

CITY OF FLORENCE, SOUTH CAROLINA
BOARD OF ZONING APPEALS
SEPTEMBER 23, 2021 AT 6:00 PM

AGENDA

I. Call to Order

II. Approval of Minutes

Regular meeting held on August 26, 2021.

III. Matter in Position for Action – deferred from August 26, 2021 meeting

BZA-2021-11 Request for a variance from the setback and size requirements for an accessory building on a residential lot located at 1913 Brigadoone Lane, in the NC-15 zoning district; Tax Map Number 15013-01-007.

IV. Public Hearing and Matter in Position for Action

BZA-2021-13 Request for a variance from sign ordinance requirements for the business located at 2300 West Palmetto Street, in the CG zoning district; Tax Map Number 90011-02-001.

V. Public Hearing and Matter in Position for Action

BZA-2021-14 Request for a variance from the fence requirements for a residential lot located at 419 Wilson Road, in the NC-6.1 zoning district; Tax Map Number 01765-02-007.

VI. Adjournment

Next regularly scheduled meeting is October 28, 2021.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
AUGUST 26, 2021**

MEMBERS PRESENT: Larry Chewning, Deborah Moses, Shelanda Deas, and Ruben Chico

MEMBERS ABSENT: Larry Adams, Nathaniel Poston, and Randolph Hunter

STAFF PRESENT: Jerry Dudley, Alfred Cassidy, Derek Johnston, Alane Zlotnicki, and Danny Young, IT

APPLICANTS PRESENT: Guy Harris, Jeff Schofield; Miriam Dew - neighbor

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

APPROVAL OF MINUTES:

Chairman Chewning introduced the July 22, 2021 minutes. Mr. Chico moved that the minutes be approved as submitted; Mrs. Moses seconded the motion. Voting in favor of approving the minutes was unanimous (4-0).

PUBLIC HEARINGS AND MATTERS IN POSITION FOR ACTION:

BZA-2021-11 Request for a variance from the setback and size requirements for an accessory building on a residential lot located at 1913 Brigadoone Lane, in the NC-15 zoning district; Tax Map Number 15013-01-007.

Chairman Chewning introduced the variance and asked staff for their report. Mrs. Zlotnicki gave the report as submitted to the Board of Zoning Appeals. Chairman Chewning asked if there were any questions of staff. Chairman Chewning asked if anyone had contacted the City about this. The next door neighbor on Brigadoone most affected by the addition called and said he has no problem with it, nor does the neighbor behind them.

Mr. Chico asked what the former side setback was for houses. It was under County zoning at the time and staff wasn't sure what setbacks were at the time. The garage did meet the setbacks in place for accessory buildings at the time of its construction.

Chairman Chewning opened the public hearing. He swore in Miriam Dew, who lives at 1916 East Sandhurst Drive. She expressed concerns with the culvert between her property and the applicant's and storm drainage. The culvert was beginning to sink. She asked that the City come back and inspect the culvert. She asked for clarification of the setbacks. Chairman Chewning and Mrs. Zlotnicki explained what the new setbacks would be. Ms. Dew has no issue with the building itself, but expressed concerns about increased erosion.

Mrs. Zlotnicki said that she asked the engineers to look at the culvert for an easement, but they didn't find anything. Mr. Dudley clarified that the city would look at the request to see how close to the culvert it would be. Ms. Dew said she didn't think the building would actually affect it, and Mr. Dudley said he'd have the engineering department look at it. Mr. Chico expressed his concerns with drainage off the roof onto the

existing fences and asked about the possibility of installing gutters or French drains to prevent that. Mr. Dudley said that could be part of the conditions of the variance if the Board wanted to.

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 Board defer the request to look at the storm drainage situation and give the applicant the chance to provide ways to mitigate the drainage on the building. Ms. Deas seconded the motion. The motion to defer the variance as requested passed unanimously (4-0).

BZA-2021-12 Request for a special exception use permit for car rentals at 1921 Second Loop Road, in the AC zoning district; Tax Map Number 90029-01-019.

Chairman Chewning introduced the request and asked staff for their report. Mr. Johnston gave the report as submitted to the Board of Zoning Appeals. Chairman Chewning asked if there were any questions of staff.

Mr. Dudley said that procedurally, motions for special exception permits were a basic up or down vote.

Chairman Chewning opened the public hearing. Guy Harris spoke on behalf for the applicant, saying he was there to answer any questions from the Board. Ms. Deas asked if they were moving Hertz from the airport. Mr. Harris said that they were moving to better locations following bankruptcy of Hertz. Ms. Moses asked if they'd performed any traffic studies; he said they had not.

Chairman Chewning asked if any decisions had been made about whether they would provide a wall or a hedge as part of the required bufferyard around the parked cars available for rent. Mr. Harris said they hadn't decided yet, but would comply with the requirements of the Ordinance.

Mr. Chico asked the staff if the wall or hedge could be higher. He said he thought Hertz might want to shield their cars from the nightclub next door.

There being no one else to speak for or against the request, Chairman Chewning closed the public hearing and moved to approve the request for a special exception permit as submitted. Mr. Chico seconded the motion. The motion passed unanimously (4-0).

ADJOURNMENT:

Mr. Dudley gave the Board an update on the progress of the Comprehensive Plan. As there was no further business, Mrs. Moses moved to adjourn the meeting. Ms. Deas seconded the motion. Voting in favor of the motion was unanimous (4-0). Chairman Chewning adjourned the meeting at 6:28 p.m. The next regular meeting is scheduled for September 23, 2021.

Respectfully submitted,
Alane Zlotnicki, AICP
Senior Planner

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

DATE: September 23, 2021

APPEAL NUMBER: BZA-2021-011

VARIANCE REQUEST: Request for a variance from the setback requirements in Table 3-8.1.1 of the *Unified Development Ordinance* for a residential lot.

LOCATION: 1913 Brigadoone Lane

TAX MAP NUMBER: 15013-01-007

OWNER OF RECORD: Bryan Patterson

APPLICANT: Bryan Patterson

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

Land Use and Zoning

The parcel is located at 1913 Brigadoone Lane. It is in the Neighborhood Conservation-15 zoning district, as is everything adjacent to it. This district permits single family detached houses only.

Site and Building Characteristics

The lot is 18,583 square feet in size. The existing detached garage is 20 feet wide and 30 feet long. The garage is at an angle to the side property line and currently shows a side setback of 5'6" at the front to 3'3" at the rear (see Attachment F). The rear setback is currently 17'4".

Variance Request

The applicant is asking for a variance from the requirements of Table 3-8.1.1 of the *Unified Development Ordinance* regarding accessory buildings in residential districts in order to construct a 12 foot deep by 20 foot wide addition to the rear of the existing building (see Attachment F). According to Table 3-8.1.1, side setbacks shall be the side setback for the district, which in the NC-15 district is 10 feet. The rear setback is 10 feet for accessory buildings over 10 feet tall.

The addition would have a side setback of 3'3" to 2'8" and a rear setback of 5'4". Thus the variance request is for a 7'4" (73%) decrease on the side, and a 4'8" (46%) decrease from the rear.

The following information is included as submitted by the applicant and further described in Attachment E:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: **I am unable to move the physical location of the existing shop.**

2. These conditions do not generally apply to other property in the vicinity as shown by: **this property has the preexisting accessory building.**
3. 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: **without the variance, I would not be able to expand the shop as I need to.**
4. 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 extension is to the rear of the building, which will not affect the front façade. There is also an already existing green space between the properties at the back. The exterior appearance of the building will remain the same.**

Staff Comments

When the house was constructed in 2003, the side and rear setbacks for accessory buildings were 3 feet. The garage, which was constructed by 2012, meets those setbacks. The owner now wants to add a 20 by 12 foot addition to the rear of the garage, resulting in a side setback of just under 3 feet and a rear setback of just over 5 feet. The addition adds 240 square feet to the area of the garage, which is currently 600 square feet, for a finished total area of 840 square feet. The area of accessory structures can be up to 25% of the square footage of the principal structure; the house is 2440 square feet in size. 25% is 610 SF. However, there is no specific size limit for detached garages.

In his description of the request (Attachment E), the owner refers to an easement behind his house. Staff has not found any reference to an easement on any plats.

In reference to the concerns brought up by Miriam Dew, who lives at 1916 East Sandhurst Drive, regarding the culvert between the two properties, the Engineering department has provided the following information:

1. *In 1964 DC Barbot & Associates proposed the Sandhurst Subdivision. It drained to an existing open ditch running north-south along the property line between it and what would later become Brigadoone. At this time the Brigadoone property was undeveloped.*
2. *In August 1966 Sandhurst expanded south to Third Loop Road, and the design showed proposed pipe along the entire 3200 linear feet of the ditch. There were no recorded easements over the pipe in the record drawing.*
3. *Heller & Associates began the Brigadoone subdivision in August 1988 (Phase 1). Phase 2 followed in September 1990. Phase 3 was designed in August 1999, and Phase 4 came in March 2000. For reference, Phase 3 contains the 1913 Brigadoone Lane parcel.*
4. *The Brigadoone Phase 3 drawings show easements on the storm drainage pipe within the subdivision itself, but the piped ditch on the property line does not have an easement.*
5. *Unless the individual property plats show an easement, the City cannot prove that there is one. With 20+ years of fences and landscaping in the lots that back up against the property (up to 50+ for Sandhurst homes) it may be very difficult to gain access to the pipe.*
6. *The culvert is considered to be on private property and the responsibility of the property owners.*

7. *As part of the 2021 Stormwater Bond, Sandhurst is being surveyed and assessed for stormwater issues. We may find more information along the way.*

Regarding the issue of diverting runoff from the extension of the building, the owner is willing to install a gutter and downspout on that side of the shop to mitigate any runoff onto the side neighbor's yard.

Issues to be Considered

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

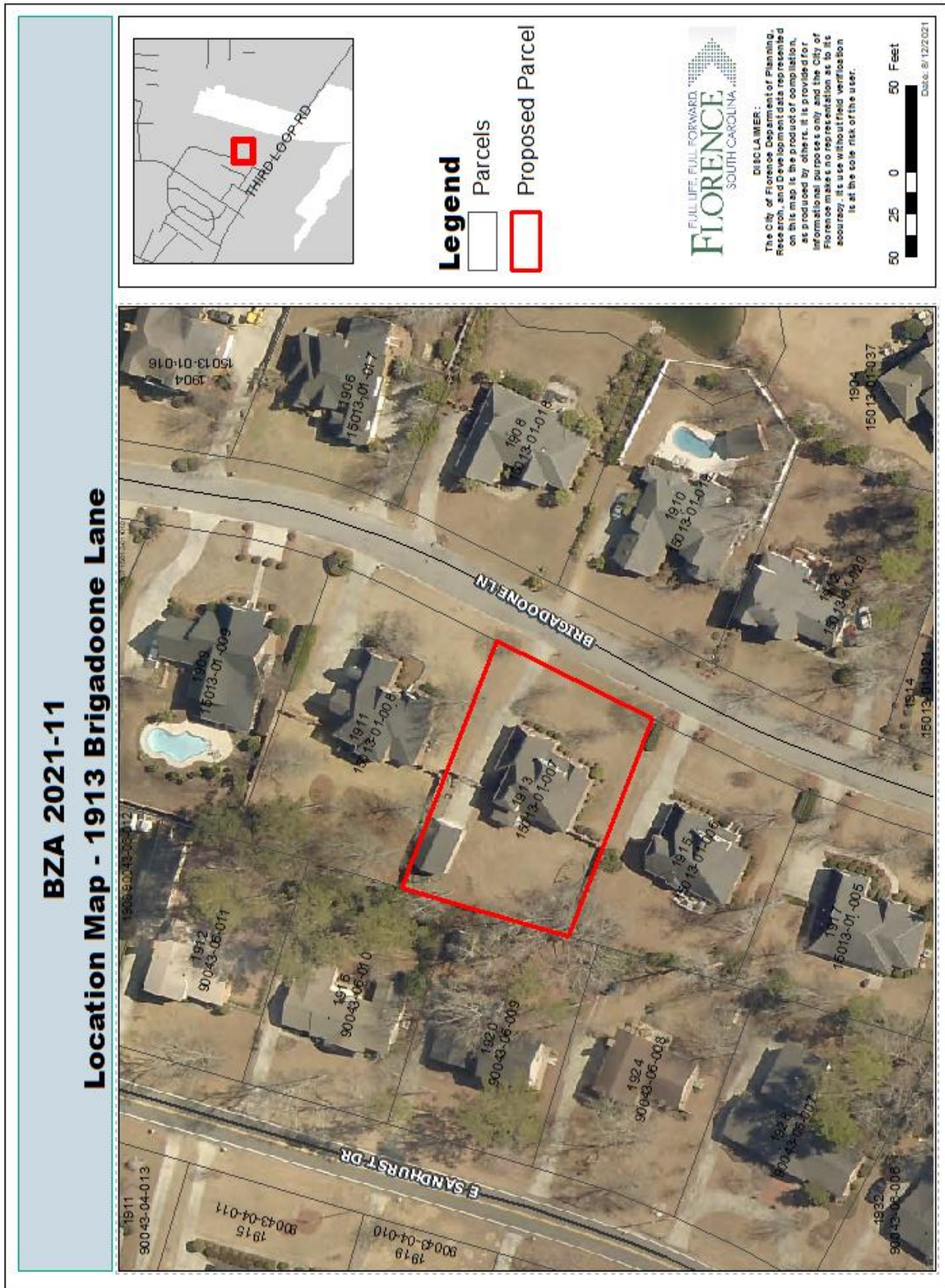
1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship: **Requiring that current setback requirements be met by the new addition would result in the inability to expand the existing building as desired by the owner.**
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 provide an adequate distance from property lines for accessory buildings in a residential area. When the house and garage were built, 3 feet was the required distance for accessory structures. Additionally, there is a 6 foot tall privacy fence between the garage and the neighboring properties both to the side and the rear.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: **The garage is already built and encroaches into the side setback; the request is to construct a 240 square foot addition to the rear of it.**
4. That these conditions do not generally apply to other property in the vicinity: **This is a preexisting building that was constructed according to the requirements in place at the time.**
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 setback requirements would not prevent the use of the home as a single-family residence; however, the extra work space desired by the owner would have to be provided in an additional accessory building, which would increase visual clutter in the back yard.**
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 exterior of the garage which is visible from the street will not change, and the addition will be finished to match. The area proposed for the addition is currently unused space and is not visible from the street. There is a 6 foot privacy fence around the back yard so the proximity to neighboring properties is not obvious.**

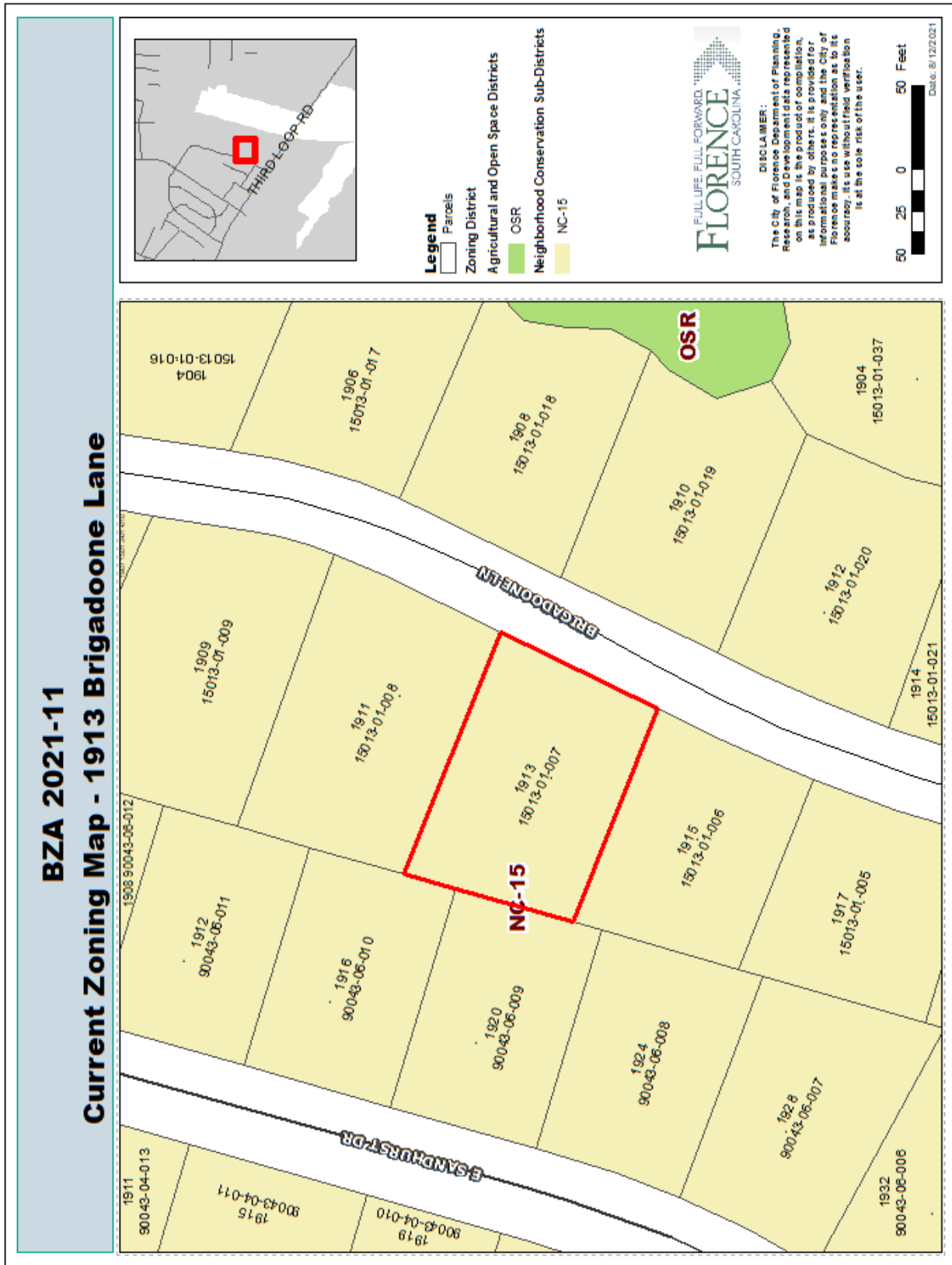
Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Table 3-8.1.1
- E. Request Details
- F. Site Plan
- G. Site Photos

**BZA 2021-11
Vicinity Map - 1913 Brigadoone Lane**







Attachment D: Table 3-8.1.1 from the *Unified Development Ordinance*

Table 3-8.1.1 Permitted Encroachments		
Structure or Projection	Permitted Encroachments ¹	
	Into Required Yard	From Lot Line
Rear Setback		
Accessory building (except detached garages)	N/A	5' for buildings that are less than 10 ft. in height; 10' for all other accessory buildings
Interior Side Setback or Street Side Setback		
Accessory Building (except detached garages)	N/A	Shall comply with the principal building setback for the district


Attachment E: Request Details

July 14, 2021

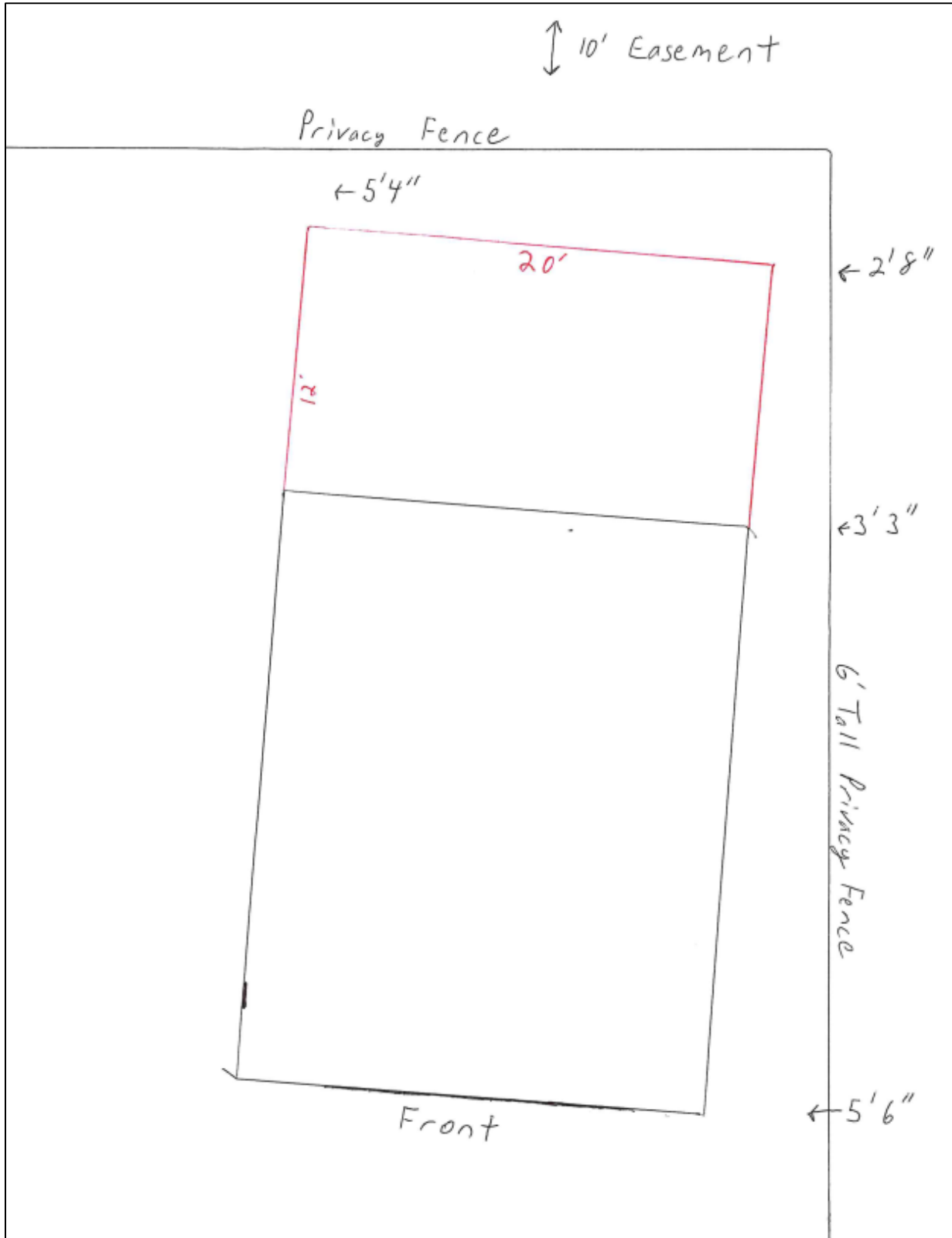
City of Florence Board of Zoning
 C/O Alane Zlotnicki, AICP
 SENIOR PLANNER - PLANNING, RESEARCH & DEVELOPMENT
 324 West Evans Street . Florence, SC 29501
 843.665.2047 Ext. 1101 azlotnicki@cityofflorence.com

Dear Board,

I am writing to request permission to extend the back of my existing 20'x30' shop by 10-12' straight back. The side dimensions will not change. I am unable to move the building to meet the current required setbacks. The exterior of the building, including the front brick veneer will remain unchanged. There is an existing unkept green space / easement behind my lot and the property behind me. The extension will not effect any surrounding property or the easement. Thank you for your time and consideration.

Sincerely,

 Bryan B Patterson

Attachment F: Site Plan



Attachment G: Site Photos



Front of the house and garage from the street.



Distance between existing building and side property line fence; view of the area behind the building where the addition would be located.

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2021-11 Nature of Request: Setback 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 *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:

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

DATE: September 23, 2021

APPEAL NUMBER: BZA-2021-13

VARIANCE REQUEST: Request for a variance from the number of freestanding signs permitted along a street frontage.

LOCATION: 2300 West Palmetto Street

TAX MAP NUMBER: 15219-01-117

OWNER OF RECORD: Cloninger Properties Incorporated

APPLICANT: Florence Toyota – AJ Jones, Owner

ZONING DISTRICT: Commercial General (CG)

Land Use and Zoning

The parcel is zoned Commercial General (CG) and is located at 2300 West Palmetto Street on the corner of West Palmetto Street and Holly Circle. Table 5-17.2.1B, Footnote E of the *Unified Development Ordinance* permits one freestanding sign per street frontage, but the signs are not allowed to accumulate on one street frontage. Florence Toyota has four street frontages: West Palmetto Street, Holly Circle, Lockhaven Drive, and Woodland Drive. Generally, the Ordinance permits one sign per lot; however, 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. This particular lot fronts on four separate streets, but two of them are minor streets with very little traffic.

Site and Building Characteristics

The 6.18-acre parcel is located at 2300 West Palmetto Street. The dealership has a total of 3 buildings equaling 12,664 square feet, 9,528 of which was constructed initially in 1997 with an additional 3,136 square feet added for the Automotive Service Center in 2014. The property currently has two freestanding signs, the main one at the entrance on West Palmetto Street, and a second “Used Vehicles” sign at the corner of West Palmetto Street and Holly Circle (Attachment G).

Variance Request

The applicants are requesting permission to install a third freestanding sign at the corner of West Palmetto Street and Holly Circle about 35 feet away from the existing “Used Vehicles” sign, which is to remain until Toyota allows them to remove it.

The following information is included as submitted by the applicant:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: **No response given, but request letter provided (Attachment H).**

2. These conditions do not generally apply to other property in the vicinity as shown by: **No response given, but request letter provided (Attachment H).**
3. 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 response given, but request letter provided (Attachment H).**
4. 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 response given, but request letter provided (Attachment H).**

Staff Comments

The applicant currently has 2 freestanding signs: one at the main entrance to Florence Toyota on West Palmetto Street, and one on the corner of West Palmetto Street and Holly Circle facing Holly Circle. Table 5-17.2.1B, Footnote E of the *Unified Development Ordinance* permits one freestanding sign per street frontage, which would permit 4 freestanding signs for 2300 West Palmetto Street, but they would have to be distributed one per street rather than all four on one or two streets. Florence Toyota has street frontage on West Palmetto Street, Holly Circle, Lockhaven Drive, and Woodland Drive. The dealership is currently required by an agreement with Toyota to maintain their freestanding entrance sign and the “Used Car” freestanding sign. In the future, the “Used Car” freestanding sign on Holly Circle will be removed to make the parcel’s signage compliant with the *Unified Development Ordinance*.

Other than the variance request for an additional sign along Holly Circle, the proposed sign is compliant with the *Unified Development Ordinance*’s sign regulations including the maximum square footage of 160’. Historically, the base of a sign has not been used to calculate the total square footage of a freestanding sign except in the case of monument signs. The proposed sign location does not appear to cause any vehicular visibility issues. The site distance triangle will be reviewed before a Zoning Permit is issued if the variance is granted.

The owner’s BZA Request Letter (Attachment H) describes West Palmetto Street and Holly Circle as high traffic volume areas compared to the parcel’s other two street frontages, thus the request for additional signage in the proposed location.

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: **Literal enforcement of the Ordinance is intended to limit the number of freestanding signs permitted along a given street frontage.**
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 an accumulation of freestanding signs along one street frontage. The property fronts on four streets and, by code, would be allowed a sign on each frontage. An additional freestanding sign would bring the dealership’s total to three, one existing sign serving Holly Circle, one existing sign serving West Palmetto, and the proposed sign would be on the corner of Holly Circle and West Palmetto (oriented to be visible from both roads).**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of

property: **This parcel fronts on four different streets, but most of the vehicular traffic is concentrated on two: West Palmetto Street, and Holly Circle. Other properties in the vicinity are limited to one sign per street frontage.**

4. That these conditions do not generally apply to other property in the vicinity: **While some parcels in the area have two street frontages, this particular property is unique in that it has four street frontages; however, there has been no allowed accumulation of signage within municipal limits.**
5. That because of these conditions, the application of the Ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: **A literal enforcement of the Ordinance will not restrict the intended use of the property as an Automobile Sales & Service Establishment but would prevent an additional freestanding sign on Holly Circle.**
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 location of the additional signage will be about 35' north-northwest of the existing sign on the corner of Holly Circle and West Palmetto Street, and 450' west-southwest from the existing entrance sign serving West Palmetto Street. The character of this corridor of West Palmetto Street is commercial in nature.**

Attachments

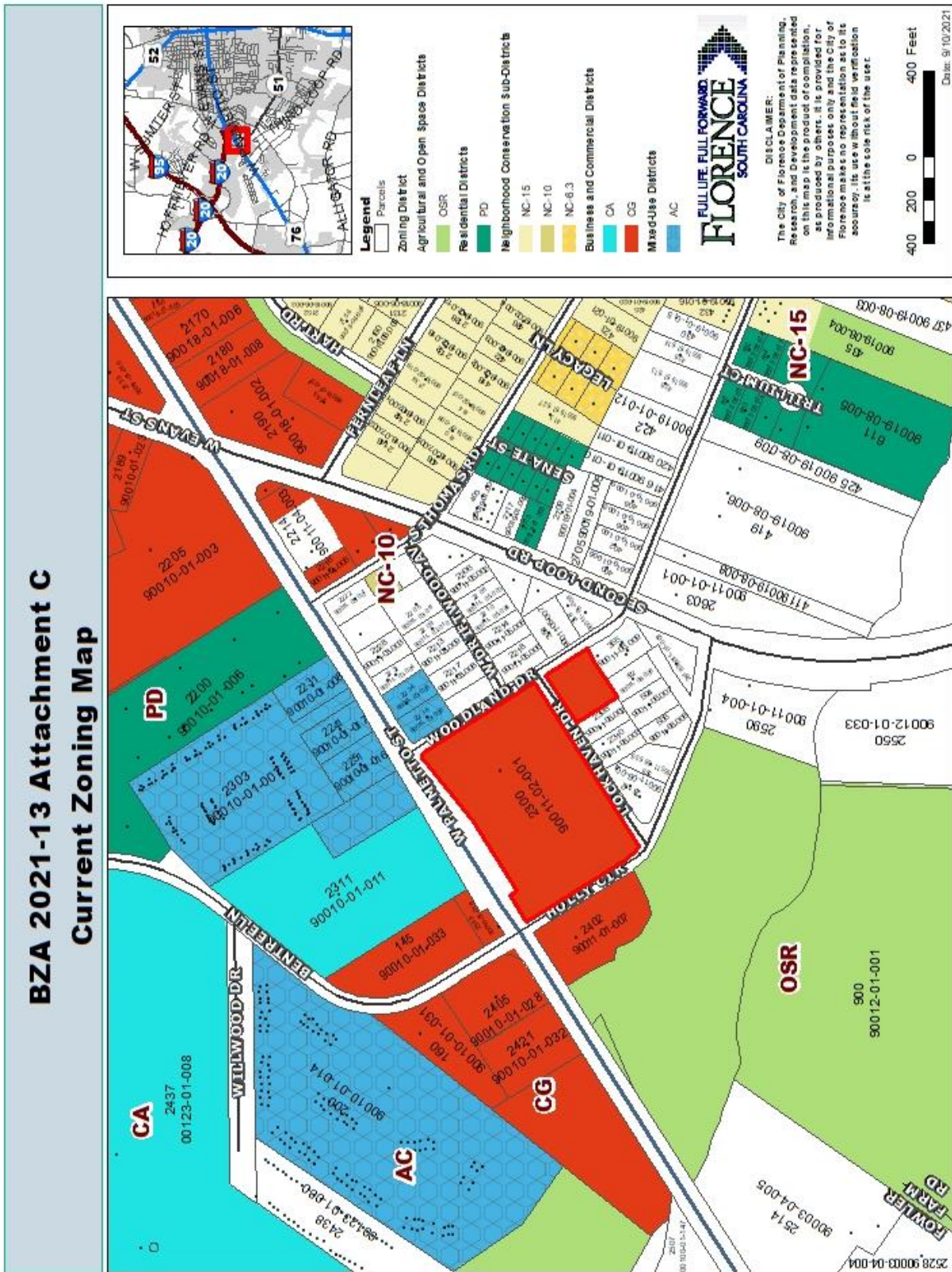
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Table 5-17.2.1B, Footnote E of the Unified Development Ordinance
- E. Existing Signage
- F. Signage Site Plans
- G. Proposed Sign Rendering Options
- H. Site Photos
- I. Owner BZA Request Letter

Attachment A: Vicinity Map



Attachment B: Location Map





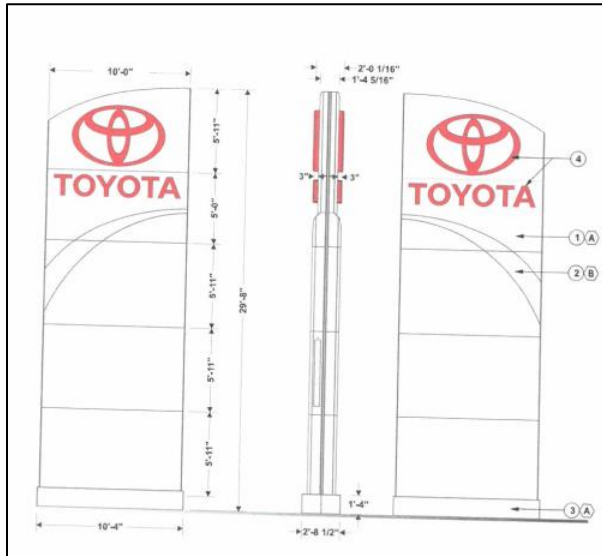
Attachment D: Table 5-17.2.1B, Footnote E of the *Unified Development Ordinance*

Table 5-17.2.1B Regulation of Signs By Type, Characteristics, and Zoning Districts									
Sign Characteristic By Type	All Residential Zones	INS (B)	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 (C)	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>								

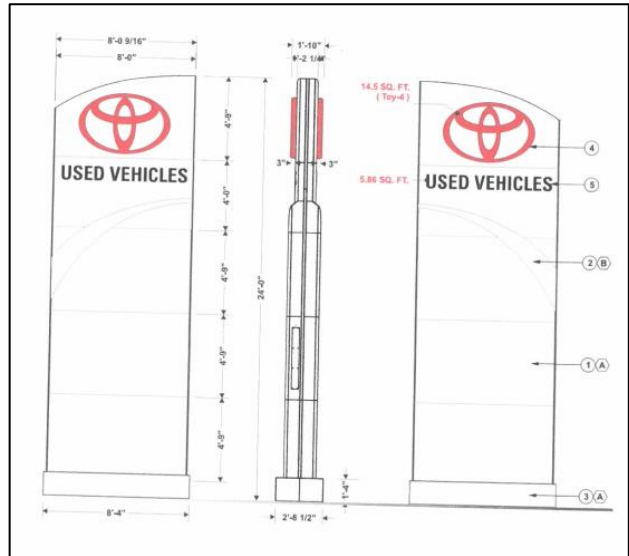
- TABLE NOTES:** (NA = Not Applicable; N= Not Allowed; sf = Square Feet)
- A. Two-use identification signs, not exceeding 20 sf each, are permitted for each entrance of a subdivision, residential project, or agricultural operation.
 - B. This column does not represent a zoning district. It applies to 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 E: Existing Signage Renderings

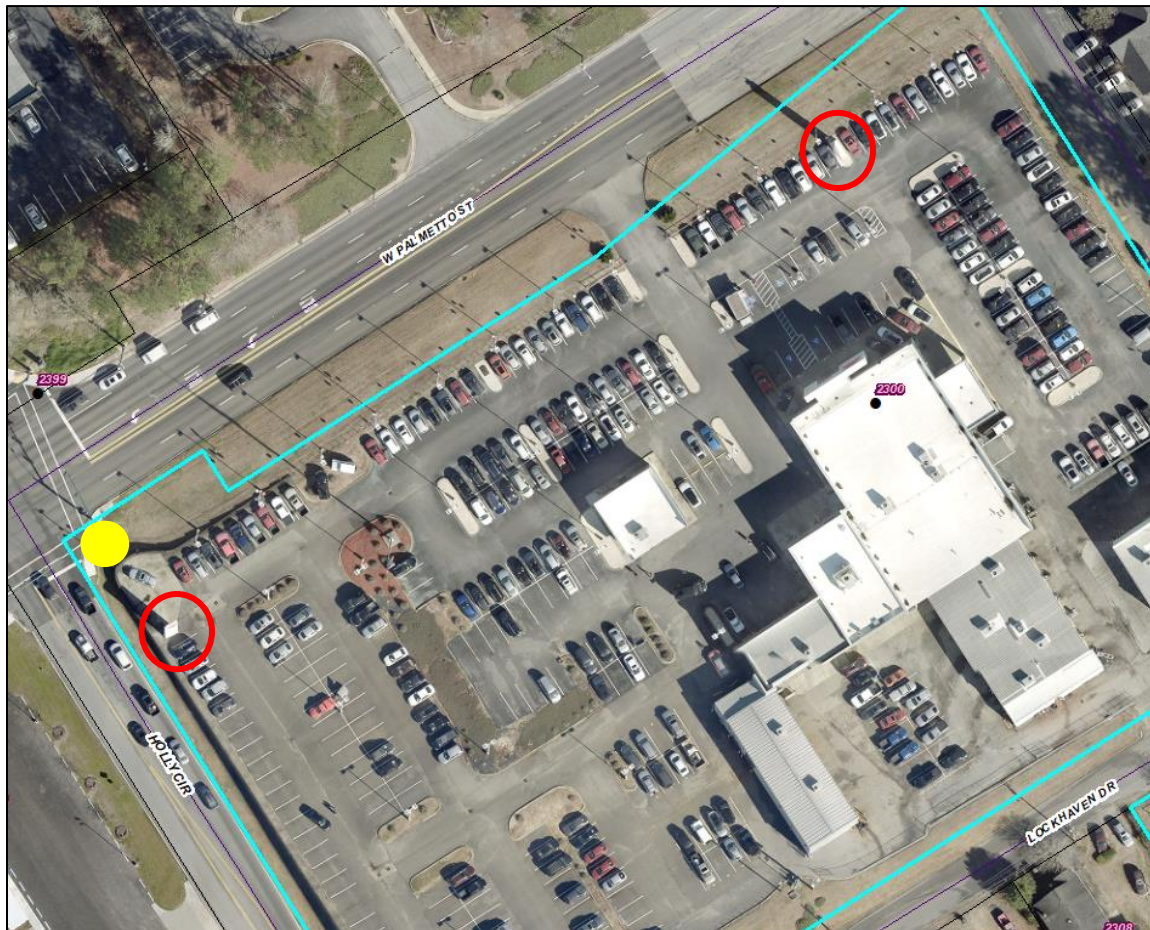
Main sign: 30' high, 10' wide, 2' thick



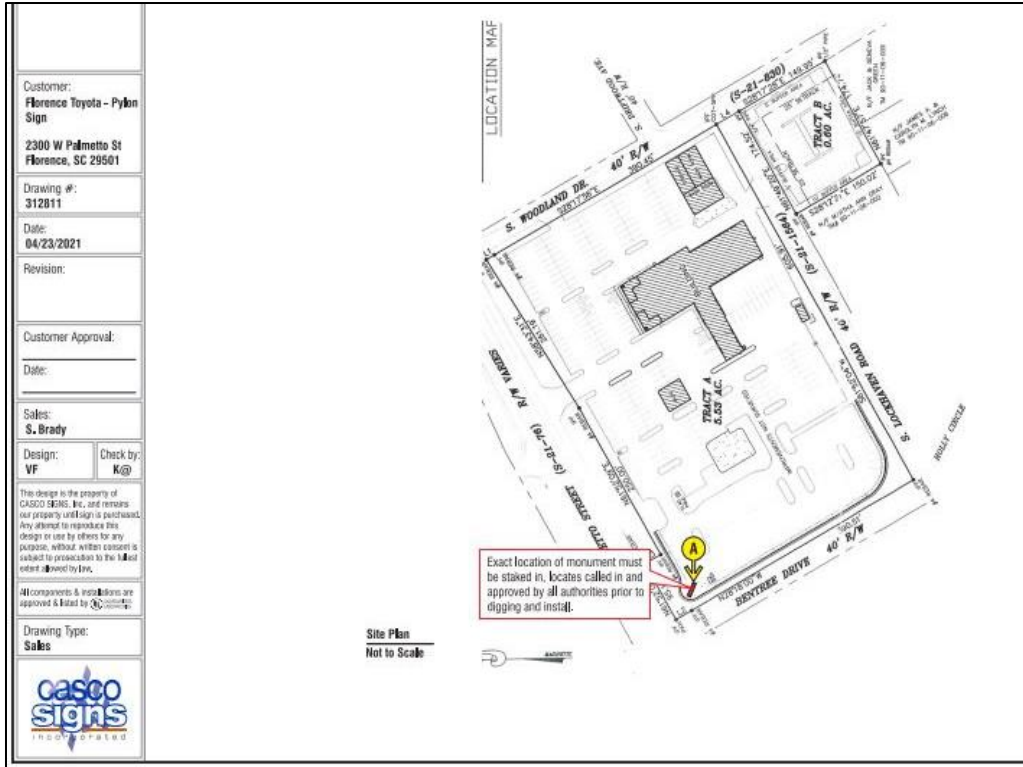
Second sign: 24' high, 9' wide, 2' thick



Attachment F: Signage Site Plans

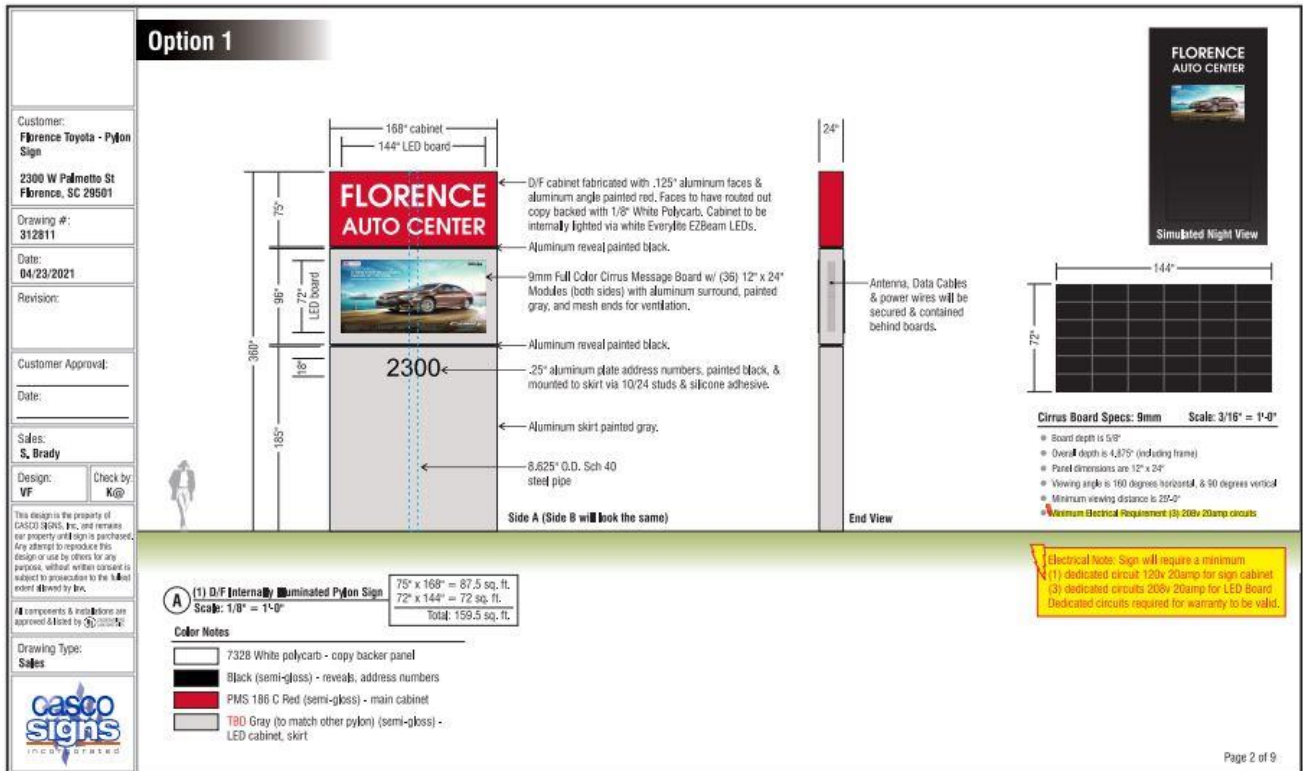


Location of existing signs circled in red. Proposed location of 3rd sign indicated in yellow.



Attachment G: Proposed Sign Rendering Options

Option 1 Specs: 30' high, 14' wide, 2' thick



Option 1 Visual

Option 1

Customer:
Florence Toyota - Pylon Sign
2300 W Palmetto St
Florence, SC 29501

Drawing #:
312811

Date:
04/23/2021

Revision:

Customer Approval:

Date:

Sales:
S. Brady

Design: VF Check by: K@

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All components & materials are approved & listed by **UL**.

Drawing Type:
Sales





Proposed Pylon Sign
Not to Scale



Existing
Not to Scale

What is shown is just a visual representation. Proposed sign may not appear exactly as shown.

Page 5 of 9

Option 2 Specs: 30' high, 14' wide, 2' thick

Option 2

Customer:
Florence Toyota - Pylon Sign
2300 W Palmetto St
Florence, SC 29501

Drawing #:
312811

Date:
04/23/2021

Revision:

Customer Approval:

Date:


Sales:
S. Brady

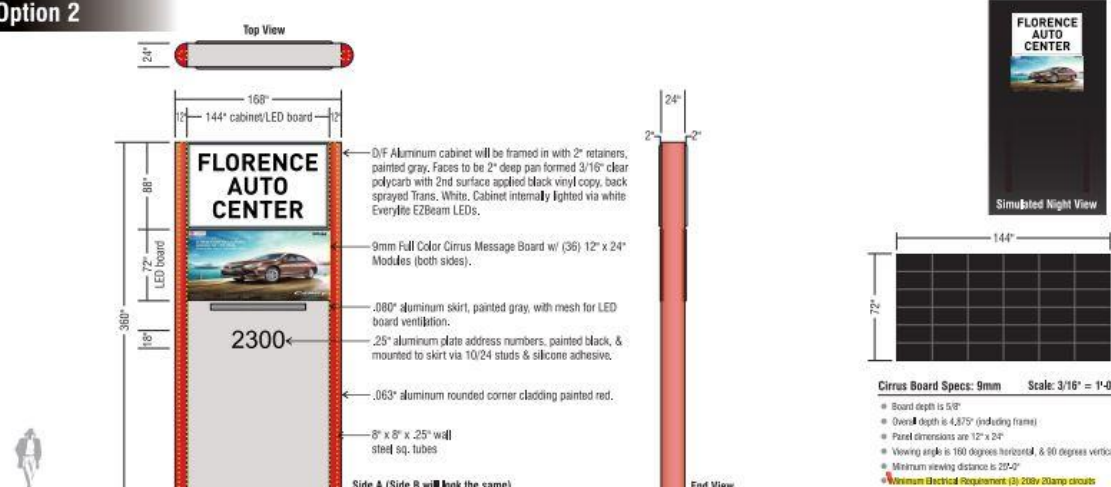
Design: VF Check by: K@

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All components & materials are approved & listed by **UL**.

Drawing Type:
Sales





Top View
168" width, 24" depth, 144" cabinet/LED board

Side View
300" height, 16" base, 12" LED board, 88" main body

End View
24" width, 2" thickness

Simulated Night View
144" width, 72" height

Circuit Board Specs: 9mm Scale: 3/16" = 1'-0"

- Board depth is 5/8"
- Board depth is 4.875" (including frame)
- Panel dimensions are 12" x 24"
- Viewing angle is 160 degrees horizontal, & 80 degrees vertical
- Minimum viewing distance is 22'-2"
- **Minimum Electrical Requirements (3) 208v 20amp circuits**

Callouts:

- D/F Aluminum cabinet will be framed in with 2" retainers, painted gray. Faces to be 2" deep pan formed 3/16" clear polycarb with 2nd surface applied black vinyl copy, back sprayed Trans. Whites. Cabinet internally lit with white EverLite EZBeam LEDs.
- 9mm Full Color Cirrus Message Board w/ (36) 12" x 24" Modules (both sides).
- .080" aluminum skirt, painted gray, with mesh for LED board ventilation.
- .25" aluminum plate address numbers, painted black, & mounted to skirt via 10/24 studs & silicone adhesive.
- .063" aluminum rounded corner cladding painted red.
- 6" x 6" x .25" wall steel sq. tubes

Side A (Side B will look the same)

Area A: (1) D/F Internally Illuminated Pylon Sign
Scale: 1/8" = 1'-0"

88" x 144" = 88 sq. ft.
72" x 144" = 72 sq. ft.
Total: 160 sq. ft.

Color Notes:

- 3/16" Clear Polycarb - pan faces
- Trans. White Back Spray - face background
- Black (vinyl) - pan face copy
- Black (semi-gloss) - address numbers
- PMS 186 C Red (semi-gloss) - sign cladding
- TBD Gray (to match other pylon) (semi-gloss) - cabinet, retainers & skirt

Electrical Note: Sign will require a minimum:
 (1) dedicated circuit 120v 20amp for sign cabinet
 (3) dedicated circuits 208v 20amp for LED Board
 Dedicated circuits required for warranty to be valid.

Page 3 of 9

Option 2 Visual

Option 2

Customer:
Florence Toyota - Pylon Sign
2300 W Palmetto St
Florence, SC 29501

Drawing #:
312811

Date:
04/23/2021

Revision:

Customer Approval:

Date:

Sales:
S. Brady

Design: VF Check by: K@

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All components & materials are approved & listed by UL.

Drawing Type:
Sales

Proposed Pylon Sign
Not to Scale

Existing
Not to Scale

Page 6 of 9

Option 3 Specs: 30' tall, 18' wide, 3' thick

Option 3

Customer:
Florence Toyota - Pylon Sign
2300 W Palmetto St
Florence, SC 29501

Drawing #:
312811

Date:
04/23/2021

Revision:

Customer Approval:

Date:

Sales:
S. Brady

Design: VF Check by: K@

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All components & materials are approved & listed by UL.

Drawing Type:
Sales

Top View

End View

Side A

Side B

Cirrus Board Specs: 9mm Scale: 3/16" = 1'-0"

- Board depth is 5/8"
- Overall depth is 4.375" (including frame)
- Panel dimensions are 12" x 24"
- Viewing angle is 180 degrees horizontal, & 90 degrees vertical
- Minimum viewing distance is 25'-0"
- **Minimum Electrical Requirement (3) 208v 20amp circuits**

Electrical Note: Sign will require a minimum (1) dedicated circuit 120v 20amp for sign cabinet (3) dedicated circuits 208v 20amp for LED Board. Dedicated circuits required for warranty to be valid.

(A) (1) D/F Internally Illuminated Pylon Sign

Scale: 1/8" = 1'-0"




72" x 174" = 87 sq. ft.
72" x 144" = 72 sq. ft.
Total: 159 sq. ft.

Color Notes

- White (semi-gloss) - main cabinet, address numbers
- 3635-222 Black Perf. (vinyl) - copy
- PMS 186 C Red (semi-gloss) - sign face detail
- TRD Gray (to match other pylon) (semi-gloss) - sign face, ends & cladding; LED surround
- PMS Cool Gray 11 C (semi-gloss) - sign face detail

Page 4 of 9

Option 3 Visual

Option 3		
Customer: Florence Toyota - Pylon Sign 2300 W Palmetto St Florence, SC 29501	 <p style="text-align: center;">Proposed Pylon Sign Not to Scale</p>	
Drawing #: 312811		
Date: 04/23/2021		
Revision:		
Customer Approval:		
Date:		
Sales: S. Brady		
Design: VF		Check by: K@
<small>This design is the property of CASCO SIGNS, Inc. and remains our property until sign is purchased. Any attempt to reproduce this design or use by others for any purpose, without written consent is subject to prosecution to the fullest extent allowed by law.</small>		
<small>All components & materials are approved & listed by the manufacturer.</small>		
Drawing Type: Sales		
		
	 <p style="text-align: center;">Existing Not to Scale</p>	
Page 7 of 9		

Attachment H: Site Photos



Existing freestanding “Used Vehicles” sign from Holly Circle.



Existing freestanding “Used Vehicles” sign from West Palmetto Street.



Existing freestanding “Used Vehicles” sign from West Palmetto Street.



Existing freestanding entrance sign viewed from Holly Circle.



Existing freestanding entrance sign viewed from main driveway.

August 12, 2021

**City of Florence
324 W. Evans Street
Florence, SC 29501
Attn. Board of Zoning Appeals (BZA)**

RE: FLORENCE TOYOTA 2300 W. PALMETTO STREET

Dear Board of Zoning Appeals Members,

We respectfully request your review of our application for the above referenced property. Our proposal consists of the installation of an additional marquee sign shown in the drawing package provided by Casco Signs reference #312811.

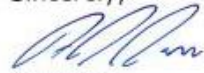
The additional sign will allow us to communicate directly to our customer base as well as the Community. Our plans are to promote not only Florence Toyota and its employees but the City of Florence, important community events and emergency services such as Amber Alerts.

The Architectural nature of the proposed sign is in harmony with the existing building and its features. The commercial corridor where our business is located is a high traffic volume area which is critical for our continued success.

Our agreement with Toyota requires us to have a Main ID sign and the Used Vehicle sign for an agreed upon timeframe. Once that timeframe has been met we would be willing to remove the "Used Vehicle" sign making us code compliant at that point.

We look forward to working together with the Members of the Board for a positive outcome for all parties. We would be happy to answer any questions or address any concerns you may have.

Sincerely,



AJ Jones
Florence Toyota

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2021-13 Nature of Request: Number of freestanding signs permitted along a street

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:

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

DATE: September 23, 2021

APPEAL NUMBER: BZA-2021-14

VARIANCE REQUEST: Request for a variance from the fence requirements in Table 3-8.1.2 and Figure 3-8.1.2 of the *Unified Development Ordinance* for a residential lot.

LOCATION: 419 Wilson Road

TAX MAP NUMBER: 01765-02-007

OWNER OF RECORD: Alice Fleming

APPLICANT: Carmanita Fleming

ZONING DISTRICT: Neighborhood Conservation-6.1 (NC-6.1)

Land Use and Zoning

The parcel is located at 419 Wilson Road. It is in the Neighborhood Conservation-6.1 zoning district, as is everything adjacent to it. This district permits single family detached houses only.

Site and Building Characteristics

The lot is 8,839 square feet in size. It is 70 feet wide and 125 feet long. The house is 40 feet from the front property line and 62 feet from the edge of the pavement due to the city right of way. The rear yard has a 6 foot tall wood stockade fence around it that was installed in July, 2021. The 6 foot tall wooden privacy fence extends down the entire west side to the front property line. Because of the undeveloped right of way, it is 22 feet from the edge of the pavement.

Variance Request

The applicant is asking for a variance from the requirements of Table 3-8.1.2 and Figure 3-8.1.2 of the *Unified Development Ordinance* regarding fences in residential districts. According to Table 3-8.1.2, fences in front yards must be less than 4 feet tall and have 50% transparency; according to Figure 3-8.1.2, the finished side of the fence must face any abutting property.

The following information is included as submitted by the **applicant**:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: **I need privacy and protection from the neighbors to the left of me. They keep parking on my yard and are disruptive. They often cuss us out and harass us as we leave our house, and they sit on their deck and smoke weed. We fear for our safety and couldn't come and go from the house without them harassing us. They parked and used the side yard which is our property; their property line runs along the side of their driveway. The owner is a truck driver who lets**

people stay at his house when he's not home and they are always harassing us. We have dealt with this for months and often had to call the police because they were smoking weed and being loud. My mother is afraid to leave her house because of the people next door.

2. These conditions do not generally apply to other property in the vicinity as shown by: **most people don't need privacy from their neighbors.**
3. 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: **a shorter fence would not provide the privacy we need.**
4. 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 fence doesn't interfere with street visibility. None of the neighbors has a problem with the fence because they know what we've had to deal with from the people next door to us.**

Staff Comments

The applicant and her mother installed the fence before they knew to check with the City on what the regulations for fences are. Fences do not require a permit, but they are expected to meet the requirements of the Ordinance in Table 3-8.1.2 and Figure 3-8.1.2. The applicant is applying on behalf of her mother, who lives in the house. According to the letter she wrote as part of her application, she has had issues with various tenants of the property owner at 417 Wilson Road who park on her yard and harass her as she goes in and out of her house. Her solution was to install a six foot tall wooden stockade fence down the side property line between the two houses (Attachment F). The City has not received any complaints about the fence; a Codes Enforcement officer noticed the fence and told the owner about the requirements of the Code. While the same screening effect could be obtained by the planting of shrubs and trees, the applicant desires a more immediate level of protection.

An incident report from the Florence Police Department does record instances of malicious injury to personal property, simple possession of marijuana and possession of a controlled substance, and obscene and harassing telephone calls (Attachment E).

Several neighbors wrote letters corroborating the owner's account and the police report, expressing their support for the fence (Attachment G).

Issues to be Considered

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

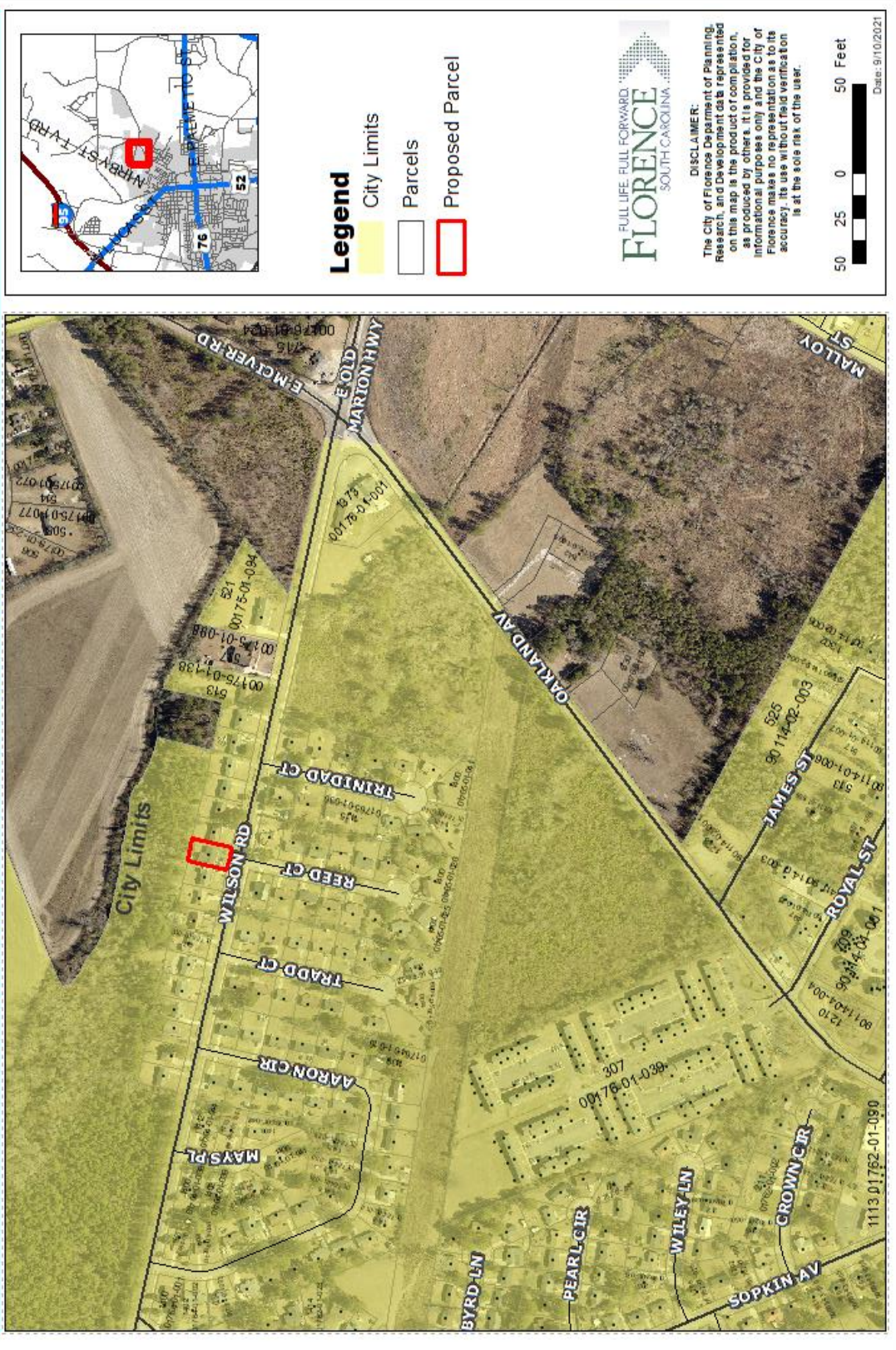
1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship: **The applicant is looking for a degree of privacy that would not be met by a literal application of the Ordinance to her situation.**
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 provide visibility and openness along the street in a residential area. While this request does affect a portion of the front yard, only one side is affected and the portion closest to the street is left open.**

3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: **The physical aspects of the property and structure are similar to others in the vicinity; however, the property owner is seeking privacy from an adjacent property to mitigate effects previously described**
4. That these conditions do not generally apply to other property in the vicinity: **The adjacent property has a history of police calls. The applicant and other neighbors have also outlined other perceived nuisances.**
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 fence ordinance would not provide an adequate level of screening.**
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 fence does not go to the street, it does not affect visibility from adjacent driveways. The fence is a nonpermanent structure which could be removed in the future.**

Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Table 3-8.1.2 and Figure 3-8.1.2
- E. FPD Incident Report for 2021
- F. Site Plan and Photos
- G. Letters from Neighbors and Applicant

BZA 2021-14
Vicinity Map - 419 Wilson Road



- Legend**
- City Limits
 - Parcels
 - Proposed Parcel

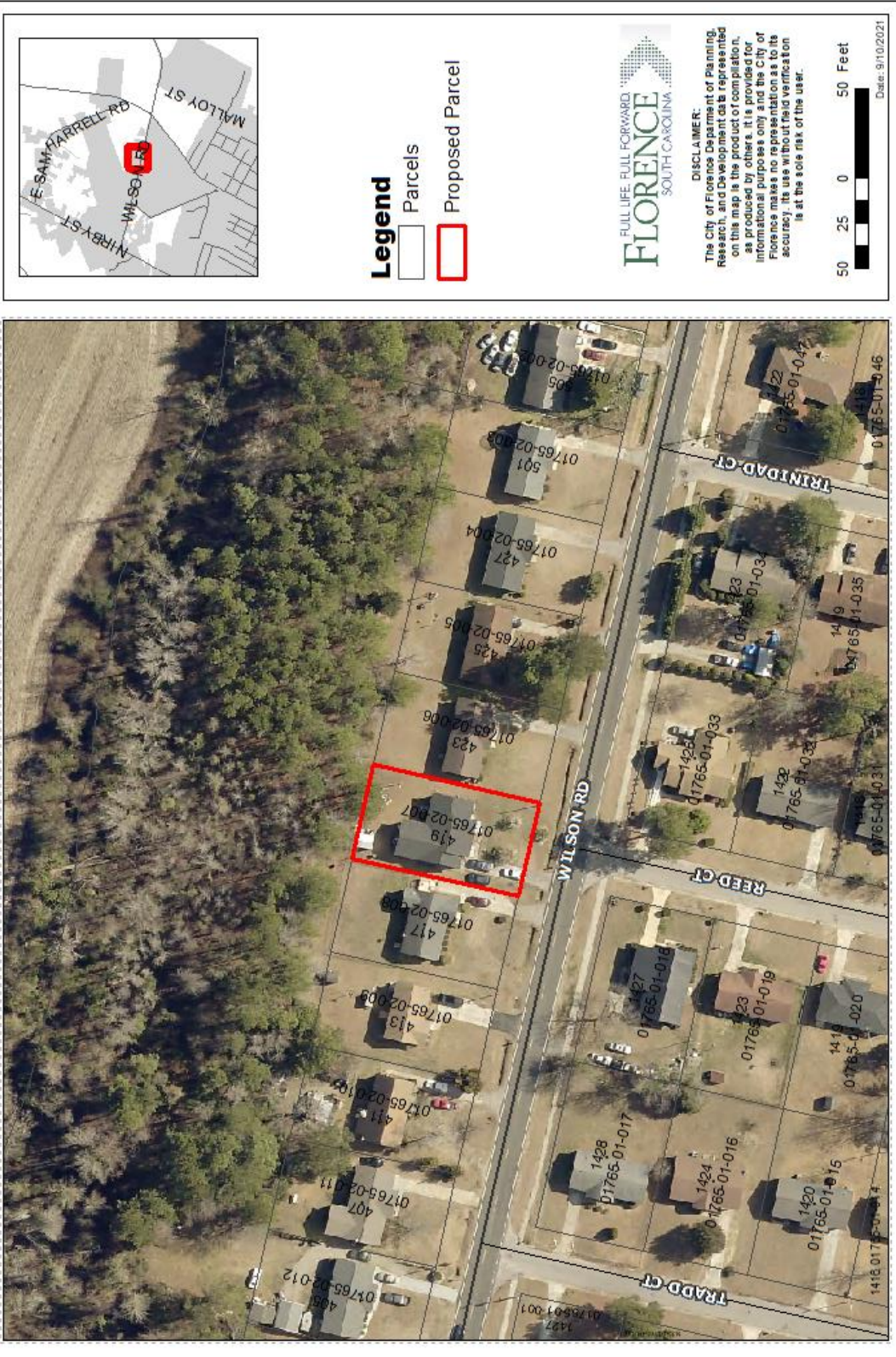


DISCLAIMER:
 The City of Florence Department of Planning, Research, and Development data represented on this map is the product of compilation, as produced by others. It is provided for informational purposes only and the City of Florence makes no representation as to its accuracy. Its use without field verification is at the sole risk of the user.



Date: 9/10/2021

BZA 2021-14
Location Map - 419 Wilson Road



Attachment D: Table 3-8.1.2 and Figure 3-8.1.2 from the *Unified Development Ordinance*

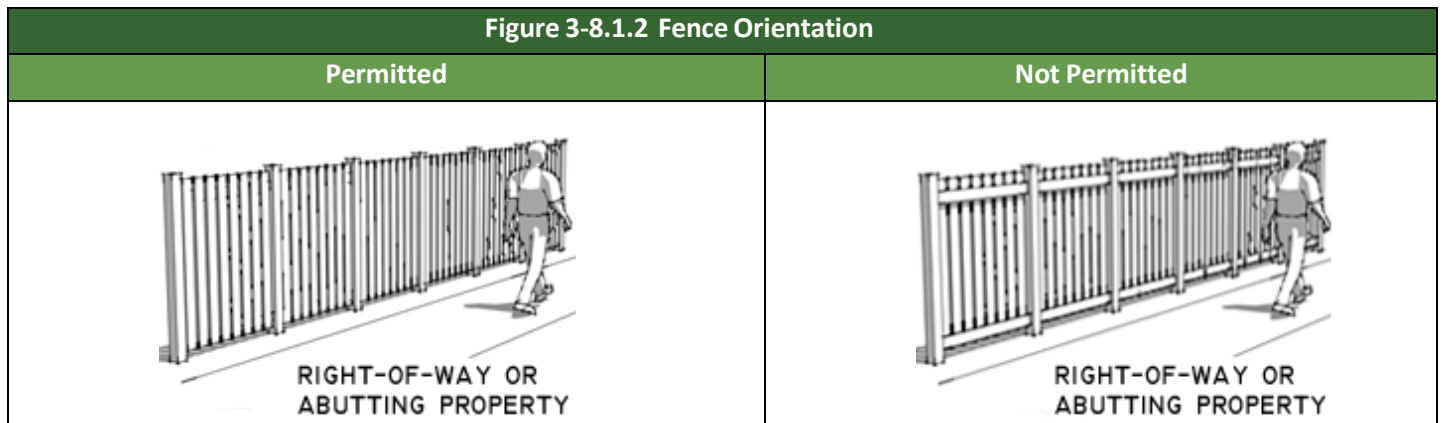
Table 3-8.1.2 Heights and Setbacks for Fences, Walls, and Hedges				
Standard	Front Yard	Side	Street Side Yard	Rear Yard ¹
Maximum Height ³	Up to 4', subject to this Section.	6'	6'	6' ^{1,2}
Minimum Setback	N/A; 0', subject to this Section.	0'	0', but at least 1' from sidewalk and/or 5' from street	0' ¹
Transparency	50%	0%	50%	0%

TABLE NOTES:

¹ A lower fence height, increased setback, or minimum transparency may be required to assure safe alley passage.

² Fences or walls in rear yards abutting CG, CBD, AC, DS, IL, or IH districts may be a maximum of 8' in height

³ Fences or walls in excess of maximum allowed height shall require a variance from the Board of Zoning Appeals.



Attachment E: Florence Police Department Incident Report for 2021

09/09/2021	Incident Report Offense Totals	Page: 1			
Incident Date Range: 09/01/2020 To 09/09/2021 For Location Containing "417 WILSON RD"					
ORI	Incident #	Date	Location	Officer 1	Officer 2
290 VANDALISM OF PROPERTY					
SC0210100	2021-001261	02/10/2021	417 WILSON RD	388	
	06	MALICIOUS INJURY TO PERSONAL PROPERTY			
TOTAL FOR OFFENSE:					1
35A DRUG / NARCOTIC VIOLATIONS					
SC0210100	2021-001261	02/10/2021	417 WILSON RD	388	
	06	SIMPLE POSSESSION OF MARIJUANA & POSSESSION OF CONTROLLED SUBSTANCE			
TOTAL FOR OFFENSE:					1
753 TELEPHONE CALLS - OBSCENE, HARASSING					
SC0210100	2021-004126	05/09/2021	417 WILSON RD	236E	
	06	TELEPHONE CALLS - OBSCENE, HARASSING			
TOTAL FOR OFFENSE:					1
TOTAL COUNT:					3

Attachment F: Site Plan and Photos

The yellow lines are the wooden opaque fence. The turquoise is the property line.



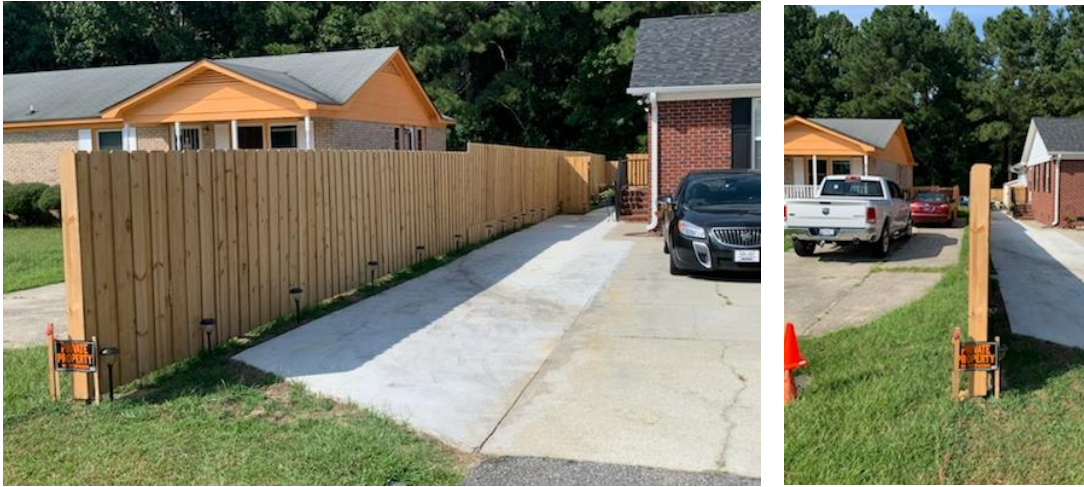
The view from the street.



Showing the distance of the end of the fence from the street to allow visibility.



A closeup of the fence down the side property line.



Proximity of houses to each other prior to fence installation.



Attachment G: Letters from the Neighbors and Applicant

August 30th, 2021

Latesha Simen
423 Wilson Road
Florence, S.C. 29506

I know of the events that occur up 417 Wilson Road, it was noise, loud music, & lot of company. They seem to have a lot going on all the time. One morning I was sleep and was woke by loud music at 5 am.

All time and night having fun. Sometimes the police would come sit across from the house. I was worried about Ms. Alicia and her home, they would have a lot of company on the side deck, disturbing the peace, right by her back door was a lot of guys all the time. I would have put a fence up just like that if I was going through what they was going through, they needed a fence, just like they have it, because I was worried about their safety and security.

8-30-2021

To whom it may concern
Dear Neighbor Across the Street I have
lots of parties very loud music playing
and loud talking, Disturbing the Neighborhood.
The Police has been called out here
several times. Matter of fact the
Police sometime at night be park
at our back driveway by the fence
to watch the house. At times we
see a lot of different cars in the
front yard. Sometime there be
cars playing loud music late at
night when we are asleep the
loud music wake us up. We
never had any problems ~~the~~
we live here for many years. I believe
and feel like they put the fence
up for their security and safety
and I would have done the
same thing.

Yours Truly
J. Mr. & Mrs. Ronnie & Bernice Sellers

1427 Reed Court
Florence S.C. 29506

Dear Members of the Zoning Board of Appeals,

1

I am writing to seek a fence variance, for my home at 414 Wilson rd Florence SC. 29506. I have had my house built and I have lived at my residence for over 20 years. I am a respectful and peaceful neighbor. I have experienced different neighbors moving in and out. I believe in looking out for my neighbors, as well as my neighborhood, neighbors are suppose to be able to get along and be cordial. I also believe neighbors should respect each others space.

I do not believe in a perfect person because nobody is perfect. I believe in respecting people, their property and their space. All these years that I have lived at my residence, I have not had a desire for a fence. I honestly feel like I had to divide my property line I had to put up a fence for ^{security} and the safety of myself and my family.

The homeowner who lives next to me, moved his girlfriend and her children into his residence. The homeowner is a truck driver and we hardly ever at his residence

myself, and my children and also my grandchild, were being verbally threatened. In addition we left out of our house, it has also drug activity going on at the residence; also gang signs and symbols being used. They were coming onto the property when they thought we were not home also at night.

At night it would always be so many people over at the residence, with loud noises and smoking marijuana, day and night and also talks of other drug usage, when we come out of our residence. It was completely horrible, we could not come outside because the marijuana usage was so bad and the smut talking. The homeowner never addressed the issue. I love to sit on the porch and I could not do that in peace, we could not get out of the cars in peace, the houses are already so close.

My safety and security were in jeopardy, that's why I called the Florence County police department a few times concerning these matters, the neighbors in the neighborhood complained about the loud noises and also the marijuana usage, the police department are aware of the complaints as well.

One occasion my son and daughter got out of the car, they did not say a word to any one, as soon as they got out of the car, it was about 8 people on the porch mostly guys, they said and I quote, I will stop a [redacted] they kept saying it, and started laughing. Neither one of my children responded.

Another occasion, myself, my daughter and my grandchild came out of the house and were doing something in the yard, not even paying attention to them, the daughter said and I quote, what the [redacted] are y'all looking at, again my daughter and my grandchild did not say a word, at that time it was several guys on the porch waiting to start something again.

Another occasion my daughter was coming out of the back door, they were at the porch facing my back door, as soon as my daughter came out, they blew the marijuana smoke in her direction on purpose, again she did not say anything, they started laughing.

Another occasion I turned my lights on sitting on my porch and they said turn the [redacted] lights off and started laughing.

When one of us would walk out the door it was always something said. A lot of unnecessary things very

3

Again we never said anything, we called the police several times about the smoking, it was really bad as well. It was so many things that happened. Our fence gate was pulled off of the hinges we are not sure who done that but the police was called.

Another occasion my daughter was walking out and someone was looking through the fence one night before it was finished and they jumped back when she saw these eyeballs looking in, she kept telling me she saw something and when she walked around they jumped. This was at night.

I could go on and on about things but [redacted] they were in a gang. They said everything, they did not hide anything that's how I know that, gangs are dangerous and they had some people, all the time at his residence as well. It could be 3 or 4 o'clock any and they would have so many people outside on the deck close to my back door, and my side door I always had to watch and get up all times at night.

They were really trying to be intimidating even when the fence got up they would stand and watch me in my back yard, I would ignore all of these shenanigans.

4

Once again the neighbors are aware of things going on and we all discuss things, my house was on the opposite side and that is why I was affected the most. Although I was severely affected they were as well, because of the loud poses all times of day and night, the amount of people hanging around and the drugs they always watched as well. I have stated that its also of other things I can mention but I hope that what I have written is enough, because its bad enough. I am 66 years old I had to put a fence up on east side living here for over 20 years, for my safety. They almost hit my granddaughters rental one night, and ran into the ditch the police was called, but they got the car out before they came, a witness told us that they almost hit the car and this was late at night, the stuff never stopped. I had someone to survey my property lines and then I put up a fence to separate the lines so they could no longer come on my property and do what they wanted to do. As I stated they said everything that they would do are try to do and that was a warning for me. Verbal threats, being said some people eventually do what they say, we were always looking around and I felt uneasy at my own house, were I put my taxes at.

5

I never cared about anything that they choose to do until it started affected my self and safety. I mind my business and try to keep peace, but sometimes you have to draw the line and I had to. The police was across the street and watching the house. I am sure if you check they can verify some of those things I have stated. I am afraid I got to the point where I could not take anything at all, I did not want my family to get into trouble, I always told them to hold their peace and that was getting harder for them to do. I needed a privacy fence like my I have put, I put up a fence in dual, it was just to much going on life is so short, people will hurt you. I put this fence up for my safety and protection and security. I have been dealing with this stuff for months, no one will understand how hard it is to go through something like this unless they have been through it. I hope no one ever have to experience it. I never thought I would after 20 years of living at my residence, we were not use to this kind of stuff. No matter what you do, you have to be mindful of others and respect each others space.

6

They were horrible, I got tired the threats about beating people, the verbal abuse, we know they were talking to us, drugs usage, all times of day and night, the amount of guys over all the time, I had to put up a fence, I could write a novel about all the stuff that went on. I needed a fence to block them out, I did not want to see them. When my kids had to check into concert to carry classes I know I needed to do something before it turned worse and it was just about a certain point, I don't bother anyone neither do my children or grandchildren but they were not going to allow any one to bother us either. They always tried to get a reaction and it was getting harder and harder day by day not to give them one. There are just some of my experiences, the police department should have knowledge of these incidents. Thanks for your time, I hope you consider everything that I have said, I need my fence the way it is. It gave me a little peace.

Sincerely Alice Henry

7

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2021-14 Nature of Request: Fence 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 *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: