



CITY OF FLORENCE BOARD OF ZONING APPEALS

CITY CENTER – COUNCIL CHAMBERS

324 WEST EVANS STREET, FLORENCE, SC

THURSDAY, AUGUST 28, 2025 – 6:00 P.M.

MEETING AGENDA

I. Call to Order

II. Approval of Minutes Regular meeting held on June 26, 2025

III. Public Hearing and Matter in Position for Action

BZA-2025-12 Request for a Special Exception Use Permit to operate a large in home childcare facility at 2101 Damon Drive in the NC-15 zoning district; identified as Florence County Tax Map Number 01506-01-005.

IV. Public Hearing and Matter in Position for Action

BZA-2025-13 Request for a variance from the minimum lot width requirement for a plat for 152 and 154 South Dargan Street in the CBD zoning district; identified as Florence County Tax Map Number 90169-01-020.

V. Adjournment

The next meeting is scheduled for September 25, 2025.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
JUNE 26, 2025**

MEMBERS PRESENT: Larry Chewning, Miriam James-Singley, Deborah Moses, and Michael Valrie

MEMBERS ABSENT: Charlie Ipock, Jermaine Nowline, and Nathaniel Poston

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 May 22, 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 (4-0).

PUBLIC HEARINGS AND MATTERS 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.**

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.

There being no questions for staff, Chairman Chewning opened the public hearing. He swore in Steve Toniolo, the owner of Stefano's restaurant. He said they have a verbal agreement to use the last tenant space in the near future, so they'll be using the last four spaces closest to Freedom Boulevard. They will be removing a smaller accessory building that is in bad shape. The new building will be the same color as the back of the shopping center.

Mrs. Moses asked where the 150' limit was; Mrs. Zlotnicki pointed out where that was on the site plan, nowhere near the portion of the building utilized by Stefano's.

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.

Chairman Chewning 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: ***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 be observed, public safety and welfare secured, and substantial justice done: ***The restrictions on accessory buildings are in place to prevent***

overcrowding of commercial properties and to improve the view from city streets. This building will only be visible from Freedom Boulevard.

3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: *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 not generally apply to other property in the vicinity: *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 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 place the storage building in the most convenient and observable location.*
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: *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.*

Mr. Valrie seconded the motion, and the vote to approve the variance allowing a decreased setback to place the storage building passed unanimously (4-0).

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.

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 staff had heard from any of the neighbors; Mrs. Zlotnicki said she'd gotten a few calls from neighbors curious to know what was proposed and if it affected their properties, but once they learned it was a single family house on that one parcel, no one was against it.

Ms. James asked if the house would front on West Sumter Street, Mrs. Zlotnicki said that was correct because it wouldn't fit at all if oriented to face Sanborn Street.

There being no other questions for staff, Chairman Chewning opened the public hearing. He swore in the applicant, Trevis Cooper. He said the Greater Florence Habitat for Humanity received the property from the City of Florence; they are building it with a development grant; there are other houses with similar setbacks, and it will be a great addition to the community.

Ms. James-Singley asked who would benefit from the house; Mr. Cooper said it would be an interest free mortgage. Mr. Valrie asked if there had ever been a house on this lot or if it had always been vacant. Mr. Cooper said he didn't know, but water and sewer meters were already in place so there probably was one there at some point. Mr. Dudley explained that the lot was part of the inventory the City built as part of the neighborhood revitalization program, and it was gifted to Habitat for Humanity to construct a house.

Ms. James-Singley asked if setbacks had changed over time; Mrs. Zlotnicki said yes, those houses were probably built in the 1950s before these setbacks were in place.

Mr. Valrie asked if putting a house there would make the neighborhood unsafe; Mrs. Zlotnicki said no. She said the smallest new lot allowable in the city is 4400 square feet, so this is smaller, but it is considered a legal lot of record, so it may be built upon.

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. Valrie 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: ***Because there was possibly a house here previously, 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. The new house would help make the environment and neighborhood better.***
2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done: ***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.***
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: ***This lot is very small, which limits the size of the house that can be constructed there.***
4. That these conditions do not generally apply to other property in the vicinity: ***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. Most of the lots are smaller with minimal setbacks.***
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: ***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 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 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.***

Ms. James-Singley seconded the motion, and the vote to approve the variance allowing reduced setbacks for a new house passed unanimously (4-0).

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.

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 had been any comments from the neighborhood; Mrs. Zlotnicki said there was curiosity and just some questions by the owner of 1008 Pawley Street regarding the shared side property line, but that isn't part of this request.

Ms. James-Singley asked if the owner knew that if approved, he'd have two tax map numbers; Mrs. Zlotnicki said that the granting of the variance only gives the owner the ability to subdivide the lot if he so chooses; it doesn't immediately result in two lots. If he brought staff a new plat, they would ensure that the two new lots met the standards of the variance.

There being no other questions for staff, Chairman Chewning opened the public hearing. He swore in Thurmond Brown, whose sister owns 1008 Pawley Street, and he asked about the shared property line between the two lots. He said his father and Mr. Thomas' father had some agreement about the location of the side property line. Mr. Dudley said he could look for the original plat at the courthouse.

Mrs. Moses asked if they needed to hear from the owner. Mrs. Zlotnicki said not necessarily; she said this does not result in two lots, the owner has to get it surveyed, the variance isn't legally binding until recorded on an official plat. There was discussion that if a new owner decided to tear down the Malloy Street house, they would need to come back for variances on setbacks, similar to the previous case, because it would be a legal lot of record.

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 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: ***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 be observed, public safety and welfare secured, and substantial justice done: ***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 extraordinary and exceptional conditions pertaining to the particular piece of property: ***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 not generally apply to other property in the vicinity: ***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 effectively prohibit or unreasonably restrict the utilization of the property as follows: ***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 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: ***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.***

Mr. Valrie seconded the motion, and the vote to approve the variance on new lot size passed unanimously (4-0).

ADJOURNMENT: As there was no further business, Ms. James-Singley moved to adjourn. Mr. Valrie seconded the motion and the motion passed unanimously (4-0). Chairman Chewning adjourned the meeting at 6:48 p.m. The next regular meeting is scheduled for July 24, 2025.

Respectfully submitted,

Alane Zlotnicki, AICP
Senior Planner

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT
STAFF REPORT TO THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
AUGUST 28, 2025**

APPEAL NUMBER: BZA-2025-12

REQUEST: Request for a Special Exception Use Permit to operate a large in-home childcare facility.

LOCATION: 2101 Damon Drive

TAX MAP NUMBER: 01506-01-005

OWNER OF RECORD: Faith Perry

APPLICANT: Faith Perry

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*. The owner currently operates an after school daycare for 6 children, which is permitted as a home occupation. She wishes to expand to accommodate up to twelve children until around 7:00 p.m. on weekdays.

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 childcare 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 Social Services;
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

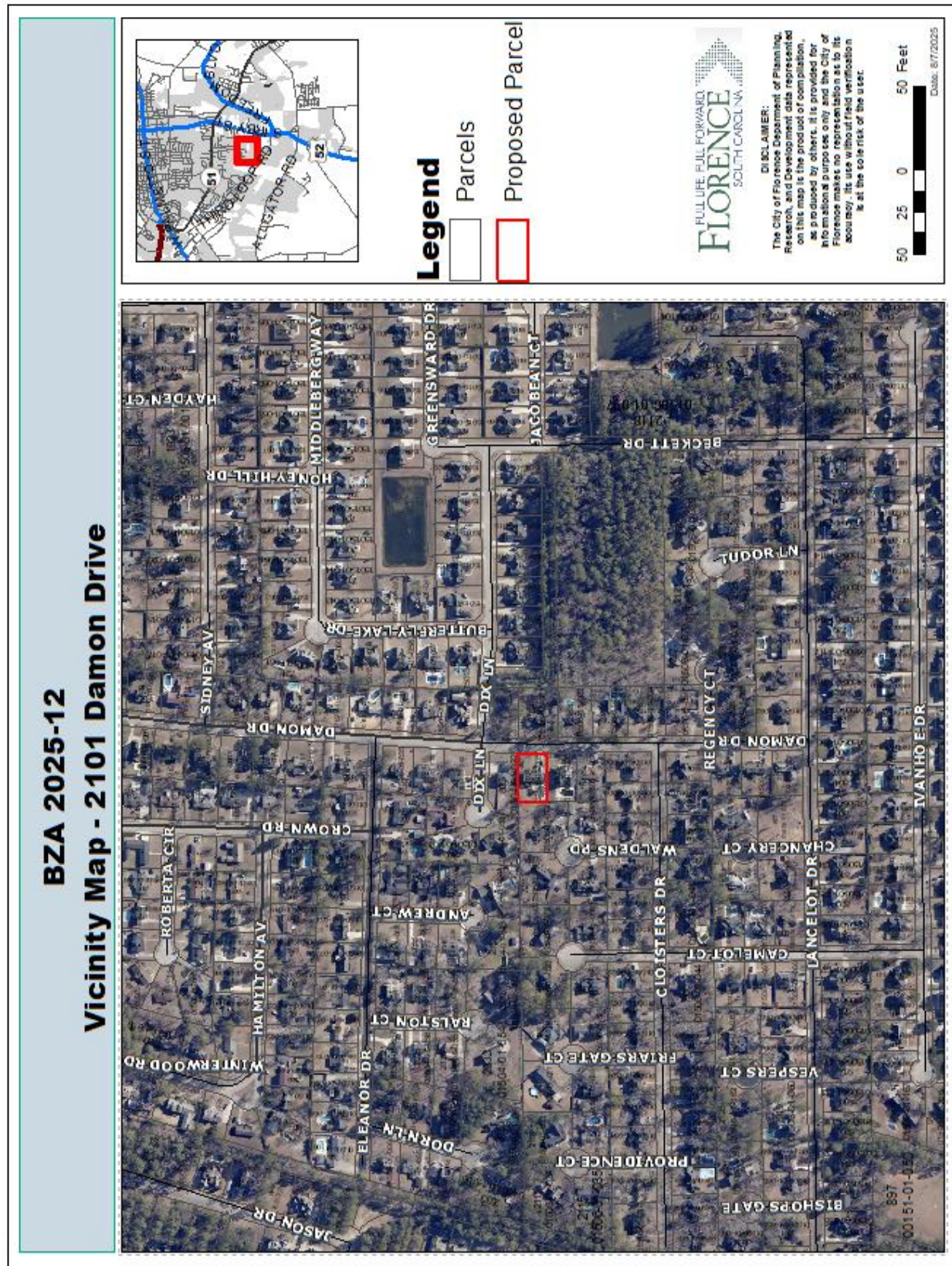
The Board of Zoning Appeals may:

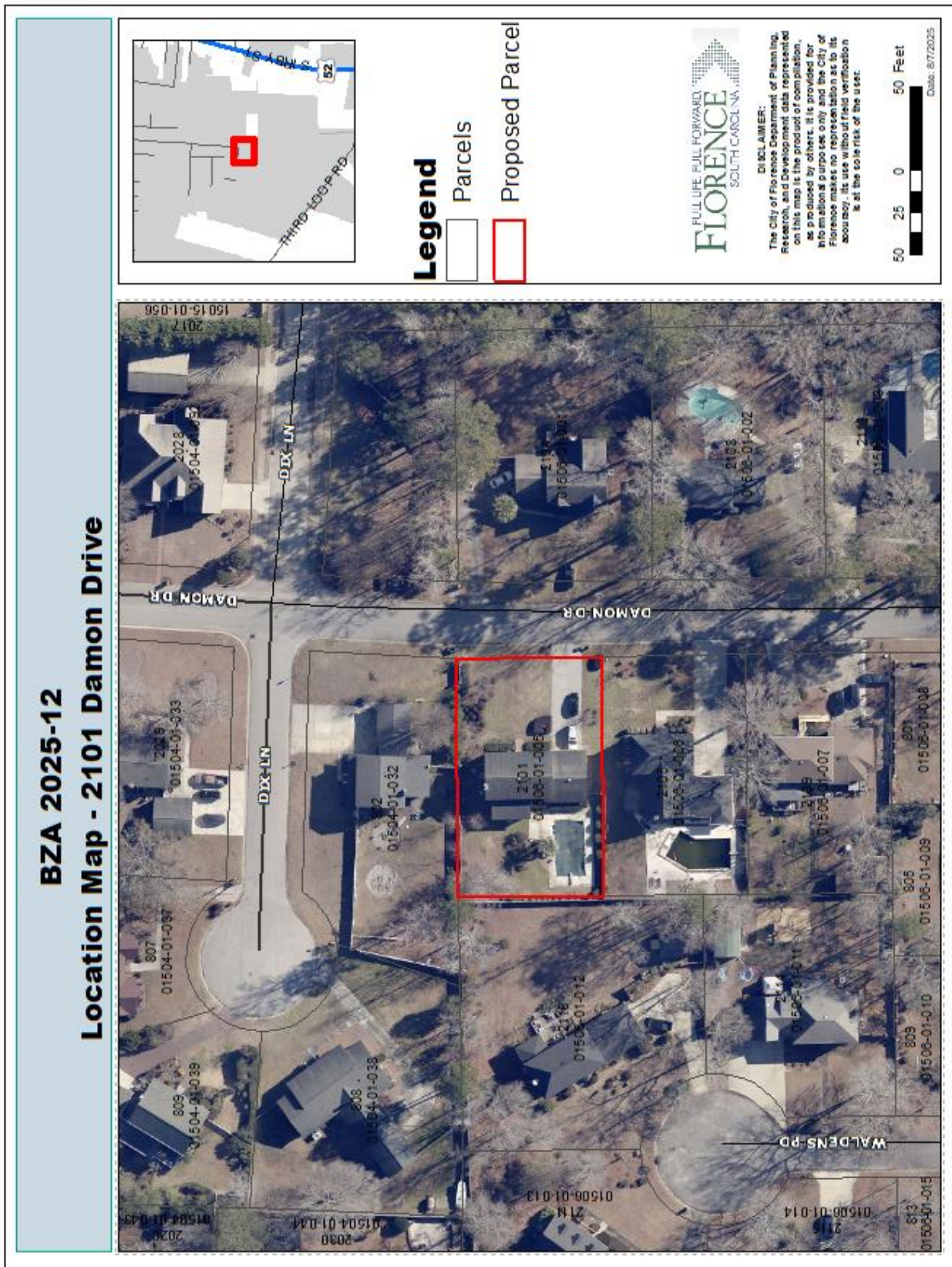
- (1) Recommend approval of the request as presented based on the information submitted.
- (2) Recommend approval with additional conditions.
- (3) Defer the request should additional information be needed.
- (4) Suggest other alternatives.
- (5) Recommend denial of the request based on information submitted.

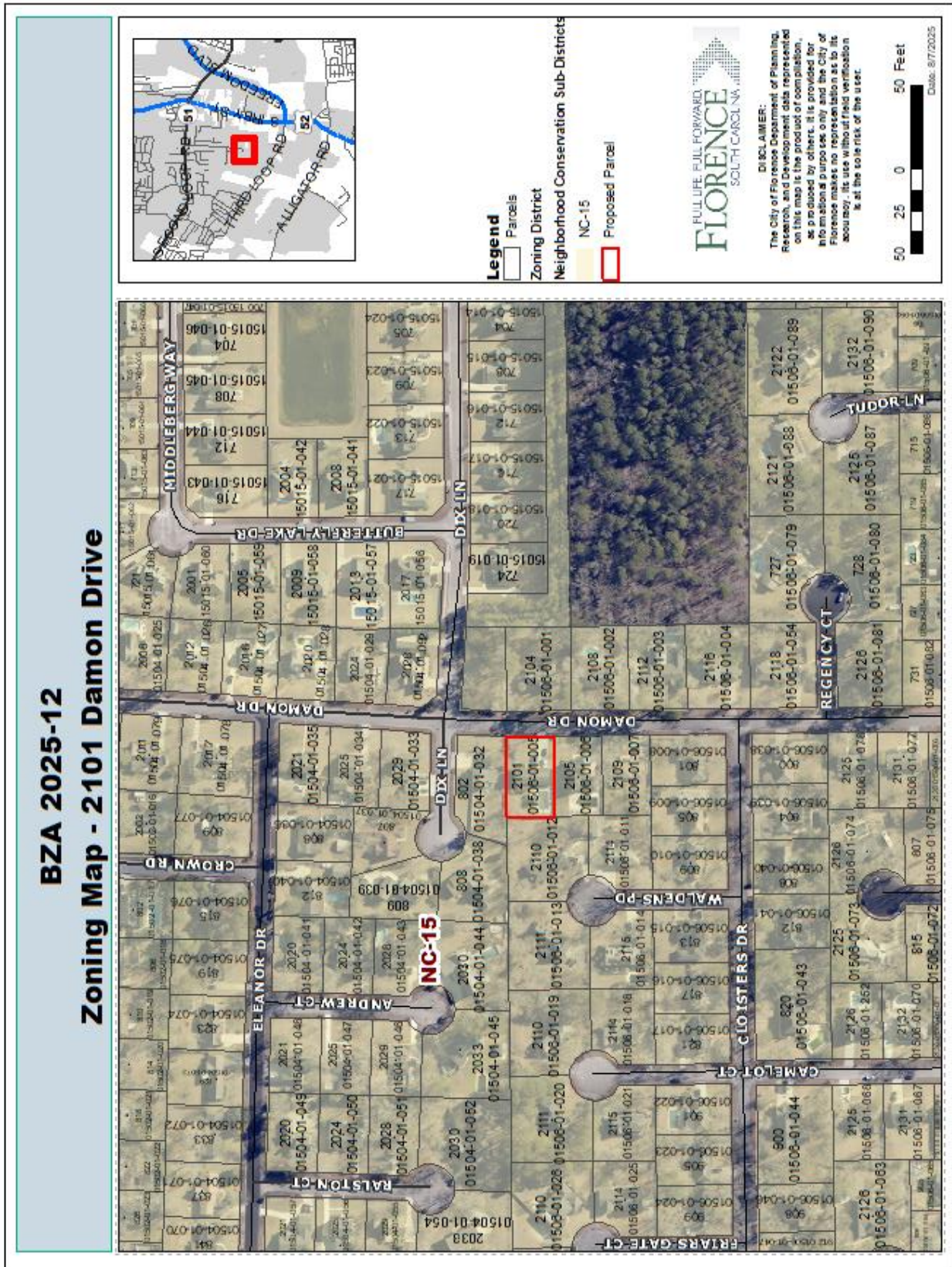
Attachments

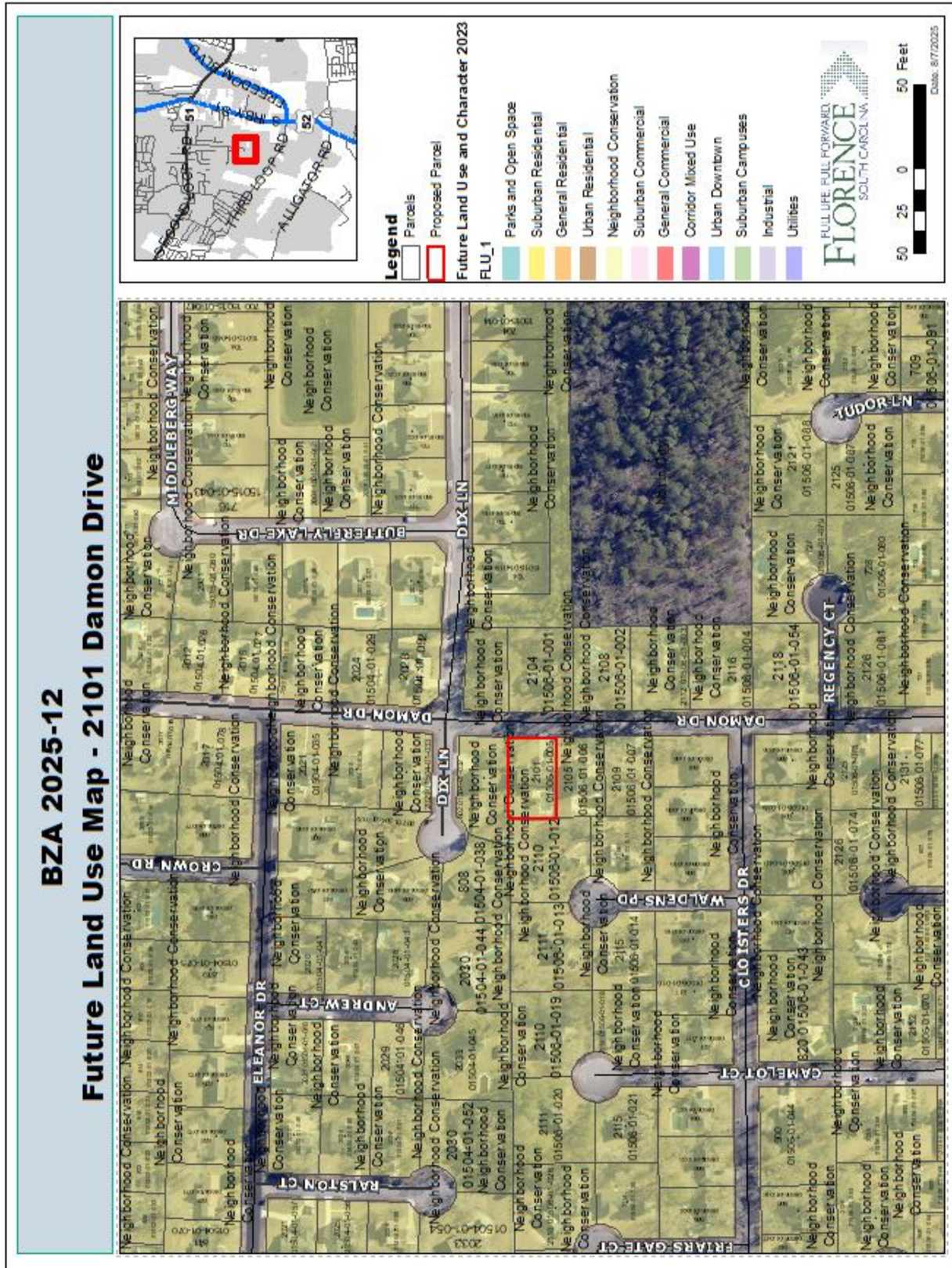
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Site Photo

Attachment A: Vicinity Map









Attachment G: Site Photo



**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT
STAFF REPORT TO THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
AUGUST 28, 2025**

AGENDA ITEM: BZA-2025-13

VARIANCE REQUEST: Request for a variance from the minimum lot width required for new parcels

LOCATION: 152 and 154 South Dargan Street

TAX MAP NUMBER: 90169-01-020

OWNER OF RECORD: Coffea Enterprises LLC

APPLICANT: J. Greg Hendrick, Finklea Law Firm

ZONING DISTRICT: Central Business District (CBD)

Land Use and Zoning

Jack’s Bookstore at 152 South Dargan Street and Leaf Lounge at 154 South Dargan Street share a thirty-foot wide, 0.09 acre parcel zoned CBD. Together the two commercial buildings have a total of 2,300 square feet and share a common wall. The CBD zoning district requires that any new parcel created through subdivision has a minimum lot width of 25 feet.

Proposal and Variance Request

The applicant is proposing to subdivide the parcel to provide a second lot of record which would allow for future conveyance of each building individually. The applicant is requesting variances based on the current width of the commercial buildings as shown on the proposed Summary Plat (Attachment D). 154 South Dargan would be 16.87 feet wide, necessitating a variance of 8.13 feet (33%), and 152 South Dargan Street would be 13.63 feet, necessitating a variance of 11.37 feet (45%).

Staff Review

The directly adjacent parcels on this block of South Dargan Street range from approximately 25 feet to approximately 50 feet in width. Other parcels within the Historic Overlay District, like 166 North Dargan Street, have a lot width of 15 feet. Approval of the proposal would result in the creation of two lots of record that are slightly smaller than other lots in the immediate vicinity and the minimum required for the zoning district. Granting of the variance would not affect the existing built environment but could affect redevelopment in the future.

Table 2-6.1.1 “Nonresidential and Mixed Use Lot and Building Standards” specifies the minimum lot width for new lots in the CBD:

Table 2-6.1.1 Nonresidential and <u>Mixed Use</u> Lot and Building Standards								
District / General Use Type	Lot Width 1	Minimum Setback ²				Minimum Landscape Surface Ratio	Maximum Building Height	
		Build-to Line	Front	Side (Min./Total)	Rear			
Central Business District (CBD)								
Mixed Use	25'	0.5'	See D. and E., Below.				N/A	See Design Guidelines for Downtown Florence
All Other Uses	25'	0.5'					N/A	

The following information was submitted by the applicant:

- There are extraordinary and exceptional conditions pertaining to the particular property as follows: ***The property is one of a series of buildings connected by a common wall so it is unlike other parcels in other areas of this zoning classification.***
- These conditions do not generally apply to other property in the vicinity as shown by: ***These properties are connected together and designed to be occupied and conveyed as individual buildings.***
- 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: ***To adhere to the existing standard would require this building to be conveyed in conjunction with adjoining buildings which is impractical and impedes downtown development.***
- 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: ***Adjoining properties have all been conveyed separately.***

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: The applicant desires to create a new lot of record to separate two existing commercial buildings currently on one parcel.
- 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 and the ability to construct development consistent with permitted uses. Granting of the variance will result in the creation of parcels smaller than the prescribed minimum lot size, but will accommodate subdivision and future conveyance of existing commercial buildings.
- That there (~~are~~/~~are not~~) extraordinary and exceptional conditions pertaining to the particular piece of property.
Staff Comment: The existing buildings were constructed prior to adoption of the city's zoning regulations that require 25 foot lot widths in the CBD.
- That these conditions (~~do~~/do not) generally apply to other property in the vicinity.
Staff Comment: There are other examples of parcels with narrow lot widths in the CBD established under previous zoning standards. But most parcels in the area meet the minimum lot width in the CBD as the minimums in the UDO were most likely established using averages of the existing built environment. It is not uncommon for smaller lot widths to occur in downtown areas.

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 width requirement to the request would result in the inability of the landowner to subdivide his parcel due to its inadequate width, and prevent him from establishing a parcel for each building to permit selling the buildings separately on their own lots.

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: A variety of parcel sizes and buildings are characteristic of the CBD and Historic Overlay District. Additionally, this will enable the owner to subdivide the parcel as he desires and convey the buildings separately.

Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Proposed Summary Plat
- E. Proposed Subdivision Aerial
- F. Street View Site Photo

Attachment A: Vicinity Map

BZA 2025-13 Vicinity Map
152 & 154 South Dargan Street

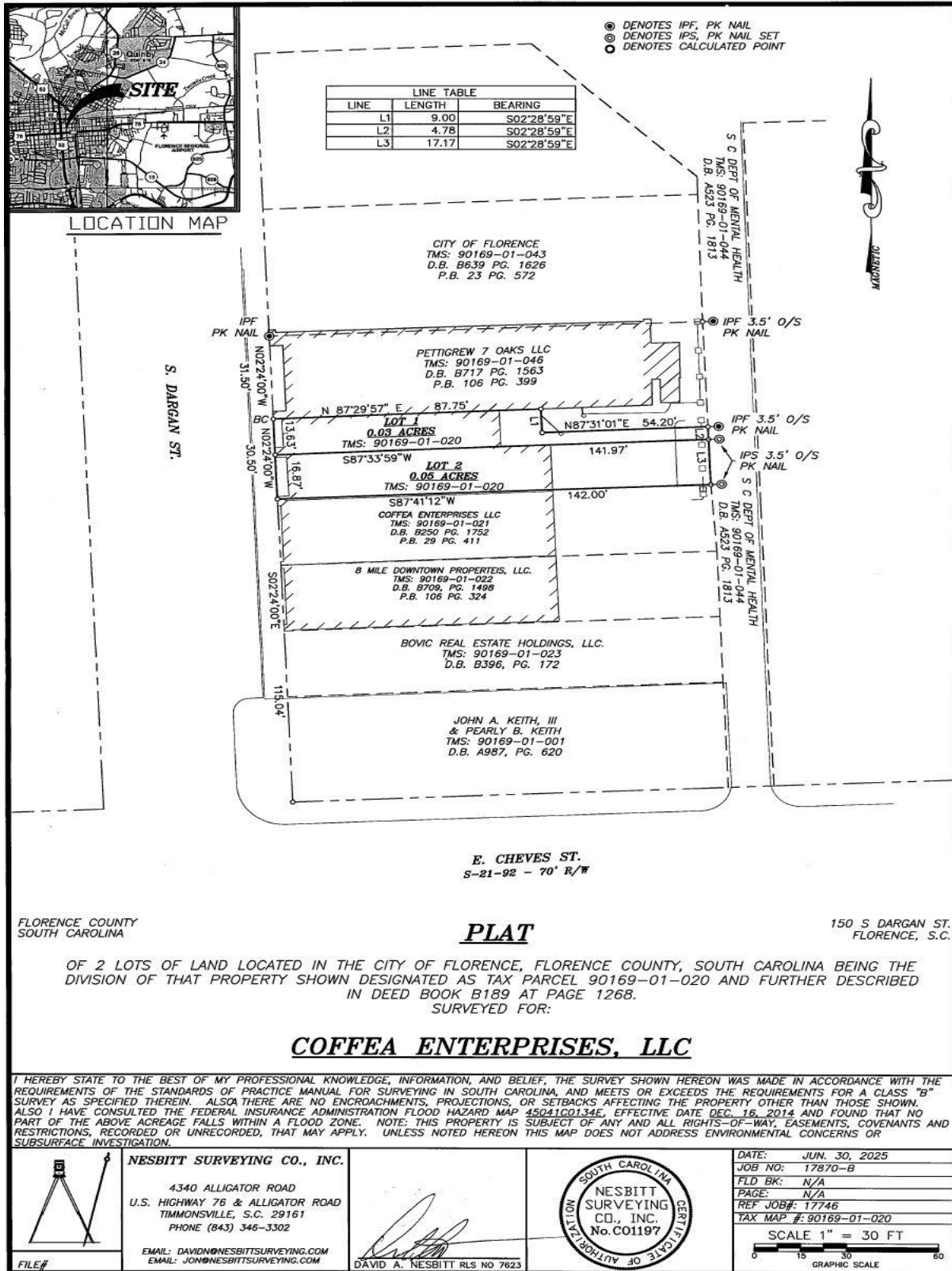


Attachment B: Location Map





Attachment D: Proposed Summary Plat





Attachment F: Street View Site Photo



Board of Zoning Appeals Motion Worksheet

Case Number: BZA-2025-13 Nature of Request: Minimum Lot Width Area in the CBD

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: