

BOARD OF ZONING APPEALS



STAFF REPORT DEPARTMENT OF GROWTH MANAGEMENT

MEETING DATE:	May 6, 2025
PROJECT:	1 Garfields Way – Variance Request
PROJECT MANAGER:	Dan Frazier, Planning Manager

APPLICATION REQUEST: The Applicant, Ansley H. Manuel, on behalf of property owner Samuel Kopotic, is requesting a variance for the following application (Attachment 1):

ZONE-03-25-019660 - The Applicant is requesting a variance from UDO Section 5.15.5.C to allow a five (5) foot encroachment into the twenty-five (25) foot rear setback.

The property is in the Neighborhood General – Historic District (NG-HD) identified by tax map number R610 039 00A 0406 0000 and is located at 1 Garfields Way (Attachment 2). The BZA hearing was advertised in The Island Packet on April 20, 2025 (Attachment 3), the property was posted, and adjacent property owners were notified via certified mail.

INTRODUCTION: The subject property consists of a 0.16-acre parcel located at 1 Garfields Way. The parcel is currently vacant/undeveloped. The Applicant is proposing to construct a three-bedroom single-family dwelling with a one-bedroom-attached carriage house (Attachment 1). The subject property is located within the Historic District, requiring a Certificate of Appropriateness – Historic District (COFA-HD) prior to issuance of a building permit.

BACKGROUND: Per Section 4.2.10, the purpose and intent of the Neighborhood General – Historic District (NG-HD) is residential in scale and includes a mixture of residential, non-residential, and civic uses within the Old Town Bluffton Historic District. Residential units are an assortment of single-family homes including bungalows, cottages, village houses, and sideyard houses.

Section 5.15.5.C of the Unified Development Ordinance (UDO) requires a twenty-five (25) foot rear setback for Cottage, Medium House, and Additional Building Types. The subject parcel, approximately 54.65 feet in width, meets lot width requirements outlined in the UDO (Attachment 4 and 5). A pre-application meeting was held on October 31, 2024. Site photos of the subject property were taken on April 29, 2025 (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;

Finding. The irregular shape and skewed rear property line of the subject parcel are unique when compared to the generally rectangular and regularly shaped lots in the vicinity within the same zoning district.

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. Other properties in the vicinity and within the Neighborhood General – Historic District are subject to the same setback requirements, regardless of lot shape.

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. Application of the Ordinance does not prohibit or unreasonably restrict the property's use, as a conforming single-family dwelling and carriage house can still be developed within the existing setbacks.

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 irregular configuration of the lot and the location of the rear property line are existing conditions not created by the Applicant or current property owner. The requested variance stems from the Applicant's proposed site layout and design choices rather than any existing physical hardship inherent to the property itself.

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 authorization of a variance does not substantially conflict with the Comprehensive Plan, *Blueprint Bluffton*, however, would conflict with the intent of the ordinance regarding encroachment into required setbacks.

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 authorization of a Variance for this property may have a negative impact on adjacent properties or the public good. Authorization of the variance will allow the home to be constructed five (5) feet closer to the rear yard of the home located at 21 Wharf Street. In general, the overall appearance of the home will effectively remain the same.

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 primary justification for the variance appears to be the Applicant's preference for a larger building footprint rather than an actual hardship, making the request one of convenience rather than necessity.

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, Proposed Site Plan
2. Vicinity Map
3. Public Advertisement
4. Survey
5. UDO Section 5.15.5.C.
6. Site Photos Dated April 29, 2025