

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
VIA ZOOM VIDEO CONFERENCING
JANUARY 28, 2021**

MEMBERS PRESENT: Larry Chewning (in person); Larry Adams, Shelanda Deas, Deborah Moses, and Nathaniel Poston (via Zoom Video)

MEMBERS ABSENT: Ruben Chico and Randolph Hunter

STAFF PRESENT: Jerry Dudley, Derek Johnston, and Alane Zlotnicki (in person); also Danny Young, IT (in person)

APPLICANTS PRESENT: Bob Weaver (via Zoom Video)

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

APPROVAL OF MINUTES:

Chairman Chewning introduced the December 17, 2020 minutes. Mr. Adams made a motion to approve the minutes and Ms. Deas seconded the motion. Voting in favor of the motion was unanimous (5-0).

PUBLIC HEARING AND MATTER IN POSITION FOR ACTION:

BZA-2021-01 Request for a variance from the setback requirements for a commercial building to be constructed at 1360 Celebration Boulevard, in the CG zoning district; Tax Map Number 00100-01-135.

Chairman Chewning introduced the variance and asked staff for their report. Derek Johnston gave the report as submitted to the Board of Zoning Appeals. Chairman Chewning asked if there were any questions of staff.

Mr. Poston asked staff if the current Commercial General was the same as the B3 zoning district. Mr. Johnston stated the applicant would like to revert to the setbacks allowed under the previous B3 district, but that the current designation is CG. Mr. Dudley stated the B3 designation, with its more lenient lot setbacks, was changed to CG after the adoption of the *Unified Development Ordinance*. Mr. Dudley informed the Board that they may see more requests in the future due to the change.

There being no further questions for staff from the Board, Chairman Chewning swore in Mr. Bob Weaver, applicant, to take questions from the Board. Mr. Weaver explained the owner is seeking a variance because under the setback requirements of CG, the building which could currently be constructed would be too small. He stated the B3 zoning district which was in force when he subdivided the parcel allowed the sized building seen in the sketch in the packet.

Mr. Poston asked if attachment A was a recent map. Mr. Weaver stated he was unable to see attachment A. Upon staff showing the attachment, Mr. Weaver stated it was taken a few years ago, and did not show Benton House, which needed a variance as well due to the CG setbacks. Mr. Poston mentioned that since the Board had approved the request from Benton House, he saw no issue with approving this request.

There being no further questions for the applicant 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 Board grant the variance requested based on the following findings of fact and conclusions:

1. **That a variance from the terms of this 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.** This parcel was subdivided in 2009 to meet the lot standards of the 2008 Zoning Ordinance. Relaxing the setback requirements would allow the owner to develop his property as intended.
2. **That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done.** The parcel to be developed has a present and future land use that is commercial in nature and sticks to the original nature. The property line shared with a disparate use, a duplex development, is required to install a Type C Bufferyard, mitigating commercial development adjacent to residential.
3. **That there are extraordinary and exceptional conditions pertaining to the particular piece of property.** The buildable area on this parcel is limited by its depth (approximately 165 feet). The lot was recorded originally in 2009 to meet B-3 Standards of the 2008 Zoning Ordinance but is now subject to the requirements of the Unified Development Ordinance, which limits the buildable area of the existing lot.
4. **That these conditions do not generally apply to other property in the vicinity.** The hardship is limited to this parcel because of the depth of the parcel in relation to current required setbacks. The Celebration corridor has parcels of similar sizes that were developed during the previous 2008 Zoning Ordinance with the newer developments having larger parcels to account for larger minimum lot widths and setbacks contained in the current Unified Development Ordinance.
5. **That because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows.** The current setbacks for a commercial building in the Commercial General district would restrict the owner from constructing his desired business.
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.** Celebration Boulevard development has a mixture of buildings constructed before and after the Unified Development Ordinance Commercial General setbacks were codified, the relaxing of current setbacks to that of the B-3 standards would not be out of character.

Mr. Adams seconded the motion. The motion passed unanimously (5-0).

ADJOURNMENT: As there was no further business, Mr. Adams moved to adjourn the meeting. Voting in favor of the motion was unanimous (5-0). Chairman Chewning adjourned the meeting at 6:30 p.m.

Respectfully submitted,

Alane Zlotnicki, AICP, Senior Planner

Austin Cherry, Office Assistant III