



## Board of Zoning Appeals

Tuesday, September 07, 2021 at 6:00 PM

Electronic Meeting

### AGENDA

This meeting can be viewed on the Town of Bluffton's [Website](#)

#### PUBLIC COMMENT

Public comments will be received via conference line provided by staff. All requests for public hearing or public comment will be accepted up to two (2) hours prior to the scheduled meeting start time.

I. **CALL TO ORDER**

II. **ROLL CALL**

III. **NOTICE REGARDING ADJOURNMENT**

IV. **NOTICE REGARDING PUBLIC COMMENTS\***

V. **ELECTION OF OFFICERS**

VI. **ELECTION OF OFFICERS**

VII. **ADOPTION OF MINUTES**

VIII. **PUBLIC COMMENT**

IX. **OLD BUSINESS**

- A. **9227 Evan Way (Parker's) Signage (Variance Request):** A request by Drayton-Parker Companies LLC for a variance from the signage regulations of the Jones Estate Planned Unit Development to allow a free-standing sign that is off-premise and for a single business within a Shopping Center, prohibited under Beaufort County Zoning and Development Standards Ordinance 90/3 Article IX (Sign Control) Section 9.2.5.B.4 (Shopping Centers and/or Multiple Tenant Buildings) and Section 9.2.6.A (Off-Premise Signs). The property is zoned Jones Estate Planned Unit Development and identified by Beaufort County Tax Map Number R610 036 000 0866 0000 located at 9227 Evan Way. (ZONE-07-21-015575) (Staff- Jordan Holloway)

X. **NEW BUSINESS**

- A. **131 Bridge Street (Variance Request):** A request by Amanda Denmark, on behalf of the owners Gene and Kathy Cashman, for approval of a Variance Request. The Variance Request would allow the construction of an addition to the primary structure which encroaches the

side yard setback by seven (7) feet, to add a second story on the primary structure which has a nonconforming location, and to add a second story to an accessory structure which has a nonconforming location. The property is identified by Beaufort County Tax Map Number R 610 039 00A 0197 0000 and is located at 131 Bridge Street. The property is zoned Riverfront Edge Historic District. (ZONE-08-21-015714) (Staff- Jordan Holloway)

**XI. DISCUSSION**

**XII. ADJOURNMENT**

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*"FOIA Compliance – Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Bluffton policies."*

*In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Bluffton will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. The Town of Bluffton Council Chambers are ADA compatible. Any person requiring further accommodation should contact the Town of Bluffton ADA Coordinator at 843.706.4500 or [adacoordinator@townofbluffton.com](mailto:adacoordinator@townofbluffton.com) as soon as possible but no later than 48 hours before the scheduled event.*

*\*Please note that each member of the public may speak at one public comment session and a form must be filled out and given to the Town Clerk. Public comment must not exceed three (3) minutes.*

## Board of Zoning Appeals

Theodore D. Washington Municipal Building, 20 Bridge Street, Henry "Emmett" McCracken Jr.  
Council Chambers

August 03, 2021

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### II. CALL TO ORDER

### III. ROLL CALL

#### PRESENT

Board Member Daniel Grove  
Board Member Gerry Workman  
Board Member Larry Garrison  
Board Member Stephan Halpern

#### ABSENT

Board Member Steve Wallace

### IV. NOTICE REGARDING ADJOURNMENT

### V. NOTICE REGARDING PUBLIC COMMENTS\*

### VI. ADOPTION OF AGENDA

Motion made by Board Member Garrison, Seconded by Board Member Grove.

Voting Yea: Board Member Grove, Board Member Workman, Board Member Garrison, Board Member Halpern

### VII. ADOPTION OF MINUTES

#### A. June 1, 2021

Motion made by Board Member Garrison, Seconded by Board Member Workman.

Voting Yea: Board Member Grove, Board Member Workman, Board Member Garrison, Board Member Halpern

### VIII. PUBLIC COMMENT

There were 3 public comments. Elise Hill, Randy Bohme and Sylvia Coker were opposed to the variance request.

### IX. OLD BUSINESS

- A. **Beaufort County Parks and Recreation (Variance Request):** A request by Shannon Loper of Beaufort County Parks and Recreation on behalf of the Town of Bluffton for a variance from

the signage regulations of the Buckwalter Planned Unit Development to allow a moving message board sign, prohibited under Beaufort County Zoning and Development Standards Ordinance 90/3 Article IX (Sign Control) Section 9.2.2 Prohibited Signs. The property is zoned Buckwalter Planned Unit Development and identified by Beaufort County Tax Map Number R610 038 000 0053 0000 located at 800 Buckwalter Parkway. (Staff- Jordan Holloway)

Motion made by Board Member Garrison to approve the application with conditions:

Sign must be turned off when the recreation center is not open.

The sign may be on in a declared emergency situation.

The motion was seconded by Board Member Workman.

Voting Yea: Board Member Grove, Board Member Workman, Board Member Garrison, Board Member Halpern

## **X. NEW BUSINESS**

- A. 9227 Evan Way (Parker's) Signage (Variance Request):** A request by Drayton-Parker Companies LLC for a variance from the signage regulations of the Jones Estate Planned Unit Development to allow a free-standing sign that is off-premise and for a single business within a Shopping Center, prohibited under Beaufort County Zoning and Development Standards Ordinance 90/3 Article IX (Sign Control) Section 9.2.5.B.4 (Shopping Centers and/or Multiple Tenant Buildings) and Section 9.2.6.A (Off-Premise Signs). The property is zoned Jones Estate Planned Unit Development and identified by Beaufort County Tax Map Number R610 036 000 0866 0000 located at 9227 Evan Way. (Staff- Jordan Holloway)

Motion to table the application made by Board Member Halpern, Seconded by Board Member Workman.

Voting Yea: Board Member Grove, Board Member Workman, Board Member Garrison, Board Member Halpern

## **XI. DISCUSSION**

There was no discussion.

## **XII. ADJOURNMENT**

Motion for adjournment made by Board Member Workman, Seconded by Board Member Garrison.

Voting Yea: Board Member Grove, Board Member Workman, Board Member Garrison, Board Member Halpern



# BOARD OF ZONING APPEALS



## STAFF REPORT DEPARTMENT OF GROWTH MANAGEMENT

<b>MEETING DATE:</b>	August 3, 2021
<b>PROJECT:</b>	9227 Evan Way (Parker's) Signage – Variance Request
<b>PROJECT MANAGER:</b>	Jordan Holloway, Senior Planner

**APPLICATION REQUEST:** The Applicant, Drayton-Parker Companies LLC, is requesting a variance from the signage regulations of the Jones Estate Planned Unit Development (PUD) from the Board of Zoning Appeals for the following application (Attachment 1):

ZONE-07-21-015575. The Applicant is requesting a variance from the signage regulations of the Jones Estate Planned Unit Development to allow a free-standing monument style sign that is off-premise and for a single business within a Shopping Center.

Beaufort County Zoning and Development Standards Ordinance 90/3 Article IX (Sign Control) *Section 9.2.5.B.4 (Shopping Centers and/or Multiple Tenant Buildings)*: Individual business within a complex shall not be allowed to have separate free-standing signs.

*Code of the Beaufort County Zoning and Development Standards Ordinance 90/3 Article IX (Sign Control) Section 9.2.6.A (Off-Premise Signs)*: Except as provided for paragraphs (G) and (H) of this section, all commercial off-premise signs are banned in the areas of Beaufort County to which this ordinance applies.

The property is identified by the Beaufort County Tax Map Number R610 036 000 0866 0000 and is located at 9227 Evan Way. The property is zoned Jones Estate PUD and is part of the May River Crossing Master Plan. The BZA hearing was advertised in The Island Packet on July 18, 2021 (Attachment 2).

**INTRODUCTION:** The subject property is a 1.69-acre parcel located at 9227 Evan Way in the Jones Estate PUD (see Attachment 3). It consists of an 8,600 square foot convenience store and canopy with sixteen (16) fueling stations.

The Jones Estate PUD is a 4,400-acre tract that was annexed from Beaufort County by the Bluffton Town Council in 2000. At the time of annexation, a Development Agreement and a Concept Plan were approved. Pursuant to the Concept Plan, and subsequent master plan of Town Centre at New Riverside and then master plan of May River Crossing, site development standards (including signage) are controlled by the Development Standards Ordinance (DSO) 90/3 (i.e., the Beaufort County development ordinance in effect as of the date of the annexation). The DSO variance criteria are also to be applied (see Attachment 4).

**BACKGROUND:** Parker's at 9227 Evan Way is part of the May River Crossing master planned area and as part of the master plan process there is an approved signage master plan for the development (Attachment 5). The May River Crossing Sign Master Plan was approved on November 8, 2018. The plan shows the approved locations for seven (7) monument style signs based off the highway frontage for the development/shopping center. Parker's currently has signage on the Wendy's/Parker's monument sign, is allowed to have signage on the Evan Way monument sign, has canopy signage, and a wall sign (Attachment 6).

**PROPOSAL:** The Applicant proposes one (1) freestanding monument style sign that is off-premise and for a single business within a Shopping Center (see Attachment 7). According to DSO 90/3 Sec. 9.2.5.B.4 (Shopping Centers), "Individual businesses within a complex shall not be allowed to have separate free-standing signs".

DSO 90/3 Sec. 9.2.6.A (Off Premise Signs) "Except as provided for in paragraphs (G) and (H) of this section, all commercial off-premise signs are banned."

Paragraph (G): "Off-premise Direction Signs – In order to provide information and directional aid to the general public, directional signs may be erected upon approval of Beaufort County only within 300' of intersections of major traveled thoroughfares and secondary roads to identify businesses, services, organizations, agencies, facilities and activities located down the secondary road. Such directional signs shall not be utilized to identify uses on down the major traveled thoroughfare."

Paragraph (H): "Directory Listing Signs – Directory listing signs may be placed at strategic locations in major highways in order to provide pertinent Beaufort area information to tourists and visitors. Such listings are intended to be informational and helpful for the convenience of visitors and not promotional of any particular business or type of business. Listings may be limited to local area hotels/motels, restaurants, major residential developments, major retail outlet centers and the like."

**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 and Development Standards Ordinance 90/3, Section 7.8 (Appeals), 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 9.5.4 of Development Standards Ordinance (DSO) 90/3, Article IX (Sign Control). The two criteria are provided below followed by a Staff Finding for each criterion.

As expressed in Section 9.5.4., a variance may be granted where the "...literal application of this ordinance would create a particular hardship for the sign user..."

With the granting of a variance, the BZA may include additional conditions that are keeping with the "spirit of and purpose" of the DSO and the public interest.

1. Section 9.5.4.A. "[The] Hardship caused [to] the sign user[,] under a literal interpretation of the ordinance[,] is due to conditions unique to that property and does not apply generally to the [Town]."

*Finding.* Parker's does not have a unique property or circumstance that does not apply to other properties in the Town or other properties within May River Crossing. An approved sign master plan exists, which allows Parker's to have signage on two (2) free-standing signs for the development, as well as their existing canopy signage and wall signage.

2. Section 9.5.4.B. "The granting of the variance would not be contrary to the general objectives of this ordinance."

*Finding.* The purpose of the DSO 90/3, Article IX (Sign Control), is to "Protect the public welfare and enhance the overall appearance and economic value of the landscape and preserve the unique natural environment that distinguishes Beaufort County while promoting and increasing the economic benefits derived from the attraction of tourists, permanent and part-time residents, new industries and cultural facilities."

The intent behind the Section 9.2.5 Shopping Centers and/or Multiple Tenant Buildings is to provide appropriate signage and identification within the lens of the "purpose" statement above. Allowing monument signage for shopping centers aims to help promote the businesses located within the shopping center and provide identification to residents and visitors alike. In order to preserve the landscape and natural environment, the ordinance sought to prohibit each individual business from having their own free-standing sign, and instead allow free-standing signs for the shopping center where they could place tenant signs on the shopping center sign.

The request by Parker's to have their own free-standing sign is in direct contrast to Section 9.2.5.B.4 which states that "Individual businesses within a complex shall not be allowed to have separate free-standing signs."

The intent of Section 9.2.6 Off-Premise Signs is found in Paragraph G and H which allows off-premise signs when they are used as directional signs and as directory listing signs. Parker's request for their own free-standing sign that is off premises does not fall within either of the scenarios for Paragraph G or H and is therefore contrary to the general objectives of the ordinance.

**CONCLUSION:** Applying the two variance criteria, the Board of Zoning Appeals must determine if the literal interpretation of the DSO would cause a hardship due to conditions that are unique to the property, and that would not be contrary to its objectives. Findings of fact and using the criteria will be required.

**ATTACHMENTS:**

1. Application and Narrative
2. Public Advertisement
3. Property Map
4. DSO 90-3 (Beaufort County Development Standards Ordinance)
5. May River Crossing Master Sign Plan
6. Existing Parker's Signage



**TOWN OF BLUFFTON  
BOARD OF ZONING APPEALS APPLICATION**

Growth Management Custom

**Attachment 1**

Section IX. Item #A.


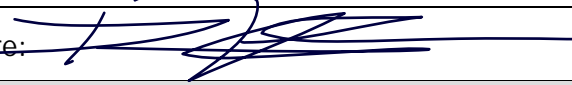
20 Bridge Street

Bluffton, SC 29910

(843)706-4522

[www.townofbluffton.sc.gov](http://www.townofbluffton.sc.gov)

[applicationfeedback@townofbluffton.com](mailto:applicationfeedback@townofbluffton.com)

Applicant		Property Owner	
Name: Drayton-Parker Companies LLC/ Daniel Ben-Yisrael		Name: Drayton-Parker Companies LLC	
Phone: 912-677-0593		Phone: 912-677-0593	
Mailing Address: 17 W. McDonough Street Savannah GA 31401		Mailing Address: 17 W. McDonough Street Savannah GA 31401	
E-mail: dbenyisrael@parkersav.com		E-mail: dbenyisrael@parkersav.com	
Town Business License # (if applicable): Unknown			
Project Information			
Project Name: Parker's Monument Sign		<input checked="" type="checkbox"/> Variance	<input type="checkbox"/> Special Exception
Project Location: 9227 Evans Way		<input type="checkbox"/> Administrative Appeal	
Zoning District:		Acreage:	
Tax Map Number(s):			
Project Description: Existing Convenience Store			
Request: To Erect a 10 ft freestanding monument sign on Hwy 170 near the intersection of 170 and Evans Way.			
Minimum Requirements for Submittal			
<input checked="" type="checkbox"/> 1. Two (2) paper copies and digital files of applicable plans and/or documents depicting the subject property.			
<input checked="" type="checkbox"/> 2. Recorded deed and plat showing proof of property ownership.			
<input checked="" type="checkbox"/> 3. Project Narrative describing reason for application and compliance with the criteria in Article 3 of the UDO.			
<input checked="" type="checkbox"/> 4. An Application Review Fee as determined by the Town of Bluffton Master Fee Schedule. Checks made payable to the Town of Bluffton.			
<b>Note: A Pre-Application Meeting is required prior to Application submittal.</b>			
<b>Disclaimer: The Town of Bluffton assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this permit.</b>			
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property. As applicable, I authorize the subject property to be posted and inspected.			
Property Owner Signature: 		Date: 070221	
Applicant Signature: 		Date: 070221	
For Office Use			
Application Number:		Date Received:	
Received By:		Date Approved:	



## TOWN OF BLUFFTON BOARD OF ZONING APPEALS APPLICATION PROCESS NARRATIVE

Section IX. Item #A.

The following Process Narrative is intended to provide Applicants with an understanding of the respective application process, procedures and Unified Development Ordinance (UDO) requirements for obtaining application approval in the Town of Bluffton. While intended to explain the process, it is not intended to repeal, eliminate or otherwise limit any requirements, regulations or provisions of the Town of Bluffton's Unified Development Ordinance. Compliance with these procedures will minimize delays and assure expeditious application review.

<b>Step 1. Pre-Application Meeting</b>	<b>Applicant &amp; Staff</b>
Prior to the filing of a Board of Zoning Appeals Application, the Applicant is required to consult with the UDO Administrator or their designee at a Pre-Application Meeting for comments and advice on the appropriate application process and the required procedures, specifications, and applicable standards required by the UDO.	
<b>Step 2. Application Check-In Meeting</b>	<b>Applicant &amp; Staff</b>
Upon receiving input from Staff at the Pre-Application Meeting, the Applicant shall submit the Board of Zoning Appeals Application and required submittal materials during a mandatory Application Check-In Meeting where the UDO Administrator or designee will review the submission for completeness.	
<b>Step 3. Review by UDO Administrator</b>	<b>Staff</b>
If the UDO Administrator determines that the Board of Zoning Appeals Application is complete, the application is placed on the next available Board of Zoning Appeals (BZA) Meeting agenda.	
<b>Step 4. Board of Zoning Appeals Meeting</b>	<b>Applicant, Staff &amp; Board of Zoning Appeals</b>
The Board of Zoning Appeals (BZA) shall review the application for compliance with the criteria and provisions in the UDO. The BZA may approve, approve with conditions, or deny the application.	
<b>Step 5. Issue Variance or Special Exception</b>	<b>Staff</b>
If the BZA approves the application, the UDO Administrator shall issue the Variance or Special Exception.	



## Town of Bluffton Public Notice

NOTICE IS HEREBY GIVEN that the Town of Bluffton Board of Zoning Appeals (BZA) will hold a Public Hearing on September 7, 2021, at 6:00PM at the Town Hall Council Chambers, 20 Bridge Street Bluffton, SC, for the following:

**ZONE-07-21-015575** – The Applicant, Drayton-Parker Companies LLC, is requesting a variance from the signage regulations of the Jones Estate Planned Unit Development to allow a monument style sign that is off-premise and for a single business within a Shopping Center. The property is identified by Beaufort County Tax Map Number R610 036 000 0866 0000 and is located at 9227 Evan Way. The property is zoned Jones Estate Planned Unit Development.

Beaufort County Zoning and Development Standards Ordinance 90/3 Article IX (Sign Control) *Section 9.2.5.B.4 (Shopping Centers and/or Multiple Tenant Buildings)*: Individual business within a complex shall not be allowed to have separate free-standing signs.

*Code* of the Beaufort County Zoning and Development Standards Ordinance 90/3 Article IX (Sign Control) *Section 9.2.6.A (Off-Premise Signs)*: Except as provided for paragraphs (G) and (H) of this section, all commercial off-premise signs are banned in the areas of Beaufort County to which this ordinance applies.

**ZONE-08-21-015714** – The Applicant, Amanda Denmark, on behalf of Gene and Kathy Cashman, is requesting a variance from the Town of Bluffton Unified Development Ordinance Section 5.15.5.E, Section 7.6.3.A, and Section 7.6.3.B to allow the construction of an addition to the primary structure which encroaches the side yard setback by seven (7) feet, to add a second story on the primary structure which has a nonconforming location, and to add a second story to an accessory structure which has a nonconforming location. The property is identified by Beaufort County Tax Map Number R610 039 00A 0197 0000 and is located at 131 Bridge Street. The property is zoned Riverfront Edge History District.

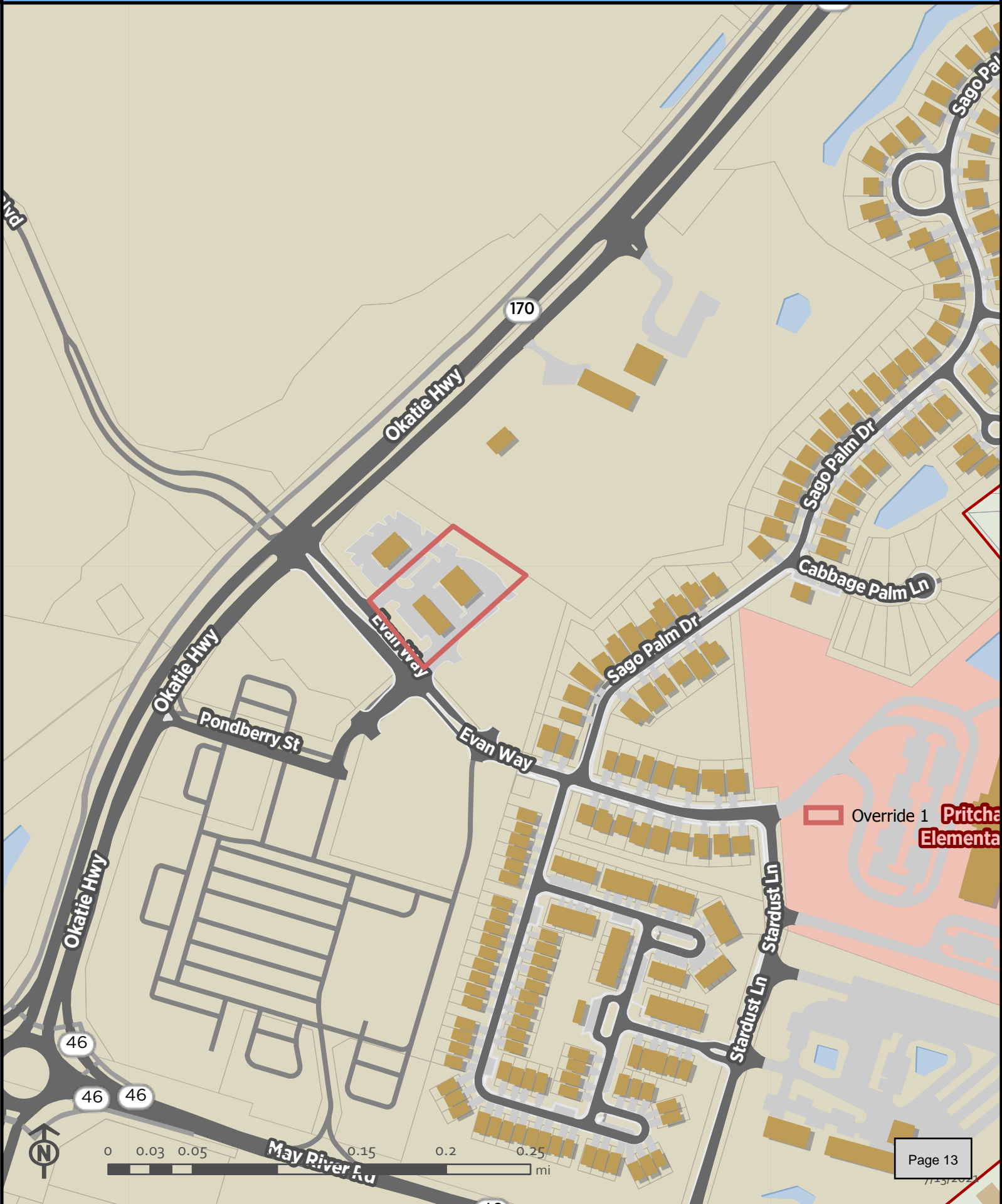
Documents related to the above are available for public inspection, persons with comments or questions should contact the Town of Bluffton Planning and Community Development Department at (843) 706-4500.



Classified Category: Legal Notice/Public Notice  
Publish Date: August 22, 2021

*To place an ad in the Island Packet, please contact: Amy Robbins*  
[arobbins@islandpacket.com](mailto:arobbins@islandpacket.com)  
*ph. 843-706-8212*  
*fax: 843-706-5050*





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TEL: 1843681 086

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ARTICLE IX  
SIGN CONTROL

Section 9.1            General

Section 9.1.1        Title

This article shall be known as the "Sign Control of Beaufort County, South Carolina."

Section 9.1.2        Authority

This article is adopted pursuant to the authority granted under Section 6-7-310, et seq., of the Code of Laws of South Carolina, 1976, as amended, otherwise known as Act 487 of 1967.

Section 9.1.3        Purpose

The purpose of this article is to:

A. Safety. Promote the safety of persons and property by providing that signs:

1. Do not create traffic hazards by distracting or confusing motorists, or impairing motorists' ability to see pedestrians, other vehicles, obstacles, or to read traffic signs; and

2. Do not create a hazard due to collapse, fire, collision, decay or abandonment.

B. Information. Promote the efficient transfer of general public and commercial information through the use of signs.

C. Public Welfare. Protect the public welfare and enhance the overall appearance and economic value of the landscape and preserve the unique natural environment that distinguishes Beaufort County while promoting and increasing the economic benefits derived from the attraction of tourists, permanent and part-time residents, new industries and cultural facilities.

Section 9.1.4        Definitions

A. General. Except as specifically defined herein, all words used in this article have their customary dictionary definitions. For the purpose of this article, certain words or terms used are herein defined as follows:

1. The word "shall" is mandatory.
2. The word "may" is permissive.

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3. The word "lot" includes the words "plot", "parcel" or "tract".

4. The word "person" includes a firm, association, organization, partnership, trust company, company or corporation as well as individual.

5. The term "county council" refers to the legally constituted and elected governing body of Beaufort County.

6. Abandoned sign. An abandoned sign is one which was erected on property in conjunction with a particular use which has been discontinued for a period of ninety (90) days or more, or a sign the contents of which pertain to a time, event or purpose which no longer applies.

7. Back-to-back sign. A back-to-back sign is one constructed on a single act of supports which may have two (2) messages visible on either side, provided double message boards are physically contiguous.

8. Billboard. [See "Off-Premise Sign"].....

9. Building official. The building official is the person specifically designated by the Beaufort County Council and so employed and empowered as the building official for Beaufort County.

10. Detached sign. A detached sign is any sign that is not attached to a building in any manner and is structurally free-standing.

11. Dilapidated sign. A dilapidated sign is any sign which is insecure or otherwise structurally unsound, has defective parts, or is in need of painting or maintenance.

12. Directional sign. A directional sign is an off-premise sign the content of which is limited exclusively to the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy.

13. Flashing sign. A flashing sign is any lighted or electrical sign which emits light in sudden transitory bursts. On/off time and temperature signs and message boards are not considered flashing signals for the purpose of this article.

14. Ground sign. A free-standing sign flush to the ground and not elevated upon poles or other stanchions.

15. Illuminated sign. An illuminated sign is any sign which is directly lighted by an electrical source, internal or external.

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16. Moving message board. A moving message board is an electrical sign having a continuous message flow across its face by utilization of lights forming various words.

17. Nonconforming sign. A nonconforming sign is any sign erected or displayed prior to the effective date of this article or subsequent amendments thereto which does not conform with the standards of this article.

18. Commercial sign. Any sign which is in the nature of commercial advertising, and which transmits a message pertaining to a product, service, use, occupancy, business, operation, event or function.

19. Noncommercial sign. Any sign which is not in the nature of commercial advertising, and which transmits a message which does not relate to a product, good, or service that is sold or rendered for profit.

20. On-premise sign. Any sign, commercial or noncommercial, the content of which relates to use, occupancy, or function on the same property as that upon which the sign is located.

21. Off-premise sign. Any sign, commercial or noncommercial, the content of which relates to use, occupancy, or function on property other than that upon which the sign is located.

22. Pole sign. A sign erected above ground supported by poles or other stanchions and not attached to a building.

23. Political sign. A political sign is a temporary off-premise sign which refers only to a political candidate or the issues involved in an upcoming political election.

24. Portable sign. A portable sign is any sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.

25. Roof sign. A roof sign is a sign which is located upon or over the roof of a structure.

26. Rotating sign. A rotating sign is any sign which revolves around one or more fixed areas.

27. Scenic highway district. Land abutting a highway or section of highway which is officially determined by Beaufort County to contain exceptional scenic value such as, but not limited to, marsh and river vistas, trees, farm fields, timber stands, or important architectural or historic structures.

28. Shopping Center. A commercial complex consisting of several stores or commercial establishments grouped together and generally sharing a common parking area.

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29. Sign. A sign is any privately owned permanent, temporary or portable structure or device, billboard, figure, symbol, insignia, medallion, promotional flag, banner, balloon or the like which is in the nature of advertising, representing or calling attention to a product, service, person, business, operation, use, event, or which transmits information or an idea.

30. Temporary sign. A temporary sign is any sign or information transmitting structure intended to be erected or displayed for a limited period of generally sixty (60) days or less.

31. Time and temperature sign. A time and temperature sign is an electrical sign utilizing lights going on and off periodically to display current time and temperature in the community.

32. Vehicular sign. A vehicular sign is any sign painted on, attached to or pulled by an vehicle moving or parked (also mobile; portable or vehicular movable).

33. V-sign. A V-sign has two (2) sets of supports, sharing a least one common support and capable of displaying two (2) message boards in different directions provided such double message boards are physically contiguous.

## Section 9.2

## Sign Standards

### Section 9.2.1

### General Sign Provisions

The following provisions shall apply to all signs.

A. Visibility. The area around the sign shall be properly maintained clear of brush, trees and other obstacles so as to make signs readily visible.

B. Finish. Reverse sides of signs must be properly finished with no exposed electrical wires or protrusions and shall be of one color.

C. Glare. Signs shall not be illuminated so as to impair driver vision.

D. Location. No sign shall be located so as to obstruct or impair driver vision at business ingress-egress points as at intersections.

E. Design. Sign shapes shall be composed of standard geometric shapes and/or letters of the alphabet only and not be in the shape of a sponsor motif (bottles, hamburgers, human or animal figures, ect.). All elements of a sign structure shall be unified in such a way not to be construed as being more than one sign. Outcrops on signs are prohibited.

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Section 9.2.2      Prohibited Signs

The following signs are prohibited when visible from a publicly maintained street, road or highway, whether county, state or federal.

A. Commercial billboard signs; and

B. Flashing signs; and

C. Moving signs or signs having moving parts; and

D. Signs using the words "stop," "danger" or any other word, phrase, symbol or character in a manner that might mislead, confuse or distract a vehicle driver; and

E. Except as otherwise provided, no sign, whether temporary or permanent, except by a public agency, is permitted within any street or highway right-of-way; and

F. Signs painted on or attached to trees, fence posts, rocks or other natural features, telephone or utility poles, or painted on or projected from the roofs of buildings visible from any public thoroughfares; and

G. No sign of any kind shall be erected or displayed in any salt marsh areas or any land subject to periodic inundation by tidal salt water; and

H. Portable commercial signs or vehicle movable commercial signs except business identification painted on or magnetically attached to business cars and trucks; and

I. Abandoned or dilapidated signs; and

J. All signs and supporting structures in conjunction with a business or use which is no longer in business or operation unless a new permit for the sign has been obtained.

Section 9.2.3      Sign Illumination

A. Shielding. Sign illumination shall be placed and shielded so as not to directly cast light rays into nearby residences, sleeping accommodations or in the eyes of vehicle drivers.

B. Unshielding lights - Intensity. Signs incorporating steady, unshielded light bulbs shall utilize bulbs not in excess of seventy-five (75) watts intensity.

C. Electrical requirements. Electrical requirements pertaining to signs shall be as prescribed under the adopted National Electrical Code for Beaufort County. (Cross Reference -



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WOOD + PARTNERS INC.

TEL: 1843681 1080

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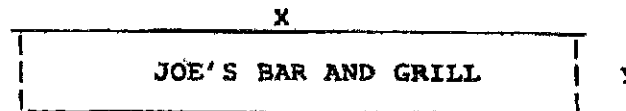
Adoption of the National Electrical Code and Amendments thereto, Chapter 3.)

**Section 9.2.4**      **On-Premise Signs - Area, Height, Size, Number, Type, Etc.**

A. Type. All businesses located in Beaufort County may choose to utilize any two (2) types of the following types of on-premises signs. In no case shall individual types exceed the limitations prescribed herein, and in no case shall the combined area of any two (2) types chosen exceed one hundred sixty (160') square feet, except in the case of a business fronting on two highways. In this instance, two hundred forty (240') square feet shall be the maximum allowed.

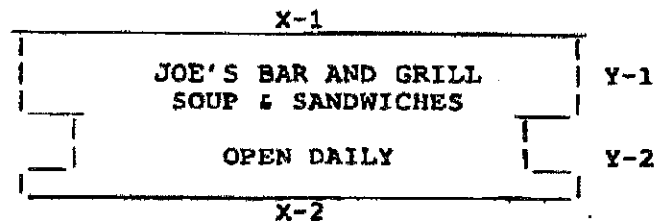
1. "Flat sign" erected flat against or painted on the principal building, provided, however, that the amount of sign area on any one face or side of the building shall not exceed fifteen (15%) percent of the area of such face or wall and the aggregate sum of signage on all walls or faces shall not exceed eighty (80') square feet. The area of "letters only" signage painted on or attached to walls shall be computed as the area of an imaginary rectangle enclosing the lettering.

Example 1:



$$\text{Area} = X \text{ times } Y$$

Example 2:



$$\text{Area} = X-1 \text{ times } Y-1 + X-2 \text{ times } Y-2$$

2. One projecting sign per business frontage perpendicular to the wall of a building and consisting of an area not exceeding thirty-two (32') square feet. Signs attached perpendicular to the wall of a building shall not extend outward from the wall more than eight and one-half (8 1/2') feet.

3. One ground sign (free-standing) per each highway frontage, not exceeding ten (10') feet in overall height, fifteen (15') feet in width with a maximum allowable area of eighty (80')

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square feet. Location for a new free-standing sign shall be clearly identified on the ground by white stake visible above ground line. The sign shall not be erected until a permit for said sign has been received.

4. One pole sign (free-standing) not exceeding twenty-five (25') feet in total height, fifteen (15') feet in width with a maximum allowable area of eighty (80') square feet.

B. On-premises signs shall be erected so as not to obstruct or impair driver vision at business ingress-egress points and intersections.

C. When necessary to facilitate traffic movement, such on-premise signs as "Enter", "Exit", "Drive-In", "Service Entrance", "No Parking", etc., without any other advertising words or phrases, may be installed without a permit fee after proper notification to the Building Inspection Department. Maximum area of each sign not to exceed six (6') square feet.

#### Section 9.2.5

#### Shopping Centers and/or Multiple Tenant Buildings

A. Shopping centers, malls and multiple tenant buildings may erect either one 80' square foot free-standing ground or pole sign (which may be used as an identification sign, directory listing or combination thereof) on each street or highway frontage except where the frontage exceeds 500' feet. An additional sign may be allowed provided it does not exceed 80' square feet in area and the total area of all free-standing signs do not exceed the maximum allowable area as specified in Section 9.2.5(b).

In addition to the above, shopping centers and/or multiple tenant buildings may be allowed one 80' square foot pole identification, directory listing or combination thereof at each entrance to the complex, not to exceed maximum area indicated in Section 9.2.5(b).

B. Total maximum allowable area:

1. Shopping centers and/or multiple tenant buildings fronting on one street or highway. Maximum total free-standing area 160' square feet.

2. Shopping center and/or multiple tenant buildings fronting on two streets or highways. Maximum total free-standing area 240' square feet.

3. Individual businesses within a shopping center and/or multiple tenant building may erect flat and/or projecting signs consistent with the provisions of Section 9.2.4(1) and (2).



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4. Individual businesses within a complex shall not be allowed to have separate free-standing signs.

#### Section 9.2.6      Off-Premise Signs

A. Except as provided for in paragraphs (G) and (H) of this section, all commercial off-premise signs are banned in the areas of Beaufort County to which this ordinance applies.

B. Non-commercial off-premise signs shall be limited to the location and design standards set forth in this section, provided, however, that noncommercial off-premise signs and noncommercial on-premise signs may be placed on any premises where on the placement of commercial on-premise signs is allowed, and such noncommercial off-premise signs and noncommercial on-premise signs shall be subject to the size standards set forth in Section 9.2.4(a) (1-4).

C. Subject to the foregoing provisions of this Section 9.2.6, the following provisions shall apply to all noncommercial off-premise signs:

1. Off-premise signs may be located only within six hundred (600') feet of a commercial business or industrial operation measured from the center line of the commercial or industrial structure and only on the same side of the highway as the commercial use.

2. Commercial business or industrial operation does not include:

- a. Such activities not visible from the main traveled thoroughfare; and
- b. Transient or temporary activities; and
- c. Outdoor advertising structures; and
- d. Agricultural, forestry, ranching, grazing or farming activities; and
- e. Activities conducted in a building used principally as a residence, i.e., home occupations; and
- f. Activities more than one hundred sixty (160') feet from the nearest edge of right-of-way; and
- g. Railroad tracks and sidings; and
- h. Public buildings or activities;

C. No portion of any noncommercial off-premise sign shall be located nearer than three hundred (300') feet to any portion of the following:

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a. Any other off-premise sign on same side of the street or highway; and

b. Church; and

c. Cemetery; and

d. Public building or facility; and

e. Historic district or site; and

f. Residence (single family or multi-family); and

g. Intersection of two or more streets (does not include driveways) other than directional signs of a uniform design pursuant to regulations for intersection directional signs as may be adopted from time to time by County Council.

D. The maximum permitted area of an off-premise sign shall be eighty (80') square feet.

E. The maximum permitted height of any noncommercial off-premise sign shall not exceed twenty-five (25') feet measured from the highest part of any sign and its supporting structure and the elevation of existing grade.

F. Back-to-back signs and V-sign structures shall be considered as one sign for purposes of spacing requirements.

G. Off-premise Directional Signs. In order to provide information and directional aid to the general public, directional signs may be erected upon approval of Beaufort County only within 300' feet of intersections of major traveled thoroughfares and secondary roads to identify businesses, services, organizations, agencies, facilities and activities located down the secondary road. Such directional signs shall not be utilized to identify uses on down the major traveled thoroughfare.

H. Directory Listing Signs. Directory listing signs may be placed at strategic locations in major highways in order to provide pertinent Beaufort area information to tourists and visitors. Such listings are intended to be informational and helpful for the convenience of visitors and not promotional of any particular business or type of business. Listings may be limited to local area hotels/motels, restaurants, major residential developments, major retail outlet centers and the like.

I. The design, location and information character of off-premise directional signs will be consistent with policies adopted by Beaufort County Council and, in addition, must be in compliance with the "Outdoor Advertising Act" of South Carolina.

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J. Administration of directory listing signs will be in accordance with regulations developed by the County.

#### Section 9.2.7 Temporary Signs - Types

The following types of signs are classified as "temporary signs":

A. Special event signs which are in the nature of noncommercial advertising; and

B. "Grand Opening", "Going Out of Business" and "Sale" signs of business and services; and

C. Signs for work under construction; and

D. Land subdivision or development signs; and

E. Signs advertising the sale or lease of property upon which they are located.

#### Section 9.2.8 Temporary Signs - Area, Height, Location

A. Area. The total area of temporary signs shall not exceed eighty (80') square feet.

B. Height. The maximum height of temporary signs shall not exceed ten (10') feet measured from the highest part of any sign or supporting structure and existing ground level except special event promotional banners.

C. Location. No off-premise temporary sign, except those identified in Section 9.2.7 (d) and (e) shall be located nearer than one hundred (100') feet to any church, cemetery, public building, historic site or district and intersection of two (2) or more public streets or highways.

#### Section 9.2.9 Temporary Signs - Time They May Be Erected

A. Special event signs. Special event signs may be erected no sooner than thirty (30) days preceding a special event and shall be removed within forty-eight (48) hours following the special event.

B. Grand opening signs shall be erected for a period not to exceed thirty (30) days.

C. Going out of business and sale signs shall be erected for a period not to exceed thirty (30) days.

D. Work under construction signs pertaining to owners, architects, engineers, contractors, development agencies, financial institutions and the like may be erected on the

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construction site during construction and shall be removed within thirty (30) days following completion of the project.

E. Signs announcing the subdivision of land may be erected on the land being developed and shall be removed when seventy-five (75%) percent of the lots are conveyed, or after two (2) years, whichever comes first.

#### Section 9.2.10      Temporary Signs - Permits

Unless exempted in section 9.4.2 of this Code, temporary signs must be permitted in the same manner as permanent signs.

#### Section 9.2.11      Nonconforming Signs - Defined

A. Any off-premise sign (other than those signs which are allowed in Section 9.2.6) on a federal primary aid or non-Federal aid highway which is not in compliance with the provisions of the Sign Ordinance originally adopted March 28, 1977.

B. Any off-premise commercial sign located on a designated scenic highway by the State of South Carolina which is located on the opposite side of the highway from the commercial use.

C. Any off-premise commercial sign not in compliance with the provisions of this Ordinance.

D. Any on-premise commercial sign not in compliance with the original Sign Ordinance adopted March 28, 1977.

E. Any on-premise sign not in compliance with this Ordinance.

#### Section 9.2.12      Removal of Non-Conforming Signs - Just Compensation

A. Removal of off-premise nonconforming signs located adjacent to Federal Aid Primary Highways and/or Interstate Highways. (1) Subject to the provisions of this Article relating to maintenance (Section 9.5.9), the County Council may acquire, by purchase or condemnation, and require removal of such nonconforming off-premise signs as it may deem appropriate in pursuit of the purposes of this Ordinance, upon payment, to the owner of such sign, of such just compensation as may be required by the provisions of Title 23, U.S. Code, Section 131, and/or any amendments thereto, and/or the provisions of Section 57/25/195 of the Code of Laws of South Carolina, 1976, as amended, or other such S.C. Statutes as may be enacted pursuant to the Federal Highway Beautification Act of 1965, or any amendments thereto. Nothing herein shall be construed so as to require payment of just compensation upon removal of those signs maintained in violation of the provisions of this Article.

B. Removal of On-Premise Non-Conforming Signs.

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1. Those signs as specified in Section 9.2.11(D) and Section 9.2.11(E) shall be removed or brought into compliance with this Ordinance within 45 days of official notice by Beaufort County.

D. Future Nonconforming Signs. Existing signs which conform to the provisions of this article and are subsequently made to be nonconforming by new construction or some other action beyond the control of the sign owner, shall be removed, changed, altered or otherwise made to conform with this article.

#### Section 9.2.13 Failure to Conform

Upon Determination by the County that a sign remains nonconforming after termination of the allowable time periods provided for in this section, the County shall notify the sign owner and/or the owner of land on which the nonconforming sign is erected, giving notice of mandatory removal within ten (10) days. Should the sign continue to be nonconforming at the end of the ten (10) day extension period, the County shall cause the sign to be removed and assess the sign owner or land owner the costs incurred by the County for such removal as provided by Section 9.2.16 of this article.

#### Section 9.2.14 Impoundment of Signs by Building Inspections Department

A. Signs subject to Removal Without Notice.

B. The Building Inspection Department shall have the authority to remove without notice to the owners thereof, and impound for a period of ten (10) days, signs placed within any street or highway right-of-way; signs attached to trees, fence posts, telephone and utility poles, or other natural features; and signs erected without a permit.

#### Section 9.2.15 Impoundment of Signs Erected Without Permits, But Which Otherwise Are In Compliance

When a sign requiring a permit under the terms of this article is erected without a sign permit, the Building Inspection Department shall use the following procedure.

A. Violation sticker. The Inspection Department shall attach a highly visible sticker reading "VIOLATION" to the face of the sign. The sticker shall include the date that it was attached to the sign with instructions to call the Inspection Department immediately.

B. Failure to obtain permit. If, within ten (10) working days, the owner of the sign fails to contact the Inspection Department, bring the sign into conformance with this article and get a permit for the sign, the Building Inspection Department shall have the sign removed and impounded without any further notice.

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Section 9.2.16      Impounded Signs - Recovery, Disposal

The owners of signs impounded may recover same upon the payment of One and No/100 (\$1.00) Dollar for each square foot of such impounded sign, prior to the expiration of the ten (10) day impoundment period. In the event it is not claimed within ten (10) days, the Inspection Department shall have authority to either discard or sell the sign.

Section 9.4      PermitsSection 9.4.1      Permits Required

Unless otherwise provided for, no sign shall be erected, replaced, relocated or altered without first obtaining a sign permit.

Section 9.4.2      Signs Exempt from Permit

A. One non-illuminated "For Sale", "For Rent", or "For Lease" sign not exceeding six (6') square feet in area.

B. One non-illuminated home occupation sign not exceeding four (4') square feet in area and mounted flat against the wall of the principal building for each profession or occupation carried on therein.

C. One residential person identification sign not exceeding four (4') square feet.

D. Official notices issued by any court, public agency or similar official body.

E. Traffic directional, warning or information signs authorized by any public agency.

F. Private street or road name signs.

G. The changing of words on signs designed for changing.

H. No trespassing, no hunting, no fishing, no loitering and similar signs not exceeding one (1) square foot in area.

I. One temporary in-season agricultural products sales sign not exceeding ten (10') square feet in total area.

Section 9.4.3      Application for Permit

A. All applications for sign permits shall be made to the Beaufort County Building Inspection Department.

B. The following information shall be submitted with the application:



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1. Documentation of ownership of property on which sign is to be erected or written authorization by the owner of the property.

2. Name and address of the owner of the sign.

3. Site plan showing the precise location of the sign with respect to property and right-of-way lines and any buildings or other improvements to the property.

4. Exact size, nature and type of sign to be erected.

5. Any other information, specification, photographs or the like deemed necessary by the Building Inspection Department.

C. Change of ownership. When ownership of a business or property on which a sign is located changes, the new owner shall so notify the Building Inspection Department.

#### Section 9.4.4      Expiration of Permit

Any permit issued for the erection of a sign shall be ~~come~~ invalid unless the work authorized by it shall have been commenced within six (6) months after its issuance.

#### Section 9.4.5      Fees

A. Regular fee. In order to defray some of the administrative costs associated with processing permit applications and inspection of signs, a minimum fee of Ten and No/100 (\$10.00) Dollars or Twenty-Five (25¢) Cents per square foot of sign (whichever is greater) shall be paid by the applicant at the time the permit is issued. (Additional electrical permit fees will be charged for illuminated signs as specified under the National Electric Code.)

B. Temporary sign permit fee shall be Five and No/100 (\$5.00) Dollars for each permit.

C. Reinspection fee shall be Five and No/100 (\$5.00) Dollars. (Cross reference: Adoption and Amendment of National Electrical Code, Chapter 5.)

#### Section 9.4.6      Display of Permit

A. Display for permit tag. All permit tags issued for the erection of a sign shall be displayed on the sign and be readily visible.

B. Relocation of permit tag. Under no circumstances may the permit tag be removed from one sign to another, nor may the sign to which it is attached be relocated to another location.

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C. Return of permit tag. In the event signs are dismantled, removed or the ownership transferred, the permit tag shall be removed, returned to the Department of Inspections and a new application made as appropriate.

D. Lost or illegible permit tag. If a permit tag is lost, defaced, destroyed or otherwise becomes illegible through normal wear or an act of vandalism, a new application shall be made to the Department of Inspections.

#### Section 9.5

#### Administration, Enforcement and Appeals

##### Section 9.5.1

##### Administration and Enforcement

Beaufort County Council hereby designates the Building Inspection Department to administer and enforce the provisions of this article.

##### Section 9.5.2

##### Interpretation and Conflict

A. Minimum requirements. The standards and provisions of this article shall be interpreted as being the minimum requirements necessary to uphold the purposes of this article.

B. Other regulations, ordinances, etc. Whenever this ordinance imposes a more restrictive standard than required by other regulations, ordinances or rules, or by easements, covenants or agreements, the provisions of this ordinance shall govern.

C. Statutes. When the provisions of any statutes impose more restrictive standards, the provisions of such statutes shall govern.

##### Section 9.5.3

##### Appeals

A. From decision of Building Inspection Department. Any person who feels that the official charged with administration and enforcement of this ordinance has erred in his interpretation or application of any provision of this ordinance may appeal such decision to the Beaufort County Board of Adjustments and Appeals for Building and Development Appeals Board. Such an appeal shall be filed in writing with the Board within twenty (20) days of a decision by the Building Inspection Department.

B. Fee. A fee of Ten and No/100 (\$10.00) Dollars shall be paid for each appeal filed.

##### Section 9.5.4

##### Variances

A variance may be granted by the Board of Adjustments and Appeals for Building and Development Appeals Board where the literal application of this ordinance would create a particular hardship for the sign user and the following criteria are met:



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A. Hardship caused <sup>to</sup> the sign user under a literal interpretation of the ordinance is due to conditions unique to that property and does not apply generally to the County.

B. The granting of the variance would not be contrary to the general objectives of this ordinance.

In granting a variance, the Board of Adjustments and Appeals for Building and Development Appeals Board may attach additional requirements necessary to carry out the spirit and purpose of this ordinance in the public interest.

#### Section 9.5.5                      Violations and Penalties

Any person, firm and corporation who violates the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall forfeit and pay such penalties as the Court may decide to prescribe not to exceed Two Hundred and No/100 (\$200.00) Dollars or thirty (30) days imprisonment at the discretion of the Court for each violation.

#### Section 9.5.6                      Amendments

From time to time this article may be amended by Beaufort County Council after holding a public hearing thereon, the time and place of which shall be duly advertised in a newspaper having general circulation in the jurisdiction at least fifteen (15) days prior to said hearing.

#### Section 9.5.7                      Severability of Provisions

The provisions of this ordinance, as they may apply to commercial and/or noncommercial expression, respectively, are hereby specifically and distinctly declared to be severable. In the event that any provision of this ordinance be subsequently held or declared by the courts of this State or of the United States, acting with proper jurisdiction, to be illegal, null, or void. The validity of the remaining provisions shall not be affected, it being the intention and desire of the County Council that such remaining provisions continue effective.

#### Section 9.5.8                      Scenic Areas and Highways

Beaufort County Council recognizes that county citizens may desire more comprehensive sign regulations than those contained in this article in various sections of the County and along these public highways. Therefore, County Council reserves the right to establish scenic areas in which additional sign controls and regulations may be enacted and enforced under the provision of this article.

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Section 9.5.9Maintenance Standards for Off-Premise Signs

All off-premise commercial signs must be structurally safe and maintained in a good state of repair which includes but is not limited to the following:

1. The sign face must be maintained free of peeling, chipping, rusting, wearing and fading so as to be fully legible at all times.

2. No maintenance may occur which will lengthen the structural life of the sign, as a result of decay, damage sustained from high winds or other climatological conditions or damage resulting from any cause.

3. There must be existing property rights in the sign.

4. In the event a sign is partially destroyed by wind or other natural forces, the County Council must determine whether to allow the sign to be rebuilt. If the County determines that the damage of the sign was greater than fifty (50%) percent of its replacement cost as of the time of the damage, the sign must be dismantled and removed at no cost to the County Council, and may not be erected again.

5. Extension, enlargement, replacement, rebuilding, adding lights to an unilluminated sign, changing the height of the sign above ground, or re-erection of the sign are prohibited.

6. Any signs suffering damage in excess of normal wear cannot be repaired without:

(a) Notifying the Beaufort County Department of Inspections in writing of the extent of the damage, the reason the damage is in excess of normal wear, and providing a description of the repair work to be undertaken, including the estimated cost of repair; and

(b) Receiving written notice from the Beaufort County Department of Inspections authorizing the repair work as described above. If said work authorization is granted, it shall be mailed to the applicant within thirty (30) days of receipt of the information described in (a) above. Any such sign which is repaired without Department of Inspections' authorization, shall be removed by the Department of Inspections, and the costs and expenses of such removal shall be paid by that person or entity making the unauthorized repairs.

7. Signs may be maintained only by painting or refinishing the surface of the sign face or sign structure so as to keep the appearance of the sign as it was when originally permitted. Upon determination by the Department of Inspections and notice to the permittee that a sign has become dilapidated or structurally unsound, such sign shall be removed within twenty (20) days,

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unless an appeal of such determination has been previously filed with the County Council. Such sign shall thereafter be removed within twenty (20) days of disposition of such appeal in favor of the Council, its agencies, departments, and/or officials. Any structural or other substantive maintenance to a sign shall be deemed an abandonment of the sign, shall render the prior permit void and shall result in removal of the sign without compensation. Costs and expenses of removal hereunder shall be paid by the owner of such sign.

Adopted this 13th day of January, 1992.

#### AMENDMENTS

##### Ordinance

93/29  
93/21  
92/34  
92/13

##### Adopted

October 11, 1993  
June 28, 1993  
November 23, 1992  
April 13, 1993



Attachment 5



Halvorsen Development Corporation

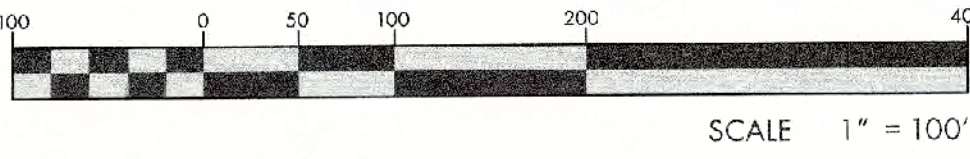


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TOWN OF BLUFFTON  
APPROVED  
*[Signature]*

Town of Bluffton  
NOV 08 2018  
Planning & Growth Mgmt

May River Crossing Sign Master Plan  
**BLUFFTON, SOUTH CAROLINA**



JULY 3, 2018  
BEAUFORT COUNTY







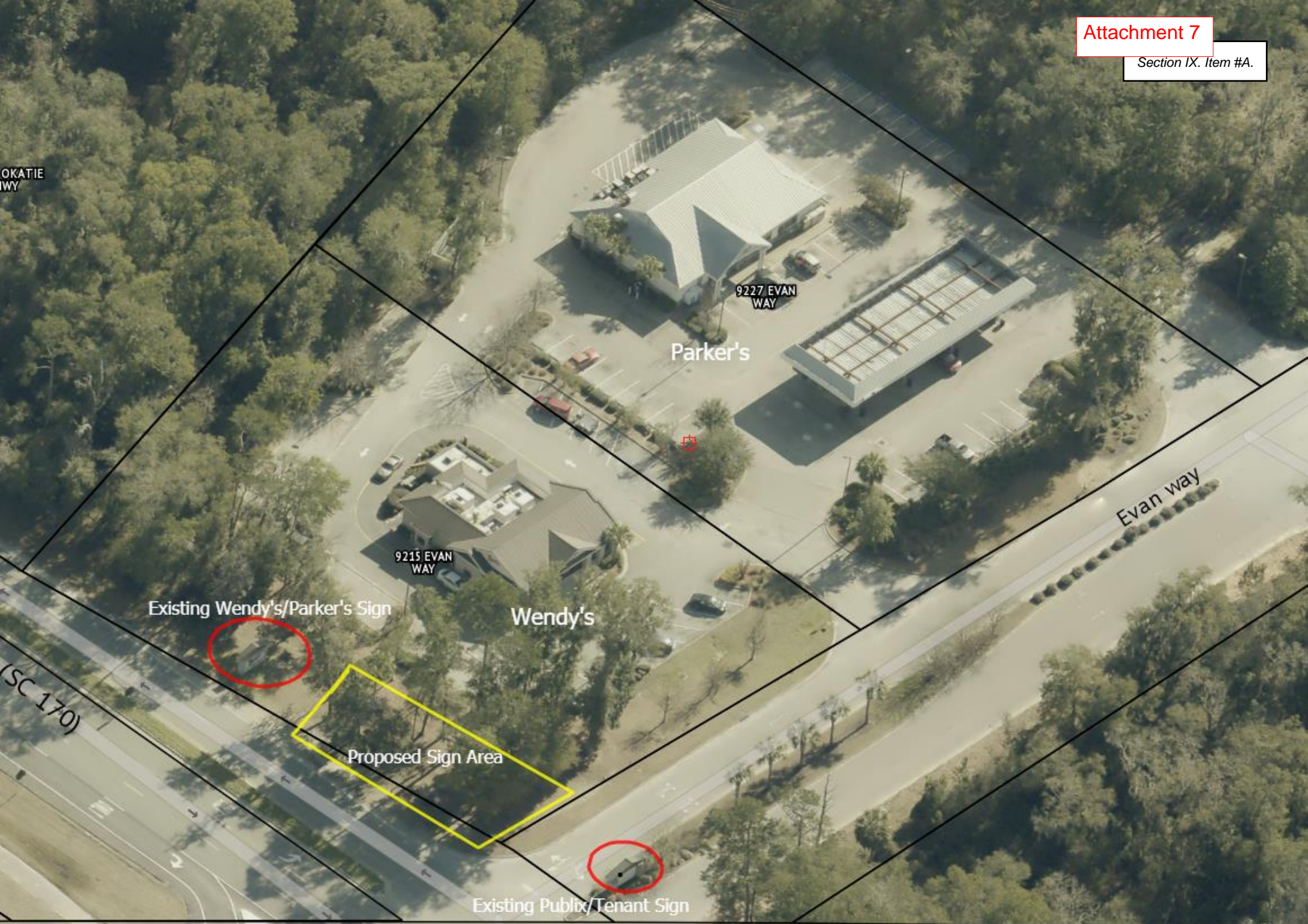












# BOARD OF ZONING APPEALS



## STAFF REPORT DEPARTMENT OF GROWTH MANAGEMENT

<b>MEETING DATE:</b>	September 7, 2021
<b>PROJECT:</b>	131 Bridge Street – Variance Request
<b>PROJECT MANAGER:</b>	Jordan Holloway, Senior Planner

**APPLICATION REQUEST:** The Applicant, Amanda Denmark, on behalf of Gene and Kathy Cashman, is requesting a variance for the following application (Attachment 1):

ZONE-08-21-015714. The Applicant is requesting a variance from the Town of Bluffton Unified Development Ordinance Section 5.15.5.E, Section 7.6.3.A, and Section 7.6.3.B to allow the construction of an addition to the primary structure which encroaches the side yard setback by seven (7) feet, and to add a second story on the primary structure that is a legal nonconforming structure as its placement encroaches into the current required setback from the Ocean and Coastal Resource Management (OCRM) critical line and current side-yard setback.

Town of Bluffton Unified Development Ordinance Section 5.15.5.E requires a side yard setback of at least twenty (20) feet and a front yard setback of at least one hundred fifty (150) feet from the OCRM line.

Town of Bluffton Unified Development Ordinance Section 7.6.3.A (Expansion of Nonconforming Structures) states that a legal nonconforming building may be enlarged or altered, provided the area of expansion is within required setbacks.

Town of Bluffton Unified Development Ordinance Section 7.6.3.B (Expansion of Nonconforming Structures) states that additional height above a nonconforming portion of a nonconforming building shall not be permitted.

The property is identified by the Beaufort County Tax Map Number R610 039 00A 0197 0000 and is located at 131 Bridge Street. The property is zoned Riverfront Edge Historic District. The BZA hearing was advertised in The Island Packet on August 22, 2021 (Attachment 2), the property was posted, and adjacent property owners were notified via certified mail.

**INTRODUCTION:** The subject property is a 1.40-acre parcel located at 131 Bridge Street (see Attachment 3). It consists of a primary residential structure and two accessory dwelling structures on the property.

**BACKGROUND:** The existing primary structure was built in 2000 and designed around a 250-year-old cedar tree. Since the original construction and planning of the parcel, the tree has been removed due to disease and rot, while the setbacks and OCRM lines have been changed/updated since original construction.

**VARIANCE REQUEST:** The Applicant proposes to extend the west side of the house by adding an addition to create an owner's entry and storage with a covered walkway from the carport to the main house. They also propose to add a second story addition the main house to create more bedroom spaces that would sit on top of the existing first floor (see Attachment 4).

The addition to the west side of the house would encroach the side-yard setbacks and OCRM line, while the second-story addition would encroach the OCRM line and encroach the side-yard setback. Both requests are not in conformance with UDO Section 5.15.5.E, 7.6.3.A, and 7.6.3.B. (Attachment 5).

**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: 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:

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

*Finding.* The original site planning for the primary structure was done under a different ordinance with different standards and to accommodate a significant tree. The Applicant has indicated that in order to keep the proposed additions in alignment with the current structure, encroachment into the setbacks (side and OCRM) is unavoidable.

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 area and zoning district have been designed under different conditions and regulations depending on the time period in which they were built.

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.* Due to the change in OCRM setbacks and side-yard setbacks, the application of the Ordinance would effectively prohibit or unreasonably restrict the ability to enlarge the primary structure, either vertically or horizontally, except for a portion along the front porch façade, as it sits outside of the OCRM line and does not encroach the side-yard 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 setbacks for the property have changed over time and the original house was designed around an existing tree and other tree locations. Because of this placement, the variances are being requested.

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 variances would not substantially conflict with the Comprehensive plan or the intent of the applicable Ordinances. The owner proposes to enhance the property to accommodate family members and aging in place, while adhering to the design principles and character of the Historic District. Before any construction can take place, the plans would go before the Historic Preservation Commission for a Certificate of Appropriateness – HD.

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 variances would not result in a substantial detriment to adjacent property or the public good. The character of the district will be adhered to through the COFA-HD process that goes before the Historic Preservation Commission.

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 owner indicates that the additions will allow the property to be utilized more fully by the owner and their growing family as well as keep up with aging needs. The owners intend for the family property to be a legacy for their children and grandchildren.

**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. Public Advertisement
3. Property Map
4. Site Plans
5. UDO Sections 5.15.5.E, 7.6.3.A, and 7.6.3.B.



**TOWN OF BLUFFTON  
BOARD OF ZONING APPEALS APPLICATION**

Growth Management Customer

**Attachment 1**

Section X: Item #A.

20 Bridge Street

Bluffton, SC 29910

(843)706-4522

[www.townofbluffton.sc.gov](http://www.townofbluffton.sc.gov)

[applicationfeedback@townofbluffton.com](mailto:applicationfeedback@townofbluffton.com)

Applicant		Property Owner	
Name:	Amanda Denmark	Name:	Gene & Kathy Cashman
Phone:	843.837.5700	Phone:	901.212.2227
Mailing Address:	6 State of Mind Street, Ste. 200 Bluffton, SC 29910	Mailing Address:	131 Bridge Street Bluffton, SC 29910
E-mail:	Amanda@pscottarch.com	E-mail:	ekcash@aol.com
Town Business License # (if applicable):			
<b>Project Information</b>			
Project Name: Cashman	<input checked="" type="checkbox"/> Variance	<input type="checkbox"/> Special Exception	
Project Location: 131 Bridge Street	<input type="checkbox"/> Administrative Appeal		
Zoning District: Riverfront Edge	Acreage: 1.4 Acres		
Tax Map Number(s): R610 039 00A 0197 0000			
Project Description: Variance Request			
Request: Would like to add an addition to the existing House to align with the existing structure and add second floor. The UDO setbacks have been changed since original construction. Request a variance on the western & River side setback.			
<b>Minimum Requirements for Submittal</b>			
<input type="checkbox"/> 1. Two (2) paper copies and digital files of applicable plans and/or documents depicting the subject property.			
<input type="checkbox"/> 2. Recorded deed and plat showing proof of property ownership.			
<input type="checkbox"/> 3. Project Narrative describing reason for application and compliance with the criteria in Article 3 of the UDO.			
<input type="checkbox"/> 4. An Application Review Fee as determined by the Town of Bluffton Master Fee Schedule. Checks made payable to the Town of Bluffton.			
<b>Note:</b> A Pre-Application Meeting is required prior to Application submittal.			
<b>Disclaimer:</b> The Town of Bluffton assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this permit.			
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property. As applicable, I authorize the subject property to be posted and inspected.			
Property Owner Signature:		Date:	
Applicant Signature:		Date:	
<b>For Office Use</b>			
Application Number:		Date Received:	
Received By:		Date Approved:	



## TOWN OF BLUFFTON BOARD OF ZONING APPEALS APPLICATION PROCESS NARRATIVE

Section X. Item #A.

The following Process Narrative is intended to provide Applicants with an understanding of the respective application process, procedures and Unified Development Ordinance (UDO) requirements for obtaining application approval in the Town of Bluffton. While intended to explain the process, it is not intended to repeal, eliminate or otherwise limit any requirements, regulations or provisions of the Town of Bluffton's Unified Development Ordinance. Compliance with these procedures will minimize delays and assure expeditious application review.

<b>Step 1. Pre-Application Meeting</b>	<b>Applicant &amp; Staff</b>
Prior to the filing of a Board of Zoning Appeals Application, the Applicant is required to consult with the UDO Administrator or their designee at a Pre-Application Meeting for comments and advice on the appropriate application process and the required procedures, specifications, and applicable standards required by the UDO.	
<b>Step 2. Application Check-In Meeting</b>	<b>Applicant &amp; Staff</b>
Upon receiving input from Staff at the Pre-Application Meeting, the Applicant shall submit the Board of Zoning Appeals Application and required submittal materials during a mandatory Application Check-In Meeting where the UDO Administrator or designee will review the submission for completeness.	
<b>Step 3. Review by UDO Administrator</b>	<b>Staff</b>
If the UDO Administrator determines that the Board of Zoning Appeals Application is complete, the application is placed on the next available Board of Zoning Appeals (BZA) Meeting agenda.	
<b>Step 4. Board of Zoning Appeals Meeting</b>	<b>Applicant, Staff &amp; Board of Zoning Appeals</b>
The Board of Zoning Appeals (BZA) shall review the application for compliance with the criteria and provisions in the UDO. The BZA may approve, approve with conditions, or deny the application.	
<b>Step 5. Issue Variance or Special Exception</b>	<b>Staff</b>
If the BZA approves the application, the UDO Administrator shall issue the Variance or Special Exception.	



August 5, 2021

Lot 131 Bridge Street  
Variance Request

On behalf of the owner, Eugene Cashmen, we would like to propose a variance request for the existing property located at 131 Bridge Street.

The existing house was built over 20 years ago and was designed around a 250 year old Cedar tree. Since the original construction and planning of the parcel, the tree has been removed due to disease and rot and setback and OCRM lines have been changed over the years.

The town has been in touch with Mr. Cashman regarding the sewer project. This will also limit the area in which Mr. Cashman can enhance his property.

Please find the Owner's Narrative attached.

Variance Request 1 – West side setback and River setback

Extend the right side gable element from the existing to create an owners entry and storage  
The owners would like to be able to walk from the carport to the main house under a covered walkway into an owner's entry.

Fill in the gap of the existing footprint (the void in the foot print was in this location because of the tree)

Variance Request 2 – River Setback

Add second floor.

This will allow the owner to create more bedroom spaces.

The second floor would need to sit on top of the existing first floor



## Application Review Criteria

### UDO Section 3.7.3

- a. There are extraordinary conditions pertaining to the particular piece of property;

*The existing house dictates the structure of any addition. The setbacks are ever changing. In order to keep the new structure in alignment with the existing structure, we would need to have setbacks deviating from the current UDO setbacks.*

- b. These conditions do not generally apply to other property in the vicinity, particularly those in the same zoning district;

*Other properties in the area have been designed under different conditions and regulations depending on the time period in which they were built.*

- 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 the others in the zoning district.

*The restrictions of the current UDO ordinance would prohibit or unreasonably restrict the owner's utilization of the property because he would not be able to add anything to the existing structures to accommodate is growing family and aging needs.*

- d. The need for a variance is not the result of the Applicant's own actions;

*The Setbacks have been changed over time. An existing tree also dictated the shape and design of the original house. The original layout of the property was dictated by tree locations.*

- e. The authorization of a Variance does not substantially conflict with the Comprehensive plan and the purposes of this Ordinance;

*The owner would merely like to enhance the property to reflect existing conditions and the Character of the Historic District.*

- f. The authorization of a variance will not result in a substantial detriment to the adjacent property or the public good, and the character of the District will not be harmed by the granting of a Variance;

*The additions will complement the existing and local architecture.*



- g. The reason for the Variance is more than simply for convenience or to allow the property to be utilized more profitably.

*The additions will allow the property to be utilized more for the owner and their growing family and aging needs. This family property is a legacy for children and grandchildren.*

Thank you for your consideration,

Amanda Jackson Denmark  
Project Manager



## Town of Bluffton Public Notice

NOTICE IS HEREBY GIVEN that the Town of Bluffton Board of Zoning Appeals (BZA) will hold a Public Hearing on September 7, 2021, at 6:00PM at the Town Hall Council Chambers, 20 Bridge Street Bluffton, SC, for the following:

**ZONE-07-21-015575** – The Applicant, Drayton-Parker Companies LLC, is requesting a variance from the signage regulations of the Jones Estate Planned Unit Development to allow a monument style sign that is off-premise and for a single business within a Shopping Center. The property is identified by Beaufort County Tax Map Number R610 036 000 0866 0000 and is located at 9227 Evan Way. The property is zoned Jones Estate Planned Unit Development.

Beaufort County Zoning and Development Standards Ordinance 90/3 Article IX (Sign Control) *Section 9.2.5.B.4 (Shopping Centers and/or Multiple Tenant Buildings)*: Individual business within a complex shall not be allowed to have separate free-standing signs.

*Code* of the Beaufort County Zoning and Development Standards Ordinance 90/3 Article IX (Sign Control) *Section 9.2.6.A (Off-Premise Signs)*: Except as provided for paragraphs (G) and (H) of this section, all commercial off-premise signs are banned in the areas of Beaufort County to which this ordinance applies.

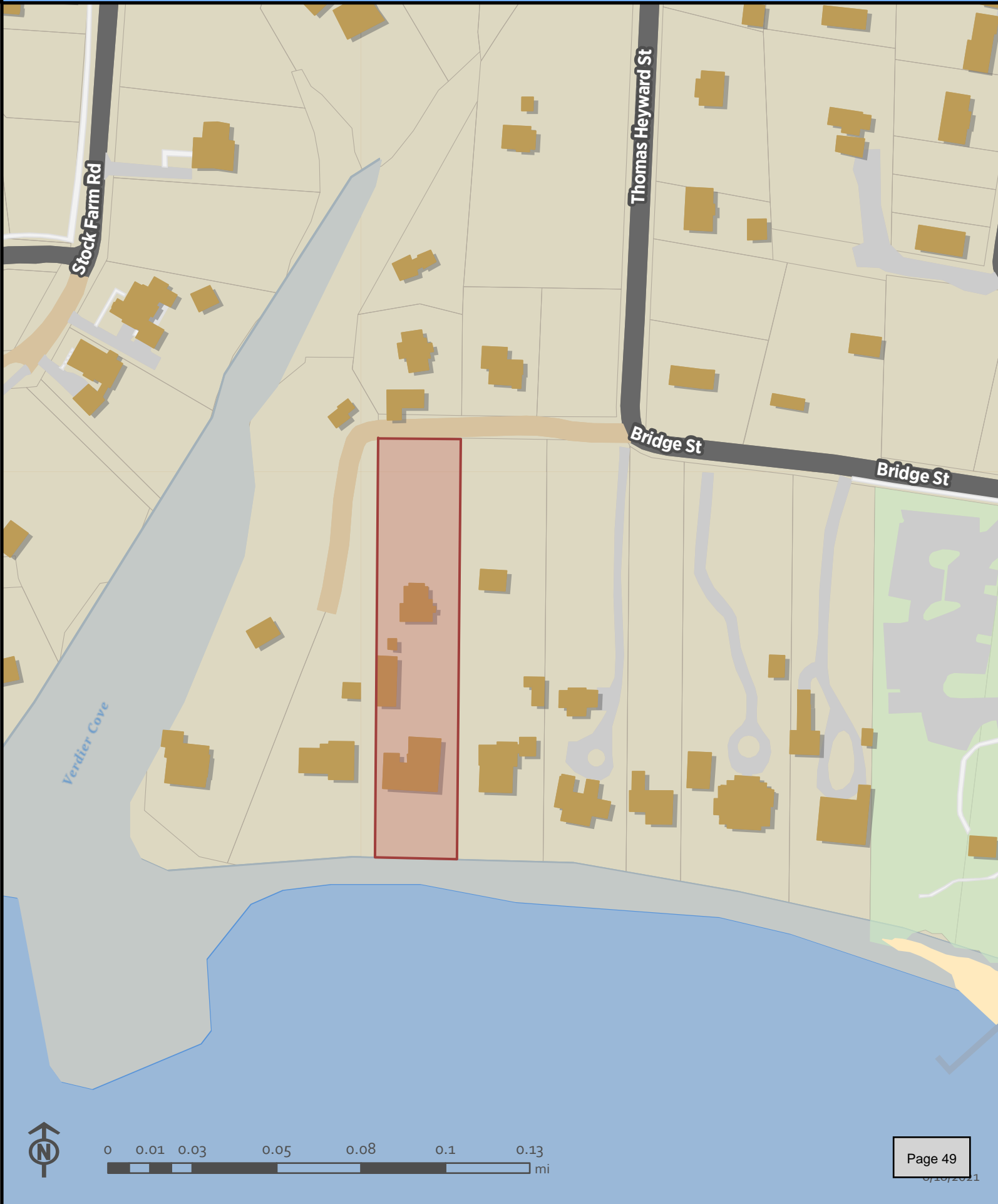
**ZONE-08-21-015714** – The Applicant, Amanda Denmark, on behalf of Gene and Kathy Cashman, is requesting a variance from the Town of Bluffton Unified Development Ordinance Section 5.15.5.E, Section 7.6.3.A, and Section 7.6.3.B to allow the construction of an addition to the primary structure which encroaches the side yard setback by seven (7) feet, to add a second story on the primary structure which has a nonconforming location, and to add a second story to an accessory structure which has a nonconforming location. The property is identified by Beaufort County Tax Map Number R610 039 00A 0197 0000 and is located at 131 Bridge Street. The property is zoned Riverfront Edge History District.

Documents related to the above are available for public inspection, persons with comments or questions should contact the Town of Bluffton Planning and Community Development Department at (843) 706-4500.



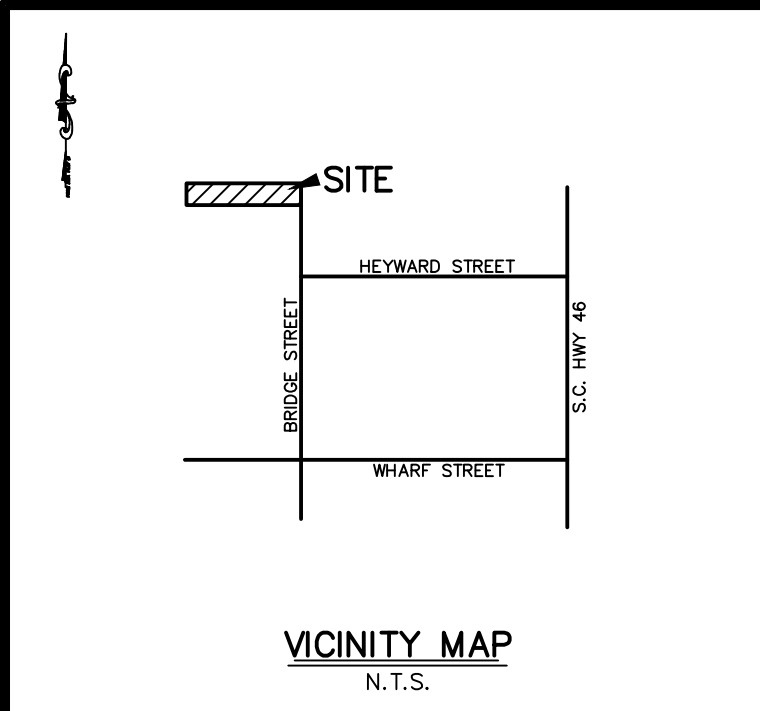
Classified Category: Legal Notice/Public Notice  
Publish Date: August 22, 2021

*To place an ad in the Island Packet, please contact: Amy Robbins*  
[arobbins@islandpacket.com](mailto:arobbins@islandpacket.com)  
*ph. 843-706-8212*  
*fax: 843-706-5050*

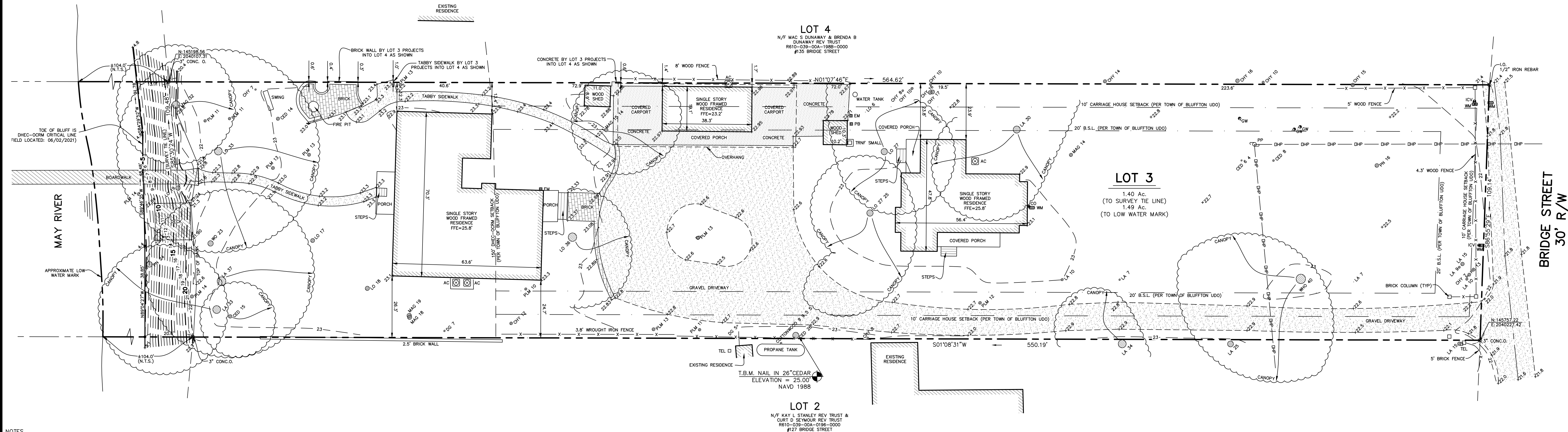




## Attachment 4



LEGEND:	
TREE SIZES ARE INCHES IN DIAMETER	
SPOT ELEVATION	CONTOUR
CONC. O.	CONCRETE MONUMENT, OLD (FOUND)
I.O.	IRON PIPE, OLD (FOUND)
CED	CEDAR
CHY	CHERRY
DOG	DOGWOOD
HB	HACKBERRY
LA	LAUREL OAK
LO	LIVE OAK
MAG	MAGNOLIA
PLM	PALMETTO
PN	PINE
WO	WATER OAK
WHO	WHITE OAK
AC	ACRE
AC	AIR CONDITIONER
B.S.L.	BUILDING SETBACK LINE
CO	CLEANOUT
DHEC	DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL
EM	ELECTRIC METER
FFE	FINISHED FLOOR ELEVATION
GW	GUY WIRE
ICV	IRRIGATION CONTROL VALVE
N.T.S.	NOT TO SCALE
OCRM	OCEAN & COASTAL RESOURCE MANAGEMENT
PB	POWER JUNCTION BOX
PP	POWER POLE
R/W	RIGHT OF WAY
TBM	TEMPORARY BENCH MARK
TEL	TELEPHONE JUNCTION BOX
TRNF	ELECTRIC TRANSFORMER
WM	WATER METER
DHP	FENCE LINE
DHP	OVERHEAD POWERLINE



## NOTES

- I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO OBVIOUS, APPARENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
- AS OF THE DATE OF THIS SURVEY THIS PROPERTY IS LOCATED IN ZONE X, NOT A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY H.U.D. PANEL 0426-G, COMMUNITY NO. 45013C, MAP DATED 03/23/2021, BASE ELEVATION N/A (NGVD 29 DATUM). FLOOD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTIONS DEPARTMENT.
- BUILDING SETBACKS WHICH EXIST FOR THIS LOT, SHOWN OR NOT SHOWN ON THIS SURVEY, ARE EXPLAINED IN THE COVENANTS, EASEMENTS & SETBACKS SHOWN SHOULD BE VERIFIED THRU THE APPROPRIATE ARCHITECTURAL REVIEW BOARD OR BUILDING AGENCY. THE SETBACKS SHOWN ARE FROM THE TOWN OF BLUFFTON UNIFIED DEVELOPMENT ORDINANCE (UDO) AND PER KEVIN IGARD, THE TOWN OF BLUFFTON PLANNING & COMMUNITY DEVELOPMENT MANAGER.
- UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN AND ARE APPROXIMATE. SURVEYING CONSULTANTS DOES NOT CERTIFY TO THE EXACT LOCATION OF ANY UNDERGROUND UTILITY.
- NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR WETLAND SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS, CONTAMINATION, OR OTHER CONDITIONS WHICH MAY AFFECT THIS PROPERTY.
- SURVEYING CONSULTANTS CERTIFIES TO THE BOUNDARY, TOPOGRAPHIC AND ASBUILT INFORMATION PROVIDED HEREON AS OF THE DATE OF SURVEY. IF THIS DOCUMENT IS TO BE PROVIDED AS A BASE MAP FOR OTHERS, INFORMATION ADDED AFTER THE DATE OF THIS SURVEY IS NOT THE RESPONSIBILITY OF SURVEYING CONSULTANTS.
- SURVEYING CONSULTANTS DOES NOT PROVIDE ARBORIST SERVICES. TREE IDENTIFICATIONS ARE MADE AS BEST OBSERVANCE/KNOWLEDGE OF A NON-ARBORIST. A CERTIFIED ARBORIST SHOULD BE CONSULTED TO VERIFY TREE IDENTIFICATION, IF IDENTIFICATION OF TREES IS CRITICAL TO DEVELOPMENT.
- THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE, THEREFORE THERE MAY BE OTHER EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, RESTRICTIONS, OR OTHER SIMILAR MATTERS OF PUBLIC RECORD, NOT DEPICTED ON THIS SURVEY.
- BOUNDARY LINES ARE BASED ON STATE PLANE COORDINATES. SEE REFERENCE PLATS FOR RECORD BEARINGS AND DISTANCES.
- ELEVATIONS AND VERTICAL DATUM SHOWN IS BASED ON NAVD 88 DATUM.

## SPECIAL NOTE:

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT (SCDHEC OCRM) PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS, BY THEIR NATURE, ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF SCDHEC OCRM, SCDHEC OCRM IN NO WAY WAIVES THE ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREIN OR NOT.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

THE CRITICAL LINE SHOWN ON THIS PLAT IS VALID FOR FIVE YEARS FROM THE DATE OF THIS SIGNATURE, SUBJECT TO THE CAUTIONARY LANGUAGE ABOVE.

## REFERENCE DEED:

1) DEED BOOK: 2853, PAGE: 2397

## REFERENCE PLAT:

- LOT 2, THE LANDS OF G. HENRY GUERARD, BLUFFTON, DATED: 04/06/1978, BY: VINCENT HELMLY, S.C.R.L.S. NO. 5545, RECORDED: P.B. 26, PG. 199, DATE: 05/04/1978.
- 1.396 ACRES, BRIDGE STREET, BLUFFTON, DATED: 09/22/1980, BY: J. L. RICHARDSON, S.C.R.L.S. NO. 4784, RECORDED: P.B. 29, PG. 10, DATE: 10/08/1980.
- A BOUNDARY PLAT OF A PORTION OF LOT 3, BRIDGE STREET A PORTION OF THE LANDS OF HENRY GUERARD, DATED: 06/09/1999, BY: TERRY G. HATCHELL, S.C.R.L.S. NO. 11059

PREPARED FOR: EUGENE K. CASHMAN, JR. & KATHY CASHMAN

ADDRESS: #131 BRIDGE STREET  
TAX PARCEL I.D. NO. R610-039-00A-0197-0000



BOUNDARY, ASBUILT  
TREE & TOPOGRAPHIC  
SURVEY OF  
**LOT 3, #131 BRIDGE STREET**  
A SECTION OF  
**GUERARD SUBDIVISION**  
TOWN OF BLUFFTON, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 20' DATE: 06/24/2021 JOB NO: SC96172F



## SURVEYING CONSULTANTS

17 Sherington Drive, Suite C, Bluffton, SC 29910  
SC Telephone: (843) 815-3304 FAX: (843) 815-3305  
GA Telephone: (912) 826-2775  
www.SurveyingConsultants.com  
Email: SC@SurveyingConsultants.com

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### E. Riverfront Edge Historic District (RV-HD)

In the Riverfront Edge Transect Zone, the river shall be the focus of each lot abutting it and therefore acts as the "front" of the lot.



RV-HD Precedent Imagery



RV-HD Regulating Plan

#### Riverfront Edge Building Type Requirements:

	Riverfront Build-to Zone	Lot Width	Frontage Requirement	Rear Setback (from streetside property line)	Side Setback (from side property lines)	Height (in stories)
Carriage House	Two Carriage Houses may be built per primary structure and may have a maximum footprint of 800 sq. ft. each. They must be placed between the primary structure and the street.			5'	10'	1-2
Cottage	≥150' Perpendicular to, and in a horizontal plane from, the OCRM line	≥60'	N/A	20'	10'	1-1.5
Vernacular House		≥75'	N/A	20'	20'	1.5
Center Hall House		≥75'	N/A	20'	20'	2-2.5
River House		≥75'	N/A	20'	20'	1.5
Civic Building	15'-50'	N/A	N/A	N/A	15'	1.5
<b>Additional Building Types</b>						
As approved by the UDO Administrator or Board/Commission with approval authority in accordance with Article 2 of this Ordinance, additional building types may be allowed in the Riverfront Edge-HD zoning district. Building types not specifically listed shall be regulated by the following general requirements:		≥150' Perpendicular to, and in a horizontal plane from, the OCRM line	≥60'	N/A	20'	1 - 2.5



Town of Bluffton Unified Development Ordinance

5-59

- Introduction 1
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- Design Standards 5
- Sustainable Development Incentives 6
- Nonconformities 7
- Penalties & Enforcement 8
- Definitions & Interpretation 9



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- 3 Application Process
- 4 Zoning Districts
- 5 Design Standards
- 6 Sustainable Development Incentives
- 7 Nonconformities**
- 8 Penalties & Enforcement
- 9 Definitions & Interpretation

of such official.

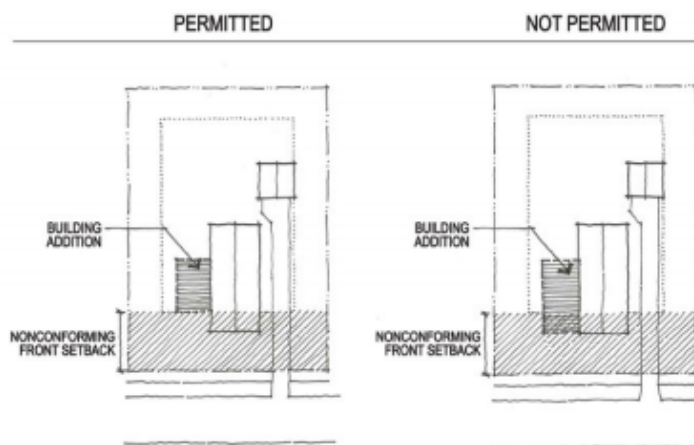
### 7.6.2 Nonconforming Façade Design

The façade of a building with a façade design that does not conform to the design standards of *Article 5, Design Standards* may be repaired or improved; provided, however, if any other building expansion or renovation is proposed, such expansion or renovation shall result in greater façade design conformance with the design standards of *Article 5, Design Standards*, as determined by the UDO Administrator.

### 7.6.3 Expansion of Nonconforming Structures

- A. A legal nonconforming building may be enlarged or altered, provided the area of expansion is within required setbacks and all other site dimensional requirements (setbacks, height, maximum lot coverage, etc.) are met. (See Example in Figure 7-1: a building with a nonconforming front yard setback may be expanded in the rear if the rear yard setback remains conforming and maximum lot coverage is not exceeded).

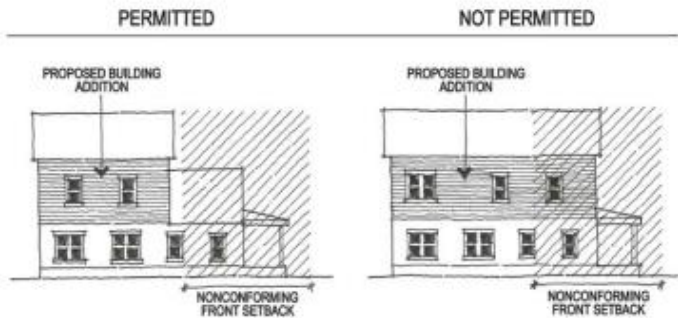
Figure 7-1, Area Expansions to Nonconforming Buildings





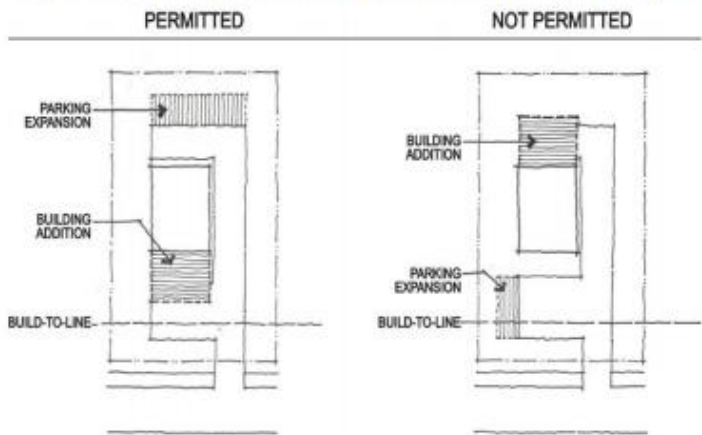
B. Additional height above a nonconforming portion of a nonconforming building shall not be permitted (See Example in Figure 7-2).

Figure 7-2, Height Expansions to Nonconforming Buildings



C. Where a building is nonconforming by virtue of being set back further than the maximum front setback line/ build-to-zone requirements of [Article 5, Design Standards](#), additions to the building shall be permitted if the addition will bring the building closer to the maximum front setback line/ build-to zone (See Example in Figure 7-3).

Figure 7-3, Front Yard Extensions to Nonconforming Buildings



7.7 Nonconforming Sites

7.7.1 Nonconforming Sites

Sites with improvements that lawfully existed prior to the adoption or amendment of this Ordinance, but do not comply with the provisions of this Ordinance, may be



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