

BOARD OF ZONING APPEALS



STAFF REPORT DEPARTMENT OF GROWTH MANAGEMENT

MEETING DATE:	January 7, 2025
PROJECT:	1181 May River Road – Variance Request
PROJECT MANAGER:	Dan Frazier, Planning Manager

APPLICATION REQUEST: The Applicant, Jason Broene, on behalf of Trevor Wells, is requesting a variance for the following application (Attachment 1):

ZONE-12-24-019470 - The Applicant is requesting a variance from UDO Section 5.3.7.B.2.b to allow a 35-foot encroachment into the 50-foot Highway Corridor Overlay District (HCOD) buffer.

The property is identified by tax map number R610 039 000 097A 0000 and is located at 1181 May River Road in the Neighborhood Core Zoning District. The BZA hearing was advertised in The Island Packet on December 22, 2024 (Attachment 2), the property was posted, and adjacent property owners were notified via certified mail.

INTRODUCTION: The subject property consists of a .36-acre parcel located at 1181 May River Road. The parcel has a 12,000 square foot building and parking lot. The Applicant is proposing the addition of a 2-story 8,000 square foot mixed use building, associated parking, and supporting infrastructure.

The subject property is located within the Highway Corridor Overlay District (HCOD), requiring a 50-foot landscape buffer along the front property line, as well as compliance with standards for architecture, lighting, and additional landscaping.

BACKGROUND: Section 5.3.7.B.2.b of the Unified Development Ordinance requires lots located along South Carolina Highway 46 (May River Road), except within the Old Town Bluffton Historic District, to have a minimum 50-foot-wide landscaped buffer established from the road right-of-way. The buffer is intended to be left undisturbed; however, it does allow for utilities to pass through or cross, drainage swales, certain structural elements (fences or privacy walls) and other activities (driveway accesses, foot and bike paths, signage and pedestrian amenities).

The buffer does not allow for parking or building placement (UDO Section 5.3.7.B.3.a-i). The requested variance is to allow the landscape buffer to be reduced from 50 feet to a 15-foot landscaped buffer along the road right-of-way to allow for the placement of the building and provide a location to accommodate the required parking. The Applicant is requesting to create consistency with the adjacent properties to the east, including the Stock Farm development, 1195 May

River Road, 1203 May River Road and additional May River Road properties within the Historic District.

Similar variance requests along May River Road have been granted in the past. On March 7, 2017, the Board of Zoning Appeals approved an encroachment of 36 feet into the 50-foot Highway Corridor Overlay District Buffer at 1195 May River Road (ZONE-01-17-010509). On August 1, 2023, a variance at 1203 May River Road was approved for a 35-foot encroachment into the 50-foot HCOD buffer (ZONE-07-23-018221).

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. The subject property contains an existing metal building. The required 50-foot buffer is applied, along with the required walkways, rear setbacks, and sidewalks, renders the property unsuitable for commercial development consistent with the May River Road Corridor and current zoning regulations.

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. While the 50-foot buffer requirement is applicable to subject property within the Highway Corridor Overlay District, neighboring properties have different conditions. Properties to the east are located within the Old Town Bluffton Historic District, which permits a 10-foot setback. Further, the properties to the west received a variance for a 14-foot setback/buffer. The properties south of May River Road within Stock Farm are encouraged to locate buildings closer to the street with minimal setbacks, aligning with the proposed variance.

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 50-foot buffer requirement limits the maximum building depth to approximately 30 feet. This constraint would unreasonably restrict the property's commercial usage in a manner that is not consistent with similar properties in the zoning district.

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

Finding. The subject lot was established prior to the creation of the Highway Corridor Overlay District. Due to the lot depth, the buildable area with the required buffer is substantially restricted compared to other lots in the same zoning district within the Highway Corridor Overlay District.

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 approval of the requested variance aligns with the Comprehensive Plan, *Blueprint Bluffton*, and the purposes of the Unified Development Ordinance. Per the Town of Bluffton, the Neighborhood Core District is "intended to provide a compact, commercial environment with a mix of complementary and supporting services," and characterized by "moderate-intensity, mixed use development," (UDO Section 4.1, 4.2.5)

6. 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 approval of the requested variance would not result in substantial detriment to adjacent property owners or the public good. The proposed structures will be reviewed by the Planning Commission through the Certificate of Appropriateness - Highway Corridor Overlay District process to ensure compliance with the district's standards, including architecture, lighting, and landscaping.

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 variance request proposes consistency along May River Road by reducing the buffer in a manner consistent with surrounding properties near the Old Town Historic District.

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, Narrative, As-Built Survey, and Proposed Site Plan
2. Public Advertisement