

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
VIA ZOOM VIDEO CONFERENCING
MARCH 25, 2021**

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

MEMBERS ABSENT: Randolph Hunter

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

APPLICANTS PRESENT: Randy Scurry

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

APPROVAL OF MINUTES:

Chairman Chewning introduced the March 11, 2021 minutes. Mr. Adams made a motion to approve the minutes and Ms. Moses seconded the motion. Voting in favor of the motion was unanimous (6-0).

PUBLIC HEARINGS AND MATTERS IN POSITION FOR ACTION:

BZA-2021-04 Request for a variance from the setback requirements for a commercial building located at 1256 East Palmetto Street, in the CG zoning district; Tax Map Number 90117-22-002.

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

Ms. Moses asked if the applicant was enclosing the rear storage. Mr. Johnston stated yes, and they were adding on to the east of the building.

Mr. Poston asked who was responsible for the mistake of not including the structure on the plat. He also reminded the Board of his distant connection to Jackie Poston Gas Station, and once again recused himself from the case.

Mr. Chico asked if the applicant had plans to move the dumpster, or if the dumpster pad would be affected.

Chairman Chewning stated the applicant, Mr. Scurry is present and can answer those questions. After being sworn in by the chairman, Mr. Scurry stated no to the removal of the dumpster and responded to Mr. Poston's question stating Nesbitt Surveyors had mistakenly not included the covered structure on the east side of the building, and the owner would like to update the plat and resubmit the variance request to the Board. Mr. Scurry stated Michael Padgett is the new design and structural engineer.

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.

Mr. Adams moved that the Board approve 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 building was constructed prior to the adoption of the new Unified Development Ordinance. The old City of Florence Zoning Ordinance allowed a 20 foot rear setback instead of the current 40 and a 10 foot side setback instead of the current 20 foot requirement, which the Board previously accepted and approved. Also, the lot is surrounded on three sides by streets limiting the options for expansion.**
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done: **The east side of the property now requiring the 2 foot setback variance will be adjacent to commercial property, as well as the Board previously approved the variance in September of 2020. The south side is adjacent to residential property, but the proposed expansion will not encroach further than the current built environment besides the rear structure being closed instead of open.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: **This commercial parcel is essentially surrounded on all sides by roads limiting expansion possibilities.**
 4. That these conditions do not generally apply to other property in the vicinity: **The hardship is limited to this parcel because of the unique layout of the property being surrounded by three different streets and the original layout of the building with respect to previous City setbacks at the time for commercial buildings.**
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's desire to expand their building to accommodate their business needs.**
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: **The proposed building expansion of approximately 1500 square feet to the existing gas station is a continuation of the building that has existed since 1975. The current proposal requires a greater variance than originally approved in September of 2020, but the expansion is not increasing the setbacks currently on the site. The proposal is in line with future land use stated by the City for East Palmetto Street which is commercial auto-urban.**

Ms. Moses seconded the motion. The motion to approve the variance as requested passed unanimously (5-0) with Mr. Poston abstaining.

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

Respectfully submitted,

Austin Cherry, Office Assistant III