

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

I. Call to Order

II. Approval of Minutes Regular meeting held on May 25, 2023 (no meeting in June)

III. Public Hearing and Matter in Position for Action

BZA-2023-08 Request for variances from the sign requirements for new development on the lot located at 411 Pamplico Highway in the CG zoning district; identified as Tax Map Number 90109-01-002.

IV. Adjournment

The next meeting is scheduled for August 24, 2023.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
MAY 25, 2023**

MEMBERS PRESENT: Ruben Chico, Nathaniel Mitchell, Nathaniel Poston, and Michael Valrie

MEMBERS ABSENT: Larry Chewning, Deborah Moses, and Miriam James-Singley

STAFF PRESENT: Clint Moore, Derek Johnston, and Alane Zlotnicki

CALL TO ORDER: In the absence of Chairman Larry Chewning, Co-Chairman Nathaniel Poston called the meeting to order at 6:18 p.m. after quorum was achieved.

APPROVAL OF MINUTES: Chairman Poston introduced the April 27, 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, Mr. Chico seconded; voting to approve the minutes was unanimous (4-0).

PUBLIC HEARINGS AND MATTERS IN POSITION FOR ACTION:

BZA-2023-07 Request for variances from the setback requirements for two 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.

Chairman Poston introduced the request and asked staff for their report. Mrs. Zlotnicki gave the staff report as submitted to the Board of Zoning Appeals.

Chairman Poston asked how many variances were being asked for; Mrs. Zlotnicki said there were three: the building setbacks, lot area and width, and parking requirement for each address point. He clarified that both buildings are currently operating as duplexes, and 405 Warley Street had been operated as a triplex in the past, but triplexes are not permitted in the NC-6.2 zoning district, so that option is not being considered. Each duplex needs its own parcel and that is the reason for the variance request. Without the variances, the owner could not use the rear building at all.

There being no further questions from the Board for staff, Chairman Poston opened the public hearing.

Mr. Fernando Pena, the applicant, was sworn in by Chairman Poston. He said that they purchased the property to rehab both buildings. There were vagrants in the house at 405 Warley Street and they want to fix it up and use the property as intended to contribute to the neighborhood.

Chairman Poston asked Mr. Pena if he'd applied or if Codes Enforcement was involved; he said that they were unaware of the ordinances, and when Codes contacted them, they found out about the restrictions on duplexes. Chairman Poston asked him how long he's owned this property; Mr. Pena said they purchased it in December 2021 and have worked to fix up 405 Warley Street. They have two tenants at 500 West Pine Street, but are waiting to see if they can finish renovating 405 Warley Street so they can rent it out. He said he also has some other residential as well as commercial properties. Chairman Poston asked if Mr. Pena was familiar with the rental registry program; he said he was and that was how he found out that he wasn't in compliance.

Mr. Andrew Lisenby of 502 West Pine Street spoke next. He expressed his concerns about on street parking in front of his house because he and his wife need access to the PDRTA transit service that stops there. The area in front of his house is marked as no parking. Chairman Poston asked staff about the location of the on street parking; Mrs. Zlotnicki clarified that West Pine Street would remain a no-parking area. Parking requested is for Warley Street, not West Pine Street.

Mr. Chico pointed out that while there is no official PDRTA stop, the access will be maintained and unaffected by this variance. The situation will be no different than it's been for the last sixty years.

Mr. Lisenby suggested the installation of a circular drive in front of 500 West Pine Street.

Mr. Winfield Brown, the president of the Timrod Park Neighborhood Association, spoke next on behalf of the Association. He said that he appreciates improvements to the neighborhood. They were initially concerned about the discrepancy between the use and descriptions of 500 West Pine Street as a four unit versus a single family home. They were concerned about the destruction of a nice older home. They were also concerned about parking, but feel there is enough space for parking on Warley Street.

Mr. Chico asked if it was possible to have sections of road designated as no parking for specific handicapped residents by the City. Mr. Moore said that parking regulations were adopted by City Council; most of Pine Street is already marked no parking.

Chairman Poston asked Mr. Brown if the TPNA had concerns about this request; he said that yes, they were concerned about how the house was subdivided into multiple units and when. He said he spoke to someone who knew Mrs. Fowler, the former owner, and was told it was divided up a long time ago. Mr. Brown said that they don't want houses to remain vacant because vagrants and drug use tend to happen when that is the case.

Mr. Chico commented that he lives right around the block from this location. He said that a vagrant living in a vacant home nearby burglarized his home, so it has been a problem.

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

Mr. Chico moved that the request for the variance be granted, based on the following findings of fact:

1. That a variance from the terms of this *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. ***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 previous codes.***
2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done. ***Because the use that is 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. ***These 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 a single family home.***
4. That these conditions do not generally apply to other property in the vicinity. ***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 *Unified Development Ordinance* to the particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows. ***By not permitting the owner to use the building at 405 Warley Street as it was 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. ***Because these two structures have been in place since the 1930s and 405 Warley Street has historically been used as a triplex.***

Mr. Valrie seconded and the motion to approve the request as submitted passed unanimously (4-0).

ADJOURNMENT: As there was no further business, Mr. Valrie moved to adjourn the meeting; Mr. Mitchell seconded and the motion passed unanimously (4-0). The Board adjourned at 7:02 p.m. The next regular meeting is scheduled for June 22, 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: July 27, 2023

APPEAL NUMBER: BZA-2023-08

VARIANCE REQUEST: Request for a variance from the sign requirements for a new commercial development located at Pamplico Highway and East Siesta Drive.

LOCATION: 411 Pamplico Highway

TAX MAP NUMBERS: 90109-01-002

OWNER OF RECORD: Southbound Florence, LLC

APPLICANT: Southbound Florence, LLC

ZONING DISTRICT: Commercial General (CG)

Permitted Land Use

The request concerns a new commercial development located on the north side of Pamplico Highway on the western corner of East Siesta Drive. Because this is a corner lot, Table 5-17.2.1B of the *Unified Development Ordinance* permits up to two free standing signs with an area of up to 160 square feet each, one per street frontage. The Commercial General zoning designation permits two building signs, as well as identifying signage on gas pumps. Canopy signage is limited to logo and brand colors without actual signage.

Site Details

Compassion Church sold the portion of its lot that fronts on Pamplico Highway to the applicant to incorporate into a single large parcel. As part of the sale, the developer agreed to allow Compassion Church to maintain its sign along Pamplico Highway as an off-premise sign to identify the church's location. Because the off-premise church sign is counted against the number of signs permitted on the street frontage on which it is located, the applicant is requesting a variance on their allowable signage to enable them to install an additional free standing sign along Pamplico Highway. They are also requesting permission to install pricers on the canopy as well as their brand sign in excess of the allowable wall signage.

Requested Variances

1. Allow a second free-standing sign on Pamplico Highway to identify the new tenant and advertise gasoline prices.
2. Allow a gasoline pricer sign as well as the logo sign on the canopy.

Previous Action Taken

On March 23, 2023, the Board of Zoning Appeals approved a variance from Section 5-18.1.5 of the *Unified Development Ordinance* to permit the Compassion Church sign to remain onsite as a conforming off-premise sign.

At the same meeting, the Board denied a variance for the number of free standing signs permitted by Table 5-17.2.1B to accommodate the church sign. The Board did not feel it could act in good faith to issue a blanket approval without a specific proposal in place and requested that the applicants bring future proposals back before the Board for reconsideration of variances on number and size of allowable signage.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: **In agreement with Compassion Church, their existing sign is to remain along Pamplico Highway. This creates a hardship and eliminates our ability to have a freestanding sign for our tenant(s) as part of the new development taking place here at this corner.**
- b. These conditions do not generally apply to other property in the vicinity as shown by: **The other properties in the vicinity tend to not be hindered by an off-premises sign taking up their capacity for their new development tenant signage.**
- 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: **All tenants/businesses in the vicinity have signage rights along the main road as it is crucial to their business operations; without the ability to have signage for this new development, due to the church sign taking the allowed one sign along Pamplico Highway, it would be detrimental to their business(es).**
- d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: **It will allow the church to keep their existing sign along Pamplico Highway allowing them the excellent visibility and exposure they currently have for their current and future guests. The placement of this applied for sign at the corner of Pamplico and East Siesta will not hinder any visibility of travelers along Pamplico Highway and will abide by any and all codes and regulations for construction and visibility requirements. In addition, this will give adequate spacing between the adjacent parcel sign eliminating any concerns for safety and visibility.**

Issues to be Considered:

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

Regarding the request for a variance from the number of free-standing signs permitted on one street frontage to allow the tenant sign in addition to the preexisting church sign:

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: Enforcement of the ordinance restricts the applicant to a single free-standing sign along this corridor.**
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. **Staff Comment: The intent of the sign ordinance is to regulate the number and size of signs to create an orderly development of signage within the City of Florence.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. **Staff Comment: Compassion Church and the applicant agreed to allow the continued use of the church sign along the frontage, which eliminates the applicant's opportunity for a sign of their own.**
4. That these conditions do not generally apply to other property in the vicinity. **Staff Comment: The agreement to allow the off-premise sign is not permitted by the ordinance.**
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:**

Denying the applicant the second sign along Pamplico Highway would prevent them from the ability to identify their product and location.

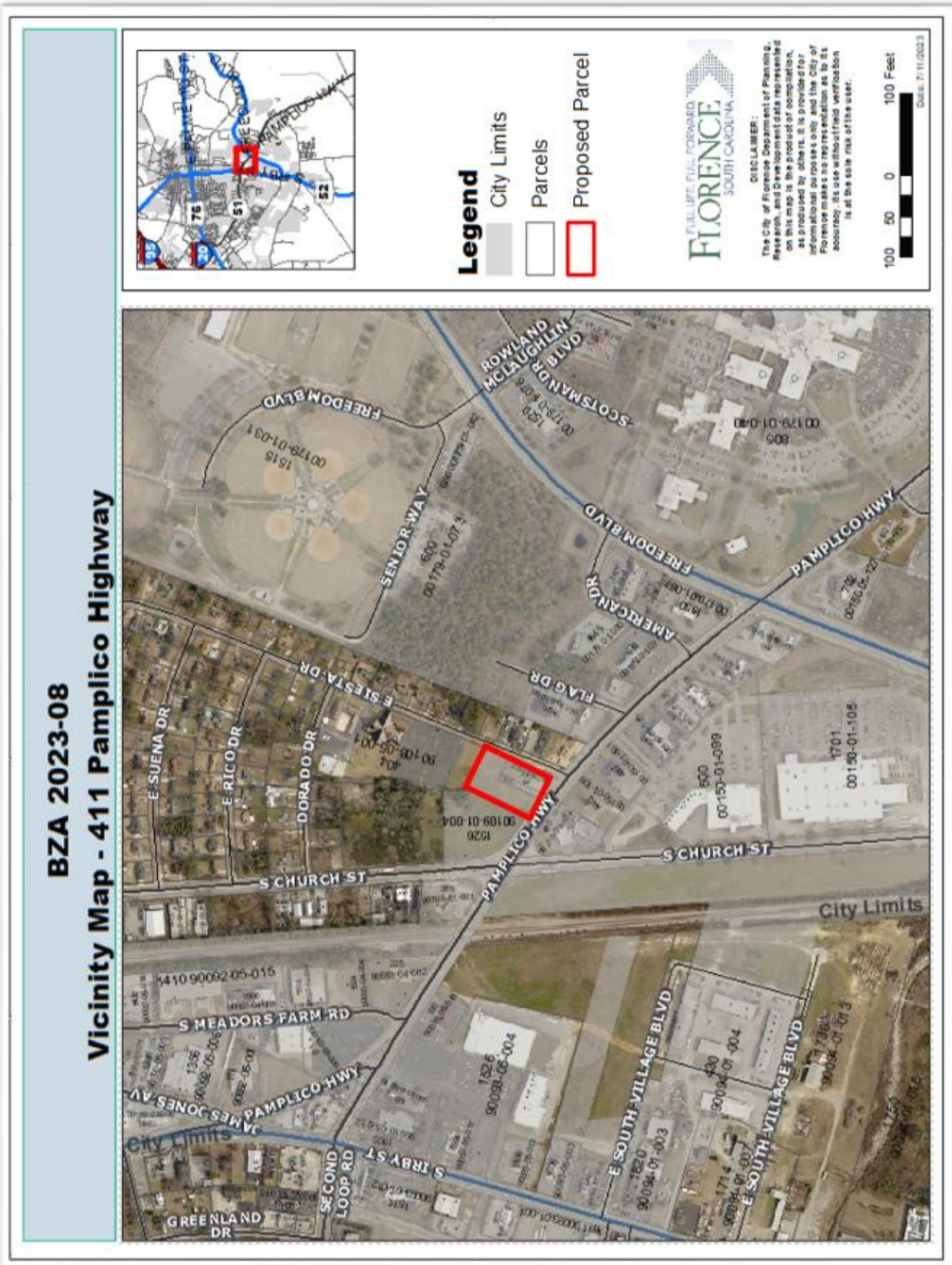
6. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. **Staff Comment: The property associated with this request has significant road frontage along this heavily commercial corridor.**

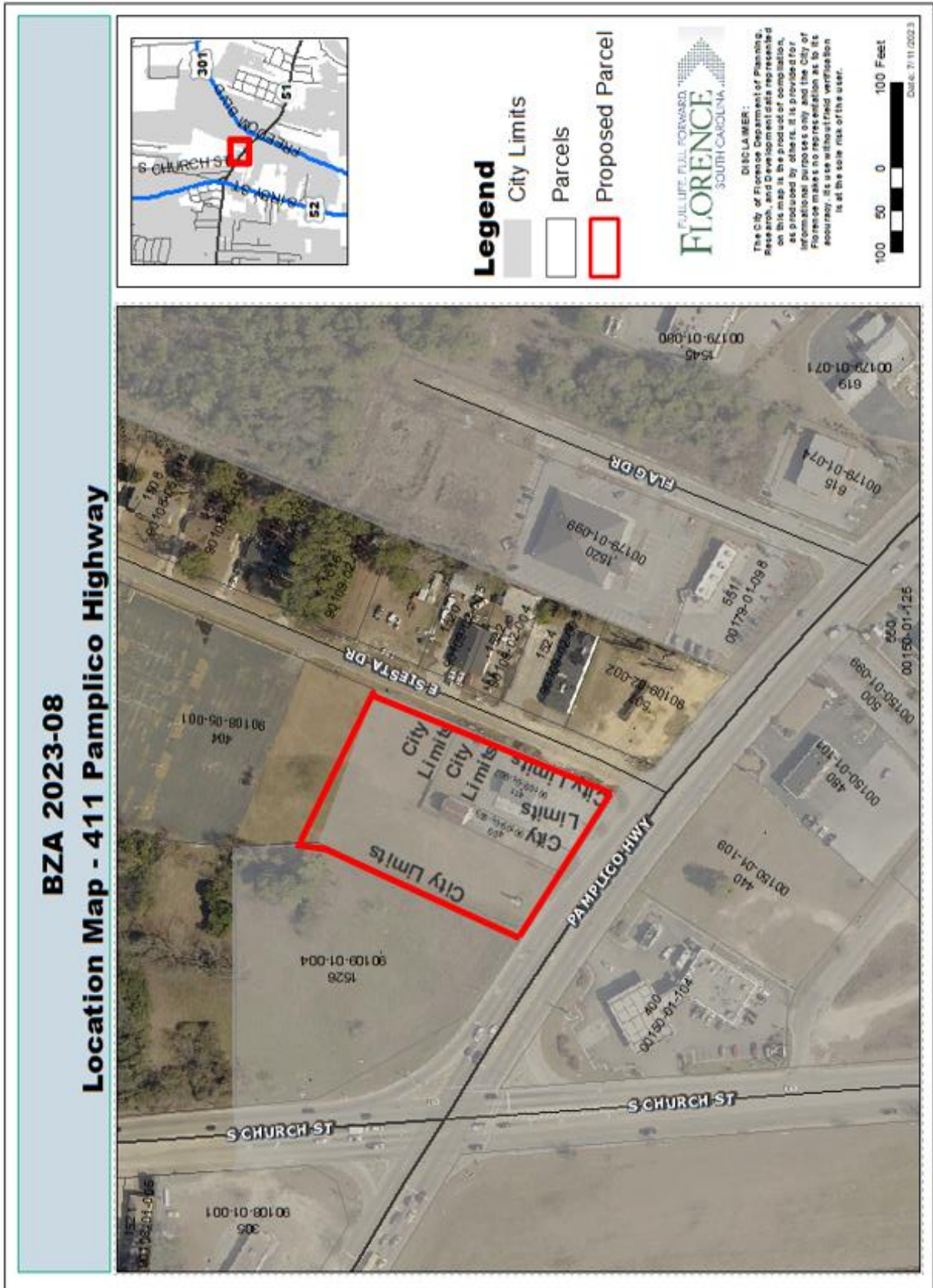
Regarding the request for a variance from the number of wall signs to allow a gasoline pricer sign and logo sign on the canopy over the gas pumps:

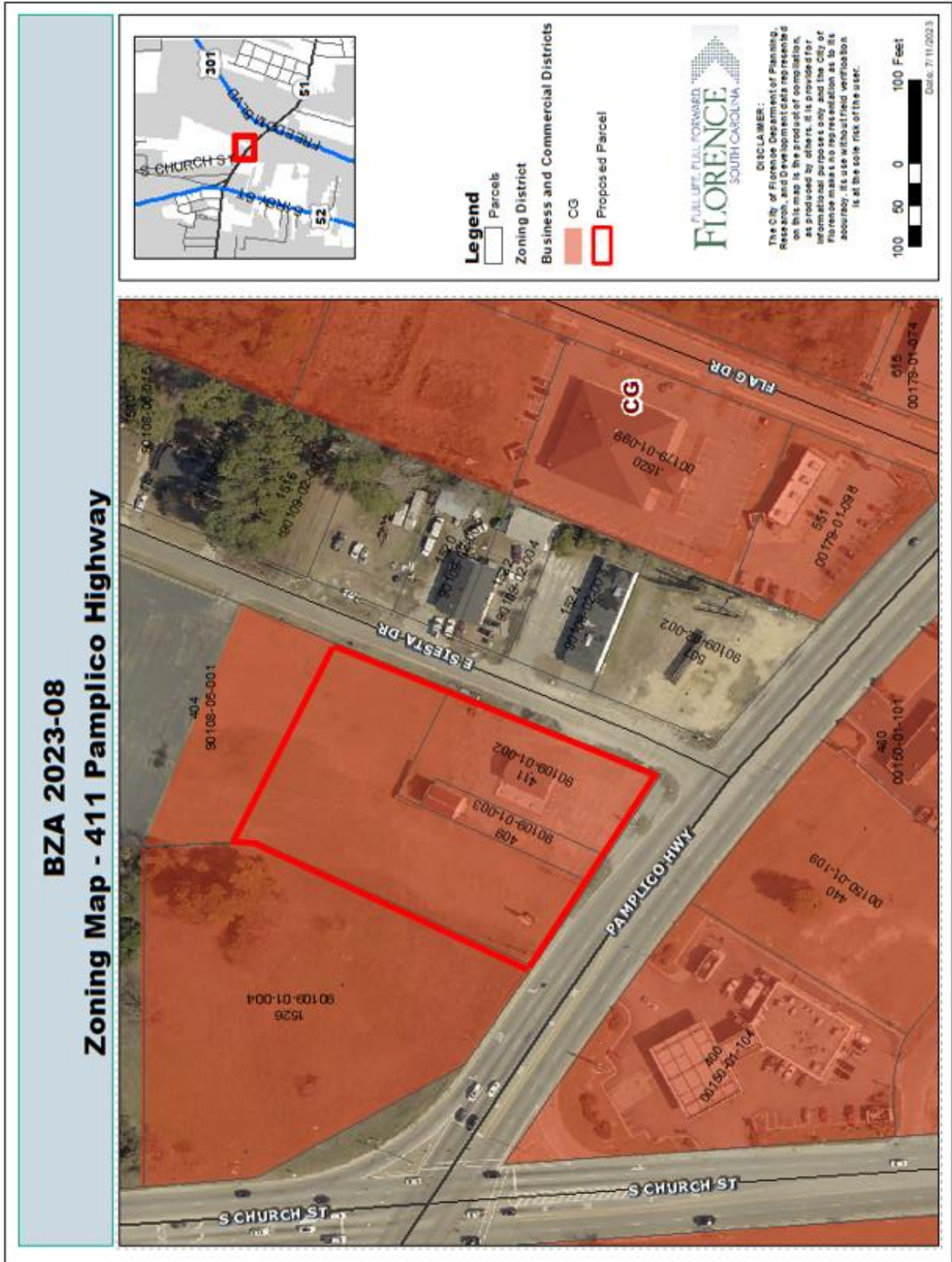
1. That a variance from the terms of this Ordinance will be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, not result in an unnecessary hardship. **Staff Comment: The sign ordinance has been applied to multiple properties throughout the municipality that are similar in dimension and zoning. The restriction on canopy signage is applied universally to projects in the City limits and enforcing it here will not create a unique hardship.**
2. That the spirit of the Ordinance will not be observed, public safety and welfare secured, and substantial justice done. **Staff Comment: The spirit of the sign ordinance is to regulate and control the number and size of signs to create an orderly display of signage within the City of Florence. Canopy signage is restricted to colors rather than logos to prevent excessive signage.**
3. That there are no extraordinary and exceptional conditions pertaining to the particular piece of property. **Staff Comment: This property is similar in size and dimension to other commercial properties within municipal limits.**
4. That these conditions do generally apply to other property in the vicinity. **Staff Comment: This property is similar in its characteristics to other properties within the City limits that are located on the corner of main thoroughfares.**
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. **Staff Comment: Other like developments are regulated under the same zoning ordinance.**
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. **Staff Comment: Granting the request for extra signage on the canopy would give this applicant signage in excess of that permitted to other gas stations.**

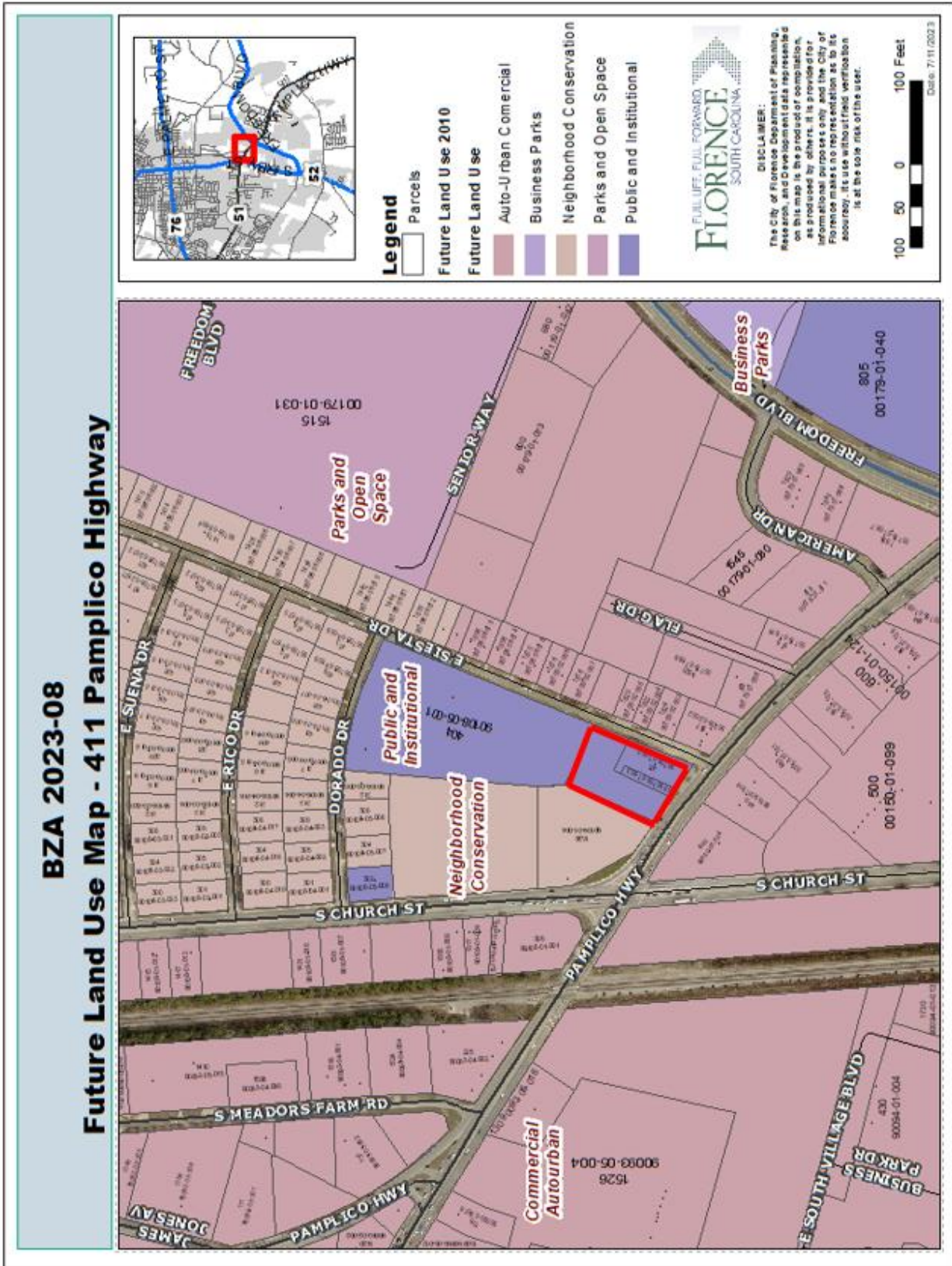
Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. *Unified Development Ordinance* Excerpts
- F. Existing Church Sign
- G. Proposed Sign Locations per Site Plan
- H. Proposed Sign Renderings









Attachment E: *Unified Development Ordinance* Excerpts

Table 5-17.2.1A “Number, Dimension and Location of Permitted Signs, by Zoning District” Note 6:

“Gasoline service signs shall be allowed on gasoline pumps so as to provide required information to the public such as "gallon," "octane rating," "self-service," "price," and "type of fuel." As the trade name of the business is often incorporated into the different types of fuel, said trade name and any associated symbols shall be permitted on the pumps. In addition, each service bay in a service station may include signs identifying "type of service" above the doorway provided they do not exceed five square feet in size. Gas station service signs shall not be counted against the maximum number of permitted signs or associated square footage otherwise allowed on the property.”

Table 5-17.2.1B Regulation of Signs By Type, Characteristics, and Zoning Districts									
Sign Characteristic By Type	All Residential Zones	INS (1)	CR	CA/DS	CG	CBD/AC	IL/HI	AR	OSR
FREE-STANDING SIGNS									
Number Permitted Per lot (E)									
Billboards	N	N	N	N	NA	N	NA	NA	N
Other (I)	1(A)	2	1	1	1	1	1	1	1 (A)
Per Feet of St. Frontage									
Billboards	N	N	N	N	1:1,200	N	1:1,200	1:1,200	N
Other	NA	(K)	NA	NA	(D)	NA	(D)	(D)	NA
Maximum Sign Area (s.f.)									
Billboards	NA	NA	NA	NA	(F)	NA	(F)	(F)	NA
Other	20	(L)	20	32	3 sf. per each ft. st. frontage (G)	80	80	32	20
Minimum Setback from Property Line									
Billboards	NA	NA	NA	NA	10'	NA	10'	10'	NA
Other	5'	5'	5'	5'	5'	0'	5'	5'	5'
Maximum Height	12'	12'	12'	24'	(H)	24'	(H)	(H)	12'
BUILDING SIGNS									
Number Permitted (J)	1	2	1	2	2	2	2	2	1
Maximum Sign Area (s.f.)	4	90 (L)	12	NA	NA	NA	NA	NA	12
Maximum Wall Area (J)	NA	20%	NA	25%	25%	25%	15%	25%	NA
TEMPORARY SIGNS	<i>See 5-18.1.3, Temporary Signs</i>								

TABLE NOTES: (NA = Not Applicable; N= Not Allowed; sf = Square Feet)

- A. Two-use identification signs, not exceeding 20 sf each, are permitted for each entrance of a subdivision, residential project, or agricultural operation.
- B. This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Unified Development Ordinance in residential zoning district, i.e. churches, schools, parks, etc.
- C. Minimum distances required by this section shall be measured between billboards located on either side of the street along the centerline of the street from which the billboard is viewed.
- D. One per lot or one for each 300 linear feet of street frontage, whichever is less.
- E. Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- F. 378 sf except where located within 600 feet of an Interstate Highway ROW, where maximum shall be 672 square feet. Interstate highway ROW does not include I-20 Spur or McLeod Blvd. From W. Evans to I-95.
- G. Not to exceed 160 square feet.
- H. Maximum height of billboards shall not exceed 100 feet where located within 600 feet of Interstate Highway as

defined above (measured from the average roadway grade level) maximum height of other signs and billboards not on Interstate ROW shall not exceed forty (40) feet.**

- I. Directional signs shall meet the following conditional criteria:
 - a. The display surface area of directional signs shall not exceed 2 square feet per sign.
 - b. A limit of three signs stacked may be utilized and shall not exceed five feet in height measured from the ground up.
 - c. The height of a directional sign shall not exceed five feet in height measured from the ground up.
 - d. Sign cannot intrude into the required sight triangle.
 - e. Company colors and/or logo may be used but no commercial message may be displayed
- J. One projection or wall sign may be allowed per tenant wall, not above the roof line, meeting the following size requirement and not to exceed 4 tenant walls; Front and rear walls=20% of wall area not to exceed 200 square feet; side walls=20% of wall areas not to exceed 100 square feet. This provision shall apply to structures within line of sight of interstate highways and major thoroughfares.
- K. One additional freestanding sign may be permitted per lot meeting a separation of 300 linear feet per sign.**
- L. Permitted up to a 20 square foot minimum and a maximum of 1 square foot for each 2 feet of street frontage up to 90 square feet for building signs and 60 square feet for free standing signs.

Attachment F: Existing Church Sign



Proposed signs:

E03 = 48 SF wall sign – permitted outright by UDO

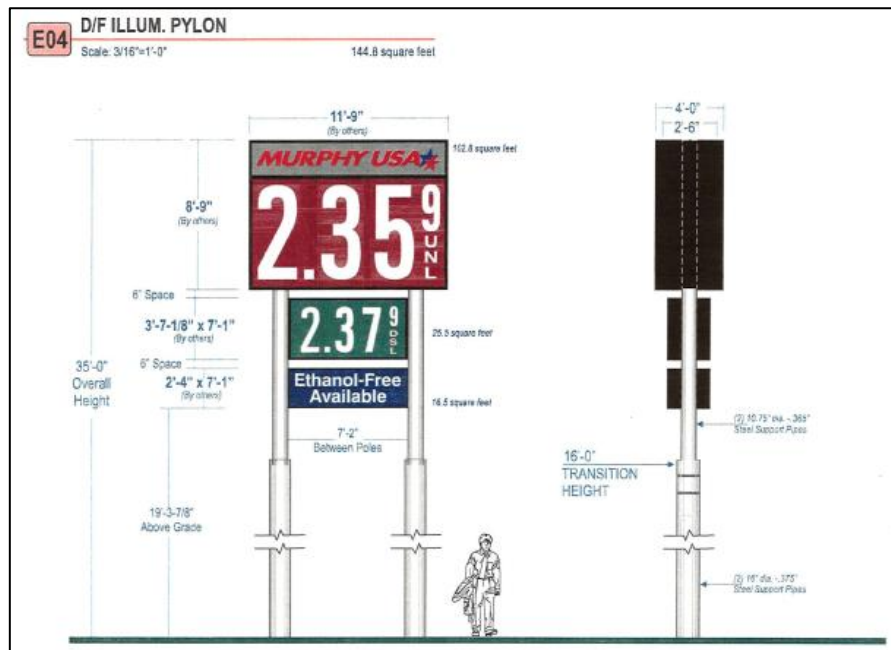
E04 = 35 SF wall sign – permitted outright by UDO

E05 = 145 SF free standing sign – requesting variance for number of free standing signs along Pamplico Highway street frontage (in addition to Compassion Church sign next to entrance driveway)

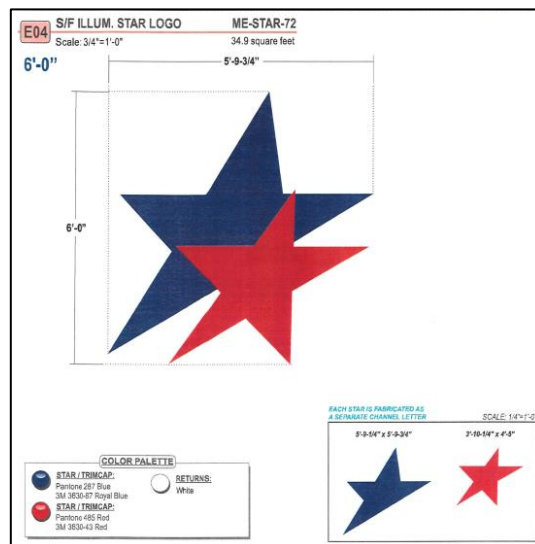
E01 = 58 SF canopy sign – requesting variance for canopy signage

E02 = 48 SF canopy sign – requesting variance for canopy signage

Sign details:



Free standing Murphy sign: 145 SF in area; 35 feet tall.



Wall sign: 35 SF in area.

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2023-08 Nature of Request: Sign Variances

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

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

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

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

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

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

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

Guidelines applicable to the granting of a variance:

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

Notes: