

CITY OF FLORENCE, SOUTH CAROLINA

BOARD OF ZONING APPEALS

**MARCH 11, 2021 AT 6:00 PM VIA ZOOM
(POSTPONED FROM FEBRUARY 25, 2021)**

AGENDA

I. Call to Order

II. Approval of Minutes

Regular meeting held on January 28, 2021.

III. Public Hearing and Matter in Position for Action

BZA-2021-02 Request for a variance from the setback requirements for a carport located at 1418 Madison Avenue, in the NC-15 zoning district; Tax Map Number 90036-03-014.

IV. Public Hearing and Matter in Position for Action

BZA-2021-03 Request for a variance from the setback requirements for a commercial building to be located at 1809 Gregg Avenue, in the CG zoning district; Tax Map Number 90025-02-009.

V. Adjournment

Next regularly scheduled meeting is March 25, 2021.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
VIA ZOOM VIDEO CONFERENCING
JANUARY 28, 2021**

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, and Alane Zlotnicki (in person); also Danny Young, IT (in person)

APPLICANTS PRESENT: Bob Weaver (via Zoom Video)

CALL TO ORDER: Chairman Chewning called the meeting to order at 6:00 p.m.

APPROVAL OF MINUTES:

Chairman Chewning introduced the December 17, 2020 minutes. Mr. Adams made a motion to approve the minutes and Ms. Deas seconded the motion. Voting in favor of the motion was unanimous (5-0).

PUBLIC HEARING AND MATTER IN POSITION FOR ACTION:

BZA-2021-01 Request for a variance from the setback requirements for a commercial building to be constructed at 1360 Celebration Boulevard, in the CG zoning district; Tax Map Number 00100-01-135.

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

Mr. Poston asked staff if the current Commercial General was the same as the B3 zoning district. Mr. Johnston stated the applicant would like to revert to the setbacks allowed under the previous B3 district, but that the current designation is CG. Mr. Dudley stated the B3 designation, with its more lenient lot setbacks, was changed to CG after the adoption of the *Unified Development Ordinance*. Mr. Dudley informed the Board that they may see more requests in the future due to the change.

There being no further questions for staff from the Board, Chairman Chewning swore in Mr. Bob Weaver, applicant, to take questions from the Board. Mr. Weaver explained the owner is seeking a variance because under the setback requirements of CG, the building which could currently be constructed would be too small. He stated the B3 zoning district which was in force when he subdivided the parcel allowed the sized building seen in the sketch in the packet.

Mr. Poston asked if attachment A was a recent map. Mr. Weaver stated he was unable to see attachment A. Upon staff showing the attachment, Mr. Weaver stated it was taken a few years ago, and did not show Benton House, which needed a variance as well due to the CG setbacks. Mr. Poston mentioned that since the Board had approved the request from Benton House, he saw no issue with approving this request.

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.

Chairman Chewning 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 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.** This parcel was subdivided in 2009 to meet the lot standards of the 2008 Zoning Ordinance. Relaxing the setback requirements would allow the owner to develop his property as intended.
2. **That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done.** The parcel to be developed has a present and future land use that is commercial in nature and sticks to the original nature. The property line shared with a disparate use, a duplex development, is required to install a Type C Bufferyard, mitigating commercial development adjacent to residential.
3. **That there are extraordinary and exceptional conditions pertaining to the particular piece of property.** The buildable area on this parcel is limited by its depth (approximately 165 feet). The lot was recorded originally in 2009 to meet B-3 Standards of the 2008 Zoning Ordinance but is now subject to the requirements of the Unified Development Ordinance, which limits the buildable area of the existing lot.
4. **That these conditions do not generally apply to other property in the vicinity.** The hardship is limited to this parcel because of the depth of the parcel in relation to current required setbacks. The Celebration corridor has parcels of similar sizes that were developed during the previous 2008 Zoning Ordinance with the newer developments having larger parcels to account for larger minimum lot widths and setbacks contained in the current Unified Development 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.** The current setbacks for a commercial building in the Commercial General district would restrict the owner from constructing his desired business.
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.** Celebration Boulevard development has a mixture of buildings constructed before and after the Unified Development Ordinance Commercial General setbacks were codified, the relaxing of current setbacks to that of the B-3 standards would not be out of character.

Mr. Adams seconded the motion. The motion passed unanimously (5-0).

ADJOURNMENT: As there was no further business, Mr. Adams moved to adjourn the meeting. Voting in favor of the motion was unanimous (5-0). Chairman Chewning adjourned the meeting at 6:30 p.m.

Respectfully submitted,

Alane Zlotnicki, AICP, Senior Planner
Austin Cherry, Office Assistant III

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

DATE: February 25, 2021

APPEAL NUMBER: BZA-2021-02

VARIANCE REQUEST: Variance request from the side setback requirements of Section 3-8.1.9H.2.a of the *Unified Development Ordinance* for a carport.

LOCATION: 1418 Madison Avenue

TAX MAP NUMBER: 90036-03-014

OWNER OF RECORD: Sandra L. & Robert D. Harris

APPLICANT: Robert D. Harris

ZONING DISTRICT: Neighborhood Conservation-15

Land Use and Zoning

The property is located at 1418 Madison Avenue and consists of a single-family home located in the Neighborhood Conservation-15 (NC-15) zoning district. The City's Future Land Use Plan designates this area as Neighborhood Conservation. Section 3-8.1.9H.2.a, Accessory Buildings and Structures of the *Unified Development Ordinance*, requires a side setback of 3 feet from the support posts to the property line in the NC-15 zoning district. Section 3-8.1.9H.7 details that carport "*structures that can be viewed from a public street shall be constructed so that supporting posts, fascia, soffits, and roof and roof slope are of the same materials and color and resemble the principal structure.*"

Site and Building Characteristics

The lot is 0.321 acres in size with a 1508 square foot house, which was built in 1938. The lot is approximately 70 feet wide and approximately 200 feet deep. The house is approximately 13 to 14 feet from the western side property line shared with 1422 Madison Avenue. The 12' wide by 16' long metal carport was installed between the house at 1418 Madison Avenue and the western property line shared with 1422 Madison Avenue. The carport's western front post is approximately 18" from the side property line and the western rear post is approximately 12" from the side property line.

Variance Request

The property owner has installed a prefabricated 12' by 16' metal carport without a Zoning or Building Permit less than 3' from the support posts to the side property line. Therefore, the

variance request is for a side setback of 1 foot instead of the required 3 feet, an encroachment of 2'. A variance will also have to be granted for the *Unified Development Ordinance* requirements that the carport structure must be of the same materials, color, and resemble the home.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: **We would like to have a carport to be able to park our vehicles under to protect from the weather. The minimum width of this structure would have us violating the 3' setback required in the ordinance.**
- b. These conditions do not generally apply to other property in the vicinity as shown by: **No applicant response.**
- 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 position of the house would not allow us to have adequate distance to park the car, normally a minimum of 12'.**
- 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 sight of the building can only be seen from a straight on view down the driveway and above a fence on the neighbor adjacent to the property on the side.**

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 be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will not in an individual case, result in an unnecessary hardship: **The homeowner had alternative permitted placement options beyond this particular placement of the carport including the rear yard due to the type of structure.**
2. That the spirit of the Ordinance will not be observed, public safety and welfare secured, and substantial justice done: **The purpose of the NC-15 zoning district side setback and carport side setback is to preserve open space between houses and structures and sustain the character of the neighborhood. The carport was placed without a City Zoning or Building Permit and was discovered by a complaint to City Codes Enforcement.**
3. That there are not extraordinary and exceptional conditions pertaining to the particular piece of property: **The property is narrower than adjacent parcels and contains an existing accessory structure (approximately 360 square feet) to the rear of the property as well as rear deck that limits placement of the carport in the rear of the property.**

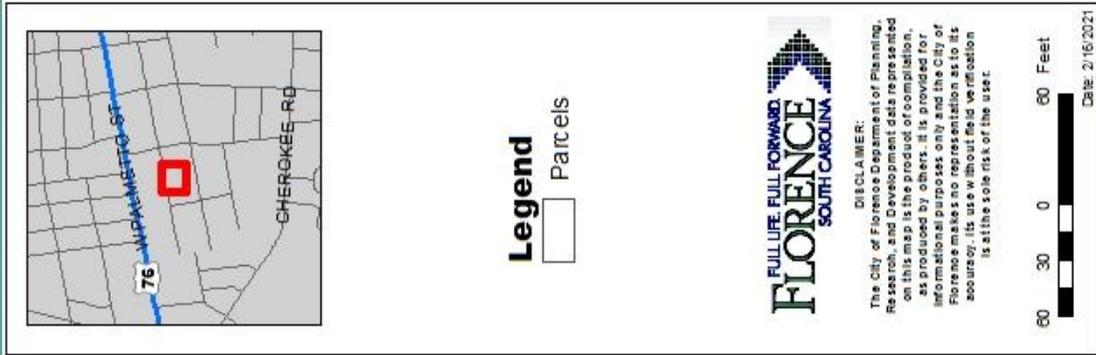
4. That these conditions do generally apply to other property in the vicinity: **Historically, previous Zoning Ordinances have required a minimum 3' setback for accessory buildings; and, when the Unified Development Ordinance was enacted in 2018, the zoning designation of this property and surrounding residential properties was determined to most closely match the NC-15 zoning district with an average of 10' side setbacks. Adjacent single-family detached homes contend with similar side setbacks.**
5. That because of these conditions, the application of the Ordinance to the particular piece of property would not effectively prohibit or unreasonably restrict the utilization of the property as follows: **The property is currently utilized as a single-family residence and contains one accessory structure and a rear deck that limits the placement of an additional accessory structure in the rear yard.**
6. That the authorization of a variance will be of substantial detriment to adjacent property and to the public good, and the character of the district will be harmed by the granting of the variance: **The carport was installed contrary to the provisions of the Unified Development Ordinance without first obtaining a Zoning or Building Permit. A complaint was filed with City Codes Enforcement because of its proximity to adjacent property.**

Attachments

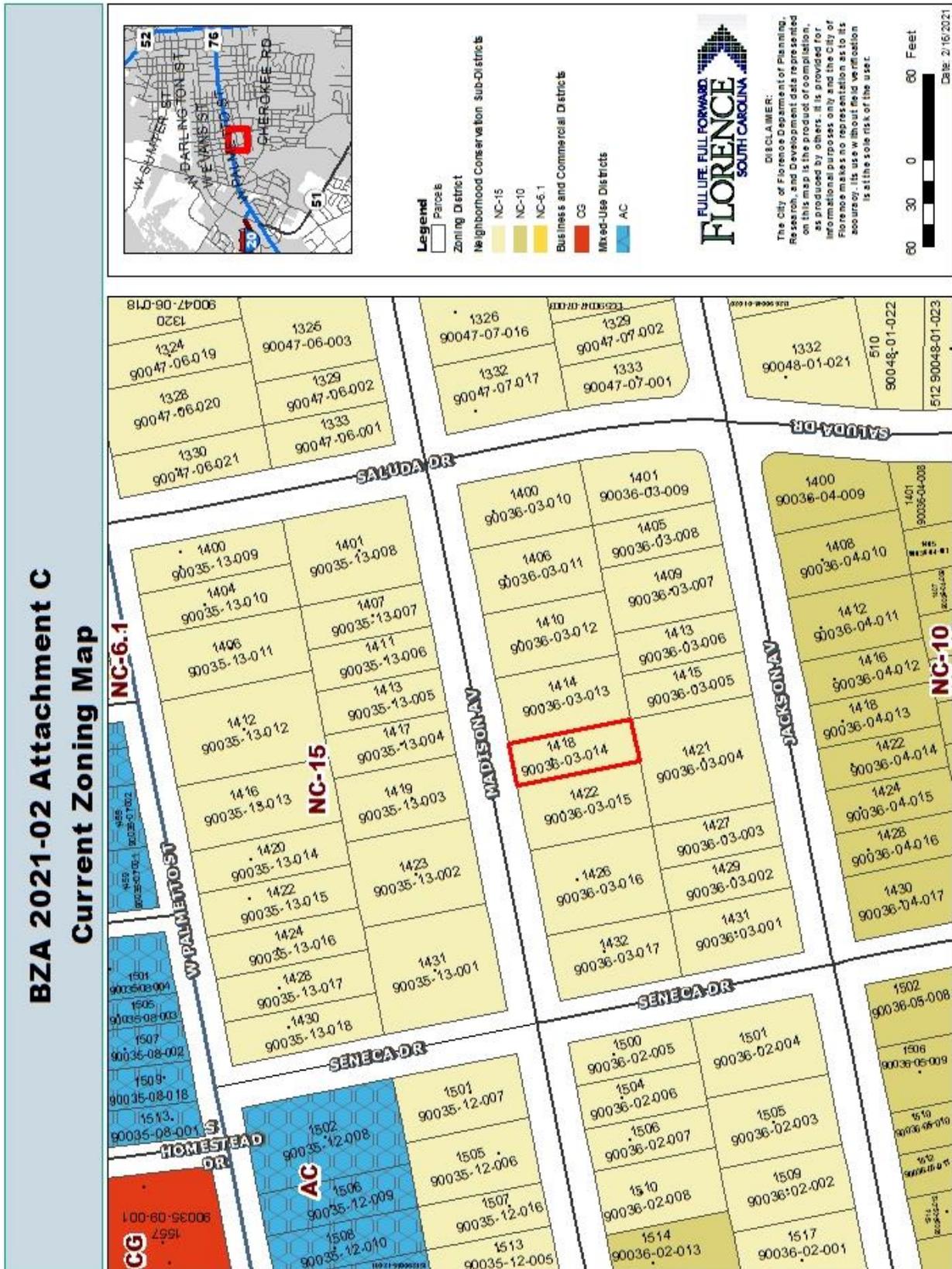
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Applicable Portions of *Section 3-8.1.9H of the Unified Development Ordinance*
- F. Plot Plan – Location of Carport
- G. Site Photos (provided by applicant)

Attachment B: Location Map

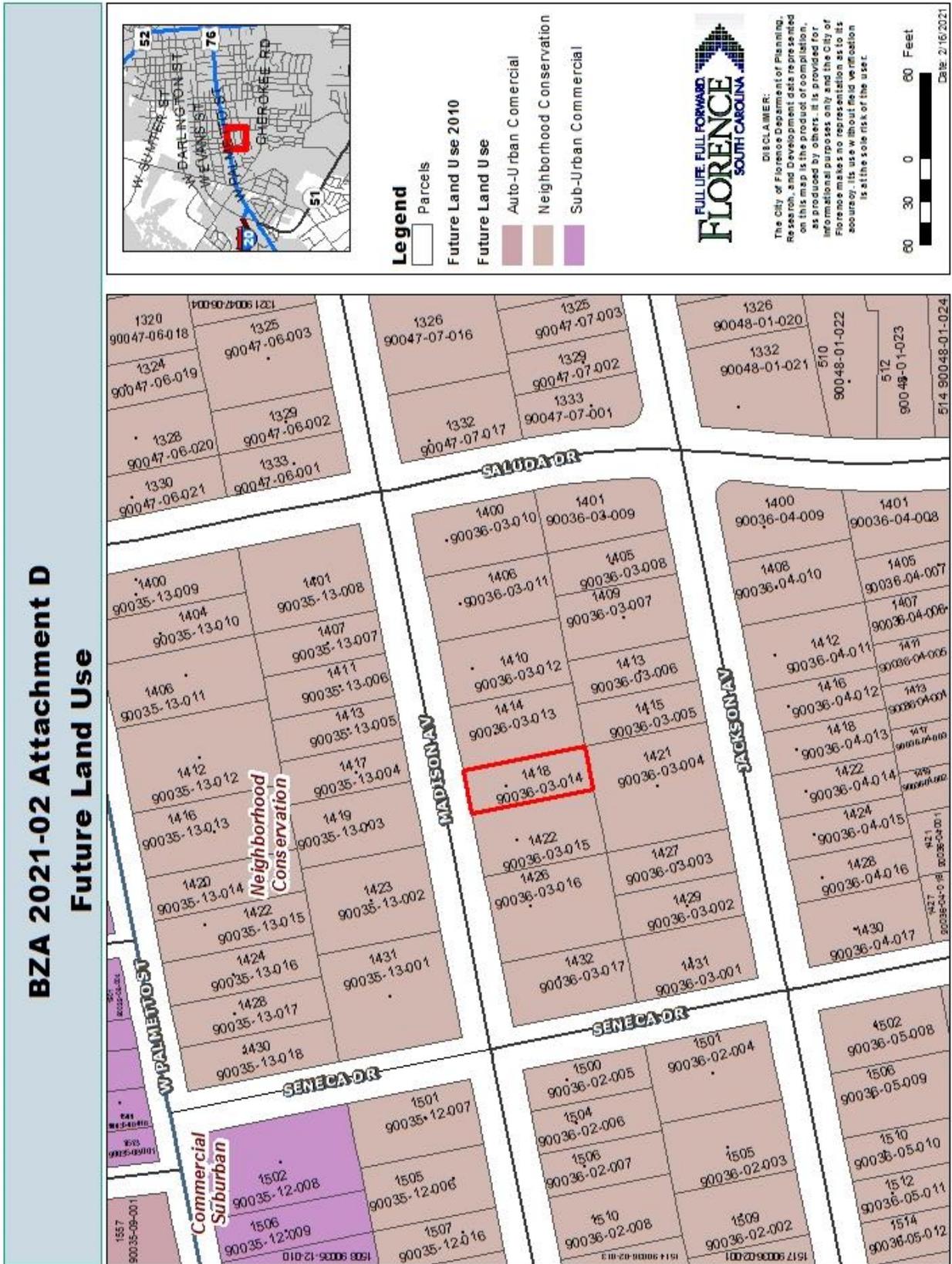
BZA 2021-02 Attachment B
Location Map 1418 MADISON AVE



Attachment C: Zoning Map



Attachment D: Future Land Use Map



Sec. 3-8.1.9 Accessory Buildings and Structures

H. Carports, Car Covers, and Porte-Cocheres.

1. *Where Allowed.*

a. Generally. Carports, car covers, and porte-cocheres are allowed:

1. Within the areas available for construction of principal and accessory buildings on all properties that are developed with detached or attached dwelling units (except multi-family dwelling units).
2. Within parking areas (and in the case of porte-cocheres, passenger loading areas) of multi-family, nonresidential, and mixed-use development.

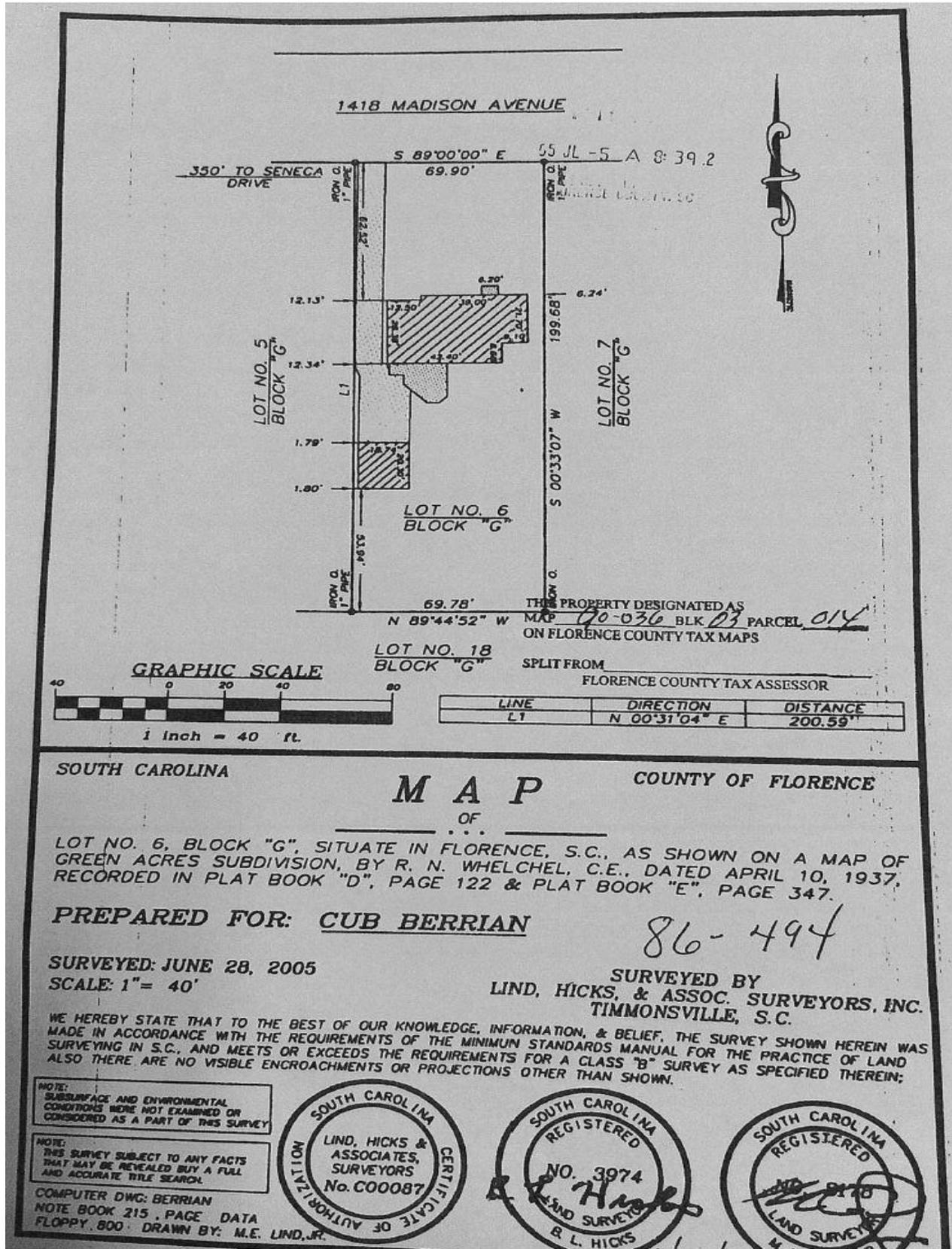
2. *Additional Alternatives in the NC Districts.* Carports and car covers may be constructed outside of the building envelope, as follows:

a. Support posts shall not be closer than:

1. Three feet to any side property line; or
2. 10 feet from a rear property line; and
3. 10 feet from a front or street side property line;

7. *Design and Appearance.* All structures shall be permanent structures that are built on-site. Structures that can be viewed from a public street shall be constructed so that supporting posts, fascia, soffits, and roof and roof slope are of the same materials and color and resemble the principal structure. Exceptions to this requirement are allowed if the roof portion is approved as a trellis, arbor, or similar open-roof structure.

Attachment F: Plot Plan – Location of Carport



Attachment G: Site Photos (Provided by Applicant)



View from deck towards neighbor at 1422 Madison Avenue (West) before carport installation



View from deck towards neighbor at 1422 Madison Avenue (West) after carport installation



View from deck towards neighbor at 1422 Madison Avenue



Measurement at carport front post (closest to Madison Avenue) to fence



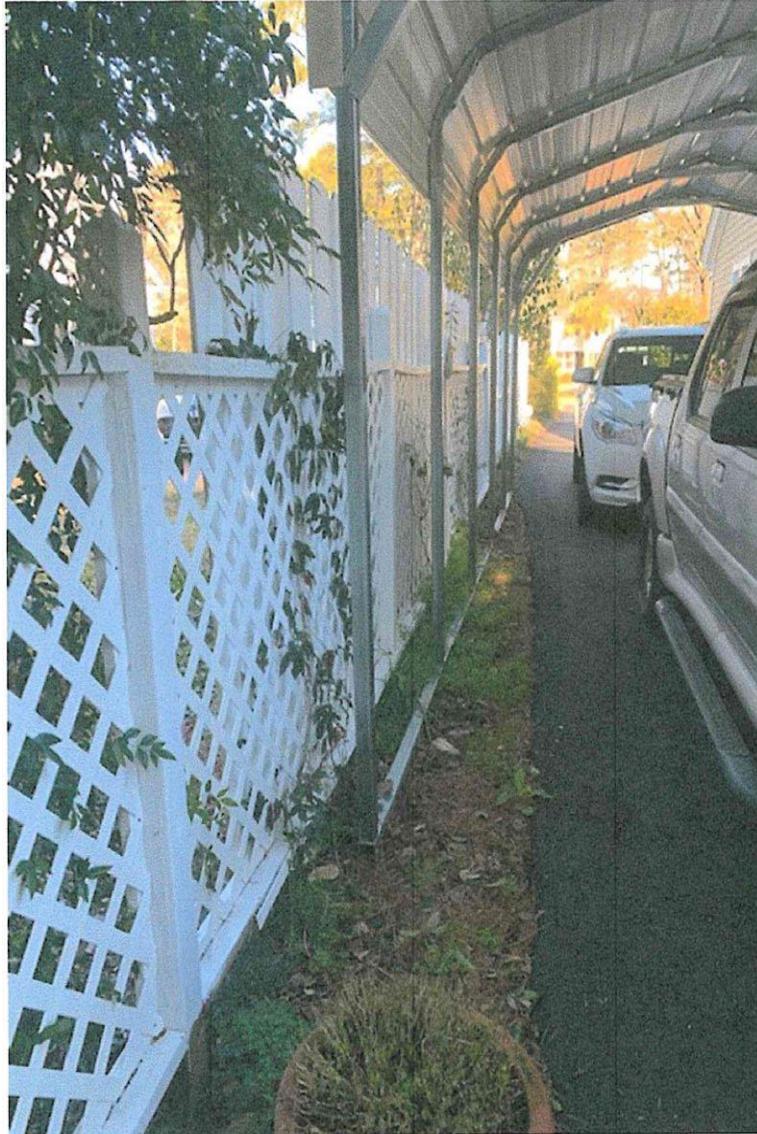
Measurement at carport rear post (furthest from Madison Avenue) to fence



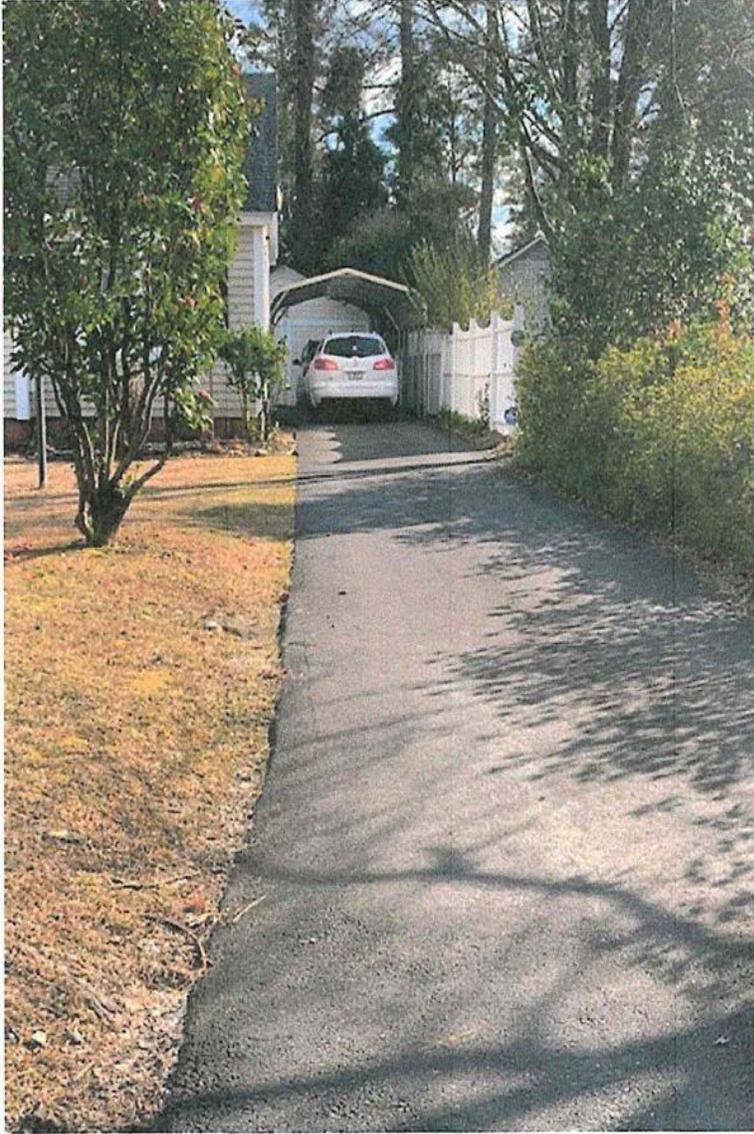
Carport proximity to house (Madison Avenue in background)



Carport proximity to house (Madison Avenue in background)



Carport proximity to fence (Madison Avenue in background)



Carport visibility from Madison Avenue at driveway



Carport visibility from Madison Avenue at mailbox

Attachment H: Description of Events (provided by applicant)

We purchased 1418 Madison Ave., Florence, SC on January 10, 2020 and closed on the house on April 15, 2020.

After purchase we spent approximately \$50,000 on the property. This included hardwood floors refinished, painting of most of the inside of the house, the replacement of the existing deck and porch, re-paving of the driveway, and major landscaping.

One of the final items we wanted was a carport. The most economical one we could find was one similar to the one we had at our previous home in Florence county, a metal carport.

We bought the carport on 11/3/2020 from Weatherly Hardware, Timmonsville. The same dealer we purchased our previous one through.

The one we purchased is a pre-fab metal carport 12' wide and 26' long. It is re-enforced by 12 spikes, each at least 4' long, hammered through the asphalt into the ground around the base of the carport. It is rated to survive a 130 MPH wind.

This was delivered and set up on 12/29/2020. Shortly after the set-up we had a visit from Mr. Bob Palmer, Code Enforcement Officer for the City of Florence. He explained that someone had called him to say we had a carport and it was out of compliance with the code. He explained there was a 3 foot standard from the side of the lot and 10 foot from the back.

It did appear that we were not in compliance. He suggested a couple of things we needed to do before visiting the City Center Building to discuss a possible variance. Those included getting a copy of our plat, finding the corners and deciding the exact variances we have.

I have obtained a plat and rented a metal detector to try to find the corner markers for the property. We were unable to find the metal corner markers. We did discuss with our neighbor, Mr. Rick Segers who helped me to find what he thought was the property line.

We had a long discussion that day where he informed me that it was he who called in the complaint. Our conversation was cordial and friendly, and I asked him if there some way we could make it up to him and keep the carport. I offered several suggestions. He said he and his wife made those decisions together and he would let me know. I have not had a discussion with him since.

I admit I did not know about the code and distances from the property line that was needed.

The space we could put a carport was very close to the line. The driveway we re-paved was also real close to the line. We bought the smallest width we could buy that barely fit our space. It appears, the best I can tell, that the distance from the line is from 18 inches from one point to 12 inches to the closet point from the fence which appears to be pretty close to the line. The carport was aligned to the alignment of the house.

The carport is at the end of our driveway and is noticeable from the street if you look straight down the driveway. From our mailbox, it is barely noticeable at all.

The carport does not infringe on Mr. and Mrs. Segers' property. Any rainfall does not fall on their property. It is only visible from their property above the 7 or 8 foot fence-line.

We respectfully request a variance to be able to keep this carport.

We understand that we should have asked Code Enforcement for an opinion to the acceptability of the carport prior to the installation. The need to do this never entered our mind.

We have seen a number of these carports in the area between Cherokee Ave and W. Palmetto St.

We feel we are an asset to Florence county and have been for the 20 plus years we have lived here. As we reach our later years, we were glad we could downsize and move on to Madison Ave. which is just around the block from Jackson where our daughter, her husband and our two grands live. It is also about 5 minutes from my current employment, South Carolina Federal Credit Union. (As CEO of Health Facilities Federal Credit Union, we made the decision to merge with SCFCU in March of 2020.)

We have taken pride in this home, making the improvements as stated above. We still see properties in the Jackson and Madison area that have been left to deteriorate even with people living in them. We are not the type of people to let this happen. Our home will continue to be an asset to the neighborhood.

We appreciate your consideration for approval of the variance. This has been a hard lesson for us and one we will not forget or let happen again.

Thank you for this consideration.

Respectfully submitted,



Robert D. Harris
1418 Madison Ave.
Florence, SC 29501
Robert_harris@sc.rr.com
843.206.2765

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2021-02 Nature of Request: Carport Side Setback and Design 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: February 25, 2021

APPEAL NUMBER: BZA-2021-03

VARIANCE REQUEST: Variance request from the requirements in Table 2-6.1.1, Sec. 4-10.2.1 Lot and Building Landscaping, Table 4-9.2.2C Parking for Commercial Uses, Sec. 4-9.3.2 Parking Design for Nonresidential Uses, and Sec. 4-9.3.4 Surfacing and Maintenance of Off-Street Parking Areas in the *Unified Development Ordinance* for a commercial building.

LOCATION: 1809 Gregg Avenue

TAX MAP NUMBER: 90025-02-009

OWNER OF RECORD: Richard Havecost

APPLICANT: Pee Dee Building Supply

ZONING DISTRICT: CG - Commercial General

Land Use and Zoning

The parcel is located on Gregg Avenue behind Mickey Finn’s ABC store. It is in the Commercial General zoning district, as is everything adjacent to it. A single family house was recently removed from this lot. Adjacent land uses include Mickey Finn’s Party Store (alcoholic beverage sales) to the west, rental houses to the east, a furniture store parking lot to the south, and an automotive business to the north. The same person owns the automotive business and the rental properties.

Site and Building Characteristics

The lot is 8,610 square feet in size. It is 60 feet wide and about 143 feet long. Under the former Zoning Ordinance this property was zoned B-3. The B-3 Zoning Designation from the 2008 Zoning Ordinance had significantly smaller front and rear setbacks than the existing CG District. The sum of the B-3 front and rear setbacks equaled 55 feet (35 feet front and 20 feet rear), and the total side setbacks were 10 feet (5 feet), leaving a buildable area 50 feet wide by 88 feet long, or 4400 square feet. In contrast, under the *Unified Development Ordinance*, the sum of the front and rear setbacks is 90 feet (50 feet front and 40 feet rear), and the total for the side setbacks is 50 feet. This leaves a buildable area just 10 feet wide by 53 feet long, or 530 square feet. The owner wants to install a 20 foot wide by 90 foot long storage building with a small office and bathroom.

Variance Request

The applicant is asking for a variance from the setback requirements of Table 2-6.1.1 of the *Unified Development Ordinance*, which requires a 50 foot front setback, 20 foot side setback (50 foot total for both), and a 40 foot rear setback for buildings in the Commercial General District. The owner is requesting a front setback of 33 feet, rear setback of 15 feet, left side setback of 5 feet, and right side setback of 35 feet.

He is also asking to not be required to install foundation plantings around the building or improved parking spaces (see his answers below). The requested use of the property is for a 20' by 90' by 14' residential private storage building.

The following information is included as submitted by the **applicant**:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: **this is personal private property but does not have a primary building to have an accessory building built so I must build a commercial storage to build. Also cannot meet 2021 setback requirements.**
2. These conditions do not generally apply to other property in the vicinity as shown by: **this will be for private personal use so I should not need parking spaces. The entire area is graveled rock. Also should not need shrubbery as this is for private use only.**
3. 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 size building I need cannot meet setback requirements with the size of the lot.**
4. 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 variance will not bother or impose on any other adjacent properties.**

Staff Comments

This parcel and all adjacent parcels are zoned General Commercial, but it was most recently the site of a single-family house, which was relocated. The applicant initially requested a permit to construct a storage building on this site without a principal building as required by Sec. 3-8.2.5 Accessory Buildings and Structures (non-residential or multi-family). The applicant is currently proposing a 1,800 square foot commercial building containing a small office and restroom – meeting the requirements of a principal building. Sec. 4-10.2.1 Lot and Building Landscaping, Table 4-9.2.2C Parking for Commercial Uses, and Sec. 4-9.3.2 Parking Design for Non-residential Uses (Attachment I) all apply to new construction in the Commercial General zoning district. The applicant is asking for a variance from all these requirements as well as the setbacks due to the fact that a commercial use for the building has not been specified at this time.

Issues to be Considered

The Board needs to determine the appropriateness of the requested setbacks, the amount of building landscaping to require, and whether to waive the requirement for a dedicated parking space. According to Sec. 4-9.3.4, fewer than 5 required parking spaces do not need to be improved surfaces. This use only requires one parking space.

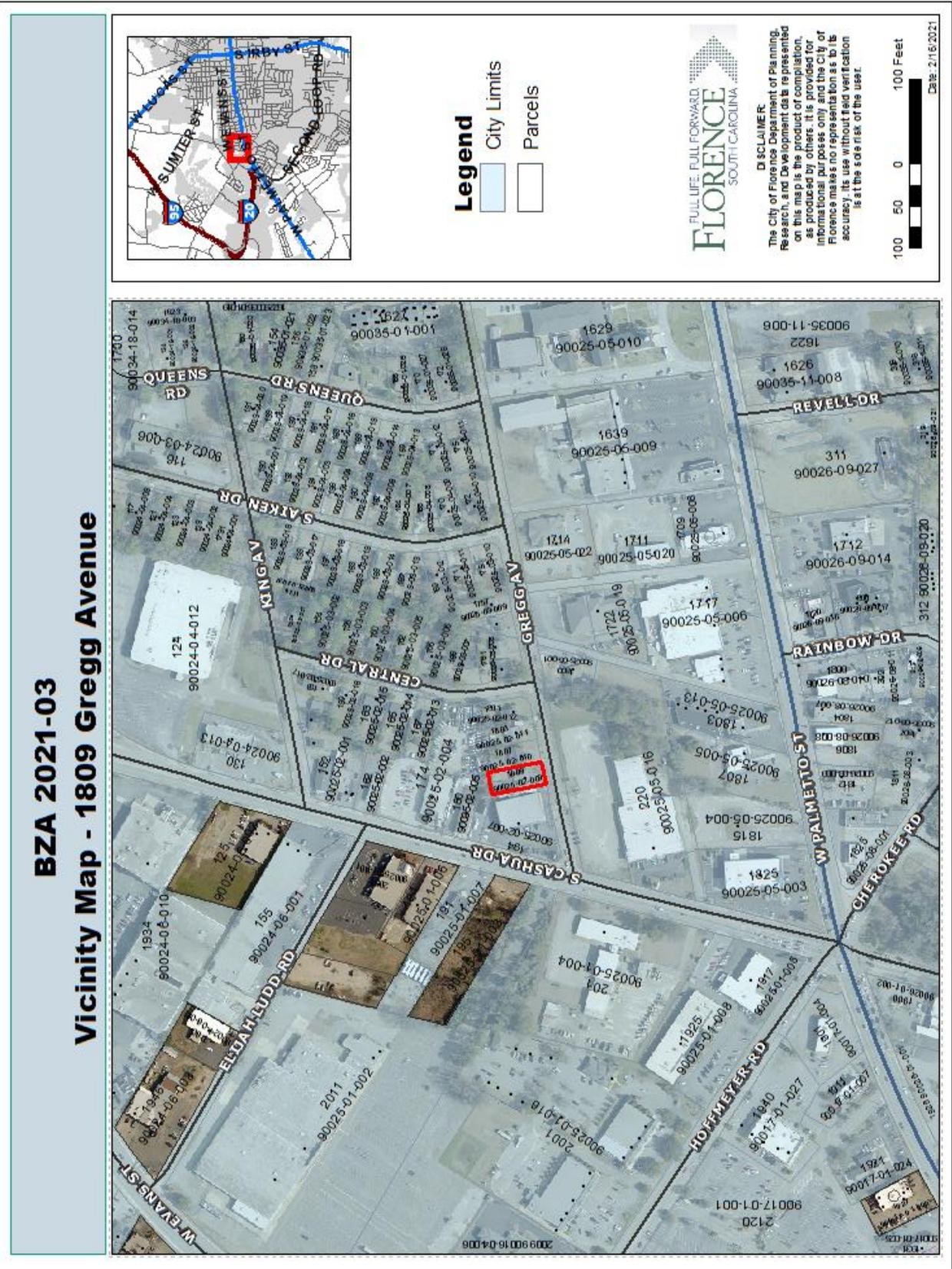
Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

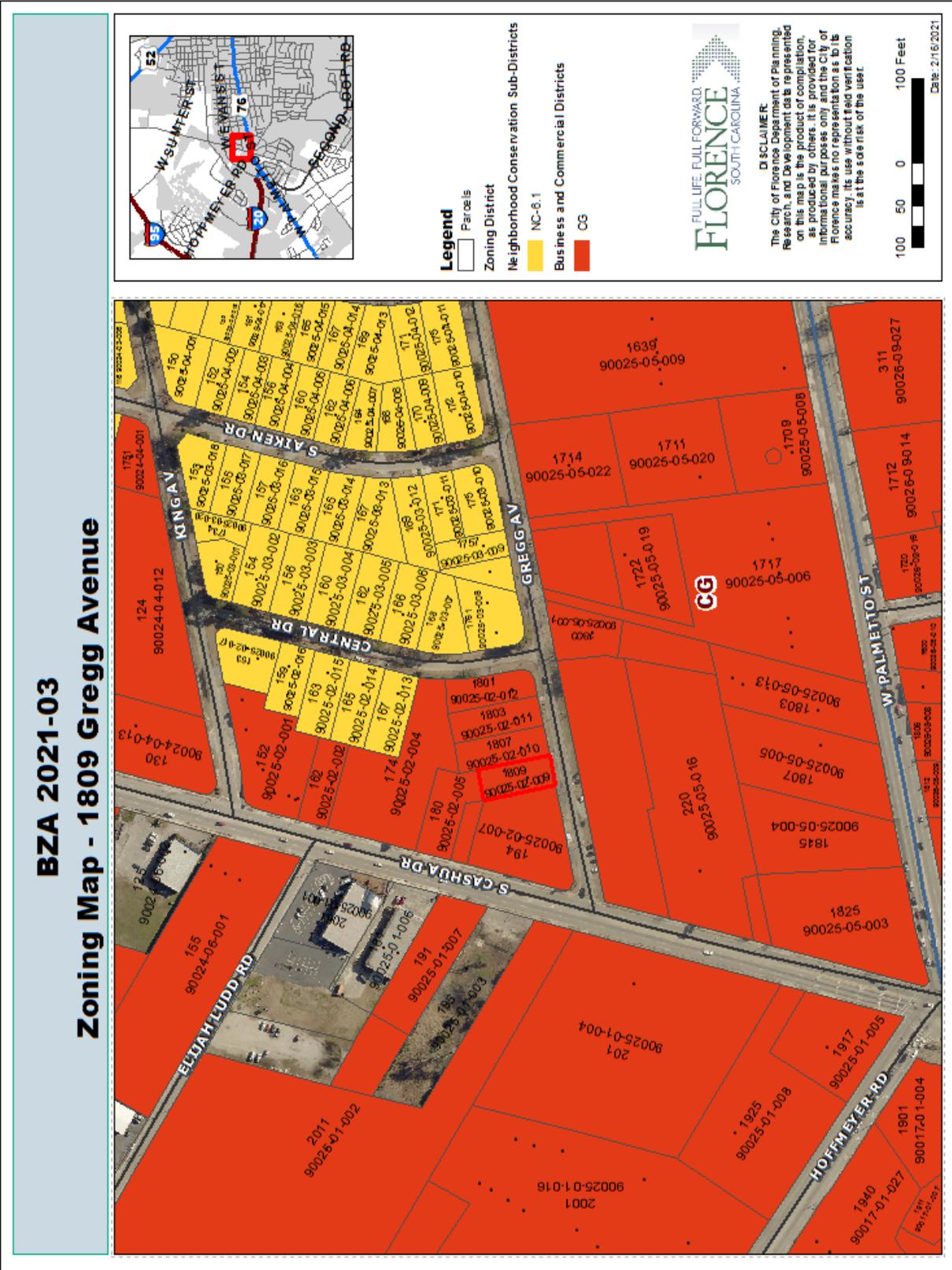
1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship: **This lot is sized for a residential use but zoned for commercial uses. It is surrounded by commercial uses on three sides, and rental single family housing on the fourth side. Parking and landscaping is required for all new commercial development within the City of Florence.**

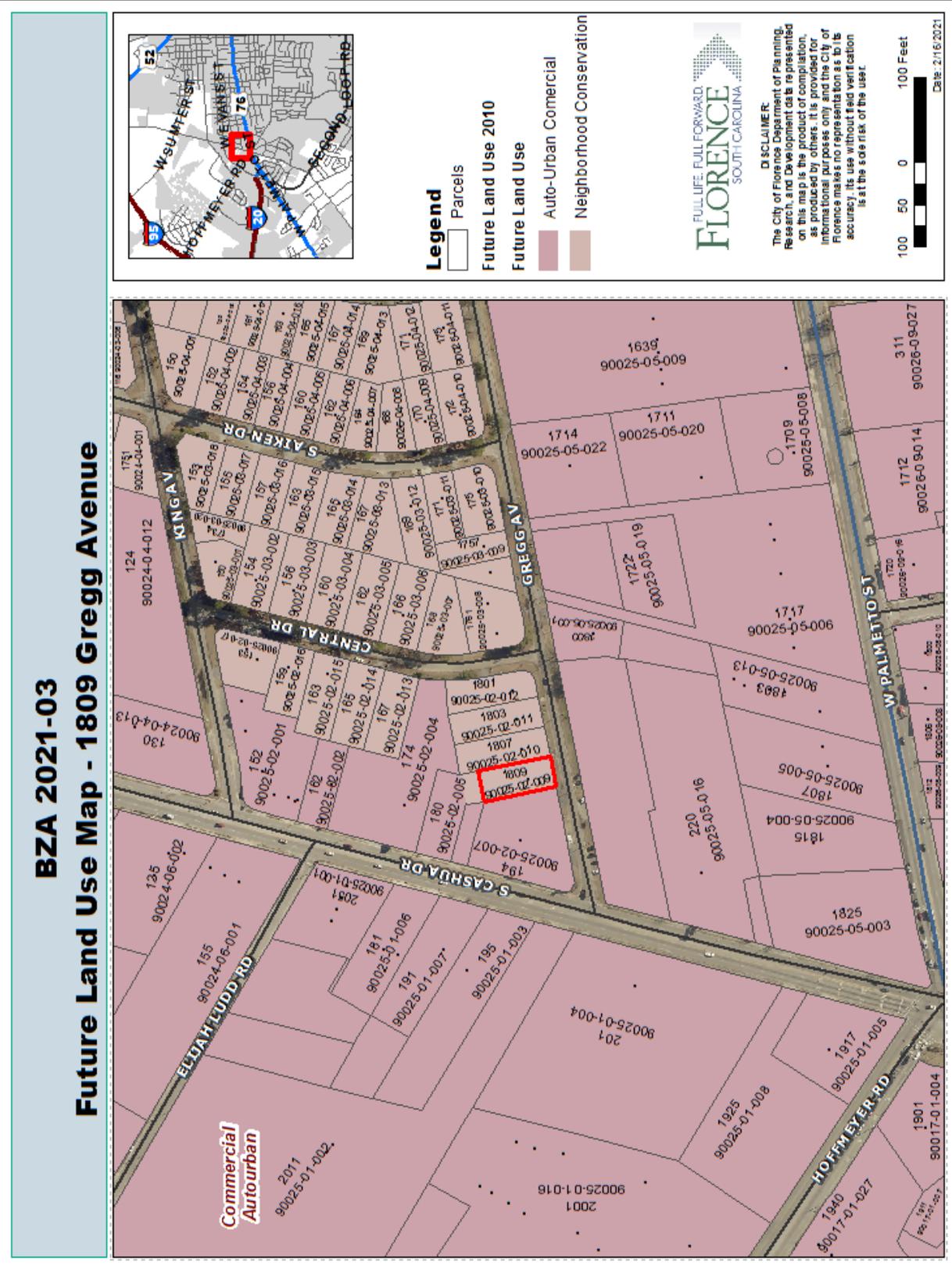
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done: **The construction of a storage building without a principal building is not permitted by the Ordinance. Providing a small office creates a commercial building in strict compliance with the intent of the Ordinance. The purpose of landscaping is to improve the appearance of the site, diminish expanses of urban infrastructure, and mitigate nuisances such as noise and light pollution.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: **The size of the parcel limits its flexibility for commercial uses.**
4. That these conditions do not generally apply to other property in the vicinity: **Lot sizes in the immediate vicinity vary significantly. This particular lot was historically used for a single family residence.**
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: **Requiring adherence to the setbacks for the Commercial General district would limit the owner to 530 square feet in total available building size. Even if required setbacks are lessened, landscape requirements would not restrict the utilization of the property.**
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 of the small size of the existing parcel, reducing setbacks for the building would enable commercial development. Landscaping of the site would protect the public good.**

Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Site Photo
- F. Building Elevation (Typical)
- G. CG vs. B-3 Setback Comparison
- H. Site Plan
- I. *Unified Development Ordinance* Sec. 3-8.2.5 Accessory Buildings and Structures (non-residential or multi-family), Sec. 4-10.2.1 Lot and Building Landscaping, Table 4-9.2.2C Parking for Commercial Uses, Sec. 4-9.3.2 Parking Design for Nonresidential Uses, and Sec. 4-9.3.4 Surfacing and Maintenance of Off-Street Parking Areas







Attachment E: Site Photo



Attachment F: Building Elevation (Typical)



Attachment G: CG vs. B-3 Setback Comparison and Requested Setbacks

	Minimum Lot Width	Front Setback	Side Setbacks	Rear Setback
B-3 (previous Ordinance)	50'	35'	5'	20'
CG (current UDO)	100'	50'	20' / 50' total	40'
Requested Standards	60'	33'	5' left/35' right	15'

Attachment I: *Unified Development Ordinance* sections on Accessory Buildings, Landscaping, and Parking Requirements

Sec. 3-8.2.5 Accessory Buildings and Structures (non-residential or multi-family)

- A. **Timing of Construction.** No accessory building or structure shall be constructed unless the principal building is constructed or under construction simultaneously with the accessory building.
- B. **Attached Accessory Buildings or Structures.** Accessory buildings or structures that are structurally attached to a principal building shall conform to all standards that are applicable to principal buildings.
- C. **Storage Buildings.** Storage buildings are permitted as accessory structures on nonresidential sites if the Director finds that:
 - 1. The cumulative floor area of storage and utility buildings does not exceed 25 percent of the gross floor area of the principal building.
 - 2. They are located behind the principal building(s) and at least 150 feet from street rights-of-way.
 - 3. They are completely screened from view from adjacent properties and public rights of way by buildings, fences, walls, or hedges.
 - 4. They will not include converted semi-trailers, manufactured homes, modular shipping containers, dumpsters, or similar structures or equipment used for storage. These are permitted in the IH district subject to all regulations of this Section.
 - 5. If they are larger than 200 square feet, they are located within the building envelope.
 - 6. If they are 200 square feet or less, they are situated behind the principal building and set back at least 10 feet from all side and rear property lines.

Sec. 4-10.2.1 Lot and Building Landscaping

C. Building Landscaping

- 1. Generally. Multifamily and nonresidential buildings shall be surrounded by planting areas or sidewalks with a minimum width as set out in **Table 4-10.2.1B, Building Landscaping Requirements**. Planting areas count towards the landscape surface ratio set out in Table 2-6.1.1, Nonresidential and Mixed Use Lot and Building Standards.

Table 4-10.2.1B Building Landscaping Requirements			
District	Minimum Radius Around Building		
	Front and Street Side	Side	Rear
CR, CA, CG, AC, DS, IL, IH	6'1	5'	3'
RE, RS, RG, RU, NC	5'	5'	
CBD, AC	3'2	0'	

TABLE NOTES:
 Where planting areas are required, they may be crossed by sidewalks or sidewalks may be placed on either side of the planting area to provide access to the building.
¹ This also applies to public, institutional, and nonresidential buildings in the Residential Districts (RE, RS, RG, RU, and NC).
² In these districts, the required front or street side yard landscaping may be met with tree wells, planters, and landscaped plazas.
 RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC

- 2. Awnings and Roof Overhangs. Awnings and roof overhangs may extend over building landscaping provided

sufficient irrigation is provided to the planting area.

3. Location. The planting areas are not required in areas that are designed for direct vehicular access to the building, such as loading bays, service bays, and drive-through lanes on the side of the building with the service window, but shall be installed adjacent to the building foundation and between parking and vehicular use areas and the building. See **Figure 4-10.2.1, Building Landscape Planting Areas.**
4. Required Planting.
 - a. Front and Street Side. For each 50 linear feet, one (1) understory tree and ten (10) shrubs shall be planted within the front and street side planting areas. Shrubs shall be planted in a continuous row or at intervals of not more than five feet on center (o.c.) or they may be designed in groupings, if equal or greater numbers of plants are used. All plant material shall conform to American Standard for Nursery Stock (ANSI Z60.1-2004). All remaining areas shall be in groundcover, which may include sod, mulch, or perennial or seasonal plantings. Wet ponds with fountains, vegetated rain gardens, naturalized wetlands, and/or xeriscape gardens may be used in lieu of or together with the required shrubbery and groundcover. Sculptures, monuments, and other public art installations are encouraged, subject to a recommendation of the Director and approval of the Planning Commission.
 - b. Side. For each 25 linear feet, one (1) understory tree and four (4) shrubs shall be planted with a minimum spacing of ten feet on center for trees and five feet on center for shrubs, which may be designed in groupings if equal or greater numbers of trees or shrubs are used. All remaining areas shall be in groundcover, which may include sod, mulch, or perennial or seasonal plantings.
 - c. Rear. A rear planting area that is adjacent to a drive-through lane or a parking lot shall meet the requirements of 4.b. above. All other rear planting areas shall be in groundcover, which may include sod, ornamental grasses, mulch, or perennial or seasonal plantings.
5. Substitution. Trees may be substituted for shrubs in areas where there is sufficient room for the healthy growth and stability of the tree. Substitution of trees for shrubs shall be at a rate of one understory or evergreen tree per four shrubs.
6. Alternate Plans. The Planning Director, or its designee, may consider alternate locations for the front, side and rear plantings as required within the above section 4.a., 4.b. and 4.c. at the request of the applicant. Upon approval, the required plantings may be placed within the Parking Lot Landscaping and/or Open Space Landscaping requirements. The Building Landscape planting requirements do not substitute or replace the requirements for the Parking Lot or Open Space planting requirements.

Table 4-9.2.2C Parking for Commercial Uses

General Professional/ Medical Office	
- Financial Institutions	1 space per 250 SF
- Medical	1 space per 200 SF
- Call Center	1 space per 150 SF
- All Other	1 space per 300 SF

Sec. 4-9.3.2 Parking Design for Nonresidential Uses

- A. **Access to Street.** Parking lots shall be designed so that vehicles will exit onto a public street in a forward direction. Parking spaces shall not back directly onto a public street.
- B. **Maneuvering Space.** Parking lots shall be designed so that vehicles may exit a parking space with no more than two maneuvers. A maneuver is defined as each motion in either a forward or backward direction. Unless approved by the Director, no space may be allowed that requires a vehicle to be maneuvered on the public sidewalk in order to exit. All spaces must be designed to be entered in one maneuver.
- D. **Ingress and Egress.** Landscaping, curbing, and other approved barrier shall be provided along the boundaries

of parking lots to manage site ingress and egress. All off-street parking areas shall be designed so that all movement onto a public street is in a forward motion.

I. Dimensions of Standard Parking Spaces. Parking spaces shall have the following dimensions.

1. Standard. Generally: 9' width x 19' depth standard, provided that up to a maximum of 10 percent of the required parking spaces may be reduced to 8.5' x 18'. Any spaced in excess of the required spaces shall be the standard dimensions.
2. 90-degree. 90-degree parking spaces that abut a curb or the edge of pavement (allowing for a minimum two foot overhang): 9' width x 16' depth. (See **Figure 4-9.3.2A**, Parking Space Dimensions.)
3. Parallel. Parallel (0 degree) parking spaces: 9' width x 24' depth

Sec. 4-9.3.4 Surfacing and Maintenance of Off-Street Parking Areas

A. Surfacing. Off-street parking areas shall be surfaced as follows:

1. In general, off-street parking areas that are required to have more than five parking spaces shall be graded and surfaced with a material approved by the City Engineer that will protect against potholes, erosion, and dust.
2. The City Engineer may permit the use of less durable, permeable surfaces (such as grass pavers, pervious asphalt or concrete, paving blocks, crushed stone, gravel, or another approved surface material) for surface areas that serve as storage and display areas, where permitted, as well as approved areas of off-street parking lots that are designed for low-turnover uses or overflow parking, provided that:
 - a. Permeable pavement systems cannot be used on sites where there is or may be a likelihood for high oil and grease concentrations, including but not limited to the following uses: automotive sales, rental and service establishments; automotive repairs, heavy or light; and parking lots with greater than 1,000 average daily trips.
 - b. If the surface is intended to support vehicles, permeable pavement areas must be designed and constructed in accordance with the industry standard of the proposed use.;
 - c. The perimeter of such parking areas is defined by bricks, stones, curbs, or other similar materials;
 - d. Surfaces with loose materials are set back at least 25 feet from a public street; and
 - e. The material does not generate inordinate amounts of dust.

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2021-03 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 *Zoning 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 *Zoning 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 *Zoning 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: