

**CITY OF FLORENCE BOARD OF ZONING APPEALS
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET, FLORENCE, SC
THURSDAY, MARCH 23, 2023 – 6:00 P.M.
MEETING AGENDA**

I. Call to Order

II. Approval of Minutes Regular meeting held on January 26, 2023
(no meeting held on February 23, 2023)

III. Executive Session To receive an update on legal matters [30-4-70(a)(2)]

After returning to open session, the Planning Commission may act on matters discussed in Executive Session.

IV. Public Hearing and Matter in Position for Action

BZA-2023-03 Request for a variance from the lot width requirements for new parcels for a lot located at 1311 Virginia Acres, in the NC-15 zoning district; identified as Tax Map Number 90067-01-002.

V. Public Hearing and Matter in Position for Action

BZA-2023-04 Request for a variance from sign requirements for a commercial development located at South Church Street and Pamplico Highway, in the CG zoning district; identified as Tax Map Numbers 90109-01-002, -003, -004, and a portion of 90108-05-001.

VI. Adjournment

The next meeting is scheduled for April 27, 2023.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
JANUARY 26, 2023**

MEMBERS PRESENT: Larry Chewning, Ruben Chico, Nathaniel Mitchell, Deborah Moses, and Nathaniel Poston

MEMBERS ABSENT: Miriam James-Singley

STAFF PRESENT: Clint Moore, Derek Johnston, Alane Zlotnicki, and Brian Bynum, IT

CALL TO ORDER: Chairman Chewning called the meeting to order at 6:01 p.m.

APPROVAL OF MINUTES: Chairman Chewning introduced the December 22, 2022 minutes and asked if there were any changes that needed to be made. There being none, he called for a motion. Mr. Mitchell moved that the minutes be approved as submitted; voting to approve the minutes was unanimous (5-0).

PUBLIC HEARINGS AND MATTERS IN POSITION FOR ACTION:

BZA-2022-15 Request for a variance from the fence requirements for a parcel located at 110 South Guerry Street, in the NC-6.2 zoning district; identified as Tax Map Number 90061-12-008.

Chairman Chewning introduced the request as a carryover from the December 22, 2022 meeting, and asked staff for their report. Mr. Johnston gave the staff report as submitted to the Board of Zoning Appeals. He said the BZA wanted to give the applicant additional time to possibly get letters from the neighbors indicating that they were in favor of the fence. He explained that the fence forward of the plane of the house needs three variances: orientation, height, and transparency since it is a five-foot-tall privacy fence rather than the required four foot high with 50% transparency required by the UDO. The rear yard fence is only oriented incorrectly. The owner did obtain letters from the tenant describing the increased security provided by the fence, as well as from the property manager of a house across the street. He provided photos of trash and other debris from neighboring properties.

Mr. Chico clarified that there are three points to consider: height, transparency, and orientation, and suggested they might want to consider them separately. Mr. Johnston said the Board was certainly able to put forth those motions separately if they wanted to. Mr. Mitchell asked how long Guerry Street is; it was shown to be only a couple blocks. He said he'd want a fence if it was his property.

There being no further questions for staff, Chairman Chewning opened the public hearing. The applicant, Mr. Ronald Garguilo, was sworn in. He said he's had several tenants over the last four years. There's an open parking lot behind the house and tenants of the duplex behind it would congregate there and end up hanging out by the back door of his house. Before the fence went up, he'd find vodka bottles under the bedroom windows which made his tenants uncomfortable. Because he has trouble getting contractors to show up, while he had someone about 8 months ago, he just had him finish installing the fence. The reason for no transparency was to keep people from looking into the small back yard as well as to prevent all the foot traffic from getting into the yard.

Mr. Poston asked for clarity about the height, transparency, and orientation concerns; Mr. Johnston reiterated that the orientation issue is only for the rear, all three are issues for the front yard fencing. Mr. Garguilo said the foot traffic would walk through the parking lot and into his yard and he wanted to remove

the access to the front yard, as well as to discourage theft from the front porch. The fence is a deterrent to theft and trespassing.

Mr. Poston asked if there'd been a difference in the past 8 months while it's been up. Mr. Garguilo said that there has been a difference, and it's enabled him to rent to better tenants; he rents to traveling professionals who stay for about 3 months at a time. Having the fence to enclose the yards gives tenants more confidence to be outside.

Mr. Chico asked Mr. Johnston about the transparency and height requirements only applying to the front 30 feet; he confirmed that was correct. Mr. Garguilo explained that he has the same problems from the parking lot next to the front yard as he does from the parking lot to the rear. Mr. Chico said he's driven past the property and said the orientation of the front yard is immaterial because it depends on which way you approach it. As to the orientation in the rear, the adjacent owners didn't comment and no one sees it, so the orientation isn't much of an issue. The properties are owned by management companies so that may be why they didn't comment.

Mr. Poston asked if anyone called staff about this; Mr. Johnston said no one has contacted us, not even out of curiosity.

There being no further questions 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. He said the motion could be for one, two, or three parts of the variance request, or they could all be lumped together as indicated by the staff report.

Mrs. Moses asked if others wanted to put up a five-foot privacy fence, what would happen? Mr. Johnston said they would need to go through this process of getting a variance. Mr. Poston asked if it would set a precedent for allowing privacy fences in front yards; Mr. Johnston agreed that it could be setting a precedent if they approve the request.

Mrs. Moses moved that the request for the variance be approved, based on the following findings of fact:

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, will not result in an unnecessary hardship: **The owner describes a history of theft, loitering, and trespassing on his property. A fence is a reasonable deterrent, but a fence that meets the requirements of the Ordinance could satisfy the owner's purpose.**
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 limit the height, opacity, and orientation of fences in the front yard of residentially zoned properties and mitigate the impact to adjacent properties.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: **The homeowner has experienced unwanted and/or illegal activity on his property requiring action to prevent future wrongdoing.**
4. That these conditions do not generally apply to other property in the vicinity: **Other properties in the vicinity would most likely have a similar experience.**
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 Ordinance regarding residential fence requirements would not prevent the use of the home as a single-family residence; however, the owner would like relief**

from theft, loitering, trespassing, and noise. A wooden picket fence constructed to City standards could also mitigate these same complaints.

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: **Property owners adjacent to 110 South Guerry Street may object to allowing a variance from the Unified Development Ordinance residential fence requirements and this could create a critical mass of requests from adjacent property owners.**

The motion to approve the request as submitted passed unanimously (5-0).

BZA-2023-01 Request for a variance from the size requirements for free standing signs for a parcel located at 124 South Cashua Drive, in the CG zoning district; identified as Tax Map Number 90024-04-012.

Chairman Chewning introduced the request and asked staff for their report. Mr. Johnston gave the staff report as submitted to the Board of Zoning Appeals. He said that HBS Motorsports has begun their beautification of the lot which fronts on West Evans Street, South Cashua Drive, and King Avenue. It is the former location of the Winn-Dixie grocery store, with about 64,000 square feet and has been vacant for some time. It is zoned Commercial General, in which the maximum permitted free standing sign is 160 square feet. They are asking for 535 square feet, for a variance of 375 square feet. The maximum permitted height is 40 feet; 46 feet is requested for a variance of 6 feet. The size of the sign is akin to what the City would permit for a billboard near I-95 or I-20.

He showed the sign that was previously on Highway 501 in Marion, SC along with the proposed repurposing of the sign. He showed the digital section of the sign which is 224 square feet in area and will be visible on both sides of the sign. He showed the existing freestanding signs; there are two which are about 35 feet tall and 120 square feet in area along with a current wall sign of about 250 square feet. Those are the existing signs on display.

Chairman Chewning asked if the Board had any questions for staff. Mr. Mitchell asked where the sign was to be located; Mr. Johnston said he didn't think it had been decided yet. They have 3 different street fronts and can move the other signs if they need to.

Mr. Poston clarified that there is a square footage and height difference; is there a variance for the number of signs? Mr. Johnston said they can have one per street frontage, and they do have three street frontages including King Avenue which goes into the residential area behind the lot. They are asking for a variance from the square footage limit and the difference in the height.

Mr. Poston asked if the City had any grants or incentives available since this lot had been vacant for so long; Mr. Johnston said no.

There being no further questions for staff, Chairman Chewning opened the public hearing. He swore in Mr. Hampton Langston, the applicant.

Mr. Langston said they bought this property two years ago; they've been on South Irby Street for about five years. Their plan is to make it one of the largest power sports dealerships in the southeast. He said it's hard to find a property this size; this one has been vacant for about 20 years. There's a lot of violence and drugs in the area. They saw that the sign was for sale and thought it would be a great fit and the sign company didn't see any problems with relocating it. They found out later that it would be a problem. It's a very large property and they think the sign would help them make the property better and help generate revenue for the county and the city. It's just a big sign.

Mrs. Moses asked where they wanted to put the sign; Mr. Langston said near the intersection of West Evans Street and South Cashua Drive. He said there was talk about closing the corner in and if so, they'd want to put it at the corner. Mr. Chico asked if it was a City property; Chairman Chewning said it's more like unused green space. The City does maintain it.

Mr. Poston asked Mr. Langston if anyone had contacted him about the zoning signs; he said no. Mr. Poston said that the property has been vacant for some time and he was very excited to see what happened next and that it was looking good. Mr. Langston said they hoped to get into it later this year. Mr. Poston asked about the motor sports on South Irby Street; Mr. Langston said they'd move everything to this location.

Mr. Poston asked staff if there'd been any outcry from the public; Mr. Johnston said no one had contacted the City.

There being no further questions 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. Poston moved that the request for the variance be granted, based on the following findings of fact:

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 height and square footage of the sign proposed will far exceed existing adjacent signage and the size permitted by the *Unified Development Ordinance*. The property is currently allowed three free standing signs, and direct enforcement of the permitted signage will not limit the property owner's ability to fully utilize the allowable number, size, and location of signage.**
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. **The proposed signage exceeds the allowable square footage of a billboard in the CG district, 378 square feet, unless within 600 feet of an interstate Right-of-Way. The ordinance permits a sign of this size directly adjacent to I-20 & I-95.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. **This property is a large single-use parcel with street frontages along South Cashua Drive, West Evans Street and King Avenue. The property is generally flat in its terrain, with no known characteristics that limit the applicant's ability to utilize the allowable signage as determined within the *Unified Development Ordinance*.**
4. That these conditions do not generally apply to other property in the vicinity. **The parcel is large, but comparable to adjacent commercial development with compliant signage.**
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. **Applying the current height and square footage requirements of the *Unified Development Ordinance* to the applicant's property would not limit or restrict the applicant's ability to fully utilize the allowable signs within the code.**
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 height and square footage of the requested sign would be a significant contrast to the existing**

built environment and would affect future signs permitted in the City of Florence. Depending on the proposed location, adjacent residential property to the east and south may be affected by its size and the digital portion of the sign that is approximately 224 square feet located on both sides of the proposed sign.

The motion to approve the request passed 4 to 1, with Mr. Chico voting against approving the variance request.

BZA-2023-02 Request for a variance from the bufferyard requirements for the parcel located at 610 East Pine Street, in the CA zoning district; identified as Tax Map Number 90103-08-010.

Chairman Chewing introduced the request and asked staff for their report. Mrs. Zlotnicki gave the staff report as submitted to the Board of Zoning Appeals. She explained that it was the former location of a church and a gas station; the new owners wish to build another church in roughly the same location as the previous building. The bufferyard requirement between these zoning districts is for 25 and 40 foot wide with plantings and a 6 foot fence. The applicants want to put the fence all the way to the streets and line it with shrubbery rather than all the plantings and distance. They will put in the required screening around the parking lot. No one has called the city about the request; the neighborhood is the intended user of the church. There was no screening for the previous church or gas station.

Mr. Chico asked the height of the fence; Mrs. Zlotnicki said it would be six feet high and extend all the way to the street, and that's what the variance request covers: height and transparency. No comments have been received from adjacent property owners; the City owns the property to the west. Mr. Poston asked if the City had any objections; she said no.

Mr. Chico said he looked at it and they look ready to start building.

There being no further questions for staff, Chairman Chewing opened the public hearing. The applicant, Pastor Carrie Champagne, was sworn in.

She said they are excited about building a church here; they visited the community and invited them to come participate in a land aquisition celebration. The neighbors are excited about having a church there again. She said she's waited for the bus to come by and the kids and parents are also excited; she wants to provide a K-8 school there in the future.

Mr. Mitchell, who lives nearby, welcomed her to the neighborhood, saying there was a grocery store on that site in the past.

Mr. Chico asked if she'd talked to the adjacent property owner about having the six foot fence in his front yard. She said he was the first person they spoke to; the pastor of the former church introduced them, and he has no complaints whatsoever.

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

Mr. Poston moved that the request for the variance be approved, based on the following findings of fact:

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: **Requiring that the applicant install the full width bufferyards with complete plantings around the inner perimeter of the lot decreases the amount of space available**

for additional parking and future expansion of the building itself.

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 screening between different uses. Permitting a smaller bufferyard with the inclusion of an opaque fence will adequately screen the church from the adjacent residential uses. It also serves to protect the churchyard from trespassers.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: **The small size of the lot relative to its proposed use limits the area available to be dedicated to a bufferyard.**
4. That these conditions do not generally apply to other property in the vicinity: **This corner lot has historically been used for commercial purposes rather than residential.**
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 40 and 25 foot wide requirements for the bufferyards would not prevent the use of the lot for a church, but it would make it very difficult to expand parking or the building in the future. It would also remove the backyard's usefulness for outdoor church activities by reducing the amount of open space available for community events.**
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 previous gas station and church uses did not have bufferyards around the perimeter, so any new screening provided will alter the character of the street. However, the fence and shrubs appear to fulfill the spirit of the Ordinance. The mitigation of possible nuisances towards neighboring residential uses is appropriate to enable the construction of a church which can be a valuable contributor to the community.**

The motion to approve the request as submitted passed unanimously (5-0).

OTHER BUSINESS: Mr. Moore reminded the Board that it's important for variances to only be granted when there is a true hardship such as from topography of the land or size of a property, things of that nature. Monetary or self-imposed hardships cannot grant a variance to any item. He wanted to make the Board aware that variances cannot be granted for items of that nature.

ADJOURNMENT: As there was no further business, Mr. Mitchell moved to adjourn the meeting; the motion passed unanimously (5-0). The Board adjourned at 6:55 p.m. The next regular meeting is scheduled for February 23, 2023.

Respectfully submitted,

Alane Zlotnicki, AICP
Senior Planner

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

DATE: March 23, 2023

APPEAL NUMBER: BZA-2023-03

VARIANCE REQUEST: Request for a variance from the lot width requirements for residential lots in Table 1-2.2.1B

LOCATION: 1311 Virginia Acres

TAX MAP NUMBER: 90067-01-002

OWNER OF RECORD: Elizabeth W. Reed

APPLICANT: Louie Hopkins

ZONING DISTRICT: Neighborhood Conservation 15 (NC-15)

Land Use and Zoning

The double lot is zoned NC-15. The owner wishes to subdivide it into two separate lots in order to build two single family houses upon them. A single-family home currently is located on the north side of the parcel. Future plans for the owner include obtaining Historical Commission approval to demolish the existing house. If the BZA approves the lot width variance, the parcel will be subdivided into two, with each new parcel having a lot width of 80'. The owner would then have the applicant construct two single-family detached homes on the new parcels.

The average parcel on Virginia Acres meets the 100' minimum lot width, with some parcels being double lots, including parcels closest to Jeffries Creek having lot widths measuring over 300'. Setbacks for the NC-15 Zoning District from Table 2-5.2.1 of the *Unified Development Ordinance*, "General Lot and Building Standards" are 25' in the front, 10' on the sides, and 30' in the rear. If the lot width variance is granted, new home construction would be required to meet these setbacks.

Unified Development Ordinance Requirements

According to Table 1-2.2.1B of the *Unified Development Ordinance*, "Neighborhood Conservation Subdistricts", the minimum lot width requirement for new lots in the NC-15 zoning district is 100 feet, and the minimum lot size is 15,000 square feet. Section 1-2.2.1B.2. of the *Unified Development Ordinance*, "Neighborhood Conservation Subdistricts" grants all existing lots at the time the Ordinance was passed as conforming. Thus, existing lot characteristics, like lot widths, are compliant.

Section 6-19.3.2 of the *Unified Development Ordinance*, "Nonconforming Lots; Construction & Combination", does permit City Staff approval of the proposed subdivision if it would return the property to its original form as a "lot of record". If the applicant can show a plat recorded with the Florence County Clerk of Court showing the proposed parcel lines, even if they do not meet the *Unified Development*

Ordinance, City staff is empowered to approve the summary plat. Attachment F is a scanned drawing of Virginia Acres Subdivision showing the applicant's requested parcel subdivision. Lots 10 & 11 in the original subdivision layout represent the present day combined parcel of 1311 Virginia Acres. Due to the condition of the scanned drawing and an inability to find the original recorded Virginia Acres plat, City staff is unable to approve the subdivision administratively.

Variance Request

The existing parcel has a lot width of approximately 160 feet. Dividing it evenly results in two lots that each have an 80' foot lot width, which is 20 feet short of the required 100 feet in the NC-15 zoning district for each parcel. The applicant is requesting a lot width variance of 20' for the proposed two parcels resulting in a 20% deviation from UDO Table 1-2.2.1B.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: **this lot is approximately a double lot.**
- b. These conditions do not generally apply to other property in the vicinity as shown by: **most other lots are single lots in size.**
- c. 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: **subdividing will make property usable for 2 single family homes, similar to those of the neighbors.**
- 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: **becoming 2 lots will match the existing use of the surround neighborhood.**

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. Staff Comments: **This request concerns a double lot be subdivided to its original intended form in keeping with the lot width sizes of adjacent properties in the Virginia Acres Subdivision allowing for the construction of 2 single-family homes.**
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. Staff Comments: **The neighborhood is characterized by lot widths and sizes from the original Virginia Acres Subdivision. Lots on this street and in the neighborhood are both single and double lots depending on the property owners' wishes. Although the new parcels will not meet the UDO Table 1-2.2.1B minimums for lot width, it will meet the intent of single-family homes on large lots.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. Staff Comments: **This is a double lot in a neighborhood of mostly single lots.**
4. That these conditions do not generally apply to other property in the vicinity. Staff Comments: **The vast majority of lots along Virginia Acres are single lots with lot widths ranging from approximately 75' to 115' with a lesser number of double lots with lot widths ranging from approximately 140' to about 300'.**

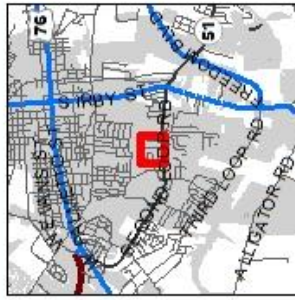
5. That because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows. Staff Comments: **The owner wants to build two single-family houses on this parcel; if the variance is not granted, he would only be able to build one single-family detached home.**
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 lots would be in keeping with the character of the neighborhood and the original intent of the subdivision.**

Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Table 1-2.2.1B
- F. Virginia Acres Subdivision (Original Layout)
- G. Site Photos

Attachment A: Vicinity Map

BZA 2023-03 Attachment A
Vicinity Map 1311 Virginia Acres



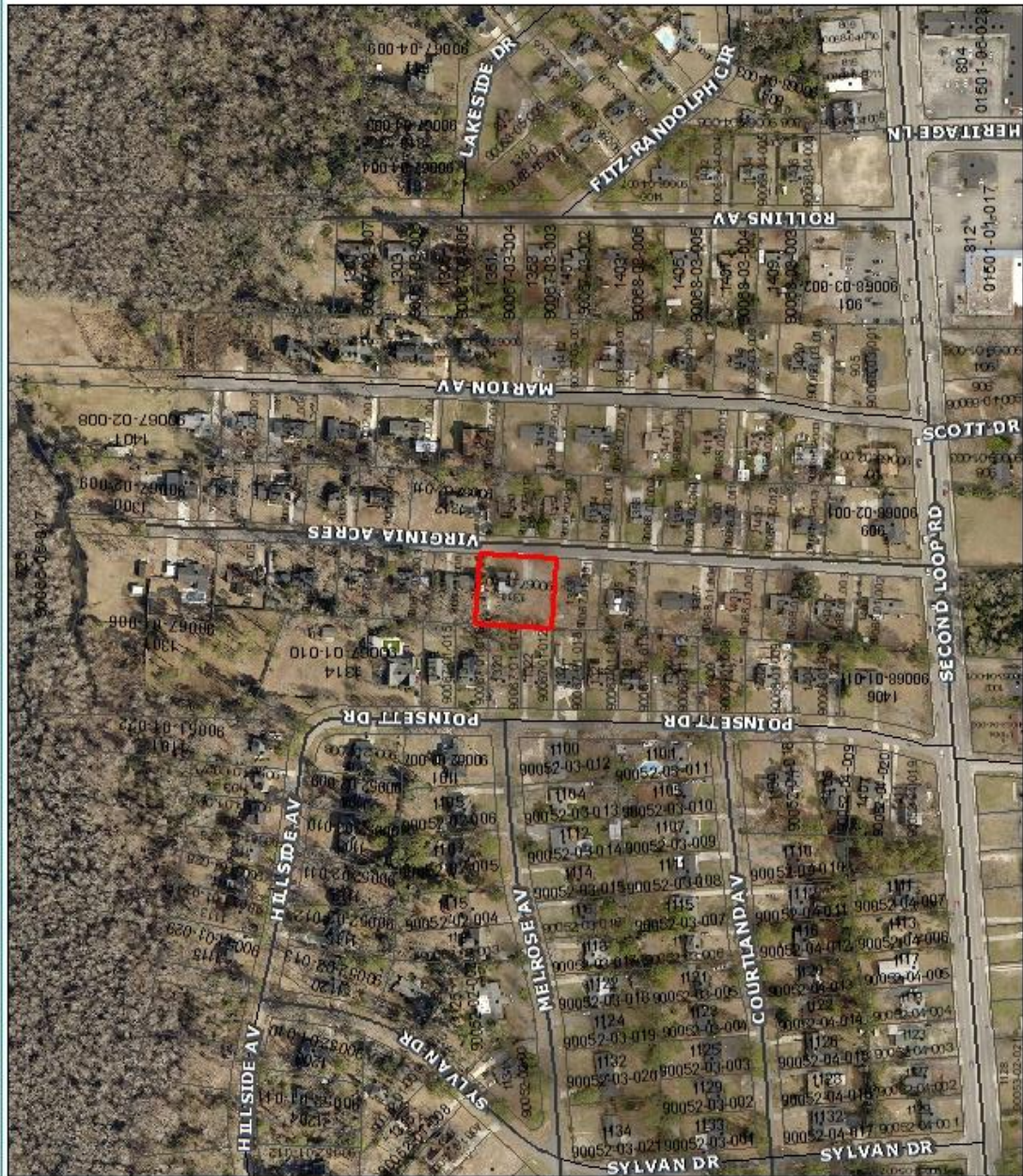
Legend
 Parcels



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Date: 3/10/2023

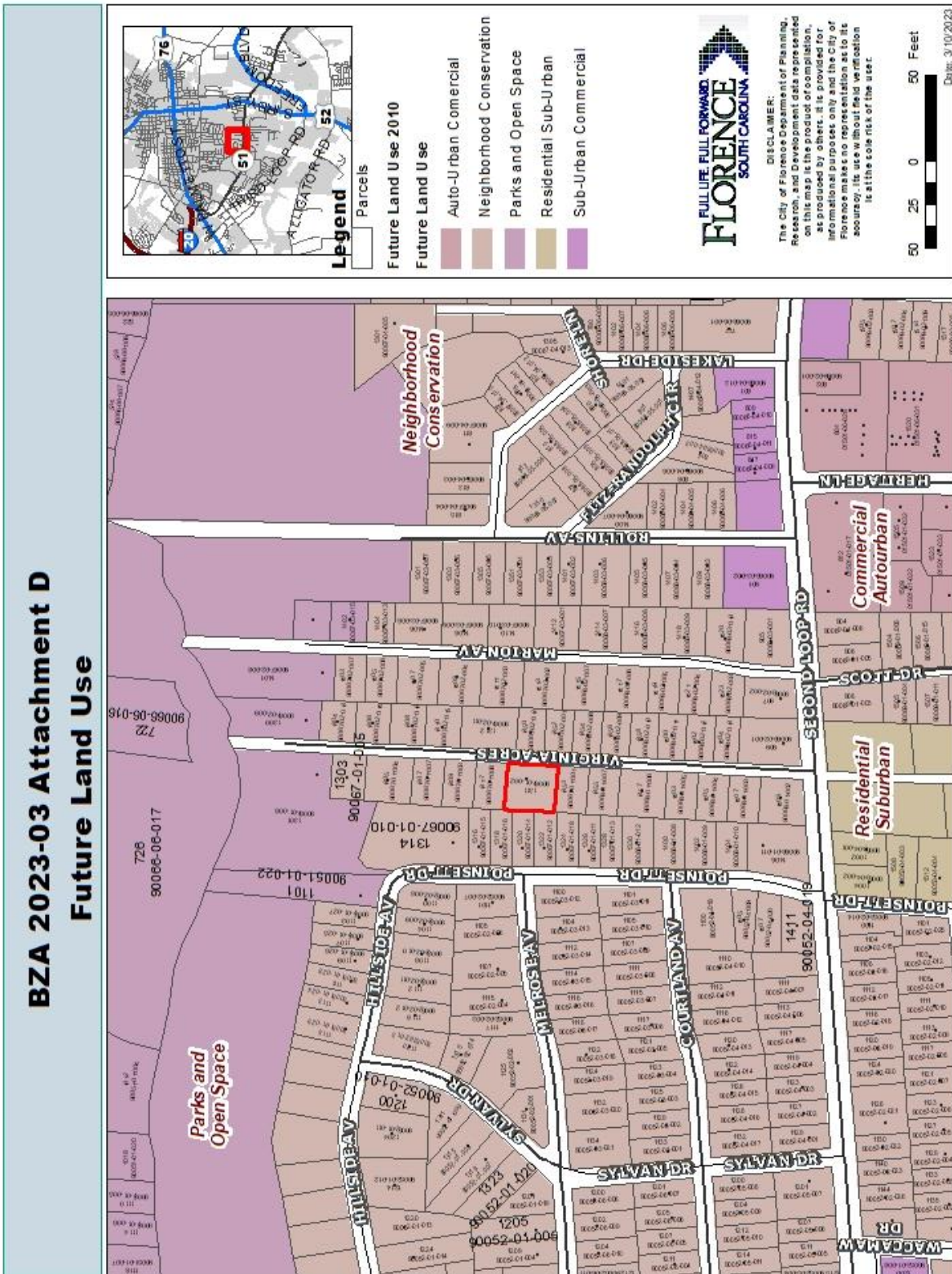


Attachment B: Location Map



Attachment C: Zoning Map





Attachment E: Table 1-2.2.1B Neighborhood Conservation Subdistricts

Table 1-2.2.1B Neighborhood Conservation Subdistricts				
Subdistrict	Character Type	Predominant Building Type	Minimum Lot Area (for New Lots)	Minimum Lot Width (for New Lots)
NC-15	Suburban	Single-Family Detached	15,000 sf.	100 ft.
NC-10			10,000 sf.	80 ft.
NC-6.1	Auto-Urban		6,000 sf.	60 ft.
NC-6.2		Single-Family Detached and Two-Family Attached	6,000 sf.	60 ft.
NC-6.3		Mixed Detached and Attached	6,000 sf.	50 ft.
NC-4			4,400 sf.	40'

Attachment F: Virginia Acres Subdivision (Original Layout)



Attachment G: Site Photos



1311 Virginia Acres – Home to be Demolished



1311 Virginia Acres – Northside of Parcel



1311 Virginia Acres – Current Driveway



1311 Virginia Acres – Southside of Parcel

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2023-03 Nature of Request: Lot Width 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 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 *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 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:

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

DATE: March 23, 2023

APPEAL NUMBER: BZA-2023-04

VARIANCE REQUEST: Request for a variance from the sign requirements for a new commercial development located at South Church Street and Pamplico Highway.

LOCATION: South Church Street at Pamplico Highway and Siesta Drive.

TAX MAP NUMBERS: 90109-01-002, -003, -004, and a portion of 90108-05-001

OWNER OF RECORD: Jebi Properties, LLC

APPLICANT: Southbound Florence, LLC

ZONING DISTRICT: Commercial General (CG)

Land Use and Zoning

There are two lots involved in a new commercial development located along the northeast side of Pamplico Highway between South Church Street and East Siesta Drive. The owners of the commercial development have purchased approximately 200 feet along Pamplico Highway from Compassion Church, located at 401 Pamplico Highway, to create a second large buildable parcel. Two free standing restaurants will be constructed on parcel 90109-01-002, which fronts on South Church Street and Pamplico Highway. Parcels 90109-01-003 and -004 and the front portion of 90108-05-001 have been annexed into the City, zoned Commercial General, and combined into a second large parcel to provide space for future commercial development.

Site and Building Characteristics

There is an existing building, Compassion Church, which is addressed as 401 Pamplico Highway, but the building itself is set back 725 feet from Pamplico Highway. The church sold the portion of its lot that fronts on Pamplico Highway to the applicant to incorporate into a single large parcel. As part of the sale, the developer agreed to allow Compassion Church to maintain its sign along Pamplico Highway as an off-premise sign to identify the church's location, on the newly created parcel. Because the off-premise sign is counted against the allowable sign area and number of signs permitted on the lot on which it is located, the applicant is requesting a variance on their allowable signage.

Signage Requirements of the Unified Development Ordinance

1. According to Section 5-18.1.5, off-premise signs may not exceed a height of 20 feet, nor a display area of 30 square feet. **The church sign is about 20 feet tall and has a display area of roughly 120 square feet.**
2. According to Section 5-18.1.1, a Common Signage Plan (CSP) is required for two lots under the same ownership; a single lot with more than one principal building; or a lot that qualifies on the basis of street frontage for more than one freestanding sign. Signage is to be consistent for all uses in terms of style,

location on the buildings, lighting, material, and proportions; additionally, the number of free standing signs is limited to one per street frontage with shared usage of such signs, although the maximum sign area may be increased by 25%. **Under this requirement, the applicant is limited to three free standing signs with a combined area of 200 square feet to be shared between both large parcels. Due to the size of the existing off-premise sign the applicant can only have two more free-standing signs with a combined area of 80 square feet.**

3. According to Table 5-17.2.1B, the following signage requirements apply in the Commercial General District for lots not part of a Common Signage Plan:
 - a. Wall signs: two per building, with a combined area of up to 25% of the front façade of the building. Because the two restaurants are within sight of two major thoroughfares, one wall sign may be allowed per wall as an alternative, with the front and rear walls not to exceed 200 square feet, and the side walls not to exceed 100 square feet. **The Dunkin Donuts standard signage is in compliance. The Slim Chicken's standard signage is in excess for both number and area.**
 - b. Free standing signs: one per street frontage, with a maximum combined area of 160 square feet and maximum height of 40 feet. Each parcel therefore could have up to two free standing signs because each one fronts on two streets. **The western parcel meets this requirement; however, the eastern parcel could only add one sign with an area of 40 square feet because of the church sign.**

Variance Requests

1. Eliminate the requirement for a Common Signage Plan to allow distinct free-standing signs and wall signage.
2. Request a sign number variance to permit one extra free-standing sign on the eastern parcel to accommodate the church sign.
3. Request an area variance to allow the 120 SF church sign as a legal off-premise sign. The Unified Development Ordinance currently permits 30 square feet for an off-premise sign.
4. Request a total area variance to allow the other 2 free standing signs on the eastern parcel to have a combined area of up to 160 SF.
5. Request a variance on the number and area of wall signs to accommodate Slim Chicken's standard corporate wall signage, if desired.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: **In agreement with Compassion Church, their existing sign is to remain along Pamplico Highway. This creates a hardship and eliminates our ability to have a freestanding sign for our tenant(s) as part of the new development taking place here at this corner.**
- b. These conditions do not generally apply to other property in the vicinity as shown by: **The other properties in the vicinity tend to not be hindered by an off-premises sign taking up their capacity for their new development tenant signage.**
- c. 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: **All tenants/businesses in the vicinity have signage rights along the main road as it is crucial to their business operations; without the ability to have signage for this new development, due to the church sign taking the allowed one sign along Pamplico Highway, it would be detrimental to their business(es).**
- 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: **It will allow the church to keep their existing sign along Pamplico Highway**

allowing them the excellent visibility and exposure they currently have for their current and future guests. The placement of this applied for sign at the corner of Pamplico and East Siesta will not hinder any visibility of travelers along Pamplico Highway and will abide by any and all codes and regulations for construction and visibility requirements. In addition, this will give adequate spacing between the adjacent parcel sign eliminating any concerns for safety and visibility.

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. Staff Comments: **The sign ordinance has been applied to multiple properties throughout the municipality that are similar in dimension and zoning.**
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. Staff Comments: **The spirit of the sign ordinance is to regulate and permit the number and size of signs to create an orderly development of signage within the City of Florence.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. Staff Comments: **Prior to obtaining a variance, Compassion Church and the applicant agreed to allow the continued use of the sign along the frontage.**
4. That these conditions do not generally apply to other property in the vicinity. Staff Comments: **This property is similar in its characteristics as other properties within the city limits that are located on the corner of main thoroughfares.**
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. Staff Comments: **As it is currently regulated no restrictions on the size or number of signs are placed upon the property.**
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: **Properties within this vicinity that are located within city limits currently meet the standards of the ordinance.**

Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. *Unified Development Ordinance* Excerpts
- F. View of the Church from Pamplico Highway
- G. Combination Plat
- H. Proposed Sign Locations per Site Plan
- I. Proposed Sign Renderings, Locations on Lot and Buildings

BZA 2023-04
Vicinity Map - Pamplico Highway Commercial Development

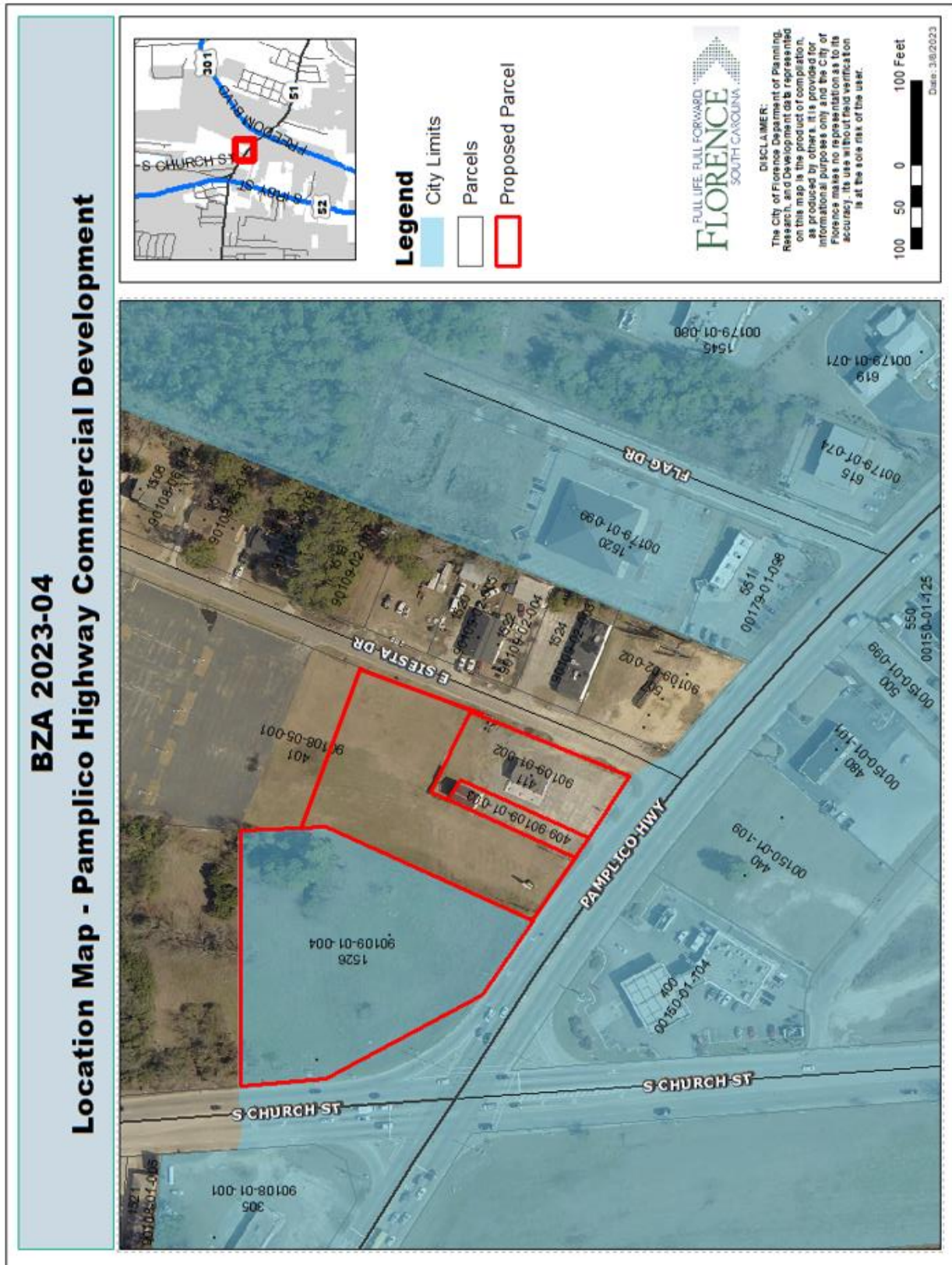


- Legend**
- City Limits
 - Parcels
 - Proposed Parcel

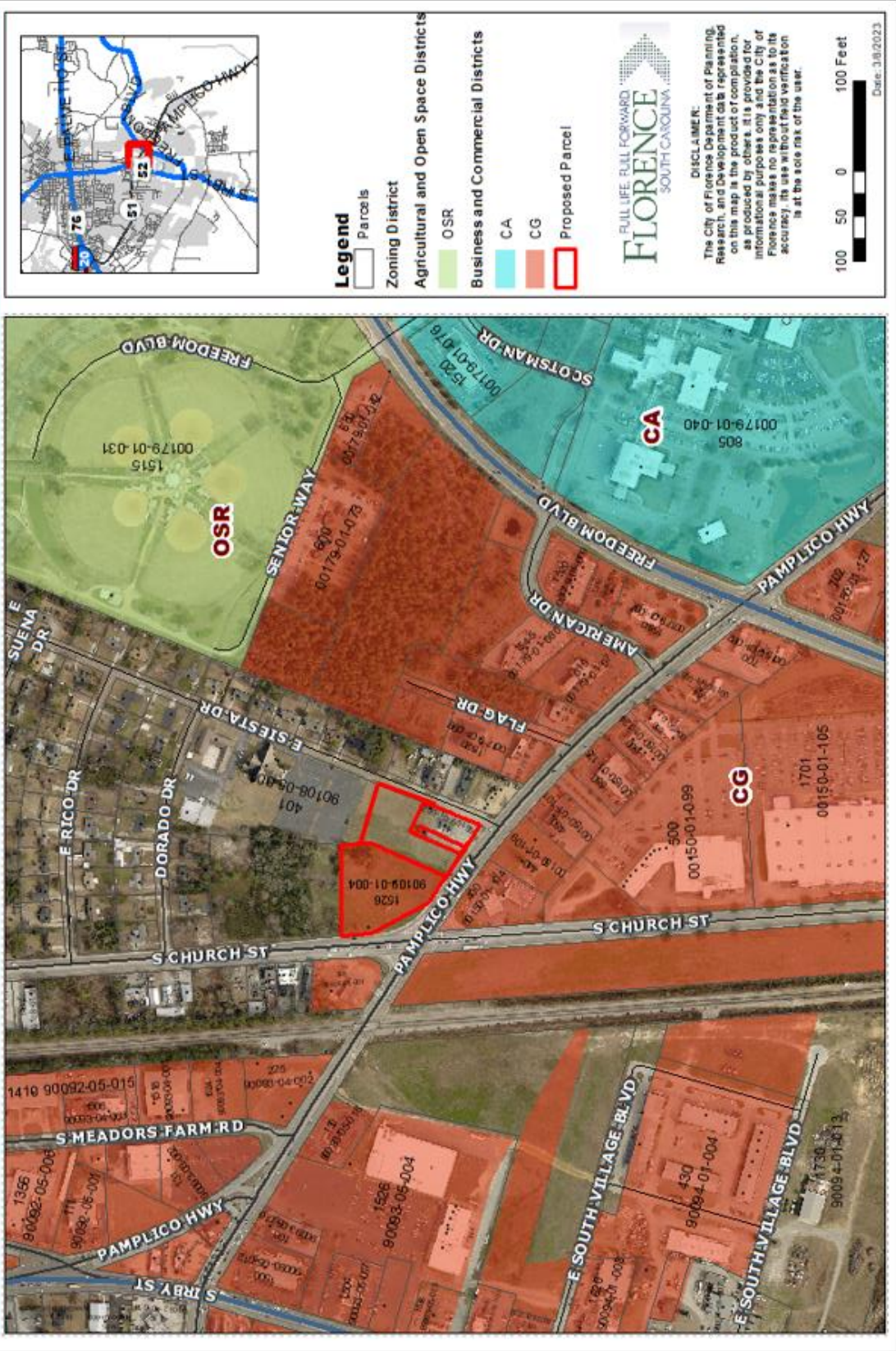


DISCLAIMER:
 The City of Florence Department of Planning, Research, and Development data represented on this map is the product of compilation, as produced by others. It is provided for informational purposes only and the City of Florence makes no representation as to its accuracy. Its use without field verification is at the sole risk of the user.





BZA 2023-04
Zoning Map - Pamplico Highway Commercial Development



BZA 2023-04
Future Land Use Map - Pamplico Highway Commercial Development



Attachment E: *Unified Development Ordinance* Excerpts

Table 5-17.2.1B Regulation of Signs By Type, Characteristics, and Zoning Districts									
Sign Characteristic By Type	All Residential Zones	INS (1)	CR	CA/DSCG	CBD/AC	IL/HI	AR	OSR	
FREE-STANDING SIGNS									
Number Permitted Per lot (E)									
Billboards	N	N	N	N	NA	N	NA	NA	N
Other (I)	1(A)	2	1	1	1	1	1	1	1 (A)
Per Feet of St. Frontage									
Billboards	N	N	N	N	1:1,200	N	1:1,200	1:1,200	N
Other	NA	(K)	NA	NA	(D)	NA	(D)	(D)	NA
Maximum Sign Area (s.f.)									
Billboards	NA	NA	NA	NA	(F)	NA	(F)	(F)	NA
Other	20	(L)	20	32	3 sf. per each ft. st. frontage (G)	80	80	32	20
Minimum Setback from Property Line									
Billboards	NA	NA	NA	NA	10'	NA	10'	10'	NA
Other	5'	5'	5'	5'	5'	0'	5'	5'	5'
Maximum Height	12'	12'	12'	24'	(H)	24'	(H)	(H)	12'
BUILDING SIGNS									
Number Permitted (J)	1	2	1	2	2	2	2	2	1
Maximum Sign Area (s.f.)	4	90 (L)	12	NA	NA	NA	NA	NA	12
Maximum Wall Area (J)	NA	20%	NA	25%	25%	25%	15%	25%	NA
TEMPORARY SIGNS									
<i>See 5-18.1.3, Temporary Signs</i>									

TABLE NOTES: (NA = Not Applicable; N= Not Allowed; sf = Square Feet)

- A. Two-use identification signs, not exceeding 20 sf each, are permitted for each entrance of a subdivision, residential project, or agricultural operation.
- B. This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Unified Development Ordinance in residential zoning district, i.e. churches, schools, parks, etc.
- C. Minimum distances required by this section shall be measured between billboards located on either side of the street along the centerline of the street from which the billboard is viewed.
- D. One per lot or one for each 300 linear feet of street frontage, whichever is less.
- E. Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- F. 378 sf except where located within 600 feet of an Interstate Highway ROW, where maximum shall be 672 square feet. Interstate highway ROW does not include I-20 Spur or McLeod Blvd. From W. Evans to I-95.
- G. Not to exceed 160 square feet.
- H. Maximum height of billboards shall not exceed 100 feet where located within 600 feet of Interstate Highway as defined above; maximum height of other signs and billboards not on Interstate ROW shall not exceed forty (40) feet.**
- I. Directional signs shall meet the following conditional criteria:
 - a. The display surface area of directional signs shall not exceed 2 square feet per sign.
 - b. A limit of three signs stacked may be utilized and shall not exceed five feet in height measured from the ground up.
 - c. The height of a directional sign shall not exceed five feet in height measured from the ground up.
 - d. Sign cannot intrude into the required sight triangle.

- e. Company colors and/or logo may be used but no commercial message may be displayed
- J. One projection or wall sign may be allowed per tenant wall, not above the roof line, meeting the following size requirement and not to exceed 4 tenant walls; Front and rear walls=20% of wall area not to exceed 200 square feet; side walls=20% of wall areas not to exceed 100 square feet. This provision shall apply to structures within line of sight of interstate highways and major thoroughfares.
- K. One additional freestanding sign may be permitted per lot meeting a separation of 300 linear feet per sign.
- L. Permitted up to a 20 square foot minimum and a maximum of 1 square foot for each 2 feet of street frontage up to 90 square feet for building signs and 60 square feet for free standing signs.

Sec. 5-18.1.1 Common Signage Plan Required

- A. Generally.** A common signage plan, subject to the review and approval of the Director, shall be prerequisite to the issuance of any sign permit involving:
 - 1. Two or more contiguous lots or parcels under the same ownership;
 - 2. A single lot or parcel with more than one principal use or building (not including accessory uses or buildings) or qualifying on the basis of street frontage for more than one free-standing sign; and,
 - 3. A PD (Planned Development District) project originally approved prior to the adoption of this Unified Development Ordinance.
- B. Common Signage Plan Requirements.** The plan shall contain all information required for sign permits generally (*see Section 6-21.3.1, Submittal Requirements, Subsection E., Other Permits*) and shall specify standards for consistency among all signs on the lot affected by the plan with regard to:
 - 1. Lettering or graphic style;
 - 2. Lighting;
 - 3. Location of each sign on the buildings;
 - 4. Material; and,
 - 5. Sign proportions.
- C. Limitations.** A common signage plan shall limit the number of free-standing signs to a total of one for each street on which there is frontage and shall provide for shared or common usage of such signs; however, the maximum sign area may be increased by 25 percent.
- D. Effect of Approval.** Once approved by the Director, the common signage plan shall become binding on all businesses and uses occupying the affected lots but may be amended by filing a new or revised plan in conformance with the requirements of these regulations.
- E. Amendments.** If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended plan or to the requirements of the regulations in effect on the date of submission.

Sec. 5-18.1.5 Off-premises Signage

- A. Generally.** A business may use one of the signs permitted as provided in Table 5-17.2.1A, *Number, Dimension, and Location of Permitted Signs, By Zoning District*, to be located off of, but within 1,500 feet of the zoning lot for the purpose of directing the motoring public to the out-of-the-way location. No business shall have more than one such sign per business location. The off-premises sign shall be located within a non-residential district, off of the public right-of-way, and the location must meet all of the other requirements for a business sign specified in this Ordinance.

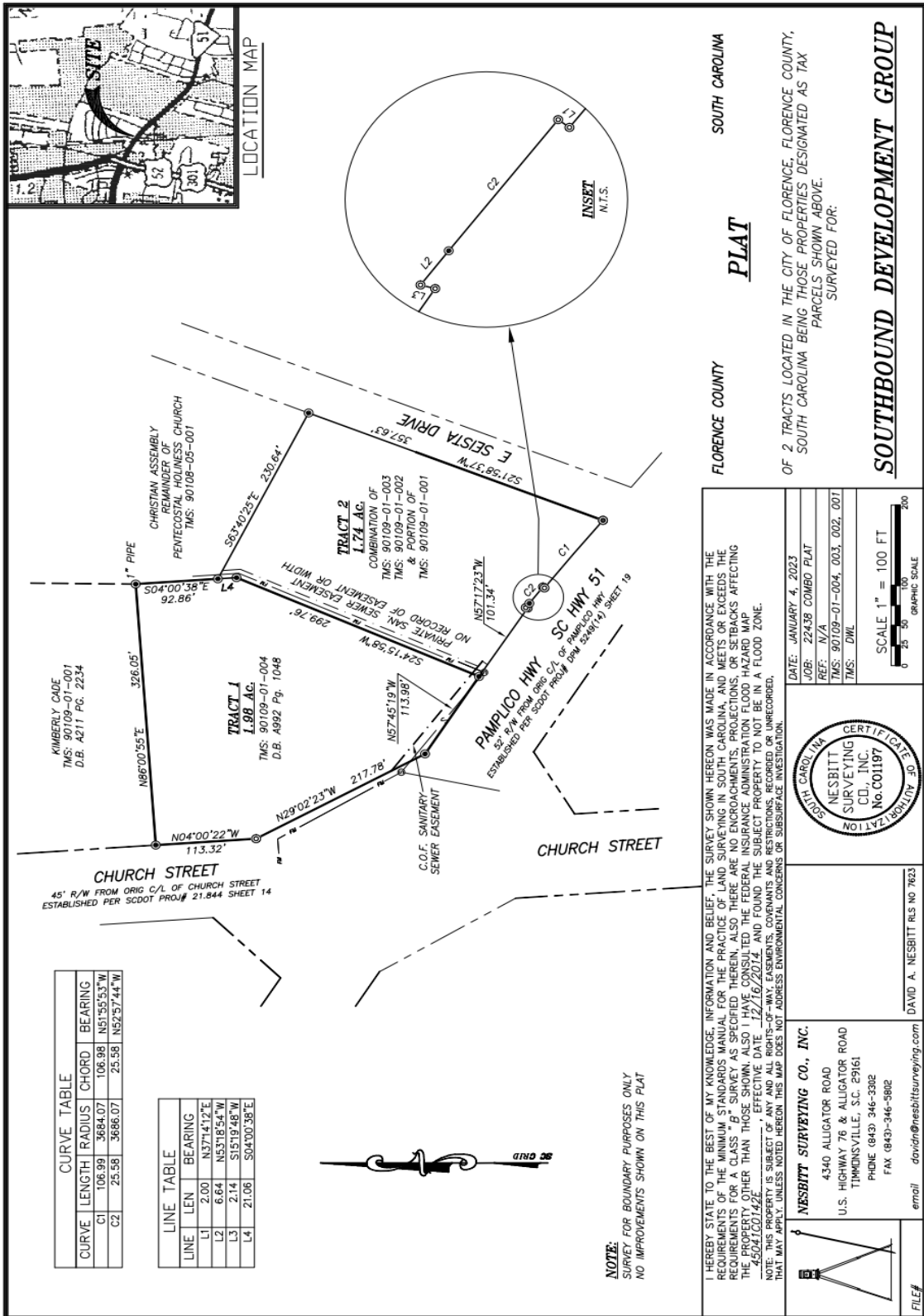
B. Owner Consent. Off-premises signage shall only be permitted with a written letter of consent between the sign owner and the landowner, signed and submitted to the Director before the issuance of the applicable permit. Such signs shall be free-standing and not exceed a height of 20 feet, nor a display area of 30 square feet, unless the regulations of the applicable district require a lesser height and/or square footage of display area. The off-premises sign shall also be counted against the allowable sign area and number of signs of the zoning lot on which it is located.

Attachment F: Site Photos: Church Sign and Church from Pamplico Highway



The view of the church from Pamplico Highway with the sign identifying it.

Attachment G: Combination Plat



PLAT

FLORENCE COUNTY

SOUTH CAROLINA

OF 2 TRACTS LOCATED IN THE CITY OF FLORENCE, FLORENCE COUNTY, SOUTH CAROLINA BEING THOSE PROPERTIES DESIGNATED AS TAX PARCELS SHOWN ABOVE. SURVEYED FOR:

SOUTHBOUND DEVELOPMENT GROUP

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO ENCROACHMENTS, PROJECTIONS, OR SETBACKS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN. ALSO I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD MAP AND THE FLOOD ZONING IS SUBJECT TO AN EFFECTIVE DATE OF 10/01/2019. I HAVE ALSO FOUND THE SUBJECT PROPERTY TO NOT BE IN A FLOOD ZONE. THIS SURVEY IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS DESIGNED. THIS SURVEY DOES NOT ADDRESS ENVIRONMENTAL CONCERNS OR SUBSURFACE INVESTIGATION THAT MAY APPLY. UNLESS NOTED HEREON THIS MAP DOES NOT ADDRESS ENVIRONMENTAL CONCERNS OR SUBSURFACE INVESTIGATION.

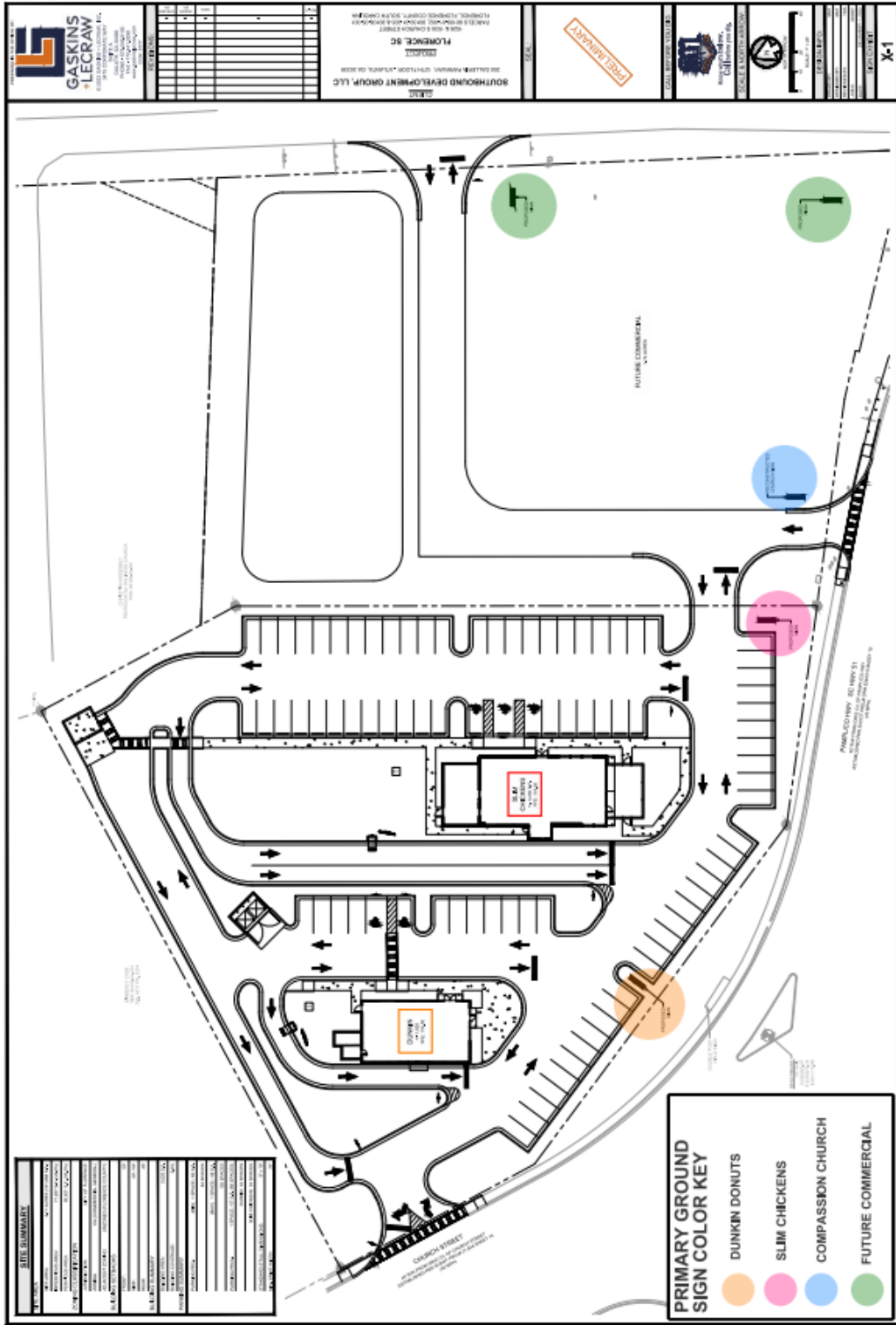
NESBITT SURVEYING CO., INC.
4340 ALLIGATOR ROAD
U.S. HIGHWAY 76 & ALLIGATOR ROAD
TIMMONSVILLE, S.C. 29161
PHONE (843) 346-3302
FAX (843)-346-5802
email david@nesbittsurveying.com

DAVID A. NESBITT RLS NO 7623

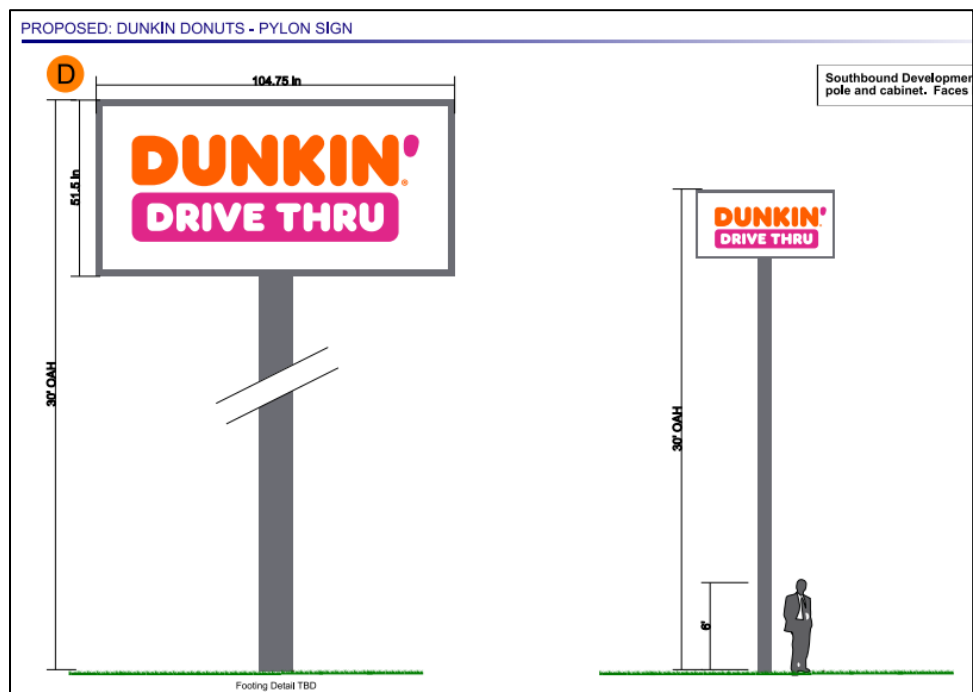
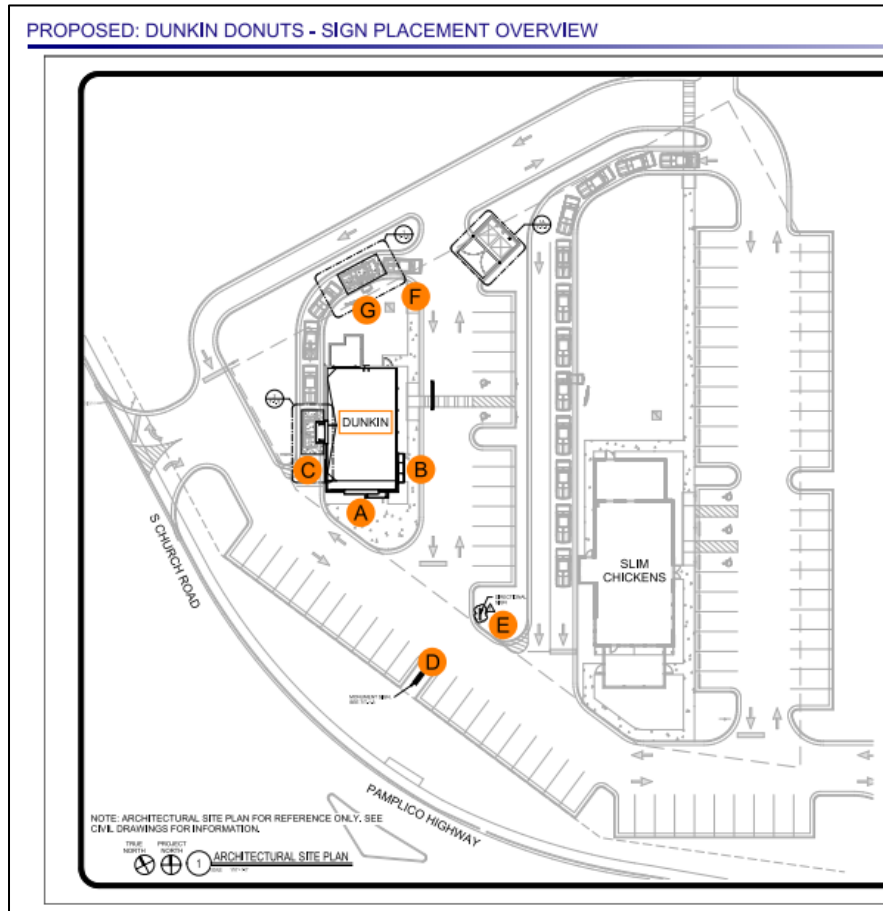
2023 S.C. SURVEYING CERTIFICATE OF AUTHORIZATION
NESBITT SURVEYING CO., INC.
No. C01197

Attachment H: Proposed Sign Locations per Site Plan

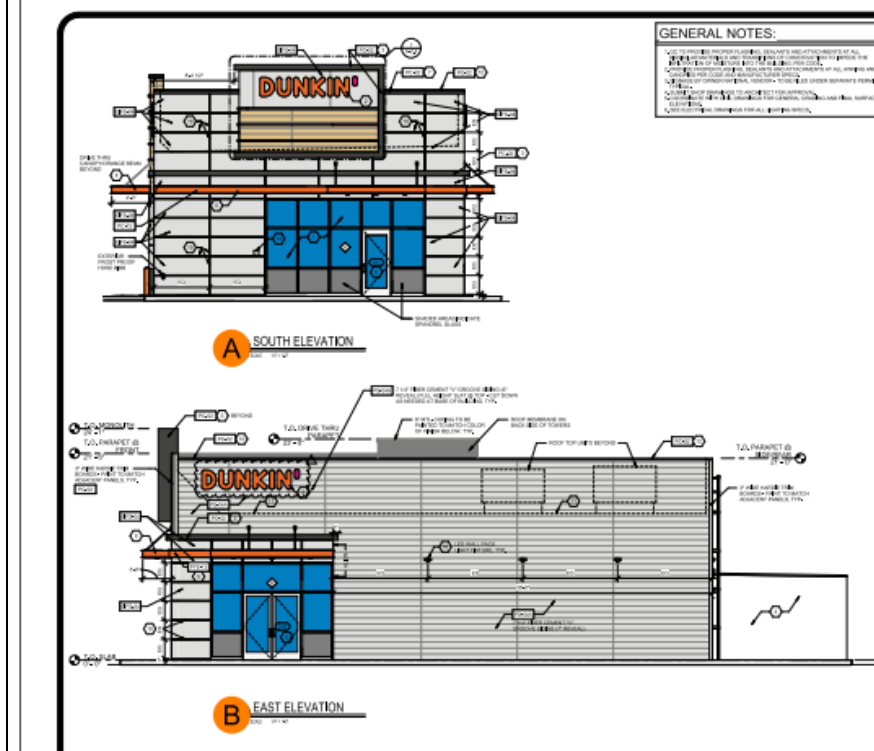
PROPOSED: SITE PLAN



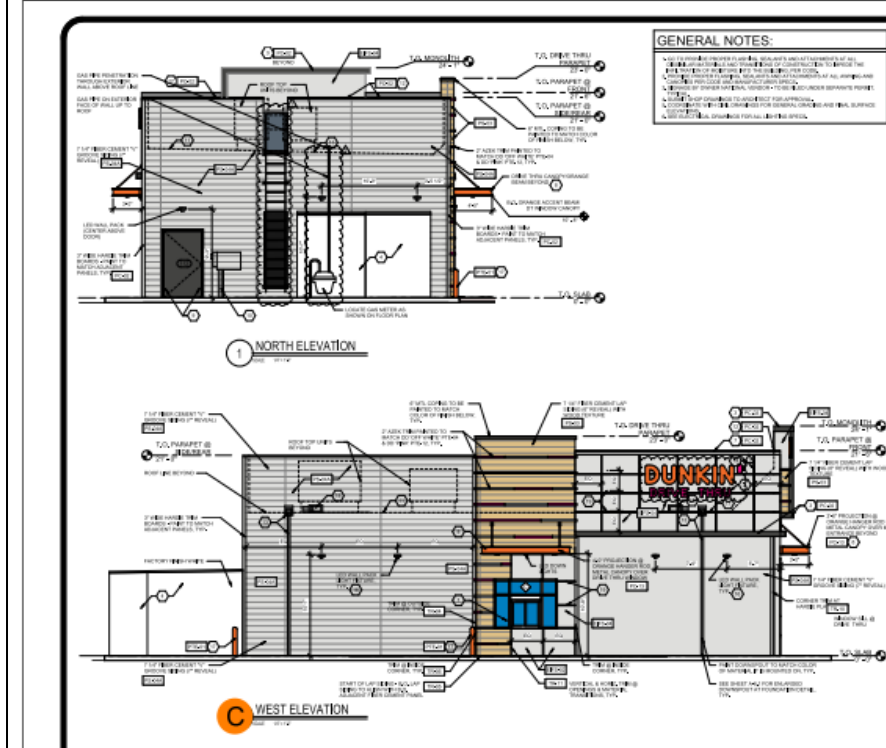
Attachment I: Proposed Sign Renderings and Locations on Lot and Building



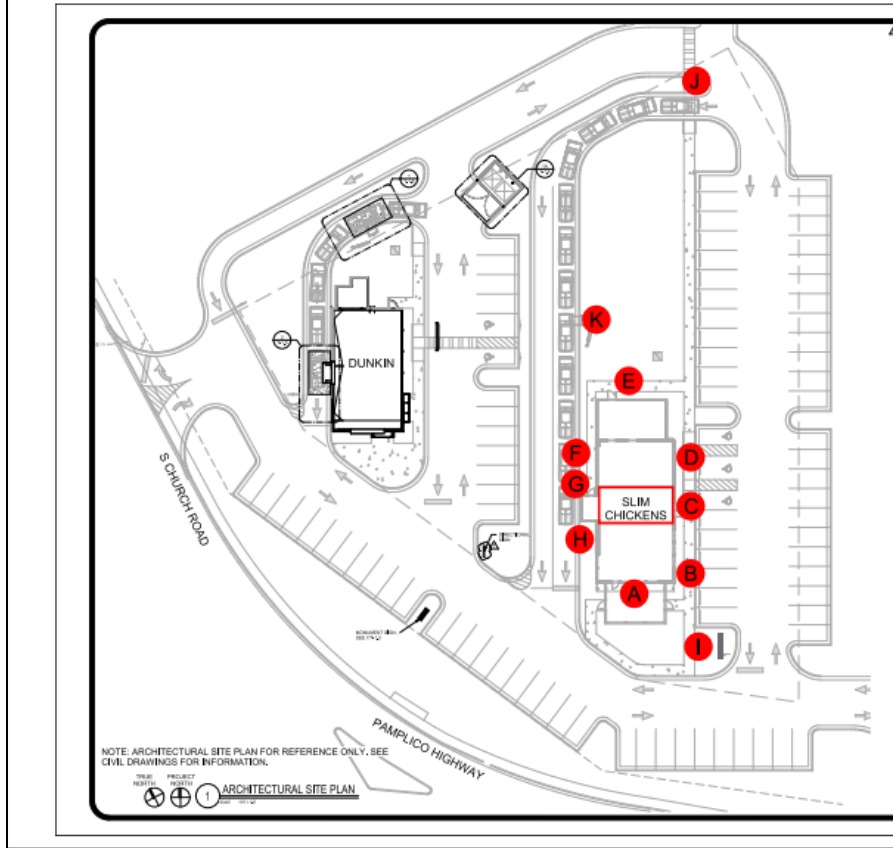
PROPOSED: DUNKIN DONUTS - SOUTH & EAST BUILDING ELEVATIONS



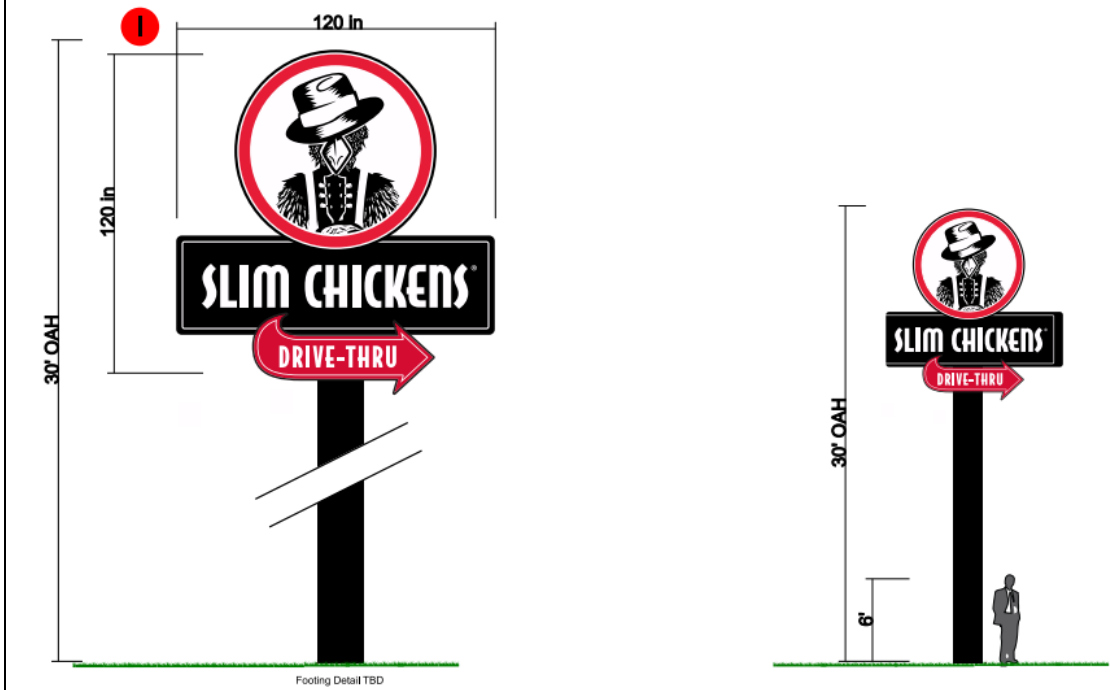
PROPOSED: DUNKIN DONUTS - NORTH & WEST BUILDING ELEVATIONS



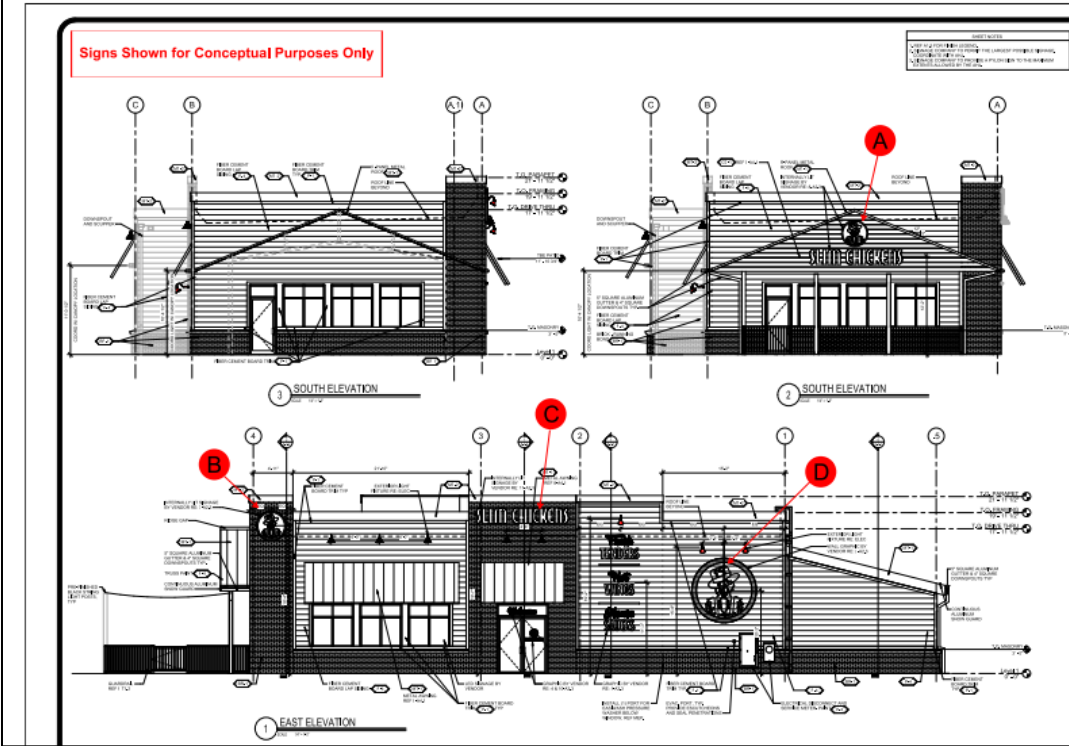
PROPOSED: SLIM CHICKENS - SIGN PLACEMENT OVERVIEW



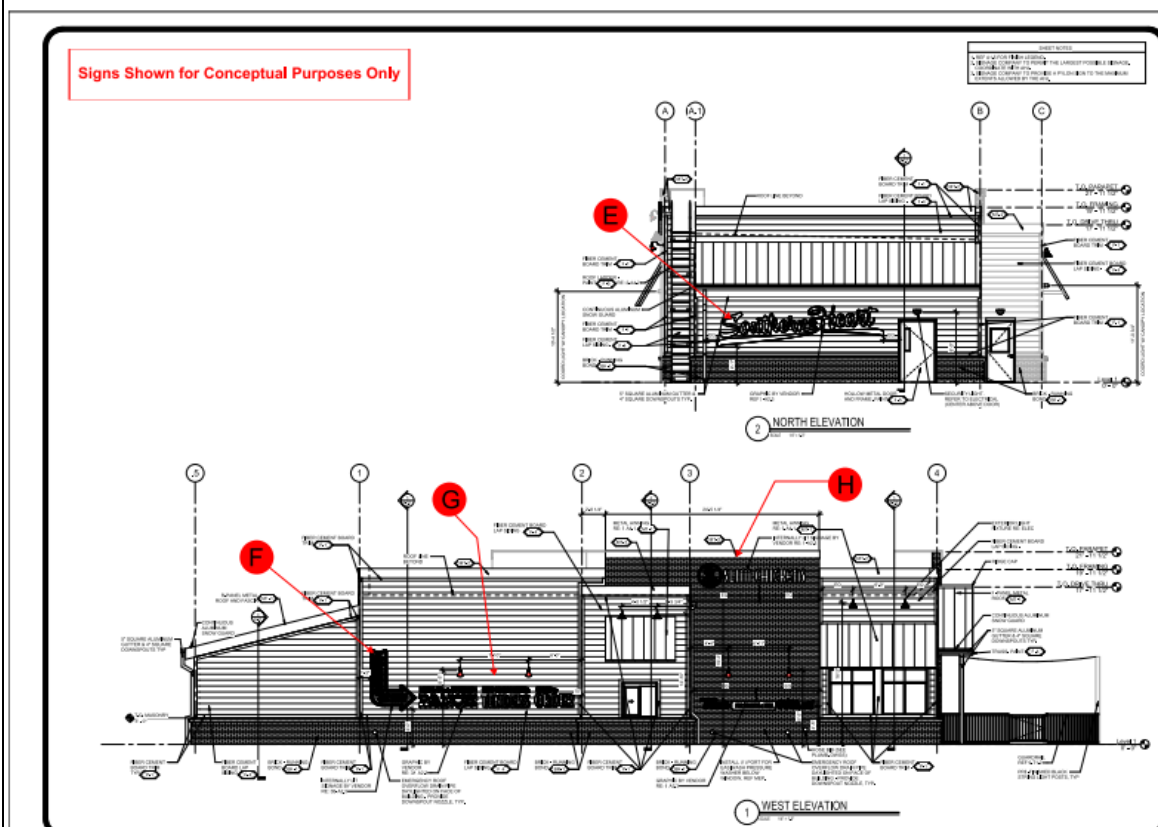
PROPOSED: SLIM CHICKENS - PYLON SIGN



PROPOSED: SLIM CHICKENS - SOUTH & EAST BUILDING ELEVATIONS



PROPOSED: SLIM CHICKENS - NORTH & WEST BUILDING ELEVATIONS



PROPOSED: SLIM CHICKENS - FAMILY OF EXTERIOR BUILDING SIGNS

SLIM CHICKENS

Signs Shown for Reference and Conceptual Purposes Only

NOTES:

1. ALL SIGNS SHALL BE MADE OF 1/2" ALUMINUM OR 1/4" STAINLESS STEEL UNLESS OTHERWISE NOTED.

2. ALL SIGNS SHALL BE FINISHED WITH A POLISHED OR BRUSHED METAL FINISH UNLESS OTHERWISE NOTED.

3. ALL SIGNS SHALL BE MOUNTED ON A 2" X 4" ALUMINUM OR STAINLESS STEEL POST UNLESS OTHERWISE NOTED.

C SLIM CHICKENS LOGO - INTERNALLY LIT SIGN

H MAIN LOGO - INTERNALLY LIT SIGN

A STACKED LOGO - INTERNALLY LIT SIGN

10 WELCOME - HAND PAINTED OR VINYL GRAPHIC

B SMALL MEDALLION LOGO - INTERNALLY LIT SIGN

6 THANKS FOR SHARING - HAND PAINTED OR VINYL GRAPHIC

E SOUTHERN AT HEART - DIE-CUT METAL OR VINYL GRAPHIC

4 ENTRY DOOR VINYL GRAPHIC

F DRIVE-THRU ARROW - INTERNALLY LIT SIGN

G DRIVE-THRU - DIE-CUT METAL GRAPHIC

D ROUND - DIE-CUT METAL

1 TENDERS, WINGS, SAUCES - HAND PAINTED OR VINYL GRAPHIC

SIGNAGE		
ITEM	DESCRIPTION	QUANTITY
1	SLIM CHICKENS LOGO - INTERNALLY LIT SIGN	1
2	WELCOME - HAND PAINTED OR VINYL GRAPHIC	1
3	SMALL MEDALLION LOGO - INTERNALLY LIT SIGN	1
4	ENTRY DOOR VINYL GRAPHIC	1
5	DRIVE-THRU ARROW - INTERNALLY LIT SIGN	1
6	THANKS FOR SHARING - HAND PAINTED OR VINYL GRAPHIC	1
7	SOUTHERN AT HEART - DIE-CUT METAL OR VINYL GRAPHIC	1
8	DRIVE-THRU - DIE-CUT METAL GRAPHIC	1
9	ROUND - DIE-CUT METAL	1
10	TENDERS, WINGS, SAUCES - HAND PAINTED OR VINYL GRAPHIC	1

DRAWINGS FOR:
SLIM CHICKENS
FLORENCE, SC

AKA STUDIO, PC
Architectural & Interior
Visual Design Studio, Inc.
1000 W. 10th Street
Florence, SC 29502
803.662.1000

REGISTERED ARCHITECT
REGISTERED INTERIOR DESIGNER

EXTERIOR BUILDING
SIGNAGE

A-2.3

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2023-04 Nature of Request: Sign Variances

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 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 *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 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: