

BOARD OF ZONING APPEALS



STAFF REPORT DEPARTMENT OF GROWTH MANAGEMENT

MEETING DATE:	December 2, 2025
PROJECT:	113 Bridge Street Wall Variance Request
APPLICANT:	Brian Rose, Rose Landscape, LLC
PROJECT NUMBER:	ZONE-11-25-020003
PROJECT MANAGER:	Angie Castrillon Planner Department of Growth Management

REQUEST: The Applicant, Brian Rose of Rose Landscape, LLC, on behalf of property owner Louise B. Johnson Revocable Trust requests a variance from Unified Development Ordinance (UDO) Section 5.15.6.K.2.a to allow the construction of a six foot tall pierced brick wall from the front façade of the main structure to the top of the bank along the property line adjacent to the Oyster Factory Park (Attachment 1).

INTRODUCTION: The subject property consists of 1.49 acres identified by tax map number R610 039 00A 0192 0000 in the River Front Edge Historic District (RV-HD) Zoning District within Old Town Bluffton (Attachment 2). The Board of Zoning Appeals (BZA) hearing was advertised in *The Island Packet* on November 16, 2025 (Attachment 3). The property was posted, and adjacent property owners were notified by certified mail in accordance with UDO requirements.

BACKGROUND: Section 5.15.5.E of the UDO establishes that, for properties within the RV-HD, the river shall be the focus of each lot abutting it and therefore acts as the "front" of the lot. Accordingly, Section 5.15.6.K.2.a Garden Walls, Fences, Hedges of the (UDO) the front yard (in front of the primary structure) has a minimum height of 24 inches and a maximum height of 42 inches. Therefore, the proposed construction activity must be reviewed through a variance request.

The Applicant proposes a six-foot pierced brick wall the entire length of the property to the top of slope. The variance request is for the distance of the front yard, which is approximately 93 linear feet. The subject property is one of only three properties that directly border the Oyster Factory Park, a public waterfront park that experiences consistent daily use and increased activity during special events. The home is situated closer to the shared property line with the park than surrounding residential lots, resulting in a higher level of visibility and exposure to adjacent public use (Attachment 4).

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 Unified Development Ordinance. These criteria are provided below followed by a Staff Finding(s) based upon review of the application submittals to date.

1. Section 3.7.3.A: The application must comply with the applicable requirements in the Applications Manual.

Finding. The application has been reviewed by the Town Staff and has been determined to be complete.

2. Section 3.7.3.B.1. 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 of the following standards are met:

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

Finding. The subject property directly borders Oyster Factory Park, a public waterfront park with consistent daily use and increased activity during special events. The primary structure is positioned closer to the shared property line than nearby residential properties. This combination of park adjacency and lot configuration creates site conditions not commonly present on other lots.

- B. 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. Only two residential parcels within RV-HD zoning district along Bridge Street have boundaries directly abutting Oyster Factory Park. Properties elsewhere in the RV-HD zoning district do not share the same level of exposure to public activity or the same degree of proximity between a primary residence and a public park boundary. Therefore, the identified conditions are not generally applicable to other properties in the vicinity.

- C. 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. Given the property's direct proximity to a heavily used public park, a maximum fence height of 42 inches would provide limited screening between the home and adjacent public use. This may affect the ability to use the yard with a level of privacy, sound buffer, and separation comparable to other residential properties in the RV-HD that are not immediately adjacent to public park facilities.

Additionally, the Property Owner states, "The position of our property, next to the public park creates concerns for privacy, as well as an attractive nuisance if the fence were low enough for persons to scale, thus creating a safety hazard not only for us as the Owners, but also for the Town, if anyone fell and were injured trying to climb the fence."

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

Finding. The conditions prompting the variance request result from the property's location, lot configuration, and adjacency to Oyster Factory Park. These conditions were not created by the Applicant.

- E. 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. Section 5.15.5.E Riverfront Edge – HD of the UDO states that the river shall be the focus of each lot abutting it and therefore acts as the "front" of the lot. The requested variance to allow a taller wall would not modify the overall land-use designation or interfere with goals related to community character, historic preservation, or public access. The proposed wall would not further obstruct views of the river from the Oyster Factory Park.

Further, there are no substantial conflicts with the Comprehensive Plan or the purposes of the Ordinance. The proposed wall is limited in scope and would not modify or disrupt the established development pattern along Bridge Street.

- F. Section 3.7.3.B.1.f. The authorization of a 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;

Finding. The proposed wall would be located along an existing property boundary and would not impede public use of Oyster Factory Park. Based on the existing conditions and proposed location, no substantial detriment to adjoining properties or to the public good is anticipated, and the character of the district is expected to remain unchanged.

- G. 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 stated purpose of the variance relates to mitigating the effects of adjacency to a public park, including security, privacy, reduced noise and enhance the overall use of the property. The request is based on site-specific conditions associated with the lot's location rather than on objectives related solely to profitability.

CONCLUSION: Applying the seven variance criteria, the Board of Zoning Appeals must determine if the literal interpretation and enforcement of the UDO and provisions of the Ordinance would result in unnecessary hardship to the property owner(s). Findings of fact and using the criteria will be required.

ATTACHMENTS:

1. Application and Narrative
2. Vicinity Map
3. Public Advertisement
4. Proposed Landscape Plan and Aerial