

CITY OF FLORENCE, SOUTH CAROLINA
BOARD OF ZONING APPEALS
JUNE 23, 2022 AGENDA

I. Call to Order

II. Welcome New Board Member

Welcome Miriam James-Singley to the Board.

III. Approval of Minutes

Regular meeting held on April 28, 2022.

IV. Public Hearing and Matter in Position for Action

BZA-2022-07 Request for variances for an accessory building and fence at the house located at 1724 Progress Street, in the NC-15 zoning district; shown as Tax Map Number 90030-03-060.

V. Public Hearing and Matter in Position for Action

BZA-2022-08 Request for a variance from the lot width requirements for residential lots located at 1309 West Dixie Street, in the NC-6.1 zoning district; shown as Tax Map Number 90044-01-005.

VI. Adjournment

Next regularly scheduled meeting is July 28, 2022.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
APRIL 28, 2022**

MEMBERS PRESENT: Larry Chewning, Ruben Chico, Nathaniel Mitchell, Deborah Moses, and Nathaniel Poston

MEMBERS ABSENT: Larry Adams

STAFF PRESENT: Jerry Dudley, Alfred Cassidy, Derek Johnston, Alane Zlotnicki, and Brian Bynum, IT

CALL TO ORDER: Chairman Chewning called the meeting to order at 6:01 p.m.

APPROVAL OF MINUTES:

Chairman Chewning introduced the March 24, 2022 minutes. Mrs. Moses moved that the minutes be approved as submitted; Mr. Poston seconded the motion to approve. Voting in favor of approving the minutes was unanimous (5-0).

PUBLIC HEARINGS AND MATTERS IN POSITION FOR ACTION:

BZA-2022-04 Request for a special exception permit to operate a short term rental at the house located at 1112 Pinckney Avenue, in the NC-10 zoning district; shown as Tax Map Number 90053-09-018.

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

Mr. Poston clarified that staff received no phone calls about this permit. Mrs. Zlotnicki said that the property was posted with a sign, a public notice was published in the newspaper, and letters were sent to all of the adjoining property owners, but not a single person contacted her about this request. She also said that the permit would be non-transferable if the applicant moved.

Being no further questions for staff, Chairman Chewning opened the public hearing

There being no questions from the Board, and no one to speak for or against the request, Chairman Chewning closed the public hearing and asked for a motion, mentioning that this could be a simple up or down vote.

Mr. Mitchell moved that the Board approve the variance as requested based on the following findings of fact and conclusions.

1. The Board concludes that the standards in Section 1-2.8.2 I of the *Unified Development Ordinance* which are applicable to the proposed special exception have been met based on the following findings of fact:
 - a. The STR will be operated by the owner and full-time resident of the property.

- b. The owner will rent out no more than 2 bedrooms as STRs in the primary residence.
 - c. The owner shall maintain a guest registry.
 - d. Parking is to be in the existing driveway.
 - e. No exterior signage is proposed.
 - f. No activities other than lodging shall be allowed as part of an STR.
 - g. The STR will be operated in accordance with all applicable provisions and requirements.
2. The Board concludes that the proposed special exception will not substantially diminish value of adjacent property or property in the district based on the following findings of fact: The STR will be operated according to the conditions of the UDO, which is designed to minimize any effects on neighboring properties.
 3. The Board concludes that the proposed special exception will be compatible with uses in the district based on the following findings of fact: The STR will be operated according to the conditions of the UDO, which is designed to minimize any effects on neighboring properties.

Mrs. Moses seconded the motion. The motion to approve the variance as requested passed unanimously (5-0).

BZA-2022-05 Request for a variance from landscaping requirements for a commercial use to be located at 670 Senior Way, in the CG zoning district; shown as Tax Map Number 00179-01-042.

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

Mr. Poston asked if the applicant got a variance on the setbacks and wants more or less landscaping now? Mr. Johnston clarified that he received a variance on the setbacks in 2020, and started construction in 2021. He is willing to put in the rest of the landscaping but is asking to omit the 3 foot high shrubbery required along the street side of the parking lot. Mr. Chico asked if they would install grass, to which Mr. Johnston said yes. Mr. Dudley said that everything else would be installed, just not the shrubs along the edge of the parking lot. It would be a continuation from the dental office next door on the same parcel.

Being no further questions for staff, Chairman Chewing opened the public hearing and swore in Mr. Brice Elvington, the applicant. He said that they wanted to focus on cleanliness and safety to prevent kids from running into the street from behind the shrubs. He also said that there are safety concerns for the mothers and children who come to the toy store as well as their female employees because there are a lot of people hanging out in the nearby woods. They don't want their parking lot to be the only one that is concealed and since the majority of their customers are moms and children, they don't want to run customers off because they don't feel safe.

Mrs. Moses commented that she frequents the Leatherman Senior Center next door and is glad that they aren't planning to install the shrubs to help with visibility.

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

Mr. Poston moved that the Board approve the variance as 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. Staff Comments: Installing the shrubbery around the parking areas abutting the street will result in the lot having more intense landscaping than properties in the vicinity.
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. Staff Comments: The previous zoning ordinance did not require parking lot screening to the degree that the UDO does. The height requirement of the buffer is three feet.
3. That there are extraordinary and exceptional conditions pertaining to this particular piece of property. Staff Comments: The proposed parking lot is a continuum of the existing dental office parking lot.
4. That these conditions do not generally apply to other property in the vicinity. Staff Comments: There are few commercial developments in the immediate vicinity and nothing currently being developed under the new UDO.
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: These landscape requirements pertain to all commercial parking lots and are not intended to restrict or prohibit the use of 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. Staff Comment: Other properties in the vicinity do not have a parking lot buffer.

Mr. Chico seconded the motion. The motion to approve the variance as requested passed unanimously (5-0).

ADJOURNMENT:

As there was no further business, Chairman Chewing moved to adjourn the meeting. Mr. Mitchell seconded. Voting in favor of the motion was unanimous (5-0). Chairman Chewing adjourned the meeting at 6:21 p.m. The next regular meeting is scheduled for May 26, 2022.

Respectfully submitted,
Alane Zlotnicki, AICP
Senior Planner

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

DATE: June 23, 2022

APPEAL NUMBER: BZA-2022-07

VARIANCE REQUEST: Request for variances for an accessory building and fence at the house located at 1724 Progress Street, in the NC-15 zoning district; shown as Tax Map Number 90030-03-060.

LOCATION: 1724 Progress Street

TAX MAP NUMBER: 90030-03-060

OWNER OF RECORD: Billy & Antoinette Addison

APPLICANT: Antoinette Addison

ZONING DISTRICT: Neighborhood Conservation - 15

Land Use and Zoning

The parcel is located at 1724 Progress Street. It is in the Neighborhood Conservation-15 zoning district, as is everything adjacent to it except for farmland to the southwest zoned Agricultural/Rural (AR). This district permits single family detached houses only. In this district, accessory buildings require a side setback of 10 feet, and a rear setback of 10 feet for buildings taller than 10 feet in height.

According to Section 3-8.1.9 of the *Unified Development Ordinance*, accessory buildings are not to cover an area more than 25% of the principal building or be longer than 25% of the width of the rear property line. Section 3-8.1.9D prohibits accessory buildings from being constructed outside of the parcel's rear yard with the rear yard being defined as the area between the rear property line and the rear plane of the home.

Unified Development Ordinance Section 3-8.1.2 governs residential fencing and Table 3-8.1.2 specifies fences in front yards must be less than 4 feet tall and have 50% transparency.

Site and Building Characteristics

The lot is approximately 39,000 square feet in size, making it a double lot compared to those in the vicinity. It is 255 feet wide and 153 feet deep. There is a house with 1,942 square feet on the eastside of the lot, set back approximately 35 feet from the front property line, 75 feet from the rear property line, and 20 feet from the east property line. There is an existing 384 square foot detached garage that is 25 feet from the rear property line and 15 feet from the side property line.

Variance Request

The applicant is asking for a variance from the requirements of Table 3-8.1.1 & Section 3-8.1.9D of the *Unified Development Ordinance* regarding accessory buildings in residential districts to construct a 640 square foot accessory building in the parcel’s side yard.

The applicant is therefore requesting variances regarding the proposed accessory building for the size, which is 33% of the size of the house rather than 25%, and the location in the side yard instead of the rear yard as required.

The applicant is proposing a wooden privacy fence to be constructed along the entire side property line and a portion of the front property line that is less than 50% transparent and higher than the maximum 4 foot height. The applicant is therefore requesting variances from the opacity and height requirements of *Unified Development Ordinance* Table 3-8.1.2

We have asked the applicant for more specific information regarding this request such as a site plan specifying the location of the accessory building and fence.

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: **No comments submitted.**
2. These conditions do not generally apply to other property in the vicinity as shown by: **No comments submitted.**
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: **No comments submitted.**
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: **No comments submitted.**

Staff Comments

The house is on a double lot. The owner wishes to construct an enclosed building to store his boat and lawn supplies as well as have enough room for a workshop. He wants to shift the large building to the rear corner of the yard.

Issues to be Considered

Applications for a variance shall be evaluated by the Board of Zoning Appeals based on 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: **The property is a double lot with the house placed near the eastern edge affording considerable side yard space for construction not available near the house and existing detached garage, but the characteristics of the proposed accessory building and fencing are directly counter to the Ordinance.**
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial

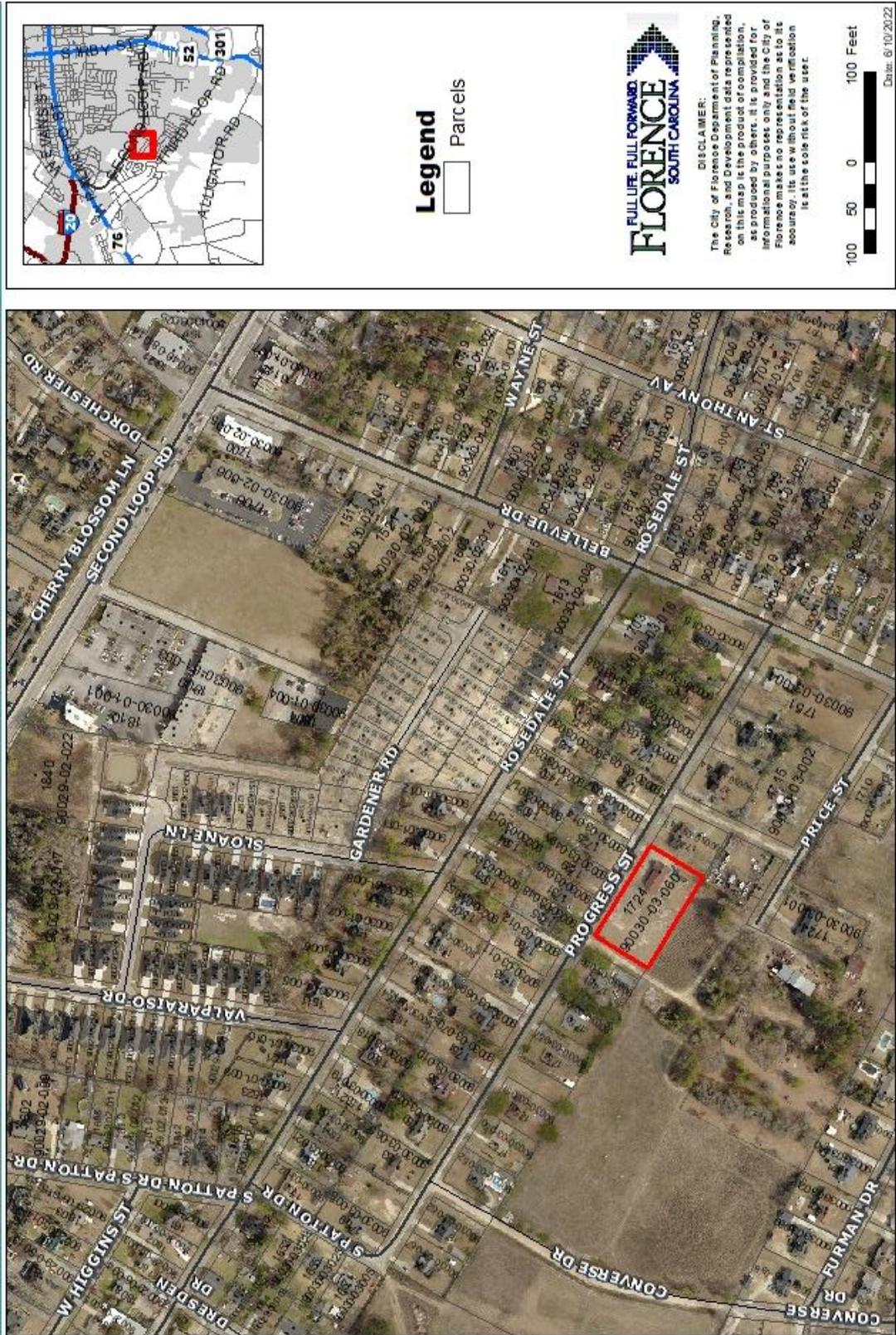
justice done: **The intent of the Ordinance is to limit the scale of accessory buildings compared to the principal building and to limit the height of fences and opacity in the front yard of residentially zoned properties.**

3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: **This is a double lot, and it is therefore currently developed with half the density of the two adjacent lots.**
4. That these conditions do not generally apply to other property in the vicinity: **This is a double lot compared to those around it, and it is therefore currently developed with half the density of adjacent lots.**
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 specifics of the Ordinance regarding accessory building size and placement, and fence height and opacity would not prevent the use of the home as a single-family residence; however, the owner would like additional storage space in this location kept private by the proposed fence details.**
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: **Without additional details regarding the exact location of the proposed structures and/or proposed materials, it is difficult to determine the full effect on the character of the neighborhood.**

Attachments

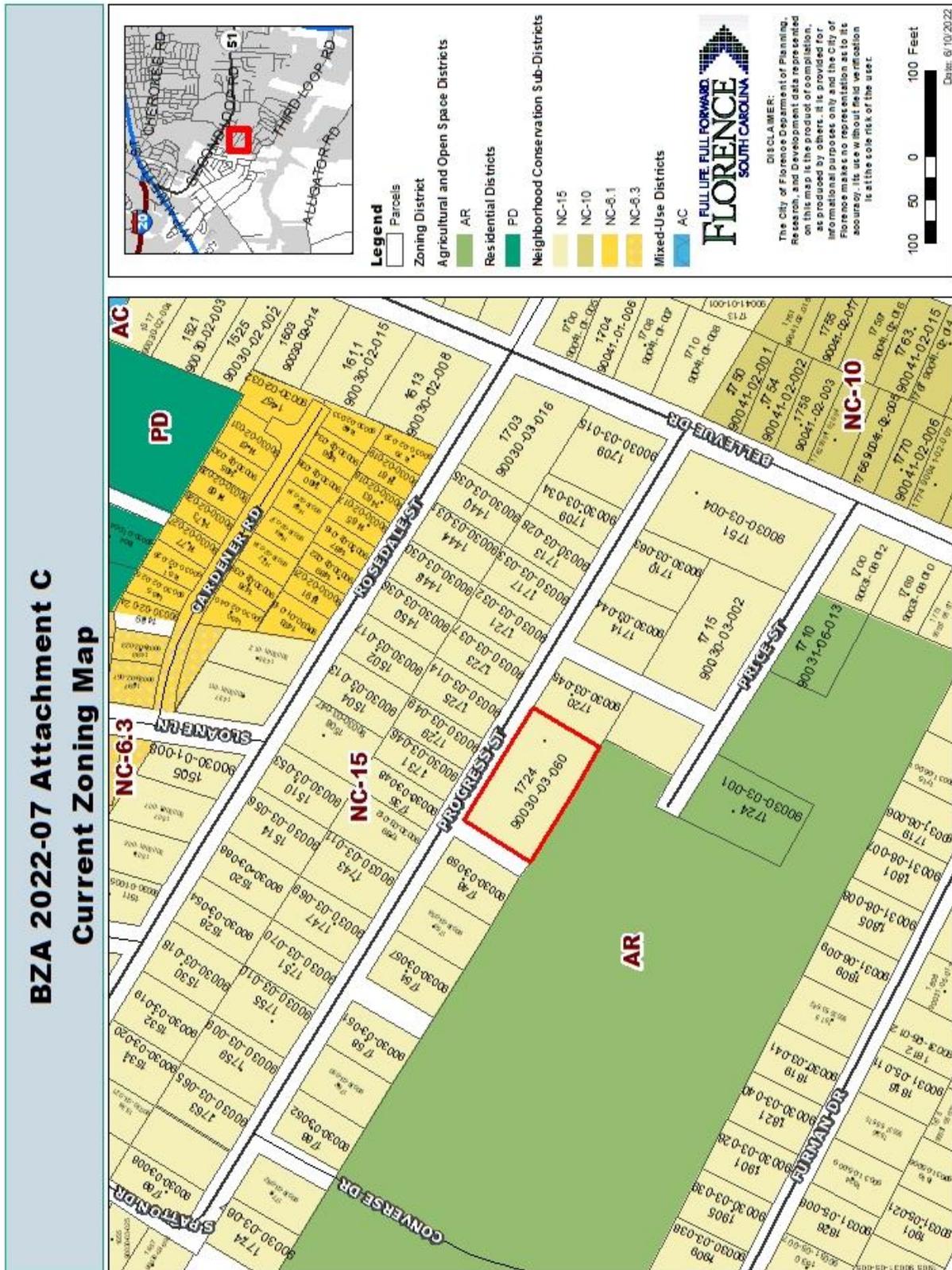
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Section 3-8.1.9D & I Accessory Buildings and Structures
- E. Table 3-8.1.2 from the Unified Development Ordinance
- F. Site Photos

BZA 2022-07 Attachment A
Vicinity Map 1724 Progress Street



Attachment B: Location Map





Attachment D: Section 3-8.1.9D & I Accessory Buildings and Structures from the *Unified Development Ordinance*

D. Location.

- a. No accessory building or structure of any type shall be located in a front yard, side yard (extended to the rear plane of the principal building), or street side yard (extended to the rear plane of the principal building), except as may be specifically allowed by this Division.
- b. Accessory buildings shall not be located in a required bufferyard area.
- c. Accessory buildings must be located on the same lot as the principal building or use to which they relate.

I. Other Detached Accessory Buildings (Excluding Accessory Dwelling Units).

- 1. *Maximum Size.* Detached accessory buildings shall not cover an area that is larger than 25 percent of the gross floor area of the principal building, or 1,500 square feet, whichever is smaller, nor shall a detached accessory building’s length (measured as the total building length along the side closest in parallel to the rear property line) be in excess of 25 percent of the width of the rear property line, except that:
 - a. In the OSR or AR districts, accessory buildings and structures are permitted as needed to support recreational or agricultural uses;
 - b. Buildings that are accessory to individual townhome, duplex, and multiplex units (except garages) are limited to 120 square feet per unit.
 - c. Accessory buildings in the RE (Residential Estate) and the NC-15 subdistrict shall not cover an area that is more than 15 percent of the lot area.
- 2. *Height.* Detached accessory buildings shall not exceed the height of the primary structure or 20’ in height, whichever is less.

Attachment E: Table 3-8.1.2 from the *Unified Development Ordinance*

Table 3-8.1.2 Heights and Setbacks for Fences, Walls, and Hedges				
Standard	Front Yard	Side	Street Side Yard	Rear Yard ¹
Maximum Height ³	Up to 4', subject to this Section.	6'	6'	6' ^{1,2}
Minimum Setback	N/A; 0', subject to this Section.	0'	0', but at least 1' from sidewalk and/or 5' from street	0' ¹
Transparency	50%	0%	50%	0%

TABLE NOTES:

¹ A lower fence height, increased setback, or minimum transparency may be required to assure safe alley passage.

² Fences or walls in rear yards abutting CG, CBD, AC, DS, IL, or IH districts may be a maximum of 8' in height

³ Fences or walls in excess of maximum allowed height shall require a variance from the Board of Zoning Appeals.

Attachment F: Site Photos



Front of house at 1724 Progress Street; View of driveway on east side of property (existing detached garage in background)



View westward along Progress Street; location of proposed building and fencing



Vacant west side of property (red brick home in background); vacant west side of property line showing access road between neighbor at 1746 Progress Street

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2022-07 Nature of Request: Accessory Building & Fence Variances

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:

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

DATE: June 23, 2022

APPEAL NUMBER: BZA-2022-08

VARIANCE REQUEST: Request for a variance from the lot width requirements for residential lots in Table 1-2.2.1B

LOCATION: 1309 West Dixie Street

TAX MAP NUMBER: 90044-01-005

OWNER OF RECORD: Richard Mark Bonnoitt Jr.

APPLICANT: Richard Mark Bonnoitt Jr.

ZONING DISTRICT: Neighborhood Conservation 6.1 (NC-6.1)

Land Use and Zoning

The double lot is zoned NC-6.1. It is vacant and the owner wishes to subdivide it into two separate lots in order to build two single family houses upon them. The average lot width in the block is 50 feet, and land use consists of a mixture of duplexes and single-family houses.

Unified Development Ordinance Requirements

According to Table 1-2.2.1B of the *Unified Development Ordinance*, “Neighborhood Conservation Subdistricts”, the minimum lot width requirement for new lots in the NC-6.1 zoning district is 60 feet, and the minimum lot size is 6,000 square feet.

Variance Request

The existing lot is about 112 feet wide at the street and 123 feet wide at the rear. Dividing it evenly results in two lots that are 56 feet wide at the street, which is 4 feet short of the required 60 feet, for a 6% reduction. The lot is currently 17,942 square feet in size; halving it results in two lots of 8,971 square feet, which is well above the minimum lot area requirement.

The following information was submitted by the applicant:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: this is a double lot compared to the other lots in the vicinity.
2. These conditions do not generally apply to other property in the vicinity as shown by: most lots are only 50 feet wide.
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: denying the

variance would prohibit me from subdividing this double lot into two single lots and would result in my being able to only construct one house instead of the two that I want to build.

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 majority of lots in this neighborhood are only 50 feet wide, with duplexes or single-family houses on them. The double width lot is not in character with the rest of the lots in the area.

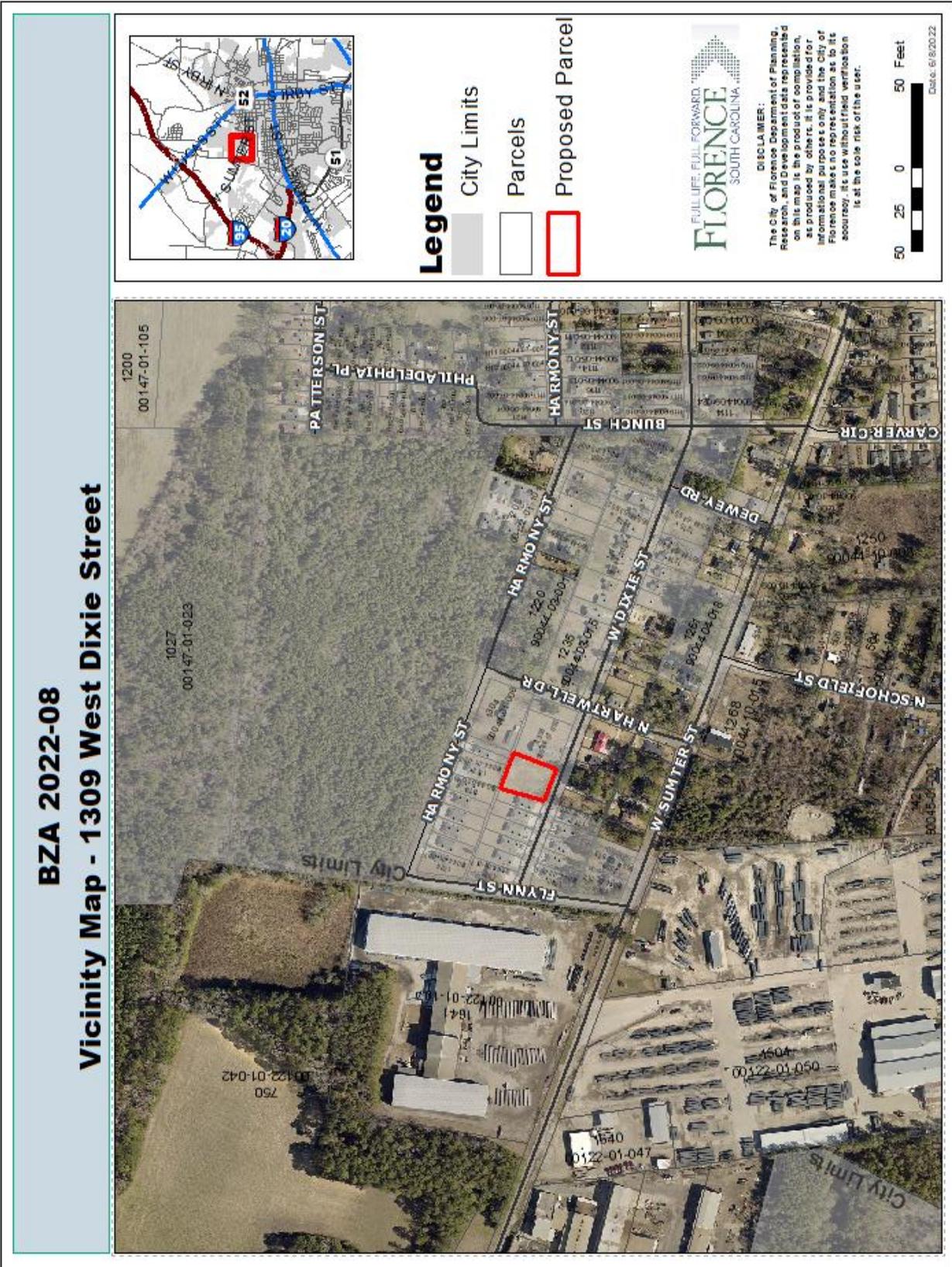
Issues to be Considered:

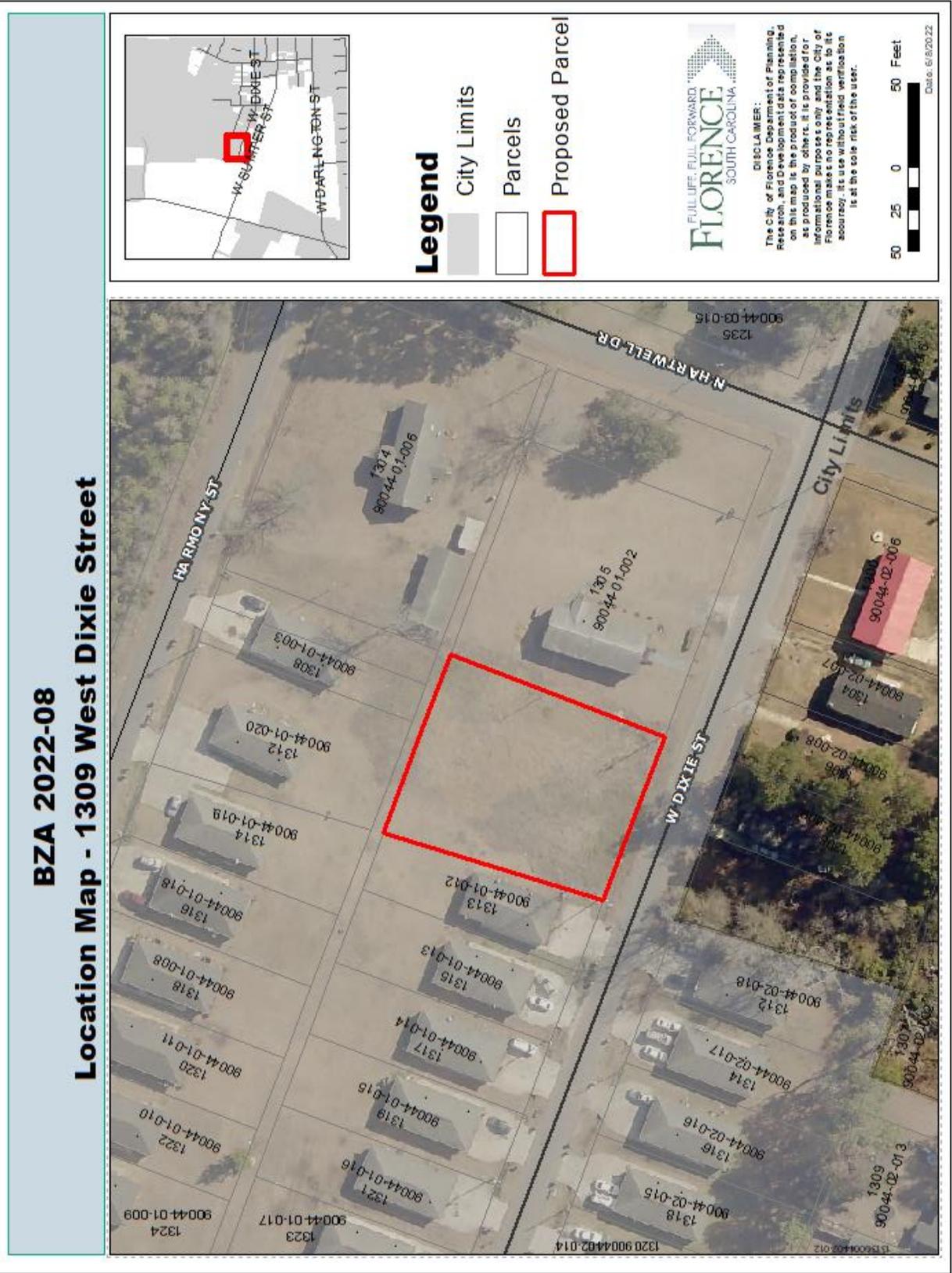
Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

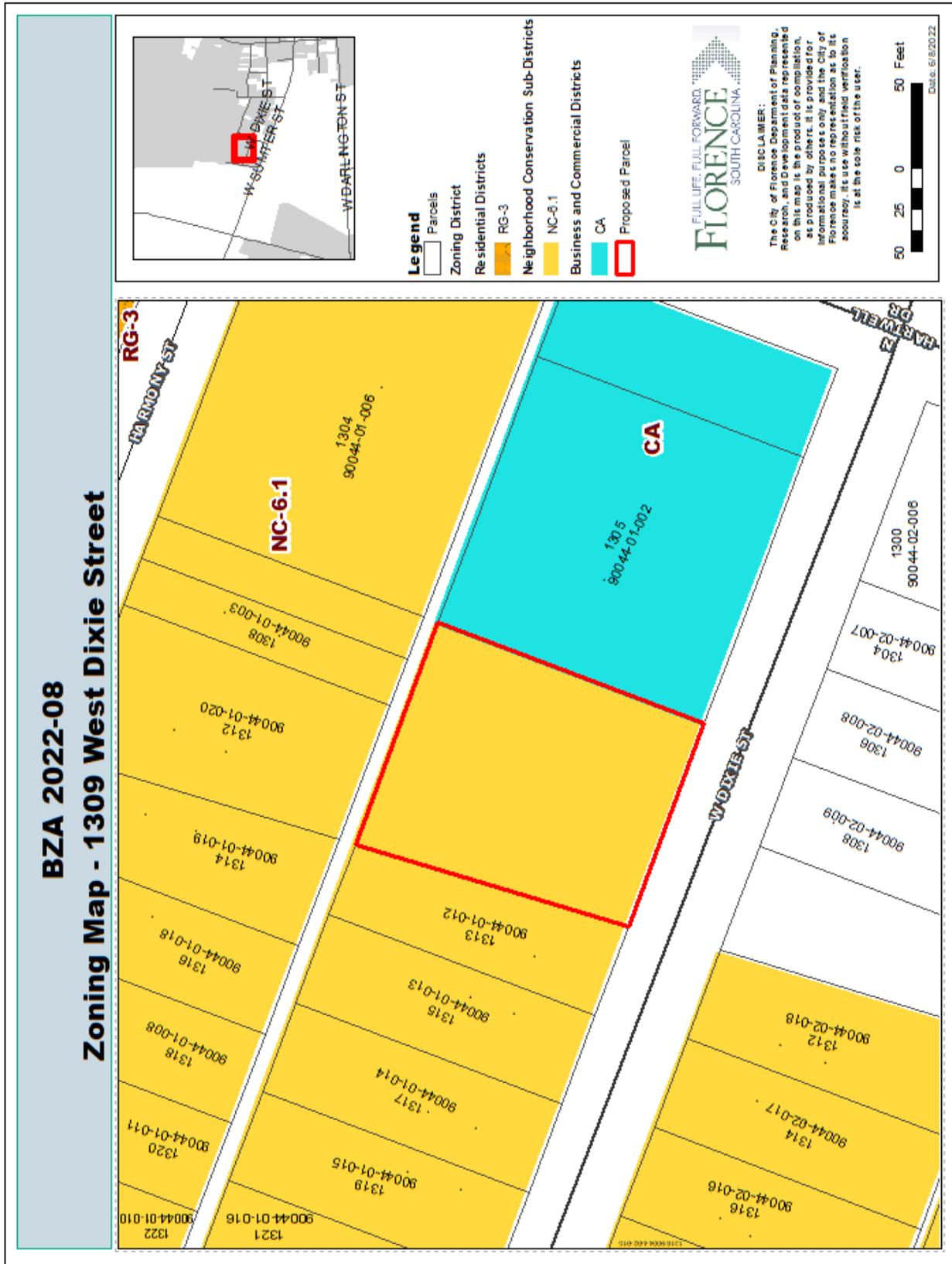
1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship. Staff Comments: **This request concerns a double lot which is more than twice the width of the majority of established lots in the neighborhood. Requiring the owner to adhere to the 60 foot minimum width requirement would prevent him from being able to build two single-family houses.**
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. Staff Comments: **The neighborhood is characterized by small residential lots with an average lot width of 50 feet. Granting the variance results in two lots which match the existing character for lots, regarding both width and area.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. Staff Comments: **This is a double lot in a neighborhood of small lots.**
4. That these conditions do not generally apply to other property in the vicinity. Staff Comments: **The vast majority of lots in the area are 50 feet wide.**
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: **The owner wants to build two single-family houses on this parcel; if the variance is not granted, he would only be able to build one single-family detached home or one duplex.**
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 smaller lots are in keeping with the character of the neighborhood. Additionally, housing is needed and by granting the variance, an additional single-family detached house can be built.**

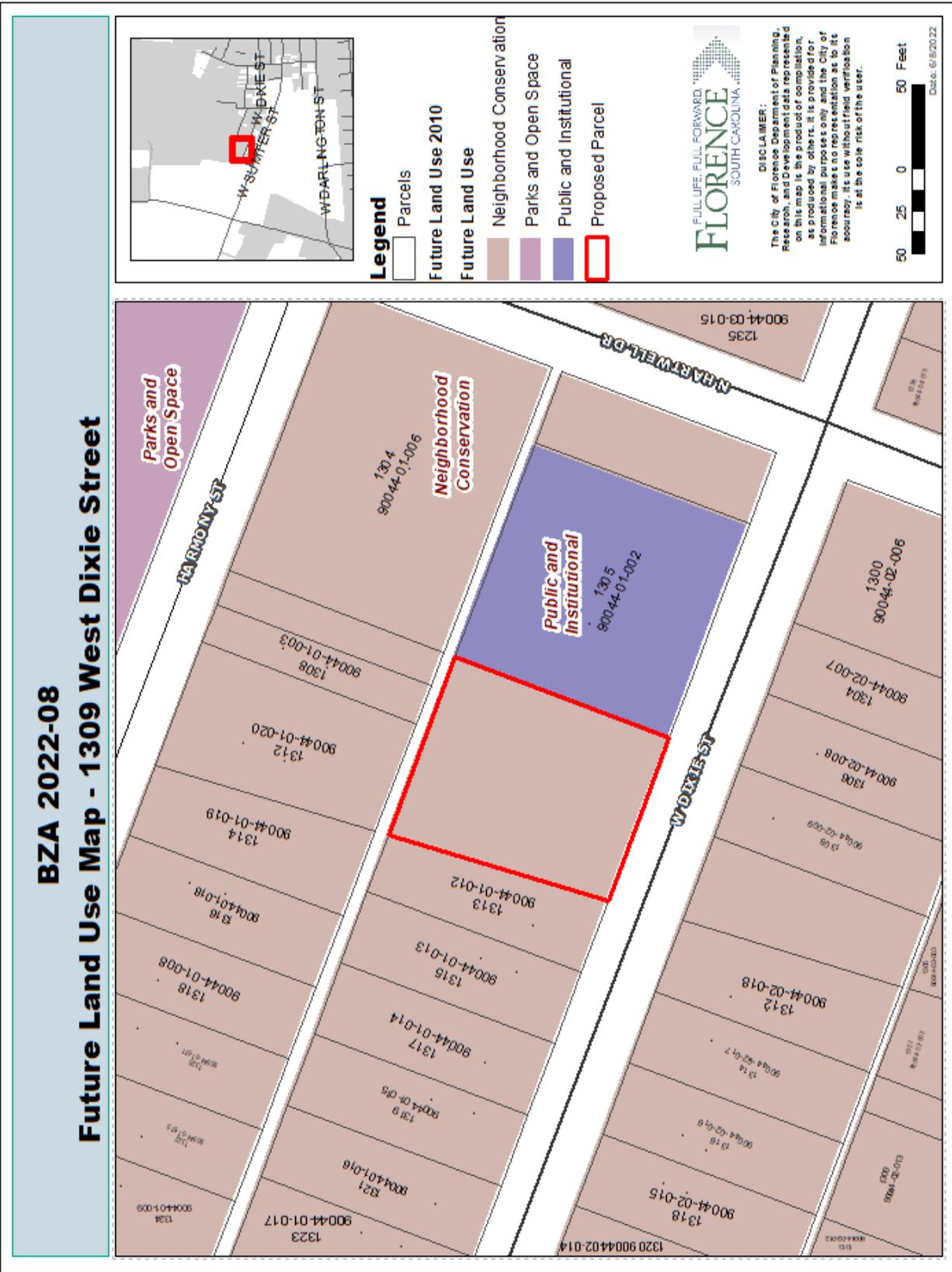
Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Table 1-2.2.1B
- F. Site Photo









Attachment E: Table 1-2.2.1B Neighborhood Conservation Subdistricts

Table 1-2.2.1B Neighborhood Conservation Subdistricts				
Subdistrict	Character Type	Predominant Building Type	Minimum Lot Area (for New Lots)	Minimum Lot Width (for New Lots)
NC-15	Suburban	Single-Family Detached	15,000 sf.	100 ft.
NC-10			10,000 sf.	80 ft.
NC-6.1	Auto-Urban		6,000 sf.	60 ft.
NC-6.2		Single-Family Detached and Two-Family Attached	6,000 sf.	60 ft.
NC-6.3		Mixed Detached and Attached	6,000 sf.	50 ft.
NC-4			4,400 sf.	40'

Attachment F: Site Photo



Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2022-08 Nature of Request: Lot Width 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: