

**CITY OF FLORENCE BOARD OF ZONING APPEALS
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET, FLORENCE, SC
THURSDAY, MAY 25, 2023 – 6:00 P.M.
MEETING AGENDA**

I. Call to Order

II. Approval of Minutes Regular meeting held on April 27, 2023

III. Public Hearing and Matter in Position for Action

BZA-2023-07 Request for variances from the setback requirements for 2 residential buildings located at 500 West Pine Street and 405 Warley Street, in the NC-6.2 zoning district; identified as Tax Map Number 90075-01-024.

IV. Public Hearing and Matter in Position for Action

V. Adjournment

The next meeting is scheduled for June 22, 2023.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
APRIL 27, 2023**

MEMBERS PRESENT: Larry Chewning, Ruben Chico, Miriam James-Singley, Nathaniel Mitchell, Deborah Moses, and Nathaniel Poston

MEMBERS ABSENT: Michael Valrie

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

CALL TO ORDER: Chairman Chewning called the meeting to order at 6:02 p.m.

APPROVAL OF MINUTES: Chairman Chewning introduced the March 23, 2023 minutes and asked if there were any changes that needed to be made. There being none, he called for a motion. Mr. Mitchell moved that the minutes be approved as submitted, Ms. Moses seconded; voting to approve the minutes was unanimous (6-0).

PUBLIC HEARINGS AND MATTERS 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.

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 for clarification of which house is dealing with a lot of runoff from this lot; Mr. Johnston identified it as 2534 Andover Street.

Mr. Chico pointed out that according to the 2018 aerial photo, the side yards still wouldn't meet the requirement for impervious surface because of the extensive driveway that was already in place that predates the *Unified Development Ordinance*.

Mr. Poston asked if the staff had received the email from the HOA after doing the staff report and if that would affect the report. Mr. Johnston said he did, and said that the Architectural Review Board of the HOA has to approve any structural changes to houses.

Mrs. Moses asked when the work was done; Mr. Johnston said it's since 2018 as seen in the aerials but while the paving wouldn't have needed a permit from the City, it should have gone before the ARB.

Mr. Poston asked how the City became aware of the situation; Mr. Johnston said that City staff noticed it and notified Codes Enforcement. He asked if there was any evidence of the applicant asking the HOA for permission; Mr. Johnston said that this email was the only record of the applicant and the HOA being in contact about the situation.

There being no further questions for staff, Chairman Chewning opened the public hearing. He swore in Vi Tran, the applicant. She said that they first put down the concrete in 2022 for parking purposes, but since they have kids, they expanded it to enable them to ride their bikes, then at the end of 2022 they poured more to keep the kids from running into potholes in the grass after not being successful at filling them repeatedly. She wasn't aware that they needed to ask the HOA or the City for permission to get rid of the grass.

Mr. Poston asked her if they were aware that there was an HOA when they bought the house; she said they did, but didn't know they had to get their permission to make changes.

Chairman Chewning asked if the HOA reached out to them when they began the paving process; she said the HOA didn't contact them until they started building a brick fence around the front yard to hide the driveway.

Mr. Poston asked if they had a licensed contractor do the work; she said they used a company recommended by a friend, and the same company did all the work at the various stages.

Chairman Chewning swore in Constantine Perivoloris, the president of the Windsor Forest HOA. He said they were never contacted for the laying of the concrete, and it was done in one day and neighbors reported it but they didn't have a chance to address it. While the concrete was curing, the bricks were brought in for the fence and at that time a neighbor spoke to the applicants and informed them of the need to obtain approval from the HOA. The applicants stopped construction of the fence but didn't submit a plan for approval. He said that the applicants knew about the HOA but they didn't reach out to the HOA even though it's not difficult. Because the concrete was poured so quickly, the HOA didn't have a chance to look at it. It definitely adds to the current stormwater issues as well as not just being done in the correct manner.

Mr. Poston asked if this was the first time the HOA has had an issue with the applicants. Mr. Perivoloris said that they have received complaints about the number of vehicles and traffic going in and out; they suspect there may be multiple families living there; they've asked if there are multiple families living there, which is not allowed per the HOA covenants. The applicant assured the HOA that there are not multiple families living there, but the number of cars going in and out is excessive, and he assumes that's the reason for all the concrete. Mr. Poston asked if they discussed the covenants in person or email; Mr. Perivoloris said they made a home visit to explain the regulations but there's no way to prove if there are multiple families living there so they never pursued the complaint. The applicants are aware of the covenants, plus they are available on the HOA website amongst other options to be aware of the regulations.

Chairman Chewning next swore in Ronald Doyle, who lives at 2600 Trotter Road and said he is in strong opposition to the granting of the variance. He said that construction trucks are going down North Wiltshire Drive going to build the rear of the subdivision, and the City repaved the road but they are still having problems with stormwater and further damage by construction vehicles. The house looks like a commercial property; there were 7 vehicles there recently. He doesn't want anyone to make an argument that these properties along Hoffmeyer Road could become commercial as a result of this being left as it is.

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

Mr. Chico moved that the request for the variance 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, will not result in an unnecessary hardship, in that: **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 *Unified Development Ordinance* will not be observed, public safety and welfare secured, and substantial justice done because: **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.**

3. That there are not extraordinary and exceptional conditions pertaining to the particular piece of property, namely: **This property is similar in size and shape to other corner lots in this zoning designation.**
4. That these conditions do generally apply to other property in the vicinity, in that: **This property is similarly sized and shaped to the other corner lots in this zoning designation. Similar properties within the NC-15 designation must meet the same requirements.**
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: **not answered.**
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 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.**

Mr. Mitchell and Mr. Poston seconded and the motion to deny the request as submitted passed unanimously (6-0).

Chairman Chewning suggested that Mr. Tran work with City staff as well as the HOA to address the situation. Mr. Tran informed the Board that they have a big family, he has a brother and sister living there; they are Asian and have seven brothers and sisters in one family and each one has a car. Only one family lives there, they all have the same last name, and they all have kids.

BZA-2023-06 Request for variances from the setback requirements for 3 lots located 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.

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.

Mrs. Moses asked if any of the setbacks went over the property line; Mrs. Zlotnicki said that no, these only infringed on setback lines, not property lines.

Chairman Chewning asked if staff had received any phone calls; Mrs. Zlotnicki said she'd gotten a few, but they were mostly just questions about the nature of the request although the neighbor to 2221 was concerned about the location of the house.

Mr. Chico asked about 2221 being on the corner and it being 8 feet instead of the required 10 feet from the neighbor's house. It was asked where the driveway would be placed; Mrs. Zlotnicki said it looked from the floor plan like it would be towards the center of the lot.

Mr. Poston asked if there was an HOA for Waverly Woods; Mrs. Zlotnicki said there is.

There being no further questions for staff, Chairman Chewning opened the public hearing. He swore in Dr. Mark Lawhon, the applicant. He said he owned the development and the reason they are asking for the variance is because he wants to maintain the average square footage to maintain the values of the houses in

the neighborhood. If he has to build a smaller house, he'd do it with the remainder of the development, and that would hurt the value of the houses already built. The variance would only affect a portion of the setback, not the entire setback. He's trying to keep the comps and aesthetics up to reduce the tendency to rent instead of buy. He reiterated that he's only asking for a portion of the setback and these are the 3 houses that they want to build.

Chairman Chewning swore in Vinnie Resciniti who lives in 2217 Waverly Woods. He said that 2221 Waverly Woods will be right next to his house. All the other corner lots are facing the side streets but this one faces Waverly Woods and will be on top of his. He asked if they could shift the house closer to the street instead of being closer on the inside to bring down the value of his house. Mr. Lawhon said he'd be happy to move the house closer to the street if that's okay with the Board.

Chairman Chewning swore in Gloria Smith of 2231 Waverly Woods Drive next. She discussed the problems with stormwater and said there's a graveyard back where they are going to build more houses. It's not beautiful anymore.

Chairman Chewning swore in Ervin Williams at 2228 Waverly Woods Drive. He wanted to know where the driveway was going to be, if it would be lined up with his. Mr. Lawhon showed him that it wouldn't be an issue for him.

Chairman Chewning swore in David Ringley, the VP of the HOA, and he said that he's okay with the variance on the setbacks if Mr. Lawhon can move it as Mr. Resciniti desires. He said it is a desirable neighborhood and Mr. Lawhon has done a good job maintaining its value.

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

Mr. Poston moved that the request for variances for 2200 and 2204 New Forrest Drive be approved, based on the following findings of fact:

1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship. **Lots throughout the neighborhood are similarly sized, but these two are oddly shaped.**
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. **Due to the variance request and the size and similarity of the lots, and the dimensions of the lots.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. **Due to the lot sizes 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. **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. **Requiring that new construction meet the setbacks would not prohibit the developer from building appropriate houses; however, they may be slightly smaller due to the lot sizes.**

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 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 as well as the lots sizes are similar.**

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

Chairman Chewing moved that the request for 2221 Waverly Woods Drive be approved with the applicant working with City staff to move the house away from the inside property line and closer to the side street to enable the house to meet the five foot interior side setback, based on the following findings of fact:

1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship. **If the developer is required to adhere to the setbacks for the district, he will need to change the dimensions of the house he can build there.**

2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. **If the variances are granted, the developer will be able to construct a house of the same size as those already built.**

3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. **This lot and the buildable area 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. **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. **Requiring that the new construction meet the setbacks would not prohibit the developer from building the house, however it would require making substantial changes to it making it not fit in with existing housing.**

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 existing houses meet the setbacks, locating the proposed house at the requested distances will place it closer to the property lines than adjacent houses are but by making this adjustment it brings this house more in accordance with the other houses in the neighborhood.**

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

ADJOURNMENT: As there was no further business, Mr. Mitchell moved to adjourn the meeting; the motion passed unanimously (6-0). The Board adjourned at 7:20 p.m. The next regular meeting is scheduled for May 25, 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: May 25, 2023

APPEAL NUMBER: BZA-2023-07

VARIANCE REQUEST: Request for variances from the setback and parking requirements for a residential lot.

LOCATIONS: 500 West Pine Street and 405 Warley Street

TAX MAP NUMBER: 90075-01-024

OWNER OF RECORD: 500 West Pine Street LLC

APPLICANT: Fernando Pena

ZONING DISTRICT: Neighborhood Conservation 6.2 (NC-6.2) in the Timrod Park Overlay District

Land Use and Zoning

The 75 feet wide by 145 feet deep lot is zoned NC-6.2, which permits single family and duplex uses. There are two structures on the single parcel: a 3,646 square foot house constructed in 1938, and a 1,456 square foot two- family house constructed in 1937 (Attachment E).

Table 2-4.1.3 “Lot and Building Standards by Housing Type” of the *Unified Development Ordinance* provides setback and parcel dimension requirements for new construction. According to Table 2-4.1.3, the minimum front setback required for a duplex is 15 feet; the minimum interior side setback is 5 feet, the minimum street side setback is 10 feet, and the minimum rear setback is 15 feet. The minimum lot size for a new over-under duplex is 8,000 square feet with an 80 foot minimum width (Attachment F).

This property was appraised as a four-unit property. The owner purchased it with the intent of rehabilitating and renting all four units.

While not permitted in the NC-6.2 zoning district, zero-foot setbacks are permitted in other areas of the City, such as in the Central Business District. Design standards including setbacks tend to be more varied in older neighborhoods due to their continued development over many decades.

Unless expressly posted as a no parking area, on-street parking is legal in the City of Florence as long as vehicles are located in such a way as to allow free movement of traffic.

Variance Request

When the current owner purchased the property, there were three units in 405 Warley Street. A triplex is not permitted in the NC-6.2 zoning district and due to it being vacant for more than six months it must comply with current standards. The house at 500 West Pine Street was originally a single-family house but now has two units inside, and it was purchased with the intent of renting both units.

In the NC-6.2 district, only one duplex is permitted per parcel; therefore, in order to utilize all four units, the lot must be subdivided so each structure is on its own parcel. The two structures are approximately 5 feet apart and the rear of 405 Warley St. is on the interior side property line (see Attachment G).

When a parcel is subdivided and new property lines are drawn, existing structures must meet the setback and lot dimension requirements. Because of the locations of the two pre-existing buildings, the dimensions required by the Ordinance for new construction cannot be met.

The following variances are being requested:

1. Alternative setbacks for the buildings to accommodate new parcel lines, with the ones needing a variance highlighted in yellow:

Address	Front (15 ft)	Interior Side (5 ft)	% Diff.	Street/Other Side (10/5 ft)	Rear (15 ft)	% Diff.
500 W. Pine St.	23	5	n/a	10	3	-70%
405 Warley St.	39	2	-60%	5	0	-100%

2. The Ordinance requires an 8,000 square foot minimum lot for a new over/under duplex with 80 feet of lot width. Once subdivided, 500 West Pine Street will be approximately 106 feet deep by 75 feet wide, for an area of 7,950 square feet. 405 Warley Street will result in a parcel of 75 feet deep by about 37 feet wide, for an area of 2,775 square feet.

Address	Lot Area (8,000 SF)	Percent Difference	Lot Width (80 feet)	Percent Difference
500 W. Pine St.	7950	-1%	75	-6%
405 Warley St.	2775	-65%	37	-54%

3. The Ordinance requires two off street parking spaces per living unit. Each building needs 4 parking spaces to accommodate the two units per building; the owner is requesting one per unit with all four spots provided in the driveway of the house at 500 West Pine Street.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular properties as follows: *Originally the property at 500 West Pine Street was configured as a duplex and the property at 405 Warley Street was configured as a triplex. However, in recent years, the property went into foreclosure and remained unoccupied for over two years. During this period, vagrants and drug users entered the property, causing extensive damage that rendered it uninhabitable. Additionally, the presence of these individuals contributed to illicit drug and prostitution activities in the neighborhood.*
- b. These conditions do not generally apply to other property in the vicinity as shown by:
- c. 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: *If a variance is not granted to permit a duplex at 500 West Pine Street and 405 Warley Street, the application of the ordinance to*

the specific property would essentially obstruct or unjustly limit the use of the property. Consequently, the properties may become a detrimental factor to the neighborhood again.

- 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: *Granting the variance would allow the properties to be utilized as duplexes, which would make the properties more valuable and increase the likelihood of responsible property ownership. This could lead to improved maintenance and security measures, making the properties less attractive to vagrants and individuals engaging in illegal activities such as drug use. Ultimately, by granting the variance, the City can promote a safer and more desirable community for its residents.*

Issues to be Considered:

The two distinct structures have been part of the neighborhood for over 85 years. Granting the requests for the lot size and setback variances to allow the subdivision of the parcel into two individual lots would not affect the visual character of the neighborhood. It would enable the owner to provide two residential units in each building. The neighborhood is zoned for duplexes, and a variety of two family residential structures are found throughout the area. Because the neighborhood has developed over many years, a wide variety of setbacks and parking accommodations are present.

Off street parking for up to four vehicles is available at the rear of 500 West Pine Street. On street parking is legal on Warley Street and West Pine Street. There is no room in front of 405 Warley Street to accommodate off street parking. Tenants of the triplex historically parked on the street.

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

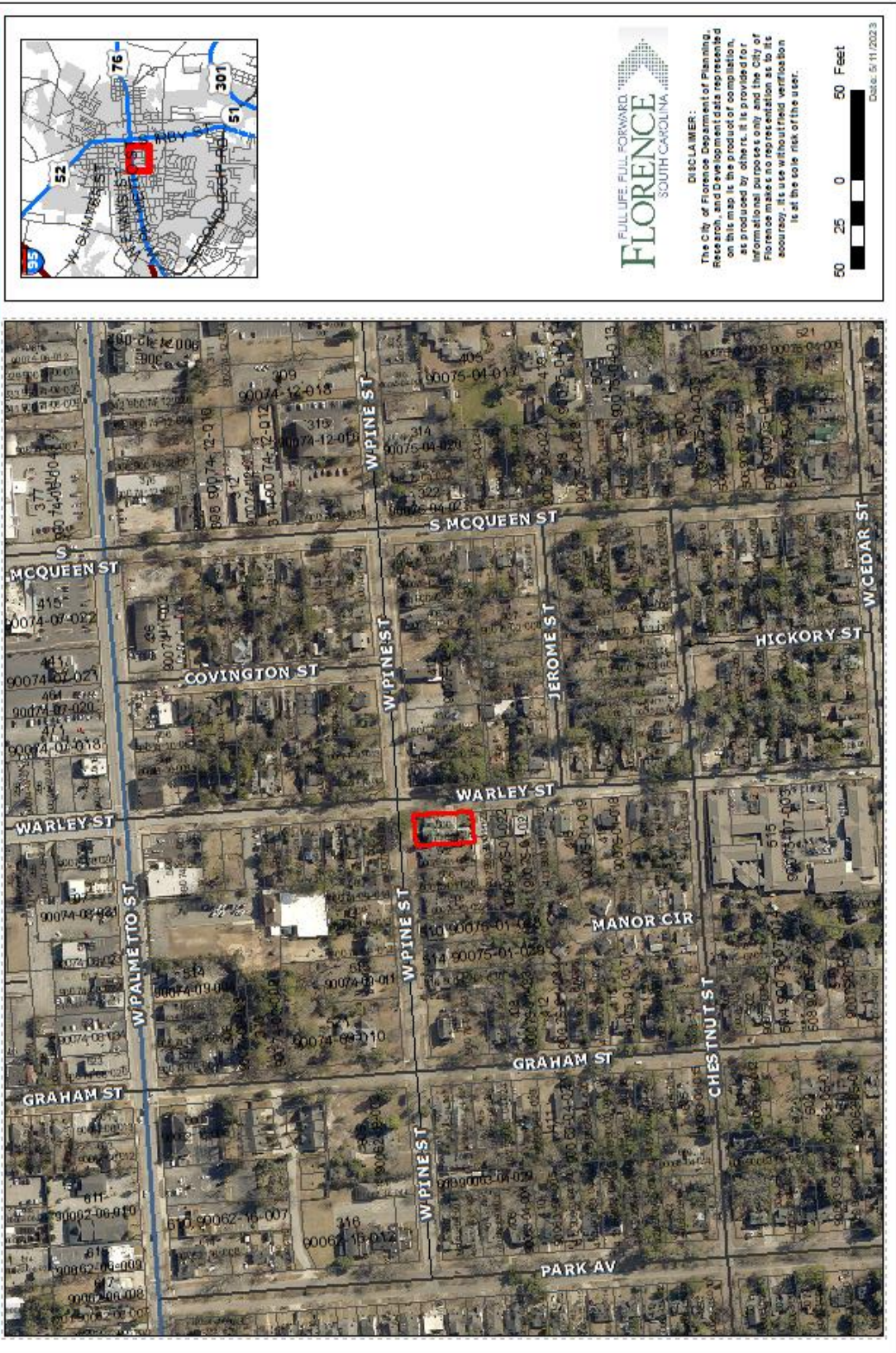
1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship. Staff Comments: *Adherence to the terms of the Ordinance would result in the inability of the owner to use the building at 405 Warley Street as used under the previous code.*
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. Staff Comments: *The use as proposed was historically in place prior to the current owner purchasing the property.*
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. Staff Comments: *The two structures were constructed 85 years ago at a time when setbacks were not taken into consideration. They have historically been utilized as a triplex and single-family home.*
4. That these conditions do not generally apply to other property in the vicinity. Staff Comments: *Most lots of record have one principal structure on them; this one has two principal structures: a house and a multi-unit structure.*
5. That because of these conditions, the application of the Ordinance to the particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows. Staff Comments: *Adherence to the terms of the Ordinance would result in the inability of the owner to use the building at 405 Warley Street, as utilized under the previous zoning 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. Staff

Comment: *The two structures have been in place since the 1930s and 405 Warley Street has historically been used as a triplex.*

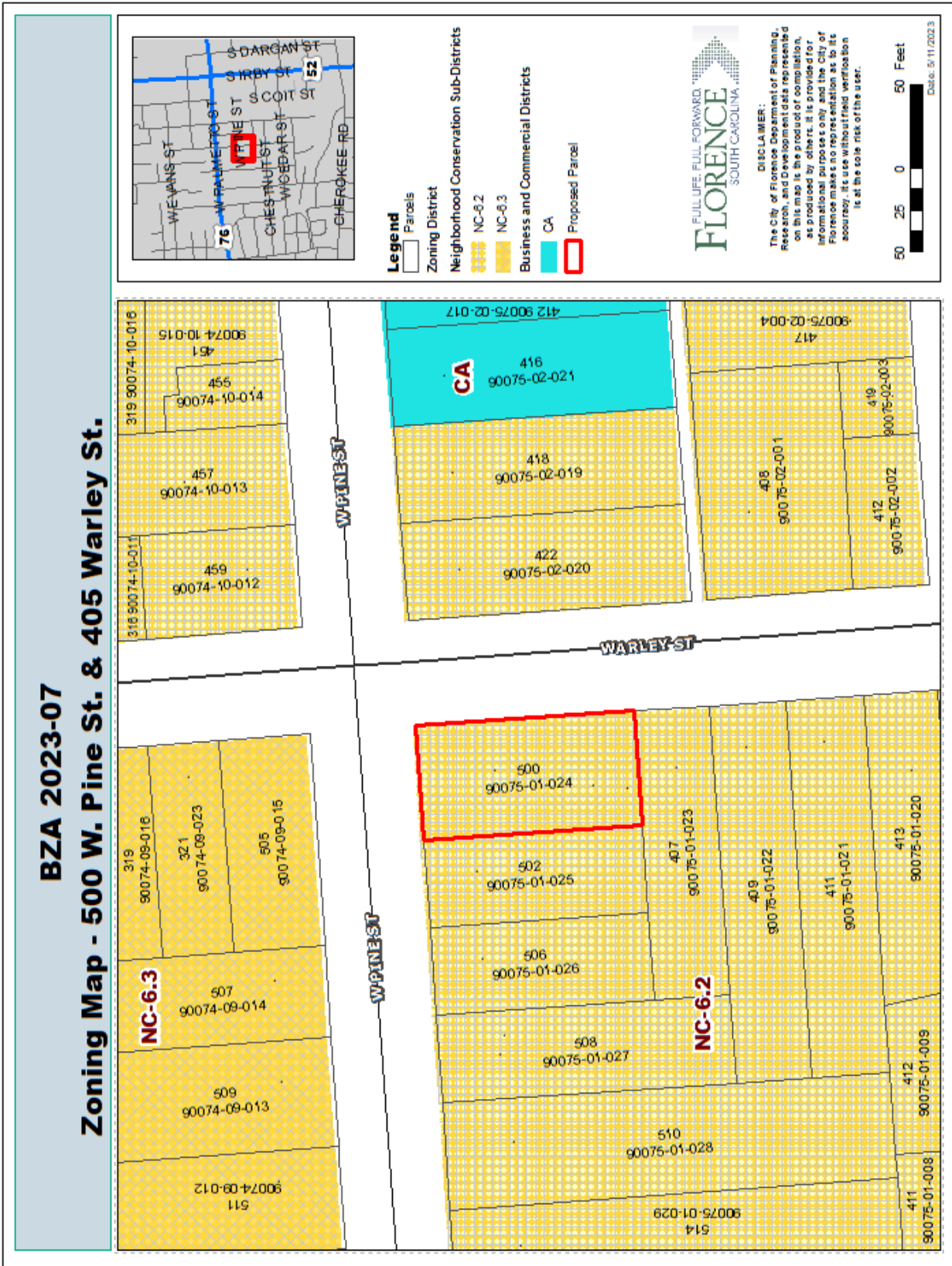
Attachments

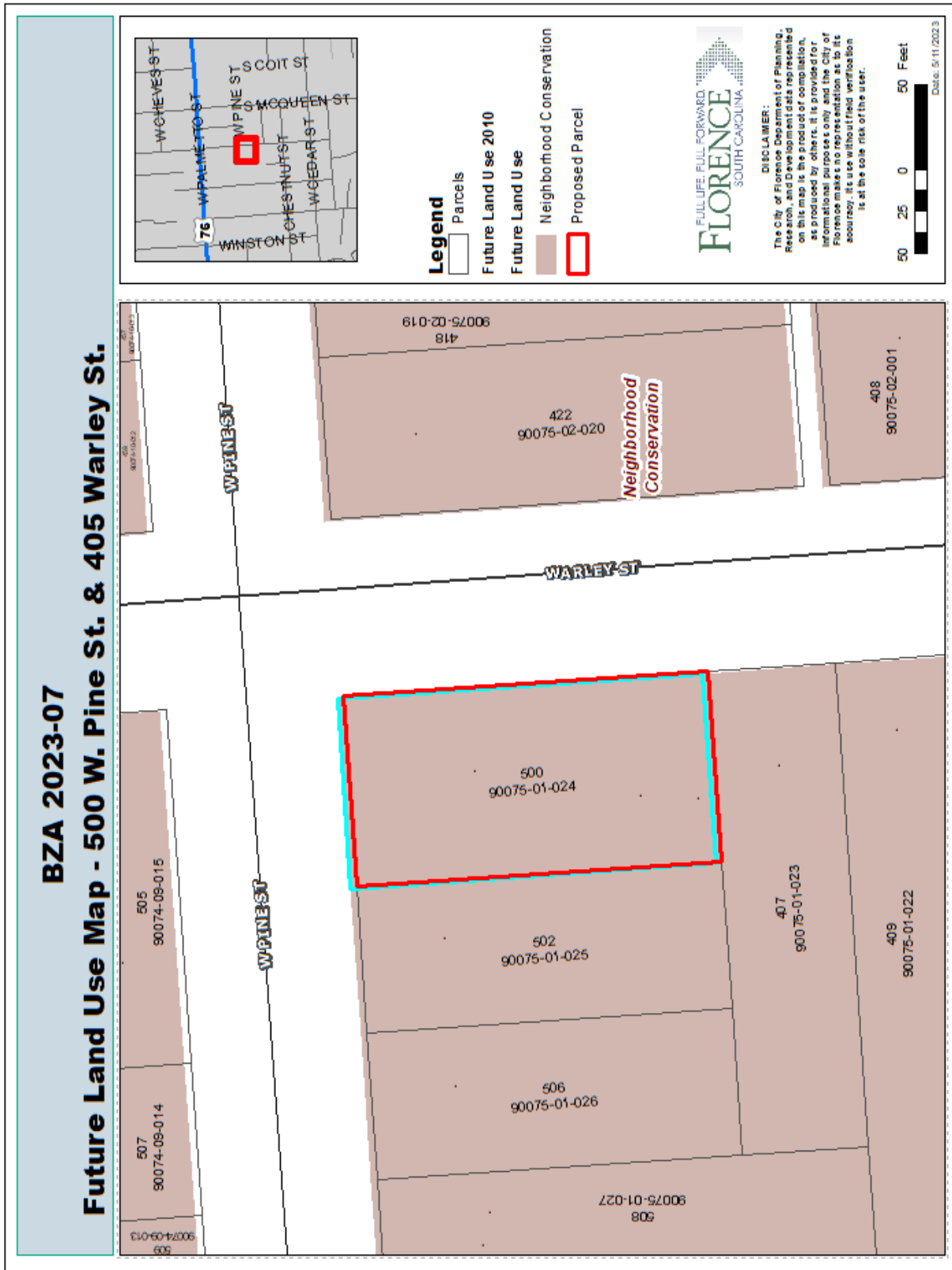
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Property Card
- F. Table 2-4.1.3
- G. Current Plat and Aerial Photo
- H. Site Photos

BZA 2023-07
Vicinity Map - 500 W. Pine St. & 405 Warley St.

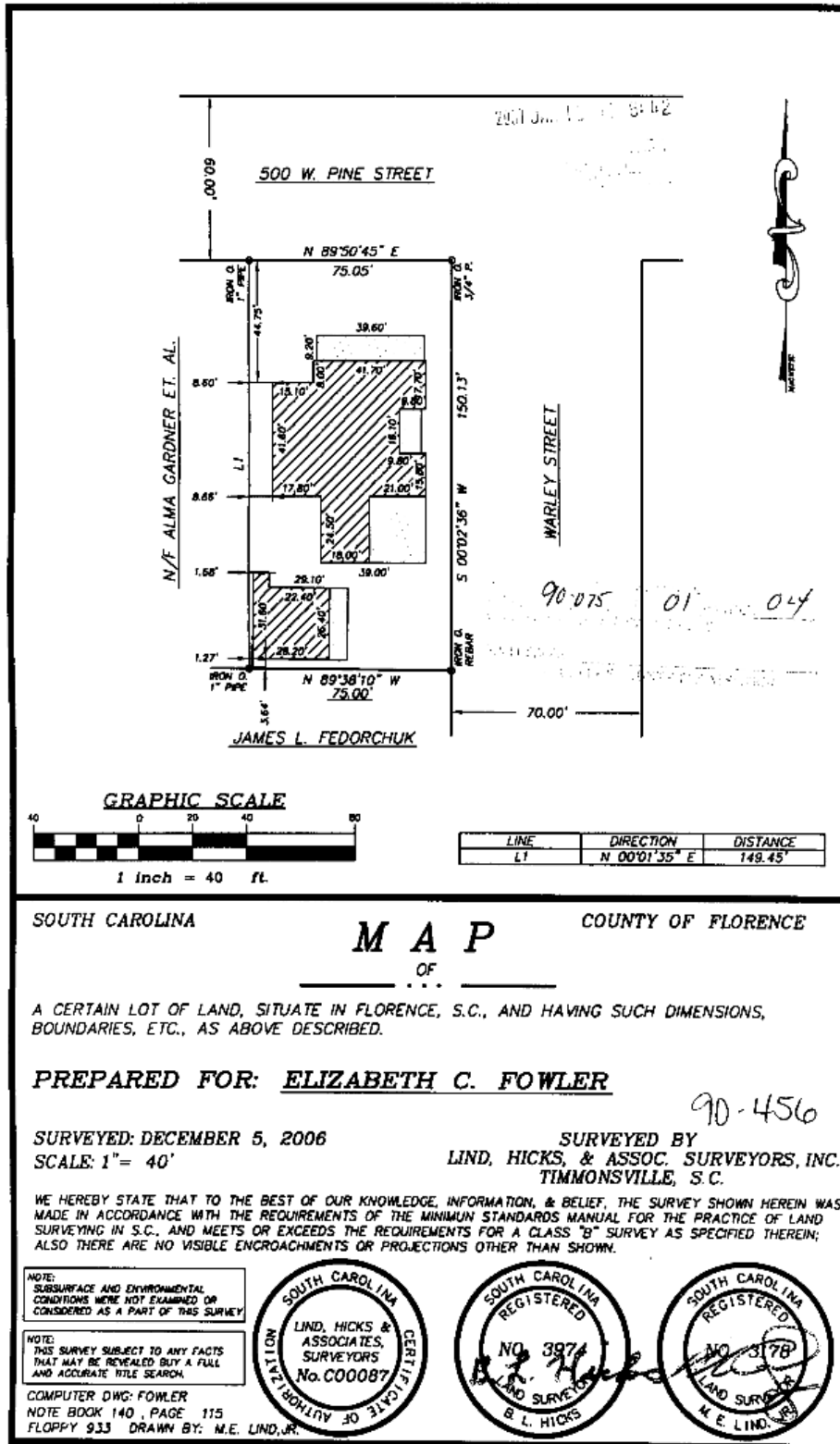


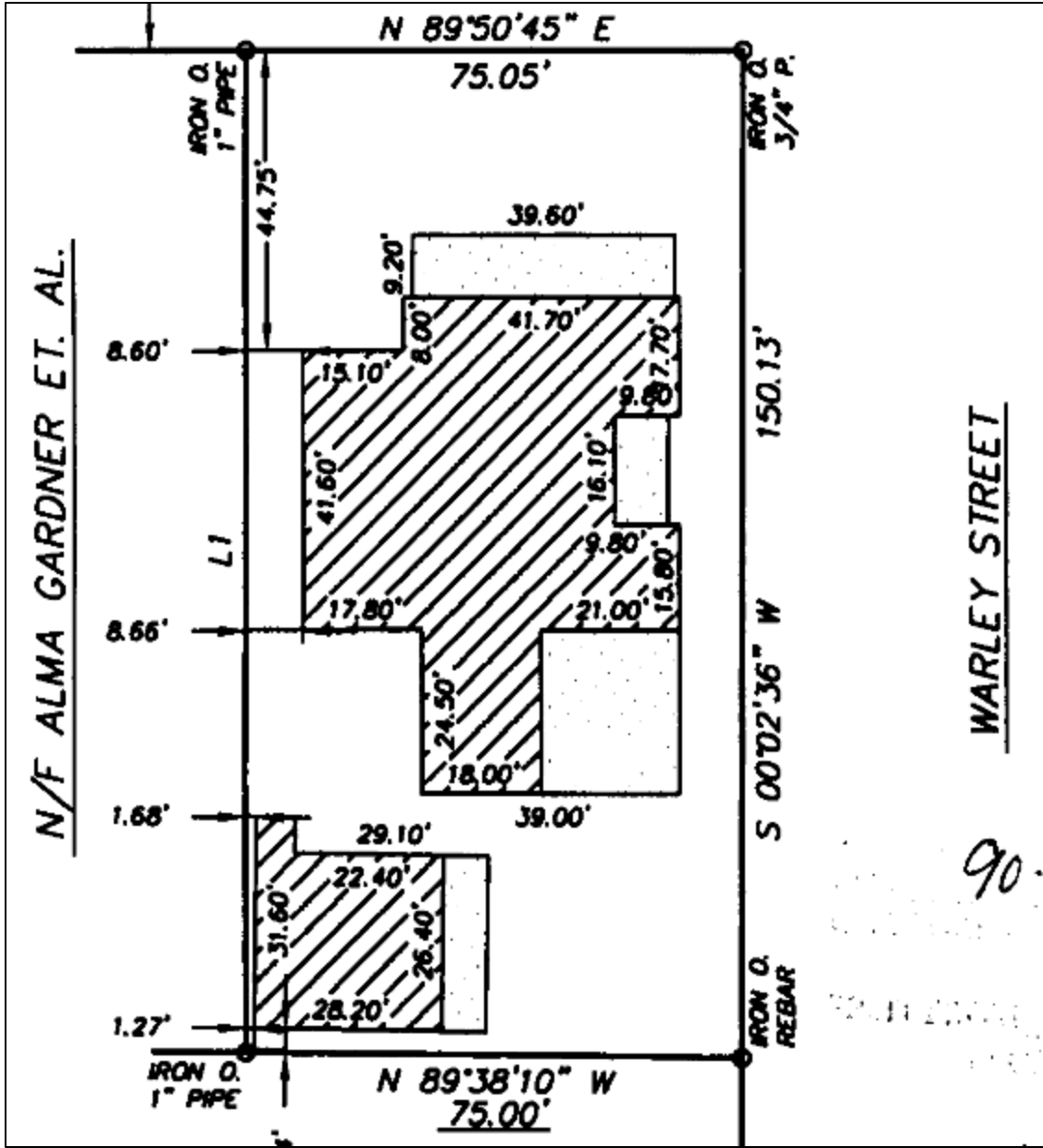






Date: May 09, 2023	Florence County Taxes Inquiry	Time: 14:16
Map/Block/Parcel 90075 01 024	Property Card File	Year 2017 File
Close This Window		
<p>FLORENCE COUNTY TAX ASSESSOR Property Card Record for MBP: 90075-01-024 TAX YEAR: 2022 9/17/22 12:38:29 PAGE: 69873 ----- PROPERTY LOCATION Address ----- PROPERTY BILLING NAME/ADDRESS ---- Number: 00500 Suffix: 500 WEST PINE STREET LLC Street Name: PINE ST Street Suffix: City: State: Zip: 00000 0000 804 CLOISTERS DR District: 110 Land Class: RI RESIDENTIAL IMPROVED FLORENCE SC29505 Legal Desc: PINE ST LT 5 Land Characteristic Selections 01 Topography 1 Level 02 Street 1 Paved 02 Street 5 Curb & Gutter 02 Street 6 Sidewalk 03 Utilities 1 All Public Utilities 03 Utilities 2 Public Water 03 Utilities 3 Public Sewer 04 Fronting Traffic 3 Light 05 Ownership 1 Private L A N D Lots: Eff Frontage: 75 Eff Depth: 150 L A N D Gross Acres: Site Value .00</p> <hr/> <p>R E S I D E N T I A L MBP: 90075-01-024 BUILDING ID#: 001 SUFFIX#: 000 Building Use Code: RESIDENTIAL 1 FAMILY Age Erected: 1938 Grade: B Story Height: 25 2 STORY Bedrooms: 03 Full Bath: 3 Half Bath: 0 Fireplaces: Heating & Air Conditioning: 3 CENTRAL Total Living Area: 3,646 Exterior Wall Construction: M MASONRY 09 MA-STUCCO ON BLOCK Ext.Feat.Code: 33 Description: CON/BR PATIO Area: 160 Ext.Feat.Code: 21 Description: OMP Area: 34 Ext.Feat.Code: 33 Description: CON/BR PATIO Area: 342 Ext.Feat.Code: 130 Description: F:CARPORT Area: 550 OBY Code: Size: (len,wid,ht) AREA: 3,600 Improvement Cost with Additions: .00 Yard/Other Bldg Values: +NH%: 30 Total Buildings Value: 202,304.3</p> <hr/> <p>R E S I D E N T I A L MBP: 90075-01-024 BUILDING ID#: 002 SUFFIX#: 000 Building Use Code: RESIDENTIAL 2 FAMILY 6% Age Erected: 1937 Grade: D Story Height: 25 2 STORY Bedrooms: 03 Full Bath: 3 Half Bath: 0 Fireplaces: Heating & Air Conditioning: 3 CENTRAL Total Living Area: 1,456 Exterior Wall Construction: F STUD FRAME 02 SF-METAL/VINYL SID. Ext.Feat.Code: 21 Description: OMP Area: 182 Ext.Feat.Code: 21 Description: OMP Area: 182 Improvement Cost with Additions: .00 Yard/Other Bldg Values: +NH%: 30 Total Buildings Value: 26,662.0</p> <hr/> <p>--- Totals for MBP --- # Buildings: 2 Building Value: 228,966.36 Land Market Value: 11,000.00 Market Acres: .00 Use Acres: .00 Land Use Value: .00 Bld/Land Use Total: 228,966.36 Bld/Land Mar.Total: 239,966.36 6% Bld Value: 26,662 # of 6% Blds: 1 Rental Acres: 0 Rental Acres Value: 0 Ren.Acres-Mar: 0 Ren.Acres Value-Mar: 0 Transfer Date: 12/21 DEED Book: 0965 Page: 1143 Sales Price: 183,750 Transfer Date: 01/07 DEED Book: 0068 Page: 0594 Sales Price: 245,000</p>		





Closeup of plat measurements.



Aerial showing the existing location of the structures on the parcel and their proximity to the property lines and each other. The red line shows the probable location of the proposed subdivision line.

Attachment G: Table 2-4.1.3 Lot and Building Standards by Housing Type

Table 2-4.1.3 Lot and Building Standards by Housing Type								
Zoning District and Housing Types	Minimum						Maximum	
	Lot Dimension		Setbacks				Building	
	Area ¹	Width ²	Front ²	Interior Side ^{3,4}	Street Side	Rear	Height	Cover
Attached and Multi-Family Dwelling Units								
Duplex	9,000 sf.	90'	15'	5'	10'	15'	35'	35%
Over-Under Duplex	8,000 sf.	80'	15'	5'	10'	15'	35'	35%
Multiplex	9,000 sf.	90'	15'	5'	10'	20'	40'	50%
Weak-Link Townhouse	3,750 sf.	44'	10'	0'	6'	20'	35'	60%
Duplex Townhouse	3,200 sf.	40'	10'	0'	10'	10'	40'	75%
Townhouse	2,400 sf.	16'	10'	0'	6'	20'	35'	65%
Apartment, Single Use Building(s)	1,550 sf.	100'	10'	0'	5'	10'	45'	80%
Apartment, Mixed-use Building(s)	See Section 2-6.1.1, General Development Standards.							
TABLE NOTES:								
1 Measured per building for single-family detached, lot-line, duplex and multiplex housing types and measured per unit for townhouse and multifamily housing types.								
2 A setback of 25 feet is required from the property line to the face of garage doors								
3 The patio / lot line and duplex housing types are set on one property line with a zero setback. This setback applies to the other side property line.								
4 Lot-line houses are roughly L-shaped. The interior side setback is a small side yard along the side of the building towards the front of the lot, which may extend for up to 40 percent of the depth of the lot. The remainder of the building must be set back at least 25 ft. or 50 percent of the lot width, whichever is less.								

Attachment H: Site Photos



East side of 500 West Pine Street with driveway, the location of 4 off street parking spaces.



North side of 500 West Pine Street (front of house).



Proximity of parking area to 405 Warley Street (white building with stairs to the left).



405 Warley Street showing configuration as over-under duplex and lack of space for off street parking.



South side of 405 Warley Street showing distance to the house at 407 Warley Street.



North side of 405 Warley Street and proximity to south side of 500 West Pine Street.
The proposed new property line would run along the sidewalk.



Closeup of the 405 Warley Street rear property line.

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2023-07 Nature of Request: Setback and Parking 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.