

CITY OF FLORENCE, SOUTH CAROLINA
BOARD OF ZONING APPEALS
AUGUST 25, 2022 AGENDA

I. Call to Order

II. Approval of Minutes

Regular meeting held on July 28, 2022.

III. Public Hearing and Matter in Position for Action

BZA-2022-10 Request for a special exception permit to allow a short term rental to be located at 311 South Franklin Drive, in the NC-10 zoning district; shown as Tax Map Number 90047-04-002.

IV. Public Hearing and Matter in Position for Action

BZA-2022-11 Request for a variance from the maximum height requirement for a house to be located at 1375 Lazar Place, in the NC-15 zoning district; shown as Tax Map Number 90172-01-027.

V. Adjournment

Next regularly scheduled meeting is September 22, 2022.

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

MEMBERS PRESENT: Larry Chewning, Ruben Chico, Nathaniel Mitchell, Deborah Moses, Nathaniel Poston, and Miriam James-Singley

MEMBERS ABSENT: Larry Adams

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

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

APPROVAL OF MINUTES: Chairman Chewning introduced the June 23, 2022 minutes. Mr. Poston moved that the minutes be approved as submitted; Mr. Mitchell seconded the motion to approve. Voting in favor of approving the minutes was unanimous (6-0).

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.

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 asked if there were any calls from neighbors. Mrs. Zlotnicki said that staff hadn't heard from anyone.

There being no further questions for staff, Chairman Chewning opened the public hearing. The applicant, Richard Bonnoitt, spoke in favor of the request. He said that after the Planning Commission turned down his son's rezoning request, based on the neighbors' request, he decided to pursue building the two single family houses. Ms. Moses asked if there would be enough room for parking. Mrs. Zlotnicki said that the lots were the right size for the district. Mr. Bonnoitt said that they would probably be at least 2 bedroom houses.

There being no further questions 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.

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. *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. *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. *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. *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. *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. *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.*

Mr. Mitchell seconded the motion. The motion to approve the variance as requested passed unanimously (6-0).

BZA-2022-09 Request for a variance from the size and location requirements for an accessory building to be located at 1001 King Avenue, in the NC-6.1 zoning district; shown as Tax Map Number 90061-16-005.

Chairman Chewning introduced the variance and asked staff for their report. Mr. Johnston gave the staff report as submitted to the Board of Zoning Appeals. Chairman Chewning asked if there were any questions of staff. Mr. Poston asked if the building met the setback distances; Mr. Johnston said that it does meet them. Mr. Mitchell asked if there had been any calls from neighbors. Mr. Johnston said that staff hadn't received any calls about this request and that signs were placed onsite. Ms. Moses asked if it was to be a garage or a storage building; Mr. Johnston said he thought it was to be a detached garage, though not for vehicular parking.

There being no further questions for staff, Chairman Chewning opened the public hearing. The applicant, John Jebaily, spoke in favor of the request. He said that he owns a lot of apartments and needs a place to store appliances and other things when people move in and out of his units. Ms. Moses clarified that it's for him, not for the tenants' use. Mr. Jebaily said also the roll up door will face Alexander Street and be the only opening on the storage building. Ms. Moses asked if the tenants had said anything about it; Mr. Jebaily said that since he helps his tenants, they won't complain. Mr. Johnston reiterated that the property was posted and staff hadn't received any calls from the tenants or neighbors.

There being no further questions 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.

Ms. James-Singley 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. *The apartment building is constructed close to the east, west, and south property lines affording a large open space for placement of a detached garage that exceeds the maximum allowed.*
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. *Placement of the building parallel to King Avenue rather than perpendicular reduces the building's visibility when viewed from South Alexander Street. The detached garage will be buffered from King Avenue by the existing apartment building.*
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. *The orientation of the eastern wing of the apartment building occupies a large percentage of the overall parcel depth, making placement of the detached garage, parallel to the rear property line, a better use of space and more aesthetically pleasing when viewed from Alexander Street.*
4. That these conditions do not generally apply to other property in the vicinity. *Other properties in the vicinity have accessory buildings exceeding the permitted square footage and also the length which was recently added to the Unified Development Ordinance. The parcels in the area tend to be narrow in comparison to their depth making compliance with the requirement difficult.*
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 length in relation to the rear property line would not prevent the use of the apartment building as a multifamily residence.*
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. *The Unified Development Ordinance restriction on accessory building length's greater than 25% of the rear property line is a recent addition to the code. There are accessory buildings in the area that do exceed this limit because they were constructed before the requirement was in effect. The placement of the building will have less visual impact placed parallel to the rear property line than it would be perpendicular to it.*

Mr. Poston seconded the motion. The motion to approve the variance as requested passed unanimously (6-0).

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 (6-0) and the meeting was adjourned at 6:26 p.m. The next regular meeting is scheduled for August 25, 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: August 25, 2022

APPEAL NUMBER: BZA-2022-10

REQUEST: Special Exception Permit to operate a Short-Term Rental as required by Table 1-2.7.2-b in the *Unified Development Ordinance* for a residence.

LOCATION: 311 South Franklin Drive

TAX MAP NUMBER: 90047-04-002

OWNER OF RECORD: Suzanne M. LaRochelle

APPLICANT: Suzanne M. LaRochelle

ZONING DISTRICT: NC-10 Neighborhood Conservation-10

Land Use and Zoning

The single-family detached home is located on South Franklin Drive. It is zoned Neighborhood Conservation-10 (NC-10). The City's Future Land Use Plan designates this area as Neighborhood Conservation, which is a residential use.

Special Exception Request

The applicant is asking for a Permitted Special Exception use as a requirement of Table 1-2.7.2-b of the Unified Development Ordinance, which requires a Short-Term Rental operation to obtain approval from the Board of Zoning Appeals. The property owner wishes to utilize up to two bedrooms as a short term rental and advertise through rental sites such as Air BnB.

The allowance of Short-Term Rentals in the City's *Unified Development Ordinance* was implemented to allow homeowners the option to benefit financially from hosting guests in their home while also protecting their neighbors from the potential negative effects.

Permitting this special exception could be a catalyst for other homeowners in the area to operate their own homes as Short-Term Rentals. The effect of many Short-Term Rentals in any one neighborhood may not be entirely mitigated by the requirements stated in the *Unified Development Ordinance*. However, this is the first application for a Short-Term Rental within the neighborhood and in-and-of-itself would not create an overuse. Each subsequent applicant would be required to go through the same approval process.

Additionally, the Special Exception Permit would apply only to Susanne M. LaRochelle and is not transferable to a subsequent owner.

Points to Consider

- 1) The applicant is seeking permission to operate a Short-Term Rental (STR) in her residence at 311 South Franklin Drive in the City limits of Florence.
- 2) The *Unified Development Ordinance* lists Short-Term Rentals as a Permitted Special Exception use in Tables 1-2.7.2-a and 1-2.7.2-b. Conditional standards for STRs are listed in Section 1-2.8.2, and they are defined in Division 7-25.2.
- 3) The *Unified Development Ordinance*'s definition of Short-Term Rental "means a furnished residential unit that is rented out by the property owner for financial gain for a period of no more than 29 consecutive days and not to exceed 72 days in the aggregate during any calendar year."
- 4) Permitted Special Exception uses may be approved following a public hearing by the Board of Zoning Appeals subject to the standards as set forth in Section 1-2.8.2.
- 5) The applicant must meet all standards for Short Term Rentals as outlined in Section 1-2.8.2 of the Unified Development Ordinance.
- 6) Section 6-21.7.11 Permitted Special Exception Use Approval of the *Unified Development Ordinance* outlines the criteria to be met for Special Exception approval by the Board of Zoning Appeals including Subsection E that suggests additional conditions that can be imposed to ensure compliance and/or impacts caused by the use are mitigated (Attachment E).
- 7) Section 6-23.1.8 Special Provisions for Permitted Special Exception Uses of the *Unified Development Ordinance* provides for inspections to determine that compliance with the requirements of a Special Exception Permit are being met and outlines steps for permit revocation if necessary (Attachment F).
- 8) By signing the Board of Zoning Appeals Application, the applicant agrees that all prerequisites are met for Short Term Rental use presently and will be observed in the future as prescribed in the *Unified Development Ordinance*.

Standards for Short Term Rentals

Sec. 1-2.8.2 Residential and Commercial Use of the Home Standards

The standards of this Section apply to residential and commercial uses of the home that are specified in Table [1-2.7.2](#), Residential and Commercial Uses of the Home as conditional (C) or permitted special exception (SE).

I. Short Term Rentals are permitted if it is demonstrated that:

In zoning districts: RE, RS, RG, RU, NC:

- a. The short-term rental shall be operated by the owner and full-time resident of the property. For the purposes of this ordinance, the "owner and full-time resident" shall mean the record owner of the property who physically resides at the subject property, has designated the subject property as his/her legal voting address and the address of his/her driver's license, and the subject property must be assessed at the four percent homeowner's assessment rate according to the records of the

Florence County Assessor's Office. The owner or his/her designee is not required to be present during the entire lease period; however, the owner or his/her designee must be present at check-in to ensure the accuracy of the guest registry.

- b. The owner may rent out no more than two (2) bedrooms as short-term rentals in the primary residence. Rental bedrooms may not contain a separate kitchen or cooking area from the primary residence.
- c. The owner shall maintain a guest registry which includes at minimum the guest's name, address, and contact phone number; the number of people in each guest's party; the make, model, and license plate number of any guest's vehicle parked on the property; as well as the guest's date and time of arrival and scheduled departure date. The guest registry shall be maintained such that the owner, upon request, can supply information regarding the number of rooms rented, the number of individuals occupying the home, and the dates of guest's date and time of arrival and departure.
- d. A motor vehicle may not park in the front yard or side yard of a residential property, except in a driveway or on an improved surface such as concrete, asphalt, pavers, brick, or other material as approved by the Planning Director. The total area designated for parking shall not exceed 25% of the front and/or side yard area. There shall be no parking of motor vehicles on grass or the street.
- e. No exterior signage is permitted.
- f. No activities other than lodging shall be allowed as part of a short-term rental (e.g. weddings, parties, conferences).
- g. The Short-Term Rental will be operated in accordance with all other applicable provisions of this Unified Development Ordinance, the City's Code of Ordinances, as well as applicable Federal and State requirements.

Options

The Board of Zoning Appeals may:

- (1) Recommend approval of the request as presented based on the information submitted.
- (2) Defer the request should additional information be needed.
- (3) Suggest other alternatives.
- (4) Recommend denial of the request based on information submitted.

Attachments

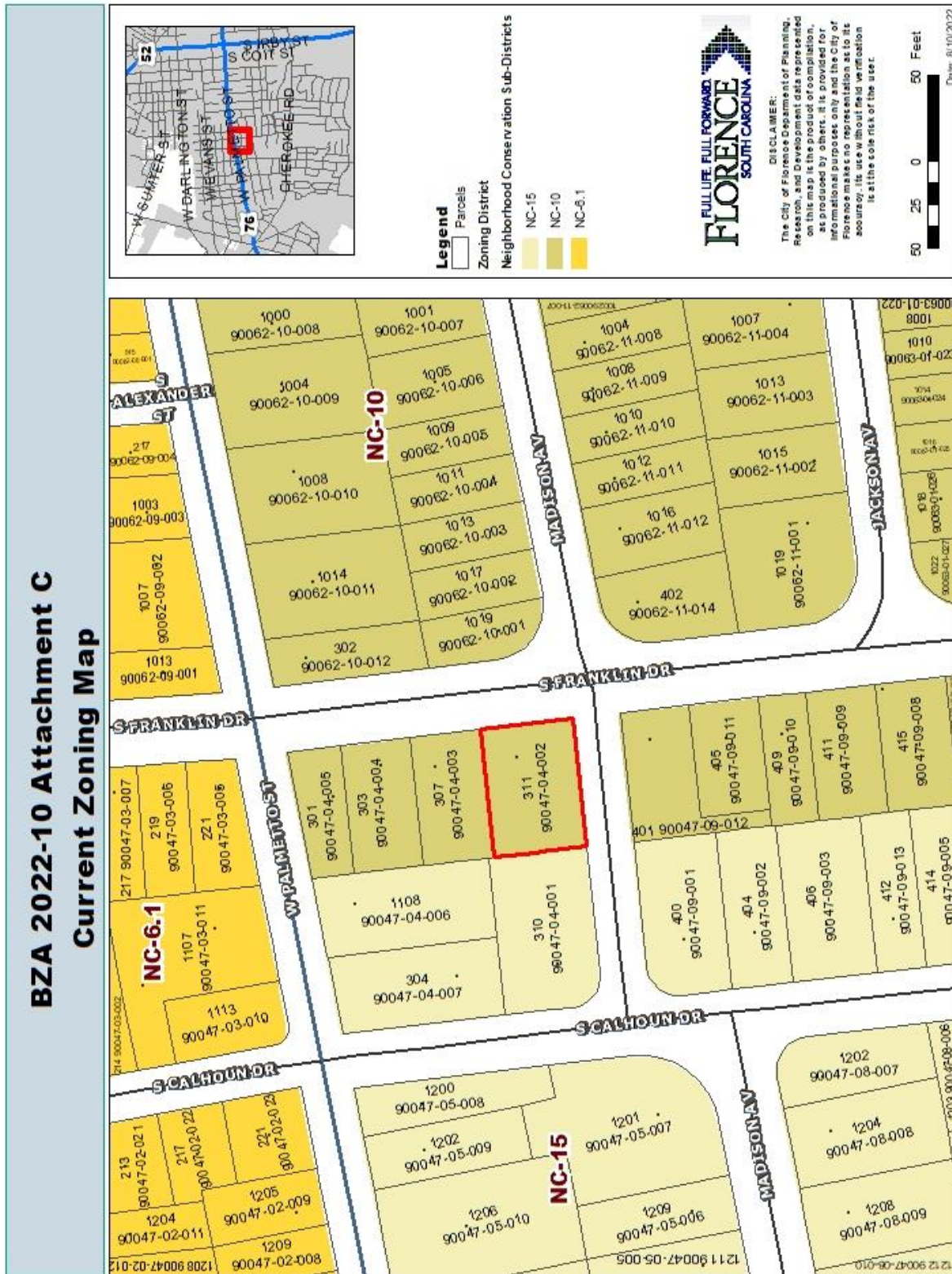
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Sec. 6-21.7.11 Permitted Special Exception Use Approval
- F. Sec. 6-23.1.8 Special Provisions for Permitted Special Exception Uses
- G. Site Photos
- H. Motion Worksheet

Attachment A: Vicinity Map

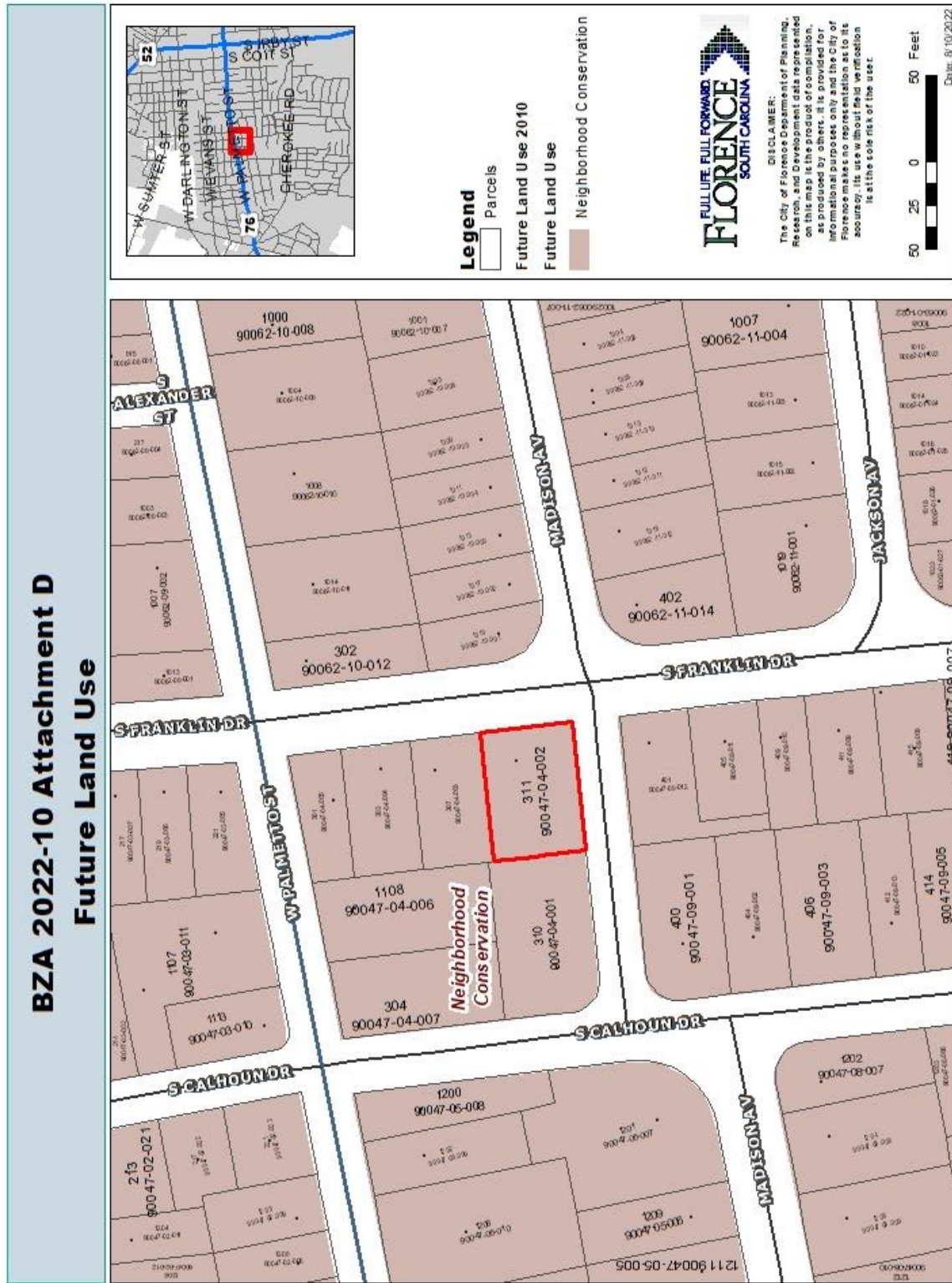


Attachment B: Location Map





Attachment D: Future Land Use Map



Attachment E: Sec. 6-21.7.11 Permitted Special Exception Use Approval

- A. Generally. A permitted special exception use is a use that is allowed within a zoning district, but which is subject to specific standards and a public hearing process in order to reduce the potential for incompatibility with other uses within the district. These uses commonly have the potential for various adverse impacts such as traffic congestion, noise, visual and aesthetic impacts, which if unmitigated, could undermine the integrity of the zoning district. The designation of a use as a permitted special exception use means that it is only allowed in a proposed location if all of the conditions applicable to the use, set out in [Division 1-2.8](#), Conditional and Permitted Special Exception Use Standards, the general standards of Subsection C., below, and all of the other applicable requirements of this Unified Development Ordinance, are met.
- E. Decision; Conditions of Approval. The Director may recommend, and the Board of Zoning Appeals may attach, conditions of approval to the permitted special exception use in order to mitigate its impacts (or reasonably foreseeable impacts) such that it complies with the criteria of Subsection C., above, and/or to assure and monitor continued compliance with this Unified Development Ordinance. Conditions shall be roughly proportional to the impacts to which they are addressed, taking into account the mitigating effects of applicable requirements set out in [Division 1-2.8](#), Conditional and Permitted Special Exception Use Standards. The subject matter of conditions, by way of illustration and not limitation, may include:
1. Additional landscaping or buffering, or landscaping improvements;
 2. Building or façade improvements;
 3. Specification of hours of operation;
 4. Limitations on the use or related activities;
 5. Noise abatement measures;
 6. Limitations on lighting, such as lighting curfews or restrictions on levels of illumination;
 7. Measures to control, mitigate, or direct traffic;
 8. Parking, loading, and site circulation adjustments;
 9. Restrictions on outdoor displays, sales, or storage;
 10. Standards and assurances regarding the maintenance of property;
 11. Restrictions on signage that relate only to the sign structure, materials, lighting, placement, size, or type, but not to the content of messages displayed (unless such messages are not protected speech); and
 12. An expiration date for the permit, before which the permit must be renewed in order for the permitted special exception use to continue to operate.

Attachment F: Sec. 6-23.1.8 Special Provisions for Permitted Special Exception Uses

- A. Generally. The provisions of this Section may be applied to enforce a Permitted Special Exception Use Permit.
- B. Inspection. The City may:

1. Make inspections to determine compliance with the provisions of this Unified Development Ordinance and the permitted special exception use permit, and initiate appropriate action as necessary; and/or
 2. Keep a record of complaints, indicating any action taken. These records shall be made available at the time of renewal of the permitted special exception use permit if there has been a time period placed on the permitted special exception use, or where the Board of Zoning Appeals has been requested to review the permitted special exception use for compliance.
- C. Permitted Special Exception Use Permit Revocation. Upon determination of noncompliance with the provisions of the Permitted Special Exception Use Permit, the City will take actions as necessary to assure compliance. Such actions may include non-renewal or revocation of the permit as follows:
1. The Director shall provide a notice of violation to the record owner of the property upon which a permitted special exception use is located, advising the owner that the use must be brought into compliance with specified Unified Development Ordinance Sections within 14 days from the date of the notice.
 2. If total compliance has not occurred or a plan for compliance has not been submitted to the Director within 14 days from the date of notice, then the Director shall issue a cease-and-desist order and notify the record owner of a hearing date by the Board of Zoning Appeals to consider revocation of the Permitted Special Exception Use Permit.
 3. The Board of Zoning Appeals shall revoke the Permitted Special Exception Use Permit if the use and/or property is/are not in total compliance. The Board of Zoning Appeals may grant up to a 14-day period for compliance. The Permitted Special Exception Use Permit shall remain in suspension and the cease-and-desist order shall remain in effect until total compliance is obtained.
 4. At the end of a compliance period the Board of Zoning Appeals shall revoke the Permitted Special Exception Use Permit if total compliance has not been obtained.
 5. If the use and property are brought into compliance, any further violation of terms of the Permitted Special Exception Use Permit within 90 days from the initial notice of violation are grounds for immediate revocation of the Permitted Special Exception Use Permit.
 6. Revoked Permitted Special Exception Use Permits may only be reinstated by the City Council, which may impose conditions to ensure compliance.

Attachment G: Site Photos



Front of 311 South Franklin Drive



311 South Franklin Drive



Corner of Madison Avenue & South Franklin Drive

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2022-10 Nature of Request: Special Exception Use Permit for Short Term Rental

The Board of Zoning Appeals held a public hearing on August 25, 2022 to consider the appeal of Suzanne M. LaRoche for a special exception permit which may be granted by the Board pursuant to Section 6-21.7.11 of the *Unified Development Ordinance* for the property described above to be used for a short term rental.

1. The Board concludes that the standards in Section 1-2.8.2 of the *Unified Development Ordinance* which are applicable to the proposed special exception use **have / have not** been met based on the following findings of fact:

2. The Board concludes that the proposed special exception use **will not / will** substantially diminish the value of adjacent property or property in the district based on the following findings of fact:

3. The Board concludes that the proposed special exception use **will / will not** be compatible with uses in the district based on the following findings of fact:

The Board, therefore, orders that the special exception permit be **denied / granted**, subject to the following conditions:

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

DATE: August 25, 2022

APPEAL NUMBER: BZA-2022-11

REQUEST: Variance from the maximum height requirement for a house as required by Table 1-2.7.2-b in the *Unified Development Ordinance* for a residence.

LOCATION: 1375 Lazar Place

TAX MAP NUMBER: 90172-01-027

OWNER OF RECORD: Dr. John A. Keith, III

APPLICANT: Dr. John A. Keith, III

ZONING DISTRICT: NC-15 Neighborhood Conservation-15

Land Use and Zoning

The vacant parcel is located at 1375 Lazar Place. It is in the Neighborhood Conservation-15 (NC-15) zoning district and is adjacent to Commercial Reuse (CR) to the south and Open Space/Recreation (OSR) to the east. The NC-15 zoning district permits single family detached houses only. The owner is proposing to construct a single-family detached home on the site that will have a height of 39.4 feet. According to Table 2-5.2.1 of the *Unified Development Ordinance*, the maximum height for buildings in this zoning district is 38 feet.

Section 7-24.1.5 of the *Unified Development Ordinance* details how building heights are calculated:

- A. **Buildings.** Building height is calculated by measuring the vertical distance from the average finished grade along the front building line to:
1. The highest peak or ridge line of the roof for pitched roof styles; or
 2. The top of the parapet for flat roof style.

Site and Building Characteristics

The lot is approximately 35,719 square feet in size (.820 acres) The proposed home will be constructed to meet all other requirements of the NC-15 zoning district including setbacks. The vacant lot is located in the Lazar Place neighborhood and backs up to a 3-acre pond.

Variance Request

The applicant is asking for a variance from Table 2-5.2.1 of the *Unified Development Ordinance* regarding the maximum allowable height of a building in the NC-15 zoning district of 38 feet. The variance request is to construct a home with a height of 39.4 feet.

The applicant is therefore requesting a variance for the proposed height of the home to be 39.4 feet instead of the 38 feet required, a difference of 1.4 feet.

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: **The architectural design of the home is similar in style to other homes in the development.**

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 requested height of the home will allow for a greater bedroom ceiling height to meet the minimum Building Code.**
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done: **The height of the home will be in keeping with adjacent homes in the neighborhood that were constructed with this same 38 foot maximum height per the previous zoning ordinance. All of the houses in the neighborhood are on larger lots and of a similar scale to the proposed. The home is not located within the airport overlay or transition zone which would necessitate a fixed maximum building height.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: **The architectural style of the roof requires a higher building height by the definition of the code but not necessarily increased living space.**
4. That these conditions do not generally apply to other property in the vicinity: **Other properties in the vicinity have similar building heights; the request will be a 1.4 foot difference from the maximum 38 feet permitted.**
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 the height of the building would not prevent the use of the single-family detached building as a home.**
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: **The placement of the home following NC-15 setbacks, the size of the home in relation to the lot size, and the height of adjacent homes in the neighborhood will ensure the home is in character with the neighborhood.**

Options

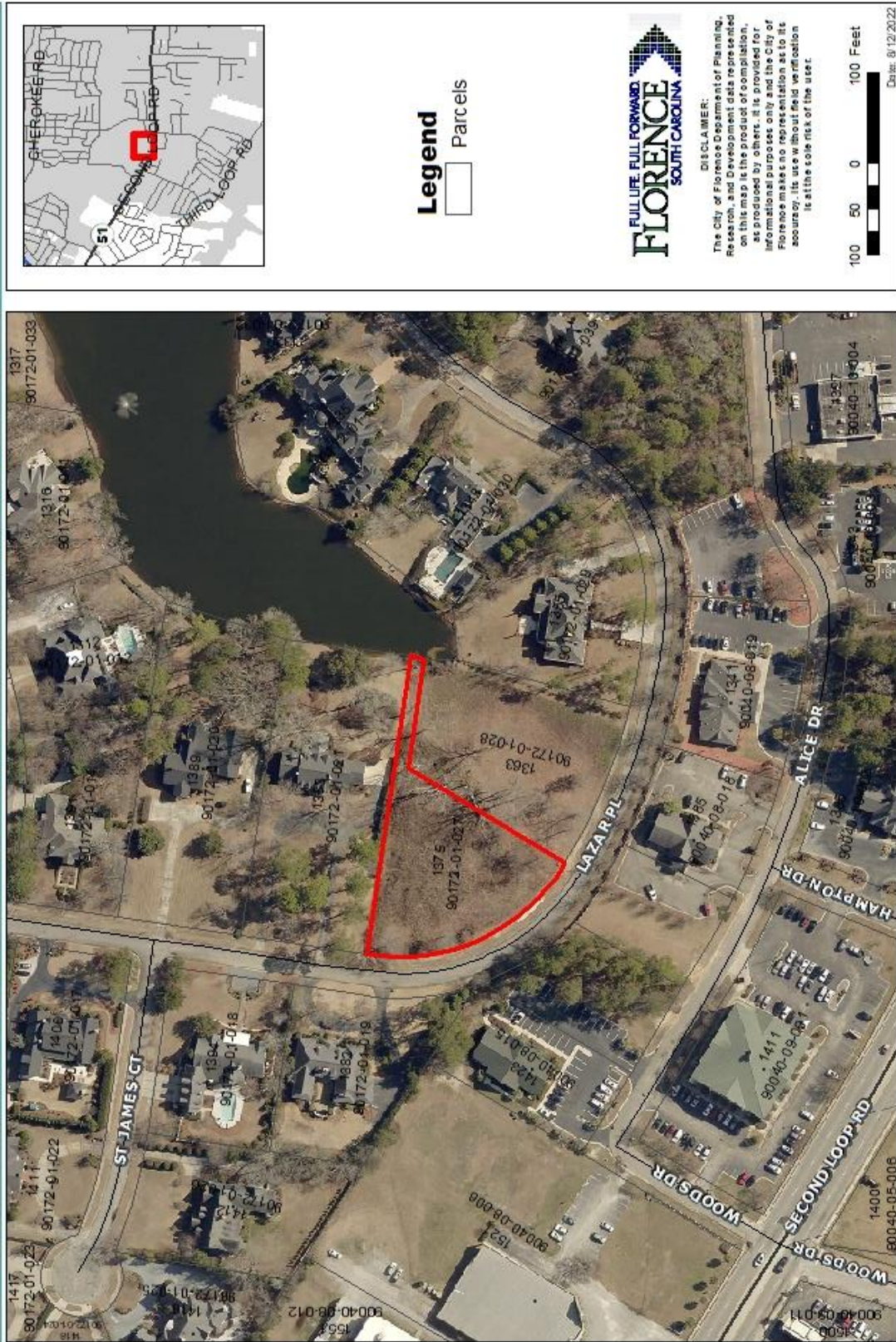
The Board of Zoning Appeals may:

- (1) Recommend approval of the request as presented based on the information submitted.
- (2) Defer the request should additional information be needed.
- (3) Suggest other alternatives.
- (4) Recommend denial of the request based on information submitted.

Attachments

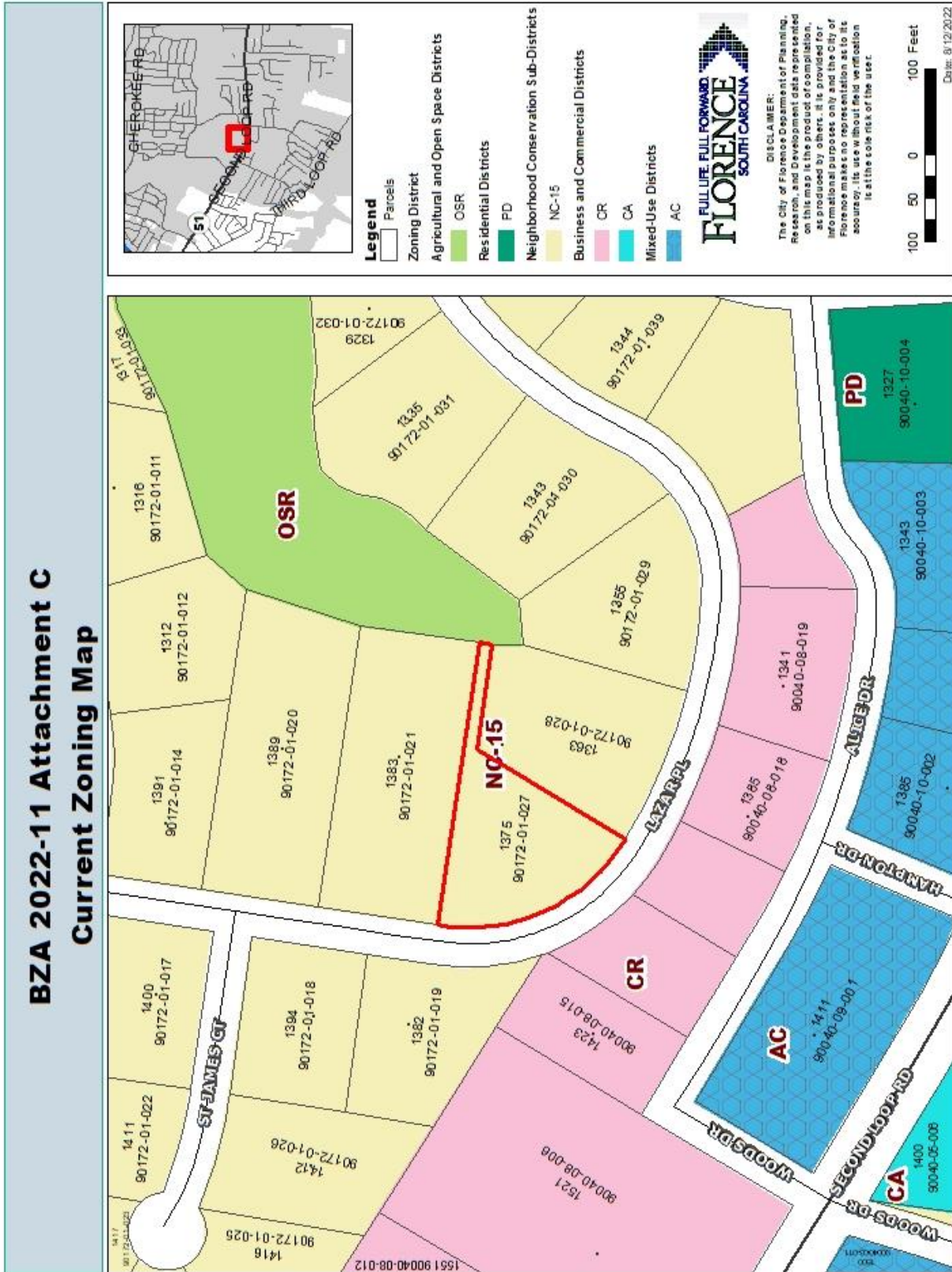
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. UDO Table 2-5.2.1 General Lot & Building Standards
- F. Site Photos
- G. Model Home

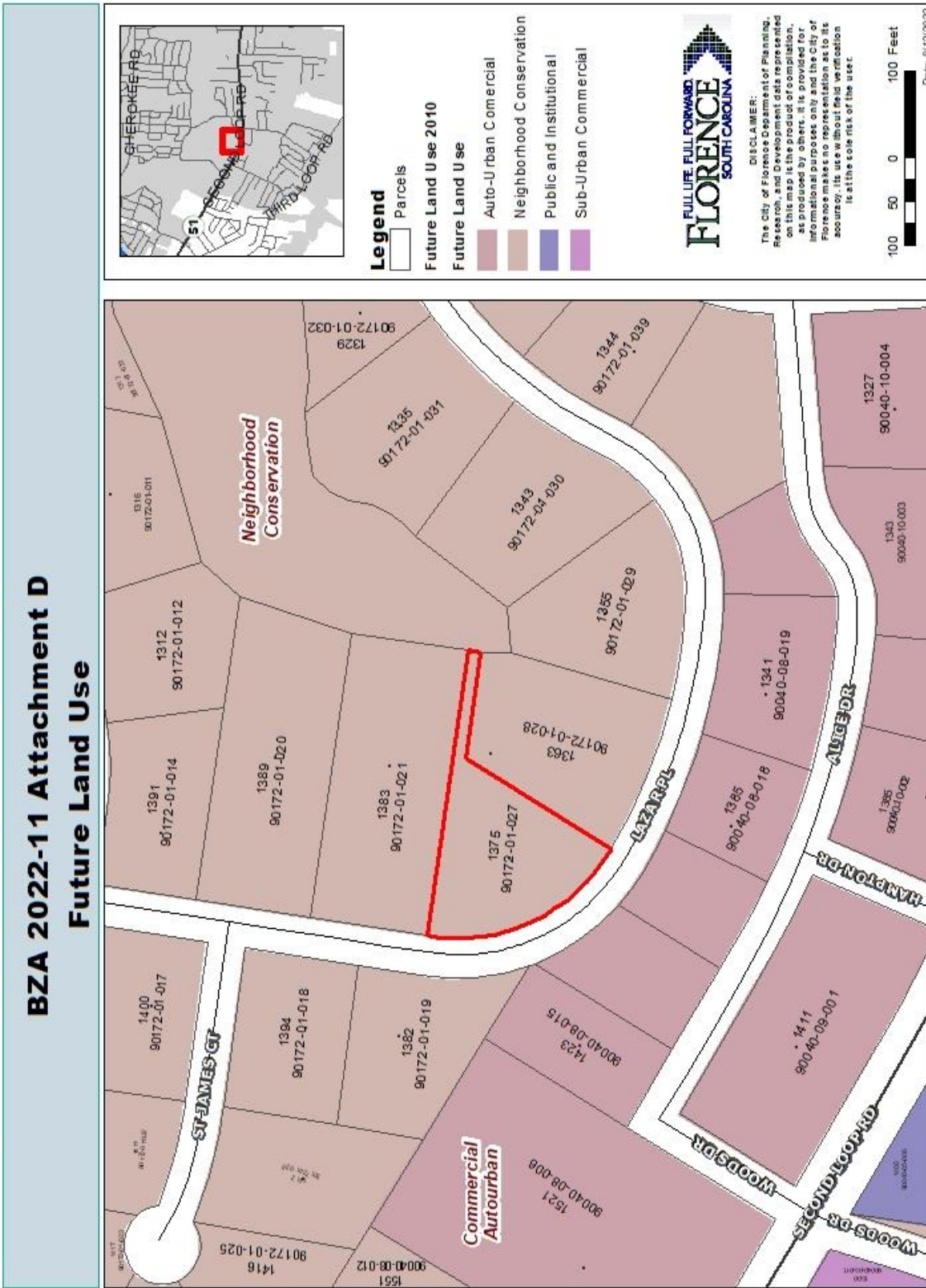
BZA 2022-11 Attachment A
Vicinity Map 1375 Lazar Place



BZA 2022-11 Attachment B
Location Map 1375 Lazar Place







Attachment E: UDO Table 2-5.2.1 General Lot & Building Standards

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 Photo



Attachment G: Model Home



Board of Zoning Appeals Motion Worksheet

Case Number: BZA-2022-11

Nature of Request: Roof height variance

I move that we 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 / would not effectively prohibit or unreasonably restrict the utilization of the property by:

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