



Town of Hilton Head Island  
**Board of Zoning Appeals Meeting**  
**Monday, January 24, 2022 – 2:30 p.m.**  
**AGENDA**

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This meeting will be conducted virtually and can be viewed on the [Town of Hilton Head Island Public Meetings Facebook Page](#). A Facebook account is not required to access the meeting livestream.

**1. Call to Order**

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

**3. Roll Call**

**4. Welcome and Introduction to Board Procedures**

**5. Approval of Agenda**

**6. Approval of Minutes**

a. September 27, 2021 Meeting

b. November 22, 2021 Meeting

**7. Appearance by Citizens**

Citizens who wish to address the Board concerning items on the agenda may do so by contacting the Board Secretary at 843-341-4691 no later than 1:30 p.m. the day of the meeting. Citizens may also submit written comments via the [Town's Open Town Hall Portal](#). The portal will close at 1:30 p.m. the day of the meeting. Comments submitted through the portal will be provided to the Board and made part of the official record.

**8. Unfinished Business – None**

**9. New Business**

**a. Public Hearing**

**VAR-002417-2021** – Request from Chester C. Williams, ESQ on behalf of Beachwalk Hilton Head, LLC 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. The address subject to this request is 40 Waterside Drive with a parcel number of R552 018 000 202D 0000. *Presented by Nicole Dixon*

**b. Public Hearing**

**SER-002416-2021** – Request from Chester C. Williams, ESQ on behalf of Beachwalk Hilton Head, LLC for a special exception to allow an Outdoor Commercial Recreation

Use Other Than a Water Park, specifically a miniature golf course, on property zoned Resort Development (RD). The address subject to this request is 40 Waterside Drive with a parcel number of R552 018 000 202D 0000. *Presented by Nicole Dixon*

**c. Public Hearing**

**VAR-002732-2021** – Request from Nathan Sturre of Cranston Engineering Group, P.C, on behalf of Beaufort County for a variance from LMO Section 16-5-107.D.10, Use of Parking Spaces as Electric Vehicle (EV) Charging Station, for relief of the Electric Vehicle charging station requirement which is required for all multifamily and nonresidential development. The property is known as Fords Shell Ring and is located at 273 Squire Pope Road and has a parcel number of R511 003 000 0222 0000. **POSTPONED**

**d. Public Hearing**

**VAR-002850-2021** – Request from Travis Pence with The Wilson Group on behalf of Beaufort County and the Hilton Head Island Airport for a variance from LMO Section 16-3-105.E. Maximum Building Height in the Light Industrial zoning district to allow proposed renovations to the Airport terminal building to exceed the maximum height of 35 feet. The subject property is located at 120 Beach City Road and the parcel number of the property associated with this variance request is R510 008 000 0085 0000. *Presented by Nicole Dixon*

**e. Public Hearing**

**VAR-002853-2021** – Request from John Nicholas Crago for a variance from LMO Section 16-4-102.B.7.c, Use-Specific Conditions for Principal Uses, for proposed screened outside storage of bicycles in the Light Commercial (LC) District where outside storage of bicycles is not allowed. The property is located at 13 Executive Park Road and has a parcel number of R552 015 000 0087 0000. **POSTPONED**

**10. Board Business**

**11. Staff Reports**

- a. Status of Appeals to Circuit Court
- b. Waiver Report

**12. Adjournment**

**Please note that a quorum of Town Council may result if four (4) or more of their members attend this meeting.**



Town of Hilton Head Island

## Board of Zoning Appeals Meeting

September 27, 2021, at 2:30 p.m. Virtual Meeting

### MEETING MINUTES

**Present from the Board:** Chair Patsy Brison, Vice Chair Anna Ponder, Lisa Laudermilch, Charles Walczak, David Fingerhut, Peter Kristian

**Absent from the Board:** Robert Johnson (unexcused)

**Present from Town Council:** Bill Harkins, Tamara Becker, Glenn Stanford

**Present from Town Staff:** Missy Luick, Senior Planner; Chris Yates, Interim Community Development Director; Diane Busch, Staff Attorney; Nicole Dixon, Development Review Administrator; Teresa Haley, Senior Administrative Assistant; Vicki Pfannenschmidt; Temporary Administrative Assistant

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#### 1. Call to Order

Chair Brison called the meeting to order at 2:32 p.m.

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

3. **Roll Call** – See as noted above.

#### 4. Welcome and Introduction to Board Procedures

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

#### 5. Approval of Agenda

Chair Brison asked for a motion to approve the agenda as presented. Mr. Kristian moved to approve. Ms. Laudermilch seconded. By way of roll call, the motion passed with a vote of 6-0-0.

#### 6. Approval of Minutes

a. July 26, 2021, Meeting

Chair Brison asked for a motion to approve the minutes of the July 26, 2021, meeting as presented. Mr. Fingerhut moved to approve. Mr. Walczak seconded. By way of roll call, the motion passed with a vote of 6-0-0.

#### 7. Appearance by Citizens

Public comments concerning agenda items were to be submitted electronically via the Open Town Hall HHI portal. There were no comments of record via the portal. There were public comments submitted via USPS and email regarding 14 Ibis Street and have been distributed to the Board and made part of the official record for this meeting. Citizens

were provided the option to sign up for public comment participation during the meeting by phone. There were no requests to participate by phone.

## 8. Unfinished Business – None

## 9. New Business

### a. Public Hearing

**VAR-001411-2021** – Request from Brian Rose, of Rose Landscape LLC, on behalf of Monica Duvall, for a variance from LMO Sections 16-5-113, Fence and Wall Standards, 16-5-102 Setback Standards, and 16-5-103 Buffer Standards, to allow a proposed fence to exceed the maximum fence height of 7 feet on or along a common property line. The property address is 14 Ibis Street with a parcel number of R550 015 00A 0301 0000. *Presented by Missy Luick*

Chair Brison opened the Public Hearing at 2:39 p.m.

Ms. Luick presented the application as described in the Staff Report. Staff concluded the variance request does not meet any of the four required criteria and recommended denial of the application.

The Board made comments and inquiries regarding: why the applicant did not submit an application for the fence to the Forest Beach Owners' Association ARB review/approval; and clarified that the extended fence height is in violation of the Land Management Ordinance (LMO).

Chair Brison inquired if it is a requirement for review and approval of the request by the Forest Beach Owner's Association ARB. Ms. Luick confirmed that it is a requirement. Chair Brison asked why it did not go before the Association before coming to the Town's Design Review Board for a variance. Ms. Busch noted she was not familiar with this specific Association and deferred to staff. Ms. Dixon responded that the Town will not approve a permit without POA approval, but she is not aware of not moving forward with a variance application without POA approval. She added that she is aware that some POA's will not approve such requests until the applicant receives a variance from the Town. Chair Brison asked if there is any requirement in the LMO, State Statute or the Board's Rules of Procedure that require the Board to proceed with a variance application within a certain timeframe, notwithstanding consideration by an Owner's Association. Ms. Dixon responded she did not know the answer. Chair Brison requested that staff research and provide the answer to that specific question.

Following the Staff presentation and questions by the Board, Chair Brison asked the applicant to make a presentation.

Ms. Duvall addressed the Board stating she did not realize it was a violation of the LMO to extend the height of the fence. She asked the Board to consider and approve the variance as she has completed many improvements to the property to enhance the appearance and compliment the neighborhood.

The Board made comments and inquiries to Ms. Duvall regarding: clarification of the reason for the extended fence; suggestion that landscaping could provide the solution;



and the need for Ms. Duvall to explain how the variance would meet the criteria requirements.

Chair Brison asked for public comment. Melissa Sellers spoke in support of the variance. Chair Brison closed the Public Hearing at 3:48 p.m.

The Board made final comments and inquiries regarding: consideration of an alternative solution to get the outcome the applicant wants; emphasis on the need for Ms. Duvall to present her case concerning the criteria; and the absence of proof of meeting any of the required criteria.

Upon the conclusion of the discussion, Chair Brison asked for a motion.

Mr. Kristian moved that the Board of Zoning Appeals deny the application based on those Findings of Facts and Conclusions of Law contained in the Staff Report. Mr. Walczak seconded. By way of roll call, the motion passed by a vote of 6-0-0.

**b. Public Hearing**

**VAR-001987-2021** – Request from Eric Walsnovich, on behalf of Palmetto Coastal Landscaping LLC, for a variance from LMO Section 16-6-104.F., Specimen and Significant Tree Preservation Standards, to allow the removal of one 30” Water Oak Tree. The subject property is located at 161 Dillon Road with a parcel number of R510 005 000 0284 0000. **WITHDRAWN**

Chair Brison referenced VAR-001987-2021 stating it had been withdrawn.

**10. Board Business**

**a. Discussion of consideration of LMO Amendments related to lot sizes and setbacks**

Nicole Dixon provided an update stating staff continues to do research on the potential amendments and will be working with the consultant soon to begin the drafting process.

**b. Review and Adoption of 2022 Meeting Schedule**

Chair Brison asked the Board for comments or questions regarding the 2022 Meeting Schedule. There being none, she asked for a motion to approve. Mr. Kristian moved to approve. Mr. Fingerhut seconded. By way of roll call the motion passed by a vote of 6-0-0.

Vice Chair Anna Ponder excused herself from the meeting at 4:02 p.m. A quorum of the Board remained in effect.

**11. Staff Reports**

**a. Status of Appeals to Circuit Court**

Diane Busch updated the Board on various appeals to the Circuit Court. Chair Brison inquired as to the status of the Sandcastle Cases and if there were any pleadings challenging the Board’s decision and the nature of the challenges, if any. Ms. Busch stated she had not looked for those, but if directed would do so. Chair Brison stated the information would be helpful and asked that it be done.

**b. Status of Amendments to BZA Rules of Procedure**

Ms. Luick reported final edits have been completed and staff continues to review and work on the amendments and hope to have something for the Board to review at the next meeting. Ms. Busch added there are several different Boards looking at their rules of procedure and staff is attempting to look at the proposed amendments in a holistic way.

Chair Brison requested staff move forward with the suggested change of the phrase “motion for a reconsideration” to “motion for rehearing”. Ms. Busch stated she didn’t see a problem with that and noted that consistency is also needed in swearing in witnesses and distinguishing witnesses from public comment. Ms. Busch stated she felt this would come forward in October with a more detailed outline. She asked for Ms. Luick’s input. Ms. Luick stated the final edit submitted to Ms. Busch did not include the new items Ms. Busch identified and suggested Phase 1 of the amendments would be all the items the BZA has previously discussed and explored, and Phase 2 would be all the unifying elements to all the rules for all the boards. It was the consensus of the Board to move forward with the two phases suggested.

**c. Status of LMO Amendments**

Nicole Dixon updated the Board and added Staff will be working with the consultant regarding the list of proposed amendments and the first priority will be the short-term rental ordinance.

**d. Waiver Report**

Missy Luick noted the Waiver Report was included in the Board’s agenda package and she was available to answer any questions regarding the report. There were none.

**12. Adjournment**

The meeting adjourned at 4:24 p.m.

**Submitted by:** Vicki Pfannenschmidt, Secretary

**Approved:** [DATE]



Town of Hilton Head Island

## Board of Zoning Appeals Meeting

November 22, 2021, at 2:30 p.m. Virtual Meeting

### MEETING MINUTES

**Present from the Board:** Chair Patsy Brison, Lisa Laudermilch, Charles Walczak, David Fingerhut, Peter Kristian, Robert Johnson

**Absent from the Board:** Vice Chair Anna Ponder (excused)

**Present from Town Council:** David Ames, Tamara Becker

**Present from Town Staff:** Missy Luick, Senior Planner; Chris Yates, Interim Community Development Director; Diane Busch, Staff Attorney; Nicole Dixon, Development Review Administrator; Teri Lewis, Deputy Community Development Director; Teresa Haley, Senior Administrative Assistant

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#### 1. Call to Order

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

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

3. **Roll Call** – See as noted above.

#### 4. Welcome and Introduction to Board Procedures

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

#### 5. Approval of Agenda

Chair Brison asked for a motion to approve the agenda as presented. Mr. Kristian moved to approve. Ms. Laudermilch seconded. By way of roll call, the motion passed with a vote 6-0-0.

#### 6. Approval of Minutes

##### a. September 27, 2021 Meeting

Chair Brison expressed concern regarding discussion on two staff directives which were not listed in the draft minutes and asked for a motion to postpone approval until a revision is prepared and submitted at the next held meeting of the Board. Mr. Kristian moved to postpone approval for the reasons described by Chair Brison. Mr. Walczak seconded. By way of roll call, the motion passed with a vote of 6-0-0.

Chair Brison noted the meeting originally scheduled for December 13, 2021 has been cancelled due to a lack of agenda items.

#### 7. Appearance by Citizens

Public comments concerning agenda items were to be submitted electronically via the Open Town Hall HHI portal. Those comments have been distributed to the Board and made part of the official record for this meeting. Citizens were provided the option to sign up for public

comment participation during the meeting by phone. There were no requests to participate by phone.

**8. Unfinished Business – None**

**9. New Business**

**a. Public Hearing**

**VAR-002117-2021** – Request from Courtney Struna on behalf of the Palmetto Hall Property Owners Association for a variance from LMO Sections 16-5-113, Fence and Wall Standards, 16-5-102 Setback Standards and 16-5-103 Buffer Standards to allow a proposed fence to exceed the maximum fence height of 4 feet in an adjacent street setback and buffer. The parcel numbers of the properties associated with this variance request include R510 005 000 0278 0000, R510 004 000 0370 0000, and R510 004 000 0304 0000. *Presented by Missy Luick*

Chair Brison opened the Public Hearing.

Ms. Luick presented the application as described in the Staff Report. She stated that Staff recommends the Board of Zoning Appeals approve the application with the condition that the applicant obtains a Minor Corridor Review approval based on the Findings of Fact and Conclusions of Law contained in the Staff Report. She explained the variance criteria in detail.

The Board made comments and inquiries regarding: clarification that the replacement fencing will reduce the amount of the existing fencing encroachment on Beach City Road; clarification that this is a continuation of the original project under a 2015 Memorandum of Understanding agreement with the Town, County and Palmetto Hall POA; clarification that the new fencing will be an upgrade to the existing fencing; and confirmation that the existing fencing is six to seven feet in height and the proposed new fencing will be eight feet in height.

Following the Staff presentation and questions by the Board, Chair Brison asked the applicant to make a presentation.

Ms. Struna introduced Melinda Tunner, President of Palmetto Hall Board of Directors who conducted a detailed presentation regarding the request. She explained the request is to continue to replace and upgrade portions of their current perimeter fencing to an eight-foot-high perimeter fence. She added the eight-foot-high fence would aid in safety measures for the community.

The Board made comments and inquiries to Ms. Tunner regarding: clarification that the proposed new fencing will not be closer to any public walkways; confirmation that the existing eight-foot fencing has not had any known breaches into the community; and inquiry as to the noise mitigation provided by the fencing.

Chair Brison asked for public comment. There were no requests or callers on the line.

Chair Brison incorporated all the evidence, including the staff report, application, documents, and testimony provided during the hearing into the record. Chair Brison closed the public hearing at 3:29 p.m.

The Board made final comments and inquiries regarding: confirmation that the improvement will blend well and replace old, worn fencing; inquiry as to who determines color of fencing; comments regarding the unusual conditions regarding the property; support of the variance because it causes no hardship in the surrounding community; and due to existing fencing already encroaching areas, existing fencing exceeding the height requirement and other

evidence presented, it is easier to view this request in a more favorable manor as opposed to a new request for encroachment into setback and buffer areas.

Upon the conclusion of discussion, Chair Brison asked for a motion.

Mr. Kristian moved that the Board of Zoning Appeals approve the application with the condition that the applicant obtains a Minor Corridor Review approval based on those Findings of Facts and Conclusions of Law contained in the Staff Report. Ms. Laudermilch seconded. By way of roll call, the motion passed by a vote of 6-0-0.

**b. Public Hearing**

**VAR-002417-2021** – Request from Chester C. Williams, ESQ on behalf of Beachwalk Hilton Head, LLC 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. The address subject to this request is 40 Waterside Drive with a parcel number of R552 018 000 202D 0000. **POSTPONED**

Chair Brison noted the above referenced variance has been postponed.

**c. Public Hearing**

**SER-002416-2021** – Request from Chester C. Williams, ESQ on behalf of Beachwalk Hilton Head, LLC for a special exception to allow an Outdoor Commercial Recreation Use Other Than a Water Park, specifically a miniature golf course, on property zoned Resort Development (RD). The address subject to this request is 40 Waterside Drive with a parcel number of R552 018 000 202D 0000. **POSTPONED**

Chair Brison noted the above referenced variance has been postponed.

**10. Board Business**

**a. Discussion of consideration of LMO Amendments related to lot sizes and setbacks**

Ms. Dixon reported that staff has been advised to hold off on taking forward any general LMO amendments at this time until the Strategic Plan has been adopted by Town Council. She stated the Strategic Plan includes developing a growth management plan and it is anticipated that the LMO will need a full rewrite at that time. She requested that this item be removed from further agendas as an update until staff has been given the go ahead to move forward.

It was the consensus of the Board to remove the item from future agendas awaiting Town Council action regarding the Strategic Plan. Chair Brison stated that when staff has an update for the Board that the item be placed on a future agenda.

**11. Staff Reports**

**a. Status of Appeals to Circuit Court**

Ms. Busch stated that she was traveling unexpectedly and unable to provide an update at this time.

**b. Status of Amendments to BZA Rules of Procedure**

Chair Brison referenced the MASC Model Rules of Procedure for the Board of Zoning Appeals to provide language for consideration of an amendment to the current BZA Rules of Procedure. The current Rules “Motion for Reconsideration” in Article XI, Section 1 language is not definitive and noted the concern regarding the standard the Board would apply. She explained the Board wanted to change the rule to a “Motion for Rehearing” and referenced Section 9 on page D-4 of the Model Rules for suggested amendment language. She explained the Model Rules

language is more definitive and includes the requirement that new evidence which could not reasonably have been presented at the hearing or evidence of a clerical error or mutual mistake of fact affecting the outcome. She asked that this amendment be placed on the January agenda for consideration.

Related to amendments to the Rules, Chair Brison referenced Article VI, Section 1 of the Model Rules noting it is a simple process stating that rules may be amended at any regular meeting of the Board by a majority of the members at least seven days after the written amendments are delivered to all members. She stated the current rules have a very difficult process which takes several months. She requested staff place this amendment on the January agenda for consideration.

Chair Brison referenced the amendment regarding changing the reference of Chairman to Chair is not pressing at this time.

Chair Brison referenced Ms. Busch's recommendation of separating swearing-in of witnesses from public comments noting it could be reviewed if it can be completed for the January meeting.

Chair Brison requested to move forward with the rehearing and rules amendment changes in January. She asked for Board input on placing the amendments on the January agenda. There were no comments and it was the consensus of the Board the two items be placed on the January 2022 agenda.

**c. Status of LMO Amendments**

Please refer to Item 10.a. above.

**d. Waiver Report**

Missy Luick noted there were three waivers granted since the last meeting and the full report is included in the Board's agenda package. She stated she was available to answer any questions regarding the report. There were none.

**12. Adjournment**

The meeting was adjourned at 3:42 p.m.

**Submitted by:** Vicki Pfannenschmidt, Secretary

**Approved:** [DATE]



**TOWN OF HILTON HEAD ISLAND  
COMMUNITY DEVELOPMENT DEPARTMENT**

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

<b>Case #:</b>	<b>Public Hearing Date:</b>
VAR-002417-2021	January 24, 2022

<b>Parcel Data:</b>	<b>Applicant:</b>	<b>Property Owner:</b>
Parcel#: R552 018 000 202D 0000 Address: 40 Waterside Drive Parcel size: 2.6 acres Zoning: RD (Resort Development) Overlay: COD (Corridor Overlay District), Waterside PD-2 (Planned Unit Development Overlay District)	Chester C. Williams, Esq Law Office of Chester C. Williams, LLC PO Box 6028 17 Executive Park Rd, Suite 2 Hilton Head Island, SC 29938	Beachwalk Hilton Head, LLC

<b>Application Summary:</b>
Request from Chester C. Williams, ESQ on behalf of Beachwalk Hilton Head, LLC 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.

<b>Staff Recommendation:</b>
Staff recommends the Board of Zoning Appeals find this application to be consistent with the Town's Our Plan and does serve to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Board of Zoning Appeals <i>approve</i> this application.

<b>Background:</b>
The subject property is located on the south end of the Island and is surrounded by the Waterside by Spinnaker Resort to the north and west, the Cordillo Villita development to the east and Aunt

Chilada's Cafe and a small shopping center containing Watusi restaurant, Pedals Bicycles, and a welcome center to the south. (See Attachment A, Vicinity Map).

The site is currently developed as the former Beachwalk Hotel, which was approved in 1987 as a 94-room hotel and is part of the Waterside (Town Center) PD-2 Overlay. The ownership of the property was converted to a condominium regime in 2006 and Beachwalk Hilton Head, LLC now owns all the units in the regime. The hotel has been closed for many years. The property owner has decided the building doesn't meet their criteria for renovating or remodeling and plans on demolishing the building. The applicant is proposing to develop a miniature golf course facility on the property.

A miniature golf course is classified in the LMO as an Outdoor Commercial Recreation Use Other Than a Water Park. This use is permitted by Special Exception in the RD zoning district. There are use specific conditions that also apply to this use, as outlined in LMO Section 16-4-102.B.5.b. The subject property does not meet the condition that requires the use to have direct vehicular access to a minor arterial street. Waterside Drive is not a minor arterial street and therefore the applicant is pursuing a variance in addition to the special exception request.

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

**Grounds for Variance:**

The applicant is requesting a variance from the minor arterial street access requirement in order to allow for the redevelopment of the property as a miniature golf course facility. According to the applicant, the hotel has been empty and unused for many years. While the building is not determined to be unsafe, the property has become unsightly and is ripe for redevelopment.

The applicant believes the empty building is an extraordinary and exceptional condition that doesn't pertain to other properties in the vicinity. The applicant also states in the narrative that the proposed use will generate fewer trips than the current hotel and that the requirement for direct access to a minor arterial road unreasonably restricts the property from being redeveloped. The applicant believes the proposed use will enhance the adjacent properties and the public good.

**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 October 22, 2021 as set forth in LMO Section 16-2-102.C and Appendix D-23.
- Notice of the Application was published in the Island Packet on January 2, 2022 as set



forth in LMO Section 16-2-102.E.2.

- Notice of the Application was posted on December 22, 2021 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on January 7, 2022 as set forth in LMO Section 16-2-102.E.2.
- The Board has authority to render the decision reached here under LMO Section 16-2-102.G.

**Conclusions of Law:**

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

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

**Summary of Facts and Conclusions of Law:**

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

**Findings of Fact:**

- The subject property is currently developed with an abandoned and dilapidated building.
- The property has been the subject of code violations for unsightly and unsanitary conditions that the Town has actively been managing for more than ten years.
- There is a lack of minor arterial streets in this area of the RD zoning district, which eliminates any uses that would be permitted in this zoning district if they were located on a minor arterial street.

**Conclusion 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):*

**Finding of Fact:**

- The subject property is surrounded by thriving resort and commercial uses such as the Waterside by Spinnaker Resort, the Cordillo Villita development, Aunt Chilada's Cafe and a small shopping center containing Watusi restaurant, Pedals Bicycles, and a welcome center.

**Conclusions of Law:**

- 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.
- While there are other RD zoned properties in the vicinity that are not located on a minor arterial street and don't meet the use specific conditions, there are no other properties in the vicinity that are also developed with abandoned and dilapidated buildings with unsafe and unsanitary conditions.

**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 subject property is currently developed with an abandoned and dilapidated building and is ripe for redevelopment.
- The applicant is proposing to redevelop the site with a miniature golf course, which is classified as an Outdoor Commercial Recreation Use and is permitted with conditions in the RD zoning district.
- Per LMO Section 16-4-102.B.5.b, Use Specific Conditions for Principal Uses, the site of an Outdoor Commercial Recreation Use shall have direct vehicular access to a minor arterial street in accordance with LMO Section 16-5-105.B, Street Hierarchy.
- 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.
- While Waterside Drive is not classified as a minor arterial street, the Town's Traffic Engineer indicates the proposed miniature golf course would generate less trips than the current hotel use, which would help mitigate why this condition was put in the LMO.
- The subject property is located adjacent to a time share development and a multi-family residential development, which could lend itself to more pedestrian traffic to the site rather than vehicular. Staff recommends the applicant work with the adjacent property owner to establish a bicycle and pedestrian connection on Waterside Drive to Pope Avenue.
- Staff looked at the other miniature 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.

**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:**

- Staff has received no letters of opposition to this variance request at the time this Staff Report was completed.
- The variance would provide an opportunity for an abandoned and dilapidated building to be redeveloped.
- There has not been any traffic issues in this area due to the current hotel use.
- The proposed use would generate less traffic than the current use of the property.
- The property is surrounded by resort development and commercial uses; therefore a miniature golf course is keeping in character with the surrounding uses and zoning district.

**Conclusion 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.

**LMO Official Determination:**

**Based on the above Findings of Facts and Conclusions of Law, the LMO Official determines that the request for a variance should be approved.**

**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:**

ND  
\_\_\_\_\_  
Nicole Dixon, AICP, CFM, *Development  
Review Administrator*

January 11, 2022  
\_\_\_\_\_  
DATE

**REVIEWED BY:**

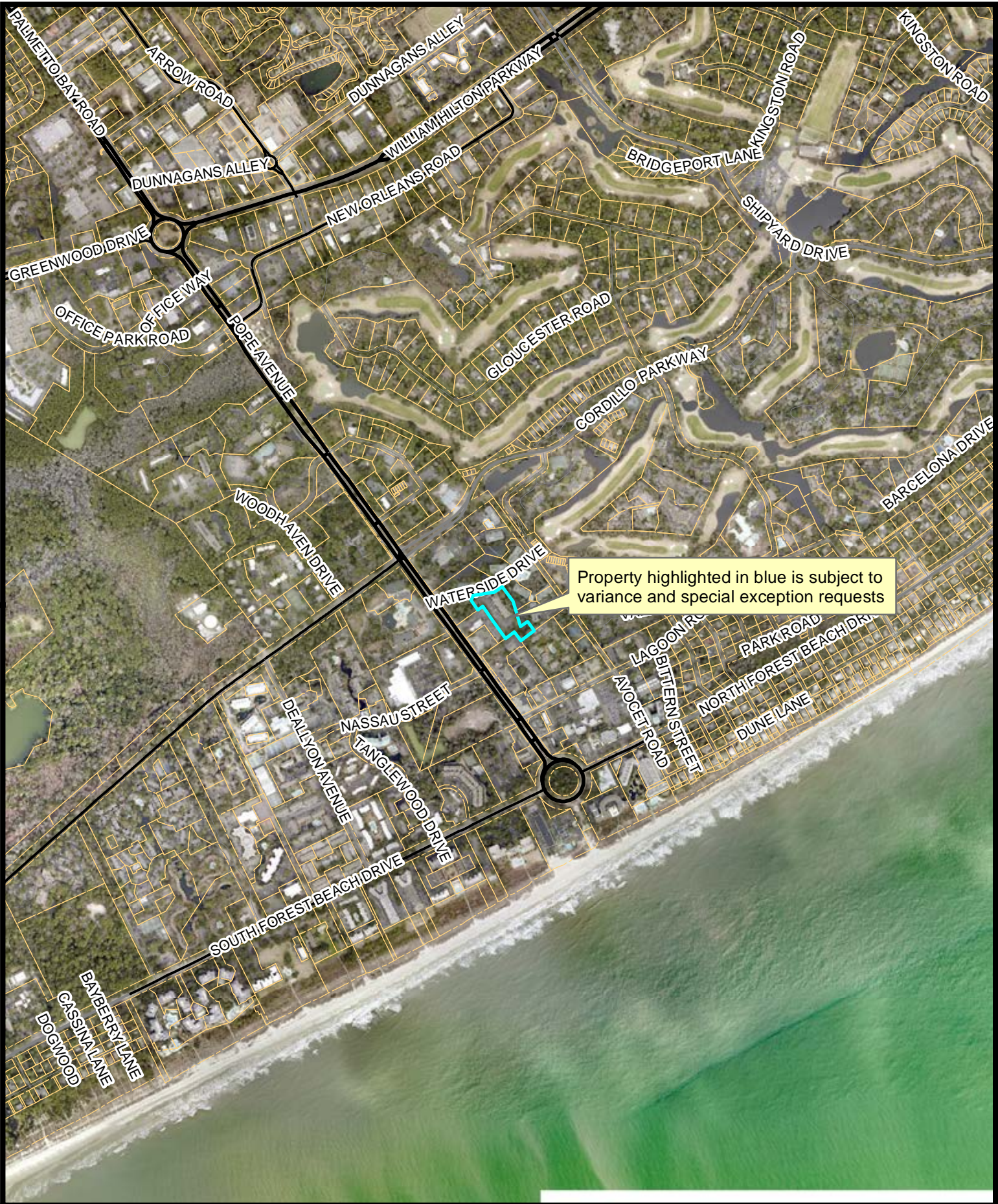
TL  
\_\_\_\_\_  
Teri Lewis, AICP, *Deputy Community  
Development Director*

January 11, 2022  
\_\_\_\_\_  
DATE

**ATTACHMENTS:**

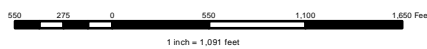
- A) Vicinity Map
- B) Applicant’s Narrative
- C) As Built Survey
- D) Concept Site Plan
- E) Site Pictures





Property highlighted in blue is subject to variance and special exception requests

Town of Hilton Head Island  
 VAR-2417-2021  
 Attachment A - Vicinity Map



TOWN OF HILTON HEAD ISLAND  
 ONE TOWN CENTER COURT  
 HILTON HEAD ISLAND, S.C. 29928  
 PHONE (843) 341-4600  
 Date Created: November 1, 2021  
 Project: map.mxd

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



ATTACHMENT B

STATE OF SOUTH CAROLINA	)	BEFORE THE BOARD OF ZONING
	)	APPEALS OF THE TOWN OF HILTON
	)	HEAD ISLAND, SOUTH CAROLINA
	)	
	)	VARIANCE APPLICATION
COUNTY OF BEAUFORT	)	NO. VAR-00 _____-2021

**NARRATIVE**

**TO THE VARIANCE APPLICATION OF**

**BEACHWALK HILTON HEAD, LLC**

**I. INTRODUCTION and BACKGROUND**

This Narrative is part of the Variance Application (this “Application”) filed by Beachwalk Hilton Head, LLC (“Beachwalk”) in connection with the proposed razing of what was formerly the Beachwalk Hotel and the redevelopment of the 2.600 acre tract located at 40 Waterside Drive (the “Property”) for the construction of a miniature golf course facility.

The initial development of the Property was undertaken as part of what is now the Waterside (Town Center) PD-2 Overlay District (the “Waterside PUD”), which allows for a 94-room hotel on the Property, which is shown and designated as “Parcel A&C” on that certain plat of survey entitled “Survey of 15.100 Acres Waterside P.U.D.” recorded in Beaufort County Plat Book 35 at Page 79<sup>1</sup> (the “Waterside PUD Survey”). The development of the 94-room hotel located on the Property was originally permitted by the Town of Hilton Head Island (the “Town”) in 1987 as the Super 8 Lodge. The ownership of the Property was converted to a condominium regime in 2006 as Beachwalk Hotel & Condominiums Horizontal Property Regime (the “Regime”), and Beachwalk now owns all of the condominium units in the Regime.

<sup>1</sup> A copy of the Waterside PUD Survey recorded in Beaufort County Plat Book 35 at Page 79 is attached to this Narrative as **Exhibit A**. The Property is highlighted in red.



## ATTACHMENT B

The Beachwalk Hotel is closed, and has not been in operation for many years. Since its closure approximately a decade ago, the Beachwalk Hotel structure (the “Building”) has not been occupied and, while maintained to the minimum requirements of the Town, the Building has been the subject of continued inquiries from the Town Building Official with regard to its condition. It took Beachwalk several years of patient work to acquire ownership of all of the condominium units in the Regime, and now, having finally secured control of the ownership of all of the condominium units in the Regime, Beachwalk has determined that the Building does not meet its criteria for renovation and remodeling, and proposes to raze the Building and replace it with a miniature golf course facility on the Property,<sup>2</sup> which will provide an outdoor recreation opportunity for the local area, for near to mid-term use, while studying possibilities for the long-term redevelopment of the Property.<sup>3</sup> This plan will also satisfy the stated wishes of the Town to demolish the Building and to otherwise clean up the Property.

The Property is located in the Resort Development (RD) District, and is also within both the Corridor Overlay (COR) District and the Waterside PUD PD-2 Overlay District. An Outdoor Recreation use, such as the proposed miniature golf course facility, is a conditional use in the Resort Development District, the condition being that the Outdoor Recreation use have direct access to a minor arterial road. The Property is not located on a minor arterial road; therefore, Beachwalk is seeking a variance from that minor arterial road requirement of the Town’s Land Management Ordinance (the “LMO”) by way of this Application.<sup>4</sup>

## II. VARIANCES

The Board of Zoning Appeals (the “BZA”) may grant a variance from the strict enforcement of any appropriate dimensional, development, design, or performance standard in the LMO if the BZA concludes that strict enforcement

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<sup>2</sup> A copy of the current conceptual plan for the redevelopment of the Property as a miniature golf course is attached to this Narrative as **Exhibit B**.

<sup>3</sup> To be clear, by filing this Application and by redeveloping the Property for use as a miniature golf course facility use, it is not waiving or relinquishing its rights to further redevelop the Property for use as a 94-room hotel, or any other permitted use.

<sup>4</sup> An Outdoor Recreation use is also a Special Exception use in the RD District; hence, Beachwalk’s Special Exception application filed concurrently with this Application.



## ATTACHMENT B

would result in unnecessary hardship, following the criteria set out in LMO Section 16-2-103.S.4.a.i.

### **III. THE PROPERTY, WATERSIDE DRIVE, AND POPE AVENUE**

The Property is designated as “Parcels A&C” on the Waterside PUD Survey. The Property is located on Waterside Drive, a private road, which intersects with Pope Avenue. As part of the title to the Property, it has an appurtenant easement over Waterside Drive for access to and egress from the Property to the right-of-way of Pope Avenue. Neither Waterside Drive nor Pope Avenue are designated as a Minor Arterial Road in LMO Table 16-5-105.B.

### **IV. LMO USE CONDITION**

LMO Section 16-10-103.E.2 includes miniature golf courses in the definition of the use designated as Outdoor Commercial Recreation Other than a Water Park.

LMO Section 16-3-105.L provides that Outdoor Commercial Uses Other than Water Parks are a Special Exception use in the RD District, and are also subject to the Use Specific Conditions set forth in LMO Section 16-4-102.B.5.b.

LMO Section 16-4-102.B.5.b provides 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.” Neither Waterside Drive nor Pope Avenue are a Minor Arterial according to LMO Table 16-5-105.B; hence, Beachwalk has submitted this Variance Application.

### **V. THE LMO’S STREET SYSTEM**

LMO Section 16-5-105.A.1 says that the purpose for the LMO’s Mobility, Street, and Pathway Standards is

to ensure that development accommodates the safe and efficient movement of motor vehicles, emergency vehicles, bicyclists, and pedestrians within the development and between the development and external transportation





## ATTACHMENT B

systems, neighboring development, and local destination points such as places of employment, schools, parks, and shopping areas.

To that end, the LMO establishes a street hierarchy classification system, with major arterial streets, minor arterial streets, collector streets, subcollector streets, local access streets, cul-de-sac streets, and lanes.

As mentioned above, neither Pope Avenue nor Waterside Drive are designated as a minor arterial street in LMO Table 16-5-105.B.

### **VI. THE REQUESTED VARIANCE**

Beachwalk is seeking a variance from the LMO's minor arterial access requirement in order to allow for the redevelopment of the Property for use as a miniature golf course facility. The requested variance, together with the requested Special Exception Application, will permit the demolition and removal of the Building, and construction of a miniature golf course facility and required parking on the Property.

### **VII. VARIANCE CRITERIA**

Beachwalk submits that this Application and the requested variance meet the criteria for granting the requested variance as follows:

**A. There are extraordinary and exceptional conditions pertaining to the Property.**

The Property, as currently developed, contains an empty, unused, aged, former hotel. While the Building is not unsafe, the Town has urged to address the unsightly condition of the Property generally. On Hilton Head Island, the Building is an extraordinary and exceptional condition that the Town, and neighboring property owners, would like to see removed.

The size of the Property and its location in the RD District lend themselves to the development of a miniature golf course facility as a particularly attractive commercial outdoor recreation facility in the Waterside PUD.



## ATTACHMENT B

Beachwalk submits that the existing condition of the Building on the Property justifies and supports a finding by the BZA of extraordinary and exceptional conditions sufficient to warrant the granting of the requested variance.

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

The conditions existing on the Property related to the condition of the Building clearly do not generally apply to other properties in the vicinity of Beachwalk. There are no other properties in the vicinity of the Property that are the site of a derelict structure such as the Building; nor are there any other properties in the vicinity of the Property that provide an opportunity for a new outdoor recreation facility such as proposed in this Application.

**C. Because of these conditions, the application of the LMO's minor arterial access requirement to the Property would unreasonably restrict the utilization of the Property.**

The current permitted use on the Property under the LMO is as a 94 room hotel, which is a Resort Accommodation use. The development of the Property was originally permitted under a prior version of the LMO as a motel with 94 rooms.<sup>5</sup> A review of the Institute of Transportation Engineers (the "ITE") Trip Generation International Report, 8<sup>th</sup> Edition (the "ITE Report"), indicates that a motel on a peak weekday AM hour would generate 0.64 vehicle trips per occupied room or, in the case of Beachwalk, 60 vehicle trips during the peak weekday AM hour. Similarly, the ITE Report indicates that during the peak weekday PM hour, a motel will generate 0.58 vehicle trips per room, or in the case of Beachwalk, 55 vehicle trips during the peak weekday PM hour.

On the other hand, according to the ITE Report, a miniature golf course, during the peak weekday PM hour<sup>6</sup> will generate 0.33 vehicle trips per miniature golf hole or, in the case of the proposed 36-hole

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<sup>5</sup> The LMO no longer makes a distinction between a hotel and a motel as a Resort Accommodation use.

<sup>6</sup> Weekday peak AM vehicle trip data is not available in the ITE Report, most likely because miniature golf courses are not generally open until later in the day.



## ATTACHMENT B

miniature golf course on the Property, 12 vehicle trips during the peak weekday PM hour.

The number of vehicle trips generated by the proposed miniature golf course facility will clearly be statistically fewer (12 compared to 55 for the peak weekday PM hour), and vehicle trips on Waterside Drive will be even fewer.

Further, there are three (3) other miniature golf courses on Hilton Head Island. One, Adventure Cove Mini Golf & Arcade, is located on Folly Field Road, a Minor Arterial according to LMO table 16-5-105.B. Legendary Golf is located on William Hilton Parkway, which is a Major Arterial according to LMO table 16-5-105.B. The third miniature golf course, Pirates Island Adventure Golf of Hilton Head SC, is located on Marina Side Drive, which is neither a Major Arterial nor a Minor Arterial according to LMO table 16-5-105.B.

Given the major reduction in vehicle trips between the current approved use for the Property and the proposed use as a miniature golf course facility, and considering the existing variations in street access for the currently existing Hilton Head Island miniature golf courses, Beachwalk submits that this Application for a variance in the Minor Arterial access requirement of the LMO is a reasonable request for a variance.

Because of the LMO's minor arterial access requirement, absent the requested variance, Beachwalk will be unable to move forward with the proposed demolition and removal of the Building and construction of the proposed miniature golf course facility.

The demolition and removal of the Building and the subsequent redevelopment of the Property for a miniature golf course use will provide additional, and welcome, outdoor recreational facilities in the Waterside PUD area and the RD District. Beachwalk submits that without the requested variance, it is unreasonably restricted in the utilization of the Property for reasonable, and highly desirable, redevelopment.

**D. The authorization of the requested variance will not be of substantial detriment to adjacent property or the public good, and the character of the RD District and the Waterside PUD**



## ATTACHMENT B

### **where the Property is located will not be harmed by the granting of the requested variance.**

Considering the current condition of the Building and the Property, and the lack of commercial outdoor recreation facilities in the RD District and the Waterside PUD, Beachwalk submits that the granting of the requested variance will not only not be of substantial detriment to any adjacent properties or the public good, but will enhance adjacent properties and the public good. The character of the RD District and the Waterside PUD will not be harmed by the granting of the requested variance; rather, Beachwalk submits that the character of the districts will be enhanced by the granting of the requested variance.

Beachwalk further submits that the LMO's purpose for requiring direct access to a minor arterial for development of commercial outdoor recreation will still be served upon the granting of the requested variance, as commercial outdoor recreation is an integral part of the Island's character; and, considering the reduction in vehicle trips generated by the proposed miniature golf course use as opposed to the currently permitted hotel use, there will continue to be adequate traffic safety and control through the use of Waterside Drive and Pope Avenue.

## **VIII. CONCLUSION**

The criteria for the BZA's granting of a variance are subjective determinations that require the application of sound judgment on the part of the members of the BZA, taking into account the actual conditions on the property in question.

Here, Beachwalk is proposing to demolish and remove the dilapidated Building on the Property, an action long sought by the Town, and replace it with a miniature golf course facility, which not only removes an empty building which has been the cause of concern for the Town, but will also add an important addition to the area's outdoor recreational amenities.

The demolition and removal of the Building and the redevelopment of the Property for a miniature golf course use will provide an additional, and likely welcome, outdoor recreational facility in the vicinity of the Property.



## ATTACHMENT B

Beachwalk submits that this Application meets the LMO's criteria for the granting of the requested variance, and asks that the BZA consider this Application, the record of this matter, and the testimony and materials to be introduced into the record of this Application at the hearing, and find that this Application meets the criteria for the granting of a variance under LMO Section 16-2-103.S.4.a.i, and grant the requested variance.

Beachwalk reserves the right to submit additional materials, documents, and information to the BZA in connection with this Application.

Respectfully submitted on behalf of Beachwalk on 22 October 2021.



This signature is an electronic reproduction

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Chester C. Williams, Esq.  
Law Office of Chester C. Williams, LLC  
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PO Box 6028  
Hilton Head Island, SC 29938-6028  
+1-843-842-5411  
+1-843-842-5412 (fax)  
[Firm@CCWLaw.net](mailto:Firm@CCWLaw.net)



# ATTACHMENT B Exhibit A (1 page)



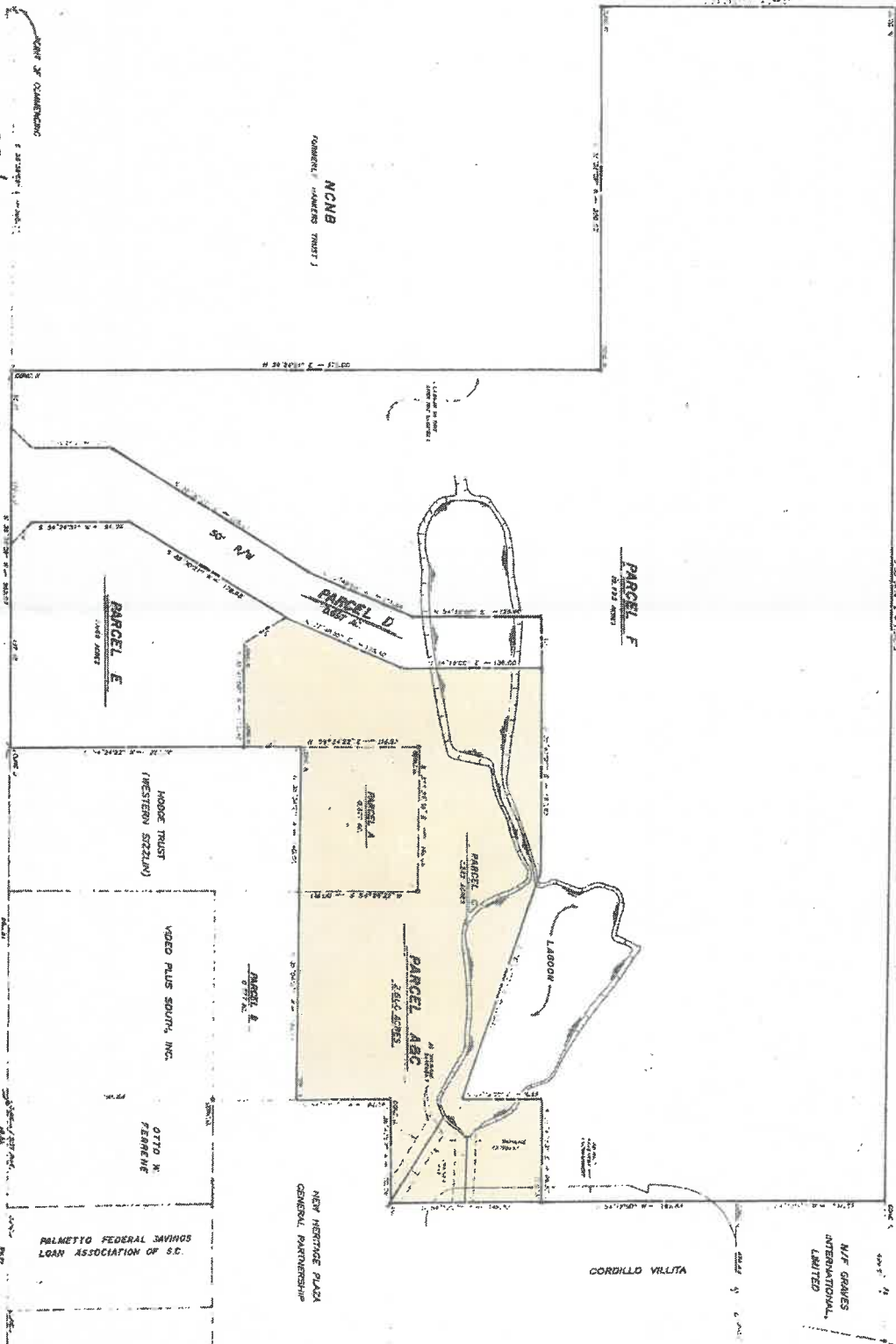
CORDILLO PARKWAY - 100' R/W

AVOCET STREET - 60' R/W PA 280185

DATE: 11/11/11  
 DRAWN BY: J. B. BROWN  
 CHECKED BY: J. B. BROWN  
 TITLE: PLAT

350'

POPE AVENUE - 100' R/W



1. THE PROPERTY IS THE PROPERTY OF THE STATE OF SOUTH CAROLINA.
2. THE PROPERTY IS THE PROPERTY OF THE STATE OF SOUTH CAROLINA.
3. THE PROPERTY IS THE PROPERTY OF THE STATE OF SOUTH CAROLINA.
4. THE PROPERTY IS THE PROPERTY OF THE STATE OF SOUTH CAROLINA.
5. THE PROPERTY IS THE PROPERTY OF THE STATE OF SOUTH CAROLINA.

25079

15.100 ACRES  
**WATERSIDE**  
 P.U.D.

PARCEL 5B  
 FOREST BEACH  
 SUBDIVISION

POPE AVENUE  
 ASSOCIATES







ATTACHMENT E



ATTACHMENT E



ATTACHMENT E







**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  
SPECIAL EXCEPTION**

<b>Case #:</b>	<b>Public Hearing Date:</b>
SER-002416-2021	January 24, 2022

<b>Parcel Data:</b>	<b>Applicant:</b>	<b>Property Owner:</b>
Parcel#: R552 018 000 202D 0000 Address: 40 Waterside Drive Parcel size: 2.6 acres Zoning: RD (Resort Development) Overlay: COD (Corridor Overlay District), Waterside PD-2 (Planned Unit Development Overlay District)	Chester C. Williams, Esq Law Office of Chester C. Williams, LLC PO Box 6028 17 Executive Park Rd, Suite 2 Hilton Head Island, SC 29938	Beachwalk Hilton Head, LLC

**Application Summary:**

Request from Chester C. Williams, ESQ on behalf of Beachwalk Hilton Head, LLC for a special exception to allow an Outdoor Commercial Recreation Use Other Than a Water Park, specifically a miniature golf course, on property zoned Resort Development (RD).

**Staff Recommendation:**

Staff recommends the Board of Zoning Appeals find this application to be consistent with the Town’s Our Plan and does serve to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein.

**Background:**

The subject property is located on the south end of the Island and is surrounded by the Waterside by Spinnaker Resort to the north and west, the Cordillo Villita development to the east and Aunt Chilada’s Cafe and a small shopping center containing Watusi restaurant, Pedals Bicycles, and a welcome center to the south. (See Attachment A, Vicinity Map).

The site is currently developed as the former Beachwalk Hotel, which was approved in 1987 as a 94-room hotel and is part of the Waterside (Town Center) PD-2 Overlay. The ownership of the property was converted to a condominium regime in 2006 and Beachwalk Hilton Head, LLC now owns all the units in the regime. The hotel has been closed for many years. The property owner has decided the building doesn't meet their criteria for renovating or remodeling and plans on demolishing the building. The applicant is proposing to develop a miniature golf course facility on the property.

A miniature golf course is classified in the LMO as an Outdoor Commercial Recreation Use Other Than a Water Park. This use is permitted by Special Exception in the RD zoning district. There are use specific conditions that also apply to this use, as outlined in LMO Section 16-4-102.B.5.b. The subject property does not meet the condition that requires the use to have direct vehicular access to a minor arterial street. Waterside Drive is not a minor arterial street and therefore the applicant is pursuing a variance in addition to the special exception request.

#### **Applicant's Grounds for Special Exception, Summary of Facts and Conclusions of Law:**

##### **Grounds for Special Exception:**

The applicant is requesting a special exception in order to allow for the redevelopment of the property as a miniature golf course facility. According to the applicant, the hotel has been empty and unused for many years. While the building is not determined to be unsafe, the property has become unsightly and is ripe for redevelopment.

According to the applicant, the proposed redevelopment fits well within the Our Plan's strategies and tactics for revitalizing and modernizing the Town's economy. The applicant states in the narrative that if the variance is approved for relief from the access to a minor arterial requirement, that the proposed development will comply with all regulations that are generally applicable within the RD district and that are specifically applicable to the special exception use. The applicant states the proposed miniature golf course will fit in well with the surrounding area as it is primarily a resort tourist-oriented area and will provide an outdoor recreation opportunity for those staying in the area. The proposed use will be compatible with the intensity, scale and character of development in the surrounding area. As the proposed use will generate less trips than the previous use of the property, the proposed use will not cause undue traffic congestion in the area. The proposed development will use existing public services that already serve the property and no natural resources will be negatively impacted on site. The applicant states that the demolition of the boarded-up building and its replacement with a miniature golf course will enhance the value of the surrounding property.

##### **Summary of Fact:**

- The applicant seeks a special exception as set forth in LMO Section 16-2-103.E.

##### **Conclusion of Law:**

- The applicant may seek a special exception for the proposed use as set forth in LMO

Section 16-2-103.E.

**Summary of Facts and Conclusions of Law:**

**Summary of Facts:**

- Application was submitted on October 22, 2021 as set forth in LMO Section 16-2-102.C and Appendix D-23.
- Notice of the Application was published in the Island Packet on January 2, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on December 22, 2021 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on January 7, 2022 as set forth in LMO Section 16-2-102.E.2.
- The Board has authority to render the decision reached here under LMO Section 16-2-102.G.

**Conclusions of Law:**

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

*As provided in LMO Section 16-2-103.E.4, Special Exception Review Standards, the BZA shall approve an application for use by special exception if and only if the applicant shall demonstrate that the proposed use and any associated development will be consistent with the following standards.*

**Summary of Facts and Conclusions of Law:**

*Criteria 1: It will be in accordance with the Comprehensive Plan (LMO Section 16-2-103.E.4.a):*

**Findings of Facts:**

*Our Plan* addresses this application in the following areas:

Economy Core Value

Strategies & Tactics

- 3.1: Support sustainable redevelopment that preserves the environment, modernizes infrastructure, and creates economic benefit to the greatest extent possible.
- 3.3: Monitor areas that have high concentrations of aging structures to target for potential redevelopment.
- 3.4: Continue to encourage re-purposing or revitalization of existing commercial spaces/structures or buildings through flexibility or incentives for redevelopment.

**Conclusions of Law:**

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-2-103.E.4.a because the application will be in accordance with the Economy Core Value of the Comprehensive Plan.
- The proposed special exception application will redevelop a vacant, aging, and dilapidated structure into an outdoor recreation use creating an economic as well as an aesthetic benefit which is supported by Economy Strategies 3.1, 3.3, and 3.4.

**Summary of Facts and Conclusions of Law:**

*Criteria 2: It will comply with all regulations and standards that are generally applicable within the zoning district and that are specifically applicable to the particular type of Special Exception (LMO Section 16-2-103.E.4.b):*

**Findings of Facts:**

- The purpose of the RD zoning district, aside from providing for resort development, is to provide commercial development aimed at serving the island visitor.
- There are use standards in the LMO for an Outdoor Commercial Recreation Use in this zoning district. Per LMO Section 16-4-102.B.5.b, Use Specific Conditions for Principal Uses, the site of an Outdoor Commercial Recreation Use shall have direct vehicular access to a minor arterial street. The applicant has submitted a variance request from this condition.

**Conclusions of Law:**

- Staff concludes that this application does meet the criteria as set forth in LMO Section 16-2-103.E.4.b because the proposed miniature golf course is a commercial recreation use that is intended to serve the island visitor.
- If the variance is approved, the proposed development will comply with all regulations and standards that are generally applicable within the RD zoning district and that are specifically applicable to this special exception use.

**Summary of Facts and Conclusions of Law:**

*Criteria 3: It will be compatible with the intensity, scale, and character of development existing or planned in the surrounding area (LMO Section 16-2-103.E.4.c):*

**Findings of Facts:**

- The application proposes an outdoor commercial recreation use in a resort development area.
- The subject property is surrounded by resort and commercial uses such as the Waterside by Spinnaker Resort, the Cordillo Villita development, Aunt Chilada's Cafe and a small

shopping center containing Watusi restaurant, Pedals Bicycles, and a welcome center.

**Conclusion of Law:**

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-2-103.E.4.c because the proposed use will be compatible with the existing commercial uses and development within the surrounding area.

**Summary of Facts and Conclusions of Law:**

*Criteria 4: It will not cause undue traffic congestion or create a traffic hazard (LMO Section 16-2-103.E.4.d):*

**Finding of Facts:**

- The Town's Traffic Engineer indicates the proposed miniature golf course will generate less trips than the previous use of the property, which was a hotel.

**Conclusion of Law:**

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-2-103.E.4.d because the proposed use will not cause undue traffic congestion or create any traffic hazard.

**Summary of Facts and Conclusions of Law:**

*Criteria 5: It will incorporate preservation and protection of important natural features and not result in significant adverse impacts on the natural environment – including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment (LMO Section 16-2-103.E.4.e):*

**Findings of Facts:**

- The subject property is currently developed with an abandoned and dilapidated building which will be demolished for the development of a miniature golf course.
- The proposed use will be located internal to the site and all buffers will be required to be maintained and enhanced where necessary.

**Conclusion of Law:**

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-2-103.E.4.e because there will be no impact to any natural features on site nor will the proposed use have any adverse impact on the natural environment.



**Summary of Facts and Conclusions of Law:**

*Criteria 6: It will not generate needs for transportation, water supply, sewage disposal, storm water management, solid waste collection, fire and police protection, and similar public services that cannot be adequately handled by available or provided infrastructure and facilities (LMO Section 16-2-103.E.4.f):*

**Findings of Fact:**

- The subject property is currently developed with a building and is already served by public facilities.
- The proposed use will continue to use the services available to the property.
- The subject property is located adjacent to a time share development and a multi-family residential development, which could lend itself to more pedestrian traffic to the site rather than vehicular. Staff recommends the applicant work with the adjacent property owner to establish a bicycle and pedestrian connection on Waterside Drive to Pope Avenue.
- Any additional infrastructure needed for the proposed use will be handled through the Development Plan Review process.

**Conclusion of Law:**

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-2-103.E.4.f because the site is already served and will continue to be served by adequate infrastructure and facilities.

**Summary of Facts and Conclusions of Law:**

*Criteria 7: It will not substantially injure the value of surrounding properties (LMO Section 16-2-103.E.4.g):*

**Findings of Facts:**

- The subject property is currently developed with an abandoned and dilapidated building.
- The property has been the subject of code violations for unsightly and unsanitary conditions that the Town has actively been managing for more than ten years.
- The property is surrounded by thriving resort and commercial uses such as the Waterside by Spinnaker Resort, the Cordillo Villita development, Aunt Chilada’s Cafe and a small shopping center containing Watusi restaurant, Pedals Bicycles, and a welcome center.
- The demolition of the boarded-up building and its replacement with a miniature golf course will enhance the value of the surrounding property.

**Conclusion of Law:**

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-2-103.E.4.g because the proposed use is compatible with the surrounding properties and will

not injure the value of them.

**Summary of Facts and Conclusions of Law:**

*Criteria 8: It will not materially endanger the public health or safety (LMO Section 16-2-103.E.4.h):*

**Findings of Facts:**

- The subject property is currently developed with an abandoned and dilapidated building.
- The property has been the subject of code violations for unsightly and unsanitary conditions that the Town has actively been managing for more than ten years.
- The demolition of the boarded-up building and its replacement with a miniature golf course will enhance the public health and safety of the area.

**Conclusion of Law:**

- Staff concludes that this application meets the criteria as set forth in LMO Section 16-2-103.E.4.h because the proposed use will not endanger the public health or safety.

**LMO Official Determination:**

**Based on the above Findings of Facts and Conclusions of Law, the LMO Official determines that the request for a special exception should be approved.**

**BZA Determination and Motion:**

The "powers" of the BZA over special exceptions are defined by the South Carolina Code, Section 6-29-800, and in exercising the power, the BZA may "permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in the zoning ordinance..." 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 determination.**

**PREPARED BY:**

ND

\_\_\_\_\_  
Nicole Dixon, AICP, CFM, *Development  
Review Administrator*

January 11, 2022

\_\_\_\_\_  
DATE

**REVIEWED BY:**

TL

\_\_\_\_\_  
Teri Lewis, AICP, *Deputy Community  
Development Director*

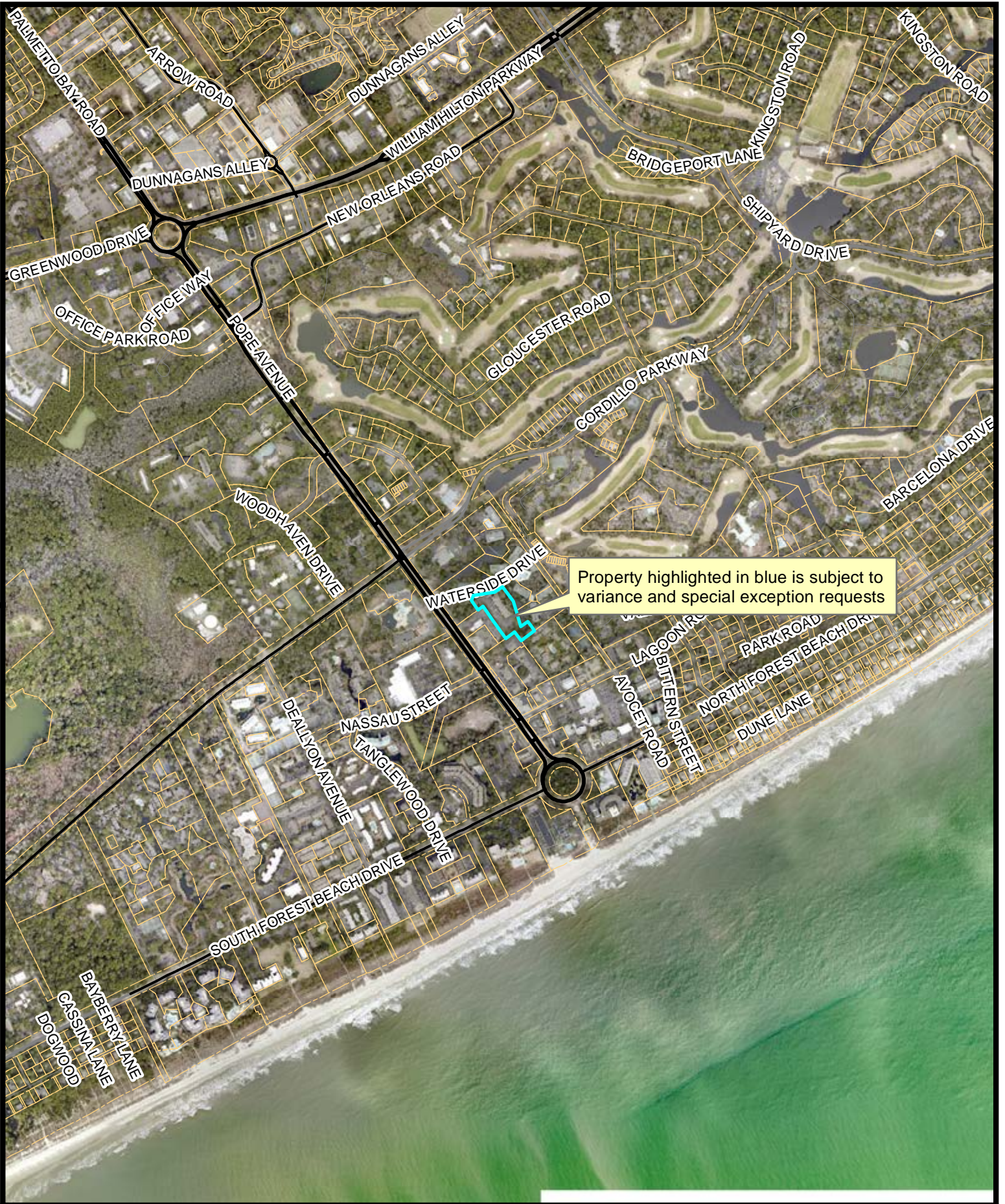
January 11, 2022

\_\_\_\_\_  
DATE

**ATTACHMENTS:**

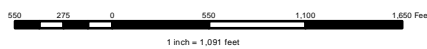
- A) Vicinity Map
- B) Applicant's Narrative
- C) As Built Survey
- D) Concept Site Plan
- E) Site Pictures





Property highlighted in blue is subject to variance and special exception requests

Town of Hilton Head Island  
 SER-2416-2021  
 Attachment A - Vicinity Map





ATTACHMENT B

STATE OF SOUTH CAROLINA	)	BEFORE THE BOARD OF ZONING
	)	APPEALS OF THE TOWN OF HILTON
	)	HEAD ISLAND, SOUTH CAROLINA
	)	
	)	SPECIAL EXCEPTION APPLICATION
COUNTY OF BEAUFORT	)	NO. SER-00 _____-2021

**NARRATIVE**

**TO THE SPECIAL EXCEPTION APPLICATION OF  
BEACHWALK HILTON HEAD, LLC**

**I. INTRODUCTION and BACKGROUND**

This Narrative is part of the Special Exception Application (this “Application”) filed by Beachwalk Hilton Head, LLC (“Beachwalk”) in connection with the proposed razing of what was formerly the Beachwalk Hotel and the redevelopment of the 2.600 acre tract located at 40 Waterside Drive (the “Property”) for the construction of a miniature golf course facility.

The initial development of the Property was undertaken as part of what is now the Waterside (Town Center) PD-2 Overlay District (the “Waterside PUD”), which allows for a 94-room hotel on the Property, which is shown and designated as “Parcel A&C” on that certain plat of survey entitled “Survey of 15.100 Acres Waterside P.U.D.” recorded in Beaufort County Plat Book 35 at Page 79<sup>1</sup> (the “Waterside PUD Survey”). The development of the 94-room hotel located on the Property was originally permitted by the Town of Hilton Head Island (the “Town”) in 1987 as the Super 8 Lodge. The ownership of the Property was converted to a condominium regime in 2006 as Beachwalk Hotel & Condominiums Horizontal Property Regime (the “Regime”), and Beachwalk now owns all of the condominium units in the Regime.

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<sup>1</sup> A copy of the Waterside PUD Survey recorded in Beaufort County Plat Book 35 at Page 79 is attached to this Narrative as **Exhibit A**. The Property is highlighted in red.



## ATTACHMENT B

The Beachwalk Hotel is closed, and has not been in operation for many years. Since its closure approximately a decade ago, the Beachwalk Hotel structure (the “Building”) has not been occupied and, while maintained to the minimum requirements of the Town, the Building has been the subject of continued inquiries from the Town Building Official with regard to its condition. It took Beachwalk several years of patient work to acquire ownership of all of the condominium units in the Regime, and now, having finally secured control of the ownership of all of the condominium units in the Regime, Beachwalk has determined that the Building does not meet its criteria for renovation and remodeling, and proposes to raze the Building and replace it with a miniature golf course facility on the Property,<sup>2</sup> which will provide an outdoor recreation opportunity for the local area, for near to mid-term use, while studying possibilities for the long-term redevelopment of the Property.<sup>3</sup> This plan will also satisfy the stated wishes of the Town to demolish the Building and to otherwise clean up the Property.

The Property is located in the Resort Development (RD) District, and is also within both the Corridor Overlay (COR) District and the Waterside PUD Overlay District. An Outdoor Recreation use, such as the proposed miniature golf course facility, is a special exception use in the RD District, with the condition that the Outdoor Recreation use have direct access to a minor arterial road. That condition on use has caused Beachwalk to simultaneously seek a variance from the minor arterial road condition by way of a separate, concurrent variance application (the “Variance Application”).

## II. SPECIAL EXCEPTION USES

The Board of Zoning Appeals (the “BZA”) may approve a Special Exception Use if the BZA concludes that Special Exception Application meets the requirements of Section 16-2-103.E of the Town’s Land Management Ordinance (the “LMO”).

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<sup>2</sup> A copy of the current conceptual plan for the redevelopment of the Property as a miniature golf course is attached to this Narrative as **Exhibit B**.

<sup>3</sup> To be clear, by filing this Application and by redeveloping the Property for use as a miniature golf course facility use, it is not waiving or relinquishing its rights to further redevelop the Property for use as a 94-room hotel, or any other permitted use.



### **III. THE PROPERTY**

The Property is designated as “Parcels A&C” on the Waterside PUD Survey. The Property is located on Waterside Drive, a private road, which intersects with Pope Avenue. As part of the title to the Property, it has an appurtenant easement over Waterside Drive for access to and egress from the Property to the right-of-way of Pope Avenue.

### **IV. LMO ZONING REQUIREMENTS**

LMO Section 16-10-103.E.2 includes miniature golf courses in the definition of the use designated as Outdoor Commercial Recreation Other than a Water Park.

LMO Section 16-3-105.L provides that Outdoor Commercial Uses Other than Water Parks, such as a miniature golf course, are a Special Exception use in the RD District, and are also subject to the Use Specific Condition set forth in LMO Section 16-4-102.B.5.b.

LMO Section 16-4-102.B.5.b provides 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.” Since neither Waterside Drive nor Pope Avenue are a Minor Arterial according to LMO Table 16-5-105.B, Beachwalk has submitted the Variance Application concurrently with this Application.

### **V. THE REQUESTED SPECIAL EXCEPTION USE**

Beachwalk is seeking approval for a Special Exception use in order to allow the redevelopment of the Property as a miniature golf course facility. The requested Special Exception, together with the concurrently submitted Variance Application, will permit the demolition and removal of the Building, and the construction of the proposed miniature golf course facility and required parking on the Property.



## VI. SPECIAL EXCEPTION USE STANDARDS

Beachwalk submits that this Application and its request meet the LMO criteria for granting the requested Special Exception Use as follows:

**A. The proposed Special Exception and associated development will be in accordance with the Comprehensive Plan.**

The Property, as currently developed, contains an empty, unused, aged, former hotel. While the Building is not unsafe, the Town has urged Beachwalk to address the unsightly condition of the Property generally.

The size of the Property and its location in the RD District lend themselves to the development of a miniature golf course facility as a particularly attractive commercial outdoor recreation facility in the Waterside PUD.

A review of the Town's Comprehensive Plan, Our Plan, adopted by the Town Council on 20 October 2020 (the "Comprehensive Plan"), does not reveal anything proposed by this Application, or the concurrent Variance Application, that is not in accordance with the Comprehensive Plan.

In fact, various sections of the Comprehensive Plan actively support this Application:

**Section 2.0 Our Community** addresses economic development in the Town. Figure 2.44 shows the Property as one of several vacant commercial properties in the Town,<sup>4</sup> one which is ripe for redevelopment.

**Section 3.0, Our Core Values, Chapter 1, Relentless Pursuit of Excellence, Strategies & Tactics 2.10.1** encourages "development and redevelopment opportunities that help Hilton Head Island be a competitive and affordable place to live and work."<sup>5</sup>

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<sup>4</sup> See the Comprehensive Plan, at Pages 74 and 75.

<sup>5</sup> See the Comprehensive Plan, at Page 115.





## ATTACHMENT B

**Section 3.0, Our Core Values, Chapter 3, Revitalizing & Modernizing the Economy, Opportunities for Our Economy,** include, “focus on ways to foster leading edge redevelopment and modernization practices”; **Strategies & Tactics 3.1** urge the Town to, “Support sustainable redevelopment that preserves the environment, modernizes infrastructure, and creates economic benefit to the greatest extent possible”; **Strategies & Tactics 3.3** says, “Monitor areas that have high concentrations of aging structures to target for potential redevelopment”; and **Strategies & Tactics 3.4** directs the Town to “Continue to encourage re-purposing or revitalization of existing commercial spaces/structures or buildings through flexibility or incentives for redevelopment.”

The proposed redevelopment of the Property fits well within the Comprehensive Plan’s strategies and tactics for revitalizing and modernizing the Town’s economy. The Property is located in an area heavily developed with hotels, short-term rentals, and interval occupancy. Close by is Coligny Plaza, indeed within easy walking or cycling distance, with easy access to the Town’s multi-use pathway network,<sup>6</sup> the proposed redevelopment of the Property will provide an attractive recreational opportunity for many Island visitors who need not drive to get there.

This Application seeks a Special Exception Use to provide a recreational amenity, available to Town residents and visitors, in a pedestrian oriented area, in accordance with the Comprehensive Plan.

Beachwalk submits that the existing condition of the Building on the Property, and the proposed development of the Property for use as a miniature golf course facility, a recreational facility, justifies and supports a finding by the BZA that the proposed Special Exception Use and associated development is in accordance with the Comprehensive Plan.

**B. The proposed Special Exception and associated development will comply with all regulations that are generally applicable**

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<sup>6</sup> See the Comprehensive Plan, at Page 194.



## ATTACHMENT B

**within the zoning district and that are specifically applicable to the particular type of Special Exception.**

As noted above, the Variance Application has been filed concurrently with this Application. That Variance Application seeks a variance from the requirements of LMO Section 16-4-102.B.5.b which provides 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 Variance Application seeks a variance from the LMO’s minor arterial access requirement which, together with the Special Exception Use sought by this Application, will allow the redevelopment of the Property for use as a miniature golf course facility.

Other than the requirements of LMO Section 16-5-105.B, for which a variance is concurrently sought, the proposed Special Exception and associated development complies with all of the regulations that are generally applicable within the RD District, the COR Overlay District, and the Waterside PUD Overlay District.

Beachwalk submits that this Application, once approved, and the Variance Application, once approved, justify and support a finding by the BZA that the Special Exception Use and associated development will comply with all regulations that are generally applicable within the zoning district and that are specifically applicable to this Special Exception Use.

**C. The proposed Special Exception and associated development will be compatible with the intensity, scale, and character of development existing or planned in the surrounding area.**

The current permitted use on the Property is Resort Accommodation – Hotel. The Property was originally permitted pursuant to a previous version of the LMO as a motel use with 94 rooms. The Building on the Property is currently vacant and boarded up to prevent unauthorized entry. Beachwalk is the owner of all of the condominium units in the Regime.



## ATTACHMENT B

The surrounding area, which is heavily developed, contains, among other properties, the Waterside by Spinnaker timeshare resort, the Southwind Villas by Spinnaker timeshare resort, Aunt Chilada's restaurant, the Watusi Café, a branch of the Bank of America, the Coral Sands timeshare resort, a Wild Wing Café, the Circle Commercial Center, and the new Courtyard by Marriott hotel.

The immediate area around the Property is, for the most part, a resort tourist-oriented area. The proposed miniature golf course facility will fit well into the surrounding area and provide an outdoor recreation opportunity for Island visitors, especially those who are staying in the immediate area. Of course, the beach is the primary outdoor recreation opportunity in the surrounding area, but the proposed miniature golf course facility can provide an alternative recreational opportunity, particularly in the evening.

Beachwalk submits that the foregoing and this Application justify and support a finding by the BZA that the proposed Special Exception use and associated development will be compatible with the intensity, scale, and character of development existing or planned in the surrounding area.

**D. The proposed Special Exception and associated development will not cause undue traffic congestion or create a traffic hazard.**

Access to the Property is by way of Waterside Drive, a private road built in connection with the development of the Waterside PUD which begins at a T-intersection with Pope Avenue, and extends past the Property and into the Waterside by Spinnaker timeshare resort.

A review of the Institute of Transportation Engineers (the "ITE") Trip Generation International Report, 8<sup>th</sup> Edition (the "ITE Report"), indicates that the current approved use for the Property, a 94-room hotel,<sup>7</sup> on a peak weekday AM hour would generate 0.64 vehicle trips per

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<sup>7</sup> For purposes of this application, the ITE Report's motel use category is used, because the LMO no longer makes a distinction between a hotel and a motel, and the physical characteristics of the Building and the Property more closely fit in to the ITE Report's description of a motel, as opposed to a hotel.



## ATTACHMENT B

occupied room or, in the case of Beachwalk's 94 rooms, 60 vehicle trips during the peak weekday AM hour. Similarly, the ITE Report indicates that the Property's trip generation rate, as currently permitted, on a peak weekday PM hour will generate 0.58 vehicle trips per occupied room, or in the case of Beachwalk, 55 vehicle trips during the peak weekday PM hour.

On the other hand, a Miniature Golf Course, on a peak weekday PM hour<sup>8</sup> will generate 0.33 vehicle trips per miniature golf hole or, in the case of the proposed 36-hole miniature golf course facility on the Property, 12 vehicle trips during the peak weekday PM hour.

Beachwalk submits that the major reduction in vehicle trips between the current approved use for the Property and the proposed Special Exception use as a miniature golf course facility justify and support a finding by the BZA that the proposed Special Exception and associated development will not cause undue traffic congestion or create a traffic hazard in the area.

**E. The proposed Special Exception and associated development will incorporate preservation and protection of important natural features and not result in significant adverse impacts on the natural environment – including but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.**

The Property is currently occupied by the Building, an aging, unoccupied hotel structure, and parking lot. There are no important natural features on the Property. Accordingly, the proposed Special Exception use and associated redevelopment of the Property as a miniature golf course facility will not have any adverse impact, let alone a significant adverse impact, on the natural environment. There is no wildlife, vegetation (other than landscaping), or wetlands on the Property and, accordingly, the proposed Special Exception use and associated

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<sup>8</sup> Weekday peak AM vehicle trip data for a miniature golf course is not available in the ITE Report, possibly because miniature golf courses are not generally open until later in the day.



## ATTACHMENT B

development cannot have an adverse impact on those categories of the environment.

The proposed Special Exception use and associated development will be a primarily outdoor facility. As such, there will not be any adverse impact on air quality. As for water quality and storm water management, the proposed Special Exception use and associated development will be constructed according to the requirements of the LMO with regard to water quality and storm water management. Finally, a miniature golf course facility, the proposed Special Exception use and associated development, is not an inherently noisy outdoor recreation facility.

Beachwalk submits that the foregoing and this Application justify and support a finding by the BZA that the proposed Special Exception use and associated development will incorporate preservation and protection of important natural features and not result in significant adverse impacts on the natural environment – including but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

**F. The proposed Special Exception and associated development will not generate needs for transportation, water supply, sewage disposal, stormwater management, solid waste collection, fire and police protection, and similar public services that cannot be adequately handled by available or provided infrastructure and facilities.**

The existing permitted use for the Property is the Beachwalk Hotel, with 94 rooms. The Beachwalk Hotel, although currently vacant, is served by a currently available water supply, sewage disposal, stormwater management, solid waste collection, fire and police protection, and similar public services.

The Special Exception use and associated development sought by this Application will use the existing public services, and no new public services are required. Beachwalk submits that the current availability of a water supply, sewage disposal, stormwater management, solid waste collection, fire and police protection, and similar public services for the



## ATTACHMENT B

Property justifies and supports a finding by the BZA that the Special Exception use and associated development will not generate needs for public services.

**G. The proposed Special Exception and associated development will not substantially injure the value of surrounding properties.**

Considering the current condition of the Property and the boarded-up Building, and the relative lack of commercial outdoor recreation facilities in the nearby areas, Beachwalk submits that the Special Exception use and associated redevelopment of the Property will not substantially injure the value of surrounding properties, but rather will likely enhance the value of the surrounding properties.

Determining the effect of the redevelopment of the Property on the value of the surrounding properties is, of course, subjective. Nevertheless, Beachwalk submits that the demolition and removal of the existing Building on the Property and its replacement by a miniature golf course facility justify and support a finding by the BZA that the Special Exception use and associated development will not substantially injure the value of surrounding properties.

**H. The proposed Special Exception and associated development will not materially endanger the public health or safety.**

The Building is empty and has been the subject of concern by the Town. While the Building is not unsafe, its demolition and removal will address the concern for its condition, and the general condition of the Property as a whole, by the Town. Accordingly, the Special Exception use and its associated development, the miniature golf course facility, will clearly not materially endanger the public health or safety.

Beachwalk submits that this Application, the Special Exception use and associated development justify and support a finding by the BZA that the Special Exception Use and associated development will not materially endanger the public health or safety.



## VIII. CONCLUSION

The criteria for the BZA's granting of a Special Exception use approval are subjective determinations that require the application of sound judgment on the part of the members of the BZA, taking into account the actual conditions on the Property in question.

Here, Beachwalk is proposing to demolish and remove the dilapidated Building on the Property, an action long sought by the Town, and replace it with a miniature golf course facility, which not only removes an empty building which has been the cause of concern for the Town, but will also add an important addition to the area's outdoor recreational amenities.

The demolition and removal of the Building and the redevelopment of the Property for a miniature golf course use will provide an additional, and likely welcome, outdoor recreational facility in the vicinity of the Property.

Beachwalk submits that this Application meets the LMO's criteria for the granting of the requested Special Exception Use, and asks that the BZA consider this Application, the record of this matter, and the testimony and materials to be introduced into the record of this Application at the hearing, and find that this Application meets the criteria for the granting of a Special Exception use approval under LMO Section 16-2-103.E.4, and grant the requested Special Exception Use.

Beachwalk reserves the right to submit additional materials, documents, and information to the BZA in connection with this Application.

Respectfully submitted on behalf of Beachwalk on 22 October 2021.



This signature is an electronic reproduction

---

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Hilton Head Island, SC 29938-6028  
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+1-843-842-5412 (fax)  
[Firm@CCWLaw.net](mailto:Firm@CCWLaw.net)





# ATTACHMENT B Exhibit A (1 page)



CORDILLO PARKWAY - 100' R/W

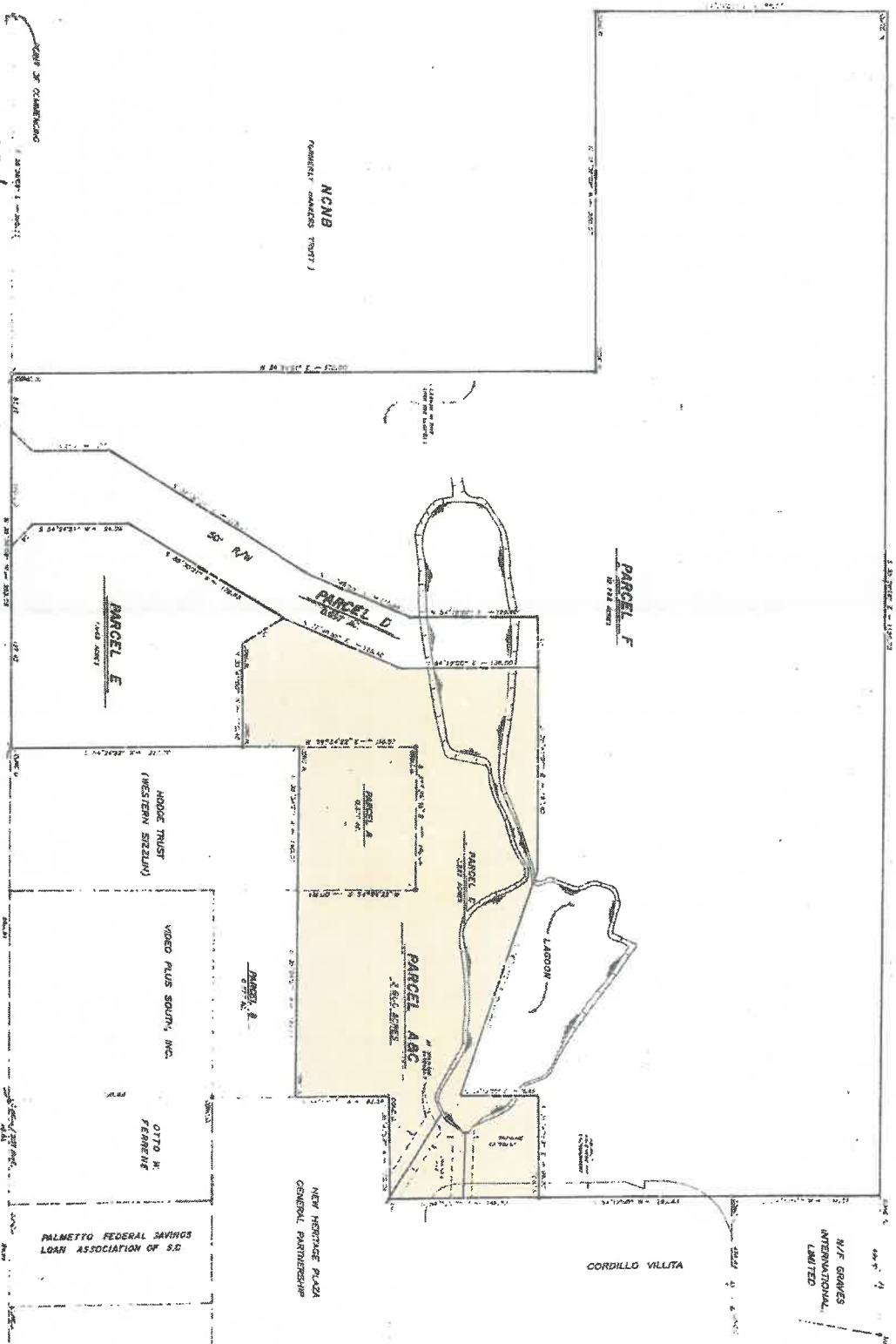
ASSISTANT  
487 S. 1st St.  
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S. 1st St.  
S. 1st St.  
S. 1st St.

350'

POPE AVENUE - 100' R/W

AVOCET STREET - 50' R/W PB 280181

350'



1. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY FINANCIAL PRODUCT OR SERVICE. THE INFORMATION IS NOT INTENDED TO BE USED AS A BASIS FOR INVESTMENT DECISIONS. THE INFORMATION IS NOT INTENDED TO BE USED AS A BASIS FOR INVESTMENT DECISIONS. THE INFORMATION IS NOT INTENDED TO BE USED AS A BASIS FOR INVESTMENT DECISIONS.

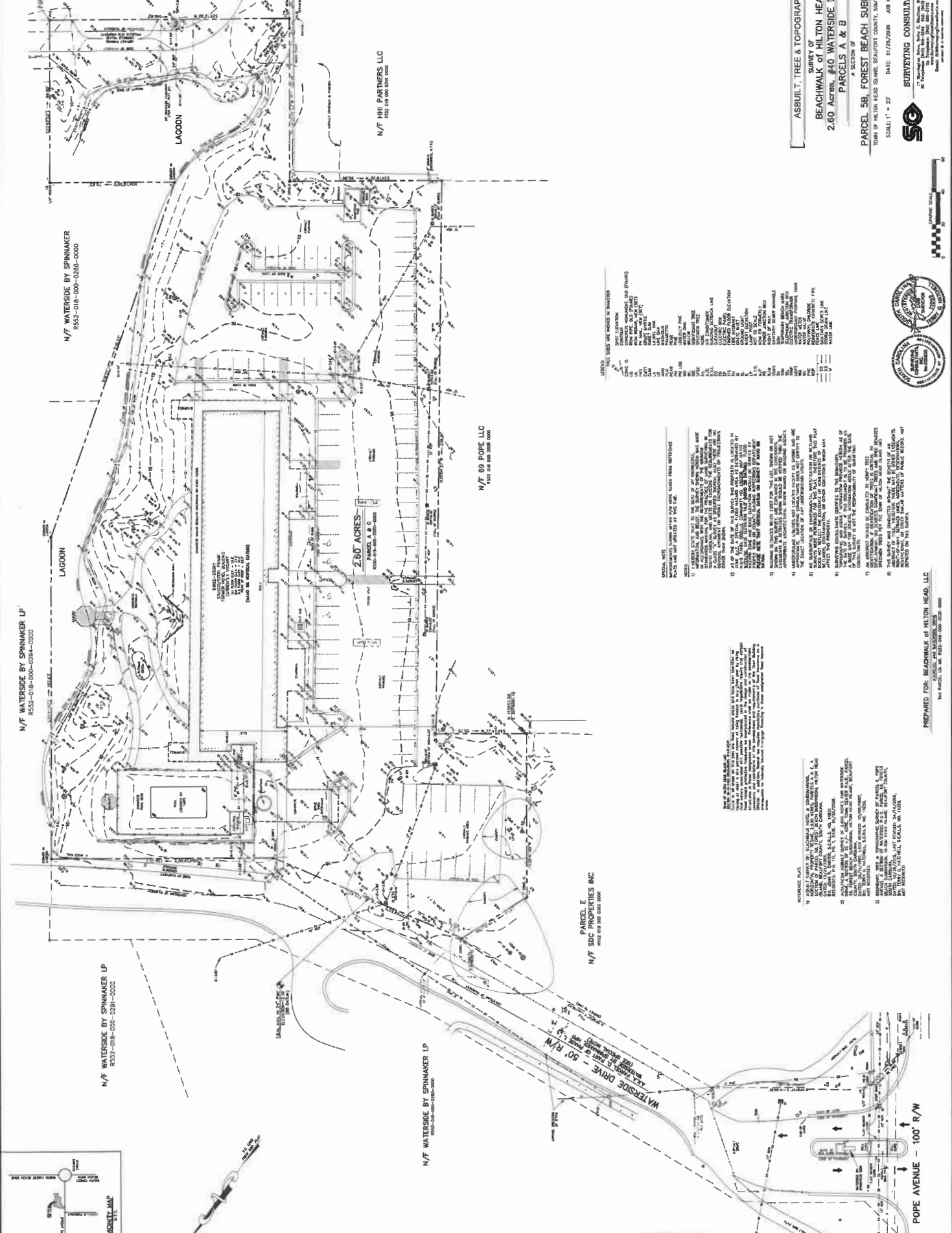


POPE AVENUE ASSOCIATES

PARCEL 5B  
FOREST BEACH  
SUBDIVISION

19.100 ACRES  
WATERSIDE  
P.L.U.D.

# ATTACHMENT C



- SPECIAL NOTE**  
 MEASUREMENTS SHOWN WITHIN THIS PLAN WERE TAKEN FROM METRIC DATA  
 PLATS AND NOT LISTED AT THIS TIME.
- 1. THE EXISTING TREE AND TOPOGRAPHIC SURVEY OF THE TRACT IS ACCORDING TO THE ORIGINAL SURVEY OF THE TRACT, AS SHOWN BY THE ORIGINAL SURVEY PLAT AND NOT LISTED AT THIS TIME.
  - 2. THE EXISTING TREE AND TOPOGRAPHIC SURVEY OF THE TRACT IS ACCORDING TO THE ORIGINAL SURVEY OF THE TRACT, AS SHOWN BY THE ORIGINAL SURVEY PLAT AND NOT LISTED AT THIS TIME.
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**REFERENCE**  
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**PREPARED FOR: BEACHWALK OF HILTON HEAD, LLC**  
 100 W. PALM BEACH BLVD., SUITE 1000, PALM BEACH, FL 33480

**DATE: 01/20/2020**

**SCALE: 1" = 20'**

ASBUILT, TREE & TOPOGRAPHIC  
 SURVEY OF  
 BEACHWALK OF HILTON HEAD  
 2.80 ACRES, #40 WATERSIDE DRIVE  
 PARCELS A & B  
 A SECTION OF  
 PARCEL 5B, FOREST BEACH SUBDIVISION  
 TOWN OF HILTON HEAD ISLAND, BEaufORT COUNTY, SOUTH CAROLINA  
 DATE: 01/20/2020 JOB NO. SC200008.1  
 SCALE: 1" = 20'

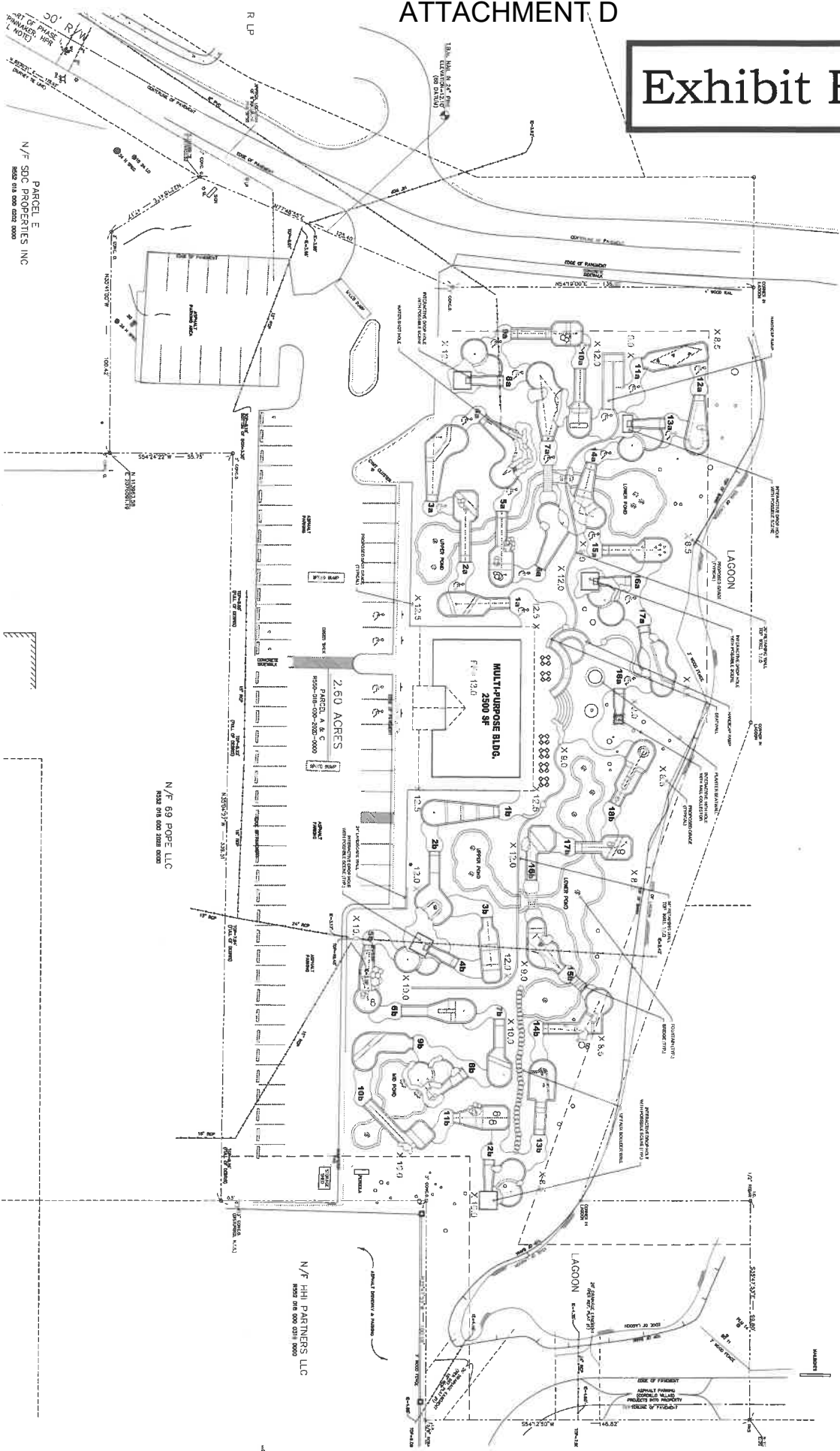
**1" SCALE**  
 SURVEYING CONSULTANTS  
 100 W. PALM BEACH BLVD., SUITE 1000, PALM BEACH, FL 33480  
 TEL: (561) 655-2400  
 FAX: (561) 655-2401  
 WWW: WWW.SURVEYINGCONSULTANTS.COM

**GRAPHIC SCALE**

1" = 20'

PREPARED FOR: BEACHWALK OF HILTON HEAD, LLC  
 100 W. PALM BEACH BLVD., SUITE 1000, PALM BEACH, FL 33480

Exhibit B (1 page)



<p>1733 N GREENFIELD RD MESA, ARIZONA, 85205 PHONE: 480-968-1955</p>	<p>COMPREHENSIVE LAYOUT DESIGNED FOR THE CONSTRUCTION OF A 36-HOLE MINI-GOLF COURSE SHEET NO. C-1</p>	<p>BEACH WALK MINI-GOLF HILTON HEAD, SC</p>		<p>36 HOLE MINIATURE GOLF COURSE CONCEPT</p>																
		<p>DATE: 2/14/2008</p>	<p>SCALE: NTS</p>	<p>DRAWN BY: GP</p>	<p>JOB NO.: 2008</p>	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	REVISION	BY										
NO.	DATE	REVISION	BY																	

ATTACHMENT E





ATTACHMENT E



ATTACHMENT E





**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**

<b>Case #:</b>	<b>Public Hearing Date:</b>
VAR-002850-2021	January 24, 2022

<b>Parcel Data:</b>	<b>Applicant:</b>	<b>Property Owner:</b>
Parcel#: R510 008 000 0085 0000 Address: 120 Beach City Road Parcel size: 193.93 acres Zoning: IL (Light Industrial) Overlay: COD (Corridor Overlay District), AOD (Airport Overlay District)	Travis Pence The Wilson Group P.O. Box 5510 Charlotte, NC 28299	Beaufort County

**Application Summary:**

Request from Travis Pence with The Wilson Group on behalf of Beaufort County and the Hilton Head Island Airport for a variance from LMO Section 16-3-105.E. Maximum Building Height in the Light Industrial zoning district to allow proposed renovations to the Airport terminal building to exceed the maximum height of 35 feet.

**Staff Recommendation:**

Staff recommends the Board of Zoning Appeals find this application to be consistent with the Town’s Our Plan and does serve to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Board of Zoning Appeals *approve* this application.

**Background:**

The Hilton Head Airport is in the process of making improvements to their site, including significant changes to the existing Airport Terminal building. The need for the terminal area



improvements are a result of the runway extension project completed in 2018 and the subsequent rapid airline growth. The expansion of the existing terminal building will accommodate additional airlines and passengers. The existing 11,300 square foot building will be expanded by 44,989 square feet. 10,383 of the of the expansion will be an enclosed but unheated baggage handling area, intended to modernize and automate the terminal operations. The remainder of the expansion will include uses such as holding rooms, baggage claim, security/screening, and offices. Beaufort County has acquired some of the adjacent lots located along Hunter Road to eliminate conflicts within the required FAA Object Free Area (OFA), and to accommodate the terminal expansion.

The existing structure is nonconforming to the height standards in the Town's Land Management Ordinance (LMO), specifically LMO Section 16-3-105.E.3. The existing structure is 39'2" when measured from pre-development grade and 46'3" when measured from 11' as required by current LMO regulations. The allowable height in the Light Industrial (IL) zoning district is 35'. The applicant must seek a variance to be 11'3" above the maximum height of 35' when in actuality they will only be 4'2" above the maximum allowable height of 35'. The 7'1" difference between the two is a result of the artificial baseline that is established at 11' without taking into consideration existing site conditions such as pre-development grade.

In an effort to reduce the amount of demolition required and thus mitigate overall construction impact, the new expansion has been designed to align with and tie into the existing structural frame. The existing building height will be matched, and not exceeded, by the proposed expansion.

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

**Grounds for Variance:**

The applicant is requesting a variance from the maximum building height in order for improvements to the current Terminal building to align with and tie into the existing structural frame.

The applicant believes the nonconforming height of the existing Terminal building is an exceptional and extraordinary condition.

**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 December 22, 2021 as set forth in LMO Section 16-2-102.C and Appendix D-23.

- Notice of the Application was published in the Island Packet on January 2, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of the Application was posted on January 6, 2022 as set forth in LMO Section 16-2-102.E.2.
- Notice of Application was mailed on January 4, 2022 as set forth in LMO Section 16-2-102.E.2.
- The Board has authority to render the decision reached here under LMO Section 16-2-102.G.

**Conclusions of Law:**

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

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

**Summary of Facts and Conclusions of Law:**

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

**Findings of Fact:**

- The subject property is currently developed with an existing Terminal building built at 39'2" which is 4'2" taller than the maximum allowable height in the IL zoning district when measured from the pre-development grade of 18' and 46'3" when measured from 11' as required by recently adopted changes to the LMO.
- The airport is requesting a variance to allow the expansion of the terminal building to be 11'3" higher than the maximum allowable height.
- The changes to the measurement of height, as adopted in March 2021 with the associated amendments to the Flood Damage Controls ordinance, have created an artificial baseline for measuring height.
- This artificial baseline penalizes sites whose pre-development grade is above this baseline.
- The height of the existing terminal structure is nonconforming.
- The overall height of the entire structure will not change.
- Additional demolition and construction impacts will occur if the new expansion cannot tie into the structural frame.

**Conclusion 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 nearest adjacent structures are approximately 125’ to the northeast and 175’ from the southwest from the proposed Terminal expansion that are within or adjacent to the approach path for the Airport Overlay District.
- The County has acquired some of the adjacent lots located along Hunter Road to eliminate conflicts within the required FAA Object Free Area (OFA), and to accommodate the terminal expansion.

**Conclusion of Law:**

- 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.

**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 193.93-acre property, located in the IL zoning district consists of facilities and infrastructure necessary to support a small commercial airport.
- The height of the existing terminal building is nonconforming.
- The proposed expansion will not be any taller than the height of the existing structure.
- The inability of the current structure to align with and tie into the existing structural frame cause additional demolition and construction impacts.

**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:**

- Staff has received no letters of opposition to this variance request at the time this Staff Report was completed.
- The variance would provide an opportunity for a needed expansion that utilizes the existing structural frame to align the existing structure with the expansion.
- The property, at almost 200 acres is keeping in character with the surrounding uses and zoning district.
- Staff received a letter, along with an exhibit, from the Airport Director (see Attachment F) stating that the proposed height is not in conflict with FAA regulations.

**Conclusion 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.

**LMO Official Determination:**

**Based on the above Findings of Facts and Conclusions of Law, the LMO Official determines that the request for a variance should be approved.**

**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:**

TL

Teri Lewis, AICP, *Deputy Community  
Development Director*

January 17, 2022

DATE

**REVIEWED BY:**

ND

Nicole Dixon, AICP, CFM,  
*Development Review Administrator*

January 18, 2022

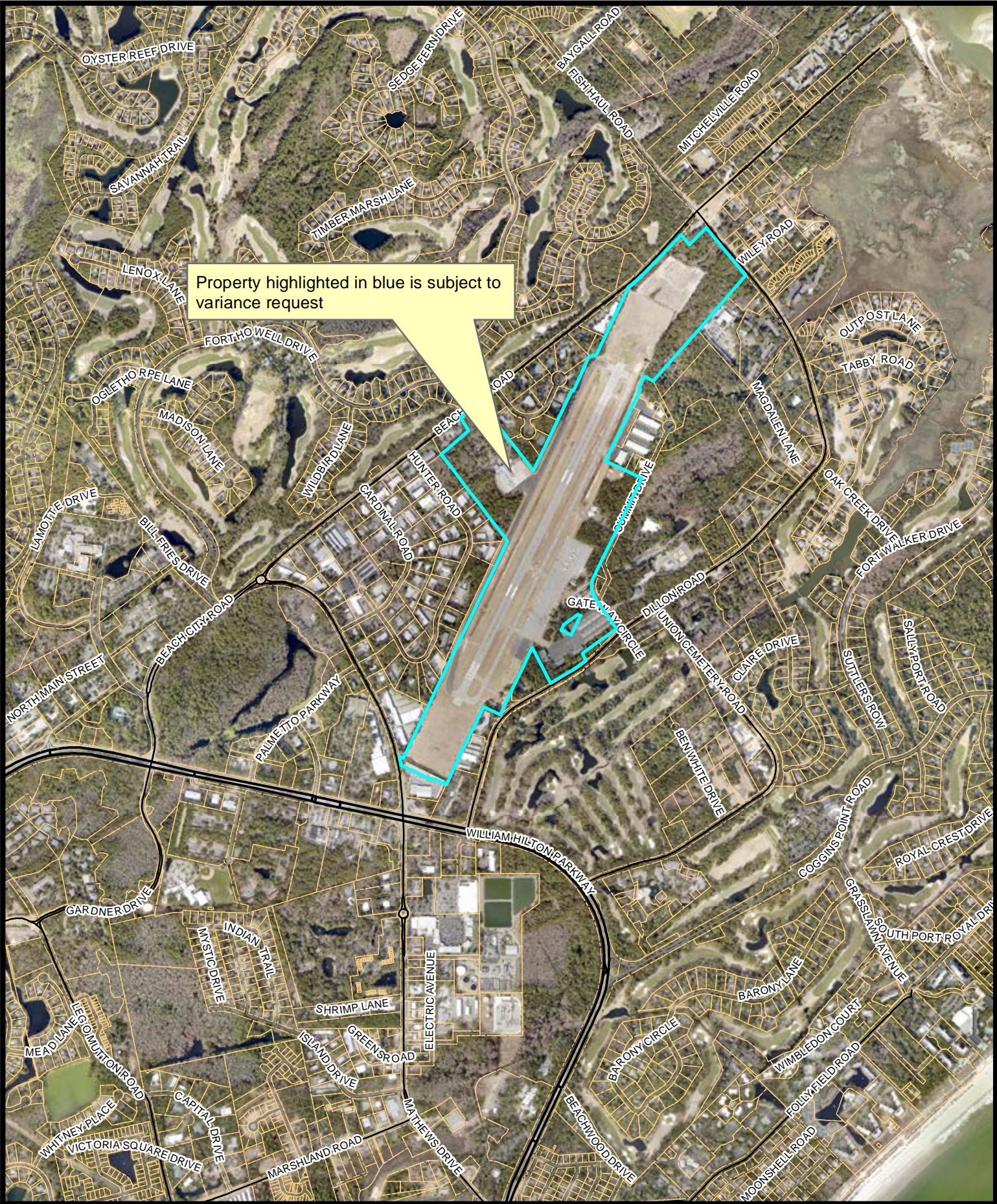
DATE

**ATTACHMENTS:**

- A) Vicinity Map
- B) Applicant's Narrative
- C) As Built Survey
- D) Proposed Site Plan
- E) Proposed Elevations
- F) Letter and Exhibit from Airport Director



Property highlighted in blue is subject to variance request



Town of Hilton Head Island  
VAR-2850-2021  
Attachment A - Vicinity Map







## THE WILSON GROUP

### VARIANCE (VAR) SUBMITTAL REQUEST - Town of Hilton Head Island Board of Zoning Appeals

#### Hilton Head Island Terminal Improvements

Owner: Beaufort County, SC  
 Architect: The Wilson Group Architects  
 Date: December 22, 2021

#### Narrative

Applicant requests a variance to LMO Section 16-3-105.(E), under which a maximum height of 35' is imposed for all buildings zoned IL Light Industrial.

Please see the following responses to the criteria of LMO Section 16-2-103.S.4.a Variance Review Standards:

**01.** *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

**Applicant Response:** The overall building height of the existing Airport Terminal is non-conforming with current height standards (measuring 39'-2" from finished floor, it already exceeds LMO requirements by 4'-2"). The proposed renovation and expansion in this project seeks to minimize impact to the existing Terminal to maintain Airport operations throughout the construction process. In an effort to reduce the amount of demolition required and thus mitigate overall construction impact, the new expansion has been designed to align with and tie into the existing structural frame. The existing building height will be matched, and not exceeded, by the proposed expansion.

**02.** *These conditions do not generally apply to other properties in the vicinity;*

**Applicant Response:** The closest adjacent structures include proximities of approximately 125' to the northeast and 175' from the southwest from the proposed Terminal expansion that are within or adjacent to the approach path of the Airport overlay district. The conditions of the proposed project are unique to the Airport and do not apply to adjacent structures.

**03.** *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;*

**Applicant Response:** In order to fall within the 35' overall height, significant portions of the existing Terminal would need to be demolished, which would negatively affect Airport operations during the construction phasing. As Part of the Airport Overlay District (A-O), this project also pertains to LMO Section 16-3-106. Per LMO Section 16-3-106.E.5.a Regulations Not Retroactive:

*The regulations prescribed in this section shall not be construed to require the removal, lowering, or other change or alteration of any existing **structure** not conforming to the regulations as of July 21,*



## ATTACHMENT B

Variance Submittal Request – Height – Hilton Head Island Airport Terminal Improvements  
December 21, 2021

*1998, or otherwise interfere with the continuance of a **nonconforming use**. Nothing contained herein shall require any change in the **construction**, alteration, or intended **use** of any **structure**, the lawful **construction** or alteration of which was begun prior to July 21, 1998, and is diligently pursued.*

Per these guidelines, we understand that the existing non-conforming height of the Airport Terminal is not required to be lowered. The scope of the proposed project is to provide an expansion and renovation of the existing Terminal without adding additional height to the overall structure.

***04.** 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.*

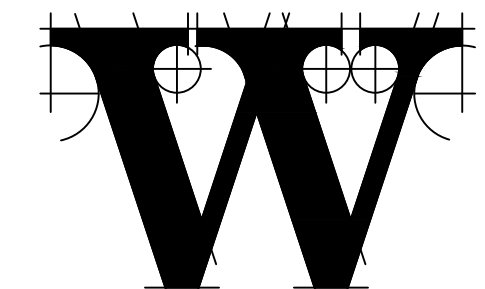
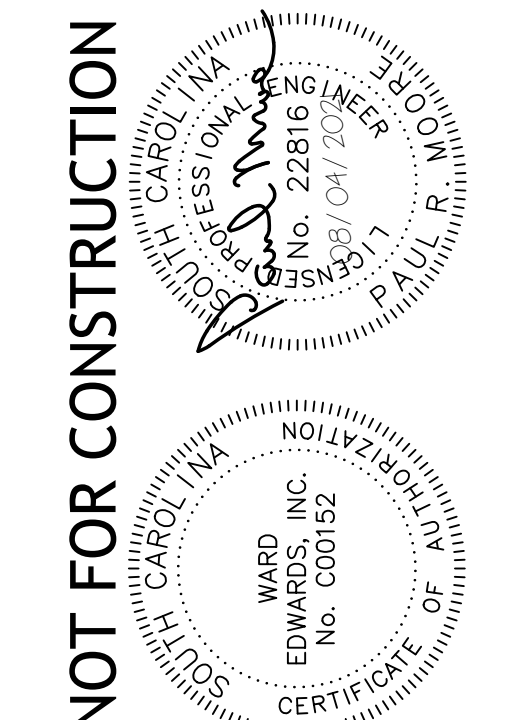
**Applicant Response:** No additional building height will be added to the existing structure which would otherwise incur further deviation from zoning ordinances.





### Hilton Head Island Airport Terminal Improvements

120 Beach City Rd  
Hilton Head Island, SC 29926



**THE WILSON GROUP**  
- ARCHITECTS -

PO Box 5510 Charlotte, NC 28299  
704-331-9747 • www.twgarchitects.com

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**TALBERT, BRIGHT & ELLINGTON**

LANDSCAPE ARCHITECT  
**J.K. TILLER ASSOC., INC.**

STRUCTURAL ENGINEER  
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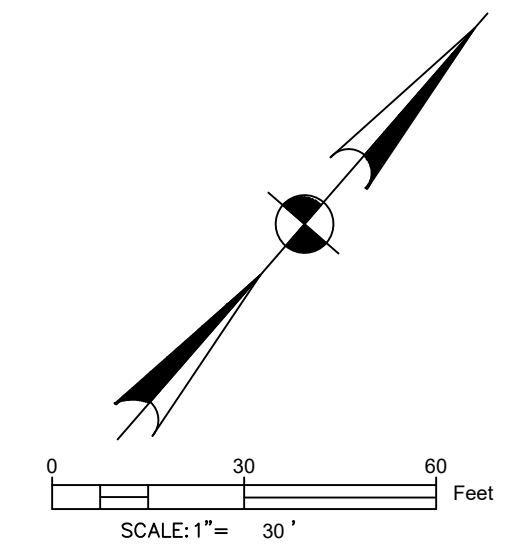
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#### REVISIONS

DATE 11/11/2020  
PROJECT NUMBER 9221-000  
SHEET TITLE

**EXISTING CONDITIONS PLAN**

SHEET NUMBER  
**C101**



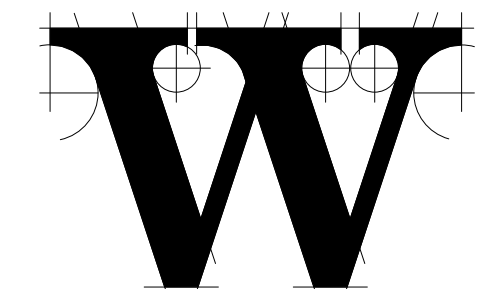




# Hilton Head Island Airport Terminal Improvements

120 Beach City Rd  
Hilton Head Island, SC 29926

90% PROGRESS SET  
NOT FOR CONSTRUCTION



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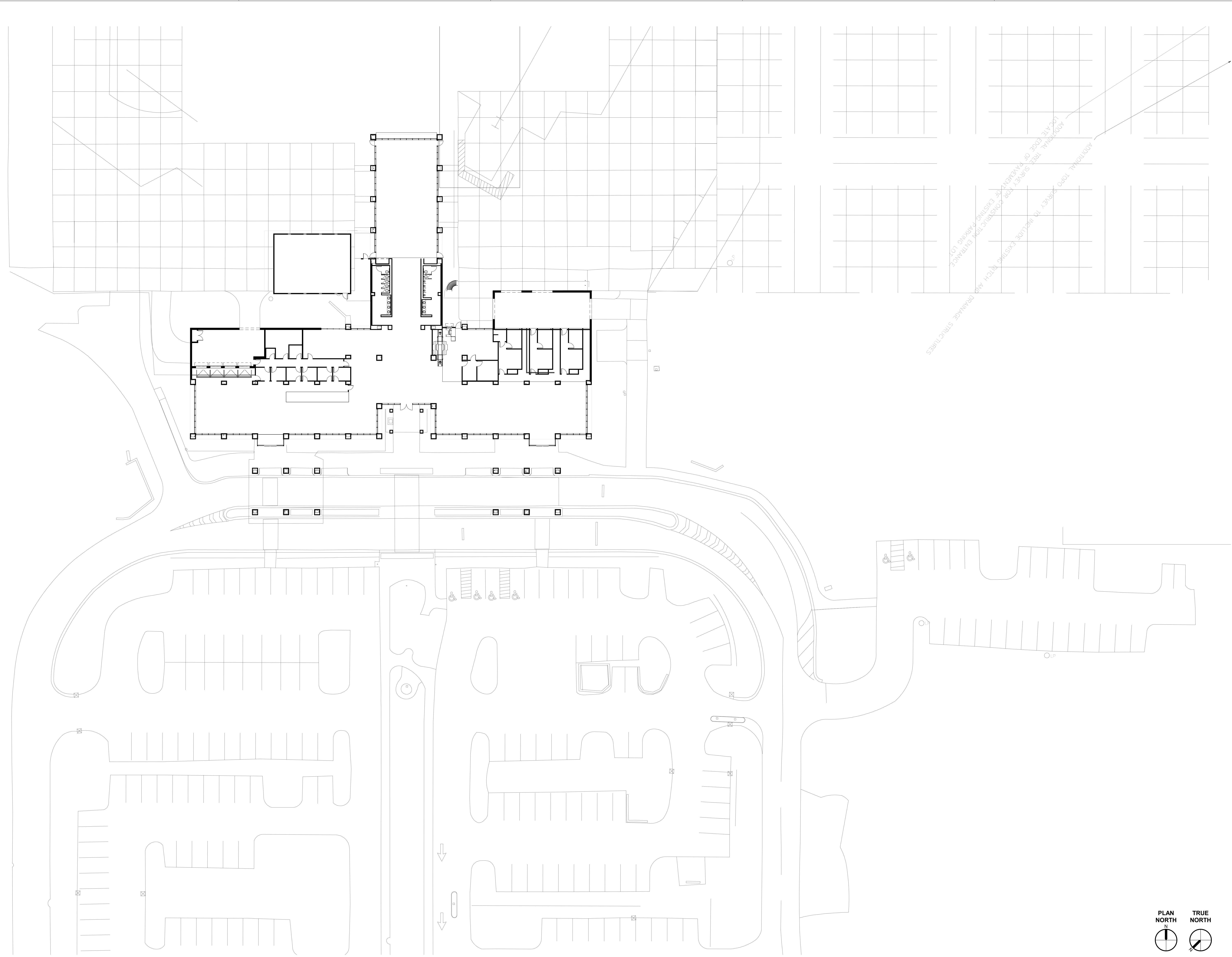
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DATE 1/12/2022  
PROJECT NUMBER 9221-000  
SHEET TITLE

## OVERALL EXISTING FLOOR PLAN

SHEET NUMBER  
**X-001**



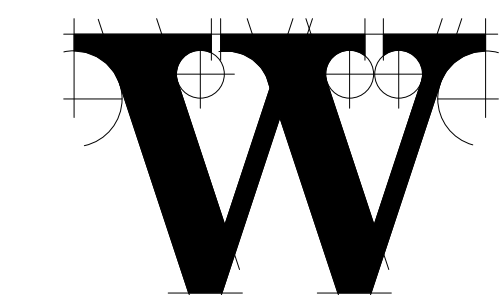
**1** EXISTING FIRST LEVEL FLOOR PLAN  
1" = 20'-0"



### Hilton Head Island Airport Terminal Improvements

120 Beach City Rd  
Hilton Head Island, SC 29926

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DATE 1/12/2022

PROJECT NUMBER 9221-000

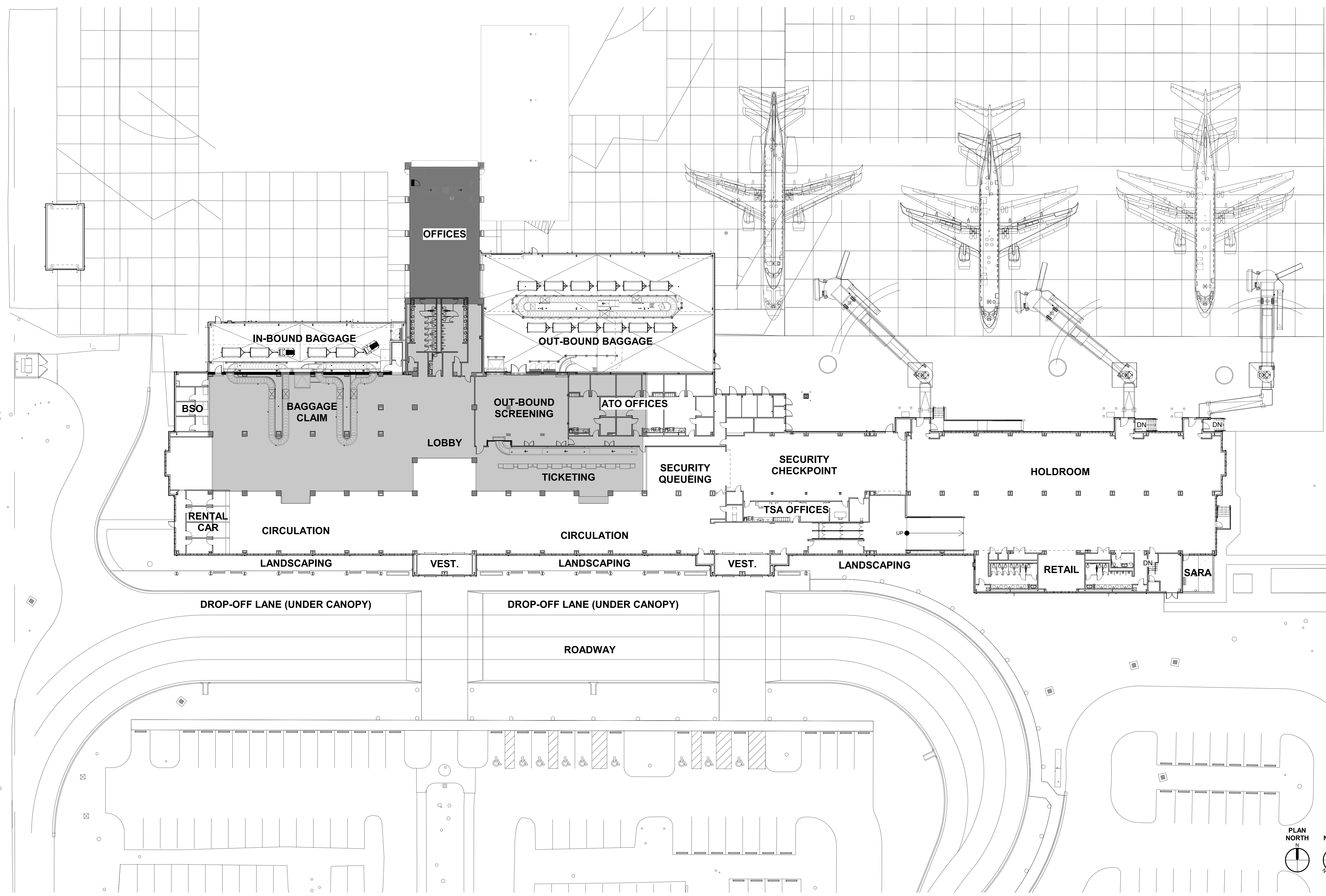
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**FIRST LEVEL OVERALL FLOOR PLAN**

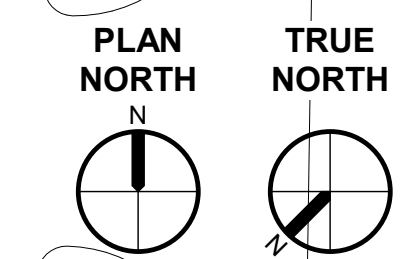
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**A-001**

AREA LEGEND	
	EXISTING ENCLOSED AREA
	RENOVATED ENCLOSED AREA
	NEW ENCLOSED AREA



**1** FIRST LEVEL FLOOR PLAN  
1" = 20'-0"



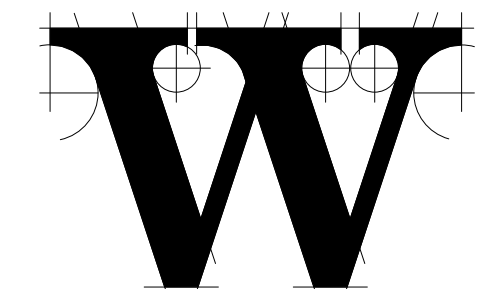




# Hilton Head Island Airport Terminal Improvements

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Hilton Head Island, SC 29926

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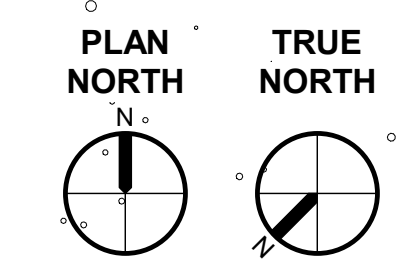
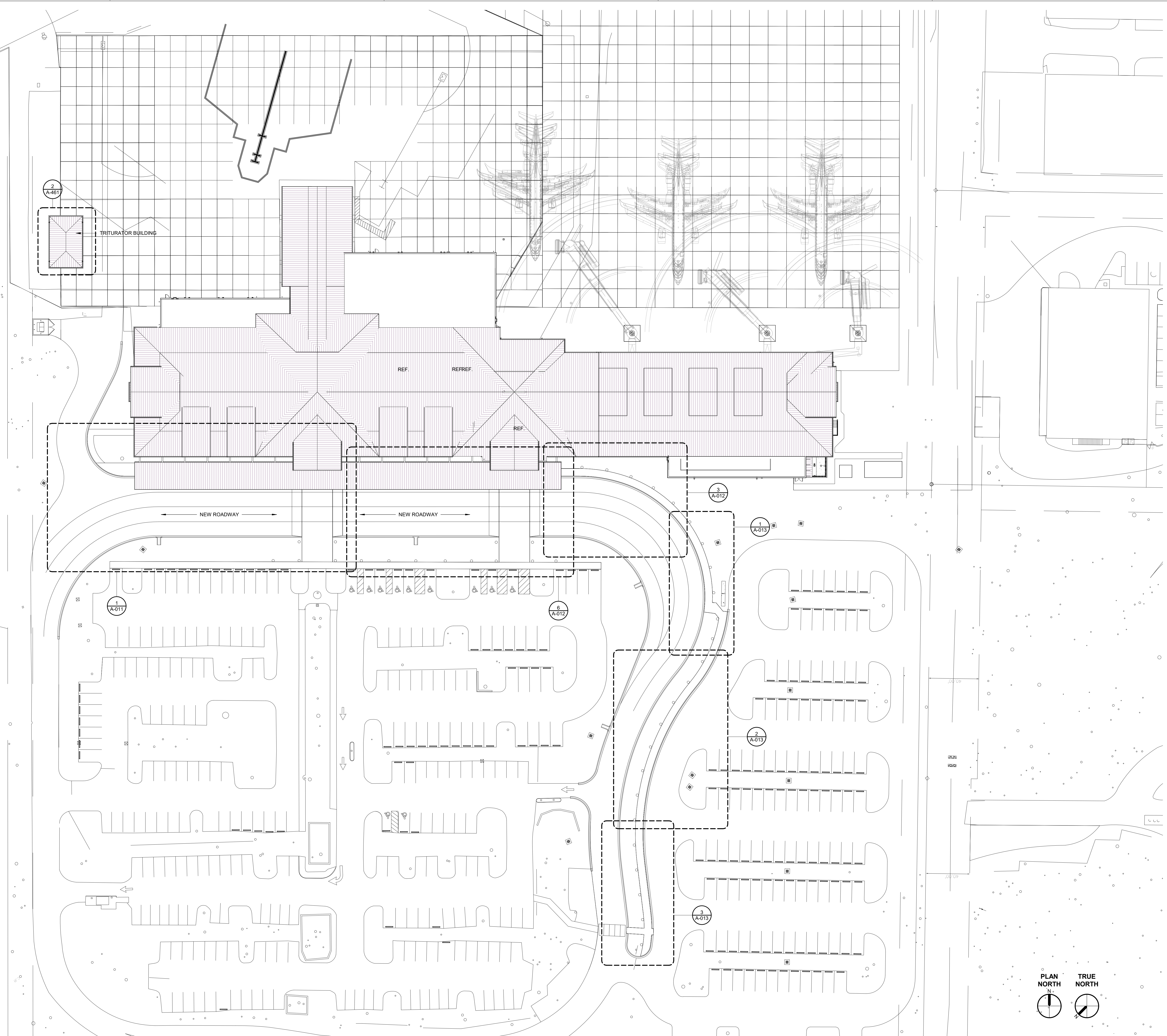
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DATE 12/22/2021  
PROJECT NUMBER 9221-000  
SHEET TITLE

**ARCHITECTURAL SITE PLAN**

SHEET NUMBER

**A-010**



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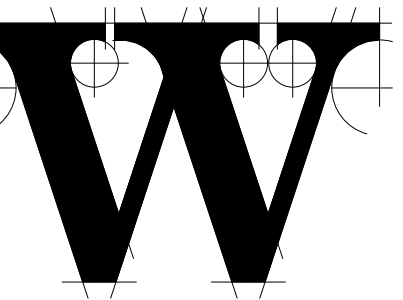




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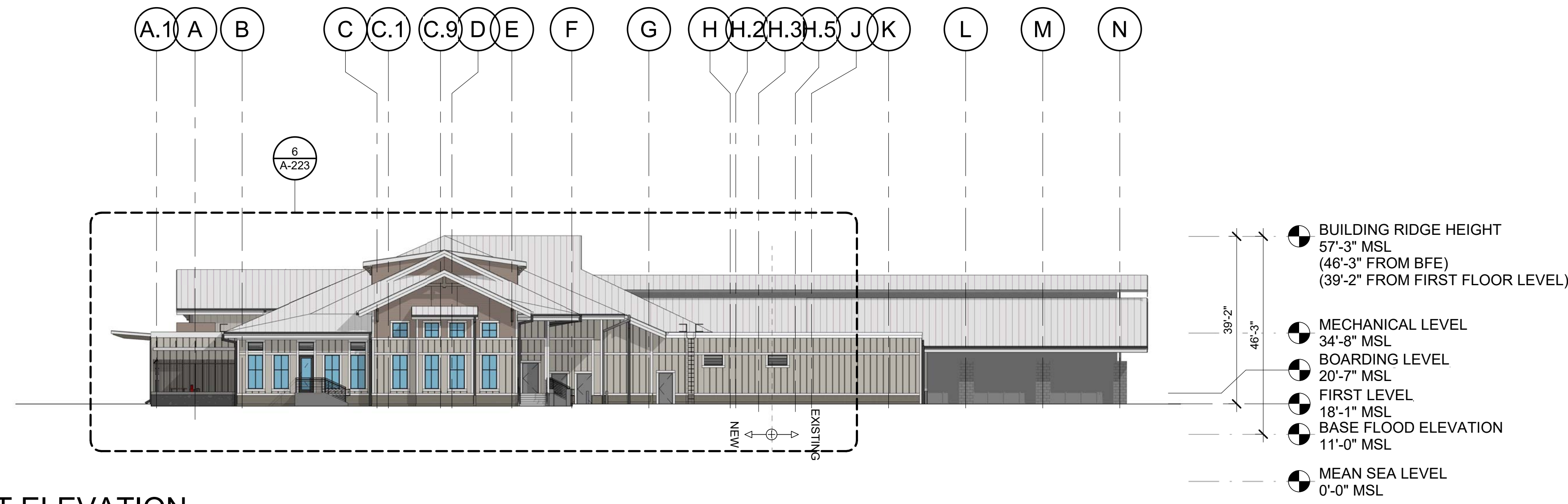
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EXTERIOR ELEVATIONS

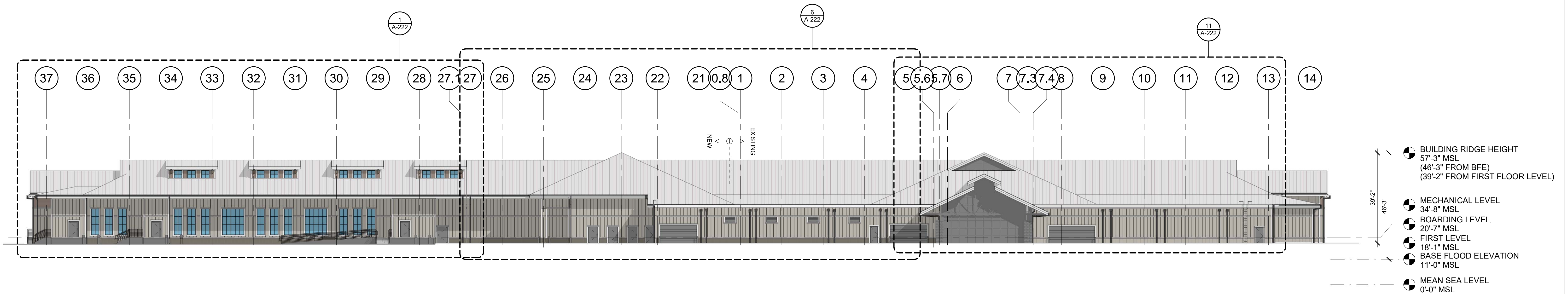
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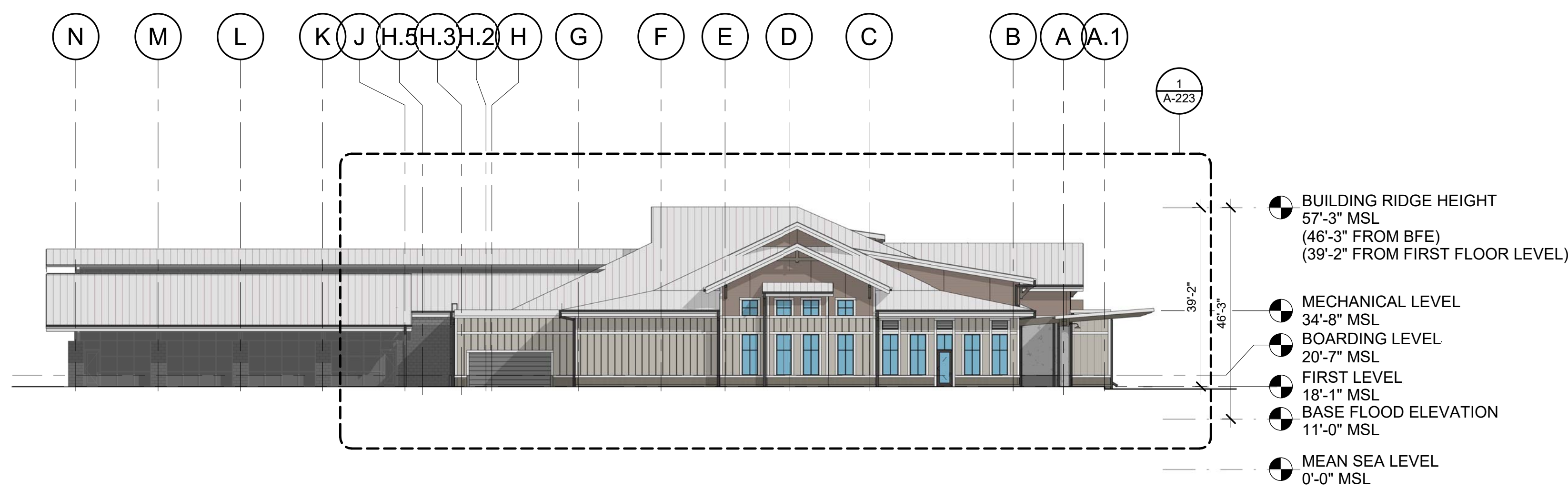
ELEVATION LEGEND	
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	FC-1A
	FC-2
*SEE FINISH LEGEND FOR MORE INFORMATION	



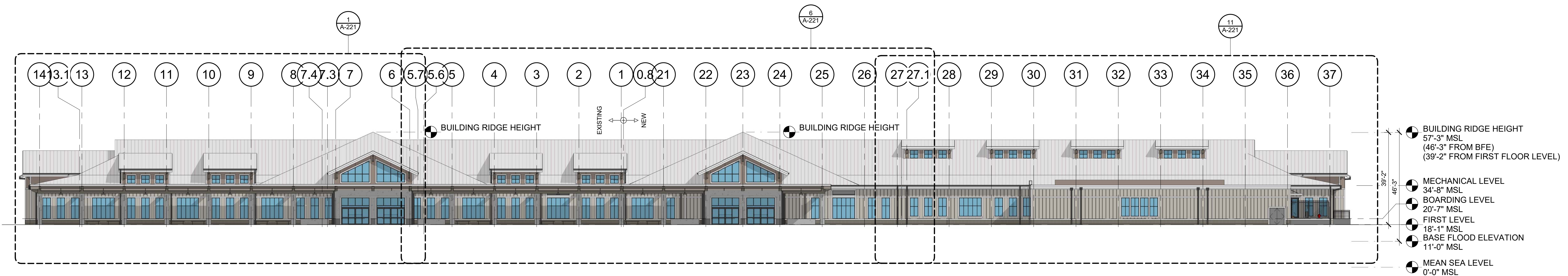
16 PLAN EAST ELEVATION  
1" = 20'-0"



11 PLAN NORTH (AIRSIDE) ELEVATION  
1" = 20'-0"



6 PLAN WEST ELEVATION  
1" = 20'-0"



1 PLAN SOUTH (LANDSIDE) ELEVATION  
1" = 20'-0"



# ATTACHMENT F



County Council of Beaufort County  
Hilton Head Island Airport  
120 Beach City Road  
Hilton Head Island, South Carolina 29926  
Phone: (843) 255-2952 Fax: (843) 255-9424  
[www.hiltonheadairport.com](http://www.hiltonheadairport.com)



January 18, 2022

Teri Lewis  
Town of Hilton Head Island  
1 Town Center Court  
Hilton Head Island, SC 29928

Dear Teri:

This letter is in response to your email of January 17, 2022 wherein you requested information related to the proposed terminal building's height as it relates to the various regulations that pertain to aircraft navigational safety.

The Federal Aviation Administration (FAA) requires airports to "maintain" safety "surfaces" in order to best ensure aircraft navigational safety. These surfaces are defined in CFR Part 77 and the specific one that applies to this situation (roof height) is the transitional surface. That is the surface that must remain clear of vertical obstructions and starts at the edge of the primary surface and extends perpendicular from the runway at a 7:1 slope. I've attached an exhibit that shows the most important points on the proposed building as they relate to the Part 77 transitional surface. Each callout box lists two elevations. "PR ROOF ELEV" refers to the spot elevation at that specific point of the building. "PART 77 ELEV" refers to the maximum elevation allowable before creating an obstruction to that protected surface. As you will note, each of the proposed building height points is below the Part 77 limit, which maintains that surface as clear.

There are no instances of a Part 77 obstruction in the proposed building heights. Since the Town's regulations are based on the FAA's Part 77 guidance, neither are there violations of Town regulations.

Please contact me if I can be of further assistance. I can be reached at [jrembold@bcgov.net](mailto:jrembold@bcgov.net) or 843-441-5871

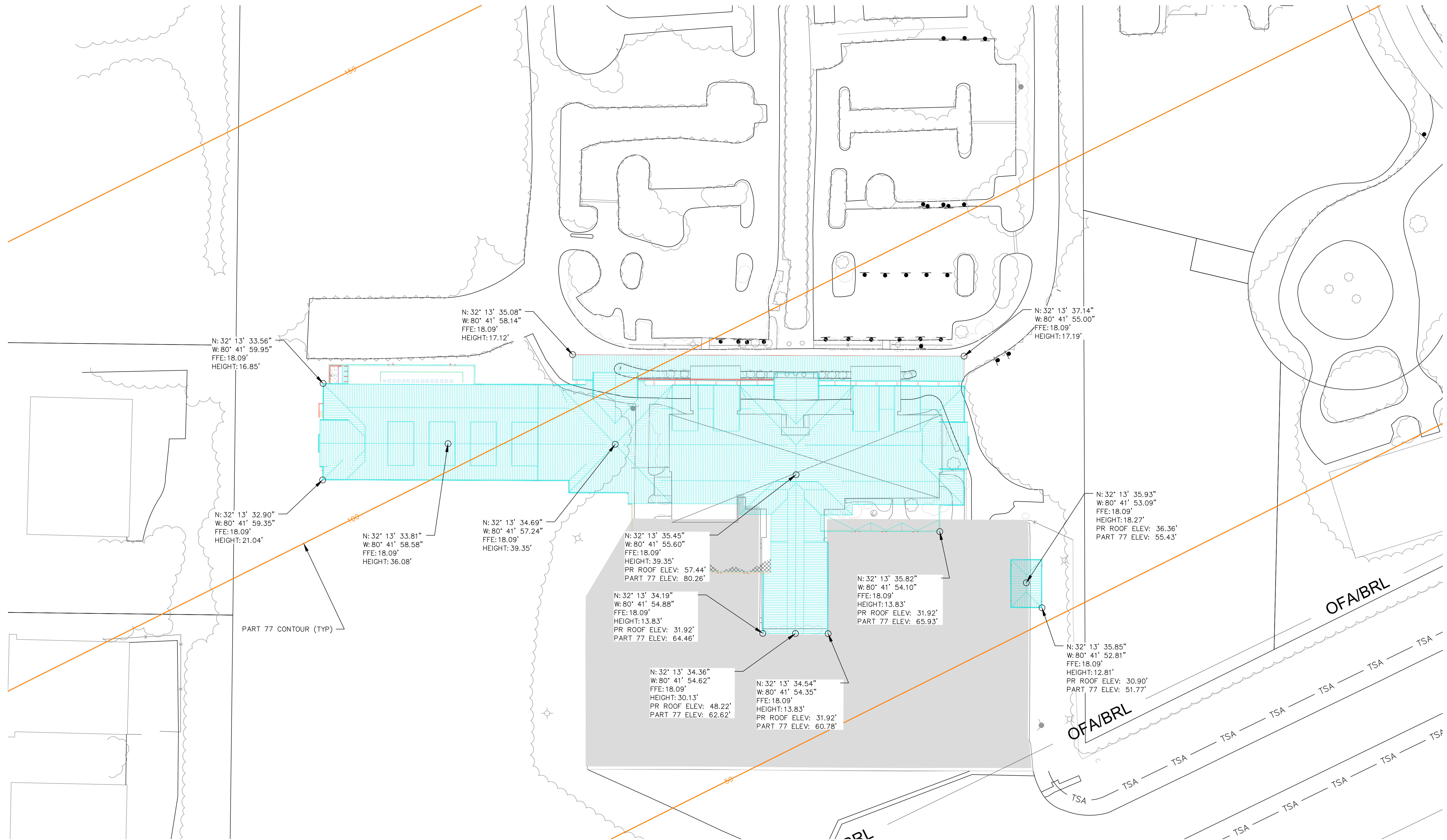
Kindest regards,

Jon Rembold C.M.  
Airports Director

Encl: 7460 Exhibit

CC: File





N: 32' 13" 33.56"  
W: 80' 41" 59.95"  
FFE: 18.09'  
HEIGHT: 16.85'

N: 32' 13' 35.08"  
W: 80' 41' 58.14"  
FFE: 18.09'  
HEIGHT: 17.12'

N: 32' 13' 37.14"  
W: 80' 41' 55.00"  
FFE: 18.09'  
HEIGHT: 17.19'

N: 32' 13' 32.90"  
W: 80' 41' 59.35"  
FFE: 18.09'  
HEIGHT: 21.04'

N: 32' 13' 33.81"  
W: 80' 41' 58.58"  
FFE: 18.09'  
HEIGHT: 36.08'

N: 32' 13' 34.69"  
W: 80' 41' 57.24"  
FFE: 18.09'  
HEIGHT: 39.35'

N: 32' 13' 35.45"  
W: 80' 41' 55.60"  
FFE: 18.09'  
HEIGHT: 39.35'  
PR ROOF ELEV: 57.44'  
PART 77 ELEV: 80.26'

N: 32' 13' 34.19"  
W: 80' 41' 54.88"  
FFE: 18.09'  
HEIGHT: 13.83'  
PR ROOF ELEV: 31.92'  
PART 77 ELEV: 64.46'

N: 32' 13' 34.36"  
W: 80' 41' 54.62"  
FFE: 18.09'  
HEIGHT: 30.13'  
PR ROOF ELEV: 48.22'  
PART 77 ELEV: 62.62'

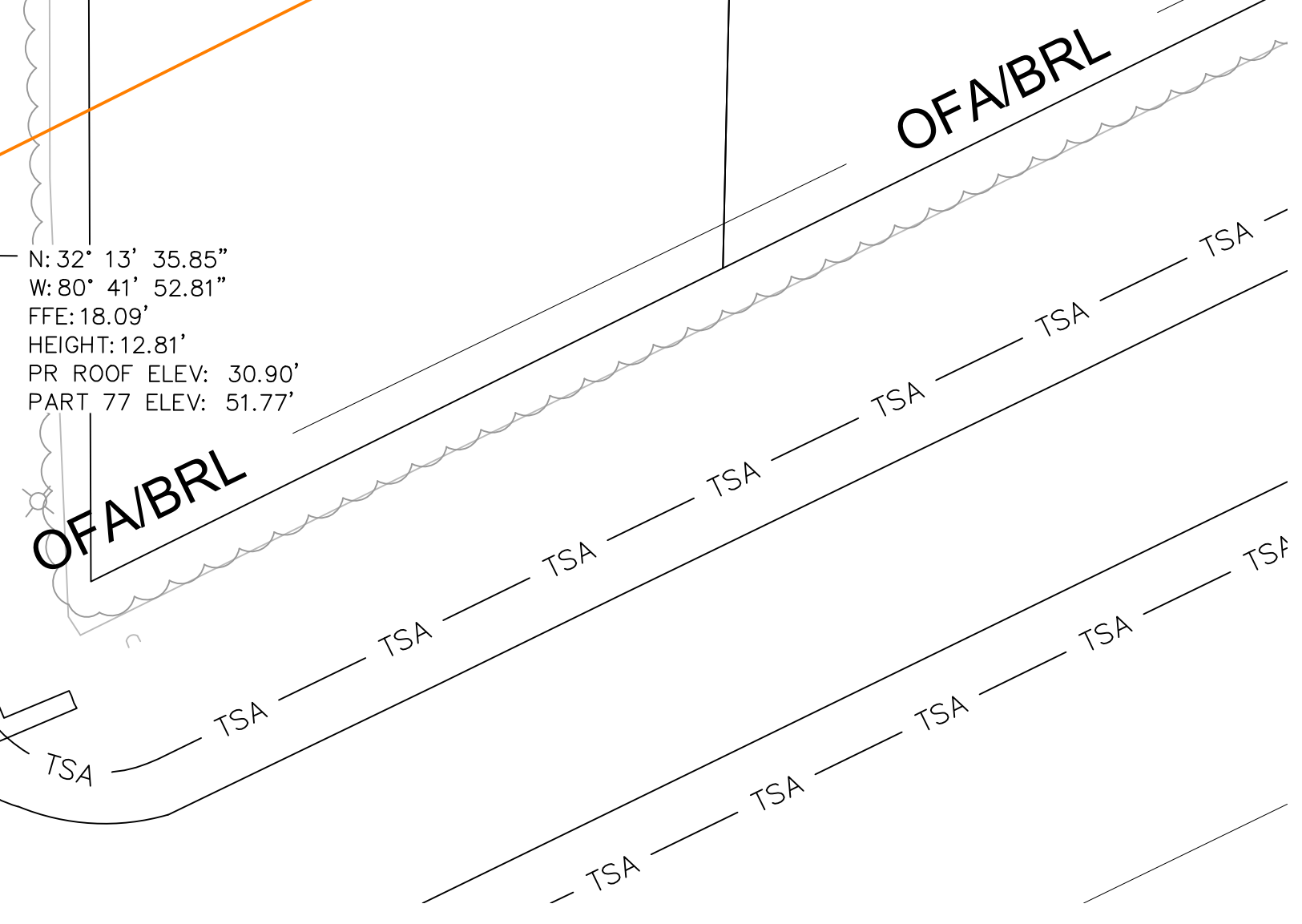
N: 32' 13' 34.54"  
W: 80' 41' 54.35"  
FFE: 18.09'  
HEIGHT: 13.83'  
PR ROOF ELEV: 31.92'  
PART 77 ELEV: 60.78'

N: 32' 13' 35.82"  
W: 80' 41' 54.10"  
FFE: 18.09'  
HEIGHT: 13.83'  
PR ROOF ELEV: 31.92'  
PART 77 ELEV: 65.93'

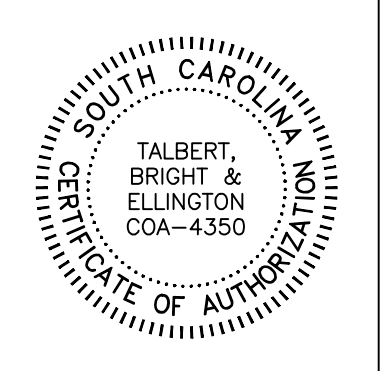
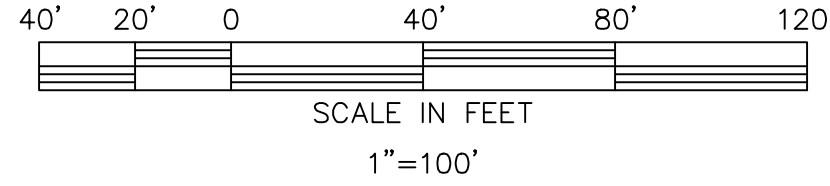
N: 32' 13' 35.93"  
W: 80' 41' 53.09"  
FFE: 18.09'  
HEIGHT: 18.27'  
PR ROOF ELEV: 36.36'  
PART 77 ELEV: 55.43'

N: 32' 13' 35.85"  
W: 80' 41' 52.81"  
FFE: 18.09'  
HEIGHT: 12.81'  
PR ROOF ELEV: 30.90'  
PART 77 ELEV: 51.77'

PART 77 CONTOUR (TYP)



LEGEND	
—	RUNWAY SAFETY AREA
—	TAXIWAY SAFETY AREA
---	AIRPORT PROPERTY LINE
—	TREES
—	SHRUBS



**PRELIMINARY**  
**NOT RELEASED**  
**FOR CONSTRUCTION**

**TALBERT, BRIGHT & ELLINGTON**  
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SC COA 4350  
www.talbertandbright.com

REVISIONS	DATE
1	
2	
3	
4	
5	

DESIGNED BY: PET
PROJECT ENG.: JAS
PROJECT NO.: 2119-1905
DRAWN BY: BBV
CHECKED BY: JAS
DATE ISSUED: NOV. 2021

**HILTON HEAD ISLAND AIRPORT**  
*"Fly to the Fun"*

**7460 EXHIBIT (SHEET 2 OF 2)**  
**TERMINAL IMPROVEMENTS**  
SCALE: 1"=40'  
FILE NAME: 7460 Exhibit



## TOWN OF HILTON HEAD ISLAND

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### *Board of Zoning Appeals Memo*

**TO:** Board of Zoning Appeals  
**FROM:** Missy Luick, Senior Planner  
**DATE:** January 14, 2022  
**SUBJECT:** Waiver Report

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The BZA requested that staff keep them informed of substitutions of nonconformities for redevelopment that are granted by staff. A memo is distributed every month at the regular BZA meeting and is discussed under staff reports on the agenda.

The following language is contained in Section 16-7-101.F, Substitutions of Nonconformities for Redevelopment, which gives the Administrator the power to grant such substitutions for existing nonconforming structures and site features.

LMO Section 16-7-101.F:

“To provide flexibility and encourage redevelopment of sites with nonconforming features or structures, the Official is authorized to approve a Development Plan for such sites if the proposed development:

1. Will not include any new development that increases the amount of encroachment into any required buffer or setback;
2. Will not increase the impervious cover on the site over the maximum allowed for the district or the existing impervious cover, whichever is greater;
3. Will not result in a density in excess of what is allowed under this Ordinance, or the existing density, whichever is greater;
4. Will lessen the extent of existing nonconforming site features to the greatest extent possible;
5. Will not have an adverse impact on the public health, safety or welfare; and
6. Will lessen the extent of nonconformities related to any existing nonconforming structure on the site to the greatest extent possible.

One waiver has been granted by staff since the November 22, 2021 BZA meeting.

- 1 WAIV-000932-2020 – 45 Beach City Road, St. Francis By the Sea**—A substitution of Nonconformities waiver request was submitted for a proposed parking lot renovation at St. Francis By the Sea in conjunction with a Development Plan Review (DPR-000813-2020). The site contains nonconforming site features including development within the adjacent street buffer, lack of wheel stops and irregular parking stall sizes. The applicant agreed to bring the site more into conformance with the LMO by reducing the impervious cover, lessening the extent of encroachment into the buffer, adding wheel stops, providing better stormwater management and adding additional landscaping throughout the site and along the Beach City Road buffer; therefore, the waiver was approved.