

CITY OF FLORENCE BOARD OF ZONING APPEALS
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET, FLORENCE, SC
THURSDAY, OCTOBER 26, 2023 – 6:00 P.M.
MEETING AGENDA

I. Call to Order

II. Approval of Minutes Regular meeting held on September 28, 2023

III. Public Hearing and Matter in Position for Action

BZA-2023-10 Request for a variance from the location restriction for accessory structures at 221 North Beltline Drive and 1411 East Old Marion Highway in the CA zoning district; identified as Tax Map Numbers 00099-01-026 and 00175-01-131.

IV. Public Hearing and Matter in Position for Action

BZA-2023-11 Request for a variance from the minimum lot area requirements for new lots located at 702 North McQueen Street in the NC-6.2 zoning district; identified as Tax Map Numbers 90071-02-013 and 90071-02-015.

V. Adjournment

Because of the Thanksgiving holiday, the next meeting is scheduled for November 16, 2023.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
SEPTEMBER 28, 2023**

MEMBERS PRESENT: Miriam James-Singley, Charlie Ipock, Deborah Moses, Jermaine Nowline, Nathaniel Poston,

MEMBERS ABSENT: Larry Chewning and Michael Valrie

STAFF PRESENT: Derek Johnston and Clint Moore

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

APPROVAL OF MINUTES: Chairman Poston introduced the July 27, 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. Nowline seconded; voting to approve the minutes was unanimous (5-0).

PUBLIC HEARINGS AND MATTERS 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.

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

Ms. Moses asked if a buffer would be provided along the rear property line; Mr. Johnston explained that there was a large distance to the actual railway, and it was all owned by CSX Railroad and it would not impact any residential uses.

Chairman Poston asked if staff had received any calls from the public regarding the request; Mr. Johnston said that there haven't been any calls.

Ms. Moses asked if the owner would have to do anything different because of the proximity of the flood plain. Mr. Johnston explained that precautions would be taken to prevent sediment from washing into the flood plain or getting onto other adjacent properties. There are city and DHEC regulations that address those concerns.

Chairman Poston asked for clarification on the exact setbacks desired; Mr. Johnston explained that it was the north and east property lines because they were pulling the building to the northern end of the lot. The southern property line isn't affected.

There being no further questions from the Board for staff, Chairman Poston opened the public hearing. He swore in Henry Simpson who is the applicant. He explained that there is a stormwater ditch along the CSX property line and the owner, Joe Jebaily, has a good relationship with the railroad. Mr. Jebaily owns all the land around this affected property, including the road.

Chairman Poston asked Mr. Simpson if the new building would be in line with the northern building. He said it would be as well as with the southern ones. He reiterated that Mr. Jebaily owns all the land around and his goal is to keep the buildings symmetrical.

Ms. Moses asked for clarification of the edge of pavement note on the site plan; Mr. Simpson explained that it is the edge of the road in front of the lot. They will use the existing parking area against the front of the new building.

Chairman Poston asked again about the southern setback; Mr. Simpson explained that there is no need for one because of the configuration of the parcel lines.

Ms. Singley asked about the stormwater requirements; Mr. Johnston assured her that the City has best management practices that will need to be followed during construction.

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

Mr. Ipock 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. ***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. The requested setbacks are consistent with existing buildings in the area.***
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. ***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, especially since it is not visible from South Irby Street.***
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. ***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. ***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. ***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. ***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.***

Ms. Moses seconded and the motion to approve the request as submitted passed unanimously (5-0).

ADJOURNMENT: As there was no further business, Mr. Ipock moved to adjourn the meeting; Mr. Nowline seconded and the motion passed unanimously (5-0). The Board adjourned at 6:24 p.m. The next regular meeting is scheduled for October 26, 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: October 26, 2023

APPEAL NUMBER: BZA-2023-10

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

LOCATIONS: West Florence High School at 221 North Beltline Drive
Wilson High School at 1411 East Old Marion Highway

TAX MAP NUMBERS: 00099-01-026 and 00175-01-131

OWNER OF RECORD: Florence School District One

APPLICANT: Nichole Blackmon Lee with Tyson Sign Company

ZONING DISTRICT: Campus

Land Use and Zoning

The two parcels are zoned Campus, which is intended for suburban campus settings for educational and institutional facilities, amongst other large scale uses. The parcels are the locations of West Florence High School and Wilson High School. Each school currently has a large monument sign with an LED animated screen for identification and information.

Variance Request

Florence School District One is requesting variances regarding the placement of accessory structures at West Florence and Wilson High Schools. School officials are asking to locate the signs in the front yards of the schools where they will be visible from the public rights of way.

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

The West Florence structure has a total area of 171 square feet, necessitating its location behind the principal building. The Wilson structure has a total area of 210 square feet, requiring its location within the building envelope, or at least 50 feet from the front property line. The applicant is requesting that they be located in the front yards of the high schools.

The request is for a variance from the location requirements regarding accessory structures in order to permit these to be constructed in the front yards of the schools where they are visible from the street and easily accessible to students and the public.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular properties as follows: *The properties are large and warrant the display at the proposed size to motivate and inspire students on campus daily.*
- b. These conditions do not generally apply to other property in the vicinity as shown by: *The need for this type of display is unique to a school environment.*
- c. Because of these conditions, the application of the ordinance to the particular properties would effectively prohibit or unreasonably restrict the utilization of the property as follows: *Without this display, the school campus would be more drab and uninspiring.*
- d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: *This display is not intended to be viewed from a public street or ROW as advertising. Instead, the intentions are to add school spirit and photo opportunity memories for students.*

Issues to be Considered:

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

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

Staff Comments: *Enforcement of the terms of the Ordinance does not result in a hardship for the schools, but it would prevent them from constructing a structure that is desired to encourage school pride and identification by the students and alumni.*

2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done.

Staff Comments: *The purpose of the regulations is to prevent an accumulation of accessory buildings and structures in the front yards of campus buildings for aesthetic and safety reasons.*

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

Staff Comments: *The large accessory structures are being requested for high school campuses, which do constitute a unique land use.*

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

Staff Comments: *The schools are unique in their size and use. South Florence High School is similar in condition and character to these two schools.*

5. That because of these conditions, the application of the Ordinance to the particular properties would effectively prohibit or unreasonably restrict the utilization of the property as follows.

Staff Comments: *Denial of the variance would not prevent the use of the properties for high schools. The structures can be located onsite behind the principal buildings without a variance, but doing so does not meet the stated goal of having them visible and easily accessible.*

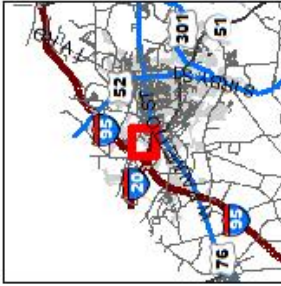
6. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

Staff Comment: *Neither of the schools is located in a residential area. West Florence High School is in a commercial district with a variety of signage. Wilson High School is in a more isolated area with industrial uses being constructed nearby.*

Attachments

- A. Vicinity Maps
- B. Location Maps
- C. Zoning Maps
- D. Future Land Use Maps
- E. Section 3-8.2.5 of the *Unified Development Ordinance*
- F. Site Plans
- G. Structure Renderings
- H. Site Photos – Current Condition and Existing Signs

**BZA 2023-10 Vicinity Map
West Florence High School - 221 N. Beltline Dr.**



Legend

- City Limits
- Parcels
- Proposed Parcel



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BZA 2023-10 Vicinity Map
Wilson High School - 1411 E. Old Marion Hwy.



Legend

-  City Limits
-  Parcels
-  Proposed Parcel

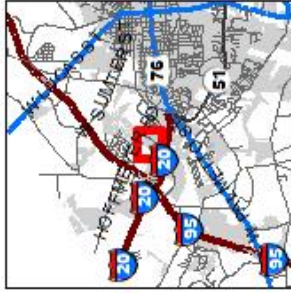


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Date: 10/10/2023

**BZA 2023-10 Location Map
West Florence High School - 221 N. Beltline Dr.**



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



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Date: 10/10/2023

**BZA 2023-10 Location Map
Wilson High School - 1411 E. Old Marion Hwy.**



Legend

-  City Limits
-  Parcels
-  Proposed Parcel

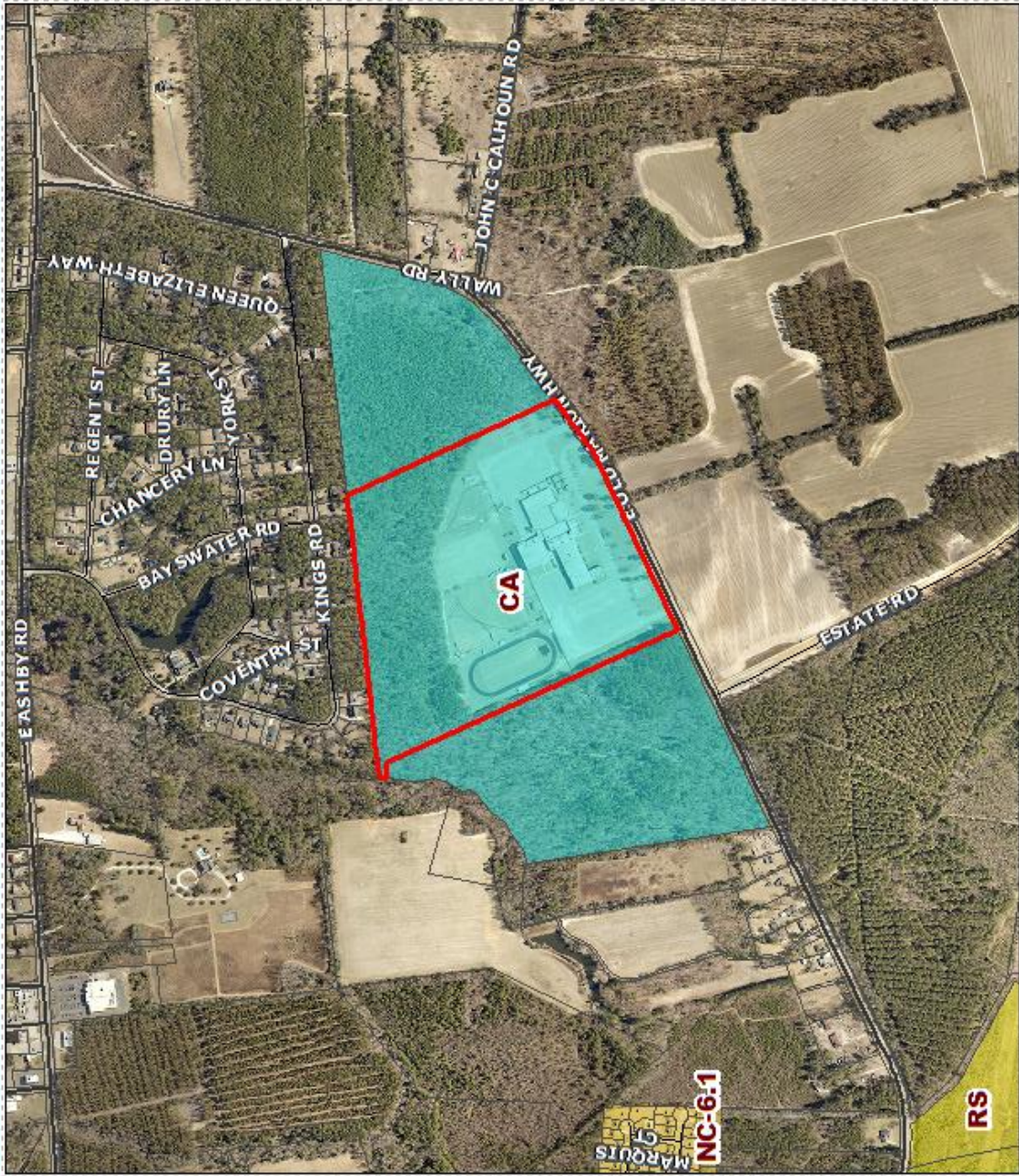


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BZA 2023-10 Zoning Map

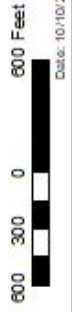
Wilson High School - 1411 E. Old Marion Hwy.



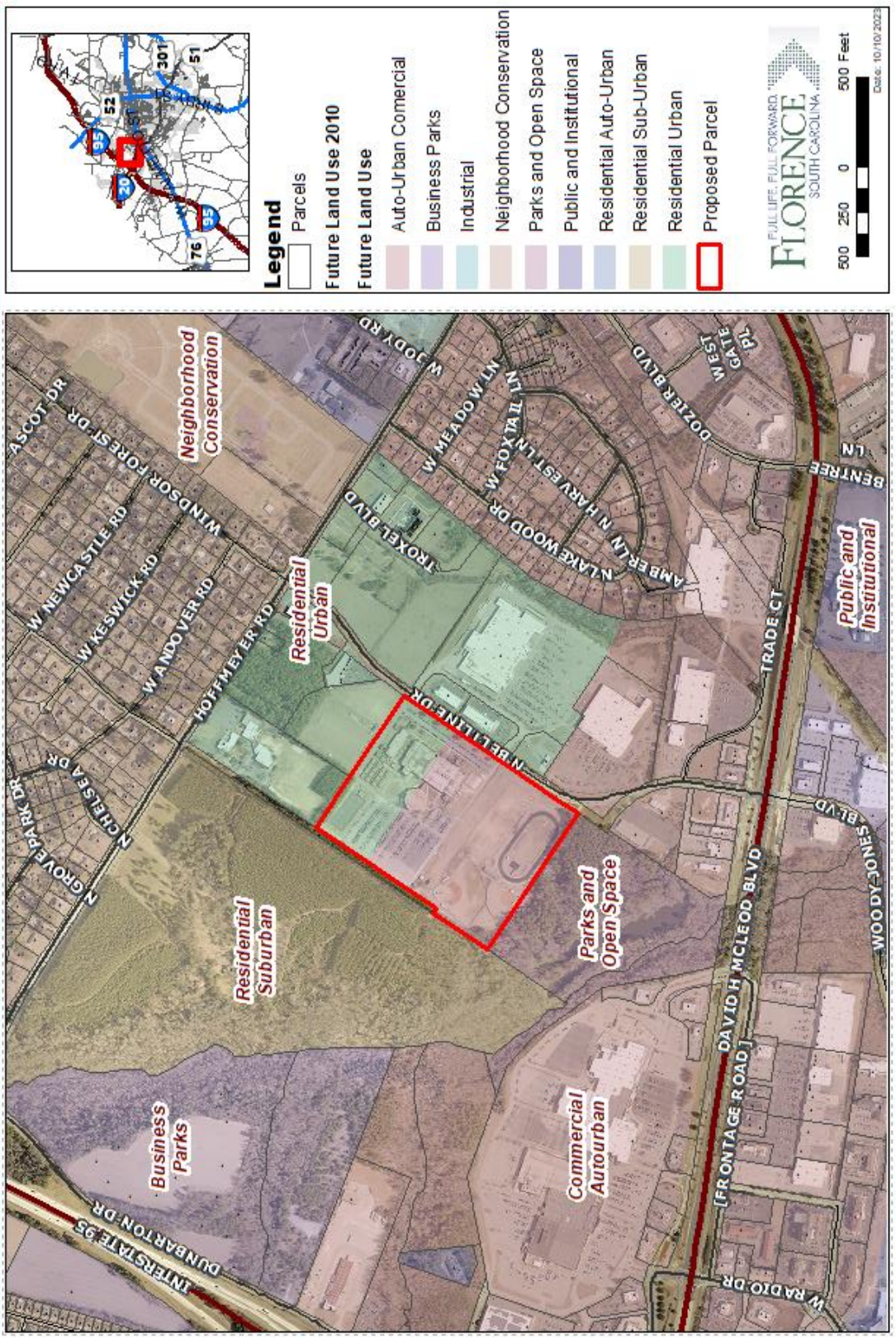
- Legend**
- Parcels
 - Zoning District
 - Residential Districts
 - RS
 - Neighborhood Conservation Sub-Districts
 - NC-6:1
 - Business and Commercial Districts
 - CA
 - Proposed Parcel



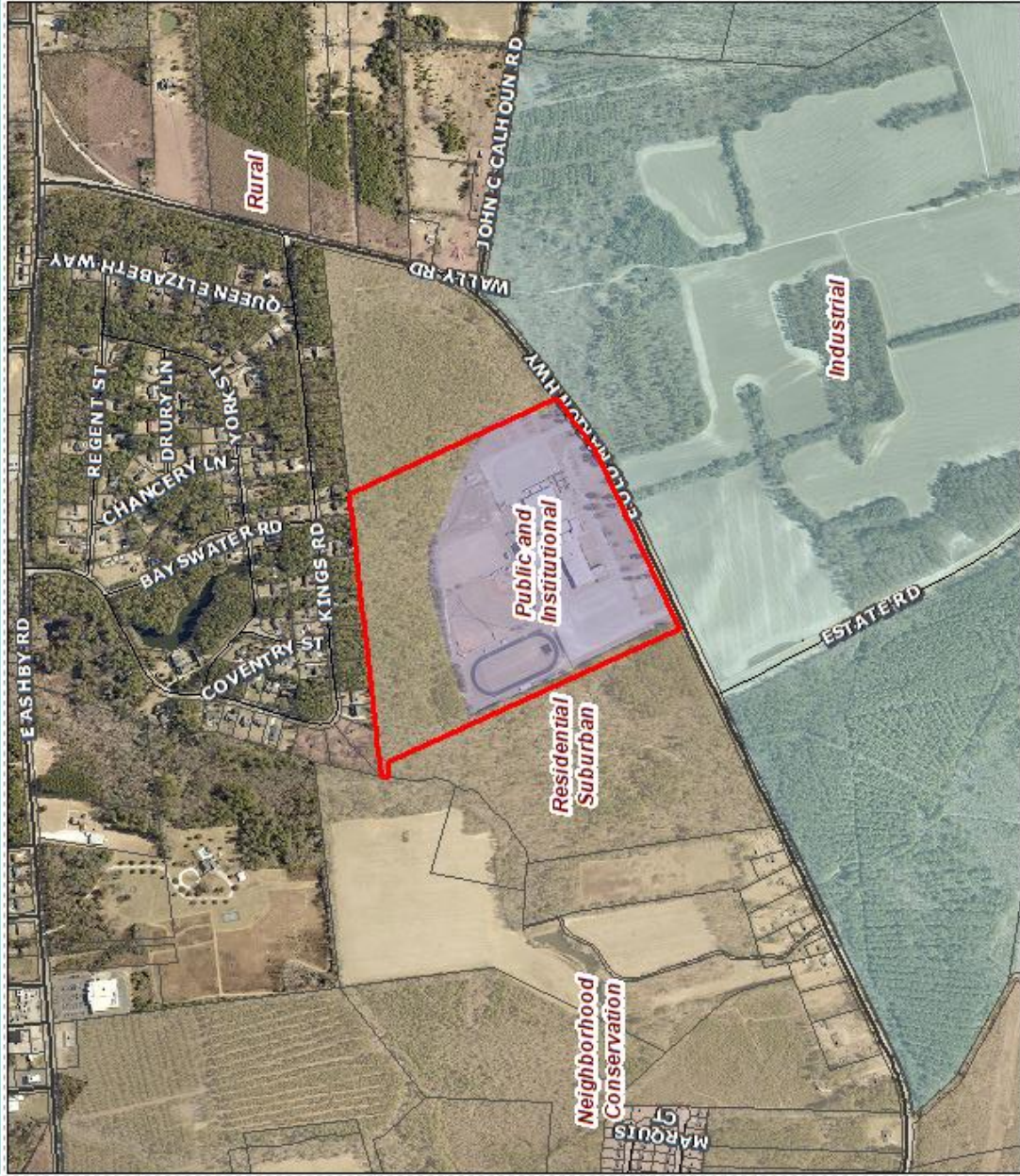
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**BZA 2023-10 Future Land Use Map
West Florence High School - 221 N. Beltline Dr.**



BZA 2023-10 Future Land Use Map Wilson High School - 1411 E. Old Marion Hwy.



- Legend**
- Parcels
 - Future Land Use 2010
 - Future Land Use
 - Industrial
 - Neighborhood Conservation
 - Public and Institutional
 - Residential Sub-Urban
 - Rural
 - Proposed Parcel



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Date: 10/10/2023

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

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

D. Other Detached Accessory Buildings or Structures.

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

Attachment F: Site Plans

West Florence High School: 221 North Beltline Drive. About 140 feet from the front property line.



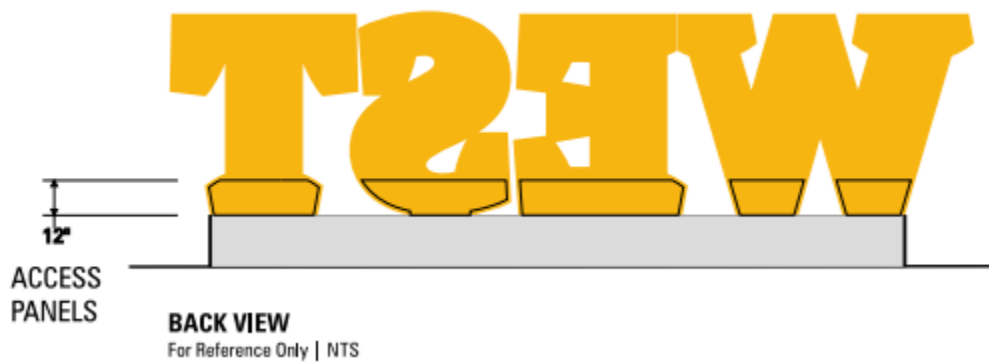
Wilson High School: 1411 East Old Marion Highway. About 25 feet from the front property line.



Attachment G: Structure Renderings



7'4" tall, 23'4" wide, 2' deep = 171 square feet in area.



6'4" tall, 33'3" wide, 1'6" deep = 210.5 square feet in area.

Attachment H: Site Photos – Current Condition and Existing Signs

West Florence High School:



Wilson High School:



Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2023-10 Nature of Request: Location 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:

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

DATE: October 26, 2023

APPEAL NUMBER: BZA-2023-11

VARIANCE REQUEST: Request for a variance from the minimum lot size requirement for two residential lots

LOCATION: 702 North McQueen Street

TAX MAP NUMBER: 90071-02-013 and 90071-02-015

OWNER OF RECORD: Hancock Street LLC; Michael McIntosh

APPLICANT: Augustus McIntosh

ZONING DISTRICT: NC-6.2

Land Use and Zoning

The request concerns two lots of record. Tax Map Number 90071-02-013 has the address point of 702 North McQueen Street; it is 9,636 square feet in area and contains a house significantly damaged by fire that was constructed in 1935. Tax Map Number 90071-02-015 has frontage on Stonehenge Lane and Preston Street; it is 2,120 square feet in area and is a vacant lot. The parcels are zoned Neighborhood Conservation-6.2 (NC-6.2). The minimum lot size for new lots in the NC-6.2 district is 6,000 square feet with a minimum 60 feet wide frontage. The owner would like to construct two single family detached houses on these two lots, but is unable to use the vacant parcel due to it not meeting the minimum lot size.

Variance Request

Together the two lots have a combined area of 11,756 square feet. The owner is proposing to combine the two lots and then subdivide them into two equal lots of approximately 5,878 square feet with approximately 72 feet of frontage on Preston Street (See Attachment F). Exact dimensions would be determined by the surveyor. The variance request is for a reduction of approximately 3% from the 6,000 square foot requirement.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular properties as follows: ***There are two lots of record but one is exceptionally small and unbuildable.***
- b. These conditions do not generally apply to other property in the vicinity as shown by: ***The majority of lots of record in the area are small but large enough to build upon.***

- c. Because of these conditions, the application of the ordinance to the particular properties would effectively prohibit or unreasonably restrict the utilization of the property as follows: ***Without the variance, I would only be able to build one house on the two lots.***
- 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: ***There are a lot of small lots with small houses in the area. Building two small houses on these parcels would be in keeping with the neighborhood.***

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 size of the parcels and location of property lines, only one house can be built on two lots of record.***

- 2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done.

Staff Comments: ***The intent of the lot size requirement is to provide adequate space between homes as well as space for parking onsite. Granting the variance results in two lots that are only 3% smaller than required.***

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

Staff Comments: ***The small size of the second lot makes it impossible to build anything upon it. The lot at 702 North McQueen Street is larger than the average lot in the neighborhood.***

- 4. That these conditions do not generally apply to other property in the vicinity.

Staff Comments: ***The average lot size in the immediate area is around 5,800 square feet, and most lots in the neighborhood do contain a small house.***

- 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.

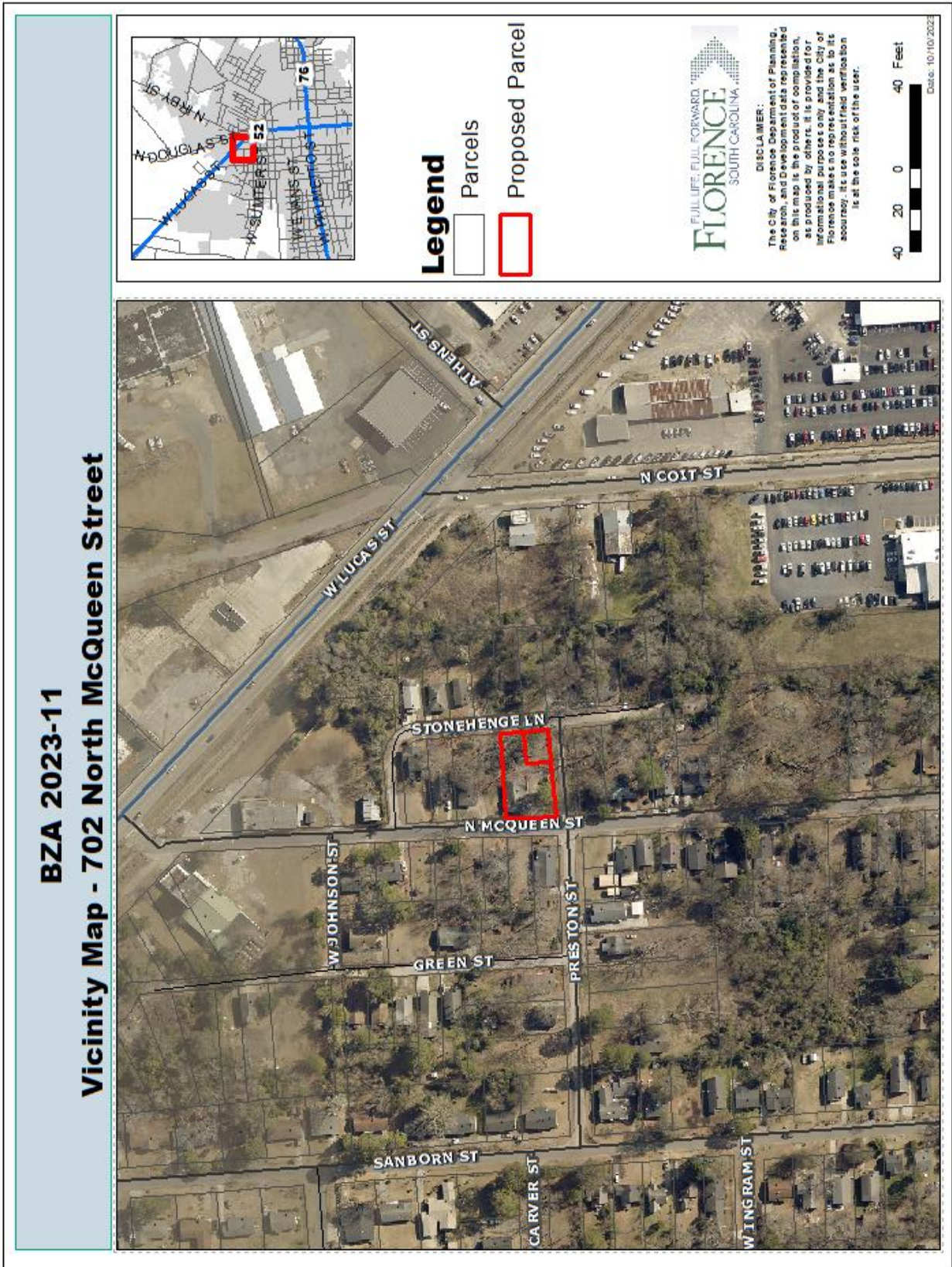
Staff Comments: ***Adherence to the Ordinance would limit the owner to construct only one single family detached house; he wishes to construct two single family detached houses.***

- 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.

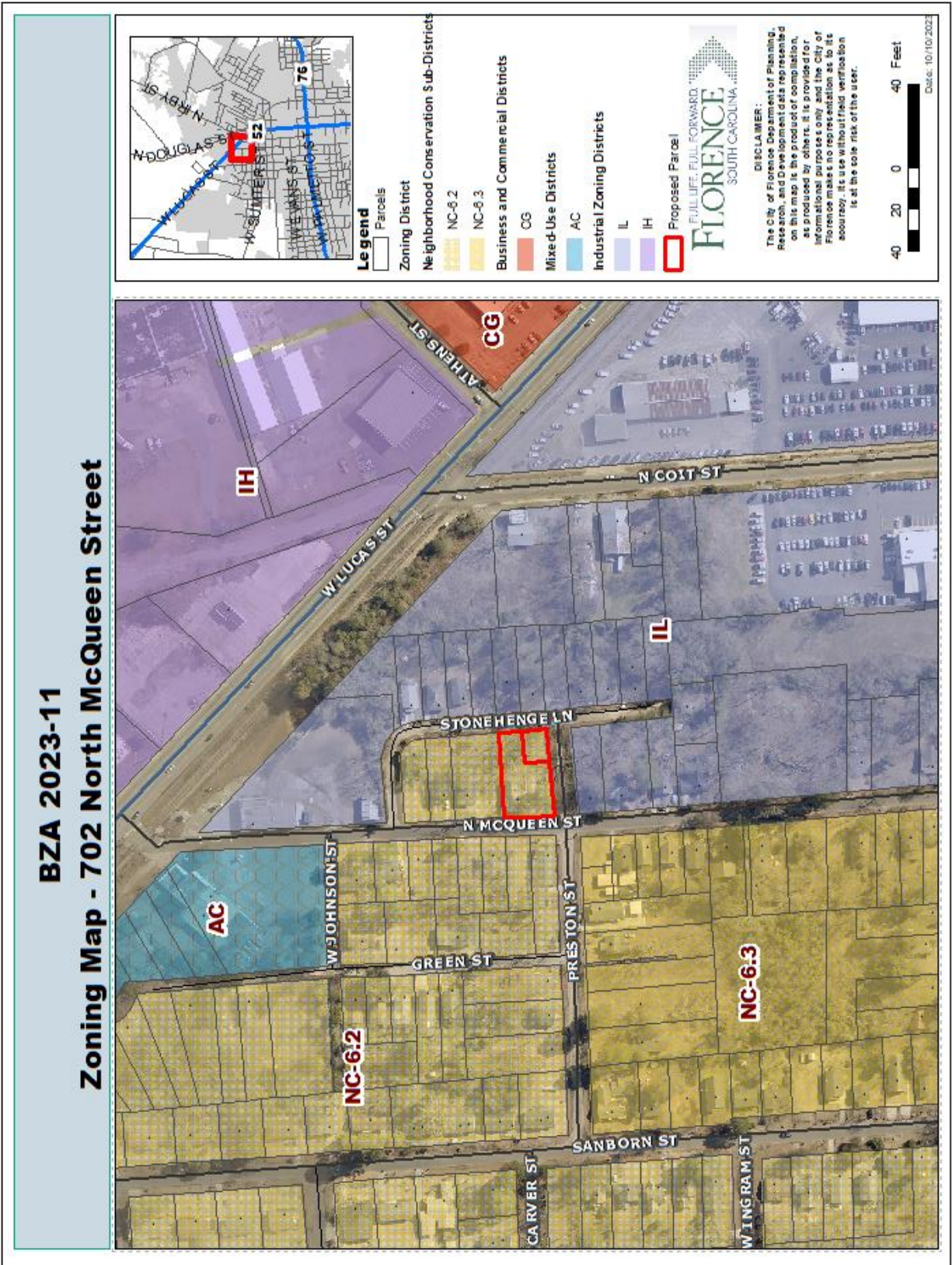
Staff Comment: ***The desired parcels are only 3% smaller than the required lot area, and they do meet the Ordinance regarding the minimum lot width. The requested lot areas are in keeping with the average lot areas in the neighborhood.***

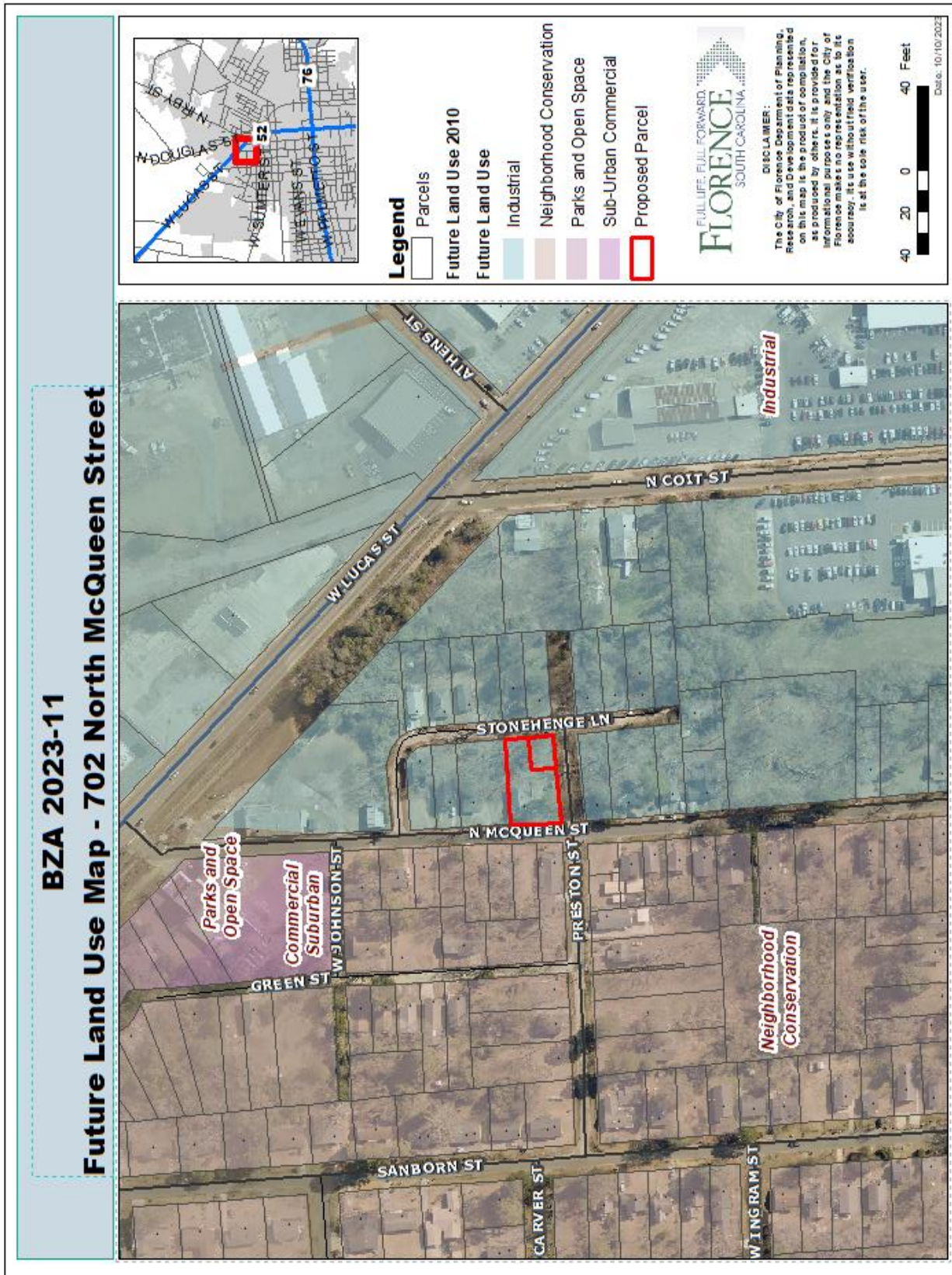
Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Table 1-2.2.1B Neighborhood Conservation Subdistricts
- F. Site Plat – Requested Subdivision
- G. Site Photos









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 Plat – Requested Subdivision



Blue lines are current property lines. The red line is the desired new property line. The yellow “X”es are the property lines to be dissolved. The two new lots would front on Preston Street.

Attachment G: Site Photos



Board of Zoning Appeals Motion Worksheet

Case Number: BZA 2023-11 Nature of Request: Lot Area 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: