



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

**CITY CENTER – COUNCIL CHAMBERS**

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

**THURSDAY, SEPTEMBER 25, 2025 – 6:00 P.M.**

### **REGULAR MEETING AGENDA**

**I. Call to Order**

**II. Approval of Minutes** Rescheduled August meeting held on September 4, 2025

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

BZA-2025-15                      Request for a Special Exception Use Permit to operate a short term rental at 353 Timrod Park Drive in the NC-6.2 zoning district; identified as Florence County Tax Map Number 90076-04-005.

**IV. Adjournment**

The next meeting is scheduled for September 25, 2025.

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS  
SEPTEMBER 4, 2025 (RESCHEDULED FROM AUGUST 28, 2025)**

**MEMBERS PRESENT:** Larry Chewning, Miriam James-Singley, Deborah Moses, and Nathaniel Poston

**MEMBERS ABSENT:** Charlie Ipock and Jermaine Nowline

**STAFF PRESENT:** Patty Falcone, Derek Johnston, Clint Moore, 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 June 26, 2025 minutes and asked if there were any changes that needed to be made. There being none, he called for a motion. Ms. Singley moved that the minutes be approved as submitted, Mr. Poston seconded, and the motion passed unanimously (4-0).

**PUBLIC HEARINGS AND MATTERS 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.**

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 other questions for staff, Chairman Chewning opened the public hearing. He swore in Faith Perry, the applicant. Ms. Perry explained that she has education and experience in early childhood education, and she wants to operate an after school daycare for up to 12 children. Board members asked her how old the children would be; she said from 4 to 12 years old. She explained that DSS allows a ratio of 1:17 for that age group. She expects to operate from 3 to 7 p.m.

Chairman Chewning then swore in Kim Stroud, Julian Stewart, Fernando Pena, John Eckenstein, Jeff Schuer, Taylor Brock, and Laura Snowden. Each person expressed concerns with the current traffic situation on Damon Drive, citing speeding and cut through traffic. Visibility concerns around cars parked on the side of the road were also brought up. The neighbors are against having additional traffic in the area, especially during the hours that residents are also coming home from school and work, and said that having cars backing out of the driveway would be a hazard.

The residents collectively also expressed concerns about the swimming pool in the backyard as well as the pool next door, the applicant's ability to supervise that many children, the tendency of children to chase after a ball into the street without looking for cars first, and other general safety issues. They also mentioned the desirability of keeping only residential uses in the neighborhood, and worries about the effects on property values if commercial uses were permitted. They did admit that they were unaware that she already has a permit for six children because they haven't noticed additional traffic or heard children outside the house.

William Youngkin was sworn in and confirmed his agreement with the other concerns, then asked the audience for a show of hands of those who were against the granting of the request, and about 21 people raised their hands.

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 Special Exception Use Permit be denied. Mrs. Moses seconded the motion, and the vote to deny the Special Exception Use Permit allowing a large in home childcare facility passed 3 to 1, with Chairman Chewning, Mrs. Moses, and Mr. Poston voting to deny the permit and Ms. James-Singley voting to approve the permit.

**BZA-2025-13                      Request for a variance from the minimum lot width requirements 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.**

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 clarified that these are two independent businesses, and that other parcels in the CBD have been split in the past. Mrs. Zlotnicki said that the character would not be changed, it would uphold the intent of the ordinance, there's a mixture of lot widths downtown, and many buildings are separate buildings although they look like one building because of the shared walls. She pointed out that townhouses can be 16 feet wide but they are on unique lots so they can be sold separately, so such a narrow lot is not unheard of. Mrs. Moses asked if they could be sold separately right now, Mrs. Zlotnicki said she didn't know if that was possible if they're on one lot.

There being no other questions for staff, Chairman Chewning opened the public hearing. He swore in the applicant, Patrick Ford, who explained that Dr. John Keith, the owner of the lot, wanted to be able to sell Jack's Books. The subdivision would enable ownership rather than leaseholder properties, which would be a benefit to the City. He said that both buildings would have to be sold together as it stands now.

Mr. Poston asked what hardship the 25 foot width limit provided; Mr. Ford said that they wouldn't be able to sell the buildings separately, which encourages owner occupancy, which is better than leaseholder situations, especially for accommodating the unique building sizes. Mr. Poston asked if the buildings had separate utilities and entrances and exits; Mr. Ford confirmed that was the case.

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: ***The request involves two existing historic commercial buildings that were constructed long before current lot width standards were adopted. These buildings are already in active use and contribute positively to the character of downtown.***
2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done: ***The variance request reflects the historic***

*pattern of narrow pedestrian and store fronts in the CBD; granting the request does not change the built environment or public safety conditions, but simply allows the lot lines to match existing buildings.*

3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: *The two historic buildings were constructed on a parcel narrower than current standards and share a common wall making the property uniquely different from typical CBD parcels created under modern regulations.*
4. That these conditions do not generally apply to other property in the vicinity: *These conditions do not generally apply to other properties as nearby parcels meet current width standards while this property's narrow shared wall buildings reflect a unique, historic configuration.*
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: *As the UDO literally would prohibit subdivision and unreasonably restrict the property by preventing each building from being conveyed separately, despite their historic design as independent storefronts.*
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: *This variance request will not harm an adjacent property or the public good as narrow parcels are common in the CBD and historic district and the character of the area will be preserved. Granting the variance simply recognizes the established built environment, preserves the continuity of downtown's historic fabric, and supports reinvestment without adverse impacts.*

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

**ADJOURNMENT:** As there was no further business, Ms. James-Singley moved to adjourn. Mr. Poston seconded the motion and the motion passed unanimously (4-0). Chairman Chewning adjourned the meeting at 7:13 p.m. The next regular meeting is scheduled for September 25, 2025.

Respectfully submitted,

Alane Zlotnicki, AICP  
Senior Planner

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT  
STAFF REPORT TO THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS  
SEPTEMBER 25, 2025**

**AGENDA ITEM:** BZA-2025-15

**VARIANCE REQUEST:** Request for a Special Exception Use Permit to operate a Short Term Rental

**LOCATION:** 353 Timrod Park Drive

**TAX MAP NUMBER:** 90076-04-005

**OWNER OF RECORD:** Melissa Gaffney and Robert Clinkenbeard

**APPLICANT:** Collin and Aron Smith

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

**Land Use and Zoning**

The single-family detached home is located across from Timrod Park within the Historic Timrod Park Overlay District. It is zoned Neighborhood Conservation-6.2 (NC-6.2), which permits single family and duplex uses. The City's Future Land Use Plan designates this area as Neighborhood Conservation, which is a residential district. The two story house was built in 1936 and includes an attached one-bedroom apartment. The apartment can be rented long term as an attached accessory dwelling unit. Use of it as a short term rental requires a Special Exception Use Permit.

**Special Exception Request**

The applicant is asking for a Special Exception Use Permit as a requirement of Table 1-2.7.2-b of the *Unified Development Ordinance*, which requires a Short-Term Rental operation to obtain approval from the Board of Zoning Appeals. The pending property owners wish to offer the attached one bedroom apartment as a short term rental and advertise through rental sites such as Air BnB. The new owners will live in the main house, which is attached to the smaller unit. Adequate off-street parking is already available.

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

The applicants are under contract to purchase the house from the current owners; their closing date is October 3, 2025.

**Applicant Submission**

1. Applicant hereby appeals to the Board of Zoning Appeals for a Special Exception Use Permit for use of the property described above for: **Short term rental usage (Air BnB catering to nightly and short**

*use travelers to the area)* which is a permitted Special Exception Use under the district regulations in Section 1-2.8.2 of the *Unified Development Ordinance*.

2. Applicant will meet the standards and conditions in Section 1-2.8.2 of the *Unified Development Ordinance* which are applicable to the proposed Special Exception Use in the following manner: *We will be living in the main residence and running the attached but separate 1 bedroom apartment as a short/mid-term rental. Being attached to our residence, we will have strict requirements as to who will be accepted as a guest. We have parking off street and will not have signage. Absolutely no parties/events allowed.*
3. Applicant suggests that the following conditions be imposed to meet the standards in the *Unified Development Ordinance*: *We are requesting special permit for use of short and mid-term rentals.*
4. The following documents are submitted in support of this application: *We will be following all regulations according to the zoning Section 1-2.8.2.*

### **Points to Consider**

- 1) The applicant is seeking permission to operate a Short-Term Rental (STR) in the residence at 353 Timrod Park Drive in the City limits of Florence.
- 2) The *Unified Development Ordinance* lists Short-Term Rentals as a Permitted Special Exception use in Tables 1-2.7.2-a and 1-2.7.2-b. Conditional standards for STRs are listed in Section 1-2.8.2, and they are defined in Division 7-25.2.
- 3) The *Unified Development Ordinance*'s definition of Short-Term Rental "means a furnished residential unit that is rented out by the property owner for financial gain for a period of no more than 29 consecutive days and not to exceed 72 days in the aggregate during any calendar year."
- 4) Permitted Special Exception uses may be approved following a public hearing by the Board of Zoning Appeals subject to the standards as set forth in Section 1-2.8.2.
- 5) The applicant must meet all standards for Short Term Rentals as outlined in Section 1-2.8.2 of the *Unified Development Ordinance*.
- 6) Section 6-21.7.11 Permitted Special Exception Use Approval of the *Unified Development Ordinance* outlines the criteria to be met for Special Exception approval by the Board of Zoning Appeals including Subsection E that suggests additional conditions that can be imposed to ensure compliance and/or that impacts caused by the use are mitigated (Attachment E).
- 7) Section 6-23.1.8 Special Provisions for Permitted Special Exception Uses of the *Unified Development Ordinance* provides for inspections to determine compliance with the requirements of a Special Exception are being met and outlines steps for permit revocation if necessary (Attachment F).
- 8) By signing the Board of Zoning Appeals Application, the applicant agrees that all prerequisites are met for Short Term Rental use presently and will be observed in the future as prescribed in the *Unified Development Ordinance*.

### **Standards for Short Term Rentals**

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

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

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

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

- a. The short-term rental shall be operated by the owner and full-time resident of the property. For the purposes of this ordinance, the “owner and full-time resident” shall mean the record owner of the property who physically resides at the subject property, has designated the subject property as his/her legal voting address and the address of his/her driver’s license, and the subject property must be assessed at the four percent homeowner’s assessment rate according to the records of the Florence County Assessor’s Office. The owner or his/her designee is not required to be present during the entire lease period; however, the owner or his/her designee must be present at check-in to ensure the accuracy of the guest registry.
- b. The owner may rent out no more than two (2) bedrooms as short-term rentals in the primary residence. Rental bedrooms may not contain a separate kitchen or cooking area from the primary residence.
- c. The owner shall maintain a guest registry which includes at minimum the guest’s name, address, and contact phone number; the number of people in each guest’s party; the make, model, and license plate number of any guest’s vehicle parked on the property; as well as the guest’s date and time of arrival and scheduled departure date. The guest registry shall be maintained such that the owner, upon request, can supply information regarding the number of rooms rented, the number of individuals occupying the home, and the dates of guest’s date and time of arrival and departure.
- d. A motor vehicle may not park in the front yard or side yard of a residential property, except in a driveway or on an improved surface such as concrete, asphalt, pavers, brick, or other material as approved by the Planning Director. The total area designated for parking shall not exceed 25% of the front and/or side yard area. There shall be no parking of motor vehicles on grass or the street.
- e. No exterior signage is permitted.
- f. No activities other than lodging shall be allowed as part of a short-term rental (e.g. weddings, parties, conferences).
- g. The Short-Term Rental will be operated in accordance with all other applicable provisions of this Unified Development Ordinance, the City’s Code of Ordinances, as well as applicable Federal and State requirements.

### **Options**

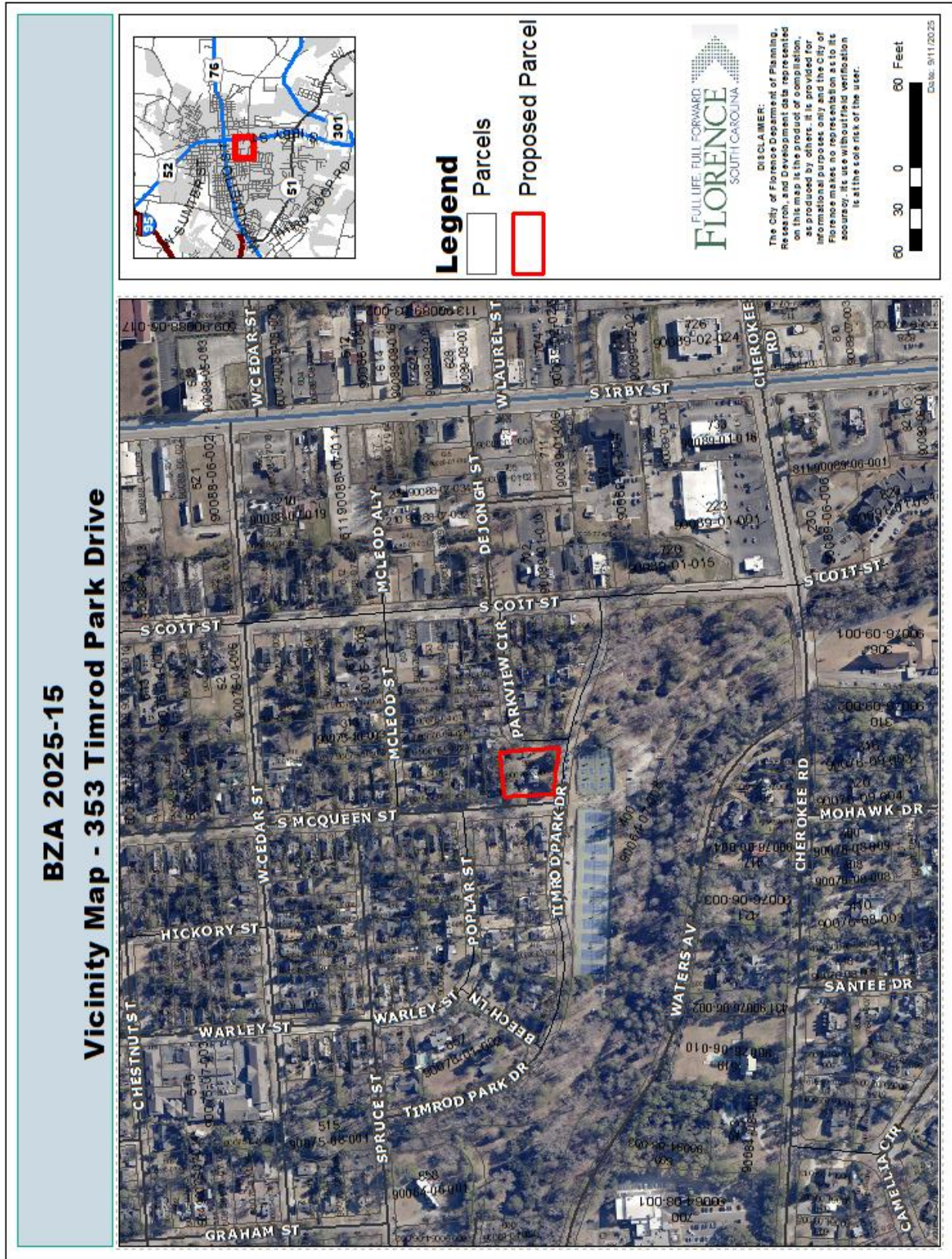
The Board of Zoning Appeals may:

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

### **Attachments**

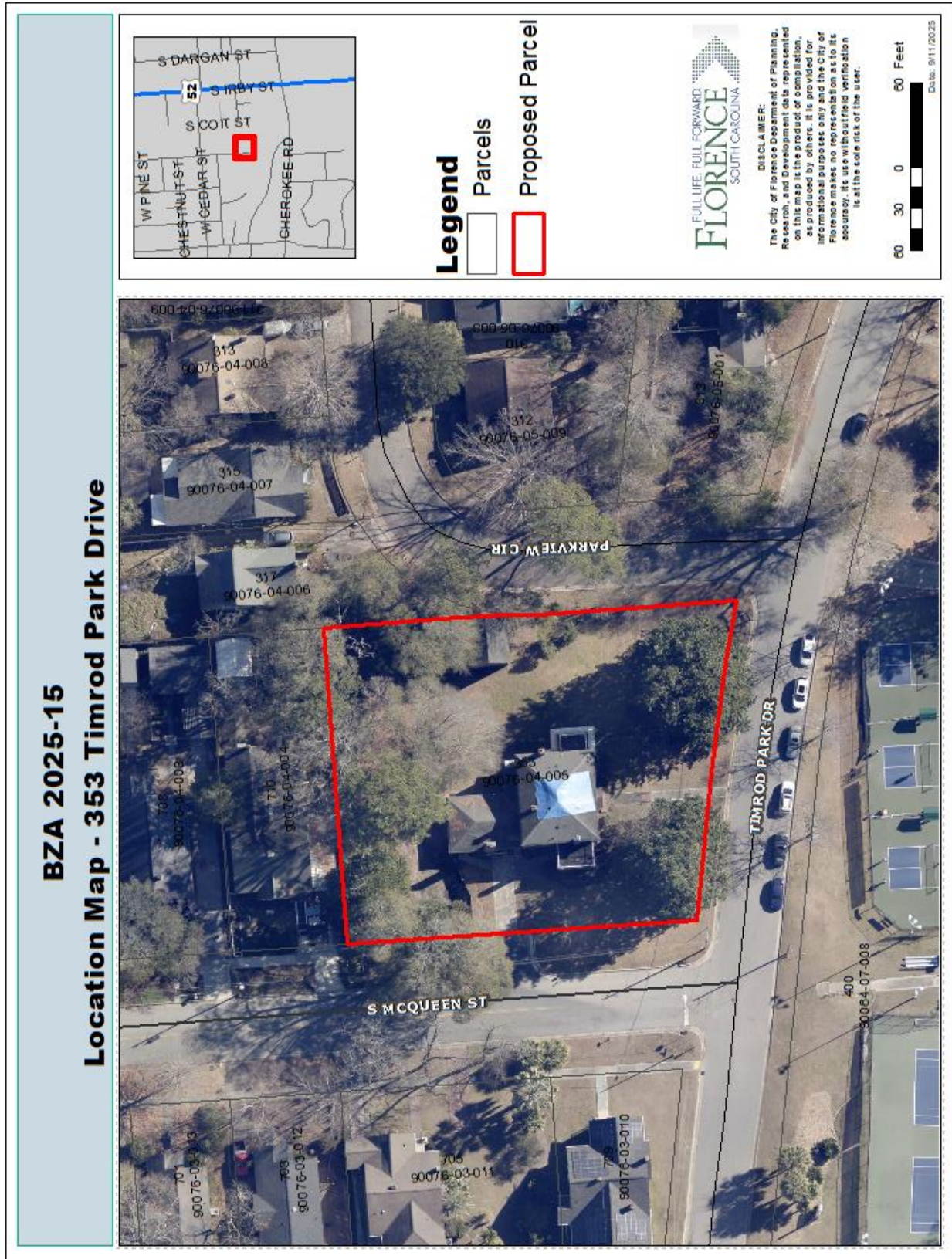
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Sec. 6-21.7.11 Permitted Special Exception Use Approval
- F. Sec. 6-23.1.8 Special Provisions for Permitted Special Exception Uses
- G. Site Photos



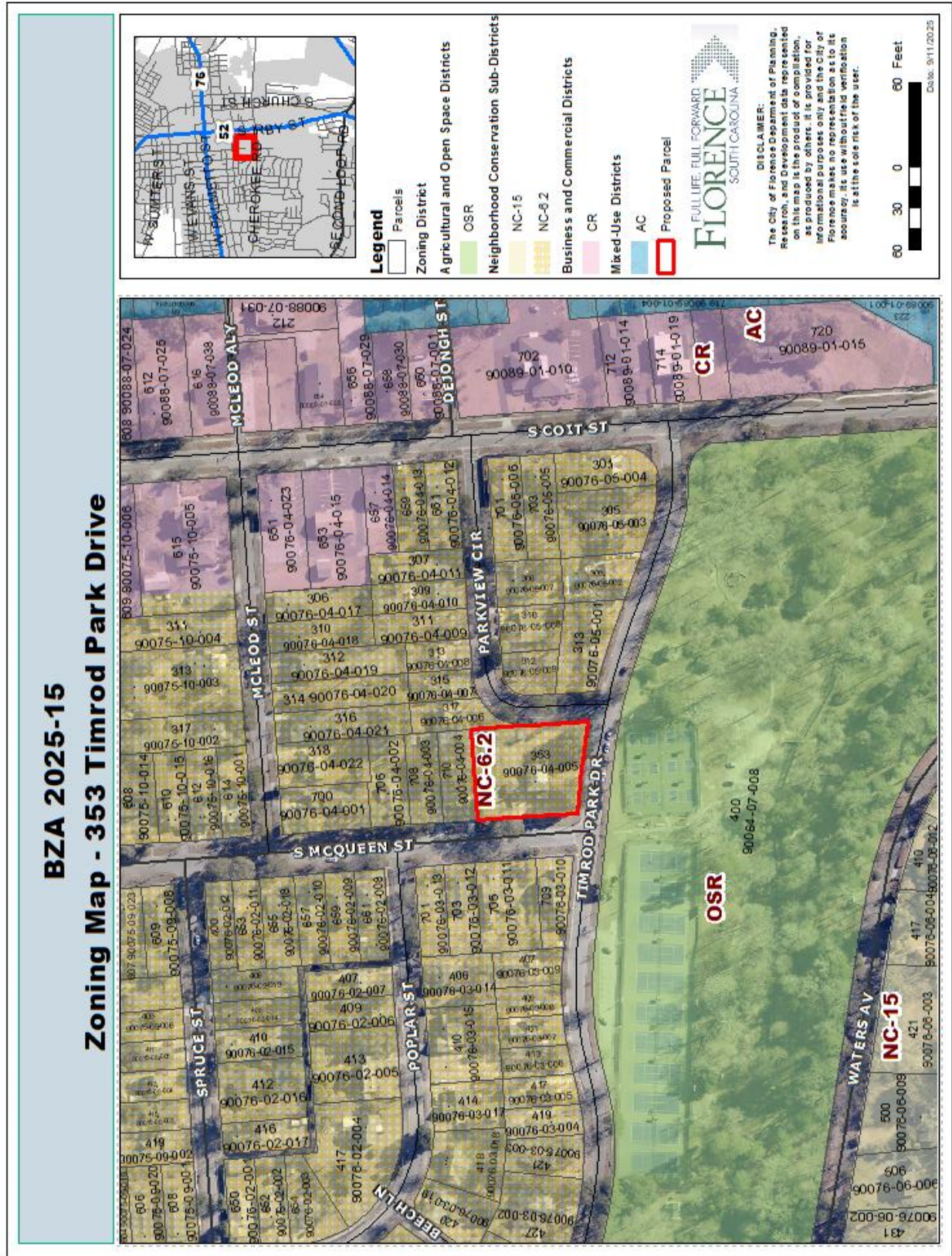




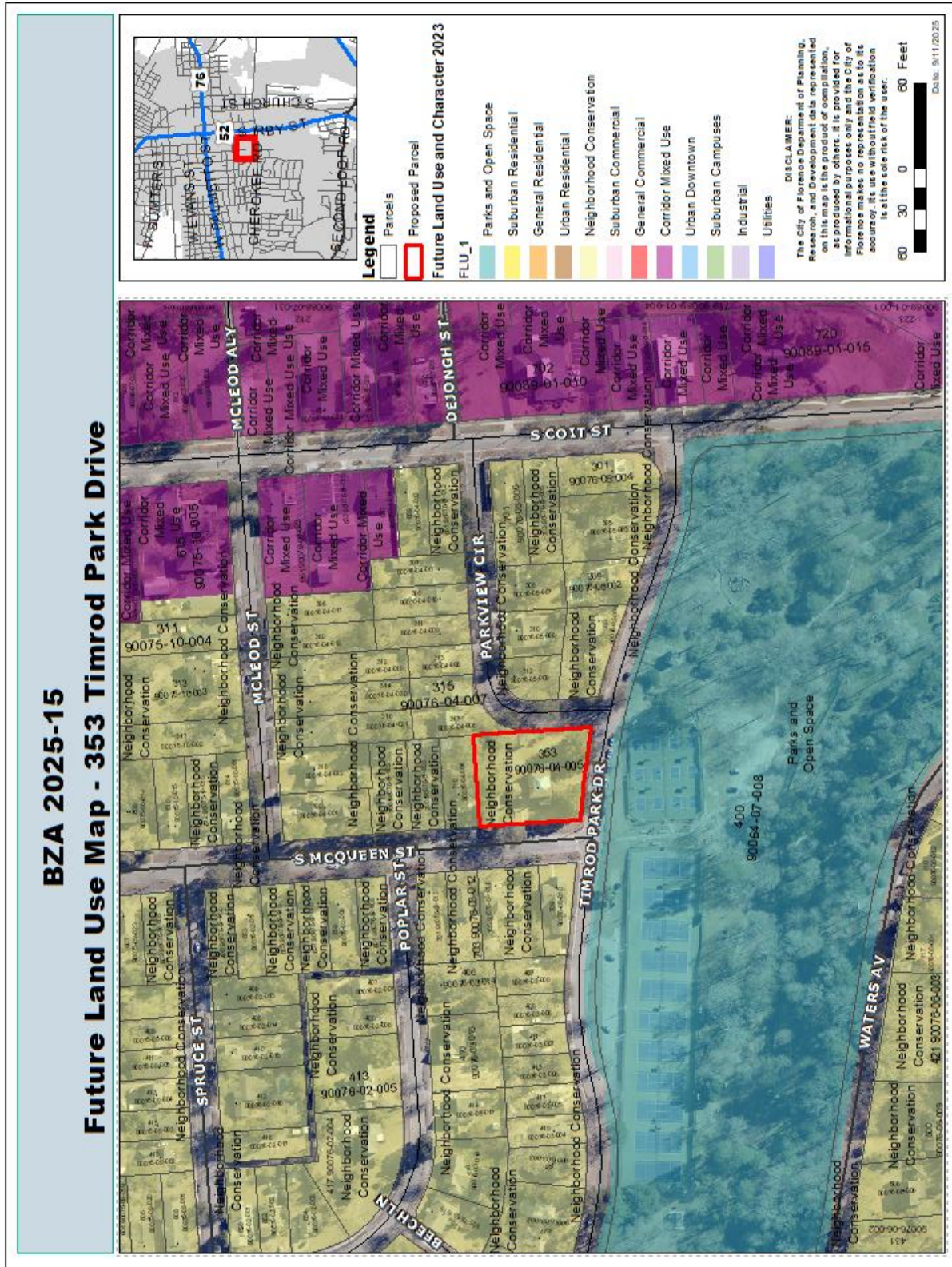
Attachment B: Location Map











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

- A. Generally. A permitted special exception use is a use that is allowed within a zoning district, but which is subject to specific standards and a public hearing process in order to reduce the potential for incompatibility with other uses within the district. These uses commonly have the potential for various adverse impacts such as traffic congestion, noise, visual and aesthetic impacts, which if unmitigated, could undermine the integrity of the zoning district. The designation of a use as a permitted special exception use means that it is only allowed in a proposed location if all of the conditions applicable to the use, set out in Division 1-2.8, *Conditional and Permitted Special Exception Use Standards*, the general standards of Subsection C., below, and all of the other applicable requirements of this Unified Development Ordinance, are met.
- 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:
- a. 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.
  - b. 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.
  - c. 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:
    - i. Providing a needed community service;
    - ii. Providing a critical mass of jobs that are likely to pay more than the median wages for the region;
    - iii. 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
    - iv. Making more efficient use of public infrastructure, such as off-peak street capacity.
  - d. 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.
  - e. 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.
  - f. 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.

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

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



4. At the end of a compliance period the Board of Zoning Appeals shall revoke the Permitted Special Exception Use Permit if total compliance has not been obtained.
5. If the use and property are brought into compliance, any further violation of terms of the Permitted Special Exception Use Permit within 90 days from the initial notice of violation are grounds for immediate revocation of the Permitted Special Exception Use Permit.
6. Revoked Permitted Special Exception Use Permits may only be reinstated by the City Council, which may impose conditions to ensure compliance.

Attachment G: Site Photos

