



Town of Hilton Head Island

Board of Zoning Appeals Meeting

Monday, June 22, 2026, 2:30 PM

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

- 1. Call to Order**
- 2. Welcome and Introduction to Board Procedures**
- 3. Adoption of the Agenda**
- 4. Approval of the Minutes**
 - a. Regular Meeting Minutes of April 27, 2026
- 5. Unfinished Business**
 - a. **Public Hearing**

VAR-000251-2026 - Request from Daniel Kirchberg, owner of 14 Pelican Street, also identified as Beaufort County Tax Map Parcel R550 015 00A 0467 0000, for a variance from LMO Section 16-6-104.F.2.a, General Requirements, to remove a specimen tree that is located on a single-family lot.
- 6. New Business**
 - a. **Public Hearing**

VAR-000528-2026 - Request from Judd Carstens, on behalf of MACH XVII, LLC, owners of 1010 William Hilton Parkway, also identified on Beaufort County Tax Map as parcel number R552 015 000 289A 0000, for a variance from LMO Section 16-4-102.B.5.b., Use Specific Conditions, to allow an Outdoor Commercial Recreation Use Other Than a Water Park to not have the required direct vehicular access to a minor arterial street.
- 7. Public Comment - Non Agenda Items**
- 8. Staff Reports**
- 9. Adjournment**

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

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Hilton Head Island will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Auditory accommodations are available. Any person requiring further accommodation should contact the Town of Hilton Head Island ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

Municipal Association of South Carolina (MASC) Civility Pledge:

"I pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of my city or town."



Town of Hilton Head Island BOARD OF ZONING APPEALS MEETING Monday, April 27, 2026, 2:30 PM Minutes

1. Call to Order

Chairman Fingerhut called the meeting to order at 2:30 pm. In attendance were: Chairman Fingerhut, Vice-Chair Bayless, Amy Fee, Jeffery Greene, Dale Strecker, Peter Kristian and Michael Sackheim.

2. Welcome and Introduction to Board Procedures

Chairman Fingerhut welcomed all in attendance and introduced the Board's procedures for conducting the meeting.

3. Adoption of the Agenda

Mr. Kristian moved to approve the agenda as presented. Ms. Fee seconded. The motion passed unanimously.

4. Approval of the Minutes

a. Regular Meeting Minutes of December 22, 2025

Mr. Greene moved to approve the minutes of December 22, 2025. Mr. Sackheim seconded. The motion passed unanimously. Mr. Strecker abstained as he was not at the meeting.

5. Unfinished Business

6. New Business

a. Public Hearing

VAR-000252-2026 - Request from John Watts representing on behalf of Carol Balazsi, owner of 12 Heath Drive, also identified as Beaufort County Tax Map Parcel R520 016 00A 0132 0000, for a variance from the LMO Section 16-6-104.F.2.a, General Requirements, to remove a specimen tree that is located on a single-family lot.

Mr. Brian Eber presented the staff report, as included in the agenda packet, regarding a variance request submitted by John Watts on behalf of Ms. Carol Balazi, property owner of 12 Heath Drive (Beaufort County Tax Map Parcel R520-16-A-0132-0000.) The request sought a variance from LMO Section 16-6-104.F.2.a (General Requirements) to allow the removal of a specimen tree located on a single-family lot.

Mr. Eber explained that this provision was added to the Land Management Ordinance within the past year, and that staff does not currently have specific review criteria for

specimen tree removal. The only available relief from such a hardship is through the Board of Zoning Appeals. Therefore, staff made no formal recommendation for approval or denial, instead advising that the Board determine an outcome that would be fair and equitable to all parties. He noted that specimen trees may only be removed when certain conditions are met, including dead, disease and decay, and referenced the variance criteria that permit the Board to grant a variance if strict enforcement of the Ordinance would result in unnecessary hardship.

Mr. Eber concluded his presentation and responded to questions from the Board regarding mitigation requirements and whether the Palmetto Dunes Property Owners Association (POA) had consented to the removal. He confirmed that the POA had approved the request and that the applicants would be required to meet the POA's mitigation requirements.

Chair Fingerhut then invited comments from the applicant. Mr. John Watts, representing the applicant, stated that he is the contractor for the property owners and believed that removal of the tree was necessary. He responded to several questions from the Board.

Following discussion, Mr. Kristian moved that, based on the information presented, the Board of Zoning Appeals find that all applicable criteria have been met and grant the variance. Vice-Chair Bayless seconded the motion. The motion passed unanimously.

b. Public Hearing

VAR-000251-2026 - Request from Daniel Kirchberg, owner of 14 Pelican Street, also identified as Beaufort County Tax Map Parcel R550 015 00A 0467 0000, for a variance from LMO Section 16-6-104.F.2.a, General Requirements, to remove a specimen tree that is located on a single-family lot.

Mr. Brian Eber presented the staff report, regarding a variance request from Daniel Kirchberg, owner of 14 Pelican Street (Beaufort County Tax Map Parcel R550 015 00A 0467 0000.) The request seeks a variance from LMO Section 16-6-104.F.2.a, (General Requirements) for the removal of a specimen tree located on a single family lot. The property in question contains one specimen tree approximately 36 inches in diameter, alongside four additional specimen live oak trees and one significant live oak tree. The proposed removal of the tree is necessitated by the owner's intention to install a 350 square foot accessory use swimming pool. Mr. Eber cited a communication dated March 19, 2026, with Jones Brothers Tree Service, where arborist Clay Jones evaluated the tree and deemed it to be healthy. Mr. Eber noted that the hardship presented by the applicant appears to be self-created, influenced by the location and design of the proposed pool. Mr. Eber concluded his presentation and addressed questions from the Board.

Chair Fingerhut invited the applicant to provide any additional comments. Mr. Kirchberg indicated that while he had optimal for privacy, the tree's location poses an obstacle.

Chair Fingerhut then sought public comment on the variance request. One resident from the adjacent property expressed opposition to the tree's removal. Another citizen urged

the Board to consider fairness in their decision-making process, while Chester Williams, Attorney voiced his support for granting the variance.

Mr. Greene motioned to table the item until the Board could receive a comprehensive report from an arborist. This would offer a clearer understanding of the potential impact on the remaining trees should the specimen tree be removed. Mr. Sackheim seconded. The motion passed unanimously.

7. Public Comment - Non Agenda Items

There was no public comments.

8. Staff Reports

There was no staff report.

9. Adjournment

The meeting was adjourned at 3:34 pm.

Approved: _____



May 1, 2026

Dan Kirchberg
14 Pelican St
Hilton Head Island, SC 29928

Dear Dan,

RE: Tree Inspection & Analysis - Arborist Report for 14 Pelican St

This report presents the results of the tree inspection at 14 Pelican St, Hilton Head Island. International Society of Arboriculture (ISA) Certified Arborist, Richard McDevitt, surveyed the site.

Assignment Scope of Work:

The subject trees listed below were evaluated.

Location and Identification of the Tree(s) Assessed:

Center rear of the home: 1 – 36” Live Oak tree

Level of Inspection:

Limited visual inspection

Site Factors Considered:

The tree is located directly in the center rear of home within a 30' by 30' alcove .

Tree Conditions:

The tree has raised roots with a significant lean angle over the home. The canopy is also of concern due to the unbalanced shape with most of it over the left rear of the home and property. However, the tree canopy and trunk appear to be healthy with no signs of disease or decay.

ArborNature Llc

PO Box 22268 • Hilton Head, SC 29925
(843) 681-2726 • Info@ArborNature.com

It should be noted that this 0.25 acre lot has many other trees on the property:

- 4 – other specimen 30” to 48” Live Oak trees
- 1 – significant 20” Live Oak tree
- 1 – significant 24” Laurel Oak tree
- 1 – specimen 30” Pine tree
- 1 – 24” Pine tree
- 5 – 10” to 18” Sweet Gum trees
- 14 – mature and very large Sabal Palmetto Palm trees
- 1 – 8” Red Cedar tree

Note – none of the specimen tree root systems listed above would be impacted by any of the work planned at this homesite because the work will only involve the 30’ by 30’ alcove area at the rear of the home which is outside those root zones.

The Risk Assessment and Conclusion

Likelihood of Failure Key

Improbable – The tree or branch is unlikely to fail even under severe weather conditions.

Possible – Failure could occur, but it is unlikely during normal weather conditions.

Probable – Failure could occur under normal weather conditions in the area.

Imminent – Failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load.

Level of Risk Key

Extreme-risk – trees should be mitigated as soon as possible. Immediate action may be required to restrict access to the target zone.

High-risk – trees should be mitigated as soon as it is practical, when the work schedule or pruning cycle allows.

Moderate-risk – trees may be mitigated and/or retained and monitored. Mitigation may be conducted when budget, work schedule, or pruning cycle allows, preferably before seasonal storms develop.

Low-risk – trees should be retained and monitored (if appropriate) and/or mitigated, if deemed necessary, when the budget, work schedule, or pruning cycle allows.

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The Likelihood of Failure is: Possible

The Risk Key designation is: Moderate Risk

Options and/or Recommendations for Mitigation:

Remove tree. The home is a target and at risk in the event of even partial branch or leader failure. The root zone is limited to a 30' by 30' area in the rear alcove of this home, which is insufficient to support a leaning and unbalanced tree of this size. Due to the abundant other size, quantity and dense tree canopy on the property, it is very likely that the canopy loss from the tree removed would be replaced by adjacent trees within 5 to 10 years.

Note: Forest Beach Owners Association ARB has provided an approval for the removal of this tree in a report dated 3/2/26, approved by John D Snodgrass.

Tree risk assessment considers known targets and visible or detectable tree conditions, and it represents the condition of the tree at the time of inspection. Only those trees specified in the scope of work were assessed, and assessments were performed within the limitations specified.

Sincerely,

Richard V. McDevitt
ISA Certified Arborist SA10995A

ArborNature Llc

PO Box 22268 • Hilton Head, SC 29925
(843) 681-2726 • Info@ArborNature.com



TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court	Hilton Head Island, SC 29928	843-341-4757	FAX 843-842-8908
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STAFF REPORT VARIANCE

Case #:	Public Hearing Date:
VAR-000528-2026	June 22, 2026

Parcel or Location Data:	Property Owner	Applicant
Address: 1010 William Hilton Parkway Parcel#: R552 015 000 289A 0000 Zoning: LC (Light Commercial District) Overlay: COR (Corridor Overlay District)	MACH XVII, LLC 5041 W. Pershing Road Cicero, IL 60804	Judd Carstens P.O. Box 3036 Bluffton, SC 29910

Application Summary:

Request from Judd Carstens, on behalf of MACH XVII, LLC, owners of 1010 William Hilton Parkway, also identified on Beaufort County Tax Map as parcel number R552 015 000 289A 0000, for a variance from LMO Section 16-4-102.B.5.b., Use Specific Conditions, to allow an Outdoor Commercial Recreation Use Other than a Water Park to proceed without the required direct vehicular access to a minor arterial street.

Staff Recommendation:

Staff recommends the Board of Zoning Appeals find the request to be consistent with the Town's Our Plan and serves to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Board of Zoning Appeals **approve the application**, with the following conditions to mitigate the potential impacts on nearby residential uses:

1. The outdoor use shall not be permitted between the hours of 10:01pm and 6:59am.

2. There shall not be any speakers or amplified music or sound outside of any enclosed building or directed from inside any enclosed building to the outside.
3. A landscaping plan must be approved by the Design Review Board (DRB) and must include additional landscaping and a sound dampening fence or wall generally along the Dunnagans Alley property line and/or the existing Santee Cooper powerline easement running parallel to Dunnagans Alley, at a minimum.
4. An exterior lighting plan showing all exterior building and site lighting must be approved by the DRB.

Background:

The subject property, 1010 William Hilton Parkway, is situated between William Hilton Parkway and Dunnagans Alley, approximately halfway between Wexford Drive and Arrow Road. The property contains an access easement which allows the current, and any proposed uses, to access both William Hilton Parkway and Dunnagans Alley. Per LMO Section 16-5-105.B, William Hilton Parkway is designated as a major arterial, while Dunnagans Alley does not have a designation per LMO Section 16-5-105.B, qualifying it an "other street" when applying development standards per the LMO. The subject property has direct access to the Town's pathway network via an existing sidewalk on Dunnagan's Alley.

Located in an area of William Hilton Parkway with numerous restaurants and shopping opportunities, the property is zoned Light Commercial (LC), a designation which allows for a variety of uses. The applicant aims to develop the vacant portion (approx. 1.82 acres) of 1010 William Hilton Parkway into a mini-golf complex with supporting food and beverage operations. Mini-golf per LMO Section 16-10-103.E.2 would fall under the Use Type Outdoor Commercial Recreation Other than a Water Park. The development would include a renovation of the existing, but vacated, Panera Bread restaurant and an additional multi-use building on the adjacent parcel addressed as 1012 William Hilton Parkway (see attached Site Plan exhibit).

Per LMO Section 16-3-105.D.2, Outdoor Commercial Recreation Uses Other than Water Parks are permitted with conditions in the LC zoning district. The applicable use specific condition that applies to this use in the LC zoning district, as outlined in LMO Section 16-4-102.B.5.b., states that the site of an outdoor commercial recreation use shall have direct vehicular access to a minor arterial in accordance with Sec. 16-5-105.B, Street Hierarchy. The subject property does not meet the condition that requires the use to have direct vehicular access to a minor arterial street as neither William Hilton Parkway nor Dunnagans Alley is a minor arterial street per LMO Section 16-5-105.B. Therefore, the applicant is pursuing a variance in addition to the special exception request.

The applicant seeks a variance from the use specific conditions found in LMO Section 16-4-102.B.5.b., to allow an Outdoor Commercial Recreation Use Other than a Water Park to proceed without the required direct vehicular access to a minor arterial street.

LMO Section 16-2-102.S.4.a allows the Board of Zoning Appeals to grant variances from the LMO where the Ordinance would result in unnecessary hardship.

Applicant's Grounds for Variance, Summary of Facts and Conclusions of Law:

Grounds for Variance:

- According to the applicant this variance is being sought due to the fact that the strict application of the use specific conditions restricts an appropriate and reasonable use for the property - outdoor mini-golf. The property owners are looking to develop the vacant portion of 1010 William Hilton Parkway into a mini-golf complex (Outdoor Commercial Recreation Other than a Water Park) with supporting food and beverage operations. The applicant's grounds for a variance propose to look at the use request for the subject property from the standpoint of minor arterials and the outdoor recreation use - the two driving points in the use specific conditions.
- Town of Hilton Head minor arterial roads, as indicated in Table 16-5-105.B of the LMO, are found across the Island (see Zoning Information exhibits). Most, but not all, minor arterial roads access William Hilton Parkway at traffic light intersections, allowing for connection to the greater roadway network. The closest minor arterials to the subject property are Arrow Road and New Orleans Road. The former is approximately a quarter of a mile away down Dunnagans Alley, and the latter directly across William Hilton Parkway from the property. An analysis of the use specific conditions, and its application, indicate that only one property in the LC zoning district along the western boundary of William Hilton Parkway from the Sea Pines Circle to Pembroke Drive can meet the use specific condition standard. This provides a lack of opportunity to utilize the property in a district which the use is reasonable and expected.
- The goal of this use specific condition is to keep direct vehicular access to Outdoor Commercial Recreation Other than Water Parks from major arterials, such as William Hilton Parkway, while restricting it from poorly serviced roadways. The subject property does not suffer either in its request for relief. As stated before, the property has a central access roadway, allowing the users to access William Hilton Parkway and Dunnagans Alley from a shared vantage point, and not contributing to over-abundance of curb cuts on either roadway.
- Next, Dunnagans Alley is not a poorly serviced or connected roadway. It is a two-lane, curbed roadway with sidewalks, servicing no less than six major properties, including the Village at Wexford. The roadway connects two Town traffic circles at Wexford Drive and Arrow Road, both of which connect to William Hilton Parkway with controlled traffic light intersections. Arrow Road connects Palmetto Bay Road, another Town major arterial, allowing for the subject property to be accessed from an even greater area without trafficking on a major arterial.

- Outdoor mini-golf is found elsewhere on Hilton Head and only along the William Hilton Parkway corridor. Other properties that include outdoor mini-golf uses include Adventure Cove, Pirates Island, and Legendary Golf. Only Adventure Cove, a Resort Development (RD) zoning district property fronting William Hilton Parkway, satisfies the use specific condition. Adventure Cove's primary access is from Folly Field Road, a Town minor arterial. Both Pirates Island and Legendary Golf front William Hilton Parkway and are accessed by roadways not classified as minor arterial, thus failing to meet the use specific condition. Legendary Golf accesses a controlled traffic light, but this requires travelling through the Fresh Market Shops parking lot. Pirates Island is accessed from Marina Side Drive, a right-in/right-out driveway on William Hilton Parkway.
- Mini-golf at 1010 William Hilton Parkway (subject property) would be provided access from a shared access easement that is serviced by a right-in/right-out from William Hilton Parkway, and Dunnagans Alley, a two-lane roadway connected to two Town traffic circles and controlled traffic lights at Arrow Road and Wexford Drive. In comparison to the other examples found on the Island, the proposed development is well serviced by roadways and pathways and appropriately located with similar uses.

Summary of Fact:

- The applicant seeks a variance as set forth in LMO Section 16-2-103.S.

Conclusion of Law:

- The applicant may seek a variance as set forth in LMO Section 16-2-103.S.

Summary of Facts and Conclusions of Law:

Summary of Facts:

- Application was submitted on May 22, 2026, as set forth in LMO Section 16-2-102.C and Appendix D-19.
- Notice of the Application was published in the Island Packet on June 7, 2026 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on June 5, 2026 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on June 5, 2026 as set forth in LMO Section 16-2-102.E.2.
- The Board has the authority to render the decision reached here under LMO Section 16-2-102.G.

Conclusions of Law:

- The application is in compliance with the submittal requirements established in LMO Section 16-2-102.C.

- The application and notice requirements comply with the legal requirements established in LMO Section 16-2-102.E.2.

As provided in LMO Section 16-2-103.S.4, Variance Review Standards, a variance may be granted in an individual case of unnecessary hardship if the Board determines and expresses in writing all of the following findings of fact.

Summary of Facts and Conclusions of Law:

Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property (LMO Section 16-2-103.S.4.a.i.01):

Findings of Fact:

- The subject property possesses a unique access configuration not generally found throughout the LC District.
- While the property does not have direct frontage on a roadway classified as a minor arterial, it benefits from a shared access system connecting to both William Hilton Parkway and Dunnagans Alley.
- Dunnagans Alley functions as a collector-type roadway serving multiple commercial properties, connecting directly to both Arrow Road and Wexford Drive traffic circles, and ultimately providing access to signalized intersections on William Hilton Parkway.
- The location's proximity to two designated minor arterials, New Orleans Road and Arrow Road, combined with its existing shared access arrangement and connectivity to the Town's pathway network, creates a unique circumstance that distinguishes it from many commercially zoned properties.

Conclusions of Law:

- This application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.01 because there are extraordinary and exceptional conditions that pertain to this particular property.

Summary of Facts and Conclusions of Law:

Criteria 2: These conditions do not generally apply to other properties in the vicinity (LMO Section 16-2-103.S.4.a.i.02):

Findings of Fact:

- The subject property is uniquely situated within the William Hilton Parkway corridor.
- Properties located immediately east and west of the site generally possess direct frontage on New Orleans Road, Arrow Road, or other roadways classified as minor arterials.

- There are relatively few LC zoned properties within this corridor that are positioned between major intersections while simultaneously being served by an access network functionally connected to multiple signalized intersections.
- Accordingly, the access circumstance affecting the property does not generally apply to surrounding properties and is unique to this segment of the corridor.

Conclusions of Law:

- Staff concludes that this application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.02) because the extraordinary and exceptional conditions that apply to the subject property do not also generally apply to other properties in the vicinity such as those properties directly across William Hilton Parkway with direct access to New Orleans Road.

Summary of Facts and Conclusions of Law:

Criteria 3: Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property (LMO Section 16-2-103.S.4.a.i.03):

Findings of Fact:

- The applicant is proposing to develop the site with a mini-golf course, which is classified as an Outdoor Commercial Recreation Other than a Water Park Use and is permitted with conditions in the LC zoning district.
- Per LMO Section 16-4-102.B.5.b, Use Specific Conditions for Principal Uses, the site of an Outdoor Commercial Recreation Other than a Water Park Use shall have direct vehicular access to a minor arterial street in accordance with LMO Section 16-5-105.B, Street Hierarchy.
- The LC zoning district permits Outdoor Commercial Recreation Other than a Water Park use, however, application of the direct minor arterial access requirement effectively precludes the establishment of that use on this property despite the property's location within a commercial corridor characterized by entertainment, dining, tourism, and recreational activities.
- Variance VAR-002417-2021, also for a variance from LMO Section 16-4-102.B.5.b., Use Specific Conditions, to allow an Outdoor Commercial Recreation Use Other than a Water Park to proceed without the required direct vehicular access to a minor arterial street for a mini-golf use, at 40 Waterside Drive, was approved by the BZA.
- As referenced in staff's report for VAR-002417-2021, this requirement was put in the LMO to provide traffic and access management; to restrict development or limit traffic problems. High traffic generating uses might not be appropriate on "other streets" and therefore the requirement was put in for certain uses to have direct access to a minor arterial street, which this parcel has direct access to both a major arterial and other streets.
- The property has access characteristics substantially similar to other existing mini-golf facilities operating within the William Hilton Parkway corridor.

- Staff looked at the other mini-golf courses on the Island and found three facilities that do not have direct access to a minor arterial street; the access is provided either through a drive aisle of an adjacent property or located on a non-arterial street. Staff is unaware of any traffic problems concerning these sites.
- The requested variance would not authorize a use otherwise prohibited within the zoning district but would allow a permitted use to locate on a property that is otherwise appropriately situated, adequately served by transportation infrastructure, and compatible with surrounding development.
- Strict application of the ordinance would therefore unreasonably restrict the property's ability to utilize a use specifically contemplated within the LC zoning district.

Conclusion of Law:

- This application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.03 because there are extraordinary and exceptional conditions that apply to the subject property that would prohibit or unreasonably restrict the utilization of the property.

Summary of Facts and Conclusions of Law:

Criteria 4: The authorization of the Variance will not be of substantial detriment to adjacent property or the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the Variance (LMO Section 16-2-103.S.4.a.i.04):

Findings of Facts:

- The proposed mini-golf facility is compatible with the surrounding commercial development pattern and is consistent with the entertainment, dining, retail, and tourism-oriented character of the William Hilton Parkway corridor.
- The site plan demonstrates utilization of existing shared access infrastructure rather than creation of additional direct curb cuts onto William Hilton Parkway.
- The property is accessible by vehicle, bicycle, and pedestrian facilities and is located within an area specifically intended to accommodate commercial activity.
- Granting the variance would not alter the character of the LC zoning district, create adverse impacts on adjacent properties, or negatively affect the public good.

Conclusions of Law:

- This application does meet the criteria as set forth in LMO Section 16-2-103.S.4.a.i.04 because the variance will not be of substantial detriment to the adjacent property or the public good.
- There is concern the outdoor nature of this use could potentially impact nearby (not adjacent) residential uses. These potential impacts can be mitigated through recommended conditions limiting hours of operation and provision of sound and lighting controls.

LMO Official Determination:

Based on the above Findings of Facts and Conclusions of Law, the LMO Official determines the request to be consistent with the Town’s Our Plan and serves to carry out the purposes of the LMO and recommends that the request for a variance should be approved to the applicant with the following conditions to mitigate the potential impacts on nearby residential uses:

1. The outdoor use shall not be permitted between the hours of 10:01pm and 6:59am.
2. There shall not be any speakers or amplified music or sound outside of any enclosed building or directed from inside any enclosed building to the outside.
3. A landscaping plan must be approved by the Design Review Board (DRB) and must include additional landscaping and a sound dampening fence or wall generally along the Dunnagans Alley property line and/or the existing Santee Cooper powerline easement running parallel to Dunnagans Alley, at a minimum.
4. An exterior lighting plan showing all exterior building and site lighting must be approved by the DRB.

BZA Determination and Motion:

The “powers” of the BZA over variances are defined by the South Carolina Code, Section 6-29-800, and in exercising the power, the BZA may grant a variance “in an individual case of unnecessary hardship if the board makes and explains in writing ...” their decisions based on certain findings or “may remand a matter to an administrative official, upon motion by a party or the board’s own motion, if the board determines the record is insufficient for review.”

This State law is implemented by the Hilton Head Island Land Management Ordinance, Chapter 2, Article 103 and the Rules of Procedure for the BZA.

A written Notice of Action is prepared for each decision made by the BZA based on findings of fact and conclusions of law.

The BZA can either Approve the application, Disapprove the application, or Approve with Modifications. Findings of Fact and Conclusions of Law must be stated in the motion.

PREPARED BY:

BE

Brian Eber
Principal Planner

June 12, 2026

REVIEWED BY:

TL

Trey Lowe
Interim Planning Director and LMO
Official

June 15, 2026

ATTACHMENTS:

- A) Applicant's Narrative**
- B) Site Plan**
- C) Concept Site Plan**

VAR - 0528-2026



Variance Request Narrative

1010 William Hilton Parkway Mini-Golf and Entertainment
1010 William Hilton Parkway, Hilton Head Island, SC 29928

This variance request is being submitted on behalf of the MACH XVII, owners of 1010 William Hilton Parkway. The variance seeks prescribed relief from Section 16-4-102.B.5.b (SECTION) of the Hilton Head Island Land Management Ordinance (LMO):

The site of an outdoor commercial recreation use shall have direct vehicular access to a minor arterial in accordance with Sec. 16-5-105.B, Street Hierarchy.

The owners are requesting a variance from the minor arterial vehicle access for reasons to be presented.

BACKGROUND:

The subject property, 1010 William Hilton Parkway, lies between William Hilton Parkway (WHP) and Dunnagan's Alley, approximately halfway between the New Orleans Road and Arrow Road intersections with the former. The property contains an access easement which allows the current and proposed uses to access both WHP (right-in / right-out) and Dunnagan's Alley. Per LMO Sec. 16-5-105.B, William Hilton Parkway is designated a major arterial. Dunnagan's Alley does not have a designation in that Section of the LMO, qualifying it an "other street" when applying development standards. The subject property has direct access to the Town's pathway network via an existing sidewalk on Dunnagan's Alley and eventually a proposed Capital Improvement Project (CIP) pathway along WHP.

Located in an area of William Hilton Parkway with numerous restaurants and shopping opportunities, the property is zoned Light Commercial (LC), a designation which allows for a variety of uses. The property owners are looking to develop the vacant portion (approx. 1.82 acres) of 1010 WHP into a mini-golf complex with supporting food and beverage operations. Mini-golf in this instance would qualify as outdoor commercial recreation. The development would include a renovation of the existing Panera restaurant and an additional building on the adjacent parcel (see attached Site Plan exhibit). The site would be developed through the full application of LMO standards, save for the SECTION seeking variance - the site does not have direct vehicular access to a minor arterial.

REQUEST:

This variance is being sought due to the fact that the strict application of the SECTION restricts an appropriate and reasonable use for the property – outdoor mini-golf. The property owners are looking to develop the vacant portion of 1010 WHP into a mini-golf complex (outdoor commercial recreation) with supporting food and beverage operations. We will look at the use request on subject property from the standpoint of minor arterials and the outdoor recreation use – the two driving points in the SECTION.

Town of Hilton Head minor arterial roads, as indicated in Table 16-5-105.B of the LMO, are found across the island (see Zoning Information exhibits). Most, but not all, minor arterial roads access William Hilton Parkway at traffic light intersections, allowing for connection to the greater roadway network. The closest minor arterials to the subject property are Arrow Road and New Orleans Road. The former is approximately ¼ mile away down Dunnagan's Alley, and the latter directly across WHP from the property. An analysis of the SECTION, and its application, indicate that only one Light Commercial property along the western boundary of WHP from the Sea Pines Circle to the Pembroke Drive can meet the standard. This provides a lack of opportunity to utilize the property in a district which it's use the reasonable and expected.

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

The goal of the SECTION is meant to keep direct vehicular access to outdoor commercial recreation from major arterials, such as William Hilton Parkway, while restricting it from poorly serviced roadways. The subject property does not suffer either in its request for relief. As stated before, the property has a central access roadway, allowing the users to access WHP and Dunnagan's Alley from a shared vantage point, and not contributing to over-abundance of curb cuts on either roadway. Next, Dunnagan's Alley is not a poorly serviced or connected roadway. It is a two-lane, curbed roadway with sidewalks, servicing no less than six major properties, including the Village at Wexford. The roadway connects to two Town traffic circles at Wexford Drive and Arrow Road, both of whom connect to WHP with controlled traffic light intersections. Arrow Road connects Palmetto Bay Road, another Town arterial, allowing for the subject property to be accessed from an even greater area without trafficking on a major arterial.

Outdoor mini-golf is found elsewhere on Hilton Head and only along the William Hilton Parkway corridor. Other properties that include outdoor mini-golf uses include Adventure Cove, Pirates Island, and Legendary Golf. Only Adventure Cove, a Resort Development (RD) district property fronting William Hilton Parkway satisfies the SECTION. Adventure Cove's primary access is from Folly Field Road – a Town minor arterial. Both Pirates Island and Legendary Golf front William Hilton Parkway and are accessed by roadways NOT classified as minor arterial, thus failing to meet the SECTION. Legendary Golf accesses a controlled traffic light, but this requires travelling through the Fresh Market Shops parking lot. Pirates Island is accessed from Marina Side Drive, a right-in / right-out driveway on William Hilton Parkway.

Mini-golf at 1010 WHP (subject property) would be provided access from a share access easement that is serviced by a right-in / right-out from WHP, and Dunnagan's Alley, a two lane roadway connected to two Town traffic circles and controlled traffic lights at Arrow Road and Wexford Drive. In comparison to the other examples found on the island, the proposed development is well serviced by roadways and pathways, and appropriately located with similar uses.

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

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

ACCESS TO A ROAD THAT FUNCTIONS AS A MINOR ARTERIAL

The goal of the SECTION is to limit outdoor commercial recreation to parcels accessing minor arterials, and while not a minor arterial per the LMO, Dunnagan's Alley does function as a collector road, linking with two Town traffic circles and lighted intersections on William Hilton Parkway, as well as Arrow Road which connections to Palmetto Bay Road, a Town major arterial. Dunnagan's Alley also has vehicular connections to numerous parcels fronting William Hilton Parkway, including two curb cuts for the Village at Wexford. It also serves as the primary pedestrian corridor for the northern side of William Hilton Parkway corridor between New Orleans Road and Arrow Road.

The restriction of requiring access to a minor arterial in the case of the subject property is unreasonable due to the connected nature of the property – access to two interlinked, controlled traffic lighted, and networked roadways, as well as the Town-wide pedestrian trail network.

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

Properties across William Hilton Parkway are accessed via New Orleans Road, and properties at the end of Dunnagan's Alley, less than a ¼ mile from the subject property, have frontage on Arrow Road. These properties would be allowed to develop outdoor commercial recreation based on the SECTION due to their proximity to a minor arterial – see Exhibit. There is a lack of opportunity for outdoor commercial recreation along the northern side of William Hilton Parkway, where the subject property resides, due to the SECTION.

CRITERIA 3: *Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.*

It is an unreasonable restriction on the subject property for mini-golf use (outdoor commercial recreation) due to lack of access to minor arterial, when the use is appropriate for the greater commercial area and would be allowed across William Hilton Parkway. As stated before, Dunnagan's Alley serves the same function and is provided similar access to William Hilton Parkway as New Orleans Road (minor arterial).

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CRITERIA 4: *The authorization of the Variance will not be of substantial detriment to adjacent property or the public good, and the character of the zoning district where the property is located will not be harmed by the granting of the Variance.*

Granting this variance would allow an appropriate use in the Light Commercial district near Sea Pines Circle. Accessible to numerous communities, vacation destinations, and compatible food and beverage uses, the subject property supports the overall character of this district as an entertainment and dining hub.

In closing, we request relief from the SECTION to provide a zoning district approved use, serviced by well-connected Town roadway network, in an area of supporting shopping, entertainment and dining venues. Granting this variance provides a service to the public and upholds the character of the district, while not to the detriment of safety nor burdening resources.

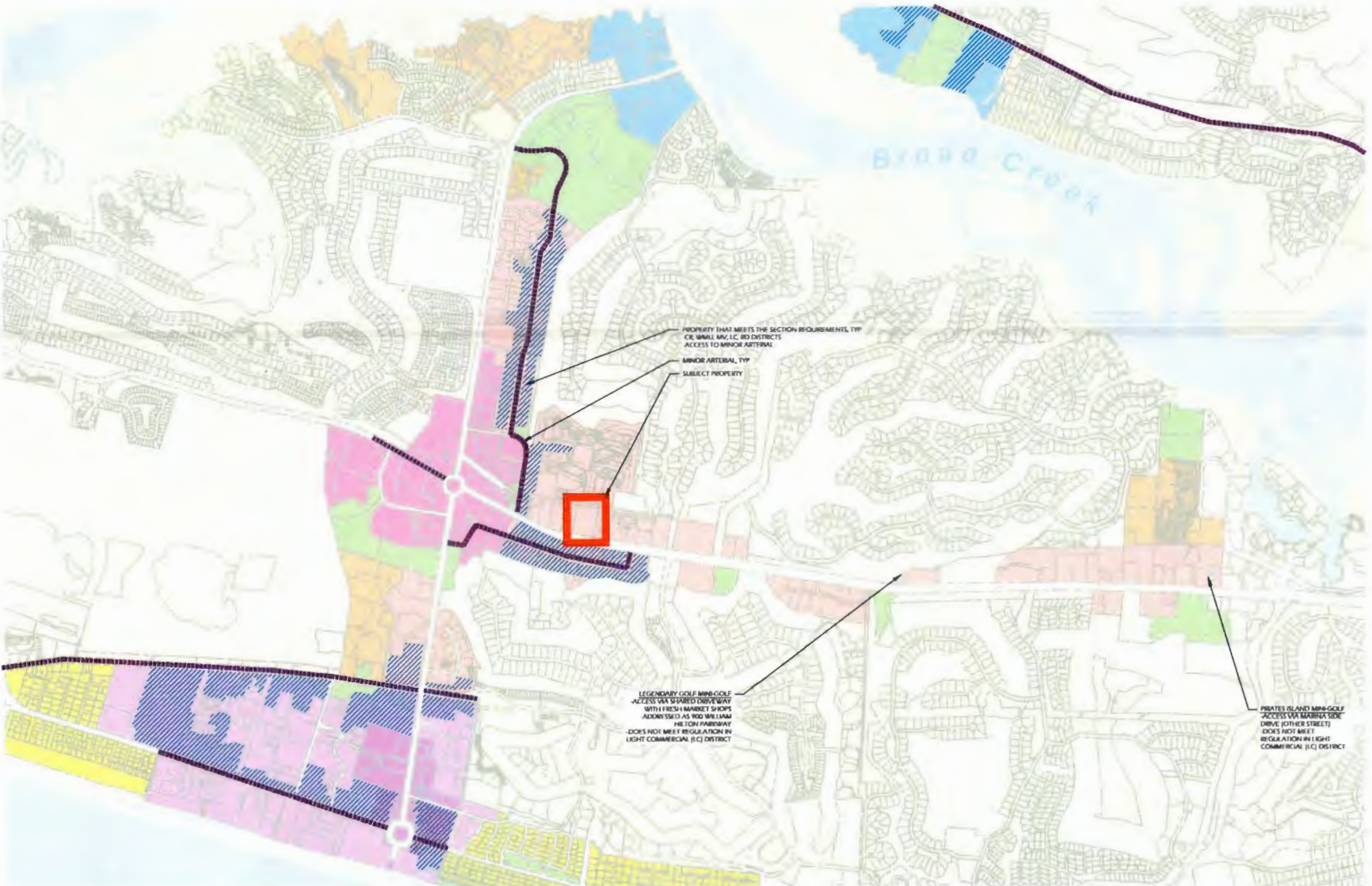
Sincerely,
Judd Carstens



Attachments:

- Variance Request Form
- Hold Harmless
- Map Exhibits
- 30 scale Property Plan

ZONING INFORMATION - ENLARGEMENT



VAR-0528-2026

S I T E P L A N



MAY 2026
 PROJECT NO: XXXXXX
 Walter Jones Keefe Ltd. / 25 Promenade St., Suite 201, Bluffton, SC 29910 / ph: (843) 787-7411 / www.wjkltd.com

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2024/05/17
 PLAN IS PREPARED BY: W. JONES
 NORTH ARROW ORIENTATION
 PROJECT: 1010 & 1012 W. HILTON

