**MINUTES OF THE REGULAR MEETING OF THE**

**CITY OF FLORENCE BOARD OF ZONING APPPEALS**

**VIA ZOOM VIDEO CONFERENCING**

**APRIL 22, 2021**

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

**MEMBERS ABSENT:** Larry Adams, Nathaniel Poston, and Randolph Hunter

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

**APPLICANTS PRESENT:** David Alderman (in person)

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

**APPROVAL OF MINUTES**:

Chairman Chewning introduced the March 25, 2021 minutes. Ms. Moses made a motion to approve the minutes and Ms. Deas seconded the motion. Voting in favor of the motion was unanimous (4-0).

**PUBLIC HEARINGS AND MATTERS IN POSITION FOR ACTION:**

**BZA-2021-05 Request for a variance from the lot area and setback requirements for a residential lot located at 1300 Madison Avenue, in the NC-15 zoning district; Tax Map Number 90047-07-011.**

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

Chairman Chewning swore in Mr. David Alderman, the applicant, to speak in favor of the 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.

Mr. Chico 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: **Enforcement of the Ordinance leaves the accessory building on the property line, which makes it difficult for the owner to sell either lot.**
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done: **Because these are existing lots with existing houses, the purpose of lot size minimums to provide an adequate and equivalent distance between houses is a moot point.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: **There is an accessory building that was constructed across the side property line between the two parcels.**
4. That these conditions do not generally apply to other property in the vicinity: **Other properties do not have a significant accessory building in the rear yard that was built over a shared property line.**
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: **Without the variances allowing the smaller lot size and decreased setback for the accessory building, the owner of the adjacent property will not be able to utilize the accessory building, and once he sells the lot at 1300, there would be issues with the building being on the side property line. Additionally, if the ten foot side setback is enforced, the new rear property line would cut into the circular driveway onto South Edisto Drive.**
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 properties will not change visually at all if the variances are granted. The only real distinction is that 1300 will have a smaller backyard than surrounding parcels.**

Ms. Moses seconded the motion. The motion to approve the variance as requested passed unanimously (4-0).

**BZA-2021-06 Request for a variance from the fence requirements for a residential lot located at 2217 Pine Forest Drive, in the NC-10 zoning district; Tax Map Number 01792-05-016.**

Chairman Chewning introduced the variance and asked staff for their report. Mrs. Zlotnicki gave the report as submitted to the Board of Zoning Appeals. Chairman Chewning asked if there were any questions of staff. There being none, Chairman Chewning opened the public hearing.

Mr. Chico asked if the height restriction for the front or side yard applied in this case. Mrs. Zlotnicki stated the front yard height restriction of four feet and at least fifty percent transparency applies in this case because the fence extends past the front plane of the house. Mr. Chico then asked how far into the yard the fence extends. Mrs. Zlotnicki stated it is around twenty-five feet from the edge of the road.

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.

Ms. Deas moved that the Board grant the variance as 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: **The applicant is looking for a degree of privacy that would not be met by a literal application of the ordinance to her situation.**
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done: **The intent of the Ordinance is to provide visibility and openness along the street in a residential area. While this request does enclose a portion of the front yard, the half closest to the street is left open.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: **The behavior of the neighbors requires the applicant to take measures to mitigate its effects.**
4. That these conditions do not generally apply to other property in the vicinity: **The house next door is a rental unit rather than owner occupied.**
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: **Requiring adherence to the specifics of the fence ordinance would not provide an adequate level of screening.**
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 fence does not go to the street, it does not completely disrupt the streetscape. Additionally, it is easily removed if the problem with the disruptive neighbors is resolved in the future.**

Mr. Chico seconded the motion. The motion passed unanimously (4-0).

**ADJOURNMENT:** As there was no further business, Ms. Moses moved to adjourn the meeting. Voting in favor of the motion was unanimous (4-0). Chairman Chewning adjourned the meeting at 6:30 p.m.

Respectfully submitted,

Alane Zlotnicki, AICP, Senior Planner

Austin Cherry, Office Assistant III