

**CITY OF FLORENCE BOARD OF ZONING APPEALS  
CITY CENTER – COUNCIL CHAMBERS  
324 WEST EVANS STREET, FLORENCE, SC  
THURSDAY, APRIL 27, 2023 – 6:00 P.M.  
MEETING AGENDA**

**I. Call to Order**

**II. Approval of Minutes** Regular meeting held on March 23, 2023

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

BZA-2023-05 Request for a variance from the impervious surface requirements for a lot located at 2535 Hoffmeyer Road, in the NC-15 zoning district; identified as Tax Map Number 01221-01-013.

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

BZA-2023-06 Request for variances from the setback requirements for 3 lots located at 2200 and 2204 New Forrest Drive and 2221 Waverly Woods Drive, in the NC-6.1 zoning district; identified as Tax Map Numbers 21005-01-005, 21005-01-045, and 21005-01-046.

**V. Adjournment**

The next meeting is scheduled for May 25, 2023.

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS  
MARCH 23, 2023**

**MEMBERS PRESENT:** Larry Chewning, Miriam James-Singley, Nathaniel Mitchell, Deborah Moses, Nathaniel Poston, and Michael Valrie

**MEMBERS ABSENT:** Ruben Chico

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

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

**APPROVAL OF MINUTES:** Chairman Chewning introduced the January 26, 2023 minutes as there was no meeting on February 23, 2023; and asked if there were any changes that needed to be made. There being none, he called for a motion. Ms. Moses moved that the minutes be approved as submitted, Mr. Mitchell seconded; voting to approve the minutes was unanimous (6-0).

**EXECUTIVE SESSION:** Chairman Chewning explained that the Board was to go into executive session to receive an update on legal matters from Scott Kozacki. Mr. Moore explained that it would probably take around fifteen minutes. Ms. James-Singley moved that the Board enter into executive session; Mr. Mitchell seconded, and the motion passed unanimously (6-0). The Board members were in executive session from 6:01 to 6:08 p.m., at which point they returned to open session and resumed the meeting.

**PUBLIC HEARINGS AND MATTERS 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.**

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. Mr. Poston asked if anyone has called the planning office, even just out of curiosity. Mr. Johnston said that even after sending letters and public notice, no one has contacted him about this matter. Mr. Valrie asked if there were any safety concerns with the widths; Mr. Johnston said the applicants would be required to meet the setbacks for the district and go through zoning and building review, so no. Mr. Poston asked if there was a date on the original plat; Mr. Johnston said it looks like it was cut off when it was scanned into a flat file. Chairman Chewning clarified that if this had been a properly recorded plat, staff would have been able to approve the new plat administratively.

There being no further questions for staff, Chairman Chewning opened the public hearing. He swore in Louie Hopkins, the applicant. He said the owner approached him a few months ago to subdivide the lot and tear down the existing house. He built the house beside it six years ago, and he feels putting two new houses on this larger lot would improve the street.

Mrs. Moses asked if he would preserve the existing trees; he said that they will if they're not in the building envelope. She asked if there was enough room for two driveways; he said that the lots will be 80 feet wide, and provide plenty of room for driveways and back yards.

Mr. Johnston clarified that the new lots would be less than 15,000 square feet; Mr. Hopkins said he thinks they'll be about 12,000 square feet. Mr. Johnston amended the variance request to include the decreased lot area as well as width.

Mr. Moore said that some of these subdivisions were averaged when new zoning maps were applied, so it's not unusual for there to be differences between the lot sizes in any given subdivision.

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.

Chairman Chewing moved that the request for the variance be approved, based on the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* will not be contrary to the public interest when, because of special conditions, a literal enforcement of the provision will, in this individual case, will not result in an unnecessary hardship, in that: ***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 *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done because: ***The neighborhood is characterized by lot widths and sizes from the original Virginia Acres Subdivision as staff pointed out with the original plot plan that, if certified, could have been approved administratively. 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. The applicant pointed out each lot will be 12,000 square feet.***
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely: ***This is essentially a double lot in a neighborhood of mostly single lots as we've seen in the original documents the intent seems to be that this lot be two single lots instead of one double lot.***
4. That these conditions do not generally apply to other property in the vicinity, in that: ***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 widths ranging from approximately 140' to about 300'.***
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: ***The owner wants to build two single-family houses on this particular 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, because: ***The proposed lots would be in keeping with the character of the existing neighborhood and the original intent of the subdivision as we have seen in attachments of both the current neighborhood and previous drawings from archived records.***

Ms. James-Singley seconded and the motion to approve the request as submitted passed unanimously (6-0).

**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.**

Chairman Chewning introduced the request and asked staff for their report. Mrs. Zlotnicki gave the staff report as submitted to the Board of Zoning Appeals. The five variances requested are as follows:

1. Eliminate the requirement of Section 5-18.1.1 for a Common Signage Plan to allow distinct free-standing signs and wall signage.
2. Request a sign number variance from Table 5-17.2.1B to permit one extra free-standing sign on the eastern parcel to accommodate the church sign.
3. Request an area variance from Section 5-18.1.5 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 from Table 5-17.2.1B 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 from Table 5-17.2.1B on the number and area of wall signs to accommodate Slim Chicken's standard corporate wall signage, if desired.

Mr. Poston clarified that if the church sign was on its property, they wouldn't need the variance for the number of signs; Mrs. Zlotnicki said that was correct, especially since the church is in the County.

Ms. Moses asked why they needed so many signs on tract 2 if it was just going to be a strip mall; Mrs. Zlotnicki said she thought the owners just wanted to have the option since they didn't know what would be located there yet. Ms. James-Singley commented that all that signage would be a distraction at that busy corner.

Mr. Poston commented that they didn't want the common signage plan; Mrs. Zlotnicki said that was correct since they were such distinct national brands, they want their own individual signs.

Ms. James-Singley asked if the Board could limit the number of signs. Mrs. Zlotnicki said that they could, but she was unsure what a common signage plan would look like for the Dunkin Donuts and Slim Chicken franchises. Mr. Moore said the Board could choose to grant or deny each individual variance requested.

There being no further questions for staff, Chairman Chewning opened the public hearing. He swore in Collin Denhard, the representative of Southbound Development Group out of Atlanta, Georgia. They specialize in single tenant development. They are under contract to purchase these properties in early May. Their initial agreement with the church included keeping the church sign in place, then they realized that they would be limited on signage.

Chairman Chewning asked what the issue with the common signage plan was; Mr. Denhard said that each company wanted its own signage since this was such a busy corner, so they'll have good visibility, but they haven't really looked at what it would entail. They'll probably match the bases of the two signs, but once this parcel is subdivided, it could get complicated if there was a common sign shared by both tenants.

Ms. James-Singley asked about doing a common sign for tract 2; Mr. Denhard said they didn't know if it would be one or more tenants. If multiple tenants, they'd use a single sign, but they just don't know at this point.

Chairman Chewning asked about the wall signage for Slim Chickens; Mr. Denhard said that the company is willing to reduce their signage if they need to. Mrs. Zlotnicki explained that they could have up to one per wall. Mr. Denhard said they are willing to cut back the signs on the drive through facing Dunkin Donuts, signs F, G, and H on the sign rendering.

Mr. Mitchell asked why they didn't bring their request for Tract 2 back to the Board once they have a tenant in place. Mr. Denhard said they just want to get the overall plan in place so the new tenant would understand what their signage rights were.

Mr. Poston asked if the closing of the property was contingent on their approval; he said that the church sign was definitely part of it. The Board's decision could affect the contract because Dunkin Donuts and Slim Chickens have an out in their contract if they can't have signage.

Mr. Poston asked who owned the church sign, Mr. Denhard said the church does and that part of the agreement is that Southbound would provide an easement so the church could maintain its sign. Mr. Valrie asked if the church was concerned that its sign wouldn't be visible anymore; Mr. Denhard said that they have been very gracious in working with the developer. Mr. Poston asked if the purchase of that portion of the lot from the church was contingent upon the sign being allowed to remain. Mr. Denhard said that yes, it was, because the church sign remaining is in the contract, and they need the land for stormwater mitigation and a driveway.

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.

Chairman Chewning moved that the request for variances number 3 and 5 regarding the off premise sign size and the number of signs on the Slim Chickens building be approved, based on the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* will not be contrary to the public interest when, because of special conditions, a literal enforcement of the provision will, in this individual case, result in an unnecessary hardship, in that: ***The sign ordinance has been applied to multiple properties throughout the municipality that are similar in dimension and zoning, and the applicant has agreed to remove signs F, G, and H from the side of the building facing Dunkin Donuts on the driveway side.***
2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done because: ***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. The church property was recently brought into the City of Florence; the church sign was in compliance before annexation, and granting the variance brings it into compliance with City regulations.***
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely: ***Prior to obtaining a variance, Compassion Church and the applicant agreed to allow the continued use of the sign along Pamplico Highway.***
4. That these conditions do not generally apply to other property in the vicinity, in that: ***This property is similar in its characteristics to other properties within the City limits that are located on the corner of main thoroughfares, although the church property is set farther back and doesn't have access to Pamplico Highway anymore.***
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: ***As it is currently regulated, no restrictions on the size or number of signs are placed upon the property. The purpose of the variance is to bring the sign into compliance with the UDO.***

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: ***Properties within this vicinity that are located within City limits currently meet the standards of the ordinance, and granting the variance enables the existing church sign to also be in compliance.***

Ms. James-Singley seconded the motion, and it passed unanimously (6-0).

Chairman Chewning moved that the request for variances number 2 and 4 regarding the number and size of signs on the eastern parcel be denied, based on the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* 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: ***Because there are no tenants in place yet, the Board doesn't have a plan in front of it to consider what the size of the future signs will be. The Board prefers to have the applicant bring a specific request for their consideration.***
2. That the spirit of the *Unified Development Ordinance* will not be observed, public safety and welfare secured, and substantial justice done because: ***Again, the Board has not been provided with a plan for what any future tenants may want or require.***
3. That there are no extraordinary or exceptional conditions pertaining to the particular piece of property, namely: ***Although the property itself meets the requirements of the Ordinance, no specific plan is provided to make a determination of the appropriateness of the signage.***
4. That these conditions do not generally apply to other property in the vicinity, in that: ***Past decisions by the Board were based on plans provided by City staff.***
5. That because of these conditions, the application of the *Unified Development Ordinance* to the particular piece of property would not effectively prohibit or unreasonably restrict the utilization of the property by: ***The parcel can still be developed as it stands, but the Board needs a signage plan in place before it can act.***
6. That the authorization of a variance will be of substantial detriment to adjacent property or to the public good, and the character of the district will be harmed by the granting of the variance, because: ***The majority of properties in this vicinity are in the City limits and meet the standards of the Ordinance, and until the Board has a plan in place as to what the signs will be and tenants will require, the Board does not feel it can act in good faith to issue a blanket approval.***

Mr. Valrie seconded the motion, and it passed unanimously (6-0).

There was some discussion about the unique situation having two distinct tenants and what a common signage plan would look like. Mr. Moore said that usually each would have its own lot. This is a single lot with multiple street frontages and two distinct tenants. Typically a common signage plan is applied to a strip mall with multiple tenants. Chairman Chewning asked if staff could think of any other examples in the City; Mr. Poston mentioned the corner of West Palmetto Street and Second Loop Road for Windham Motors.

Mr. Denhard reminded the Board that the Dunkin Donuts will probably be subdivided onto its own lot away from the Slim Chickens so there is no confusion over who is responsible for the common sign. If it was already subdivided, they wouldn't even be having this conversation. Mr. Moore pointed out that if they had

to enter into a common signage plan, and then subdivided, the resulting lots would actually be nonconforming because each would then have an off premise sign.

Chairman Chewning moved that the request for variance number 1 for the Common Signage Plan be approved, based on the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* will not be contrary to the public interest when, because of special conditions, a literal enforcement of the provision will, in this individual case, result in an unnecessary hardship, in that: ***The sign ordinance has been applied to various sites in the City; this is a unique condition, and the applicant has stated that they intend to subdivide the parcel in the future, eliminating the need for the CSP in the future.***
2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done because: ***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. These are two individual companies that share a parcel as well as two streets. It is the Board's opinion that because of this it is keeping in good faith that each company has its own signage separate from the other.***
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely: ***This is a unique situation in which we have two tenants sharing a single parcel with two street frontages.***
4. That these conditions do not generally apply to other property in the vicinity, in that: ***This is a unique situation in which we have two tenants sharing a single parcel with two street frontages.***
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: ***Requiring a Common Signage Plan wouldn't restrict the use of the property but would necessitate another trip back to the Board if the property is divided further, and given that the applicant is acting in good faith by agreeing to remove signs F, G, and H of the wall signage, we feel this would be acting in good faith to the intent of the ordinance.***
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: ***This is a unique situation in which we have two tenants sharing a single parcel with two street frontages. This will maintain the standards of the ordinance.***

Mr. Mitchell seconded the motion, and it passed unanimously (6-0).

**OTHER BUSINESS:** Chairman Chewning welcomed Michael Valrie to the Board as a new member.

**ADJOURNMENT:** As there was no further business, Mr. Valrie moved to adjourn the meeting; the motion passed unanimously (6-0). The Board adjourned at 7:28 p.m. The next regular meeting is scheduled for April 27, 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:** April 27, 2023

**APPEAL NUMBER:** BZA-2023-05

**VARIANCE REQUEST:** Impervious surface requirements for a residentially zoned parcel

**LOCATION:** 2535 Hoffmeyer Road

**TAX MAP NUMBER:** 01221-01-013

**OWNER OF RECORD:** Vi Tran

**APPLICANT:** Vi Tran

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

**Land Use and Zoning**

The parcel is zoned NC-15 and it is occupied by a single-family detached home which was purchased by the current homeowner in 2018. The NC-15 zoning district only permits single-family detached homes. This zoning district is intended for large lots with lot widths of at least 100’ and lot areas of at least 15,000 square feet. This property is located within the Windsor Forest Subdivision, and all parcels within this neighborhood which are within the City limits of Florence carry this zoning designation.

**Unified Development Ordinance Requirements**

Table 2-5.2.1 of the *Unified Development Ordinance*, “General Lot and Building Standards”, caps the Impervious Surface Ratio permitted for a parcel within the NC-15 Zoning District at 40%. The square footage of the lot divided by the total square footage of anything on the parcel that does not permit stormwater to infiltrate naturally into the soil determines the impervious surface ratio. Common impervious surfaces are rooftops of buildings, paved surfaces, compacted gravel, water, and any other surfaces which prevent or impede the natural infiltration of stormwater runoff.

Section 4-9.3.1 of the *Unified Development Ordinance*, “Parking Design for Residential Uses”, limits the parking space percentage of the front and/or side yard for a single-family detached use at 35%. No more than 35% of the front yard, the side yard, or a combination of the two, can be used for an improved parking surface. Vehicles are prohibited from parking anywhere in the front or side yard except on an improved surface, which can be asphalt, concrete, or a material approved by the City Engineer like paving blocks, crushed stone, or gravel.

**Variance Request**

The applicant is requesting a variance from the impervious surface requirements in Table 2-5.2.1 & Section 4-9.3.1 of the *Unified Development Ordinance*.



The applicant is requesting to allow the current impervious surface to remain on the parcel, which totals approximately 28,072 square feet out of 29, 579 or **approximately 95%**. The variance request is for a **55% (16, 240 square feet over limit) increase** over the 40% Impervious Surface Ratio permitted.

The applicant is requesting to allow the impervious surface to remain in the front and side yard of the parcel which totals approximately 14, 761 square feet out of 16, 268 or **approximately 91%**. The variance request is for a **56% (9, 067 square feet over limit) increase** over the 35% parking space percentage permitted for a single-family detached use.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: ***Safety - Before the concrete the land had huge anthills and tons of holes. Kids tripped and an elder fell various times. Maintenance – Constantly covering the holes with dirt that didn't last long.***
- b. These conditions do not generally apply to other property in the vicinity as shown by: ***Our yard is bigger with more occupants in the house going into the grass yard having accidents. No major trees are in the front yard besides the ones the house occupants planted and got rid of for the concrete.***
- 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 area was accident prone.***
- 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 only affects one property (our own) it doesn't affect adjacent property or public good.***

**Issues to be Considered:**

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

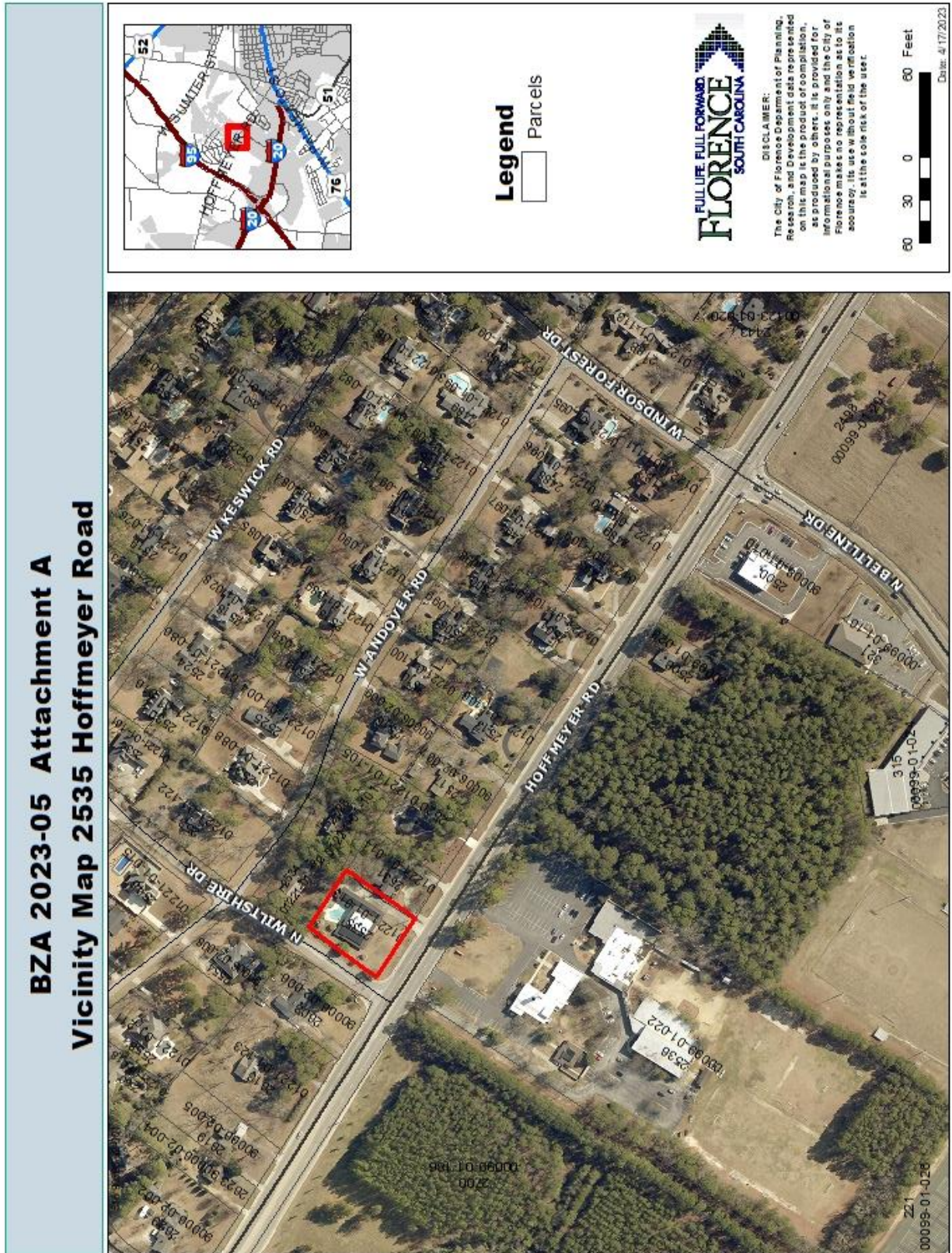
1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship. Staff Comments: ***The residential maximum impervious surface ratio is established to protect natural infiltration of stormwater to prevent flooding, reduce pollutants entering our waterways, and prevent stormwater from negatively impacting adjacent property owners.***
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. Staff Comments: ***The residential impervious surface limit set by the Unified Development Ordinance is designed to prevent stormwater issues and to preserve neighborhood character. The amount of impervious surface present on the parcel exceeds the maximum allowed limits in any commercial or industrial zoning districts.***
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. Staff Comments: ***This property is a large single-family corner lot that fronts Hoffmeyer Road and Wiltshire Drive and is similar in size and shape to other corner lots in this zoning designation.***

4. That these conditions do not generally apply to other property in the vicinity. Staff Comments: ***The maximum impervious surface ratio applies to all properties and is based upon the zoning designation. Similar properties within the NC-15 zoning designation must meet the same requirements.***
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: ***Requiring adherence to the specifics of the Ordinance regarding impervious surface requirements would not prevent the use of the home as a single-family residence.***
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: ***Throughout the municipal limits, properties of this size, dimension, location, and zoning designation must meet the requirements as outlined within the Unified Development Ordinance. Residential properties require a low impervious surface ratio in order to maintain residential character and manage stormwater runoff to limit its impact on the overall watershed.***

#### **Attachments**

- A. Vicinity Map
- B. Location Map (2018 Aerial)
- C. Zoning Map
- D. Future Land Use Map
- E. 2018 Aerial Photo – 2535 Hoffmeyer Road
- F. 2021 Aerial Photo – 2535 Hoffmeyer Road
- G. 2023 Aerial Photo – 2535 Hoffmeyer Road
- H. 2023 Aerial Total Parcel Size
- I. 2023 Aerial – Front & Side Yard Size
- J. Site Photos

Attachment A: Vicinity Map



Attachment B: Location Map

**BZA 2023-05 Attachment B**  
**Location Map 2535 Hoffmeyer Road**



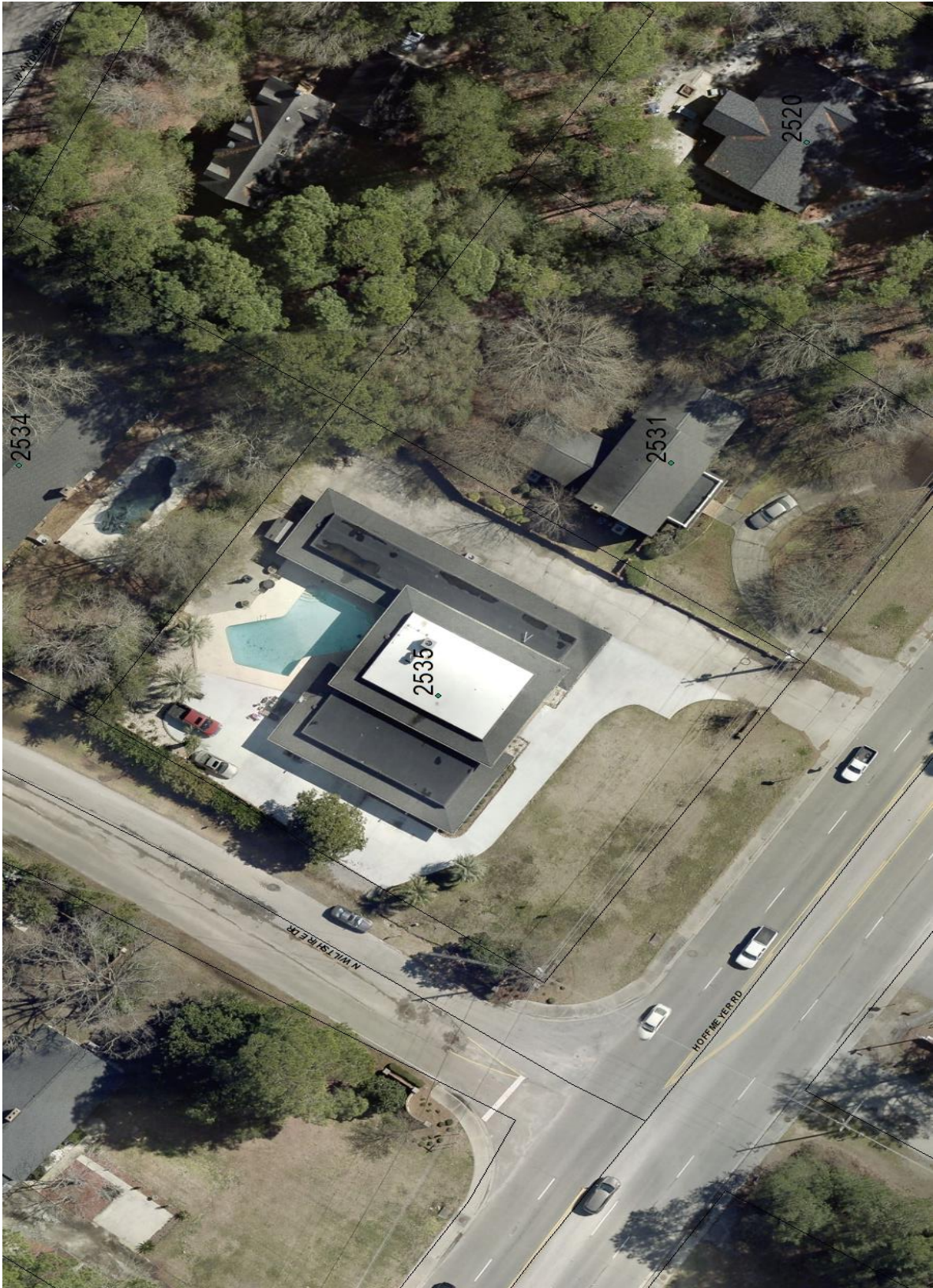




Attachment E: 2018 Aerial Photo – 2535 Hoffmeyer Road



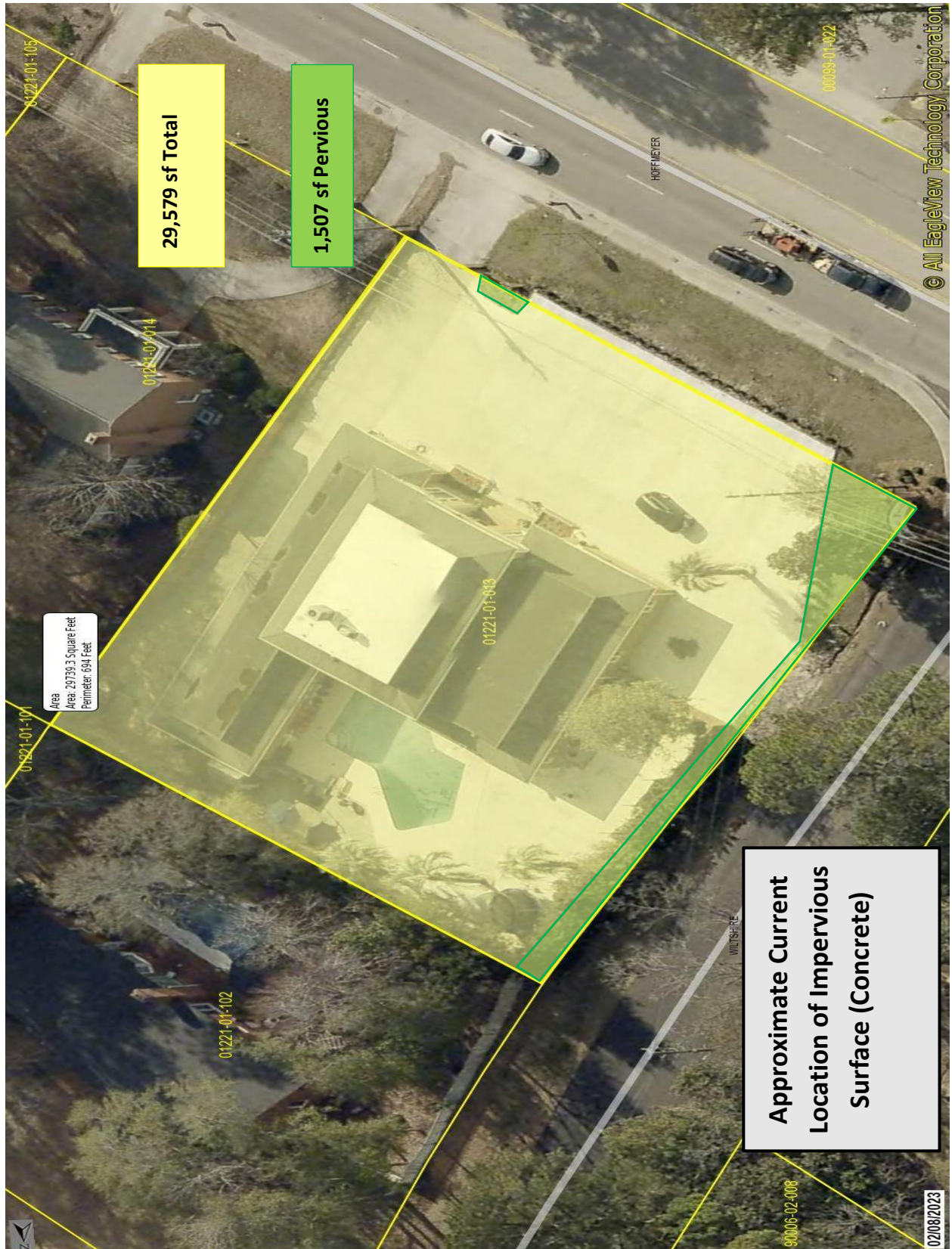
Attachment F: 2021 Aerial Photo – 2535 Hoffmeyer Road





Attachment G: 2023 Aerial Photo – 2535 Hoffmeyer Road





Attachment I: 2023 Aerial – Front & Side Yard Size



Attachment J: Site Photos



2535 Hoffmeyer Road



Front Yard (West)



Front Yard (East)



Driveway (North-Northeast)



Driveway (South-Southwest)



Driveway (East) – 2531 Hoffmeyer Road



Windsor Forest Subdivision Entrance Sign (Hoffmeyer/Wiltshire)



Front Yard (View Northeast from Wiltshire Drive)



Front Yard (View East from Wiltshire Drive)



Side Yard (View North from Wiltshire Drive)





Backyard (North)



Backyard (East)

**Board of Zoning Appeals Motion Worksheet**

Case Number: BZA 2023-05 Nature of Request: Residential Impervious Surface Requirements

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:** April 27, 2023

**APPEAL NUMBER:** BZA-2023-06

**VARIANCE REQUEST:** Request for variances from the setback requirements for residential lots in Table 2-5.2.1

**LOCATIONS:** 2200 New Forrest Drive  
2204 New Forrest Drive  
2221 Waverly Woods Drive

**TAX MAP NUMBERS:** 21005-01-045, 21005-01-046, 21005-01-005

**OWNER OF RECORD:** Waverly Woods at Claussen

**APPLICANT:** JGL Builders

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

**Land Use and Zoning**

The three lots are part of the Waverly Woods subdivision and are zoned NC-6.1. According to Table 2-5.2.1 of the *Unified Development Ordinance*, “General Lot and Building Standards”, the minimum front setback required in the NC-6.1 zoning district is 25 feet; the minimum interior side setback is 5 feet, the minimum street side setback is 10 feet, and the minimum rear setback is 25 feet. The lots on the New Forrest Drive cul-de-sac were designed to have a 12.5 foot front setback to accommodate the shape of the parcel.

The neighborhood is largely built out; these are infill lots. The applicant intends to construct single family houses which are similar in size to those already constructed. Existing house sizes range from 1500 to 2500 square feet., and they are typically at least 10 feet apart along the side property lines.

**Variance Request**

The three parcels are all wedge shaped, and 2200 and 2204 New Forrest Drive are on a cul-de-sac. Because of the shapes of the lots, the net buildable areas are irregular. The applicant is requesting variances from the setbacks in order to fit particular houses on the lots.

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

- e. There are extraordinary and exceptional conditions pertaining to the particular properties as follows:  
*We are trying to maintain the same size houses and appearance and value of the neighborhood.*
- f. These conditions do not generally apply to other property in the vicinity as shown by: *all the other houses in this subdivision are uniform and the same size.*

- g. Because of these conditions, the application of the ordinance to the particular properties would effectively prohibit or unreasonably restrict the utilization of the property as follows: *we again are trying to maintain the same size house and monetary value of the neighborhood.*
- h. 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: *if granted, the look, size, and monetary value of the houses will be uniform. The plot plans show very little room is needed from setback relief.*

The variances needed are highlighted in the chart below. 2200 and 2204 New Forrest Drive both need rear setback variances; 2221 Waverly Woods Drive needs front and side setback variances.

**Required Variance Amounts (feet)**

	Shown	Required	Variance Needed	Percent Decrease
2200 New Forrest Dr.				
Front Setback (ft)	21.6	12.5	none	n/a
Side Setback (ft)	5.6	5	none	n/a
Side Setback (ft)	5.4	5	none	n/a
Street Side Setback (ft)	n/a	10	n/a	n/a
Rear Setback (ft)	19.7	25	5.3	21%
2204 New Forrest Dr.				
Front Setback (ft)	12.6	12.5	none	n/a
Side Setback (ft)	12.3	5	none	n/a
Side Setback (ft)	6.2	5	none	n/a
Street Side Setback (ft)	n/a	10	n/a	n/a
Rear Setback (ft)	21.9	25	3.1	12%
2221 Waverly Woods Dr.				
Front Setback (ft)	24.3	25	0.7	3%
Side Setback (ft)	3.3	5	1.7	34%
Side Setback (ft)	n/a	5	n/a	n/a
Street Side Setback (ft)	9.9	10	0.1	1%
Rear Setback (ft)	33.6	25	none	n/a

**Issues to be Considered:**

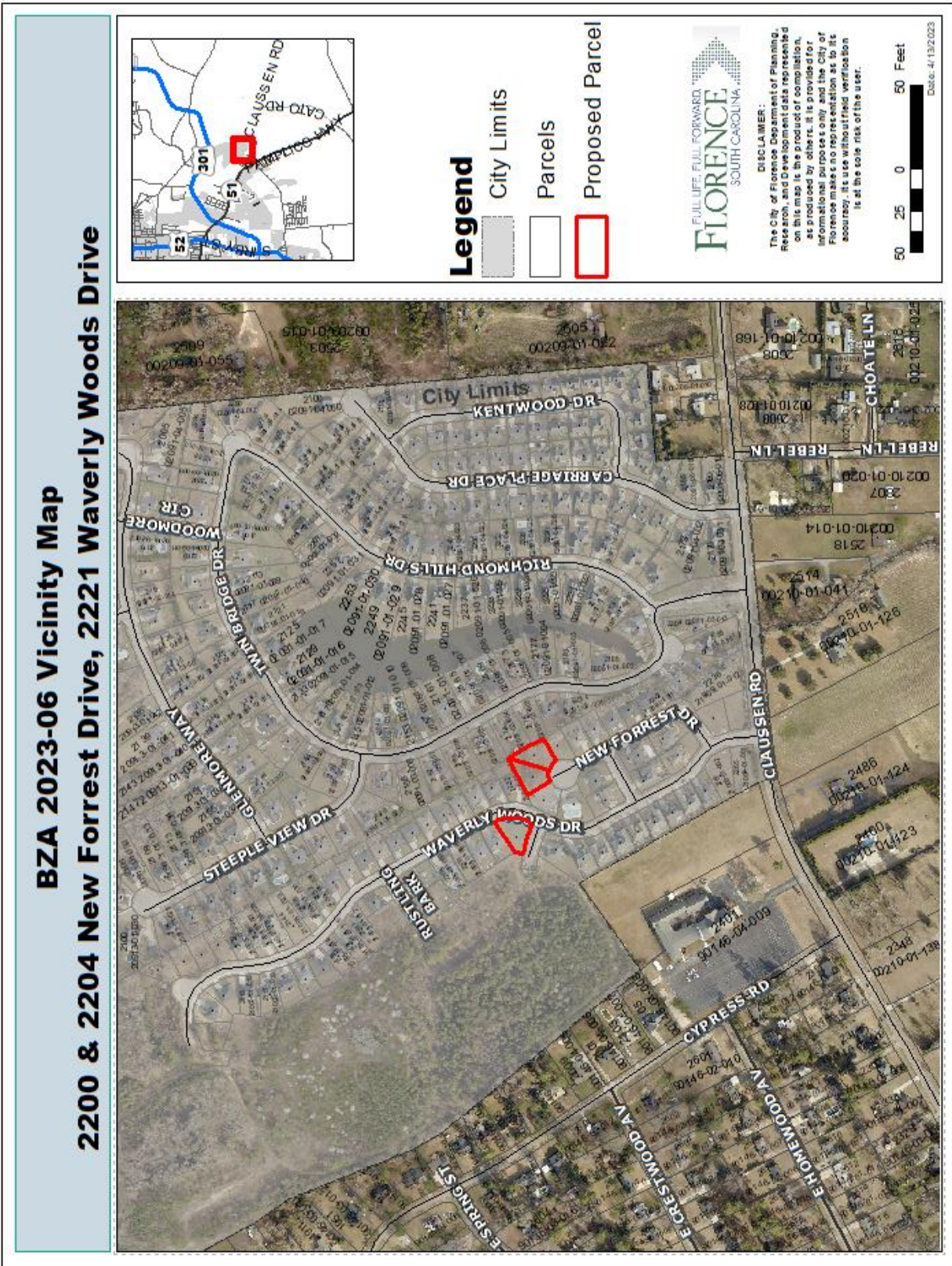
Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

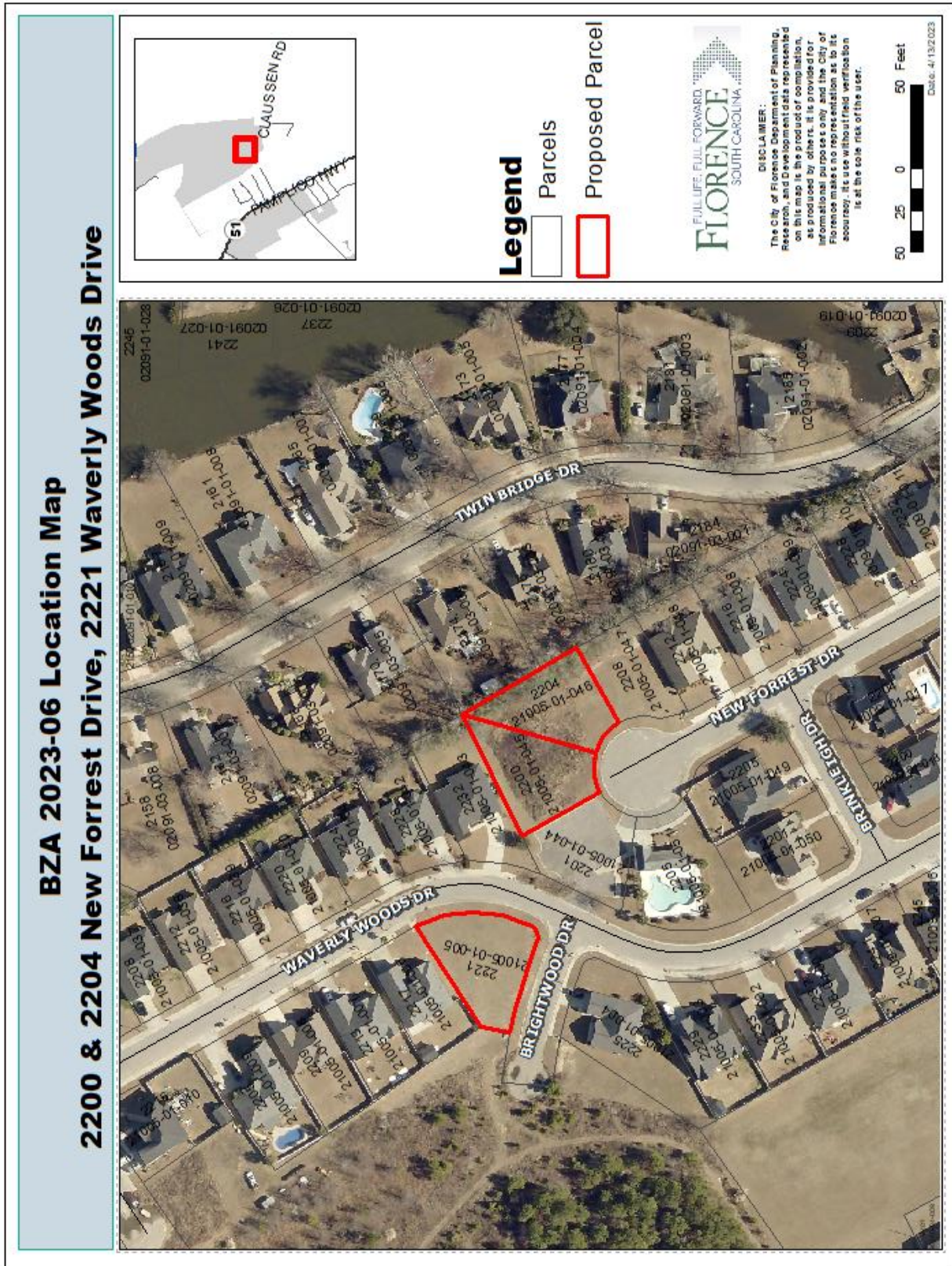
1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship. Staff Comments: *If the developer is required to adhere to the setbacks for the district, he will need to change the dimensions of the houses he can build there.*
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. Staff Comments: *If the variances are granted, the developer will be able to construct houses of the same size as those already built.*

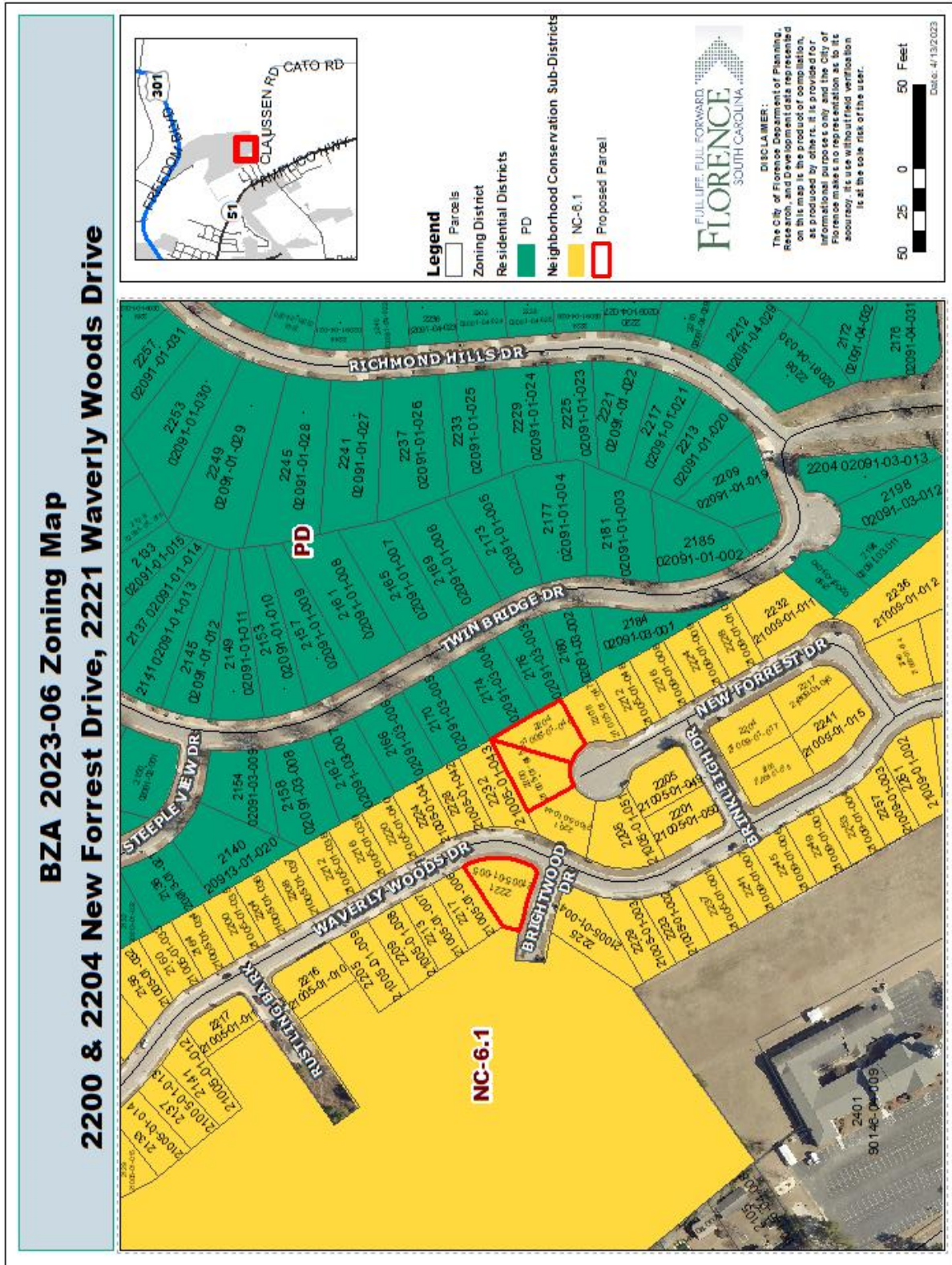
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. Staff Comments: ***These lots and their buildable areas are oddly shaped, making it more difficult to meet the setbacks as required.***
4. That these conditions do not generally apply to other property in the vicinity. Staff Comments: ***Most lots are rectangular in shape and can easily accommodate the required setbacks.***
5. That because of these conditions, the application of the Ordinance to the particular properties would effectively prohibit or unreasonably restrict the utilization of the property as follows. Staff Comments: ***Requiring that new construction meet the setbacks would not prohibit the developer from building appropriate houses; however, they may be slightly smaller than those in the immediate vicinity.***
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: ***Because the existing houses meet the setbacks, locating the proposed houses at the requested distances will place them closer to the property lines than adjacent houses are.***

#### **Attachments**

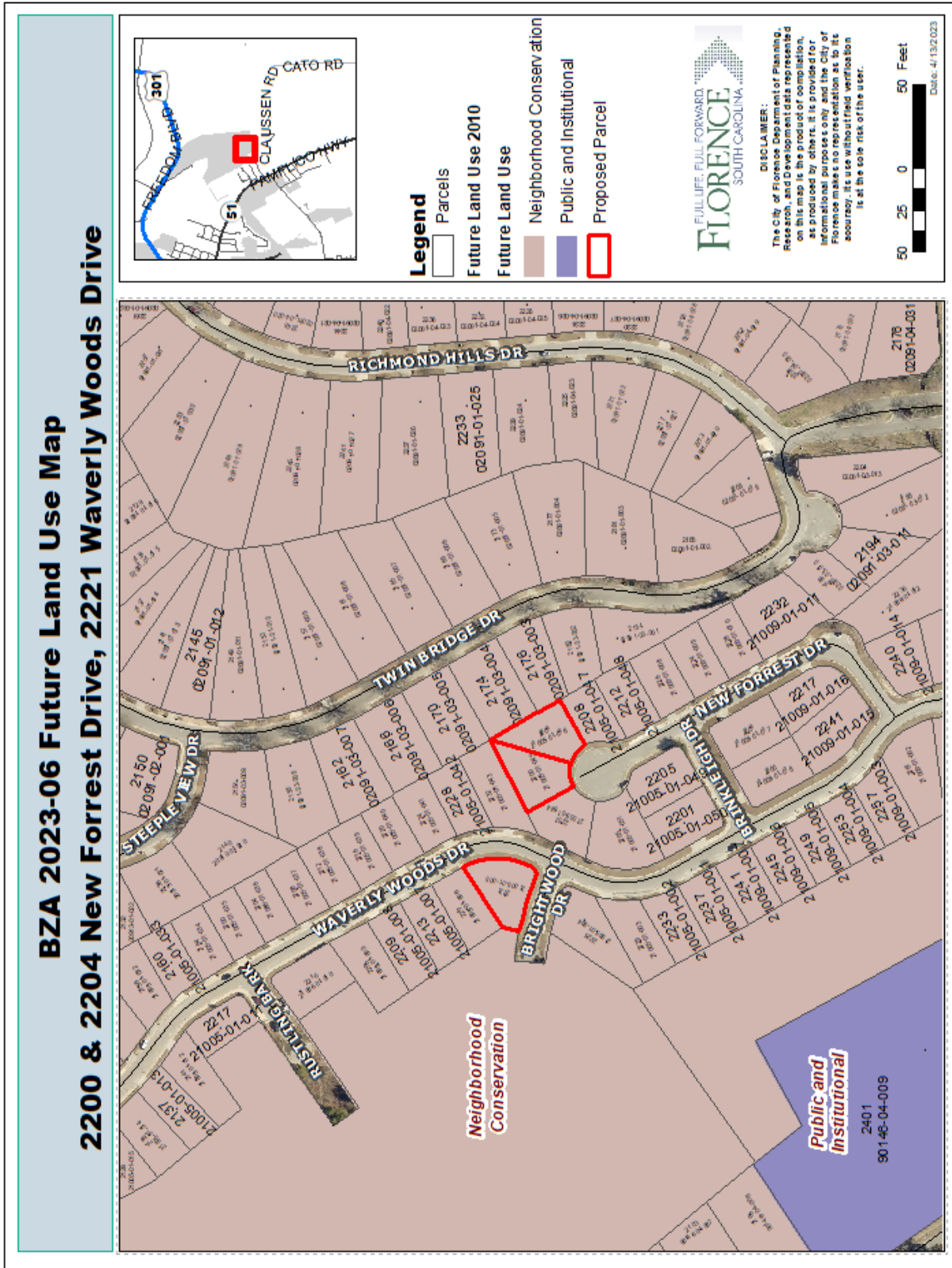
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Table 2-5.2.1 and Requested Setbacks
- F. Plats of Proposed Houses
- G. Site Photos











Attachment E: 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.

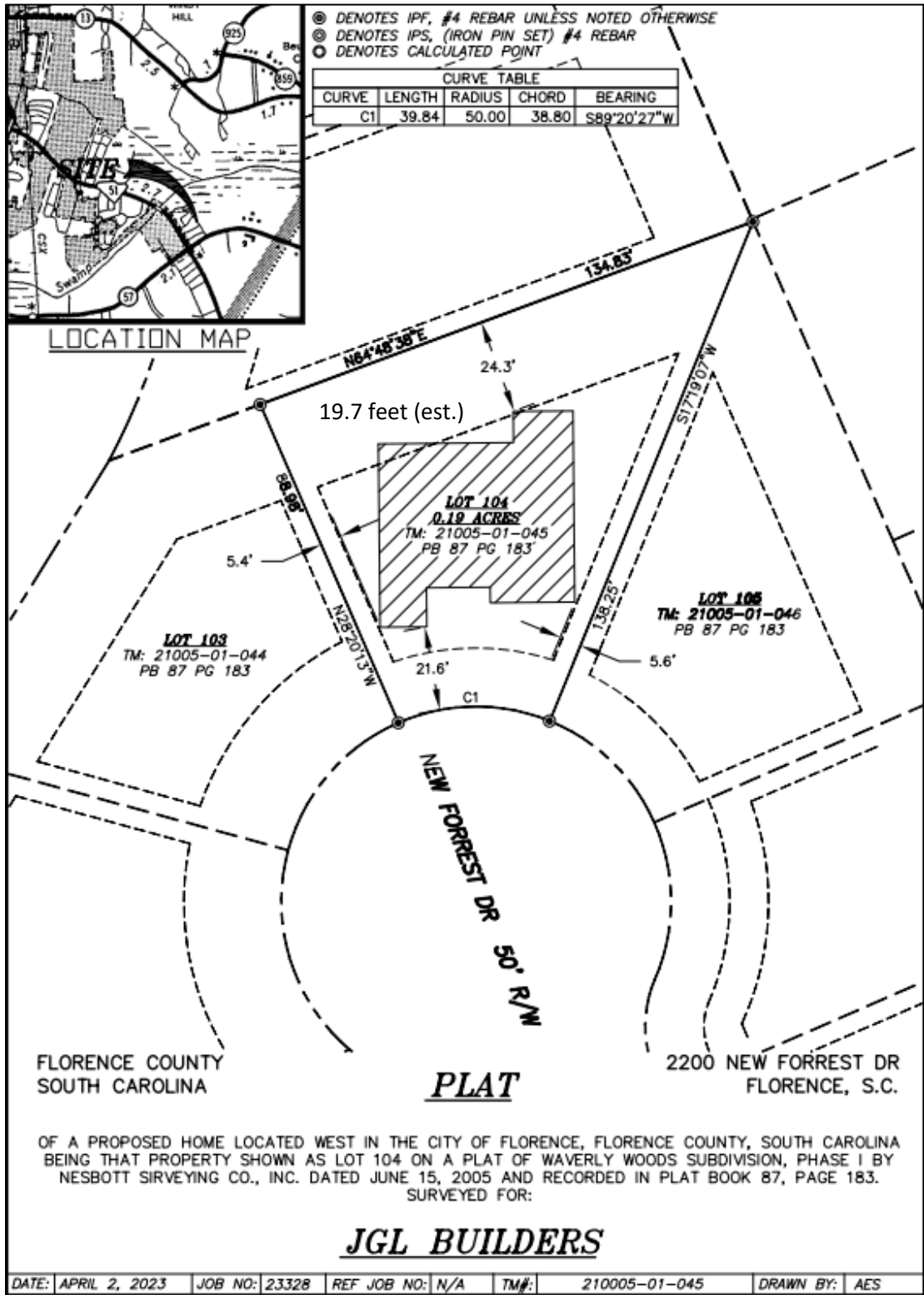
<sup>2</sup> The gross floor area of a new or redeveloped residence or expanded existing residence shall be comparable to the residences on the same side of the block and within 300' as follows:

- Equal to or no greater than 120 percent for residences up to 2,500 square feet of gross floor area; or
- Equal to or no greater than 115 percent for residences greater than 2,501 square feet of gross floor area.

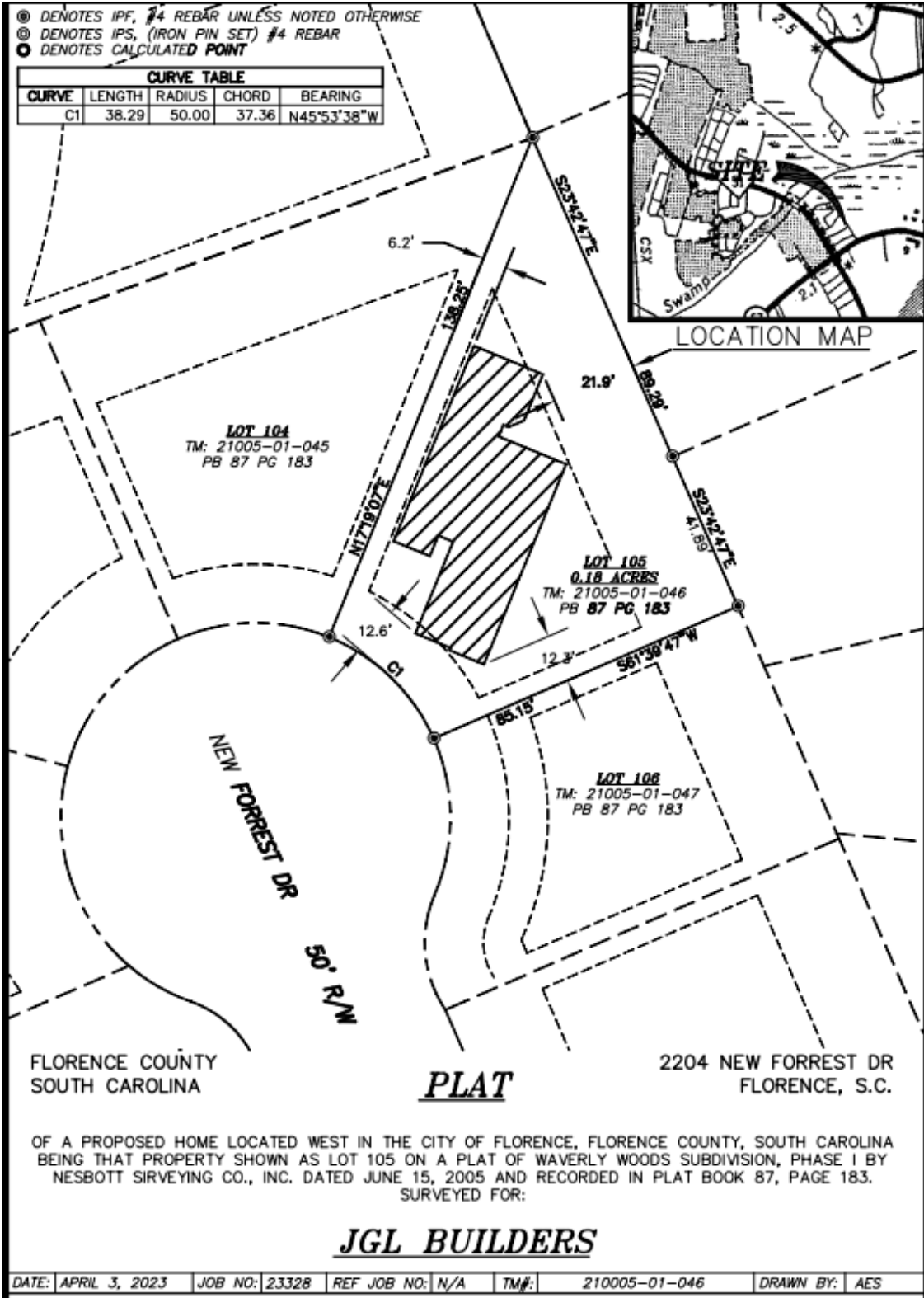
**Required Variance Amounts (feet)**

	Shown	Required	Variance Needed	Percent Decrease
2200 New Forrest Dr.				
Front Setback (ft)	21.6	12.5	none	n/a
Side Setback (ft)	5.6	5	none	n/a
Side Setback (ft)	5.4	5	none	n/a
Street Side Setback (ft)	n/a	10	n/a	n/a
Rear Setback (ft)	19.7	25	5.3	21%
2204 New Forrest Dr.				
Front Setback (ft)	12.6	12.5	none	n/a
Side Setback (ft)	12.3	5	none	n/a
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Street Side Setback (ft)	n/a	10	n/a	n/a
Rear Setback (ft)	21.9	25	3.1	12%
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Front Setback (ft)	24.3	25	0.7	3%
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Side Setback (ft)	n/a	5	n/a	n/a
Street Side Setback (ft)	9.9	10	0.1	1%
Rear Setback (ft)	33.6	25	none	n/a

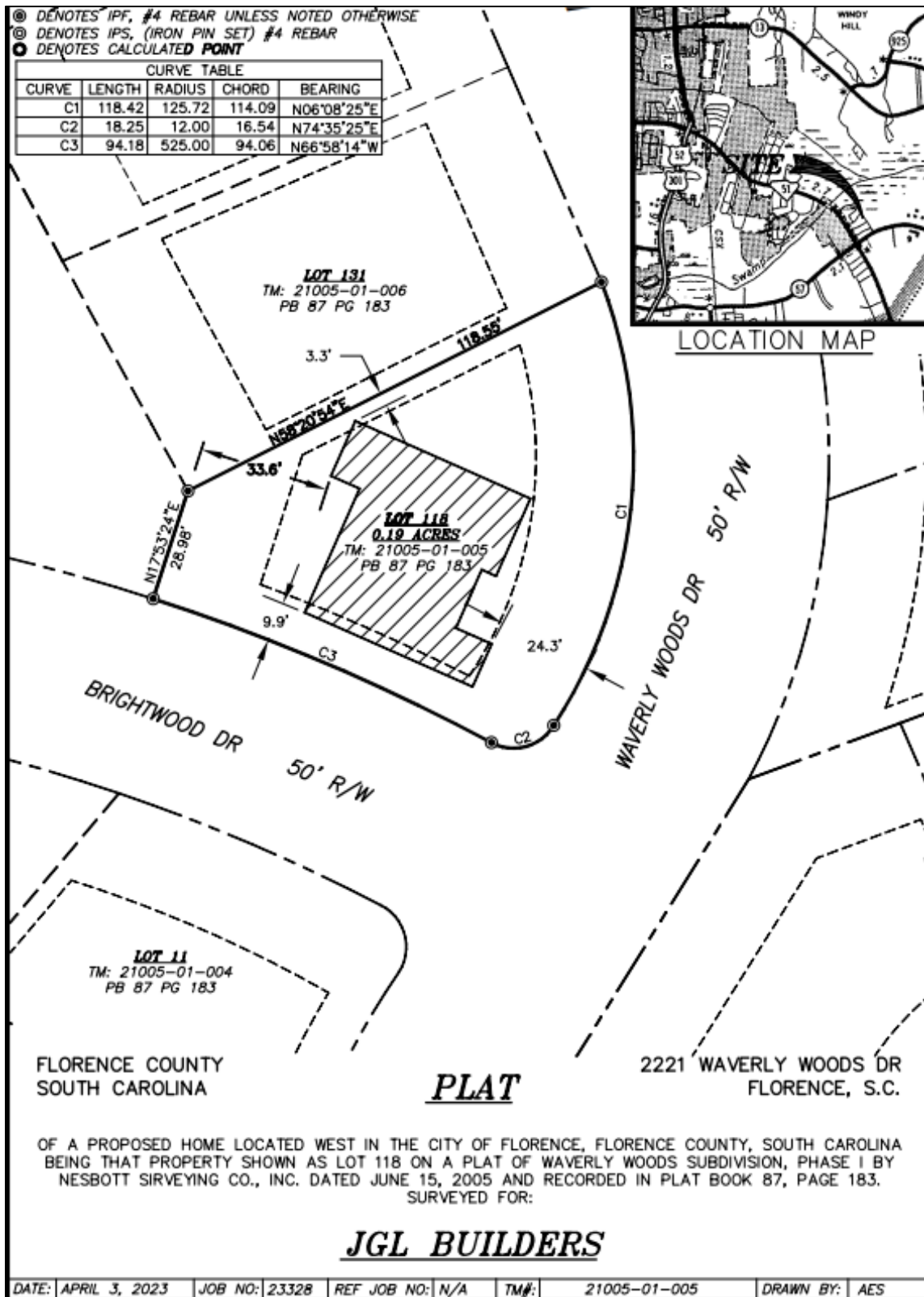
Attachment F: Plats of Proposed Houses



2200 New Forrest Drive: rear setbacks.



2204 New Forrest Drive: rear setbacks.



2221 Waverly Woods Drive: front and side setbacks.

Attachment G: Site Photos



2200 New Forrest Drive



2204 New Forrest Drive



View from the cul-de-sac down New Forrest Drive



2221 Waverly Woods Drive lot.



View looking north along Waverly Woods Drive and the front of the parcel at 2221 Waverly Woods Drive.

**Board of Zoning Appeals Motion Worksheet**

Case Number: BZA 2023-06 Nature of Request: Setback 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: