
| Color _____ | | |

☐ **Renovation** -Describe on Page I #9 of form

Which Floor(s) _____

Which rooms or units? _____

Exterior Material _____

Sprinklered Y___ N___ Fire Alarm Y___ N___
Gas Appliances Y___ N___

Part V

The information on this application is complete and accurate. I am the owner or authorized agent of the owner.

Name (Print) ANDREW L. FISHKIND email: AFISHKIND@MAYRIVER-EC.COM

Signature: *Andrew L. Fishkind*

Date: 7-20-04

000050

Mechanical Certificate
Town of Hilton Head Island

Certification # 1980004 Permit # B 0402205

Business License # BLN 0102334

A Mechanical Certificate is required before work begins in plumbing, electrical or HVAC
information on the form is required. Only completed forms will be accepted.
Persons doing work in any of the trades are required to have the certificate approved by the Chief
Building Official.

Site Name ISLAND CHEVRON - 3 PALMERS BAY RD.
Address MARY RIVER CONT
City ISLAND CHEVRON

of work.

Lighting Electric Service Size N/A

and Air Heat Pump Size

I, undersigned, am the owner or authorized agent of Simonson Electric, to perform
Company Name
electrical or heating and air conditioning or plumbing work as described above in accordance with Title
Municipal Code of the Town of Hilton Head Island.

PAT Simonson

NAME (PRINT)

PAT Simonson

Signature

Date: 3.30.05

Alicia Mitchell

Notary Public (PRINT)

A. Y. Mitchell

Signature

Date: 3.30.05

State: SC Commission Expires 12/23/12

000051

SUBCONTRACTOR ROSTER

Date 3-28-05

Instructions: Fill in the information in each column. All license numbers must be current. This form is required before the inspection for permanent service. A specialty contractor's license is not needed for commercial work.

Owner name: ISLAND CHEVRON

Permit #
B 0402265
Entered:

General contractor: MAY RIVER CONTRACTING

Job location: _____

Date _____

Note: A separate permit is required for irrigation sprinkler installation.

PRINT ALL INFORMATION

TRADE	CONTRACTOR COMPANY NAME	License holders name	HHI BUSINESS LICENSE #	SPECIALTY CONTRACT LICENSE
Electrician	<u>SIMONEAUX ELEC</u>	<u>PAT SIMONEAUX</u>	<u>R/N D102351</u>	
Plumber				
HVAC				
Roofer				
Foundation				
Masonry				
Steel				
Vinyl/aluminum siding				
Stucco	<u>PREMIUM STUCCO</u>	<u>PAUL SERRANO</u>	<u>RND10A031</u>	
Insulation				
Sheet rock/drywall				
Carpentry- framing	<u>MAY RIVER CONTRACTING</u>	<u>ANDREW FISHER</u>	<u>0201563</u>	<u>9107708</u>
Carpentry - interior trim				
Cabinets				
Painting				
Iron railings				
Wallpaper				
Tile work				
Equipment				
Elevator				
Factory fireplace Glass				
Sprinkler (Ride)				
Alarm system				
Gas				

000052

002577

May 31 05 11:50a Andrew L. Fishkind

MARCH 4, 2005

TOWN OF HILTON HEAD ISLAND
BUILDING PERMIT OFFICE & BUILDING FIRE CODES DEPT.
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, SOUTH CAROLINA

RE: ISLAND CHEVRON
8 PALMETTO BAY ROAD
HILTON HEAD ISLAND, SOUTH CAROLINA

PERMIT NUMBER #50402265

DEAR MR. HODGE,

THIS LETTER SHALL SERVE AS AN OFFICIAL NOTICE
CONTRACTING, INC. THAT THE WORK PERFORMED AT THE
DONE IN ACCORDANCE WITH THE APPROVED PLANS FROM
ARCHITECT AND ENGINEERS APPROVED DRAWINGS AND IN CI
BUILDING CODES 2003. (SEE ATTACHED LETTER FROM TOW

WE APOLOGIZE FOR THE CONFUSION REGARDING THE IN
PERFORMING THE WORK ON THE STEEL STRUCTURE CALLU
PERMIT HAD EXPIRED, AND WE WERE UNABLE TO STOP AT T
REQUESTED AN EXTENSION ON MARCH THE 4TH, 2005 (SEE A
THE ISSUANCE OF AN EXTENSION TO THE PERMIT TOOK A W
WORK WAS COVERED UP.

PLEASE CONTACT ME AT 843.368.0990 TO DISCUSS HOW
THE CONSTRUCTION PERFORMED AND CLOSE THIS PERMIT OU

SINCERELY,

Andrew L. Fishkind

000053

Town HHI
1335



Inspection Information Sheet

The Building Permit must be posted on the job site and a set of marked plans must be available.

Electrical, plumbing and mechanical certificates, signed and notarized, must be submitted before work begins in these trades.

Flood Elevation Certificate, if needed, must be submitted before vertical construction begins. A Flood Elevation Certificate for finished construction must be submitted prior to a request for Final or CO inspection.

Before FS inspection request:

Subroster with current business licenses and specialty license numbers (required for residential work)
As-built for new construction and additions

Before CO inspection:

Copy of approved job site plans

Any other pertinent documentation such as permits treatment, gas certification, septic tank approval, shop drawings, structural calculations etc. related to your construction.

If required, a Certificate of Compliance must be issued before approval of a CO inspection.

REQUIRED INSPECTIONS

To request an inspection, call our Interactive Voice Response System at 843-341-4677 or you may register to request inspections on-line. Requests made by phone by 7AM will be processed that day if possible. Requests made on-line can be made up to midnight for a next day inspection. You must know your permit number and the inspection item number for the requested inspection.

All required paperwork has to be submitted before you request the inspection. Mechanical certificates must be in our files prior to work beginning in the related field.

The following inspections are required based on the type work you are performing for permit number B0402265. If you feel changes to this list are needed, contact our offices.

REPLACEMENT OF CANOPY WITH GABLE PER DRB / 3/24/05 INCLUSION OF ADDITIONAL WORK TO INCLUDE HARD COAT TEXTURED STUCCO SYSTEM TO STAT:ON BUILDING AND REINSTALL TEXTURE ON STORE AND CAR WASH TO MATCH EXISTING COLOR

Item: 00295 Information

Item: 00230 Fire Safety Final

03/31/2005 By: RICHARDS Action: DN Time Exp: 06:06 Comments:

IVRS - Inspection post street address numbers

A-105

(00) 000109 INSPECTIONS-Not ready

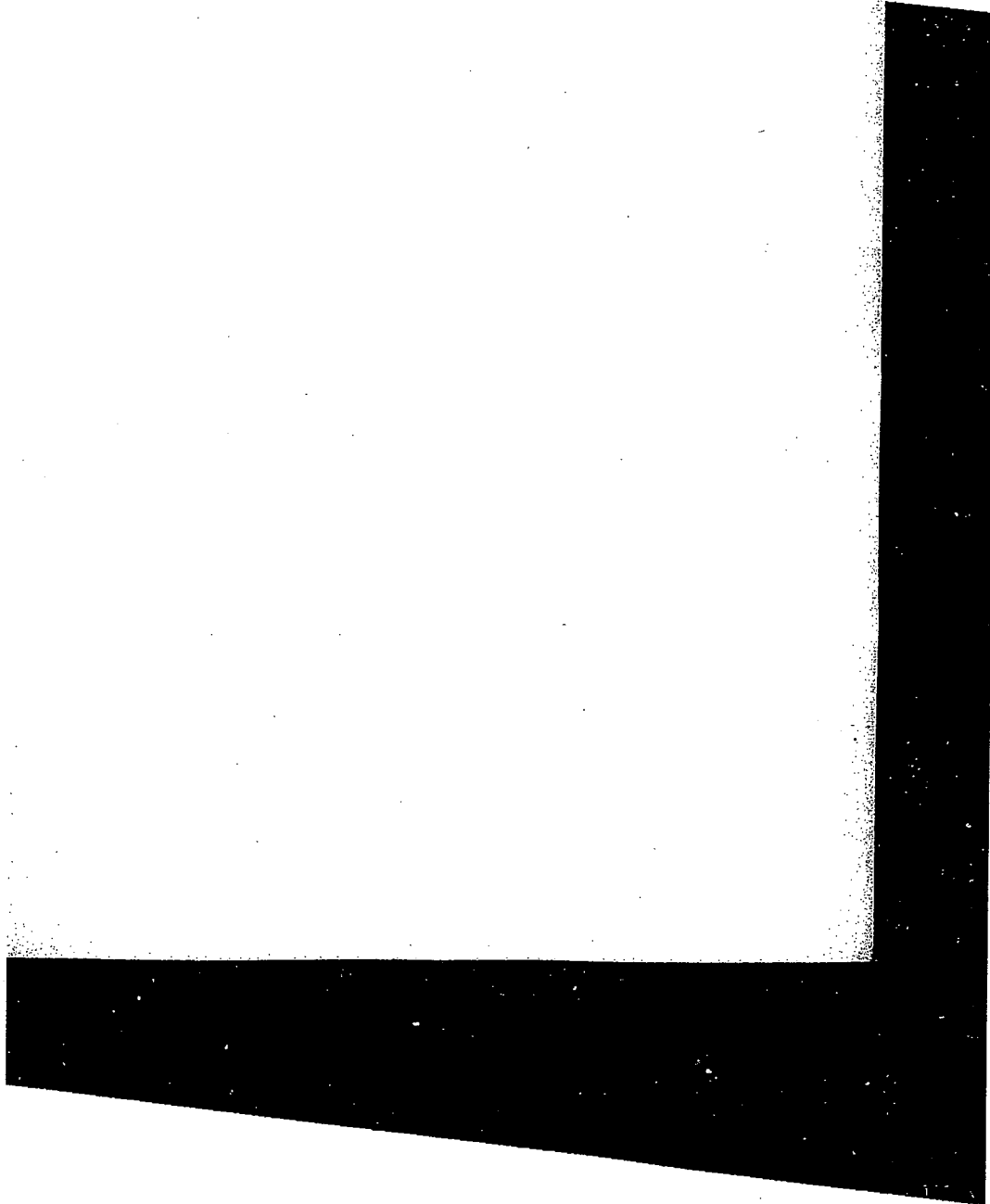
Item: 00400 Com Rough In Framing

Item: 00420 Com Rough In Electrical

Item: 00470 Com Final Inspection

000054

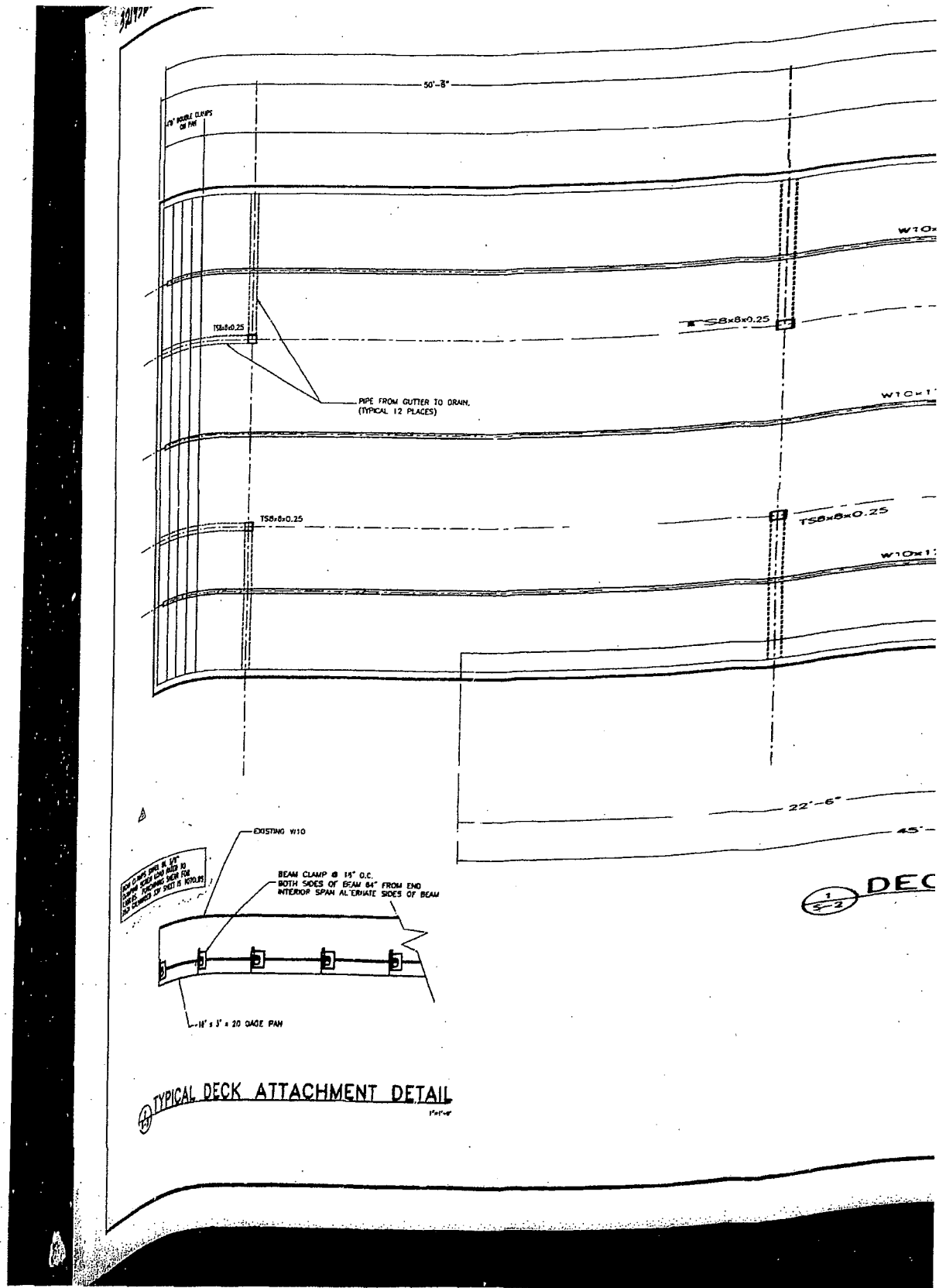
Item: 00190 Exterior ...
03/15/2005 By: SH Action: AP Comments:
Item: 00457 Com Stucco Flashing & Mesh



000055

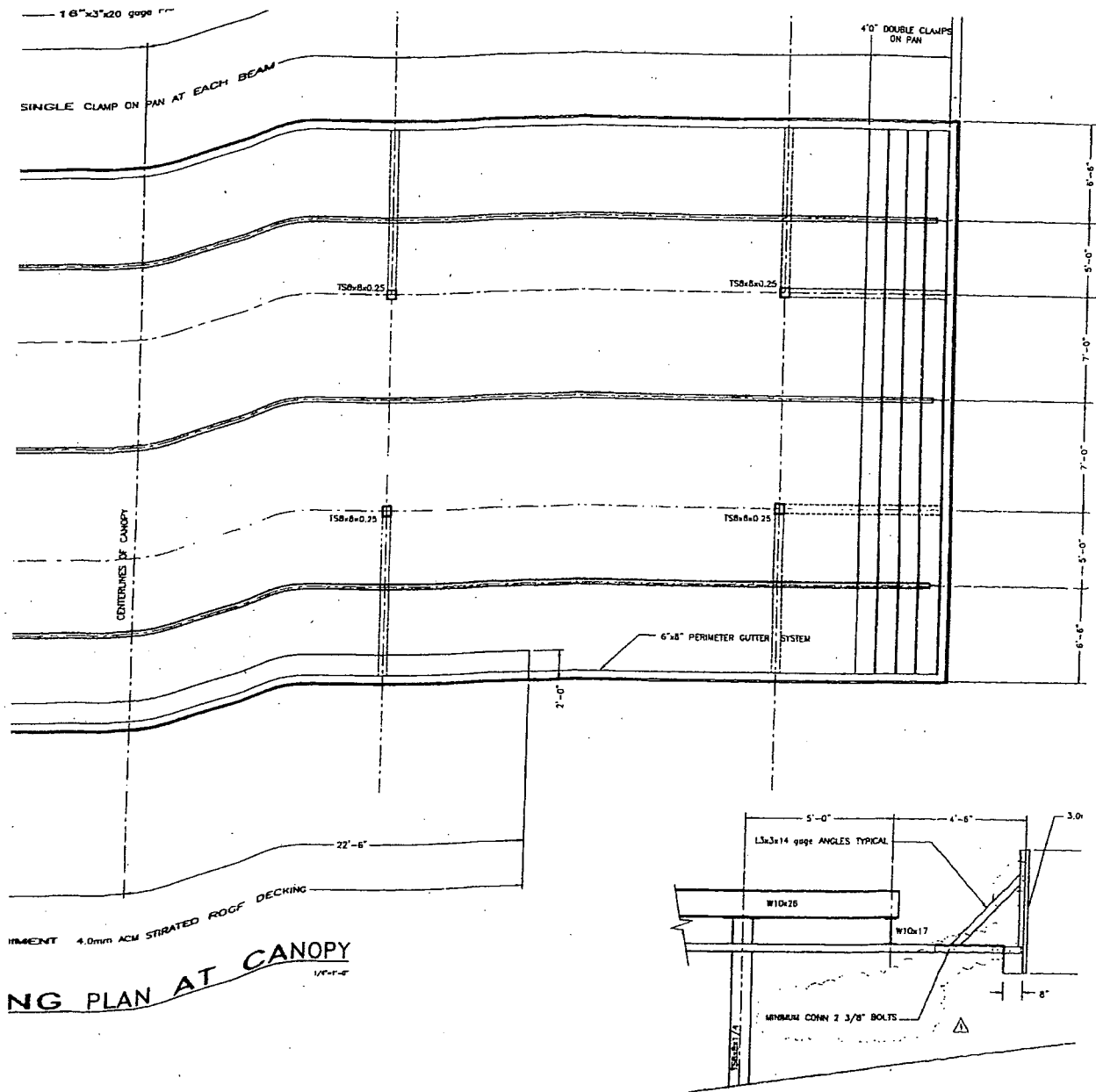
11-32193

000056

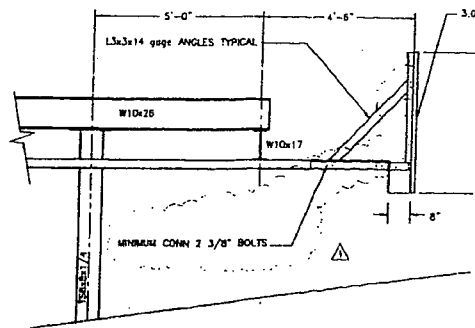


⊕ TYPICAL DECK ATTACHMENT DETAIL

000057



NG PLAN AT CANOPY



① PARAPET SECTION

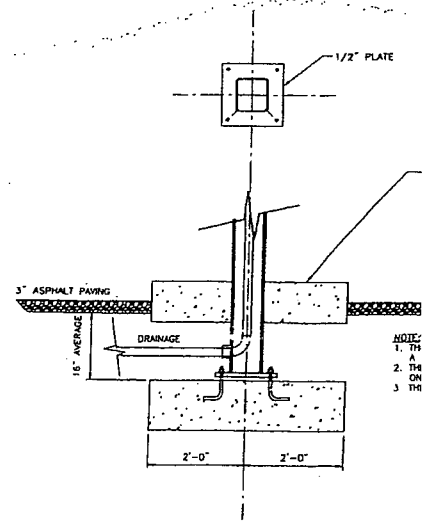
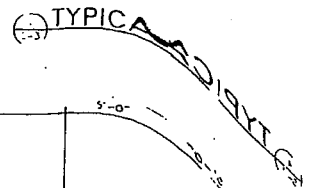
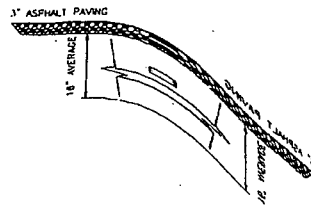
000058



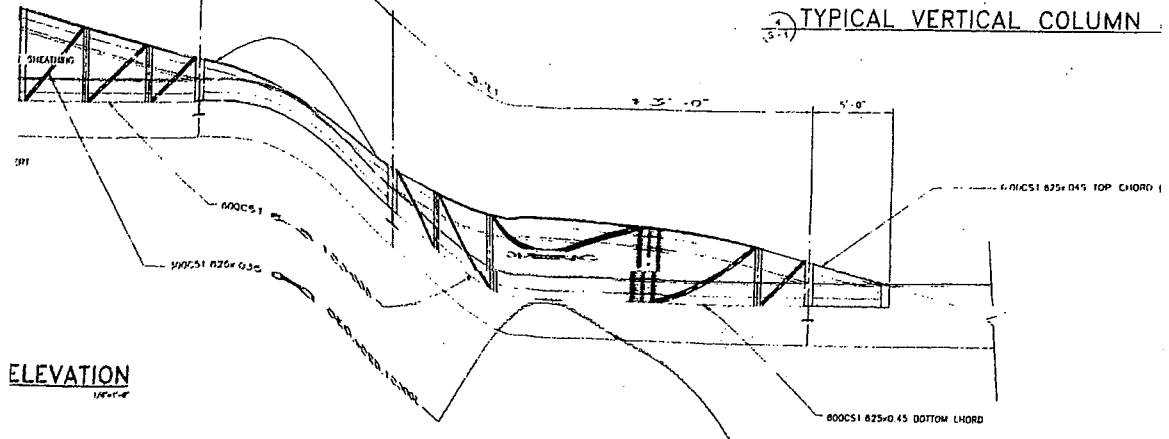
NOTE:

FRAME

SHALL BE MADE TO MEET THE



TYPICAL VERTICAL COLUMN



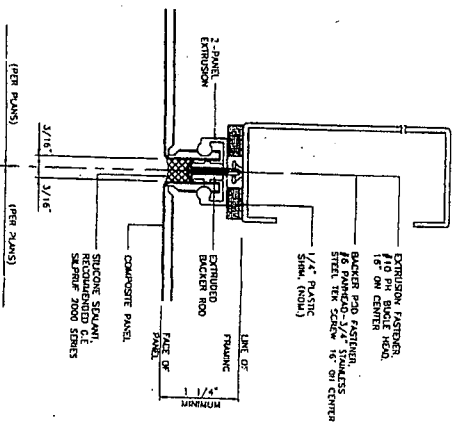
000059

Town HHI
1341

ALL SHOWN
COMPLETE
TO MANUFACTURER'S
AND INDOOR

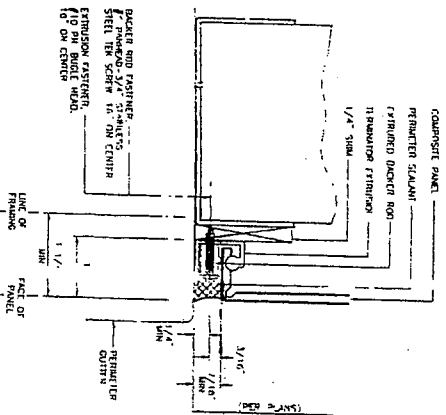
8" THICK CONCRETE
COLUMN

WAS ESTIMATED FROM
DOWN IN SPACES
IN JOINTS IN THE SURFACE
AND DISCOVERED



2 TYPICAL VERTICAL JOINT ACM PANEL

GENERAL NOTES:
1. BOTTOM CONNECTION SHOWN
TYP. CONNECTION SHOWN



THIS DRAWING IS CERTIFIED TO BE A TRUE ORIGINAL WHEN SIGNED - ETC.



DESIGNED BY: W.H.F.
CAD BY: W.H.F.
CHECKED BY: J.P.

ENGINEERED SYSTEMS

SUITE 200 FOUNTAIN CENTER
HILTON HEAD ISLAND, SC 29928
404/368-5300

A NEW CANOPY FOR:

ISLAND CHEVRON

HILTON HEAD ISLAND - SOUTH CAROLINA

000060



000061

000062

48917

000063

550 / 15 / 206

12750

000064

Town HHI
1346

recycled fibre

LC	
LC	
LC	
CC	
PH	
FD	
TE	

000065

32 x 11

Town HHI
1347

MISCELLANEOUS
 PERMIT FOR CONSTRUCTION IN HILTON HEAD ISLAND, SOUTH CAROLINA
 Department of Planning and Inspections

Dianna
4/11

PERMIT FEE: \$ 77.00

10-11-95

PERMIT NUMBER: M 4891

DISTRICT 550	TAX MAP SHEET 15	SUB-MAP	PARCEL 206	BLOCK	DATE ISSUED 4/11/95
------------------------	----------------------------	---------	----------------------	-------	-------------------------------

LOCATION OF BUILDING	LOT STREET 3 BLOCK PALMETTO BAY RD	SUBDIVISION
----------------------	---	-------------

FLOOD ZONE _____ ELEVATION REQUIRED _____ MSL

	NAME	MAILING ADDRESS	NO. ST.	CITY & STATE	ZIP CODE	TELEPHONE NO.
OWNER	MEANS, ALICE	3 PALMETTO BAY RD		HHI, SC	29928	802-4336
GEN. CONTR.	CAROLINA CONST	30 C HUNTER RD		HHI, SC	29926	681-5994

☐ MOBILE HOME	\$ _____	☐ PLUMBING	\$ _____
☐ SWIMMING POOL	\$ _____	☐ HVAC	\$ _____
☐ RESIDENTIAL	\$ _____	☐ MOVING	\$ _____
☐ COMMERCIAL	\$ _____	☒ ELECTRICAL ALTERATIONS	\$ <u>3,000.00</u>
☐ DEMOLITION	\$ _____	☐	\$ _____
☐ SIGN	\$ _____	☐	\$ _____
☐ GAS	\$ _____	☐	\$ _____
☐	\$ _____	☐	\$ _____
☐	\$ _____	☐	\$ _____
☐	\$ _____	☐	\$ _____
☐	\$ _____	☐	\$ _____

INSPECTION REPORT

MUST BE INSPECTED
 MUST COMPLY WITH TOWN CODES

Tommasi Ely

REMARKS

Dianna

000066

32x11

ORIGINAL RECEIPT
TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, SC 29928

RECEIPT NO.
M 06181

Control Number: M006181

Issuing Officer: KS
(Receipt not valid without
Issuing Officer's initials)

Receipt Date: 04/10/95
Name: CAROLINA CONTRACTORS

Transaction Code	Description	Amount
MISC BUILDING PERMITS	CAROLINA CONTRS/ALICE MEANS # 48917	77.00

Receipt Total:	77.00	Mailed?:
Cash Paid:	.	Mailed?: N
Check Paid:	77.00	
Receipt Bal:	. 0	

000067

INSPECTION REPORT
PERMIT FOR CONSTRUCTION IN HILTON HEAD ISLAND, SOUTH CAROLINA
 Department of Planning and Inspections

PERMIT FEE\$ _____

PERMIT NUMBER: **48917**

DISTRICT	TAX MAP SHEET	SUB-MAP	PARCEL	BLOCK	DATE ISSUED
550	15		206		10/11/95

LOCATION OF BUILDING LOT _____ BLOCK _____ SUBDIVISION _____
 STREET **3 PALMETTO BAY RD.**

FLOOD ZONE **N/A** ELEVATION REQUIRED **N/A** MSL

NAME	MAILING ADDRESS	NO. ST.	CITY & STATE	ZIP CODE	TELEPHONE NO.
OWNER MEANS, ALICE					
GEN. CONTR. CAROLINA CONST.	681-5994				

Li + Final

OK

G. Hutson

32x11

000068

FOR OFFICE USE

DATE: 4-6-95
 AMT: 48917
 RCPT #: 0000
 EMP FEE:
 PAID BY:

DEPARTMENT OF COMMUNITY DEVELOPMENT

INSPECTIONS DIVISION
 OFFICE (803) 842-7630
 HOT LINE (803) 842-7638
 FAX (803) 842-7728

DATE 4-6-95 BP # 48917
 DIST 550 MAP 15 PAR 206
 BP FEE \$ 97.00 SET \$

APPLICATION FOR BUILDING PERMIT

GENERAL CONTRACTOR'S
 STATE LICENSE #

GENERAL CONTRACTOR'S TOWN OF HILL
 HEAD BUSINESS LICENSE# 40454

ELECT CONTR'S T OF HH
 TRADE CERTI # 1094

MECH CONTR'S T OF HH
 TRADE CERTI #

PLBG CONTR'S T OF S
 TRADE CERTI #

LOT # 767 BLK 3 ST 3 STREET Palmetto Bay Rd. SUBD. M. P. H. T. Place
 FLOOD ZONE NA ELEVATION REQUIRED N.S.L.

NAME	MAILING ADDRESS	CITY/STATE	ZIP	TELEPHONE
OWNER ALICE MEANS	3 PALMETTO BAY RD	HILL S.C.	29928	842-4336
GEN CONTR CAROLINA CONT.	30 C. HUNTER RD	HILL SC	29926	681-5994
ELEC CONTR				
PLBG CONTR				
MECH CONTR				
ARCHITECT				

CONSTRUCTION COST DATA

BUILDING \$ ELECTRICAL 3,000.00
 PLUMBING \$ HVAC \$

TOTAL COST OF CONSTRUCTION \$ 3,000.00

TYPE IMPROVEMENT ELECT. ALTERATIONS OWNERSHIP CARD
 PROPOSED USE SEWAGE SYSTEM NUMBER UNITS 1
 PRINC TYPE FRAME NA TYPE OF BGTG NA
 TYPE SEWAGE NA SEPTIC TANK# NA
 NUMBER BEDROOMS 1 NUMBER BATHROOMS 1
 NUMBER STORIES 1 TOTAL FL SQ FT 1
 CENTRAL A/C 1 ELEVATOR 1
 INTERIOR WALLS 1 TYPE FLOORING 1

- 1) Will this structure be located within the South Carolina Coastal
 Zone Management Act (Beach Front) Yes No
 2) Is this structure in compliance with private covenants Yes No

Signature: [Signature] Date 4-6-95

32x10

000069

Town HHI
 1351

formation leaflet no. 4

Appendix F

RECTION

preceding image
been refilmed
assure legibility
or to correct
possible error

INSPECTIONS DIV.
OFFICE (803) 1
HOT LINE (803) 1
FAX # (803) 1

APPENDIX

GENERAL CONTRACTOR
STATE LICENSE #

ELECTRICAL CONTRACTOR'S TRADE CERTI #

LOT # 701 BLK

FLOOD ZONE N/A

OWNER ALICE M.

GEN. CONTR. CAROL

ELEC. CONTR. _____

PLBG. CONTR. _____

MECH. CONTR. _____

ARCHITECT _____

BUILDING \$ _____

PLUMBING \$ _____

TOTAL \$ _____

TYPE IMPROVEMENT _____

PROPOSED USE _____

PRINC. TYPE FRAME _____

TYPE SEWAGE _____

NUMBER BEDROOMS _____

NUMBER STORIES _____

CENTRAL A/C _____

INTERIOR WALLS _____

1) Will this stru

Zone Managem

2) Is this stru

Signature Tom

32x10

000070

Town HHI
1352

FOR OFFICE USE

DATE: 4-10-95

AMT: 77.00

RCPT #: 06181

IMP FEE:

PAID BY:

DEPARTMENT OF COMMUNITY DEVELOPMENT

INSPECTIONS DIVISION
OFFICE (803) 842-7630
HOT LINE (803) 842-7638
FAX # (803) 842-7728

DATE 4-6-95 BP # 48917

DIST 550 MAP 15 PAR 206

BP FEE \$ 77.00 SIF \$

APPLICATION FOR BUILDING PERMIT

GENERAL CONTRACTOR'S
STATE LICENSE #

GENERAL CONTRACTOR'S TOWN OF HILTON
HEAD BUSINESS LICENSE# 40454

ELECT CONTR'S T OF HH
TRADE CERTI # 1094

MECH CONTR'S T OF HH
TRADE CERTI #

PLBG CONTR'S T OF H H
TRADE CERTI #

LOT # 101 BLK ST 3 STREET Palmetto Bay Rd. SUBDV MARKET PLACE

FLOOD ZONE NA ELEVATION REQUIRED M.S.L.

NAME	MAILING ADDRESS	CITY/STATE	ZIP	TELEPHONE
OWNER ALICE MEANS	3 PALMETTO Bay Rd	HHI, S.C.	29928	842-4336
GEN CONTR CAROLINA CON.	30 C. HUNTER Rd	HHI, SC	29926	681-5994
ELEC CONTR				
PLBG CONTR				
MECH CONTR				
ARCHITECT				

CONSTRUCTION COST DATA

BUILDING \$ ELECTRICAL 3,000.00

PLUMBING \$ HVAC \$

TOTAL COST OF CONSTRUCTION \$ 3,000.00

TYPE IMPROVEMENT ELECT. ALTERATIONS OWNERSHIP CARP
PROPOSED USE SEWAGE SEWAGE NUMBER UNITS 1
PRINC TYPE FRAME NA TYPE OF BGTG NA
TYPE SEWAGE NA SEPTIC TANK NA
NUMBER BEDROOMS 1 NUMBER BATHROOMS 1
NUMBER STORIES 1 TOTAL FL SQ FT 1
CENTRAL A/C 1 ELEVATOR 1
INTERIOR WALLS 1 TYPE FLOORING 1

1) Will this structure be located within the South Carolina Coastal
Zone Management Act (Beach Front) Yes No
2) Is this structure in compliance with private covenants Yes No

Signature: Tennant Date: 4-6-95

32x11

000071

Town HHI
1353

SALES
4 FT.

SALES
3 FT.

SALES
MERCHANDISER

WASTE

4 FT. GONDOLA

8 FT. GONDOLA

4 FT. GONDOLA

BEVERAGES

SLUSHY JUICE

1 FT. LOW PUMP

1 FT. FRAP

WASTE

COFFEE

WASTE

BACK ROOM

WALK IN COOLER

68.7 in.

38.7 in.

32.62517 in.

24.6 in.

32.7 in.

32.62517 in.

22 ft. 6 in.

32 x 10

Town HHI
1354

88-90

000073

**Town HHI
1355**

**COUNTY OF BEAUFORT, SOUTH CAROLINA
BEAUFORT COUNTY JOINT PLANNING COMMISSION
— DEVELOPMENT PERMIT APPLICATION —**

PERMIT NUMBER 0273	DATE APPLICATION COMPLETED	RECEIVED BY CRH	FILING FEE \$10.00	RECEIPT NUMBER pd. 1
NAME OF PROJECT CHEVRON STATION PALM BAY RD.		TYPE: Commercial		
NAME OF OWNER (DEVELOPER) Chevron, USA, Inc.		LOCATION Palmetto Bay Rd.		
ADDRESS Atlanta, Ga.		TAX MAP NUMBER	PARCEL NUMBER	
TELEPHONE NO. Rep: Mr. John Machen		ACREAGE (AREA) 0.64acs	NUMBER OF UNITS (LOTS) 1 Bldg/pumps	

— PRELIMINARY APPLICATION INFORMATION REQUIRED —

☒ FIVE PRINTS OF SITE PLAN OR SUBDIVISION PLAN	☒ PROPOSED STREET NAMES/HOUSE NUMBERING SYSTEM
☒ PROPERTY LINES, BEAR/DIST.	☒ PROPOSED DRAINAGE SYSTEM LAYOUT
☒ OWNERS NAME/ADDRESS	☒ PROPOSED WATER SYSTEM LAYOUT (EXCEPT INDIV. WELLS)
☒ PROPERTY MARKERS/CONTROL POINTS	☒ PROPOSED SEWER SYSTEM LAYOUT (EXCEPT INDIVIDUAL SEPTIC TANKS)
☒ PROPOSED DEVELOPMENT NAME	☒ PROPOSED OPEN SPACE/RECREATION AREAS
☒ NAMES OF CONTIGUOUS OWNERS	☒ TREE SURVEY
☒ CONTIGUOUS LAND USES (RESIDENTIAL, COMMERCIAL, ETC.)	☒ SPECIAL DISTRICT BOUNDARY LINES FH
☒ EXISTING WATER COURSES/DRAINAGE FACILITIES	☒ PROPOSED OWNERSHIP/MAINTENANCE OF IMPROVEMENTS
☒ MUNICIPAL OR COUNTY BOUNDARY LINES	☒ PROPOSED EASEMENTS
☒ EXISTING STREETS, HIGHWAYS (NAMES, NUMBER R.O.W.)	☒ PROPOSED PHASING AND DEVELOPMENT TIME SCHEDULE
☒ VICINITY MAP	☒ PRESERVATION PLAN FOR SAND DUNES/DUNE VEGETATION (BEACH DEVELOPMENT DISTRICT ONLY)
☒ TOPOGRAPHIC SURVEY (WHEN REQUIRED)	☒ EXISTING COVENANTS, RESTRICTIONS
☒ EXISTING EASEMENTS (TYPES/R.O.W.)	☒ PROPOSED COVENANTS/RESTRICTIONS
☒ PRELIMINARY COMMENTS ON PROPOSED WATER, SEWER, DRAINAGE FROM AFFECTED AGENCIES	☒ STATEMENT OF INTENT TO SERVE WATER, SEWER, ETC. FROM MUNICIPALITY, PSD OR OTHER AGENCY
☒ EXISTING LOTS, PARKS, PUBLIC AREAS, PERMANENT STRUCTURES	
☒ PROPOSED LAND USE, STREET DESIGN, PARKING, INGRESS/EGRESS	
☒ EXISTING WATER/SEWER LINES	

— FINAL APPLICATION INFORMATION REQUIRED —

APPROVAL FROM OTHER AGENCIES

☒ ONE ORIGINAL, TWO REPRODUCIBLE PRINTS AND FIVE COPIES OF FINAL SITE PLAN OR SUBDIVISION PLAN	☒ WATER SYSTEM - D.H.E.C. PSD tap on
☒ FINAL PLANS FOR STREETS, ALLEYS, AND OTHER TRAFFICWAYS	☒ WATER SERVICE SPFB PSD
☒ FINAL WATER AND SEWER PLANS	☒ SEWER SYSTEM - D.H.E.C. PSD tap on
☒ FINAL DRAINAGE PLAN	☒ SEWER SERVICE SPFB PSD
☒ PARKING, LOADING AND UNLOADING AREA PLANS	☒ DRAINAGE SYSTEM - COUNTY ENGINEER
☒ ELECTRIC AND TELEPHONE/GAS SERVICE LAYOUTS	☒ ELECTRIC SERVICE
☒ DESIGN AND DESIGNATION OF OPEN SPACE/RECREATION AREAS	☒ TELEPHONE SERVICE
☒ LEGAL GUARANTEES FOR INSTALLATION AND MAINTENANCE OF IMPROVEMENTS (SALE OR LONG TERM LEASE ONLY)	☒ OTHER: Arch. Review Board
☒ PROPOSED PUBLIC DEDICATION (I.E., STREETS, DRAINAGE SYSTEM, ETC.)	VARIANCE REQUEST: C-2B CWT
☒ FINAL COVENANTS/RESTRICTIONS	SETBACK
☒ FLOOD HAZARD DISCLOSURE STATEMENT	DATE PLANNING COMMISSION PRELIMINARY APPROVAL
☒ SPECIAL DISTRICT BOUNDARIES FH	BY ORDER OF JUDGE BROWN ON APPEAL
☒ SOLID WASTE DISPOSAL PRC	DATE PLANNING COMMISSION FINAL APPROVAL
☒ (EXCEPT SINGLE FAMILY SUBDIVISION)	DATE DEVELOPMENT PERMIT ISSUED March 22, 1983
☒ SETBACK, MAJOR THOROUGH FARE	DATE PLAT RECORDED
	PLT BK PG
	OILSR NOTIFIED
	USE FOR MORE LOTS ONLY

IPC COPY

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STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
CASE NUMBER 82-CP-7-287
A NON-JURY MATTER

CHEVRON, U.S.A.,)

Petitioner,)

vs.)

ORDER

BEAUFORT COUNTY, SOUTH CAROLINA,)
(A Political Subdivision of the)
State of South Carolina), BEAUFORT)
COUNTY COUNCIL (the governing body)
of Beaufort County, South Carolina))
BEAUFORT COUNTY JOINT PLANNING)
COMMISSION (An Agency of Beaufort)
County, A Political Subdivision of)
the State of South Carolina),)
BEAUFORT COUNTY BUILDING DEPARTMENT)
(An Agency of Beaufort County, A)
Political Subdivision of the State)
of South Carolina),)

Respondents.)

This is an appeal from the BEAUFORT COUNTY JOINT PLANNING COMMISSION and BEAUFORT COUNTY COUNCIL. The hearings held in those bodies resulted in denial of a development permit to CHEVRON, U.S.A. (hereinafter referred to as CHEVRON). This Court has jurisdiction of this matter pursuant to Section 7-6 of the Beaufort County Development Standards Ordinance and Section 6-7-10, et seq. of the Code of Laws of South Carolina (1976).

A hearing was held before me on Wednesday, February 2, 1983.

Present were Barry L. Johnson and H. Grady Brown as counsel for CHEVRON and Steve Hughs as counsel for the Respondents. Also present were Vic Spence, a representative of CHEVRON, and Charles Gatch, the BEAUFORT COUNTY JOINT PLANNING COMMISSION Executive Director.

In December, 1981, Chevron submitted site plans to the BEAUFORT COUNTY JOINT PLANNING COMMISSION for a proposed development of a full service service station on a .65 acre tract of land located on Palmetto Bay Road, Hilton Head Island, South Carolina. Accompanying its site plans were two requests for variances from the Beaufort County Standards Ordinance (hereinafter referred to as D.S.O.). The first variance request was for relief from Section 4.2.1 of the D.S.O. requiring a 50 foot setback from all major thoroughfares. The second request was for relief from Section

4.2.3 of the D.S.O. requiring 500 feet between access points to major thoroughfares. CHEVRON's requests for both variances were based upon Section 6.6 of the Ordinance which states as follows:

VARIANCES. The Planning Commission may approve development not in compliance with the provision of Article 4 and Article 5, of this Ordinance, if compliance of these provisions would cause unique hardship and if the proposed variance,

(a) is no more than is necessary to overcome the unique hardship;

(b) would not significantly interfere with the enjoyment of other land in the vicinity.

The JOINT PLANNING COMMISSION denied the request of CHEVRON for both variances and failed to issue a development permit. CHEVRON appealed this decision to the BEAUFORT COUNTY COUNCIL on December 29, 1981 on the grounds that the JOINT PLANNING COMMISSION erred in not granting the requested variances to CHEVRON for the reason that the strict application of the D.S.O. to CHEVRON's real property was arbitrary, unreasonable and capricious and constituted an unwarranted exercise of discretion which deprived CHEVRON of the reasonable use of its property. Furthermore, CHEVRON based its appeal to BEAUFORT COUNTY COUNCIL upon ground that it had a vested right to use its property as a result of its reliance on a building permit obtained in 1973 and the conditions which existed at the time CHEVRON acquired various permits necessary to build its station on the property in question. On March 11, 1982 the Beaufort County Council sustained the decision of the Joint Planning Commission.

In March of 1982 CHEVRON appealed the decision of the BEAUFORT COUNTY COUNCIL denying the requested variances and the development permit to this Court. The grounds of this appeal are essentially the same as those relied on by CHEVRON in its appeal to the BEAUFORT COUNTY COUNCIL. This is not a de novo hearing. This Court is required to accept the findings of fact as determined by the JOINT PLANNING COMMISSION and BEAUFORT COUNTY COUNCIL and jurisdiction of this matter was confined solely to questions of law. No formal transcript of record was kept in the proceedings held below, however, the Court has been provided, by stipulation of counsel for Petitioner and Respondents, an ample record of the testi-

mony presented below as well as the grounds for the decisions of the JOINT PLANNING COMMISSION and BEAUFORT COUNTY COUNCIL. A sufficient record can be found in the following items which have been submitted to this Court:

- (a) The minutes of the JOINT PLANNING COMMISSION hearing;
- (b) The minutes of the BEAUFORT COUNTY COUNCIL hearing;
- (c) The site plans submitted by CHEVRON to the JOINT PLANNING COMMISSION;
- (d) The letter of Arthur Horne informing CHEVRON of the COUNTY COUNCIL's decision;
- (e) A summary of facts and issues prepared by CHEVRON and provided to BEAUFORT COUNTY COUNCIL;
- (f) A drawing prepared by engineers for CHEVRON showing various setbacks;
- (g) Briefs submitted by BEAUFORT COUNTY and CHEVRON;
- (h) The stipulation of counsel for Petitioner and Respondents that CHEVRON entered into an option to purchase the subject property which was conditioned upon the obtaining of various permits. The purchase price for this property was ONE HUNDRED AND FIFTEEN THOUSAND (\$115,000.00) DOLLARS which was paid in cash by CHEVRON at the time the deed was executed in March of 1974.
- (i) An additional stipulation by counsel for Petitioner and Respondents that CHEVRON incurred various expenses relating to the construction of the service station on this property and that the expenses were incurred after the obtaining of the building permit.
- (j) The Beaufort County D.S.G.

In addition, the Court received an extensive explanation of the facts by counsel for both parties. The Court also had the benefit of factual information provided by Vic Spence, a representative of CHEVRON, and Charles Gatch, the executive director of the BEAUFORT COUNTY JOINT PLANNING COMMISSION, both of whom were present during the proceedings below. Accordingly, the Court is satisfied that a sufficient record has been made upon which to review alleged errors of law.

Two issues are before the Court on this appeal. First, the Court

must determine whether or not CHEVRON has acquired a vested right to construct a service station facility on the property in question in accordance with the design and site plans relied on by CHEVRON to obtain a building permit during 1973 and 1974. Secondly, this Court must determine whether or not CHEVRON has shown that the BEAUFORT COUNTY JOINT PLANNING COMMISSION and BEAUFORT COUNTY COUNCIL have abused their discretion by failing to grant the requested variances to CHEVRON. For the reasons set forth herein, I conclude that CHEVRON has a vested right to use its property as originally planned at the time of acquisition of the subject property and that the BEAUFORT COUNTY JOINT PLANNING COMMISSION and the BEAUFORT COUNTY COUNCIL abused their discretion in failing to grant to CHEVRON the variances it requested.

CHEVRON acquired a Beaufort County building permit in January of 1973 and subsequently purchased this property in March of 1974 in reliance upon the building permit, as well as various other permits obtained from other agencies and bodies during that time period. Subsequent to CHEVRON's acquisition of its building permit, it expended substantial sums toward the anticipated development of this property, including engineering fees, architectural fees, design fees and landscaping fees. Additionally, CHEVRON purchased this property in March of 1974 for a cash outlay of ONE HUNDRED FIFTEEN THOUSAND (\$115,000.00) DOLLARS. It appears from the record that all of the expenses mentioned herein, including the purchase of the property, were incurred in reliance upon the permits that were obtained in 1973 and 1974 and CHEVRON would not have exercised its option with respect to the purchase of this property without assurances, by way of appropriate permits, that it could develop its property.

South Carolina has recognized that property owners have a vested right to develop their property in situations in which they have acquired a valid building permit and have acted in reliance thereon by incurring substantial expenses. Pendleton v. the City of Columbia, 209 S.C. 394, 40 S.E. 2d 499 (1946). The Respondents have alleged that the vested rights theory is applicable only in instances where state action has the result of prohibiting private undertakings, and that such rights are only recognized

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in cases where zoning ordinances have resulted in such a prohibition. In other words, it is the Respondents' position that the vested rights rule does not apply in the instant action.

The Court disagrees with the Respondent's position. Although the Beaufort County Developments Standards Ordinance is not a zoning ordinance, it is prohibitory in nature. It is clear that a permit must be acquired before development can proceed. If a property owner has not acquired a development permit prior to undertaking construction and development, he has violated the provisions of the ordinance and is guilty of a misdemeanor and subject to criminal punishment. Section 7.8 (D.S.O.).

In cases in which this rule has been applied by the South Carolina Supreme Court, the Court has taken the position that in order for a landowner to change his position in reliance upon an issued permit, it must be shown he has incurred a substantial expense as a result thereof. Whitfield v. Seabrook, 259 S.C. 66, 190 S.E. 2d 743 (1972); Sherman V. Revas, 273 S.C. 542, 257 S.E. 2d 735 (1979); Palmetto Petroleum Inc., the City of Mullins, 251 S.C. 24, 159 S.E. 2d 854 (1968). The Respondents have taken the position that the vested rights theory applies only where prior construction or improvements have been made to the land. It does not appear that the South Carolina Supreme Court has applied the vested rights rule in such a fashion. It appears that the South Carolina Supreme Court requires a showing that the applicant has obtained a valid building permit and that he has incurred substantial investment and expense in reliance upon the building permit. In the Palmetto Petroleum case, the South Carolina Supreme Court cited McQuillin on Municipal Corporations, Volume 9, Paragraph 26.215, which states as follows:

"The general rule is that although a building permit does not in itself confer or alter vested rights, investment expenditures or work under it may give rise to property rights entitled to protection of the law as such." (Emphases supplied).

In the instant case, it was stipulated by all parties that CHEVRON incurred substantial expenses subsequent to acquiring its building permit, the largest of which was the purchase price for the property itself. The record shows that these expenses were incurred in reliance upon the pre-

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viously acquired permits. Accordingly, Chevron has acquired a vested right to develop its property in accordance with design plans originally contemplated when the property was purchased.

Additional support for CHEVRON's position that it is entitled to vested rights is the South Carolina Supreme Court decision in Pure Oil Division v. City of Columbia, 254 S.C. 28, 73 S.E.2d 140 (1970). In the Pure Oil case, the Supreme Court expanded the rules set forth in Pendleton by stating that even in cases in which a building permit was not issued, but the landowner acted in reliance upon conditions as they existed at the time of his application for a building permit, the landowner acquired a vested right to use the property as contemplated prior to the existence of the subsequently enacted ordinance. In Pure Oil the Court stated as follows:

"We see no sound reason to protect vested rights acquired after a permit is issued, and to deny such protection to similar rights acquired under an ordinance as i. existed at the time a proper application for a permit is made. In both instances, the right protected is to same, that is, the good faith reliance by the owner on the right to use his property as permitted under the zoning ordinance in force at the time of the application or permit."

Accordingly, a building permit is not actually required in order for vested rights to attach. See 22 S.C.L.R. 833. Since the Beaufort County Development Standards Ordinance was not enacted until 1978, five years after the issuance of the building permit, CHEVRON has acquired a vested right to use its property as originally contemplated. Prior to 1978, Beaufort County had no restrictions relating to setbacks and curb cuts. CHEVRON relied in good faith upon the conditions as they existed at the time it obtained all the appropriate permits required, and, accordingly, any subsequently enacted ordinance would not deprive CHEVRON of its right to develop the property. CHEVRON's acquisition of the various permits necessary for construction further buttresses its claim for vested rights. Even if it had not acquired such permits, under the instant circumstances, CHEVRON would still have a vested right to develop its property as desired since its expenditures were incurred in reliance upon the existing conditions, i.e., no development ordinance restrictions existing.

It appears that CHEVRON acquired its building permit from the Hilton Head Island Chamber of Commerce. It further appears from the evidence presented that the Chamber of Commerce was acting as an agent of Beaufort County inasmuch as Hilton Head Island is approximately 45 miles away from the Beaufort County Office Buildings (i.e., convenience for property owners and builders, etc.). Additionally, it appears that there was no Office of Building Inspector created by Beaufort County at the time CHEVRON obtained its permits. It would be inconceivable that County officials were unaware that a relationship existed between the County and the Hilton Head Chamber of Commerce with respect to the distribution of building permits on Hilton Head Island. Furthermore, a county official, the Hilton Head Island Magistrate, issued receipts for the purchase of the permit. Accordingly, I find that Beaufort County had constructive knowledge of the building permit issued to CHEVRON in 1973 and that it would be inequitable for the County to subsequently enact an ordinance and require CHEVRON to also comply with it before it can develop its property.

South Carolina recognizes several exceptions to the vested rights rule, the most important of which is the existence of intervening considerations of public necessity. Pure Oil Division v. City of Columbia, supra; Douglass v. City Council of Greenville, 92 S.C. 374, 75 S.E. 687 (1912). The only public necessity cited by the JOINT PLANNING COMMISSION and COUNTY COUNCIL are those of increased traffic congestion and a possibility of higher accidents if the development were allowed. This Court finds that these factors are not extensive enough to circumvent CHEVRON's vested rights. See: 22 S.C.L.R. 883, 841.

Accordingly, CHEVRON has acquired a vested right to use its property in accordance with the design plans which were contemplated in 1973 and 1974, the time at which it acquired the appropriate permits and expended substantial sums necessary to commence construction and development of this property. It would not have been necessary for CHEVRON to apply for a variance with the BEAUFORT COUNTY JOINT PLANNING COMMISSION since it had previously acquired a vested right to use its property. However, since CHEVRON in an abundance of caution, chose to pursue such a

course of action this Court will review the facts presented below in order to determine whether the BEAUFORT COUNTY JOINT PLANNING COMMISSION and the BEAUFORT COUNTY COUNCIL abused their discretion in denying the variances requested and the development permit.

This Court is of the opinion that the decisions of the BEAUFORT COUNTY JOINT PLANNING COMMISSION and the BEAUFORT COUNTY COUNCIL refusing to grant CHEVRON the requested variances and a development permit were an abuse of the discretion which those bodies possess under the laws of the State of South Carolina. Accordingly, even though CHEVRON did not need to appear before such bodies to request a variance, it was nevertheless entitled to such variances and a development permit because the facts and circumstances presented by CHEVRON justifying its requests were more than sufficient to warrant the granting of the requested variances and development permit.

The question presented to the BEAUFORT COUNTY JOINT PLANNING COMMISSION and BEAUFORT COUNTY COUNCIL was whether or not CHEVRON had made a sufficient showing of: (1) unique hardship in order to justify the requested variances; (2) whether or not such variances were no more than is necessary to overcome the unique hardship and (3) whether or not such variances would not significantly interfere with the enjoyment of other land in the vicinity.

It is clear that a property owner is not entitled to a variance as a matter of right and that the power of a Planning Commission to grant a variance is discretionary. In Hodge v. Pollack, 233 S.C. 342, 75 S.E. 2d 752 (1953), a leading case on the issue of granting or denying a variance, the court stated that the purpose of a variance is to permit the modification of an otherwise legitimate restriction in the exceptional case where, due to unusual conditions, it becomes more burdensome than intended. The Court also stated that there is no all-inclusive definition of "unnecessary hardship", however, the Court pointed out that it is generally held that before a variance can be allowed on the ground of "unnecessary hardship", there must be proof that a particular property suffers a singular disadvantage through the operation of the ordinance.

See also: Application of Groves, 226 S.C. 459, 85 S.E. 2d 708 (1955). In Application of Groves, supra, the Court stated that when establishing a singular disadvantage, it must be shown that there is something to indicate that the site in question is in some way unique or different from all other property in the surrounding areas and it must appear that any disadvantage to the subject property is not suffered generally by the entire area. See also: 62 C.J.S. Municipal Corporations, Section 227 (11).

Even though the Planning Commission is vested with a great deal of discretion and a presumption of fairness and correctness favors its decisions, it is well settled that the decision of the Planning Commission will not be upheld where it is based on errors of law, or fraud, or where there is no legal evidence to support it, or where the Planning Commission acted arbitrarily or unreasonably or in a discriminatory manner or where, in general, the Commission has abused its discretion. Talbot v. Myrtle Beach Board of Adjustment, 222 S.C. 165, 72 S.E. 2d 66 (1952); Hodge v. Pollock, supra; 168 A.L.R. 13 5(f). It is equally clear that a claim of unique hardship cannot be based upon conditions created by the owners or the applicant for the variance. Rush v. City of Greenville, 246 S.C. 268, 143 S.E. 2d 527 (1965). Furthermore, it must be shown that more than inconvenience to the owner is involved and that there is no way that the proposed development can conform to the regulations. Hodge v. Pollock, supra. In addition, where one purchases real estate with the intention of applying for a variance, he should not be allowed to contend that the restrictions caused him a particular hardship entitling him to a variance. Rush v. City of Greenville, supra.

In reviewing cases of this type, the South Carolina Courts have set forth certain guidelines. For example, a showing of a substantial financial loss alone will not be sufficient to qualify as a hardship, however, it is an element entitled to consideration. Application of Groves, supra. Additionally, where a landowner purchases property with notice of a pending or existing restriction or zoning ordinance, he cannot be allowed to contend that the restrictions caused him hardship. Rush v. City of Greenville, supra; Dunbar v. City of Spartanburg, 266 S.C. 113, 221 S.E. 2d 848 (1976).

The application of the above stated law to the facts in this particular case clearly show that the Petitioner has established a "singular disadvantage" that was created by a series of unusual circumstances. The testimony clearly establishes that CHEVRON's service station building must be arranged on the property in the fashion submitted by CHEVRON as a result of the unique circumstances associated with this property, as well as with service stations in general. Service stations in general are of a peculiar nature and call for special consideration by the Courts in connection with zoning and development cases. For example, sufficient space is needed for tanker trucks to unload and exit. After unloading, a tanker truck must travel around the rear of the station and exit out a different curb cut from which it entered in order to cause the least inconvenience to the public and create the least amount of traffic congestion. Without the variances requested, the tanker truck servicing the subject property would have only one curb cut with which to enter and exit. This would result in the tanker having to block access to the pump island when unloading and would require the tanker to have to back out onto Palmetto Bay Road when exiting and stopping all traffic until this maneuver was accomplished.

There is also a power line easement which runs generally along the southern boundary of the property which prohibits the placement of any buildings or structures within the easement. This further restricts the amount of land available within which to build the service station and is therefore more than an inconvenience to CHEVRON. Moreover, this parcel is the only parcel in the general vicinity which is restricted with a deed restriction requiring the property to be used exclusively as a service station and one of only a few subject to the power line easement. Accordingly, this property is at a "singular disadvantage" with respect to other parcels in the vicinity. Neither of these conditions were created by CHEVRON.

An additional problem associated with the property is that any design must be approved by the Sea Pines Plantation Architectural Review Board. This restriction was also not created by CHEVRON but was required by deed covenants. This Board has notified CHEVRON they would not accept

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T. B.
6/2/83

a design in which the bay service doors of the station faced Palmetto Bay Road, which further restricts design capability. Furthermore, this service station would have previously been constructed on this property had it not been for unforeseeable and uncontrollable economic forces in the Middle East and other parts of the world which made CHEVRON, as well the entire oil industry, reconsider and delay expansion projects. This factor is clearly unique to CHEVRON as compared to other property owners in the general area.

It was suggested by the Respondents that CHEVRON must attempt to obtain waivers or otherwise avoid the application of the deed restrictions effecting this property. However, in Talbot v. The Myrtle Beach Board of Adjustment, supra, (1952) the South Carolina Supreme Court noted that a zoning law cannot constitutionally relieve land within the district covered by it from lawful restrictions effecting its use, imposed by covenants. The Court noted that zoning laws, and presumably the board designated to enforce the zoning laws, did not have the power to suggest that a covenant should be removed from the land. Therefore, CHEVRON would not be required to make any attempts at removing any deed restrictions effecting the use of its property.

CHEVRON has also shown that it would incur a substantial financial loss should the variances not be granted. Should CHEVRON be unable to design its facility in accordance with generally accepted design standards for service stations, it would most probably not be used by the public because of the inconvenience and unsafe conditions resulting from the required design forced by the ordinances. This would make the facility an undesirable piece of property for purposes of resale. Furthermore, the deed restriction requiring the property to be used as a full service station not only restricts the amount of space that can be used for the facility, it also restricts the number of potential purchasers in the event of a resale effort.

Based on the foregoing, CHEVRON has conclusively established that the subject property is different and unique with respect to other property in the area and that the unique factors effecting this property were

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not experienced by other property owners in the area. Strict compliance by CHEVRON with the D.S.C. would result in unique hardship to CHEVRON caused by conditions not created by CHEVRON.

Furthermore, CHEVRON has sufficiently shown that the requested variances are no more than is necessary to overcome the unique hardship. The record establishes that the design proposed is the best that can be reasonably made under the circumstances and use restrictions associated with this property. A few minor adjustments could possibly be made with respect to the setback requirement, however, there would be no possible way to fully conform with the D.S.O. requirements and avoid filing for a setback variance. Any adjustments would be minor and would not justify the resubmittal of site plans by CHEVRON before the JOINT PLANNING COMMISSION.

The only basis which Respondents contend the requested variances would interfere with the enjoyment of other land in the vicinity is that increased traffic and congestion would result if the variances were allowed. The record shows that the proposed curb cut would be approximately 200 feet from the nearest intersection. Many service stations are much closer than that and do not appear to create unnecessary congestion. Accordingly, I find that any possibility of increased congestion is an insufficient basis in this case to conclude that the requested variances would interfere with other property owners use of their land.

It is clear that if these variances are not granted, the public would be harmed and inconvenienced. Sufficient evidence exists upon which a clear showing of unique hardship could be based. The conditions necessitating the request for the variances were not created in any way by the Petitioner. CHEVRON has met all of the requirements of Section 6.6 of the D.S.O. and, therefore, the requested variances should have been granted and the refusal to grant them was an abuse of discretion.

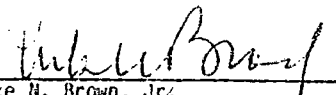
IT IS THEREFORE ORDERED:

- a. That the BEAUFORT COUNTY JOINT PLANNING COMMISSION issue a Development Permit to CHEVRON, USA, with respect to its property

located on Palmetto Bay Road, Hilton Head Island, South Carolina, allowing CHEVRON to construct its facilities thereon in accordance with the design plans originally contemplated by CHEVRON in 1973 and 1974.

b. Alternatively, the BEAUFORT COUNTY JOINT PLANNING COMMISSION shall grant the requested variances for a setback and additional curb cut and further grant a Development Permit to CHEVRON, USA, pursuant to the plans submitted to the BEAUFORT COUNTY JOINT PLANNING COMMISSION in December, 1981.

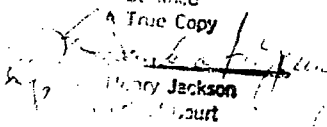
AND IT IS SO ORDERED



Luke N. Brown, Jr.
Judge of the Fourteenth Judicial
Circuit

Beaufort, South Carolina

February 14, 1983.

Certified
A True Copy

Henry Jackson
Clerk of Court

000087

Approval of Streets and Drainage Design

I do hereby grant ☒ preliminary, ☐ final approval of the street system design and drainage system design for the subdivision known as SERVICE STATION PALMETTO BAY RD, HH. I. and shown on the plat of said subdivision and appropriately initialed by me, SUBJECT TO THE FOLLOWING:

1. DEVELOPER MUST PROVIDE SOME STORM WATER RETENTION ON SITE.
2. FURNISH DRAINAGE CALCULATIONS.

5/4/01

Date

R. J. O'Leary

County Engineer, Designee

Form forwarded to Planning Commission from County Engineer certifying his approval of street and drainage design.

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Chevron U.S.A. Inc.
P. O. Box 1706, Atlanta, GA 30301

April 15, 1981

Mr. Charles Gatch
c/o Beaufort County
Joint Planning Commission
Arthur Horne Office Bldg.
P. O. Drawer 1228
Beaufort, SC 29902

PROPOSED RETAIL OUTLET
SS #1-194-027
PALMETTO BAY ROAD (S-7-80)
HILTON HEAD, SOUTH CAROLINA

Dear Mr. Gatch:

We are enclosing five (5) blue lines of our plot plan and topographic survey for the above retail outlet. We are submitting these plot plans for preliminary approval of the development of this property as a retail service station.

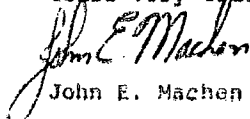
As per our previous telephone conversation, we are submitting for preliminary approval of this application prior to the sewer moratorium now in existence on Hilton Head Island.

We are also attaching our check covering the amount of cost of the filing fee.

We have received preliminary approval from the Sea Pines Architect Review Board for the construction of this retail outlet and have submitted to the South Carolina State Highway Department an application for encroachment permit for the driveways as indicated on the enclosed plot plan.

If additional information is required, please feel free to contact the writer.

Yours very truly,


John E. Machen

JEM/hrc

Enclosures

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Town HHI
1371

Chevron Station

May 8, 1981

Beaufort County Traffic

Mr. John E. Machen
Chevron U.S.A. Inc.
P. O. Box 1706
Atlanta, Georgia 30301

Re: Application for Encroachment Permit
28-1-194-027 - Palmetto Bay Road
(2-7-80) - Hilton Head Island

Dear Mr. Machen:

Reference is made to your letter dated April 10, 1981, to Mr. J. F. Smith, Jr., enclosing an encroachment permit application for driveways to your proposed service station on Palmetto Bay Road at Hilton Head Island. You pointed out that a previous permit was issued for this location in April, 1973.

We have contacted the Beaufort County Joint Planning Commission and understand that they have not approved your proposed access. The county passed an ordinance several years ago which has controls for driveways, and you not only have to conform to the Department's policies, but also to the county's requirements.

We are holding your permit application in abeyance until county approval is received.

Sincerely,

R. J. Weeks, Jr.
R. J. Weeks, Jr.
District Engineering Administrator

cc/ce

Mr. Charles Hatch
Maint. Supt. J. F. Smith, Jr.

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Sea Pines Plantation Company

Hilton Head Island, S.C. 29928 (803) 785-3333

June 9, 1981

Mr. John Machen
Chevron U.S.A., Inc.
P.O. Box 1706
Atlanta, Ga. 30301

Dear Mr. Machen:

The Sea Pines Commercial Architectural Review Board hereby approves the modification as submitted for your Service station development on Palmetto Bay Road. This approval is based upon the plans submitted as a modification to the 1973 permit issued and will be in effect for twelve months from the date of this letter.

Approval granted herein is intended to indicate only that the applicant has satisfied the approval authority vested in Sea Pines Plantation Company under the recorded covenants and restrictions of the Company. Any further approvals necessary, whether by federal, state or local governmental entities or by other companies or individuals, shall be the responsibility of the applicant.

If I can be of any further assistance, please feel free to contact me.

Sincerely,

Frank Guscio

Frank Guscio
Administrator, Commercial
Architectural Review Board

cc: Architectural Review Board

FG:ma

Sea Pines Plantation is an oceanfront resort and residential community noted for miles of beaches and the finest array of resort sports facilities in South America. Facilities include 2 harbours, four 18-hole golf courses and 60 tennis courts and a wide array of parks, conservatories and permanent outdoor recreation areas. The Seasons, Hilton Head Inn and 2 executive conference centers provide a wide range of meeting facilities. Approximately 1,000 rental homes, apartments and villas with 2,000 bedrooms are managed by the Company and provide accommodations for one-night and long-stay visitors. Reservations are made by calling 803-845-8113.

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September 17, 1981

Mr. Charles Gatch
Executive Director
Beaufort County Joint Planning Commission
Post Office Box 406
Beaufort, South Carolina 29902

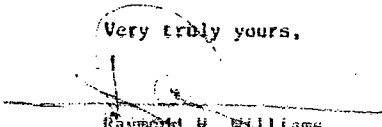
Re: Chevron Station, Hilton Head Island, South Carolina

Dear Charles:

By and through this letter I would like to confirm my telephone conversation with your secretary on September 14, 1981. During our conversation I was assured that the Joint Planning Commission would put the captioned matter on a deferred list until such time as the problem with the fifty (50') lot set back line as required by the Development Standards Ordinance can be addressed and solved.

Your kind assistance in this matter is appreciated and with warm personal regards, I remain

Very truly yours,


Raymond H. Williams

HW/pc

Mr. R. V. Spence
Chevron USA, Inc.

000092

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FREDERICK C. HACK, JR.
DAVID L. TEDDER
JAMES P. SCHIEDER, JR.

November 6, 1981

Mr. Charles Gatch
Executive Director
Beaufort County Joint Planning Commission
Post Office Box 406
Beaufort, South Carolina 29902

Re: Chevron Station, Hilton Head Island, South Carolina
Palmetto Bay Road.

Dear Mr. Gatch:

Enclosed herewith please find a letter which I requested and received from the South Carolina Department of Highways and Public Transportation regarding matters that you and I and the engineers from Chevron USA discussed some time ago with regards to the set back requirements for the above captioned property. If you will recall, Chevron would have a near impossibility in meeting the 50-foot set back requirement required by the current Developments Standards Ordinance in Beaufort County.

In our conversation with you, you suggested that we, either you or I, contact the Highway Department to determine the amount of right-of-way they felt they would need in the event that Palmetto Bay Road was improved or widened. Several days ago both Bob Wallace, from Chevron, and myself made contact with several people in the Highway Department engineering office as well as the advance planning section of that Department with regards to this particular matter. As a result of our discussions with them I requested the enclosed letter from Mr. Boozer that I wish to have submitted with the revised plans which we have previously forwarded to your office regarding the Chevron property.

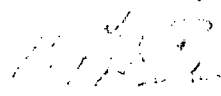
000093

Page 2
Gatch
November 6, 1981

Without having the figures in front of me, I believe that the original plans submitted by Chevron would suffice for purposes of meeting the right-of-way qualifications of the Highway Department. We are accordingly submitting these plans in order to request a variance not only for the curb cut, which we originally requested, but also for the set back requirement. Please notify me as soon as possible advising me that we will be on the December agenda, in order that I may make plans to have my clients present at this meeting in the event that questions need to be directed to them. I look forward to hearing from you.

Thanking you, and with warm regards, I am

Most sincerely,


H. Grady Brown

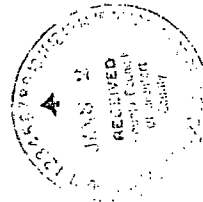
HGB/ce

cc: Vic Spence, Chevron

DOWLING, SANDERS, DUKES, NOVIT & SYAL, INC. P A

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Town HHI
1376



MEMORANDUM

TO: Michael C. O'Neill, Beaufort County Administrator

FROM: Charles Catch, Executive Director, Beaufort County Joint Planning Commission *CRJ*

SUBJECT: Chevron U.S.A. Appeal of Joint Planning Commission decision

DATE: January 7, 1982

Chevron has filed an intent to appeal denial of a development permit by the Planning Commission for their proposed service station on Hilton Head. The Planning Commission denied the permit on the basis that the submitted design did not meet the adopted standards for setback from major thoroughfares (Section 4.2.1) and access from major thoroughfares (Section 4.2.3). Chevron had requested variances from these standards and the requests were denied.

Section 6.6 of the Development Standards Ordinance empowers the Planning Commission to grant a variance if it finds "compliance with these provisions would cause unique hardship". The Commission was not convinced of a "unique hardship" nor that the design submitted sought relief "no more than is necessary to overcome the unique hardship" as stated in Section 6.6.

Chevron feels there is a unique situation here because of private covenants and restrictions on their lot limiting its use to a gas station. No evidence was presented to the Planning Commission showing an effort had been made to gain relief or change from that restriction. The lot is also relatively shallow and with the private covenant rear setbacks and the Development Standards Ordinance front setback requirements they feel they cannot accomplish their desired project.

On the access question they feel they must have two ingress/egress points to effectively operate a service station. The Planning Commission approved one earlier which constituted a variance from the standards. They sought further variance in asking for yet another at the other end of their lot.

The lot is on Palmetto Bay Road at the Market Place Shipping Center just down from Sea Pines Circle. The area is congested and has heavy traffic volumes. This road will have to be four laned in the near future and traffic volumes will increase dramatically there as growth continues on the island - particularly if the cross island route is built. The Commission strongly sees the project as designed at that location creating greater congestion and being unsafe.

Beaufort County Joint Planning Commission / P O Drawer 1228 / Beaufort, S C 29902 / 803-524-4414, Ext 258

000095

Town HHI
1377

HOWELL, BARNES, BOWERS AND GIBSON, P.A.

ATTORNEYS AT LAW

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1214 KING STREET
POST OFFICE BOX 49
BEAUFORT, SOUTH CAROLINA 29902-0049
803 - 524-3453

February 3, 1983

Mr. Michael G. O'Neill
Beaufort County Administrator
Post Office Drawer 1228
Beaufort, South Carolina 29902

RE: Chevron, U.S.A., Inc. Beaufort County

Dear Mike:

On Wednesday, February 2, 1983, the Appeal of Chevron, U.S.A. to the rulings of the Joint Planning Commission as sustained by the County Council was argued before the Honorable Luke Brown, Circuit Judge. Following oral arguments by both parties, the Judge retired to review the parties' respective Memoranda in support of their positions. He indicated that a ruling might be forthcoming sometime after Monday, February 7, 1983. I will advise you regarding the Court's determination in this regard.

In the event that you have any questions or comments concerning the matter discussed herein, please don't hesitate to contact me.

Yours very truly,

HOWELL, BARNES, BOWERS &
GIBSON, P.A.

Stephen P. Hughes

SPH:ipl

cc: Mr. Charles Gatch ✓

000096

3-8-83 Steve

JPC reject plans

CC reject "

Lute favor of Chevron

— no appeal filed by county

Plans approved by judge —

ARB? — Brady
said Sea Pines
did approve this

Gusio? knows

Bay Doors — redesign

000097

and
☐ FORWARD
☐ RETURN
☐ KEEP OR DISCARD
☐ REVIEW WITH ME
 Date _____ From _____



DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION
 1000 MARKET STREET
 COLUMBIA, SOUTH CAROLINA 29201

June 1, 1993

Mr. William L. McBride, Chairman
 County Council of Beaufort County
 Post Office Drawer 1228
 Beaufort, South Carolina 29902

Dear Mr. McBride:

I have received your letter of May 19, advising that the 14th Circuit Court of South Carolina had recently ruled in favor of Chevron Oil Company regarding their plans to develop a one acre tract along Palmetto Bay Road on Hilton Head. As a result of the court's ruling, a development permit granting certain variances has been issued to Chevron Oil Company.

At this time, the Department has begun an initial planning process for improvements to Palmetto Bay Road, therefore, plans have not yet been developed. The information about Chevron's development has been provided to our Engineering Division for evaluation.

Thank you for taking time to advise me of this matter. I appreciate your interest and concern.

With kind personal regards, I am

Yours very truly,

Paul W. Cobb
 Paul W. Cobb
 Chief Commissioner

000098

JPC

July 17, 1901

1. *U. M. S. 1900* (1900) 1: 100.
 2. *U. M. S. 1900* (1900) 1: 100.
 3. *U. M. S. 1900* (1900) 1: 100.
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 9. *U. M. S. 1900* (1900) 1: 100.
 10. *U. M. S. 1900* (1900) 1: 100.

1. *Phragmites australis* (Cav.) Trin. ex Steud.

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains. The number of transformed cells was determined by the number of colonies obtained on the selective medium. The results are the mean of three independent experiments. Error bars represent the standard deviation.

1991-1992: 251, 1992-1993: 262, 1993-1994: 273, 1994-1995: 284, 1995-1996: 295, 1996-1997: 306, 1997-1998: 317, 1998-1999: 328, 1999-2000: 339, 2000-2001: 350, 2001-2002: 361, 2002-2003: 372, 2003-2004: 383, 2004-2005: 394, 2005-2006: 405, 2006-2007: 416, 2007-2008: 427, 2008-2009: 438, 2009-2010: 449, 2010-2011: 460, 2011-2012: 471, 2012-2013: 482, 2013-2014: 493, 2014-2015: 504, 2015-2016: 515, 2016-2017: 526, 2017-2018: 537, 2018-2019: 548, 2019-2020: 559, 2020-2021: 570, 2021-2022: 581, 2022-2023: 592, 2023-2024: 603, 2024-2025: 614, 2025-2026: 625, 2026-2027: 636, 2027-2028: 647, 2028-2029: 658, 2029-2030: 669, 2030-2031: 680, 2031-2032: 691, 2032-2033: 702, 2033-2034: 713, 2034-2035: 724, 2035-2036: 735, 2036-2037: 746, 2037-2038: 757, 2038-2039: 768, 2039-2040: 779, 2040-2041: 790, 2041-2042: 801, 2042-2043: 812, 2043-2044: 823, 2044-2045: 834, 2045-2046: 845, 2046-2047: 856, 2047-2048: 867, 2048-2049: 878, 2049-2050: 889, 2050-2051: 900, 2051-2052: 911, 2052-2053: 922, 2053-2054: 933, 2054-2055: 944, 2055-2056: 955, 2056-2057: 966, 2057-2058: 977, 2058-2059: 988, 2059-2060: 999, 2060-2061: 1010, 2061-2062: 1021, 2062-2063: 1032, 2063-2064: 1043, 2064-2065: 1054, 2065-2066: 1065, 2066-2067: 1076, 2067-2068: 1087, 2068-2069: 1098, 2069-2070: 1109, 2070-2071: 1120, 2071-2072: 1131, 2072-2073: 1142, 2073-2074: 1153, 2074-2075: 1164, 2075-2076: 1175, 2076-2077: 1186, 2077-2078: 1197, 2078-2079: 1208, 2079-2080: 1219, 2080-2081: 1230, 2081-2082: 1241, 2082-2083: 1252, 2083-2084: 1263, 2084-2085: 1274, 2085-2086: 1285, 2086-2087: 1296, 2087-2088: 1307, 2088-2089: 1318, 2089-2090: 1329, 2090-2091: 1340, 2091-2092: 1351, 2092-2093: 1362, 2093-2094: 1373, 2094-2095: 1384, 2095-2096: 1395, 2096-2097: 1406, 2097-2098: 1417, 2098-2099: 1428, 2099-2100: 1439, 2100-2101: 1450, 2101-2102: 1461, 2102-2103: 1472, 2103-2104: 1483, 2104-2105: 1494, 2105-2106: 1505, 2106-2107: 1516, 2107-2108: 1527, 2108-2109: 1538, 2109-2110: 1549, 2110-2111: 1560, 2111-2112: 1571, 2112-2113: 1582, 2113-2114: 1593, 2114-2115: 1604, 2115-2116: 1615, 2116-2117: 1626, 2117-2118: 1637, 2118-2119: 1648, 2119-2120: 1659, 2120-2121: 1670, 2121-2122: 1681, 2122-2123: 1692, 2123-2124: 1703, 2124-2125: 1714, 2125-2126: 1725, 2126-2127: 1736, 2127-2128: 1747, 2128-2129: 1758, 2129-2130: 1769, 2130-2131: 1780, 2131-2132: 1791, 2132-2133: 1802, 2133-2134: 1813, 2134-2135: 1824, 2135-2136: 1835, 2136-2137: 1846, 2137-2138: 1857, 2138-2139: 1868, 2139-2140: 1879, 2140-2141: 1890, 2141-2142: 1901, 2142-2143: 1912, 2143-2144: 1923, 2144-2145: 1934, 2145-2146: 1945, 2146-2147: 1956, 2147-2148: 1967, 2148-2149: 1978, 2149-2150: 1989, 2150-2151: 2000, 2151-2152: 2011, 2152-2153: 2022, 2153-2154: 2033, 2154-2155: 2044, 2155-2156: 2055, 2156-2157: 2066, 2157-2158: 2077, 2158-2159: 2088, 2159-2160: 2099, 2160-2161: 2110, 2161-2162: 2121, 2162-2163: 2132, 2163-2164: 2143, 2164-2165: 2154, 2165-2166: 2165, 2166-2167: 2176, 2167-2168: 2187, 2168-2169: 2198, 2169-2170: 2209, 2170-2171: 2220, 2171-2172: 2231, 2172-2173: 2242, 2173-2174: 2253, 2174-2175: 2264, 2175-2176: 2275, 2176-2177: 2286, 2177-2178: 2297, 2178-2179: 2308, 2179-2180: 2319, 2180-2181: 2330, 2181-2182: 2341, 2182-2183: 2352, 2183-2184: 2363, 2184-2185: 2374, 2185-2186: 2385, 2186-2187: 2396, 2187-2188: 2407, 2188-2189: 2418, 2189-2190: 2429, 2190-2191: 2440, 2191-2192: 2451, 2192-2193: 2462, 2193-2194: 2473, 2194-2195: 2484, 2195-2196: 2495, 2196-2197: 2506, 2197-2198: 2517, 2198-2199: 2528, 2199-2200: 2539, 2200-2201: 2550, 2201-2202: 2561, 2202-2203: 2572, 2203-2204: 2583, 2204-2205: 2594, 2205-2206: 2605, 2206-2207: 2616, 2207-2208: 2627, 2208-2209: 2638, 2209-2210: 2649, 2210-2211: 2660, 2211-2212: 2671, 2212-2213: 2682, 2213-2214: 2693, 2214-2215: 2704, 2215-2216: 2715, 2216-2217: 2726, 2217-2218: 2737, 2218-2219: 2748, 2219-2220: 2759, 2220-2221: 2770, 2221-2222: 2781, 2222-2223: 2792, 2223-2224: 2803, 2224-2225: 2814, 2225-2226: 2825, 2226-2227: 2836, 2227-2228: 2847, 2228-2229: 2858, 2229-2230: 2869, 2230-2231: 2880, 2231-2232: 2891, 2232-2233: 2902, 2233-2234: 2913, 2234-2235: 2924, 2235-2236: 2

clearly, for any $\epsilon > 0$, $\lim_{n \rightarrow \infty} \mathbb{P}(\|X_n - X\|_2 \leq \epsilon) = 1$. This implies that X_n converges to X in probability. $\square$

17. The following table shows the results of the survey of the use of the word "God" in the Bible.

Charles Stetson

THE JOURNAL OF THE
ROYAL ANTHROPOLOGICAL INSTITUTE

1. 1911

Saverton County Joint Planning Commission / P. O. Drawer 1228 / Beaufort, S. C. 29502 / 803 526 7138

000099

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1381

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June 13, 1983

Mr. Charles Gatch
Beaufort County Joint
Planning Commission
Post Office Box 406
Beaufort, S.C. 29902

Re: Chevron, U.S.A.

Dear Charles:

Pursuant to our recent telephone conversation I am enclosing herewith a copy of a drawing prepared by Chevron Engineers regarding the property owned by Chevron, U.S.A. on Palmetto Bay Road, Hilton Head Island, South Carolina. In our conversation I advised you that Chevron was interested in reviewing the possibility of revising the design of the station to be placed on this property by changing the design to a self-service station with a sales building in the center.

As we discussed, this new design would negate the need for a setback variance. However, this new plan would still require the additional curb cut. As you know, this new design better complies with the regulations of the Development Standard Ordinance.

These plans are being submitted to you with the understanding that they can be considered at the administrative level and without a formal presentation to the entire commission. Since this revised plan more closely complies with the D.S.O., and better suits the needs of Chevron, we feel that it would be to Chevron's as well as Beaufort County's interests to approve this modification.

Please review these plans and let me know your thoughts on obtaining appropriate authority to build in accordance with this revised drawing. If you should have any questions or comments concerning these plans or Chevron's position, please feel free to contact me.

000101

Mr. Charles Gatch
June 13, 1983
Page 2

Re: Chevron, U.S.A.

Thanking you and with warm regards, I am

Most sincerely,


H. Grady Brown

HGB/bh
cc: Mr. R. V. Spence

Enclosure

DOWLING, SANDERS, DUKES, NOVIT & SVALINA, P. A.

000102

Town HHI
1384

*Summary of Beaufort County Joint Planning Commission
Denial of Development Permit
to Chevron*

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000103

FACTUAL SUMMARY/BACKGROUND AND HISTORY

FACTUAL SUMMARY

- (1) Chevron Oil Company purchased the property described in Deed Book 218 at Page 1959.
- (2) January, 1973 Chevron Oil Company obtained Building Permit No. 9028 from Beaufort County. This permit was based upon site plans submitted by Chevron Oil Company showing substantially the same design as those submitted to the Beaufort County Joint Planning Commission.
- (3) March, 1974 Sea Pines Plantation placed Restrictive Covenants on Chevron's property restricting its use to the "sale of petroleum related automobile and travel trailer products and services."
- (4) 1974-1978 International economic forces caused gas shortage conditions, making construction of this facility by Chevron inadvisable.
- (5) 1978-1981 Sewer moratorium imposed on the property and this area, further preventing construction.
- (6) Sept. 1978 Beaufort County Development Standards Ordinance adopted by Beaufort County, South Carolina.
- (7) June, 1981 Sea Pines Plantation Company granted approval of the project submitted by Chevron.
- (8) July 3, 1981 Chevron received notification from Market Place Shopping Center refusing to allow Chevron ingress/egress through or over the existing Market Place Shopping Center property.
- (9) July 3, 1981 Sea Pines Public Service District grants approval of the Chevron project.
- (10) August, 1981 Beaufort County Joint Planning Commission granted preliminary plan approval to the project adjacent to Chevron, the Market Place Expansion. The decision adopted by the Commission called for a common curb cut to be shared by the Market Place Expansion and Chevron, with the possibility

- of Chevron obtaining an additional curb cut of its own when its project is reviewed by the Joint Planning Commission.
- (11) August, 1981 Chevron submitted its application for preliminary site plan approval to the Joint Planning Commission, along with its additional request for the curb cut variance.
- (12) Sept., 1981 Chevron was notified by Joint Planning Commission Executive Director, Charles Gatch, of a problem associated with Chevron's site plan in that it did not comply with the setback requirement of the DSC.
- (13) October, 1981 Chevron Property Management Specialist, Vic Spence, and Chevron Construction Engineer, Bob Wallace, along with counsel for Chevron met with Charles Gatch in an effort to explain Chevron's position relative to its variance requests and to discuss possible viable solutions.
- (14) October 28, 1981 Notification was received from Sea Pines Plantation Company advising Chevron that the Sea Pines Architectural Review Board would not approve its project if Chevron's bay doors faced Palmetto Bay Road.
- (15) November, 1981 Ted Boozer of the South Carolina Department of Highways and Public Transportation consulted with Chevron regarding Chevron's request for information relating to future widening of Palmetto Bay Road. Mr. Boozer responded with his letter dated November 5, 1981.
- (16) December 14, 1981 The Beaufort County Joint Planning Commission denied approval of the site plans submitted by Chevron and rejected the requested variances by a vote of 5 to 1, with 4 abstentions.
- (17) December 29, 1981 Notice of Intent to Appeal the ruling of the Joint Planning Commission was filed with Beaufort County Counsel and served upon Ladson Howell, Mike O'Neill, Arthur Horne, Noel Seeburg and Charles Gatch.

ADDITIONAL BACKGROUND

The Chevron property is located on Hilton Head Island, South Carolina on Palmetto Bay Road near the Sea Pines traffic circle. This property is comprised of only .65 acres and has the following dimensions: 205.85 feet along Palmetto Bay Road and 150.05 feet from Palmetto Bay Road to the rear property line.

The property is located 157.96 feet from the Sea Pines traffic circle and is bounded by Palmetto Bay Road on the east, Sea Pines Reception Center on the south and the Market Place Shopping Center on the north and west.

According to the Sea Pines Plantation restrictive covenants encumbering this property, Chevron must use this property as a full service station and not as a self service station, all of which necessarily requires a larger amount of space. In addition, the Sea Pines Plantation Architectural Board required that the bay service doors must not face Palmetto Bay Road, constituting a severe limitation on design alternatives. Further complicating design alternatives is the necessity of placing the facility in a position which makes it possible for tanker trucks to enter, unload and leave freely and with a minimal amount of disruption to traffic flow. A power line easement on the southern portion of this property further restricts design of the facilities.

Accordingly, Chevron submitted to the Beaufort County Joint Planning Commission a design which it feels can best satisfy the above requirements. Moreover, the design of the facility would easily blend aesthetically with the character of Sea Pines and Hilton Head Island.

The facility will house a bay service area, car wash, office and restroom space and two (2) pump islands. Customers will have access to diesel fuel, as well as leaded and unleaded gasoline.

As designed, the first pump island would be 27 feet from the present right-of-way on Palmetto Bay Road, with a canopy extending an additional 7 feet. The distances between the pump islands, as well as between the second pump island and the station, were designed as close together as possible, keeping in mind the amount of space necessary for vehicles to maneuver.

Pursuant to a previous Joint Planning Commission decision, Chevron agreed to share a common ingress/egress point with its neighboring property

THE CONTROVERSY/ISSUE

Chevron has previously submitted to the Beaufort County Joint Planning Commission all appropriate site plans and additional information required by Section 6.5 et seq. of the Beaufort County Development Standard Ordinance relating to preliminary applications. In addition to its application, Chevron requested that the Joint Planning Commission grant it two (2) variances, the first being a variance from the fifty (50) foot setback requirement of Section 4.2.1 of the Development Standards Ordinance and the second being a variance from the Section 4.2.3 of the Development Standards Ordinance requiring five hundred (500) feet between access points to major thoroughfares.

Chevron's variance requests are based upon Section 6.6 of the Development Standards Ordinance, which states as follows:

VARIANCES. The Planning Commission may approve development not in compliance with the provisions of Article Four and Article Five of this Ordinance, if compliance with these provisions would cause unique hardship and if the proposed variance,

- (a) is no more than is necessary to overcome the unique hardship; and
- (b) will not significantly interfere with the enjoyment of other land in the vicinity.

After a brief review and discussion of the facts and circumstances relating to Chevron's application and variance request, the Beaufort County Joint Planning Commission rejected the site plans as submitted stating that Chevron's design failed to conform with Section 4.2.1 and Section 4.2.3 of the Beaufort County Development Standards Ordinance. Pursuant to Section 7.6 of the Development Standards Ordinance, Chevron timely appealed this decision by filing and serving its Notice of Appeal within twenty (20) days of its receipt of Notice of the Joint Planning Commission decision.

The question presented to the Beaufort County Council on this appeal is whether or not the strict application of Sections 4.2.1 and 4.2.3 of the Development Standards Ordinance to Chevron's property was arbitrary, unreasonable, capricious, erroneous and unwarranted in light of the facts presented herein. In short, did Chevron make a sufficient showing of unique hardship to justify the variances? If so, the decision by the Joint Planning Commission would be erroneous, unwarranted and an abuse of its discretion and contrary to the spirit of the Development Standards Ordinance.

SUMMARY OF UNIQUE HARDSHIPS

I. Existence of a restrictive covenant which restricts the use of this property to "the sale of petroleum related automobile and travel trailer products and services." Clearly, the existence of various other types of property uses in the immediate vicinity evidences the fact that this parcel of property has been treated differently than others in the area.

(a) Resale of this property would be restricted to a limited group of purchasers.

(b) There are certain generally accepted standards of design which are unique to service stations and which require easy access and flow of automobiles and other vehicles in order to make service stations profitable and acceptable to the public.

(c) The restriction mandates that this property be used as a full service and not a self-service station, thereby requiring more space than ordinarily is necessary for a self-service station.

(d) Chevron would be forced to undertake the lengthy, expensive, difficult and burdensome process of having to attempt to remove the restrictions imposed upon the land should approval of the site plans and variances not be granted.

II. Sea Pines Plantation Architectural Review Board has authority to review the design of this, as well as other property in Sea Pines Plantation. The Board notified Chevron that it would be unacceptable to design this facility in a manner in which the bay service doors faced Palmetto Bay Road. This forced the station to be designed in a fashion which places the widest portion of the building between the front and rear property lines, thus inhibiting Chevron's ability to satisfy the setback requirement of the Development Standards Ordinance.

III. A power line easement running generally along the southern boundary of this property prohibits building within the easement.

IV. The small size of the lot itself severely limits Chevron's ability to comply with the setback requirement of the Development Standards Ordinance. The lot has a depth of only 150.05 feet from the 66-foot highway right-of-way to the rear property line. Deducting 50 feet for the setback leaves only 100 feet

with which to place the station and the two (2) pump islands, all of which are going to consume over 100 feet.

V. Chevron has made a sizeable investment relating to building a service station on this property. If Chevron were unable to build this station on this property, it would suffer an enormous financial loss.

VI. Chevron obtained title to this property in the early 1970's. However, due to uncontrollable and unforeseeable intervening economic and political forces, it was unable to build this station until recently. During the mid-1970's, Middle East nations created a political and economic environment which made expansion in the oil industry extremely undesirable. In addition, Beaufort County placed a sewer moratorium in this area which prohibited construction of this facility. Had these forces not occurred, Chevron would have been able to build a station on this property with substantially the same design as that submitted for a building permit in the early 1970's.

VII. Chevron contacted Ted Boozer, urban engineer for the South Carolina Highway Department, and was advised that in the event that Palmetto Bay Road was widened, seven (7) feet of additional right-of-way on each side would be required. Furthermore, Mr. Boozer stated that the standards and specifications of the Highway Department only required a minimum of twelve (12) feet from the right-of-way line. Under its proposed plans, Chevron's pumps would be twenty (20) feet from the right-of-way if Palmetto Bay Road were widened.

VIII. If the setback and curb cut variance were not granted, Chevron would not be able to provide a method by which the underground gas tanks could be filled. Generally accepted design standards call for the tanker truck to unload and drive behind the facility, exiting out of the opposite access point from which it entered. If Chevron had only one access point, it would be extremely difficult for the tanker to enter and exit, especially if two (2) businesses which rely on the continuous flow of automobiles are using the same curb cut. Furthermore, the tanker requires space between the rear of the facility and the rear property line in order to make its turn around the building. The use of a large tanker truck in this fashion is unique to the service station business.

IX. Congestion, confusion and accidents could not probably result if
shared by two (2) businesses whose life blood depends upon the continual flow of
automobiles. Traffic could be blocked, not only on the two (2) business lots,
but also on Palmetto Bay Road.

(a) A service station is different from other businesses.
Its success, as well as the safety, health and convenience of the public depends
on the free and continuous flow of automobiles.

IMPORTANT FACTS

I. A review of the unique hardships set forth above clearly shows that Chevron did not create nor was it responsible for any of the matters mentioned therein. All were created by uncontrollable or unforeseeable factors or by third parties.

II. It should be noted that Chevron has made numerous efforts to avoid having to request the variances. Pursuant to Section 7.4.1 of the Development Standards Ordinance a Preapplication Conference was held with Charles Gatch, Executive Director of the Joint Planning Commission, in order to gain insight into what alternatives might be acceptable to the Commission. In addition, Chevron agreed to accept a joint curb cut with an adjoining property owner, in order to be able to assure at least one access point. Chevron also contacted the owner of the property behind it in order to obtain a rear access point into the Market Place Shopping Center, however this proposal was rejected by the shopping center owners.

000111

CHEVRON'S POSITION/CONCLUSION

It is Chevron's position that it is justified in requesting a setback and curb cut variance as a result of the unique hardships and circumstances existing in this matter. In view of the facts herein, strict application of the Development Standards Ordinances' provisions governing setbacks and curb cuts would be unreasonable and unwarranted and would therefore constitute an abuse of discretion.

Section 6.6 of the Development Standards Ordinance sets forth conditions upon which variances may be obtained from the strict application of the ordinance. Upon a showing of "unique hardship", the Ordinance allows a variance to be granted. Surely the spirit behind such a provision would be violated if the decision of the Joint Planning Commission was against the weight of the evidence supporting the granting of the variance.

The variances requested by Chevron derive from factors which constituted substantial and unique hardships upon Chevron's ability to comply with Sections 4.2.1 and 4.2.3 of the Development Standards Ordinance. It is nearly impossible for this property to be used in a conforming manner. The hardships listed by Chevron involve more than mere inconvenience, they are substantial and not experienced by other landowners. Should these variances not be granted, Chevron would be deprived of any practical use of its property.

Under the circumstances presented herein, it is Chevron's position that the Joint Planning Commission's denial of approval of the site plans and variances submitted by Chevron should not be upheld. The decision is not based on the weight of evidence submitted and is accordingly arbitrary, capricious, confiscatory and an abuse of discretion as well as an injustice to Chevron, and should therefore be reversed.

IMPORTANT DOCUMENTS

000113



Sea Pines Plantation Company

Hilton Head Island, S.C. 29928 (803) 785-3333

June 9, 1981

Mr. John Machen
Cameron U.S.A., Inc.
P.O. Box 1706
Atlanta, Ga. 30301

Dear Mr. Machen:

The Sea Pines Commercial Architectural Review Board hereby approves the modification as submitted for your Service station development on Palmetto Bay Road. This approval is based upon the plans submitted as a modification to the 1973 permit issued and will be in effect for twelve months from the date of this letter.

Approval granted herein is intended to indicate only that the applicant has satisfied the approval authority vested in Sea Pines Plantation Company under the recorded covenants and restrictions of the Company. Any further approvals necessary, whether by federal, state or local governmental entities or by other companies or individuals, shall be the responsibility of the applicant.

If I can be of any further assistance, please feel free to contact me.

Sincerely,

Frank Gascio

Frank Gascio
Administrator, Commercial
Architectural Review Board

cc: Architectural Review Board

FG:ms

Sea Pines Plantation is an posh resort and residential community noted for miles of beaches and the finest array of resort sports facilities in North America. Facilities include 7 harbours, four 18-hole golf courses and 60 tennis courts and a 500 acres of parks, conservancies and permanent outdoor recreation areas. The on-site Hilton Head Inn and 2 executive conference centers provide a wide range of meeting facilities. Approximately 1,700 rental homes, apartments and as well as 3,500 bedrooms are managed by the Company and provide accommodations for the short and long-stay visitors. Reservations are made by calling 1-800-645-6131.

000114

 Sea Pines
Hilton Head Island
REAL ESTATE COMPANY, INC.

Hilton Head Island, South Carolina 29928
Phone (803) 785-3333

July 3, 1981

Mr. R. V. Spence
Chevron, U.S.A. Inc.
P.O. Box 1706
Atlanta, Georgia 30301

Dear Mr. Spence:

Reference is made to your letter of June 3, 1981 regarding your property on Palmetto Bay Road, Hilton Head Island, S.C.

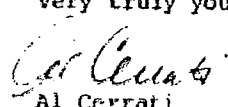
As agent for the owner of the Market Place Shopping Center complex, I have been instructed to advise you that your request for access to your property, other than directly from Palmetto Bay Road, would create unreasonable traffic flow problems to our existing facilities. Further, such access, if granted, would interfere with our future development plans for the expansion of the shopping area.

Based on the above, we do not feel that we can grant access through or over the existing center property as the sole access to your station.

Furthermore, when this property was acquired in 1974 as a gasoline service center site, I believe access was intended to be from Palmetto Bay Road with the remaining shopping center development parcels to circulate through existing entryways and interior parking areas.

Should it be necessary, we would be happy to discuss this in greater detail.

Very truly yours,


Al Cerrati

AC/bjs

Sea Pines Plantation is an exceptional resort and residential community noted for miles of beaches and golf courses. Facilities include 2 harbors, four 18-hole golf courses and 60 tennis courts and 1500 acres of lush, landscaped and permanent ponds. The beautiful high beach inn and 3 executive conference centers provide a wide range of meeting facilities. Also on site are 1500 rental homes, apartments and villas with 3500 bedrooms, all managed by the Company and provide accommodations for one night and long term visitors. Reservations are made by calling 1-800-RET-6633.

000115

Town HHI
1397

SEA PINES PUBLIC SERVICE DISTRICT

P. O. BOX 5148
MILTON HEAD ISLAND, S. C. 29938
PDS/745 6224
SUITE 200
CHAMBER OF COMMERCE BLDG.

July 31, 1981

Chevron U.S.A., Inc.
P.O. Box 1706
Atlanta, GA 30301

Re: Commitment for Sewer Capacity
Chevron Station
Our file: 2-17A

Gentlemen:

In accordance with your request for sewage treatment capacity and the information and representations made in your application and any amendments attached thereto under the aid-to-construction program of 1981, this District grants sewer capacity to the referenced project in the amount of 1,495 gallons per day.

The original application and any amendments are filed in the District office and are incorporated as a part of this commitment. The issuance of this capacity availability is subject to the limitations contained in the application. This granting of availability does not alter the District's requirements to comply with customary plan approvals and tap-in procedures.

If you have any questions, please feel free to contact me.

Very truly yours,

SEA PINES PUBLIC SERVICE DISTRICT

R. Arnold Ellison, Jr.
R. Arnold Ellison, Jr., P.E.
Manager

RAE/apm
enclosure: receipt

000116

RECEIPT

Date Jul 31 1981

To: Chevron Gas

Address: Concord, CA

Eight thousand three hundred twelve & 20/100 8,312.20

Chevron Station 2,990.00

San Francisco Bay Area 5,322.20

8,312.20

✓

Ann R. Milsted

000117

August 6, 1981

Mr. John Machen
Chevron USA Inc.
P. O. Box 1706
Atlanta, GA 30301

RE: Chevron Station - Palmetto Bay Road, Hilton Head
Dear Mr. Machen:

At the August 3, 1981 meeting of the Planning Commission site design of the proposed Market Place Expansion project adjacent to the lot owned by Standard Oil was reviewed for preliminary plan approval. The Chevron station project was also scheduled for review but could not be acted on since you had not completed your application as I had expected. Nonetheless, during review of the Market Place Expansion Bay Road for both projects was noted and therefore access off Palmetto Commission was that only a common ingress/egress on the entire property line of the two parcels will be allowed with the possibility of an additional ingress/egress for the Chevron project further east to be determined when the site plan of the Chevron project is reviewed. The approved ingress/egress on the mutual property line constitutes a variance from the prescribed standards of the County and is considered to be the maximum relief that can be granted consistent with the intent of the standards. A request for an additional access at the eastern end of your project will constitute an additional variance and should be strongly justified with your submission.

The next regular meeting of the Commission is scheduled for September 14, 1981 and a completed application must be filed prior to August 31, 1981 in order to be reviewed at that meeting.

You should contact H-I-Cos Development, Inc., P. O. Box 1614, Hilton Head, SC 29928 to coordinate design of the mutual ingress/egress between your project and theirs. Their engineer is Mr. Don Elliot, Sea Island Engineering, P. O. Drawer 1566, Hilton Head.

With kindest personal regards,

DAWSON COUNTY JOINT PLANNING COMMISSION

Charles Gitch
Executive Director

CG:kh

000118

Town HHI
1400

JOSEPH H. DOWLING
 JAMES C. SANDERS
 MERVYN H. DUKES
 HERBERT L. NOVIT
 SAMUEL L. SVALINA
 BARRY L. JOHNSON
 WILLIAM E. JONES, JR.
 WILLIAM A. RUTH
 RAYMOND H. WILLIAMS
 JOSEPH H. DOWLING, JR.
 HAROLD A. BONEY
 RALPH E. TIPPER
 FRANK H. BAUGH
 PAUL H. ORR
 H. ORR
 FREDERICK ACK, JR.
 DAVID L. TR
 JAMES P. SCHNEIDER, JR.

LAW OFFICES
DOWLING, SANDERS, DUKES, NOVIT & SVALINA

PROFESSIONAL ASSOCIATION
 1105 BAY STREET
 BEAUFORT, SOUTH CAROLINA
 29902

TELEPHONE (803) 594-6137
 FAX (803) 594-6137
 CABLE ADDRESS "DOWLING"

J. FRED BUCHARDT, JR.
 (1924-1978)

OF COUNSEL
 J. F. DOWLING

OFFICE
 POPE AVENUE
 HILTON HEAD ISLAND, S.C.
 29928
 TELEPHONE (803) 798-4281
 P.O. BOX 607 29928

August 28, 1981

Mr. Charles Gatch
 Executive Director
 Beaufort County Joint Planning Commission
 Post Office Box 406
 Beaufort, South Carolina 29902

Re: Chevron Station - Palmetto Bay Road, Hilton Head Island

Dear Mr. Gatch:

Enclosed herewith please find the documentation necessary to complete the application for preliminary sight plan approval by the Joint Planning Commission for the captioned. It is my understanding from our correspondence as well as personal discussions with you, that at its August 3, 1981 meeting, the Commission reviewed the sight design of the project adjacent to the Chevron lot, the Market Place Expansion.

At this meeting, it appears that the Commission approved a design plan whereby the Market Place Expansion and Chevron will share a common ingress/egress curb cut. This curb cut was to split the property line on both parcels of land and would be approximately forty-four (44') feet in distance, with approximately twenty-two (22') feet of access on each side of the property line. Chevron has advised me to inform you that the arrangement outlined hereinabove is acceptable to Chevron and its preliminary sight plans have been modified accordingly.

However, for the reasons set forth below, Chevron requests that the Beaufort County Joint Planning Commission, pursuant to Section 6.6 of the Beaufort County Development Standards Ordinance, grant Chevron a variance with respect to the application of Section 4.2.3 of said Ordinance. As you know, Section 4.2.3 of the Development Standards Ordinance limits curb cuts to one every five hundred (500') feet. Chevron would respectfully contend that the strict application of Section 4.2.3 would have the effect of rendering its property essentially unusable and would impose a unique hardship on Chevron.

000119

Mr. Charles Gatch
August 28, 1981
Page -2-

When Chevron originally purchased this property some time ago, a deed restriction encumbered the property and stated that this property could only be used as a service station. We strongly feel that this restriction creates a unique situation and imposes a unique hardship with regards to the use of Chevron's lot. This property would become essentially unusable if it could not be profitably operated and designed in accordance with accepted standards and methods of dealing in this particular field. Furthermore, this restriction would have the disastrous effect of hampering the prospect of subsequent resale of this property.

In addition, in 1973 Chevron obtained a building permit and an encroachment permit with substantially the same plans as submitted herewith. In particular, this plan showed two curb cut access points. The station was not constructed at that time due to the unique economic situation this industry was experiencing as a result of the gas shortage which was caused by uncontrollable foreign economic forces. Furthermore, the station could not be constructed within the past two years due to the sewer moratorium that was imposed in this area. Thus, due to unique, unforeseeable intervening forces, this station, with its previously acceptable two curb cut access points, was not built.

Finally, we contend that an additional curb cut onto Palmetto Bay Road is necessary in order to promote the safety, and certainly the convenience, of the public. Clearly, the free and continuous flow of automobiles should be of considerable importance in planning and designing a service station. The continued success of the service station business depends on large numbers of automobiles using its facilities.

Confusion and congestion, as a consequence of having only one curb cut, could very easily result in automobile accidents, particularly if the curb cut is being shared by two businesses. It is easy to foresee that congestion could result from one curb cut, particularly in a business relying so heavily on automobile flow. For instance, consider the situation where a car is waiting to exit onto Palmetto Bay Road and another automobile is waiting to enter the station through the same access point at the same time. This would result in two stationary cars blocking traffic, one of which would be on a major thoroughfare. Clearly, two points of ingress and egress are needed in business of this type.

Based upon the foregoing, Chevron strongly feels as though a variance allowing an additional curb cut on its property is justified in this

DOWLING, SANDERS, DUBRE, NOVIT & SVALINA, P A

000120

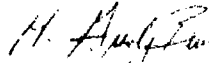
Town HHI
1402

Mr. Charles Gatch
August 28, 1981
Page -3-

instance. Such relief would avoid a unique hardship on Chevron and also promote the safety and welfare of the public. Accordingly, Chevron hereby respectfully requests that the sight plans submitted herewith be approved by the Beaufort County Joint Planning Commission.

With kindest regards, I am

Sincerely,



H. Grady Brown

HGE/pc

Enclosure

DOWLING, SANDERS, DUKES, NOVIT & SYALINA, P. A.

000121

Town HHI
1403



Sea Pines Plantation Company

Hilton Head Island, S.C. 29928 (803) 705-0333

October 28, 1981

Mr. John E. Machen
c/o Chevron U. S. A., Inc.
P. O. Box 1706
Atlanta, Georgia 30301

RE: Proposed Retail Outlet
SS# 1-194-027

Dear Mr. Machen:

The Sea Pines Architectural Review Board hereby approves the requested change in door height from nine (9) feet to eleven (11) feet. As we discussed by phone, the service doors may not face Palmetto Bay Road.

Approval granted herein is intended to indicate only that the applicant has satisfied the approval authority vested in the Sea Pines Plantation Company under the recorded covenants and restrictions of the Company. Any further approvals necessary, whether by federal, state or local governmental entities or by other companies or individuals, shall be the responsibility of the applicant.

Sincerely,

Frank Guscio
Administrator, Commercial
Architectural Review Board

FG:jvd

cc: Architectural Review File

Sea Pines Plantation is an oceanfront resort and residential community noted for miles of beaches and the finest array of resort sports facilities in North America. Facilities include 2 harbors, four 18-hole golf courses and 60 tennis courts and 1,500 acres of parks, conservancies and permanent outdoor recreation areas. The beachside Hilton Hotel and two executive conference centers provide a wide range of meeting facilities. Approximately 1,000 rental homes, apartments and villas with 2,500 bedrooms are managed by the Company and provide accommodations for one, night and long, stay visitors. Reservations are made by calling 1-800-845-6131.

000122

Town HHI
1404



SOUTH CAROLINA
DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION
COLUMBIA, S.C. 29202

November 5, 1981

Mr. H. Grady Brown
Dowling, Sanders, Dukes, Novit & Svalina
P. O. Drawer 1027
Beaufort, South Carolina 29902

Subject: Chevron Property on Palmetto Bay Road (S-80) - Hilton
Head Island - Beaufort County

Dear Mr. Brown:

Reference is made to our recent telephone conversation and your letter of October 29, 1981, regarding the above subject. In response to the questions contained within your letter, the following information is submitted:

1. The Department is not presently developing plans for implementation of improvements to the subject section of Palmetto Bay Road. However, it is my understanding that a recommendation to widen the road sufficiently to accommodate four (4) lanes of travel (two lanes in each direction) with provisions for left turn storage in the median, may be forthcoming in the near future. Indications are that the recommendation will include the utilization of concrete curb and gutter each side of the roadway in lieu of earth shoulders.

In the event that the roadway is widened and concrete curb and gutter is utilized, the normal width between faces of curb is 66 feet. Standard practice is to implement these improvements on a total right of way width of 80 feet. In some instances, all construction cannot be contained within this right of way and permission to extend construction beyond the right of way line is requested from the property owner.

Our records indicate that the present right of way width in the subject area of Palmetto Bay Road is 66 feet (33 feet each side of the roadway centerline). Assuming the aforementioned improvements are constructed symmetrically about the present roadway centerline, then seven (7) feet of additional right of way each side would be required.

000123

Mr. Grady Brown
November 5, 1981
Page 2

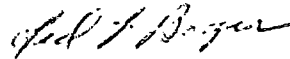
2 In accordance with our standards and specifications, the near edge of service pumps should be a minimum of 12 feet from the right of way line, if servicing is to be permitted on the roadway side of the service pumps. To permit free movement of large vehicles, and to insure that they are entirely off the highway right of way, a greater distance is recommended.

If the pumps at the Chevron station are proposed to be located 37 feet from the present 33 foot right of way line, that would place them 30 feet beyond a new 40 foot right of way line and be well beyond our 12 foot minimum requirement.

In view of the above, I trust that I have provided you with the necessary requested information. I would like to emphasize that this information is based on the best that we have available at this time. Numerous steps in a project development process would have to be accomplished before a final right of way line could be established.

If I can be of further service, please advise.

Yours very truly,



Ted L. Boozer
Urban Engineer

000124



December 16, 1981

Mr. Grady Brown
Dowling Law Firm
P. O. Box 1027
Beaufort, S. C. 29902

Re: Chevron Station - Hilton Head

Dear Grady:

Please be advised that the Beaufort County Joint Planning Commission has disapproved the site plan for Chevron Station, Palmetto Bay Road, Hilton Head. This action was taken December 14, 1981.

The reasons for disapproval are as follows:

1. Failure of the design to conform to Section 4.2.1 of the County Development Standards .
2. Failure of the design to conform to Section 4.2.3 of the County Development Standards .

The next regular meeting of the Planning Commission is scheduled for January 4, 1982, at which time a redesign could be reviewed for approval. Please note also that Section 7.6 of the ordinance provides for a method of appeal to any ruling by the Planning Commission.

Please contact me should you have any questions regarding this matter.

With Kindest Personal Regards,

Charles Gatch
Executive Director

BEAUFORT COUNTY JOINT PLANNING COMMISSION

CG:dc

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE BEAUFORT COUNTY CIRCUIT

IN THE MATTER OF:

PROPOSED DEVELOPMENT OF PROPERTY
ON PALMETTO BAY ROAD, HILTON HEAD
ISLAND, SOUTH CAROLINA BY CHEVRON,
U.S.A.

NOTICE OF APPEAL

CHEVRON, U.S.A., intends to appeal the ruling of the Beaufort County Joint Planning Commission issued December 14, 1981, disapproving the site plans submitted by Chevron for failure to comply with Sections 1.2.1 and 4.2.3 of the Beaufort County Developments Standards Ordinance. The grounds for this appeal are that the said Joint Planning Commission erred in not granting requested variances to Chevron from the strict compliance of the above referenced provisions of the County Developments Standards Ordinance for the reason that the application of said provisions to Chevron's property is unreasonable, arbitrary, capricious and also constitutes an unwarranted exercise of discretion so as to deprive Chevron of the reasonable use of its property. Further, Chevron is entitled to said variances as a matter of law as a result of Chevron's vested right to use its property.

DOWLING, SANDERS, DUKES, HOYT & DUALIDA, P.A.

BY:

H. GRAY PUGH
H. GRAY PUGH
Attorney for Chevron, U.S.A.

Beaufort, South Carolina

December 24, 1981

000126

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

RECORDING OFFICE

1989

KNOW ALL MEN BY THESE PRESENTS, THAT said FIRM'S PLUMINATION COMPANY, a South Carolina Corporation, for the state aforesaid, for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable consideration to it paid by CHERON OIL COMPANY, a California Corporation, whose address is P. O. Box 1446, Louisville, Kentucky 40201, in the state aforesaid, 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 CHERON OIL COMPANY, its successors and assigns, all its right, title and interest in and to all that piece, parcel or tract of land situated, lying and being on Wilson Head Island, Beaufort County, South Carolina, and being more particularly described as follows:

Beaufort County, S. C.
3/26/92
3/26/92
Beaufort County, S. C.

THAT 0.65 Acre Tract as shown on a plat entitled "Cheron Oil Company" prepared by Forrest F. Baughman, R.L.S., and dated February 11, 1978, said plat being based upon a plat by Antliss & Associates dated August 11, 1971, and last revised on December 6, 1973. The plat prepared by Forrest F. Baughman and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Plat Book 22, at Page 47, for a more detailed description as to corners, metes, bounds, distances and location, reference to said plat of record is made.

SAY AND EXCEPTING a certain portion of the property, which said the generally southern portion of the property, which said 20 foot easement, situate on Palmetto Bay Road generally westward as shown on a plat dated February 11, 1978, prepared by Forrest F. Baughman, R.L.S., entitled "Cheron Oil Company" said plat being based upon a plat prepared by Antliss & Associates dated August 11, 1971, and last revised on December 6, 1973, said plat prepared by Forrest F. Baughman, and recorded in the Office of the Clerk of Court for Beaufort County in Plat Book 22, at Page 47. Nothing herein contained shall prevent the Grantee, its heirs or assigns, from fully utilizing the portion of the property separated by the said 20 foot easement plat, said plat being, containing buildings over said easement, using the paved above said easement for the purpose of automobile, truck or other motor vehicle traffic. Grantee shall have the right and privilege to connect with any sewer line connected or installed within said easement.



Q.M.

000127

1/11/81

Approved Excerpt from Unapproved
PC Minutes December 14, 1981

Chevron Gas Station: Mr. Gatch stated that Chevron is applying for final plan approval for a proposed gas station and carwash. Chevron will be located adjacent to the Market Place Shopping Center on Hilton Head, on Palmetto Bay Road. Mr. Gatch stated there would be two rows of gas pumps, and Sea Pines Public Service District would provide the water and sewer. The county engineer has approved the drainage, and there will be no tree removal.

Mr. Gatch stated that the Market Place Expansion on Palmetto Bay Road was granted preliminary approval on just 3, 1981, subject to sharing a common access bordering half on the applicant's property and half on the Chevron property. Mr. Gatch stated that representatives of the Market Place Expansion and Standard Oil were to present a plan for the design of a joint access point.

Mr. Gatch stated that two variances were being requested. The first was a variance from the 50' setback requirement on a major thoroughfare. The first gas pump is proposed to be set back a total of 27 feet from the right of way. The second variance request involved a request for a second curb cut on the left side of the property. Mr. Seeburg asked if there would be a canopy overhanging the pumps which would further encroach into the setback, and told that there would be.

Mr. Gatch stated that Chevron had been in touch with the Highway Department concerning the right of way on Palmetto Bay Road. Mr. Gatch stated that the Highway Department currently has a sixty-six foot right of way at that location, and that Palmetto Bay Road will have to be widened in the future to four lanes. Mr. Gatch stated that the engineering department of the Highway Department feels that they would probably install what is called a "curb and gutter" section, which does not require as much right of way as a divided median highway.

A representative from Chevron, Mr. Vic Spence, stated that the Chevron property is encumbered by deed restrictions which mandate that the property be used as a service station. Mr. Spence stated that there were problems with the access in terms of getting tank trucks around the pumps, around and back out of the station, which Chevron feels justifies the setback restrictions variance, as well as the additional ingress/egress point requested. Mr. Spence stated that the Architectural Board of Sea Pines restricts bay doors on a service station facing a major thoroughfare. He said that Chevron and the Joint Planning Commission had received a letter from Mr. Ted Boozer, South Carolina Highway Department, and that Palmetto Bay Road would eventually be widened, and that they will probably only need an additional seven feet from the existing sixty-six foot ROW, for the curb and gutter design. Mr. Spence stated that he believed that the Highway Department only requires a 12 foot distance between gasoline pumps and the ROW. Mr. Spence stated that Chevron would be twenty seven feet away instead of the twelve.

Mr. Hager made a motion to deny both variances, with Mr. White seconding the motion. Colonel Rousek stated that his concern was that Palmetto Bay Road traffic was already congested due to numerous existing and proposed multi-family high density communities between the Sea Pines Circle and Broad Creek, including Palmetto Bay Marina Villas. Colonel Rousek stated that there are future developments projected for this area, and that Palmetto Bay Road would be required to service at least 25% of the volume of traffic due to preliminary approval of the Daufuskie Island project. Colonel Rousek also stated that the access over which the cross-island highway would come into the island if it were to be approved in the

51

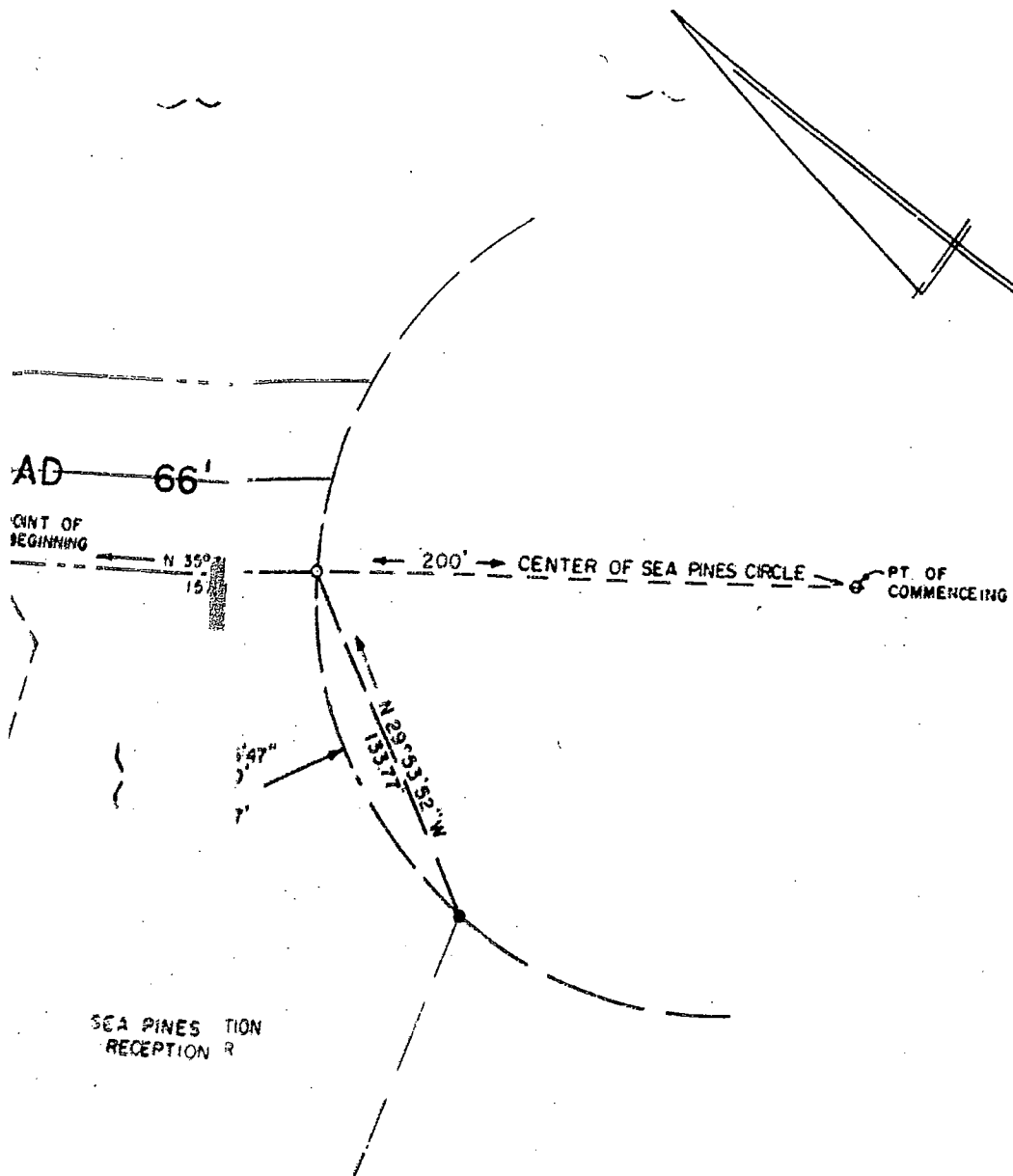
000128

future, would be along Palmetto Bay Road, would further congest traffic. Mr. Rager stated his concern in addition to Colonel Housek's comments, that this road would also serve the new post office on Hilton Head, and further congest Sea Pine Circle traffic. Mr. Edwards pointed out that the covenant restrictions had been in place prior to the adoption of the Development Standards Ordinance.

Mr. Fender stated that he felt that Chevron did not present a case of "unique" hardship in accordance with the two request for variances. Mr. Fender stated that Chevron's hardship was not due to economic hardship, and that he felt the variances should be denied.

Mr. White stated his opposition to the project, saying he felt the project as proposed was too massive for the site given the deed restrictions and Development Standards Ordinance requirements applicable to the property. Several Commissioners indicated that the intersection where the project was to be located was very heavily trafficked and that it would be dangerous to allow the variance for the additional curb cut.

Mr. Seeburg recalled the motion, and the project was denied with five in favor, one opposition, and four abstentions.



SEA PINES TION
RECEPTION R

59

METES AND DATA
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ANY F WORK BY ME

FORREST AUGHMAN

SC REG L 1982

S PP COMPAN VEY GROUP

WILTON HE , SC.

A PLAT PREPARED FOR

CHEVRON OIL COMPANY

THE SAME BEING SHOWN AS A 0.65 ACRE TRT.
A PORTION OF

"SEA PINES CENTER"

A PLAT BY EMILIUS B ASSOC.

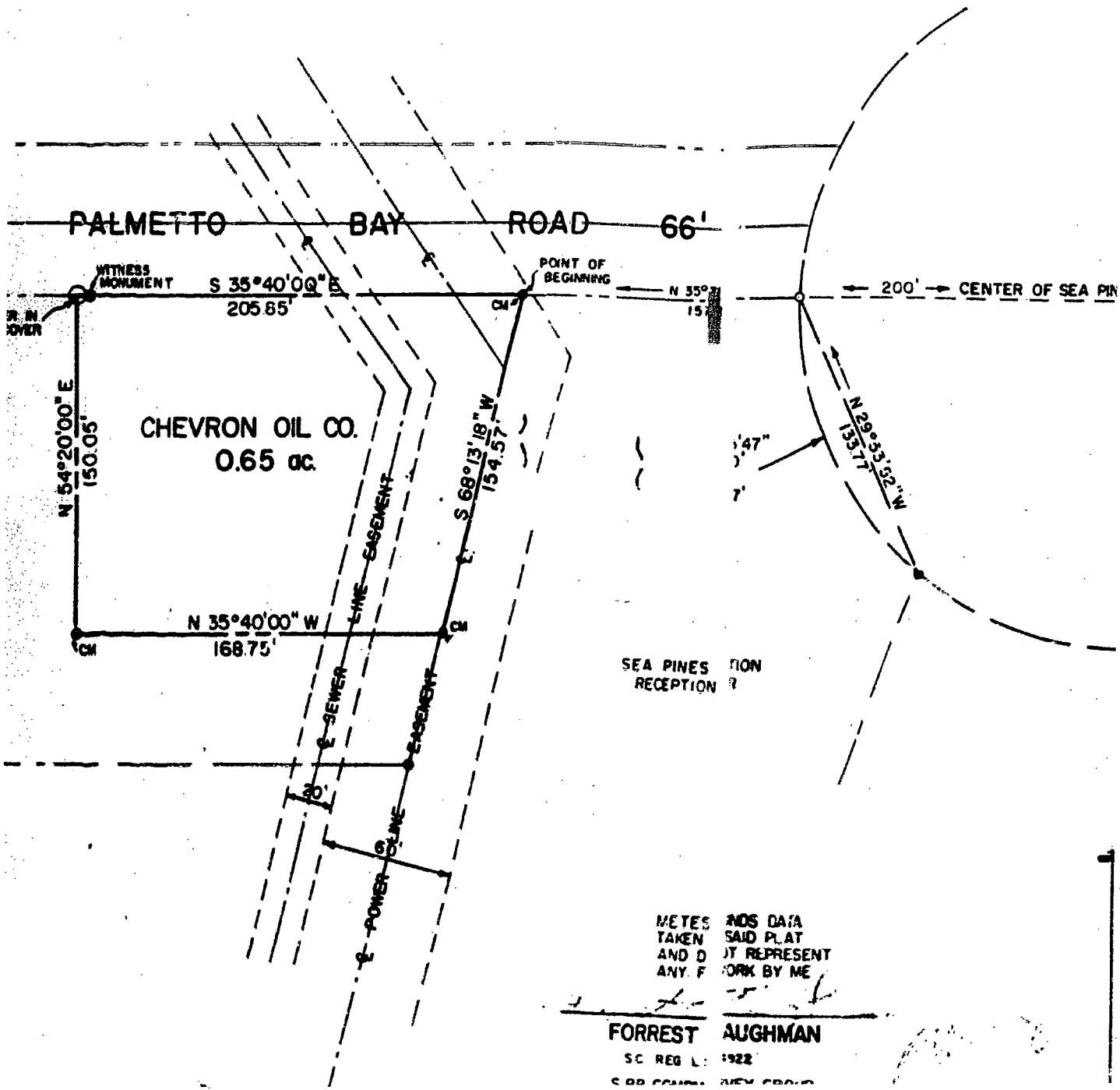
DATED AUG 13, 1973 LAST REV 12-6-73

PLAT DATE 2-11-74 SCALE 1" = 50'

DRWN BY: JDC

000130

Town HHI
1412

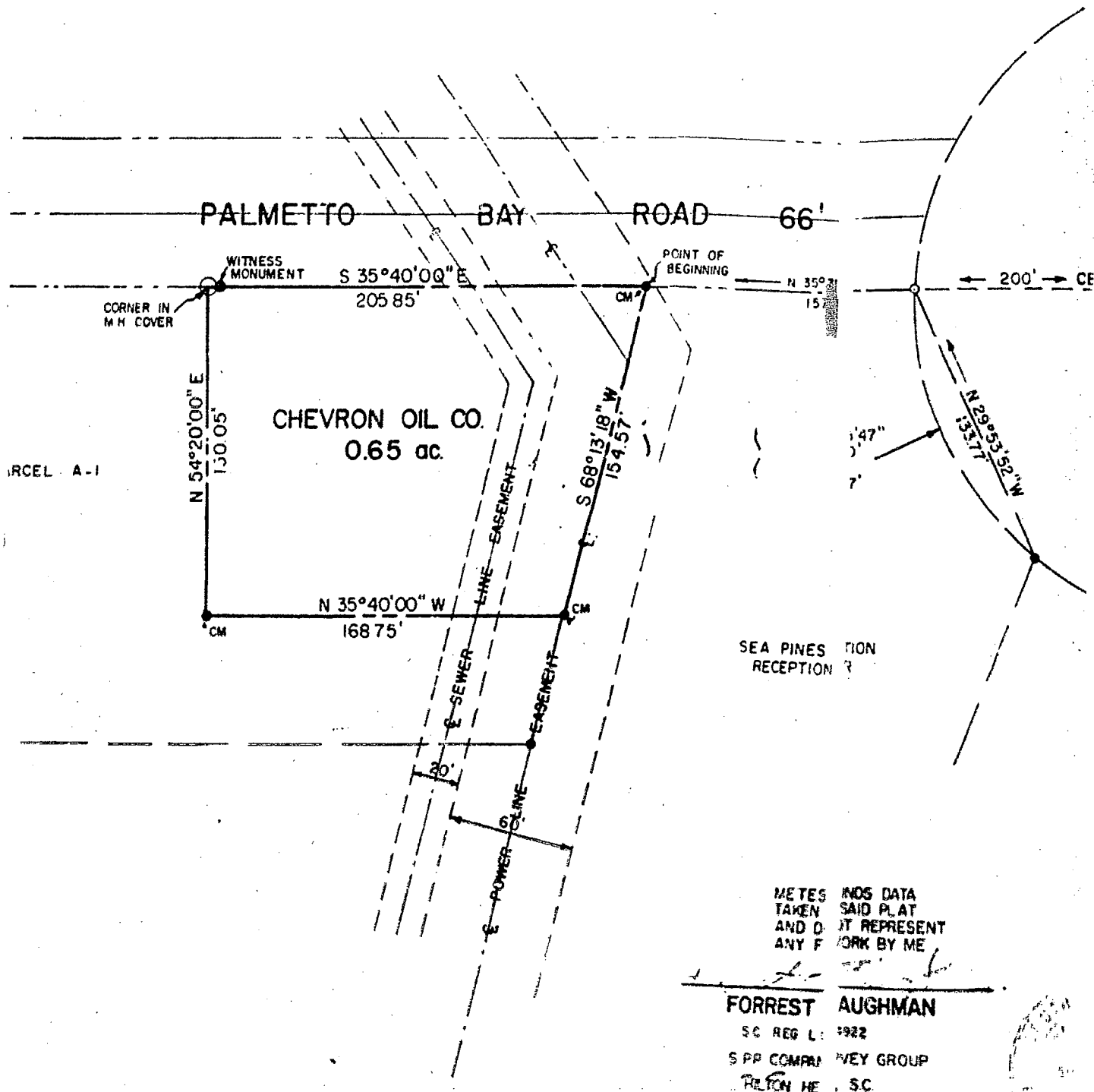


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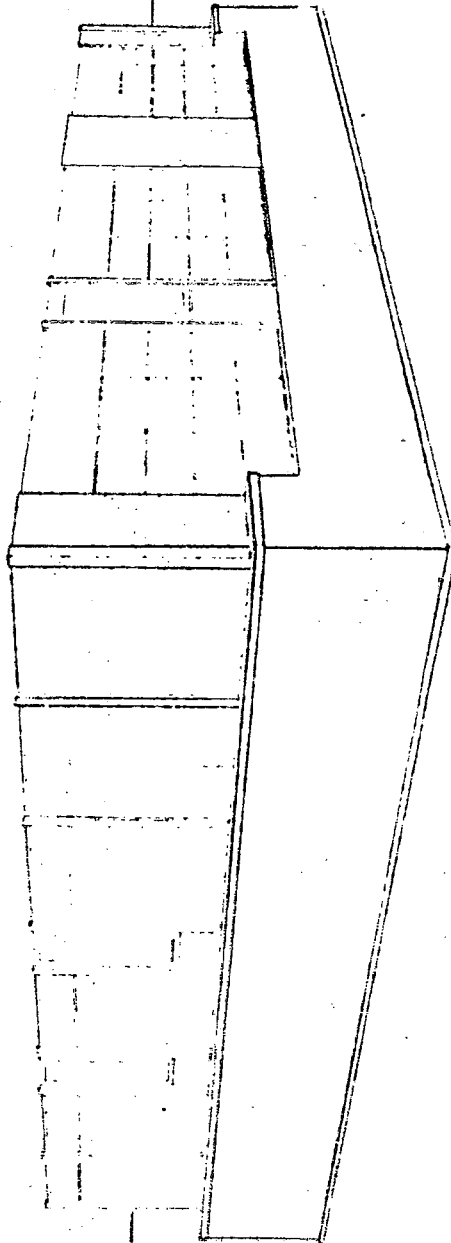
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S.D. 1922

000131

Town HHI
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000132



FR. O'LEARY ELEVATION 11/11/50 VERMONT DOCS

66.8 S. 6172
PAULETTS FAY ROAD
MILTON HEAD, E.C.

11/11/50



000133

SOUTH CAROLINA STATE BOARD OF HEALTH
**APPLICATION - PERMIT TO CONSTRUCT - CERTIFICATE
 OF INSPECTION SEPTIC TANK DISPOSAL SYSTEM**

NAME CHILTON OIL COMPANY Mailing Address P.O. BOX 1706
 Location-Subdevelopment 5.4 ACRES TRACT 14 & 15 FOR HEALTH DEPARTMENT USE ONLY:
 Street 1000 E. 7th St Block _____ Lot _____ Application No. _____
 System to be built by CHILTON OIL CO. Issued Permit No. 35-13-6
 Plot Plan enclosed Yes X No _____ Permit Denied _____
 Soils report enclosed Yes X No _____ Final Inspection _____

THIS PERMIT VOID 12 MONTHS AFTER DATE OF ISSUE (date)

Make sketch of lot showing: size of lot, location of building, tank-location, layout-of-tile-field, well, and driveways.

No. of bedrooms _____ Type of Tile: _____ Trenches: Length _____
 Tank: Size _____ Manufacturer: _____ Width _____
 Precast _____ Distance to: Foundation _____
 Block _____ Well _____
 Cast-in-place _____ Nearest property line _____

Lot 14 & 15
System to be constructed as per plan
attached

This system will be installed according to the South Carolina State Board of Health Rules and Regulations Governing Waste Disposal Systems of latest adoption by its Executive Committee. Incomplete and/or invalid information renders this application void.

Date Jan 7, 1972 David C. Hill
 Applicant's Signature

NOTE: The approval of this tank does not guarantee that the septic tank will work under any or all conditions.

Permit issued by: X Sanitarian Date Issued 1-15-72
 Approval given by: _____ Sanitarian Date Approved _____

NO ADDITIONAL CONNECTIONS TO THE ABOVE SYSTEM, OR THE ADDITION OF OTHER SYSTEMS ON THE LOT WILL BE PERMITTED.

5541-144-027



BEAUFORT CO.

SOUTH CAROLINA

BUILDING PERMIT

OWNER

Chvron Oil Company

ADDRESS or location

*Palmetto Bay Road
at Star Line Circle*

TOWNSHIP

Hilton Head Island

Nº 9028



000135

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

1954

DECLARATION OF RIGHTS, RESTRICTIONS,
AFFIRMATIVE OBLIGATIONS AND CONDITIONS
WHICH CONSTITUTE COVENANTS RUNNING WITH
CERTAIN LANDS OF SEA PINES PLANTATION
COMPANY TO BE USED FOR GASOLINE
STATION SITES

WHEREAS, Sea Pines Plantation Company, a corporation organized and existing under the laws of the State of South Carolina, is the owner of certain lands located on Hilton Head Island in Beaufort County, South Carolina, and;

WHEREAS, Sea Pines Plantation Company wishes to make covenants applicable to portions of its lands in Beaufort County:

NOW, THEREFORE, Sea Pines Plantation Company does hereby declare that the covenants contained herein shall be covenants running with the land and shall apply to lands conveyed in the future by Sea Pines Plantation Company by deeds hereafter made which make reference to this declaration of covenants.

1. No building, fence or other structure shall be erected, placed or altered on any lot conveyed subject to these covenants until the proposed building plans, specifications, exterior color or finish, construction materials used, plot plan (showing the proposed location of such buildings or structure, drive and parking areas), and construction schedule shall have been approved in writing by Sea Pines Plantation Company ("Company"), of any building or any structure shall be made without like approval by the Company. One (1) copy of all plans and related data shall be furnished the Company for its records. No tree or bush shall be removed from the property nor any landscaping done on the property without the written approval of the Company. Provided, however, approval shall not be unreasonably withheld and permission shall not be refused

000136

EDH

1955

to make any addition or modification to any structure on the property so long as the proposed addition or modification is constructed of materials of comparable quality with the existing structures on the property and the design of said addition or modification is compatible with the existing structures on the property.

2. All lots subject to these covenants shall be used for the sale of petroleum related automobile and travel trailer products and services. All food items generally dispensed through vending machines may be sold on the premises.

3. It shall be the responsibility of each owner of land subject to these covenants to prevent the development of any unclean, unsightly or unkempt conditions of buildings or grounds on such tract which shall tend to substantially decrease the beauty of the surrounding area or the specific lot. In the event owner fails to prevent or eliminate any unclean, unsightly or unkempt condition within five (5) days after written notice from the Company, the Company shall have the right to enter the premises and correct the condition at owner's expense.

4. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon tending to cause embarrassment, discomfort, annoyance or nuisance to the surrounding area. There shall not be maintained any plants or animals, or device or thing of any sort whose normal activities or existence is in any way noxious, dangerous, unsightly, unpleasant or of a nature as may diminish or destroy the enjoyment of other property in the area. However, this provision shall in no way prohibit activities that are normal, necessary and incidental to the maintenance and operation of an automotive service station on the premises.

5. In the event the owner desires to sell a lot subject to these covenants, together with its improvements, if any, then said property shall be offered for sale to the Company at the same price at which the highest bonafide offer has been made for the property, and the said Company shall have thirty (30) days within

1956

which to exercise its option to purchase said property at this price; and should the Company fail or refuse, within thirty (30) days after receipt of written notice of the price and terms, to exercise its option to purchase said property at the offered price then the owner of said property shall have the right to sell said property, subject however, to all the covenants and limitations herein contained, at a price not lower than that at which it was offered to the Company.

6. The location, size and design of any sign on the lot must be approved by the Company.

7. The exterior of any structure on the property must be completed within one (1) year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or building due to strikes, fires, national emergency or natural calamities.

8. Each lot owner shall provide receptacles for garbage in a screened area not generally visible from the road, or provide underground garbage receptacles or similar facility in accordance with reasonable standards established by the Company.

9. No structure of a temporary character shall be placed upon any Commercial Property at any time, provided, however, that this prohibition shall not apply to shelters used by the contractor during the construction of any permanent structure, it being clearly understood that these latter temporary shelters may not, at any time, be used as residences or for any commercial uses permitted to remain on the lot after completion of construction.

10. No trailer, tent, barn, tree house or other similar outbuilding or structure shall be placed on any lot subject to these covenants at any time, either temporarily or permanently, without written approval by the Company.

11. No fuel tanks or similar storage receptacles may be exposed to view, and may be installed only within a permanent structure within a screened area as required in paragraph eight herein, or buried underground.

1957

12. All covenants, restrictions, and affirmative obligations set forth in this Declaration 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 the dates these covenants are recorded, 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 lots affected by such covenants in whole or in part, has been recorded, agreeing to change said covenants in whole or in part.

Dated this 12th day of March, 1974.

SUBJECT COMPANY

By [Signature]

Attest: [Signature]
Its Atty.

WITNESSES:

Phyllis L. Horrey
[Signature]

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

1958

PROLATE

PERSONALLY appeared before me Phyllis T. Horry,
who, being duly sworn, deposes and says that She saw SEA PINES
PLANTATION COMPANY by Charles F. Frazer, its President
and S. LARRY GILLIPS, its Asst. Secretary,
sign and seal, and as its act and deed, execute the foregoing instru-
ment for the uses and purposes therein mentioned and that she
with Susan Jacoby witnessed the execution
thereof.

SWORN to and subscribed
before me, this 1st
day of MARCH, 1973.

Notary Public for South Carolina
My Commission expires:
My Commission Expires August 25, 1991

FILED
AT
4:30
O. C. K.
MAR 14 1974
CLERK OF COURT OF COMMON PLEAS

BEAUFORT
COUNTY
F. C.
MAR 14 1974

RECORDED
IN
BOOK
218
PAGE
1954

000140

ARTICLE FOUR

MINIMUM CONSTRUCTION STANDARDS

Section 4.1 No structure may be erected or development undertaken except in conformance with the requirements of this article.

Section 4.2 MINIMUM CONSTRUCTION STANDARDS APPLYING THROUGHOUT JURISDICTION. The standards prescribed in this section shall apply to all building or development hereafter undertaken within Beaufort County.

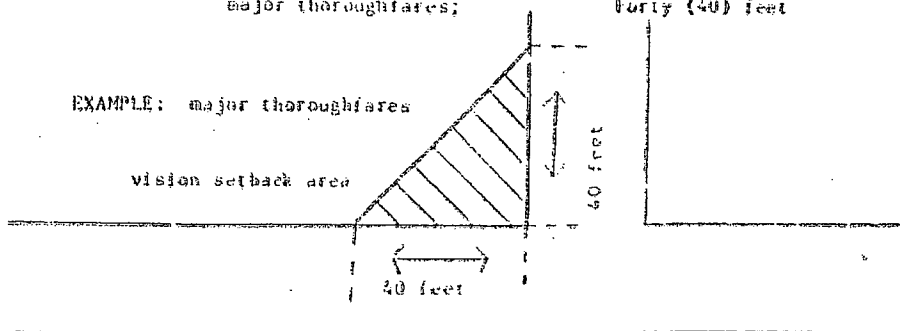
4.2.1 SETRBACKS FROM MAJOR THOROUGHFARES. No structure except signs shall be erected nearer than fifty (50) feet of the right of way line of a major thoroughfare so designated on the Official District Map.

4.2.2 SETRBACKS AT INTERSECTIONS. There shall be no interference with the vision clearance at any street intersection. No fence, wall, terrace, building, sign shrubbery, hedge, planting, etc. above the height of three (3) feet measured from the finished street level, shall be planted, placed, erected or maintained within the triangular area created by a line connecting points of the front and side lot lines at a distance from the intersection of said lines, or the extension of said lines:

At an intersection involving:
a driveway and a street;
an alley and a street;
a street and a street;
major thoroughfares;

Ten (10) feet
Ten (10) feet
Twenty (20) feet
Forty (40) feet

EXAMPLE: major thoroughfares



- 4.2.3 ACCESS TO MAJOR THOROUGHFARES. No street or driveway shall enter a major thoroughfare as designated on the Official District Map at a point nearer than five hundred (500) feet from an existing thoroughfare, street, alley or driveway except where a lot of record would be rendered unuseable by the strict application of this Ordinance.
- 4.2.4 SIGN REGULATIONS. No sign shall be erected except in compliance with the Beaufort County Sign Ordinance. All signs shall be constructed of durable materials and maintained in good condition.
- 4.2.5 ALTERATION OF SURFACE RUNOFF PROHIBITED. No site shall be developed or structure erected that will alter appreciably the quantity of surface water runoff to or from adjoining property.
- 4.2.6 INCREASE IN FLOOD HAZARD PROHIBITED. No site shall be developed or structure erected including dikes, dams, or levees that will result in any increase in flood hazard on adjoining or non-contiguous property.
- Section 4.3 MINIMUM CONSTRUCTION STANDARDS APPLYING TO SPECIAL DISTRICTS.
- 4.3.1 CONSERVATION DISTRICT. The standards prescribed in this section shall apply to all building or development in the conservation district.
- 4.3.1.1 SITE COVERAGE. No more than five (5) percent of any lot or tract shall be covered by buildings, paving or other permanent structure except where such development shall have no material, adverse impact on the natural environment.
- 4.3.1.2 SITE ALTERATION. No more than fifteen (15) percent of any lot or tract shall be altered by landscaping, dredge or fill, or disturbance of natural vegetation.
- 4.3.1.3 SPECIAL EXCEPTIONS. Special exception to the provisions of Section 4.3.1.1 and 4.3.1.2 is hereby given for the construction of certain water-related development activities in the Conservation District for which a valid U.S. Army Corps of Engineers and/or South Carolina Coastal Zone Council permit has been granted. Such uses normally include, but are not limited to, docks, wharfs, piers, bulkhead, erosion control devices, and the like. In granting this exception for administrative efficiency, the County does hereby reserve its right to impose the standards of Sections 4.3.1.1 and 4.3.1.2 regardless of other agency approvals, when determined from proper evaluation that such action is in the best interest of Beaufort County and its citizens.
- 4.3.2 BEACH DEVELOPMENT DISTRICT. The standards prescribed in this section shall apply to all building or development in the beach development district or whenever a portion of a proposed

- 4.) performance bond underwritten by an acceptable South Carolina licensed corporate surety
- 5.) County government lien against the development property
- 6.) escrow account
- 7.) irrevocable bank letter of credit
- 8.) cashiers check payable to Beaufort County
- 9.) any other means acceptable to the Beaufort County Council

(f) For all time sharing (internal ownership) units, the developer must show, prior to commencement of sales, a financial plan demonstrating its capacity to fund maintenance and other proffered services.

tion 6.6

VARIANCES. The Planning Commission may approve development not in compliance with the provisions of Article Four and Article Five of this Ordinance, if compliance with these provisions would cause unique hardship and if the proposed variance,

- (a) is no more than is necessary to overcome the unique hardship; and
- (b) will not significantly interfere with the enjoyment of other land in the vicinity

tion 6.7

DENIAL OF PERMIT. The Planning Commission shall deny approval of a development permit only if it finds that the proposed development does not comply with the expressed provisions of this Ordinance.

tion 6.8

RIGHTS ATTACHING TO DEVELOPMENT PERMITS.

- (a) Changes to this Ordinance which become effective after an application for a development permit has been filed, but before the permit has been granted, apply to the pending application unless it is determined that the ordinance change would place a unique hardship on the applicant in having to modify the application to conform with the change.
- (b) A change in the Ordinance which becomes effective after a development permit has been granted shall not apply to the permitted development unless such permit shall have expired as provided for in Section 6.9.
- (c) A development permit is assignable but an assignment does not discharge any assignor from any obligation owed to the local government in connection with the development, unless the County Council consents to the discharge of obligation.

tion 6.9

EXPIRATION OF DEVELOPMENT PERMIT

Any permit approved under the provisions of this Article shall become invalid two (2) calendar years from the date of its issue unless:

ARTICLE SEVEN

ADMINISTRATION, APPEAL, COMPLAINTS, AND REMEDIES

Section 7.1

This article defines the agency responsible for the overall administration of this Ordinance; specifies the powers of that agency; sets forth procedures for the filing of development applications and the issuance of permits including the establishment of time limits; establishes the foundation and procedures for the appeal of rulings made under this Ordinance; and sets forth remedies and penalties for violation.

Section 7.2

POWERS OF THE ADMINISTERING AGENCY. The Beaufort County Council delegates the responsibility and authority for administration of this Ordinance to the Beaufort County Joint Planning Commission. The Planning Commission shall exercise the following duties:

- (a) Prepare and publish rules and procedures relating to the administration of this Ordinance.
- (b) Review and approve or disapprove all permit applications in accordance with Article Six of this Ordinance.
- (c) Issue permits in accordance with the provisions of this Ordinance.
- (d) Review and recommend action, when applicable, to the County Council.
- (e) All other responsibilities and powers granted explicitly by this Ordinance.
- (f) All other authority lawfully delegated to it by the legislation under which the Planning Commission is established and under which this ordinance is enacted.

Section 7.3

DELEGATION OF ADMINISTRATION AUTHORITY

For convenience to county citizens, the Planning Commission is hereby authorized to delegate administration of certain portions of this Ordinance to other County agencies as deemed appropriate for administration efficiency.

Section 7.4

PERMIT APPLICATIONS

All applications for development permits under the provisions of this Ordinance shall conform to the procedures and requirements of this section.

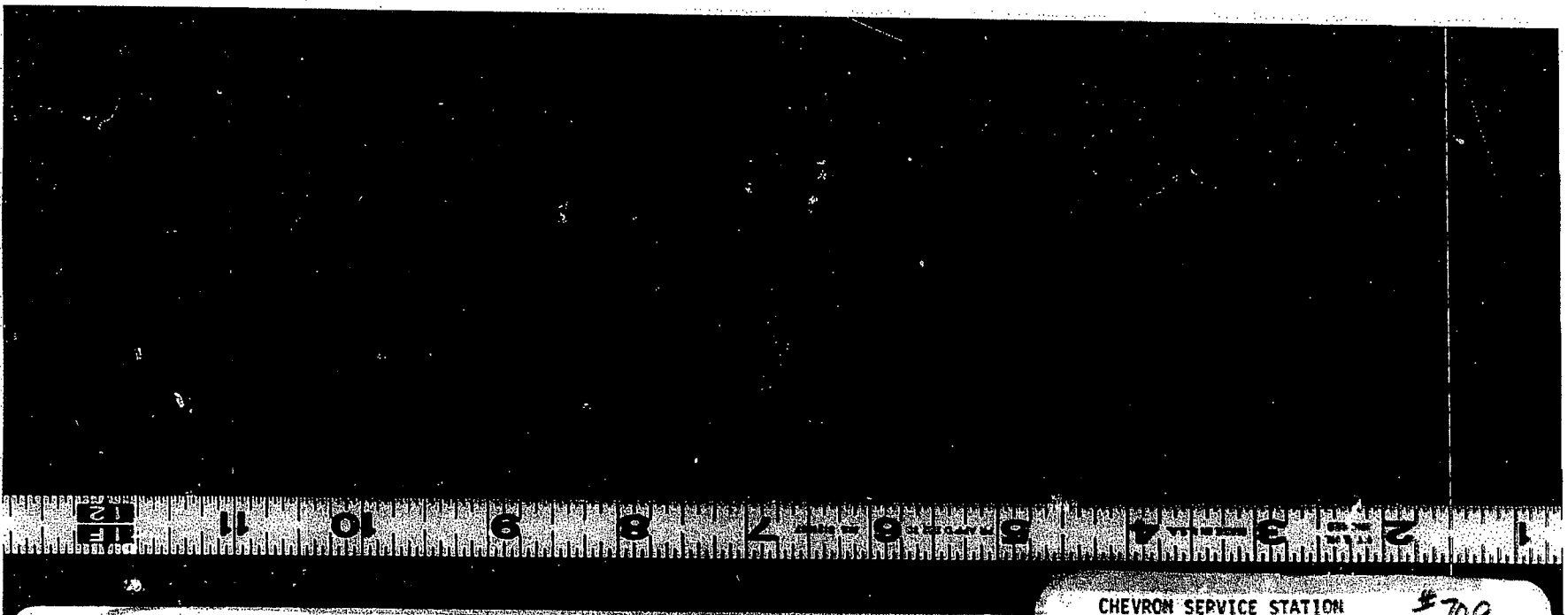
Section 7.4.1

PREAPPLICATION CONFERENCE

Although not mandatory, prior to the filing of a formal application, the applicant is encouraged to consult with the Planning Commission staff for comments and advice on the procedures, specifications, and applicable standards required by this Ordinance. The Executive Director of the Planning Commission, or a designated representative shall be available for such purposes at the request of the applicant at a time mutually agreeable to both parties.

ORIGINAL DOCUMENT
POOR CONTRAST OR CONDITION

000145



CHEVRON SERVICE STATION
Palmetto Bay Rd., Hilton Head #709

CHEVRON SERVICE STATION
Palmetto Bay Road, Hilton Head

000146

000147

PROJECT NAME: Union Station

PROJECT TYPE

☐ Industrial
☐ Institutional
☐ Office
☐ Residential
☒ Retail/Commercial
☐ Transportation
☐ Warehousing
☐ Wholesale
☐ PUD Master Plan
☐ DSQ Exempted Projects
☐ Other _____

Date of Action: _____

Type of Action: Rezone

Location: 1100 N. 1st St.

Plng. District 2

Tax Map # _____

Parcel # 700

Lot # _____

of Pages _____

Tax District # _____

Development Permit # _____

000148

Revised Submission

COUNTY OF BEAUFORT, SOUTH CAROLINA
BEAUFORT COUNTY JOINT PLANNING COMMISSION
— DEVELOPMENT PERMIT APPLICATION —

PERMIT NUMBER 0709	DATE APPLICATION COMPLETED JULY 5, 1983	RECEIVED BY R. Bailey	FILING FEE \$10.00	RECEIPT NUMBER
NAME OF PROJECT Chevron Station-		TYPE: Comm.		
NAME OF OWNER (DEVELOPER) CHEVRON U.S.A. INC.		LOCATION Palmetto Bay Rd		
ADDRESS P.O. Box 1706 ATLANTA, Ga 30301		TAX MAP NUMBER 15	PARCEL NUMBER 206	
TELEPHONE NO.		ACREAGE (AREA) 0.72	NUMBER OF UNITS (LOTS) 1	

— PRELIMINARY APPLICATION INFORMATION REQUIRED —

☒ FIVE PRINTS OF SITE PLAN OR SUBDIVISION PLAT	☐ PROPOSED STREET NAMES/HOUSE NUMBERING SYSTEM
☐ PROPERTY LINES, BEAR/DIST.	☐ PROPOSED DRAINAGE SYSTEM LAYOUT
☐ OWNERS NAME/ADDRESS	☐ PROPOSED WATER SYSTEM LAYOUT (EXCEPT INDIV. WELLS)
☐ PROPERTY MARKERS/CONTROL POINTS	☐ PROPOSED SEWER SYSTEM LAYOUT (EXCEPT INDIVIDUAL SEPTIC TANKS)
☐ PROPOSED DEVELOPMENT NAME	☐ PROPOSED OPEN SPACE/RECREATION AREAS
☐ NAMES OF CONTIGUOUS OWNERS	☐ TREE SURVEY
☐ CONTIGUOUS LAND USES (RESIDENTIAL, COMMERCIAL, ETC.)	☐ SPECIAL DISTRICT BOUNDARY LINES
☐ EXISTING WATER COURSES/DRAINAGE FACILITIES	☐ PROPOSED OWNERSHIP/MAINTENANCE OF IMPROVEMENTS
☐ MUNICIPAL OR COUNTY BOUNDARY LINES	☐ PROPOSED EASEMENTS
☐ EXISTING STREETS, HIGHWAYS (NAME, NUMBER, R.O.W.)	☐ PROPOSED PHASING AND DEVELOPMENT TIME SCHEDULE
☐ VICINITY MAP	☐ PRESERVATION PLAN FOR SAND DUNES/DUNE VEGETATION (BEACH DEVELOPMENT DISTRICT ONLY)
☐ TOPOGRAPHIC SURVEY (WHEN REQUIRED)	☐ EXISTING COVENANTS, RESTRICTIONS
☐ EXISTING EASEMENTS (TYPES/R.O.W.)	☐ PROPOSED COVENANTS/RESTRICTIONS
☐ PRELIMINARY COMMENTS ON PROPOSED WATER, SEWER, DRAINAGE FROM AFFECTED AGENCIES	☐ STATEMENT OF INTENT TO SERVE WATER, SEWER, ETC. FROM MUNICIPALITY, PSD OR OTHER AGENCY
☐ EXISTING LOTS, PARKS, PUBLIC AREAS, PERMANENT STRUCTURES	
☐ PROPOSED LAND USE, STREET DESIGN, PARKING, ING TRESS/BORESS	
☐ EXISTING WATER/SEWER LINES	

— FINAL APPLICATION INFORMATION REQUIRED —

APPROVAL FROM OTHER AGENCIES

(FINAL DESIGN APPROVAL)

☐ ONE ORIGINAL, TWO REPRODUCIBLE PRINTS AND FIVE COPIES OF FINAL SITE PLAN OR SUBDIVISION PLAT	☐ WATER SYSTEM - D.H.E.C.
☒ FINAL PLANS FOR STREETS, ALLEYS, AND OTHER TRAFFICWAYS	☐ WATER SERVICE
☐ FINAL WATER AND SEWER PLANS	☐ SEWER SYSTEM - D.H.E.C.
☒ FINAL DRAINAGE PLAN No Drainage Plan	☐ SEWER SERVICE
☐ PARKING, LOADING AND UNLOADING AREA PLANS	☒ DRAINAGE SYSTEM - COUNTY ENGINEER No Drainage Plan
☐ ELECTRIC AND TELEPHONE/GAS SERVICE LAYOUTS	☐ ELECTRIC SERVICE
☒ DESIGN AND DESIGNATION OF OPEN SPACE/RECREATION AREAS	☐ TELEPHONE SERVICE
☐ LEGAL GUARANTEES FOR INSTALLATION AND MAINTENANCE OF IMPROVEMENTS (SALE OR LONG TERM LEASE ONLY)	OTHER: No Set Pines A.R.C. - NK
☐ OFFERS OF PUBLIC DEDICATION (I.E., STREETS, DRAINAGE SYSTEM, ETC.)	APPROVAL - At 7/10/83
☒ FINAL COVENANTS/RESTRICTIONS	8/1/83
☐ FLOOD HAZARD DISCLOSURE STATEMENT	
☐ SPECIAL DISTRICT BOUNDARIES	
☐ SOLID WASTE DISPOSAL (EXCEPT SINGLE FAMILY SUBDIVISION)	

DATE PLANNING COMMISSION PRELIMINARY APPROVAL

DATE PLANNING COMMISSION FINAL APPROVAL

DATE DEVELOPMENT PERMIT ISSUED

DATE PLAT RECORDED PLT. BK. PG.

OILSR NOTIFIED

(FOR MORE LOTS ONLY)

IPC COPY

000149



file

June 17, 1983

Mr. H. Grady Brown
DOWLING, SANDERS, DUKES & SVALINA
Law Firm
1105 Bay Street, P. O. Drawer 1027
Beaufort, SC 29902

Dear Grady:

Re: Chevron Project - Hilton Head

We are in receipt of the revised site plan for the Chevron facility, Palmetto Bay Road, Hilton Head.

With respect to design provisions of the DSO and in light of the previous approved design, I find that we can simply accept the new design as a substitution. I have appropriately certified the copy you sent and placed it in our files.

Please forward or bring by an additional copy for appropriate certification for Chevron's records.

With kindest personal regards,

Charles Gatch
Executive Director

CG/jl



BEAUFORT COUNTY
PUBLIC WORKS

MEMORANDUM

TO: Beaufort County Joint Planning Commission

FROM: F. H. Preisleben, P.E. & P.L.S.
Beaufort County Engineer - Surveyor

SUBJECT: Chevron - Palmetto Bay Road 8183-111-2

DATE: July 28, 1983

I. Project Description

No drainage plan.

II. Designer

III. Project Parameters

IV. Recommendation

Disapproved.

000151

Town HHI
1433



August 4, 1983

CHEVRON, USA, INC.
P. O. Box 1706
Atlanta, GA 30301

Dear Sir:

On August 1, 1983, the Joint Planning Commission reviewed the above-referenced project. Action taken on the project was "approval subject to Architectural Review Board approval."

Once you have received Sea Pines ARB approval, please submit a copy of the Notice to the Joint Planning Commission office. Your Development Permit shall be available upon receipt of the Notice in our office.

Sincerely,

El Fairey
Deputy Director

EF/il

November 3, 1983

Mr. P. J. Pence
Chevron U.S.A. Inc.
P. O. Box 1706
Atlanta, GA 30301

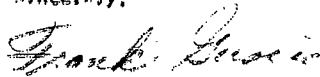
Dear Vic:

The Sea Pines Plantation Company Architectural Review Board hereby grants final approval for the service station/food mart to be located on the Chevron parcel at the Market Place on Palmetto Bay Road. This approval is based upon the building plans of Wayne C. Bell dated October 14, 1983, and the landscape plan prepared by Hall's Nursery dated October 31, 1983. These plans are on file with the Board, and any changes thereto must be submitted for approval.

This approval is further conditioned on the, "Service Station," covenants and Sea Pines Plantation Company's restriction that a minimum of 51% of the building area be used for petroleum related products or services.

The approval granted herein is intended to indicate only that the applicant has satisfied the approval authority vested in the Sea Pines Plantation Company under the recorded covenants and restrictions of the company. Any further approvals which are necessary, whether by federal, state, or local governmental entities or by other companies or individuals shall be the responsibility of the applicant.

Sincerely,



Frank Guscio
Administrator, Commercial
Architectural Review Board

FC:kk

000153



Chevron U.S.A. Inc.
P. O. Box 1706, Atlanta, GA 30301

June 27, 1983

Mr. Charles Gatch
Beaufort County
Joint Planning Commission
P. O. Box 406
Beaufort, SC 29902

SS# 50172
PALMETTO GAY ROAD
HILTON HEAD ISLAND, SC

Dear Mr. Gatch:

This is in reference to our phone conversation on 6/23/83 concerning new development plans for the subject property.

Recent changes in gasoline marketing which has been brought about by customer demand we now wish to change the type of facility to be constructed on this property. I enclose six plot plans of the proposed construction and ask that we be put on the August JPC agenda. New plans show all improvements behind the 50' set-back limit; therefore, no variance will be needed concerning this matter. The plans also call for one 50' curb cut located approximately in the center of the property. Since we think that one curb cut will suffice with this type layout, we feel that it does need to be at least 50 feet wide and located as shown on the plot plan and not at the adjacent property line.

We feel this conforms to the original wishes of the JPC and based on that we feel that we could expect their approval. However, if the plan is materially altered, we would be forced to construct the unit as per the plans you approved on March 22, 1983.

I enclose six copies of the plan you approved on that date so that you may compare them with the present plans we wish to have approved. Also, enclosed is a check for \$10.00 as an application fee.

I would hope that the plans could possibly be approved without going before the JPC; however, if this is not possible, please place it on the August agenda.

Yours truly,

R. V. Spence
Property Management Specialist

RVS/kp

000154

Town HHI
1436

Town of
Hilton Head Island
Beaufort County South Carolina

PERMIT

B0900720

Final
4-3-09
WA

552 15-206

ISSUED:	03/20/2009	Est Completion:		Parcel ID:	R55201500002060000	Fee:	\$410.00	Value:	\$39,672.00
Address	3 PALMETTO BAY ROAD			Lot		Subdivision:	UNKNOWN	Building #	Unit#
Permit Type:	Renovation Commercial			Occupancy:	Mercantile	Fl. Zone/Min Finished Floor Elevation	A7(14)		

Description: REPLACE CERAMIC TILE, PAINT INTERIOR & EXTERIOR, TREPLACE CEILING TILE IN RETAIL AREA, REPLACE ROTTEN SDOING, REPLACE BATH FIXTURES,

Heated Square Ft	0	Unheated Square Ft	0	Total Square Feet	0	Number of Units	0
Number of Stories	0	Type of Exterior		Type of Construction	RCOM	Number of Fireplaces	0
Number of Bedrooms	0	Type Roofing		Type Sewage		Fire Alarm System	
Number of Bathrooms	0	Type of Heating/Air		Septic Tank #		Sprinklered	
Total Residential Rooms	0	Type of Fuel		Number of Elevators	0	Square Feet of Pool	0

Property Owner:	ASA INC	3 PALMETTO BAY RD	HILTON HEAD ISLAND SC		29928 0000	
Contractor:	JDR ENTERPRISES	JOHN DEERING ROBERTS	208 EAST MONTGOMERY CROSSROAD	SAVANNAH GA	31406	912-927-4861
Applicant:	JDR ENTERPRISES	JOHN DEERING ROBERTS	208 EAST MONTGOMERY CROSSROAD	SAVANNAH GA	31406	912-927-4861
Architect:						
Engineer:						
Business:						

All work must comply with Town of Hilton Head Island adopted codes.

Print Name: JOHN D. ROBERTS JR Signature: [Signature] Date: 3/20/09

Owner or Authorized Agent of Owner

No actions to recover damages based upon or arising out of the defective or unsafe condition of an improvement to real property may be brought more than eight years after substantial completion of the improvement. An owner has a right to extend this period by entering into a contractual agreement for extended liability under Section 15-3-640 of South Carolina state code. Additions to or renovations of habitable space must be constructed at or above the first legal habitable floor.

000155

Town HHI
1437

MISCELLANEOUS							
PERMIT FOR CONSTRUCTION IN HILTON HEAD ISLAND, SOUTH CAROLINA							
Department of Planning and Inspections							
PERMIT FEE: \$ <u>5.00</u>		PERMIT NUMBER: <u>12649</u>					
DISTRICT: <u>550</u>	TAX MAP SHEET: <u>550</u>	SUB-MAP: <u>15</u>	PARCEL: <u>206</u>	BLOCK: <u>206</u>	DATE ISSUED: <u>11-4-88</u>		
LOCATION OF BUILDING: <u>FOREST BENCH S/D</u>	LOT: <u>3</u>	BLOCK: <u>Palmetto Bay Rd</u>	SUBDIVISION: <u>FOREST BENCH S/D</u>				
FLOOD ZONE: <u>N/A</u>	ELEVATION REQUIRED: <u>N/A</u>		MSL: <u>N/A</u>				
NAME: <u>Island Chevron</u>	MAILING ADDRESS: <u>3 Palmetto Bay Rd</u>		NO. RT: <u>HHI</u>	CITY & STATE: <u>SC</u>	ZIP CODE: <u>29928</u>	TELEPHONE NO.:	
OWNER: <u>HEARDON Electric Co.</u>							
GEN. CONTR: <u>HEARDON Electric Co.</u>							
☐ MOBILE HOME	\$		☐ PLUMBING	\$			
☐ SWIMMING POOL	\$		☐ HVAC	\$			
☐ RESIDENTIAL	\$		☐ MOVING	\$			
☐ COMMERCIAL	\$		☒ ELECTRICAL	\$	<u>10 GAS PUMPS</u>	<u>100.00</u>	
☐ DEMOLITION	\$		☐	\$			
☐ SIGN	\$		☐	\$			
☐ GAS	\$		☐	\$			
☐	\$		☐	\$			
☐	\$		☐	\$			
☐	\$		☐	\$			
☐	\$		☐	\$			
INSPECTION REPORT							
REMARKS							

000156

Town HHI
1438

CR 93-189

000157

2371

Text

CR93-189
Island Chevron

000158

TOWN OF HILTON HEAD ISLAND
APPLICATION FOR CORRIDOR REVIEW

Please TYPE or PRINT legibly

Application # _____

PROJECT CATEGORY:

☐ New Development

☐ Alteration/Addition

☒ Minor External Change

PROJECT NAME: Island Chevron

STREET ADDRESS: 3 Palmetto Bay Road

TAX MAP NUMBER(S): _____ PARCEL(S): _____

OWNER:

Name Alice Means

Mailing Address 3 Palmetto Bay Rd

APPLICANT:

Name Lewis Oil Company

Mailing Address 1753 State St.

Waycross, GA

Hilton Head, SC

31501

Telephone 842-4336

Telephone (912) 283-5951

ARCHITECTURAL REVIEW BOARD, if applicable: Sea Pines Commercial

When a project lies within the jurisdiction of an Architectural Review Board (ARB), the CRC shall receive such ARB's written notice of action prior to review [LMO section 16-7-650]. Making an application to the ARB in time to meet this requirement is the responsibility of the Applicant.

I. APPLICATION REQUIREMENTS FOR ALL PROJECTS:

- A. Fully completed and signed application form.
- B. Filing fee made payable to the Town of Hilton Head Island: new development, \$175; alteration/addition, \$100; minor external change, \$50.
- C. Written narrative fully describing the project and how it conforms to the guidelines of LMO Section 16-7-484.

II. APPLICATION REQUIREMENTS FOR NEW DEVELOPMENT AND ALTERATIONS/ADDITIONS:

- A. Survey showing property lines, existing topography, locations of trees meeting Tree Protection regulations of LMO article IX, and any wetlands, marshes or beaches.
- B. Site plan (1"=30' min.) showing all buildings (including roof lines) and all site improvements clearly labeled, including location of bordering streets and existing and approved access points.
- C. Photographs or drawings of neighboring uses and architectural styles.
- D. Site lighting plans and landscaping plans as required by Section 16-7-856.
- E. Floor plans and elevation drawings (1/8"=1'-0" min.) including the location of all exterior building materials and colors.
- F. Color board with actual samples of materials/colors to be used.

(OVER)

000159

III. APPLICATION REQUIREMENTS FOR MINOR EXTERNAL CHANGES:

(non-structural, i.e. painting, materials, etc.)

A. Photographs and/or drawings of existing development.

B. Drawings and material/color samples of existing and proposed changes.

ALL APPLICATION ITEMS MUST BE SUBMITTED BY THE DEADLINE DATE IN ORDER TO BE REVIEWED BY THE CRC [LMO 16-7-651]. All drawings must be submitted as described AND reduced to no larger than 11" X 17".

To the best of my knowledge, the information on this application and accompanying documentation is true, factual and complete. If this request is granted, I hereby agree to abide by all conditions imposed by the Town of Hilton Head Island; I understand that such conditions shall apply to the subject property only, and are a right or obligation transferable by sale.

Deice B Means

Signature of Applicant

for Island Chevron

11/23/93

Date

APPMST.CRC 10/93

000160

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928
803/842-8900 Fax 842-7728

January 12, 1994

Frank R. Chapman, Jr.
Mayor
Frank Bralman
Mayor Pro Tem

Council Members
James K. Carlin
Willie (Bibi) Ferguson
Kate Kemp
Tom Peoples
Dorothy G. Perkins

Michael C. O'Neill
Town Manager

Ms. Alice Means
Island Chevron
3 Palmetto Bay Road
Hilton Head Island, SC 29928

Dear Ms. Means:

This letter will confirm our agreement on the colors for your building as
Pittsburgh Paint numbers:

4636, weathered cedar: Roof

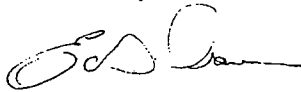
2635, lido beige: Walls

3636, weliner gray: Trim

I have contacted Mr. Ray Easterlin with the Sea Pines commercial ARB and
indicated that you will submit samples of these to him for approval. Please
let me know if he has any problem with these selections. He indicated from
my description that they should be OK.

Thank you for your cooperation in resolving this matter.

Sincerely,



Edwin B. Drane
Urban Designer

000161

NOTICE OF ACTION BY: CORRIDOR REVIEW COMMITTEE
TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD, SC 29928

PROJECT: Island Chevron
LOCATED AT: 3 Palmetto Bay Road

PROJECT #: CR93-189

ACTION DATE: 12/14/93

NOTICE DATE: 12/15/93

OWNER: Alice Means
3 Palmetto Bay Road
Hilton Head Island SC 29936

APPLICANT: Lewis Oil Company
1753 State Street
Waycross GA 31501

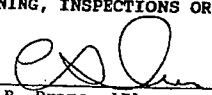
ON THE ABOVE MEETING DATE YOUR APPLICATION RECEIVED THE FOLLOWING ACTION:

- () WAIVED REVIEW
- () WITHDRAWN AT THE APPLICANTS REQUEST
- () APPROVED AS SUBMITTED
- (☒) APPROVED WITH CONDITIONS LISTED BELOW
- () DISAPPROVED FOR REASONS LISTED BELOW
- () NO ACTION TAKEN - AWAITING AN ARB NOTICE OF ACTION

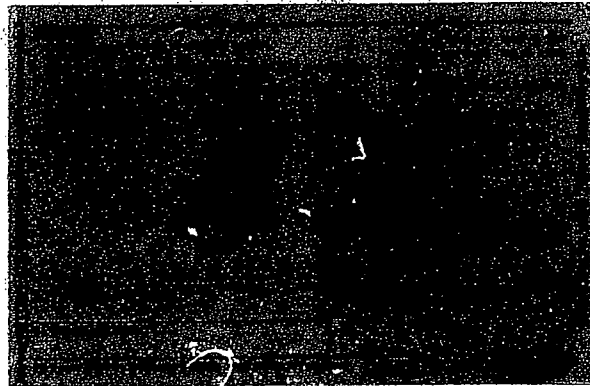
The off white color for the facades be changed to a darker color, new color to be approved by the staff and one CRC member.

YOU HAVE THE RIGHT TO APPEAL THIS DECISION. IN ORDER TO BE CONSIDERED BY THE PLANNING COMMISSION, AN APPEAL SHALL BE FILED (RECEIVED BY THE ADMINISTRATOR OR POSTMARKED) NOT LATER THAN TEN (10) DAYS AFTER THE DATE OF ACTION NOTED ABOVE. (LMO 16-7-678)

NOTICE: APPROVAL BY THE CORRIDOR REVIEW COMMITTEE MAY NOT CONSTITUTE AUTHORITY TO PROCEED. PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT 842-7630 TO FIND OUT IF OTHER APPROVALS OR PERMITS ARE REQUIRED FROM THE PLANNING, INSPECTIONS OR ENGINEERING DIVISIONS.

BY:  , URBAN DESIGNER
Edwin B. Drane, AIA

000162



P 345 026 477



**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to	
Lewis Oil Company	
Street and No.	
1753 State Street	
P.O. Box and ZIP Code	
Waycross, GA 31501	
Postage	\$.29
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.00
Return Receipt Showing to Whom, Date, and Addressee's Signature	
TOTAL Postage & Fees	2.29
Postmark or Date	

PS Form 3800, June 1991
C2C 93-17

000163

Town HHI
1445

DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST

TO: Chairman, Members of the Committee,
and Committee Clerk

FROM: DREW LAUGHLIN

DATE: 12/14/93

SUBJECT: Potential Conflict of Interest

SUBJECT MATTER OF POTENTIAL CONFLICT OF INTEREST:

ISLAND CHEVRON SE

~~REDACTED~~

DESCRIPTION OF POTENTIAL CONFLICT OF INTEREST:

PAST REPRESENTATION OF CLIENT

NOTE: A Town of Hilton Head Island Resolution, dated July, 1991, requires that persons claiming a potential conflict of interest must "absent themselves from the regulatory body," in other words, temporarily leave the dals.

000164

MEMORANDUM TO: CORRIDOR REVIEW COMMITTEE & APPLICANT

DATE: 12/07/93

FROM: ED DRANE, URBAN DESIGNER, TOWN OF HILTON HEAD ISLAND

RE: AGENDA ITEM FOR MEETING OF 12/14/93

PROJECT: Island Chevron
3 Palmetto Bay Road

PROJECT #: CR93-189
CATEGORY: m.e.c.

OWNER: Alice Means
3 Palmetto Bay Road
Hilton Head Island SC 29938

APPLICANT: Lewis Oil Company
1753 State Street
Waycross GA 31501

*PRIVATE ARCHITECTURAL REVIEW BOARD (ARB): Sea Pines Commercial

DESCRIPTION:

This application is to change the colors on two buildings located on Palmetto Bay Road. The stucco facades are to be painted off white and the metal roof is to be painted dark Brown. No other changes are proposed.

RECOMMENDATION:

The staff recommends approval with the condition that the off white color for the facades be changed to a darker color, new color to be approved by the staff and one CRC member.

*NOTE! IF AN ARB IS SHOWN ON THIS APPLICATION, NO ACTION WILL BE TAKEN BY THE CORRIDOR REVIEW COMMITTEE PRIOR TO RECEIVING A LETTER FROM THAT ARB STATING ITS ACTION. THE APPLICANT IS RESPONSIBLE FOR OBTAINING THIS LETTER BEFORE THE ABOVE CRC MEETING DATE.

000165



September 20, 1993

Ms. Alice B. Means
ISLAND CHEVRON
3 Palmetto Bay Road
Hilton Head Island, SC 29928

Re: Island Chevron
3 Palmetto Bay Road
Repainting & Renovation Submittal

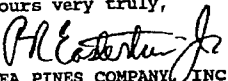
Dear Ms. Means:

The board, at it's regularly scheduled meeting, approved your repainting and renovation submittal with the following conditions:

- * All exterior surfaces will be painted per attached sketch.
- * Spanners to be replaced and painted per attached sketch.
- * Fuel pump panels must be painted per attached sketch.
- * Waves will be removed from windows.
- * All interior signs and promotional material that can be seen from the exterior must be removed.

The relocated satellite dish, which can no longer be seen from Palmetto Bay Road, is acceptable.

Yours very truly,


SEA PINES COMPANY, INC.
Architectural Review Board
P. R. Easterlin, Jr.
Chairman

copy: ARB Members
Edwin B. Drane✓
William Lytle

Sea Pines Company, Inc. • 32 Greenwood Drive • Post Office Box 7000 • Hilton Head Island, SC 29928
(803) 785-3333 • Fax (803) 842-1927

000166

ORIGINAL RECEIPT
TOWN OF HILTON HEAD ISLAND
 ONE TOWN CENTER COURT
 HILTON HEAD ISLAND, SC 29925

RECEIPT NO.
B 02849

Control Number: **8002849**
 Issuing Officer: **RT**
 (Receipt not valid without
 Issuing Officer's initials)

Receipt Date: **01/11/87**
 Name: **LEWIS, J. L.**

Transaction	Description	Amount
CRC TILING	CHEVRON/PALMETTO BAY ROAD	50.00

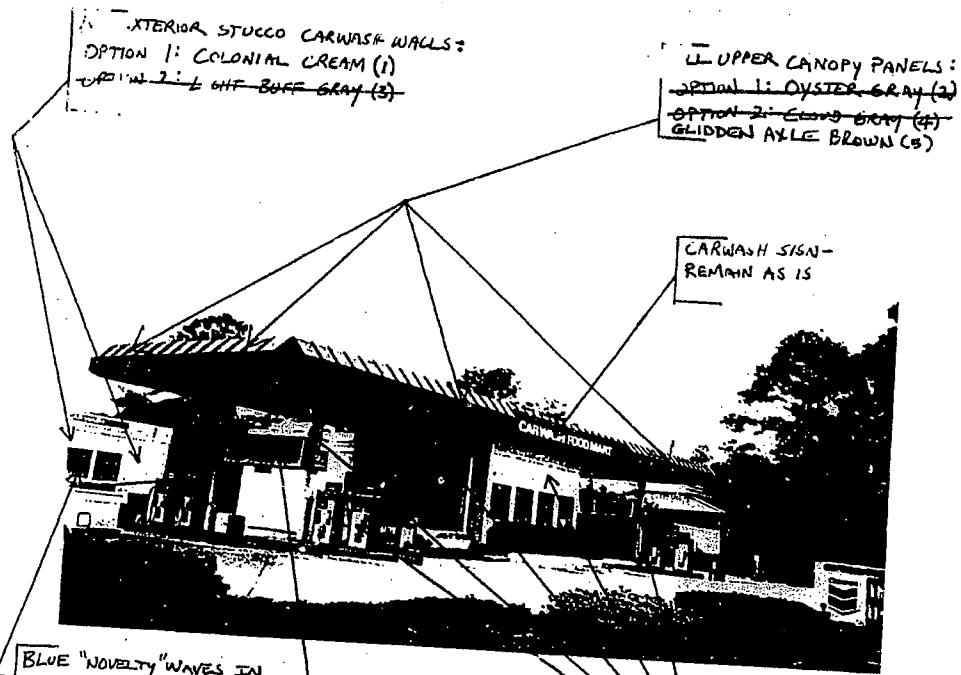
Receipt Total:	50.00	Called?: N
Cash Paid:	50.00	Failed?:
Check Paid:		
Receipt Bal:	0	

THIS RECEIPT IS VALID ONLY WITH
 ORIGINAL CHECK CLASSED
 BACKWARDS INSTEAD OF WHITE

01/11/87 2017 001/137

000167

000168



EXTERIOR STUCCO CARWASH WALLS:
OPTION 1: COLONIAL CREAM (1)
OPTION 2: ~~LIGHT BUFF GRAY (3)~~

UPPER CANOPY PANELS:
OPTION 1: OYSTER GRAY (2)
OPTION 2: ~~CLOUD GRAY (4)~~
GLIDDEN AXLE BROWN (5)

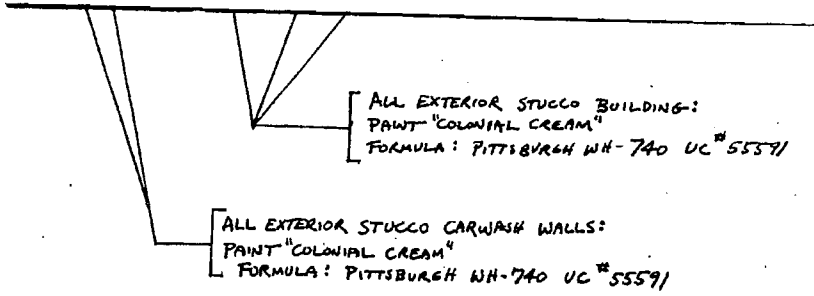
CARWASH SIGN -
REMAIN AS IS

BLUE "NOVELTY" WAVES IN
WINDOW TO BE REMOVED

OLD SPANNER & BULK FRAME TO
BE REMOVED. REPLACE WITH NEW
NON-ILLUMINATED SPANNER WITH
COLONIAL CREAM COLORED
BACKGROUND INSTEAD OF WHITE.

ALL EXTERIOR STUCCO BUILDING
WALLS & CANOPY COLUMNS:
OPTION 1: COLONIAL CREAM (1)
OPTION 2: ~~LIGHT BUFF GRAY (3)~~

9/20/93
PAC



ALL EXTERIOR STUCCO BUILDING:
PAINT "COLONIAL CREAM"
FORMULA: PITTSBURGH WH-740 UC #5559/

ALL EXTERIOR STUCCO CARWASH WALLS:
PAINT "COLONIAL CREAM"
FORMULA: PITTSBURGH WH-740 UC #5559/

000169



LEWIS & RAULERSON, INC.
dba LEWIS OIL COMPANY
P.O. Box 238
Waycross, Georgia 31502
(912) 283-5951
FAX: (912) 283-8281



COLOR/PAINT KEY $\frac{1}{2}$ FORMULAS:

- 1) COLONIAL CREAM - 100% PITTSBURGH WH-740 UC #55591
- 2) ~~OYSTER GRAY - 100% PITTSBURGH 6Y 450 UC #59584~~
- 3) ~~LIGHT BUFF GRAY - 50% PITTSBURGH 6Y 450 UC #59584~~
~~50% PITTSBURGH WH-740 UC #55591~~
- 4) ~~CLOUD GRAY - 50% 6Y 450 UC #59584~~
~~50% 6Y 210 UC #59585~~
- 5) GLIDDEN AXLE BROWN

PLS
9/20/93

000170

53372

000171

550 / 15 / 206 / 6357

PERMIT FEE: \$

DISTRICT

530

LOCATION OF
BUILDING

FLOOD ZONE AC3

NAME

OWNER

Alice B

GEN.

CONTR.

J.M. Wi

☐ MOBILE HOME

☐ SWIMMING POOL
RESIDENTIAL
COMMERCIAL

☐ DEMOLITION

☐ SIGN

☐ GAS

☐

☐

☐

☐

Electric
Pumps

M

STANDARD
190 1800
10-100-1
H.F. STUBBS, INC.



000172

Town HHI
1454

MISCELLANEOUS
 PERMIT FOR CONSTRUCTION IN HILTON HEAD ISLAND, SOUTH CAROLINA
 Department of Planning and Inspections

PERMIT FEE: \$ 2500 1-15-93 PERMIT NUMBER: M 53372

DISTRICT <u>550</u>	TAX MAP SHEET <u>15</u>	SUB-MAP	PARCEL <u>206</u>	BLOCK	DATE ISSUED <u>11/14/98</u>
------------------------	----------------------------	---------	----------------------	-------	--------------------------------

LOCATION OF BUILDING	LOT STREET <u>3 Palmetto Bay Road</u>	BLOCK <u>206</u>	SUBDIVISION
----------------------	--	---------------------	-------------

FLOOD ZONE <u>A(7)</u>	ELEVATION REQUIRED <u>14</u> MSL	
---------------------------	-------------------------------------	--

NAME	MAILING ADDRESS	NO. ST.	CITY & STATE	ZIP CODE	TELEPHONE NO.
OWNER <u>Alice B Means</u>	<u>3 Palmetto Bay Road</u>	<u>H.H.I. SC</u>	<u>29928</u>	<u>842-4336</u>	
GEN. CONTR. <u>J.M. Wilson Electric Inc.</u>	<u>200 Grim Blvd. Pt. St. J.</u>	<u>SAV. GA</u>	<u>31406</u>	<u>354-8177</u>	

☐ MOBILE HOME ☐ SWIMMING POOL RESIDENTIAL COMMERCIAL ☐ DEMOLITION ☐ SIGN ☐ GAS ☐ ☐ ☐ ☐	\$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____	☐ PLUMBING ☐ HVAC ☐ MOVING ☒ ELECTRICAL ☐ ☐ ☐ ☐ ☐	\$ _____ \$ _____ \$ _____ \$ <u>2500</u> \$ _____ \$ _____ \$ _____ \$ _____ \$ _____
---	--	---	--

Electrical to the
Ramps only.

INSPECTION REPORT

Michael Wilson

REMARKS

000173

ORIGINAL RECEIPT
TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, SC 29928

RECEIPT NO.
M 11113

Control Number: M 11113

Issuing Officer: 05
(Receipt not valid without
Issuing Officers initials)

Receipt Date: 1/14/98
Name: J. M. WILSON ELECTRIC

Transaction Code	Description	Amount
MISC BUILDING PERMITS	WILSON/ISL CHEVRON-MEARS # 53372	\$25.00

Misc

Receipt Total:	\$25.00	
Cash Paid:		Mailed?: N
Check Paid:		Mailed?: N
Credit Card Paid:	\$25.00	Mailed?: N

000174

Office 803-341-4601
Fax 803-842-8587
Request line 803-341-4750

MISCELLANEOUS
BUILDING PERMIT APPLICATION

Revised May, 1997

Ref # 048410

INSTRUCTIONS

Complete both sides of this form.

Single Family ☐
Multi Family ☐
Commercial ☒

Fee
(Office use only)
Plans checking
Permit fee 25.00
SUB TOTAL 25.00
TIF
Total due \$ 25.00

(Office use only)
Date 1/14/98
Permit # 53372
Amount 25.00
TIF
Receipt # M-11113
Paid by

LOCAL
JANUARY
1998

Sp DIST. 550 MAP 15 PARCEL 206 Flood Zone A(7) Min 1st Fl Elev 14
Lot Street# Street Name 3 Palmetto Bay Road Sub Div

OWNER

Owner Name Alice B Means
Owner Mailing Address 3 Palmetto Bay Road Hilton Head S.C. 803-842-4336
City/State Zip 29928

CONTRACTOR

Contractor Name
Mailing Address
City/State Zip
Gen Contractor State License # Town of HHI Business License #

ELECTRICIAN

Subcontractor's Name J.M. Wilson Electric Inc 912-354-8179
Mailing Address 208 Grim Ball Pk. SAV, Ga. 31406
City/State Zip
Trade Certificate # Town of HHI Business License # 80033

PLUMBING

Subcontractor's Name
Mailing Address
City/State Zip
Trade Certificate # Town of HHI Business License #

HVAC

Subcontractor's Name
Mailing Address
City/State Zip
Trade Certificate # Town of HHI Business License #

ARCHITECT

Architect/Residential Designer Name
Mailing Address
City/State Zip
Architect State License #

CONSTRUCTION DATA

000175

Town HHI
1457

BUILDING	\$	HEATED SQ FT.	
ELECTRICAL	\$	UNHEATED SQ FT	
PLUMBING	\$		
HVAC	\$		
TOTAL	\$	TOTAL SQ FT	
	2500 ⁰⁰		

Description of work to be done check below and describe in space at bottom					
☐	Addition <i>Note: use feet above</i>	☐	Remodel	☒	Electrical
☐	Repairs	☐	Demolition	☐	HVAC
☐	Deck	☐	Enc porch	☐	Plumbing
				☐	Tent (exceeding 400 sq. ft.)
				☐	Air supported structure
				☐	Other- describe below
Type of gas appliances			Type of sewage		
pulled new wires to new gas dispensers And hooked them up.					

Is this structure located in the SC Coastal Zone Management Act (Beach Front)? _____

Is this structure located near a wetland that requires a setback? _____

Is this structure in compliance with private covenants? _____

Signature of applicant Michael J. Lane Date 1-14-98

000176

11

INSPECTION REPORT
 PERMIT FOR CONSTRUCTION IN HILTON HEAD ISLAND, SOUTH CAROLINA
 Department of Planning and Inspections

PERMIT FEE: \$ _____

PERMIT NUMBER: 53372

DISTRICT <u>550</u>	TAX MAP SHEET <u>15</u>	SUB-MAP	PARCEL <u>206</u>	BLOCK	DATE ISSUED <u>11/15/98</u>
LOCATION OF BUILDING	LOT STREET	BLOCK	SUBDIVISION		
FLOOD ZONE <u>A1</u>	<u>3 Palmetto Bay Rd.</u>		ELEVATION REQUIRED <u>14</u>	MSL	
OWNER	NAME	MAILING ADDRESS	NO. ST.	CITY & STATE	ZIP CODE
GEN. CONTR	<u>Means</u>	<u>Jim Wilson</u>	<u>354-8179</u>		
<u>Elec hook-up / Am</u>					

Elec OK J. H.
Final Approved