

Board of Zoning Appeals Meeting

Tuesday, January 07, 2025 at 6:00 PM

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

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. NOTICE REGARDING ADJOURNMENT

The Board of Zoning Appeals will not hear new items after 9:30 p.m. unless authorized by a majority vote of the Board Members present. Items which have not been heard before 9:30 p.m. may be continued to the next regular meeting or a special meeting date as determined by the Board Members.

- IV. ADOPTION OF MINUTES
 - A. December 5, 2023 Minutes
- V. ELECTION OF OFFICERS
- VI. PUBLIC COMMENT
- VII. OLD BUSINESS
- **VIII. NEW BUSINESS**
 - A. 1181 May River Road (Variance): The Applicant, Jason Broene of Court Atkins Architects, Inc., on behalf of the property owner Trevor Wells, is requesting a variance from Unified Development Ordinance (UDO) Section 5.3.7.B.2.b to allow a 35-foot encroachment into the 50-foot Highway Corridor Overlay District vegetative buffer along SC HWY 46 (May River Road). The property is zoned Neighborhood Core Historic District (NC-HD) and consists of approximately 0.36 acres identified by tax map number R610 039 000 097A 0000 within Old Town Bluffton. (ZONE-12-24-019470) (Staff Dan Frazier)
 - B. 375 Hampton Parkway (Variance): The Applicant, Melvin Fields of Fields and Company, LLC, on behalf of the property owners Menachem M. Hertz and Sheina N. Groner, is requesting a variance from the Beaufort County Development Standards Ordinance 90/3 Section 4.3.3. (A) to allow an approximately 4-foot encroachment in the 35-foot setback requirement from Hampton Parkway. The property is zoned Buckwalter PUD and consists of approximately 5.37 acres identified by tax map number R610 029 000 2482 0000 within the Parcel 10A, 10B, and 10D Master Plan. (ZONE-12-24-019474) (Staff Dan Frazier)

- C. Adoption of 2025 Meeting Dates: (Staff Dan Frazier)
- IX. DISCUSSION
- X. ADJOURNMENT

NEXT MEETING DATE: Tuesday, February 4, 2025

"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. Auditory accommodations are available. Any person requiring further accommodation should contact the Town of Bluffton ADA Coordinator at 843.706.4500 or adacoordinator@townofbluffton.com as soon as possible but no later than 48 hours before the scheduled event.

Executive Session – The public body may vote to go into executive session for any item identified for action on the agenda.

*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. To submit a public comment online, please click here: https://www.townofbluffton.sc.gov/FormCenter/Town-15/Public-Comment-60 Public comment is limited to 3 minutes per speaker.

Board of Zoning Appeals

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

December 05, 2023

I. CALL TO ORDER

Chairman Grove called the meeting to order at 6pm.

II. ROLL CALL

PRESENT

Chairman Daniel Grove

Vice Chairman Larry Garrison

Board Member Tim Dolnik

Board Member Paul Reinhard

Board Member Gerry Workman

III. ADOPTION OF THE AGENDA

Vice Chairman Garrison made a motion to adopt the agenda as written.

Seconded by Board Member Reinhard.

Voting Yea: Chairman Grove, Vice Chairman Garrison, Board Member Dolnik, Board Member Reinhard, Board Member Workman

All were in favor and the motion passed.

IV. ADOPTION OF MINUTES

A. August 1, 2023 Minutes

Vice Chairman Garrison made a motion to adopt the minutes as written.

Seconded by Board Member Workman.

Voting Yea: Chairman Grove, Vice Chairman Garrison, Board Member Dolnik, Board Member Reinhard, Board Member Workman

All were in favor and the motion passed.

V. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA*

VI. OLD BUSINESS

VII. NEW BUSINESS

A. 2 Marianna Way (Variance): The Applicant, Houssam Aboukhater, on behalf of Herkus, LLC, is requesting a variance from Unified Development Ordinance (UDO) Section 5.13.3.D to allow a 7 square foot directional sign. The property is identified by tax map number R610 039 000 0497 0000 and is located at 2 Marianna Way in the Neighborhood General – HD Zoning District. (ZONE-11-23-018643) (Staff - Jordan Holloway)

Staff presented. The applicant was in attendance. There was discussion about how the size of the sign was determined and designating the location of the sign. The applicant discussed the reason for the request.

Vice Chairman Garrison made a motion to grant the variance request with the conditions that the sign must meet the sign standards of the Historic District in the Town of Bluffton and be installed in submitted proposed location.

Seconded by Board Member Dolnik.

Voting Yea: Chairman Grove, Vice Chairman Garrison, Board Member Dolnik, Board Member Reinhard, Board Member Workman

All were in favor and the variance request was approved.

B. 15 Meriwether Ct (Variance): The Applicant, BFL Builders, is requesting a variance from Unified Development Ordinance (UDO) Section 5.15.5.C to encroach 5' into the 10' side setback. The property is identified by tax map number R610 039 00A 0388 0000 and is located at 15 Meriwether Court in the Neighborhood General – HD Zoning District. (ZONE-11-23-018631) (Staff - Jordan Holloway)

Staff presented. The applicant was in attendance. There was discussion about the tree location on the parcel, allowed building types for the parcel and drainage and stormwater runoff.

Public Comment

<u>Ann Cook, 37 Thomas Heyward St</u>. - Ms. Cook stated her concerns about the parcel's location to Verdier Cove and any related runoff that would affect the water quality of the May River.

Vice Chairman Garrison made a motion to approve the variance.

Seconded by Board Member Dolnik.

Voting Yea: Chairman Grove, Vice Chairman Garrison, Board Member Dolnik, Board Member Workman

Voting Nay: Board Member Reinhard

The votes were 4-1 and the motion passed.

C. Adoption of 2024 Meeting Dates: (Staff - Jordan Holloway)

Vice Chairman Garrison made a motion to adopt the 2024 meeting dates as presented.

Seconded by Chairman Grove.

Voting Yea: Chairman Grove, Vice Chairman Garrison, Board Member Dolnik, Board Member Reinhard, Board Member Workman

All were in favor and the motion passed.

VIII. DISCUSSION

IX. ADJOURNMENT

Vice Chairman Garrison made a motion to adjourn.

Seconded by Chairman Grove.

Voting Yea: Chairman Grove, Vice Chairman Garrison, Board Member Dolnik, Board Member Reinhard, Board Member Workman

All were in favor and the motion passed.

The meeting was adjourned at 6:37 pm.

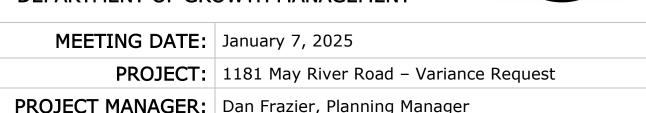


F.BT

Section VIII. Item #A.

BOARD OF ZONING APPEALS

STAFF REPORT DEPARTMENT OF GROWTH MANAGEMENT



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

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

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

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

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

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

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

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

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

BOARD OF ZONING APPEALS ACTIONS: As granted by the powers and duties set forth in Section 2.2.6.D.2 of the Unified Development Ordinance, the Board of Zoning Appeals has the authority to take the following actions with respect to this application:

- 1. Approve the application as submitted by the Applicant;
- 2. Approve the application with conditions; or
- 3. Deny the application as submitted by the Applicant.

REVIEW CRITERIA & ANALYSIS: In assessing an application for a Variance, the Board of Zoning Appeals is required to consider the criteria set forth in Section 3.7.3 of the UDO. The seven criteria are provided below followed by a Staff Finding for each criterion.

As expressed in Section 3.7.3.B.1., a variance may be granted as applicable, and the application must comply with the following:

Unnecessary Hardship. A Variance from a dimensional or design standard may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship upon a finding that all the following standards are met:

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

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

2. <u>Section 3.7.3.B.1.b</u> These conditions do not generally apply to other property in the vicinity, particularly those in the same zoning district;

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

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3. <u>Section 3.7.3.B.1.c</u> Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property in a manner consistent with others in the zoning district;

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

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

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

5. <u>Section 3.7.3.B.1.e</u> The authorization of a Variance does not substantially conflict with the Comprehensive Plan and the purposes of this Ordinance;

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

6. <u>Section 3.7.3.B.1.f</u> The authorization of a Variance will not result in a substantial detriment to adjacent property or the public good, and the character of the District will not be harmed by the granting of the Variance;

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

7. <u>Section 3.7.3.B.1.q</u> The reason for the Variance is more than simply for convenience or to allow the property to be utilized more profitably.

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

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

ATTACHMENTS:

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

Attachment 1

Section VIII. Item #A.



TOWN OF BLUFFTON BOARD OF ZONING APPEALS APPLICATION

Growth Management Custor

20 Bridge Street Bluffton, SC 29910 (843)706-4522

www.townofbluffton.sc.gov applicationfeedback@townofbluffton.com

Applicant	Property Owner	
Name: Court Atkins Architects, Inc.	Name: Trever Wells	
Phone: 843-815-2557	Phone: 912-313-1274	
Mailing Address: PO BOX 3978 Bluffton, SC 29910	Mailing Address: 1181 May River Road Bluffton, SC 29910	
E-mail: jason.broene@courtatkins.com	E-mail: treverwells@aol.com	
Town Business License # (if applicable): LIC-04-	19-028962	
Project	Information	
Project Name: Wells Mixed Use	□ Special Exception	
Project Location: 1181 May River Road	Administrative Appeal	
Zoning District: R610 039 000 097A 0000	Acreage: 0.36 acres	
Tax Map Number(s): R610 039 000 097A 0000		
Project Description: A new 8,000 sqft 2-story mix building on the site is to rem		
	uffer on May River Road however, would request to ay River Road to be similar to the Stock Farm gs east along May River Road.	
Minimum Requir	ements for Submittal	
2. Recorded deed and plat showing proof of proper3. Project Narrative describing reason for application	le plans and/or documents depicting the subject property. by ownership. n and compliance with the criteria in Article 3 of the UDO. Town of Bluffton Master Fee Schedule. Checks made payable	
Note: A Pre-Application Meeting is req	uired prior to Application submittal.	
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.		
I hereby acknowledge by my signature below that the for the owner of the subject property. As applicable, I auth	oregoing application is complete and accurate and that I am orize the subject property to be posted and inspected.	
Property Owner Signature:	Mt Date: 8 24	
Applicant Signature:	Date: 11/18/24	
For Office Use		
Application Number:	Date Received:	
Received By:	Date Approved:	

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BOARD OF ZONING APPEALS NARRATIVE

1181 May River Road Bluffton, SC 29910

DATE: November 26, 2024

The applicant Trevor Wells requests a zoning variance for 1181 May River Road / Tax ID# R610 039 000 097A 0000, from Section 5.3.7.B.2b of the Unified Development Ordinance, to allow encroachment into the 50-foot vegetative buffer along SC HWY 46 (May River Road). The proposed lot is a medium mixed-use lot within the Neighborhood Core Zoning District which allows a 10' front setback. Due to site constraints, the applicant proposes a reduction of the buffer from 50' to 15'.

- The 15' setback / buffer is consistent with the adjacent properties to the Southeast (Stock Farm) and to the east at 1199 May River Road; 1203 May River Road and within the Historic District. Currently, there is no existing vegetative buffer at the front of the property.
- The reduced buffer encourages redevelopment and provides a transition from no buffers within the Historic District to 50' buffers along the scenic May River Road corridor. The Town of Bluffton streetscape (sidewalks, streetlights, landscape) has been designed to accommodate buildings fronting the streets and encourages sidewalk connectivity to the street versus parking lots adjacent to the scenic highway.

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The following is the supporting documentation from Article 3 of the UDO.

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

Applicant Response:

The application has been submitted to Town Staff, per requirements of the Applications Manual.

2. Section 3.7.3.B.1. Unnecessary Hardship. A Variance from a dimensional or design standard may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship upon a finding that all of the following standards are met.

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

Applicant Response:

The lot has an existing metal building and when the 50' required buffer is applied; along with walkways and access from the building; the property is not suitable for commercial development consistent with the May River Road Corridor and current zoning. The applicant proposes redevelopment of the site to be more consistent with adjacent properties recently developed.

B. 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.

Applicant Response:

With the 50' buffer the maximum building depth is limited to ±30'. Based on this minimal development area, any type of commercial development is restricted.

<u>C. Section 3.7.3.B.1.d. The need for the Variance is not the result of the Applicant's own actions.</u>

Applicant Response:

The current zoning was in place when the applicant purchased the property and is not a result of the applicant's actions. There is also no vegetative buffer at the front of the property currently.

<u>D. 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.</u>

Applicant Response:

Per the Town of Bluffton: 'The Neighborhood Core zoning district is purposed to have moderate—intensity, mixed-use development and the Future Land Use Map envisions this area for Mixed-Use which describes future uses in the following manner: A variety of complementing and integrated uses such as, but not limited to: residential, offices, light/unobtrusive/small scale manufacturing and assembly, retail, public use/facilities, or entertainment in a compact urban form.'

23 Promenade St., Suite 201 Bluffton, SC 29910 Tel: 843.757.7411

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The requested variance does not create a substantial departure from the goals and purposes of the Zoning District or Comprehensive Plan because the proposed density and uses are like what is described above.

E. 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.

Applicant Response:

The proposed plan will be consistent with the character of Old Town Bluffton and provide more effective use of space and aesthetic along the Hwy 46 Streetscape. The reduced buffer provides a transition from the Historic district to the 50' buffer along the scenic May River Road corridor. The adjacent properties do not have a 50' buffer.

F. 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.

Applicant Response:

The property will be limited in development by only allowing a 30' building depth.

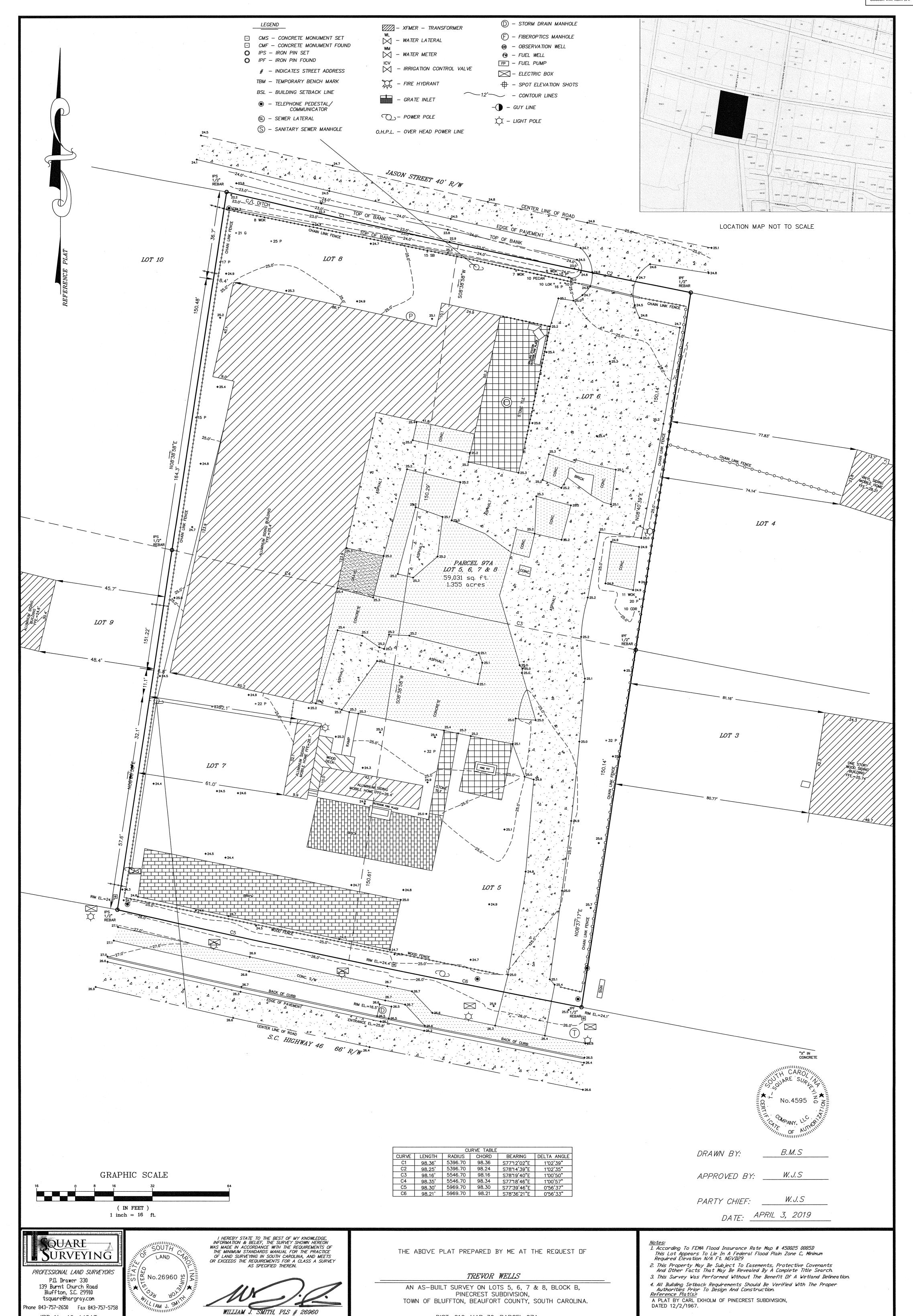
Please feel free to contact our office if you need additional information or have questions.

Sincerely,

Dan Keefer 843-757-7411

Dan@wjkltd.com

Duel P. Keefer.



DIST. 610, MAP 39, PARCEL 97A

J□B No. 19-142AT



Attachment 2

Section VIII. Item #A.

NOTICE IS HEREBY GIVEN that the Town of Bluffton Board of Zoning Appeals (BZA) will hold a Public Hearing at 6:00PM, on Tuesday, January 7, 2025 at the Theodore D. Washington Municipal Building, 20 Bridge Street, Bluffton, SC for the following: ZONE-12-24-019470 - The Applicant, Jason Broene of Court Atkins Architects, Inc., on behalf of the property owner Trevor Wells, is requesting a variance from Unified Development Ordinance (UDO) Section 5.3.7.B.2.b to allow a 35-foot encroachment into the 50foot Highway Corridor Overlay District vegetative buffer along SC HWY 46 (May River Road). The property is zoned Neighborhood Core (NC) and consists of approximately 0.36 acres identified by tax map number R610 039 000 097A 0000 within Old Town Bluffton. ZONE-12-24-019474 - The Applicant, Melvin Fields of Fields and Company, LLC, on behalf of the property owners Menachem M. Hertz and Sheina N. Groner, is requesting a variance from the Beaufort County Development Standards Ordinance 90/3 Section 4.3.3. (A) to allow an approximately 4-foot encroachment in the 35foot setback requirement from Hampton Parkway. The property is zoned Buckwalter PUD and consists of approximately 5.37 acres identified by tax map number R610 029 000 2482 0000 within the Parcel 10A, 10B, and 10D Master Plan.

Documents related to the above are available for public inspection and copying in the Town of Bluffton Department of Growth Management, located at 20 Bridge Street, during business hours. Persons with comments or questions should contact the Town of Bluffton Growth Management Department at (843) 706-4500. Persons requiring special services to attend the meeting should call to make arrangements.

Public Comments may be submitted electronically via the Town's website at (https://bit.ly/3wg7A08). Comments will be accepted up to 2 hours prior to the scheduled meeting start time. The meeting will be open to the public.

IPL0208567

Dec 22 2024

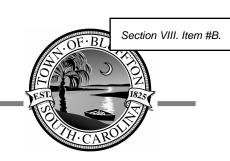
PUBLIC NOTICE

SCOPING FOR AN ENVIRONMENTAL ASSESSMENT U.S. DEPARTMENT OF VETERANS AFFAIRS DECISION-MAKING PROCESS TO SELECT A PARCEL WHERE A PRIVATE ENTITY WOULD CONSTRUCT AND OPERATE AN OUTPATIENT CLINIC FOR VA TO LEASE IN BEAUFORT, SOUTH CAROLINA

The U.S. Department of Veterans Affairs (VA) is proposing to construct and operate an outpatient clinic (OPC) in Beaufort, SC (the Proposed Action). The purpose of the Proposed Action is to provide enhanced and expanded primary care, mental health services, and add a comprehensive array of specialty care outpatient services to serve Veterans in Beaufort and the surrounding communities in a modern, state-of-the-art-facility. The OPC will be constructed by a

BOARD OF ZONING APPEALS





MEETING DATE:	January 7, 2025
PROJECT:	375 Hampton Parkway – Variance Request
PROJECT MANAGER:	Dan Frazier, Planning Manager

<u>APPLICATION REQUEST:</u> The Applicant, Melvin Fields, on behalf of Menachem M. Hertz and Sheina N. Groner, is requesting a variance for the following application (Attachment 1):

ZONE-12-24-019474 - The Applicant is requesting a variance from Beaufort County Development Standards Ordinance 90/3 Section 4.3.3. (A) to allow an approximately 4-foot encroachment in the 35-foot setback requirement from Hampton Parkway.

The property is zoned Buckwalter PUD identified by tax map number R610 029 000 2482 0000 and is located at 375 Hampton Parkway within the Parcel 10A, 10B, and 10D Master Plan. The BZA hearing was advertised in The Island Packet on December 22, 2024 (Attachment 2), the property was posted, and adjacent property owners were notified via certified mail.

<u>INTRODUCTION</u>: The subject property consists of a 5.0-acre parcel located at 375 Hamton Parkway. The parcel has a new 6,118 square foot single-family home, currently under construction. The Applicant is proposing an approximately 4-foot encroachment into the 35-foot setback requirement from Hampton Parkway.

<u>BACKGROUND</u>: Section 2 of the Buckwalter Planned Unit Development Concept Plan defines permitted land uses. The Beaufort County Zoning and Development Standards Ordinance (ZDSO 90/3) as adopted establishes zoning districts and site design and development standards, including building setbacks.

Several zoning districts in which the subject property may exist identify a minimum front yard setback requirement of 35 feet, including Rural Development District, Development District, and General Residential (Sections 4.2.4.A, 4.3.3.A, and 4.4.2.A) (Attachment 3).

A Slab Inspection was conducted on April 17, 2024. This inspection failed, and the inspector noted that the "survey and home must be a minimum of 35-foot from the street lot line and show setbacks on survey" (Attachment 4). A site plan provided on April 18, 2024, shows the building footprint and covered porch in conformance with the 35-foot building setback (Attachment 5). The Slab Inspection was subsequently approved on July 22, 2024 (Attachment 6). However, a survey dated

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June 20, 2024, identifies an encroachment of approximately 4 feet (Attachment 7). Based on the surveyed location of the slab, the applicant requests a variance to allow a 4-foot encroachment into the 35-foot building setback.

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. <u>Section 3.7.3.B.1.a.</u> There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - Finding. There are no extraordinary or exceptional conditions other than the property is on a curved segment of Hampton Parkway, which may have contributed to the forms being incorrectly placed prior to pouring the slab.
- 2. <u>Section 3.7.3.B.1.b</u> These conditions do not generally apply to other property in the vicinity, particularly those in the same zoning district;
 - Finding. The setback requirements are the same for the adjacent lots.
- 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.* A strict application of the Ordinance to this particular piece of property would require the approved slab and approved building plans to be modified.
- 4. <u>Section 3.7.3.B.1.d</u> The need for the Variance is not the result of the Applicant's own actions;

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Finding. While the slab was incorrectly placed by the builder, the Town erred in approving the slab inspection on July 22, 2024. The Applicant and builder continued construction based on the slab inspection approval.

- 5. <u>Section 3.7.3.B.1.e</u> The authorization of a Variance does not substantially conflict with the Comprehensive Plan and the purposes of this Ordinance;
 - Finding. The approval of the requested Variance does not substantially conflict with the Comprehensive Plan, *Blueprint Bluffton*, and the purposes of the Unified Development Ordinance.
- 6. <u>Section 3.7.3.B.1.f</u> The authorization of a Variance will not result in a substantial detriment to adjacent property or the public good, and the character of the District will not be harmed by the granting of the Variance;
 - Finding. The approval of the requested Variance would not result in substantial detriment to adjacent property owners or the public good. The visual impact of granting the setback variance will be minimal. As illustrated in Attachment 7, the majority of the home's front façade is placed behind the 35-foot front setback.
- 7. <u>Section 3.7.3.B.1.g</u> The reason for the Variance is more than simply for convenience or to allow the property to be utilized more profitably.

Finding. The reason for the Variance is to correct a field error and bring the foundation into compliance. The property will not be utilized more profitably by the granting of this variance.

<u>CONCLUSION</u>: 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
- BZA Island Packet Public Notice 12 22 24
- 3. ZDSO 90-3 Section 4.4.2.A
- 4. Slab Inspection Worksheet 04 17 24
- 5. Site Plan 04 18 24
- 6. Slab Inspection Worksheet 07 22 24
- 7. Survey with Setback Dimension 06 20 24

Growth Management Custon

Section VIII. Item #B.

Bluffton, SC 29910 (843)706-4500

www.townofbluffton.sc.gov applicationfeedback@townofbluffton.com

Applicant	Property Owner		
Name: Melvin Fields/Fields and Company LLC	Name: Menachem M. Hertz and Sheina N. Groner		
Phone: 843-683-5936	Phone: 843-301-1819		
Mailing Address:	Mailing Address:		
83 Thomas Cohen Dr. Hilton Head Island SC 29926	83 Kenwood Drive, Bluffton SC 29910		
E-mail: fieldsandcompany1@gmail.com	E-mail: rabbimendelhertz@gmail.com		
Town Business License # (if applicable):			
Project Information			
Project Name: Hertz residence	Project Location: 375 Hampton Parkway		
Zoning District: Buckwalter PUD	Acreage: 5.01		
Tax Map Number(s): District 610 Map 2	9 Parcel 2482		
Project Description: Construction of Residential dwelling on Lot 2 a portion of Hampton Parkway, Section C Request: Applicant and owner request that the Town approve a variance for the subject property from the 35ft minimum set back requirement from Hampton Parkway for the constructed residence. The survey, submitted with the project prior to approval, depicts portions of the as built construction which encroaches into the set back by approximately two to three feet in places. The variance is requested to avoid unneccessary hardship to the owner and applicant in the nature of delay and material reconstruction costs in a situation whereby Applicant and Owner proceeded with the existing construction based on approved plans and a survey submitted to the Town in			
advance of construction. The project passed inspection after Town review of the survey which accurately depicted the construction envelope and its distance from Hampton Parkway. An approved variance in this matter dues not appear to interfere with the Comprehensive Plan. The approval of the variance will not create substantial detriment to any adjacent property or inpact upon Hampton Parkway.			
Minimum Requirements for Submittal			
 1. Mandatory Application Check-In Meeting scheduled. 2. Digital files of applicable plans and/or documents depicting the subject property. 3. Recorded deed and plat showing proof of property ownership. 4. Project Narrative describing reason for application and compliance with the criteria in Article 3 of the UDO. 5. An Application Review Fee as determined by the Town of Bluffton Master Fee Schedule. Checks made payable to the Town of Bluffton. 			
Note: A Pre-Application Meeting is required prior to Application submittal.			
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 application.			
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: 12/5/2024		
Applicant Signature:	Date: 12/5/2024		
For Office Use			
Application Number:	Date Received:		
Received By:	Date Approved:		



TOWN OF BLUFFTON VARIANCE APPEAL APPLICATION PROCESS NARRATIVE

Section VIII. Item #B.

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. The Town of Bluffton's Mission and Vision Statements help navigate staff to ensure that the goals outlined by Town Council are being met. As each project is being reviewed, Town staff will use the Mission Statement, Vision Statement, The Covenant for Bluffton and the current Strategic Plan to guide their review. Compliance with these procedures will minimize delays and assure expeditious application review.

Step 1. Pre-Application Meeting	Applicant & Staff	
Prior to the filing of a Variance Application, the Applicant is required to consult we Pre-Application Meeting for comments and advice on the appropriate application specifications, and applicable standards required by the UDO.	· · · · · · · · · · · · · · · · · · ·	
Step 2. Application Check-In Meeting	Applicant & Staff	
Upon receiving input from Staff at the Pre-Application Meeting, the Applicant shall submit the Variance Application and required submittal materials during a mandatory Application Check-In Meeting where the UDO Administrator or designee will review the submission for completeness. Call 843-706-4500 to schedule.		
Step 3. Review by UDO Administrator or designee	Staff	
If the UDO Administrator or designee determines that the Variance Application is complete, the application is placed on the next available Board of Zoning Appeals (BZA) Meeting agenda.		
Step 4. Board of Zoning Appeals Meeting	Applicant, Staff & Board of Zoning Appeals	
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.		
Step 5. Issuance of Decision Letter	Staff	
The UDO Administrator or designee shall issue the decision letter reflecting the ruling by the Board of Zoning Appeals.		

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Attachment 2

NOTICE IS HEREBY GIVEN that the Town of Bluffton Board of Zoning Appeals (BZA) will hold a Public Hearing at 6:00PM, on Tuesday, January 7, 2025 at the Theodore D. Washington Municipal Building, 20 Bridge Street, Bluffton, SC for the following: ZONE-12-24-019470 - The Applicant, Jason Broene of Court Atkins Architects, Inc., on behalf of the property owner Trevor Wells, is requesting a variance from Unified Development Ordinance (UDO) Section 5.3.7.B.2.b to allow a 35-foot encroachment into the 50foot Highway Corridor Overlay District vegetative buffer along SC HWY 46 (May River Road). The property is zoned Neighborhood Core (NC) and consists of approximately 0.36 acres identified by tax map number R610 039 000 097A 0000 within Old Town Bluffton. ZONE-12-24-019474 - The Applicant, Melvin Fields of Fields and Company, LLC, on behalf of the property owners Menachem M. Hertz and Sheina N. Groner, is requesting a variance from the Beaufort County Development Standards Ordinance 90/3 Section 4.3.3. (A) to allow an approximately 4-foot encroachment in the 35foot setback requirement from Hampton Parkway. The property is zoned Buckwalter PUD and consists of approximately 5.37 acres identified by tax map number R610 029 000 2482 0000 within the Parcel 10A, 10B, and 10D Master Plan.

Documents related to the above are available for public inspection and copying in the Town of Bluffton Department of Growth Management, located at 20 Bridge Street, during business hours. Persons with comments or questions should contact the Town of Bluffton Growth Management Department at (843) 706-4500. Persons requiring special services to attend the meeting should call to make arrangements.

Public Comments may be submitted electronically via the Town's website at (https://bit.ly/3wg7A08). Comments will be accepted up to 2 hours prior to the scheduled meeting start time. The meeting will be open to the public.

IPL0208567

Dec 22 2024

PUBLIC NOTICE

SCOPING FOR AN ENVIRONMENTAL ASSESSMENT U.S. DEPARTMENT OF VETERANS AFFAIRS DECISION-MAKING PROCESS TO SELECT A PARCEL WHERE A PRIVATE ENTITY WOULD CONSTRUCT AND OPERATE AN OUTPATIENT CLINIC FOR VA TO LEASE IN BEAUFORT, SOUTH CAROLINA

The U.S. Department of Veterans Affairs (VA) is proposing to construct and operate an outpatient clinic (OPC) in Beaufort, SC (the Proposed Action). The purpose of the Proposed Action is to provide enhanced and expanded primary care, mental health services, and add a comprehensive array of specialty care outpatient services to serve Veterans in Beaufort and the surrounding communities in a modern, state-of-the-art-facility. The OPC will be constructed by a

- (B) Minimum Side Yard Setback. Ten (10') feet.
- (C) Minimum Rear Yard Setback. Ten (10') feet.

Section 4.4

GR-4 - General Residential District-4

Section 4.4.1 Permitted Uses

The following uses shall be permitted in any General Residential District-4.

- (A) Single-family and multi-family residential dwellings not to exceed four (4) dwelling units per net acre.
- (B) Farm or establishment for the growing, care and handling of field crops, truck gardening products, fruit and/or nut trees and includes aquaculture.
 - (C) Tree farm, timber area, or forest management area.
 - (D) Horticultural nursery.
 - (E) Church, cemetery, or religious institution.
 - (F) Community center or social center.
 - (G) Private docks, boat marina, boat houses as an accessory to the resident dwelling.
 - (H) Customary home occupations established under the provisions of Section 5.3.
 - (I) Schools, private or public, day care centers and child nurseries.
 - (J) Utility lines, substations, switching stations, pump stations.
- (K) Public or private emergency facilities such as fire stations, ambulance stations, or evacuation centers.
 - (L) Unlighted regulation-size or par-three golf courses.
- (M) Platted patio lots as a part of a subdivision whereupon the location of a building on an individual lot is in such a manner that one or more of the building's sides rests directly on or close to a lot line, thus creating a zero lot line(s).
- (N) A temporary office and/or storage building during a project involving construction but not be used as a dwelling with the removal of same within 30 days upon project completion.

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Section 4.4.2 Other Requirements - Setbacks

- (A) Minimum Front Yard Setback. Thirty-five (35') feet. Major thoroughfare four-lane: fifty (50') feet. Major thoroughfare two-lane: seventy-five (75') feet.
 - (B) Minimum Side Yard Setback. Ten (10') feet.
 - (C) Minimum Rear Yard Setback. Ten (10') feet.

Section 4.5 GR-8 - General Residential District-8

Section 4.5.1 Permitted Uses

The following uses shall be permitted in any General Residential District-8.

- (A) Any single-family and multi-family residential dwellings not to exceed eight (8) dwelling units per net acre. For a definition of "Net Acre" see Section 10.2.
- (B) Farm or establishment for the growing, care and handling of field crops, truck gardening products, fruit and/or nut trees and includes aquaculture.
 - (C) Tree farm, timber area, or forest management area.
 - (D) Horticultural nursery.
 - (E) Church, cemetery, or religious institution.
 - (F) Community center or social center.
 - (G) Private docks, boat marina, boat houses as an accessory to the resident dwelling.
 - (H) Customary home occupations established under the provisions of Section 5.3.
 - (I) Schools, private or public, day care centers and child nurseries.
 - (J) Utility lines, substations, switching stations, pump stations.
- (K) Public or private emergency facilities such as fire stations, ambulance stations, or evacuation centers.
 - (L) Unlighted regulation-size or par-three golf courses.
- (M) Platted patio lots as a part of a subdivision whereupon the location of a building an individual lot is in such a manner that one or more of the building's sides rests directly on or clo to a lot line, thus creating a zero lot line(s).

INSPECTION WORKSHEET (INSP-006371-2024)

Section VIII. Item #B.

Town of Bluffton, SC

20 Bridge Street, Bluffton, SC 29910 843-706-4522 email: inspections@townofbluffton.com

Case Number:RNEW-03-24-0736Case Module:PermitInspection Date:Wed Apr 17, 2024Inspection Status:FailedInspector:Holland, SidneyInspection Type:R - Slab

Job Address: 375 HAMPTON PKWY PARKWAY

BLUFFTON, SC, 29910

Parcel Number: R610 029 000 2482 0000

Contact Type Company Name Name

Engineer Southern Consulting, Inc. Austin, Anthony

Mechanical Contractor Integrity Air, LLC

Plumbing Contractor Chaps Plumbing Services - USE THIS Chappelear, David

ACCOUNT

Electrical Contractor Earls Electrical Services - USE THIS

ACCOUNT

Primary Contractor Fields and Company LLC - USE THIS Fields, Melvin

ACCOUNT

Local Contact Fields and Company LLC - USE THIS Fields, Melvin

ACCOUNT

Owner Chabad Greater Hilton Head Hertz, Menachem

Applicant Fields and Company LLC - USE THIS Fields, Melvin

ACCOUNT

Checklist Item Status

No Compaction Failed

No Survey Failed

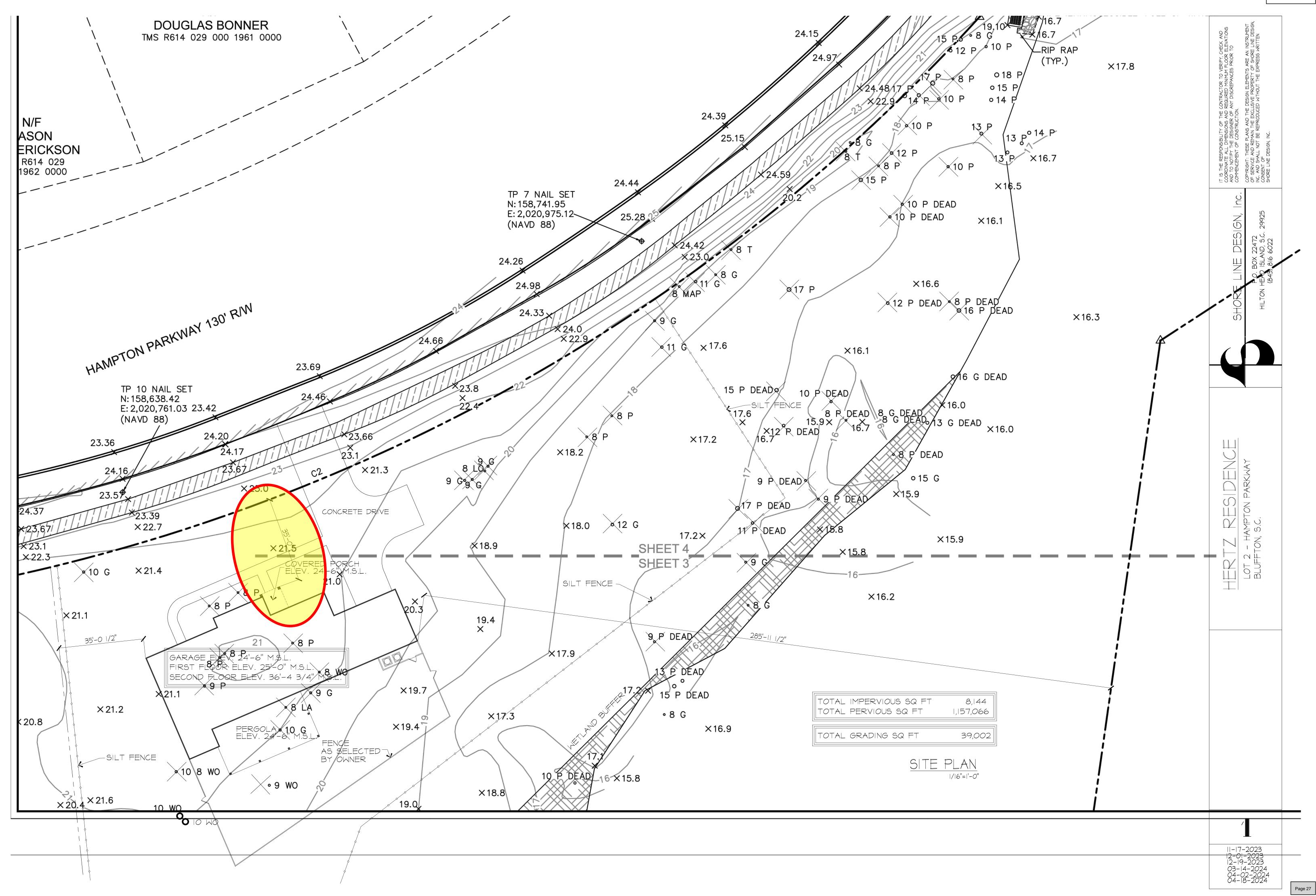
4/17/24 SH note to inspection

Section VIII. Item #B.

Checklist Item Status

Survey and home must be minimum 35' from street lot line and show setbacks on survey. Home must be 1' above street center. Do not pass until verified Inspection discontinued

Holland Sidney



INSPECTION WORKSHEET (INSP-011751-2024)

Section VIII. Item #B.

Town of Bluffton, SC

20 Bridge Street, Bluffton, SC 29910 843-706-4522 email: inspections@townofbluffton.com

Case Number:RNEW-03-24-0736Case Module:PermitInspection Date:Mon Jul 22, 2024Inspection Status:PassedInspector:Sim, ChristopherInspection Type:R - Slab

Job Address: 375 HAMPTON PKWY PARKWAY

BLUFFTON, SC, 29910

Parcel Number: R610 029 000 2482 0000

Contact Type Company Name Name Hertz, Menachen Local Contact Fields and Company LLC - USE THIS ACCOUNT Fields, Melvin

Electrical Contractor Earls Electrical Services - USE THIS

ACCOUNT

Plumbing Contractor Tillotson Mechanical LLC - USE THIS Tillotson, Roy Bryant

ACCOUNT

Engineer Southern Consulting, Inc. - USE THIS Austin, Anthony

ACCOUNT

Applicant Fields and Company LLC - USE THIS Fields, Melvin

ACCOUNT

Primary Contractor Fields and Company LLC - USE THIS Fields, Melvin

ACCOUNT

Mechanical Contractor Leeway Heating and Air

Checklist Item Status

No Compaction Passed

7/22/24 ok

7/8/24 CS Still missing compaction test.

6/28/24 CS reschedule when ready for inspection. Crew still working.

Checklist ItemStatusNo SurveyPassed

7/19/24 CS ok, survey on file

4/17/24 SH note to inspection
Survey and home must be minimum 35' from street lot line and show setbacks on survey. Home must be 1' above street center. Do not pass until verified
Inspection discontinued

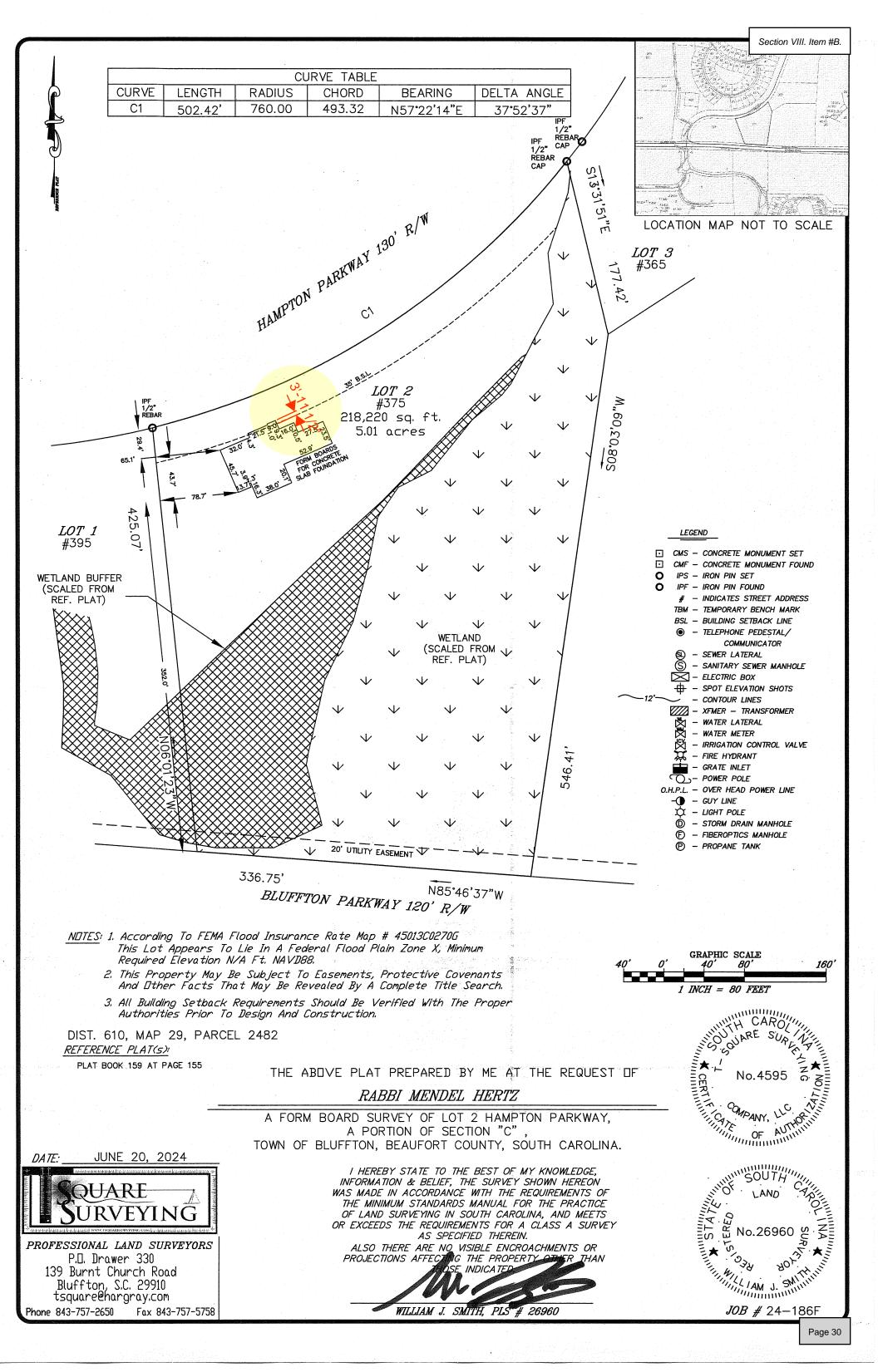
Other - Comments Passed

7/19/24 CS ok to pour slab

7/8/24 CS All footers need to be visible and unblocked for inspection.

6/28/24 CS Discontinued inspection. Do to call back I until ready for inspection or will be double fined. Also missing compaction

Sim, Christopher





TOWN OF BLUFFTON 2025 BOARD OF ZONING APPEALS Meeting and Application Submission Schedule

MEETING DATES	APPLICATION SUBMISSION DATES
January 7, 2025	December 10, 2024
February 4, 2025	January 7, 2025
March 4, 2025	February 4, 2025
April 1, 2025	March 4, 2025
May 6, 2025	April 8, 2025
June 3, 2025	May 6, 2025
July 1, 2025	June 3, 2025
August 5, 2025	July 8, 2025
September 2, 2025	August 5, 2025
October 7, 2025	September 9, 2025
November 4, 2025	October 7, 2025
December 2, 2025	November 4, 2025
January 6, 2026	December 9, 2025

MEETINGS WILL BE HELD THE FIRST TUESDAY OF THE MONTH - ONLY WHEN A ZONING APPEAL REQUEST HAS BEEN SUBMITTED. MEETINGS WILL BE HELD AT 6:00 P.M.

Please Note:

- 1. For submission requirements and information please consult <u>www.townofbluffton.sc.gov</u> or phone 843.706.4500.
- 2. The proper forms and filing fee (as indicated on the Master Fee Schedule) must accompany all submittals. Incomplete submittals will NOT be accepted.
- 3. Meetings will be held on scheduled meeting dates unless otherwise advertised with FOIA compliance.
- 4. All new applications, required revisions and information relative to previously submitted applications must be submitted four (4) weeks prior to the meeting date in order to be placed on the agenda.
- 5. Cases will be heard only if the applicant/applicant's representative is present.