

**CITY OF FLORENCE, SOUTH CAROLINA**  
**BOARD OF ZONING APPEALS**  
**MARCH 24, 2022 AGENDA**

**I. Call to Order**

**II. Approval of Minutes**

Regular meeting held on February 24, 2022.

**III. Public Hearing and Matter in Position for Action**

BZA-2022-02                      Request for a variance from size requirements for a free-standing sign to be located at 2720 South Irby Street, in the CA zoning district; shown as Tax Map Number 00151-01-016.

**IV. Public Hearing and Matter in Position for Action**

BZA-2022-03                      Request for a variance from setback requirements for an accessory building to be located at 1716 Raven Drive, in the NC-15 zoning district; shown as a portion of Tax Map Number 01501-05-009.

**V. Adjournment**

Next regularly scheduled meeting is April 28, 2022.

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS  
FEBRUARY 24, 2022**

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

**MEMBERS ABSENT:** Larry Adams and Nathaniel Poston

**STAFF PRESENT:** Jerry Dudley, Alfred Cassidy, Derek Johnston, and Brian Bynum, IT

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

**ELECTION OF CHAIRMAN AND VICE-CHAIRMAN:**

Chairman Chewning explained the requirement of voting for a chairman and vice-chairman for the year ahead. Mr. Mitchell nominated Larry Chewning to remain as chairman; Mr. Chico seconded the motion. Voting in favor of Mr. Chewning being reelected chairman was unanimous (4-0). Ms. Moses then nominated Nathaniel Poston to remain as vice-chairman; Mr. Mitchell seconded the motion. Voting in favor of Mr. Poston being reelected vice-chairman was unanimous (4-0).

**APPROVAL OF MINUTES:**

Chairman Chewning introduced the November 18, 2021 minutes. Mr. Mitchell moved that the minutes be approved as submitted. Voting in favor of approving the minutes was unanimous (4-0).

**APPROVAL OF 2022 MEETING CALENDAR:**

Chairman Chewning introduced the 2022 meeting calendar, noting that the meeting in November is on the third Thursday rather than the fourth due to Thanksgiving. Mr. Chico moved that the calendar be approved as submitted; Mr. Mitchell seconded the motion. Voting in favor of approving the calendar was unanimous (4-0).

**PUBLIC HEARING AND MATTER IN POSITION FOR ACTION:**

**BZA-2022-01 Request for a variance from screening requirements for a self-storage use to be located on South Church Street, in the CG zoning district; shown as a portion of Tax Map Number 00150-01-098.**

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

Chairman Chewning asked about the note regarding traditional landscaping around the building as it faces South Church Street, he wanted to ensure that it was clear what type of landscaping was being referred to.

Mr. Dudley explained that the width and type of bufferyard required would not be affected by the variance, only the presence of the masonry wall and the chain link fence were being asked for a variance. Landscaping around the parking areas and buildings would still be required.

Mr. Chico asked about how dense the shrubbery along the wall adjacent to Freedom Boulevard would be. Mr. Dudley said that eventually it'll grow to be pretty dense. Mrs. Zlotnicki pointed out that they are leaving the corner lot available for further development, which would further screen the office building from Freedom Boulevard.

Being no further questions for staff, Chairman Chewing opened the public hearing and swore in Mr. Barron Ervin to address the Board.

Mr. Ervin, representing both the owner of the parcel as well as the developer and applicant, rose to speak in favor of the request. He explained that the owner also owns a majority of the land immediately adjacent to the lot in question. He provided a graphic showing ownership, areas that can't be developed at all, and the FEMA floodway, showing that it's a well buffered site already. Utilities aren't available to the lot, and there's only one point of ingress/egress, so this is an appropriate use for the parcel. The developer likes to make the buildings look attractive, so they don't necessarily need to be screened. He was looking for some relief from the fencing and wall requirements.

Chairman Chewing asked if they were going to clear the entire parcel, including the outparcel on the corner. Mr. Ervin said they were planning to clear it all since there aren't any good trees in appropriate spots to use as buffering. The elevation of the overpass also acts as a buffer.

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. Chico moved that the Board approve the variance as requested based on the following findings of fact and conclusions.

1. **That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship.** Complete enclosure of the entire property by the six foot masonry wall and Type C bufferyard would be irrelevant due to the adjacent railroad right of way and the elevation of Freedom Boulevard, and the bay doors are oriented to the interior of the lot and there is no residential use within view.
2. **That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done.** Because the configuration of the lot and the orientation of the buildings minimizes the visibility of the bay doors from public streets, and there are no residential uses within the line of sight.
3. **That there are extraordinary and exceptional conditions pertaining to the particular piece of property.** The portion of the parcel to be developed has the 130 foot railroad right of way to the west, shielding it from the nearest residential use. Additionally, the elevation change resulting from the overpass on Freedom Boulevard would render a wall irrelevant for screening purposes.
4. **That these conditions do not generally apply to other property in the vicinity.** The location of the railroad right of way to the west and the elevation change of the adjacent road eliminates the need for heavy screening of the use.

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.** By 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 the external storage units. Such complete enclosure is impractical based upon adjacent road elevations and the railroad right of way.
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 no residential property is within the line of sight and the parcel is adjacent to the railroad right of way and an elevated section of Freedom Boulevard, the applicant's proposed bufferyards and landscaping will provide adequate screening to preserve the character of the area and observe the spirit of the ordinance.

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

#### **DISCUSSION OF TRAINING REQUIREMENTS:**

Mrs. Zlotnicki discussed the requirement for all Board members to obtain 3 hours of continuing education annually. Chairman Chewing asked her to send out links to training opportunities to the members, with a request that they complete the training by April 28, 2022 in order to ensure that everyone completes it in a timely manner.

#### **ADJOURNMENT:**

As there was no further business, Mr. Mitchell moved to adjourn the meeting. Mrs. Moses seconded the motion. Voting in favor of the motion was unanimous (4-0). Chairman Chewing adjourned the meeting at 6:27 p.m. The next regular meeting is scheduled for March 24, 2022.

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 24, 2022

**APPEAL NUMBER:** BZA-2022-02

**VARIANCE REQUEST:** Request for a variance from the size requirements for a free-standing sign in Table 5-17.2.1B

**LOCATION:** 2720 South Irby Street

**TAX MAP NUMBER:** 00151-01-016

**OWNER OF RECORD:** South Florence Baptist Church

**APPLICANT:** Susan Bihlear with Signs Limited

**ZONING DISTRICT:** Campus (CA)

**Land Use and Zoning**

The 4 acre parcel is the site of South Florence Baptist Church. It is zoned Campus, which is intended for suburban campus settings for general, professional, and medical offices as well as educational and institutional facilities such as churches and schools. The lot immediately north of the church is owned by Cayce Company, a mechanical contractor, and it is zoned CG-Commercial General. Immediately west of the church across South Irby Street is an undeveloped area zoned Activity Center, which is a commercial designation. East and south of the church is vacant land which is in the county and is also zoned General Commercial. Prior to the adoption of the *Unified Development Ordinance* and its accompanying zoning map, this lot was zoned B-3 General Commercial.

**Site and Building Characteristics**

The church currently has two signs identifying it. The main sign with the church's name on it is about 17 feet tall with about 60 square feet of signage. The second sign identifies the South Florence Daycare and is about 7 square feet in area.

**Unified Development Ordinance Requirements**

According to Table 5-17.2.1B of the *Unified Development Ordinance*, "Regulation of Signs by Type, Characteristics, and Zoning Districts", only one free-standing sign is permitted per lot in the Campus, Activity Center, and Commercial General zoning districts. However, the maximum sign area permitted in the Campus district is 32 square feet. The size limit is 80 square feet for the Activity Center district across the street, and 160 square feet for the Commercial General district next door and to the south.

**Variance Request**

**The following information was submitted by the applicant:**

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: The church property is currently zoned CA. This unique property abuts commercial zoned properties where larger signage is allowed through the current bylaw. This property is in a 45 mph zone with 4 lanes. The church also includes an onsite daycare center.
- b. These conditions do not generally apply to other property in the vicinity as shown by: The zoning map. Other surrounding properties are zoned commercial where larger maximum signage areas are allowed.
- 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: The church would like the opportunity to install new, modern signage, with the ability to promote church events, messaging regarding its on premise daycare center, and community messaging. Due to the current maximum size restriction, this cannot be done as the sign would be too small and would not fit into the current surroundings. This hardship impacts the property negatively with signage.
- 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: This property is set in a commercial surrounding with large signage and businesses in a 45 mph zone. By modernizing the existing signage and increasing the square footage to the proposal, this will improve wayfinding to the church and daycare and project a positive image to the surrounding properties where placed. The new proposed plan will fit in with the surrounding signage.

### **Applicant's Proposal**

The applicant is requesting a variance in the size limit to permit a single free-standing sign to identify both the church and the onsite daycare center. The new sign has about 80 square feet in total area, including a 36 square foot LED changeable copy sign, a 12 square foot panel identifying the daycare center, and the church logo for about 31 square feet. The overall height is 20 feet. The legs of the sign are steel poles encased in painted aluminum panels. The church would like to brick in the columns eventually but is going with the aluminum panels at this time.

### **Issues to be Considered:**

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

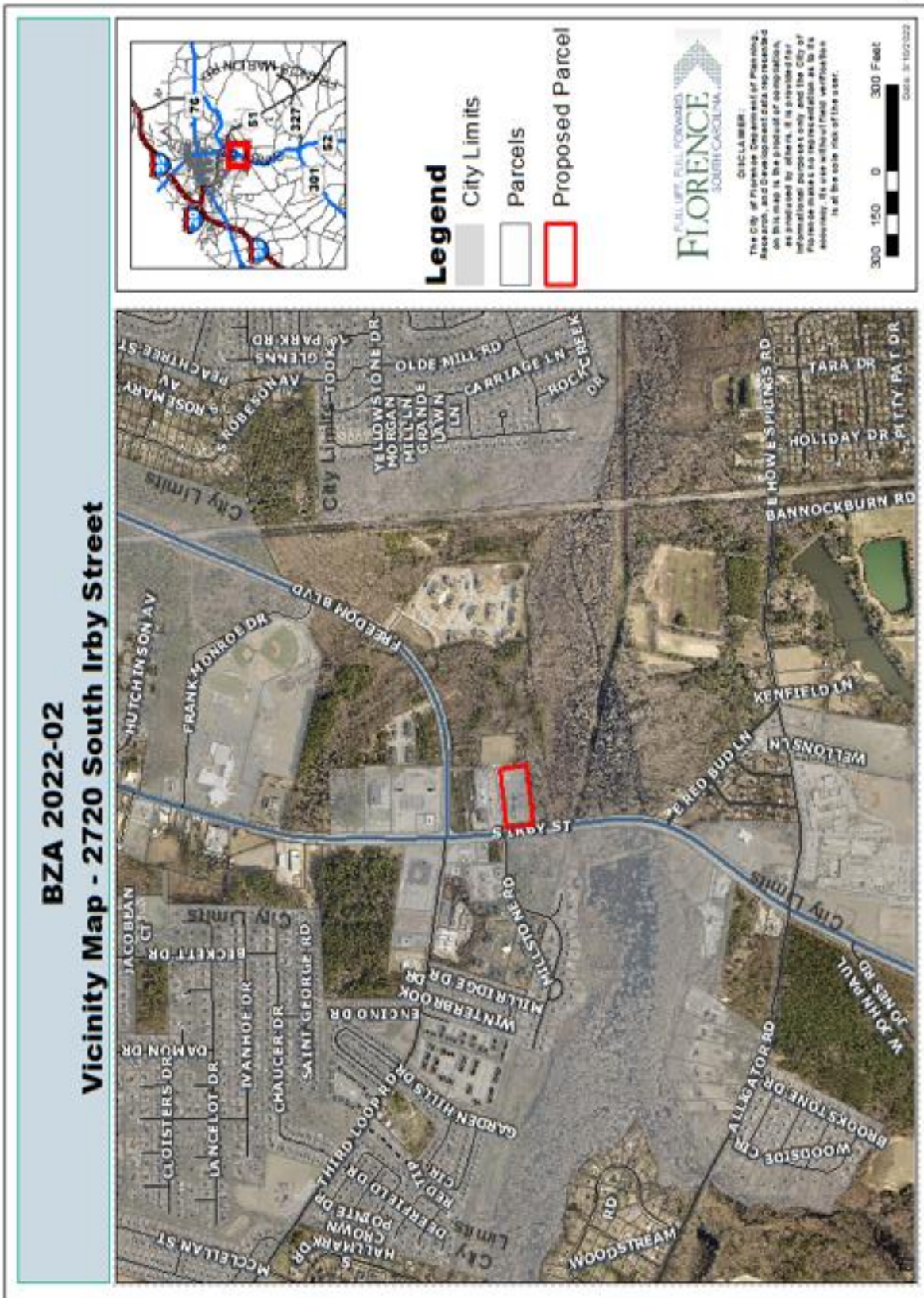
1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship. Staff Comments: The lot is in the middle of a commercial area on a busy four lane arterial road. Limiting the church to 32 square feet results in signage that is indistinguishable amongst the other signage in the vicinity. The requested area is not significantly different from the existing sign area, but it does include an LED animated sign.
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. Staff Comments: The intent of the size limit in Campus districts in the Ordinance is to prevent the installation of a sign that overwhelms the area and to protect the character of adjacent residential areas. That is not the risk in this individual situation. Additionally, granting the variance enables the removal of one of the two free-standing signs, bringing the church into compliance with the Ordinance regarding the total number of signs.

3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. Staff Comments: The church is located on a large parcel on a four lane arterial street amongst other large commercial uses.
4. That these conditions do not generally apply to other property in the vicinity. Staff Comments: Other properties in the vicinity are zoned Commercial General, which allows much larger signage along the South Irby Street corridor.
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: Limiting the church to the 32 square foot sign as required by the Ordinance would result in it being overwhelmed by surrounding signage and swallowed up by the size of the parcel itself, defeating its purpose to identify the church and the onsite daycare center.
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: Allowing a sign in keeping with others in the area will provide appropriate identification of the church. The variance results in one less sign, which does comply with the Ordinance, and the size of the new sign is similar to the existing one.

#### **Attachments**

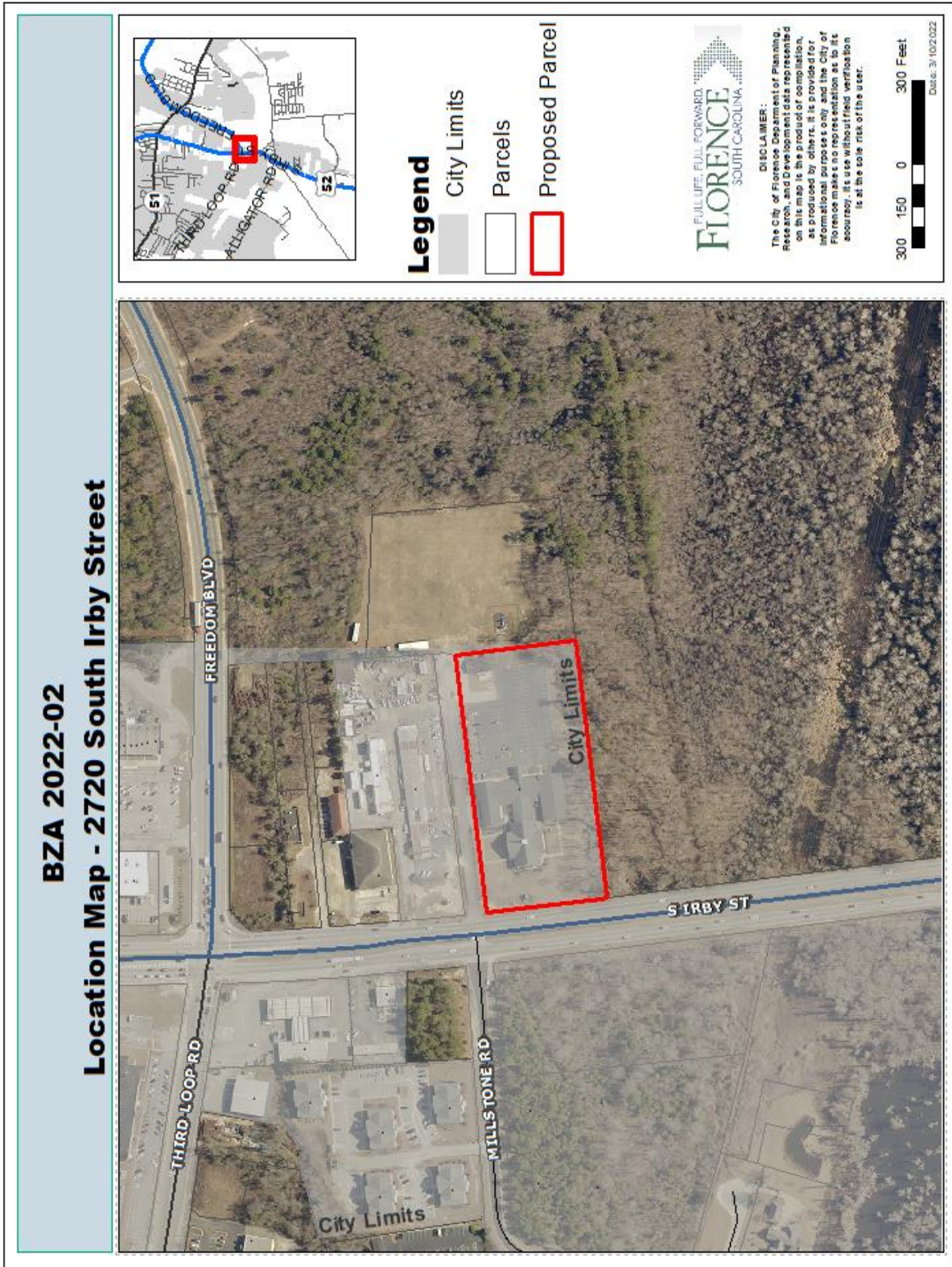
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Sign Rendering
- F. Site Photos

Attachment A: Vicinity Map

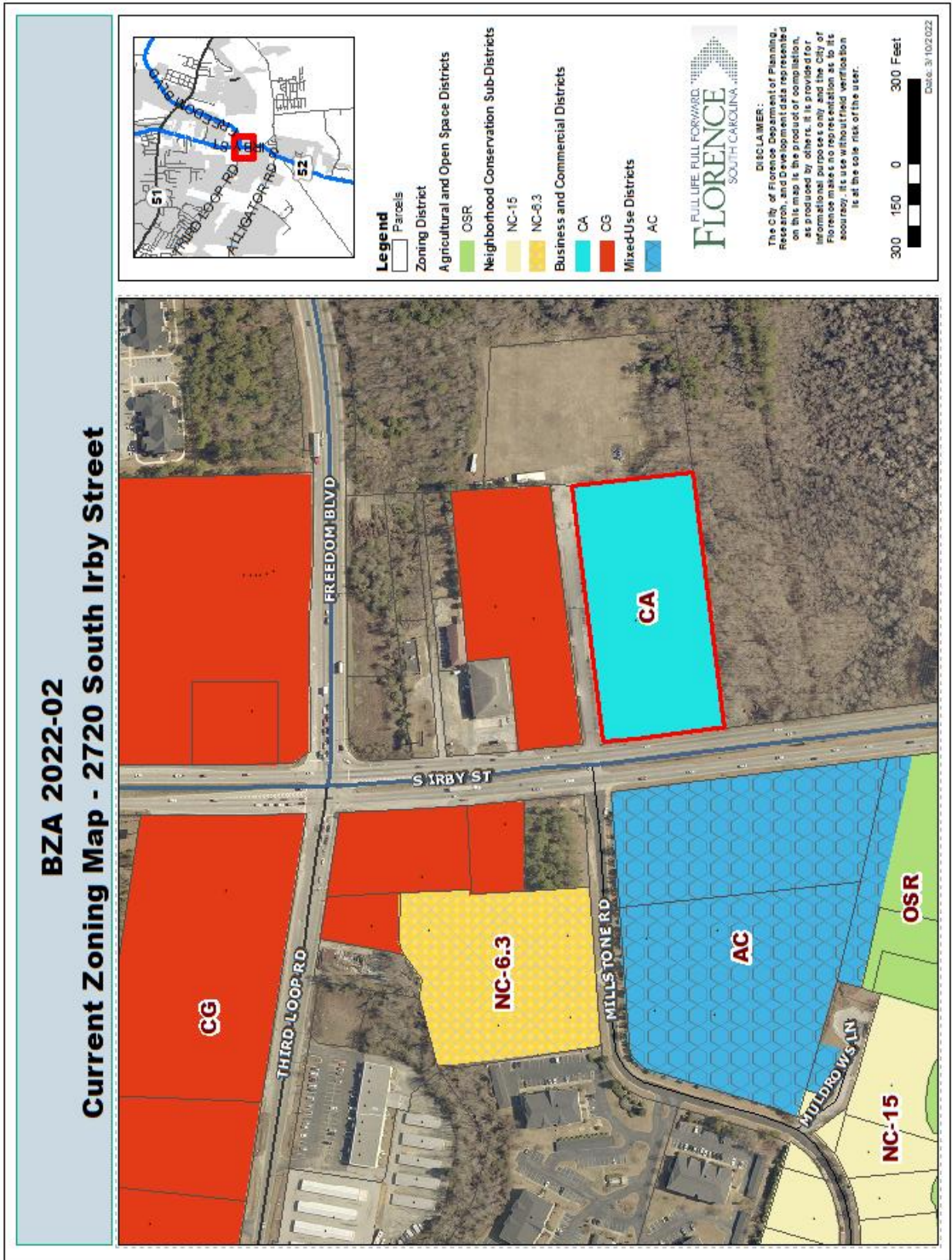


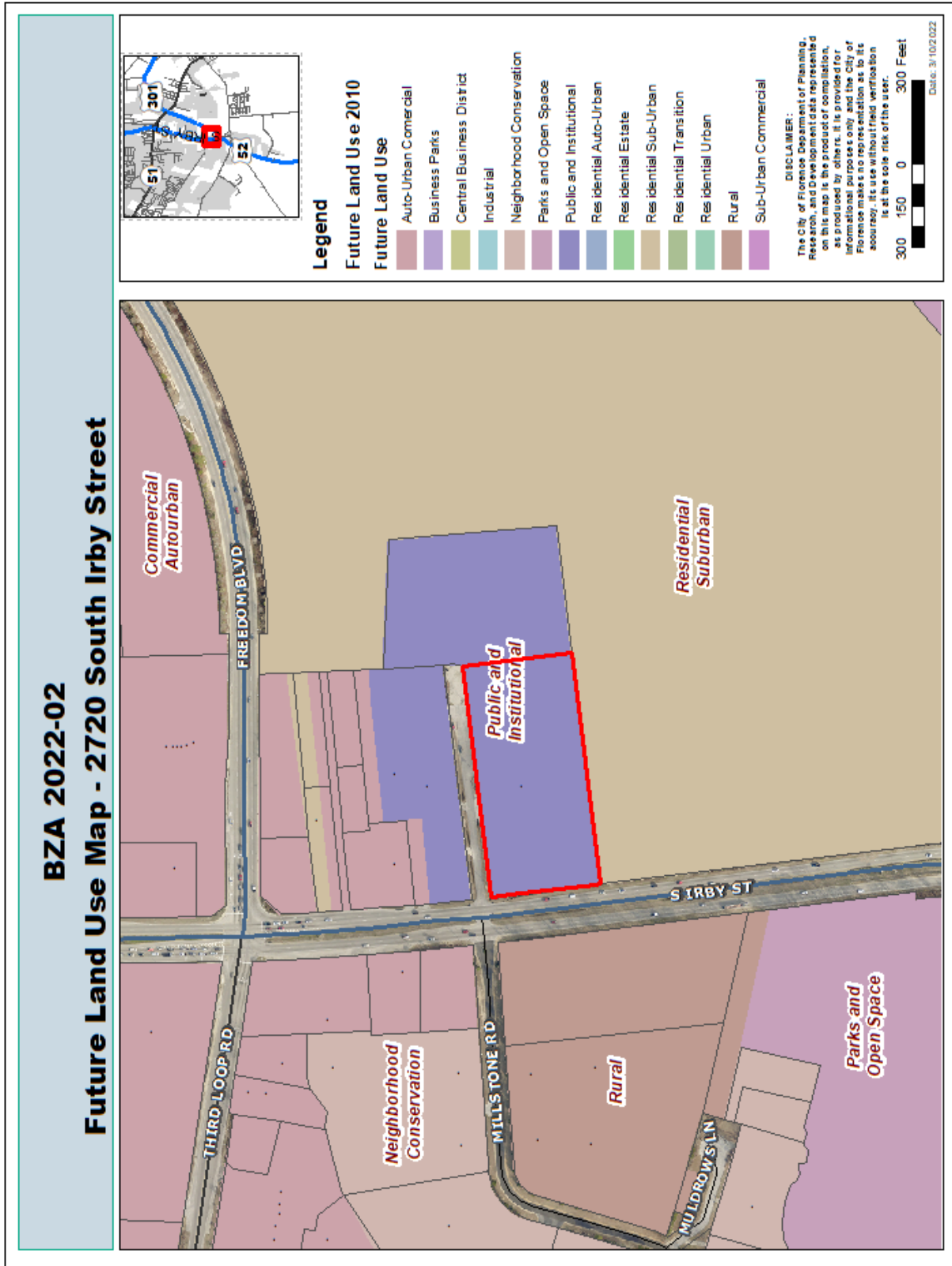


Attachment B: Location Map











Attachment E: Sign Rendering

	SIGNS LTD. LAKE CITY, SC 843.394.2542 WWW.SIGNSLTD.COM	Owner: Kerry Sauls	<b>PROJECT PROOF SHEET</b> CLIENT: SF Baptist Church    DATE: Jan. 2022
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Overall Width: 10ft



logo size:  
2ft x 2ft

Overall Sign Face with logo:  
41" x 9ft

4ft 5" x 8ft 3"  
Full Color LED

Overall Panel Size:  
16" x 9ft

Overall Height 20ft

PROJECT: Monument LED Sign	PROOF# 8a	PLEASE CAREFULLY LOOK OVER PROOF BEFORE SIGNING APPROVAL! Please be sure to double check the design, colors, sizes, spellings/grammar, any logos, and overall layout/spacing before approving artwork. Signs LLC is not responsible for any corrections, changes, or errors on installed work that has been produced and signed off on. APPROVED BY: _____ DATE: _____
SALES CONTACT: Susan Bihlear	DESIGN BY: J. Harris	

Attachment F: Site Photos



Existing two signs to be replaced by one sign.



South Florence Baptist Church from South Irby Street.



View of Cayce Company to the north.



View west from the church campus across South Irby Street.



View looking north along South Irby Street from the church lot. Cayce Company and the large Circle K gas station are visible.

## Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2022-02 Nature of Request: Sign Area 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 24, 2022

**APPEAL NUMBER:** BZA-2022-03

**VARIANCE REQUEST:** Request for a variance from setback requirements for accessory buildings in residential districts in Table 3-8.1.1.

**LOCATION:** 1716 Raven Drive

**TAX MAP NUMBER:** 01501-05-009

**OWNER OF RECORD:** Marina and Christopher Donaldson

**APPLICANT:** Christopher Donaldson

**ZONING DISTRICT:** Neighborhood Conservation-15 (NC-15)

**Land Use and Zoning**

The property is located at 1716 Raven Drive and consists of a single-family detached home in the Neighborhood Conservation-15 (NC-15) zoning district. The City’s Future Land Use Plan designates this area as Neighborhood Conservation. The *Unified Development Ordinance* permits one detached garage in the NC-15 zoning district. Table 3-8.1.1 states the detached garage must comply with the side setbacks of the district, which are 10 feet. The rear setback for the detached garage is 10 feet because the building is greater than 10 feet high. Buildings less than 10 feet in height have a setback requirement of 5 feet from the rear.

The property is located within the Huntington Place Neighborhood and therefore subject to restrictions regarding accessory building setbacks. Section 8 of the Huntington Place Restrictions (Attachment K) states, “No building shall be located on any lot nearer than 55’ from the front lot line or nearer than 10’ to an interior lot line.” The document gives an instrument for approval if written permission is given for the variance by the Homeowner’s Association.

Section 6-29-1145 of the 1994 Planning & Enabling Act (Attachment L) prohibits the City of Florence from issuing a permit until the restrictive covenant placed on a property is lawfully released by the appropriate authority. The HOA President of Huntington Place notified the City by phone that such a restriction exists for all neighborhood buildings. At this time, the Huntington Place HOA has not granted permission for the desired placement of the detached garage. Even if a variance is issued for this request, the HOA would need to grant permission prior to the issuance of a zoning compliance for the location of the building.

**Site and Building Characteristics**

The house is on a 0.45 acre lot. The 2-story home is approximately 2,500 square feet in area, constructed in 1970. The lot is approximately 120 feet wide and 160 feet in depth. The home has a large backyard, with several mature trees (Attachment J) including a willow oak near the rear property line affecting the

owner's desired garage placement (Attachment H). The proposed detached garage is 18 feet wide by 24 feet long (432 square feet) with a garage door height of 8 feet or less and an overall roof height of 13 feet. The owner will use the building for storage and as a shop for woodworking.

### **Variance Requests**

The property owner is requesting a variance from the side and rear setback requirements for a single story detached garage in Table 3-8.1.1 of the *Unified Development Ordinance*. The applicant is requesting a 5 foot variance from both the side and rear setback requirements resulting in a 5 foot side setback and a 5 foot rear setback.

### **The following information was submitted by the applicant:**

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:  
I am asking for a 5' setback from the left side of the property to:
  1. Let us avoid cutting a mature willow oak. Its lower branches and roots are wide.
  2. Maintain our driveway and extend it to the detached garage. Our driveway appears to be 5' from the property line.I am asking for a 5' setbacks from the rear side to:
  1. Allow enough room to access the backyard with a trailer or if the need arises, heavy equipment. The right side of our property has our utilities and HVAC so we can't use it if we needed to.
- b. These conditions do not generally apply to other property in the vicinity as shown by: Properties in close proximity to mine including 1715 Partridge Drive, 908 Clarendon Avenue, 971 Cardinal Circle, & 913 Cardinal Circle have accessory buildings closer than the prescribed 10' setbacks.
- 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: Using a 24' L x 18' W x 13' H detached garage similar to our neighbors, while maintaining access to our backyard with a trailer. I use a flat trailer for work and would like to store it 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 detached garage will maintain curb appeal and match the aesthetics of our home.

### **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: The owner would like to place the detached garage 5' from the side property line and 5' from the rear property line to avoid conflict with a mature willow tree's roots and trunk. Strict adherence to the Ordinance may require removal of the mature willow tree or root damage to the detached garage foundation.
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done: The applicant is proposing the structure to be 5' from the side and rear property lines to allow the preservation of a mature trees on the site. The property has a



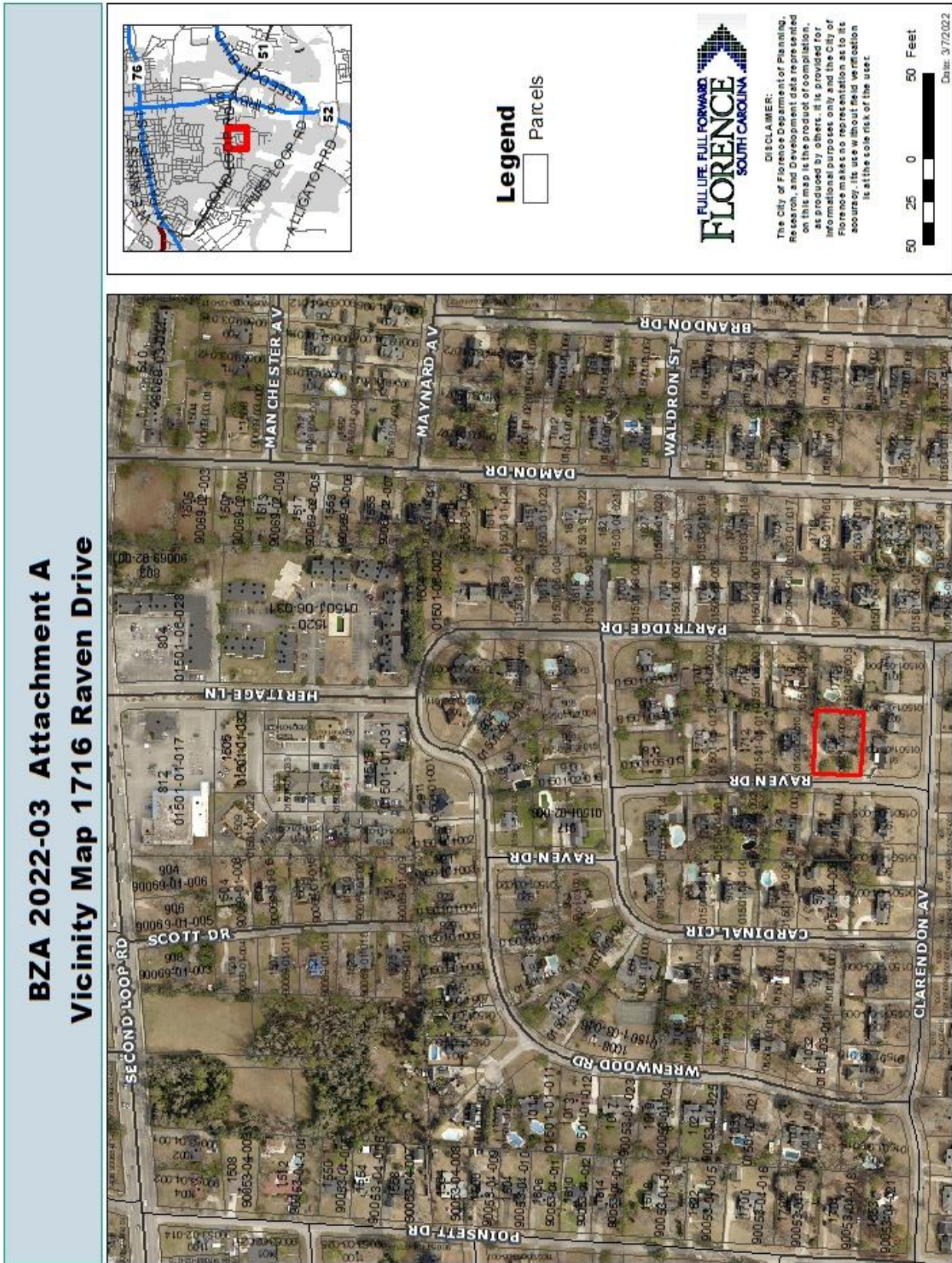
concentration of landscaping along the property line of the backyard including shrubs along the backyard's northern and eastern property lines to mitigate the garage placement's impact on neighboring parcels.

3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: The rear yard landscaping, including mature trees, limit the placement of the garage in the homeowner's desired location. The homeowner's driveway is 5' from the side property line and granting the variance would allow continuity of the driveway to the detached garage while preserving backyard space.
4. That these conditions do not generally apply to other property in the vicinity: The hardship is limited to this parcel because of the presence of the mature willow oak.
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: Strict adherence to the Ordinance does allow use of the property as a single-family residence but would limit the ability of the property owner to place the detached garage in the desired location of 5' from the side property line and 5' from the rear property line.
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 detached garage will have minimal visual impact from Raven Drive due to the desired placement, but the property owner to the north and east will be most affected by the close proximity of the detached garage to the property line. There is a row of mature trees and shrubs separating the neighbors to help mitigate negative impacts.

#### **Attachments**

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Section 3-8.1.9. G Accessory Building and Structures
- F. Table 2-5.2.1 General Lot and Building Standards
- G. Table 3-8.1.1 Permitted Encroachments
- H. Proposed Site Plan
- I. Detached Garage Rendering
- J. Aerial Photo Showing Tree Cover
- K. Huntington Place Neighborhood Restrictions
- L. 1994 Planning & Enabling Act – Excerpt of Section 6-29-1145
- M. Site Photos

Attachment A: Vicinity Map

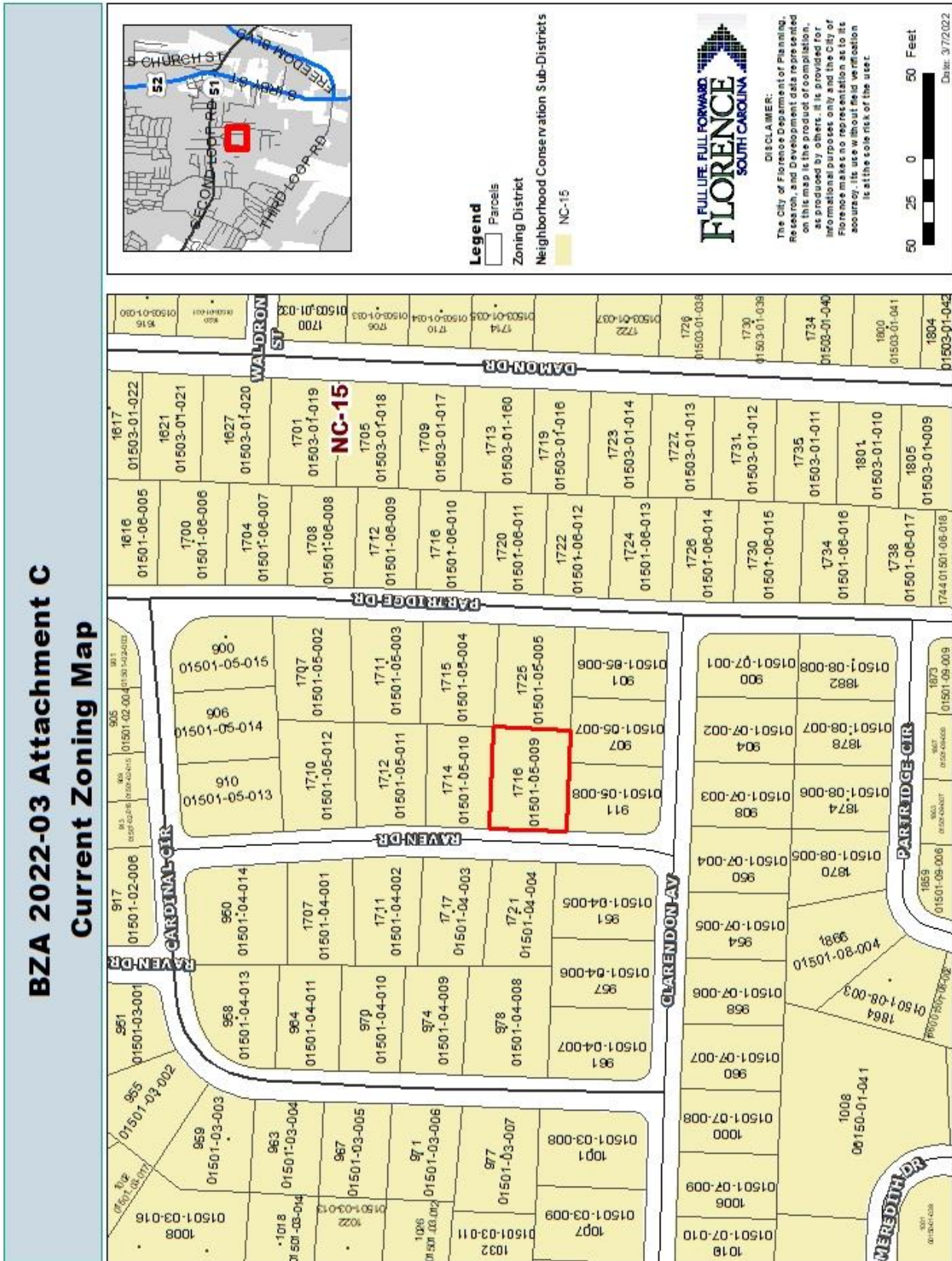




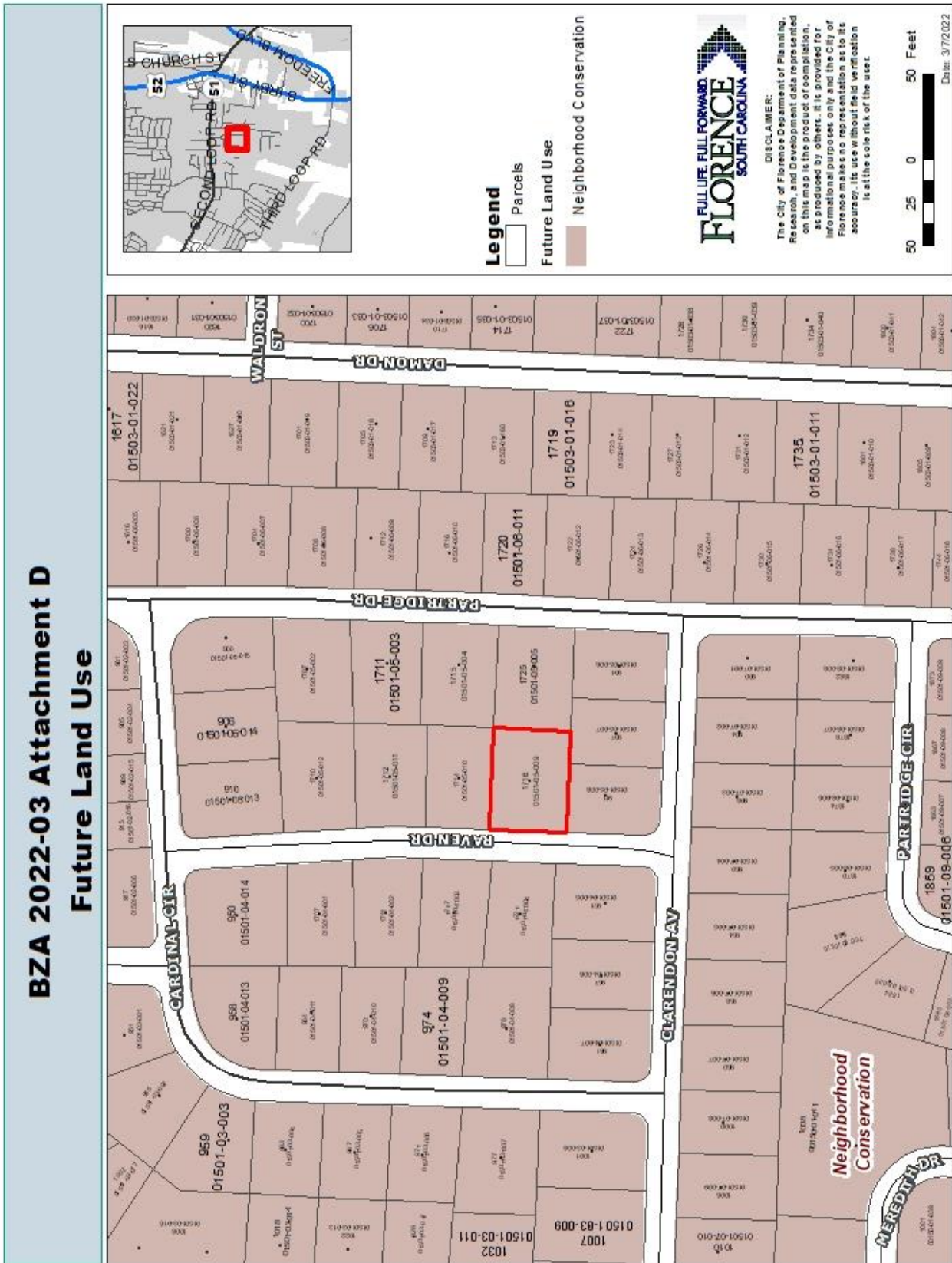
Attachment B: Location Map



Attachment C: Zoning Map







Attachment E: Section 3-8.1.9 Accessory Building and Structures

N. **Detached Garages.** Detached garages are permitted only for the following housing types:

1. *Single-Family Detached.* Detached garages on single-family detached lots may be single-story buildings or two-story buildings that include second floor workshop or storage space (subject to *Section 1-2.10.1, Residential Accessory Uses*).

a. One-story detached garages may be set back as allowed by *Section 3-8.1.1, Permitted Encroachments*.

b. Two-story detached garage buildings shall be set back according to the requirements that apply to the principal building. For the purposes of this Subsection, garages with doors that are taller than eight feet are considered two-story.

Attachment F: Table 2-5.2.1 General Lot and Building Standards

Table 2-5.2.1 General Lot and Building Standards								
Subdistrict	Minimum Setback					Maximum Building		
	Front	Street Side	Side	Total Side	Rear	Height <sup>1</sup>	Impervious Surface Ratio	Floor Area
NC-15	25'	15'	10'	20'	30'	38'	40%	See Note 2
NC-10	25'	12'	8'	16'	25'	38'	45%	
NC-6.1	25'	10'	5'	12'	25'	38'	45%	
NC-6.2	25'	10'	5'	12'	20'	38'	45%	
NC-6.3	25'	10'	5'	12'	20'	55'	70%	
NC-4	20'	8'	5'	10'	20'	38'	60%	

Table Notes:  
<sup>1</sup> The maximum height of a residence may be 38 feet; provided however, that a new or redeveloped residence or an expansion of an existing residence shall be of no greater height than the residences situated to either side within the same subdistrict. If the new or redeveloped residence or expanded existing residence is situated adjacent to another district, the new or redeveloped residence or expanded existing residence shall be of no greater height than the adjacent residence within the same subdistrict.  
<sup>2</sup> The gross floor area of a new or redeveloped residence or expanded existing residence shall be comparable to the residences on the same side of the block and within 300' as follows:  
 a. Equal to or no greater than 120 percent for residences up to 2,500 square feet of gross floor area; or  
 b. Equal to or no greater than 115 percent for residences greater than 2,501 square feet of gross floor area.

Attachment G: Table 3-8.1.1 Permitted Encroachments

Table 3-8.1.1 Permitted Encroachments		
Structure or Projection	Permitted Encroachments <sup>1</sup>	
	Into Required Yard	From Lot Line
<b>All Setbacks</b>		
Overhanging eaves and gutters	North and South exposures: 1.5' East and West exposures: 3'	1' <sup>1,2</sup>
Awnings and structurally supported canopies without supports that extend to the ground	N/A	2' <sup>1,2</sup>
Steps, 4 feet or less above the point of measurement for the building, which are necessary for access to the building	5'	1.5'
Chimneys	2'	N/A
Arbors and trellises	N/A	2'
Flagpoles	N/A	2'
Fences, walls, and hedges	See Section 3-8.1.2	
Ground-supported Communication and Reception Antennae	5'	
Structures and projections not listed in this Table.	3'	
<b>Front or Street Side Setback</b>		
First floor bay windows	3'	N/A
Patios	10 ft., subject to Section 3-8.1.3	2.5'
Open porches	4 ft., subject to Section 3-8.1.3	2.5'
Balconies, subject to Section 3-8.1.3	Generally: 4' CBD, AC, and DS Districts: 6'	N/A
Side-load garages (attached or detached)	On lots 75' or more in width: 10 ft. On lots less than 75' in width: prohibited	
<b>Interior Side Setback or Street Side Setback</b>		
Accessory building (except detached garages)	N/A	Shall comply with the principal building setback for the district.
Air conditioning unit	3' without screening; 5' if screened by a garden wall or hedge that is 1' taller than the unit	3'
Driveways	N/A	Generally: 2'; Shared Driveways: 0'
Decks	N/A	3', subject to Section 3-8.1.3; 1' if the adjacent parcel is permanent open space
<b>Rear Setback</b>		
Accessory building (except detached garages)	N/A	5' for buildings that are less than 10 ft. in height; 10' for all other accessory buildings
Paved off-street parking spaces	N/A	3', except individual driveways that are accessed from an alley
Rear-load detached garage	N/A	0', or as required by Director for safe alley passage
Side-load detached garage	N/A	5'
One-story bay window	3'	N/A
Air conditioning unit	3' without screening; 5' if screened by a garden wall or hedge that is 1' taller than the unit	N/A
Decks, less than 4' above grade	N/A	3', subject to Section 3-8.1.3
Decks and balconies, 4 feet or more above grade	12'	5', subject to Section 3-8.1.3
Animal pens and shelters; dog runs <sup>3</sup>	N/A	5'.
<b>TABLE NOTES:</b>		
<sup>1</sup> Structures or projections shall not encroach into easements or onto abutting property that is not owned by the applicant. See Subsection C. of this Section.		
<sup>2</sup> Encroachment may be allowed subject to Subsection D., of this Section.		
<sup>3</sup> The keeping of animals is regulated by the Code of Ordinances.		

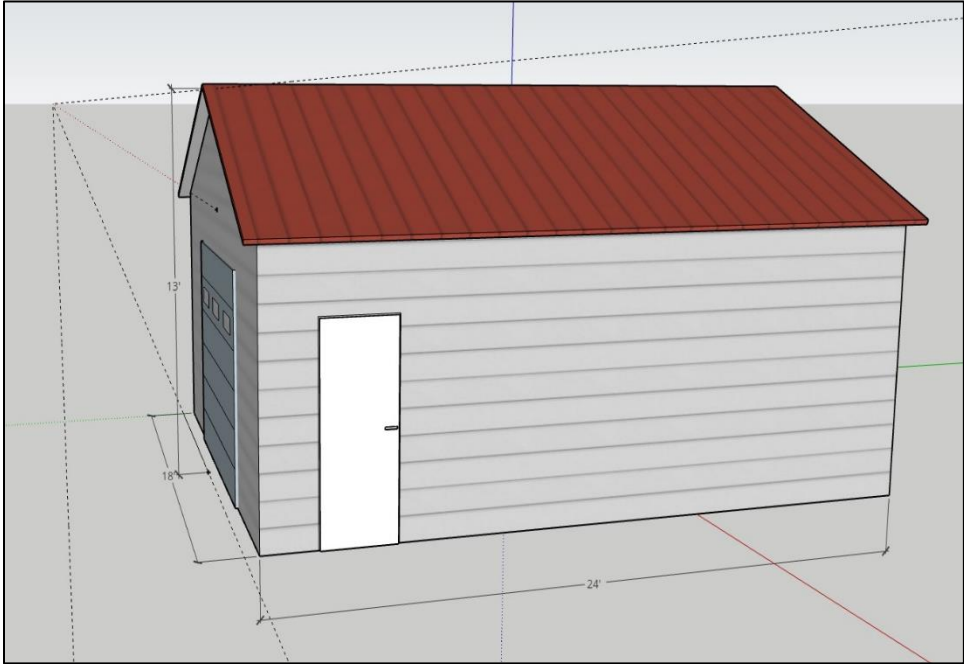


Attachment H: Proposed Site Plan





Attachment I: Detached Garage Rendering



Attachment J: Aerial Photo Showing Tree Cover



Attachment K: Huntington Place Neighborhood Restrictions

1700M Hae

2300M Pavy

**Huntington Place**  
FLORENCE, SOUTH CAROLINA  
**RESTRICTIONS**

Section 1. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them, for a period of twenty-one (21) years from the date hereof, after which time said covenants shall be automatically extended for successive periods of ten (10) years each, unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

Section 2. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenants either to restrain violation or to recover damages.

Section 3. Invalidation of any one of these covenants by judgment or Court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

Section 4. The layout of the lots as shown on said plat shall be adhered to and no scheme of facing lots in any other direction than that shown on said plat shall be permitted. The said property shall not be further subdivided without the consent of the grantors, their heirs, successors and assigns, and no dwelling shall be erected or placed on any lot having an area of less than 9,750 square feet. The grantors, their successors, heirs, and assigns reserve the right to further subdivide said property or to redivide the same, and, in case of hardship, waive restrictions as to building lines.

Section 5. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one-detached, single family dwelling, not to exceed two stories in height and a private garage for not more than two cars. No garage apartments or two-story detached garages shall be permitted.

Section 6. The erection of a building on any lot in said subdivision shall not be commenced unless and until plans and specifications therefor have been approved, in writing, by grantors, their successors, heirs and assigns; provided, however, that unless grantors, their successors, heirs and assigns, or such other party having the right to do so, commences suit to enjoin the erection of a building which has not been approved, as aforesaid, and files a Lis Pendens in the office of the Clerk of Court for Florence County in such suit, prior to the completion of said building, then no suit may thereafter be brought by grantors, their successors, heirs and assigns, or any other party, to enforce compliance with this section, or for a violation of this section. The grantors, their successors, heirs and assigns, reserve the right to designate an official of Flowers-Willcox Realty Company, Inc., by an instrument in writing and filed in the office of the Clerk of Court for Florence County, as the person to grant approval of plans and specifications as hereinabove provided.

Section 7. No residence shall be erected on any lot which has less than 1400 square feet of floor space. Residences of more than one story shall have not less than 1200 square feet of ground floor area. In computing floor space under this section, open porches and garages, carports, and outside storage shall not be included.

Section 8. No building shall be located on any lot nearer than 55 feet from the front lot line or nearer than 10 feet to an interior lot line. The grantors herein reserve the right to alter or amend the front setback line or the interior lot line as they deem necessary provided this change or alteration is made by written instrument executed by said grantors. The grantors also reserve the right to set and determine the front setback line and side lot lines on any odd shaped lots. This must also be done by written instrument executed by the grantors.

Section 9. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

Section 10. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently. No house trailer shall be permitted to be parked on any lot at any time.

Section 11. Until such time as a sanitary sewer shall have been constructed to serve this subdivision, all sanitary facilities shall be within the house and connected to a septic tank sewage disposal system constructed in accordance with the requirements of the State Board of Health by the owner of each dwelling. All such sanitary facilities must also have the written approval of Flowers-Willcox Realty Company, Inc., its successors or assigns.

Section 12. No fence of any kind shall be built on or around any of the said lots without the written approval of the grantors, their successors, heirs and assigns, being first obtained, both as to design and as to the materials with which said fence is to be constructed, said written approval to be obtained in the same manner as the approval of the plans and specifications as provided in Section 6 above.

Section 13. Use of any lots or property for any business or commercial enterprise shall not be permitted, and in determining what is or is not a business or commercial enterprise, the said term shall be deemed to include and these restrictions deemed to prohibit the operation of any manufacturing establishment, store, beauty shop, barber shop, antique shop, nurseries, servicing outlet or other activity to which members of the general public are solicited. No part of said property shall be used for any church, school or other public purpose in such a way that members of the general public are permitted or encouraged to attend as a group on a regular basis.

Section 14. The grantors herein, its and their successors, heirs, or assigns, reserve the right to revise, alter or amend any or all of the foregoing protective covenants in any manner and at any time without the approval of any of the then owners of any lots.

Section 15. All drives and driveways leading to or used by any of the lots restricted hereunder shall be paved or hard surfaced.



CHAPTER 29  
South Carolina Local Government Comprehensive Planning Enabling Act of 1994

ARTICLE 7  
Local Planning — Land Development Regulation

**SECTION 6-29-1145.** Determining existence of restrictive covenant; effect.

(A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.

(B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:

- (1) in the application for the permit;
- (2) from materials or information submitted by the person or persons requesting the permit; or
- (3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

(C) As used in this section:

- (1) “actual notice” is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;
- (2) “permit” does not mean an authorization to build or place a structure on a tract or parcel of land; and
- (3) “restrictive covenant” does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land.

Attachment M: Site Photos



Front of 1716 Raven Drive.



Driveway approximately 5' from side property line.



View of backyard from driveway.



Landscaping along backyard's northern property line.



View of backyard's northern and eastern property line – proposed location of detached garage.



Landscaping along backyard's northern property line.

**Board of Zoning Appeals Motion Worksheet**

Case Number: BZA 2022-03 Nature of Request: Side & Rear Setback Variance for Detached Garage

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: