



CITY OF FLORENCE BOARD OF ZONING APPEALS
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET, FLORENCE, SC
THURSDAY, MARCH 27, 2025 – 6:00 P.M.
MEETING AGENDA

I. Call to Order

II. Approval of Minutes Regular meeting held on February 27, 2025

III. Public Hearing and Matter in Position for Action

BZA-2025-03 Request for a variance from the minimum canopy setback requirement at 1102 West Evans Street in the CR zoning district; identified as Florence County Tax Map Number 90046-10-007.

IV. Adjournment

The next meeting is scheduled for April 24, 2025.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
FEBRUARY 27, 2025**

MEMBERS PRESENT: Larry Chewning, Deborah Moses, Nathaniel Poston, and Michael Valrie

MEMBERS ABSENT: Charlie Ipock, Miriam James-Singley, and Jermaine Nowline

STAFF PRESENT: Jerry Dudley, Alane Zlotnicki, and Derek Johnston

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

APPROVAL OF MINUTES: Chairman Chewning introduced the January 23, 2025 minutes and asked if there were any changes that needed to be made. There being none, he called for a motion. Ms. Moses moved that the minutes be approved as submitted and the motion passed unanimously (4-0).

PUBLIC HEARING AND MATTER IN POSITION FOR ACTION:

BZA-2025-02 Request for a variance from the minimum lot area required for a new parcel to be located behind 814 Cheraw Drive in the NC-10 zoning district; identified as Florence County Tax Map Number 90049-01-003.

Chairman Chewning introduced the request and asked staff for their report. Mrs. Zlotnicki gave the staff report as submitted to the Board of Zoning Appeals.

Mr. Valrie asked why the square footage was set at 10,000 square feet. Mrs. Zlotnicki explained that each district had standards to provide for uniformity in a neighborhood.

Chairman Chewning asked Mrs. Zlotnicki if she had gotten any comments from the public. She said she had received several phone calls from neighbors who were against it.

Mr. Poston asked if the duplex was a non-conforming use, she said that it was. He asked if it was originally built as a duplex; she said it looked like it. She said that it already has two units on this parcel where everyone else has one unit. If it's destroyed or if it was vacant, they could only build a single family house on it.

Mrs. Moses asked if the duplex was occupied; Mrs. Zlotnicki said it was.

Mr. Poston asked if it would be considered overcrowded if the variance was granted; Mrs. Zlotnicki said it would not match the rest of the neighborhood for density.

There being no other questions for staff, Chairman Chewning opened the public hearing. He swore in Louie Hopkins, the applicant. Mr. Hopkins shared a rendering of the house and site plan that he was proposing for the new lot, showing setbacks. He pointed out that there was a multi-family development on the opposite side of Cheraw Drive, but Mrs. Zlotnicki said it was zoned differently. Mr. Hopkins said he was approached by the property owners to add a small house to the back yard. The setbacks proposed for the new house would be more than the required setbacks for the district as well as for typical new construction by being 18 feet side setbacks.

Mrs. Moses asked if the house would face Langston Drive, he confirmed that was correct.

Mr. Poston asked Mr. Hopkins if this was intended for the owner; he said they would sell the house to a new family. Mr. Hopkins said he'd observed smaller lots just around the corner.

Mr. Valrie asked if the yard was being used for anything else right now, Mr. Hopkins said it was just backyard.

Mr. Reeves Cannon, the property owner, was sworn in next. He said he wants to create more single family homes in the area, and it would not be a rental. He thinks it would benefit the other properties in the area.

Mr. Clyde Kahn spoke next. He lives immediately behind this lot. He asked about emails received by the city as well; Mrs. Zlotnicki confirmed that she did receive two emails. Mr. Kahn cited his concerns about the strain on infrastructure already; he doesn't see how another house would benefit his property values.

Mrs. Moses clarified that his back yard would be adjacent to any new construction. He said there was no guarantee that a buyer would not rent the house.

Mr. Charles Ducker was sworn in next. He agreed with Mr. Kahn, saying this would essentially be spot zoning. It would set a negative precedent for people busting up their lots to create a bunch of rental properties.

Mr. Poston asked staff if there were incentives for people to buy homes; Mrs. Zlotnicki said no.

Mr. Kahn asked if the emails could be read; Mrs. Zlotnicki said they were all concerned about the increased density, infrastructure, and traffic effects. She said she heard from Celly Kahn, Tim Cunningham, Missy Worthington, and Christy Kahn. She said Mr. Ducker and the Kahns were on the adjacent property owner list. Mr. Poston asked if anyone called in favor of it or just out of curiosity; she said no, they were all against it.

Mr. Cannon said that Ms. Worthington reached out to him after some Facebook chatter about the request, and she indicated to him that the plans were good for the neighborhood. Some comments on Facebook were positive towards the proposal.

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 variance be denied, subject to the following findings of fact:

1. That a variance from the terms of the *Unified Development 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.

Granting the variance from the UDO would be contrary to the public interest as it would undermine the intent of the zoning regulations which are designed to maintain orderly development and ensure community wellbeing as the special conditions in this case do not warrant deviating from the established provisions and literal enforcement is necessary to preserve the integrity of the zoning district. Allowing this variance could set a harmful precedent potentially leading to the unnecessary hardship and disruption of the area's historical use and development patterns.

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

The spirit of the UDO would not be observed if the variance is granted as it would undermine the intent of the lot size minimum requirement which ensures uniformity of lot sizes and prevents overcrowding in the neighborhood.

3. That there are not extraordinary and exceptional conditions pertaining to the particular piece of property.

While the lot is on a corner, this condition is not unique enough to justify the variance. The fact that all lots in the area are roughly twice as deep as they are wide leading to deep backyards does not create a compelling reason to deviate from the zoning requirements.

4. That these conditions do generally apply to other property in the vicinity.

While the subdivision was originally laid out with lots that are 50 feet wide by 180 feet deep, the subject parcel does not present unique circumstances that justify the variance. The current lot sizes in the immediate area range from just under 9,000 square feet to 24,000 square feet and there's nothing particularly different about this lot that would warrant an exception to the established zoning requirements. Granting the variance would deviate from the uniformity of the neighborhood potentially disrupting the intended character and the layout of the area.

5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would not effectively prohibit or unreasonably restrict the utilization of the property as follows.

While the lot size requirement may prevent the landowner from subdividing the parcel and building a second home, this is consistent with the intent of the zoning regulations which are designed to maintain uniformity and prevent overcrowding. The property is still being used as a duplex and there's no need to deviate from established lot size requirements to accommodate this use.

6. That the authorization of a variance will 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.

As a corner lot with rear yard frontage along a secondary street, subdividing and developing the property would result in a denser development than what is characteristic for this neighborhood. This could disrupt the established character of the area leading to overcrowding and potentially diminishing the quality of life for residents of the surrounding properties. Granting the variance would negatively impact the neighborhood's uniformity and could set a precedent for further changes that are not in line with the district's intended development.

Ms. Moses seconded the motion, and the vote to deny the variance was unanimous (4-0).

ADJOURNMENT: As there was no further business, Mr. Valrie moved to adjourn. The motion passed unanimously (4-0). Chairman Chewning adjourned the meeting at 6:34 p.m. The next regular meeting is scheduled for March 27, 2025.

Respectfully submitted,

Alane Zlotnicki, AICP
Senior Planner

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT
STAFF REPORT TO THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
MARCH 27, 2025**

AGENDA ITEM: BZA-2025-03

VARIANCE REQUEST: Request for a variance from the minimum front setback for gas station canopies.

LOCATION: 1102 West Evans Street – Sunoco Gas Station

TAX MAP NUMBER: 90046-10-007

OWNER OF RECORD: Jatin Patel

APPLICANT: Jatin Patel

ZONING DISTRICT: Commercial Reuse

Land Use and Zoning History

Currently a Sunoco gas station and convenience store, the lot is 65 feet deep along Franklin Avenue and 222 feet wide along West Evans Street. It was originally developed as a gas station and convenience store in 2013 under the 2008 *Florence Zoning Ordinance*. The lot was zoned B-3 at the time, which was a general commercial designation, and a gas station was permitted as a use by right. The front setback for the main building in the B-3 district was 35 feet, and the building is 40 feet from the front property line. There were no specific standards for the gas pumps or canopy within the 2008 code, and they were placed within the 40 foot setback area, with the canopy placed over the pumps. The edge of the canopy lined up with the front property line, which coincides with the back of the sidewalk (see Attachments B and E).

When the *Unified Development Ordinance* was adopted in January 2018, the lot was zoned Commercial Reuse, which is a less intense commercial district that does not permit gas stations. The gas station was permitted to continue as a legal nonconforming use because it was lawfully established under the prior zoning ordinance. The canopy's location was also considered to be a legal nonconformity. In March 2018 Sunoco took over the gas station and updated the existing canopy with their logo.

In March 2024, the canopy was damaged when a car drove into one of the gas pumps and burst into flames. The canopy was demolished shortly after. However, Section 6-19.3.1 "Termination, Restoration, and Removal" requires that if a nonconforming structure is destroyed to an extent that repairs would exceed more than 50 percent of the replacement cost of the structure, **the structure shall be reconstructed in conformity with the provisions of the *Unified Development Ordinance*.**

Variance Request Information

The applicant is asking for a variance of 20 feet from Section 4-16.1.5 which requires that the canopy be located 20 feet from the front property line. The existing gas pumps are about 13 feet from the front property line. The request is to replace the canopy in its original location over the pumps, with the edge of the canopy located along the front property line as it had been for the past twelve plus years.

Sec. 4-16.1.5 Fueling Stations, Light Automobile Service, and Car Wash Site Development Standards

A. Front and Street Side Setbacks.

1. Principal building: 40 feet
2. Fuel dispensers, fuel pump islands, detached canopies, compressed air connections, and similar equipment: 20 feet

B. **Fuel Dispensers.** Fuel dispensers shall be set back a minimum of 20 feet from any other fuel dispenser located on a parallel pump island, as well as from the primary building and any building containing an accessory or secondary use. Such distance shall be measured from pump island to parallel pump island and from pump island to the curb surrounding the building or to the building itself, whichever is closer.

Applicant Submittal

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular property as follows: *The lot was developed as a gas station prior to the current zoning ordinance under different development standards.*
- b. These conditions do not generally apply to other property in the vicinity as shown by: *The lot is small, and the gas pumps were installed many years ago.*
- c. Because of these conditions, the application of the ordinance to the particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows: *The lot isn't deep enough to accommodate the 20 feet front setback, and the pumps cannot be relocated anyway.*
- 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: *There has been a gas station at this location for many years, with the canopy traditionally in the proposed location, so replacing it will not affect the longstanding character of the neighborhood.*

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 the *Unified Development Ordinance* (will/will not) be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions (will/will not), in an individual case, result in an unnecessary hardship.

Staff Comment: The request is to restore a pre-existing structure to its original location in a legally established business. There has been a gas station at this location for many years, and the location of the gas pumps necessitates the location of the canopy.

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

Staff Comment: The reasoning behind the location restriction on the canopy is to ensure adequate distance between the pumps and the front of the parcel. The canopy itself does not touch the property line, only its imaginary extension which is not a physical dimension or structure.

3. That there (are/are not) extraordinary and exceptional conditions pertaining to the particular piece of property.

Staff Comment: This is a narrow parcel which does not have the space to observe the 20 foot canopy setback. Additionally, the gas pumps were put in place many years ago and cannot be relocated.

4. That these conditions (do/do not) generally apply to other property in the vicinity.

Staff Comment: This is the only active gas station along this stretch of West Evans Street.

5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property (would/would not) effectively prohibit or unreasonably restrict the utilization of the property as follows.

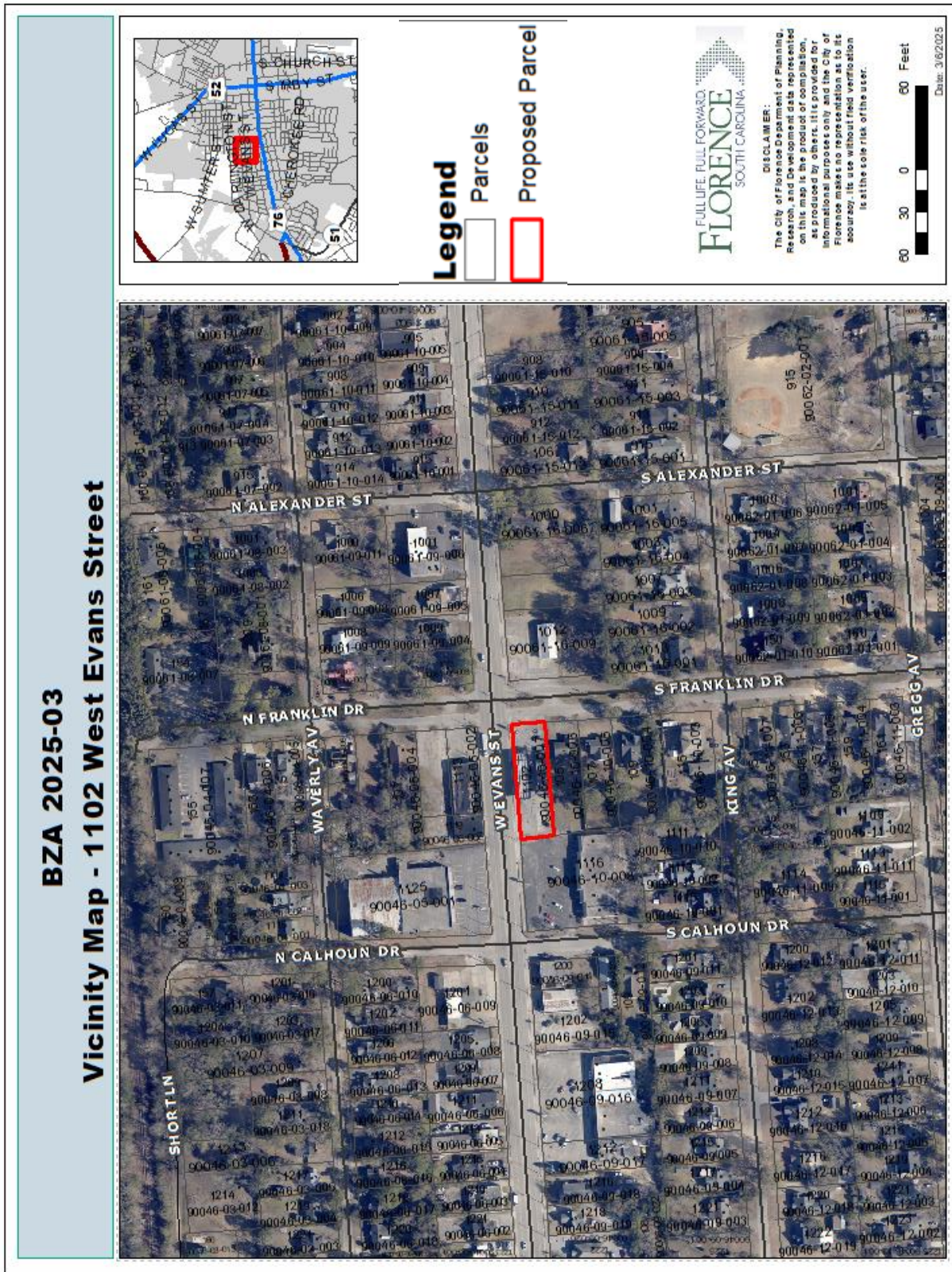
Staff Comment: Denial of the variance would prevent the owner from being able to reconstruct a canopy over the gas pumps to offer protection to customers using the pumps.

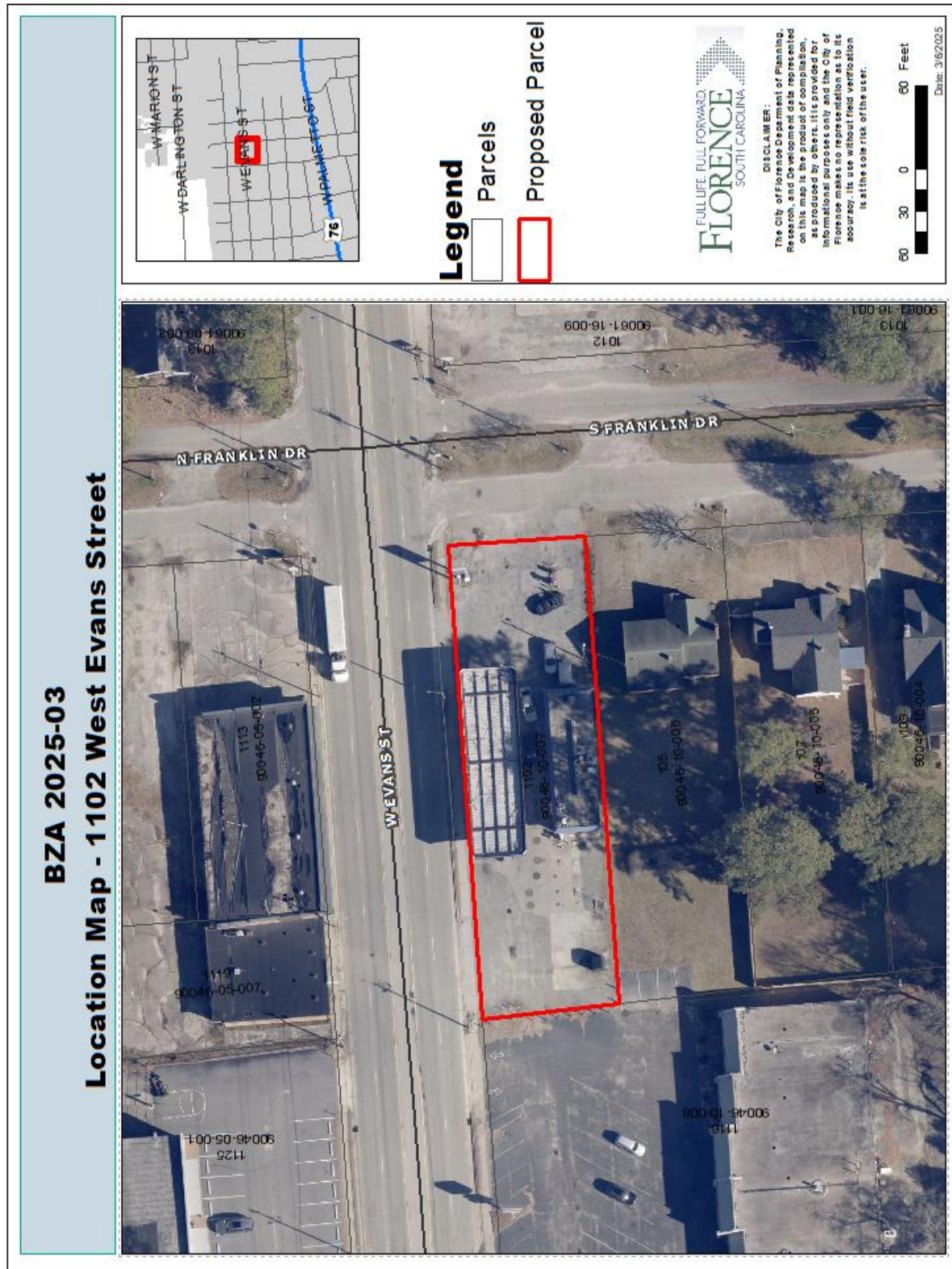
6. That the authorization of a variance (will/will not) be of substantial detriment to adjacent property or to the public good, and the character of the district (will/will not) be harmed by the granting of the variance.

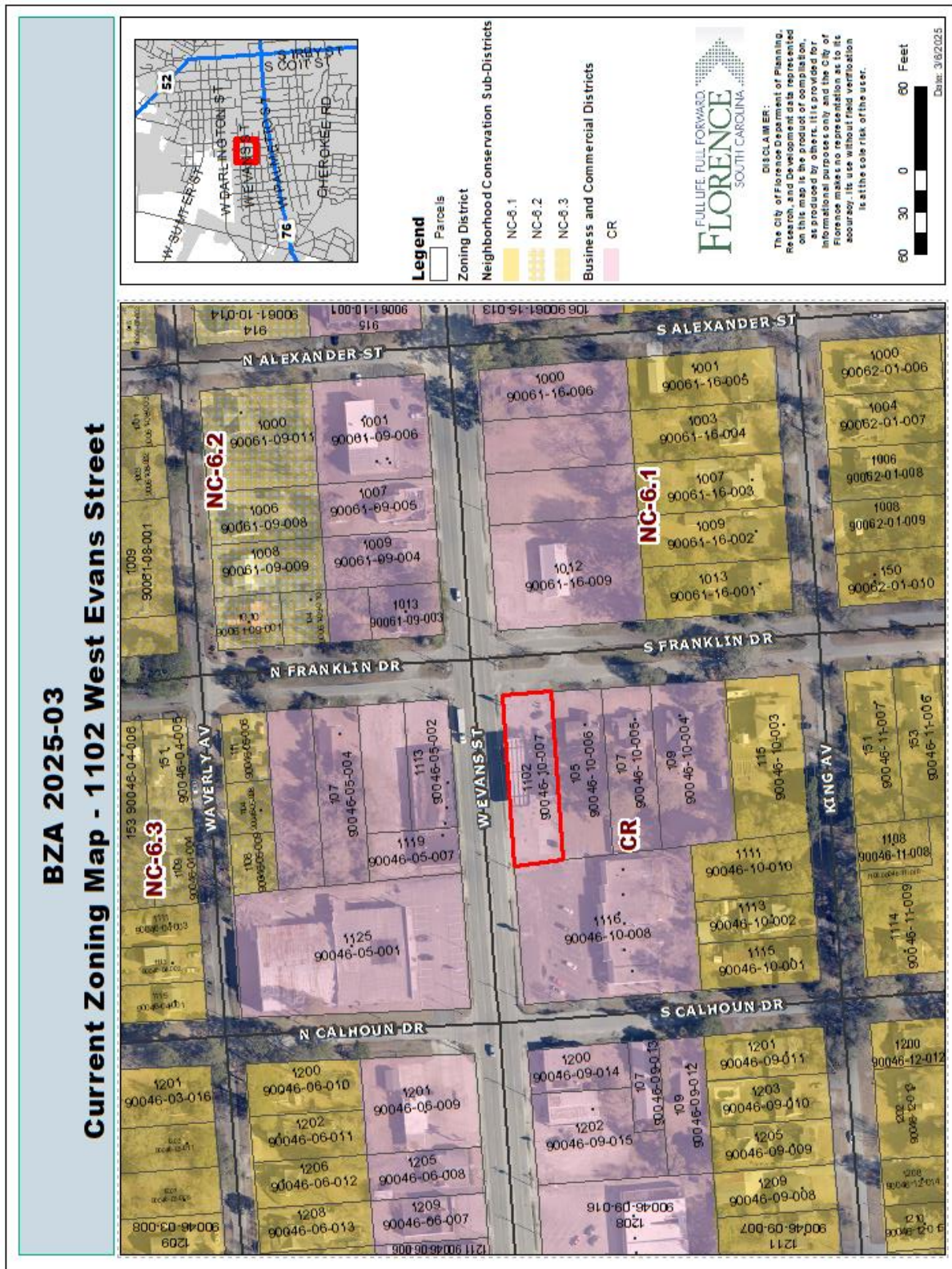
Staff Comment: Because there has traditionally been a gas station with a canopy over the pumps at this location, its restoration will not adversely affect the character of the neighborhood.

Attachments

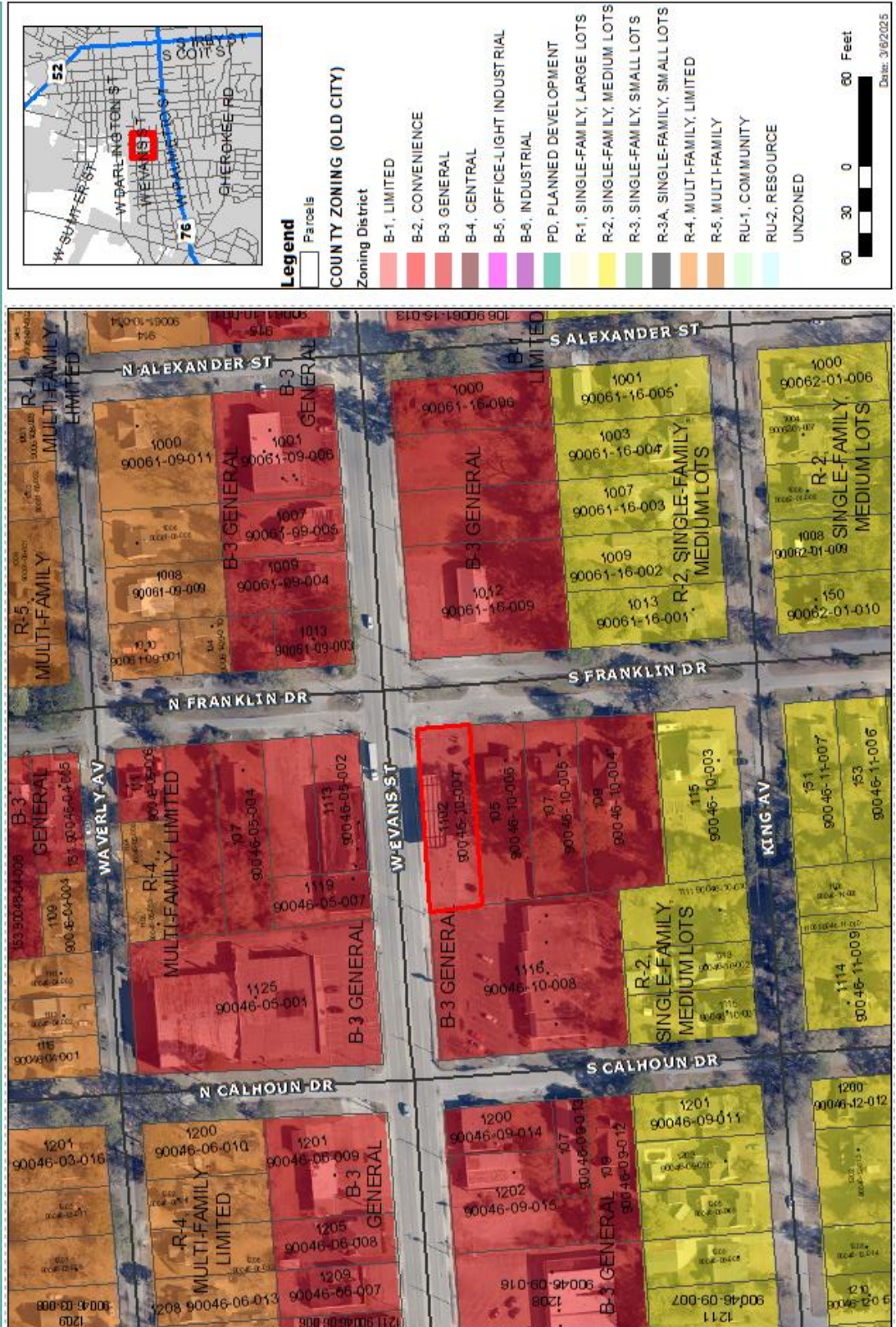
- A. Vicinity Map
- B. Location Map
- C. Current and 2008 Zoning Maps
- D. Future Land Use Map
- E. Original Location of Canopy
- F. Site Photo

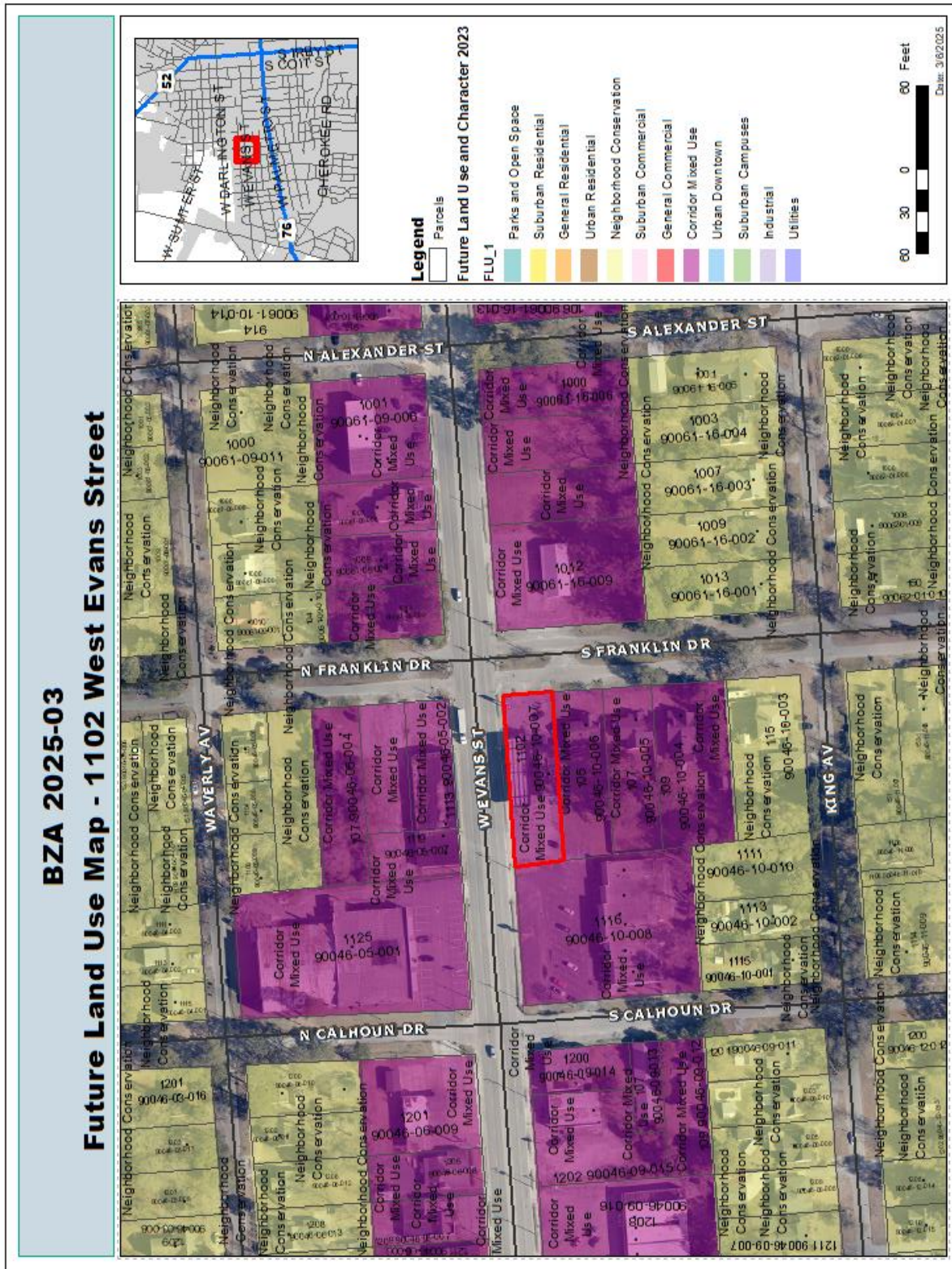






BZA 2025-03 **2008 Zoning Map - 1102 West Evans Street**





Attachment E: Original Location of Canopy



Aerial of the site prior to the destruction of the canopy showing its original location at the front property line.



February 2024 Google Streets photo of canopy in place.



January 2008 street photo of canopy in place.

Attachment G: Current Site Photos



Board of Zoning Appeals Motion Worksheet

Case Number: BZA-2025-03 Nature of Request: Canopy Setback Variance

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

1. That a variance from the terms of the *Unified Development Ordinance* will not / will be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions 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 this particular 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: