



**TOWN OF BLUFFTON
BOARD OF ZONING APPEALS MEETING AGENDA
ELECTRONIC MEETING**

Tuesday, June 16, 2020, 6:00 PM

This meeting can be viewed on the Town of Bluffton's Facebook page
(<https://www.facebook.com/TownBlufftonSC/>)

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 an additional meeting date as determined by the Board Members.

IV. NOTICE REGARDING PUBLIC COMMENTS*

Every member of the public who is recognized to speak shall address the Chairman and in speaking, avoid disrespect to the Board, Town Staff, and other members of the meeting. State your name and address when speaking for the record.
COMMENTS ARE LIMITED TO THREE (3) MINUTES.

V. ADOPTION OF THE AGENDA

VI. ADOPTION OF MINUTES – May 19, 2020

VII. PUBLIC COMMENTS*

VIII. OLD BUSINESS

IX. NEW BUSINESS

1. FOR ACTION

- A. Special Exception:** The Applicant, Nelson Pinto, of Animal Eye Clinic of Savannah, LLC, is requesting an Special Exception to place an Animal Eye Clinic at 70 Pennington Drive Suite 10, in Sheridan Commercial Center.

The property is identified by Beaufort County Tax Map Number R610 031 00D 0015 0000 and is located in the Sheridan Commercial Center located off of Fording Island Road. The property is zoned General Mixed-Use and regulated by the Unified Development Ordinance. (ZONE-05-20-14229)
(Staff – Will Howard)

X. DISCUSSION

XI. ADJOURNMENT

*Public Comments may be submitted electronically via the Town's website at (<https://bit.ly/TOBPublicComment>) or by emailing your comments to the Growth Management Coordinator at dmclain@townofbluffton.com. Comments will be accepted up 2 hours prior to the scheduled meeting start time. All comments will be read aloud for the record and will be provided to the Board of Zoning Appeals Committee.

NEXT MEETING DATE: Tuesday, July 7, 2020

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

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

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

TOWN OF BLUFFTON BOARD OF ZONING APPEALS
Electronic Meeting

Tuesday, May 19, 2020, Minutes

Present: Stephan Halpern; Gerald Workman; Lawrence Garrison, Daniel Grove;

Absent: Carletha Frazier

Staff: Heather Colin, Growth Management Director; Richardson LaBruce, Town Attorney; Kevin Icard, Planning & Community Development Manager; Victoria Smalls, Growth Management Coordinator

I. CALL TO ORDER

Board Member Halpern called the meeting to order at 6:04 p.m.

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 Commission Members present. Items which have not been heard before 9:30 P.M. may be continued to the next regular meeting or an additional meeting date as determined by the Board Members.

IV. NOTICE REGARDING PUBLIC COMMENTS

Every member of the public who is recognized to speak shall address the Chairman and in speaking, avoid disrespect to the Commission, Town Staff, and other members of the meeting. State your name and address when speaking for the record. **UNLESS OTHERWISE AMENDED BY THE Board of Zoning Appeals, COMMENTS ARE LIMITED TO THREE (3) MINUTES.**

V. ADOPTION OF THE AGENDA

Board Member Workman made a motion to adopt the May 19, 2020 Board of Zoning Appeals Agenda. Board Member Garrison second the motion, all were in favor and the motion passed.

VI. ADOPTION OF MINUTES – September 17, 2019

Board Member Workman made a motion to approve the adoption of the September 17, 2019 minutes, Board member Garrison second the motion. All were in favor and the motion passed.

VII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

No Public Comments

VIII. OLD BUSINESS

No Old Business

IX. NEW BUSINESS

1. FOR ACTION

- A. Administrative Appeal:** The Applicant, Sarah Kepple with Pearce Scott Architects, is requesting an Administrative Appeal of the Town of Bluffton Director of Growth Management's interpretation of the Buckwalter Planned Unit Development (PUD) zoning document Beaufort County Zoning and Development Standards Ordinance 90/3 – Section 4.11.3.E, Conditional Uses, requiring a minimum distance of 200' feet between a veterinary clinic or kennel and any residential zoning perimeter or residential dwelling.

The property is identified by Beaufort County Tax Map Number R610 022 000 1072 0000 and is located east of the intersection of Pinellas Drive and Buckwalter Parkway. The property is zoned Buckwalter PUD. (ZONE-03-20-14108) (Staff – Heather Colin)

Staff Member Heather Colin presented the staff report which is incorporated into these minutes.

Board member Workman made a motion to deny the appeal and uphold the determination of the UDO Administrator's decision.

Board Member Garrison second the motion, all were in favor and the motion passed.

X. ADJOURNMENT

Board Member Garrison made a motion to adjourn The May 19, 2020 Board of Zoning Appeals meeting, Board Member Workman second the motion and the meeting adjourned at 6:57 p.m.

BOARD OF ZONING APPEALS



STAFF REPORT DEPARTMENT OF GROWTH MANAGEMENT

MEETING DATE:	June 2, 2020
PROJECT:	70 Pennington Drive – Suite 10
APPLICANT:	Dr. Nelson Pinto
PROJECT MANAGER:	Will Howard, Principal Planner-Land Development

APPLICATION REQUEST: The applicant, Nelson Pinto, of Animal Eye Clinic of Savannah, LLC (BDA: Animal Eye Clinic) is requesting a Special Exception to place a veterinary eye clinic at 70 Pennington Drive, Suite 10 in the Sheridan Commercial Center development.

INTRODUCTION: The subject property is a 3.83 acre property zoned General Mixed-Use within the Town of Bluffton. A Veterinary Clinic or Hospital is listed as a Special Exception Use in Unified Development Ordinance (UDO) Table 4.3, Uses by District and requires the approval of the Board of Zoning Appeals. UDO Section 4.5 Special Exception Use Standards, subsection 4.5.1. Animal Hospital, Veterinary Clinic, Kennel, states;

- (a) all structures being used as an animal hospital, veterinary clinic, or kennel shall be no closer than 200 feet to any residential dwelling or zoning district; and,
- (b) All kennel arrangements must be maintained within an enclosed building.

The parcel is currently developed with a multi-tenant commercial building within the existing Sheridan Commercial Center development.

BACKGROUND: UDO Table 4.3 Uses By District, states that Animal Hospital, Veterinary Clinic, Kennel requires a Special Exception as outlined in Section 3.6. The intent of the Special Exception process is intended to provide procedures and standards to facilitate the review of a Special Exception Application and to ensure that the use being proposed is compatible with other uses in the vicinity. Other objectives to be considered when reviewing a Special Exception Application include;

- (a) Ensure impacts associated with a specific use can be accommodated or are mitigated;
- (b) Ensure site design and operational standards minimize negative impacts on adjoining or nearby properties; and,

- (c) Provide a mechanism for public input.

The subject parcel is located within the Sheridan Commercial Center development and is surrounded on all sides by commercial uses. The proposed use of a specialty animal eye clinic, as an outpatient only service, with no overnight boarding or kennel services. 70 Pennington Drive is a multi-tenant building that is located in the Sheridan Commercial Center development and is adjacent to the Sam’s Club/Walmart shopping center. Any impacts to adjacent property owners will not be noticed. Adjacent property owners and the Property Owner’s Association was provided a notice by certified mail, a zoning sign was placed at the entrance to the parking lot for 70 Pennington Drive, and a notice of the public hearing was placed in the Island Packet.

SURROUNDING PROPERTY ZONING & LAND USES		
	Zoning	Land Use
North	General Mixed-Use	High Intensity Commercial
South	Unincorporated Beaufort Co. Regional Center Mixed-Use (C5RCMU)	High Intensity Commercial
East	General Mixed-Use	High Intensity Commercial
West	General Mixed-Use	High Intensity Commercial

Per Article 4.2.6 of the Town of Bluffton Unified Development Ordinance the General Mixed-Use zoning district is intended to provide for regional commerce and accommodate large-scale, high intensity, mixed-use development.

Section 3.3.50 of the Beaufort County Municipal Code describes the Regional Center Mixed-Use zoning district as permitting a full range of retail, service, and office uses (the adjacent property to the south). The zoning district’s intensity accommodates regional and community commercial and business activities.

REVIEW CRITERIA & ANALYSIS: The Board of Zoning Appeals shall approve a Special Exception application upon a finding that all of the following standards are met based on the Town of Bluffton Unified Development Ordinance, Section 3.6.3, Application Review Criteria.

- A. The use is allowed as a Special Exception in the zoning district.

Finding. Per table 4.3 of the UDO, the use of an Animal Clinic is a Special Exception in the General Mixed-Use zoning district.

- B. The application meets the standards of Section 4.5, if applicable.

Finding. The applicant has met the two (2) requirements as set forth in Section 4.5.1 of the UDO;

1. All Structures being used as an animal hospital, veterinary clinic or kennel shall be no closer than 200 feet to any residential dwelling or zoning district.

The building is located in the Sheridan Commercial Center and no residential dwelling or residential zoning district is within 200 feet.

2. All kennel arrangements must be maintained within an enclosed building.

The Veterinary Clinic specializes in out-patient eye surgery. No animals will be kenneled on the premises.

- C. The application must be in conformance with applicable provisions provided in Article 5, Design Standards of the UDO.**

Finding. The proposed use will be in an existing multi-tenant building. The property met the design standards at the time of development, which may be different than the current design standards in Article 5.

- D. The Application complies with applicable requirements in the Applications Manual.**

Finding. The applicant has submitted a complete application.

- E. The proposed Special Exception use is consistent with the spirit, purpose and intent of the Town of Bluffton Comprehensive Plan.**

Finding. The intent of "Section 6.3: Local Economy" in the Comprehensive Plan is to foster new business opportunities within the Town while also retaining existing commercial activity. The Comprehensive Plan "encourages the growth of business which is compatible with existing businesses" within the Town of Bluffton. The proposed use will enhance the variety of commercial uses within the Town, adding to the "full spectrum of services" available to its citizens, and will not create a detriment to future commercial activity in the Sheridan Park Commercial development. The applicant is starting this as a new business in the Bluffton area.

- F. The proposed Special Exception use is consistent with the "purpose and intent" statement of the applicable zoning district.**

Finding. Section 4.2.6 General Mixed Use (A) Purpose and Intent (the UDO). The General Mixed Use zoning district is intended to provide for regional commerce and accommodate large-scale, high intensity, mixed-use development.

The Sheridan Park Commercial Center meets the purpose and intent of the district by providing multiple buildings over multiple properties an opportunity to allow for a mixture of businesses including; retail uses, restaurants, office & medical office, health care and other professional services.

- G. The proposed Special Exception use will be constructed, operated and maintained so as to be compatible with the existing or intended character of the applicable district and so as not to change the essential character of the area in which it is proposed.**

Finding. The use will be located within a fully enclosed building in an existing business park. There will be no physical changes to the exterior of the existing structure which would cause the property to no longer be compatible with the existing character of the area.

- H. The proposed Special Exception use is compatible with the existing uses adjacent to and near the property.**

Finding. Provided in the application is a copy of an e-mail from Scott Stamps with Sheridan Center, LLC that supports the Special Exception Use of a Veterinary Eye Clinic at the location of 70 Pennington Drive. Clients will bring their animals in for the necessary procedure, where they are sedated and any post-op stay is for monitoring.

- I. The proposed Special Exception use does not have an adverse effect on any site or feature of historical, cultural, natural, or scenic importance.**

Finding. Since the applicant is going into an existing building, there are no known features of importance that could be affected by the business.

- J. The proposed Special Exception use is consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property.**

Finding. The site has an established pedestrian and vehicular circulation plan for the property.

- K. The adjacent streets and highways are or will be adequate to carry any additional traffic generated by the proposed Special Exception use.**

Finding. The property is accessed from Pennington Drive which connects to Simmonsville Road, Sheridan Park Circle and Fording Island Road (U.S. HWY 278). All traffic generated by this and all uses in Sheridan Park has been contemplated during the initial construction of the development.

- L. The proposed Special Exception use will be adequately served by public facilities and services, such as traffic operations along streets, police and**

fire protection, drainage structures, water and sewage facilities and primary and secondary schools.

Finding. The property has adequate services and will not burden any utility system or the school system.

- M. **The proposed Special Exception use will not involve uses, activities, processes, materials and equipment or conditions of operation that, in comparison to by right permitted uses in the district, will be hazardous, detrimental or disturbing to the natural environment, or the public health, safety and welfare by reason of excessive production of traffic, noise, smoke, odors or other such nuisance; and**

Finding. The use of a Veterinary Hospital could potentially create excessive noise from dogs barking. However, based on the application materials, the applicant will be performing outpatient surgery that will require sedation and or anesthesia, therefore noise from excessive barking is not anticipated.

- N. **The proposed Special Exception use will conform to any specific criteria or conditions specified for that use in the applicable zoning district.**

Finding. The two conditions set forth in Section 4.5 of the UDO (as stated in criteria B above) will be met by the applicant.

ACTION BY THE TOWN: After review of a Special Exception application and a public hearing on the application, the Board of Zoning Appeals shall make a written finding and **approve, approve with modifications or conditions; or deny the application.**

ATTACHMENTS:

1. Application
2. Applicant Narrative
3. Letter of Support
4. Location Map



TOWN OF BLUFFTON BOARD OF ZONING APPEALS APPLICATION

Growth Management Customer Service Center
20 Bridge Street
Bluffton, SC 29910
(843) 706-4522
www.townofbluffton.sc.gov
applicationfeedback@townofbluffton.com

Applicant	Property Owner
Name: Nelson Pinto	Name: Mathesoya Management Corporation
Phone: (919)306-4649	Phone: (843) 686-4800
Mailing Address: 1 Southern Oaks Ct, Suite 400. Savannah, GA. 31405	Mailing Address: PO BOX 6838 Hilton Head Island SC 29938
E-mail: nipintoher@gmail.com	E-mail: brutschy@gmail.com
Town Business License # (if applicable):	
Project Information	
Project Name: Animal Eye Clinic	<input type="checkbox"/> Variance <input checked="" type="checkbox"/> Special Exception
Project Location: 70 Pennington Dr Suite 10	<input type="checkbox"/> Administrative Appeal
Zoning District: General Mixed Use	Acreage: 3.83 ACRES
Tax Map Number(s): R610 031 00D 0015 0000	
Project Description: Veterinary clinic specialized in ophthalmology (Outpatient only with no overnight care)	
Request: An special exception to conduct business as an animal clinic in the location listed above	
Minimum Requirements for Submittal	
<input type="checkbox"/> 1. Two (2) paper copies and digital files of applicable plans and/or documents depicting the subject property. <input type="checkbox"/> 2. Project Narrative and digital file describing reason for application and compliance with the criteria in Article 3 of the UDO. <input type="checkbox"/> 3. 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 permit.	
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property. As applicable, I authorize the subject property to be posted and inspected.	
Property Owner Signature: <i>[Signature]</i> PRESIDENT MATHESOYA MGMT. CORP.	Date: 5-8-20
Applicant Signature: <i>[Signature]</i> Animal Eye Clinic CEO	Date: 5-10-2020
For Office Use	
Application Number:	Date Received:
Received By:	Date Approved:

Attachment 2

BOARD of ZONNING APPEALS
20 Bridge Street
Town of Bluffton
South Carolina

Respected Board Members:

My name is Nelson Pinto Hernandez; I am the CEO of the Animal Eye Clinic of Savannah LLC (DBA: Animal Eye Clinic). The Animal Eye Clinic has been functioning in Savannah for the last 10 years. The scope of the clinic is limited to serve those patients with ocular disease. We mainly see Dogs and Cats with a small caseload of birds and exotics pets.

Pet owners in the Bluffton and Hilton Head area have to drive to Savannah to receive care. It is this that motivates me to open a facility closer for their access.

I have found a suitable place for our needs located in The Village at Sheridan Park (70 Pennington Drive, Suite 10). I have already had my rental application approved by the owner (Mathesoya Management Corp). The place is located in a General mixed use zone.

In more detail, the nature of our service is only an outpatient basis. We will NOT ever keep patients overnight. Patients will only stay for more than an hour if there is a need for monitoring or if they have been scheduled for surgery. They will be indoors only.

The purpose of this letter is to support my application for a special exemption in accordance to the Unified Development Ordinance (4.5.1).

Thank you in advance for your time and consideration in this matter.



Nelson Pinto Hernandez DVM, MS
Diplomate, American College of Veterinary Ophthalmologists
Diplomate, American College of Veterinary Internal Medicine
Animal Eye Clinic of Savannah

Attachment 3

Archived: Tuesday, May 26, 2020 9:30:46 AM
From: [Colin, Heather](#)
Sent: Tue, 26 May 2020 09:26:13
To: [Icard, Kevin](#)
Subject: FW: ZONE-05-20-14229
Sensitivity: Normal

Kevin –
Please put this in the file and make sure it is noted for the record during the meeting.

Thanks-

Heather L. Colin, AICP
Director of Growth Management

Town of Bluffton
20 Bridge Street
Bluffton, SC 29910
Office (843) 706-4592
Mobile (843) 540-6946
www.townofbluffton.sc.gov

bluffton
HEART OF THE LOWCOUNTRY



From: Smalls, Victoria <vsmalls@townofbluffton.com>
Sent: Tuesday, May 26, 2020 9:25 AM
To: Colin, Heather <hcolin@townofbluffton.com>
Subject: Fwd: ZONE-05-20-14229

Please see the message below.
Get [Outlook for iOS](#)

----- Forwarded message -----

From: "Scott Stamps" <scottstamps@hotmail.com>
Date: Thu, May 21, 2020 at 1:26 PM -0400
Subject: ZONE-05-20-14229
To: "Smalls, Victoria" <vsmalls@townofbluffton.com>

WARNING!

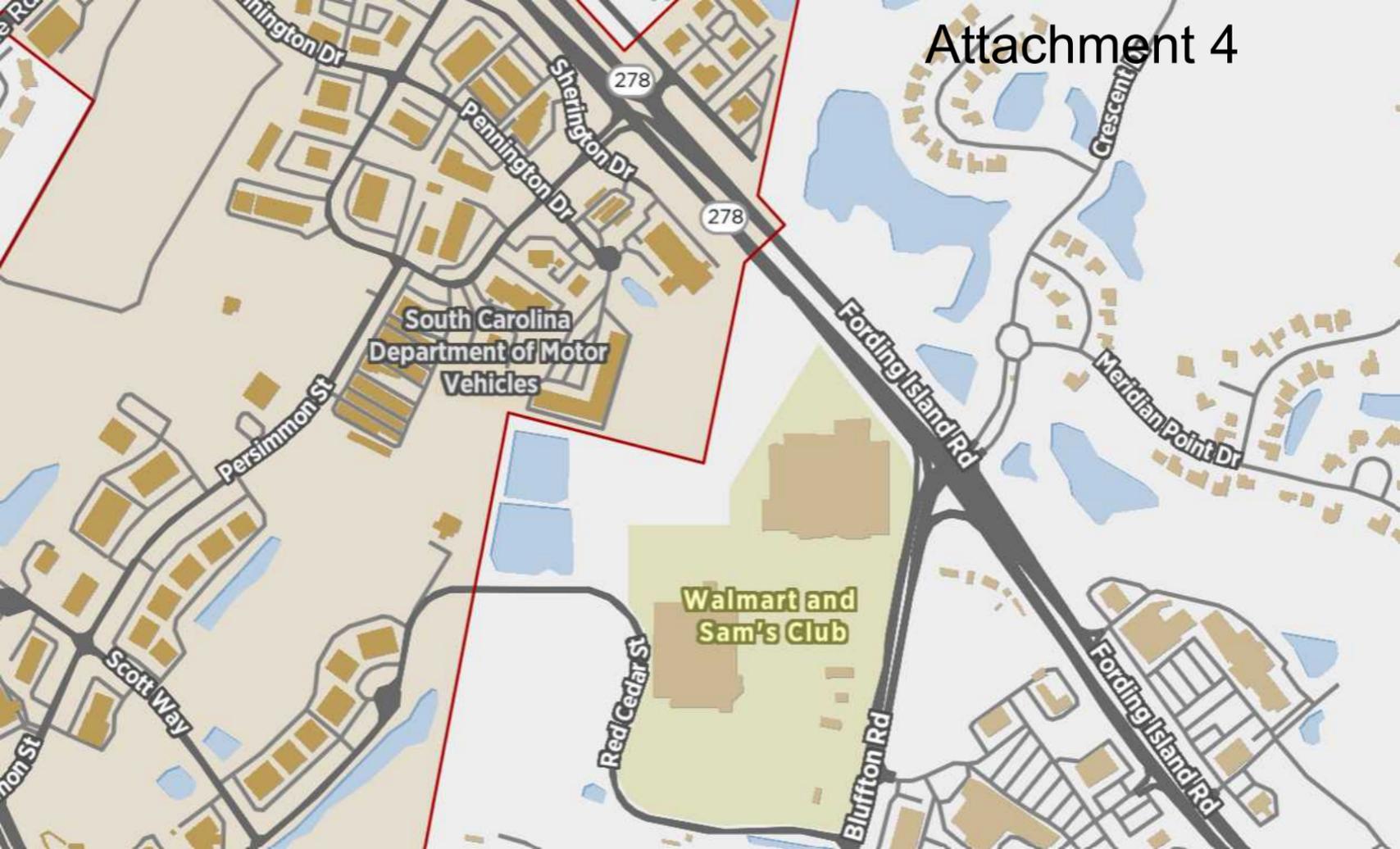
This email originated from outside of the Town of Bluffton's email system. DO NOT click any links or open any attachments unless you recognize the sender and know the content is safe.

This is Scott Stamps with Sheridan Center LLC at 1 Sherington Way, Bluffton, SC 29910. We fully support the applicant Nelson Pinto in the request for a special exception.

Disclaimer from Town of Bluffton: This email message (including all attachments) is intended only for the person or entity to which it is addressed. It may contain confidential and/or privileged information and material that may be protected by HIPAA, the Electronic Communications Privacy Act, and other federal and state confidentiality laws. Communications sent to or from the Town of Bluffton are subject to the SC Freedom of Information Act. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is strictly prohibited and punishable to the fullest extent of the law. If you are not the intended recipient, please contact the sender by return email and destroy all copies of the original message.

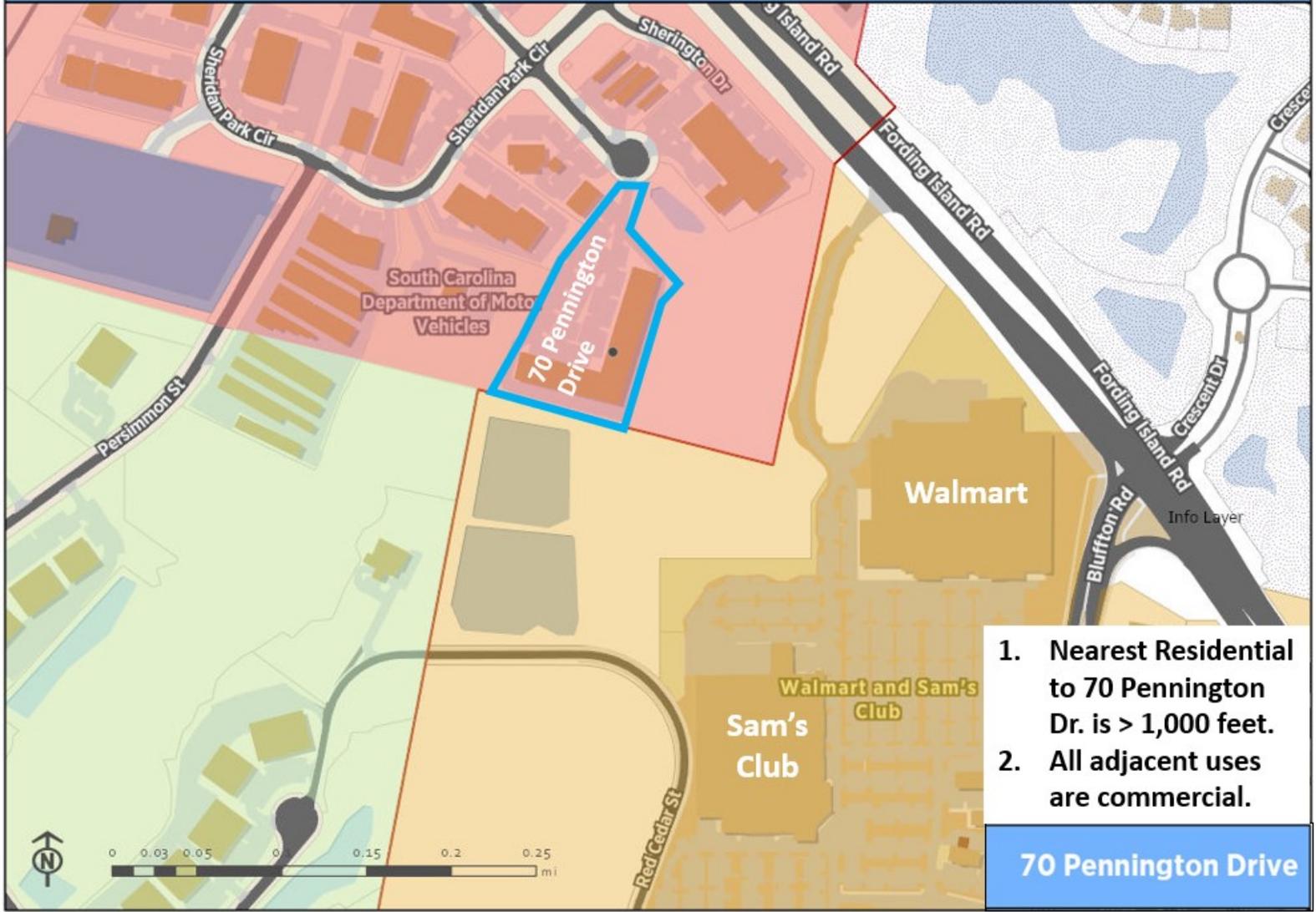
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Attachment 4





Town of Bluffton Zoning General Mixed Use Town of Bluffton Zoning Schultz PUD Beaufort County Zoning Regional Center Mixed Use



- 1. Nearest Residential to 70 Pennington Dr. is > 1,000 feet.
- 2. All adjacent uses are commercial.

70 Pennington Drive