

CITY OF FLORENCE BOARD OF ZONING APPEALS
APRIL 28, 2022 AGENDA

I. Call to Order

II. Approval of Minutes

Regular meeting held on March 24, 2022.

III. Public Hearing and Matter in Position for Action

BZA-2022-04 Request for a special exception permit to operate a short term rental at the house located at 1112 Pinckney Avenue, in the NC-10 zoning district; shown as Tax Map Number 90053-09-018.

IV. Public Hearing and Matter in Position for Action

BZA-2022-05 Request for a variance from landscaping requirements for a commercial use to be located at 670 Senior Way, in the CG zoning district; shown as Tax Map Number 00179-01-042.

V. Adjournment

Next regularly scheduled meeting is May 26, 2022.

**CITY OF FLORENCE BOARD OF ZONING APPEALS
MARCH 24, 2022 MINUTES**

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

MEMBERS ABSENT: Larry Adams and Larry Chewning

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

CALL TO ORDER: In the absence of Chairman Chewning, as Co-Chairman, Nathaniel Poston called the meeting to order at 6:01 p.m.

APPROVAL OF MINUTES:

Chairman Poston introduced the February 24, 2022 minutes. Mr. Mitchell moved that the minutes be approved as submitted; Mrs. Moses seconded the motion to approve. Voting in favor of approving the minutes was unanimous (4-0).

PUBLIC HEARINGS AND MATTERS 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.

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

Mr. Chico asked if the existing sign was too large for the zoning district. Ms. Zlotnicki stated it was grandfathered in after the last zoning ordinance was passed in 2018. Mr. Dudley stated that shows the need for updates to the City's sign ordinance. Mrs. Zlotnicki stated the sign will include room for the daycare's advertisement.

Being no further questions for staff, Chairman Poston opened the public hearing and swore in Ms. Susan Bihlear to address the Board. She reiterated Mrs. Zlotnicki's statements about the purpose of the sign and the area of the existing sign.

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

Mr. 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. 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.** 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.** 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.** 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.** 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.** 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.

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

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.

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

Being no questions for staff, Chairman Poston opened the public hearing and swore in Mr. Christopher Donaldson to address the Board. Ms. Moses asked the applicant if the roots for the willow oak were above ground or below. Mr. Donaldson stated they are below the ground.

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

Mrs. Moses 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.** 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.

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

ADJOURNMENT:

As there was no further business, Chairman Poston moved to adjourn the meeting. Mrs. Moses seconded. Voting in favor of the motion was unanimous (4-0). Chairman Poston adjourned the meeting at 6:37 p.m. The next regular meeting is scheduled for April 28, 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: April 28, 2022

APPEAL NUMBER: BZA-2022-04

REQUEST: Special Exception Permit request to operate a Short-Term Rental as required by Table 1-2.7.2-b in the *Unified Development Ordinance* for a residence.

LOCATION: 1112 Pinckney Avenue

TAX MAP NUMBER: 90053-09-018

OWNER OF RECORD: Catherine Lee

APPLICANT: Catherine Lee

ZONING DISTRICT: NC-10 Neighborhood Conservation-10

Land Use and Zoning

The single-family detached home is located on Pinckney Avenue. It is zoned Neighborhood Conservation-10 (NC-10). The City's Future Land Use Plan designates this area as Neighborhood Conservation, which is a residential use.

Special Exception Request

The applicant is asking for a Permitted Special Exception use as a requirement of Table 1-2.7.2-b of the *Unified Development Ordinance*, which requires a Short-Term Rental operation to obtain approval from the Board of Zoning Appeals. The property owner wishes to utilize one bedroom as a short term rental and advertise through rental sites such as Air BnB. The owner will be present during the rental period.

The allowance of Short-Term Rentals in the City's *Unified Development Ordinance* was implemented to allow homeowners the option to benefit financially from hosting guests in their home while also protecting their neighbors from the potential negative effects.

Permitting this special exception could be a catalyst for other homeowners in the area to operate their own homes as Short-Term Rentals. The effect of a large number of Short-Term Rentals in any one neighborhood may not be entirely mitigated by the requirements stated in the *Unified Development Ordinance*. However, this is the first application for a Short-Term Rental within the neighborhood and in-and-of-itself would not create an overuse. Each subsequent applicant would be required to go through the same approval process. Additionally, the Special Exception Permit would apply only to Catherine Lee and is not transferable to a subsequent owner.

Points to Consider

- 1) The applicant is seeking permission to operate a Short-Term Rental (STR) in her residence at 1112 Pinckney Avenue in the City limits of Florence.
- 2) The *Unified Development Ordinance* lists Short-Term Rentals as a Permitted Special Exception use in Tables 1-2.7.2-a and 1-2.7.2-b. Conditional standards for STRs are listed in Section 1-2.8.2, and they are defined in Division 7-25.2.
- 3) The *Unified Development Ordinance*'s definition of Short-Term Rental "means a furnished residential unit that is rented out by the property owner for financial gain for a period of no more than 29 consecutive days and not to exceed 72 days in the aggregate during any calendar year."
- 4) Permitted Special Exception uses may be approved following a public hearing by the Board of Zoning Appeals subject to the standards as set forth in Section 1-2.8.2.
- 5) The applicant must meet all standards for Short Term Rentals as outlined in Section 1-2.8.2 of the *Unified Development Ordinance*.
- 6) Section 6-21.7.11 Permitted Special Exception Use Approval of the *Unified Development Ordinance* outlines the criteria to be met for Special Exception approval by the Board of Zoning Appeals including Subsection E that suggests additional conditions that can be imposed to ensure compliance and/or impacts caused by the use are mitigated (Attachment E).
- 7) Section 6-23.1.8 Special Provisions for Permitted Special Exception Uses of the *Unified Development Ordinance* provides for inspections to determine compliance with the requirements of a Special Exception are being met and outlines steps for permit revocation if necessary (Attachment F).
- 8) By signing the Board of Zoning Appeals Application, the applicant agrees that all prerequisites are met for Short Term Rental use presently and will be observed in the future as prescribed in the *Unified Development Ordinance*.

Standards for Short Term Rentals

Sec. 1-2.8.2 Residential and Commercial Use of the Home Standards

The standards of this Section apply to residential and commercial uses of the home that are specified in Table 1-2.7.2, *Residential and Commercial Uses of the Home* as conditional (C) or permitted special exception (SE).

I. Short Term Rentals are permitted if it is demonstrated that:

In zoning districts: RE, RS, RG, RU, NC:

- a. The short-term rental shall be operated by the owner and full-time resident of the property. For the purposes of this ordinance, the "owner and full-time resident" shall mean the record owner of the property who physically resides at the subject property, has designated the subject property as his/her legal voting address and the address of his/her driver's license, and the subject property must be assessed at the four percent homeowner's assessment rate according to the records of the Florence County Assessor's Office. The owner or his/her designee is not required to be present during the entire lease period; however, the owner or his/her designee must be present at check-in to ensure the accuracy of the guest registry.

- b. The owner may rent out no more than two (2) bedrooms as short-term rentals in the primary residence. Rental bedrooms may not contain a separate kitchen or cooking area from the primary residence.
- c. The owner shall maintain a guest registry which includes at minimum the guest's name, address, and contact phone number; the number of people in each guest's party; the make, model, and license plate number of any guest's vehicle parked on the property; as well as the guest's date and time of arrival and scheduled departure date. The guest registry shall be maintained such that the owner, upon request, can supply information regarding the number of rooms rented, the number of individuals occupying the home, and the dates of guest's date and time of arrival and departure.
- d. A motor vehicle may not park in the front yard or side yard of a residential property, except in a driveway or on an improved surface such as concrete, asphalt, pavers, brick, or other material as approved by the Planning Director. The total area designated for parking shall not exceed 25% of the front and/or side yard area. There shall be no parking of motor vehicles on grass or the street.
- e. No exterior signage is permitted.
- f. No activities other than lodging shall be allowed as part of a short-term rental (e.g. weddings, parties, conferences).
- g. The Short-Term Rental will be operated in accordance with all other applicable provisions of this Unified Development Ordinance, the City's Code of Ordinances, as well as applicable Federal and State requirements.

Options

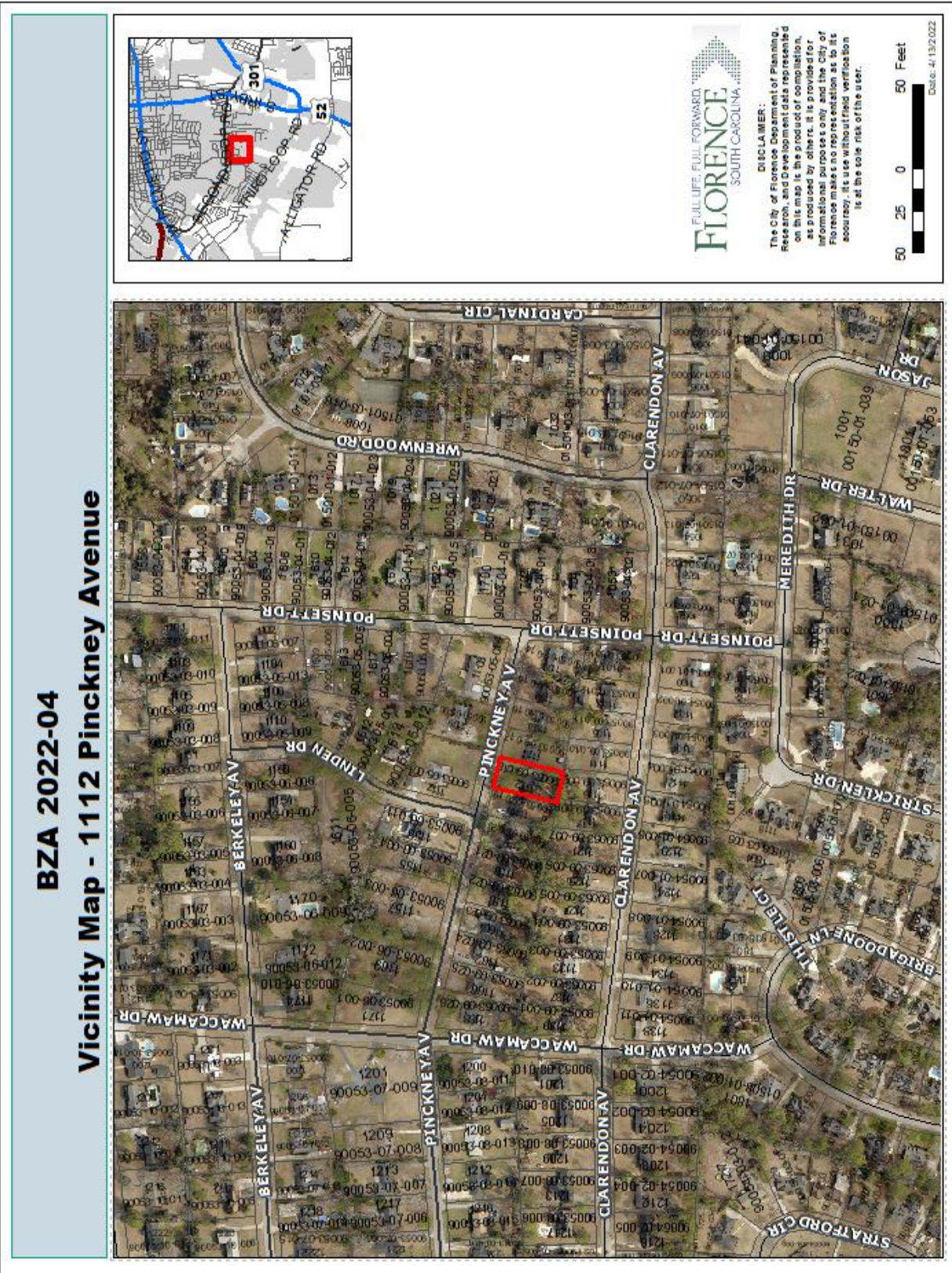
The Board of Zoning Appeals may:

- (1) Recommend approval of the request as presented based on the information submitted.
- (2) Defer the request should additional information be needed.
- (3) Suggest other alternatives.
- (4) Recommend denial of the request based on information submitted.

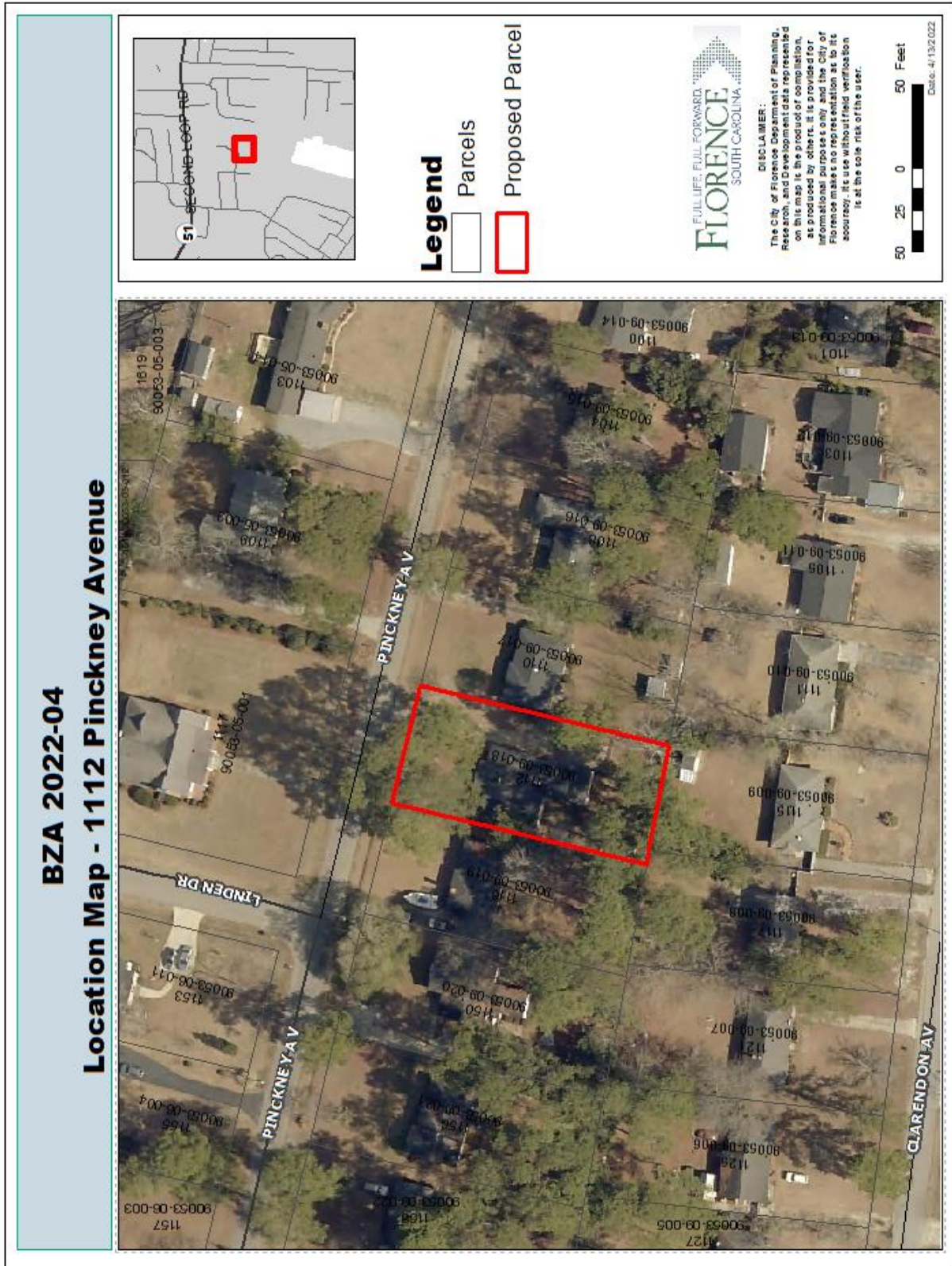
Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Sec. 6-21.7.11 Permitted Special Exception Use Approval
- F. Sec. 6-23.1.8 Special Provisions for Permitted Special Exception Uses
- G. Site Photo

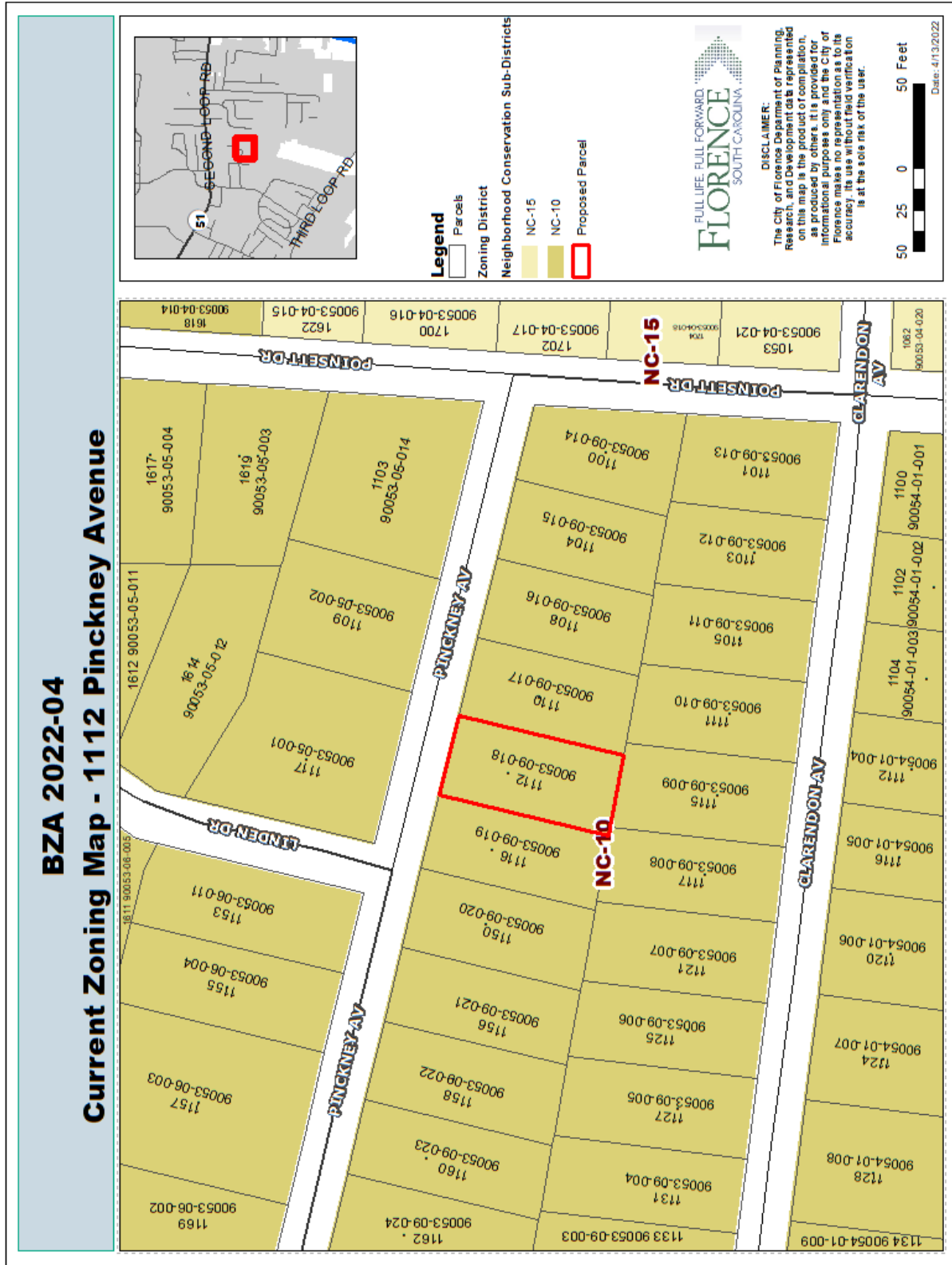
Attachment A: Vicinity Map



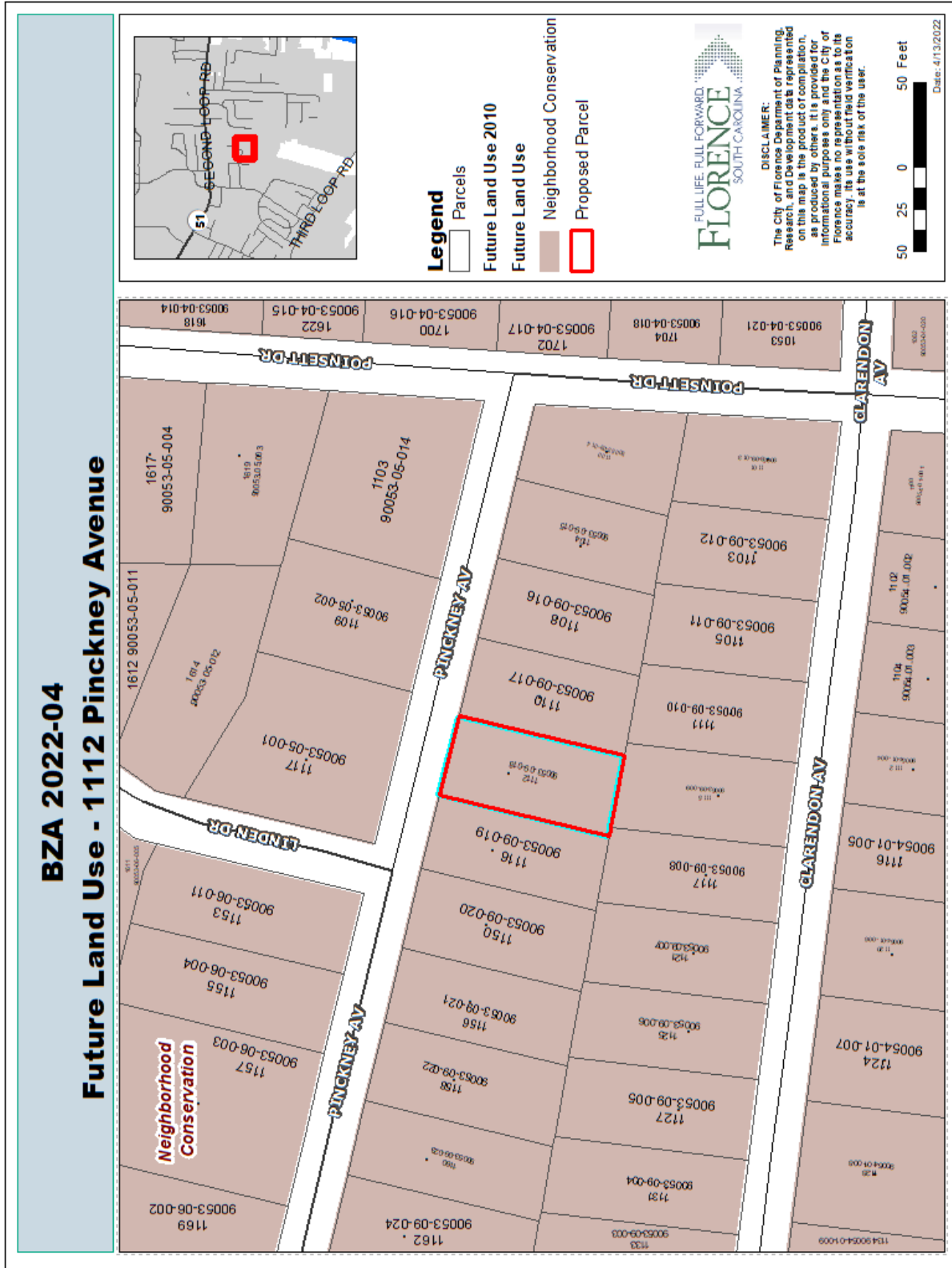
Attachment B: Location Map



Attachment C: Zoning Map



Attachment D: Future Land Use Map



Attachment E: Attachment E: Sec. 6-21.7.11 Permitted Special Exception Use Approval

A. **Generally.** A permitted special exception use is a use that is allowed within a zoning district, but which is subject to specific standards and a public hearing process in order to reduce the potential for incompatibility with other uses within the district. These uses commonly have the potential for various adverse impacts such as traffic congestion, noise, visual and aesthetic impacts, which if unmitigated, could undermine the integrity of the zoning district. The designation of a use as a permitted special exception use means that it is only allowed in a proposed location if all of the conditions applicable to the use, set out in [Division 1-2.8, Conditional and Permitted Special Exception Use Standards](#), the general standards of Subsection C., below, and all of the other applicable requirements of this Unified Development Ordinance, are met.

E. **Decision; Conditions of Approval.** The Director may recommend, and the Board of Zoning Appeals may attach, conditions of approval to the permitted special exception use in order to mitigate its impacts (or reasonably foreseeable impacts) such that it complies with the criteria of Subsection C., above, and/or to assure and monitor continued compliance with this *Unified Development Ordinance*. Conditions shall be roughly proportional to the impacts to which they are addressed, taking into account the mitigating effects of applicable requirements set out in [Division 1-2.8, Conditional and Permitted Special Exception Use Standards](#). The subject matter of conditions, by way of illustration and not limitation, may include:

1. Additional landscaping or buffering, or landscaping improvements;
2. Building or façade improvements;
3. Specification of hours of operation;
4. Limitations on the use or related activities;
5. Noise abatement measures;
6. Limitations on lighting, such as lighting curfews or restrictions on levels of illumination;
7. Measures to control, mitigate, or direct traffic;
8. Parking, loading, and site circulation adjustments;
9. Restrictions on outdoor displays, sales, or storage;
10. Standards and assurances regarding the maintenance of property;
11. Restrictions on signage that relate only to the sign structure, materials, lighting, placement, size, or type, but not to the content of messages displayed (unless such messages are not protected speech); and
12. An expiration date for the permit, before which the permit must be renewed in order for the permitted special exception use to continue to operate.

Attachment F: Sec. 6-23.1.8 Special Provisions for Permitted Special Exception Uses

A. **Generally.** The provisions of this Section may be applied to enforce a Permitted Special Exception Use Permit.

B. **Inspection.** The City may:

1. Make inspections to determine compliance with the provisions of this Unified Development Ordinance and the permitted special exception use permit, and initiate appropriate action as necessary; and/or

2. Keep a record of complaints, indicating any action taken. These records shall be made available at the time of renewal of the permitted special exception use permit if there has been a time period placed on the permitted special exception use, or where the Board of Zoning Appeals has been requested to review the permitted special exception use for compliance.

C. **Permitted Special Exception Use Permit Revocation.** Upon determination of noncompliance with the provisions of the Permitted Special Exception Use Permit, the City will take actions as necessary to assure compliance. Such actions may include non-renewal or revocation of the permit as follows:

1. The Director shall provide a notice of violation to the record owner of the property upon which a permitted special exception use is located, advising the owner that the use must be brought into compliance with specified Unified Development Ordinance Sections within 14 days from the date of the notice.
2. If total compliance has not occurred or a plan for compliance has not been submitted to the Director within 14 days from the date of notice, then the Director shall issue a cease-and-desist order and notify the record owner of a hearing date by the Board of Zoning Appeals to consider revocation of the Permitted Special Exception Use Permit.
3. The Board of Zoning Appeals shall revoke the Permitted Special Exception Use Permit if the use and/or property is/are not in total compliance. The Board of Zoning Appeals may grant up to a 14-day period for compliance. The Permitted Special Exception Use Permit shall remain in suspension and the cease-and-desist order shall remain in effect until total compliance is obtained.
4. At the end of a compliance period the Board of Zoning Appeals shall revoke the Permitted Special Exception Use Permit if total compliance has not been obtained.
5. If the use and property are brought into compliance, any further violation of terms of the Permitted Special Exception Use Permit within 90 days from the initial notice of violation are grounds for immediate revocation of the Permitted Special Exception Use Permit.
6. Revoked Permitted Special Exception Use Permits may only be reinstated by the City Council, which may impose conditions to ensure compliance.

Attachment G: Site Photo



Board of Zoning Appeals Order on Special Exception Use Permit Motion Worksheet

Case Number: BZA 2022-04 Nature of Request: Short Term Rental Special Exception Use Permit.

After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions:

1. The Board concludes that the standards in Section _____ of the *Unified Development Ordinance* which are applicable to the proposed special exception _____ have _____ have not been met based on the following findings of fact:
2. The Board concludes that the proposed special exception _____ will _____ will not substantially diminish the value of adjacent property or property in the district based on the following findings of fact:
3. The Board concludes that the proposed special exception _____ will _____ will not be compatible with uses in the district based on the following findings of fact:

THE BOARD, THEREFORE, ORDERS that the Special Exception Use Permit be _____ denied
_____ granted.

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

DATE: April 28, 2022

APPEAL NUMBER: BZA-2022-05

VARIANCE REQUEST: Variance request from the screening requirements in Section 1-2.8.5 J of the *Unified Development Ordinance* for the development of a commercial building and parcel.

LOCATION: 670 Senior Way

TAX MAP NUMBER: 00179-01-042

OWNER OF RECORD: Thru Him, LLC

APPLICANT: Brice Elvington

ZONING DISTRICT: Commercial General (CG)

Land Use and Zoning

The applicant is currently constructing The Toy Shop at 670 Senior Way. The project was approved per the development standards in the *Unified Development Ordinance* for commercial retail within the Commercial General (CG) Zoning District with the exception of required side and rear building setbacks and landscaping.

The owner, Brice Elvington, was granted a variance from the side and rear building setback requirements at the February 27, 2020 Board of Zoning Appeals (BZA) Meeting. The side setback was reduced from 20' to 5' and the rear setback was reduced from 40' to 20'. The variance orders include a condition of this allowance, which was that other UDO standards would be observed, including landscaping.

The owner asked the City in March 2021 if the landscaping requirements could be relaxed administratively to be consistent with the landscaping of Florence Pediatric Dentistry, developed before the passage of the UDO. City staff worked with the owner, and both parties agreed to the Approved Landscaping Plan (Attachment G) for The Toy Shop, which includes the UDO required Parking Lot Bufferyard. The plan includes screening the parking areas along Senior Way with a row of Autumn Sangria azalea bushes and the addition of 7 understory trees onsite.

Site and Building Characteristics

The lot is 1.108 acres in size and is roughly rectangular in its shape. It is approximately 400 feet wide along the front, 370 feet wide along the rear property line, 60 feet deep on the side that fronts Freedom Boulevard, and 120 feet deep on the opposite west end. There is an approximately 60' by 65' dental office (Florence Pediatric Dentistry) onsite that was built in 2013 and addressed as 680 Senior Way. At the time of

construction, the parcel was zoned B-3. The dental office is also owned by Thru Him, LLC. There are recreational fields across the street.

The Toy Shop is currently being constructed on the same parcel with the address of 670 Senior Way. The project received zoning approval on March 26, 2021 with the amended landscaping requirements as depicted in the Approved Landscape Plan (Attachment G).

Unified Development Ordinance Requirements

According to Section 4-10.3.4 of the *Unified Development Ordinance*, “Bufferyards for Parking Lots and Vehicular Use Areas”, parking areas are required to have a continuous buffer that is 3 feet high and consisting of either a masonry wall or shrubbery. The purpose is to prevent headlight pollution and delineate the area for cars (Attachment E).

Applicant’s Proposal

The applicant is asking that he be permitted to omit the row of azaleas that was agreed upon to screen the parking areas along Senior Way, citing security and safety concerns. Additionally, the existing dental office was not required to install a parking lot buffer along Senior Way under the previous zoning code. The applicant is maintaining that he wants his proposed development to match the parking area of Florence Pediatric Dentistry.

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 Toy Shop is affiliated with Florence Pediatric Dentistry, and should be landscaped to match.
- b. These conditions do not generally apply to other property in the vicinity as shown by: Florence Pediatric Dentistry was constructed under the old Zoning Ordinance when not as much landscaping was required.
- 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: Both the dental office and toy shop cater to children, and having the parking lot screened by shrubbery provides a safety hazard in that cars on Senior Way would not be looking for children who might dart through the shrubs into oncoming traffic. Additionally, there is a security issue in that people could hide in the shrubs and prey on women and children as they enter and exit their cars.
- 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 is a commercially zoned area with a number of recreational fields. The few commercial buildings do not have the screening around the parking areas along Senior Way so not screening this lot will not stand out by comparison. It would actually be out of character for the area.

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: Installing the shrubbery around the parking areas abutting the street will result in the lot having more intense landscaping than properties in the vicinity.
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. Staff Comments: The previous zoning ordinance did not require parking lot screening to the degree that the UDO does. The height requirement of the buffer is three feet.
3. That there are extraordinary and exceptional conditions pertaining to this particular piece of property. Staff Comments: The proposed parking lot is a continuum of the existing dental office parking lot.
4. That these conditions do not generally apply to other property in the vicinity. Staff Comments: There are few commercial developments in the immediate vicinity and nothing currently being developed under the new UDO.
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: These landscape requirements pertain to all commercial parking lots and are not intended to restrict or prohibit the use of 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: Other properties in the vicinity do not have a parking lot buffer.

Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. UDO Section 4-10.3.4
- F. Site Plan
- G. Approved Landscaping Plan
- H. Site Photos

Attachment A: Vicinity Map

**BZA 2022-05 Attachment A
Vicinity Map 670 Senior Way**



Attachment B: Location Map

BZA 2022-05 Attachment B
Location Map 670 Senior Way



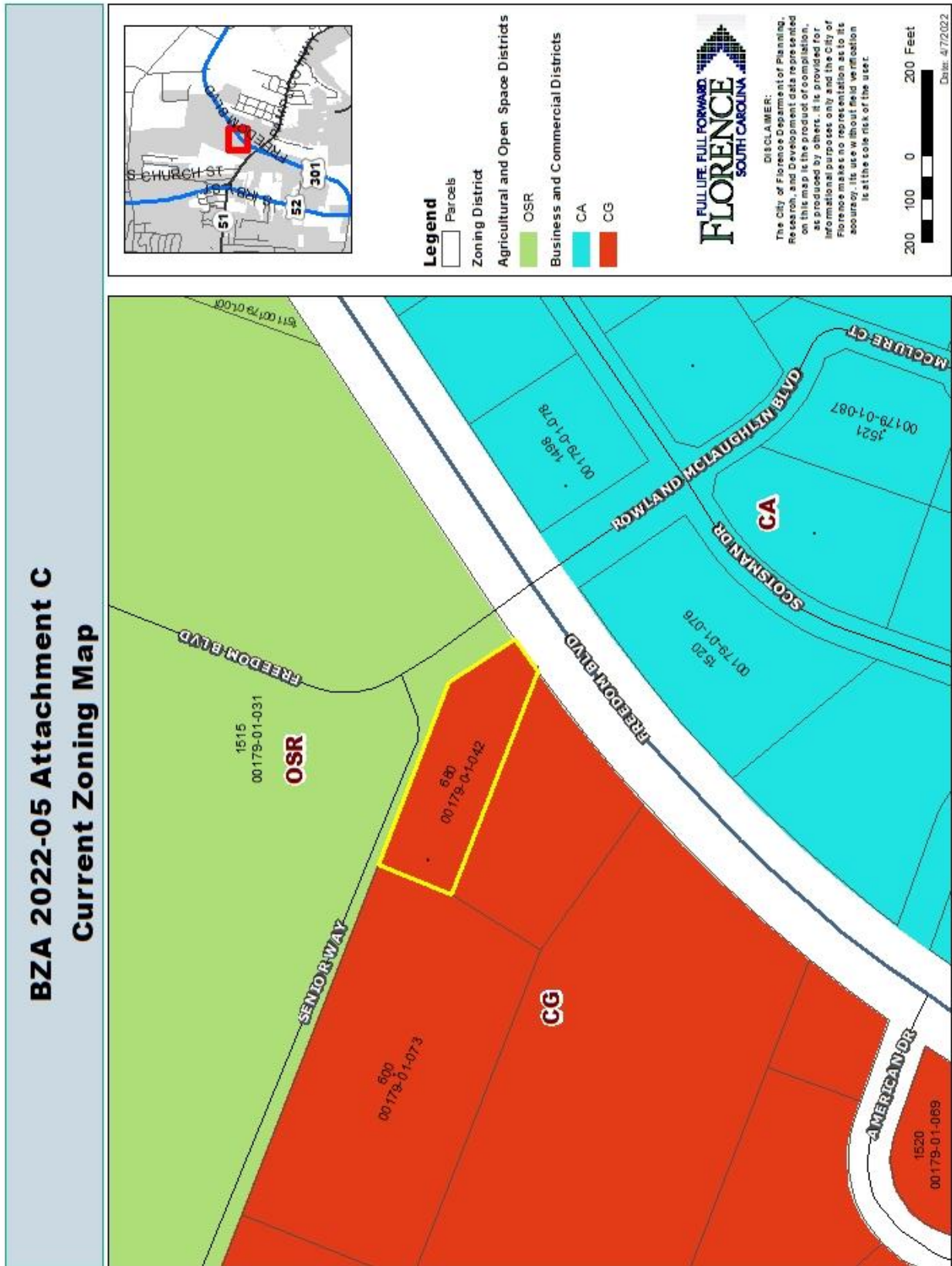
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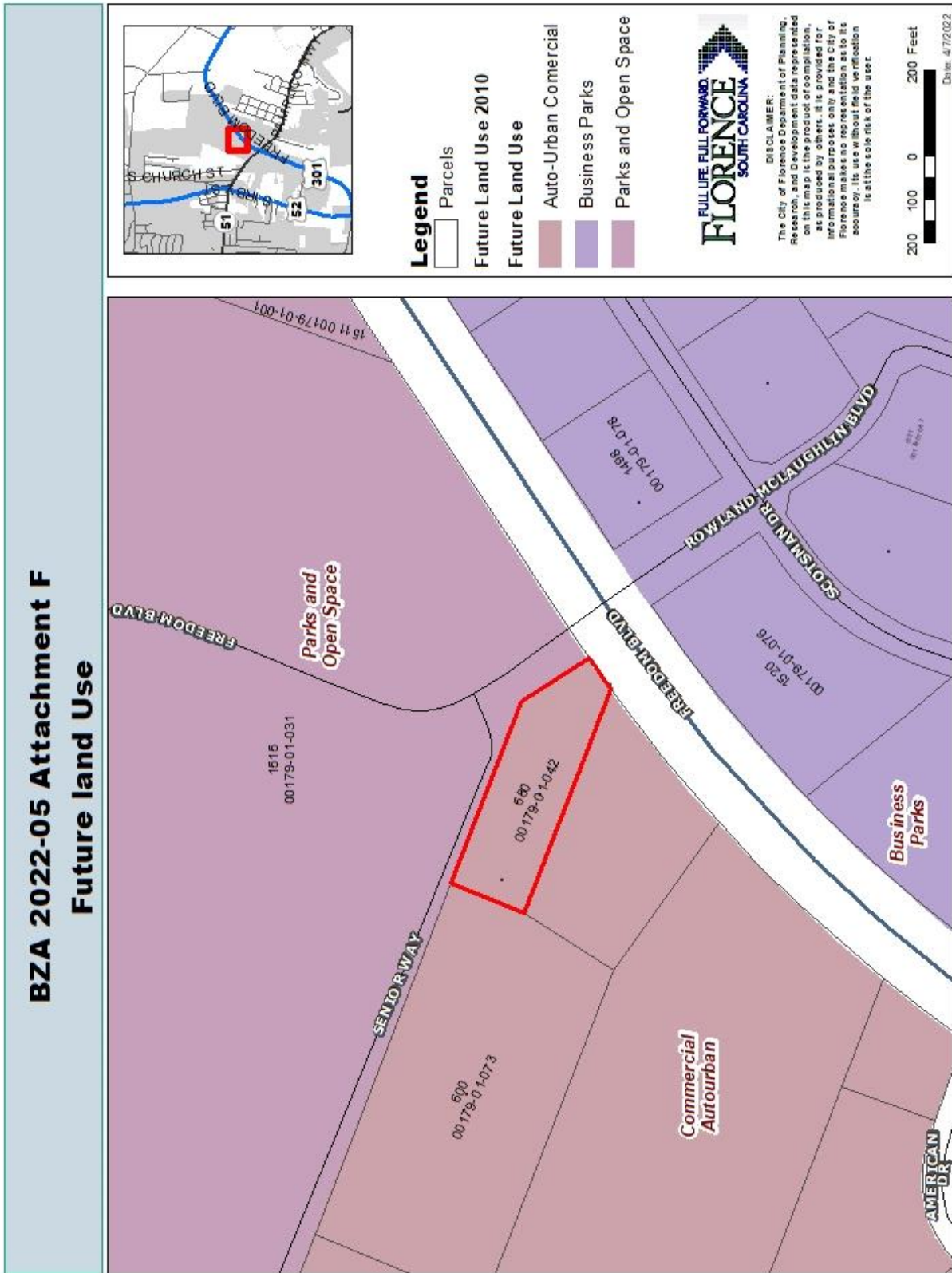


DISCLAIMER:
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Date: 4/7/2022





Attachment E: Section 4-10.3.4 Bufferyards for Parking Lots and Vehicular Use Areas

A. Requirements. Vehicular use areas, including parking lots, drive-through lanes, drive-in lanes, stacking areas, and common driveways in multi-use and mixed use developments shall be buffered as set out in this Section. Their purpose is to mitigate the impact of headlights on streets and abutting residential property, and to reduce the aesthetic impact of parked cars on the character of the street.

B. Relationship to Other Bufferyard Requirements. If a bufferyard is required by this Unified Development Ordinance in a location that would serve the purpose of this Section, then the requirements of this Section may be counted towards the requirements of the other bufferyard, and the bufferyards may overlap. This Section does not allow for a reduction in the width or density of other bufferyards.

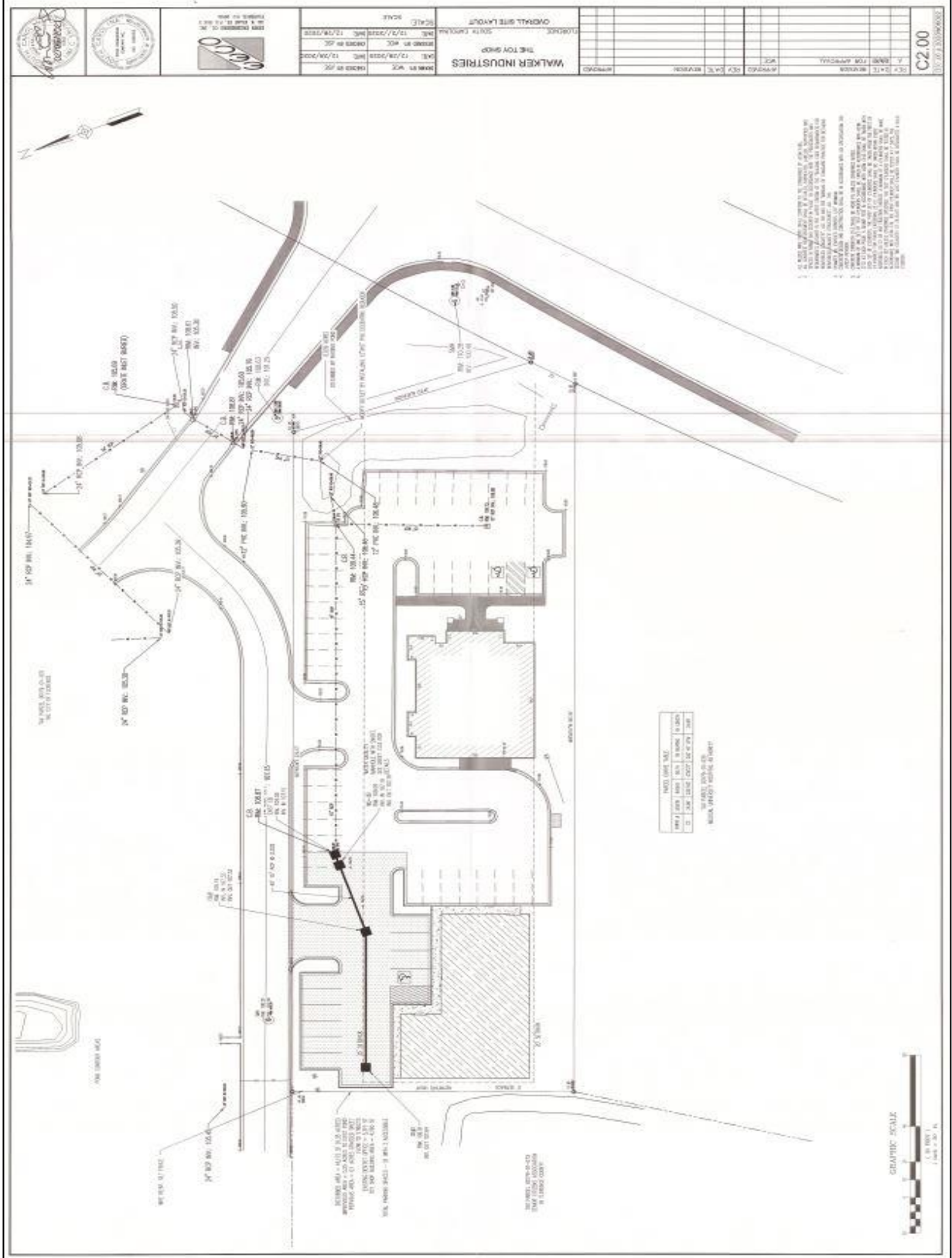
C. Where Required. Bufferyards are required around the perimeter of parking lots when adjacent to the following:

1. Public street rights-of-way
2. Private street or access easements;
3. Ingress and egress ways; and
4. Parking lots of abutting land uses.

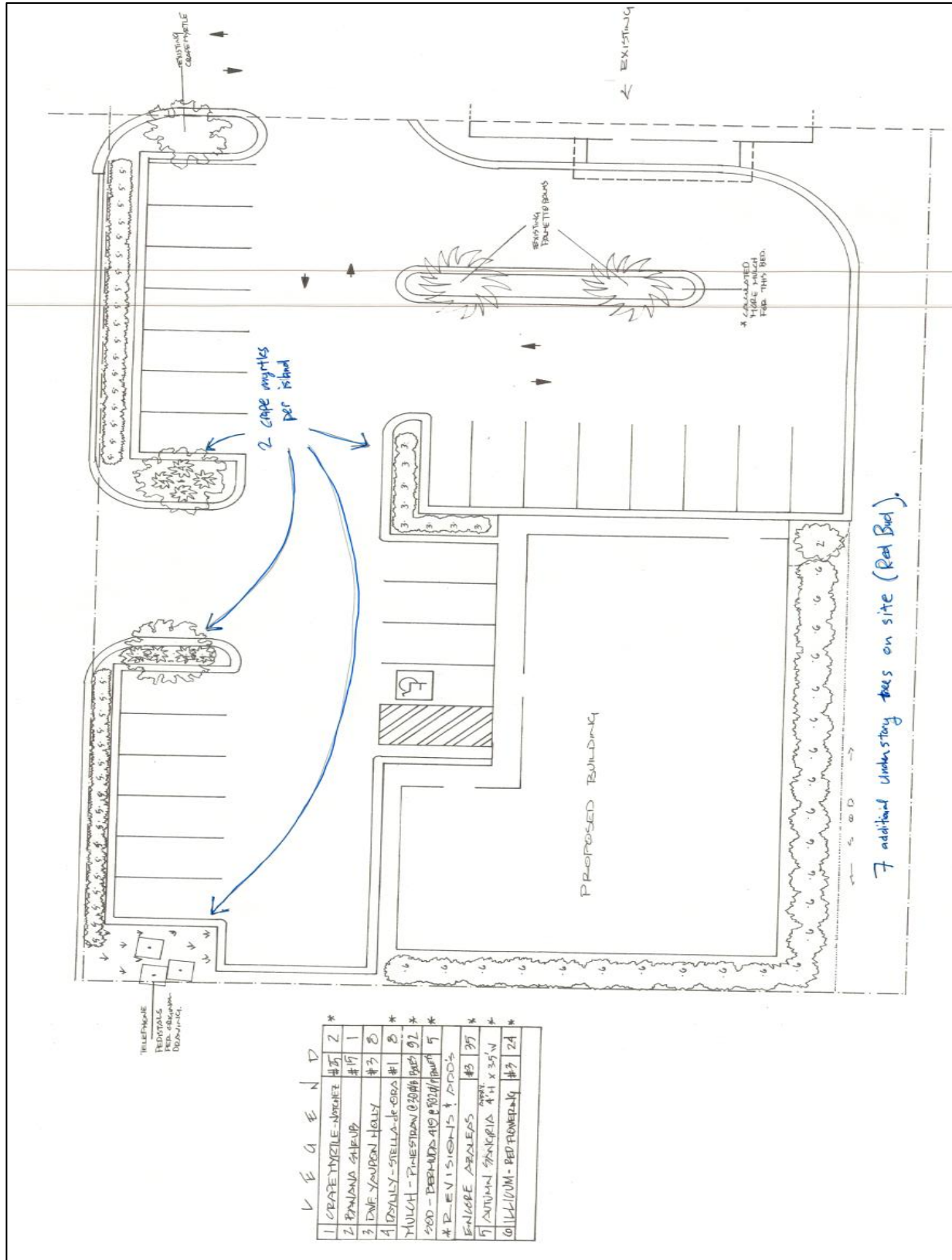
D. Composition. Parking lot bufferyards shall be composed of any of the following, set in a bufferyard area that is at least three feet wide:

1. A three-foot high masonry wall, measured from the surface of the parking lot in the area that is closest to the wall; and/or
2. Shrubs planted to form a continuous buffer that is at least three feet in height if the plants form a hedge with comparable opacity from the ground to three feet in height.
 - a. Three feet from the edge of pavement if there are no curbs or wheel stops; or
 - b. Three feet from the face of the curb or parking bumper that faces the parking space.

Attachment F: Site Plan



Attachment G: Approved Landscape Plan



Attachment H: Site Photos



Toy Shop under construction.



View from Senior Way.



Between Toy Shop and Leatherman Senior Center.



View of Leatherman Senior Center next door.



View of Florence Pediatric Dentistry.



View across Senior Way of sports fields.



View across Senior Way of sports fields.

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2022-05 Nature of Request: Parking Lot Landscaping 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: