

BOARD OF ZONING APPEALS



STAFF REPORT DEPARTMENT OF GROWTH MANAGEMENT

MEETING DATE:	September 1, 2026
PROJECT:	36 Tabby Shell Road, Lot 19 Building Setback Variance Request
APPLICANT:	Steven G. Stowers, Architecture 101
PROJECT NUMBER:	ZONE-08-26-020413
PROJECT MANAGER:	Dan Frazier Planning Manager Department of Growth Management

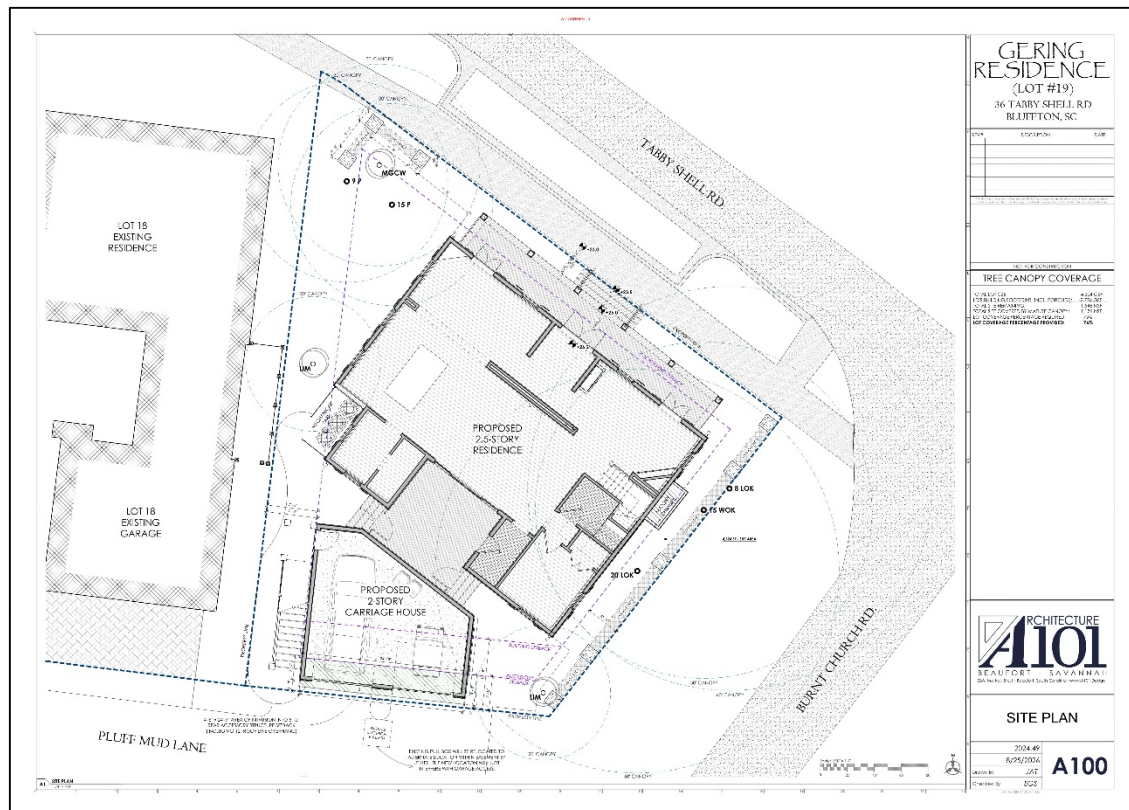
REQUEST: The Applicant, Steven G. Stowers of Architecture 101 on behalf of property owners, John Gering and Ashley Gering, requests a variance from Unified Development Ordinance (UDO) Section 5.15.5.C to allow a 4-foot 6-inch encroachment into the required 5-foot rear yard setback for a Carriage House (accessory structure) (Attachment 1).

INTRODUCTION: The subject property consists of approximately 0.10 acres identified by tax map number R610 039 000 1199 0000 within the Tabby Roads Development in the Old Town Bluffton Historic District, Neighborhood General-Historic District (NG-HD) (Attachment 2). The Board of Zoning Appeals (BZA) hearing was advertised in The Island Packet on August 16, 2026 (Attachment 3). The property was posted, and adjacent property owners were notified by certified mail in accordance with Unified Development Ordinance (UDO) public notice requirements.

BACKGROUND: The subject property is located within the Neighborhood General-Historic District (NG-HD) and is subject to the standards set forth in the Unified Development Order (UDO) Section 5.15, Old Town Bluffton Historic District. Under Section 5.15.5.C, Carriage Houses must be set five (5) feet back from the rear property line (Attachment 4). Per the recorded plat for Tabby Roads, setbacks for accessory structures shall meet Town regulations in effect at the time of application for approval of such structures (Attachment 5, Tabby Roads Subdivision Plat).

The subject property consists of a 0.10-acre parcel located at 36 Tabby Shell Road (Lot 19) within the Tabby Roads subdivision. The parcel is currently vacant and is located at the southwest corner of the intersection of Tabby Shell Road and Burnt Church Road (Attachment 5, Lot 19 Survey). Pluff Mud Lane provides rear access to

all Carriage Houses on Tabby Shell Road. The Applicant proposes to construct a new 2.5-story single-family residence of approximately 4,918 SF, with a 1,618 SF footprint, and a two-story Carriage House of approximately 988 SF, with a 494 SF footprint, as submitted in the Certificate of Appropriateness-Historic District (COFA-HD) on August 3, 2026 (Attachment 5, Site Plan). The lot is irregular in shape compared to neighboring lots within the Tabby Roads development, with an acute trapezoidal geometry that is 91 feet deep on the long end and only 56 feet deep at the Burnt Church Road end.



The Tabby Roads Architectural Review Board (ARB) reviewed and approved a variance for this encroachment on July 2, 2026 (Attachment 6).

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.

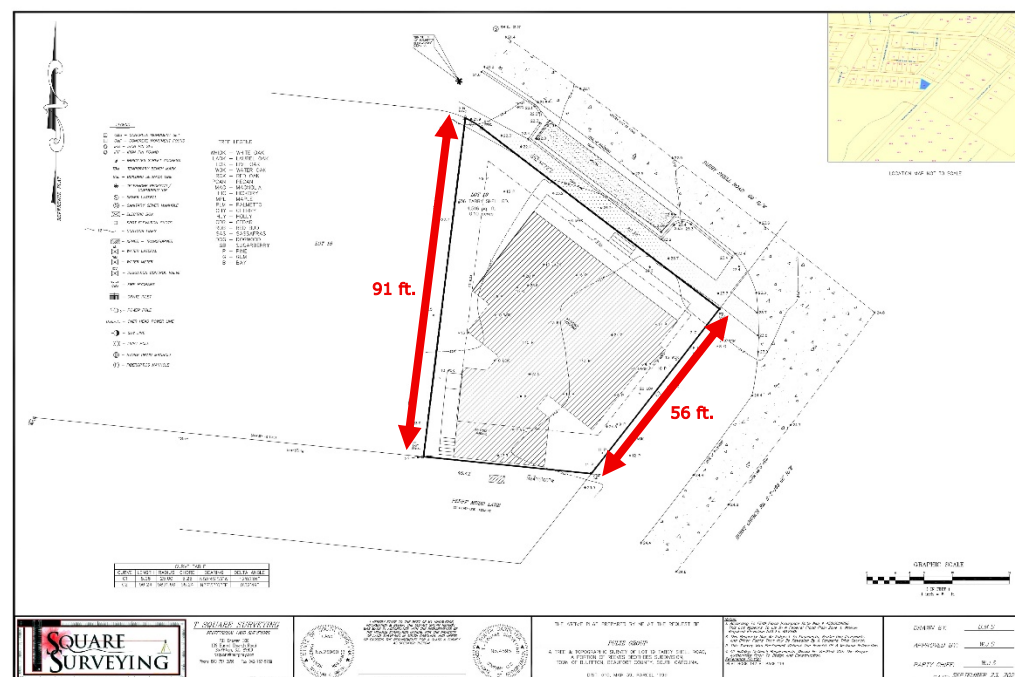
REVIEW CRITERIA & ANALYSIS: In assessing an application for a Variance, the Board of Zoning Appeals is required to consider the criteria set forth in Section 3.7.3 of the UDO. The seven criteria are provided below followed by a Staff Finding for each criterion. As expressed in Section 3.7.3.B.1., a variance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

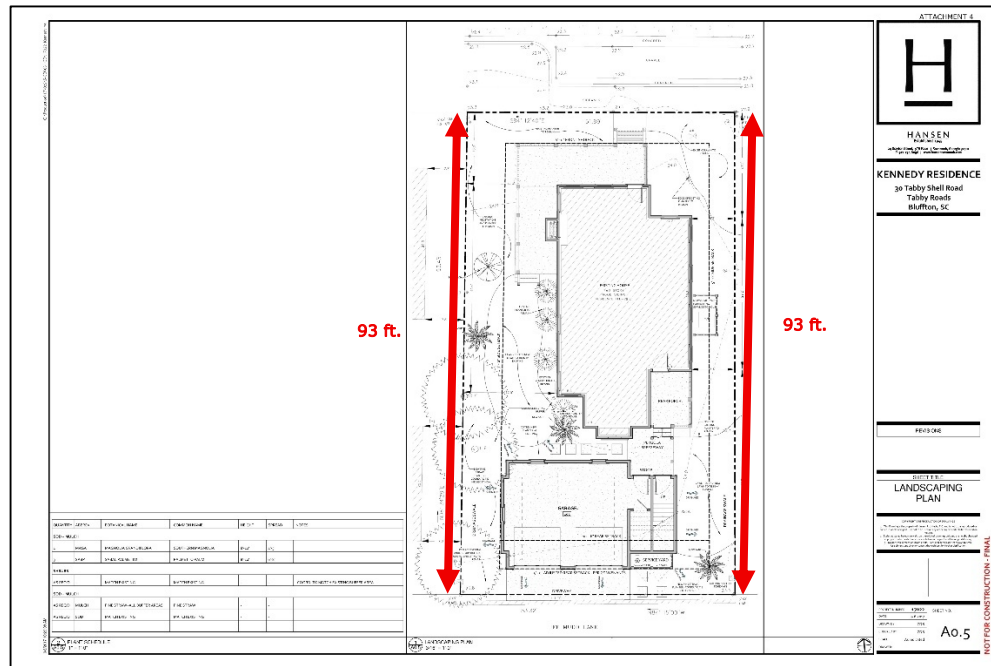
1. **Section 3.7.3.B.1.a.** There are extraordinary and exceptional conditions pertaining to the particular piece of property;

The Applicant states, "Lot 19 of the Tabby Roads Development is substandard by most if not all criteria and is set aside from its adjoining lots in size, orientation, and arrangement. The acute quadrangle of the parcel unnaturally constricts the siting of a traditional vernacular Bluffton residence, forcing the house design to conform to the angled lot lines and pushing the Carriage House beyond the 5' rear setback.

Finding. The subject property contains approximately 4,516 SF (0.10 acres) and is irregularly shaped, with a depth ranging from approximately 56 feet to 91 feet.



Finding. Lot 19 is irregular in shape compared to other lots within the Tabby Roads development.



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;

The Applicant states, "As shown in our attached exhibit, Lot 19 is the only lot within Tabby Roads that contains this awkward geometry. Lot 10 suffered a substantial intrusion into their lot to accommodate the community open space easement and was granted a variance to accommodate their carriage house."

Finding. The submitted subdivision plat depicts Lot 19 with an irregular trapezoidal configuration, while the other lots along Pluff Mudd Lane are generally rectangular in configuration.

Finding. This condition does not generally apply to other properties in the vicinity.

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;

The Applicant states, "All other lots along Pluff Mudd Lane have an accessory structure with the exception of Lot 17, and they have received approval of a plan to build a carriage house on their lot."

Finding. The Tabby Roads subdivision was originally platted in 2004, prior to the establishment of the Unified Development Ordinance (UDO) in 2011.

Finding. The recorded plat references that setbacks for accessory structures shall meet Town regulations in effect at the time of application for approval of such structures (Attachment 5, Tabby Roads Subdivision Plat).

Finding. While the lot is buildable, the development was created prior to UDO regulations, including Section 5.7.4 Lot Layout and Design and 5.15.5.F Old Town Bluffton Historic District, General Standards, which regulate lot layout, design, and building orientation (Attachment 4 and 7).

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

The Applicant states, "The applicant did not have any role in creating the substandard lot and has worked tirelessly over the past four years to site a house that meets the strict requirements of the UDO and Tabby Roads ARC. It is a very hard lot to build on.

The applicant first communicated with Tabby Roads' ARC in late 2021. From that time, they have been in constant communication with the ARC to determine an appropriate way to develop this unique lot; with their first preliminary submission being in January 2023. There have been several renditions of the plans submitted to the ARC to comply with the requirements, as well as several revisions to satisfy their comments and requests. At this time, the design has received full approval of the Tabby Roads ARC, including the variance.

The applicant has encountered several impactful setbacks on this project, including a proposed road widening of Burnt Church Road that delayed the project further by threatening to acquire their property through immanent domain."

Finding. Lot 19 was established in its current configuration and dimensions as part of the original Tabby Roads subdivision plat, recorded in 2004, prior to the Applicant's proposed development of the property.

Finding. The Tabby Roads Development Plan does not require a Carriage House on every lot.

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;

The Applicant states, "This variance does not conflict with the Comprehensive Plan and the purpose of the ordinance as it merely facilitates a carriage house that is smaller than neighboring carriage houses and will not encroach on any neighbors. Pluff Mudd Lane dead ends at this lot and is primarily occupied overhead by Santee Cooper transmission lines."

Finding. The subject property is located within the Neighborhood General–Historic District (NG-HD), has a Future Land Use designation of Town Center, and is located within the Old Town Master Plan area. The proposed development consists of a single-family residence and accessory structure. A Carriage House is a permitted accessory building type within the NG-HD District.

Finding. The proposed residential use and accessory Carriage House are permitted within the applicable zoning district.

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

The Applicant states, "Authorizing this variance will not result in a substantial detriment to the adjacent property or the public good, as no neighbors are encroached upon and the subject property is at the end of the lane. No views or vistas are blocked by the encroachment, and the encroachment is not visible from Tabby Shell Road."

Finding. The proposed Carriage House is located along the Pluff Mudd Lane side of Lot 19, where the lane terminates at the rear of the property.

Finding. On July 2, 2026, the Tabby Roads Architectural Review Board approved a variance from the applicable private covenants for the proposed development.

Finding. The requested encroachment is oriented toward the Pluff Mudd Lane right-of-way rather than the adjacent property.

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.

The Applicant states, "The reason for the variance is to help the landowners better utilize the awkward lot shape. The lots along Tabby Shell Road are consistently 93-feet plus deep. Lot 19 is 91-feet deep on the long end and only 56-feet deep at Burnt Church Road. This short end forces the development to take advantage of the deeper portion of the lot as much as possible to accommodate the principal structure which forces the carriage house to encroach on the rear setback.

Finding. While Lot 19 has an irregular shape, it is still buildable without the requested Variance.

Finding. The Tabby Roads Development Plan does not require a Carriage House on every lot.

CONCLUSION: In considering the variance request, Board members should base their decision on the evidence presented in the record and evaluate the application against each of the seven variance criteria established in UDO Section 3.7.3.B.1. The Board's decision should be supported by Findings of Fact, identifying the facts and evidence relied upon, and Conclusions of Law, explaining how those findings satisfy or fail to satisfy each applicable criterion. All seven criteria must be met in order for the Board to approve the variance request.

ATTACHMENTS:

1. Application and Narrative
2. Vicinity Map
3. Public Advertisement
4. Unified Development Ordinance (UDO) Section 5.15, Old Town Bluffton Historic District
5. Exhibits provided by Applicant
6. Tabby Roads HARB Variance Approval
7. Unified Development Ordinance (UDO) Section 5.7.4, Lot Layout and Design