

**Order on Variance Application
Board of Zoning Appeals
Town of Bluffton, SC**



Date Application Filed: November 18, 2024 Property Owner(s): Trevor Wells
Permit No.: ZONE-12-24-019470 Applicant(s): Jason Broene

The Town of Bluffton Board of Zoning Appeals held a public hearing on January 7, 2025 to consider a variance from the strict application of the zoning provisions as set forth in the Unified Development Ordinance for the following:

A variance request by Jason Broene of Court Atkins Architects, Inc., on behalf of the property owner Trevor Wells, for property located at 1181 May River Road, R610 039 000 097A 0000, requesting a variance from Town of Bluffton Unified Development Ordinance (UDO) Section 5.3.7.B.2.b to allow a 35-foot encroachment into the 50-foot Highway Corridor Overlay District vegetative buffer along SC HWY 46 (May River Road).

After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions for

1. The Board concludes that there are there are not extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

The subject property contains an existing metal building. The required 50-foot buffer is applied, along with the required walkways, rear setbacks, and sidewalks, renders the property unsuitable for commercial development consistent with the May River Road Corridor and current zoning regulations.

2. The Board concludes that these conditions do do not generally apply to other property in the vicinity, particularly those in the same zoning district based on the following findings of fact:

While the 50-foot buffer requirement is applicable to subject property within the Highway Corridor Overlay District, neighboring properties have different conditions. Properties to the east are located within the Old Town Bluffton Historic District, which permits a 10-foot setback. Further, the properties to the west received a variance for a 14-foot setback/buffer. The properties south of May River Road within Stock Farm are encouraged to locate buildings closer to the street with minimal setbacks, aligning with the proposed variance.

3. The Board concludes that because of these conditions, the application of the Ordinance to the particular piece of property would not would effectively prohibit or unreasonably restrict the utilization of the property in a manner consistent with others in the zoning district based on the following findings of fact:

The 50-foot buffer requirement limits the maximum building depth to approximately 30 feet. This constraint would unreasonably restrict the property's commercial usage in a manner that is not consistent with similar properties in the zoning district.

4. The Board concludes that the need for the variance is is not the result of the Applicant's own actions based on the following findings of fact:

The subject lot was established prior to the creation of the Highway Corridor Overlay District. Due to the lot depth, the buildable area with the required buffer is substantially restricted compared to other lots in the same zoning district within the Highway Corridor Overlay District.

5. The Board concludes that the authorization of a variance does does not substantially conflict with the Comprehensive Plan and the purposes of this Ordinance based on the following findings of fact:

The approval of the requested variance aligns with the Comprehensive Plan, Blueprint Bluffton, and the purposes of the Unified Development Ordinance. Per the Town of Bluffton, the Neighborhood Core District is "intended to provide a compact, commercial environment with a mix of complementary and supporting services," and characterized by "moderate-intensity, mixed use development," (UDO Section 4.1, 4.2.5)

6. The Board concludes that the authorization of a variance will will not result in a substantial detriment to adjacent property or the public good, and the character of the District will not be harmed by the granting of the variance based on the following findings of fact:

The approval of the requested variance would not result in substantial detriment to adjacent property owners or the public good. The proposed structures will be reviewed by the Planning Commission through the Certificate of Appropriateness – Highway Corridor Overlay District process to ensure compliance with the district's standards, including architecture, lighting, and landscaping.

7. The Board concludes that the reason for the variance is is not for the convenience or to allow the property to be utilized more profitably based on the following findings of fact:

The variance request proposes consistency along May River Road by reducing the buffer in a manner consistent with surrounding properties near the Old Town Historic District.

The Board, therefore, orders that the variance is:

Denied

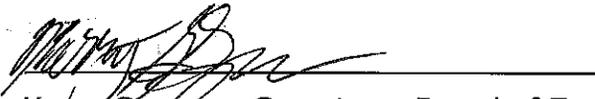
Granted

Approved by the Board by unanimous Vote (4-0).

Date Issued: January 7, 2025



Lawrence Garrison, Chairperson, Board of Zoning Appeals



Kerry Guzman, Secretary, Board of Zoning Appeals

Date mailed to parties in interest: January 28, 2025

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.