

CITY OF FLORENCE BOARD OF ZONING APPEALS
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET, FLORENCE, SC
THURSDAY, FEBRUARY 22, 2024 – 6:00 P.M.
MEETING AGENDA

I. Call to Order

II. Approval of Minutes Regular meeting held on January 25, 2024

III. Public Hearing and Matter in Position for Action

BZA-2024-02 Request for a variance from the size requirements for an accessory structure to be located at 200 South Franklin Drive in the NC-6.1 zoning district; identified as Tax Map Number 90062-09-008.

IV. Adjournment

The next meeting is scheduled for March 28, 2024.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
JANUARY 25, 2024**

MEMBERS PRESENT: Charlie Ipock, Miriam James-Singley, Deborah Moses, Jermaine Nowline, Nathaniel Poston, and Michael Valrie

MEMBER ABSENT: Larry Chewning

STAFF PRESENT: Derek Johnston and Alane Zlotnicki

CALL TO ORDER: In the absence of Chairman Larry Chewning, Co-Chairman Nathaniel Poston called the meeting to order at 6:00 p.m.

APPROVAL OF MINUTES: Chairman Poston introduced the November 16, 2023 minutes and asked if there were any changes that needed to be made. There being none, he called for a motion. Ms. James-Singley moved that the minutes be approved as submitted, Mr. Valrie seconded; voting to approve the minutes was unanimous (6-0).

APPROVAL OF 2024 MEETING CALENDAR: Chairman Poston introduced the 2024 meeting calendar and asked if there were any comments or concerns. There being none, he called for a motion. Mr. Ipock moved that the calendar be approved as submitted, Mr. Nowline seconded, and voting to approve the calendar was unanimous (6-0).

PUBLIC HEARING AND MATTER IN POSITION FOR ACTION:

BZA-2024-01 Request for a variance from the size and height requirements for an accessory structure located at 918 Wisteria Drive in the NC-15 zoning district; identified as Tax Map Number 90066-06-022.

Chairman Poston introduced the request and asked staff for their report. Mrs. Zlotnicki gave the staff report as submitted to the Board of Zoning Appeals.

Ms. James-Singley asked if there was an HOA in the area. Mrs. Zlotnicki said no. Mr. Nowline asked if there were any safety concerns, Mrs. Zlotnicki said no. Chairman Poston clarified that the variance requested was for the height of the carport and the overall size of the accessory structure.

Mrs. Zlotnicki said that one person called in with questions about what the variance was for, and she was sent a copy of the staff report and didn't have any other issues with the request.

Ms. Moses asked about the side setbacks; Mrs. Zlotnicki explained that the carport simply wouldn't fit in the 19 feet between the house and the side setback since it's 26 feet wide and there also must be a 10 foot side setback.

Chairman Poston swore in Mike Padgett, the applicant, who confirmed that there is no HOA for the neighborhood. He affirmed that the structure will be outside of the floodplain and that while the very back of the lot is wet and does flood, water has never gotten that close to the house.

There being no further questions from the Board and no one else to speak for or against the request, Chairman Poston closed the public hearing and asked for a motion.

Mr. Ipock moved that the variance be granted, subject to 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 where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship. ***Adherence to the terms of the Ordinance would result in the inability of the owner to construct the accessory structure that he desires.***
2. That the spirit of the Unified Development Ordinance will be observed, public safety and welfare secured, and substantial justice done. ***The intent of the Ordinance is to control the size of accessory buildings in order to minimize the impact to the neighboring parcels. The sizes of the lot and the principal structure, as well as the wooded character of the lot, will mitigate the effects of the size, height, and location of the accessory structure.***
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. ***The proposed structure is for the rear of a large, wooded lot behind the principal structure. It is not visible from the public right of way, and the lot is wooded along the sides and rear.***
4. That these conditions do not generally apply to other property in the vicinity. ***Most lots in the neighborhood are also deep and wooded, with topographical changes.***
5. That because of these conditions, the application of the Unified Development Ordinance to the particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows. ***Adherence to the terms of the Ordinance would result in the inability of the owner to construct the accessory structure he is proposing.***
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 of the shape of the lot and the location of the house, granting the variance will not affect the character of the street or introduce a new use to the neighborhood.***

Ms. James-Singley seconded the motion, and voting to approve the variance was unanimous (6-0).

ADJOURNMENT: As there was no further business, Mr. Nowline moved to adjourn the meeting; Ms. Moses seconded and the motion passed unanimously (6-0). The Board adjourned at 6:19 p.m. The next regular meeting is scheduled for February 22, 2024.

Respectfully submitted,
Alane Zlotnicki, AICP
Senior Planner

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

DATE: February 22, 2024

APPEAL NUMBER: BZA-2024-02

VARIANCE REQUEST: Request for variances from the size restrictions for accessory structures on a residential parcel.

LOCATION: 200 South Franklin Drive

TAX MAP NUMBER: 90062-09-008

OWNER OF RECORD: Brian and Teresa Emmen

APPLICANT: Brian and Teresa Emmen

ZONING DISTRICT: Neighborhood Conservation-6.1 (NC-6.1)

Land Use and Zoning

The 70 feet wide by 202 feet deep corner lot is zoned NC-6.1, which permits single family detached uses only. It is on the southeast corner of the intersection of Gregg Avenue and South Franklin Drive, with the short side on Gregg Avenue and the back yard on South Franklin Drive. There is an existing 2,388 square foot house on the lot. There are very few trees or other vegetation on the lot.

There are also four accessory structures in the back yard: a 20' by 20' (400 SF) garage, a 12' by 32' (384 SF) portable shed, an 8' by 8' (64 SF) building, and a 13' by 20' (260 SF) tent. The four accessory buildings are considered existing non-conformities because they do not meet the requirements of the *Unified Development Ordinance*. The applicant wishes to replace the four structures, with a total area of 1108 square feet, with one 1200 square foot accessory building in the back corner of the lot to be used as a detached garage and for general storage (see Attachment E).

The proposed building will match the house, as required by the *Unified Development Ordinance*, with white vinyl siding and black architectural shingles on the roof. It is 16 feet tall at its highest point, which is well under the maximum height permitted for accessory structures. It will be placed 5 feet from the interior side property line and 20 feet from the rear property line, with the short side facing South Franklin Drive.

Variance Requests

Because of the location and total size and height of the accessory structure, the following variances from Section 3-8.1.9 I of the *Unified Development Ordinance* are being requested:

1. Detached accessory buildings shall not cover an area that is larger than 25 percent of the gross floor area of the principal building: 25% of 2388 is 597 square feet; the request is for a 1200 square foot building, so 50% of the house's area, resulting in a need for a variance of 603 square feet.
2. A detached accessory building's length (measured as the total building length along the side closest in parallel to the rear property line) shall not be in excess of 25 percent of the width of the rear property line: 25% of 70 is

17 ½ feet; the request is for a 40 foot long building, which is 57% of the rear property line, resulting in a need for a variance of 22 ½ feet.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular property as follows:
Although the lot is typical in size, the home is two stories and takes up a smaller footprint than lots of similar size and has a lot of open area, unlike surrounding properties. Most of the surrounding properties are single story with dense tree and plant cover and several have large accessory buildings and/or an additional residence on the lot.
- b. These conditions do not generally apply to other property in the vicinity as shown by:
This property has lots of open space and is not as densely developed like those around it. Also due to being a corner with lots of traffic and having almost no natural cover, we have been victims of theft and robbery at a much higher rate than surrounding properties.
- c. Because of these conditions, the application of the ordinance to the particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows:
Without the variance, I would not be able to build the shop as large as I want to or be able to secure my belongings out of sight.
- d. 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 building would be finished to match the home and allow us to remove several other structures on the property adding to the character of the neighborhood and eliminating an eyesore to the community.

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 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.
Staff Comment: *Adherence to the terms of the Ordinance would not prevent the owner from constructing an accessory structure, but it cannot be as large as he has requested.*
2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done.
Staff Comment: *The intent of the Ordinance is to control the size and number of accessory buildings in order to minimize the impact on neighboring parcels. The one structure proposed will replace four smaller structures.*
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property.
Staff Comment: *The parcel is on the corner of the block and has no vegetative buffer or fencing. The lot is similar in size and shape to other corner lots within the area.*
4. That these conditions do not generally apply to other property in the vicinity.

Staff Comment: *The requirements within the Unified Development Ordinance pertaining to accessory structures apply to all properties in the vicinity.*

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.

Staff Comment: *Adherence to the terms of the Ordinance would result in the inability of the owner to construct the accessory structure he is proposing.*

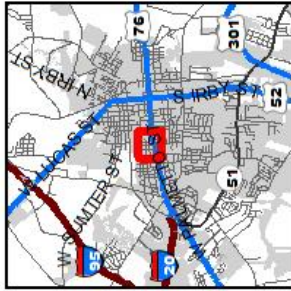
6. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

Staff Comment: *The proposed structure is intended to replace four smaller structures and will match the house in colors and materials.*

Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Site Plan
- F. Elevations
- G. Site Photos

BZA-2024-02
Vicinity Map - 200 S. Franklin Dr.



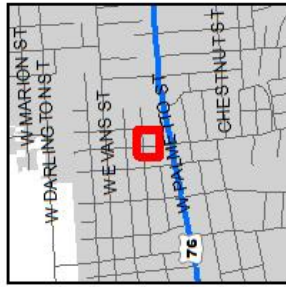
Legend
 Parcels



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BZA-2024-02
Location Map - 200 S. Franklin Dr.



Legend

-  Parcels
-  Proposed Parcel

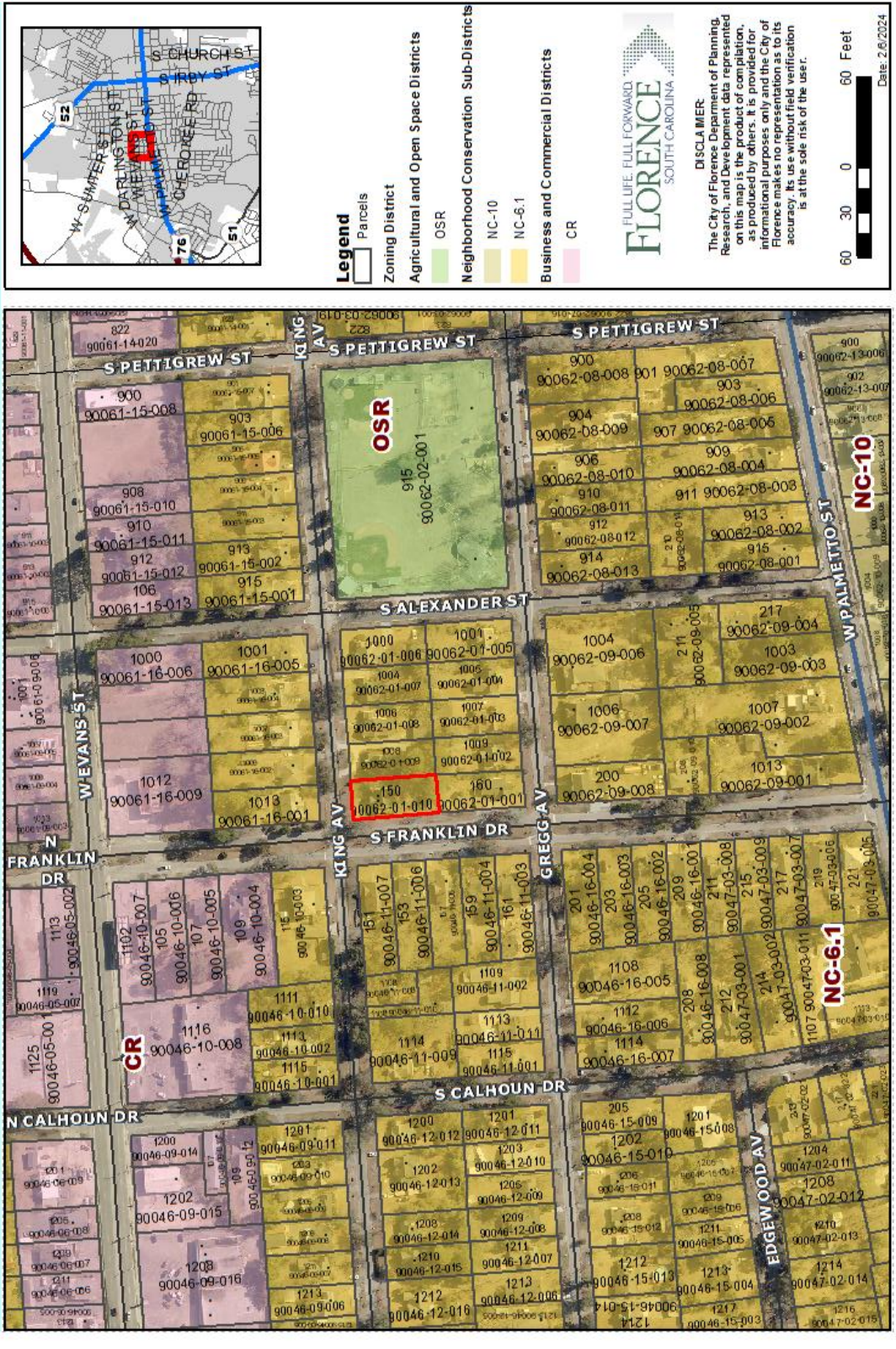


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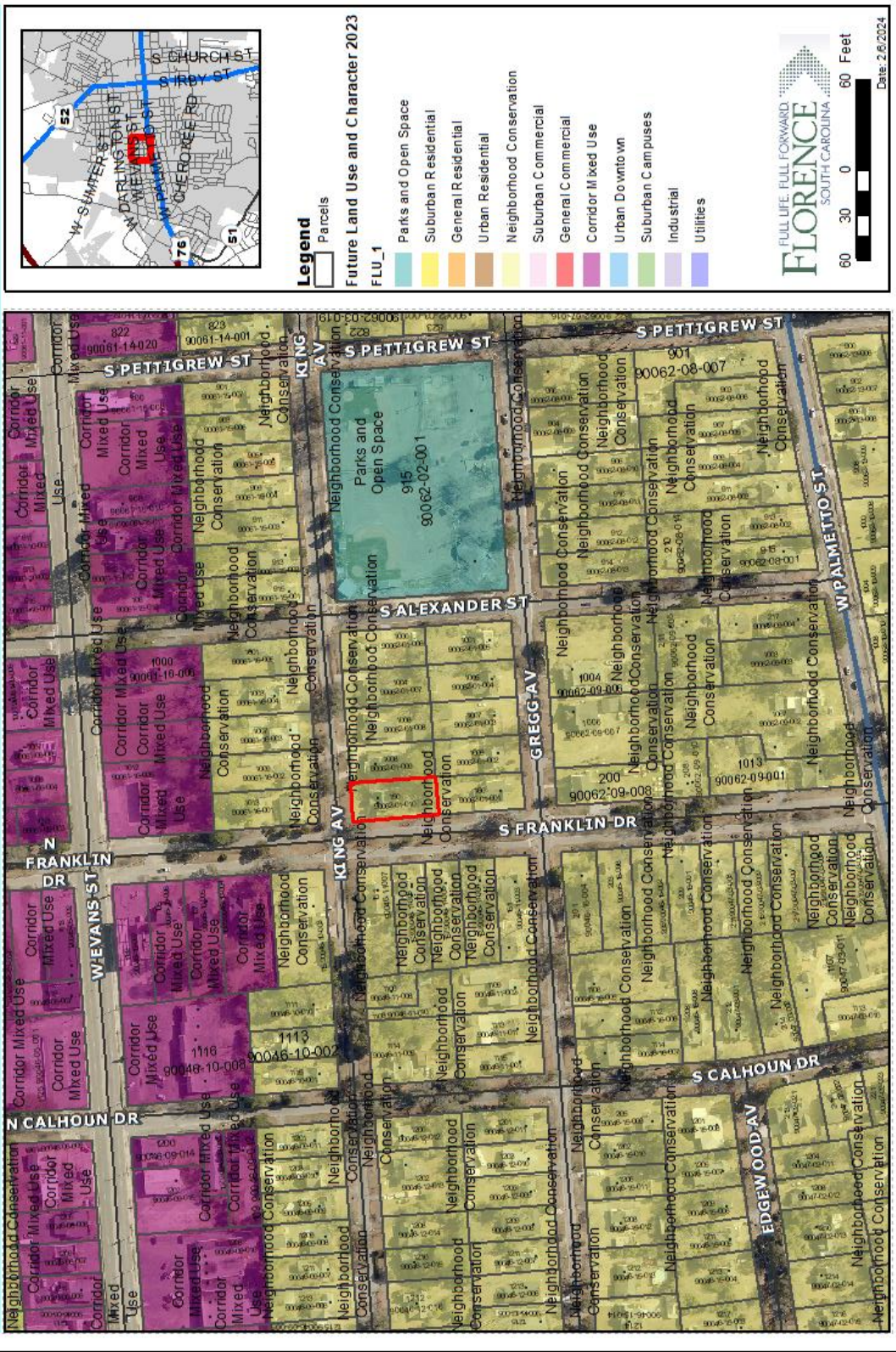


Date: 2/6/2024

BZA-2024-02
Zoning Map - 200 S. Franklin Dr.



BZA-2024-02
Future Land Use Map - 200 S. Franklin Dr.





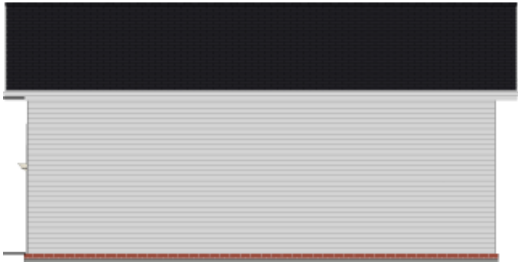
Attachment F: Building Elevations



3-D Elevation



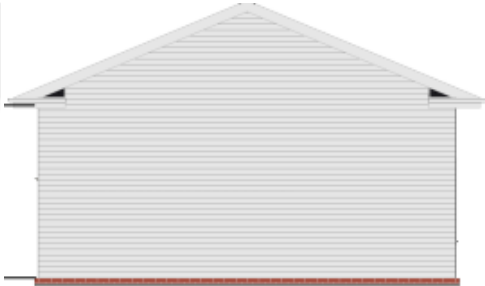
West Elevation



South Elevation



North Elevation



East Elevation

Attachment G: Site Photos





Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2024-02 Nature of Request: Accessory Building Size Variance

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 *Unified Development Ordinance* will not / will be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in this individual case, result in an unnecessary hardship, in that:

2. That the spirit of the *Unified Development 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 *Unified Development Ordinance* to this particular 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: