



Walter J. Nester, III
wnester@burr.com

Buckwalter Place
1 Carecore Drive
Suite 202
Bluffton, SC 29910

Mailing Address
Post Office Box 127
Bluffton, SC 29910

Office (843) 785-2171
Fax (843) 686-5991

BURR.COM

April 10, 2026

VIA EMAIL
VIA HAND DELIVERY

Kevin P. Icard, AICP
Director of Growth Management
Town of Bluffton
20 Bridge Street
Bluffton, SC 29910

Re: Variance Application - 110 Seagrass Station
Our File Number: 0054272.0000002

Dear Kevin:

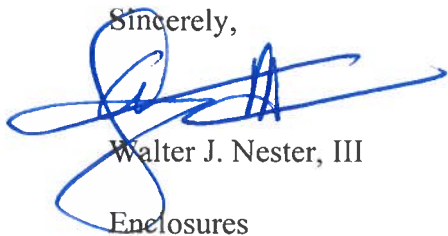
On behalf of our client, please find enclosed the following for processing:

1. Variance Application;
2. Narrative; and
3. Check in the amount of \$500.00 for the Application Review Fee.

In addition, I have sent a digital file of the application to your e-mail.

If you need additional information or have any questions, please do not hesitate to contact me.

Sincerely,

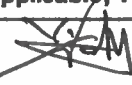


Walter J. Nester, III

Enclosures

**TOWN OF BLUFFTON
VARIANCE APPLICATION**

Growth Management Customer Service Center
20 Bridge Street
Bluffton, SC 29910
(843)706-4500
www.townofbluffton.sc.gov
applicationfeedback@townofbluffton.com

Applicant		Property Owner	
Name: Bluffton Shiv Shiva, LLC		Name: Bluffton Shiv Shiva, LLC	
Phone: 804 625 9072		Phone: 804 625 9072	
Mailing Address: 2 Clayton Court, Bluffton, SC 29910		Mailing Address: 2 Clayton Court, Bluffton, SC 29910	
E-mail: dhruvilpatel1122@gmail.com		E-mail: dhruvilpatel1122@gmail.com	
Town Business License # (If applicable):			
Project Information			
Project Name: Seagrass Station C-store and gas station		Project Location: 110 Seagrass Station	
Zoning District: PUD - Mixed Use		Acreage: 1.50	
Tax Map Number(s): R610 021 000 0652 0000			
Project Description: Gas station and convenience store to be constructed on property that fronts Highway 170 and lies within the Highway Overlay District..			
Request: Seeking a variance for the building to be constructed perpendicular to Highway 170 rather than parallel to Highway 170 as required by the Highway Corridor Overlay District so that the Project is able to comply with the Covenants of the PUD.			
Minimum Requirements for Submittal			
☐ 1. Mandatory Application Check-In Meeting scheduled.			
☐ 2. Digital files of applicable plans and/or documents depicting the subject property.			
☐ 3. Recorded deed and plat showing proof of property ownership.			
☐ 4. Project Narrative describing reason for application and compliance with the criteria in Article 3 of the UDO.			
☐ 5. An Application Review Fee as determined by the Town of Bluffton Master Fee Schedule. Checks made payable to the Town of Bluffton.			
Note: A Pre-Application Meeting is required prior to Application submittal.			
Disclaimer: The Town of Bluffton assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this application.			
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property. As applicable, I authorize the subject property to be posted and inspected.			
Property Owner Signature: 		Date: 4/2/2026	
Applicant Signature: 		Date: 4/2/2026	
For Office Use			
Application Number:		Date Received:	
Received By:		Date Approved:	

STATE OF SOUTH CAROLINA)
)
)
)
COUNTY OF BEAUFORT) BEFORE THE BOARD OF ZONING
) APPEALS
) OF
) THE TOWN OF BLUFFTON, SOUTH CAROLINA

NARRATIVE
TO
APPLICATION SEEKING A VARIANCE REGARDING BUILDING
ORIENTATION

BY
BLUFFTON SHIV SHIVA, LLC

This Narrative is submitted with and is incorporated in and comprises a part of the Variance Application of Bluffton Shiv Shiva, LLC, a South Carolina limited liability company (the “**Applicant**”). This Narrative is submitted to the Board of Zoning Appeals of the Town of Bluffton, South Carolina (the “**Town**”) in support of Applicant’s Variance request for relief from the building orientation requirements of the Highway Corridor Overlay (“**HCO**”) for the proposed construction of a gas station and convenience store under the Town’s Unified Development Ordinance (“**UDO**”).

1. INTRODUCTION

A. PURPOSE

This Application is submitted to the Board of Zoning Appeals of the Town of Bluffton in accordance with Section 3.7.3 of the Unified Development Ordinance to seek a variance for the orientation of a proposed gas station as described herein.

B. PROPERTY DESCRIPTION

Bluffton Shiv Shiva, LLC is the owner (the “**Owner**”) of an approximate 1.50-acre parcel of real property (the “**Property**”) identified by Beaufort County Tax Map Number R610 021 000 0652 0000 located in Seagrass Station, Planned Unit Development (the “**Seagrass Station**”).¹ The address for the Property is 110 Seagrass Station, Bluffton, South Carolina 29910 and it is more specifically shown and described as Lot 1 on that certain plat of survey entitled A Boundary Survey

¹ Attached hereto as Exhibit “A” and made a part hereof.

and Proposed Division of Commercial Parcel A, A Portion of Seagrass, Verdier Plantation, Town of Bluffton, Beaufort County, South Carolina, dated December 21, 2023 and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina (“**ROD**”) in Plat Book 163 at Page 104.²

C. BACKGROUND

Proposed Use

Applicant is proposing to develop a gas station and convenience store on the Property (the “**Project**”). Seagrass Station is designated as a mixed-use commercial and residential community. The property is subject to The Village of Verdier Plantation Master Property Owner’s Association Declaration of Restrictive Covenants and Easements and By-Laws of the Village of Verdier Plantation Master Property Owner’s Association, Inc. by Security Bankk of Kansas City, dated September 15, 2025, and recorded in the ROD in Book 3429 at Page 3096, as amended (the “**Covenants**”). The Covenants further provide that improvements are subject to approval by the Architectural Review Board.

The UDO of the Town of Bluffton requires that the plans for the Project be submitted to the Town Planning Commission for approval. The Property fronts Highway 170 and is located within the Highway Corridor Overlay (HCO) District of the Town, and is therefore subject to additional standards and review measures. The additional standards for development of property located in the HCO District are found in Article 5 of the UDO and require that buildings run parallel to Highway 170. After submitting the plans for the Project to the Planning Commission, the Applicant received conceptual and development plan review approval conditioned upon Applicant’s coordination with the single-family homeowners within Seagrass Station.³ The Applicant also received approval from the Planning Commission as to those additional standards and review measures pertaining to the HCO District.

The Applicant then submitted the Project plans to the Master Property Owners’ Association Board of Directors (“**Master Association**”) who required submittal of the Project to the Master Association’s Architectural Review Board (“**ARB**”) pursuant to the Covenants. The ARB responded with its ruling by letter received January 27, 2026.⁴ that the Applicant did have a right to develop the Project and acknowledged that the Applicant had approval for the Project from the Town; however, the ARB required a number of additional changes to the Project to include that the gas station be designed perpendicular to SC 170 contrary to the requirements of the HCO.⁵ The ARB requested that Applicant seek a variance from the Town.

² Attached hereto as Exhibit “B” and made a part hereof.

³ Applicant with representatives of the Single-Family Homeowners Association, members of the Board of Directors of the Master Association, its legal counsel, Town Planning Staff and the Applicant’s legal and land planning consultants discussed the Project on November 20, 2025.

⁴ Attached hereto as Exhibit “C” and made a part hereof.

⁵ The Seagrass Station Architectural Guidelines are recorded in the ROD in Book 4391 at Page 1228 and are attached hereto as Exhibit “D”.

Request

The Applicant submits this Application requesting the approval of a variance permitting the Applicant to construct the gas station perpendicular to Highway 170 per the requirements of the Master Association.

D. VARIANCE PERMIT REVIEW STANDARDS

The UDO allows for review of Variance Applications from Article 5, Design Standards, where “literal enforcement of the provisions of [the UDO] would result in unnecessary hardship...” Where an unnecessary hardship exists, the Board of Zoning Appeals may grant a variance from a dimensional or design standard. The unnecessary hardship that the Applicant faces is the requirement by the Master Association ARB to change the orientation of the gas station contrary to the requirements of the HCO.

The UDO requires certain standards be met for a variance to be granted due to an unnecessary hardship:

- a. Extraordinary and exceptional conditions pertaining to the particular piece of property must exist. The Property is governed by multiple authorities, including the UDO, the HCO District rules, and Covenants. The Applicant has met the requirements of the Town but has been denied approval of the ARB. The ARB is requiring modifications to the Project which do not comply with the UDO or the previous approvals obtained. The Applicant is unable to comply with both the UDO and the ARB concurrently as the requirements are contradictory. The Applicant is seeking a variance in order to comply with the ARB in order to minimally affect the residential homeowners in Seagrass Station.
- b. The conditions must not generally apply to other pieces of property in the vicinity, particularly in the same zoning district. Due to the location of the Property being within the HCO District, these conditions are unique. Not all properties located within the Seagrass Station PUD front Highway 170. Therefore, not all properties are subject to the HCO District rules and required to run parallel to the Highway, in addition to being subject to the Covenants.
- c. The conditions must effectively prohibit or unreasonably restrict the utilization of the property in a manner consistent with others in the zoning district. The PUD is a mixed-use community, allowing for both residential and commercial uses. There are other commercial properties already developed and existing within Seagrass Station, including professional and commercial office spaces, a hospital, rehabilitation facilities, a multi-family development, and an extended stay hotel. Other commercial facilities do not depend on the orientation of the

building in the same manner as a gas station and convenience store which largely depend on visual access to the pumps by driving customers.⁶ Limiting visual access to gas station pumps will unreasonably restrict the utilization of the Property.

- d. The need for the requested variance must not be due to the Applicant's actions. The need for the variance is due to the location of the Property and the requirements of the Master Association ARB. The Applicant would not request the variance but for the requirements of the ARB.
- e. A granted variance must not substantially conflict with the purpose of the UDO and the Comprehensive Plan of the Town of Bluffton. The Purpose of the UDO is to implement the visions of the Town's Comprehensive Plan dated November 8, 2022 ("**Comprehensive Plan**") and provide for, protect, and promote the public health, safety, convenience, order, appearance, prosperity, and general welfare, and the efficiency and economy of the Town. Granting the Applicant's requested variance would not conflict with any of the purposes of the Comprehensive Plan as it would benefit the public and community and allow the Project to be in compliance with the surrounding Seagrass Station PUD.
 - i. Comprehensive Plan: The purpose of the Comprehensive Plan is to guide development and redevelopment in the Town. The Comprehensive Plan provides direction for where and how the Town should invest in the next ten (10) years. The Project does not substantially conflict with the Comprehensive Town for the reasons described below.
 1. Cultural Resources: *The goal of the cultural resources element is to celebrate Bluffton's people and culture.* Granting the requested variance would not conflict with this goal. There would be no hinderance in celebrating different cultures or arts in Bluffton and this variance would not conflict with preserving the historic districts of Bluffton.
 2. People: *The goal of the people element is to serve the needs of a diverse population.* The requested variance would support this goal by serving the needs of the people of Bluffton by providing a service station that would add resources supporting businesses

⁶ It is not known what architectural standards the other developers in Seagrass Station were required to meet. It is known that there are no architectural standards for commercial development in Seagrass Station.

and residents in the Town. The variance would serve these needs by aiding in visibility for customers and ease of access for those who wish to benefit from the Project.

3. Economy: *The goal of the economy element is to cultivate a strong local economy.* Granting the variance would aid in supporting the economy by providing a service station that would support local businesses and their workers. The variance permitting the Project to be oriented perpendicular would allow for construction of the Project which would provide better access and more visibility, therefore aiding in a new business's success in Bluffton.
4. Resiliency: *The goal of the resiliency element is to create a more resilient future for all.* The variance would not result in interference with planning to address weather events, stresses on public facilities and higher costs of services. In fact, the variance would permit the addition of facilities assisting the public and would therefore add to the resiliency of the Town.
5. Housing: *The goal of the housing element is to diversify housing options.* A grant of the requested variance would prohibit the diversity of housing offered in the Town. Granting the variance would allow the Project to be in compliance with the surrounding residential community in Seagrass Station.
6. Natural Resources: *The goal of the natural resources element is to conserve, protect, restore, and enhance natural resources.* The variance would not prohibit the conservation, protection, restoration or enhancement of natural resources.
7. Land Use: *The goal of the land use element is to envision a more balanced Bluffton.* If the variance were granted, it would allow the Project to comply with more than one entity and serve as an example of how inter-jurisdictional and regional relationships can be fostered. The orientation of the building would not have a negative effect on the Town's overall framework but would instead better meet community needs by providing additional resources.
8. Transportation: *The goal of the transportation element is to connect residents with destinations.* The project being oriented perpendicular to Highway 170 would allow residents of Bluffton, as well as visitors, easier access to the Project. The result would be that customers would be better connected with transportation stops (such as gas stations and convenience

stores). The orientation of the building would not hinder the overall transportation system in any way but would rather facilitate ease of access.

9. Community Facilities: *The goal of the community facilities element is to unite the community through shared facilities.* The variance would provide better access to the Project by the community. The requested variance would not conflict with the goal of reduction of waste or litter nor would it harm the utilities or infrastructure of the Town.
10. Priority Investments: *The goal of the priority investments element is to realize community priorities through consistent and responsible funding.* The orientation of the building would not influence the Town's plans for responsible funding.

- f. A grant of the variance must not result in substantial detriment to adjacent properties or public good or harm the character of the District. The orientation of the Project will not result in any detriment to the adjacent properties and is in fact a request of adjacent property owners in order to minimize impact. Further, there would not be any harm to the public good but rather more convenience as drivers would be able to see the gas pumps when needed. Lastly, there would be no harm to the character of the District, as the Project would be in compliance with all other design standards.
- g. The variance must be sought for reasons other than convenience and profitability. The variance is being sought so that the Project will be in compliance with all municipal authorities and not violate the Covenants. The profitability and convenience of the orientation of the Project are not the reasons of the request for a variance.

E. CONCLUSION

The Applicant believes the foregoing Narrative and analysis demonstrates that this application is in conformance with the Town of Bluffton's Unified Development Ordinance, Section 3.7.3. The Applicant believes that there is an unnecessary hardship in having to change the orientation of the building in the Project and requests a variance to be able to follow the standards of Master Association ARB, whose guidance was sought pursuant to requirements of the Planning Commission.

Accordingly, the Applicant respectfully requests that the Board of Zoning Appeals grant the variance request to allow for orientation of the Project to be perpendicular to Highway 170.

ATTACHMENT 1

Exhibit "A"

BEAUFORT COUNTY SC - ROD
BK 4465 Pgs 2015-2018
2025041904 RED
09/16/2025 10:00:18 AM
RCPT# 1218806
RECORDING FEES 15.00

ADD DMP Record 10/2/2025 03:48:24 PM
BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	SMap	Parcel	Block	Week
R610	021	000	0652	0000	00

Prepared Without the Benefit of
A Title Search By:
The Bannon Law Group, LLC
10 Westbury Park Way, Ste A
Bluffton, SC 29910

SOUTH CAROLINA QUITCLAIM DEED

County: Beaufort

Tax Map Number: R610 021 000 0652 0000

GRANTOR	GRANTEE
Girishkumar Patel	Bluffton Shiv Shiva, LLC
2 Clayton Court, Bluffton, South Carolina 29910	2 Clayton Court Bluffton, South Carolina 29910

The designation Grantor and Grantee as used herein shall include the named parties and their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by context.

KNOW ALL MEN BY THESE PRESENTS, that Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and to convey any and all personal interest, the receipt and sufficiency of which is hereby acknowledged, to Grantor paid by Grantee, does hereby remise, release and forever quitclaim unto Grantee all of Grantor's right, title and interest, if any, in and to the real estate (the "Premises") described as follows:

ALL that certain piece, parcel or lot of land, situate, lying and being in the Town of Bluffton, Beaufort County, South Carolina, being known as Lot 1, containing 1.50 acres, being shown and designated on that certain plat entitled "A Boundary Survey and Proposed Division of Commercial Parcel A, A Portion of Seagrass, Verdier Plantation, Town of Bluffton, Beaufort County, South Carolina", prepared by William J. Smith, RLS #26960 of T-Square Surveying, dated December 21, 2023, and recorded April 3, 2024, 2024 in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat

Book 163 at Page 104. For a more detailed description as to the courses, metes and bounds of the above mentioned lot, reference is had to said plat of record.

This Property is conveyed by Grantor and accepted by the Grantee subject to all applicable covenants, conditions, restrictions, easements, affirmative obligations, etc., as recorded in the Office of the Register of Deeds for Beaufort County, South Carolina.

This being the same property conveyed to Girishkumar Patel by deed of Bright Holdings LLC dated April 11, 2024 and recorded in the ROD Office for Beaufort County in Book 4327 at Pages 797-799.

Tax Map No.: Being a Portion of R610 021 000 0652 0000

GRANTEE'S ADDRESS: 2 Clayton Court, Bluffton, South Carolina, 29910

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in any wise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the said premises before mentioned unto the said **Bluffton Shiv Shiva, LLC**, his heirs and assigns, in fee simple, forever.

And, **SUBJECT TO** the matters set forth above, Grantor does hereby bind Grantor and Grantor's heirs, successors and assigns, executors, administrators and other lawful representatives, to warrant and forever defend all and singular Premises unto Grantee and Grantee's heirs, successors and assigns against Grantor and Grantor's successors and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

THIS SPACE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, Grantor has caused this Quitclaim Deed to be executed under seal this 15 day of Sept, 2025.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

GRANTOR:



Witness #1



Girishkumar Patel



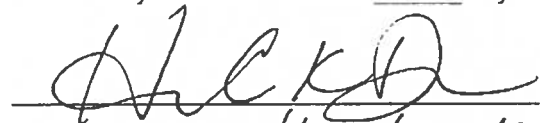
Witness #2/Notary Public

STATE OF South Carolina)
COUNTY OF Breast)

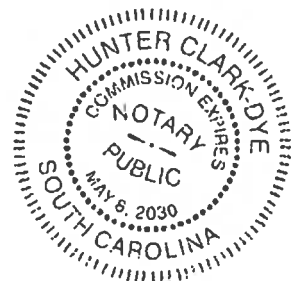
ACKNOWLEDGMENT

I, the undersigned Notary, hereby certify that before me, in the State and County aforesaid, personally appeared Girishkumar Patel known to me (or satisfactorily proven) to be person(s) whose name(s) is/are subscribed to the within Deed, who acknowledged the due execution of the foregoing Deed.

Witness my hand and seal this 15 day of September, 2025.



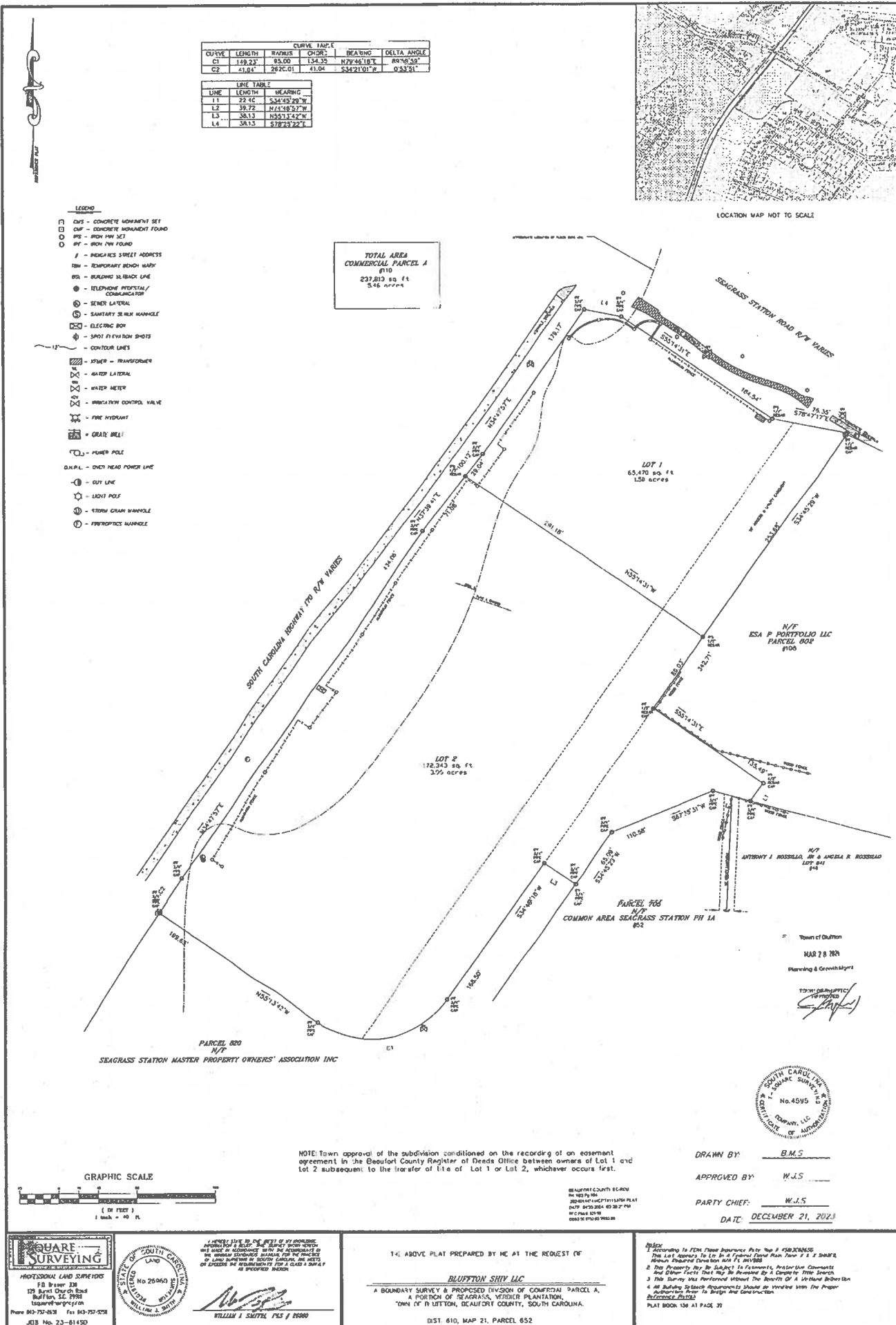
Print Notary Name Hunter K Clark Dye
My Commission Expires: May 8 2030



Book: Page:

ATTACHMENT 1

Exhibit "B"



ATTACHMENT 1

Exhibit "C"

Symons, Janet

From: Evan Bromley <evan@bromleylawfirm.com>
Sent: Tuesday, January 27, 2026 5:33 PM
To: Nester, Walter
Cc: Symons, Janet; Virginia L. King
Subject: Seagrass C-Store
Attachments: 20260127_SGM_C-Store Application Response.pdf

This is an EXTERNAL email! STOP, ASSESS, and VERIFY

Walter,

Please find attached correspondence from the Seagrass Master Board.

Regards,

Evan

Evan K. Bromley
Attorney

Bromley Law Firm LLC
211 Goethe Road, Suite B
P.O. Box 570 (Mail)
Bluffton, South Carolina 29910
T: (843) 868-2801
F: (843) 868-2802
evan@bromleylawfirm.com
www.bromleylawfirm.com



DEBT COLLECTION: This firm collects debts for mortgage lenders and other creditors. Any information obtained will be used for that purpose. However, if you have previously received a discharge in bankruptcy, this message is not and should not be construed as an attempt to collect a debt, but only as an attempt to enforce a lien.

PRIVILEGED AND CONFIDENTIAL: This communication may contain privileged or other confidential information and its disclosure is strictly limited to the recipient intended by the sender of this message. If you are not the intended recipient or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this communication in error and delete the copy you received. You may not rely on any legal conclusions or opinions expressed in this communication. No duties are assumed, intended or created by this communication. No attorney-client relationship exists unless a formal written agreement has been entered into between this law firm and the recipient of this email.

ATTACHMENT 1

Seagrass Station Master
2411 N Oak Street
Suite 404E
Myrtle Beach, SC 2957

Phone: 864-341-8001
Toll Free: 866-984-1145

MAIL TO:

Girishkumar Patel

2 Clayton Ct

Bluffton, SC 29910-7871

Account# 1947802

Dear Girishkumar Patel,

We are sorry that neither you or your son could make it to the meeting held on November 20th. Had we known of your absence, before the meeting started, we would have been happy to reschedule, as it is our desire to work with you through this process, and we feel, as the responsible person for this property and proposed business, that your presence is necessary for us to successfully work together. The Seagrass Station Master POA Board is made up of volunteers; each of us has a vested interest in the successful development and operation of Seagrass Station. Each of us also have professional careers that we took time away from to have this meeting. Going forward, we kindly ask for prior notification, if you will not be able to participate so that it can be rescheduled.

A meeting was still held with your attorney, your engineering firm, and your attorney called your son Drew, who participated on the phone to the best of his ability (there were questions that he could not answer as he said that you would have to answer them). John Tiller, with your engineering firm brought a large paper copy of the plans, which was helpful to the discussion, but they did not represent any claimed changes to the design that we had requested. Dan Frazier, from the City of Bluffton was also present, in which his expertise and knowledge of city ordinances was appreciated and beneficial to the discussion.

During the meeting, we aired some concerns, which were discussed, and some solutions were talked about, so we look forward to seeing those represented on a set of plans. We also learned that there is still pending items, such as the traffic study and your SCDOT permit that could have an impact on your design.

Nevertheless, in an effort to help move the process along, the Board of Directors has conducted a preliminary review of your proposed site plan for a convenience store and fueling station on the 1.5 acre lot, known as Lot 1.

While the Board acknowledges your assigned development rights for 65,340 square feet of commercial space, we must remind you that your parcel remains strictly subject to the Declaration of Covenants, Conditions and Restrictions of record. Specifically, the Association has a fiduciary duty to enforce the **Nuisance Provision (Section 3.2)**, which prohibits any use that "materially adversely affects adjacent land" regarding noise, smoke, noxious fumes, or unusual fire/explosive hazards.

Based on the current proposed orientation, the Board is unable to grant approval at this time. To ensure compliance with the Covenants, the **onus is on the applicant** to provide technical evidence that the proposed use will not violate these performance standards. Please submit the following:

1. **Acoustic Impact Study (3.2(b)(i))** Provide an expert analysis of projected decibel levels for “objectionable” sounds, including 24-hour trash pickup, fuel delivery, and ice delivery trucks, specifically measuring the impact at the property line of the adjacent lots and the residential outdoor amenity center.
2. **Air Quality & Odor Mitigation Plan (3.2(b)(ii) & (iii))** The current plan places fuel tanks and pumping stations less than 95 feet from adjacent property. Provide a technical dispersion model demonstrating how “noxious fumes and odors” (VOCs) will be mitigated to prevent a material adverse effect on adjacent properties, including the residential amenity center located within 300 feet.
3. **Fire & Explosive Hazard Risk Assessment (3.2(b)(iv))** Given the “unusual fire/explosive hazards” inherent to gasoline, please provide a safety justification for the current tank placement. Specifically, explain why a safer configuration, such as one repositioned away from the residential boundary and extended stay hotel, was not selected.
4. **Conflict Resolution with Town UDO** – We note that the current orientation appears to be driven by the Town of Bluffton’s Highway Corridor Overlay District rules. However, compliance with municipal zoning does not excuse a violation of private contractual Covenants. If the Town’s “outward-facing” requirements create an unavoidable nuisance under the Covenants, the Board expects the applicant to seek a variance from the Town or modify the use to one that can comply with both authorities.

The Board will resume its review once the requested data is provided. Please be advised that no construction or land disturbance may commence until formal written approval is issued by the Association.

Respectfully,

Seagrass Station Master POA Board of Directors

Exhibit "D"

21.5
25.5
Miller
CC.



BEAUFORT COUNTY SC - ROD
BK 4391 Pgs 1228-1248
2024054595 CAR
12/16/2024 01:56:03 PM
REC'D BY rbing RCPT# 1190012
RECORDING FEES \$25.00

SEAGRASS STATION

ARCHITECTURAL GUIDELINES

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Architectural Guidelines

Seagrass Station

INTRODUCTION

Seagrass Station has the potential to become one of the Town of Bluffton's most desirable neighborhoods with a timeless design. Through careful planning and design as well as the coordinated efforts of each Owner in the community, Seagrass Station will stand above other communities. Architectural Guidelines are put into place to ensure a cohesive design for a neighborhood without sacrificing the individuality of each home. The standards aid the development of a desirable and attractive neighborhood. They ensure, enhance and protect the value of all the homes within Seagrass Station. This document is "Exhibit C" of the Covenants, Restrictions and Easement for Seagrass Station. These guidelines will aid the reader in understanding those elements that are important to the integrity of an individual home as well as to the manner in which that home compliments the overall harmony of the neighborhood. No action taken by the Architectural Review Board shall entitle any person to rely thereon with respect to conformity with the laws, regulations, codes or ordinances of local, state, or federal governments.

A. ARCHITECTURAL REVIEW BOARD GUIDELINES AND PROCEDURES

I. Who and What is the Architectural Review Board

The Architectural Review Board (ARB) is the architectural control committee, which shall be the governing body charged with promoting and maintaining a high level of design, quality, harmony and conformity throughout Seagrass Station. The Declarant controls the Architectural Review Board until the time of turnover; afterwards the ARB from the Owner's association, appointed by your Board of Directors takes control, working with the Association management company. Exterior improvements or alterations of any kind shall not be made without written approval from the Architectural Review Board.

II. Purpose

The Architectural Review Board is established to provide a system of review for the construction or modification of all improvements within the community. The goal of the Architectural Review Board is to review the application of plans and specifications to determine the compliance with the standards set forth by the Covenants and Restrictions. The Board strives to ensure the community is attractive by maintaining the principles set forth in the Covenants and Restrictions. The Architectural Review Board does not assume responsibility for the technical aspects, structural aspects or safety of the design.

Nor does the board assume responsibility for compliance with local codes, ordinances, or laws.

III. Scope of Architectural Review Board

The Architectural Review Board reviews all requests to grant or deny permission. All decisions are made solely on the basis of aesthetic standards, harmonious design with community, location etc. The ARB will take into account aesthetic aspects of architectural design, placement of buildings, color schemes, exterior finishes, and materials used. The ARB holds the right to refuse or deny any submittals that are not suitable or desirable to the overall aesthetics of the neighborhood. The ARB also reserves the right to grant variances to these standards on an individual basis taking into account all conditions of each request. The Architectural Review Board reserves the right to inspect all aspects of the improvements after the construction process has been completed. Any improvements made by the Declarant are not subject to ARB review and are deemed as conforming to the Seagrass Station development community standard.

IV. Steps for Obtaining ARB Approval

1. Plans for improvements must be submitted to the Architectural Review Board to include all aspects of the improvement along with the proper application form and any applicable fee and/or deposit (See Appendix B).
2. Applicant must submit a plot plan provided by a surveyor of the lot showing the location of the improvement.
3. The Architectural Review Board may require the submission of additional information and materials as needed to supplement the application.
4. The ARB reviews submittals on a monthly basis or more frequently, however the typical turnaround for an application is thirty days.
5. All notices of decisions will be in writing and sent to each respective Applicant.
6. Applicants may submit improvement plans to the Architectural Review Board before the closing of a home to ensure the home will fit all the needs of the homeowner.
7. An application fee as determined by the Board of Directors must be submitted with the application when applicable. (This fee only applies to the 1st ARB application submitted, any application submitted thereafter does not have an applicable fee). Please make checks payable to the Seagrass Station Home Owners Association, Inc.

A project must be complete within a timely manner. Therefore, a project must be 100% complete within 90 days from the start date.

V. Enforcement

The Architectural Review Board or enforcement body as designated by the Board reserves the right of entry to inspect any lot to approve & inspect additions or improvement for compliance with the ARB approval and with the Covenants and Restrictions. Except in emergency situations, any exercise of entry and inspection by the Architectural Review Board or enforcement body as designated by the Board will follow at least a twenty-four hour notice to the Owner. The ARB is empowered to enforce the provisions set forth in both this document and the Covenants and Restrictions by any legal action and in the event it becomes

necessary to resort to the legal system all fees are incurred to the prevailing party. The cost of removal of unapproved exterior alteration or the cost to modify the alteration to become compliant with the Covenants or these Guidelines will be the expense of the Owner.

VI. Fines

A system of reasonable enforcement policies, which includes fines, has been put into place to allow the ARB and the Home Owner's Association authority when enforcing the standards set forth in both this document and the Covenants and Restrictions. This fine structure is subject to change if the ARB considers the current system ineffective. The Home Owner's Association steps of enforcement are as follows:

1. Letter of warning is sent to the Owner. Owner will be given 14 days to fix the violation.
2. If problem persists a second letter is sent with a fine as determined by the Board will be incurred by Owner. Owner will be given 14 additional days to fix the violation.
3. If violation persists the Owner will be sent a third letter and the fine will be doubled. Owner will be given 14 additional days to fix the violation.
4. If violation persists past the third warning, the Owner incurs a fine equal to three (3) times the original fine amount. Owner will be given 14 additional days to fix the violation. After this point the matter will be turned over to legal counsel where all legal remedies will be pursued at the expense of the Owner.

VII. Appeals Process

Any homeowner who is denied approval on any submittal or portion of a submittal holds the right to appeal the ARB's decision. All appeals should be in written form addressed to the Seagrass Station Property Owners Association. The appeal should be heard at the next formal meeting and will allow the Owner to explain and justify the original request. The Owner is allowed a 30 day maximum period of time in which to appeal the ARB's decision. The 30 day time period begins on the date of the ARB's decision, and ends 30 days thereafter.

B. SEAGRASS STATION LANDSCAPE STANDARDS

The general character of any home is greatly determined by the elements of its surroundings. Proper selection and placement of plant materials is extremely important in establishing the overall setting of the home. The landscape guidelines promote continuity in the landscape where individual lots relate to one another while at the same time allowing for the individuality of each lot.

I. Landscape Modifications

The owner must obtain written approval from the Architectural Review Board before any landscape is modified.

II. Gardens

The Architectural Review Board must approve proposed gardens before owners may proceed with installation. All gardens must be behind a fence in the rear of the lot and may not be seen from the road. If the garden is seen from the road, then the garden must be removed and traditional, approved landscaping (sod or pine straw) will be required to replace the area at the owners' expense. No garden shall exceed 12ft. x 10ft (120 square feet). All approved gardens must be kept to the standards of the Association. If such standards are not met, the Association reserves the right to enter the owner into the violation process, require the garden to be removed and replaced with traditional (approved) landscaping such as pine straw or sod, or the Association may take action on behalf of the owner to remedy the situation at the owners expense.

C. SEAGRASS STATION FENCE STANDARDS

All fences, fence styles, and fence locations must be approved by the Architectural Review Board before beginning installation. Appendix D shows approved fence styles, specifications, materials and location. **The homeowner is responsible for all approvals required by the local municipalities**

I. Style

Seagrass Station Townhome may only install a four-foot picket fence in wrought iron or aluminum.

II. Position

- It is required that the fence be built on the rear and side property lines unless special circumstances exist. It is the owner's responsibility to locate the lot lines and ensure the fence is installed properly.

- The fence may not extend past 15 feet from the rear corner of the house that is closest to the street.
- If there is an existing fence, it is required that the fence constructed secondly tie into the existing fence. **A variance to this requirement must be requested in writing and included with the ARB Application.** If the Board grants a variance that the latter fence is not required to be attached to the first fence, the Owner who constructed their fence secondly will be responsible for maintaining the yard between the fences.
- Fences on corner lots must be at least 15 feet from the back of the street curb. The Board reserves the right to modify any of the criteria if necessary.

III. Maintenance

The Residential Owner of a lot upon which a fence is installed shall be solely responsible for providing and maintaining access to and from the rear yard of such lot. Request to place fencing in drainage or utility easements will be reviewed on a case by case basis.. Any fence placed in an easement can and may be removed for improvements or repairs to the easements. Removal and replacement cost of a fence placed in an easement will be at the homeowner's expense. In general, any fence installed upon a lot shall be designed and used in a manner that will allow access to and from the rear yard of such lot to allow the Architectural Board to perform any of its obligations or exercise any of its rights pursuant to this document that require the Board to have access to the rear portion of such lot and to allow public utility companies to inspect, maintain and repair any utility facilities located within the boundary of the lot.

Fences must be maintained properly and kept as new. In the event a fence is not maintained properly (i.e. warped boards, mildew, etc.) the Owner may be fined or the Association, ARB and management company may elect to have the work performed at the Owner's expense.

D. SEAGRASS STATION SECONDARY STRUCTURE STANDARDS

Another important characteristic of Seagrass Station homes is the option for Second Structures. Secondary Structures are defined as a detached structure from the main house, including a garage, carport, studio, equipment shed, outbuildings or workshop. In each case, materials used should compliment that of the primary structure. Approval and installation of a fence must be completed before construction of the secondary structure.

- Corner lots are not allowed to have a secondary structure.

I. Placement

The ARB prefers the secondary structure to be viewed from the street front a minimally as possible. Along with the ARB application, please submit a plot plan of the lot displaying the existing home and proposed location of the secondary structure.

II. Height, Size, and Materials

Secondary building structures should be compatible with the architectural style of the main house structure, but appear secondary in massing, scale, material, and detail. Height and size must be proportional to that of the house and lot. The allowable size for an outbuilding is 10' length by 12' width by 8' height (height does not include pitch of roof). The material used for the secondary structure must be the same as the house. The ARB must approve all aspects of the secondary building structure.

E. SEAGRASS STATION EXTERIOR MODIFICATION STANDARDS

Exterior modifications help make each home more individualized. Each owner can modify his or her home based on the guidelines set forth in this document.

I. Additions and Alterations to a Home

No Living Unit shall be enlarged by any addition thereto or to any part thereof, and no Residential Owner shall make any improvement, addition, or alteration to the exterior of his Living Unit, including, without limitation, the painting, staining, or varnishing of the exterior of the Living Unit or re-roofing with shingles of a different color or material, without the prior written approval of the Architectural Review Board, which may withhold approval for purely aesthetic reasons. Permanent additions must be within all building setbacks.

II. Porches, Sunrooms, and Decks

The size and design of porches, decks, and sunrooms should be architecturally compatible with the house. The Architectural Review Board must approve all plans before construction begins. Space below decks and sunrooms should be screened with lattice, shrubbery or other means appropriate to the house design.

IV. Temporary Structures

No tents, trailers, shacks or other temporary buildings or structures shall be constructed or otherwise placed upon the Project Land except in connection with construction, development, leasing or sales activities permitted by the Architectural Review Board or performed by Declarant. No temporary structure may be used as a Living Unit. No garden shed, storage shed, outbuilding, play structure or other permanent structures, which are detached from the Living Unit, shall be constructed or placed upon the Project Land unless approved by the Seagrass Station Architectural Review Board. (Please see the Attached Section D, Outbuilding Guidelines)

V. Lighting (Security)

Exterior lighting shall be located so as not to result in excessive glare or interfere with the privacy of nearby homes. Floodlights must be hooded. An exterior lighting plan with locations is required for approval by the Seagrass Station Architectural Review Board.

VI. Monuments, Sculptures, and Flag Poles

The ARB must approve all monuments, sculptures, yard art, and flagpoles that the Owner plans to place on the lot. Monuments, sculptures, yard adornment and art of any kind are discouraged in front or side yards.

VII. Swimming Pools

The Seagrass Station Architectural Review Board must approve all pool sizes, shapes, locations, and layouts. No above ground pools or spas will be permitted.

VIII. Docks

No private docks are allowed on this property.

IX. Play Equipment

Elements of a planned park or playground, swing sets and similar outdoor play areas, structures, and equipment, must be located where they will have a minimum impact on adjacent lots and where they will be best screened from general public view. **The play equipment must not exceed eight feet in height.** Any proposed play equipment to be placed in the yard must be approved by the Seagrass Station Architectural Review Board. Play equipment must be made of natural wood or earth tone vinyl. Brightly colored play equipment is not permitted and may be found in violation of the Architectural Guidelines by the Seagrass Station Architectural Review Board. Trampolines are not allowed in the Seagrass Station Community unless contained within a 6-foot fence as outlined in these guidelines. Basketball goals must remain at least 20 feet away from the curb and must be in good condition.

Please note that the Seagrass Station Architectural Review Board requires approval and construction of a fence before installation of any play equipment.

X. Outside Antennas and Satellite Dishes

No Residential Owner may erect or maintain a television or radio receiving and transmitting antenna, satellite dish or similar apparatus of equipment unless such equipment is; less than two feet in diameter, the apparatus is screened from public view and located behind the living unit either in the rear yard or affixed on the rear roofline, the apparatus is not visible from any point while standing along the property boundary line in the front of the house that abuts or is adjacent to a street, right-of-way or sidewalk and the ARB has approved of the apparatus, its location and the type of screen.

If the signal cannot be obtained from one of the preferred locations; a letter from the provider confirming this must be submitted to the Board.

F. SEAGRASS STATION ADDITIONAL FLATWORK

I. Driveways

Extensions to driveways cannot be added to lots without specific approval by the ARB. If additions are approved they must be constructed of concrete that exactly matches that which is present or pavers which shall be approved on a case by case basis. A two-foot minimum setback should be maintained from all property lines. Encroachments on the setback will be reviewed on a case-by-case basis by the ARB and should be submitted to the governing municipality. The Home Owner is responsible for acquiring approvals from the local governing municipalities.

II. Patios

Any patio additions must be approved in advance by the ARB.

G. SEAGRASS STATION SIGNS

In an effort to enhance the appearance of the Seagrass Station communities only certain types of signs will be permitted. This will promote a sense of consistency and enhance the general appearance of the community.

Please note: "For Rent" signs will not be allowed in the Seagrass Station community.

I. Types

The only type of sign permitted for a period longer than twenty-four hours in Seagrass Station is that which advertises a house is "For Sale."

II. Placement

The sign should be placed in the front center yard of the lot.

H. SEAGRASS STATION RECREATIONAL VEHICLE AND BOAT PROCEDURES

I. Storage and Parking

The storage of a boat, RV, trailer, recreational vehicles or similar equipment is allowed in an enclosed garage provided the garage door remain closed. **If a boat, trailer or recreational vehicle is visible from the street, it will be cause for violation and monetary fines.**

APPENDIX A

Suggested Landscaping

I. Canopy Trees

Red Maple
Red Sunset Maple
October Glory Red Maple
River Birch
Heritage River
Pecan
Deodar Cedar
Green Ash
Japanese Gingko
Moraine Honey locust
Shademaster Honey locust
Black Walnut
Yellow Poplar
Sycamore
Southern Red Oak
Water Oak
Willow Oak
Shumard Oak
Live Oak
Scarlet Oak
Laurel Oak
Bald Cypress
Brasswood
Winged Elm
Drake Chinese Elm
Breen Vase Zelcova

II. Understory Trees

Cocas Palm
Eastern Redbud
Flowering Dogwood
Carolina Silverbell
East Palatka Holly
Foster Holly
Hume Holly
Savannah Holly
Nellie Stevens Holly
Natchez Crepe Myrtle (White)
Potomac Crepe Myrtle (Pink)
Muskogee Crepe Myrtle (Lavender)
Catawba Crepe Myrtle (Dark Purple)
Tuscarora Crepe Myrtle (Dark Pink)
Saucer Magnolia
Sweet bay Magnolia
Flowering Crabapple
Wax Myrtle
Pistachio
Cherry Laurel
Purple Leaf Plum
Bradford Pear
Aristocrat Pear
Palmetto
Windmill Palm
Chaste

III. Buffer Shrubs

Sasanqua Camellia
Eleagnus
Burning Bush Euonymus
Forsythia
East Palatka Holly
Foster Holly
Hume Holly

IV. Ornamental Shrubs

Edward Goucher Abelia
Sherwood Abelia
Purple leaf Japanese Barberry
Harrington Plum-Yew
Cotoneaster
Daylily
Carissa Holly

III. Buffer Shrubs (continued)

Savannah Holly
Dwarf Buford Holly
Buford Holly
Nellie Stevens Holly
Yaupon Holly
Anise
Pfitzer Juniper
Japanese Privet
Japanese Privet
Variegated Chinese Privet
Maiden Grass
Japanese Silver Grass
Wax Myrtle
Nandina
Oleander
Fortunes Tea Olive
Fragrant Tea Olive
Pittosporum
Variegated Pittosporum
Formosa Firethorn
Majestic Beauty Hawthorn
Japanese Clevera

IV. Ornamental Shrubs (continued)

Dwarf Horned Holly
Juniper
Sergeants Juniper
Creeping Juniper
Harbor Dwarf Nandina
Dwarf Pittosporum
Dwarf Indian Hawthorn

V. Ground Cover and Vines

Akebia
Weeping Love Grass
Winter creeper
English Ivy
Hypericum
Candytuft
Kadsura
Liriope
Miscanthus
Mondo Grass
Fountain Grass
Asiatic Jasmine
Confederate Jasmine

VI. Turf

Tifton Bermuda
Centipede
Saint Augustine

APPENDIX B

Architectural Review Board Application

Please refer to the property management company's standard application and protocol for submittal.

APPENDIX C

For Sale Sign Details

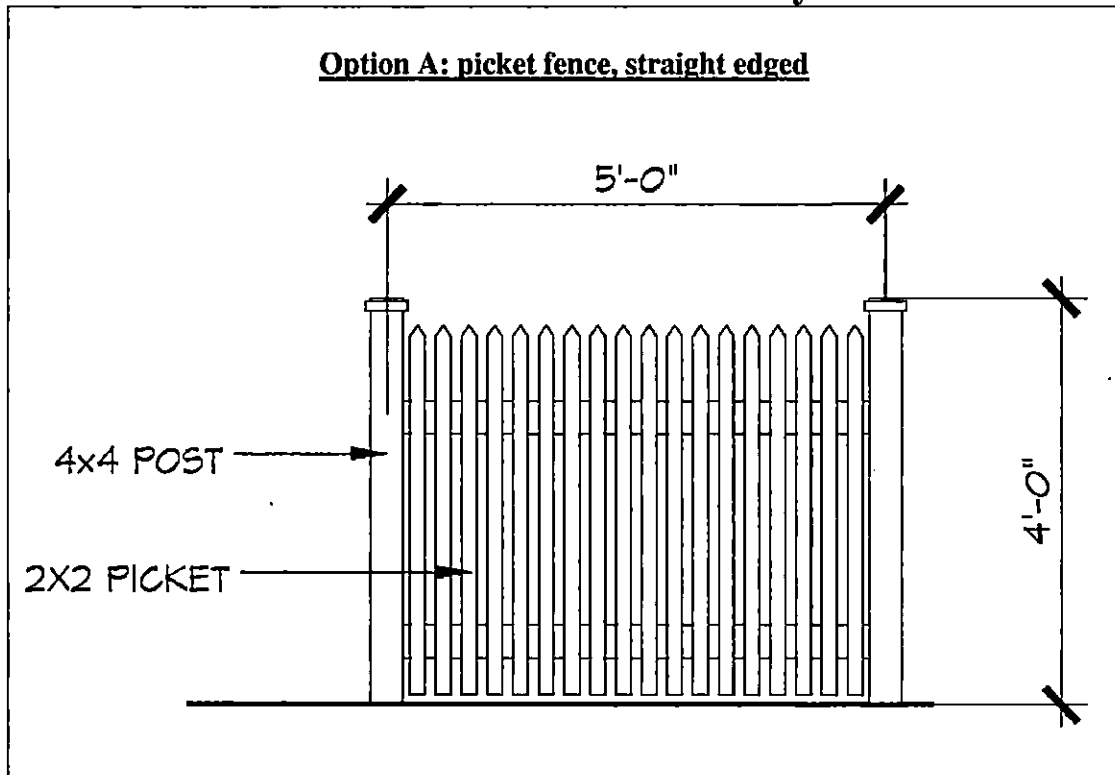


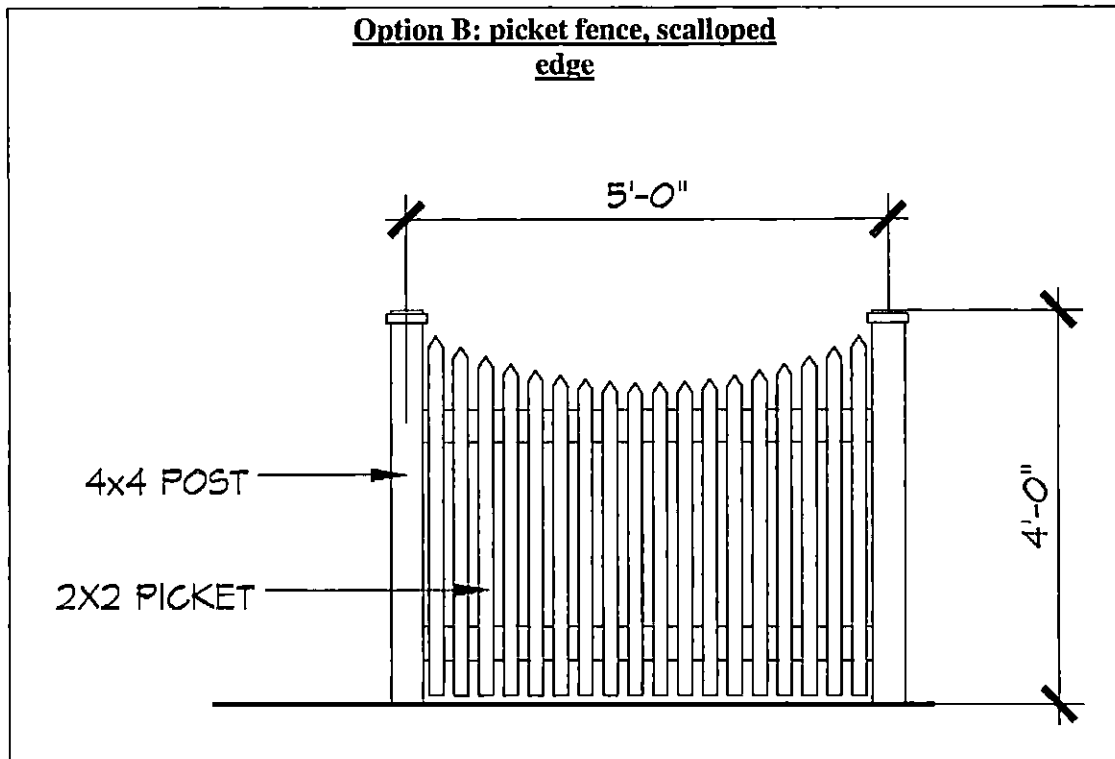
APPENDIX D

Fence Options

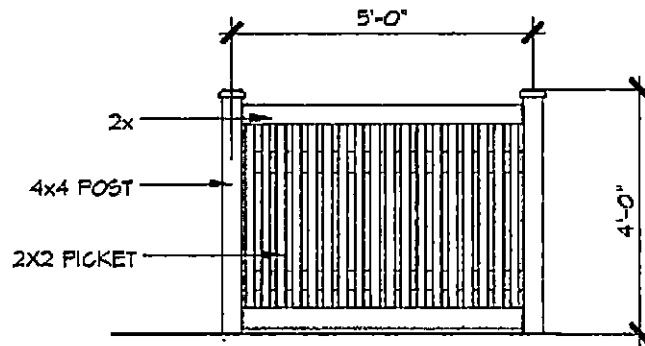
All Fences shall be outdoor, treated wood, natural finish (Single Family Homes) or for Seagrass Station Townhome only, black wrought iron or black aluminum.

**Four-Foot Wooden Pickets
Natural Finish or White Vinyl**

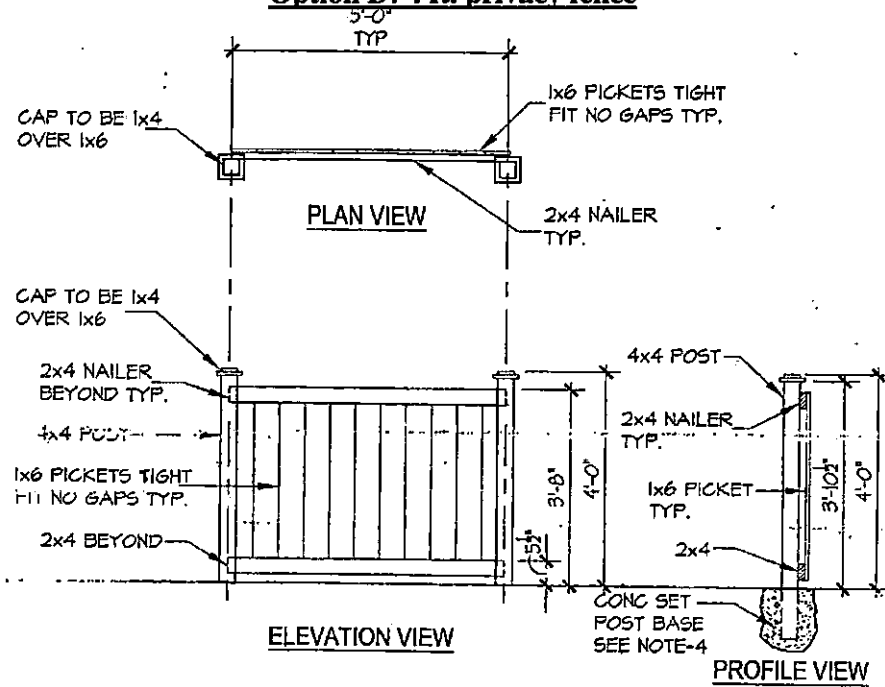




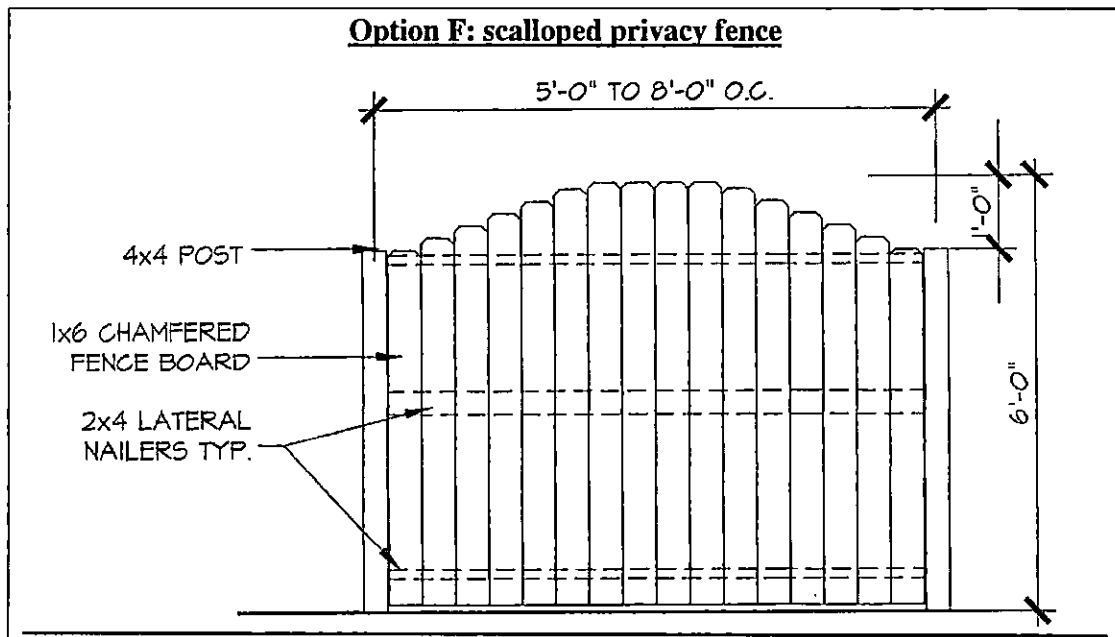
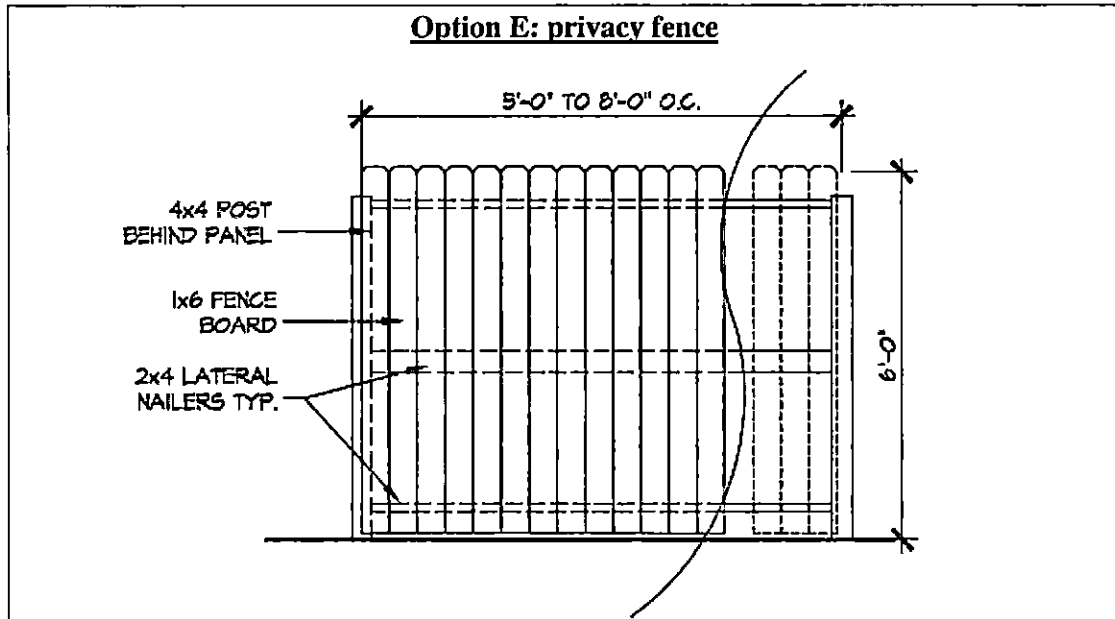
Option C: picket fence, with 2x post design



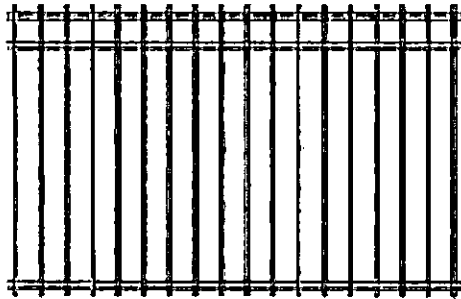
Option D: 4 ft. privacy fence



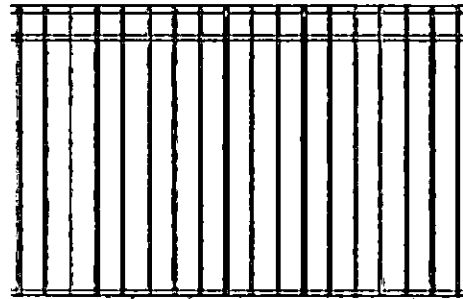
Six-Foot Privacy Fence Natural Wood or White Vinyl



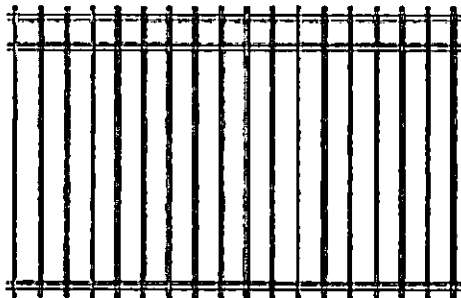
**Four-Foot Fence
Black Wrought Iron or Aluminum
SAMPLES**



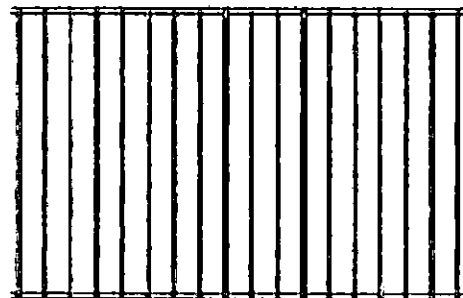
**THREE RAIL
EXTENDED PICKET**



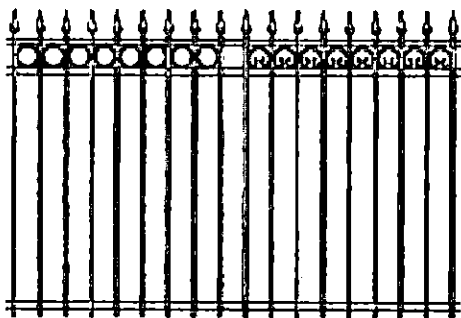
**THREE RAIL
FLAT TOP**



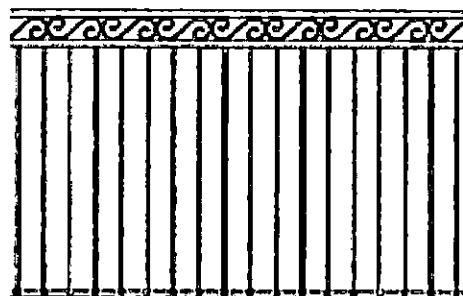
**TWO RAIL
EXTENDED PICKET**



**TWO RAIL
FLAT TOP**



**THREE RAIL CIRCLES
OR C SCROLLS**



**THREE RAIL
S SCROLLS**