



Board of Zoning Appeals Meeting

Tuesday, May 06, 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

V. PUBLIC COMMENT

VI. OLD BUSINESS

VII. EXECUTIVE SESSION

- A. Legal Matters Relating to the Receipt of Legal Advice Covered by the Attorney-Client Privilege (Pursuant to SC Freedom of Information Act 30-4-70[a] [2])

VIII. NEW BUSINESS

- A. **1 Garfields Way (Variance):** The Applicant, Ansley H. Manuel, on behalf of the property owner, Samuel Kopotic, requests a variance from UDO Section 5.15.5.C to encroach 5 feet into the 25-foot rear setback. The property consists of 0.16 acres identified by tax map number R610 039 00A 0406 0000 in the Neighborhood General – Historic District (NG-HD) Zoning District within Old Town Bluffton. (ZONE-03-25-019660) (Staff - Dan Frazier)
- B. **Tri Pointe Homes - Able Street (Variance):** The Applicant, John Hoff with Tri Pointe Homes, on behalf of property owner New South Living, LLC, requests a variance from the recently approved pending ordinance doctrine amending Section 5.10.7 of the Unified Development Ordinance (UDO) requiring a 50-foot wetland buffer to impact 0.256 acres of jurisdictional wetlands and 0.109 acres of non-jurisdictional wetlands within the proposed single-family detached residential development. (ZONE-04-25-019696) (Staff - Dan Frazier)

IX. DISCUSSION

X. ADJOURNMENT**NEXT MEETING DATE: Tuesday, June 3, 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



STAFF REPORT DEPARTMENT OF GROWTH MANAGEMENT

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

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

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

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

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

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

Section 5.15.5.C of the Unified Development Ordinance (UDO) requires a twenty-five (25) foot rear setback for Cottage, Medium House, and Additional Building Types. The subject parcel, approximately 54.65 feet in width, meets lot width requirements outlined in the UDO (Attachment 4 and 5). A pre-application meeting was held on October 31, 2024. Site photos of the subject property were taken on April 29, 2025 (Attachment 6).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Section 3.7.3.B.1.g The reason for the Variance is more than simply for convenience or to allow the property to be utilized more profitably.

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

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

ATTACHMENTS:

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

VICINITY MAP

1 GARFIELDS WAY

VARIANCE





Town of Bluffton Public Hearing

NOTICE IS HEREBY GIVEN that the Town of Bluffton Board of Zoning Appeals (BZA) will hold a Public Hearing at 6:00PM, on Tuesday, May 6, 2025 at the Theodore D. Washington Municipal Building, 20 Bridge Street, Bluffton, SC for the following:

ZONE-03-25-019660 – The Applicant, Ansley H. Manuel, on behalf of the property owner, Samuel Kopotic, requests a variance from UDO Section 5.15.5.C to encroach 5 feet into the 25-foot rear setback. The property is identified by tax map number R610 039 00A 0406 0000 in the Neighborhood General – Historic District (NG-HD) Zoning District within Old Town Bluffton.

ZONE-04-25-019696 – The Applicant, John Hoff, on behalf of the property owner, New South Living, LLC requests a variance from the recently approved pending ordinance doctrine amending Section 5.10.7 of the Unified Development Ordinance (UDO) to require a 50-foot wetland buffer to impact 0.11 acres of non-jurisdictional wetlands within the proposed single-family detached residential development. The property is identified by tax map numbers R610 039 000 0745 0000, R610 039 000 1588 0000, R610 039 000 0179 0000, and R610 039 000 0202 000 in the Residential General (RG).

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.

IPL0228801

Apr 20 2025

Post Date: 04/20 12:00 AM

Refcode: #IPL0228801 iPrint

Similar Listings



LOCATION MAP NOT TO SCALE

PARCEL 152
N/F
JEFFREY G. FEASTER & ASHLEY FEASTER

PARCEL 144C
N/F
NORMA COOLEY

LOT 1
#1
6,170 sq. ft.
0.14 acres

PARCEL 305
N/F
GARFIELD MOSS, JR

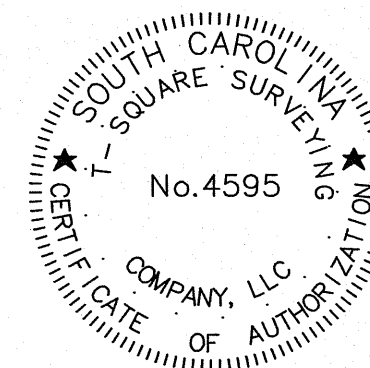
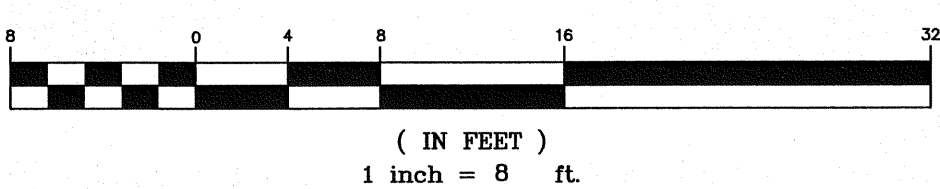
LEGEND

- CMS - CONCRETE MONUMENT SET
- CMF - CONCRETE MONUMENT FOUND
- IPS - IRON PIN SET
- IPF - IRON PIN FOUND
- # - INDICATES STREET ADDRESS
- TBM - TEMPORARY BENCH MARK
- BSL - BUILDING SETBACK LINE
- ⊙ - TELEPHONE PEDESTAL/COMMUNICATOR
- ⊙ - SEWER LATERAL
- ⊙ - SANITARY SEWER MANHOLE
- ⊙ - ELECTRIC BOX
- ⊙ - SPOT ELEVATION SHOTS
- 12' - CONTOUR LINES
- ⊙ - XFMR - TRANSFORMER
- ⊙ - WATER LATERAL
- ⊙ - WATER METER
- ⊙ - IRRIGATION CONTROL VALVE
- ⊙ - FIRE HYDRANT
- ⊙ - GRATE INLET
- ⊙ - POWER POLE
- O.H.P.L. - OVER HEAD POWER LINE
- ⊙ - GUY LINE
- ⊙ - LIGHT POLE
- ⊙ - STORM DRAIN MANHOLE
- ⊙ - FIBEROPTICS MANHOLE

TREE LEGEND

- WHIOK - WHITE OAK
- LAOK - LAUREL OAK
- LOK - LIVE OAK
- WOK - WATER OAK
- ROK - RED OAK
- PCAN - PECAN
- MAG - MAGNOLIA
- HIC - HICKORY
- MPL - MAPLE
- PLM - PALMETTO
- CHY - CHERRY
- HLV - HOLLY
- CDR - CEDAR
- RDB - RED BUD
- SAS - SASSAFRAS
- DOG - DOGWOOD
- SB - SUGARBERRY
- P - PINE
- G - GUM
- B - BAY

GRAPHIC SCALE



DRAWN BY: W.J.S.

APPROVED BY: W.J.S.

PARTY CHIEF: B.M.S.

DATE: DECEMBER 13, 2023

THE ABOVE PLAT PREPARED BY ME AT THE REQUEST OF

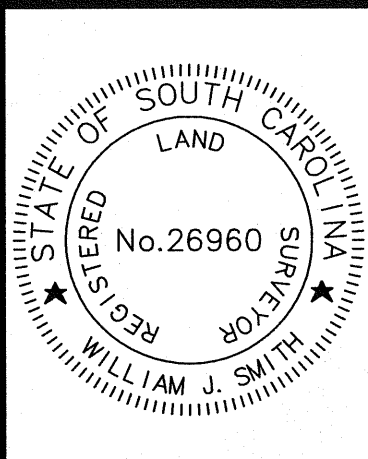
SAM KOPOTIC & MADDIE MCFADDEN

A TREE & TOPOGRAPHIC SURVEY OF LOT 1 GARFIELD'S WAY,
A PORTION OF GARFIELD & NANCY MOSS SUBDIVISION,
TOWN OF BLUFFTON, BEAUFORT COUNTY, SOUTH CAROLINA.

DIST. 610, MAP 39A, PARCEL 406

- Notes:
1. According To FEMA Flood Insurance Rate Map # 45013C0426G This Lot Appears To Lie In A Federal Flood Plain Zone X, Minimum Required Elevation N/A Ft. MAY08B
 2. This Property May Be Subject To Easements, Protective Covenants And Other Facts That May Be Revealed By A Complete Title Search.
 3. This Survey Was Performed Without The Benefit Of A Wetland Delineation.
 4. All Building Setback Requirements Should Be Verified With The Proper Authorities Prior To Design And Construction.
- PLAT BOOK 155 AT PAGE 148

SQUARE SURVEYING
PROFESSIONAL LAND SURVEYORS
P.O. Drawer 330
139 Burnt Church Road
Bluffton, SC 29910
tsquare@charleston.com
Phone 843-757-2650 Fax 843-757-5758
JOB No. 23-586T



I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION & BELIEF, THE SURVEY SHOWN HEREON 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.

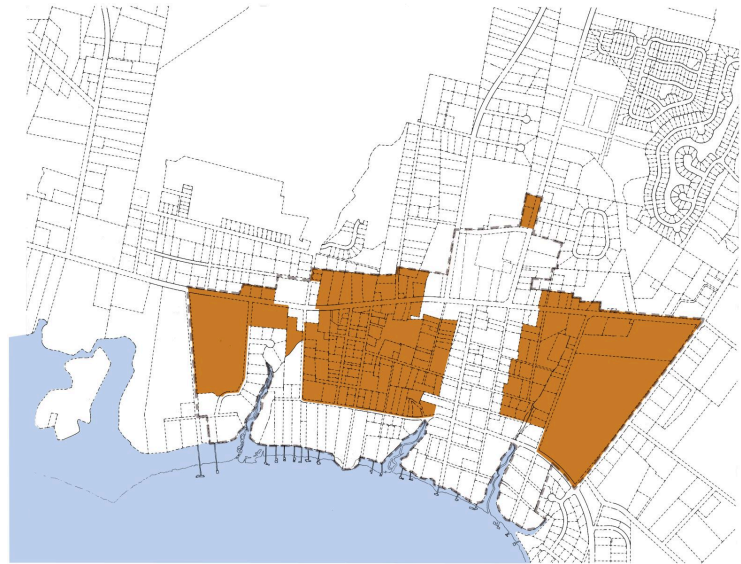
W. J. Smith
WILLIAM J. SMITH, PLS # 26960

C. Neighborhood General Historic District (NG-HD)

Within the NG-HD district, building form and scale shall be primarily residential to maintain the predominantly residential character component of this district. The UDO Administrator may waive the mandatory residential component for properties with frontage on SC Highway 46 and Bruin Road; buildings on these properties may be constructed with retail shopfronts, awnings, marquees, colonnades, or arcades in accordance with this UDO but must be residential in form and scale.



NG-HD Precedent Imagery



NG-HD Regulating Plan

	Front Build-to Zone	Lot Width	Frontage Requirement	Setback (from rear property line)	Side Setback (from side property lines)	Height (in stories)
Neighborhood General Building Type Requirements:						
<i>Carriage House</i>	See Sec. 5.15.8.F. for placement and other requirements.			5'	5'	1-2
<i>Live-Work Sideyard</i>	10'-20'	50'-100'	N/A	25'	10'	1-2.5
<i>Commercial Cottage</i>	10'-20'	50'-100'	N/A	25'	10'	1-1.5
<i>Bungalow Court</i>	10'-20' (for foremost bungalow)	60'-100'	N/A	25'	15'	1-1.5
<i>Cottage</i>	10'-20'	50'-60'	N/A	25'	10'	1-1.5
<i>Medium House</i>	10'-20'	50'-60'	N/A	25'	10'	1-2
<i>Village House</i>	10'-20'	50'-65'	N/A	30'	15'	2-2.5
<i>Sideyard House</i>	10'-15'	50'-65'	N/A	30'	5'	2
<i>Vernacular House</i>	10'-20'	60'-100'	N/A	30'	15'	1.5
<i>Center Hall House</i>	15'-25'	70'-100'	N/A	30'	15'	2-2.5

	Front Build-to Zone	Lot Width	Frontage Requirement	Setback (from rear property line)	Setback (from side property lines)	Stories
Neighborhood General Building Type Requirements:						
Civic Building	10'-35'	N/A	N/A	N/A	10'	2

Additional Building Types

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 Neighborhood General-HD zoning district. Building types not specifically listed shall be regulated by the following general requirements:

10'-20'	50'-100'	N/A	25'	10'	1 - 2.5
---------	----------	-----	-----	-----	---------

(Ord. [2024-02](#), April 9, 2024)

Effective on: 4/9/2024



TOWN OF BLUFFTON VARIANCE APPLICATION

Attac
Growth Management Cus
Section VIII. Item #A.
Bluffton, SC 29910
(843)706-4500
www.townofbluffton.sc.gov
applicationfeedback@townofbluffton.com

Applicant		Property Owner	
Name:	<i>Ansley H. Manuel, Architect</i>	Name:	<i>Samuel Kopotic</i>
Phone:	<i>843.338.8932</i>	Phone:	<i>843.540.5200</i>
Mailing Address:	<i>104 Pritchard Street Bluffton, S.C. 29910</i>	Mailing Address:	<i>4 Shults Road Apt 203 Bluffton, S.C. 29910</i>
E-mail:	<i>manuel.studio@aol.com</i>	E-mail:	<i>SamKopotic@yahoo.com</i>
Town Business License # (if applicable): <i>24-04-2229</i>			
Project Information			
Project Name:		<i>The Kopotic Residence</i>	
Project Location:		<i>1 Garfields Way</i>	
Zoning District:		<i>Neighborhood General</i>	
Acreage:		<i>0.14</i>	
Tax Map Number(s): <i>R610 039 00A 0106 0000</i>			
Project Description: <i>Proposed residence consists of a three bedroom main house with an attached one bedroom carriage house. Building Type is Additional. Pre Application meeting was held on October 31, 2025.</i>			
Request: <i>Setbacks are 10ft Front 10ft Sides 25ft Rear (Main) 5' side & rear (Carriage). Applicant request a Rear Setback Variance of 20 feet instead 25 feet.</i>			
Minimum Requirements for Submittal			
<input checked="" type="checkbox"/> 1. Mandatory Application Check-In Meeting scheduled.			
<input checked="" type="checkbox"/> 2. Digital files of applicable plans and/or documents depicting the subject property.			
<input checked="" type="checkbox"/> 3. Recorded deed and plat showing proof of property ownership.			
<input checked="" type="checkbox"/> 4. Project Narrative describing reason for application and compliance with the criteria in Article 3 of the UDO.			
<input checked="" type="checkbox"/> 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:		<i>Samuel Kopotic</i>	
Date:		<i>3/18/2025</i>	
Applicant Signature:		<i>Ansley H. Manuel</i>	
Date:		<i>3/18/2025</i>	
For Office Use			
Application Number:		Date Received:	
Received By:		Date Approved:	

Setback Variance Request for The Kopotic Residence

1 Garfields Way, Bluffton, South Carolina

Applicant requests a rear setback variance of 20 feet. The current rear setback is 25 feet. The following is an explanation as set by itemized requirements of UDO 7.3 Application Review Criteria

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

The rear property line is skewed.

1b. These conditions do not generally apply to other property in the vicinity, particularly those in the same zoning district.

Properties in the vicinity and zoning district have rear property lines that are parallel to front property lines.

1c. 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 zoning district.

Applicant is asking for common rooms located on the first floor. Rooms are reasonably sized. The first floor layout can be found in numerous houses with lots that are more wide than deep in the district.

1d. The need for the Variance is not the result of the Applicant's own actions.

Applicant did not manipulate lot to cause need for variance.

1e. The authorization of a Variance does not substantially conflict with the Comprehensive Plan and the purposes of this Ordinance.

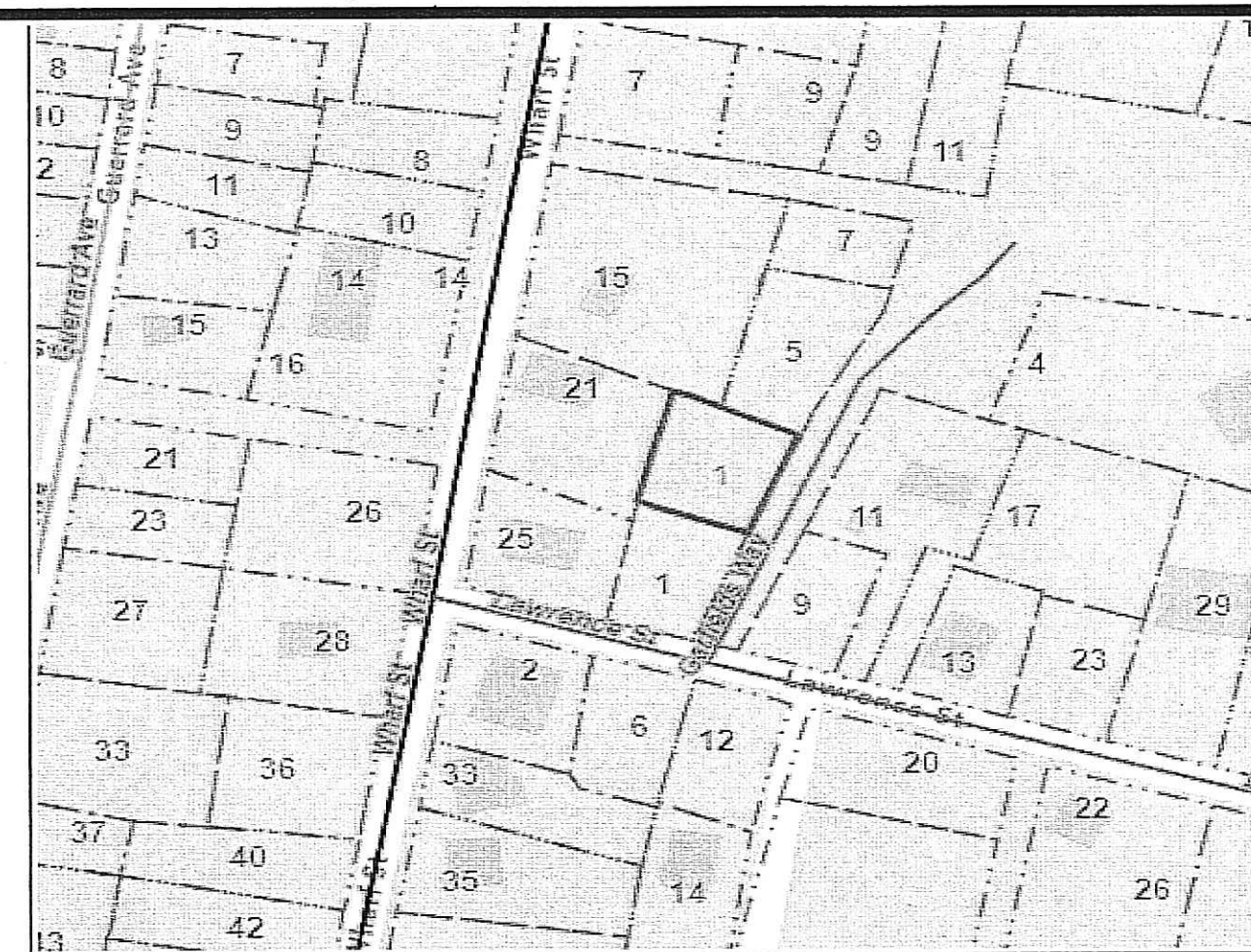
Authorization will allow a small portion of the footprint to be in the variance zone.

1f. 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 granting of the Variance.

The property is tucked back from public streets. The adjoining neighbors to the rear and sides will doubtfully perceive the 5 feet difference. The architecture of the house is keeping with surrounding properties in the district.

1g. The reason for the Variance is more than simply for convenience or to allow the property to be utilized more profitably.

Property owner is not asking for first floor rooms that are outside of the normal residential realm for an average size house in this district.



LOCATION MAP NOT TO SCALE

REFERENCE PLAT

PARCEL 152
N/F
JEFFREY G. FEASTER & ASHLEY FEASTER

PARCEL 144C
N/F
NORMA COOLEY

LOT 2

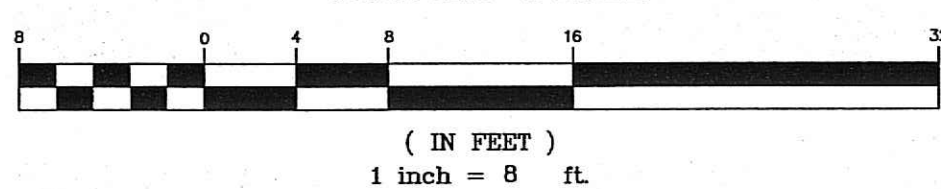
PARCEL 305
N/F
GARFIELD MOSS, JR

- LEGEND**
- CMS - CONCRETE MONUMENT SET
 - ◻ CMF - CONCRETE MONUMENT FOUND
 - IPS - IRON PIN SET
 - IPF - IRON PIN FOUND
 - # - INDICATES STREET ADDRESS
 - TBM - TEMPORARY BENCH MARK
 - BSL - BUILDING SETBACK LINE
 - ⊙ - TELEPHONE PEDESTAL/COMMUNICATOR
 - ⊕ - SEWER LATERAL
 - ⊗ - SANITARY SEWER MANHOLE
 - ⊞ - ELECTRIC BOX
 - ⊞ - SPOT ELEVATION SHOTS
 - ~ 12' ~ - CONTOUR LINES
 - ⊞ - XFMR - TRANSFORMER
 - ⊞ - WATER LATERAL
 - ⊞ - WATER METER
 - ⊞ - IRRIGATION CONTROL VALVE
 - ⊞ - FIRE HYDRANT
 - ⊞ - GRATE INLET
 - ⊞ - POWER POLE
 - O.H.P.L. - OVER HEAD POWER LINE
 - ⊞ - GUY LINE
 - ⊞ - LIGHT POLE
 - ⊞ - STORM DRAIN MANHOLE
 - ⊞ - FIBEROPTICS MANHOLE

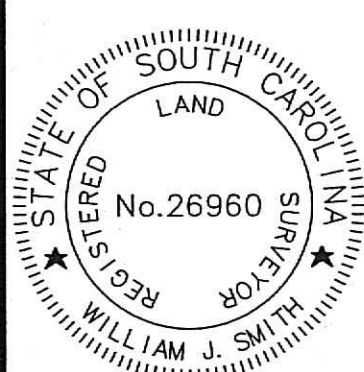
TREE LEGEND

- WHIOK - WHITE OAK
- LAOK - LAUREL OAK
- LOK - LIVE OAK
- WOK - WATER OAK
- ROK - RED OAK
- PCAN - PECAN
- MAG - MAGNOLIA
- HIC - HICKORY
- MPL - MAPLE
- PLM - PALMETTO
- CHY - CHERRY
- HLV - HOLLY
- CDR - CEDAR
- RDB - RED BUD
- SAS - SASSAFRAS
- DOG - DOGWOOD
- SB - SUGARBERRY
- P - PINE
- G - GUM
- B - BAY

GRAPHIC SCALE



T-SQUARE SURVEYING
PROFESSIONAL LAND SURVEYORS
P.D. Drawer 330
139 Burnt Church Road
Bluffton, S.C. 29910
tsquare@charleston.com
Phone 843-757-2650 Fax 843-757-5758
JOB No. 23-586T



I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION & BELIEF, THE SURVEY SHOWN HEREON 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.

William J. Smith
WILLIAM J. SMITH, PLS # 26960

THE ABOVE PLAT PREPARED BY ME AT THE REQUEST OF

SAM KOPOTIC & MADDIE MCFADDEN

A TREE & TOPOGRAPHIC SURVEY OF LOT 1 GARFIELDS WAY,
A PORTION OF GARFIELD & NANCY MOSS SUBDIVISION,
TOWN OF BLUFFTON, BEAUFORT COUNTY, SOUTH CAROLINA.

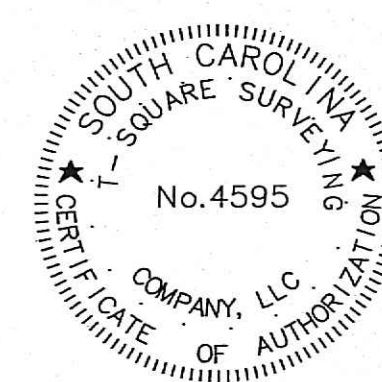
DIST. 610, MAP 39A, PARCEL 406

DRAWN BY: W.J.S

APPROVED BY: W.J.S

PARTY CHIEF: B.M.S

DATE: DECEMBER 13, 2023



- Notes:**
1. According To FEMA Flood Insurance Rate Map # 45013C04265 This Lot Appears To Lie In A Federal Flood Plain Zone X, Minimum Required Elevation N/A Ft. NAVD88
 2. This Property May Be Subject To Easements, Protective Covenants And Other Facts That May Be Revealed By A Complete Title Search.
 3. This Survey Was Performed Without The Benefit Of A Wetland Delination.
 4. All Building Setback Requirements Should Be Verified With The Proper Authorities Prior To Design And Construction.
- Reference Plats:
PLAT BOOK 155 AT PAGE 148









BOARD OF ZONING APPEALS



STAFF REPORT DEPARTMENT OF GROWTH MANAGEMENT

MEETING DATE:	May 6, 2025
PROJECT:	Tri Pointe Homes Able Street – Variance Request
PROJECT MANAGER:	Dan Frazier, Planning Manager

APPLICATION REQUEST: The Applicant, John Hoff with Tri Pointe Homes, on behalf of the owner New South Living, LLC, is requesting a variance for the following application (Attachment 1):

ZONE-04-25-019696 - The Applicant, John Hoff, requests a variance from the recently approved pending ordinance doctrine amending Section 5.10.7 of the Unified Development Ordinance (UDO) requiring a 50-foot wetland buffer to impact 0.256 acres of jurisdictional wetlands and 0.109 acres of non-jurisdictional wetlands within the proposed single-family detached residential development.

The property is located in the Residential General (RG) and Neighborhood Core (NC) districts identified by tax map numbers R610 039 000 0745 0000 (NC), R610 039 000 1588 0000, R610 039 000 0179 0000, and R610 039 000 0202 0000 and is located north of May River Road west of Red Cedar Street (Attachment 2). The BZA hearing was advertised in The Island Packet on April 20, 2025 (Attachment 3), the property was posted, and adjacent property owners were notified via certified mail.

INTRODUCTION: The subject property consists of 7.5 acres located at the intersection of Red Cedar Street and Able Street. The Applicant previously submitted a Preliminary Development Plan application on March 19, 2025. It was subsequently withdrawn on April 7, 2025. The Applicant is requesting relief from the fifty (50)-foot wetland buffer to impact a total of 0.365 acres of jurisdictional and non-jurisdictional wetlands.

BACKGROUND: On March 11, 2025, the Town of Bluffton Town Council approved via pending ordinance doctrine an amendment to Section 5.10.7 of the Unified Development Ordinance (UDO) to establish a fifty (50) foot buffer on jurisdictional and non-jurisdictional wetlands. This ordinance is a response to the U.S. Supreme Court's Sackett case which weakened federal wetlands protections, resulting in a need for more regulatory control at the state and local government level.

The following activities are specifically prohibited within a Wetland Buffer unless expressly authorized herein or elsewhere within the UDO.

- a. Removal, excavation, or disturbance of the soil, except for minimal disturbance associated with the installation of trees and plants as approved by the UDO Administrator, where a Wetland Buffer is re-established;

- b. Dumping or filling with any materials;
- c. Placement of any sod or garden of any type;
- d. Placement of structures or other pervious or impervious surfaces; and,
- e. Removal or destruction of trees, plants, grasses, or vines.

The 7.5-acre subject property includes 5.9 acres of upland, and 1.6 acres of wetlands. The wetlands requested to be impacted are in the northwest and southeast quadrants of the property being proposed for development, as reflected on the ALTA/NSPS Land Title Survey (Attachment 1.D.).

A pre-application meeting was held on January 9, 2025. The Preliminary Development Plan Application was submitted on March 19, 2025, which was 8 days after the approval of the UDO amendments. The Applicant does not currently have an active wetland impact permit from the U.S. Army Corps of Engineers.

VARIANCE REQUEST: The Applicant requests a variance to UDO Section 5.10.7 to impact/fill approximately 0.365 acres of wetlands and to encroach into the entire fifty (50)-foot wetland buffer.

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

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

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

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

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

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

Finding. There are no extraordinary or exceptional conditions pertaining to this particular piece of property. The property is vacant. Each parcel currently conforms with the ordinance, and each could be developed as is.

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. Similar properties in the vicinity, particularly those in the same zoning districts, Residential General and Neighborhood Core, are subject to the same UDO Wetlands Buffer requirements. The developed properties were constructed prior to the most recent amendment to UDO Section 5.10.7. There is not a unique circumstance or exceptional condition that applies to the subject parcels compared to any other parcel in the same zoning district.

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. A strict application of the Ordinance to this particular piece of property would reduce the number of units that can be constructed on the property, however, it does not effectively prohibit or unreasonably restrict the utilization of the property in a manner consistent with others in the zoning district.

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

Finding. The need for the Variance is the result of the Applicant's own actions. While the granting of the Variance would result in a greater lot yield, the Applicant can develop the subject properties at a lesser lot yield without the requested variance.

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

Finding. The approval of the requested Variance does not substantially conflict with the Comprehensive Plan, *Blueprint Bluffton*; however, it does conflict with the purposes of the Unified Development Ordinance Section 5.10.7, requiring a fifty (50) foot undisturbed buffer from wetlands. The UDO contemplates exceptions for existing residential developments; however, the subject property is vacant.

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

Finding. The approval of the requested Variance would impact jurisdictional and non-jurisdictional wetlands, which may result in substantial detriment to adjacent property owners or the public good.

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 reason for the Variance is for convenience or to allow the property to be utilized more profitably. The Applicant has stated 'the reason for this Variance is out of necessity for development, not for convenience or

profitability,' however, the property can still be developed with the required wetland buffers in place.

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.

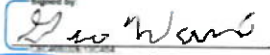

ATTACHMENTS:

1. Variance Application Submittal Items:
 - A. Application
 - B. Letter of Agency
 - C. Narrative
 - D. Survey
 - E. Site Plan
2. Vicinity Map
3. BZA Island Packet Public Notice 04 20 2025



TOWN OF BLUFFTON VARIANCE APPLICATION

Attach Section VIII. Item #B.
Growth Management Cus
20 Bridge Street
Bluffton, SC 29910
(843)706-4500
www.townofbluffton.sc.gov
applicationfeedback@townofbluffton.com

Applicant	Property Owner
Name: John Hoff	Name: New South Living LLC
Phone: 843-505-0910	Phone: 843-949-8830
Mailing Address: 1505 King Street Ext., Suite 111 Charleston, SC 29405	Mailing Address: P.O. Box 3123 Bluffton, SC 29910
E-mail: John.Hoff@TriPointeHomes.com	E-mail: george@brightondevelopmentsc.com
Town Business License # (if applicable):	
Project Information	
Project Name: Tri Pointe Homes - Able St.	Project Location: 72 Able St
Zoning District: Residential General (RG)	Acreage: 7.5
Tax Map Number(s): R610-039-000-0745-0000; R610-039-000-1588-0000; R610-039-000-0179-0000; R610-039-000-0202-0000	
Project Description: Design & build-out of approximately 26 single family detached residential units, necessary road and utilities infrastructure, stormwater management area(s), and amenity area(s).	
Request: We would like to request a variance on the wetland impacts to improve site connectivity and development flow	
Minimum Requirements for Submittal	
<div style="display: flex; align-items: flex-start;"><div style="width: 20px;"><input checked="" type="checkbox"/></div><div>1. Mandatory Application Check-In Meeting <i>scheduled</i>.</div></div> <div style="display: flex; align-items: flex-start;"><div style="width: 20px;"><input checked="" type="checkbox"/></div><div>2. Digital files of applicable plans and/or documents depicting the subject property.</div></div> <div style="display: flex; align-items: flex-start;"><div style="width: 20px;"><input checked="" type="checkbox"/></div><div>3. Recorded deed and plat showing proof of property ownership.</div></div> <div style="display: flex; align-items: flex-start;"><div style="width: 20px;"><input checked="" type="checkbox"/></div><div>4. Project Narrative describing reason for application and compliance with the criteria in Article 3 of the UDO.</div></div> <div style="display: flex; align-items: flex-start;"><div style="width: 20px;"><input checked="" type="checkbox"/></div><div>5. An Application Review Fee as determined by the Town of Bluffton Master Fee Schedule. Checks made payable to the Town of Bluffton.</div></div>	
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: 04/08/2025
Applicant Signature: 	Date: 04/08/2025
For Office Use	
Application Number:	Date Received:
Received By:	Date Approved:



TOWN OF BLUFFTON VARIANCE APPEAL APPLICATION PROCESS NARRATIVE

Attach

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 with the UDO Administrator or 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.	
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.	

New South LLC
217 Goethe Road
Bluffton SC 29910
george@brightondevelopmentsc.com
843-949-8830

March 03, 2025

Mr. John Hoff
Director of Land Management
Tri Point Homes
1505 King Street Ext, Suite 111
Charleston, SC 29405

To whom it may concern,

I, George Ward, the property owner of the real estate located at the intersection of Able Street & Red Cedar Street, Bluffton, South Carolina, Tax Map #'s R610-039-000-0745-0000; R610-039-000-1588-0000; R610-039-000-0179-0000; R610-039-000-0202-0000 , hereby authorize Tri Point Homes to act on my behalf in all matters relating to the project at the aforementioned property. This authorization includes, but is not limited to, making decisions, signing documents, and representing my interests in dealings with government agencies, contractors, and other relevant parties.

This letter of agency shall be effective from 03/03/2025 and shall remain in effect until 02/01/2026 or until revoked in writing by me.

Thank you for your cooperation and assistance in this matter.

Sincerely,



George Ward
Director of Development
New South LLC



Town of Bluffton Public Hearing

NOTICE IS HEREBY GIVEN that the Town of Bluffton Board of Zoning Appeals (BZA) will hold a Public Hearing at 6:00PM, on Tuesday, May 6, 2025 at the Theodore D. Washington Municipal Building, 20 Bridge Street, Bluffton, SC for the following:

ZONE-03-25-019660 – The Applicant, Ansley H. Manuel, on behalf of the property owner, Samuel Kopotic, requests a variance from UDO Section 5.15.5.C to encroach 5 feet into the 25-foot rear setback. The property is identified by tax map number R610 039 00A 0406 0000 in the Neighborhood General – Historic District (NG-HD) Zoning District within Old Town Bluffton.

ZONE-04-25-019696 – The Applicant, John Hoff, on behalf of the property owner, New South Living, LLC requests a variance from the recently approved pending ordinance doctrine amending Section 5.10.7 of the Unified Development Ordinance (UDO) to require a 50-foot wetland buffer to impact 0.11 acres of non-jurisdictional wetlands within the proposed single-family detached residential development. The property is identified by tax map numbers R610 039 000 0745 0000, R610 039 000 1588 0000, R610 039 000 0179 0000, and R610 039 000 0202 000 in the Residential General (RG).

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.

IPL0228801

Apr 20 2025

Post Date: 04/20 12:00 AM

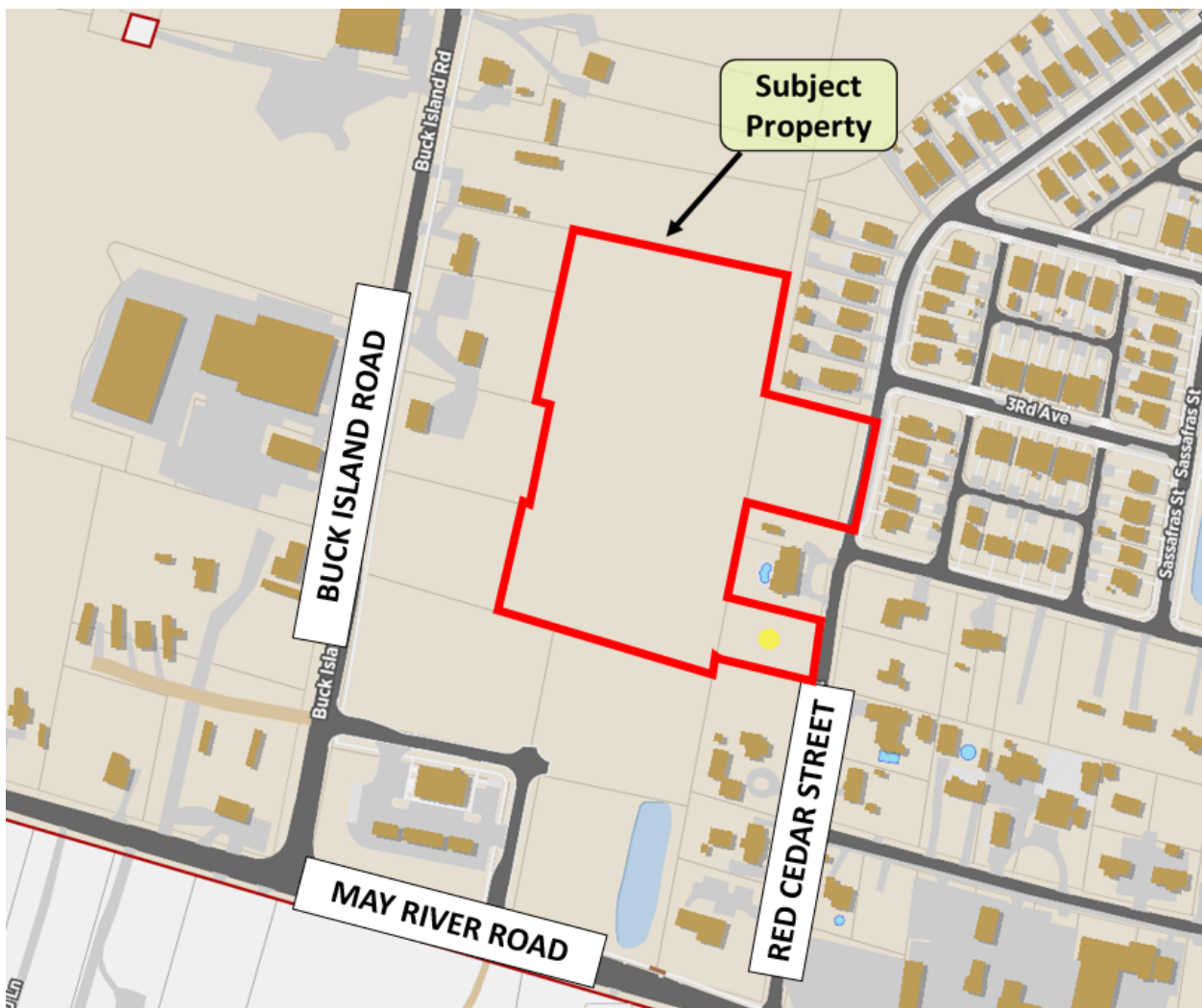
Refcode: #IPL0228801 iPrint

Similar Listings

VICINITY MAP

TRI POINTE HOMES – ABLE STREET

VARIANCE



SITE DATA:	
PROPERTY OWNER:	NEW SOUTH LIVING LLC
PARCEL ID:	R610-039-000-0745-0000 R610-039-000-1588-0000 R610-039-000-0179-0000 R610-039-000-0202-0000
EXISTING ZONING:	NC AND RG
TOTAL SITE AREA:	7.5± AC
PROPOSED USE:	SINGLE FAMILY RESIDENTIAL
OPEN SPACE:	
REQUIRED OPEN SPACE (20%):	1.5 AC
PROVIDED OPEN SPACE:	2.25 AC
LOT STANDARDS:	
PROPOSED LOTS:	26
PROPOSED DENSITY:	3.5 UNITS/HECTARE
MINIMUM LOT SIZE:	4,400 SF (40'X110' TYP.)
SETBACKS:	
FRONT:	10'
SIDE:	5'
REAR:	25'
WETLAND IMPACT:	0.3652 ACRES
FLOODPLAIN	
PER FIRM PANEL 45013C0410G, THERE ARE NO FLOOD ZONES LOCATED ON THE PROJECT SITE.	





NOTE:
BEARINGS AND DISTANCES SHOWN ARE BASED ON
SCSPCS GRID AND GROUND. ELEVATIONS BASED ON
NAVD 88 FROM GPS.

I.I.P. EXISTING 5/8" REBAR
 S.I.P. SET 5/8" REBAR
 E.C.M. EXISTING CONCRETE MONUMENT
 I.P.F. EXISTING PIPE FOUND (SIZE VARIES)
 P.D.E. PUBLIC DRAINAGE EASEMENT
 _____ PROPERTY LINE
 ----- ADJOINER PROPERTY LINE
 BY DEED OR PLAT

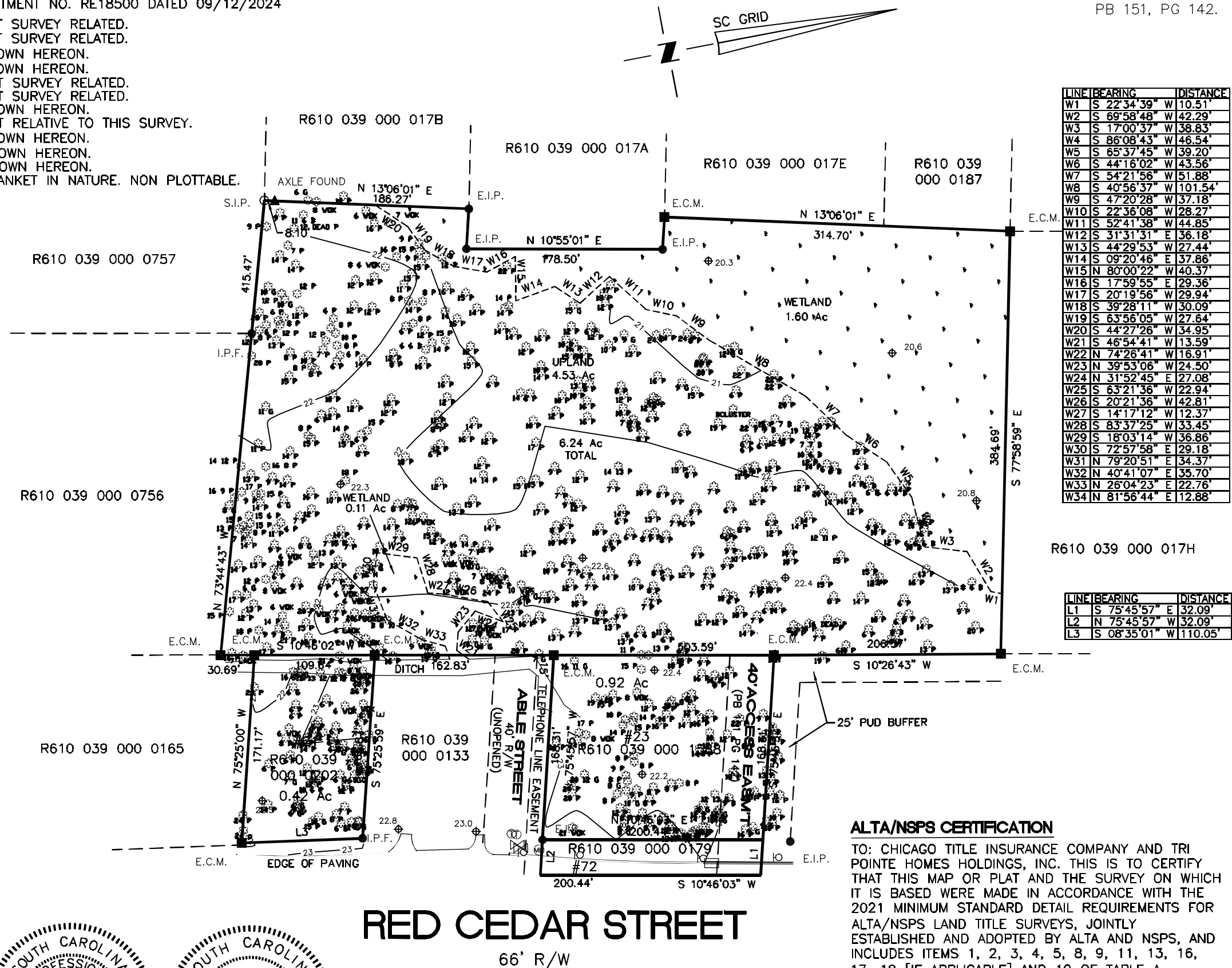
⌘	STREET SIGN	⦿	FIRE HYDRANT
Ⓢ	CLEAN OUT	☒	TRANSFORMER
⦿	LIGHT POST	☒	ELECTRIC BOX
Ⓜ	MAN HOLE	☐	CABLE PEDESTAL
Ⓣ	TELEPHONE PEDESTAL	☒	WATER VALVE
Ⓦ	WATER METER	☒	HVAC
☐	CATCH BASIN	Ⓢ	COMMUNICATIONS BOX
⦿	SPOT ELEVATION	Ⓢ	IRRIGATION CONTROL VALVE

I, Matthew D. Clark, a Professional Land Surveyor in the State of South Carolina, hereby state that to the best of my knowledge, information and belief, the survey herein was made in accordance with the requirements of 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 visible encroachments or projections other than shown. In my opinion the property shown correctly depicts the boundaries of the subject parcel(s). This survey is not valid unless embossed with an original surveyor's seal. This survey has been done without the benefit of reviewing a current title search. Witness my original signature, license number and seal this 19th day of November, 2024.

MATTHEW D. CLARK. PLS 20187

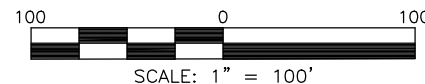
CHICAGO TITLE INSURANCE COMPANY
COMMITMENT NO. RE18500 DATED 09/12/2024

1. NOT SURVEY RELATED.
2. NOT SURVEY RELATED.
3. SHOWN HEREON.
4. SHOWN HEREON.
5. NOT SURVEY RELATED.
6. NOT SURVEY RELATED.
7. SHOWN HEREON.
8. NOT RELATIVE TO THIS SURVEY.
9. SHOWN HEREON.
10. SHOWN HEREON.
11. SHOWN HEREON.
12. BLANKET IN NATURE. NON PLOTTABLE.



RED CEDAR STREET

66' R/W



FLOOD NOTE:
THIS PROPERTY APPEARS TO BE LOCATED IN ZONE X
PER F.I.R.M. 45013C0410G, EFFECTIVE MARCH 23, 2021.
NOT A SPECIAL FLOOD HAZARD AREA.

REFERENCES: PB 147, PG 28. **Attach**
PB 140, PG 28.
PB 151, PG 142.

Section VIII. Item #B.

PREPARED FOR:

TRI POINT HOMES

DRAFTED BY: MDC NOVEMBER 14, 2024

ALTA/NPS LAND TITLE SURVEY OF

7.58 ACRES KNOWN AS

R610-039-000-0745, R610-039-000-0202
R610-039-000-0745, R610-039-000-0202

TOWN OF BLUFFTON
BEAUFORT COUNTY, SOUTH CAROLINA

IRLA ASSOCIATES, PA

785 KING GEORGE BLVD., STE. 203
SAVANNAH, GA 31419
PHONE (843) 879-9091

www.rlapls.com

DATE _____

Descriptive Narrative

Tri Pointe Homes is respectfully requesting a variance to UDO Section 5.10.7 C.3. Prohibited Activities within Wetland Buffers to impact 0.1096 acres of non-jurisdictional wetlands and 0.2556 acres of jurisdictional wetlands and associated buffers within the proposed single-family detached residential development located in the Town of Bluffton, South Carolina. The wetland impacts would total 0.3652 acres. The purpose of this variance request is to facilitate and enhance interconnectivity within the development, specifically to improve access and circulation for residents and emergency services.

The project, Tri Pointe Homes – Able Street, is located north of May River Road, east of Buck Island Road, west of Red Cedar Street, and bound on all sides by residential property. The project spans approximately 7.5 acres, including 5.9 acres of upland and 1.6 acres of wetlands. The site is denoted by:

- Parcel # R610 039 000 0179 0000
- Parcel # R610 039 000 0202 0000
- Parcel # R610 039 000 0745 0000
- Parcel # R610 039 000 1588 0000

Developed by Tri Point Homes, the project will feature 26 single-family detached homes. The development includes two full access points from Read Cedar Street, rear loaded lots served by pervious pavement alley ways, stormwater management facilities that will be used for rainwater harvesting, and associated infrastructure and utilities.

Justification for Variance Request: The proposed impact of an additional 0.3652 acres of wetlands is crucial for the following reasons:

- a. The wetlands requested to be impacted are non-jurisdictional; they are situated centrally on the piece of property and are unavoidable for development, therefore variance from this design standard is necessary due to the exceptional conditions on this piece of property.
- b. UDO Section 5.10.7 C.3. is a newly amended section of the Ordinance; therefore the adjacent properties were not held to this requirement at the time of their development.
- c. Granting the variance request would allow for single family development on this piece of property, which is in keeping with the intent of the zoning district.
- d. The wetlands requested to be impacted exist in their natural state and thus are not the result of the Applicant's own actions.
- e. The wetlands impact request for this development is minor and therefore does not substantially conflict with the purposes of this Ordinance. The wetlands requested to be impacted are isolated from the jurisdictional wetlands on this piece of property, which are proposed to be conserved per this Ordinance.
- f. The wetlands requested to be impacted are small in area and are disconnected from the jurisdictional wetlands on this piece of property, which are proposed to be conserved per this Ordinance. The character of the District will in no way be harmed by the granting of this variance request as the wetlands requested to be impacted are minor and do not contribute to the character of the District. The granting of this variance request will in no way result in a substantial detriment to adjacent properties, nor the public. Granting this variance request will allow for single family development on this piece of property, which will have a positive effect on adjacent properties and the public.

- g. The reason for this Variance request is out of necessity for development, not for convenience or for profitability.

The existing site conditions consist of mostly pine trees with a small number of hard woods. The existing grades on site vary from 20' to 23'. This site is listed on FEMA FIRM Panel 45013C0410G dated 03/23/2021. The project has flood hazard area of Zone X found on site. A FEMA base flood elevation (BFE) is not established for the site. Based on data taken from the Web Soil Survey from the United States NRCS website, the soils on site are Ro and Yo. The soil types are classified as hydraulic soil groups A/D.

All local utility companies, including Beaufort-Jasper Water Sewer Authority and Palmetto Electric Cooperative have attested to sufficient capacity to provide necessary support to the development. Tri Pointe Homes will coordinate with Palmetto Electric Cooperative to provide a lighting plan to serve the intent of the development that is in compliance with the Town of Bluffton's design ordinance.

We have meticulously planned this development to balance residential needs with ecological preservation. The minor additional wetland impact will be managed responsibly, utilizing best practices for stormwater management and environmental protection.

We, therefore, kindly request the approval of this variance to accomplish a well-integrated and efficient community infrastructure that exceeds Town expectations for safety, utility, and convenience.