



CITY OF FLORENCE BOARD OF ZONING APPEALS

CITY CENTER – COUNCIL CHAMBERS

324 WEST EVANS STREET, FLORENCE, SC

THURSDAY, JUNE 26, 2025 – 6:00 P.M.

MEETING AGENDA

I. Call to Order

II. Approval of Minutes Regular meeting held on May 22, 2025

III. Public Hearing and Matter in Position for Action

BZA-2025-08 Request for a variance from the setback requirements for an accessory structure at 2600 South Irby Street in the CG zoning district; identified as Florence County Tax Map Number 00151-01-092.

IV. Public Hearing and Matter in Position for Action

BZA-2025-09 Request for a variance from the setback requirements for a single family house at 418 West Sumter Street in the NC-6.2 zoning district; identified as Florence County Tax Map Number 90072-12-018.

V. Public Hearing and Matter in Position for Action

BZA-2025-10 Request for a variance from the lot area and width requirements for a new lot for a single family house at 713 Malloy Street in the NC-6.2 zoning district; identified as Florence County Tax Map Number 90115-14-006.

VI. Adjournment

The next meeting is scheduled for July 24, 2025.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
MAY 22, 2025**

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

MEMBERS ABSENT: Charlie Ipock and Miriam James-Singley

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

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

APPROVAL OF MINUTES: Chairman Chewning introduced the April 24, 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. Nowline seconded, and the motion passed unanimously (5-0).

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.

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.

Chairman Chewning asked if there were any renderings of the plan; Mrs. Zlotnicki said no, but it would be similar to the site plan showed. Mr. Poston asked for clarification of the exact variances needed. Mrs. Moses asked about the small building on the north side of the building on another parcel, which contains a defunct warehouse that is in the county.

There being no other questions for staff, Chairman Chewning opened the public hearing.

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

Mr. Poston moved that the variances be approved as submitted, subject to the following findings of fact:

1. That a variance from the terms of the *Unified Development 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: **Its irregular configuration presents design constraints that prevent a conventional subdivision and layout. This unique physical condition justifies the need for flexibility in applying dimensional standards.**
2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done: **By allowing a new lot to be carved out of the side yard, the applicant can make use of an underutilized portion of the property without compromising public safety, infrastructure capacity, or the residential character of the neighborhood.**

3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: **The existing structure was built prior to the adoption of the city zoning regulations placing the property in a unique situation compared to others in the area that were developed under current code requirements.**
4. That these conditions do not generally apply to other property in the vicinity: **Because this property's shape and circumstances are exceptional and not shared by other properties in the vicinity, the conditions are specific to this lot and warrant consideration for a variance.**
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 as follows: **The triangular shape of the lot combined with the slightly deficient area creates a condition where compliance with the UDO is disproportionately restrictive.**
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: **Allowing the variance supports the public good by encouraging reinvestment in a way that is consistent with local character without imposing any measurable harm on adjacent property owners or the district as a whole.**

Mr. Nowline seconded the motion, and the vote to approve the variances allowing a smaller lot area and width for the new parcels and 15 feet front and reduced rear setbacks for a new house passed 3-2, with Mr. Poston, Mr. Nowline, and Mrs. Moses voting in favor of the request, and Chairman Chewning and Mr. Valrie voting against it.

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.

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. Poston asked if there was an overlay district or if anyone had called about this request, Mrs. Zlotnicki said no to both.

There being no other questions for staff, Chairman Chewning opened the public hearing. He swore in the owner, Mr. William Schofield. He explained that they have been trying to find a way to utilize the vacant parcel and they have come up with a 1500 square foot two story office building, using the parking lot behind it. He will remove the sign and put the two businesses on the remainder of the lot onto the main sign to clean it up and improve the area. SCDOT is planning to cut a road through this property and Knight Furniture to ease traffic at the light. All future buildings will be constructed with this character.

Mr. Valrie asked Mr. Schofield how much traffic he expected. He said the upstairs would be his own office, and a Verizon store is looking at leasing the bottom space, so 3 to 4 cars at a time. He said he tried to buy the store next door but was turned down. He intends to install a fence to screen that building.

Mr. Poston asked if the SCDOT would be taking any land off this parcel; Mr. Schofield said no, they will basically turn the existing driveway into a road and use the existing traffic light.

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 approved as submitted, subject to the following findings of fact:

1. That a variance from the terms of the *Unified Development 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: **Granting the variance will allow for a compact, appropriately scaled building suitable for low intensity commercial use, which is in harmony with the surrounding area and consistent with sound planning principles.**
2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done: **The main purpose of the side setbacks is to ensure there's enough space around buildings and between properties, but in this area there's already a mix of different setback distances so there's no consistent setback or pattern appearance to maintain. Approving this variance wouldn't harm the character of the area, it would actually allow the property to be used in a reasonable and functional way without negatively impacting neighbors or public safety.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: **This narrow frontage presents a physical limitation that is specific to this property and justifies the need for relief from the standard setbacks in order to make reasonable use of the land.**
4. That these conditions do not generally apply to other property in the vicinity: **Most surrounding properties don't face the same size constraints and availability of shared property at the adjacent Freedom Square, which makes a smaller, more compact use of this lot more reasonable.**
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 as follows: **The small size of this portion of the lot makes it difficult to build a viable commercial structure within the setback limits required by the UDO, effectively limiting the property's development potential.**
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: **Granting the variance will not harm the district due to the fact that it will allow the construction of a new building that will fit a vacant parcel and eliminate an eyesore, enhancing the overall appearance and value of the area.**

Mr. Valrie seconded the motion, and the vote to approve the variance allowing reduced side setbacks for a new commercial building passed unanimously (5-0).

ADJOURNMENT: As there was no further business, Mr. Valrie moved to adjourn. The motion passed unanimously (5-0). Chairman Chewning adjourned the meeting at 6:35 p.m. The next regular meeting is scheduled for June 26, 2025.

Respectfully submitted,

Alane Zlotnicki, AICP
Senior Planner

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT
STAFF REPORT TO THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
JUNE 26, 2025**

AGENDA ITEM: BZA-2025-08

VARIANCE REQUEST: Request for a variance from the street side setback for a storage building on a commercial parcel.

LOCATION: Stefano's Restaurant - 2600 South Irby Street

TAX MAP NUMBER: 00151-01-092

OWNER OF RECORD: Florence SC NG LLC

APPLICANT: Steve Toniolo with Stefano's Restaurant

ZONING DISTRICT: Commercial General (CG)

Land Use and Zoning

The 7.87 acres lot is zoned Commercial General. There is an existing 50,918 square foot shopping center on the east side of the lot, bordered on the west by South Irby Street and Freedom Boulevard on the south side. The applicant is the owner of Stefano's Restaurant, which is located on the south end of the building, in the portion closest to Freedom Boulevard.

In the CG zoning district, primary structures must be at least 50 feet from the front property line, 40 feet from the rear, and at least 20 feet from side property lines. This is known as the building envelope.

Proposal and Variance Request

The applicants are proposing to build a 624 square foot (24 feet wide by 26 feet deep and 9 feet tall) storage building on the south side of the lot behind the restaurant to provide additional storage space.

The applicants are requesting variances from Section 3-8.2.5 of the *Unified Development Ordinance*:

C. Storage Buildings. Storage buildings are permitted as accessory structures on nonresidential sites if the Director finds that:

1. The cumulative floor area of storage and utility buildings does not exceed 25 percent of the gross floor area of the principal building.
2. They are located behind the principal building(s) and at least 150 feet from street rights-of-way.
3. They are completely screened from view from adjacent properties and public rights of way by buildings, fences, walls, or hedges.
4. They will not include converted semi-trailers, manufactured homes, modular shipping containers, dumpsters, or similar structures or equipment used for storage. These are permitted in the IH district subject to all regulations of this Section.

5. If they are larger than 200 square feet, they are located within the building envelope.
6. If they are 200 square feet or less, they are situated behind the principal building and set back at least 10 feet from all side and rear property lines.

Stefano's wants to place the storage building behind their portion of the shopping center to provide easy access as well as to prevent vandalism. However, because of their location in the center nearest to Freedom Boulevard, the requirement to be 150 feet from a public right of way does not enable them to locate the storage building where they need it for access and security purposes (see Attachment E). Additionally, it will not be screened by any other buildings in this location, but there is no other practical alternative.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular property as follows: ***Stefano's Restaurant is the end unit closest to the road, making it difficult to place an accessory structure that is easily accessible within the 150 feet from the right of way requirement.***
- b. These conditions do not generally apply to other property in the vicinity as shown by: ***The restaurant is on the end of the shopping center, closest to the public right of way.***
- 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: ***Requiring us to adhere to the 150 feet setback would not let us have the storage shed behind our restaurant, where it is most convenient and can be observed to deter vandalism.***
- 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 storage building will be behind the shopping center so customers will not see it. It will still be at least 86 feet from the public right of way, which is 66 feet more than the side setback for a commercial building in this district.***

Issues to be Considered

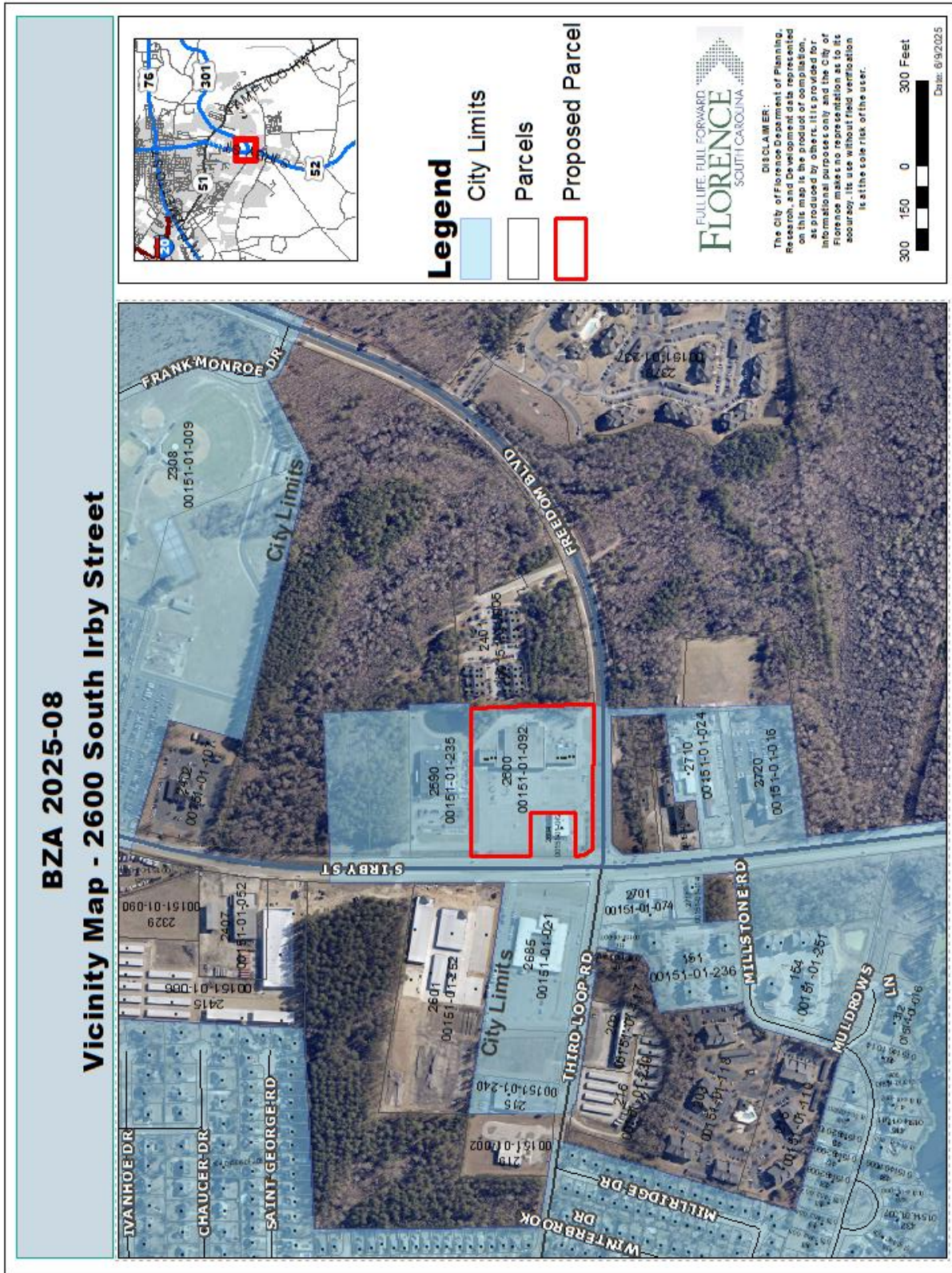
Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

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: Requiring adherence to the 150 foot setback requirement will prevent the applicants from being able to locate their storage building in the desired location.
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 restrictions on accessory buildings are in place to prevent overcrowding of commercial properties and to improve the view from city streets.
3. That there (are/are not) extraordinary and exceptional conditions pertaining to the particular piece of property.
Staff Comment: The affected units of the shopping center are on the side of the building that is closest to the public right of way. Placing the storage building elsewhere on the lot will not be close enough to help the business it is meant to serve.

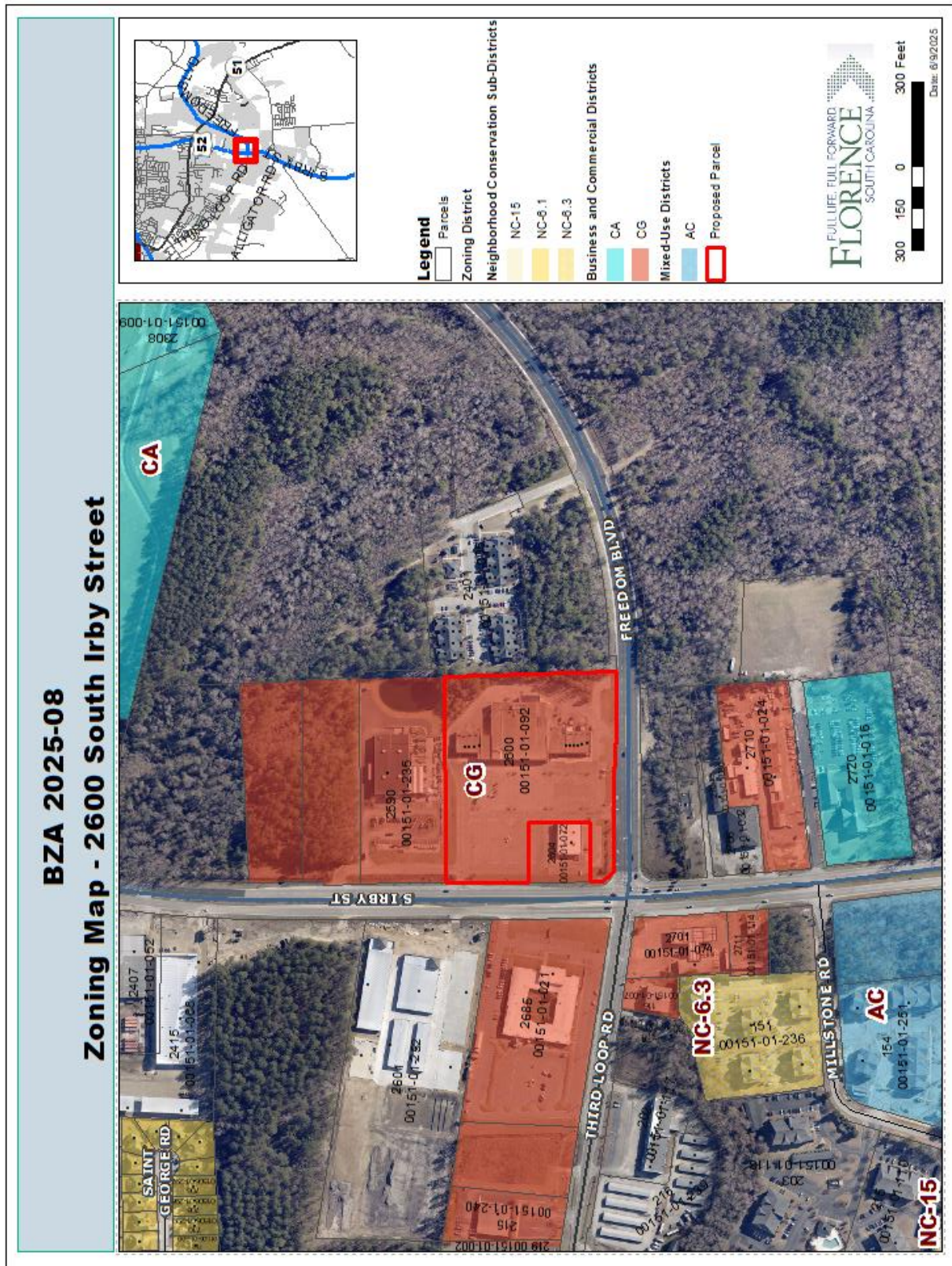
4. That these conditions (do/do not) generally apply to other property in the vicinity.
Staff Comment: The immediate area is commercial in character with varying lot sizes and setbacks.
5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property (would/would not) effectively prohibit or unreasonably restrict the utilization of the property as follows.
Staff Comment: Adherence to the terms of the Ordinance would result in the inability of the owner to place the storage building in the most convenient and observable location.
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 the storage building is proposed to be behind the shopping center, its impact on South Irby Street would be nonexistent. While it would be visible from Freedom Boulevard, it will be within the building envelope and not immediately apparent from the public right of way. The proposed structure, while constructed as a permanent building, is removable if necessitated in the future.

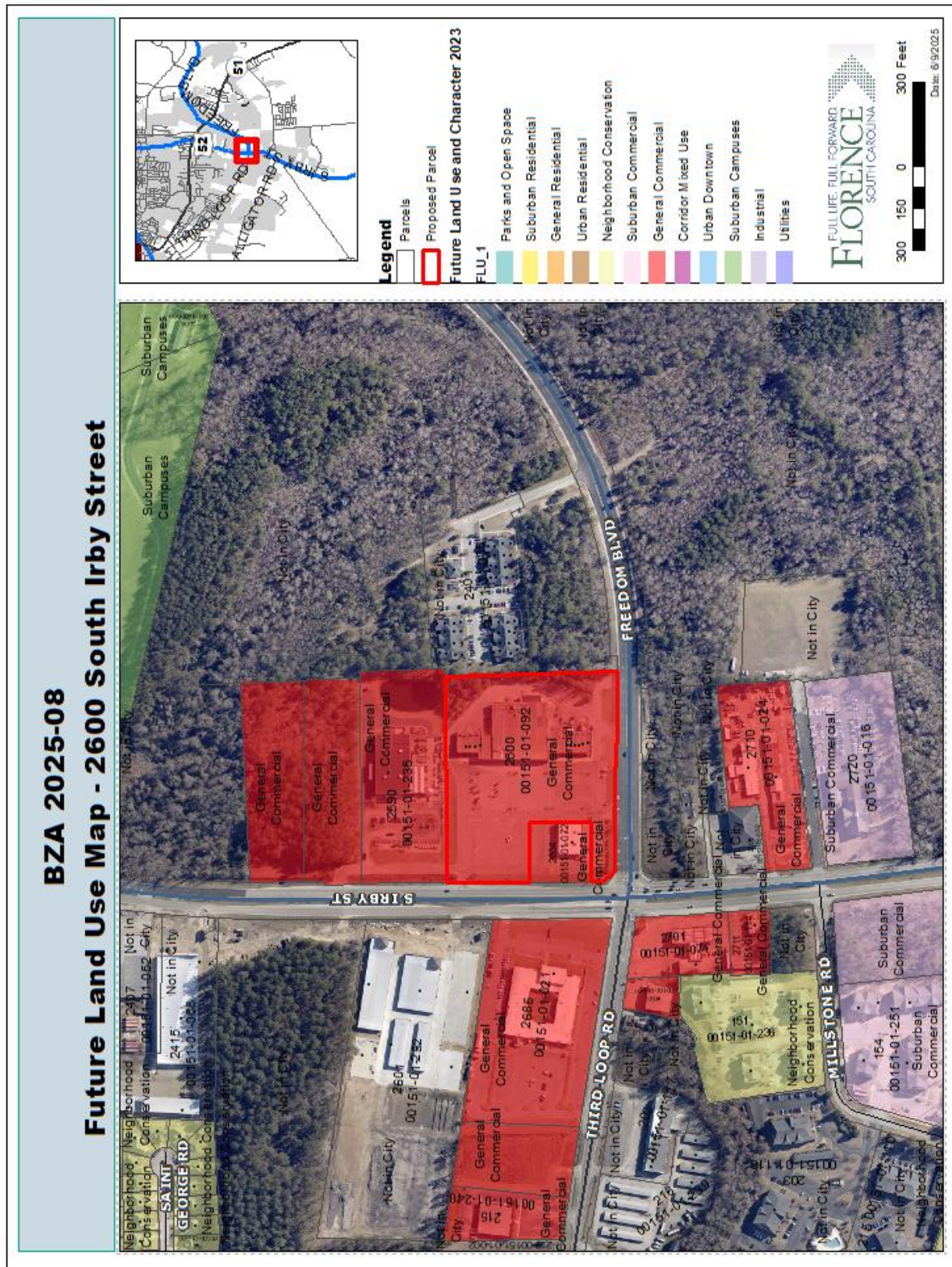
Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Site Plan
- F. Building Elevation
- G. Site Photos









Attachment E: Site Plan



Attachment F: Building Elevation



Attachment G: Site Photos





Board of Zoning Appeals Motion Worksheet

Case Number: BZA-2025-08 Nature of Request: Side Setback and Screening 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
JUNE 26, 2025**

AGENDA ITEM: BZA-2025-09

VARIANCE REQUEST: Request for a variance from the minimum setbacks required for a new single family house.

LOCATION: 418 West Sumter Street

TAX MAP NUMBER: 90072-12-018

OWNER OF RECORD: Greater Florence Habitat for Humanity

APPLICANT: Trevis Cooper

ZONING DISTRICT: Neighborhood Conservation-6.2 (NC-6.2)

Land Use and Zoning

418 West Sumter Street is a vacant lot on the corner of Sanborn Street and West Sumter Street. It has a total area of 0.065 acre, or 2,852. It is 46 feet wide and 62 feet long. The zoning designation of NC-6.2 permits single family detached houses and duplexes only. The minimum lot size for NC-6.2 is 6,000 square feet, but all lots within an NC district that were lawfully created prior to the adoption of the *Unified Development Ordinance* are considered conforming and as such may be built upon.

Proposal and Variance Request

The owner proposes to construct a 1160 square foot single family house on the site as infill development facing West Sumter Street. The proposed house meets the required interior side setback, but does not meet the front, street side, or rear setback requirements.

According to Table 2-5.2.1 “General Lot and Building Standards”, in the NC-6.2 zoning district the front setback for a new house is 25 feet; street side setback is 10 feet, the interior side setback is 5 feet; and the rear setback is 20 feet.

The new house is proposed to have a front setback of 15 feet, necessitating a variance of 40%, a street side setback of 9.9 feet, for a decrease of 1%, and a rear setback of 9.7 feet, requiring a variance of 52%.

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 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%	

The following information was submitted by the applicant:

- There are extraordinary and exceptional conditions pertaining to the particular property as follows: ***The size of the lot makes it difficult to develop with the current setbacks.***
- These conditions do not generally apply to other property in the vicinity as shown by: ***Surrounding properties on West Sumter Street.***
- 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: ***In order to maximize the current lot space and size.***
- 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 new build will conform and compliment the current housing in the area.***

Issues to be Considered

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

- 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 house with the smaller front and rear setbacks will result in a compact yard. However, enforcement of the 25 foot front and 20 foot rear setback requirements makes this lot unusable.
- 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 setbacks is to provide space around houses and distance between parcels. The majority of houses in this area are less than 15 feet of the front property lines, and the houses are very close together on small lots.
- That there (are/are not) extraordinary and exceptional conditions pertaining to the particular piece of property.
Staff Comment: This lot is very small, which limits the size of the house that can be constructed there.
- 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 West Sumter Street. This lot is small compared to other lots in the immediate vicinity.

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 lot, it is difficult to build a house 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.

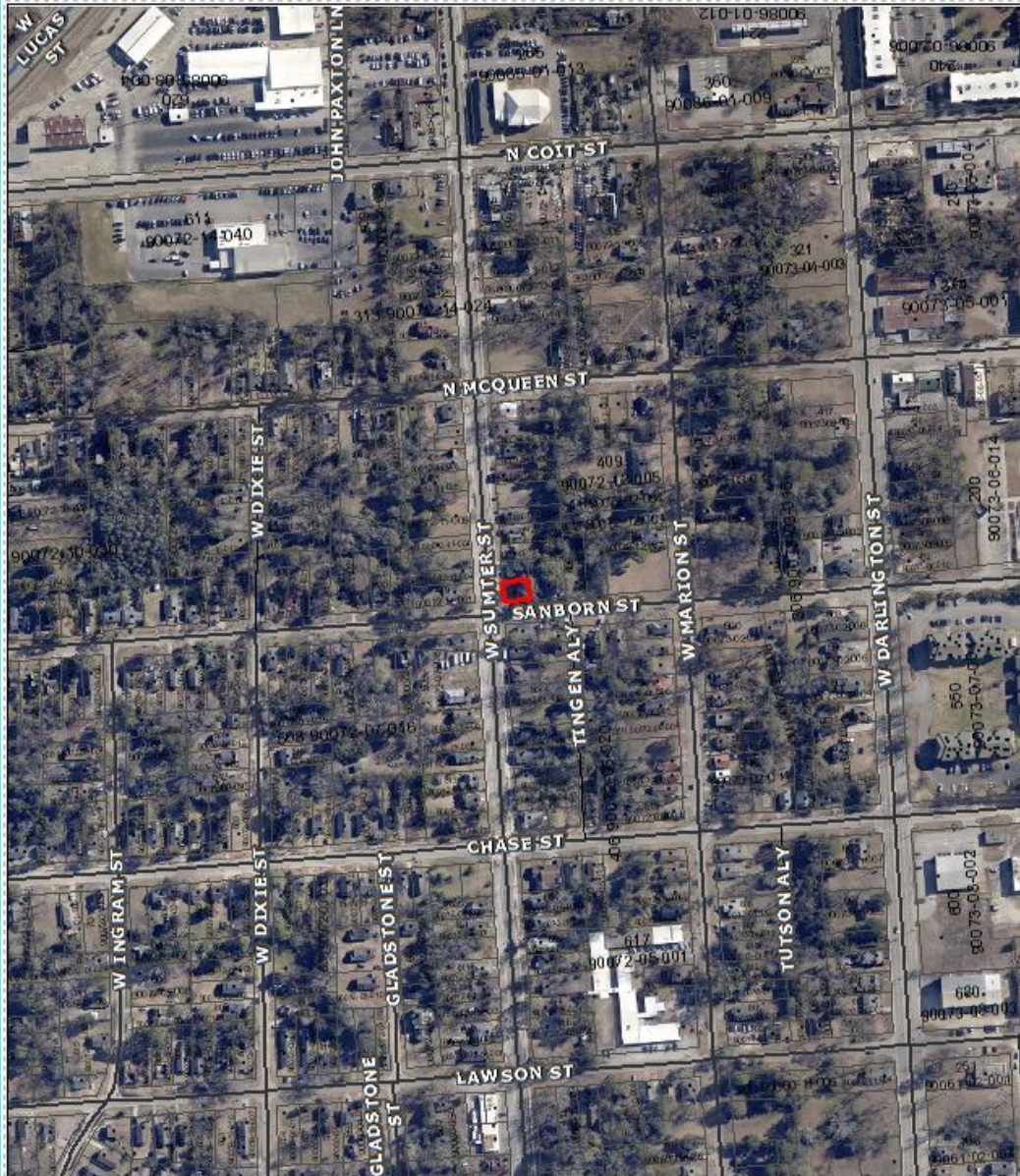
Staff Comment: Granting the variance will not be detrimental to the character of the district; it will enable the construction of a new house to infill a vacant parcel. Most existing houses within this block are 10-15 feet from the front property line. The proposal meets the interior side setback requirement, and the street side has a 25 foot side yard from the property line to the edge of pavement on Sanborn Street.

Attachments

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

BZA 2025-09

Vicinity Map - 418 West Sumter Street



Legend

Parcels

Proposed Parcel

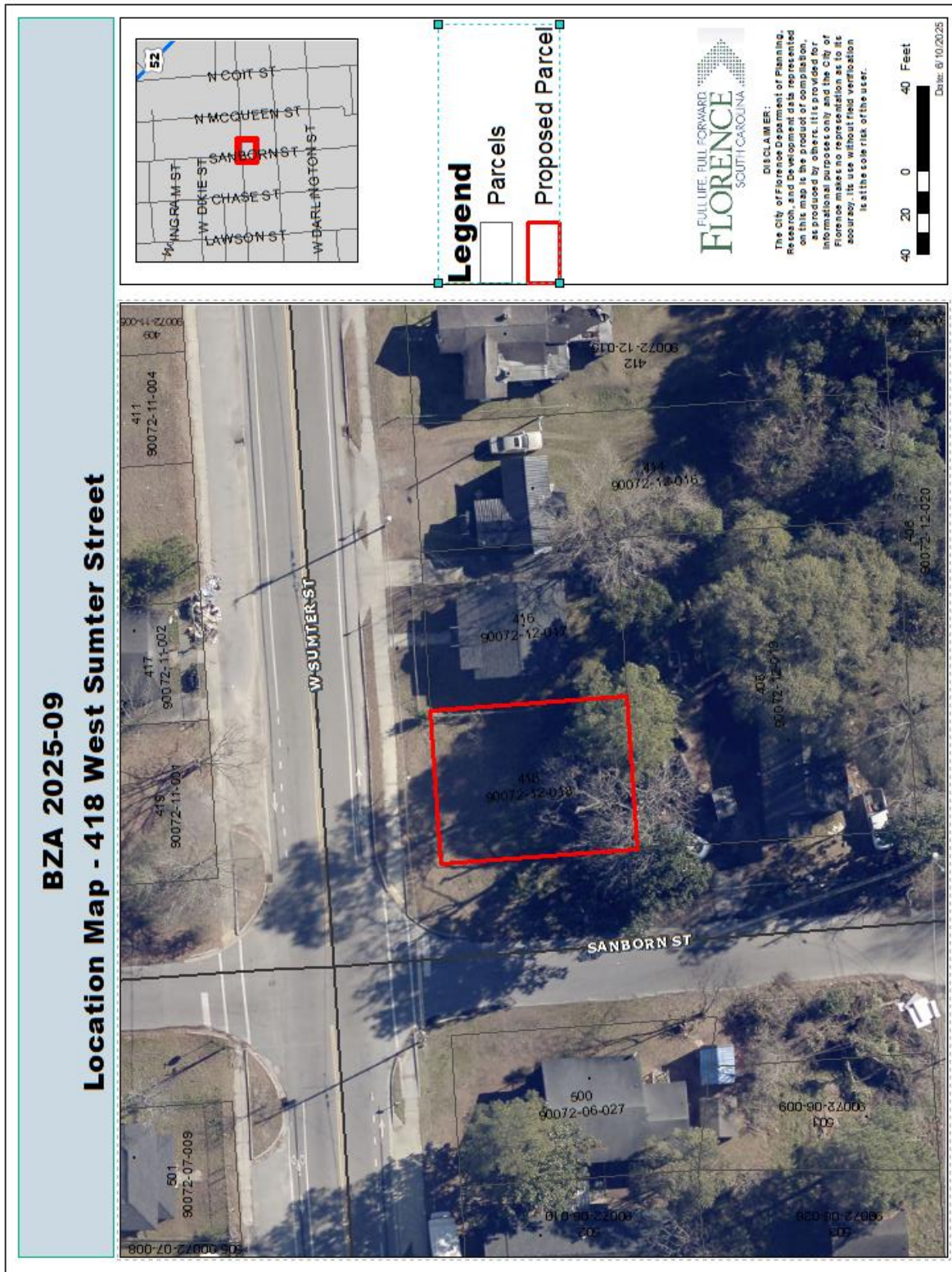


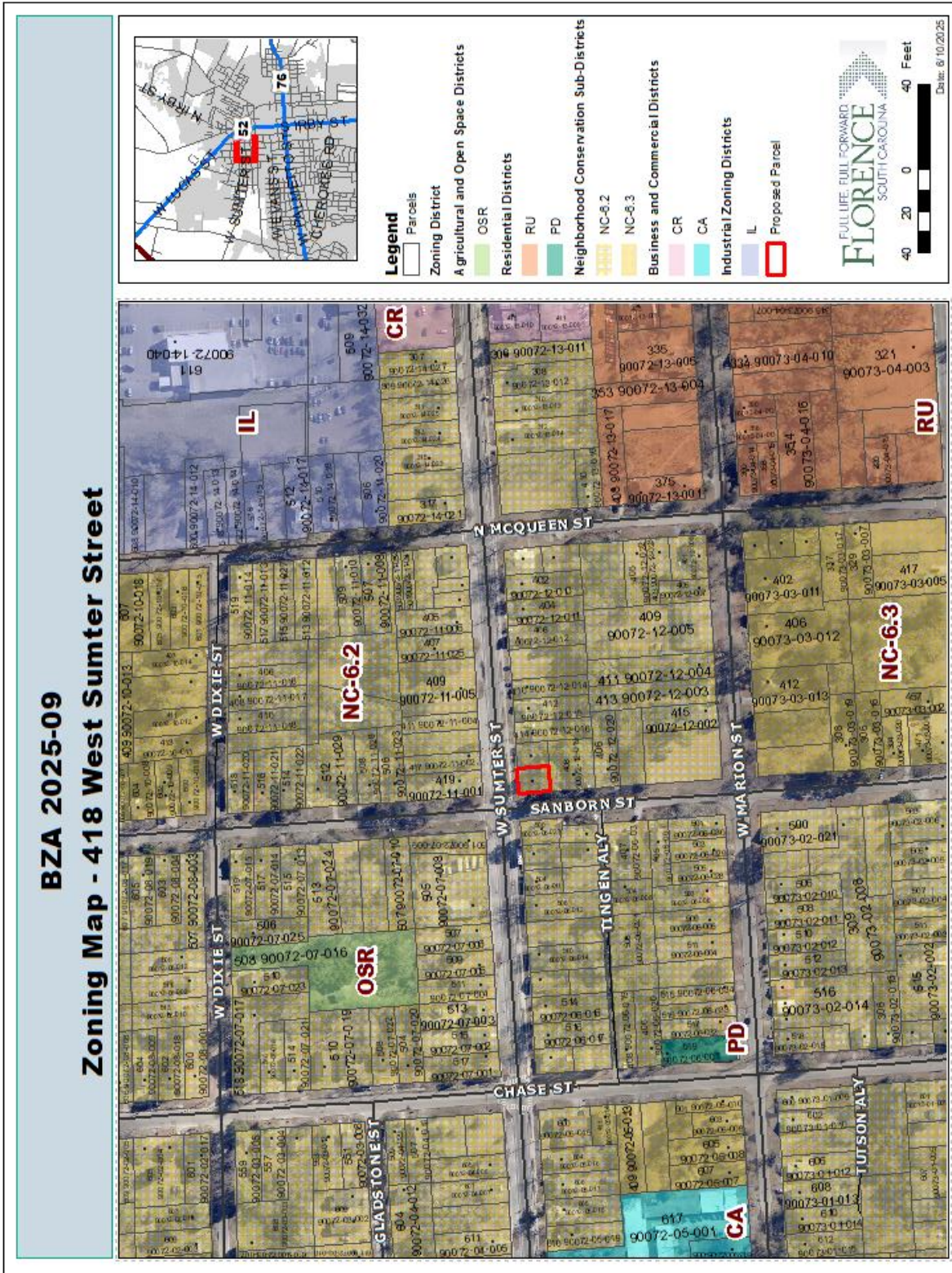
DISCLAIMER:
The City of Florence Department of Planning, Research, and Development data represented on this map is the product of computerized information systems and is not intended for informational purposes only and the City of Florence makes no representation as to its accuracy, its use without field verification is at the sole risk of the user.



Date: 8/10/2025

Attachment B: Location Map





Attachment E: Proposed Building Elevations



Front Elevation - 8' ceiling height



Right Elevation



Left Elevation



Rear Elevation

Attachment F: Site Photos



View of the lot from West Sumter Street.



Houses to the west of the lot showing front setbacks.



Houses to the east of the lot, showing front setbacks.

Board of Zoning Appeals Motion Worksheet

Case Number: BZA-2025-09 Nature of Request: 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
JUNE 26, 2025**

AGENDA ITEM: BZA-2025-10

VARIANCE REQUEST: Request for variances from the minimum lot area and lot width required for new parcels.

LOCATION: 713 Malloy Street and 1012 Pawley Street

TAX MAP NUMBER: 90115-14-006

OWNER OF RECORD: Mary Ella Bugg

APPLICANT: Herman Thomas

ZONING DISTRICT: Neighborhood Conservation-6.2 (NC-6.2)

Land Use and Zoning

There are two houses on one lot of record. The larger house is on the north side of the lot facing Pawley Street, and a smaller one behind it faces Malloy Street. This parcel has an area of 12,360 square feet with 80 feet of frontage along Pawley Street, and 155 feet along Malloy Street. The NC-6.2 zoning district requires that any new parcel have a minimum area of 6,000 square feet and a minimum lot width of 60 feet.

Proposal and Variance Request

The applicant is proposing to subdivide the single parcel to provide a separate lot of record for each house. The lot containing 1012 Pawley Street would continue to face Pawley Street. The purpose of a second parcel is to accommodate 713 Malloy Street and would have its frontage along Malloy Street.

When there are existing structures on a parcel, any proposed subdivision must meet the required setbacks. In the NC-6.2 zoning district, the minimum rear setback is 20 feet, and the minimum side setback is 5 feet. The new property line must leave at least 20 feet behind 1012 Pawley Street. There are about 31 feet between the back of the house at 1012 Pawley Street and the side of the house at 713 Malloy Street. This is enough to provide the 20 feet behind the house as well as an 11 foot wide driveway next to the house at 713 Malloy Street.

Placing a new property line at this location (Attachment D) results in an 8,000 square foot lot for 1012 Pawley Street, which meets the requirements of the ordinance. However, the lot created for 713 Malloy Street is about 4,400 square feet in area, or about 27% below the minimum of 6,000 square feet. The lot frontage is 55 feet, or 8% below the minimum of 60 feet.

While small, these dimensions do meet those of the smallest lot size permitted by the *Unified Development Ordinance*, which is 4,400 square feet in lot area and 40 feet in lot width. That size parcel is permitted in the NC-4 zoning district. The lots in this neighborhood are generally about 5,000 to 6,000 square feet in area but most have frontages of 40 feet. Approval of the proposal would result in the creation of a lot of record that is not as deep as other lots in the immediate vicinity, but which is at least as wide as the majority of them.

Once variances on lot area and width are obtained, the owner will have the lots surveyed and platted to accommodate the amounts granted. That plat will 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-6.2:

Table 1-2.2.1B ¹ Neighborhood Conservation Subdistricts				
Subdistrict	Character Type	Predominant Building Type	Minimum Lot Area ² (for New Lots)	Minimum Lot Width ² (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 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%	

The following information was submitted by the applicant:

- There are extraordinary and exceptional conditions pertaining to the particular property as follows: *The smaller house was constructed in the 1950s, and the second, larger one was constructed by the same family in the 1970s. Because both houses were lived in by members of the same family, the lot was not divided to give each house its own parcel.*
- These conditions do not generally apply to other property in the vicinity as shown by: *Most lots don't contain two houses.*
- 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 need to have the right setbacks for the existing houses limits the size of the lot for the house facing Malloy Street.*
- 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: *Nothing is being changed besides the lots of record.*

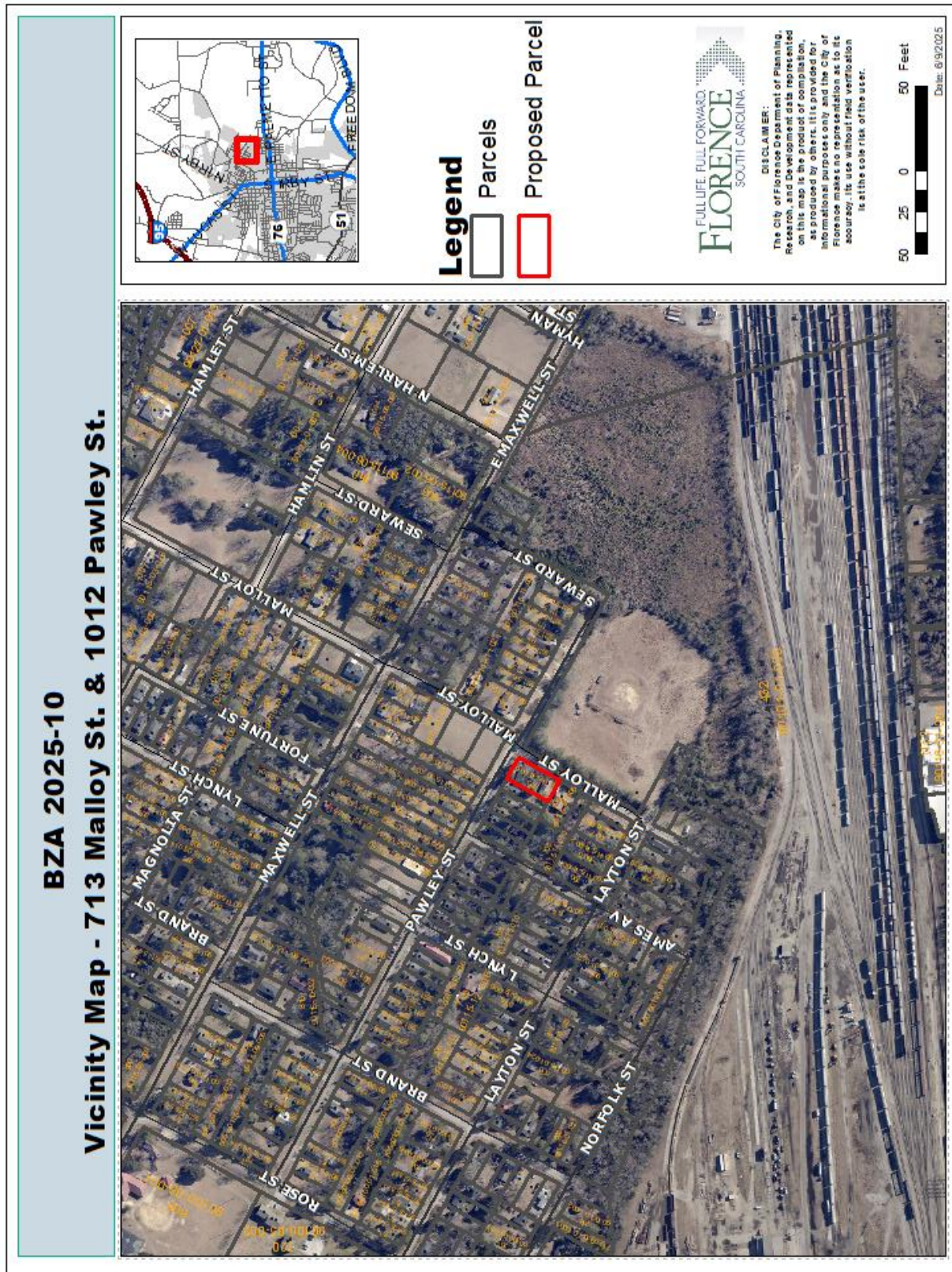
Issues to be Considered:

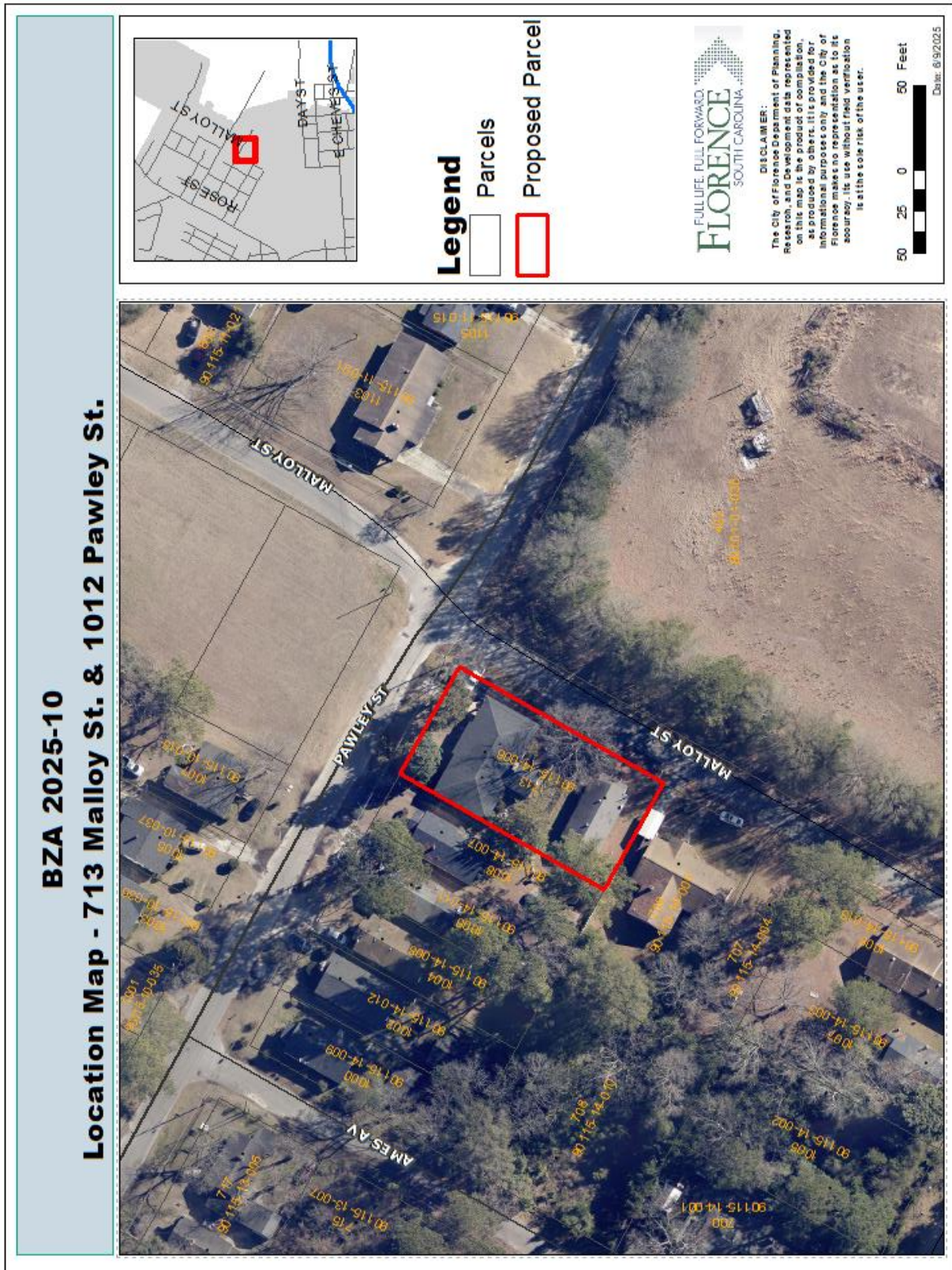
Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

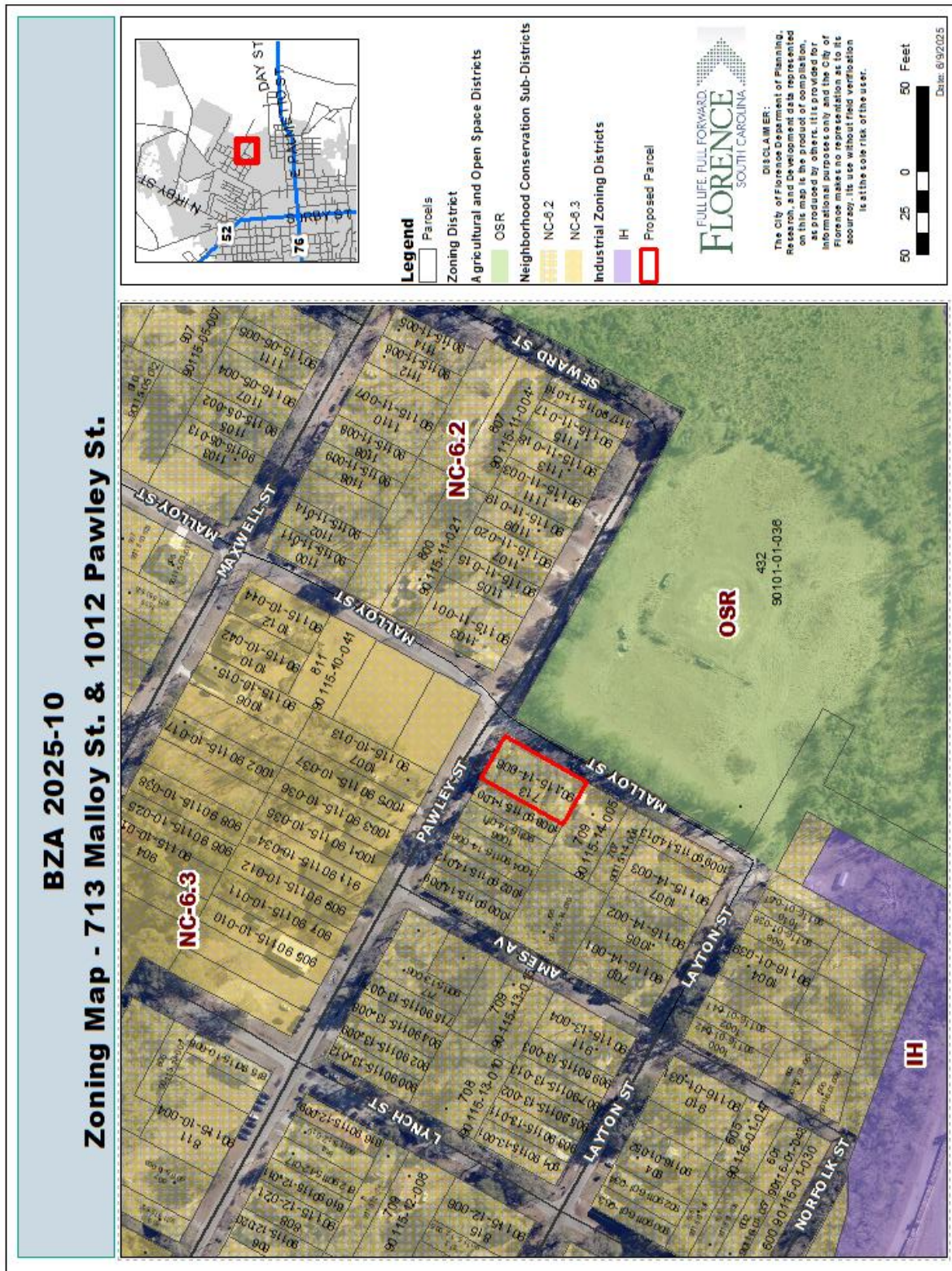
1. That a variance from the terms of the *Unified Development Ordinance* (will/will not) be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions (will/will not), in an individual case, result in an unnecessary hardship.
Staff Comment: The applicant desires to carve out a new lot of record for each existing house. Leaving the lot as it is does not prevent the use of it for two single family residences, but it would be more accurate to provide a distinct parcel for each house.
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 not result in development that is more dense than that of the immediate vicinity because the houses have been there for more than fifty years.
3. That there (are/are not) extraordinary and exceptional conditions pertaining to the particular piece of property.
Staff Comment: This lot has enough area to meet the minimum requirement for the district to be subdivided, but the existing houses' locations and sizes in combination with current setback requirements makes it difficult to do so. The existing houses were constructed prior to adoption of zoning regulations.
4. That these conditions (do/do not) generally apply to other property in the vicinity.
Staff Comment: The vast majority of lots of record in the area contain only one house.
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 to provide a distinct lot of record for the single family house facing Malloy Street.
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: Placing a property line on a surveyor's map will not change the look or character of the neighborhood in the least since the two houses have been in place for over fifty years.

Attachments

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







Attachment D: Proposed Plat



(All existing areas and distance numbers are estimates)

The blue line is the existing property line. The red line is the approximate location of the new subdivision line, leaving 20 feet behind 1012 Pawley Street, and 11 feet on the right side of 713 Malloy Street to accommodate the driveway.

Total area of original parcel: 12,360 square feet. Total street frontage of original parcel: 80 feet along Pawley Street and 155 feet along Malloy Street.

The NC-6.2 minimum new lot size: 6,000 square feet; minimum new lot width: 60 feet.

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

Attachment E: Site Photos



Existing house on the north side of the lot at 1012 Pawley Street.



Existing house on the south side of the lot at 713 Malloy Street.



Distance between the two houses.

Board of Zoning Appeals Motion Worksheet

Case Number: BZA-2025-10 Nature of Request: New Lot Area and Frontage 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: