

BOARD OF ZONING APPEALS



STAFF REPORT DEPARTMENT OF GROWTH MANAGEMENT

MEETING DATE:	June 2, 2026
PROJECT:	Seagrass Station Convenience Store Building Orientation Variance Request
APPLICANT:	Bluffton Shiv Shiva, LLC
PROJECT NUMBER:	ZONE-04-26-020224
PROJECT MANAGER:	Dan Frazier, AICP Planning Manager Department of Growth Management

REQUEST: The Applicant, Bluffton Shiv Shiva, LLC, requests a variance from the building orientation requirements of the Highway Corridor Overlay District (HCOD), Unified Development Ordinance (UDO) Section 5.14, to allow the proposed convenience store building to be constructed perpendicular to Okatie Highway (SC 170) rather than parallel to the highway (Attachment 1).

INTRODUCTION: The subject property consists of approximately 1.50 acres identified by tax map number R610 021 000 0652 0000 and is located within the Village at Verdier Planned Unit Development (PUD), known as Seagrass Station, at the intersection of Okatie Highway (SC 170) and Seagrass Station Road (Attachment 2). The Board of Zoning Appeals (BZA) hearing was advertised in The Island Packet on May 19, 2026 (Attachment 3). The property was posted, and adjacent property owners were notified by certified mail in accordance with UDO requirements.

BACKGROUND: The subject property is within the Village at Verdier PUD and is subject to the standards set forth in the Village at Verdier PUD Concept Plan, Development Agreement, the Village at Verdier Master Plan, and UDO Sections 5.3, 5.10, and 5.14. The property fronts Okatie Highway (SC 170) and is therefore located within the Highway Corridor Overlay District (HCOD) (Attachment 4).

While the UDO does not explicitly require buildings within the HCOD to be oriented parallel to the highway corridor, Staff has historically interpreted the HCOD standards and design intent to encourage the primary facade of buildings to orient toward and address the corridor.

The Applicant submitted a Preliminary Development Plan application (DP-06-25-019799) for the construction of a 6,000 SF convenience store and fueling station with associated driveways, access, parking, utilities, and stormwater infrastructure.

The application was reviewed at the July 23, 2025, Development Review Committee (DRC) meeting. During review, Planning Staff and a Planning Commission member directed the Applicant to rotate the convenience store building 90 degrees so that the building would properly address the highway corridor as a front elevation. The Applicant complied with this direction and reoriented the building and site as requested. The revised Preliminary Development Plan was conditionally approved by the Planning Commission at the August 27, 2025, meeting (Attachment 5).

The property is also subject to the Declaration of Covenants, Conditions and Restrictions of the Village of Verdier Plantation Master Property Owners' Association (Attachment 6), including the Seagrass Station Architectural Guidelines (Attachment 1, Exhibit D). The Covenants require review and approval by the Seagrass Station Master Property Owners' Association Architectural Review Board (ARB). A letter of approval from the ARB is required as a part of the Final Development Plan application.

By letter dated January 27, 2026, the ARB acknowledged the Applicant's development rights and the Town's prior approval but declined to grant ARB approval of the current orientation. The ARB cited concerns under the Covenants' Nuisance Provision (Section 3.2) regarding noise, fumes, and fire/explosive hazards associated with the proximity of fuel tanks and pumping stations to adjacent residential properties and the residential amenity center.

The ARB requested that the Applicant reorient the gas station perpendicular to SC 170 and seek a variance from the Town (Attachment 1, Exhibit C). The Applicant states that the need for the variance arises from the conflicting requirements of the HCOD and the Village at Verdier ARB.

BOARD OF ZONING APPEALS ACTIONS: As granted by the powers and duties set forth in Section 2.2.6.D.2 of the Unified Development Ordinance, the Board of Zoning Appeals has the authority to take the following actions with respect to this application:

1. Approve the application as submitted by the Applicant;
2. Approve the application with conditions; or
3. Deny the application as submitted by the Applicant.

REVIEW CRITERIA & ANALYSIS: In assessing an application for a Variance, the Board of Zoning Appeals is required to consider the criteria set forth in Section 3.7.3 of the UDO. The seven criteria are provided below followed by a Staff Finding for each criterion. As expressed in Section 3.7.3.B.1., a variance may be granted as applicable, and the application must comply with the following:

Unnecessary Hardship. A Variance from a dimensional or design standard may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship upon a finding that all the following standards are met:

1. Section 3.7.3.B.1.a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

Finding. No extraordinary or exceptional physical conditions specific to the subject property have been identified. The building orientation variance requested is associated with the multiple agencies by which it is governed. The ARB has declined to approve the project with the building oriented parallel to SC 170 as required by the HCOD, citing nuisance concerns related to the proximity of fuel operations to adjacent residential properties and the residential amenity center.

Finding. The existence of private covenants is not uncommon for properties within PUDs, and the obligation to comply with both public regulations and private restrictions is a condition that generally applies to all properties within a PUD. The conflict in this case is specific to the proposed use (gas station/fueling station) and its particular impacts on adjacent residential properties, rather than a physical condition inherent to the land itself.

Per the Applicant, "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 Applicant is seeking a variance in order to comply with the ARB in order to minimally affect the residential homeowners in Seagrass Station."

2. Section 3.7.3.B.1.b. These conditions do not generally apply to other property in the vicinity, particularly those in the same zoning district;

Finding. The property is one of a limited number of commercial parcels within the Seagrass Station PUD that front directly on HWY 170 and are therefore subject to both the HCOD standards and the private Covenants. Other commercial properties already developed within Seagrass Station — including professional and commercial office spaces, a hospital, rehabilitation facilities, a multi-family development, and an extended stay hotel — do not have the same operational characteristics as a gas station and convenience store, and their building orientation relative to the highway does not create the same type of conflict with the Covenants' nuisance provisions.

Per the Applicant, "Due to the location of the property being within the HCO District, these conditions are unique."

3. Section 3.7.3.B.1.c. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property in a manner consistent with others in the zoning district;

Finding. The restriction is specific to the proposed gas station use and the particular conflict it creates between the HCOD and the Covenants. The property is not rendered unusable by the HCOD orientation requirement; rather, the specific use proposed creates a conflict with the private Covenants that the Applicant seeks to resolve through a variance from the public standard.

Per the Applicant, "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. Limiting visual access to gas station pumps will unreasonably restrict the utilization of the Property."

4. Section 3.7.3.B.1.d. The need for the Variance is not a result of the Applicant's own actions;

Finding. The Applicant states that the need for the variance is due to the location of the property within the HCOD and the requirements of the Master Association ARB. The subject property is zoned and planned for commercial development, and the proposed use is permitted within the PUD. The variance request arises in the context of applying both public and private development standards to the proposed site plan.

Per the Applicant, "The Applicant would not request the variance but for the requirements of the ARB."

5. Section 3.7.3.B.1.e. The authorization of a Variance does not substantially conflict with the *Comprehensive Plan* and the purposes of this Ordinance;

Finding. The purpose of the HCOD (UDO Section 5.14.1) is to establish continuity of development within the corridor, protect architectural and historical heritage, enhance the cultural image, stabilize property values, create a sense of place and character, and protect open space.

The *Comprehensive Plan* (Blueprint Bluffton, dated November 8, 2022) includes goals related to land use, transportation, economy, and community character. The Applicant argues that the variance would not conflict with these goals and would support the local economy by providing a service station.

6. Section 3.7.3.B.1.f. The authorization of this Variance 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; and

Finding. The Applicant states that the reorientation of the building is being requested by adjacent property owners (through the ARB) specifically to minimize impacts on the residential community. From the perspective of the adjacent residential properties within Seagrass Station, the perpendicular orientation may reduce nuisance impacts by repositioning fuel operations further from the residential boundary.

Per the Applicant, "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."

Finding. While the perpendicular orientation may benefit adjacent residential properties, it would alter the building's relationship to the HWY 170 corridor. The gas pumps and canopy — rather than the convenience store building — would be the primary visual element facing the highway, which is contrary to the HCOD's intent to screen auto-oriented uses behind buildings. Staff notes that during the initial DRC review, the preferred site layout was to front the convenience store on the highway corridor, screening the gas pumps and canopy, which also allowed for better fuel truck circulation.

7. Section 3.7.3.B.1.g. The reason for the Variance is more than simply for convenience or to allow the property to be utilized more profitably.

Finding. The Applicant states that the variance is being sought so that the project will comply with the Covenants and not for reasons of convenience or profitability.

CONCLUSION: Applying the seven variance criteria under UDO Section 3.7.3, the Board of Zoning Appeals must determine whether the literal interpretation and enforcement of the HCO District building orientation requirement would result in unnecessary hardship to the property owner. The central issue in this case is whether a conflict between a public zoning standard and a private covenant constitutes the type of extraordinary and exceptional condition contemplated by the variance criteria. Findings of fact using the criteria will be required.

Staff notes the following additional considerations for the Board:

- The Planning Commission and Staff previously directed the Applicant to orient the building parallel to SC 170 during the development plan review process, consistent with the HCO District standards. The Applicant complied with this direction.
- The ARB's objections are rooted in the private Covenants, which are a contractual matter between the property owner and the Master Association. The Town's variance process is designed to address hardships arising from the application of public zoning standards to specific properties, not to resolve conflicts between public regulations and private covenants.
- If the variance is granted, the Applicant will still be required to obtain a Certificate of Appropriateness — Highway Corridor Overlay from the Planning Commission, as well as Final Development Plan approval, which will address architecture, lighting, and landscaping.

ATTACHMENTS:

1. Application and Narrative
2. Vicinity Map
3. Public Advertisement
4. UDO Section 5.14 — Highway Corridor Overlay District
5. Planning Commission Approval Letter
6. Declaration of Covenants, Conditions and Restrictions of the Village of Verdier Plantation Master Property Owners' Association