

CITY OF FLORENCE, SOUTH CAROLINA
BOARD OF ZONING APPEALS
JULY 28, 2022 AGENDA

I. Call to Order

II. Approval of Minutes

Regular meeting held on June 23, 2022.

III. Public Hearing and Matter in Position for Action

BZA-2022-08 Request for a variance from the lot width requirements for residential lots located at 1309 West Dixie Street, in the NC-6.1 zoning district; shown as Tax Map Number 90044-01-005.

IV. Public Hearing and Matter in Position for Action

BZA-2022-09 Request for a variance from the size and location requirements for an accessory building to be located at 1001 King Avenue, in the NC-6.1 zoning district; shown as Tax Map Number 90061-16-005.

V. Adjournment

Next regularly scheduled meeting is August 25, 2022.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
JUNE 23, 2022**

MEMBERS PRESENT: Nathaniel Mitchell, Deborah Moses, Nathaniel Poston, and Miriam James-Singley

MEMBERS ABSENT: Larry Chewning, Ruben Chico, and Larry Adams

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

CALL TO ORDER: In the absence of Chairman Chewning, Co-chairman Poston called the meeting to order at 6:02 p.m.

WELCOME TO NEW MEMBER: Chairman Poston welcomed new Board member Miriam James-Singley.

APPROVAL OF MINUTES: Chairman Poston introduced the April 28, 2022 minutes. Mr. Mitchell moved that the minutes be approved as submitted; Ms. Moses seconded the motion to approve. Voting in favor of approving the minutes was unanimous (4-0).

PUBLIC HEARING AND MATTER IN POSITION FOR ACTION:

BZA-2022-07 Request for variances for an accessory building and fence at the house located at 1724 Progress Street, in the NC-15 zoning district; shown as Tax Map Number 90030-03-060.

Chairman Poston introduced the variance and asked staff for their report. Mr. Johnston gave the staff report as submitted to the Board of Zoning Appeals. The request is to build an oversized accessory building and surround the lot with a 6 foot tall privacy fence. Chairman Poston asked if there were any questions of staff. Chairman Poston asked if there were any calls from neighbors. Mr. Johnston said that staff hadn't heard from anyone.

There being no further questions for staff, Chairman Poston opened the public hearing. The applicant, Antoinette Addison, spoke in favor of the request. Ms. James Singley asked where the fence would go along the road. Ms. Addison said she wanted to put it along their property line. Ms. Moses asked her if she'd spoken to her neighbors. Ms. Addison said she had, and they didn't have any complaints about the fence. 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.

Ms. Moses moved that the Board approve the variance as requested based on the following findings of fact and conclusions.

1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship. The property is a double lot with the house placed near the eastern edge affording

considerable side yard space for construction not available near the house and existing garage, but the characteristics of the proposed accessory building and fencing is directly counter to the Ordinance.

2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. The intent of the Ordinance is to limit the scale of accessory buildings compared to the principal building and to limit the height of fences and opacity in the front yard of residentially zoned properties.
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. This is a double lot, and it is therefore currently developed with half the density of the two adjacent lots.
4. That these conditions do not generally apply to other property in the vicinity. This is a double lot compared to those around it, and it is therefore currently developed with half the density of adjacent lots.
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. Requiring adherence to the specifics of the Ordinance regarding accessory building size and placement, and fence height and opacity would not prevent the use of the home as a single-family residence; however, the owner would like additional storage space in this location kept private by the proposed fence details.
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. Without additional details regarding the exact location of the proposed structures and/or proposed materials, it is difficult to determine the full effect on the character of the neighborhood.

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

ADJOURNMENT: As there was no further business, Chairman Poston moved to adjourn the meeting. Mr. Mitchell seconded. Voting in favor of the motion was unanimous (4-0). Chairman Poston adjourned the meeting at 6:17 p.m. The next regular meeting is scheduled for July 28, 2022.

Respectfully submitted,
Alane Zlotnicki, AICP
Senior Planner

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

DATE: July 28, 2022

CASE NUMBER: BZA-2022-08

VARIANCE REQUEST: Request for a variance from the lot width requirements for residential lots in Table 1-2.2.1B

LOCATION: 1309 West Dixie Street

TAX MAP NUMBER: 90044-01-005

OWNER OF RECORD: Richard Mark Bonnoitt Jr.

APPLICANT: Richard Mark Bonnoitt Jr.

ZONING DISTRICT: Neighborhood Conservation 6.1 (NC-6.1)

Land Use and Zoning

The double lot is zoned NC-6.1. It is vacant and the owner wishes to subdivide it into two separate lots in order to build two single family houses upon them. The average lot width in the block is 50 feet, and land use consists of a mixture of duplexes and single-family houses.

Unified Development Ordinance Requirements

According to Table 1-2.2.1B of the *Unified Development Ordinance*, “Neighborhood Conservation Subdistricts”, the minimum lot width requirement for new lots in the NC-6.1 zoning district is 60 feet, and the minimum lot size is 6,000 square feet.

Variance Request

The existing lot is about 112 feet wide at the street and 123 feet wide at the rear. Dividing it evenly results in two lots that are 56 feet wide at the street, which is 4 feet short of the required 60 feet, for a 6% reduction. The lot is currently 17,942 square feet in size; halving it results in two lots of 8,971 square feet, which is well above the minimum lot area requirement.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: this is a double lot compared to the other lots in the vicinity.
- b. These conditions do not generally apply to other property in the vicinity as shown by: most lots are only 50 feet wide.
- 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: denying the

variance would prohibit me from subdividing this double lot into two single lots and would result in my being able to only construct one house instead of the two that I want to build.

- 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 majority of lots in this neighborhood are only 50 feet wide, with duplexes or single-family houses on them. The double width lot is not in character with the rest of the lots in the area.

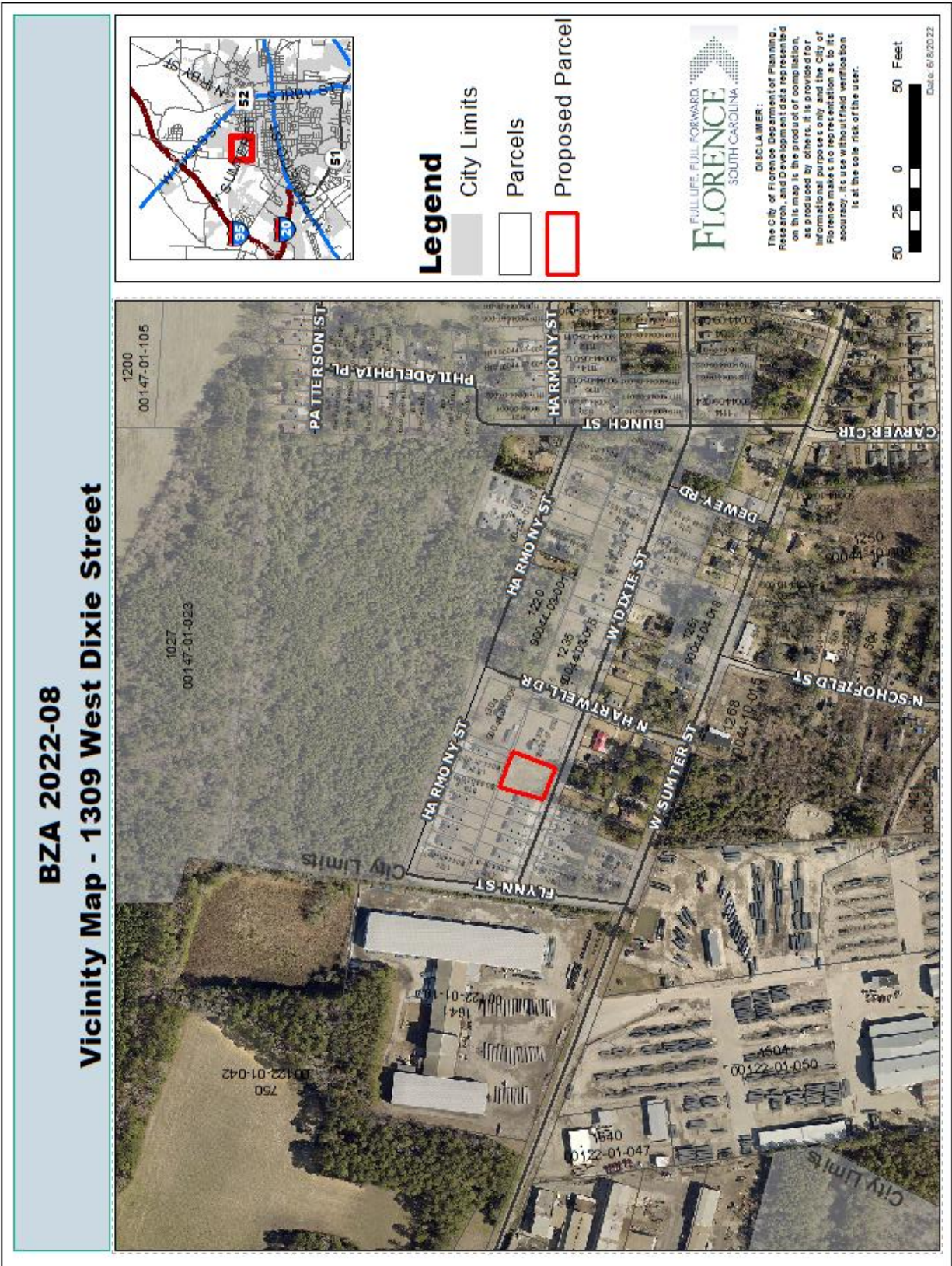
Issues to be Considered:

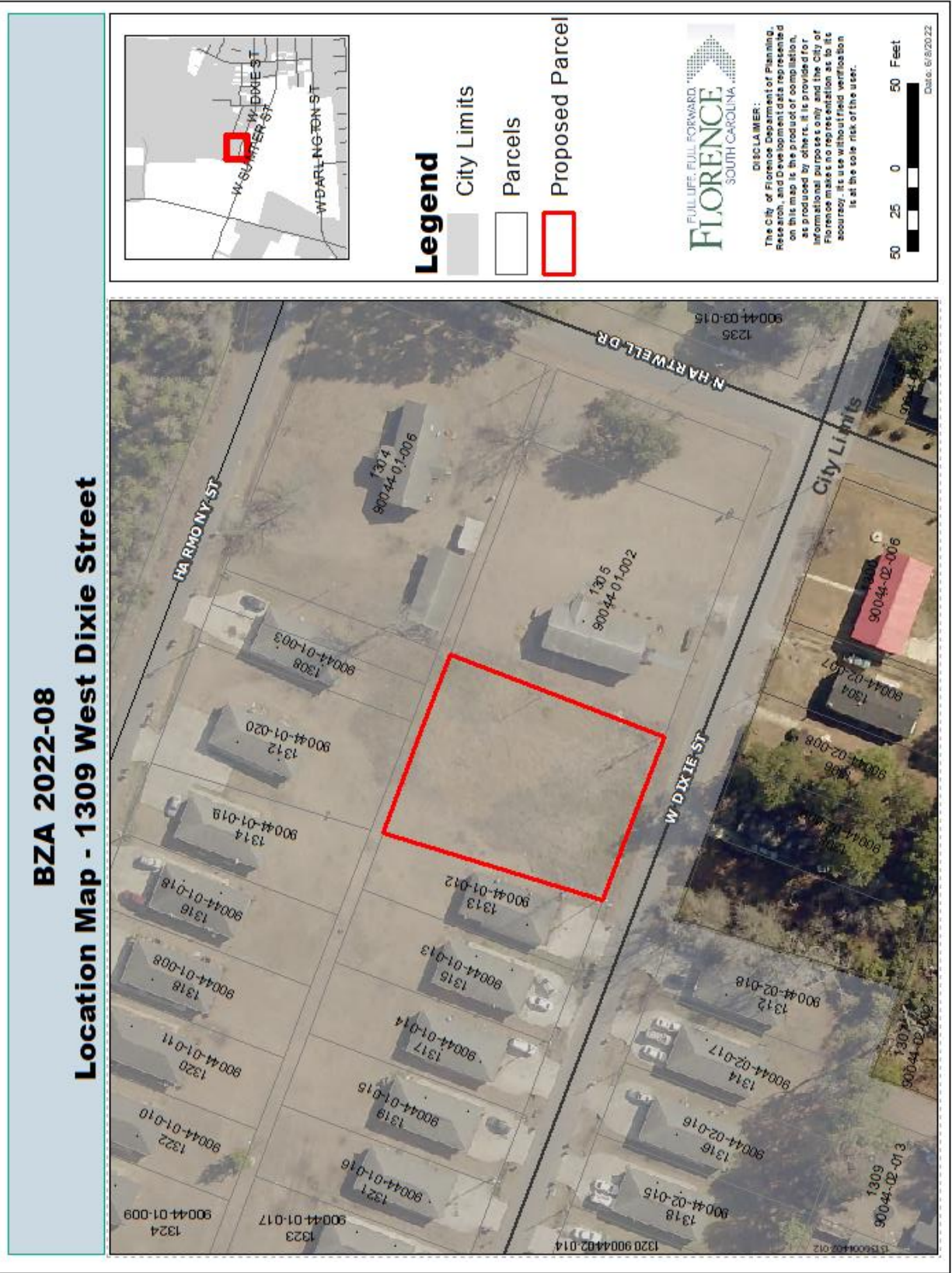
Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship. Staff Comments: This request concerns a double lot which is more than twice the width of the majority of established lots in the neighborhood. Requiring the owner to adhere to the 60 foot minimum width requirement would prevent him from being able to build two single-family houses.
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. Staff Comments: The neighborhood is characterized by small residential lots with an average lot width of 50 feet. Granting the variance results in two lots which match the existing character for lots, regarding both width and area.
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. Staff Comments: This is a double lot in a neighborhood of small lots.
4. That these conditions do not generally apply to other property in the vicinity. Staff Comments: The vast majority of lots in the area are 50 feet wide.
5. That because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows. Staff Comments: The owner wants to build two single-family houses on this parcel; if the variance is not granted, he would only be able to build one single-family detached home or one duplex.
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 smaller lots are in keeping with the character of the neighborhood. Additionally, housing is needed and by granting the variance, an additional single-family detached house can be built.

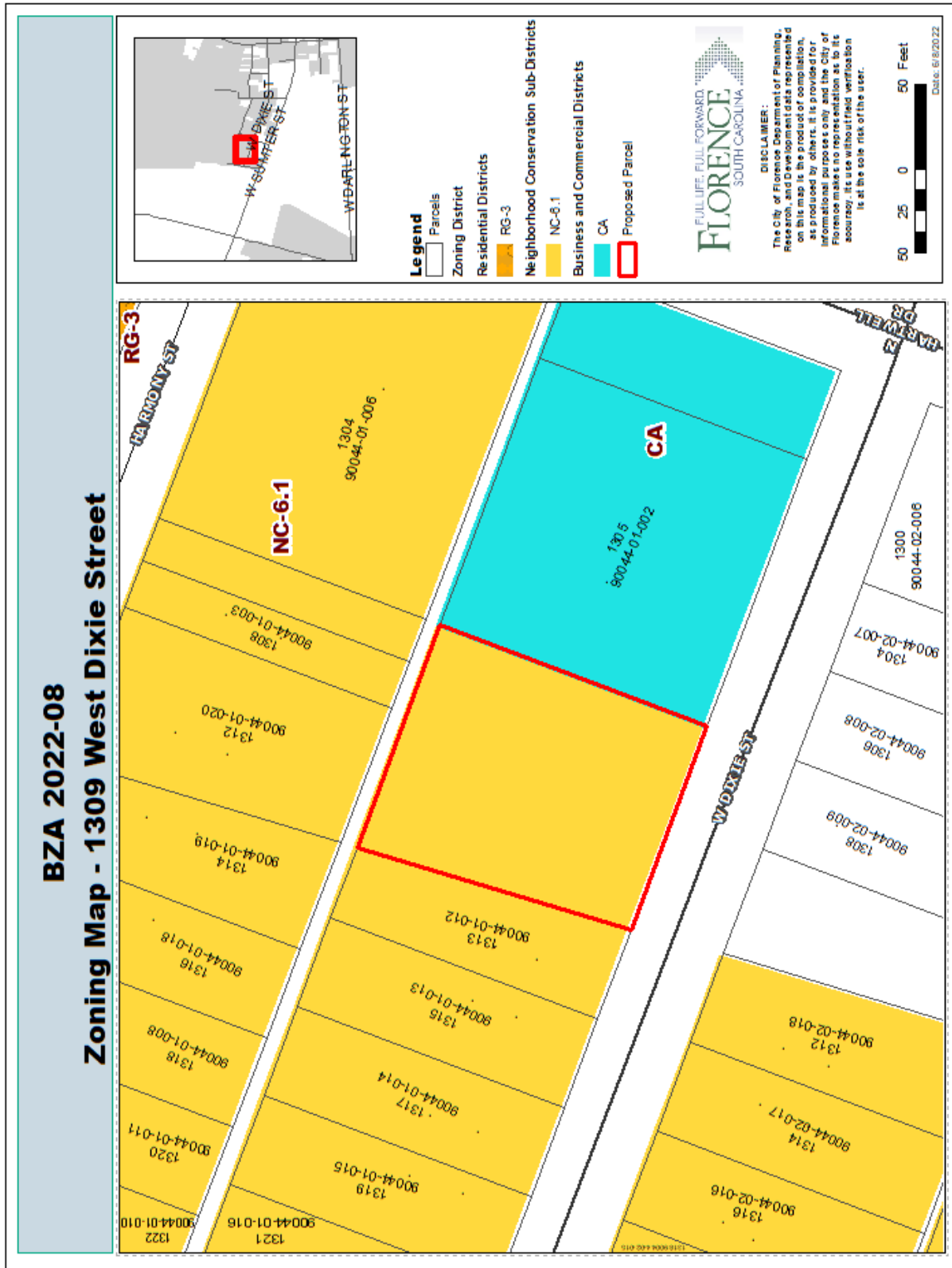
Attachments

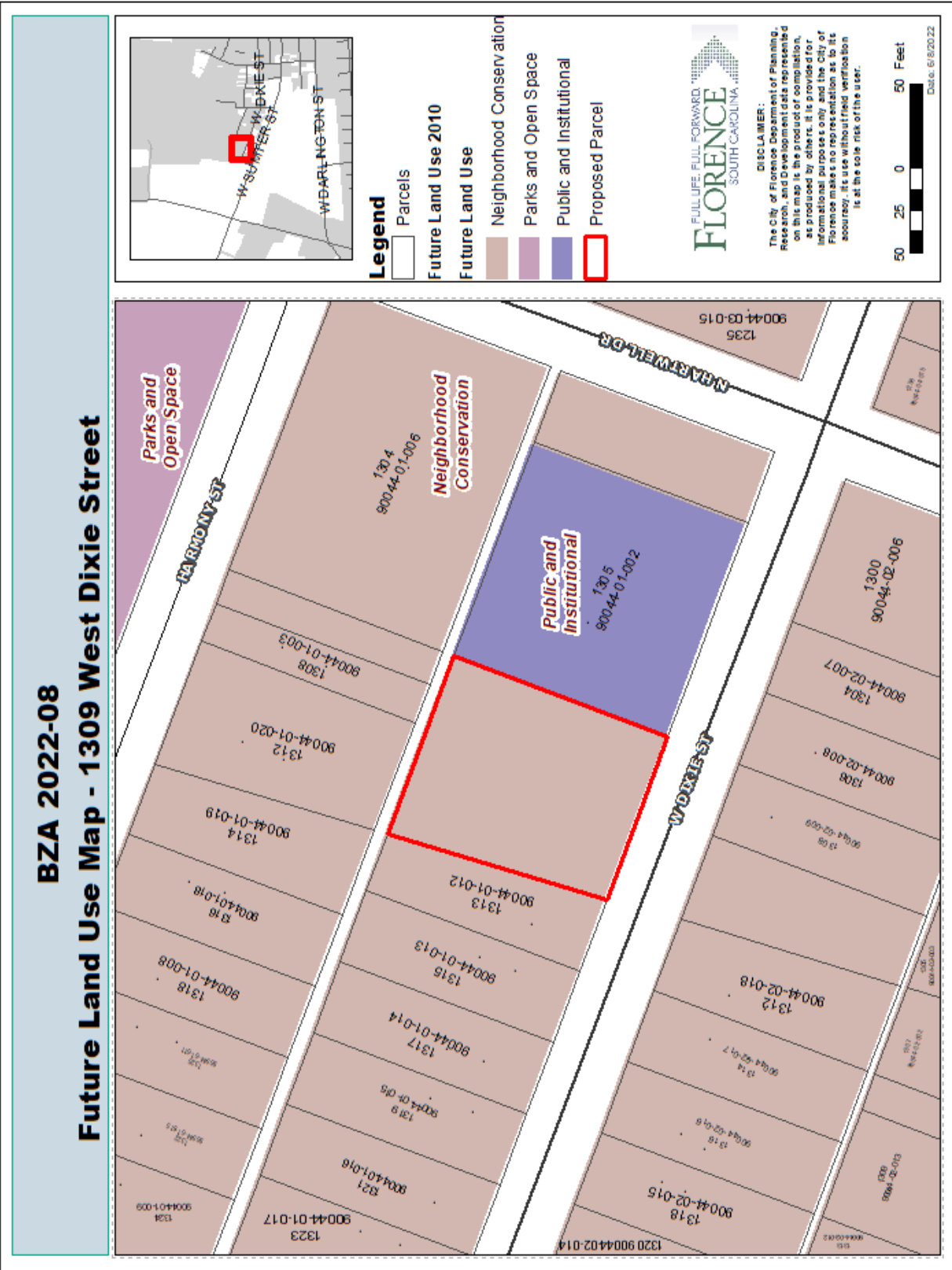
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Table 1-2.2.1B
- F. Site Photos





Attachment C: Zoning Map





Attachment E: Table 1-2.2.1B Neighborhood Conservation Subdistricts

Table 1-2.2.1B Neighborhood Conservation Subdistricts				
Subdistrict	Character Type	Predominant Building Type	Minimum Lot Area (for New Lots)	Minimum Lot Width (for New Lots)
NC-15	Suburban	Single-Family Detached	15,000 sf.	100 ft.
NC-10			10,000 sf.	80 ft.
NC-6.1	Auto-Urban		6,000 sf.	60 ft.
NC-6.2		Single-Family Detached and Two-Family Attached	6,000 sf.	60 ft.
NC-6.3		Mixed Detached and Attached	6,000 sf.	50 ft.
NC-4			4,400 sf.	40'

Attachment F: Site Photo



Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2022-08 Nature of Request: Lot Width Variance

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

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

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

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

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

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

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

Guidelines applicable to the granting of a variance:

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

Notes:

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

DATE: July 28, 2022
CASE NUMBER: BZA-2022-09
VARIANCE REQUEST: Request for variance on accessory building length
LOCATION: 1001 King Avenue
TAX MAP NUMBER: 90030-03-060
OWNER OF RECORD: John M. Jebaily
APPLICANT: John M. Jebaily
ZONING DISTRICT: Neighborhood Conservation – 6.1 (NC-6.1)

Land Use and Zoning

The parcel is located at 1001 King Avenue. It is in the Neighborhood Conservation-6.1 (NC-6.1) zoning district and is adjacent to Commercial Reuse (CR) to the north and Open Space/Recreation (OSR) to the southeast. The NC-6.1 zoning district permits single family detached houses only, but these apartments are an existing non-conformity constructed in 1952. In this district, accessory buildings require a streetside setback of 10 feet, and a rear setback of 10 feet for buildings taller than 10 feet in height.

According to Section 3-8.1.9 of the *Unified Development Ordinance*, accessory buildings are not to cover an area longer than 25% of the width of the rear property line.

Site and Building Characteristics

The lot is approximately 13,590 square feet in size, and the 7 apartments have a combined square footage of 2,562. The parcel is 70 feet wide and 195 feet deep. The apartment building is set back approximately 30 feet from the front property line (King Avenue), 72 feet from the rear property line, and placed approximately on the streetside property line (South Alexander Street), and west property line. There are currently no accessory buildings on site

Variance Request

The applicant is asking for a variance from Section 3-8.1.9I of the *Unified Development Ordinance* regarding accessory buildings in residential districts to construct an 18 foot by 36 foot (648 square foot) detached garage behind the apartment building whose 36 foot length, running parallel to the rear property line, exceeds the allowed 25% prescribed. The applicant is therefore requesting a variance for the proposed accessory building's length which is 51% (36') of the rear property line rather than the 25% (17.5') required.

The following information is included as submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: No comments submitted.
- b. These conditions do not generally apply to other property in the vicinity as shown by: No comments submitted.
- 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: No comments submitted.
- 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: No comments submitted.

Staff Comments

The apartment building is situated to the front of the parcel (King Avenue) and built on the property lines to the west and east leaving a 70 foot wide and 70 foot long area behind it to construct an accessory building. The applicant would like to utilize this space for storage in the form of a detached garage.

Issues to be Considered

Applications for a variance shall be evaluated by the Board of Zoning Appeals based on 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: The apartment building is constructed close to the east, west, and south property lines affording a large open space for placement of a detached garage.
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done: Placement of the building parallel to King Avenue rather than perpendicular reduces the building's visibility when viewed from South Alexander Street. The detached garage will be buffered from King Avenue by the existing apartment building.
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: The orientation of the eastern wing of the apartment building occupies a large percentage of the overall parcel depth, making placement of the detached garage, parallel to the rear property line, a better use of space and more aesthetically pleasing when view from Alexander Street.
4. That these conditions do not generally apply to other property in the vicinity: Other properties in the vicinity have accessory buildings exceeding the permitted length recently added to the Unified Development Ordinance. The parcels in the area tend to be narrow in comparison to their depth making compliance with the requirement difficult.
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: Requiring adherence to the specifics of the Ordinance regarding accessory building length in relation to the rear property line would not prevent the use of the home as a single-family residence.
6. That the authorization of a variance will not be of substantial detriment to adjacent property or to the

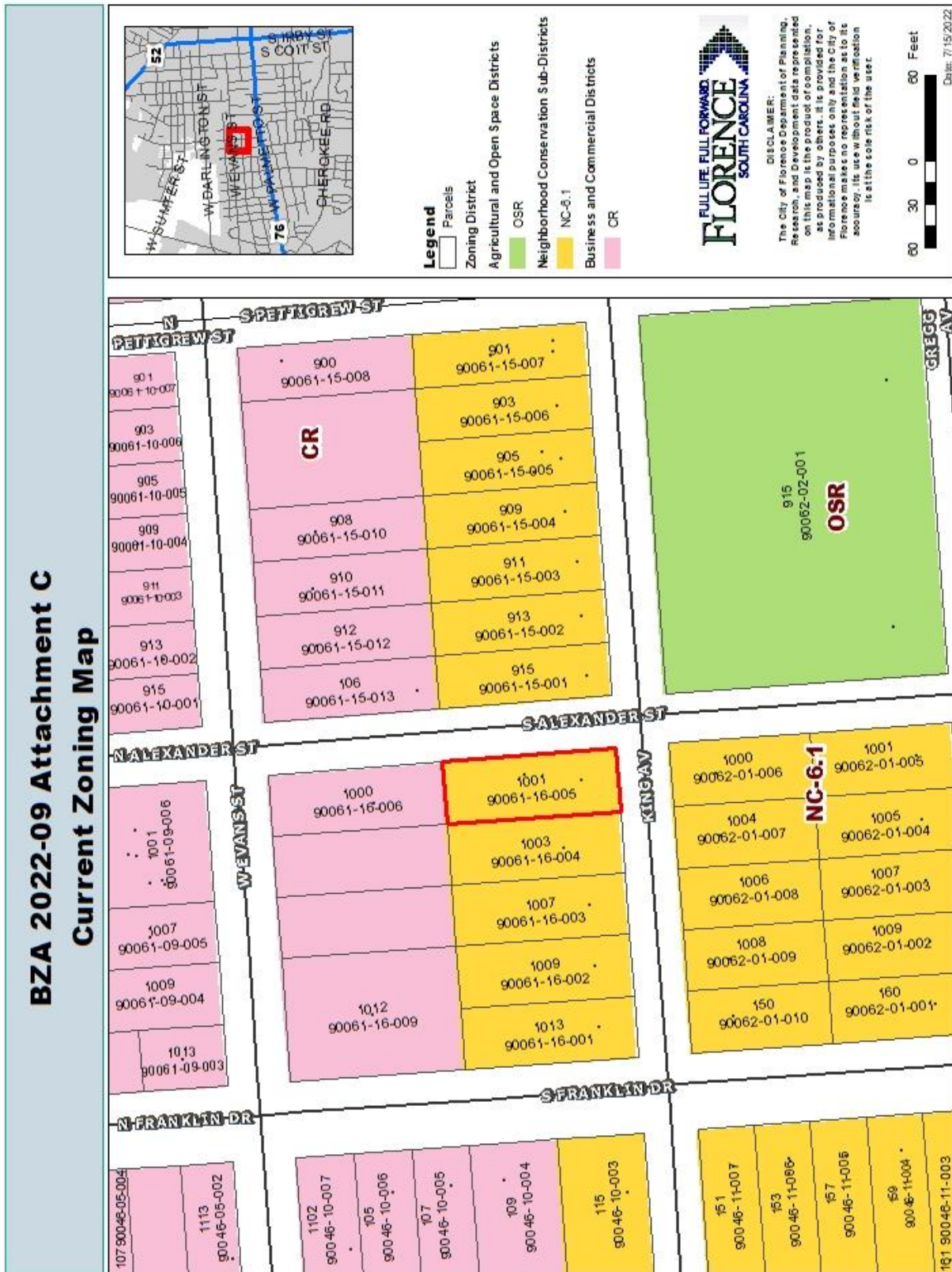
public good, and the character of the district will not be harmed by the granting of the variance: The Unified Development Ordinance restriction on accessory building length's greater than 25% of the rear property line is a recent addition to the code. There are accessory buildings in the area that do exceed this limit because they were constructed before the requirement was in effect. The placement of the building will have less visual impact placed parallel to the rear property line than it would be perpendicular to it.

Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Proposed Site Plan
- E. Section 3-8.1.9I Accessory Buildings and Structures from the Unified Development Ordinance
- F. Site Photos

Attachment A: Vicinity Map





- b. Buildings that are accessory to individual townhome, duplex, and multiplex units (except garages) are limited to 120 square feet per unit.
 - c. Accessory buildings in the RE (Residential Estate) and the NC-15 subdistrict shall not cover an area that is more than 15 percent of the lot area.
2. *Height.* Detached accessory buildings shall not exceed the height of the primary structure or 20' in height, whichever is less.

Attachment F: Site Photos



1101 King Avenue



Corner of King Avenue and South Alexander Street



Apartment Building South Alexander Street Facade



Rear Yard of 1001 King Avenue Visible from South Alexander



Rear Yard of 1001 King Avenue Visible from South Alexander Looking West

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2022-09

Nature of Request: Accessory Building Area & Length

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 *Zoning 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 *Zoning 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 *Zoning 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: