

**CITY OF FLORENCE BOARD OF ZONING APPEALS**  
**CITY CENTER – COUNCIL CHAMBERS**  
**324 WEST EVANS STREET, FLORENCE, SC**  
**THURSDAY, MAY 23, 2024 – 6:00 P.M.**  
**MEETING AGENDA**

**I. Call to Order**

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

**III. Matter in Position for Action**

BZA-2024-04 Request for variances from the size requirement for a free standing sign on the parcel located at 124 South Cashua Drive in the CG zoning district; identified as Tax Map Number 90024-04-012.

**IV. Adjournment**

The next meeting is scheduled for June 27, 2024.

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS**

**APRIL 25, 2024**

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

**STAFF PRESENT:** Jerry Dudley, Clint Moore, Derek Johnston, Patty Carver, and Alane Zlotnicki

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

**APPROVAL OF MINUTES:** Chairman Chewning introduced the March 28, 2024 minutes and asked if there were any changes that needed to be made. There being none, he called for a motion. Mr. Poston moved that the minutes be approved as submitted and the motion passed unanimously (7-0).

Chairman Chewning stated that in light of the board's meeting with Scott Kozacki earlier in the week, they would forego executive session and go right into the meeting.

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

**BZA-2024-04 Request for a variance from the size requirements and number permitted along a street frontage for free standing signs on the parcel located at 124 South Cashua Drive in the CG zoning district; identified as Tax Map Number 90024-04-012.**

Chairman Chewning introduced the request and asked staff for their report. Mr. Johnston gave the staff report as submitted to the Board, providing the background to the request.

Ms. James-Singley asked where they wanted to put the sign; Mr. Johnston said a location hadn't been specified yet, but he thinks they'd want to put it on West Evans Street.

Mr. Poston clarified that they just need a variance on size, not the number of signs. They have 3 street frontages so they can have up to 3 free standing signs. Mr. Johnston said they just can't put two signs on one frontage.

Mr. Poston asked if this sign would be permitted along I-95 or I-20; Mr. Johnston said it would be too large. Billboards within 600 feet of an interstate are 378 square feet, so at 525 square feet, this would be too large for a billboard.

There being no further questions for staff, Chairman Chewning opened the public hearing. He swore in Mr. Michael Hopewell, the attorney representing the applicants.

Mr. Hopewell explained that his client will move the sign from South Cashua to King Avenue and put this sign in that place. He said the applicant was willing to remove the top six feet of the sign to bring it into compliance with the height restrictions at 38 feet. It would reduce the overall area by 150 square feet. He said that they felt their request met the requirements of the code because it met the state requirements as such in Code 6-29-800:

1. That there are extraordinary and exceptional conditions pertaining to the particular piece of property.  
*"This property has been vacant for at least 10 or 15 years; it was a big grocery store. His clients bought it, had to clean it up and want to make it into a nice business. It's been an eyesore and nuisance for years and they feel this is the exceptional condition having to do with this property. There's a connector between South Cashua and West Evans with tall trees on it. You can't see the parking lot from the intersection. The larger*

*sign on West Evans Street would help with that.”*

2. That these conditions do not generally apply to other property in the vicinity. *“All the other businesses around are smaller with more visibility.”*
3. 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. *“If this board grants the variance, it’s not going to hurt anybody else. It won’t be to the detriment of Advance Auto Parts, the laundromat, and other businesses, it won’t hurt them, it’s going to help them because instead of this eyesore that’s been there for decades, it’s going to be an open, vibrant, tax producing business. It won’t harm the character of the district, it will enhance it by improving a rundown building and turning it into a viable business.”*

He thinks the factors in the statute are met.

Chairman Chewning asked if staff had received a rendering of the new sign; Mr. Johnston said no. Mr. Hopewell explained the wheel on the top would be removed but they haven’t provided a new rendering yet. It would reduce the total area from 535 to 385 square feet. They would then need a variance of 225 square feet for area, but the height would be in compliance.

Mr. Ipock asked for the new location of the sign; Mr. Hopewell said it would be on the edge of the parking lot at the yield section of the lane in front along West Evans Street. They’d want it to be seen through the trees in the mini-park in the median.

Mr. Valrie asked where the new sign would be located. Mr. Hopewell said they would move the sign on South Cashua Drive to King Avenue and put the new sign in its location. Mr. Johnston said it would have to advertise towards South Cashua Drive because they can’t have two on one street. Mr. Nowline said he’d said it would be closer to West Evans Street. Mr. Johnston said they’d work with staff to ensure there wouldn’t be two signs advertising to any one street.

Mr. Valrie asked if there was any threat to safety because it’s automated. Mr. Johnston said it would have to stay out of the visibility triangle, there is an ordinance regarding brightness at night, and SCDOT has regulations regarding how fast images can change and move to reduce distractions.

Mr. Hopewell said the animation would be of their products. Ms. James-Singley asked if denying the sign would hinder their ability to open; Mr. Hopewell said he didn’t think so. Mr. Langston said this was to be a superstore by combining their two locations. They want to be the largest in the southeast.

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, considering the variance for square footage rather than height. Mr. Poston reiterated that the variance was for 225 square feet; Chairman Chewning said it was an estimate based on what the actual submission turned out to be. Location is not part of the variance.

Mr. Ipock asked what were the pros or cons of moving to approve the sign as amended. Mr. Moore said the hardship criteria were the only ones to be considered regarding the size.

Chairman Chewning moved to deny the request for the size variance, based on the following findings of fact:

1. That a variance from the terms of this Ordinance will be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will not in an individual case, result in an unnecessary hardship.

*Although the height requirement has been met, the square footage is still far beyond that which is allowed in the City limits, and these numbers are based on discussions today, roughly 275 square feet.*

2. That the spirit of the Ordinance will not be observed, public safety and welfare secured, and substantial justice done.  
*Again, the proposed sign does meet the height requirement but it still exceeds the allowed square footage even of a billboard in the General Commercial district, far exceeding those presently in City limits.*
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property.  
*Although this piece of property is large and fronts on three roads, it is similar to others.*
4. That these conditions do generally apply to other property in the vicinity.  
*There are plenty of businesses in the city with multiple frontage roads.*
5. That because of these conditions, the application of the Ordinance to the particular piece of property would not effectively prohibit or unreasonably restrict the utilization of the property as follows.  
*Application of the height and area requirements will not keep HBS Motorsports from advertising on 3 separate streets.*
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.  
*The square footage puts it far above that of other signs and that is detrimental to adjacent businesses in the area.*

Ms. Moses seconded. The vote to deny the request failed 2 to 4, with Chairman Chewning and Ms. Moses voting yea, and Mr. Poston, Mr. Ipock, Mr. Valrie, and Mr. Nowline voting nay. Ms. James-Singley abstained from voting.

Mr. Ipock moved that the request be deferred to enable the applicant to return with the updated sign rendering for further consideration. Mr. Valrie seconded, and it passed 6 to 1, with Chairman Chewning voting against the motion to defer.

**MATTER OF DISCUSSION:** Mr. Dudley introduced Patricia Carver as the new Planner 1 addition to the planning staff.

**ADJOURNMENT:** As there was no further business, Chairman Chewning adjourned the meeting at 6:50 p.m. The next regular meeting is scheduled for May 23, 2024.

Respectfully submitted,

Alane Zlotnicki, AICP  
Senior Planner

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

**DATE:** May 23, 2024

**APPEAL NUMBER:** BZA-2024-04

**VARIANCE REQUEST:** Request for variances from the size requirements and number permitted along a street frontage for free-standing signs.

**LOCATION:** 124 South Cashua Drive

**TAX MAP NUMBER:** 90024-04-012

**OWNER OF RECORD:** HBS of Florence LLC

**APPLICANT:** Gary Langston, Owner

**ZONING DISTRICT:** Commercial General (CG)

**Previous Action Taken**

At the meeting on April 25, 2024, the Board voted to defer the applicant’s variance request. Mr. Michael Hopewell, the attorney representing the applicant, informed the Board that the applicant was changing the variance request. The applicant is proposing to remove the top 6 feet to reduce the total height of the sign to 35 feet, bringing it into compliance with the *Unified Development Ordinance* height restriction of 40 feet. The height reduction also reduces the overall square footage of the sign from 535 square feet to 385 square feet.

With the change in dimension and variance requests, the Board voted to defer the request to enable the applicant time to submit an updated sign rendering for review. The updated sign rendering shows a height of 35 feet.

The Board approved the applicant’s request for freestanding sign variances at the January 26, 2023 meeting (Attachment H). The City appealed the Board’s decision to the County of Florence Court of Common Pleas in an attempt to reverse the zoning variance order granted to HBS Motorsports, LLC. A decision to remand the appeal back to the Board of Zoning Appeals was handed down by the Court citing an inconsistency in the findings of the Order. The application for a variance from the *Unified Development Ordinance* regarding the area of freestanding signs is before the Board for decision.

**Land Use and Zoning**

HBS Motorsports is in the process of improving this location to open for business. No business license has been applied for or issued to this address at the time of the writing of this staff report. A Zoning Permit was issued on February 3, 2021 for the sale of ATVs only. Zoning Permits expire one year after issuance; during this interval the expectation is that a City of Florence Business License will be obtained, otherwise a new Zoning Permit will be required.

According to the HBS Motorsports website, they sell new and used vehicles at their current location of 2112 South Irby Street. Those vehicles consist of “lifted trucks, SUVs, luxury cars, ATVs, UTVs, trailers, and motorcycles.” Their South Irby Street location includes a Service Department. The Commercial General (CG) zoning district does

permit light vehicle repair, which the *Unified Development Ordinance* (UDO) defines as repairs typically taking less than two hours with automobiles kept overnight requiring indoor storage. Repairs beyond these restrictions would be considered “heavy”. Heavy automobile repair conditionally requires a masonry wall for outdoor vehicle storage and a 25-foot wide vegetative bufferyard to screen the use from adjacent residential uses.

**Site and Building Characteristics**

The 7.32 acre parcel is the future site of HBS Motorsports. The parcel has frontage on South Cashua Drive, West Evans Street, and King Avenue. The approximately 64,000 square foot building was formerly a Winn-Dixie grocery store. HBS Motorsports currently has a wall sign and two freestanding signs permitted and in compliance with the *Unified Development Ordinance* (UDO) identifying the use. The two freestanding signs are located along the South Cashua Drive and West Evans Street frontages. They are 120 square feet in area each, and 35 feet high. Attachment I shows site photos of the current signage.

**Unified Development Ordinance Requirements**

Table 5-17.2.1B, Table Note E of the *Unified Development Ordinance*, “Regulation of Signs by Type, Characteristics, and Zoning Districts”, does permit a third freestanding sign in the CG zoning district because of the parcel’s multiple street frontages. The additional sign must be located on the respective street frontage. Multiple freestanding signs cannot be combined onto one street frontage, and their permitted areas cannot be combined into one sign.

**Excerpt from the 2018 Comprehensive Planning Guide for Local Governments (Municipal Association of South Carolina, Pages 44-45)**

**VariANCES**

The board has the power to hear and decide appeals (requests) for variances when strict application of the zoning ordinance would result in unnecessary hardship. S.C. Code § 6-29- 800(A)(2). A variance allows the board to modify an otherwise legitimate zoning restriction when, due to unusual conditions, the restriction may be more burdensome than was intended. The variance must not impair the public purpose. To obtain a variance on the ground of unnecessary hardship, there must at least be proof that a particular property suffers a singular disadvantage through the operation of a zoning regulation. An owner is not entitled to relief from a self-created or self-inflicted hardship. A claim of unnecessary hardship cannot be based on conditions created by the owner nor can one who purchases property after the enactment of a zoning regulation complain that the nonconforming use would work a hardship upon him.

When deciding whether to grant or deny a variance, the board has some discretion; however, the board is not free to make whatever determination appeals to its sense of justice. The board must apply the standards prescribed by the zoning ordinance and the 1994 Act (Comprehensive Planning Act of 1994). Courts will not uphold a decision of the board to grant or deny a variance based on errors of law, fraud or lack of supporting evidence, or a board action that is arbitrary, capricious, unreasonable, discriminatory, or an abuse of discretion.

**Standards for Granting VariANCES**

The board may grant a variance in an individual case of unnecessary hardship if the board makes and explains in writing all of the following findings. S.C. Code § 6-29-800 (A)(2).

1. **Extraordinary conditions.** There are extraordinary and exceptional conditions pertaining to the particular piece of property. Extraordinary conditions could exist due to size, shape, topography, drainage, street widening, beachfront setback lines or other conditions that make it difficult or impossible to make an economically feasible use of the property.
2. **Other property.** These conditions do not generally apply to other property in the vicinity.

3. **Utilization.** 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.
4. **Detriment.** 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.

Other factors applicable to a variance also are prescribed by S.C. Code § 6-29-800(A)(2)(d).

1. **Profitability.** The fact that the property may be used more profitably, if a variance is granted, may not be considered as grounds for a variance.
2. **Conditions.** In granting a variance, the board may attach conditions to it. These conditions may affect the location, character or other features of the proposed building, structure or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety or general welfare.

**Variance Request**

The applicant is requesting a variance from the freestanding square foot area limits in order to erect a third freestanding sign with a square footage of 385 square feet (a size variance of 225 square feet). The sign exceeds the square footage permitted for a billboard sign (378 square feet). The digital portion alone of the proposed sign is 224 square feet, which is 64 square feet larger than that permitted. This request is approximately 240% over the maximum allowed square footage. The applicant wishes to repurpose the old Swamp Fox Entertainment Complex sign previously displayed on Highway 501 in Marion, South Carolina (Attachment F).

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: **We have invested a lot of money into this sign without prior knowledge of the sign restrictions.**
- b. These conditions do not generally apply to other property in the vicinity as shown by: **N/A**
- 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 sign is 535 square feet and only 160 square feet is permitted. Height is 46' and only 40' is permitted.**
- 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: **We have improved a rundown abandoned building that was an eye sore to the community. It also promoted criminal activity on the premises before we purchased it.**

**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 Comment: The square footage of the sign proposed will far exceed existing adjacent signage and the size permitted by the Unified Development Ordinance. The property is currently allowed three free standing signs, and direct enforcement of the permitted signage will not limit the property owner's ability to fully utilize the allowable number, size, and location of signage.**

2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done.  
**Staff Comment: The proposed signage exceeds the allowable square footage of a billboard in the CG district, which is 378 square feet, unless within 600 feet of an interstate Right-of-Way. The ordinance permits a sign of this size directly adjacent to I-20 and I-95 only. Signs of this size are not permitted in the City as commercial identification signs.**
  
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property.  
**Staff Comment: This property is a large single-use parcel with street frontages along South Cashua Drive, West Evans Street, and King Avenue. The property is generally flat in its terrain, with no known characteristics that limit the applicant's ability to utilize the allowable signage as determined within the Unified Development Ordinance. It is readily visible due to the size of the lot.**
  
4. That these conditions do not generally apply to other property in the vicinity.  
**Staff Comment: The parcel is larger than adjacent commercial development with compliant signage.**
  
5. That because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows.  
**Staff Comment: Applying the current square footage requirements of the Unified Development Ordinance to the applicant's property would not limit or restrict the applicant's ability to fully utilize the signs allowed by the code; nor would it limit their ability to identify the parcel.**
  
6. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.  
**Staff Comment: The square footage of the requested sign would be in significant contrast to the existing built environment and would set a precedent for future signs permitted in the City of Florence with questionable hardship factors. Depending on the final location, adjacent residential property to the east and south may be negatively affected by its size and the digital portion that is approximately 224 square feet located on both sides of the proposed sign.**

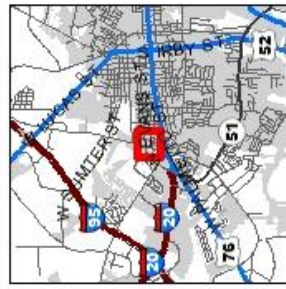
**Attachments**

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Current Sign Rendering
- F. Previous Sign Rendering
- G. Comparison of Existing Signs to Requested Sign
- H. Sign Proposed to be Repurposed
- I. Site Photos
- J. Signed BZA Orders - January 26, 2023 Meeting



Attachment A: Vicinity Map

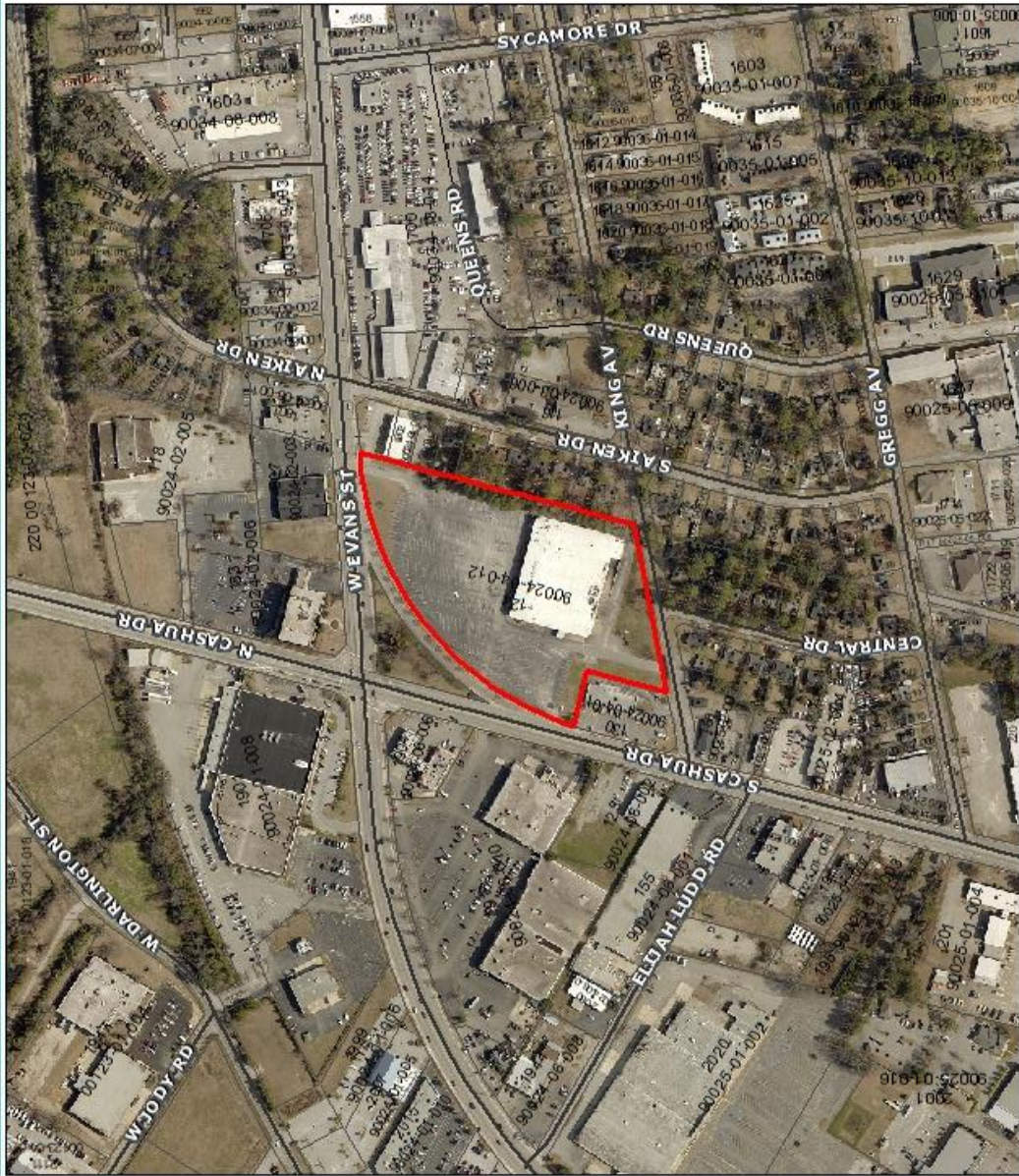
**BZA 2024-04 Attachment A**  
**Vicinity Map 124 South Cashua Drive**



**Legend**  
□ Parcels

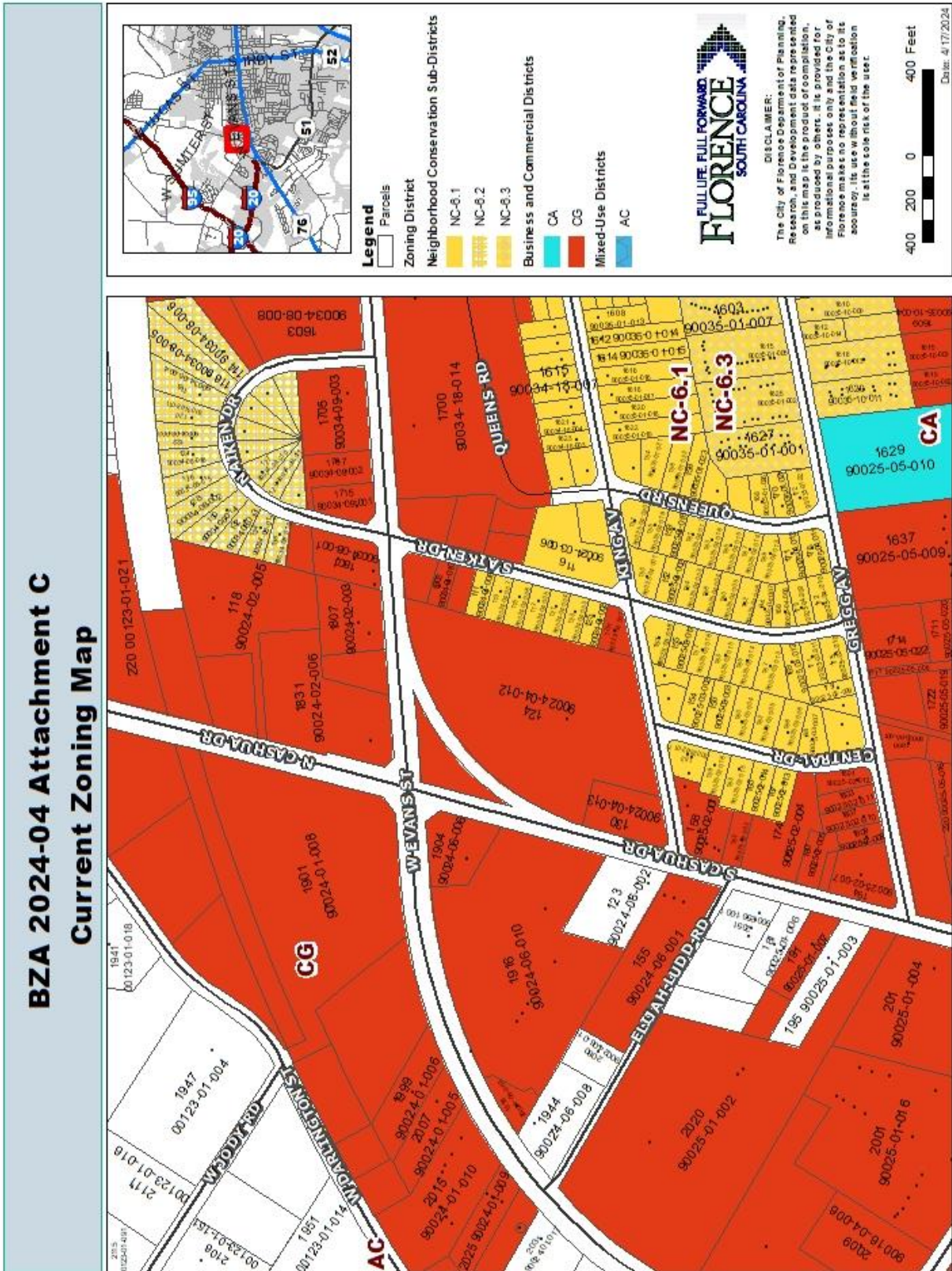


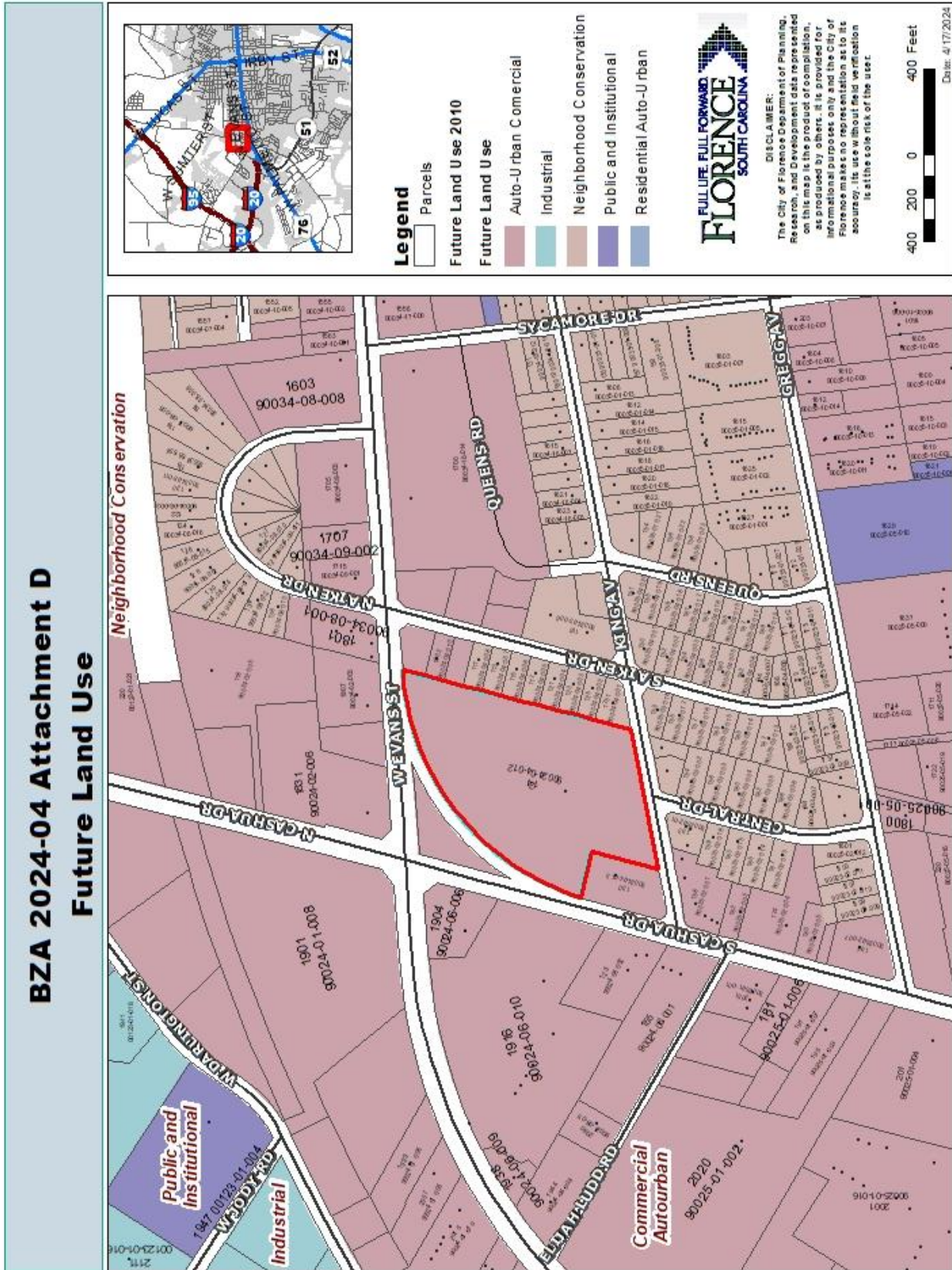
**DISCLAIMER:**  
The City of Florence Department of Planning, Research and Development is not responsible for the accuracy of the information provided for informational purposes only and the City of Florence makes no representation as to its accuracy. Its use without need verification is at the sole risk of the user.



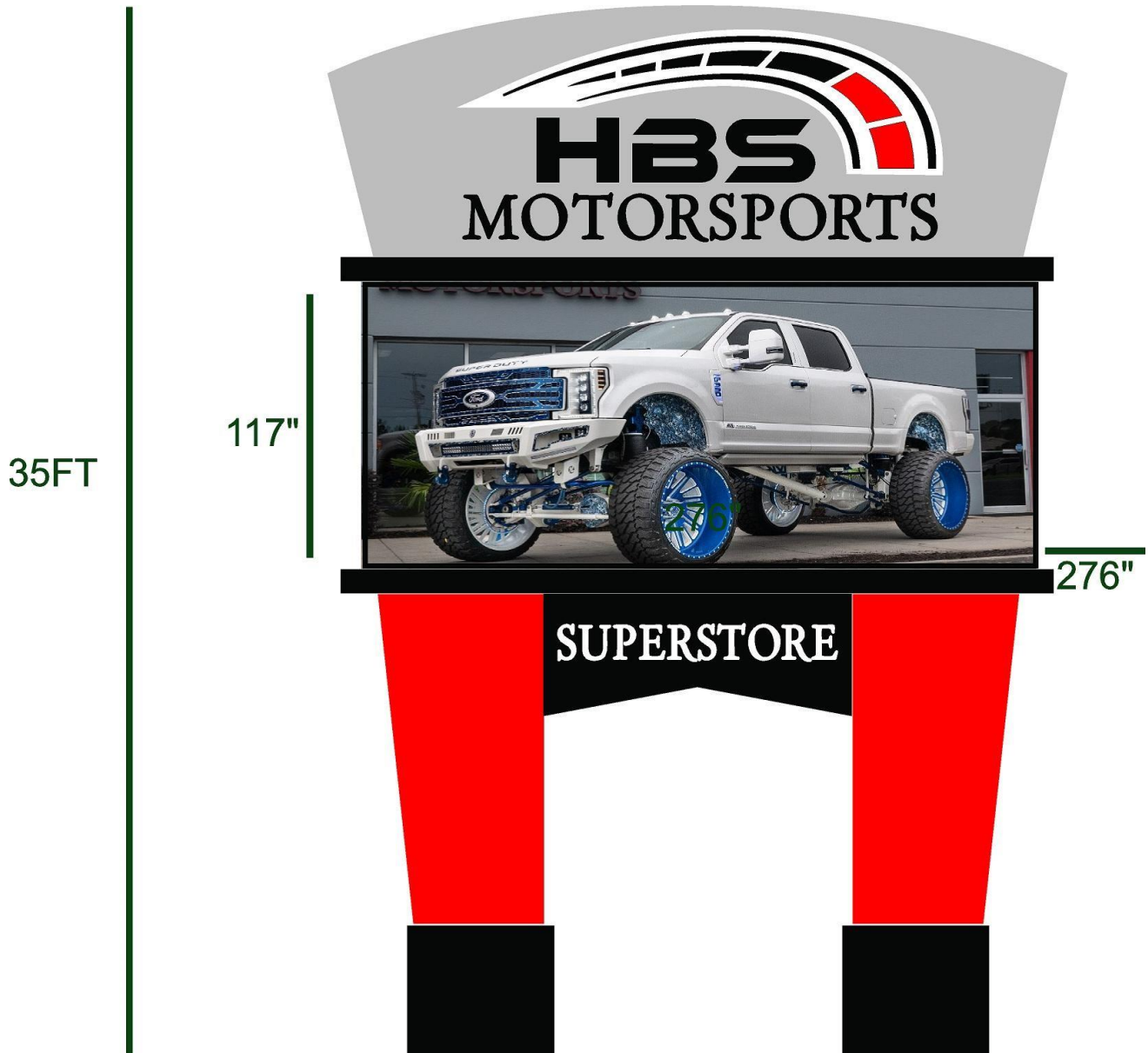
**BZA 2024-04 Attachment B  
Location Map 124 South Cashua Drive**



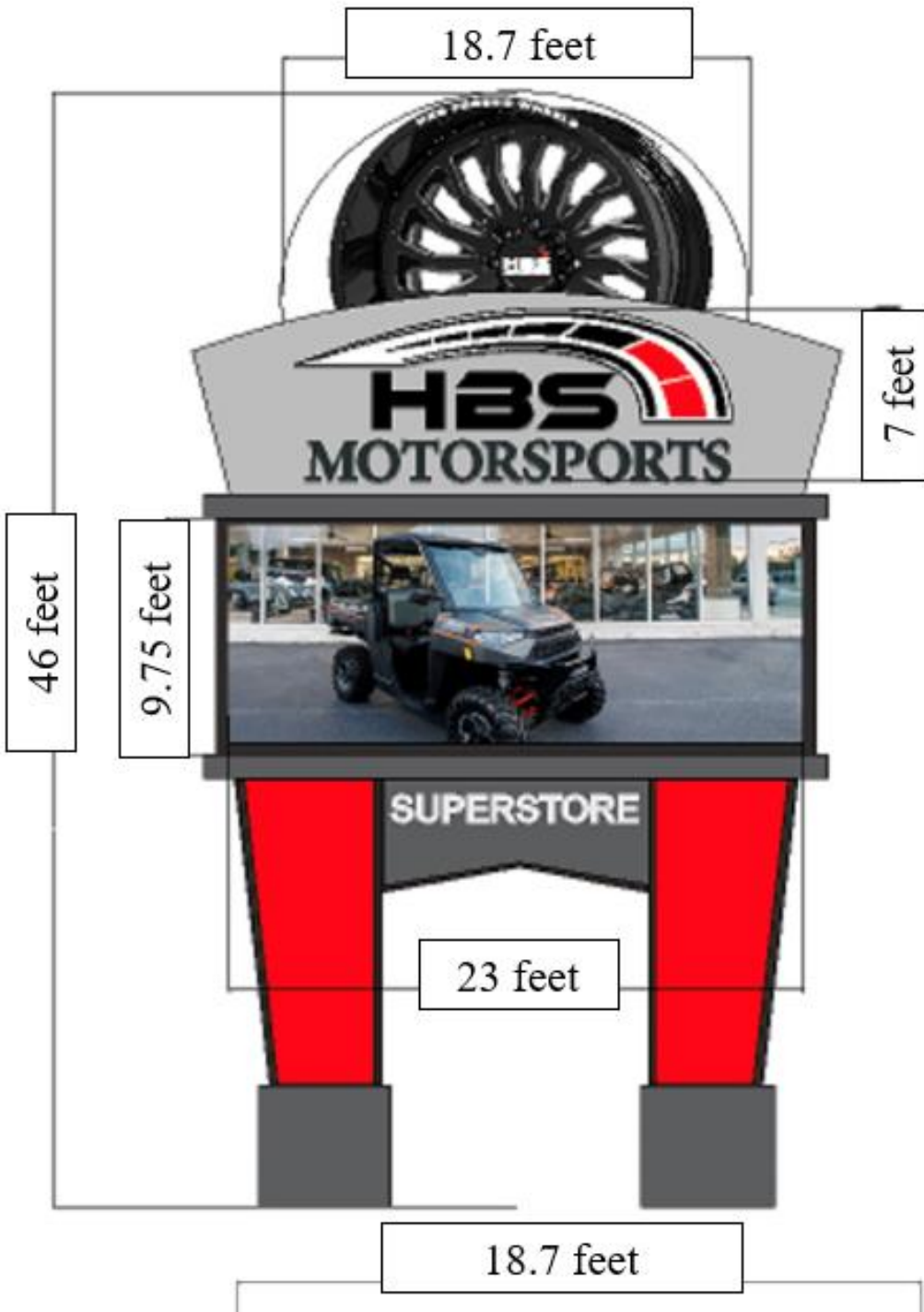




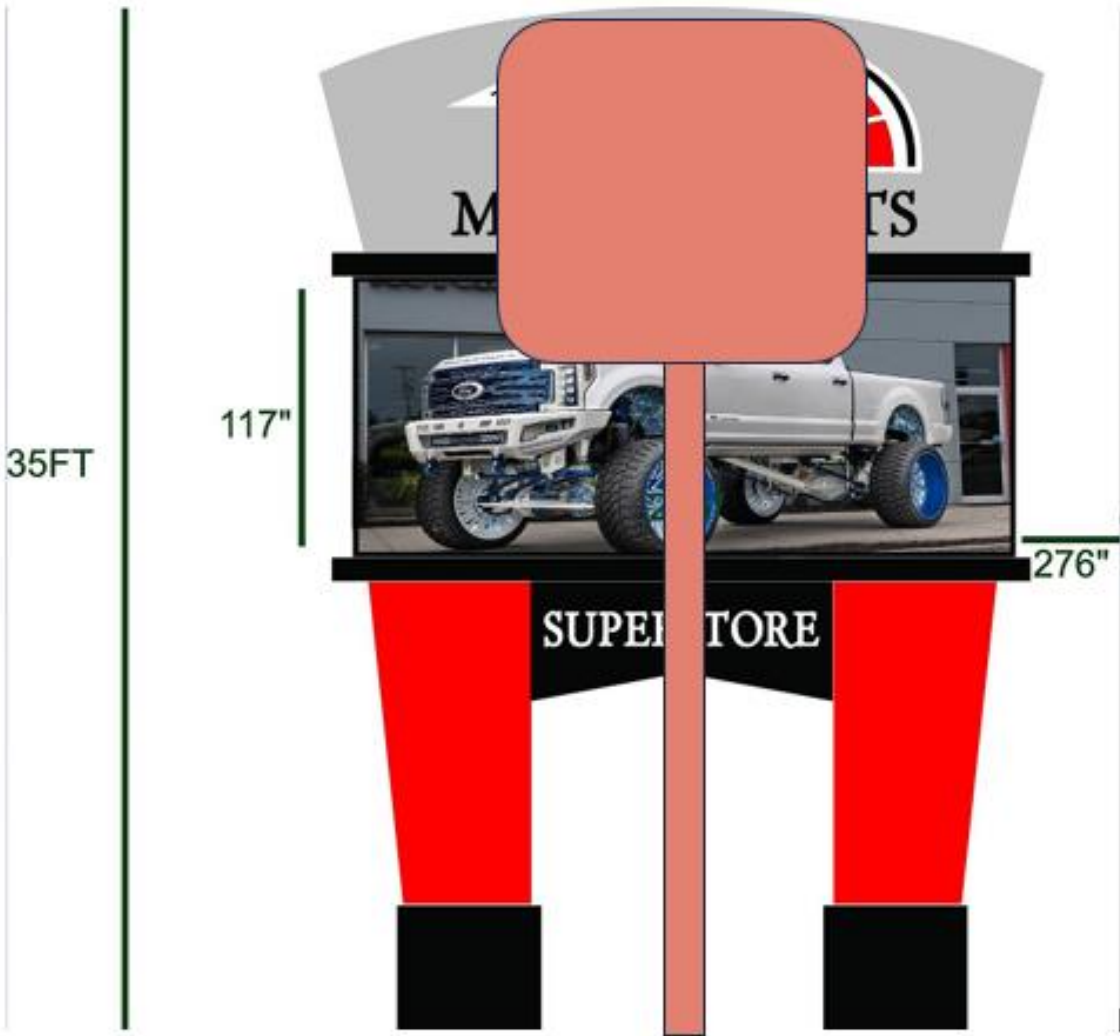
Attachment E: Current Sign Rendering



Attachment F: Previous Sign Rendering



Attachment G: Comparison of Existing Signs to Requested Sign



For scale: existing signs compared to requested sign.

Attachment H: Sign Proposed to be Repurposed





Attachment I: Site Photos



Future Site of HBS Motorsports – 124 South Cashua Drive



Existing Freestanding Sign – South Cashua Drive Entrance



Existing Freestanding Sign – West Evans Street Entrance



ORDER ON VARIANCE APPLICATION  
BOARD OF ZONING APPEALS

Date Filed: 11/30/2022 Permit Application No.: 18397 Appeal No.: BZA-2023-01

The Board of Zoning Appeals held a public hearing on January 26, 2023 to consider the appeal of HBS Motorsports for a variance from the strict application of the *Unified Development Ordinance* regarding freestanding sign height and square footage, affecting the property at 124 South Cashua Drive. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions:


1. That a variance from the terms of the *Unified Development Ordinance* will not be contrary to the public interest 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: **The height and square footage of the sign proposed will far exceed existing adjacent signage and the size permitted by the Unified Development Ordinance. The property is currently allowed three free standing signs, and direct enforcement of the permitted signage will not limit the property owner's ability to fully utilize the allowable number, size, and location of signage.**
2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done because: **The proposed signage exceeds the allowable square footage of a billboard in the CG district, 378 square feet, unless within 600 feet of an interstate Right-of-Way. The ordinance permits a sign of this size directly adjacent to I-20 & I-95.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely: **This property is a large single-use parcel with street frontages along South Cashua Drive, West Evans Street and King Avenue. The property is generally flat in its terrain, with no known characteristics that limit the applicant's ability to utilize the allowable signage as determined within the Unified Development Ordinance.**
4. That these conditions do not generally apply to other property in the vicinity, in that: **The parcel is large, but comparable to adjacent commercial development with compliant signage.**
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: **Applying the current height and square footage requirements of the Unified Development Ordinance to the applicant's property would not limit or restrict the applicant's ability to fully utilize the allowable signs within the code.**
6. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance, because: **The height and square footage of the requested sign would be a significant contrast to the existing built environment and would affect future signs permitted in the City of Florence. Depending on the proposed location, adjacent residential property to the east and south may be affected by its size and the digital portion of the sign that is approximately 224 square feet located on both sides of the proposed sign.**


The Board, therefore, orders that the variance be granted, subject to the following conditions: N/A

Date Issued: 01/27/2023

Date Mailed to Parties of Interest: 1/28/23

Approved by the Board by majority vote:

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Secretary

**Notice of appeal to circuit court must be filed within 30 days after date this Order was mailed.**

**Board of Zoning Appeals Motion Worksheet**

Case Number: BZA 2024-04 Nature of Request: Sign Height and 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: