

CITY OF FLORENCE BOARD OF ZONING APPEALS
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET, FLORENCE, SC
THURSDAY, JUNE 27, 2024 – 6:00 P.M.
MEETING AGENDA

I. Call to Order

II. Approval of Minutes Regular meeting held on May 23, 2024

III. Public Hearing and Matter in Position for Action

BZA-2024-05 Request for a variance from the street side setback for a parcel located at 621 Fairway Drive in the NC-15 zoning district; identified as Florence County Tax Map Number 90027-08-006.

IV. Public Hearing and Matter in Position for Action

BZA-2024-06 Request for a Special Exception Use Permit for a parcel located at 2480 Hoffmeyer Road in the AC zoning district; identified as a portion of Florence County Tax Map Number 00099-01-089.

V. Public Hearing and Matter in Position for Action

BZA-2024-07 Request for a variance from the location restriction for accessory structures at 3200 South Irby Street in the CA zoning district; identified as Tax Map Number 00152-01-016.

VI. Adjournment

The next meeting is scheduled for July 25, 2024.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
MAY 23, 2024**

MEMBERS PRESENT: Charlie Ipock, Deborah Moses, Jermaine Nowline, Nathaniel Poston, and Michael Valrie

MEMBERS ABSENT: Larry Chewning and Miriam James-Singley

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

CALL TO ORDER: In the absence of Chairman Larry Chewning, Vice-Chairman Nathaniel Poston called the meeting to order at 6:00 p.m.

APPROVAL OF MINUTES: Chairman Poston introduced the April 25, 2024 minutes and asked if there were any changes that needed to be made. There being none, he called for a motion. Mr. Valrie moved that the minutes be approved as submitted; Mr. Nowline seconded, and the motion passed unanimously (5-0).

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 Poston introduced the request and asked staff for their report. Mr. Dudley gave the staff report as submitted to the Board, providing the background to the request. He said that the requested signage had changed to 360 square feet for a variance of 200 square feet in excess of what is permitted in the CG district. He said that the staff looks at the square footage of the sign itself, not the base. He provided a picture of the sign at Florence Toyota that the Board allowed previously as a point of reference to show the scale of the full 160 square feet allowed outright by the Ordinance, and pointed out that the requested sign was more than twice that size.

Mr. Dudley also shared an excerpt from the 2018 Comprehensive Planning Guide for Local Governments outlining what authority the Board has to grant variances and what the criteria to consider a hardship have to be.

1. 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.
2. 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).

3. 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).
 - a. 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.
 - b. Other property. These conditions do not generally apply to other property in the vicinity.
 - c. 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.
 - d. 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.
4. Other factors applicable to a variance also are prescribed by S.C. Code § 6-29-800(A)(2)(d).
5. 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.
6. 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.

He stated that the applicants have responded to the application as follows:

- 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.**

He said staff also looked at these issues, and came to the following conclusions:

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 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 is approximately the same square footage of a billboard in the CG district, which is 378 square feet, and only permitted 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. They can still have up to 3 signs with up to 160 square feet each.

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.

These criteria are staff's response to the request.

Chairman Poston asked if the Board had any question for staff. There being none, he asked Mr. Dudley regarding the criteria about being a detriment to adjacent properties and asked if the City had received any complaints from adjacent property owners; Mr. Dudley said it had not heard from anyone. Chairman Poston reiterated that even with this being the second meeting about the sign, no one has called in about the issue. Chairman Poston clarified that staff felt it would be contrary to the public interest to grant the variance, Mr. Dudley said that was correct.

There being no further questions from the Board, Chairman Poston opened the floor to the applicant's representative and swore in Mr. Michael Hopewell.

Mr. Hopewell said this was the third time this issue was before the board; in January the board approved the variance, but the City appealed that decision, and the judge remanded it back to the board to be revisited last month. At that time the change in size of the sign necessitated the deferral to this month. It is actually 35 feet high now and 360 square feet, so the size was significantly reduced. The hardship here is that it's a unique property that has sat vacant as an eyesore and the building is set far back in the parking lot. That intersection has an exit ramp with a median with trees that inhibit the sight line from Cashua Drive to the building in the back corner of the parking lot. The building is completely unique in that area. The unreasonable restriction is that the parking lot is so large, and

the big sign can take up some of the lot. This business will improve the character of the district. Advance Auto Parts and the laundromat on South Cashua Drive won't be harmed by allowing the variance for the oversized sign. It will help by bringing traffic to the area and no one has complained about it, so there are no victims here. The size has been reduced to a more manageable level.

Chairman Poston asked if members of the board had any questions for the applicant. He asked Mr. Dudley to put the sign renderings back up. They discussed the reduced height of the sign.

Ms. Moses asked if there was anything they could do about the width. Mr. Hopewell said no. He said he wasn't sure exactly where the sign would go but he thought it would be towards the intersection. She had concerns about it blocking visibility. He said it would be placed in order not to impede visibility. She asked if he would still want all three signs and he said yes. The one on South Cashua Drive would probably be moved to King Avenue.

Chairman Poston asked if they were willing to work with the city to have restrictions to prevent safety issues; Mr. Hopewell said they were willing to work with the city regarding the visibility restrictions.

Mr. Valrie asked where the sign was to be placed in the parking lot; Mr. Hopewell said at the corner of the lot.

Ms. Moses asked if they purchased the sign because they thought it would be good for business. Mr. Nowline asked where the sign would be placed. Mr. Langston said it would be in the curve of the parking lot and they'd move the others if they have to. There was more discussion about which existing sign would be moved to King Avenue. Mr. Dudley clarified that signs have to be oriented to serve each individual street frontage, they can't be grouped on one street. Chairman Poston clarified that the city would have final say on the location of the signs based on the UDO.

There being no further questions, Chairman Poston closed the public hearing and asked for a motion, considering the variance for square footage rather than height.

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

1. That a variance from the terms of the *Unified Development Ordinance* will not be contrary to the public interest when, because of special conditions, a literal enforcement of the provision will, in this individual case, result in an unnecessary hardship, in that: **This property has been vacant for decades and remains a blight upon the City.**
2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done because: **The City is committed via this Board to allow conditionally, per Mr. Langston's request, that the size of the sign is approved by the City, as well as the visibility criteria even if that means changing the regulations within due balance to allow a vibrant business and foster new growth to our city to amplify our support.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely: **The approximately seven acres of property in a highly exposed and central location in the city of Florence which has been vacant and a blight for over a decade with a structure that may be useable and further enhance the image and revenue of the city with an increase in property. This request speaks very loudly to us.**
4. That these conditions do not generally apply to other property in the vicinity, in that: **This particular parcel's size, location, is sandwiched between two major streets and is a heavily traveled area backed up to a mature neighborhood and vacancy duration alone far exceeds anything in the general vicinity. Furthermore, the cost of upkeep and renovation would not generally apply to other property in the vicinity.**

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: **Effectively restricting the ability of the local business owner to continue to further enhance this location and allow a greater exposure and awareness that will ultimately fund and employ Florence. It appears our regulations regarding the size of the sign further restricts the property owners, of an already daunting task, of using the property in a manner to attract customers and present itself to the community as an attractive business profitable to the owners, community, and the city. Additionally, the owner could request PUD zoning which would allow much flexibility, which we are attempting via these points to consider. We as a Board should ask Mr. Langston, "How can we help you more?"**
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: **Currently the property is a non-functioning, vacant, neglected property, with crime and blight that continues to discourage locals with its appearance and vacancy along with the unavoidable fact that forces greater effects over time such as destructive squatters and vandals have and will continue to further degrade leading to even further blight at a once prosperous location.**

Mr. Ipock seconded the motion to approve. The vote to approve the request failed 3 to 2, with Chairman Poston and Mr. Ipock voting yea, and Ms. Moses, Mr. Valrie, and Mr. Nowline voting nay.

Chairman Poston swore in Mr. Gary Langston, who said last time it was a 5 to 2 vote in favor to get a new sign rendering, but today's vote was only 3 to 2. Chairman Poston explained that the board did have quorum tonight. Mr. Dudley explained that they did have more than quorum tonight.

ADJOURNMENT: As there was no further business, Ms. Moses moved to adjourn and Mr. Valrie seconded. The motion to adjourn passed unanimously (5-0). Chairman Poston adjourned the meeting at 6:41 p.m. The next regular meeting is scheduled for June 27, 2024.

Respectfully submitted,

Alane Zlotnicki, AICP
Senior Planner

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT
STAFF REPORT TO THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
JUNE 27, 2024**

APPEAL NUMBER: BZA-2024-05

VARIANCE REQUEST: Request for a variance from the street side setback for the principal structure on a residential parcel.

LOCATION: 621 Fairway Drive

TAX MAP NUMBER: 90027-08-006

OWNER OF RECORD: Richard and Caroline Genoble

APPLICANT: Richard and Caroline Genoble

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

Land Use and Zoning

The 0.33 acre triangular lot is zoned NC-15, which permits single family detached uses only. It is located at the intersection of Fairway Drive and Rosewood Drive, with the house facing the fork in the road and the driveway along Fairway Drive. There is an existing 3,428 square foot house in the center of the lot. The minimum setbacks as required in Table 2-5.2.1 for the NC-15 district are 25 feet from the front, 10 feet from the side, 30 feet from the rear, and 15 feet from the street side property lines.

As seen on the survey of the lot (Attachment E), the house, which was built in 1981, has a front setback of 19 feet, a rear setback of 17 feet, a street side setback on Rosewood Drive of 19 feet, and a street side setback on Fairway Drive of 8 feet. The survey is different from the map on the City’s GIS and is considered to be correct.

The right of way for Fairway Drive is 100 feet. According to the survey provided by the applicant, the property line is approximately 63 feet from the edge of pavement, resulting in an 8 foot side setback for the existing garage.

Proposal

The applicants want to build an addition to the existing garage to provide additional storage space. Because of the small back yard, they is limited to extends out from the garage towards Fairway Drive, resulting in a zero side setback from the property line.

Variance Request

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular property as follows: *Fairway Drive has a 100’ right of way resulting in an 8’ street side setback for the existing garage. This is also a triangular lot.*
- b. These conditions do not generally apply to other property in the vicinity as shown by: *The odd shape and orientation of the lot and house are unique to this particular parcel.*

- c. 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: ***Without the variance, we would be unable to add onto the garage as desired to have the needed storage space.***
- d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: ***The large right of way visually provides a large side yard that would not be adversely affected by the addition.***

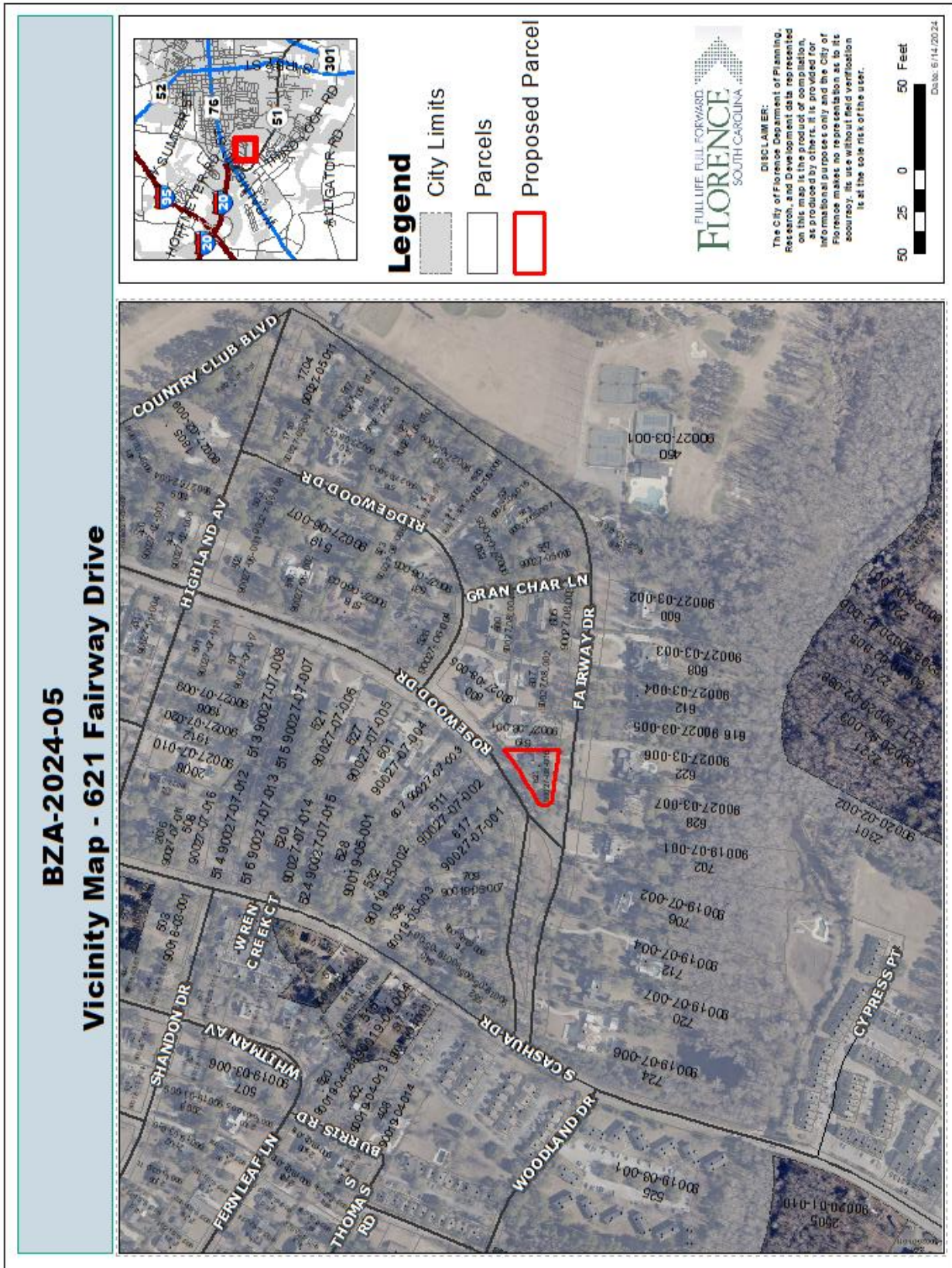
Issues to be Considered:

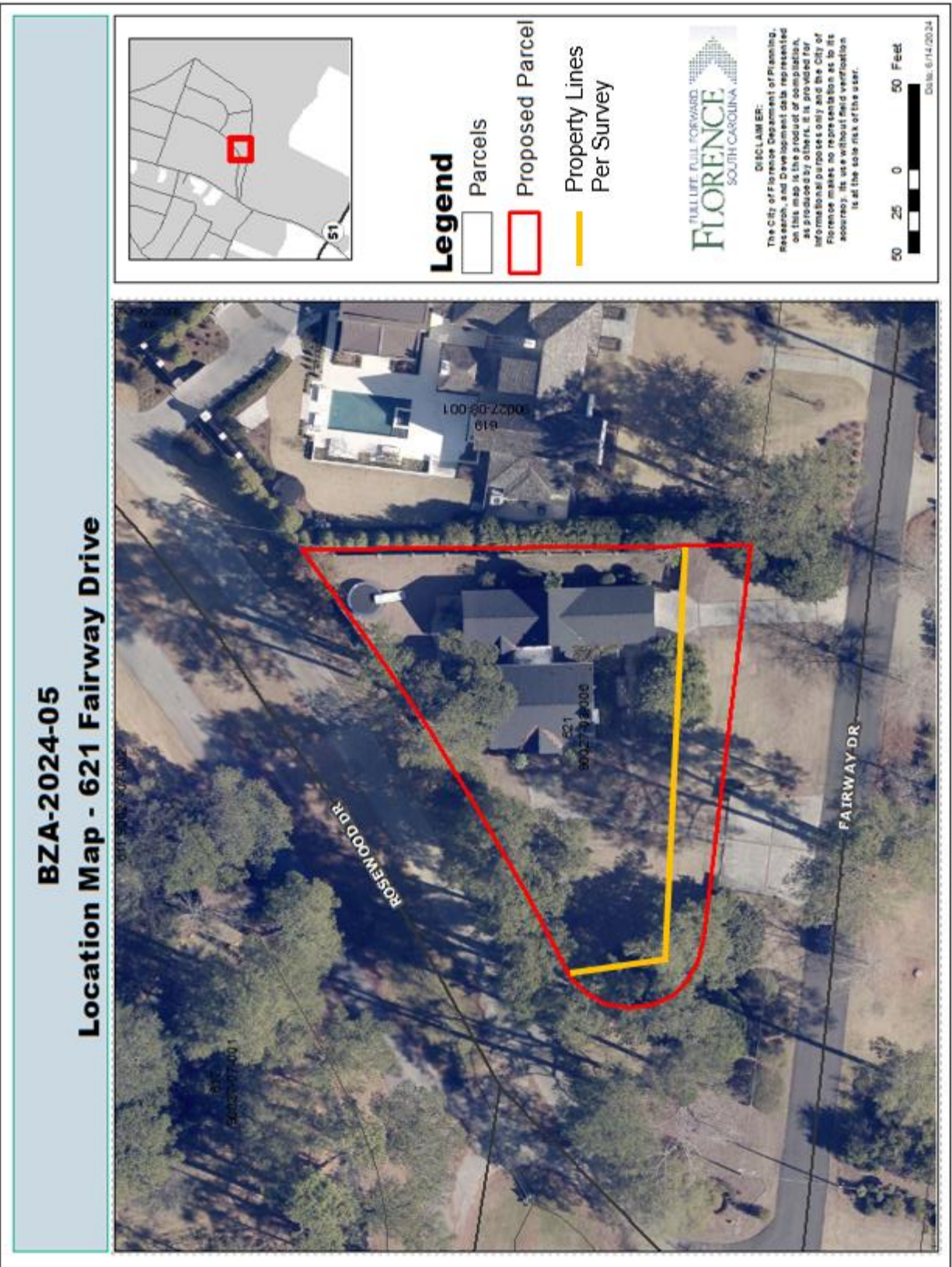
Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

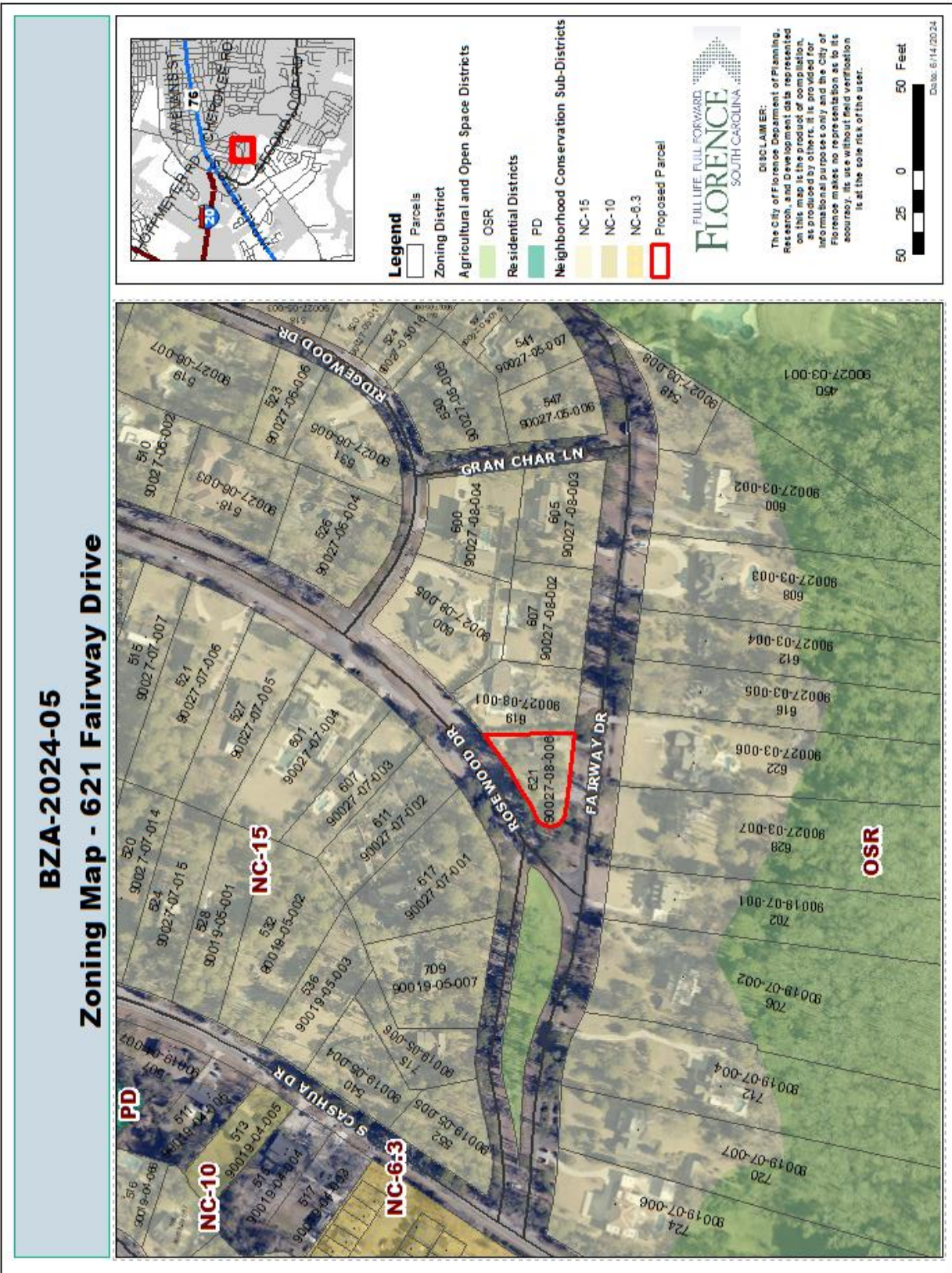
- 1. That a variance from the terms of the *Unified Development Ordinance* will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship.
Staff Comment: Adherence to the terms of the Ordinance would prevent the owner from constructing the extra storage space. The constrained back yard does not have room for a storage building.
- 2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done.
Staff Comment: The intent of the setback requirement in the Ordinance is to provide space between houses, minimize the impact on neighboring parcels, and preserve the character of the neighborhood. Because of the excessive right of way, and the unlikelihood that Fairway Drive will ever be widened to the point of the existing property line, building to the property line would not be expected to present a conflict.
- 3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property.
Staff Comment: The parcel is at the intersection of two residential streets with large rights of way. The back yard is much smaller than others in the area and does not have room for a storage building, necessitating the addition of storage space to the existing garage.
- 4. That these conditions do not generally apply to other property in the vicinity.
Staff Comment: Other properties in the area are typical rectangular lots with large front and back yards.
- 5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows.
Staff Comment: Adherence to the terms of the Ordinance would result in the inability of the owner to add storage space to his 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: The extensive right of way along Fairway Drive provides a visual side yard that is in keeping with similarly oriented houses in the area.

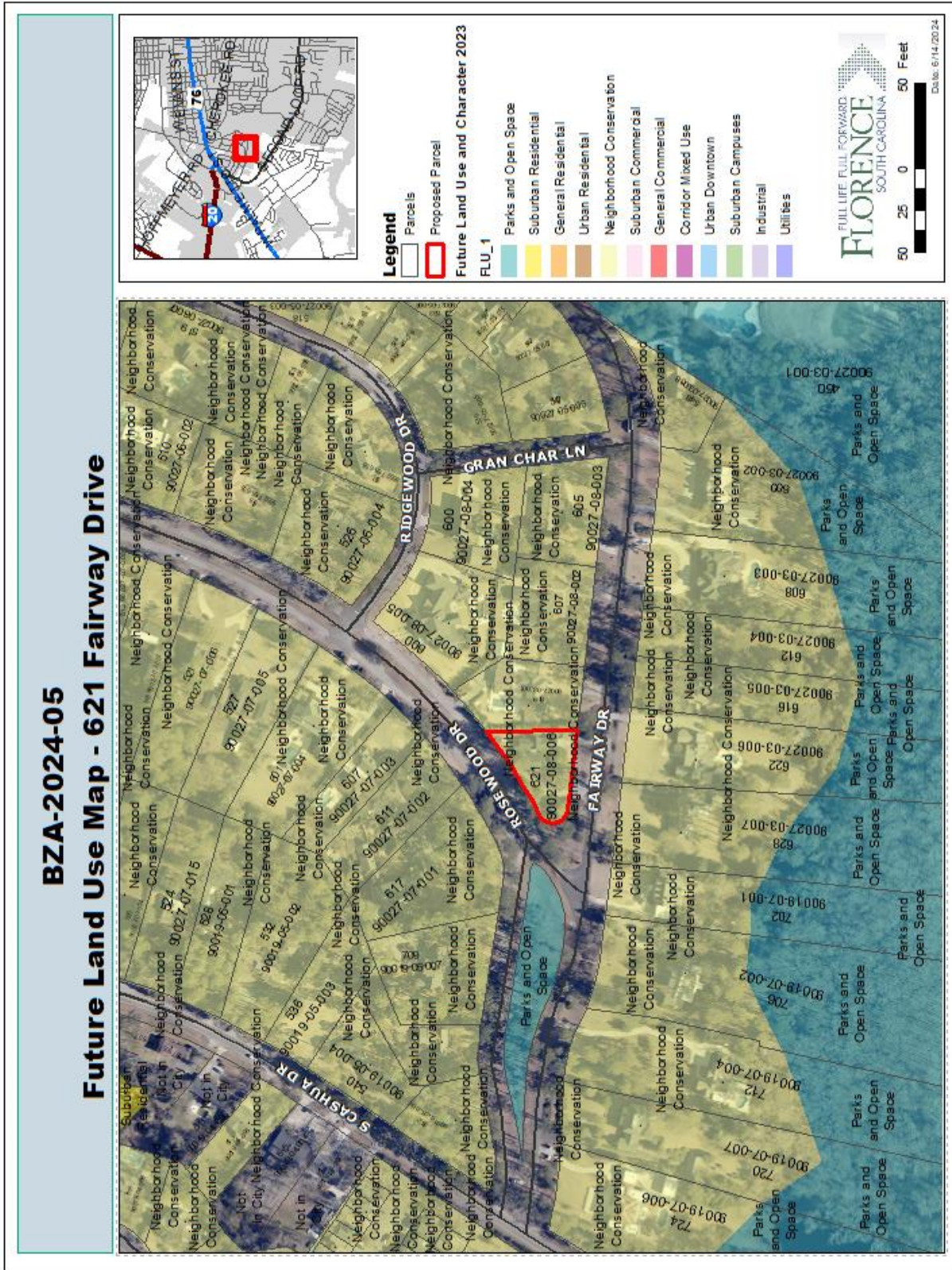
Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Survey
- F. Addition Site Plan
- G. Site Photos











LOCATION MAP

THIS PROPERTY DESIGNATED
 MAP 90027 08
 OWNERSHIP OF RECORDS
 SUBJECT TO RECORDING

FILED
 2013 JAN 24 AM 11:51
 CONNIE J. HILGARTH
 C.C.P. & G.S.
 FLORENCE COUNTY, SC



621 FAIRWAY DRIVE
 FLORENCE COUNTY
 SOUTH CAROLINA

THIS IS A RESURVEY OF
 AN EXISTING PARCEL.

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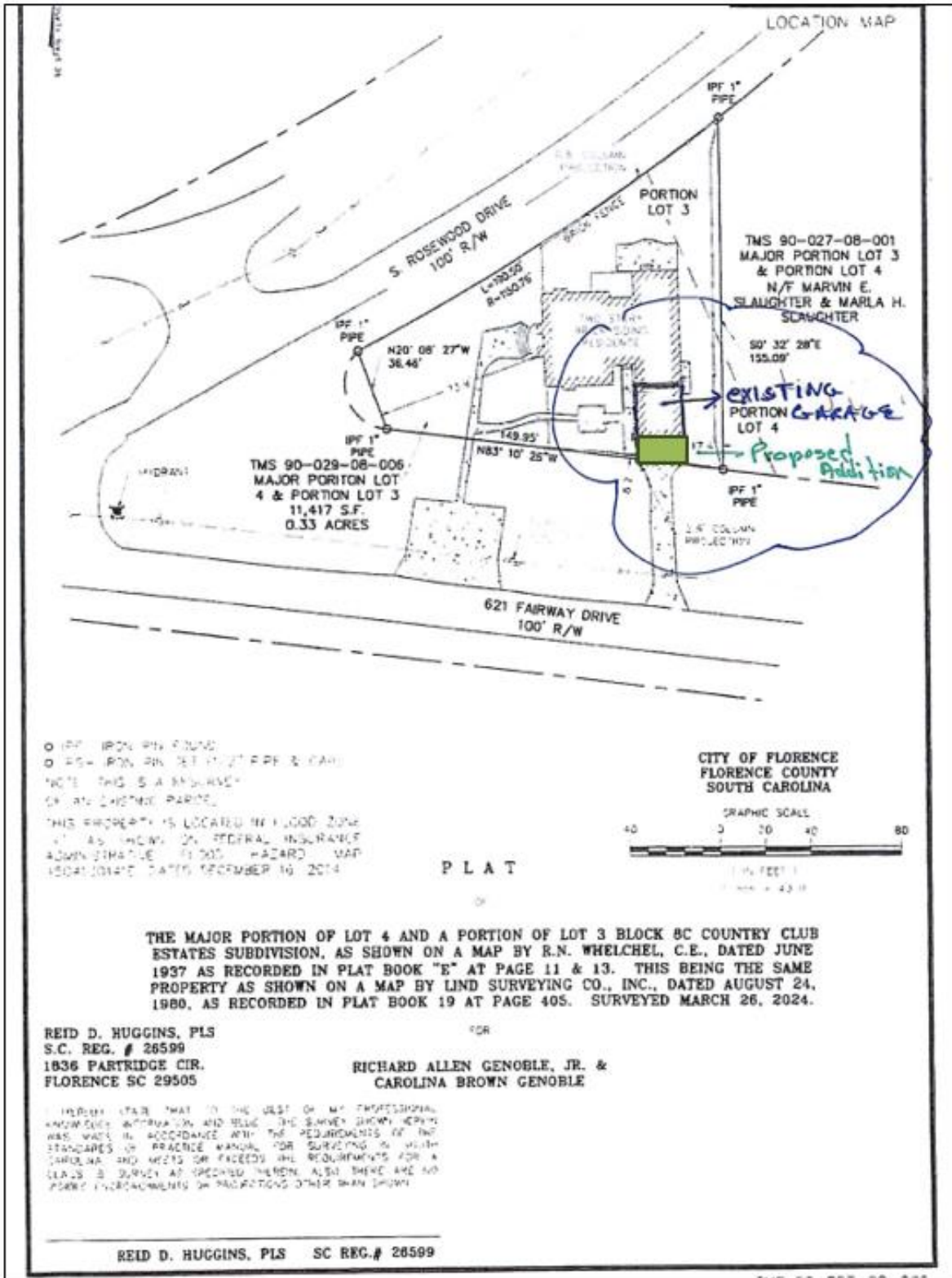
PLAT

OF 0.33 ACRES LOCATED IN FLORENCE COUNTY, SOUTH CAROLINA, BEING A PORTION OF LOT 4 & A PORTION OF LOT 3 OF BLOCK 8C IN THE COUNTRY CLUB ESTATES SUBDIVISION AS SHOWN ON A PLAT FOR R. W. G. G., INC. BY LIND SURVEYING COMPANY, INC. DATED AUGUST 24, 1980, RECORDED IN PLAT BOOK 19, PG. 405. SURVEYED FOR:

JAMES JOHNSON

DATE: JANUARY 16, 2013	JOB NO: 13025	FLD BK: 302	PAGE: 5	REF JOB NO:	TM#: 90-027-08-006
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Attachment F: Addition Site Plan



Attachment G: Site Photos



View of the house from Rosewood Drive.



Looking down the side property line along Fairway Drive. The addition will go to the brick fence in front of the white car in the middle of the photo. The parking pad and green space are all within the Fairway Drive right of way.

Board of Zoning Appeals Motion Worksheet

Case Number: BZA-2024-05 Nature of Request: Street Side Setback Variance

I move that we grant / deny the request for a variance based upon the following findings of fact:

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

8. That the spirit of the *Unified Development Ordinance* will / will not be observed, public safety and welfare secured, and substantial justice done because:

9. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely:

10. That these conditions do not generally apply to other property in the vicinity, in that:

11. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would effectively prohibit or unreasonably restrict the utilization of the property by:

12. That the authorization of a variance will not / will be of substantial detriment to adjacent property or to the public good, and the character of the district will not / will be harmed by the granting of the variance, because:

Guidelines applicable to the granting of a variance:

1. Profitability: the fact that a property may be used more profitably if the variance is granted may not be used as the basis for granting the variance.
2. Conditions: the BZA can put conditions on the granting of the variance.
3. Use Variance: the BZA cannot grant a variance that would allow a use not permitted in the zoning district.
4. Hardship: the hardship cannot be based on conditions created by the owner/applicant.

Notes:

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT
STAFF REPORT TO THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
JUNE 27, 2024**

APPEAL NUMBER: BZA-2024-06

REQUEST: Special Exception Permit request to operate a Drive Through Restaurant as required by Table 1-2.7.4 in the *Unified Development Ordinance* for properties in the Activity Center zoning district.

LOCATION: 2480 Hoffmeyer Road

TAX MAP NUMBER: 00099-01-089 (portion)

OWNER OF RECORD: Hewitt Land Company, Inc.

APPLICANT: 561 Lowcountry LLC

ZONING DISTRICT: Activity Center

Land Use and Zoning

The subject property is a vacant lot that will be subdivided out of a larger parcel. It is surrounded by Hoffmeyer Road on the northeast, Troxel Road on the south, and an internal access drive on the west and northwest sides, adjacent to the new Scrubby’s Carwash at the intersection of Hoffmeyer Road and Beltline Drive. It is zoned Activity Center, which is intended for mixed use development outside of the central business district. The City’s Future Land Use Plan designates this area as Suburban Commercial. The intent is to construct a drive-through restaurant on the portion of the lot that fronts on Hoffmeyer Road with the entrance and exit being on the internal access road.

Special Exception Use Permit Request

According to Table 1-2.7.4 “Commercial Uses”, a Special Exception Use Permit is required from the Board of Zoning Appeals for drive-through restaurants in the AC zoning district. The use is subject to the standards set out in the *Unified Development Ordinance* for drive-through restaurants, the conditional standards set out in Section 1-2.8.4P, and the criteria laid out in Section 6-21.7.11 “Permitted Special Exception Use Approval”.

Conditions for Drive-Through Restaurants per Section 1-2.8.4 “Commercial Use Standards”

P. Restaurants, Drive-Ins or Drive-Throughs are permitted if it is demonstrated that:

1. Where the use abuts or is within 50 feet of any residential district or use the ordering/communications stations are screened with a Type C bufferyard, including a fence or wall to reduce noise transmission.
Crescent Villas apartments are over 200 feet away from the edge of this parcel, so this does not apply.
2. Access is taken from a collector or arterial street or, in the case of a multi-tenant center, from an internal access drive. *Access will be from the internal access drive because additional curb cuts onto Hoffmeyer Road are not available through the SCDOT.*

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.

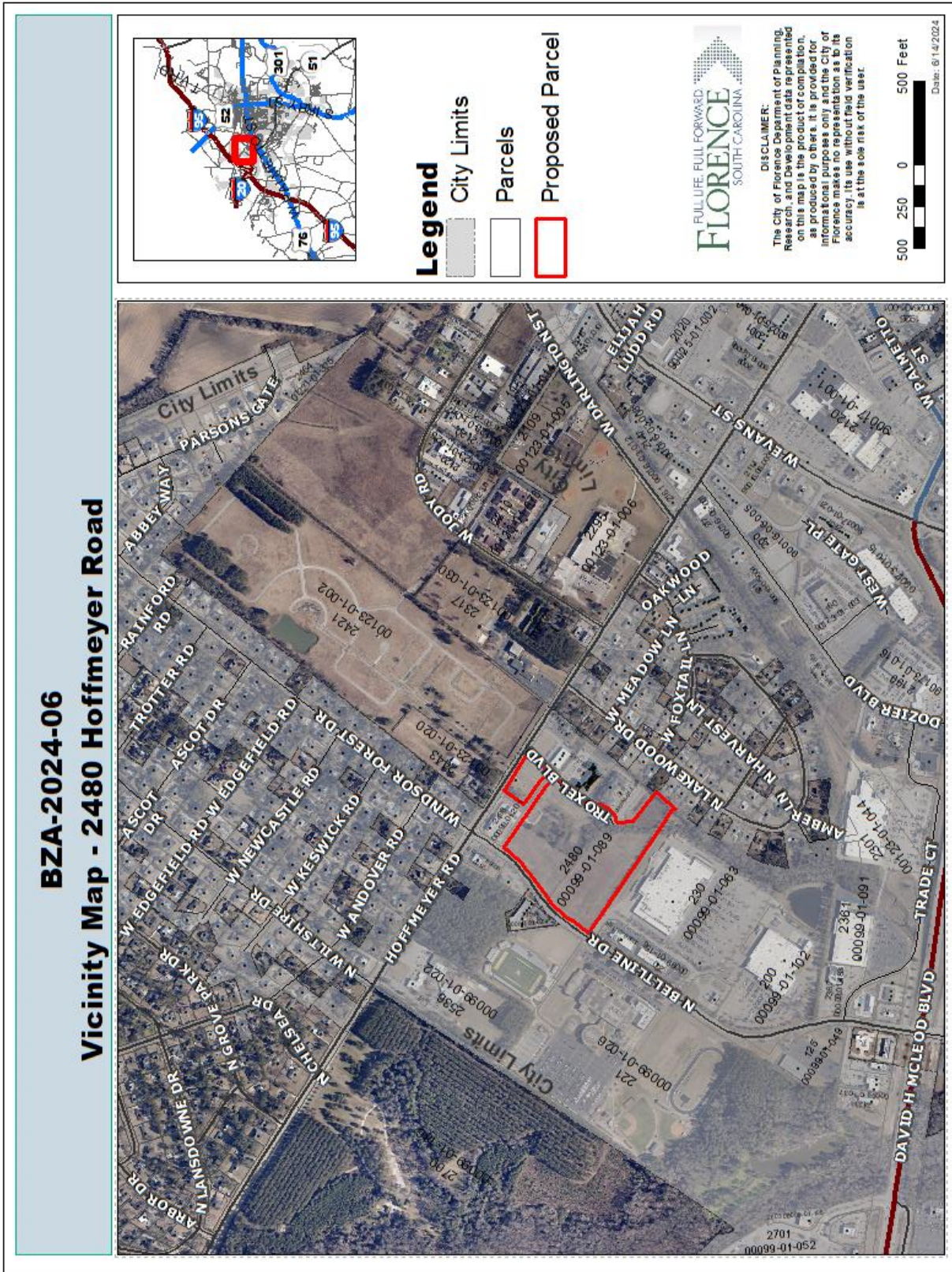
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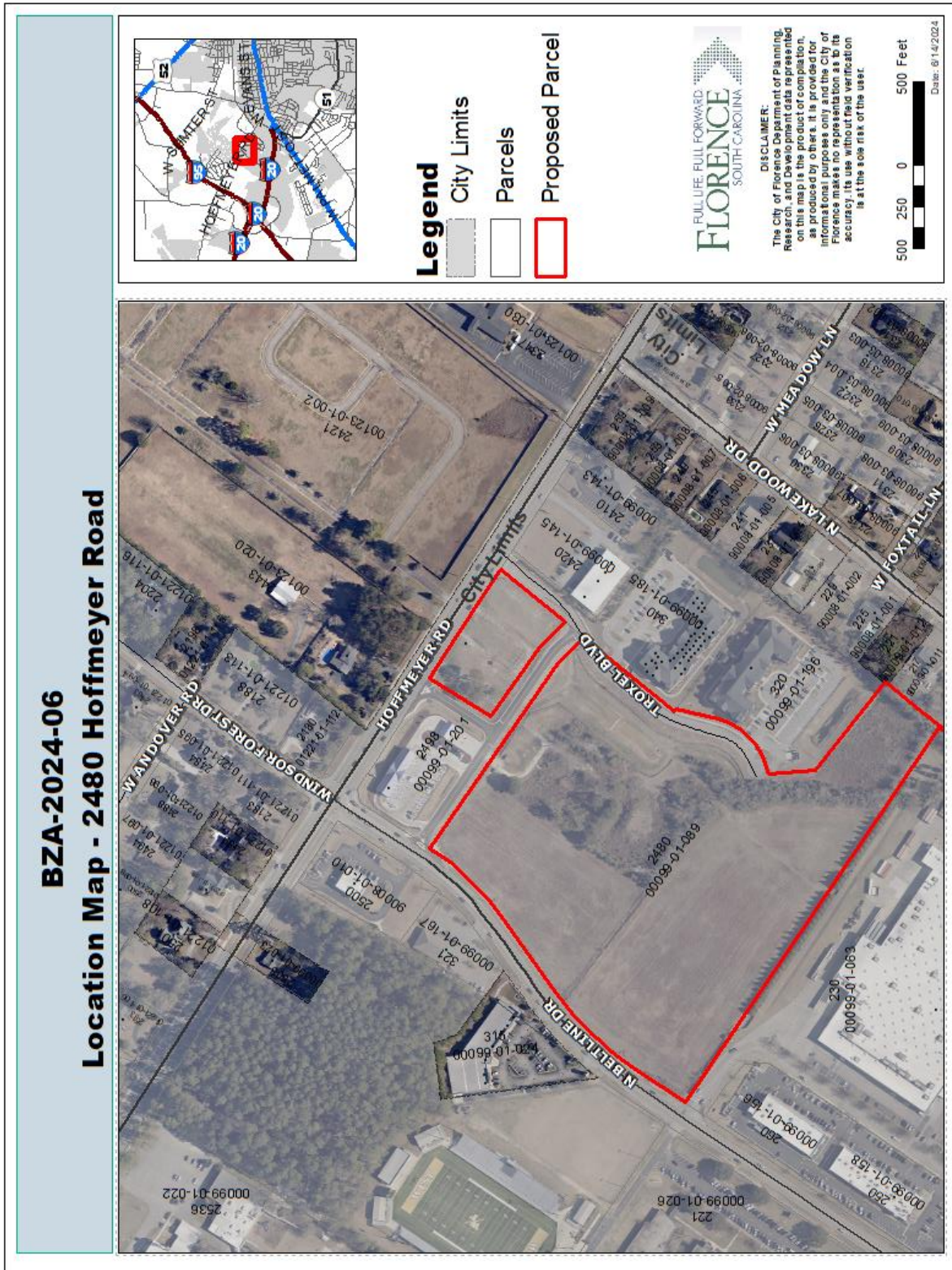
The Board of Zoning Appeals may:

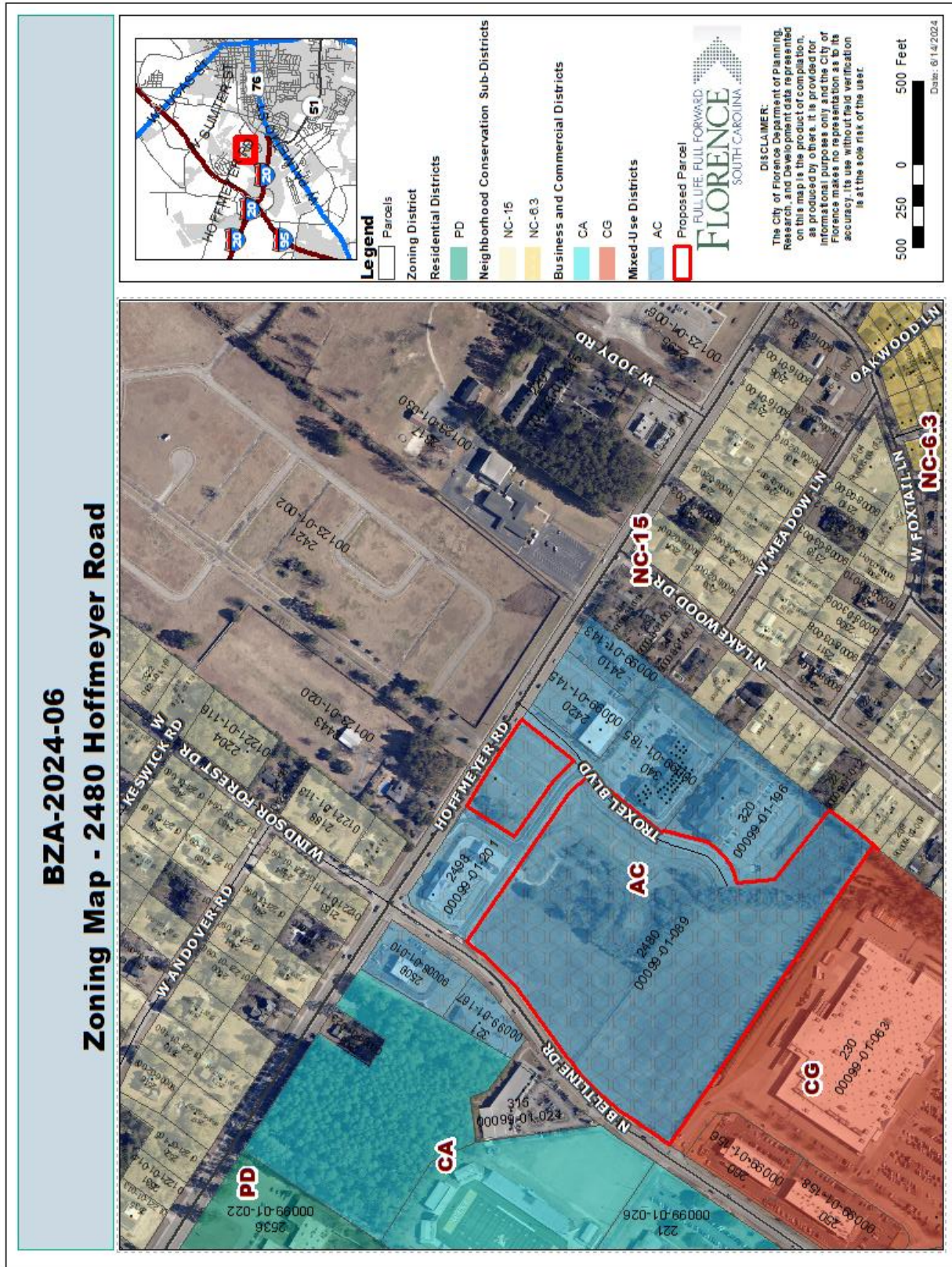
- (1) Recommend approval of the request as presented based on the information submitted.
- (2) Defer the request should additional information be needed.
- (3) Suggest other alternatives.
- (4) Recommend denial of the request based on information submitted.

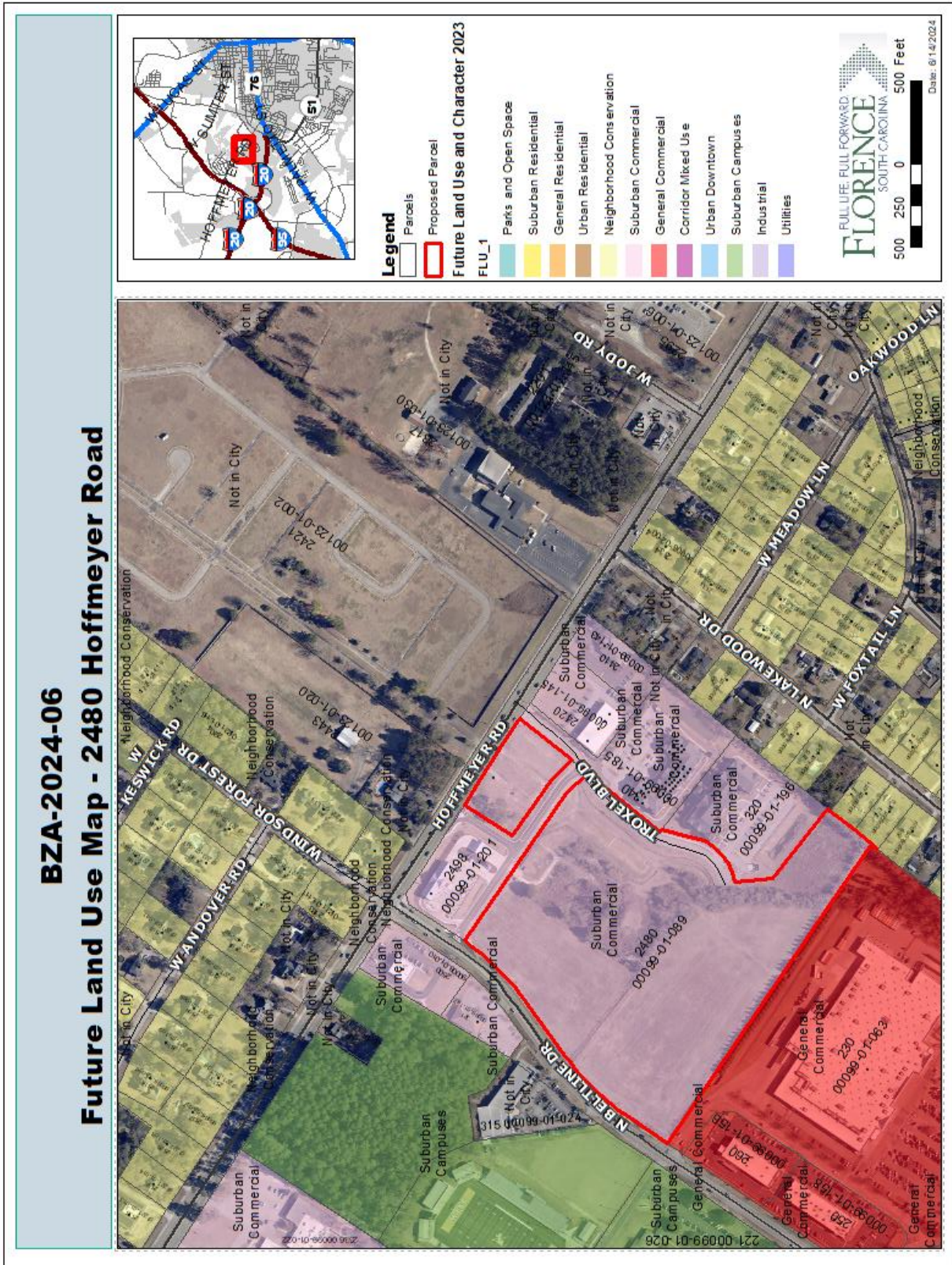
Attachments

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









Attachment G: Site Photos



**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT
STAFF REPORT TO THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
JUNE 27, 2024**

APPEAL NUMBER: BZA-2024-07

VARIANCE REQUEST: Request for a variance from the location restriction for accessory structures in a non-residential zoning district.

LOCATION: South Florence High School at 3200 South Irby Street

TAX MAP NUMBERS: 00152-01-012 and 00152-01-016

OWNER OF RECORD: Florence School District One

APPLICANT: Nichole Blackmon Lee with Tyson Sign Company

ZONING DISTRICT: Campus

Land Use and Zoning

The subject property is zoned Campus, which is intended for suburban campus settings for educational and institutional facilities, amongst other large scale uses. The parcel is the location of South Florence High School, which currently has a large monument sign with an LED animated screen for identification and information.

Variance Request

Florence School District One is requesting a variance regarding the placement of an accessory structure at South Florence High School. School officials are asking to locate a large monument sign in the front yard of the school at the entrance to the football stadium where it will be visible from the public right of way. Similar structures at West Florence High School and Wilson High School were granted variances in October, 2023.

According to Section 3-8.2.5 of the *Unified Development Ordinance*, “Accessory Buildings and Structures (Nonresidential and Multi-Family)”, in the Campus zoning district, if an accessory structure is larger than 200 square feet, it must be located within the building envelope. The building envelope for the CA district includes a 50 foot setback from the front property line. Additionally, no detached accessory building or structure shall be located in a required front yard.

The South Florence structure has a total area of 362 square feet, requiring its location within the building envelope, or at least 50 feet from the front property line. The applicant is requesting that it be located in the front yard. Its purpose is not advertising or necessarily identification; it is intended to add school spirit and provide a photo opportunity for current students and alumni.

The request is for a variance from the location requirements regarding accessory structures in order to permit it to be constructed in the front yard of the school where it will be visible from the street and easily accessible to students and the public.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular properties as follows: *The property is large and warrants the display at the proposed size to motivate and inspire students on campus daily.*
- b. These conditions do not generally apply to other property in the vicinity as shown by: *The need for this type of display is unique to a school environment.*
- 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: *Without this display, the school campus would be more drab and uninspiring.*
- 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 display is not intended to be viewed from a public street or ROW as advertising. Instead, the intentions are to add school spirit and photo opportunity memories for students.*

Issues to be Considered:

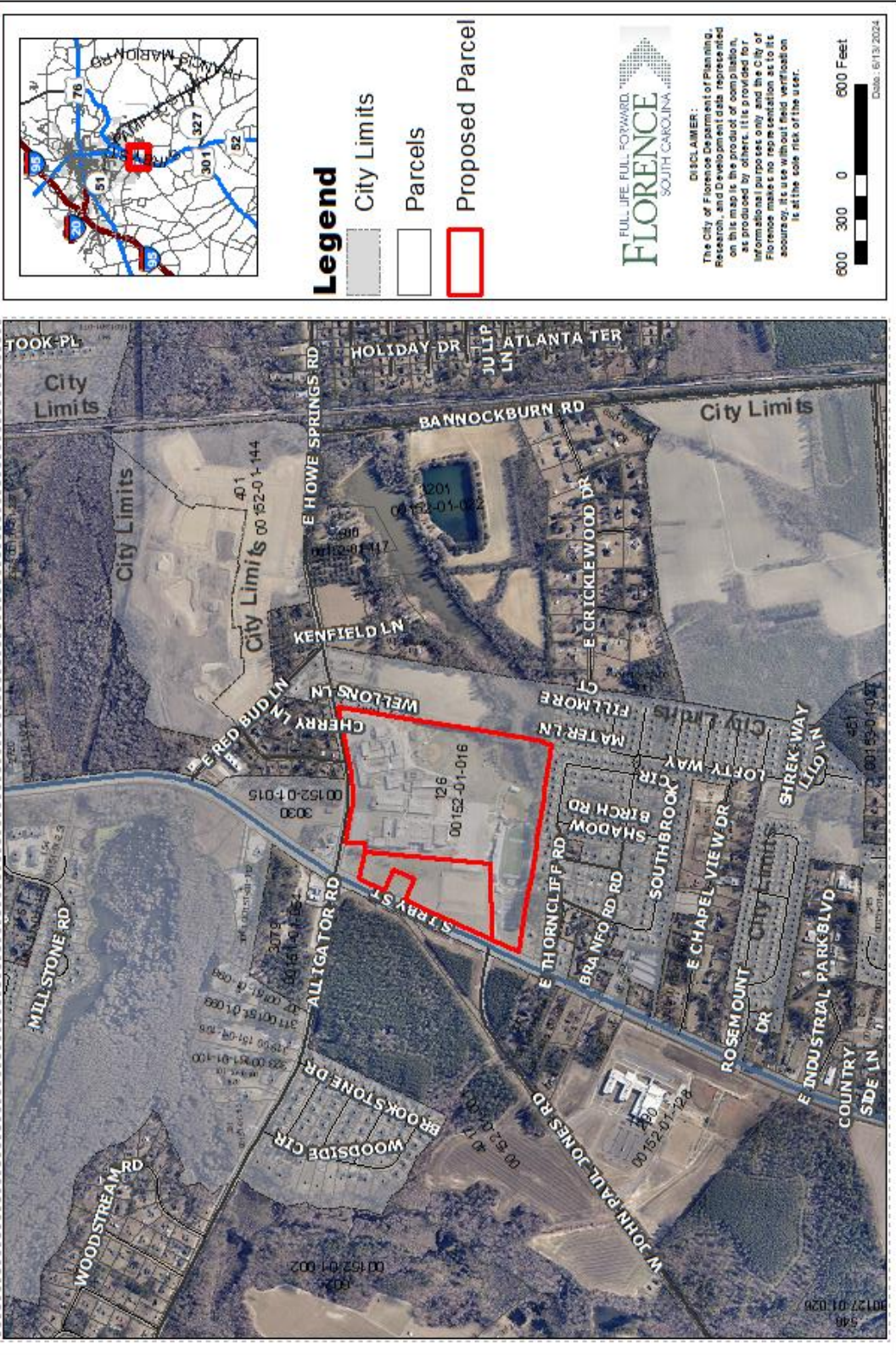
Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

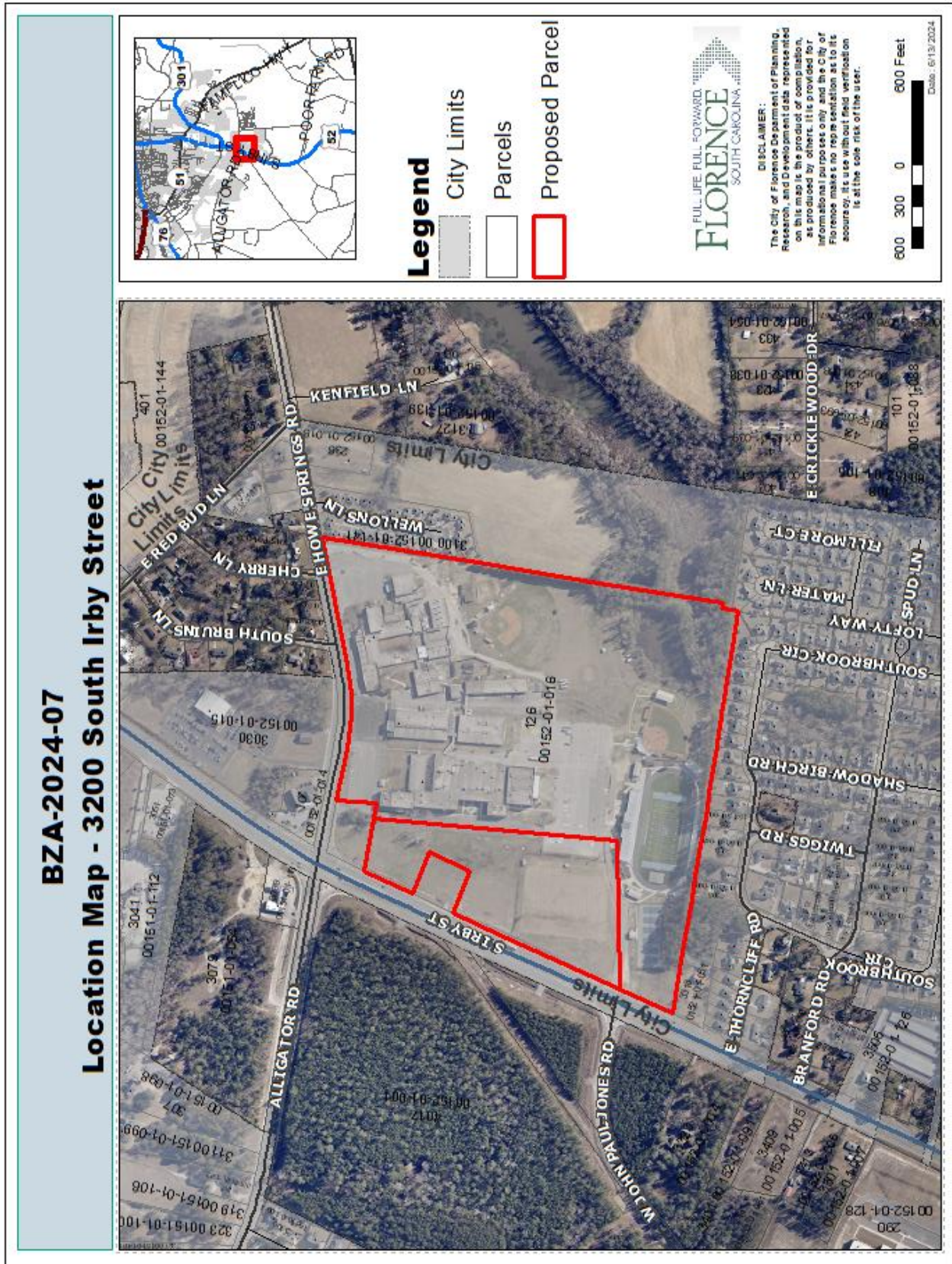
1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship. **Staff Comments:** *Enforcement of the terms of the Ordinance does not result in a hardship for the school, but it would prevent it from constructing a structure that is desired to encourage school pride and identification by the students and alumni.*
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. **Staff Comments:** *The purpose of the regulations is to prevent an accumulation of accessory buildings and structures in the front yards of campus buildings for aesthetic and safety reasons.*
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. **Staff Comments:** *The large accessory structure is being requested for a high school campus, which does constitute a unique land use.*
4. That these conditions do not generally apply to other property in the vicinity. **Staff Comments:** *The school is unique in its size and use. South Florence High School is similar in condition and character to Wilson and West Florence High Schools, which both received permission to install similarly scaled and styled structures.*
5. That because of these conditions, the application of the Ordinance to the particular properties would effectively prohibit or unreasonably restrict the utilization of the property as follows. **Staff Comments:** *Denial of the variance would not prevent the use of the property for a high school. The structure can be located onsite behind the principal buildings without a variance, but doing so does not meet the stated goal of having it visible and easily accessible.*
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 Comments:** *South Florence High School is located on a busy four lane road with residential areas behind it. The structure will not be visible from residential uses.*

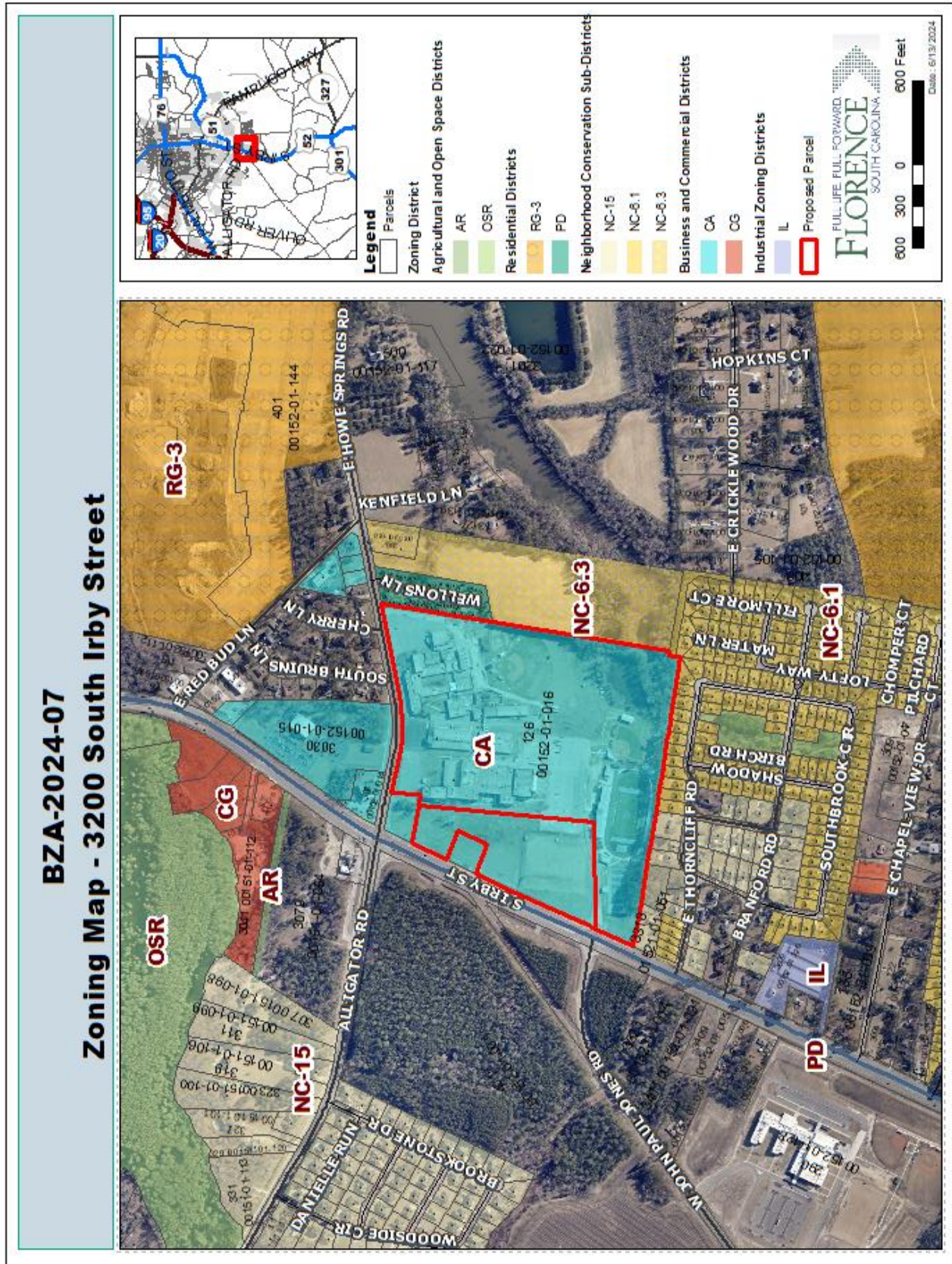
Attachments

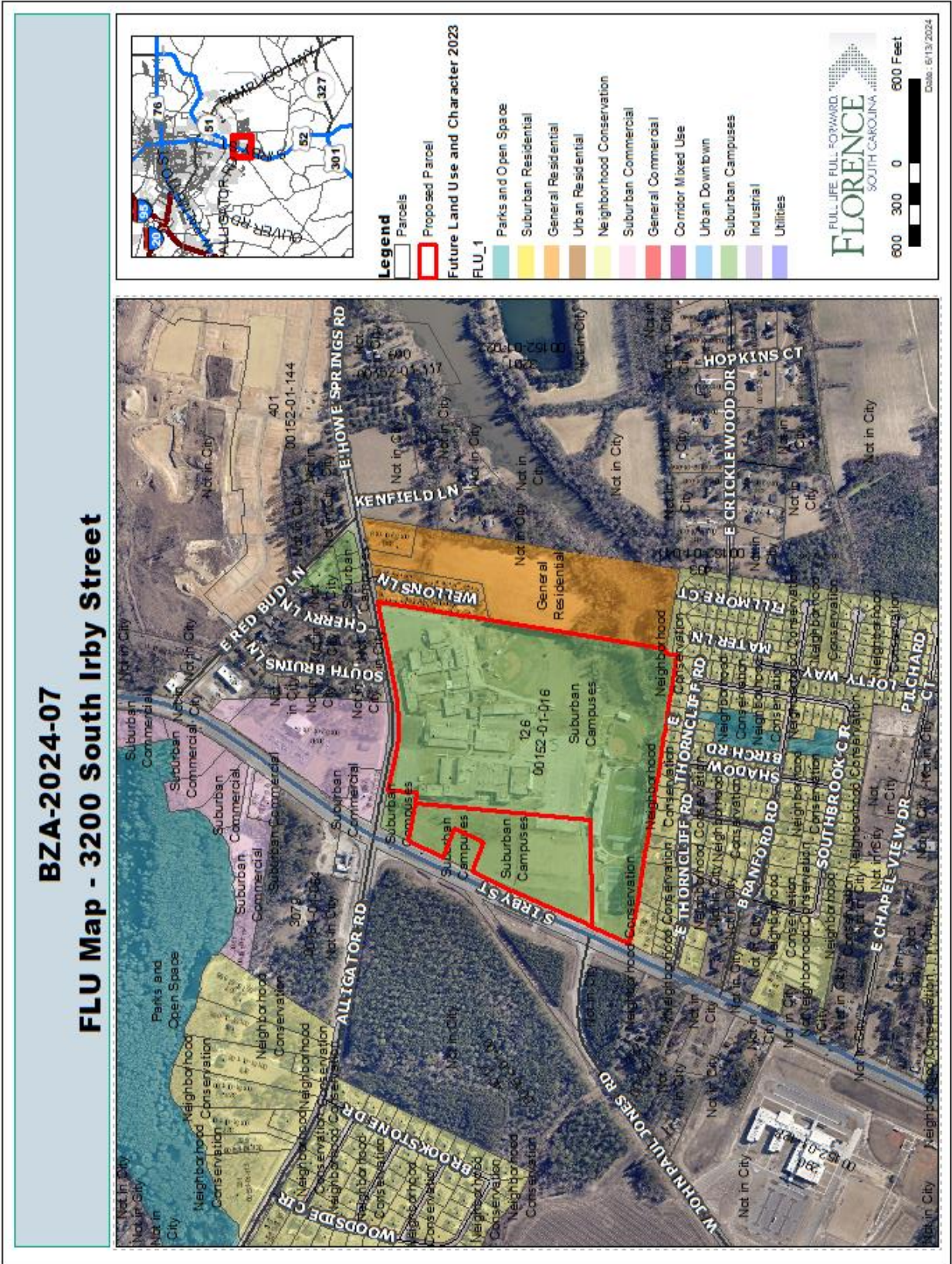
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Section 3-8.2.5 of the *Unified Development Ordinance*
- F. Site Plans
- G. Structure Rendering

BZA-2024-07
Vicinity Map - 3200 South Irby Street









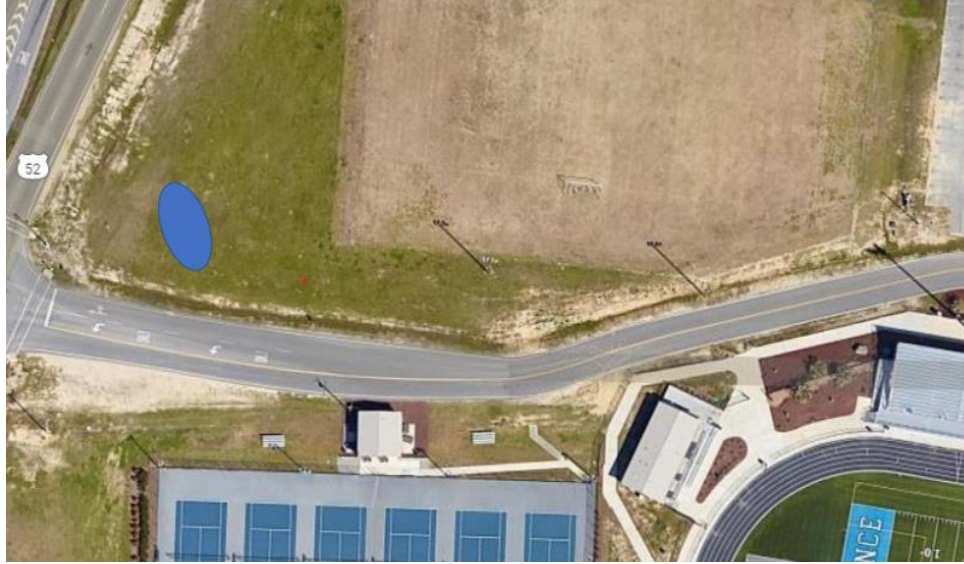
Accessory Buildings and Structures (Non-Residential or Multi-Family)

Sec. 3-8.2.5 Accessory Buildings and Structures (Non-residential or multi-family)

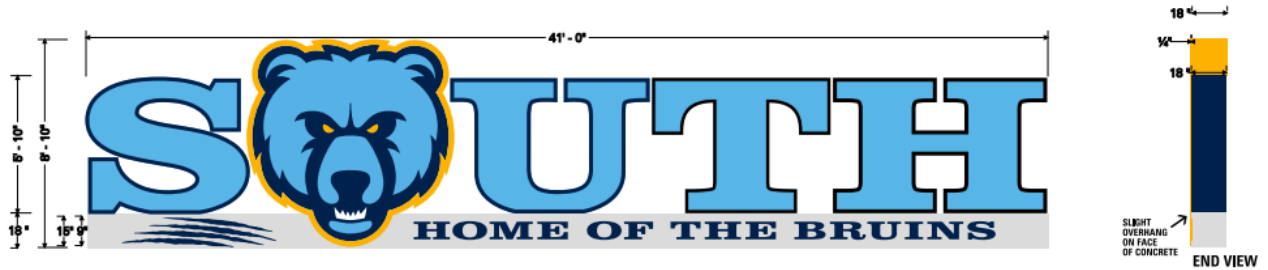
D. Other Detached Accessory Buildings or Structures.

1. *Footprint.* In the CR (Commercial Re-Use), CG (General Commercial), CBD (Central Business District), AC (Activity Center), and DS (Destination / Select Use) districts, no detached accessory building or buildings shall cover an area that is larger than 25 percent of the gross floor area of the principal building.
2. *Exemption for Certain Districts.* In the CA, IL, IH, and AR districts, accessory buildings are not subject to a specific maximum footprint. However:
 - a. If they are larger than 200 square feet, they shall be located within the building envelope; or
 - b. If they are 200 square feet or less, they shall be situated behind the principal building and set back at least 10 feet from all side and rear property lines.
3. *Location and Setbacks:* No detached accessory building shall be located in a required front yard.





Attachment G: Structure Rendering



41 feet wide by 8 feet 10 inches high by 18 inches deep = 362 square feet.

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2024-07 Nature of Request: Accessory Structure Location Variance

I move that we grant / deny the request for a variance based upon the following findings of fact:

13. 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:

14. That the spirit of the *Unified Development Ordinance* will / will not be observed, public safety and welfare secured, and substantial justice done because:

15. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely:

16. That these conditions do not generally apply to other property in the vicinity, in that:

17. 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:

18. 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:

5. 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.
6. Conditions: the BZA can put conditions on the granting of the variance.
7. Use Variance: the BZA cannot grant a variance that would allow a use not permitted in the zoning district.
8. Hardship: the hardship cannot be based on conditions created by the owner/applicant.

Notes: