

**CITY OF FLORENCE
BOARD OF ZONING APPEALS
VIA ZOOM REMOTE MEETING
DECEMBER 17, 2020, 6:30 PM**

AGENDA

I. Call to Order

II. Approval of Minutes

Regular meeting held on October 29, 2020.

III. Approval of 2021 Calendar

IV. Public Hearing and Matter in Position for Action

BZA-2020-10 Request for a variance from the screening requirements for a commercial building located at 2011 Hoffmeyer Road, in the CG zoning district; Tax Map Number 90025-01-002.

V. Public Hearing and Matter in Position for Action

BZA-2020-11 Request for a variance from the rear setback requirements for an addition to a residential home located at 1860 Jason Drive in the NC-15 zoning district; Tax Map Number 15013-01-053.

VI. Public Hearing and Matter in Position for Action

BZA-2020-12 Request for a variance from the setback requirements for a residential building located at 1200 Wisteria Drive, in the NC-15 zoning district; Tax Map Number 90051-01-008.

VII. Other Business

Consideration of changing meeting time to 6:00 p.m. from 6:30 p.m. for 2021.

VIII. Adjournment

Next regularly scheduled meeting is January 28, 2021.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
VIA ZOOM VIDEO CONFERENCING
OCTOBER 29, 2020**

MEMBERS PRESENT: Larry Chewning (in person); Larry Adams, Shelanda Deas, Deborah Moses, and Nathaniel Poston (via Zoom Video)

MEMBERS ABSENT: Ruben Chico and Randolph Hunter

STAFF PRESENT: Jerry Dudley, Derek Johnston, Alane Zlotnicki, and Alfred Cassidy (in person); also Danny Young, IT (in person)

APPLICANTS PRESENT: Charles Howard (via Zoom Video)

CALL TO ORDER: Chairman Chewning called the meeting to order at 6:32 p.m.

APPROVAL OF MINUTES:

Chairman Chewning introduced the September 24, 2020 minutes. Mr. Adams made a motion to approve the minutes and Mr. Chewning seconded the motion. Voting in favor of the motion was unanimous (5-0).

PUBLIC HEARINGS AND MATTERS IN POSITION FOR ACTION:

BZA-2020-09 Request for a variance from the side setback requirement for an addition to a residential building located at 2011 Pineland Avenue in the NC-15 zoning district; Tax Map Number 90026-02-007.

Chairman Chewning introduced the variance and asked staff for their report. Alane Zlotnicki gave the report as submitted to the Board of Zoning Appeals. Chairman Chewning asked if there were any questions of staff.

Being no questions of staff, Chairman Chewning opened the public hearing and asked if anyone would like to speak on behalf of the request.

Charles Howard, the applicant, was sworn in and reiterated that this is an older house on a narrower lot, compared to others in the area, and that as he and his wife get older they wanted to have some room to maneuver in their master bathroom. He pointed out that the plumbing and gas lines are on that side of the house as well.

Mr. Poston asked for clarification of the amount of encroachment being requested. Mr. Howard said that it would extend 4 feet into the required 10 foot setback. Mr. Poston repeated that they have permission from the affected neighbor.

There being no further questions for the applicant from the Board, and no one else to speak for or against the request, Chairman Chewning closed the public hearing and asked for a motion.

Mrs. Moses moved that the Board grant the variance requested based on the following findings of fact and conclusions:

1. That a variance from the terms of the *Unified Development Ordinance* will not be contrary to the public interest when, because of special conditions, a literal enforcement of the provision will, in this individual case, result in an unnecessary hardship, in that: Denial of the variance would prevent the home owner from being able to make the desired changes to his house by making him unable to construct the addition as needed.
2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done because: The purpose of the side setback is to preserve open space between houses. The two properties share 322 feet along the property line in question; granting of the variance would result in a twenty foot section of the shared line being separated by six fewer feet than currently, while the remaining 302 feet would be unchanged.
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely: Because the renovation is specifically to the master bathroom, the homeowner is restricted in how he can configure the addition. While the other side of the house is farther from the side property line, the renovations cannot be done there. Additionally, the house most affected by the granting of the variance, 2007 Pineland Avenue, is 26 feet from the shared side property line, so the required minimum twenty foot distance between houses will still be intact, just not equally distributed between the two properties.
4. That these conditions do not generally apply to other property in the vicinity, in that: The only property affected by the addition and variance is 2007 Pineland Avenue. Lots within this block of Pineland Avenue are narrower than lots found throughout the neighborhood.
5. That because of these conditions, the application of the *Unified Development Ordinance* to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property by: Strict application of the Ordinance would limit the home owner to expanding his house's footprint by two feet instead of the desired six feet, effectively making the addition impossible.
6. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance, because: The proposed addition only affects a twenty foot long section of the shared side property line; it is 130 feet off the road, so it does not affect the appearance from the street; it will not visibly encroach into the shared space between the houses; and the affected neighbor has given written consent to the request.

Mr. Adams seconded the motion. The motion passed unanimously (5-0). Mr. Howard thanked the Board for their review.

ADJOURNMENT: As there was no further business, Mr. Adams moved to adjourn the meeting. Mr. Poston seconded the motion. Voting in favor of the motion was unanimous (5-0). Chairman Chewning adjourned the meeting at 6:55 p.m.

Respectfully submitted,
Alane Zlotnicki, AICP, Senior Planner

2021 Board of Zoning Appeals Meeting Schedule

Month	Submittal Deadline (30 days)	Send Public Notice to Newspaper (19 days)	Letters & Signs Out/Public Notice Published (15 days)	Staff Reports Due (15 days)	Packet Mailed (8 days)	Meeting Date
January	12/29/2020	1/9/2021	1/13/2021	1/13/2021	1/20/2021	1/28/2021
February	1/26/2021	2/6/2021	2/10/2021	2/10/2021	2/17/2021	2/25/2021
March	2/23/2021	3/6/2021	3/10/2021	3/10/2021	3/17/2021	3/25/2021
April	3/23/2021	4/3/2021	4/7/2021	4/7/2021	4/14/2021	4/22/2021
May	4/27/2021	5/8/2021	5/12/2021	5/12/2021	5/19/2021	5/27/2021
June	5/25/2021	6/5/2021	6/9/2021	6/9/2021	6/16/2021	6/24/2021
July	6/22/2021	7/3/2021	7/7/2021	7/7/2021	7/14/2021	7/22/2021
August	7/27/2021	8/7/2021	8/11/2021	8/11/2021	8/18/2021	8/26/2021
September	8/24/2021	9/4/2021	9/8/2021	9/8/2021	9/15/2021	9/23/2021
October	9/28/2021	10/2/2021	10/6/2021	10/6/2021	10/20/2021	10/28/2021
November	10/19/2021	10/30/2021	11/3/2021	11/3/2021	11/10/2021	11/18/2021
December	11/16/2021	11/27/2021	12/1/2021	12/1/2021	12/8/2021	12/16/2021

Since November's meeting falls on Thanksgiving, it is scheduled for the week before.

Since December's meeting falls on December 23, it is scheduled for the week before.

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT
STAFF REPORT TO THE
CITY OF FLORENCE BOARD OF ZONING APPEALS**

DATE: December 17, 2020

APPEAL NUMBER: BZA-2020-10

VARIANCE REQUEST: Variance request from the screening requirements in Section 1-2.8.5 J of the *Unified Development Ordinance* for the redevelopment of a commercial building and parcel.

LOCATION: 2011 Hoffmeyer Road (former K-Mart site)

TAX MAP NUMBER: 90025-01-002

OWNER OF RECORD: Baker and Baker Real Estate Developers, LLC

APPLICANT: Amerco Real Estate Company (U-Haul Company)

ZONING DISTRICT: Commercial General (CG)

Land Use and Zoning

The 112,781 square foot building was formerly used for a K-Mart store. The main store has been vacant for several years. There are three smaller tenant spaces at the southeastern end of the building. The entire 9.48 acre parcel is zoned Commercial General (CG). Lots immediately to the north, east, and west are in the county and have commercial uses; lots immediately to the south are zoned CG and also have commercial uses. Most properties in the vicinity fronting on West Evans Street, South Cashua Drive, and Hoffmeyer Road are zoned CG and characterized by commercial uses. The closest residential use is 658 feet to the east on a side street (see Zoning Map).

The old retail space (K-mart) is proposed to be converted to self-storage and retail space for moving and hauling supplies. Access to individual storage units will be interior to the building, thus limiting customer entrance to a singular location. Exterior to the existing building, traditional self-storage units (5,400 square feet), an outdoor equipment storage area, and an outdoor equipment shunting area are being proposed. Such a use is permitted conditionally in the Commercial General zoning district, subject to special site and building development standards (per Table 1-2.7.5 of the *Unified Development Ordinance*). These conditions are listed below in the “Unified Development Ordinance Requirements.”

Site and Building Characteristics

The parcel is bordered on the west by West Evans Street and to the north by Elijah Ludd Road. Part of this parcel and that immediately to the south consist of a continuous paved parking lot. There are narrow grass strips with a few trees along West Evans Street and Elijah Ludd Road. The eastern parcel line consists of a chain link fence with some shrubbery. There are no foundation plantings around the concrete block building, and no landscaped islands in the parking lot.

Unified Development Ordinance Requirements

According to Section 1-2.8.5 of the *Unified Development Ordinance*, “Industrial, Logistics, and Storage Use Standards”, part J “Self-Storage and Moving Truck Rental Establishments” are permitted in the CG district if it is demonstrated that:

1. The use is surrounded by a Type C bufferyard that includes a six foot masonry wall;
2. Building facades that are visible from the street are finished with brick, thin brick, stone, or stucco-finished concrete block;
3. The units are arranged so that bay doors are not visible from abutting streets or residential districts or uses, except at points of ingress and egress;
4. Chain link fencing, if used, is not visible from any property line;
5. Include adequate maneuvering areas and circulation aisles that accommodate both customer and emergency vehicle use; and
6. Parking areas designated for customer parking are kept clear of vehicle storage, except that customers may make temporary use of these parking areas when returning a vehicle to or retrieving a vehicle from the site.

According to Table 4-10.3.1, a Type C bufferyard consists of a 25 foot buffer containing 3 canopy trees, 3 understory trees, 3 evergreen trees, and 30 shrubs for every 100 linear feet, plus a minimum 3 foot high berm, wall, or fence. The conditions for this particular use require a 6 foot masonry wall instead of the 3 foot high berm, wall, or fence.

According to Table 5-17.2.1B regarding signage, U-Haul is permitted a free standing sign with up to 160 square feet in area on West Evans Street and another on Elijah Ludd Road in addition to wall signage of one per wall with areas up to 200 square feet on the front and rear walls and up to 100 square feet on the side walls.

Staff Interpretation Of The Requirements

Based upon these conditions and the intent of the *Unified Development Ordinance*, City staff does not require the bufferyard and masonry wall around the existing building. Exterior changes are to be limited to maintenance and branding, and customer access is to be controlled to a single point; therefore, access to the storage units would be interior to the building. No roll-up doors would be visible from the exterior, thereby maintaining the existing character of the site.

However, outdoor storage of equipment as well as proposed self-storage units exterior to the existing building are required to be surrounded by a Type-C bufferyard with a six foot masonry wall. This could be accomplished by a continuous buffer along the perimeter of the property (where visible from public right-of-way) or by strategically locating these uses within the 10 acre site and buffering the specific areas of concern from the public right-of-way. Addition of the exterior self-storage units to the site would also trigger further requirements of the *Unified Development Ordinance* as set forth in Table 6-19.4.2. Specifically:

Façade and site improvements - Building or architecture changes or site improvements that do not involve expansion of the building or parking, but will change the physical character of the building or site beyond repair and maintenance.

Level of Compliance:

1. Buildings affected by the construction shall be designed according to the standards of Division 3-8.3, Special Building Standards, and/or Division 4-16.3 Downtown Design Districts Site Development Guidelines, as applicable.
2. Landscaping improvements must further the objectives of Article 10, Landscaping and Buffering.
3. Improvements affected by the proposed site improvements that are needed to ensure public safety and safe access and circulation are required.

At the time of this report, no expansion of the existing building or façade improvements beyond repair and maintenance have been submitted. Such expansion or improvements may require further compliance with the *Unified Development Ordinance* per Table 6-19.4.2.

Variance Request

The following information was submitted by the applicant:

Narrative Project Summary

“AMERCO Real Estate Company (AREC) has prepared this application package for the opportunity to receive the City of Florence’s participation and counseling in regards to a Variance for the property located at 2011 Hoffmeyer Rd. AREC is the wholly owned real estate subsidiary of the U-Haul System.

The proposed 10.108-acre property is located at 2011 Hoffmeyer Rd. U-Haul is proposing an adaptive reuse of the existing 111,125 SF building by converting it into a U-Haul Moving and Storage Store. Our uses consist of self-storage, U-Haul truck and trailer sharing, and related retail sales. The interior of the building will be retrofitted to house self-storage units. This infill development will allow U-Haul to better serve the storage needs of the community and activate a property that is currently vacant.

The property is currently zoned CG (Commercial General). The use of self-storage and U-Haul truck and trailer share requires a Conditional Use Permit. U-Haul is proposing to first submit for a Variance, as it relates to landscaping and screening requirements, prior to applying for the Conditional Use Permit to allow these uses. The building will be used structurally as is with the exception of imaging and signage.

Custom site design for every U-Haul store assures that the facility complements the community it serves. Adherence to community objectives is key in order to ensure each U-Haul store is both a neighborhood asset and an economic success.

U-Haul is more of a commercial type use that serves the residential communities within a 3-5-mile radius. We feel the U-Haul would be an appropriate use for the property and there are proven benefits for allowing self-storage facilities in communities:

- Self-storage facilities are quiet
- They provide an excellent buffer between zones
- They create very little traffic
- They have little impact on utilities
- They have no impact on schools
- They provide a good tax revenue
- They provide a community service

U-Haul Moving and Storage is a convenience business. Our philosophy is to place U-Haul stores in high growth residential areas, where we fill a need for our products and services. Customers are made aware of the U-Haul store, primarily via drive-by awareness, much like that of a convenience store, restaurant or hardware store. Attractive imaging and brand name recognition bring in area residents — by our measures, those who live within a four-mile radius of the center.

The U-Haul Store:

U-Haul stores characteristically serve the do-it-yourself household customer. The U-Haul Store will be staffed with 10-15 employees, both full-time and part-time. Families will generally arrive in their own automobiles, enter the showroom and may choose from a variety of products and services offered there. When situated near public transit, approximately 50% of those families utilize alternative transportation to access U-Haul equipment and services.

- Families typically use U-Haul Self-Storage rooms to store furniture, household goods, sporting equipment, or holiday decorations. During transition periods between moves, moving to a smaller home, combining households, or clearing away clutter to prepare a home for sale, storage customers will typically rent a room for a period of two months to one year.

- U-Haul stores also provide truck and trailer sharing for household moving, either in-town or across country.
- Families who need packing supplies in advance of a move or to ship personal packages can choose from a variety of retail sales items, including cartons, tape and sustainable packing materials.
- Families who tow U-Haul trailers, boats, or recreational trailers can select, and have installed, the hitch and towing packages that best meet their needs.
- Moving and storage are synergistic businesses. Over half of our storage customers tell us they used U-Haul storage because of a household move. Customers will typically use U-Haul equipment or their personal vehicle to approach the loading area and enter the building through the singular customer access. All new U-Haul stores are designed with interior storage room access, giving the customer the added value of increased security, and the community the benefit of a more aesthetically pleasing exterior.

Significant Policies:

- Hours of Operation:

Mon. - Thurs. 7:00 a.m. to 7:00 p.m.

Fri. 7:00 a.m. to 8:00 p.m.

Sat. 7:00 a.m. to 7:00 p.m.

Sun. 9:00 a.m. to 5:00 p.m.

- All U-Haul storage customers are issued a card-swipe style identification card that must be used to gain access to their room. This is but one of many security policies which protect the customer's belongings and decrease the ability of unauthorized access to the facility.
- It is against policy for a business to be operated from a U-Haul storage room.
- Customers and community residents who wish to use the on-site dumpsters for disposing of refuse must gain permission to do so, and are assessed an additional fee.
- Items that may not be stored include: chemicals, flammables, and paints.
- U-Haul stores are protected by video surveillance.
- U-Haul stores are non-smoking facilities.
- U-Haul will provide added services and assistance to our customers with disabilities.

Traffic Study:

• U-Haul stores generate less vehicular traffic volume while still embodying an active-use site. Truck and trailer sharing and self-storage all represent dynamic transitions from one customer to another. DIY moving customers are presented with opportunities to utilize equipment and storage on a temporary basis, supporting a shared-economy, an effective economic model and an environmentally-sound way to conduct business.

USE COMPARISON					
Use	Square Feet	Traffic Volume		Typical Hours	Days
		Weekday	Weekend		
Fast Food Restaurant	3,000 sq ft	3,161 trips	3,430 trips	18 hours - 24 hours	7
Gas Station w/ Convenience Store	2,200 sq ft	1,200 trips	2,200 trips	18 hours - 24 hours	7
Hotel	50,000 sq ft	905 trips	901 trips	24 hours	7
Casual Dining	5,000 sq ft	1,075 trips	1,258 trips	11 am - 11 pm 12 hours	7
U-Haul Center	80,000 sq ft	31 trips	53 trips	7 am - 7 pm 12 hours	7

U-Haul looks forward to working with the City of Florence as you consider the Variance we are currently submitting.”

Variance criteria provided by applicant:

a.) There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

The CG (Commercial General) district is defined by code as an “auto-urban” district “intended for a broad range of retail, restaurant, entertainment, office, institutional, and service uses.” The existing building was developed to fill the need for the big-box retail boom of the early 1990’s and 2000’s when stores such as Kmart were relevant within our commercial landscape. It is important to recognize the significant economic and development changes that have occurred throughout Florence since the original development of this property. The “big-box” retail model is outdated. These retailers are closing at a rapid pace leaving behind large buildings that then remain vacant for years at a time, this one in particular has been vacant for over three years. A variance favors the redevelopment of this property, allowing it to be revitalized while remaining structurally as-is. Granting this variance would not constitute the granting of a special privilege, it would be encouraging the redevelopment of the area.

The most extraordinary and exceptional condition pertaining to this particular piece of property is the lack of visibility from both Hoffmeyer Rd and Cashua Dr. The property is heavily screened on the East and South by both existing buildings and heavy landscaping. The only drive-by awareness that is available to this site is via W Evans St. Requiring us to screen our use entirely from W Evans renders this property unusable. However, we recognize the intent and spirit of the Zoning Code and believe we have proposed an alternative landscaping plan that is both attractive and reasonable. Granting us a variance will bring this property back to life, increase business, enhance the surrounding property values, bring jobs to the community, and do so all while providing a valuable service to the City of Florence. Our uses of self-storage, U-Haul truck and trailer share, and related retail sales are in line with the intent of the Zoning code as we are proposing a broad range of commercial uses.

b.) These conditions do not generally apply to other property in the vicinity as shown by:

Properties within a nearby radius of the subject property along W Evans St hardly have any landscaping. What is there seems to be poorly taken care of and serves as an eyesore as opposed to an aesthetic focal point. The proposed landscaping plan is not only a major enhancement of the former Kmart property, but a major enhancement of the surrounding area.

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 as follows:

As mentioned above, the “big-box” retail model is outdated, and developers are unwilling to develop properties with larger footprints because of this. Added to the burden of such a large footprint, there is hardly any visibility to the site whatsoever. The fact that this building has been vacant for so long only strengthens these points. During the time of vacancy, there has been no interest by developers due to the existing site and lot constraints, especially the lack of visibility. Granting our variance favors the sustainable redevelopment of this property so that it can once again function as a thriving mixed-use commercial development.

d.) The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:

The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. The proposed adaptive reuse will not alter the essential character of the locality. U-Haul will benefit the properties in the vicinity by revitalizing a vacant property and will enhance the property values of the neighborhood.

Applicant's Proposal

In lieu of the 25 foot wide buffer with a 6 foot masonry wall and the distribution of 74 canopy trees, 74 understory trees, 716 shrubs, and 74 evergreens sitewide, the applicants are proposing 104 shrubs along the 10 foot wide grass strips behind the building along the 620 foot long stretch of Elijah Ludd Road, and 10 canopy trees, 10 evergreens, and 130 shrubs in the grass strips along the 520 foot long stretch of West Evans Street.

The result is that the applicants are asking that they be permitted to omit the 6 foot masonry wall altogether, and to reduce the bufferyard area from 25 feet deep to an average distance of 10 feet, a reduction of 60%. They are also requesting an 87% reduction in canopy and evergreen trees, a 100% reduction in understory trees, and a 66% reduction in shrubs.

The plan includes the display of moving trucks and other U-Haul equipment on the west side of the building facing West Evans Street as well as a portion of the parking lot in front of the building dedicated to “shunting” or staging U-Haul equipment such as trucks and trailers for customer use. Additionally three 1800 square foot drive-up self-storage buildings are proposed in the parking lot, also fully visible from West Evans Street (see Attachment H for location and Attachment F for elevation). Each of the three buildings contains 15 individual units accessible by roll-up doors.

Issues to be Considered:

Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

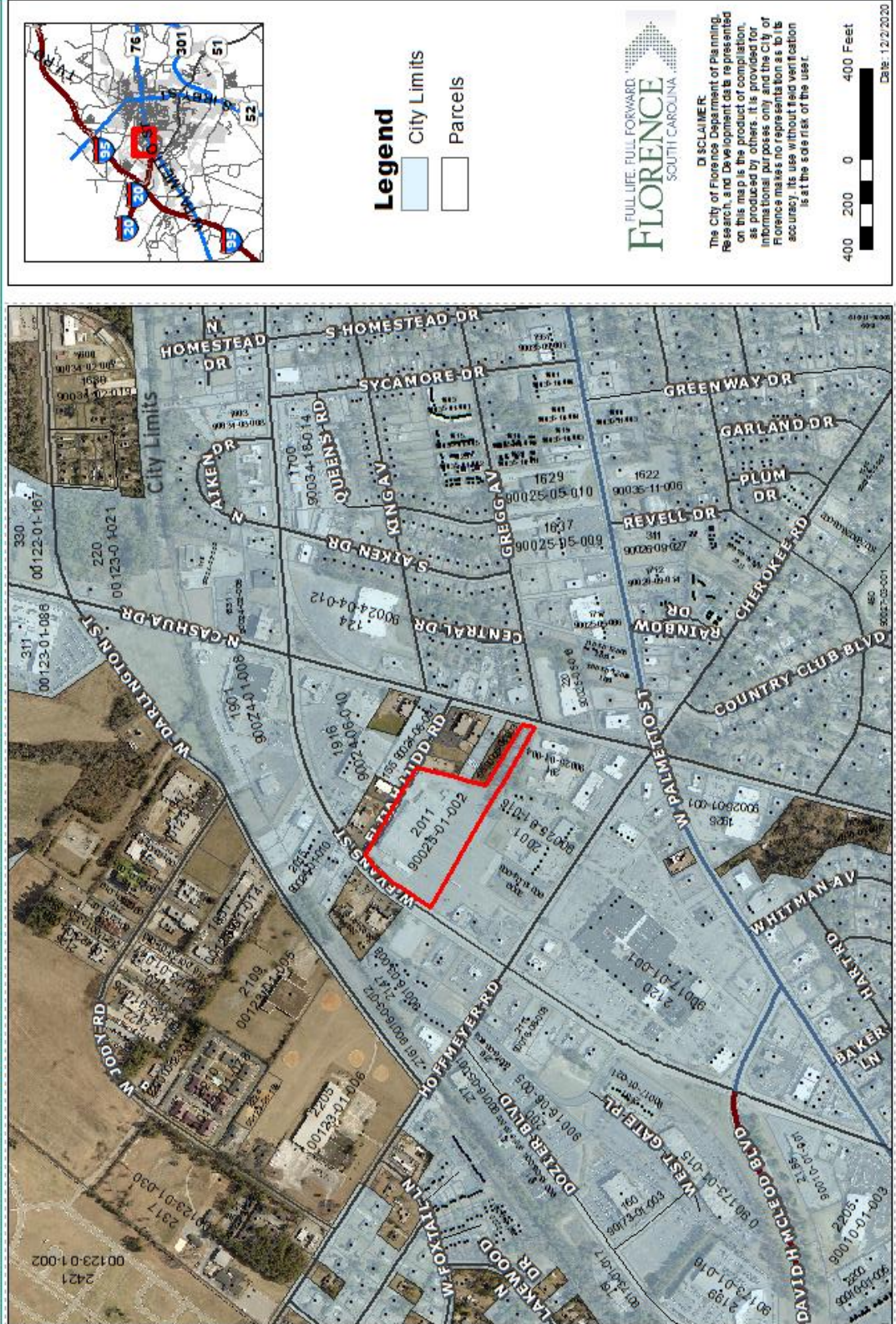
1. **That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship.** Staff Comments: The 10.1 acre parcel is located on a major thoroughfare in the City of Florence and visible from West Evans Street, Hoffmeyer Road, and Elijah Ludd Road. Enclosure of the entire property by the six foot masonry wall and Type-C buffer is not required, only portions containing outdoor storage of moving vehicle rental equipment and self-storage areas where bay doors are visible from abutting streets or residential districts.
2. **That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done.** Staff Comments: The intent of the conditions is to screen large moving trucks, storage units, outdoor storage areas, and bay doors from view of the public right of way and residential uses within the CG district.
3. **That there are extraordinary and exceptional conditions pertaining to the particular piece of property.** Staff Comments: The 10.1 acre parcel is located on a major thoroughfare in the City of Florence and visible from West Evans Street, Hoffmeyer Road, and Elijah Fludd Road. There is also an access to the property from Cashua Drive.
4. **That these conditions do not generally apply to other property in the vicinity.** Staff Comments: Landscaping within the vicinity is reflective of older zoning requirements and deferred maintenance by individual property owners. There is a hardware store on the opposite side of Elijah Ludd Road which does have equipment stored behind chain link fencing that is visible from the public right of way, but these lots are in the county and not subject to the City's Ordinance.
5. **That 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 as follows.** Staff Comments: Requiring the full bufferyard Type C with a six foot masonry wall as specified in the conditions for the use would result in complete enclosure of outdoor storage areas and the external storage units. Specific layout of these uses would dictate the amount of bufferyard required.

6. **That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.** Staff Comment: The Board should determine what level of screening is appropriate to meet both goals of enabling the applicant to adequately advertise their location and goods and services, while preserving the retail character of the district and enabling the attractive reuse of an abandoned commercial building.

Attachments

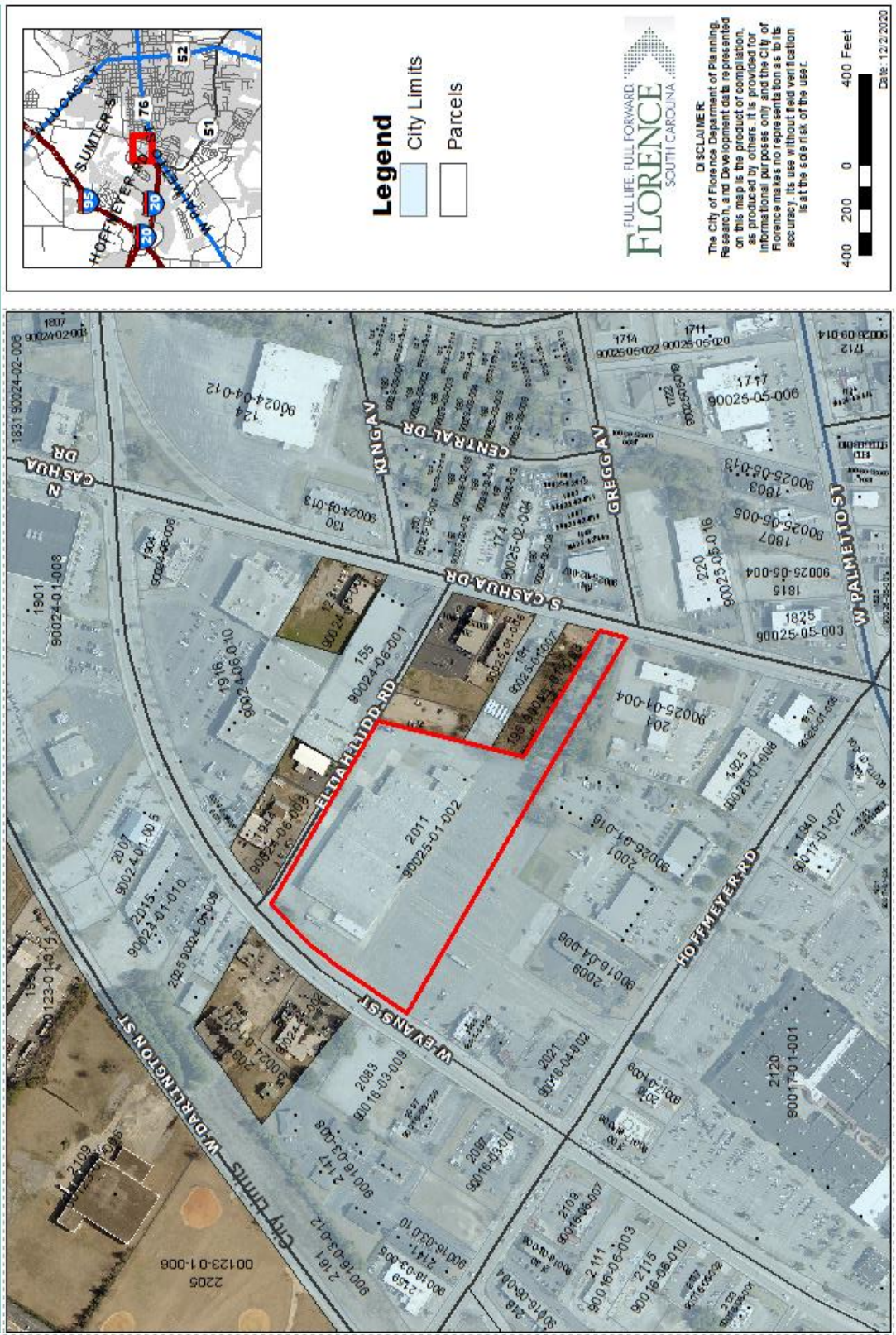
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Site Photos
- F. Aerial of Existing Site
- G. Proposed Landscaping Plan
- H. Storage Unit Elevation

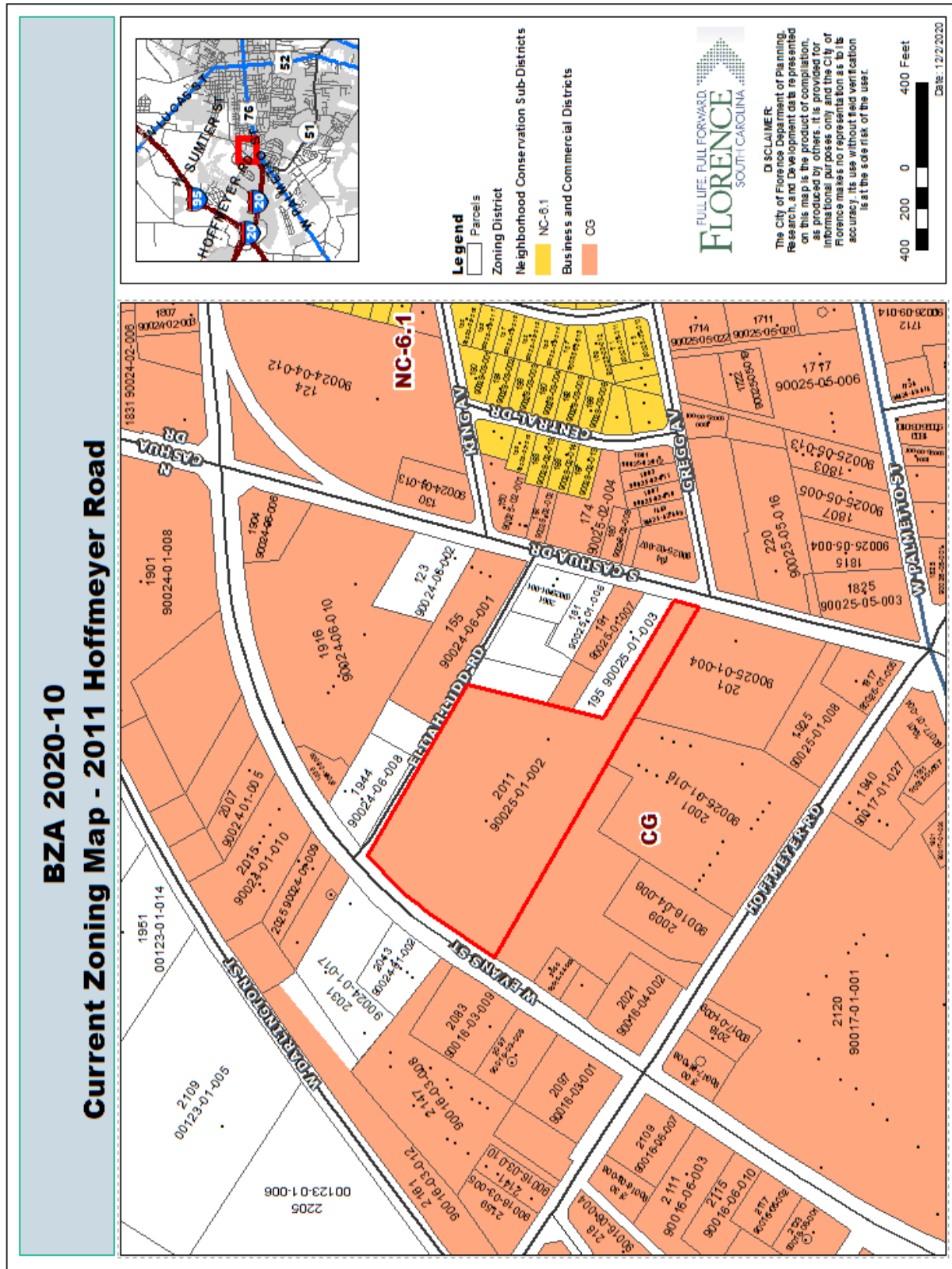
BZA 2020-10
Vicinity Map - 2011 Hoffmeyer Road



Attachment B: Location Map

BZA 2020-10
Location Map - 2011 Hoffmeyer Road







Attachment E: Site Photos



View of the building from West Evans Street at the KFC drive-through exit.



Looking southeast down the front of the building and into the parking lot. The applicant wants to erect three drive-up self-storage buildings in this location, each of which contains 1800 square feet of space, or 15 units, for a total of 45 outside units (see Attachment H for images).



Looking north along West Evans Street from the KFC exit showing the grass strip along the edge of the parking lot. The proposal calls for trees and shrubs along here.



Looking south down West Evans Street towards the KFC showing the grass strip at an entrance to the parking lot. Trees and shrubs are proposed for the grassy area.



Looking north along West Evans Street at the grass strip along the road. Trees and shrubs are proposed in this area.



Looking at the west side of the building from West Evans Street. The applicant wishes to use this as a display area for U-Haul equipment and trucks. Trees and shrubs are proposed in the grassy area.



Looking along the north property line along Elijah Ludd Road showing the narrow grass strips and the back of the building. Shrubs are proposed for the grass strips.



The view of the rear of the building along Elijah Ludd Road. No landscaping currently exists besides the grass strip. The proposal calls for shrubs to be planted in these grassy areas.



View of the east property line showing the chain link fence and overgrown vegetation in the background.



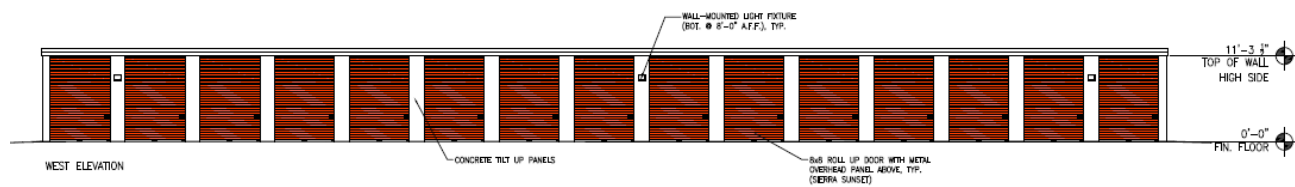
The rear of the three tenant spaces on the southeast end of the building; no landscaping in place. Nothing is proposed for this portion of the building.



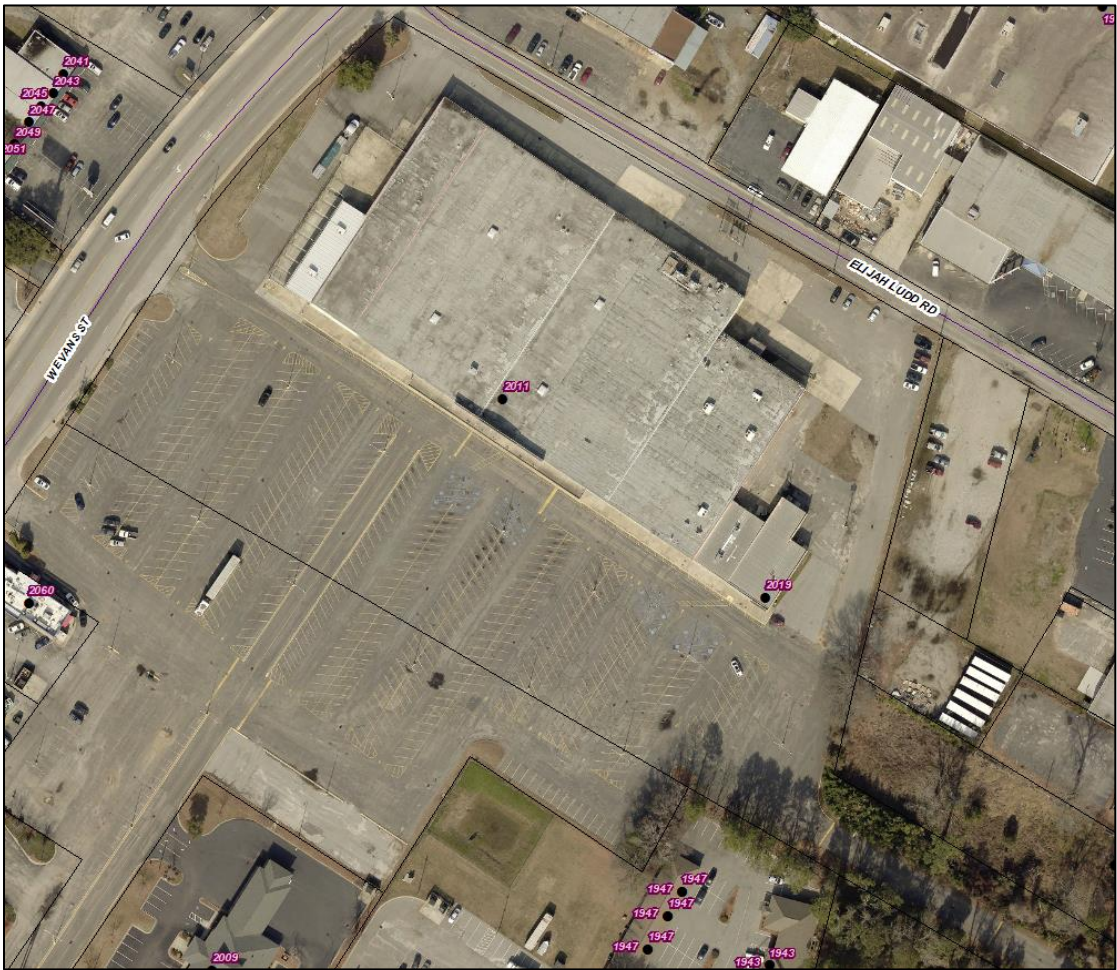
Trees at the intersection of West Evans Street and Elijah Ludd Road. This is the only existing landscaping on the entire site. The plan calls for adding trees and shrubs in the grassy areas along West Evans Street.

Attachment F: Storage Unit Elevation

The applicants are proposing three of these in the parking lot in front of the building (see Attachment G).



Attachment G: Aerial of Existing Site





Existing conditions. There are two trees at the corner of West Evans and Elijah Ludd Road. The parking lot is unbroken by landscaping of any kind.


Attachment H: Proposed Landscaping Plan

Landscaping


1. Along West Evans Street frontage = 461 feet (excluding drive isles)

Canopy Tree
10 Total (20' DIA. Canopy depicted)

Evergreen Tree
10 Total (15' dia. Canopy depicted)

Shrub
130 Total (3' dia. Coverage depicted)

2. Along Elijah Ludd Rd.:

Shrub
104 Total (3' dia. Coverage depicted)

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2020-10 Nature of Request: Screening Requirements Variance

I move that we **grant** / **deny** the request for a variance based upon the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* **will not** / **will** be contrary to the public interest when, because of special conditions, a literal enforcement of the provision will, in this individual case, result in an unnecessary hardship, in that:
2. That the spirit of the *Unified Development Ordinance* **will** / **will not** be observed, public safety and welfare secured, and substantial justice done because:
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely:
4. That these conditions do not generally apply to other property in the vicinity, in that:
5. That because of these conditions, the application of the *Unified Development Ordinance* to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property by:
6. That the authorization of a variance **will not** / **will** be of substantial detriment to adjacent property or to the public good, and the character of the district **will not** / **will** be harmed by the granting of the variance, because:

Guidelines applicable to the granting of a variance:

1. Profitability: the fact that a property may be used more profitably if the variance is granted may not be used as the basis for granting the variance.
2. Conditions: the BZA can put conditions on the granting of the variance.
3. Use Variance: the BZA cannot grant a variance that would allow a use not permitted in the zoning district.
4. Hardship: the hardship cannot be based on conditions created by the owner/applicant.

Notes:

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT
STAFF REPORT TO THE
CITY OF FLORENCE BOARD OF ZONING APPEALS**

DATE: December 17, 2020

APPEAL NUMBER: BZA-2020-11

VARIANCE REQUEST: Variance request from the rear setback requirement in Table 2-5.2.1 of the *Unified Development Ordinance* for an addition (bedroom and bathroom) to the rear of a house.

LOCATION: 1860 Jason Drive

TAX MAP NUMBER: 15013-01-053

OWNER OF RECORD: Ryan and Jennifer Caudill

APPLICANT: Sharon Olson

ZONING DISTRICT: Neighborhood Conservation-15

Land Use and Zoning

The property is located at 1860 Jason Drive and consists of a single family house in the Neighborhood Conservation-15 (NC-15) zoning district. The City's Future Land Use Plan designates this area as Neighborhood Conservation. Table 2-5.2.1 General Lot and Building Standards of the *Unified Development Ordinance* requires a rear setback of 30 feet in the NC-15 zoning district.

Site and Building Characteristics

The lot is 0.344 acre in size with a 2,757 square foot house, which was built in 2014. The lot is 108 feet wide and averages 137 feet deep. The house is 29 feet from the western side property line and 15 feet from the eastern side property line. It shares a 137 foot long side property line with 1854 Jason Drive and 1866 Jason Drive. According to Table 2-5.2.1 of the City of Florence *Unified Development Ordinance*, in the NC-15 zoning district, the front setback is 25 feet, the side setback is 10 feet, and the rear setback is 30 feet.

Variance Request

The property owner wants to add an addition (a bedroom and bathroom) to the rear east corner of the house. According to the applicant, they want the addition in the rear because other parts of the house do not have access to the main sewer line. The addition will also provide safe access for the property owner's elderly father. The addition of the house will be 420 square feet. The variance request is for a rear setback of 25 feet instead of the required 30 feet.

The following information was submitted by the applicant:

- a) **There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:** The bedroom and bathroom addition can't be placed on any other part of the house because other

parts of the house do not have access to the main sewer line. Also the addition will provide safe access for elderly father.

- b) **These conditions do not generally apply to other property in the vicinity as shown by:** There are existing residences that are not asking for an addition.
- 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 as follows:** Would not allow the addition for elderly father who can no longer live alone.
- d) **The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:** Most homes in the vicinity are larger than this home. With the addition to the rear, it will increase the size of the house and the property value.

Issues to be Considered

Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

1. **That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship.** Staff Comment: Denial of the variance would prevent the homeowners from making the changes, as presented, to their house.
2. **That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done.** Staff Comment: The Neighborhood Conservation District is intended to protect the character and function of established neighborhoods. Specifically, the NC-15 district is of suburban character with single family detached homes sited on a minimum of 15,000 square foot lots. The established setbacks are intended to control the density, open space, and character within a development area. Granting the variance will result in the addition being approximately 25 feet off the rear property line. There is a 45 ft wide strip of land to the rear of this (and other) property which is owned by the City of Florence for the intent of stormwater utility, buffer, and open space.
3. **That there are extraordinary and exceptional conditions pertaining to the particular piece of property.** Staff Comment: In the NC-15 zoning district, the City-enforced rear setback is 30 feet. The applicant is seeking a variance of 5 feet to build an addition to the home for a bedroom and bathroom to accommodate a family member. At least two other homes along Jason Drive have rear setback which are less than 30 ft., 1871 Jason Drive (25.32 feet) and 1830 Jason Drive (approximately 20 feet). There is also a 45 foot, city-owned buffer to the rear of this property.
4. **That these conditions do not generally apply to other property in the vicinity.** Staff Comment: The only property affected by the variance request and the addition is the property owner at 1854 Jason Drive. The property owner at 1854 Jason Drive does not object to the proposed addition being build twenty-five feet from the rear property line.
5. **That 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 as follows.** Staff Comment: Strict application of Table 2-5.2.1 General Lot and Building Standards of the City of Florence Unified Development Ordinance would limit the homeowners from building the addition as specified.
6. **That the authorization of a variance will not be of substantial detriment to adjacent property or to the**

public good, and the character of the district will not be harmed by the granting of the variance. Staff Comment: The owner at 1854 Jason Drive as well as the HOA have provided letters of approval. The property to the south is currently undeveloped. The rear of this property has a 45 foot buffer area owned by the City of Florence.

Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Table 2-5.2.1
- F. Site Photos
- G. Rear elevation of 1860 Jason Drive
- H. Letter from neighbor located at 1854 Jason Drive
- I. Letter from Windermere Subdivision HOA President

Attachment A: Vicinity Map

BZA 2020-12 Attachment A
Vicinity Map 1860 Jason Dr



Legend
 Parcels



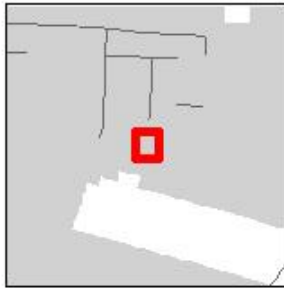
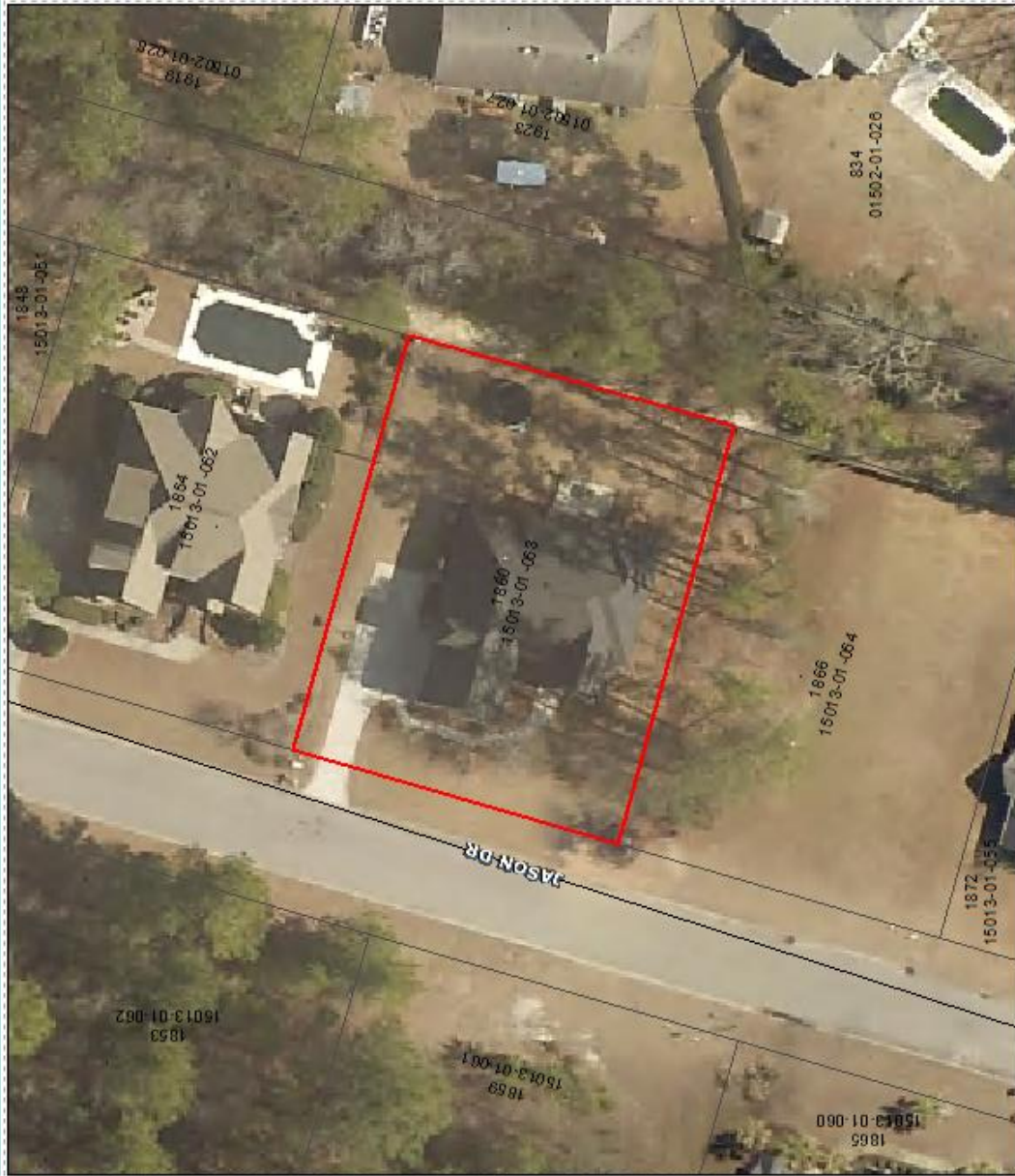
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Date: 11/25/2022

Attachment B: Location Map

BZA 2020-12 Attachment B
Location Map 1860 Jason Dr



Legend

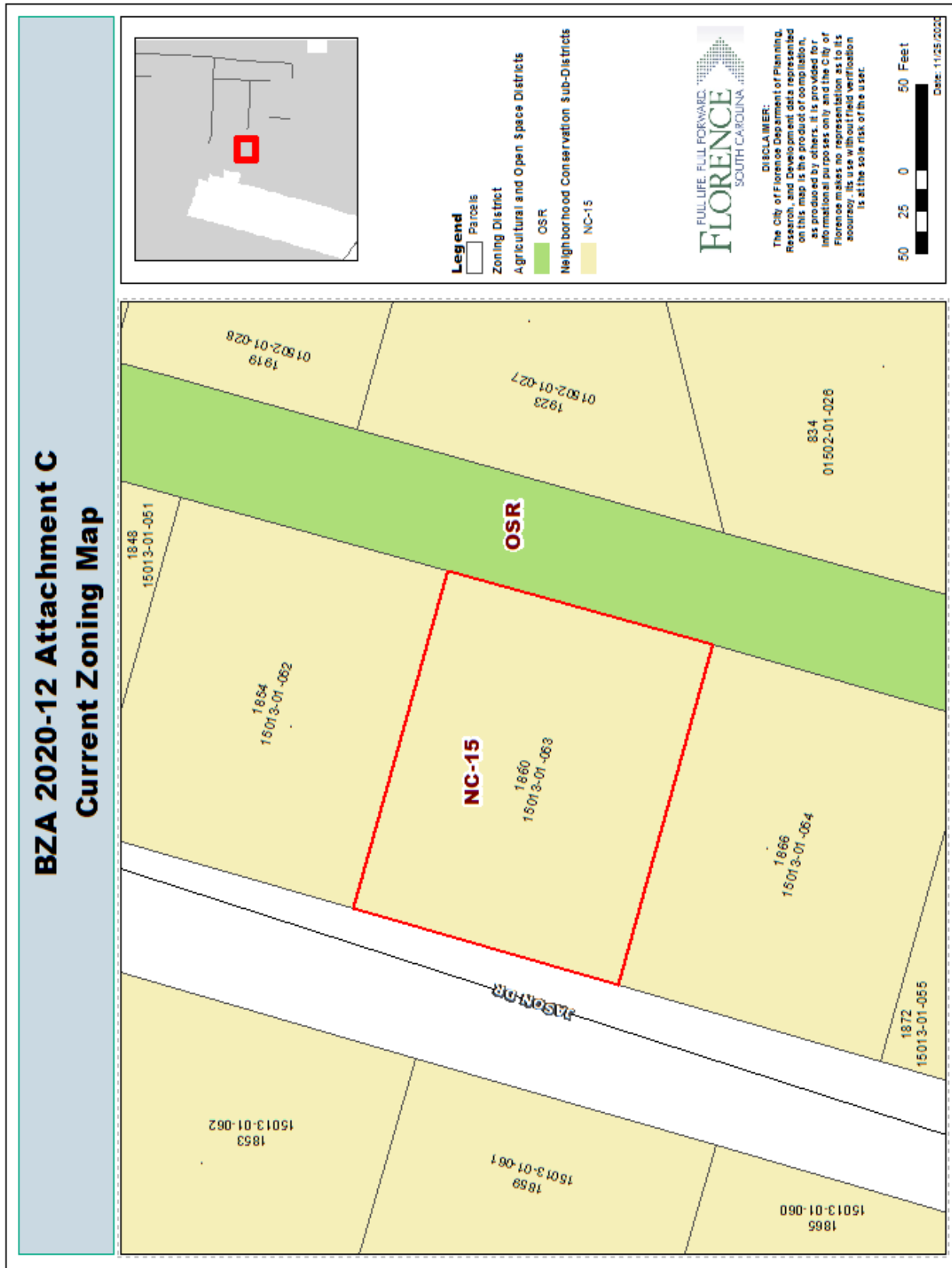
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Date: 11/25/2020





Attachment E: Table 2-5.2.1

Table 2-5.2.1 General Lot and Building Standards								
Subdistrict	Minimum Setback					Maximum Building		
	Front	Street Side	Side	Total Side	Rear	Height ¹	Impervious Surface Ratio	Floor Area
NC-15	25'	15'	10'	20'	30'	38'	40%	See Note 2
NC-10	25'	12'	8'	16'	25'	38'	45%	
NC-6.1	25'	10'	5'	12'	25'	38'	45%	
NC-6.2	25'	10'	5'	12'	20'	38'	45%	
NC-6.3	25'	10'	5'	12'	20'	55'	70%	
NC-4	20'	8'	5'	10'	20'	38'	60%	
Table Notes:								
¹ The maximum height of a residence may be 38 feet; provided however, that a new or redeveloped residence or an expansion of an existing residence shall be of no greater height than the residences situated to either side within the same subdistrict. If the new or redeveloped residence or expanded existing residence is situated adjacent to another district, the new or redeveloped residence or expanded existing residence shall be of no greater height than the adjacent residence within the same subdistrict.								
² The gross floor area of a new or redeveloped residence or expanded existing residence shall be comparable to the residences on the same side of the block and within 300' as follows:								
a. Equal to or no greater than 120 percent for residences up to 2,500 square feet of gross floor area; or								
b. Equal to or no greater than 115 percent for residences greater than 2,501 square feet of gross floor area.								

Attachment F: Site Photos



1860 Jason Drive (front)



1860 Jason Drive (left side of the house) submitted by the applicant



1860 Jason Drive (rear). Proposed addition location at the rear corner of the property.

Attachment G: Rear elevation of 1860 Jason Drive



REAR ELEVATION

Attachment H: Letter from Neighbor located at 1854 Jason Drive

November 24, 2020

To whom it may concern,

I am aware of the addition that our neighbors, Ryan and Jennifer Caudill, are planning on their property located at 1860 Jason Drive. My family resides immediately next to this property.

I do not object to this addition knowing that the completed project will be approximately 25 feet off the back property line.

Sincerely,

John Nance
843-610-6647

Attachment I: Letter from Windermere HOA President

November 4, 2020

To whom it may concern:

One of our homeowners, Ryan Caudill has requested an easement variance in accordance with the HOA guidelines. The property is located at 1860 Jason Drive in Florence. When completed, the addition he is constructing on the rear of his home will be approximately 25 feet from the rear property line. This distance is approved for construction.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brandon Granger', with a stylized, cursive script.

Brandon Granger
President, Windermere HOA

Board of Zoning Appeals Motion Worksheet

Case Number: _____ BZA 2020-11 _____ Nature of Request: _____ Setback Variance _____

I move that we **grant** / **deny** the request for a variance based upon the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* **will not** / **will** be contrary to the public interest when, because of special conditions, a literal enforcement of the provision will, in this individual case, result in an unnecessary hardship, in that:
2. That the spirit of the *Unified Development Ordinance* **will** / **will not** be observed, public safety and welfare secured, and substantial justice done because:
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely:
4. That these conditions do not generally apply to other property in the vicinity, in that:
5. That because of these conditions, the application of the *Unified Development Ordinance* to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property by:
6. That the authorization of a variance **will not** / **will** be of substantial detriment to adjacent property or to the public good, and the character of the district **will not** / **will** be harmed by the granting of the variance, because:

Guidelines applicable to the granting of a variance:

1. Profitability: the fact that a property may be used more profitably if the variance is granted may not be used as the basis for granting the variance.
2. Conditions: the BZA can put conditions on the granting of the variance.
3. Use Variance: the BZA cannot grant a variance that would allow a use not permitted in the zoning district.
4. Hardship: the hardship cannot be based on conditions created by the owner/applicant.

Notes:

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT
STAFF REPORT TO THE
CITY OF FLORENCE BOARD OF ZONING APPEALS**

DATE: December 17, 2020

APPEAL NUMBER: BZA-2020-12

VARIANCE REQUEST: Variance request from the side setback requirement in Section 3-8.1.9 (G) of the *Unified Development Ordinance* for a residential detached garage.

LOCATION: 1200 Wisteria Drive

TAX MAP NUMBER: 90051-01-008

OWNER OF RECORD: Shayna Anitra Wrighten & John Ray Mattheis

APPLICANT: John Mattheis

ZONING DISTRICT: Neighborhood Conservation-15

Land Use and Zoning

The property is located at 1200 Wisteria Drive, and consists of a single-family house in the Neighborhood Conservation-15 (NC-15) zoning district. The City's Future Land Use Plan designates this area as Neighborhood Conservation. The *Unified Development Ordinance* permits one accessory building and one detached garage in the NC-15 zoning district. The owner has two existing accessory buildings presently, one of which will be removed if the Board approves his variance request.

Site and Building Characteristics

The owner would like to construct a new 25 foot by 57 foot detached garage 40 feet behind the residence along the west side of his backyard (Attachment E). The lot is 1.665 acres in size, but approximately forty percent of the lot shown in Attachment G, is considered a floodway (purple), prohibiting any construction within. Further restricting construction is the 100 year (tan) & 500 year (light blue) flood plains (Attachment G).

Corresponding with the location of the 100 year flood plain is a change of elevation the owner would like to utilize to construct a majority of the detached garage on this higher ground. Before a Zoning Permit is issued the owner would be required to provide a plot plan showing the placement of the garage in relation to the flood plain. This requires the drawing supplied by the surveyor or engineer to give the exact location of the flood plain based on elevations from a new survey of the property. The east and west elevations of the proposed detached garage (Attachment F) show this change in topography.

Other considerations for the placement of the garage include an existing fenced-in playground area in the eastern side of the backyard (Attachment H) and the presence of two mature trees, a Birch tree and a Gum Tree in the western portion of the backyard the owner hopes to preserve (Attachment E).

Variance Requests

Section 3-8.1.9(G) of the *Unified Development Ordinance* requires that the side setback for a two-story detached garage shall comply with the principal building setback for the district. For the NC-15 zoning district the side setback is ten feet. The applicant is requesting to locate the building four feet from the side property line. This results in a variance request of 6 feet from the side setback requirement.

The following information was submitted by the applicant:

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:** I purchased this unoccupied, dilapidated property in 2018 as a fixer-upper family home. We moved in in July 2019. I bought the property with the intention of constructing a garage apartment (similar to my adjacent neighbor's). It turns out the 10-foot side setback is posing unexpected challenge to this project (aesthetic, practical, and financial). Any variance I could get to build this structure closer to the property line would be a significant help to me. I thank you for your time and consideration.
- b. **These conditions do not generally apply to other property in the vicinity as shown by:** Similar conditions with representative solutions are located at 1212, 1118, and 1206 Wisteria Drive.
- 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 as follows:** The property has a large backyard with room for a garage. Unfortunately, the house, which was built in 1961, is not situated to be accommodating for this, especially given the 10-foot side setback. The existing driveway abuts the property line. As you can see from the schematic site plan, 10 feet pushes the structure significantly left of the driveway to where maneuvering a car in and out of the garage will be challenging. Moving the structure further back (apart from the inconvenience of being further away from the house) adds significant structural challenges as there is a rather sharp drop-off to Jeffries Creek. Massive amounts of fill would need to be moved in. I would also like to preserve, where possible, existing mature trees in the backyard. Curbside appeal is a lesser, but real consideration as the homeowner. Of note, both neighbors have garage structures with direct driveway approaches, so I assumed I could have the same. It just turns out their respective driveways were several feet within their property lines whereas mine nearly touches.
- d. **The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:** I have discussed this with my neighbors, JP and Blakely Tepper. They have no objections, in fact they see proposed improvement to my property as improvement to theirs. They would be willing to sign an agreement to requested variance. In addition, the architectural character of the proposed garage is in keeping with the character and scale of the original house.

Issues to be Considered

Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

1. **That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship.** Staff Comments: The owner purchased the property with the intention of constructing a detached garage, but obstacles to building placement include the 100 year floodplain, elevation change, and location of mature trees.
2. **That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done.** Staff Comments: The Neighborhood Conservation District is intended to protect the character and function of established neighborhoods. Specifically, the NC-15 district is of suburban character with single

family detached homes sited on a minimum of 15,000 square foot lots. The established setbacks are intended to control the density, open space, and character within a development area. Adjacent properties (1206, 1212, and 1118 Wisteria Drive) have existing, similarly sited detached garages, two of which have nonconforming setbacks based upon current code. If allowed, the Building Department will ensure the proposed detached garage is fire-rated appropriately based on its proximity to the side property line.

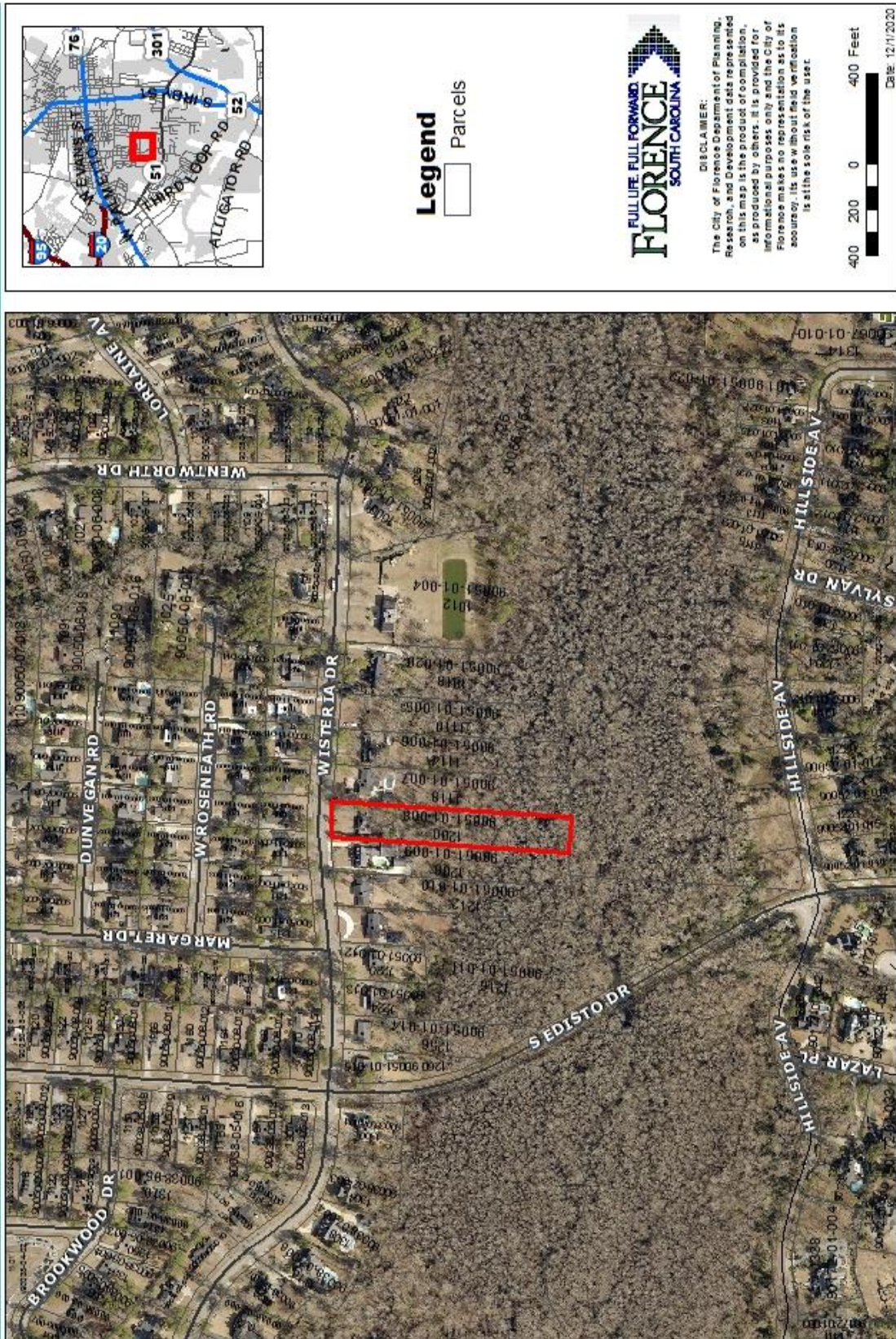
3. **That there are extraordinary and exceptional conditions pertaining to the particular piece of property.** Staff Comments: The flood plain and corresponding elevation change severely limit the construction location. Further limiting the placement of the detached garage is the location of mature Birch and Gum trees and an existing fenced-in playground.
4. **That these conditions do not generally apply to other property in the vicinity.** Staff Comments: Most properties on the south side of Wisteria Drive are limited by proximity to the floodplain and this particular area also has elevation change of approximately 4 feet within a short distance. The rear yard is characterized by a mature hardwood tree canopy, more so than other properties in the vicinity.
5. **That 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 as follows.** Staff Comments: Strict adherence to the Ordinance would limit the ability of the property owner to place the detached garage in a location accessible by vehicles without the removal of mature trees or introduction of fill in proximity or within the floodplain.
6. **That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.** Staff Comments: The proposed structure will be located approximately 150 feet from the view of the public right-of-way. The neighbors of 1206, 1212, and 1118 have similar setbacks for their garages constructed before the Unified Development Ordinance. The property owner's most effected, 1206 Wisteria Drive, have stated that they have no objections to the project and welcome the property improvement.

Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Site Plan
- F. Proposed Detached Garage Elevations
- G. Approximate Flood Plain Map
- H. Site Photos

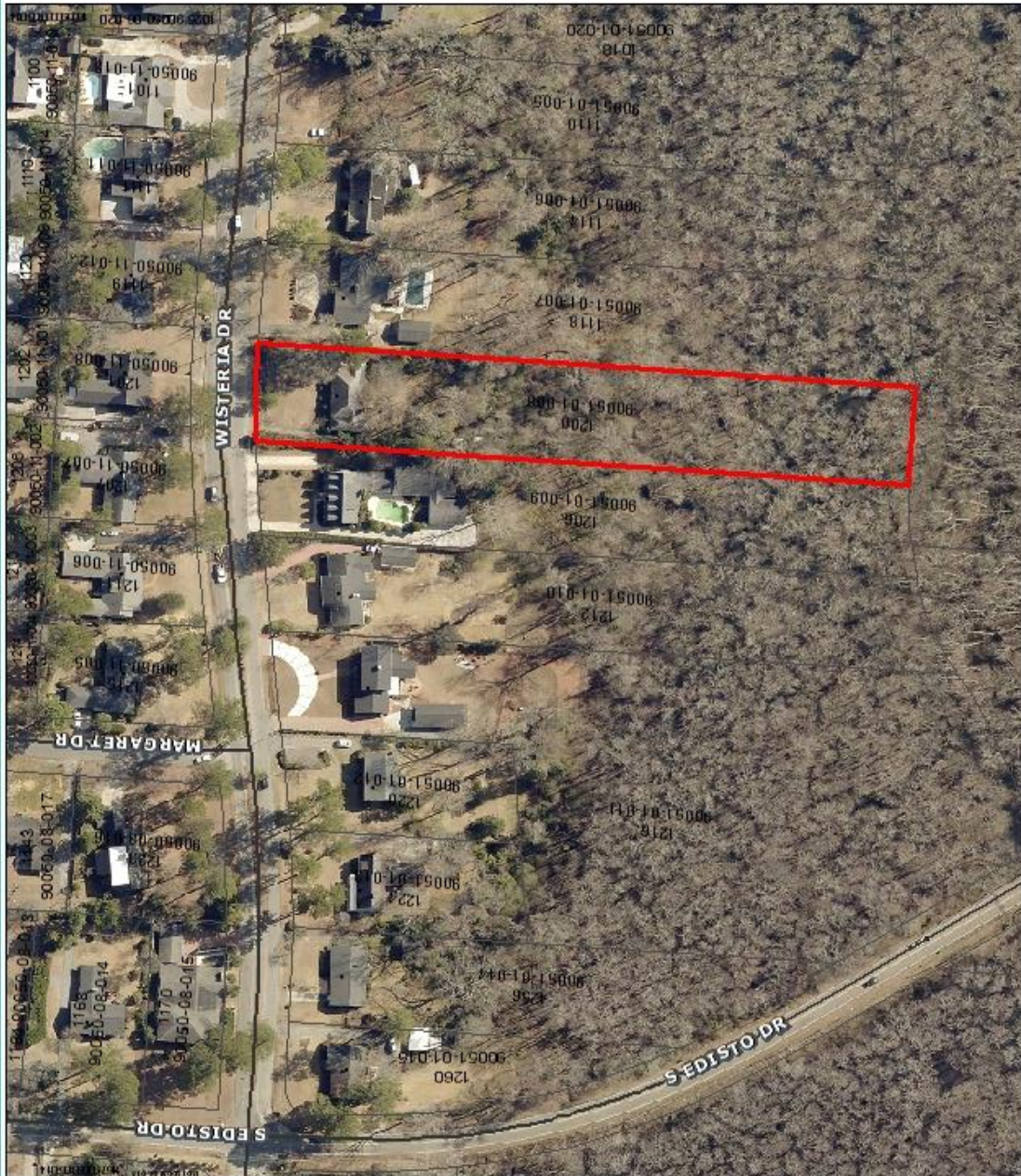
Attachment A: Vicinity Map

BZA 2020-12 Attachment A
Vicinity Map 1200 Wisteria Drive



Attachment B: Location Map

BZA 2020-12 Attachment B
Location Map 1200 Wisteria Drive



Legend
☐ Parcels



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BZA 2020-12 Attachment C **Current Zoning Map**

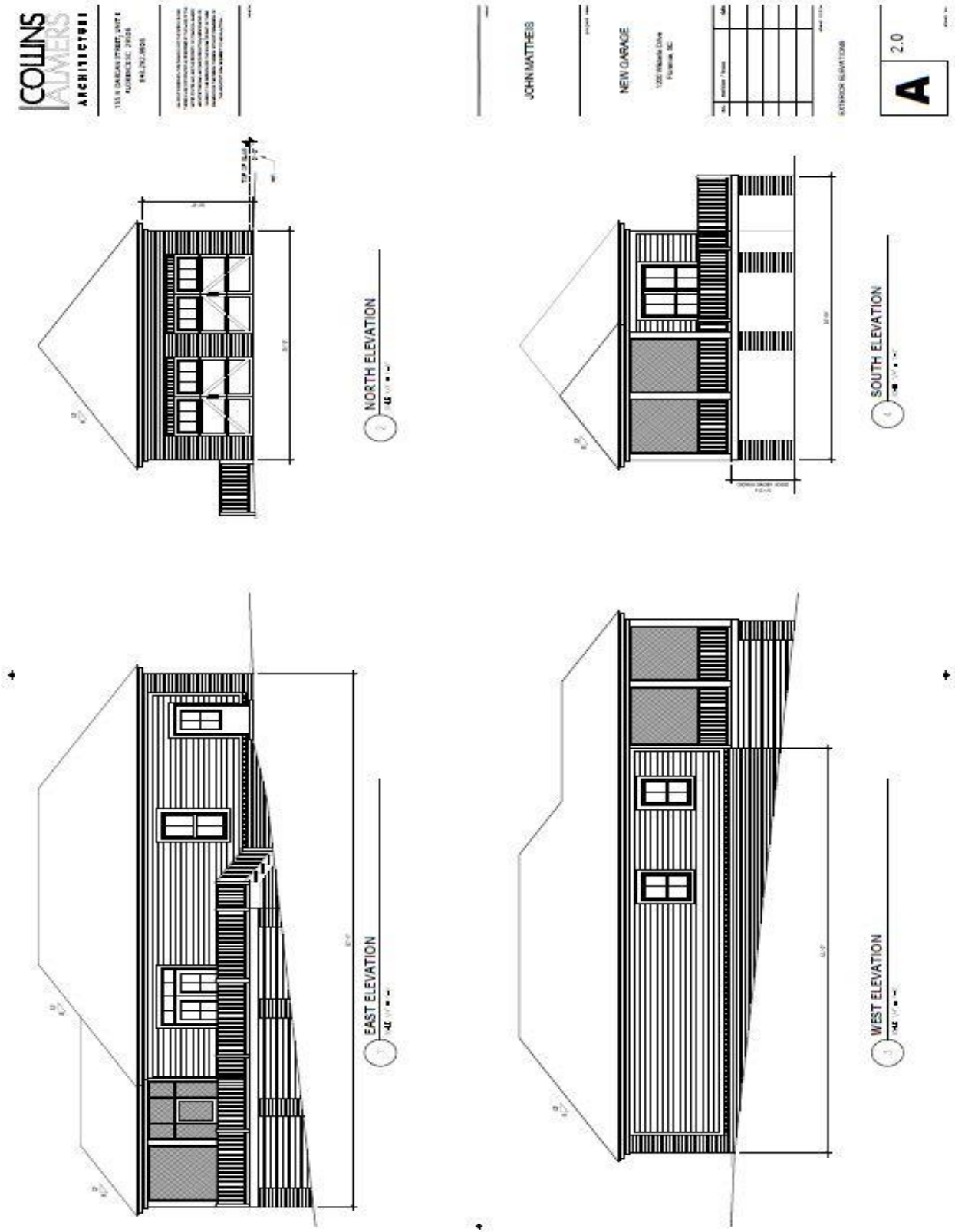




Attachment E: Site Plan



Attachment F: Proposed Detached Garage Elevations



Attachment G: Approximate Flood Plain Map



Attachment H: Site Photos



Front of house.



View down driveway to backyard.



View towards backyard, neighbor's garage on right.



View from backyard looking towards house.



View from backyard looking west to proposed location of detached garage.
(1206 Wisteria Drive garage in background)



View from backyard toward house to proposed location of detached garage.



View from backyard to house showing elevation change.



View from backyard looking east to existing fenced-in playground.



View from backyard looking west – 2 existing accessory buildings.

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2020-12 Nature of Request: Side Setback Variance

I move that we **grant** / **deny** the request for a variance based upon the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* **will not** / **will** be contrary to the public interest when, because of special conditions, a literal enforcement of the provision will, in this individual case, result in an unnecessary hardship, in that:

2. That the spirit of the *Unified Development Ordinance* **will** / **will not** be observed, public safety and welfare secured, and substantial justice done because:

3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely:

4. That these conditions do not generally apply to other property in the vicinity, in that:

5. That because of these conditions, the application of the *Unified Development Ordinance* to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property by:

6. That the authorization of a variance **will not** / **will** be of substantial detriment to adjacent property or to the public good, and the character of the district **will not** / **will** be harmed by the granting of the variance, because:

Guidelines applicable to the granting of a variance:

1. Profitability: the fact that a property may be used more profitably if the variance is granted may not be used as the basis for granting the variance.
2. Conditions: the BZA can put conditions on the granting of the variance.
3. Use Variance: the BZA cannot grant a variance that would allow a use not permitted in the zoning district.
4. Hardship: the hardship cannot be based on conditions created by the owner/applicant.

Notes: