



## MEMORANDUM

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**TO:** Planning Commissioners

**FROM:** Charlotte Moore, AICP, Principal Planner

**RE:** Planning Commission Workshop Regarding

**DATE:** October 23, 2024

**CC:** Kevin Icard, AICP, Director of Growth Management

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**INTRODUCTION:** The property owner of 41 Thomas Heyward Street, located in Old Town Bluffton Historic District, was cited by the Town of Bluffton for erecting a stand-alone metal carport in violation of the Unified Development Ordinance (UDO), and without a building permit. The owner, Keith Fisher, seeks to correct the UDO violation through a separate zoning text amendment (ZONE-09-24-019360) as further explained in the Background section of this memo.

**PLANNING COMMISSION WORKSHOP:** Per UDO Section 3.2.2.F. "Planning Commission Workshops are intended to be the first official presentation of a proposed project to provide the public with information and a forum to initially review the application and identify applicable application review criteria. Meetings are encouraged as opportunities for informal, non-binding communication between the Applicant and neighboring property owners who may be affected by the application."

While a text amendment is not a development project, discussion of the amendment in a workshop setting is an opportunity to have an informal discussion regarding its purpose, necessity and implications. Town Staff may also receive guidance from the Planning Commission in its preparation of a formal recommendation per the process indicated in UDO Sec. 3.5. No votes are taken, and no recommendation will be made at the workshop.

Following the Planning Commission workshop, a second workshop will be held with the Historic Preservation Commission (HPC) as the property is in Old Town Bluffton Historic District. The HPC is responsible for reviewing development proposals within Old Town, and it is standing practice to hold workshops with the HPC for proposed text amendments that will affect this district.

**BACKGROUND:** The property at 41 Heyward Street includes a two-story single-family residence and a detached two-story carriage house in the rear of the property. Over the years, as shown on Google Street View, the area adjacent to the south side of carriage house and the property line has been used for unenclosed and uncovered storage of vehicles and watercraft. It is within this area where a metal carport was installed without Town approval.

A Notice of Violation by the Town of Bluffton was the impetus for a text amendment application by the property owner (Attachment 1). While specific text language has not been proposed, the owner would like for Town Council to "...include regulations and guidelines..." to allow carports. The owner has provided additional information in a written narrative to support the amendment (Attachment 2).

The property owner provided photos of some existing metal carports located in Old Town (Attachment 3). However, without research on each one, it is not known if all are legal, including legally non-conforming (i.e., grandfathered). Grandfathered metal carports are those that existed before the UDO was adopted on August 10, 2011.

**HOW THE UDO REGULATES "CARPORTS":** In Old Town Historic District, *carports are regulated*. Within Old Town, a form-based code approach is used to regulate buildings by specified types within this area (UDO Sec. 5.15.8). When located in an accessory structure that is 121 to 1,200 square feet, uses such as garages, carports, workshops, and accessory dwelling units (or some combination thereof) are classified as a Carriage House building type. Unenclosed carports with metal roofs are permitted as a Carriage House and must comply with the design standards in UDO Sec. 5.15. Additionally, only one Carriage House is permitted on a lot.

Because the subject property has an existing Carriage House, a second Carriage House (i.e., the metal carport) is not permitted even if it complied with the applicable design standards of UDO Sec. 5.15.

It should be noted that the adjacent property, 43 Heyward Street, has an existing metal carport that was also cited for non-compliance with the UDO, and which was constructed without a building permit. The owner of the property applied for a Certificate of Appropriateness, which will be reviewed by the Historic Preservation Commission on November 6. If the HPC approves the design, the carport (i.e., Carriage House) will be allowed (following receipt of a building permit) and will be the only Carriage House on the property.

The Old Town Bluffton Historic District was adopted, in part, to prevent building types that are damaging to its unique character. UDO Sec. 5.15.1.D states that "[t]hrough history, patterns of building placement, street elevation, compositional principles, materials, and applications have established a broad but clear set of collective responses. This Section [Old Town Bluffton Historic District] identifies a set of relatively simple principles in order to maintain this quality of environment that has made Bluffton so desirable and to encourage infill to follow this desired pattern." For more than 13 years, there have been established standards for Carriage Houses and compliance by other property owners who have completed the application process.

**FOR DISCUSSION:** For the metal carport to remain as illegally erected on the subject property, two UDO amendments would be necessary to: 1) allow more than one Carriage House per lot; and 2) exempt the metal carport (and, by extension, similar buildings, from design review). Compliance with established rear and side yard setbacks would also be necessary.

Consideration of the above two questions will serve as the basis for determining the appropriateness of the UDO amendment. Again, this is an informal discussion, and no votes will be taken nor a recommendation made by the Planning Commission.

**NEXT STEPS:** The proposed text amendment will be reviewed as follows:

- Historic Preservation Commission Workshop (advisory only): November 6, 2024
- Planning Commission (recommendation to Town Council): November 20, 2024
- Town Council First Reading: January 14, 2025
- Town Council Public Hearing/ Second Reading: February 11, 2024

**ATTACHMENTS:**

1. Application
2. Narrative
3. Photos Provided by Applicant