

CITY OF FLORENCE BOARD OF ZONING APPEALS
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET, FLORENCE, SC
THURSDAY, SEPTEMBER 28, 2023 – 6:00 P.M.
MEETING AGENDA

I. Call to Order

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

III. Public Hearing and Matter in Position for Action

BZA-2023-09 Request for variances from the setback requirements for a new building on the lot located on East South Village Boulevard in the CG zoning district; identified as a portion of Tax Map Number 90094-01-013.

IV. Adjournment

The next meeting is scheduled for October 26, 2023.

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

MEMBERS PRESENT: Larry Chewning, Ruben Chico, Charlie Ipock, Deborah Moses, Jermaine Nowline, Nathaniel Poston, and Michael Valrie

MEMBERS ABSENT: Miriam James-Singley

STAFF PRESENT: Derek Johnston, and Alane Zlotnicki

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

WELCOME NEW MEMBERS:

Chairman Chewning introduced new Board members Charlie Ipock and Jermaine Nowline and asked them to share a bit about themselves.

APPROVAL OF MINUTES: Chairman Chewning introduced the May 25, 2023 minutes and asked if there were any changes that needed to be made. There being none, he called for a motion. Ms. Moses moved that the minutes be approved as submitted, Mr. Valrie seconded; voting to approve the minutes was unanimous (7-0).

PUBLIC HEARINGS AND MATTERS 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.

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

Mr. Poston clarified that the Board needed to consider the free standing sign and the extra sign on the canopy. Mr. Valrie asked for clarification on the location of the two canopy signs; Mrs. Zlotnicki pointed out that the pricer on the canopy was facing the same direction as the free standing sign. She mentioned that the Murphy USA on Beltline Drive did have a pricer on the canopy as well as the free standing sign, but that parcel is in the county. The Murphy USA on South Irby Street in front of the Walmart has the pricer on the canopy, but does not have a free standing sign, plus it was developed in 2005, before the sign ordinance was adopted.

Ms. Moses asked how close the free standing sign would be to the Compassion Church sign; Mrs. Zlotnicki said it looked like they were about 150 feet apart. The church sign is about 20 feet tall and this one would be 35 feet tall.

Mr. Chico pointed out that the Slim Chicken sign is very close to the church sign even though there are two parcels involved. He said that the owners might want to move the Slim Chickens sign to the west to avoid bunching all the signage together. He clarified that the variance is for the separation of the church and Murphy signs as they are less than 300 feet apart as required by the Ordinance.

Mr. Poston asked if anyone had called about this request; she said no one has called about it.

Chairman Chewning clarified that the Board needed to consider the free standing sign and the pricer sign on the canopy.

Mr. Ipock asked from what angle the price of the gas could be seen. Mrs. Zlotnicki said that the free standing sign was clearly visible from both east and westbound traffic. The pricer sign on the canopy was only visible from the eastbound lane, but the prices on the free standing sign were already visible to the eastbound lane.

Mr. Valrie asked if the Murphy sign would block the Compassion Church sign; Mrs. Zlotnicki said that was unlikely since the church sign is about 20 feet tall and the Murphy signposts are about 25 feet high before the sign itself, plus they are about 150 feet apart and this one would be closer to the street than the church sign is.

Mr. Ipock asked if future tenants might be added to this sign; Mrs. Zlotnicki said that was correct, that any additional signage would have to be added to the one sign rather than the addition of more signs.

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

Chairman Chewning swore in Mr. Billy Hayes, who spoke on behalf of the applicant, The Sign Connection, who does the installation of the signage. He clarified that the variance was for the free standing sign and Mrs. Zlotnicki added that the pricer sign was also in need of a variance. Mr. Hayes said they really wanted the free standing sign, and that these were the standard Murphy signs. He asked what they needed to do to get as many of these signs approved as possible.

Mr. Poston asked Mr. Hayes if the church sign remaining was part of the purchase agreement; he said it was, and it was negotiated by the purchaser.

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

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

1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship. ***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. ***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, and the shape and spacing of the property allows that to occur.***
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. ***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. ***The agreement to allow the off-premise sign is not permitted by the ordinance, but due to the existence of the church, the extra sign needs to be considered.***
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. ***Denying the applicants 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. ***The property associated with this request has significant road frontage along this heavily commercial corridor.***

Mr. Poston seconded and the motion to approve the request as submitted passed unanimously (7-0).

Mr. Poston asked if Mr. Hayes was willing to drop the request for the second pricer sign on the canopy; he said that Murphy wanted it included, so he asked the Board to vote on it as well.

Chairman Chewning moved that the request for the variance for the second pricer sign on the canopy be denied, based on the following findings of fact:

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. ***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. ***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. ***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. ***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. ***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. ***Granting the request for extra signage on the canopy would give this applicant signage in excess of that permitted to other gas stations.***

Mr. Chico seconded and the motion to deny the request for the second pricer sign on the canopy passed unanimously (7-0).

ADJOURNMENT: As there was no further business, Mr. Ipock moved to adjourn the meeting; Mr. Poston seconded and the motion passed unanimously (7-0). The Board adjourned at 6:40 p.m. The next regular meeting is scheduled for August 24, 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: September 28, 2023

APPEAL NUMBER: BZA-2023-09

VARIANCE REQUEST: Request for variances from the setback requirements for a commercial building in Table 2-6.1.1

LOCATION: 351 East South Village Boulevard

TAX MAP NUMBER: 90094-01-013

OWNER OF RECORD: Jebaily Family Limited – American Luxury Coach

APPLICANT: Henry Simpson

ZONING DISTRICT: Commercial General

Land Use and Zoning

The property owner is requesting a variance on the setback requirements for the construction of a new commercial building. Currently, the property has multiple commercial buildings being used for a motor vehicle customization business. The owner intends to align the proposed building with the existing buildings located on the property. Additionally, the flood plain encroaches into a significant portion of the property limiting the buildable area. Part of the lot is in Florence County, but the portion where the building is proposed is in City limits and is zoned Commercial General (CG). The rear property line runs along the CSX railroad right of way (see Attachment B).

According to Table 2-6.1.1 of the *Unified Development Ordinance*, “Nonresidential and Mixed Use Lot and Building Standards”, the minimum front setback required in the CG zoning district is 50 feet; the minimum interior side setback is 20 feet, and the minimum rear setback is 40 feet. The other buildings on this lot that are part of the American Luxury Coach campus were constructed either outside City limits or under the previous zoning ordinance.

Variance Request

The applicant is requesting a front setback of 35 feet, an interior side setback of 4 feet for the north end of the building, and a rear setback of 5 feet for the northeast corner of the building in order to place a 90 feet wide by 470 feet long commercial building (Attachment G). The south side and the majority of the back of the building do meet the required setbacks because of the angle of the property line.

The building directly across the street from the proposed building is 70 feet from the edge of the pavement, and the requested setback puts the new building at 70 feet from the edge of the pavement on the opposite side of the road. The building perpendicular to the proposed building is on the property line and would line up with the new one (Attachment G).

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular properties as follows: *We need to maximize square footage for our production facility within reasonable guidelines and time is of the essence. This is the only area we could build that is not deemed in the flood zone at the moment.*
- b. These conditions do not generally apply to other property in the vicinity as shown by: *The only variance needed is for property we own already except for the back side of the building in one corner on our side of a deep ditch owned by CSX.*
- c. Because of these conditions, the application of the ordinance to the particular properties would effectively prohibit or unreasonably restrict the utilization of the property as follows: *We need the requested covered space to grow business with a new customer and this is the only lot on the property available. It will not adversely affect any neighbors because we own neighboring property except for the railroad which is way beyond the bordering ditch.*
- 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 harm at all and the only effect will be good as we are adding jobs to the community once this facility [sic] by building this addition to our business.*

The variances being requested are in the chart below.

Required Variance Amounts (feet)

	Shown	Required	Variance Needed	Percent Decrease
Front Setback (ft)	35	50	-15	30%
Side Setback (ft)	4	20	-16	80%
Rear Setback (ft)	5	40	-35	87%

Issues to be Considered:

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

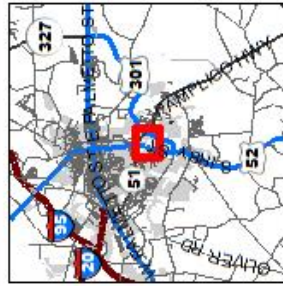
- 1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship. Staff Comments: *Because of the shape of the parcel and location of property lines, requiring that the setbacks be observed would result in an awkward placement of the new commercial building.*
- 2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. Staff Comments: *The area affected by the variance is at the back of a large, diverse commercial parcel and is not visible from South Irby Street. Placement of the new building where desired maintains symmetry in relation to pre-existing structures without affecting any residences or other commercial development.*
- 3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. Staff Comments: *This is a large and oddly shaped parcel; only this portion of the parcel is in the City limits, other portions are in the flood plain and are thus unavailable for development.*

4. That these conditions do not generally apply to other property in the vicinity. Staff Comments: ***The parcel is not a standard size or shape. The rear of the lot abuts the railroad, and the applicant owns the surrounding commercial property.***
5. That because of these conditions, the application of the Ordinance to the particular properties would effectively prohibit or unreasonably restrict the utilization of the property as follows. Staff Comments: ***While adherence to the required setbacks would not prohibit the owner from constructing a new building, it would result in an awkward and unattractive layout in relation to the other structures that are part of the same company.***
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 new building is not visible from South Irby Street, and permitting the requested setbacks keeps the new building in character with existing structures and the overall American Luxury Coach campus.***

Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Flood Plain Map
- F. Table 2-6.1.1 and Requested Setbacks
- G. Site Plan – Required Setbacks
- H. Site Plans – Requested Setbacks
- I. Site Photos

BZA 2023-09
Vicinity Map - 351 East South Village Boulevard

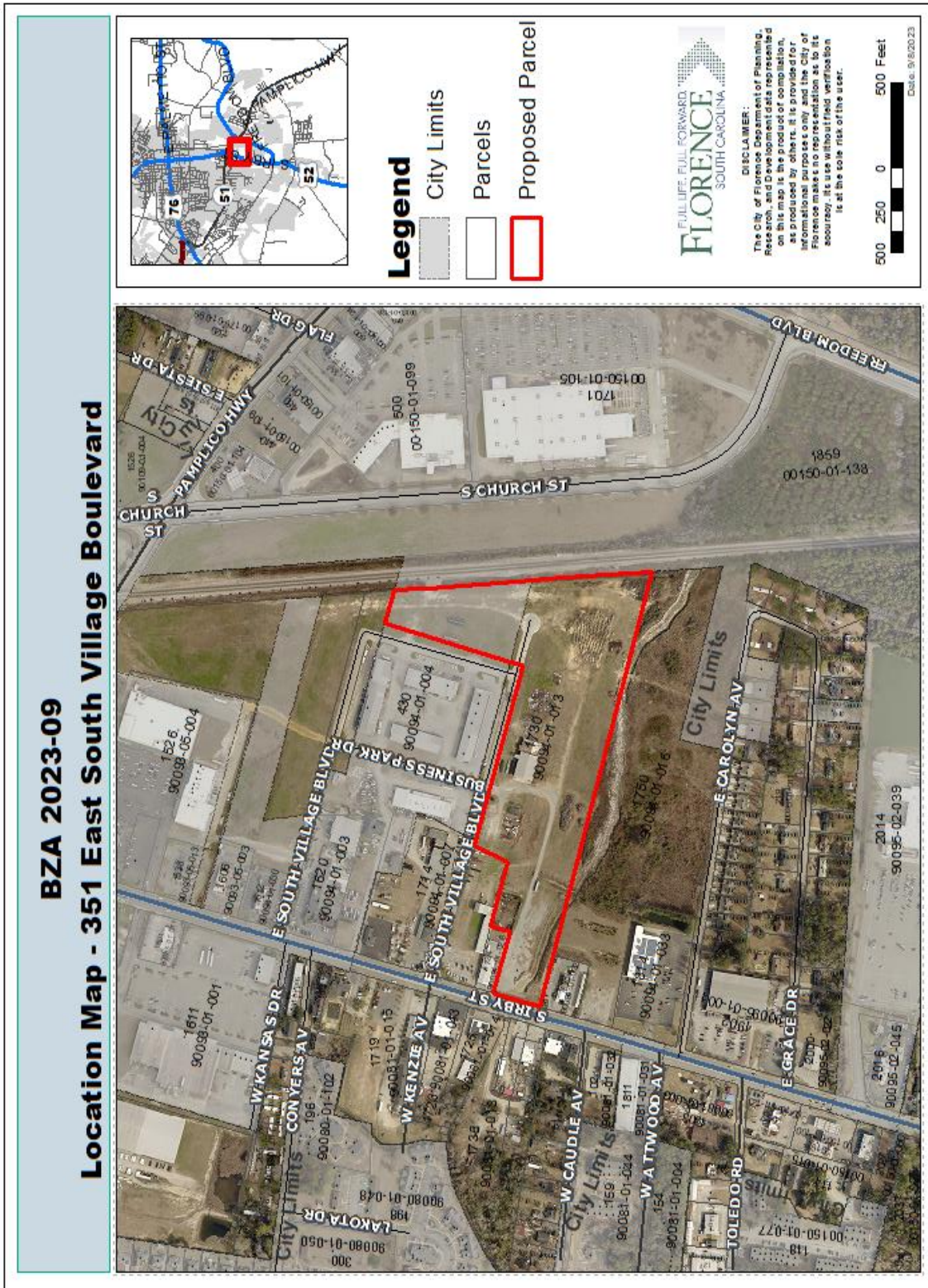


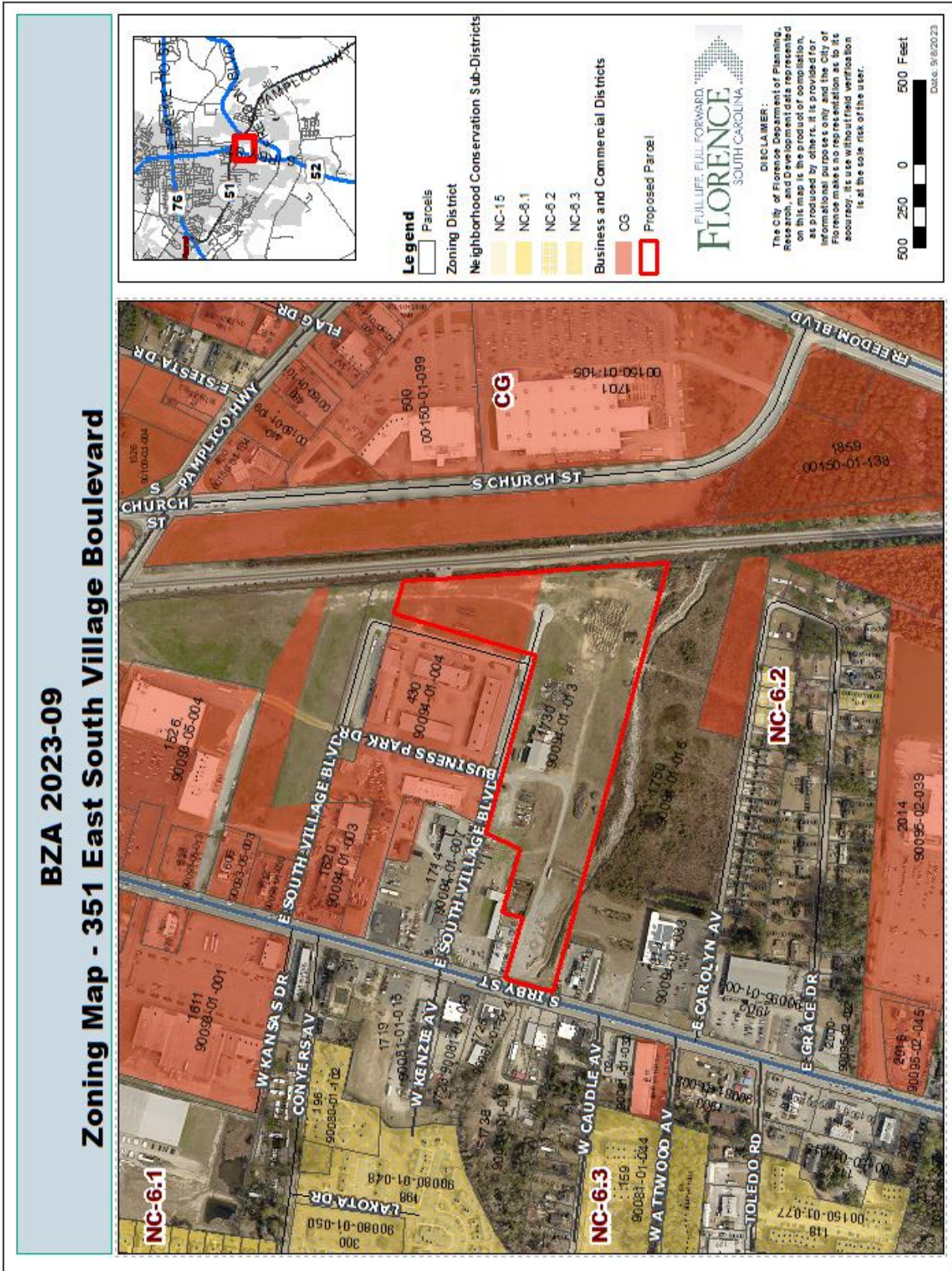
- Legend**
- City Limits
 - Parcels
 - Proposed Parcel

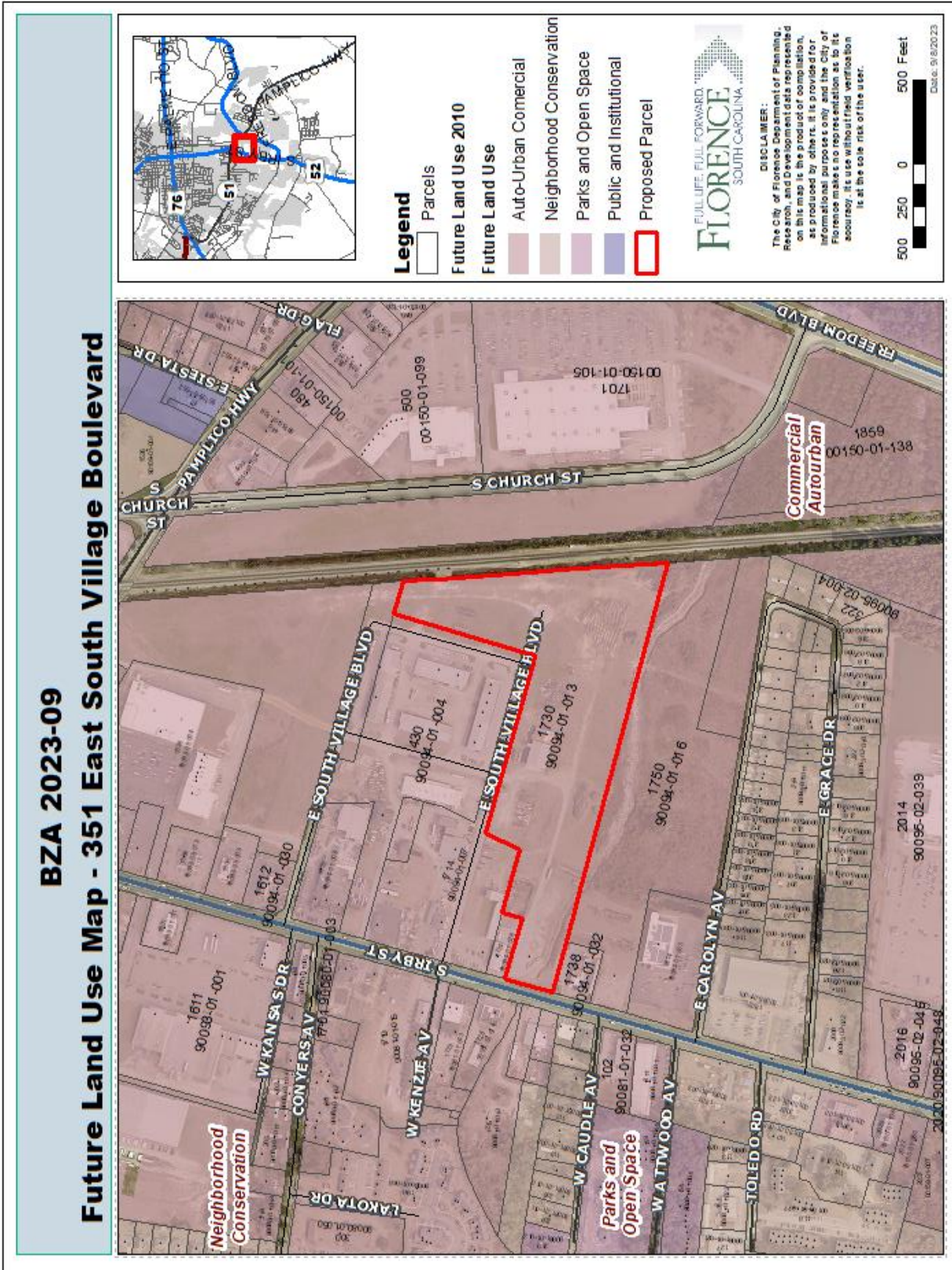


DISCLAIMER:
 The City of Florence Department of Planning, Research, and Development data represented on this map is the product of compilation, as produced by others. It is provided for informational purposes only and the City of Florence makes no representation as to its accuracy. Its use without field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

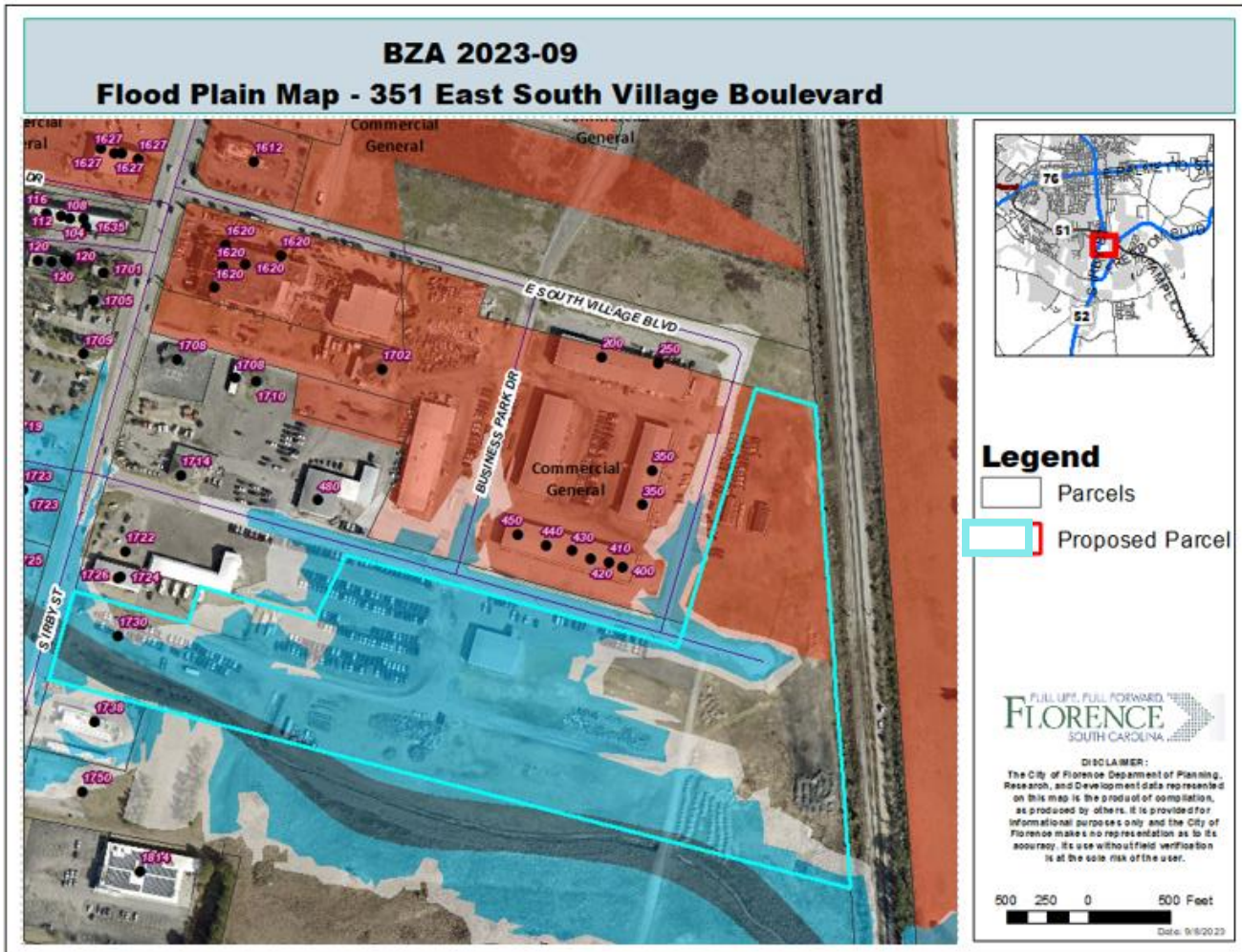








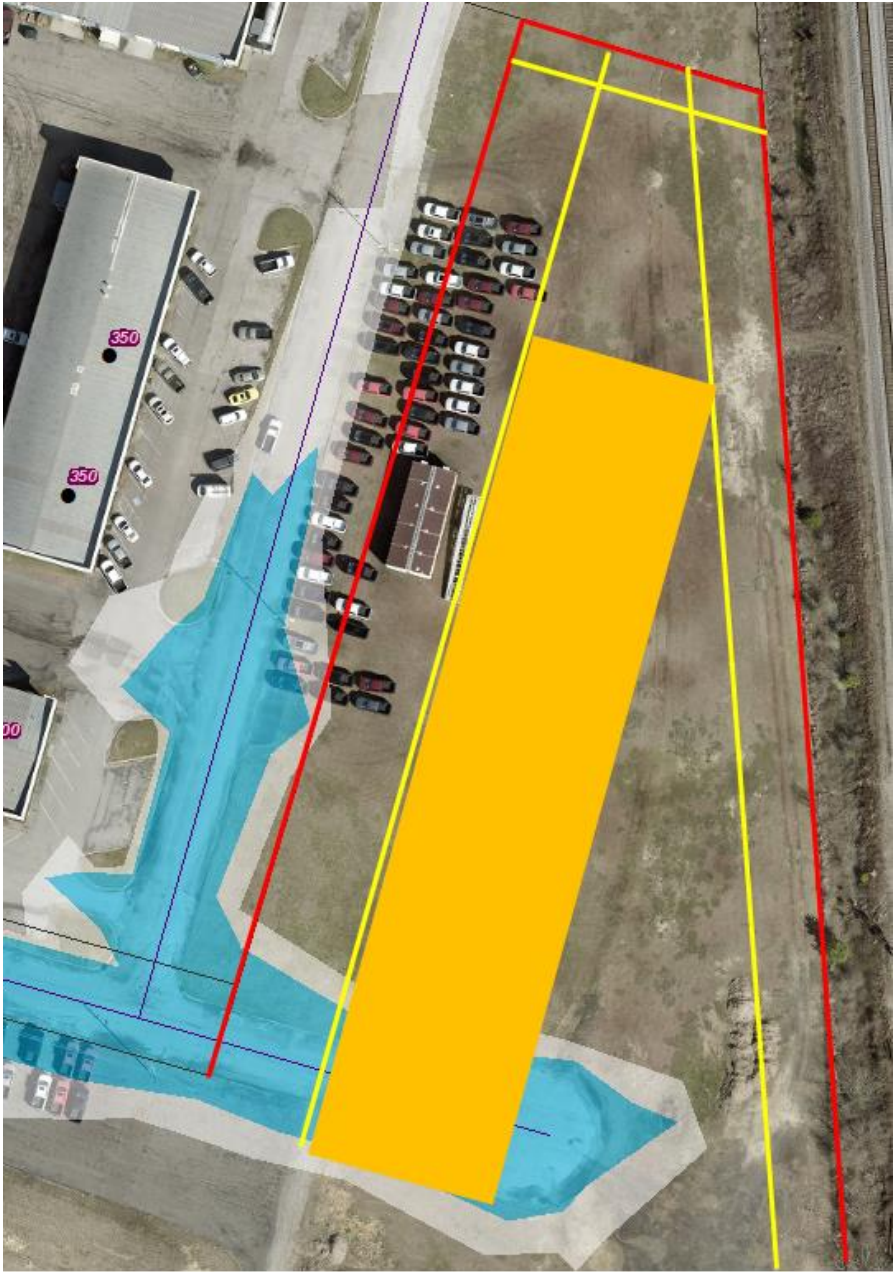
Attachment E: Flood Plain Map



Attachment F: Table 2-6.1.1 Nonresidential and Mixed Use Lot and Building Standards

Table 2-6.1.1 Nonresidential and Mixed Use Lot and Building Standards							
District / General Use Type	Lot Width	Minimum Setback				Minimum Landscape Surface Ratio	Maximum Building Height
		Build-to Line	Front	Side (Min./Total)	Rear		
General Commercial (CG)							
Retail	200'	N/A	50'	20' / 50'	40'	15%	38'. See F., Below.
Office / Overnight Accommodations	200'	N/A	50'	20' / 50'	40'	15%	
All Other Uses	100'	N/A	50'	20' / 50'	40'	15%	

Attachment G: Site Plan – Required Setbacks

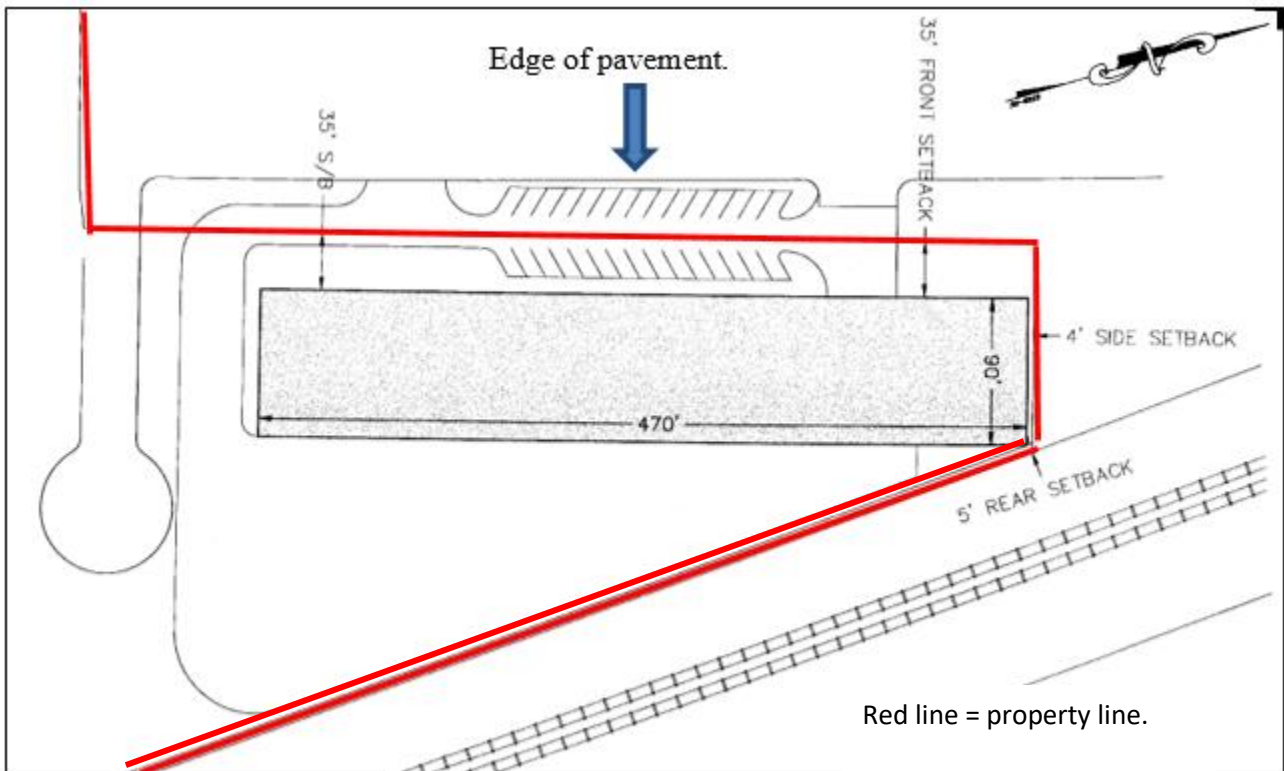


The red lines are the property lines; the yellow lines are the setback lines of 50 feet in the front, 20 feet on the side, and 40 feet in the rear. The yellow rectangle is the building.

Attachment H: Site Plans – Requested Setbacks



The yellow rectangle is the proposed building, and the red lines are the property lines that are affected by the variance request. Below is a closeup.



Attachment I: Site Photos



Facing east down cul-de-sac on southeast side of affected area with railroad tracks at tree line.



Facing northeast into area where building is proposed. Railroad tracks are at the tree line in the distance.



Looking due north along the street that is on the west side of the affected parcel at corner of the cul-de-sac. The building on the left will mirror the proposed building which would be located on the right side of this street.



Looking southeast from the northern edge of the affected area.



Looking at the buildings on the south side of East South Village Boulevard with which the proposed building will be aligned.

Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2023-09

Nature of Request: Setback 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: