



## **CITY OF FLORENCE BOARD OF ZONING APPEALS**

**CITY CENTER – COUNCIL CHAMBERS**

**324 WEST EVANS STREET, FLORENCE, SC**

**THURSDAY, MAY 22, 2025 – 6:00 P.M.**

### **MEETING AGENDA**

**I. Call to Order**

**II. Approval of Minutes** Regular meeting held on April 24, 2025

**III. Public Hearing and Matter in Position for Action**

BZA-2025-05 Request for a variance from the lot size and setback requirements for new development at 1203 Sopkin Avenue in the NC-6.1 zoning district; identified as Florence County Tax Map Number 90099-12-016.

**IV. Public Hearing and Matter in Position for Action**

BZA-2025-06 Request for a variance from the side setback requirement for commercial buildings for 1531 South Irby Street in the CG zoning district; identified as Florence County Tax Map Number 90093-01-013.

**V. Public Hearing and Matter in Position for Action**

BZA-2025-07 Request for a Special Exception Use Permit to operate a large in-home childcare center at 1706 North Irby Street in the NC-15 zoning district; identified as Florence County Tax Map Number 00175-01-054.

**VI. Adjournment**

The next meeting is scheduled for June 26, 2025.

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS  
APRIL 24, 2025**

**MEMBERS PRESENT:** Larry Chewning, Charlie Ipock, Miriam James-Singley, Deborah Moses, Jermaine Nowline, Nathaniel Poston, and Michael Valrie

**STAFF PRESENT:** Derek Johnston

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

**APPROVAL OF MINUTES:** Chairman Chewning introduced the February 27, 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, Mr. Valrie seconded, and the motion passed unanimously (7-0).

**PUBLIC HEARING AND MATTER IN POSITION FOR ACTION:**

**BZA-2025-04 Request for a variance from the setback requirement for swimming pools for 1052 Oak Bend Lane in the NC-10 zoning district; identified as Florence County Tax Map Number 07510-01-001.**

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

Ms. James-Singley asked for clarity on the location of the pool compared to the flood plain, Mr. Johnston explained that it would not be within the floodplain. The pool would be located 7.7 feet from the side property line, so they are requesting a variance of 2.23 feet.

Mr. Poston asked if the pool would infringe on the 500 year floodplain; Mr. Johnston said it will not. He asked Mr. Johnston if he had gotten any comments from the public. He said no.

There being no other questions for staff, Chairman Chewning opened the public hearing. He swore in Tarah Reeves, the applicant. She said they were actually asking for a variance of 7 feet to put the pool 3 feet from the property line. She said she didn't know why the surveyor put 7.7 on the survey. The original request showed a 3 feet setback.

Ms. Reeves said any drainage water from the pool would go to a storm drain in the street at the front and would not impact the floodplain at all, nor any neighbors since it's right in front of the house.

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 variance be approved, 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: **The placement of a swimming pool in the proposed location will not affect any neighbors nor impact the character of the street, due to there being no adjacent neighbors.**

2. That the spirit of the *Unified Development Ordinance* will not be observed, public safety and welfare secured, and substantial justice done: **The restrictions on pool locations are in place to prevent noise and other issues that may be detrimental to neighboring lots. Placement of this pool on the street side will meet the intent of the ordinance without infringing on the privacy of a next door neighbor.**
3. That there are not extraordinary and exceptional conditions pertaining to the particular piece of property: **The footprint of the house and carport along with the location of the floodplain limit the options for placement of the pool where it will not affect the floodplain.**
4. That these conditions do generally apply to other property in the vicinity: **The lots in this neighborhood are generally the same size, as are the houses. The footprint of this house and the dominance of the floodplain are unique to this particular property.**
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: **Adherence to the terms of the Ordinance would result in the inability of the owner to add the swimming pool to his property.**
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: **Because the pool is proposed to be behind the house, behind a 6 foot tall privacy fence, and on the street side property line along Stratton Drive, its impact on the street and on the neighbors will be negligible.**

Mr. Valrie and Mr. Nowline seconded the motion, and the vote to approve the variance allowing a side setback of 3 feet was unanimous (7-0).

**ADJOURNMENT:** As there was no further business, Mr. Valrie moved to adjourn. The motion passed unanimously (7-0). Chairman Chewning adjourned the meeting at 6:22 p.m. The next regular meeting is scheduled for May 22, 2025.

Respectfully submitted,

Alane Zlotnicki, AICP  
Senior Planner

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT  
STAFF REPORT TO THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS  
MAY 22, 2025**

**AGENDA ITEM:** BZA-2025-05

**VARIANCE REQUEST:** Request for a variance from the minimum lot area required for new parcels and from the minimum setbacks for new construction.

**LOCATION:** 1203 Sopkin Avenue

**TAX MAP NUMBER:** 90099-12-016

**OWNER OF RECORD:** Daddy Bummies LLC

**APPLICANT:** Abdul Zafir

**ZONING DISTRICT:** Neighborhood Conservation-6.1 (NC-6.1)

**Land Use and Zoning**

The triangular 0.25 acre lot is being rezoned from Campus to NC-6.1, which permits single family detached houses only. There is an existing 1,350 square foot building on the north side of the lot facing Sopkin Avenue which the owner plans to convert from a commercial building to a single family house. The NC-6.1 zoning district requires that any new parcel have a minimum area of 6,000 square feet and a minimum lot width of 60 feet. This parcel currently has an area of 11,172 square feet and a street frontage of 160 feet along Sopkin Avenue.

The existing building has a front setback of 15 feet, and side setback of 4 feet at the rear of the building. Front setbacks in this district are 25 feet and side setbacks are 5 feet; rear setbacks are 25 feet.

**Proposal and Variance Request**

The applicant is proposing to subdivide the parcel to provide a second lot of record that would also front on Sopkin Avenue. The two new parcels would be about 5,586 square feet in area, or about 7% below the minimum of 6,000 square feet. If approved, the applicant intends to construct a single family house on the new parcel as infill development. Any new house would need to be constructed to match the 15 feet front setback of the existing building, requiring a variance of 10 feet or 40%. Depending on the exact location of the new house, a rear setback variance may need to be provided as well.

**Staff Review**

The lots in this neighborhood are generally about 8,000 to 9,000 square feet in area. Approval of the proposal would result in the creation of two lots of record that are smaller than other lots in the immediate vicinity, although only slightly smaller than the minimum required for the zoning district. Because of the preexisting building with the 15 feet front setback, it would be appropriate to line up a new house at that 15 foot mark. There are no other single family houses north of this lot on this side of the street.

There is an overlay district within the city that provides guidance regarding setbacks on very small lots. The Neighborhood Revitalization Overlay District, which was adopted in order to enable development of small lots, allows setbacks of 15 feet for the front and rear and 5 feet for the side setbacks.

Once variances on lot size and setbacks are obtained, the owner will have the lot surveyed and platted to accommodate the amounts granted. That plat and any new construction will then be approved by staff using the parameters given by the Board. A mockup to show that it is feasible is provided in Attachment D.

Table 1-2.2.1B “Neighborhood Conservation Subdistricts” specifies the minimum lot area for new lots in subdistrict NC-10:

Table 1-2.2.1B <sup>2</sup> Neighborhood Conservation Subdistricts				
Subdistrict	Character Type	Predominant Building Type	Minimum Lot Area <sup>1</sup> (for New Lots)	Minimum Lot Width <sup>1</sup> (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 ft.

Table 2-5.2.1 “General Lot and Building Standards” provides the minimum setbacks for each zoning district:

Table 2-5.2.1 General Lot and Building Standards								
Subdistrict	Minimum Setback					Maximum Building		
	Front	Street Side	Side	Total Side	Rear	Height <sup>1</sup>	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:  
<sup>1</sup> 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.  
<sup>2</sup> 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:  
1. Equal to or no greater than 120 percent for residences up to 2,500 square feet of gross floor area; or  
2. Equal to or no greater than 115 percent for residences greater than 2,501 square feet of gross floor area.

The following information was submitted by the applicant:

- There are extraordinary and exceptional conditions pertaining to the particular property as follows:  
*The lot is oddly shaped but has enough square footage to divide it into two lots. The shape necessitates creative design.*
- These conditions do not generally apply to other property in the vicinity as shown by: *The triangular shape of the lot.*

- 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: ***I would be unable to put a second house on the lot and it would be left with an enormous side yard.***
- 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: ***Small homes and lots are everywhere in the neighborhood.***

#### **Issues to be Considered:**

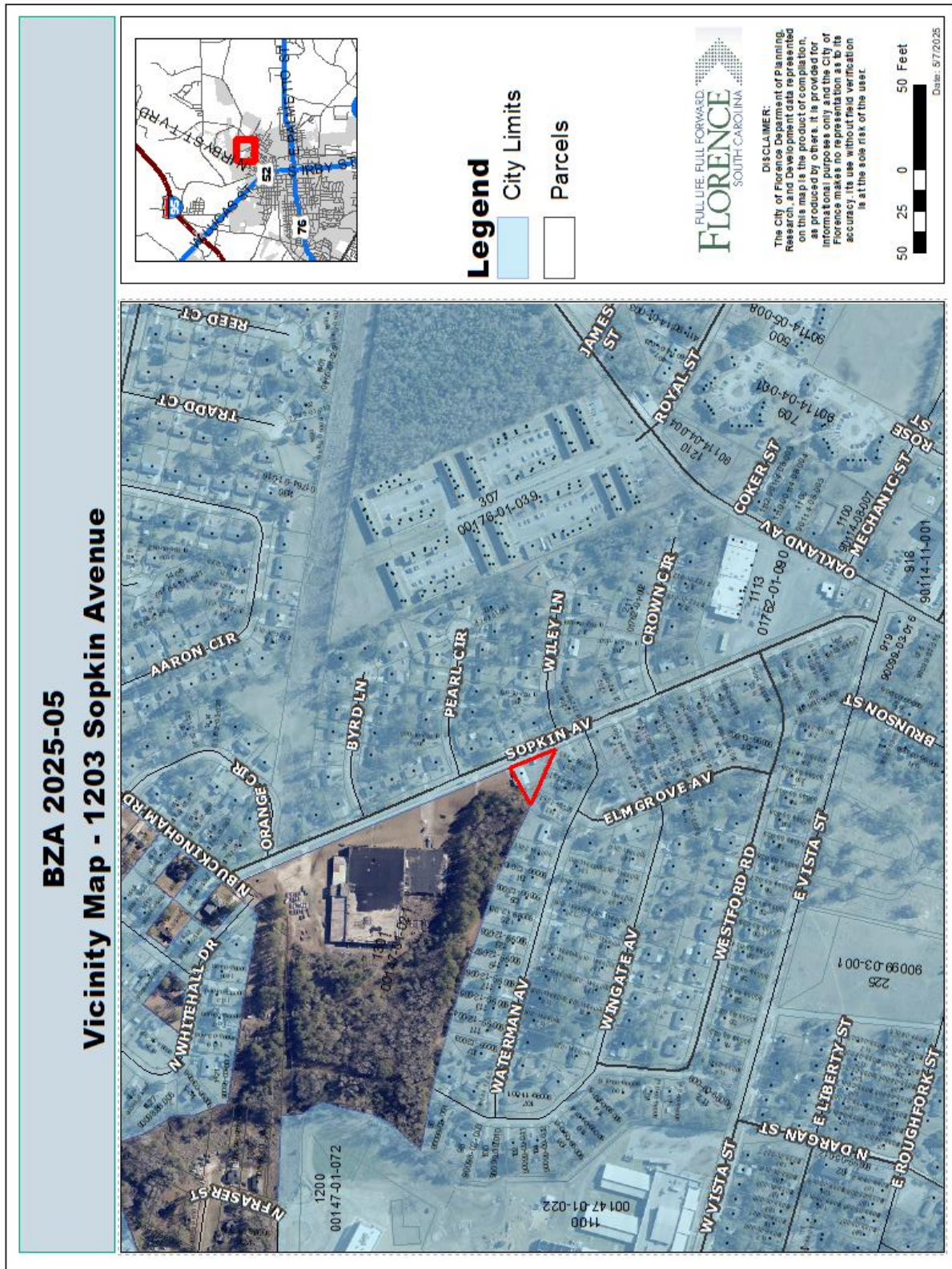
Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

- 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 applicant desires to carve out a new lot of record from the side yard. Leaving the lot as it is does not prevent the use of it for one single family residence.***
- 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 intent of the lot size minimum requirement for any particular zoning district is to ensure uniformity of lot sizes throughout a neighborhood to prevent overcrowding. Granting of the variance will result in development that is more dense than that of the immediate vicinity.***
- 3. That there (are/are not) extraordinary and exceptional conditions pertaining to the particular piece of property.  
***Staff Comment: This lot has almost enough area to meet the minimum requirement for the district to be subdivided, but the triangular shape makes it more difficult to do so. The existing building was constructed prior to adoption of the city's zoning regulations.***
- 4. That these conditions (do/do not) generally apply to other property in the vicinity.  
***Staff Comment: The triangular shaped parcel is the only one in the area.***
- 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: Application of the lot size requirement to the request would result in the inability of the landowner to subdivide his parcel due to its inadequate area, and prevent him from building a second house on it. It would not prevent its use for one single family house.***
- 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: Small homes and lots are characteristic of the neighborhood. Additionally, this will enable the conversion of a commercial property into two residential lots, which are much more suitable for the neighborhood.***

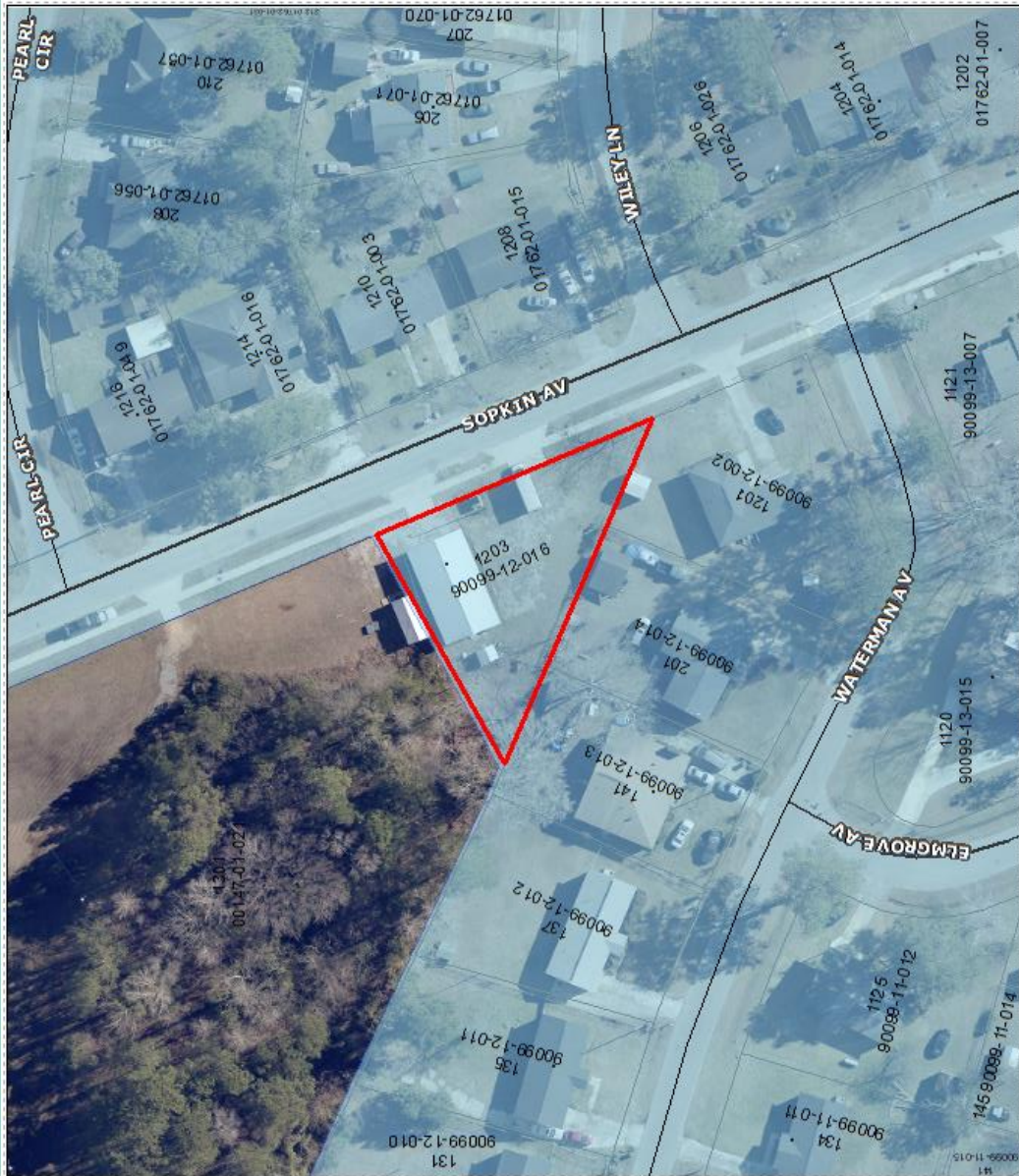
#### **Attachments**

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Possible Plat
- E. Site Photos



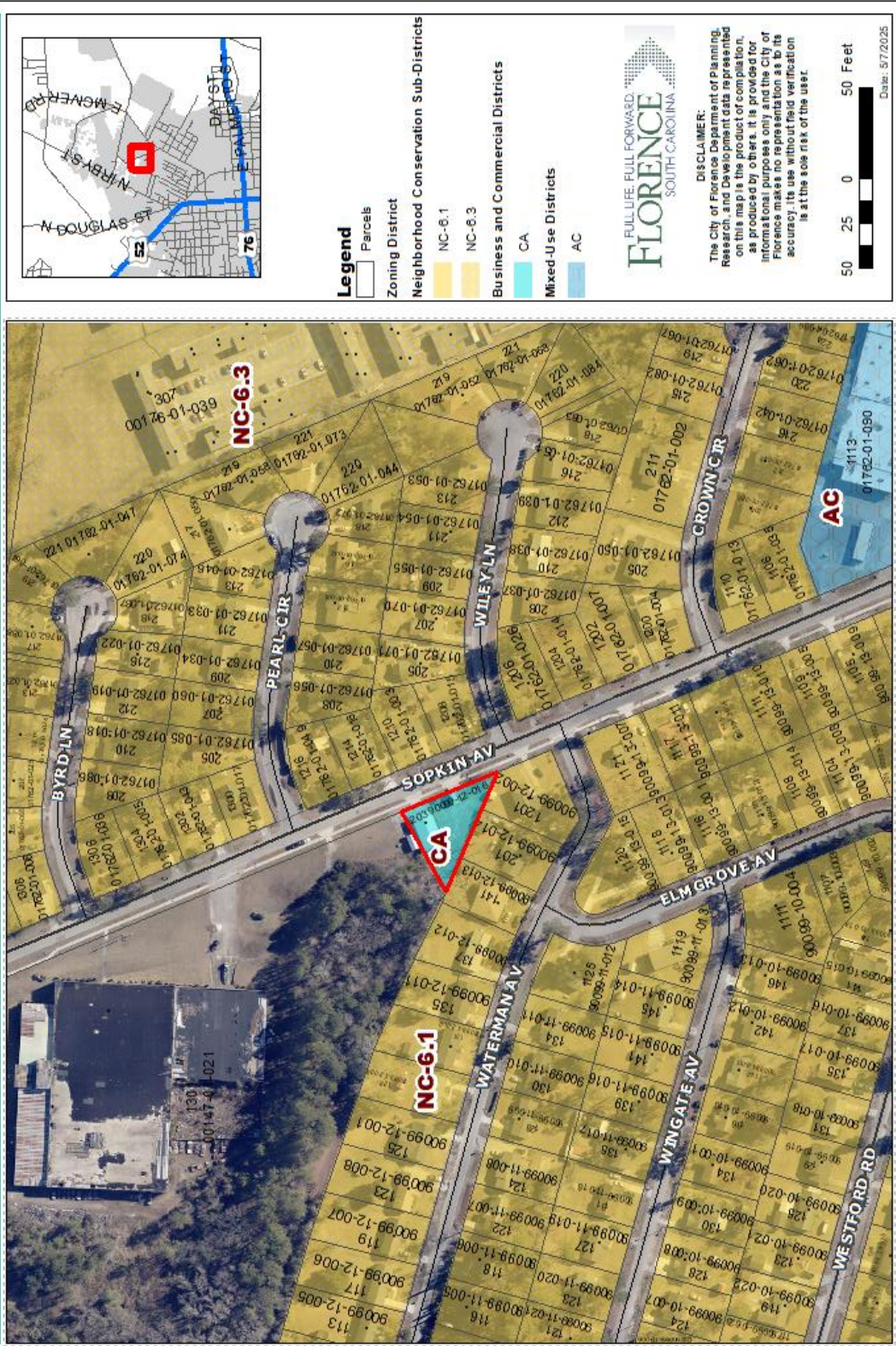








**BZA 2025-05**  
**Zoning Map - 1203 Sopkin Avenue**





Attachment D: Possible Plat



(All existing areas and distance numbers are estimates)

Total area of original parcel (red): 11,172 SF; Total street frontage/lot width of original parcel: 160'

The NC-6.1 minimum new lot size: 6,000 SF; Minimum new lot width: 60'

Front setback: 25'; Side setbacks: 5' minimum & 12' total; Rear setback: 25'

The building is 32' wide by 55' deep, setback about 15' from the front.

Using a 48' lot width for lot 1 (with the building), the resulting lot sizes are roughly:

Lot 1 (with the building): 5,127 SF with 48' lot width

Lot 2 (the remainder of the parcel): 6,450 SF with 112' lot width

The orange square is a potential second house, needing front and rear setback variances.

Attachment E: Site Photos



Existing commercial building on north side of lot to be converted to single family residential.



South side of lot; proposed location of second house.

### **Board of Zoning Appeals Motion Worksheet**

Case Number: BZA-2025-05 Nature of Request: New Lot Area and Front Setback 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 *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:



**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT  
STAFF REPORT TO THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS  
MAY 22, 2025**

**AGENDA ITEM:** BZA-2025-06

**VARIANCE REQUEST:** Request for a variance from the minimum side setbacks required for new commercial buildings.

**LOCATION:** 1531 South Irby Street

**TAX MAP NUMBER:** 90093-01-013

**OWNER OF RECORD:** Carolina Enterprises, Inc.

**APPLICANT:** Mike Padgett, Padgett Engineering & Construction LLC

**ZONING DISTRICT:** Commercial General (CG)

**Land Use and Zoning**

Tax Map Number 90093-01-013 is an L-shaped lot with a total area of 0.55 acre. It contains one building at the rear of the lot fronting on Allegiance Avenue which houses a methadone clinic and tobacco store. A 10,800 square foot portion of the parcel is vacant and fronts on South Irby Street (see Attachment B). The entire area is zoned Commercial General, which permits most commercial uses. It is part of Freedom Square shopping center. Access to this portion of the lot will be through the parking lot at the rear which fronts on Allegiance Avenue. There will be no vehicular access to South Irby Street from the front portion of the lot.

**Proposal and Variance Request**

The owner proposes to construct a 1508 square foot commercial building on the site as infill development, facing South Irby Street. The proposed building meets the required front and rear setbacks, but does not meet the side setback requirements. According to Table 2-6.1.1 Nonresidential and Mixed Use Lot and Building Standards, in the Commercial General zoning district, the front setback for a new building is 50 feet; side setbacks are at least 20 feet with a total of 50 feet; and the rear setback is 40 feet. The new building will be between 18 and 22 feet from the two side property lines instead of the minimum 25 feet, necessitating a variance of 18.4% toward the rear of the building and 13% toward the front of the building (see Attachment D).

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular property as follows: ***An existing irregular lot shape that limits the best and highest use of this property. Zoning regulations aimed at larger lots were put into place after subdivision to its current condition, thus greatly limiting its use.***
- b. These conditions do not generally apply to other property in the vicinity as shown by: ***As visible on the GIS, adjacent lots are larger and better shaped. The attached plans show this as well.***
- 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 CG side zoning setbacks would limit the***

*width of the building to less than 20 feet, which is not practical. The adjacent parcel's building is practically on the property line.*

- 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 lot is currently empty and lacks appeal. It is at the corner of a prominent intersection. The construction of this project will greatly improve the appearance of that area.***

### **Unified Development Ordinance Requirements**

The applicant is requesting a variance from Table 2-6.1.1 of the *Unified Development Ordinance*; he requires a 12 to 28% decrease from the side setback requirement (22 to 18 feet instead of 25 feet).

Table 2-6.1.1 Nonresidential and Mixed Use Lot and Building Standards							
District / General Use Type	Lot Width 1	Minimum Setback <sup>2</sup>				Minimum Landscape Surface Ratio	Maximum Building Height
		Build-to Line	Front	Side (Min./Total)	Rear		
General Commercial (CG)							
Retail	200'	N/A	50'	20' / 50'	40'	15%	38'. See F., Below.
Office / Overnight Accommodations	200'	N/A	50'	20' / 50'	40'	15%	
All Other Uses	100'	N/A	50'	20' / 50'	40'	15%	

### **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: Enabling the construction of this building with the smaller side setbacks will result in a compact site suitable for a low intensity commercial use. However, enforcement of the 25 foot side setback requirements will effectively make this portion of the lot unusable.***
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 purpose of side setbacks is to provide space around commercial buildings and distance between parcels. There is a wide variety of setbacks in this area, negating the need to maintain a uniform appearance and character.***
3. That there (are/are not) extraordinary and exceptional conditions pertaining to the particular piece of property.  
***Staff Comment: This portion of the lot, which faces South Irby Street, is narrow for a commercial parcel which limits the size of the building that can be constructed there.***
4. That these conditions (do/do not) generally apply to other property in the vicinity.  
***Staff Comment: There is a wide variety of lot sizes along this portion of South Irby Street. This lot portion is small compared to other lots in the immediate vicinity. If needed, there is shared parking available on the adjacent Freedom Square shopping center parcel.***

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.

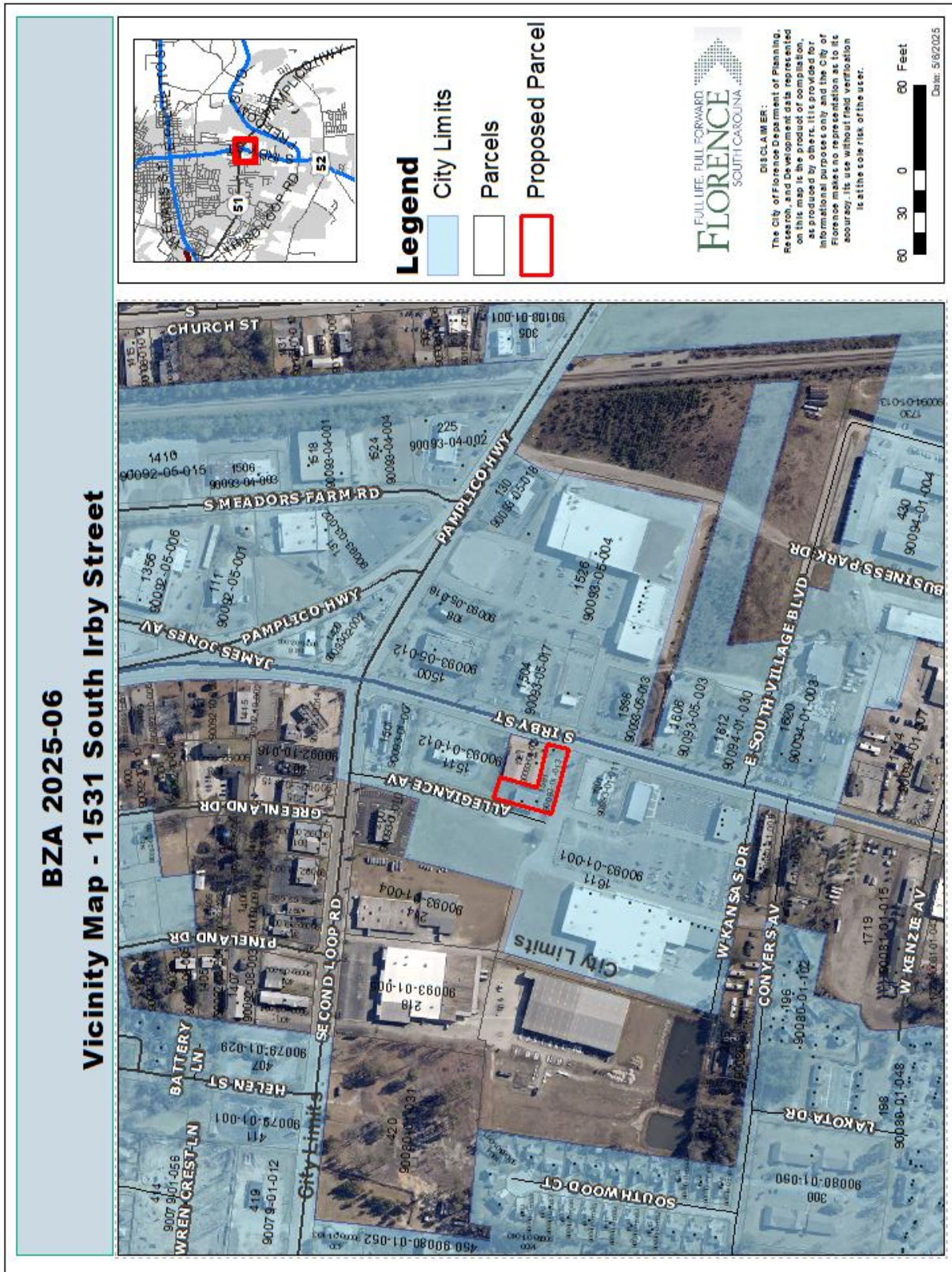
***Staff Comment: Because of the small size of this portion of the lot, it is difficult to build a viable commercial structure within the setback limits required by the Unified Development Ordinance.***

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.

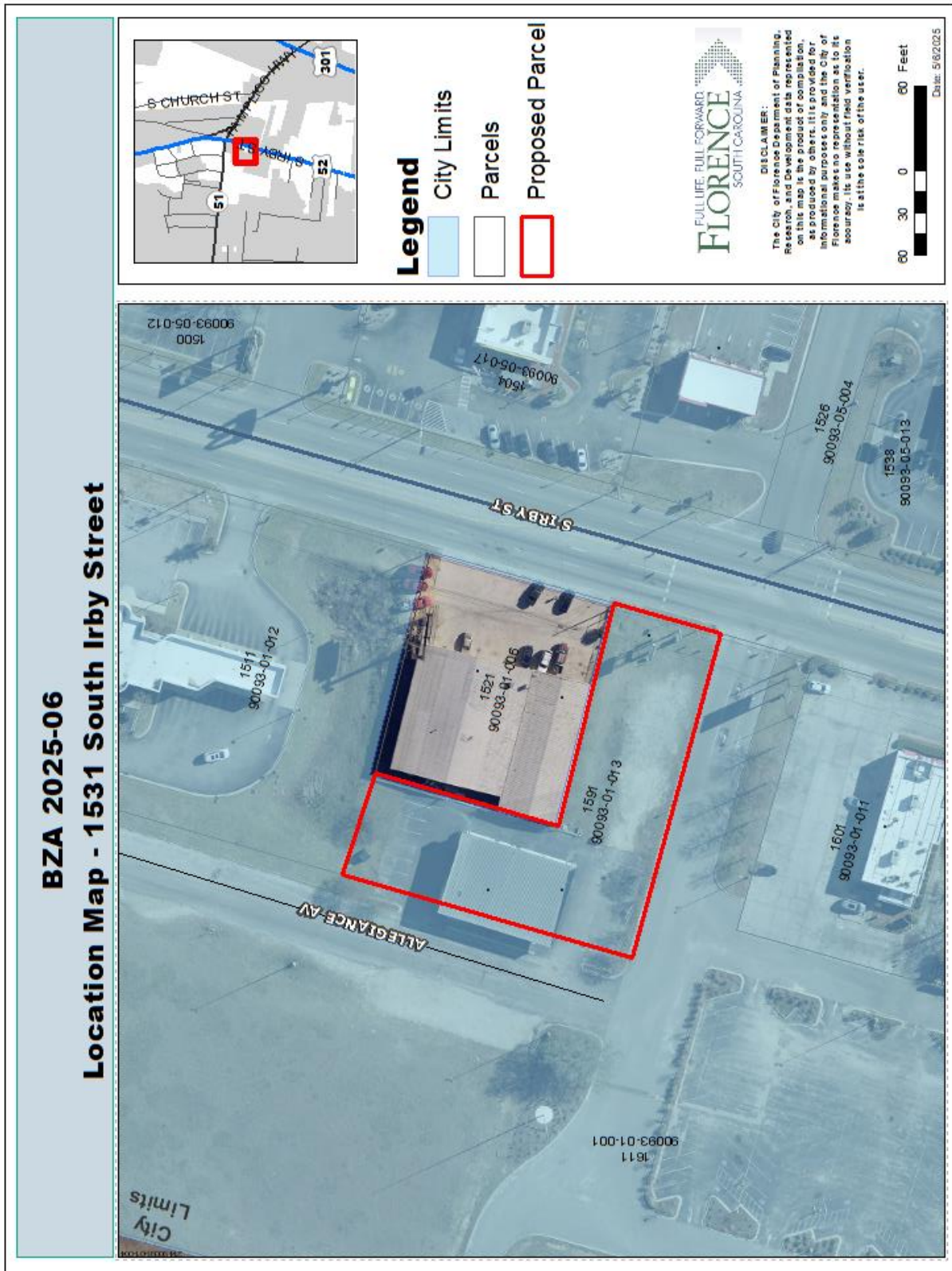
***Staff Comment: Granting the variance will not be detrimental to the character of the district; it will enable the construction of a new building to infill a vacant parcel that is currently an eyesore.***

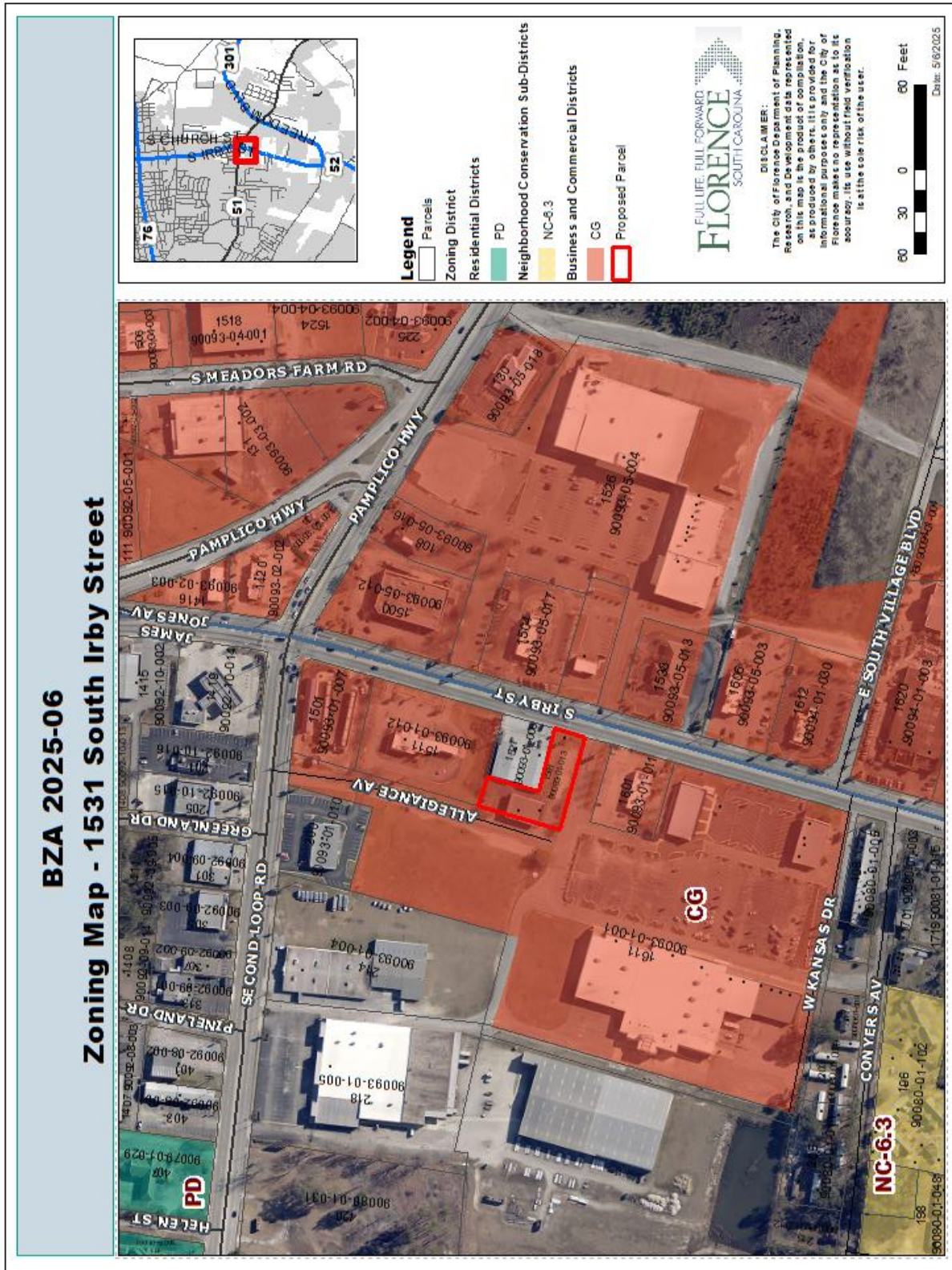
#### **Attachments**

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Site Plan
- E. Proposed Building Elevations
- F. Aerial View
- G. Site Photos



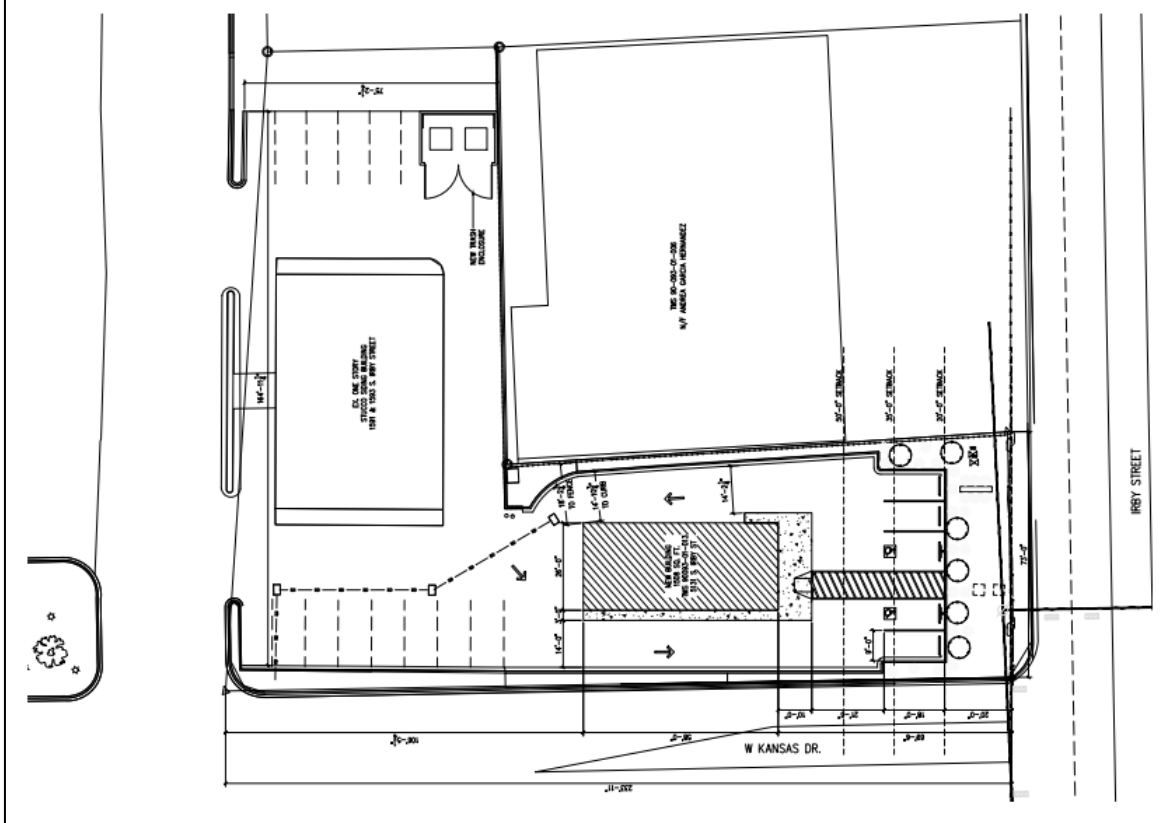


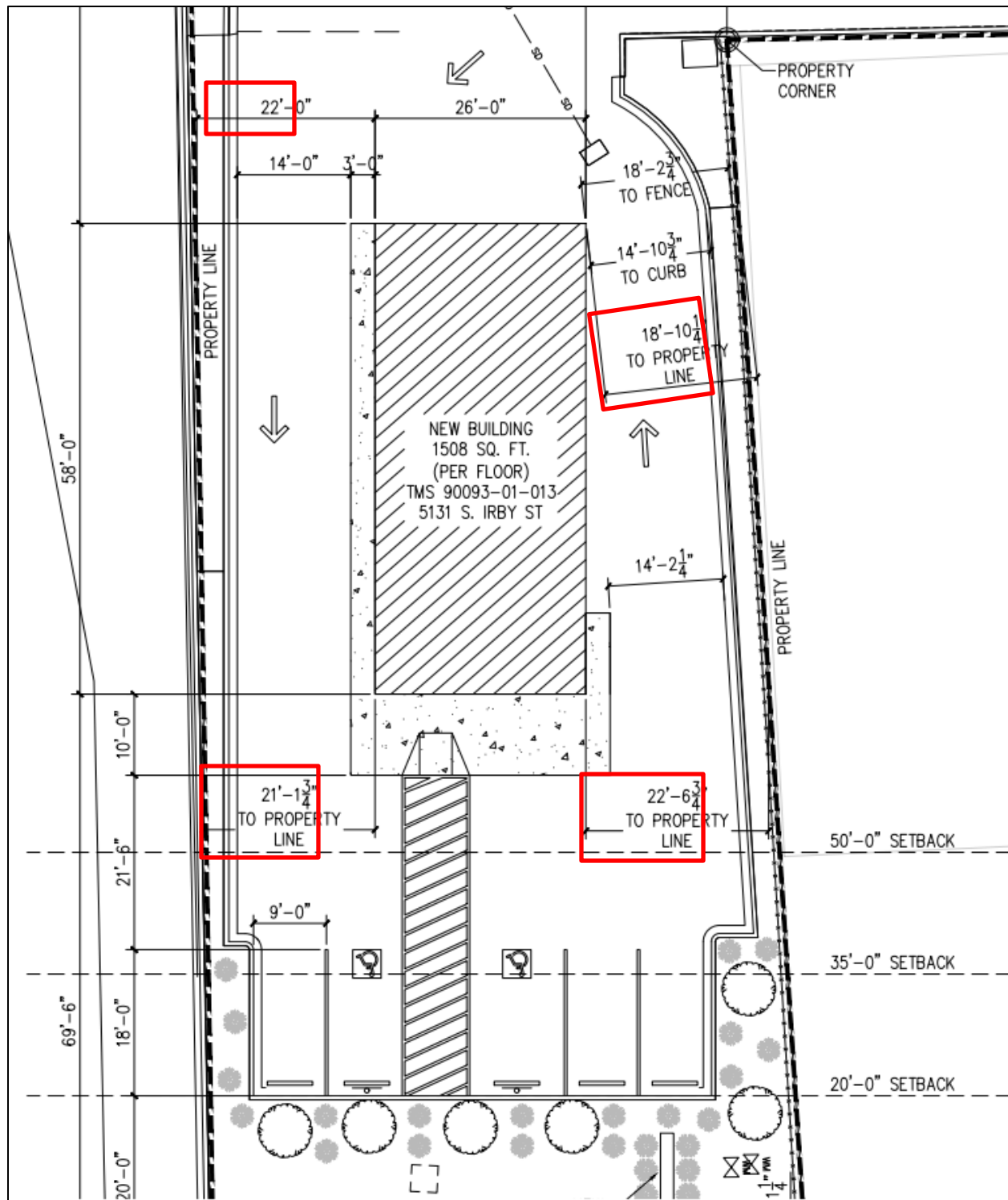






Site plan of the proposed development at the intersection of W Kansas Dr. and Irby Street. The plan shows a large building labeled "THE 90-903-01-008 417 AMERICA LARCA HERNANDEZ", a smaller building labeled "NEW BUILDING 115X 50 FT. 1000 SQ. FT. 1000 SQ. FT.", and a parking lot labeled "25 ONE STORY STUCCO DRIVE BUILDING 110X 40 FT. 4400 SQ. FT. 110X 40 FT. 4400 SQ. FT.". The plan also shows an "ACCESS ROAD" and "IRBY STREET". A north arrow is located near the center of the plan.





Setbacks at each corner of the building. Should be at least 20 feet and 50 feet total.

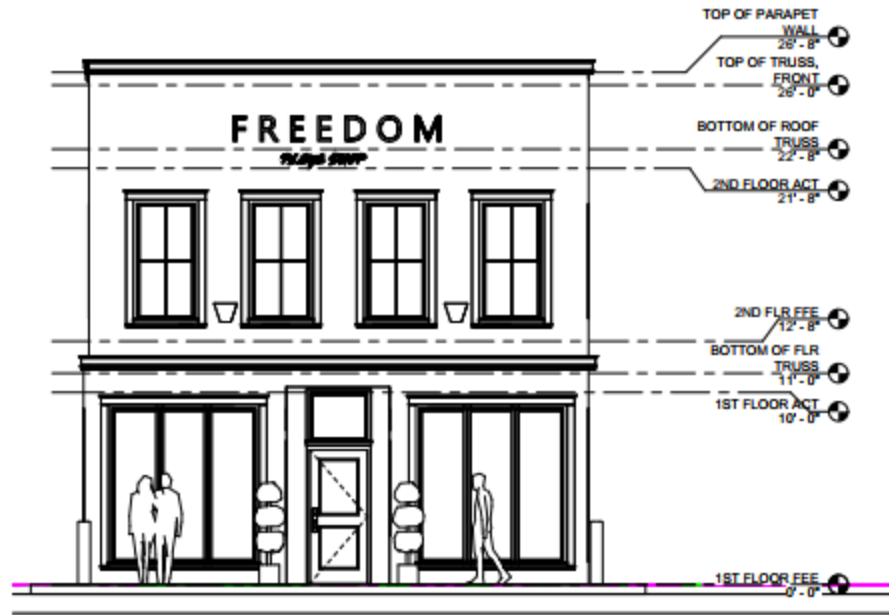
Front:  $21' + 22.5' = 43.5'$ : 13% under 50'.

Rear:  $22' + 18.8' = 40.8'$ : 18.4% under 50'.



Attachment E: Proposed Building Elevations





Attachment F: Aerial View



Attachment G: Site Photo





### **Board of Zoning Appeals Motion Worksheet**

Case Number: BZA-2025-06 Nature of Request: Side Setback Variance

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

1. That a variance from the terms of the *Unified Development Ordinance* will not / will be contrary to the public interest 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:



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

**APPEAL NUMBER:** BZA-2025-07

**REQUEST:** Request for a Special Exception Use Permit to operate a large in-home childcare facility in the NC-15 zoning district.

**LOCATION:** 1706 North Irby Street

**TAX MAP NUMBER:** 00175-01-054

**OWNER OF RECORD:** David Waterman

**APPLICANT:** Justice Waterman

**ZONING DISTRICT:** Neighborhood Conservation - 15

**Land Use and Zoning**

The subject property is a single family house in the NC-15 zoning district. The City’s Future Land Use Plan designates this area as Neighborhood Conservation. The only uses permitted in the NC-15 district are single family detached residential uses. Home occupations are permitted if they meet the conditions outlined in the *Unified Development Ordinance*.

**Special Exception Use Permit Request**

The applicant desires to operate a large in-home daycare facility in the home. According to Section 1-2.10.1A20 “Home Occupations”, a Special Exception Use Permit is required from the Board of Zoning Appeals for large in-home childcare facilities. The use is subject to the conditional standards set out in Sections 1-2.8.2B, 1-2.10.1A, and the criteria laid out in Section 6-21.7.11 “Permitted Special Exception Use Approval”.

A large in-home childcare facility, or group childcare home, is defined by the South Carolina Department of Social Services as being a residence occupied by the operator in which he/she regularly provides child care for at least seven but not more than twelve children, unattended by a parent or a legal guardian including those children living in the home and children received for childcare who are related to the resident teacher/caregiver.

**Unified Development Ordinance Criteria**

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

**B. Childcare services** are permitted if it is demonstrated that:

1. The operator for the use meets all certification, licensing, and/or monitoring requirements of the Department of Health and Environmental Control (DHEC);
2. The use is limited to a single-family detached dwelling that meets all standards of this Unified Development Ordinance;

3. There is no other childcare home within 1,000 feet, measured from property line to property line, or that is located on a street segment that terminates in a dead end or cul-de-sac;
4. Signage is restricted to a single placard with a maximum size of two square feet that must be affixed securely and flat against a wall of the home;
5. Employees are restricted to residents of the dwelling;
6. Adequate precautions are taken on behalf of the operator so as not to create an undue burden on neighboring properties via traffic, parking, and noise;
7. There is adequate space on-site for temporary parking and drop-off and pick-up during peak times; and
8. The owner of the dwelling unit for which there is an application for approval of a childcare home has provided written consent.

#### **Section 1-2.10.1A Residential Accessory Uses – Home Occupations**

**A. Home Occupations.** Home occupations shall not be established unless the Director has found that the use complies with all of the standards of this Section.

1. The home occupation shall be operated in accordance with all applicable laws and, if a state permit is required, such permit shall be obtained prior to beginning operation.
2. The occupation is carried on wholly within the principal building or the management and administration of the occupation is carried on wholly within the principal building and the storage, delivery, and distribution of goods, materials, equipment, and vehicles occurs off-site and in a district where they are a permitted or Permitted Special Exception Use;
3. The floor area dedicated to the occupation does not exceed 10 percent of the floor area of the principal building, up to 400 square feet;
4. No activity is conducted outside, nor is there any outdoor storage, merchandise display, or refuse area in the yard;
5. There is no signage recognizing or acknowledging the home occupation;
6. The occupation will not involve vehicles or trailers parked on the premise in a place that is visible from adjoining property or public rights-of-way, which identifies by sign, logo, or emblem the occupation, business, or activity
7. No merchandise or articles are displayed so as to be visible from outside the building.
8. Home occupations shall be managed and owned by a person residing in the dwelling unit.
9. The occupation will not employ on-site any person other than a member of the immediate family living in the structure;
10. No traffic is generated in an amount above that normally expected in a residential neighborhood;
11. The occupation will not require the delivery or shipment of materials, merchandise, goods, or equipment by other than passenger motor vehicles, one ton step-up vans, or similar-sized trucks;
12. No parking is needed above that required by the principal residential use;
13. No alteration will be made to the building that changes the residential character or appearance of the dwelling to accommodate the home occupation;
14. No entrance shall be specifically dedicated for the home occupation.
15. The occupation, profession, or trade is properly licensed, and generates no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses;
16. The occupation will not be more dangerous to life, personal safety, or property than any other activity ordinarily carried on with respect to a dwelling unit used solely for residential purposes;
17. The occupation is not involved in the retail sale of merchandise manufactured off the premises; and
18. The occupation will be operated in accordance with all applicable laws and, if a state permit is required, such permit shall be obtained prior to beginning operation.
19. The following uses are prohibited as home occupations:
  - a. Barber, beauty, and other personal service shop;
  - b. Animal care facility, such as hospitals, stables, or kennels;

- c. Dance studio or school;
  - d. Repair shop for large appliances and vehicles);
  - e. Rooming/boarding house;
  - f. Commercial day care facility; and
  - g. Sale of ammunition and weapons (unless specifically approved by the Chief of Police).
20. In-Home Child Care.
- a. Small in-home childcare facilities are a permitted home occupation, provided that they are duly licensed by the State of South Carolina, and provided that they meet all of the standards of this Subsection.
  - b. Large in-home childcare facilities may be permitted pursuant to a Permitted Special Exception Use Permit, provided that they meet all standards of this Subsection and any special conditions as applied by the Board of Zoning Appeals.

#### **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.
- C. Criteria for Approval.** In addition to the applicable standards of this Unified Development Ordinance, including those set out in Division 1-2.8, *Conditional and Permitted Special Exception Use Standards*, all Permitted Special Exception Uses shall comply with the all of the following general standards:
1. The Permitted Special Exception Use shall not be of a type that would tend to undermine the implementation of an adopted plan that includes the parcel proposed for development.
  2. The Permitted Special Exception Use shall be compatible with surrounding land uses and the natural environment and will not materially detract from the character of the immediate area or negatively affect the planned or anticipated development or redevelopment trajectory.
  3. There is no practicable alternative location where the use is permitted as-of-right within 1,000 feet of the parcel proposed for development, or, if such a location exists, the proposed location is more favorable in terms of:
    - a. Providing a needed community service;
    - b. Providing a critical mass of jobs that are likely to pay more than the median wages for the region;
    - c. Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; or
    - d. Making more efficient use of public infrastructure, such as off-peak street capacity.
  4. The approval of the Permitted Special Exception Use will not create a critical mass of similar Permitted Special Exception Uses that is likely to discourage permitted uses by making the vicinity less desirable for them.
  5. The Permitted Special Exception Use and any conditions of development shall adequately protect public health and safety against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.



6. The Permitted Special Exception Use will not use an unfairly disproportionate share of public services that would compromise the delivery of those services to other uses in the vicinity. Applicable public services include, but are not limited to, utilities, police protection, fire protection, schools, parks, and libraries.

**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.

### **Options**

The Board of Zoning Appeals may:

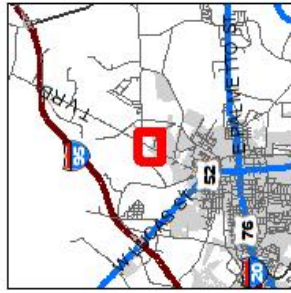
- (1) Recommend approval of the request as presented based on the information submitted.
- (2) Recommend approval with additional conditions.
- (3) Defer the request should additional information be needed.
- (4) Suggest other alternatives.
- (5) Recommend denial of the request based on information submitted.

### **Attachments**

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

**BZA 2025-07**

**Vicinity Map - 1706 North Irby Street**



**Legend**

- City Limits
- Parcels
- Proposed Parcel

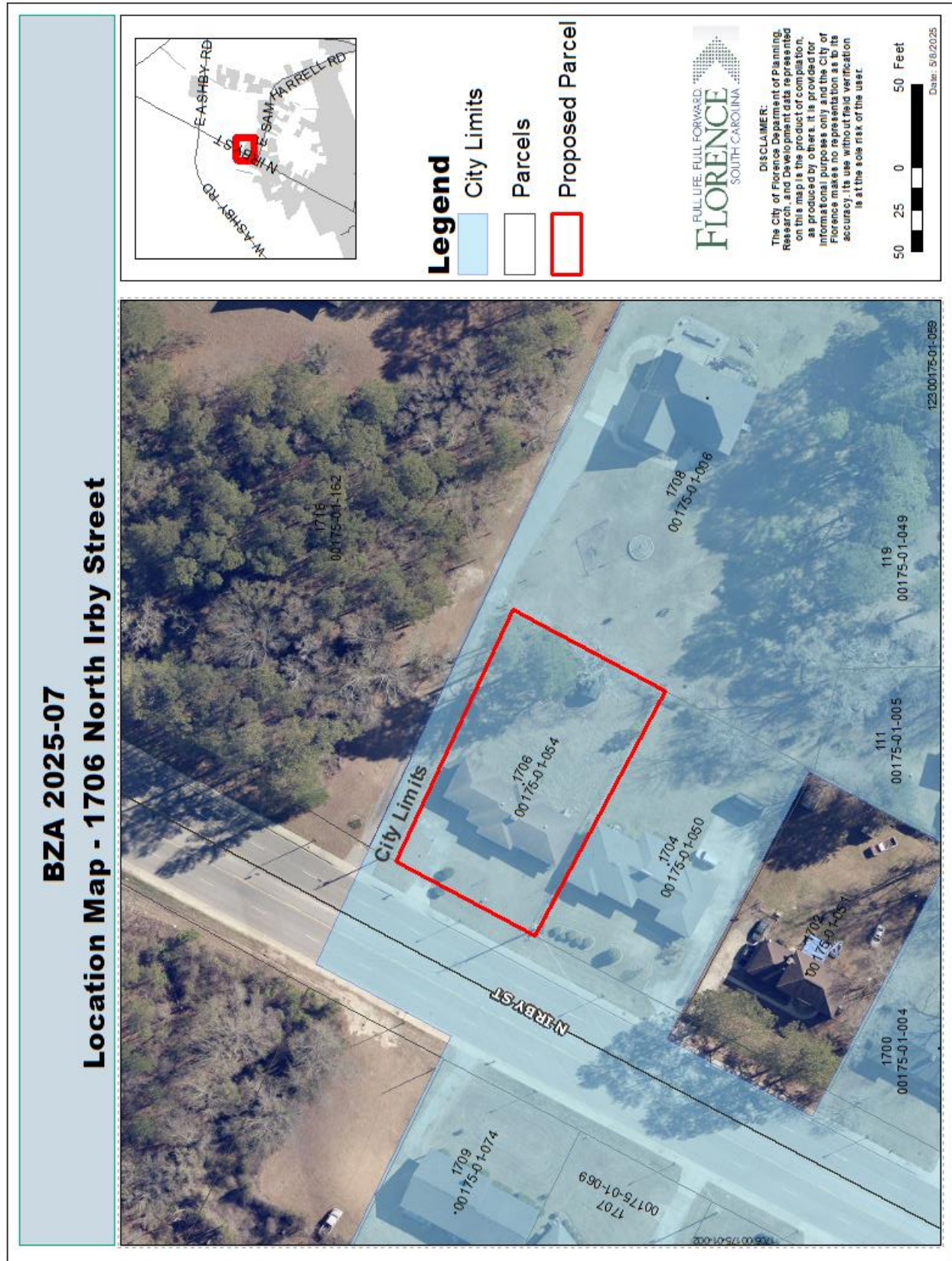


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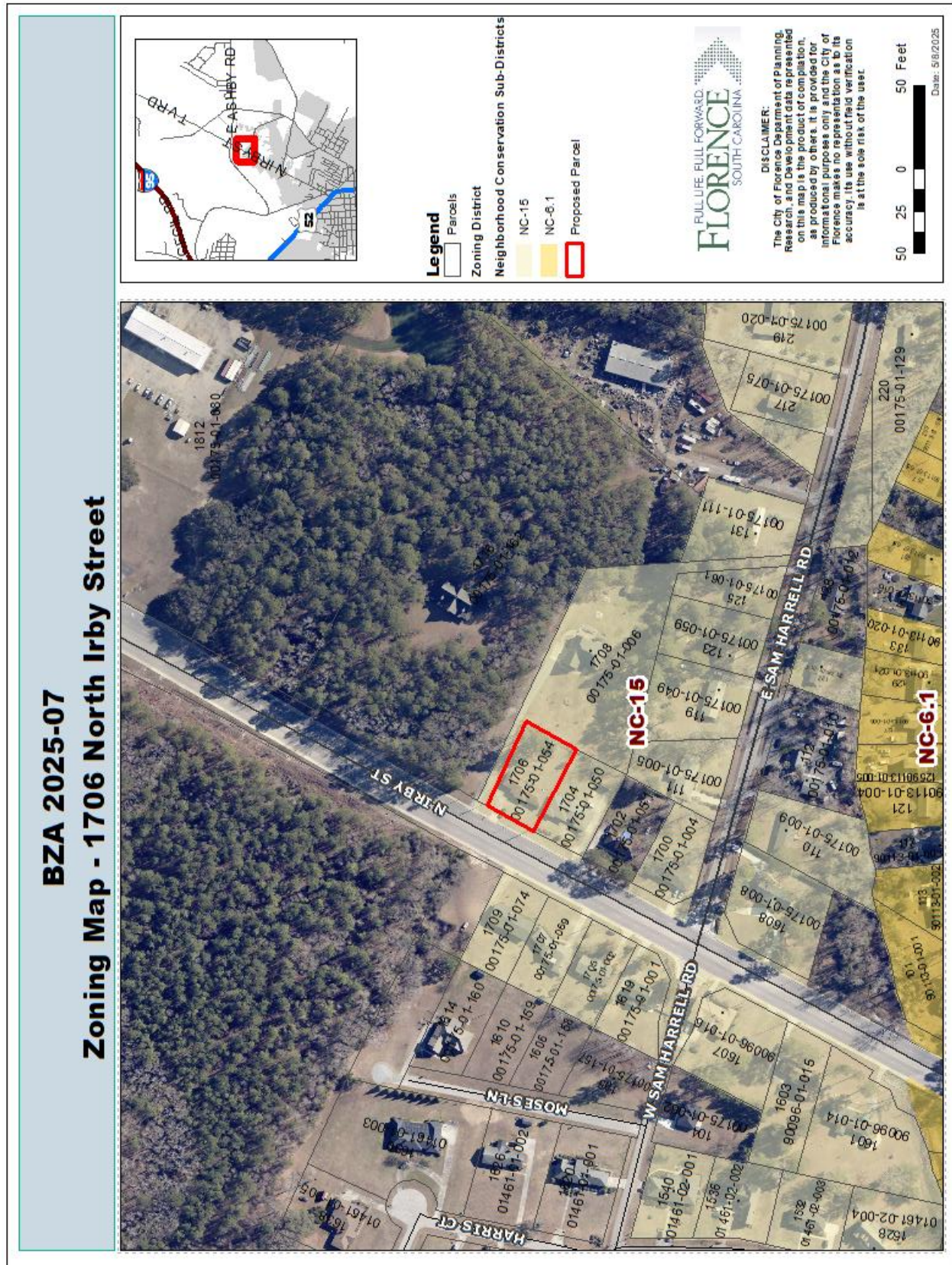


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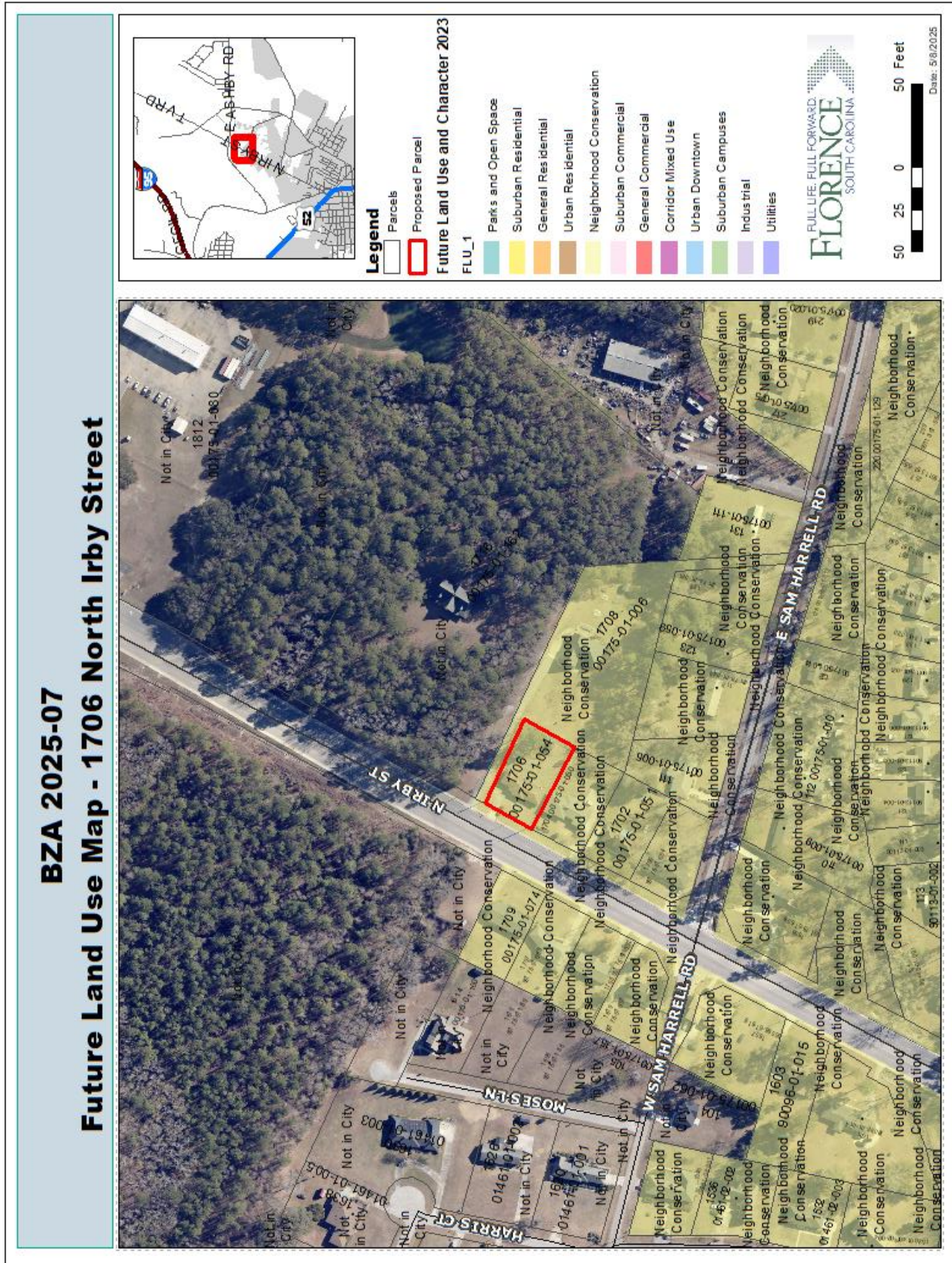














Attachment E: Site Photo

