

BOARD OF ZONING APPEALS



STAFF REPORT DEPARTMENT OF GROWTH MANAGEMENT

MEETING DATE:	July 7, 2026
PROJECT:	Pinellas Park Building C Parking Variance Request
APPLICANT:	Jennifer Tosky, Kenneth Scott Builders
PROJECT NUMBER:	ZONE-06-26-020315
PROJECT MANAGER:	Angie Castrillon Planner Department of Growth Management

REQUEST: The Applicant, Jennifer Tosky of Kenneth Scott Builders, on behalf of Pinellas Park, LLC, requests a variance from the Buckwalter Planned Unit Development (PUD) Concept Plan Development Agreement, Development Standards Ordinance 90/3 as modified, Section 5.2.1.1. to allow a reduction in the required minimum off-street parking for proposed restaurant use (Attachment 1).

INTRODUCTION: The subject property consists of approximately 0.49 acres identified by tax map number R610 022 000 1143 0000 and is located within the Buckwalter PUD in the Buckwalter Commons Phase 1 Master Plan (Attachment 2). The Board of Zoning Appeals (BZA) hearing was advertised in The Island Packet on June 21, 2026 (Attachment 3). The property was posted, and adjacent property owners were notified by certified mail in accordance with Unified Development Ordinance (UDO) requirements.

BACKGROUND: The subject property is located within the Buckwalter PUD and is subject to the standards set forth in the Buckwalter PUD Concept Plan Development Agreement, and the Buckwalter Commons Phase 1 Master Plan, and UDO Sections 5.3, 5.10, as applicable. Parking requirements for the Buckwalter PUD are governed by the Beaufort County Development Standards Ordinance 90/3 (DSO 90/3), as modified. Under DSO 90/3, restaurant uses within the Buckwalter PUD require 12 parking spaces per 1,000 square feet of building area (Attachment 4).

In 2024, Pinellas Park, LLC obtained a Final Development Plan (DP-11-22-017433) approval for the original 1.49-acre Parcel C2-F for the construction of three (3) commercial buildings with associated parking, driveways, and infrastructure. The Preliminary Development Plan application contemplated a full-service restaurant & rooftop bar as one of the uses; however, that use did not materialize, and the approved plan set was designed to meet the office/retail parking standard. In the response to Final Technical Review comments, the Applicant acknowledged the proposed uses, stating "Restaurant Note Removed from plans, buildings are considered all office buildings," (Attachment 5).

In 2025, Parcel C2-F was subdivided into two lots: Parcel C2-F1 (0.49 acres, retained by Pinellas Park, LLC) and Parcel C2-F2 (1.045 acres, conveyed to a new owner in February 2025 for office/retail and warehouse use). The two parcels share common areas and parking as originally designed (Attachment 6). As of the date of this report, both parcels have been developed in accordance with the approved Development Plan; underground utilities and BJWSA requirements have been satisfied, the parking lot is complete, and two of the three approved buildings have been constructed. The building permit for Building C (3,600 SF) is currently under review.

In February 2026, Pinellas Park, LLC was approached by a prospective purchaser proposing to operate a counter-service pizza eatery and an adjacent New York-style counter deli within Building C (Attachment 7). Under the Buckwalter PUD, these uses are classified as restaurants and are therefore subject to the 12-spaces-per 1,000-SF parking requirement. The site, as constructed, does not provide sufficient parking to meet this standard for the proposed restaurant uses.

The Applicant states that the site currently provides 55 parking spaces across the shared development. The three-building complex, calculated at 3.5-spaces-per 1,000-SF parking requirement, would require 53 spaces. The Applicant has also received approval from the Pinellas Drive POA to install 8 additional parking spaces within the Pinellas Drive private right-of-way, subject to the approval of a Development Plan Amendment.

The Applicant argues that the proposed uses are counter-service establishments rather than traditional full-service restaurants. They contend that the 12-spaces-per-1,000-SF standard does not account for differences in restaurant formats and unreasonably restricts the site's use. The Applicant cites irregular parcel boundaries, limited depth, setbacks, drainage and retention pond easements, jurisdictional wetlands, and the lack of rear vehicular access as site constraints. Staff does not distinguish between counter-service and full-service restaurants, and considers all establishments that provide on-site seating to be subject to Buckwalter PUD parking standards of 12-spaces-per-1,000 SF.

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. Parcel C2-F1 is constrained by its irregular shape, limited depth, drainage and retention pond easements, jurisdictional wetlands and buffers, and lack of rear vehicular access. Following the 2025 subdivision, the parcel was reduced from 1.49 acres to 0.49 acres while retaining a parking lot originally designed to serve the larger office/retail development.

Staff notes these physical constraints existed when the site was designed and approved. The need for the variance results from the proposed change in use from office/retail to restaurant rather than unforeseen physical conditions.

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 Applicant states the parcel's size and configuration are unique compared to nearby commercial parcels and notes the site meets or exceeds the Town's UDO parking requirements for the proposed use.

Staff finds that the Buckwalter PUD's 12-space-per-1,000-SF restaurant standard applies uniformly to all restaurant uses within the PUD. What distinguishes this parcel is that its parking was designed and built to an office/retail standard prior to identification of a restaurant end user.

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 Applicant states the Buckwalter PUD applies one parking standard to all restaurant uses without distinguishing between counter-service and full-service establishments, which unreasonably restricts the proposed use.

Staff finds the site cannot reasonably accommodate additional parking due to existing improvements, easements, wetland buffers, and the shared parking layout. The Board should determine whether the proposed counter-service use and the existing parking supply adequately serve the proposed use. As the additional parking spaces approved by the POA are subject to Development Plan Amendment approval, they should not be considered in determining the variance request.

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 the variance is necessary to allow a use otherwise permitted by the Town and is not the result of the Applicant's actions.

Staff finds the parking was designed and constructed to meet the office/retail parking standard, and the decision to pursue restaurant tenants occurred after Development Plan approval. The Board should determine whether the hardship primarily results from the Applicant's change in use or from the parcel's physical constraints and the PUD parking standard.

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 Comprehensive Plan (*Blueprint Bluffton*, dated November 8, 2022) supports economic vitality, the activation of commercial areas, and the provision of neighborhood-serving retail and food service uses. Staff finds the proposed restaurant use supports the Comprehensive Plan's goals for commercial development.

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 the variance will not adversely affect surrounding properties, the public, or the character of the Pinellas Drive area. The Applicant has obtained POA approval for 8 additional parking spaces within the Pinellas Drive private right-of-way, which would supplement the on-site supply and reduce the potential for spillover parking impacts.

As previously stated, Staff finds the additional parking spaces approved by the POA are subject to Development Plan Amendment approval and should not be considered in determining the variance request. The Board should consider whether the available parking is sufficient to prevent future spillover parking impacts.

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 the variance is needed to accommodate a viable business within the existing development and would not increase the overall development's approved density or profitability.

Staff finds the parking lot designed and constructed to meet the office/retail parking standard, as proposed and approved in the Final

Development Plan. However, as noted above, the Board should consider the extent to which the Applicant's own decisions contributed to the current situation and whether the request for the variance is for convenience or financial gain.

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 Buckwalter PUD restaurant parking requirement would result in unnecessary hardship to the property owner.

The Board's decision centers on whether the parcel's physical constraints, the shared parking arrangement created by the Development Plan, and the Buckwalter PUD's single parking standard for all restaurant uses constitute the extraordinary and exceptional circumstances necessary to justify a variance. Findings of fact for each criterion are required.

ATTACHMENTS:

1. Application and Narrative
2. Vicinity Map
3. Public Advertisement
4. Buckwalter PUD Development Standards Ordinance 90/3 as modified, Section 5.2.1.1.
5. Approved Site Plan (09 25 2024) and Final Technical Review Response to Comments (09 05 2024)
6. Subdivision Plat of Parcel C2-F (Recorded 02 27 2025)
7. Proposed Restaurant Floor Plan (06 08 2026)