

**CITY OF FLORENCE, SOUTH CAROLINA  
BOARD OF ZONING APPEALS  
JANUARY 28, 2021 AT 6:00 PM VIA ZOOM**

**AGENDA**

**I. Call to Order**

**II. Approval of Minutes**

Regular meeting held on December 17, 2020.

**III. 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.**

**IV. Adjournment**

Next regularly scheduled meeting is February 25, 2021.

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS  
VIA ZOOM VIDEO CONFERENCING  
DECEMBER 17, 2020**

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

**MEMBERS ABSENT:** Shelanda Deas and Randolph Hunter

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

**APPLICANTS PRESENT:** Stephanie Sheekey, Jason Hardin, Matt McCoy, Sharon Olson, Ryan Caudill, and John Mattheis (via Zoom Video)

**CALL TO ORDER:** Chairman Chewning called the meeting to order at 6:34 p.m.

**APPROVAL OF MINUTES:**

Chairman Chewning introduced the October 29, 2020 minutes. Mr. Adams made a motion to approve the minutes and Mr. Chewning seconded the motion. Voting in favor of the motion was unanimous (5-0).

**APPROVAL OF 2021 CALENDAR:**

Chairman Chewning introduced the 2021 meeting calendar for approval. Mr. Adams made a motion to approve the calendar and Mr. Chewning seconded the motion. Voting in favor of the motion was unanimous (5-0).

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

**BZA-2020-10                      Request for a variance from the screening requirements for a commercial building located at 2011 Hoffmeyer Road, in the CG zoning district; Tax Map Number 90025-01-002.**

Chairman Chewning introduced the variance and asked staff for their report. Jerry Dudley 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 parcel in question was in the county or city. Mr. Dudley stated the applicant's parcel was in the city, but the nearby parcel with visible storage spaces from the street was in the county.

Chairman Chewning asked staff if the applicant's proposal was submitted after input from city staff, or if it was formulated solely by the applicant. Mr. Dudley stated the proposal before the board had no input from the city staff.

The Chairman informed the board, after concurring with Mr. Dudley, that it may need to separate the landscaping aspect of the request from the buffer yard requirements.

Mr. Dudley reiterated that the variance request was for the buffer yard requirement, and because the applicant is not proposing significant additions or changes to the exterior of the building or the parking lot, the project does not trigger a landscaping plan to bring the parcel up to code. That is the reason staff is only asking the applicant to screen the uses from the public right of way, not completely redesign the parking lot to conform to the current code. Chairman Chewning asked if the Hoffmeyer Road frontage was included in the screening requirement, Mr. Dudley stated without development in that direction it is also included.

Mr. Adams informed the AV team he was having problems with the video feed, and also asked which aspect of the U-Haul business requires the buffer, if it were the parked trucks or the storage units. Mr. Dudley stated it was both.

Ms. Moses asked if the U-Haul development would be like the existing U-Haul facility on Irby St. The Chairman stated it will be much larger.

Chairman Chewning then asked the applicant's representatives to come forward, and swore in Mr. Jason Hardin and Ms. Stephanie Sheekey.

Mr. Hardin thanked the board and city staff and outlined the need to modernize the building. He mentioned the neighboring parcel fronting Hoffmeyer Road is available for development which will limit U-Haul's visibility and access from Hoffmeyer. He feels this is reason enough not to have to screen the three storage units. Ms. Sheekey stated U-Haul's objective was to come to a compromise between the ordinance's requirements for a buffer and screening, and for easy visibility for their customers. She mentioned that due to the unique size and shape of the existing landscaping islands it was virtually impossible for U-Haul to add 14 understory, 14 canopy trees, and 14 evergreen trees. She instead offered a compromise of 10 evergreens, 10 canopy trees, and 130 shrubs which she insisted meets or almost reaches the number of shrubs required on Evans Street. Ms. Sheekey stated U-Haul is opposed to the 6 foot masonry wall, and Mr. Hardin stated a 6 foot masonry wall is a deal breaker for the company.

Mr. Adams asked if U-Haul had discussed the development with neighboring businesses. Mr. Hardin stated he has not.

Chairman Chewning stated the intent of the ordinance can be upheld without a masonry screening wall. Chairman Chewning had a question regarding the three exterior storage unit buildings. He stated they will clearly be visible from the Evans Street right of way and asked Mr. Hardin if plans to properly screen them from view are in place. Ms. Sheekey stated that development along Hoffmeyer would act as a buffer. Chairman Chewning continued stating failure to properly screen the three storage units from view would effectively remove the ordinance requirement to screen exterior storage units and could lead to similar issues city-wide.

Ms. Sheekey stated the company could possibly include landscaping along the bordering property line.

Mr. Adams expressed concern that screening was not in place along Hoffmeyer, and stated he did not want to move forward on the request until the applicant provides a concrete plan of what the screening will look like.

Mr. Clint Moore, Assistant City Manager, came forward to address the board. Mr. Moore stated the Unified Development Ordinance was adopted in order to guide development in an orderly fashion. He implored the board to determine if the request from the applicant in fact constituted a hardship.

Mr. Chico mentioned the existing Kentucky Fried Chicken, and said that surrounding businesses would partially obstruct the view of the storage units from the Hoffmeyer right-of-way.

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.** The 10.1 acre parcel is located on a major thoroughfare in the City limits. Enclosure of the entire property by the six foot masonry wall and Type-C buffer is not required, only portions containing outdoor storage of moving vehicle rental equipment and self-storage areas where bay doors are visible from abutting streets or residential districts.
2. **That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done.** The intent of the conditions is to screen large moving trucks, storage units, outdoor storage areas, and bay doors from view of the public right of way and residential uses within the CG district.
3. **That there are extraordinary and exceptional conditions pertaining to the particular piece of property.** The 10.1 acre parcel is located on a major thoroughfare in the city limits and visible from West Evans Street, Hoffmeyer Road, and Elijah Ludd Road. There is also an access to the property from South Cashua Drive.
4. **That these conditions do not generally apply to other property in the vicinity.** Landscaping within the vicinity is reflective of older zoning requirements and deferred maintenance by individual property owners. There is a hardware store on the opposite side of Elijah Ludd Road which does have equipment stored behind chain link fencing that is visible from the public right of way, but this lot is in the county and not in the city though adjacent to this property.
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 the full bufferyard Type C with a six foot masonry wall as specified in the conditions for the use would result in complete enclosure of outdoor storage areas and the external storage units. Specific layout of these uses would dictate the amount of bufferyard required.
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 Board has determined that the level of screening is appropriate and the screening submitted by the applicant is appropriate to meet these requirements of this ordinance, with the understanding any new buildings proposed would have to go through the same process of review.

Mr. Chico seconded the motion. The motion passed 4-1, with Mr. Adams voting no.

**BZA-2020-11**

**Request for a variance from the rear setback requirements for an addition to a residential home located at 1860 Jason Drive in the NC-15 zoning district; Tax Map Number 15013-01-053.**

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

Being no questions of staff, Chairman Chewning opened the public hearing and asked if anyone would like to speak on behalf of the request.

Ms. Olson, applicant, spoke in favor of the request stating the location was chosen in order to tie into the existing sewer line. She stated the addition has the approval of the neighbors, and is for the owner's elderly parents.

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 grant the variance requested based on the following findings of fact and conclusions:

1. **That a variance from the terms of the *Unified Development Ordinance* will not be contrary to the public interest when, because of special conditions, a literal enforcement of the provision will, in this individual case, result in an unnecessary hardship, in that: Denial of the variance would prevent the homeowners from making the changes, as presented, to their house.**
2. **That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done because: The Neighborhood Conservation District is intended to protect the character and function of established neighborhoods. Specifically, the NC-15 district is of suburban character with single family detached homes sited on a minimum of 15,000 square foot lots. The established setbacks are intended to control the density, open space, and character within a development area. Granting the variance will result in the addition being approximately 25 feet off the rear property line. There is a 45 foot wide strip of land to the rear of this (and other) property which is owned by the City of Florence for the intent of stormwater utility, buffer, and open space.**
3. **That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely: In the NC-15 zoning district, the City-enforced rear setback is 30 feet. The applicant is seeking a variance of 5 feet to build an addition to the home for a bedroom and bathroom to accommodate a family member. At least two other homes along Jason Drive have rear setback which are less than 30 ft., 1871 Jason Drive (25.32 feet) and 1830 Jason Drive (approximately 20 feet). There is also a 45 feet, city-owned buffer to the rear of this property.**
4. **That these conditions do not generally apply to other property in the vicinity, in that: The only property affected by the variance request and the addition is the property owner at 1854 Jason Drive. The property owner at 1854 Jason Drive does not object to the proposed addition being build twenty-five feet from the rear property line.**
5. **That because of these conditions, the application of the *Unified Development Ordinance* to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property by: Strict application of Table 2-5.2.1 General Lot and Building Standards of the City of**

Florence Unified Development Ordinance would limit the homeowners from building the addition as specified.

- 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 owner at 1854 Jason Drive as well as the HOA have provided letters of approval. The property to the south is currently undeveloped. The rear of this property has a 45 foot buffer area owned by the City of Florence.

Mrs. Moses seconded the motion. The motion passed unanimously (5-0).

**BZA-2020-12                      Request for a variance from the setback requirements for a residential building located at 1200 Wisteria Drive, in the NC-15 zoning district; Tax Map Number 90051-01-008.**

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. Adams asked staff to show the neighbor's letter of approval.

Being no further questions of staff, Chairman Chewning opened the public hearing and asked if anyone would like to speak on behalf of the request. Mr. Mattheis, applicant spoke in favor of the request.

Mr. Chico asked the applicant if he had considered rain runoff, because the steepness of the grade and proximity to the neighbor's property may create a gully because of rain erosion. Mr. Mattheis responded by saying he had not looked into that possibility but would discuss the matter with his architect.

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 the *Unified Development Ordinance* will not be contrary to the public interest when, because of special conditions, a literal enforcement of the provision will, in this individual case, result in an unnecessary hardship, in that:** The owner purchased the property with the intention of constructing a detached garage, but obstacles to building placement include the 100 year floodplain, elevation change, and location of mature trees.
- 2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done because:** The Neighborhood Conservation District is intended to protect the character and function of established neighborhoods. Specifically, the NC-15 district is of suburban character with single family detached homes sited on a minimum of 15,000 square foot lots. The established setbacks are intended to control the density, open space, and character within a development area. Adjacent properties (1206, 1212, and 1118 Wisteria Drive) have existing, similarly sited detached garages, two of which have nonconforming setbacks based upon current code. If allowed, the Building Department, architect, and applicant will ensure the proposed detached garage is fire-rated appropriately based on its proximity to the side property line.

3. **That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely:** The flood plain and corresponding elevation change severely limit the construction location. Further limiting the placement of the detached garage is the location of a mature Birch and Gum tree and an existing fenced-in playground.
4. **That these conditions do not generally apply to other property in the vicinity, in that:** Most properties on the south side of Wisteria Drive are limited by proximity to the floodplain and this particular area also has elevation change of approximately 4 feet within a short distance. The rear yard is characterized by a mature hardwood tree canopy, more so than other properties in the vicinity.
5. **That because of these conditions, the application of the *Unified Development Ordinance* to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property by:** Strict adherence to the Ordinance would limit the ability of the property owner to place the detached garage in a location accessible by vehicles without the removal of mature trees or introduction of fill in proximity or within the floodplain.
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 proposed structure will be located approximately 150 feet from the view of the public right-of-way. The neighbors of 1206, 1212, and 1118 have similar setbacks for their garages constructed before the Unified Development Ordinance. The property owner's most effected, 1206 Wisteria Drive, have stated that they have no objections to the project and welcome the property improvement.

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

**DECISION ON TIME CHANGE:** Chairman Chewing discussed the desire to change the meeting time from 6:30 p.m. to 6:00 p.m. He moved that the time be changed. 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 Chewing adjourned the meeting at 8:00 p.m.

Respectfully submitted,

Alane Zlotnicki, AICP, Senior Planner  
Austin Cherry, Office Assistant III

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

**DATE:** January 28, 2021

**CASE NUMBER:** BZA-2021-01

**VARIANCE REQUEST:** Variance request from the setback requirements in Table 2-6.1.1 in the *Unified Development Ordinance* for a commercial building.

**LOCATION:** 1360 Celebration Boulevard

**TAX MAP NUMBER:** 00100-01-135

**OWNER OF RECORD:** Saher G. Rishmawi

**APPLICANT:** Saher G. Rishmawi

**ZONING DISTRICT:** CG - Commercial General

**Land Use and Zoning**

This parcel is located on Celebration Boulevard between Celebration Boulevard and Jubilee Drive. It is in the Commercial General zoning district. The City's Future Land Use Plan designates this area as Commercial Auto-Urban. The north side of the parcel is adjacent to the Celebration Pointe Planned Development District (PDD), a future duplex development. Celebration Pointe's PDD mandates a Type C Bufferyard between the future development of duplexes and the adjacent commercial properties. A Type C Bufferyard has a 25feet width with 3 canopy trees, 3 understory trees, 3 evergreen trees, and 30 shrubs per 100 linear feet of property shared with the disparate use (Celebration Pointe). The bufferyard will be contained entirely within the Celebration Pointe Planned Development District. The Unified Development Ordinance does not require 1360 Celebration Boulevard to plant a bufferyard.

**Site and Building Characteristics**

The lot is 0.87 acres in size. It is about 193 feet wide along Celebration, 263 feet wide along its rear property line, 170 feet wide along its western property line, and approximately 160 feet long on its eastern property line. The southern portion of the parcel fronting Celebration Boulevard contains a 10 foot electrical power easement and a 20 foot stormwater easement. These easements would not affect the buildable area of a parcel zoned Commercial General (CG). The required front setback is 50 feet. The easements along the southeastern property line of the parcel would also not affect the parcel's buildable area because the side setback in the CG District is 20 feet, beyond the 15 foot easement contained on 1360 Celebration Boulevard.

The parcel, depending on the property owner's proposed use, is wide enough to meet the CG District minimum lot standards of 100 feet. The issue with the lot is its depth. When the parcel was subdivided in 2009, this property was zoned B-3. The B-3 Zoning Designation from the 2008 Zoning Ordinance had significantly smaller front and rear setbacks than the existing CG District. The sum of the B-3 front and



rear setbacks equaled 55 feet from a parcel's buildable area versus the sum of the CG front and rear setbacks, which is 90 feet, for a difference of 35 feet.

### **Variance Request**

The applicant is asking for a variance from the setback requirements of Table 2-6.1.1 of the *Unified Development Ordinance*, which requires a 50 foot front setback, 20 foot side setback (50 foot total for both), and a 40 foot rear setback for buildings in the Commercial General District. The applicant is requesting that the proposed construction be allowed to observe the B-3 setbacks of the previous Zoning Ordinance. The previous Zoning Ordinance, adopted in 2008, zoned this property Business General (B-3). The B-3 setbacks from Section 2.5 Table III were 35 foot front setback, 5 foot side setback, and 20 foot rear setback for non-residential uses. The subdivision of the parent parcel that created this parcel back in 2009, would have been influenced by the 2008 City of Florence Zoning Ordinance setbacks. At this time, the applicant has not provided a site plan of the proposed development or any details on its use.

The following information is included as submitted by the **applicant**:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: **City-wide rezoning of this property requires unreasonable setbacks on all property lines, thereby greatly reducing the allowable building areas on an .87 acre lot.**
2. These conditions do not generally apply to other property in the vicinity as shown by: **The larger parcels are not as affected by these larger setbacks. This site has existing large drainage easements.**
3. 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 larger setbacks unreasonably restrict this small lot from the size buildings needed to accomplish the businesses desired for the property.**
4. 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: **The granting of the previous B-3 setbacks will not affect adjacent properties, because they were built using B-3 zoning setbacks.**

### **Issues to be Considered**

Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

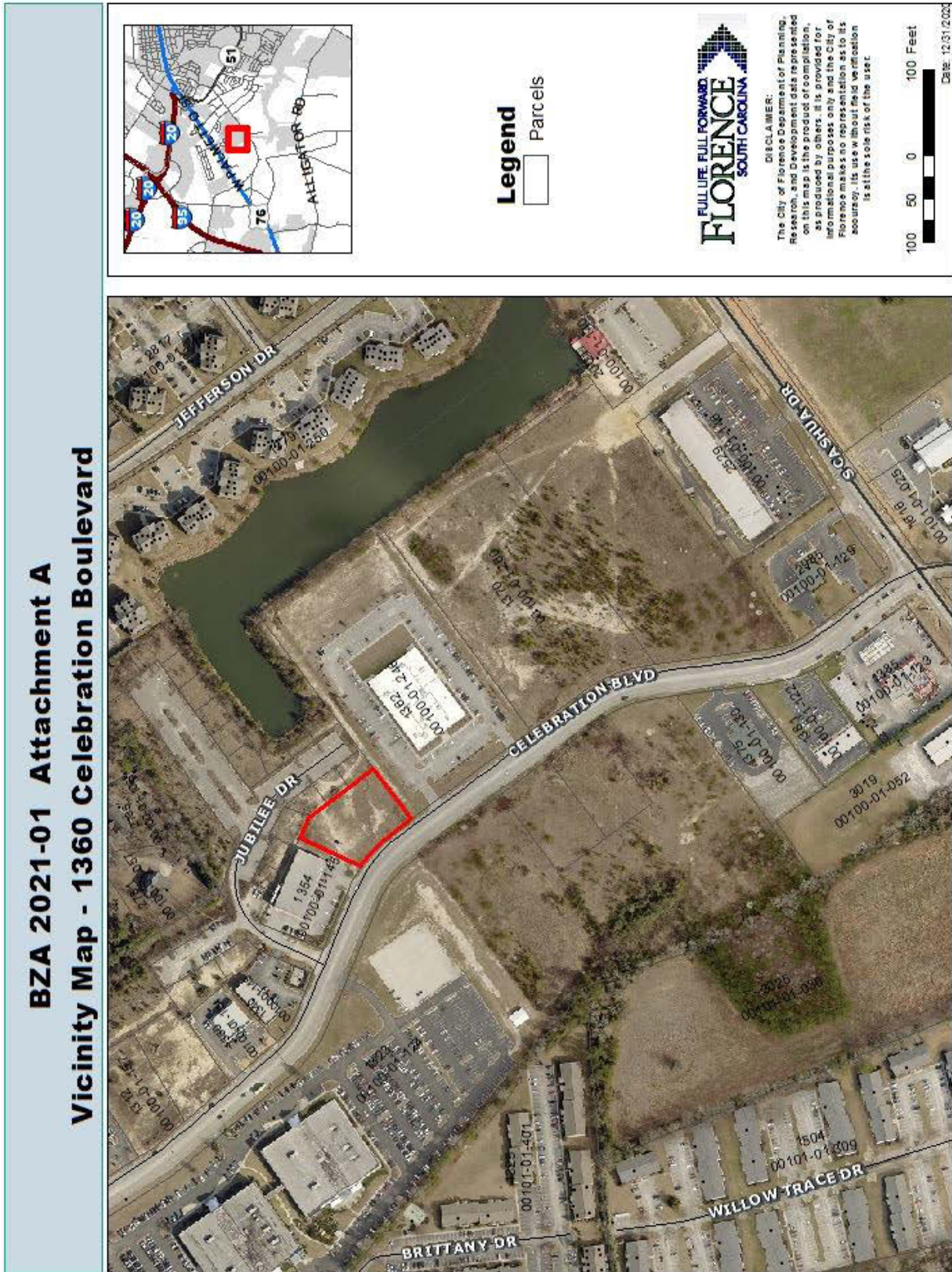
1. **That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship:** **This parcel was subdivided in 2009 to meet the lot standards of the 2008 Zoning Ordinance for the B-3 Zoning District. 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 is surrounded by commercial uses on 3 sides. 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 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:** Because Celebration Boulevard development has a mixture of buildings constructed before and after the Unified Development Ordinance's Commercial General setbacks were codified, the relaxing of current setbacks to that of the B-3 standards would not be out of character.

#### **Attachments**

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Site Photos
- F. CG vs. B-3 Setback Comparison
- G. Summary Plat
- H. Boundary & Topographic Survey

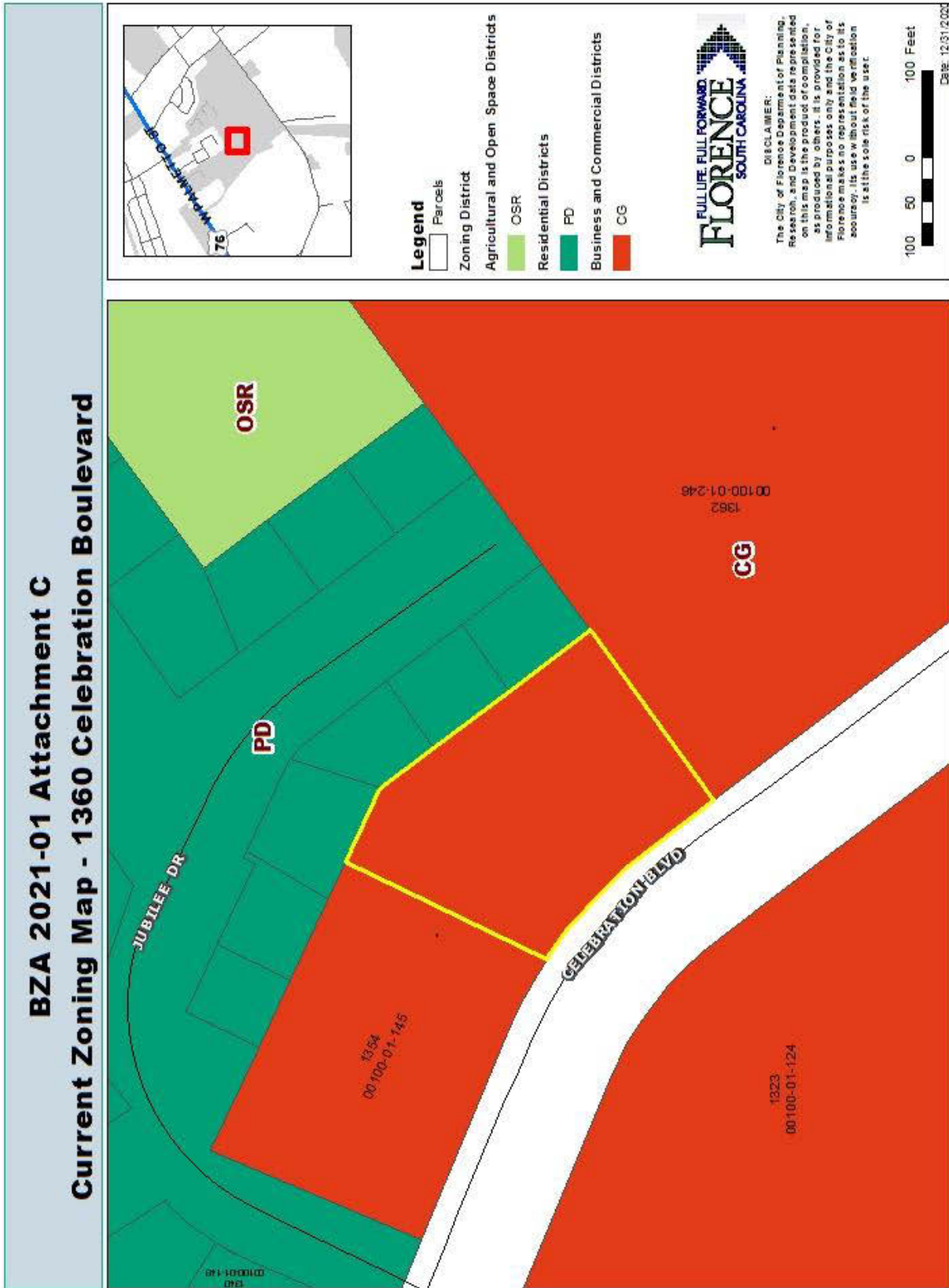
Attachment A: Vicinity Map

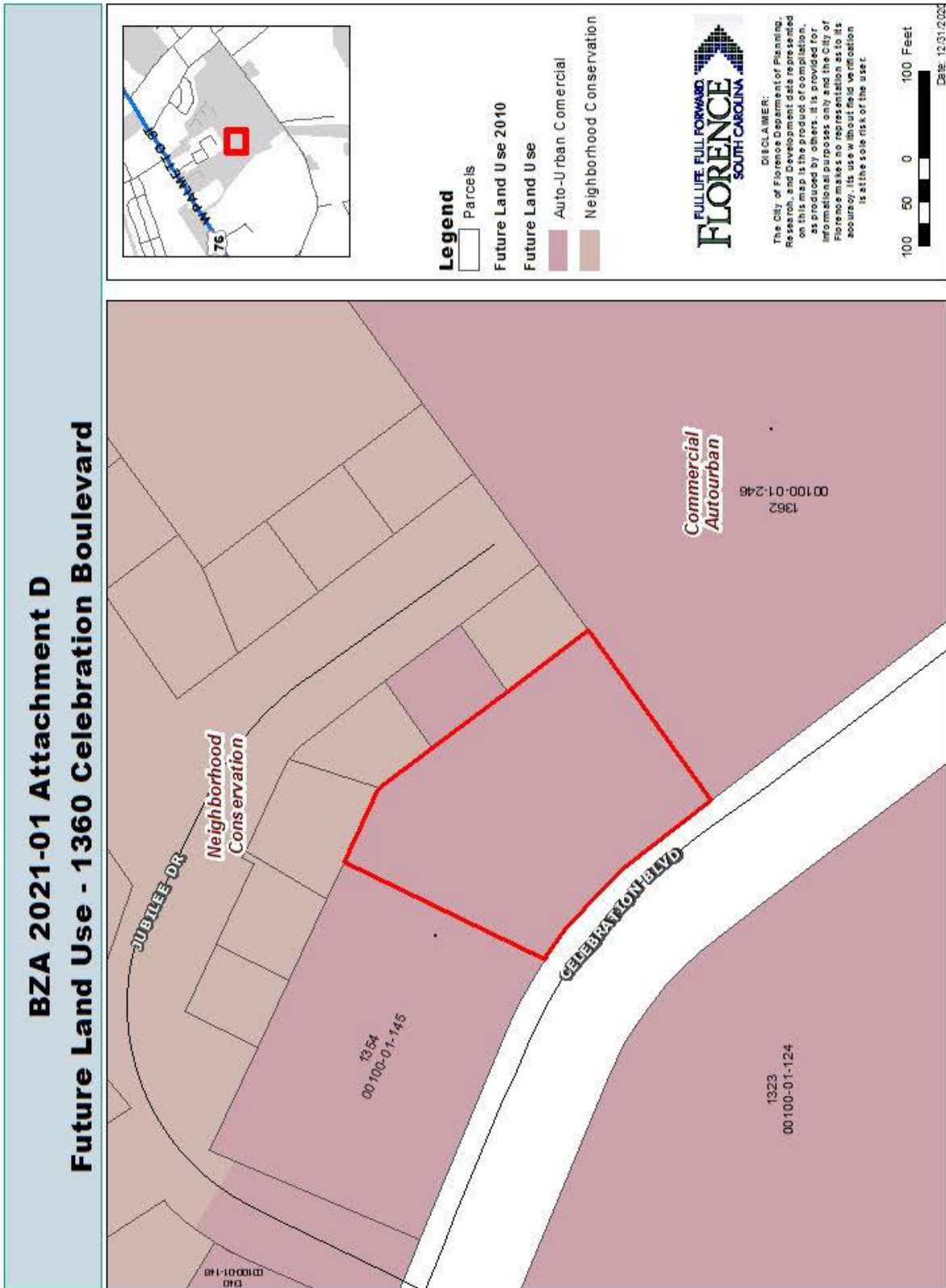




**BZA 2021-01 Attachment B**  
**Location Map - 1360 Celebration Boulevard**









Attachment E: Site Photos



Attachment F: CG vs. B-3 Setback Comparison

**Unified Development Ordinance:**

Table 2-6.1.1 Nonresidential and Mixed Use Lot and Building Standards								
District / General Use Type	Lot Width <sup>1</sup>	Build-to Line	Minimum Setback <sup>2</sup>			Minimum Landscape Surface Ratio	Maximum Building Height	
			Front	Side (Min./Total)	Rear			
<b>General Commercial (CG)</b>								
Retail	200'	N/A	50'	20' / 50'	40'	15%	38' -See F., Below.	
Office / Overnight Accommodations	200'	N/A	50'	20' / 50'	40'	15%		
All Other Uses	100'	N/A	50'	20' / 50'	40'	15%		

**2008 Zoning Ordinance:**

**Section 2.5 Table III: Schedule of Lot Area, Yard, Setback, Height, Density, Floor area, and Impervious Surface Requirements for Residential, Business And Rural Districts**

District	Minimum Lot Area (a)		Lot Width (ft) (b)	Front Yard Setback	Side Yard Setback		Rear Yard Setback		Max Hgt. (ft) (c)	Max Impervious Surface Ratio (%)	Max. Floor Area Ratio: Non-Res. Uses (d)
	Residential	Non-Residential			Res	Non Res	Res	Non Res			
R-1	15,000	30,000	100	25	10	50	30	60	38	40	0.25
R-2	10,000	20,000	80	25	8	25	25	50	38	45	0.30
R-3	6,000	12,000	50	25	5	25	25	50	38	45	0.30
R-4	6,000	12,000	50	25	5	25	20	40	38	45	0.30
R-5	6,000	12,000	50	25	5	25	20	40	4 stories	70	0.30
B-1	5,000	5,000	50	35	5	5	20	20	38	70	0.30
B-2	5,000	5,000	50	35	5	5	20	20	38	80	0.50
<b>B-3</b>	5,000	5,000	<b>50</b>	<b>35</b>	<b>5</b>	<b>5</b>	<b>20</b>	<b>20</b>	(e)	90	None
B-4	NA	None	None	None	NA	None	NA	None	(e)	100	None
B-5	NA	10,000	10,000	35	NA	10	NA	25	(e)	90	None
B-6	NA	10,000	10,000	35	NA	10	NA	25	(e)	90	None
RU-1	15,000	15,000	15,000	35	10	10	30	30	38	40	0.25
RU-2	87,120	43,560	43,560	35	15	50	30	60	38	20	0.15

Notes To Table III

a – Lot area is expressed in square feet.

b – Measurement from front property line.

c – Measurement from average elevation of finished grade of the front of the structure.

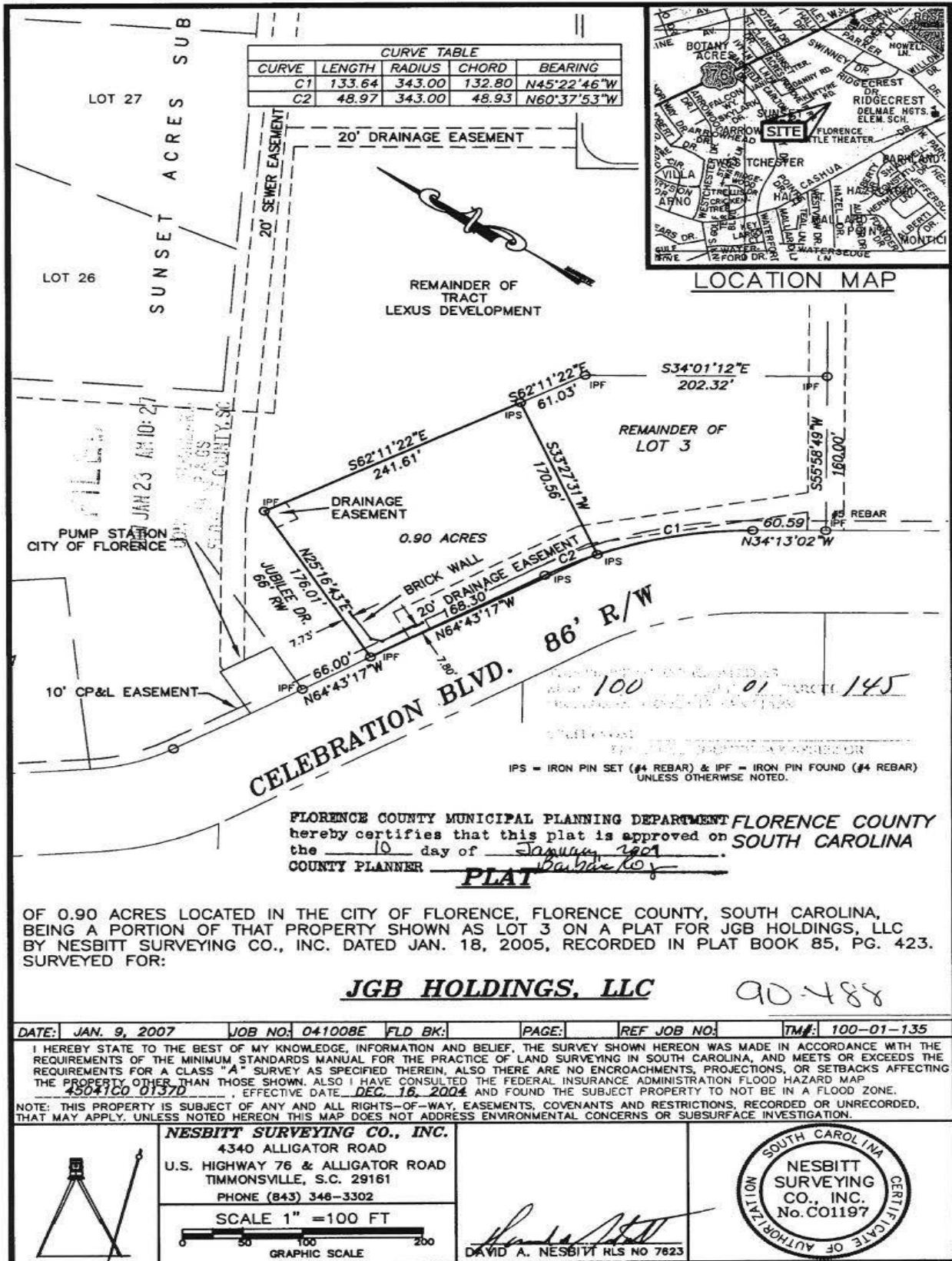
d – Total floor measured as a percent of total lot area

e – There is no maximum; provided side and rear setbacks shall increase by one (1) foot for each two (2) feet in height over thirty-five (35) feet for buildings outside of the B-4 District; further provided that approval of buildings over thirty-five (35) feet shall be based on fire ladder capabilities as determined by the Fire Department with jurisdiction.

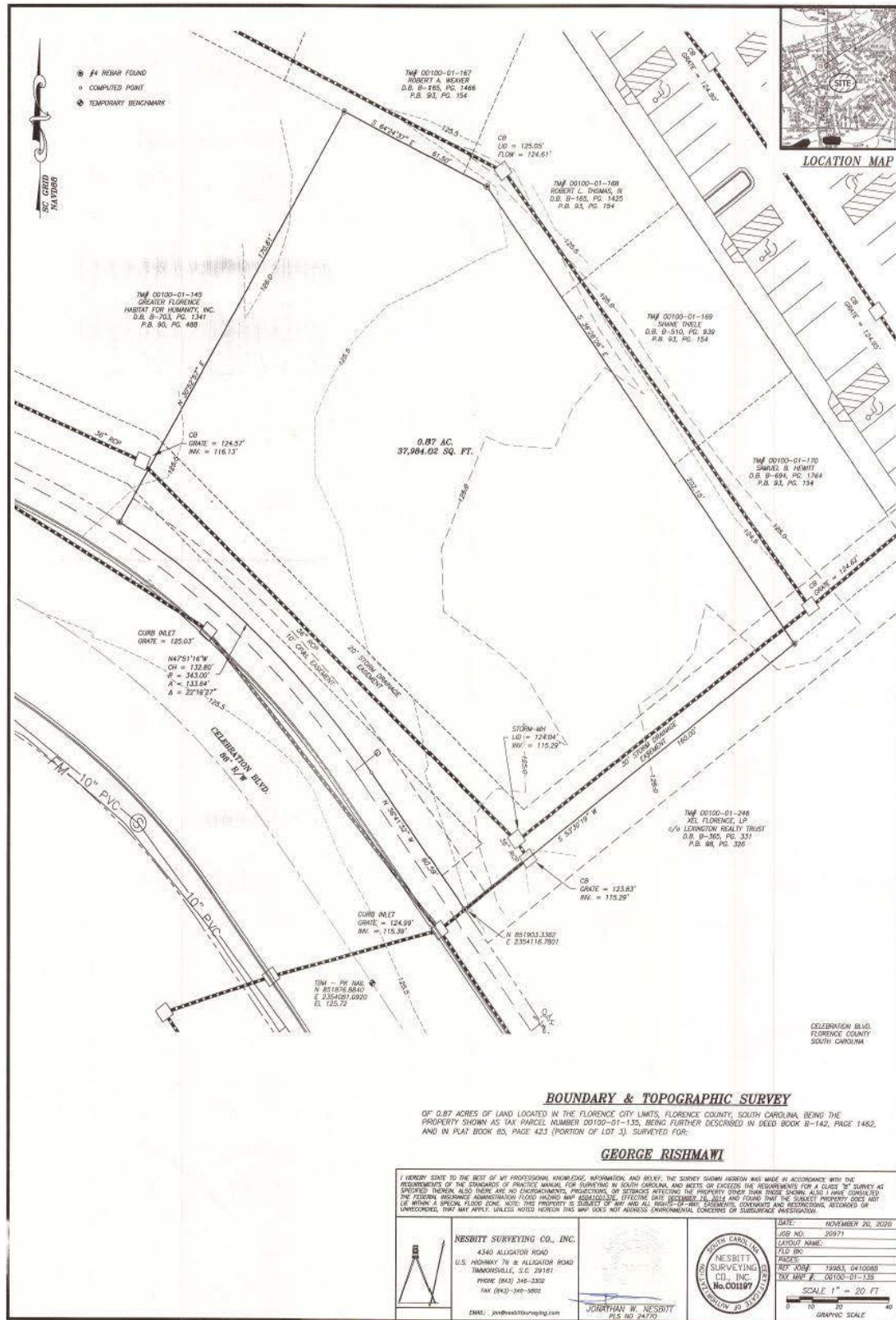
NA = Not Applicable



Attachment G: Summary Plat



# Attachment H: Boundary & Topographic Survey



**Board of Zoning Appeals Motion Worksheet**

Case Number:   BZA 2021-01   Nature of Request:   Setback Variance to 2008 B-3 Standards  

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 *Zoning Ordinance* **will not** / **will** be contrary to the public interest when, because of special conditions, a literal enforcement of the provision will, in this individual case, result in an unnecessary hardship, in that: \_\_\_\_\_  
\_\_\_\_\_
2. That the spirit of the *Zoning 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 *Zoning Ordinance* to the particular piece of 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: