

CITY OF FLORENCE BOARD OF ZONING APPEALS
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET, FLORENCE, SC
THURSDAY, NOVEMBER 16, 2023 – 6:00 P.M.
MEETING AGENDA

I. Call to Order

II. Approval of Minutes Regular meeting held on October 26, 2023

III. Public Hearing and Matter in Position for Action

BZA-2023-12 Request for a variance from the setback requirements for an accessory structure located at 1610 Westview Drive in the NC-10 zoning district; identified as Tax Map Number 10112-01-003.

IV. Adjournment

The next meeting is scheduled for December 28, 2023.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
OCTOBER 26, 2023**

MEMBERS PRESENT: Larry Chewning, Deborah Moses, Nathaniel Poston, and Michael Valrie

MEMBERS ABSENT: Charlie Ipock, Miriam James-Singley, and Jermaine Nowline

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

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

APPROVAL OF MINUTES: Chairman Chewning introduced the September 28, 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 (4-0).

PUBLIC HEARINGS AND MATTERS 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.

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 asked Mrs. Zlotnicki if South Florence High School was applying for a similar structure; she said they are not at this point. There was discussion regarding the number of entrances to the three different schools. Mrs. Moses asked to see the renderings of the structures again. Mrs. Zlotnicki explained the locations of the proposed signs. They would be in addition to the preexisting monument signs that each school has. Mr. Moore said it would be similar to the sign at Wofford College.

Mr. Valrie asked if the signs would be internally lit. Mr. Larry Reynolds, who represents the school district, said that there will be external lights shining onto the signs, but they will not be internally lit. Mr. Valrie asked if the students designed the signs. Chairman Chewning said that would be a question for the applicant during the public hearing portion of the meeting.

Mr. Poston asked if they needed a variance on the setbacks and square footage too; Mrs. Zlotnicki said it was only for location. He asked if the foundation at West Florence meant that the school already had begun the project and if codes enforcement had been called; she said that she didn't know how it came about.

There being no further questions from the Board for staff, Chairman Chewning opened the public hearing. He swore in Ms. Debbie Jenkins, who represents Tyson Sign Company. She said that both signs were personal projects of Superintendent Richard O'Malley. Tyson Sign started the concrete foundation at West Florence, then reached out to the City to see if they needed a building permit, at which point they were informed that they needed a variance because of the location of the structures. The point is to provide a place for students to take pictures and boost school morale. The structures are a good distance from the monument signs at each school.

Mr. Poston asked Ms. Jenkins if codes enforcement stopped the construction of the base; she said Tyson Sign provided the stamped plans to the school district, and then determined that they needed to get building permits, and then they were informed about the need for a variance.

Chairman Chewning next swore in Mr. Larry Reynolds. He said construction of the base was started in early October. He said that Dr. O'Malley took input from staff and students for the design of the structures. Ms. Jenkins said that Tyson Sign just took his design and put it into practice. They constructed the Wofford College sign 5 years ago, and there haven't been any issues with it in that time. They also did a stacked sign structure at Myrtle Beach Market Commons which is now 18 years old and internally lit. The structures are engineered to be safely constructed and securely installed on the concrete base. There is no problem with drainage either.

Mr. Poston asked if these were considered accessory structures or signs; Mrs. Zlotnicki said they were considered to be accessory structures, but either way, a variance is required.

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. Poston moved that the request for the variances for the location of the two structures 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 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. *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. *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. *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. *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. *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.*

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

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.

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. Valrie asked if staff knew how long ago the house burned; she doesn't know. Chairman Chewning asked how granting the variance would affect future building plans. Mrs. Zlotnicki said that they would then become legal lots of record and the owner could apply to build a house on each one without any special restrictions. He would have to meet the setbacks for the district, which he can do without difficulty.

There was discussion about the other lots facing onto Preston Street and the average size of lots in the area.

Mrs. Zlotnicki commented that she has received a number of phone calls regarding the application, and when the neighborhood learned the intent was to build two single family houses, they were very happy about that. The desire is for homes that residents can purchase to increase local homeownership.

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

Chairman Chewning moved that the request for the variance for the minimum lot area of the two new lots 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 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. ***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. ***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. ***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. ***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. ***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.***

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

ADJOURNMENT: As there was no further business, Mr. Valrie moved to adjourn the meeting; Ms. Moses seconded and the motion passed unanimously (4-0). The Board adjourned at 6:40 p.m. Because of Thanksgiving on the fourth Thursday of November, the next regular meeting is scheduled for November 16, 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: November 16, 2023

APPEAL NUMBER: BZA-2023-12

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

LOCATION: 1610 Westview Drive

TAX MAP NUMBER: 10112-01-003

OWNER OF RECORD: Fowler Laney

APPLICANT: Fowler Laney

ZONING DISTRICT: Neighborhood Conservation-10 (NC-10)

Land Use and Zoning

The parcel is located at 1610 Westview Drive and is zoned Neighborhood Conservation-10 (NC-10) along with all adjacent properties within City limits. The neighborhood behind 1610 Westview Drive is located outside of the city limits and is zoned R-2 with Florence County. The NC-10 district permits single family detached houses only. There is a 2,711 square foot house built in 1999 on the parcel. There are two accessory structures on the lot; one is a storage shed which is located in the rear corner of the parcel. A covered deck was recently constructed adjacent to the storage shed along the rear fence line.

Site and Building Characteristics

The subject lot is 11,486 square feet in size. The owner has a privacy fence one foot inside the rear property line. The covered deck is 10 feet wide, 25 feet long (250 square feet), and 10 feet tall; it was constructed along the fence line 3 feet from the rear property line. Additionally, there is a 10 feet by 16 feet (160 square feet) shed in the back corner of the lot (Attachment E). The neighbor behind the applicant has expressed concern about rainwater runoff from the roof of the deck into her yard; the applicant is willing to install a gutter system along the edge of the roof to divert water into his yard in order to mitigate the potential for runoff.

Variance Request

According to Table 3-8.1.1, the interior side setback for accessory structures is the principal building setback for the district, which in the NC-10 district is 8 feet. The rear setback is 5 feet for structures that are less than 10 feet high, and 10 feet for all others. For decks, the side and rear setbacks are 3 feet.

When a structure meets multiple definitions, generally the more restrictive standards apply. Because of the roof, staff is considering the new construction to be an accessory structure. Adherence to the *Unified Development Ordinance* requires that it be 10 feet from the rear property line, necessitating a variance from the requirement of Table 3-8.1.1 "Permitted Encroachments" of 7 feet.

The Ordinance defines a deck as “an exterior floor supported on at least two opposing sides by an adjacent structure and/or posts, piers, or other independent supports”. If the structure is considered a deck, it is in conformance with the Ordinance and no variance is needed.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: ***The lot is 11,487 square feet. The ordinance decreases the square footage of the property by 17%.***
- b. These conditions do not generally apply to other property in the vicinity as shown by: ***1602, 1622, 1630, 1642, 1666 Westview Drive *all have accessory structures against the rear fence line*.***
- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: ****left blank****
- 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 is an easement on the back of the property. There will be an installed gutter on the back of the covered roof which will direct any water to the property of 1610 Westview Drive. The slope of the property is directed toward 1610 Westview Drive.***

Issues to be Considered

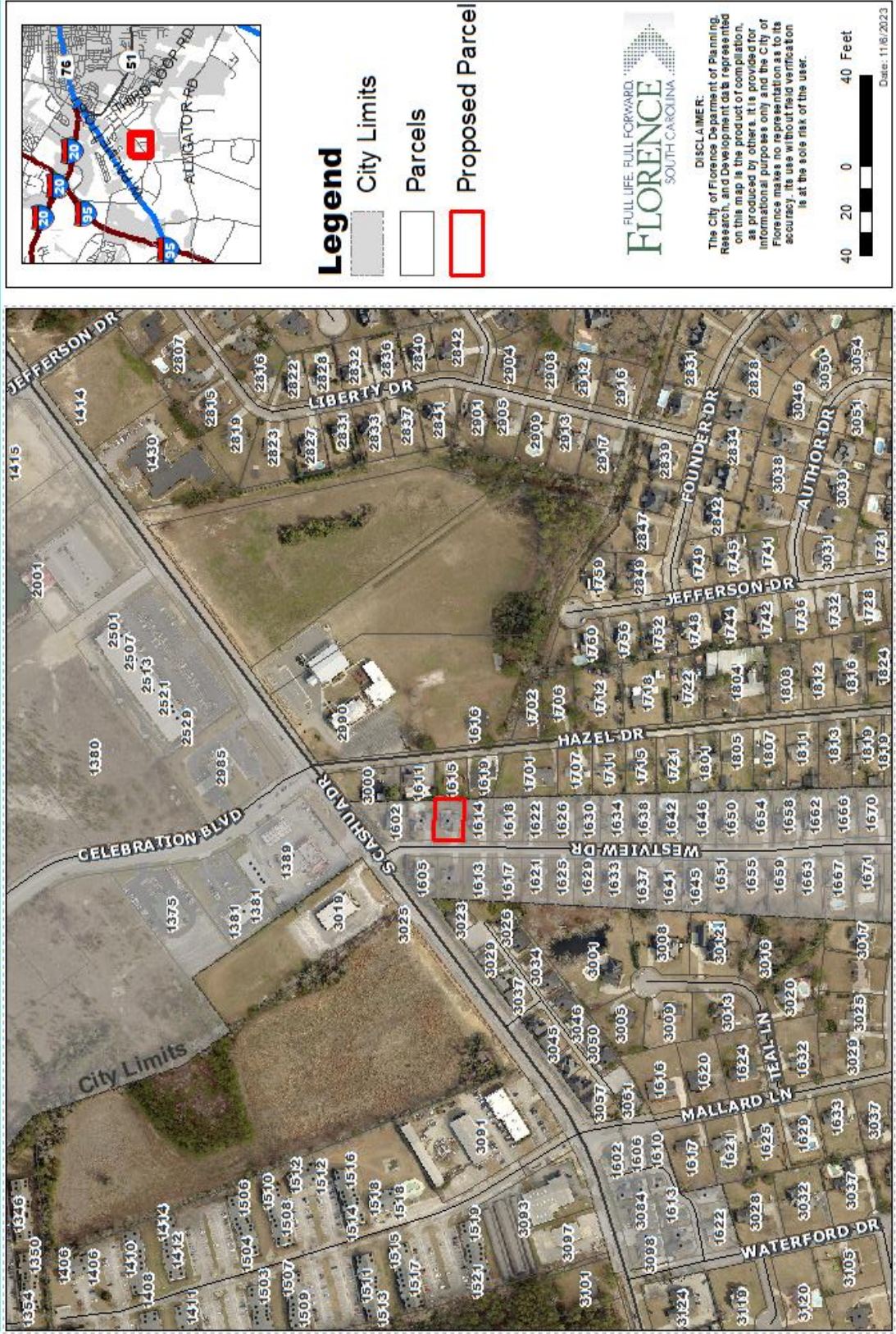
Applications for a variance shall be evaluated by the Board of Zoning Appeals based on the following conditions:

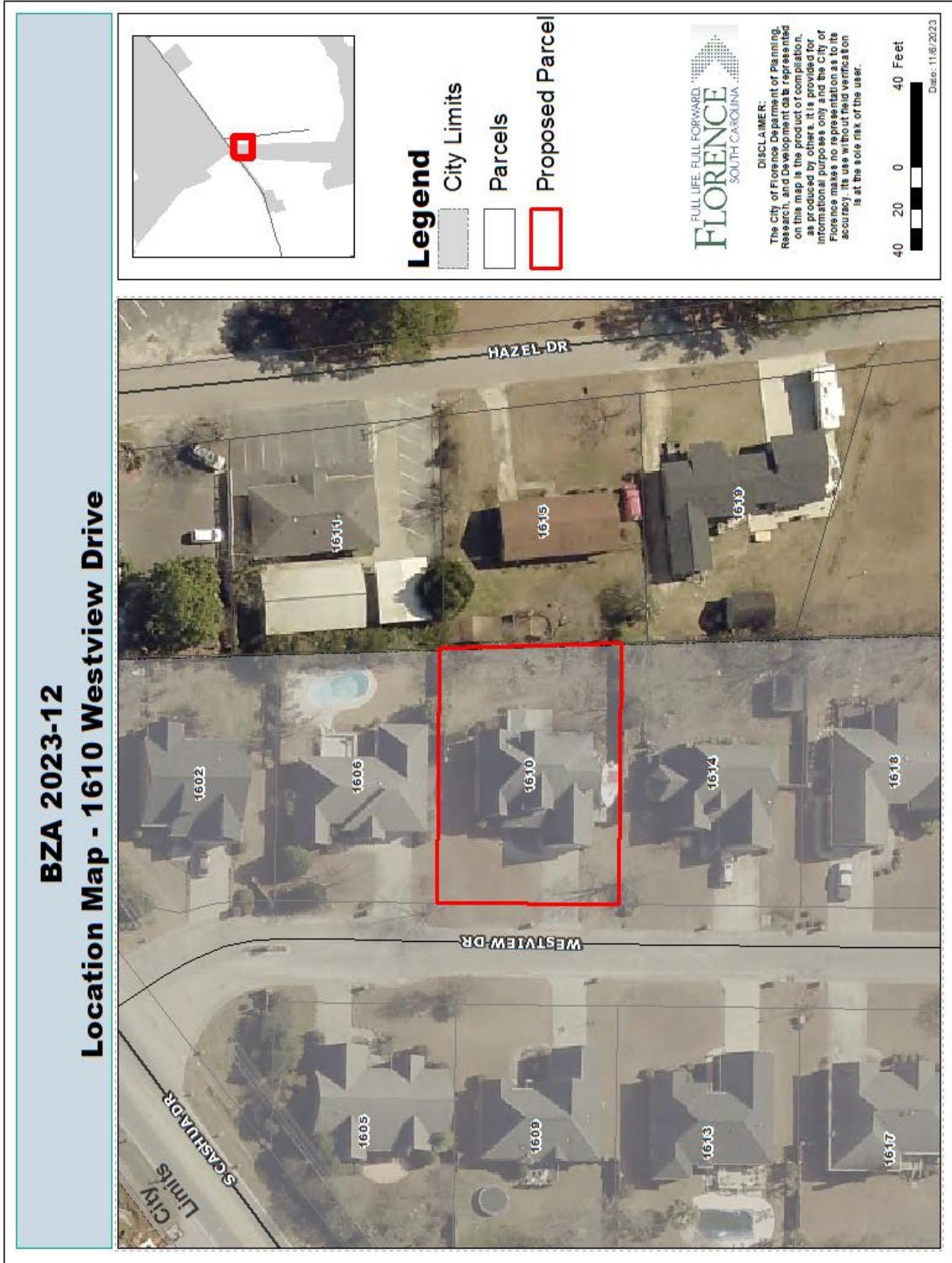
1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship. **Staff Comment: placing the accessory structure 10 feet from the rear property line as required for accessory structures would locate it in the middle of the backyard and close to the house.**
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. **Staff Comment: the intent of the Ordinance is to prevent too many accessory buildings from overtaking the lot with which they are associated in a residential area. The purpose of the setback is to prevent encroachment onto shared property lines.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. **Staff Comment: the back yard is not very deep; there are only 25 feet between the house and the fence.**
4. That these conditions do not generally apply to other property in the vicinity. **Staff Comment: most of the houses in the neighborhood share similar setbacks from the rear property lines.**
5. That because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows. **Staff Comment: requiring adherence to the specifics of the requirements for setbacks for accessory buildings would not prevent the use of the home as a single-family residence, but it would prevent the owner from locating the structure in an organized manner with the existing accessory structure.**
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 accessory structure is not readily visible from Westview Drive.**

Attachments

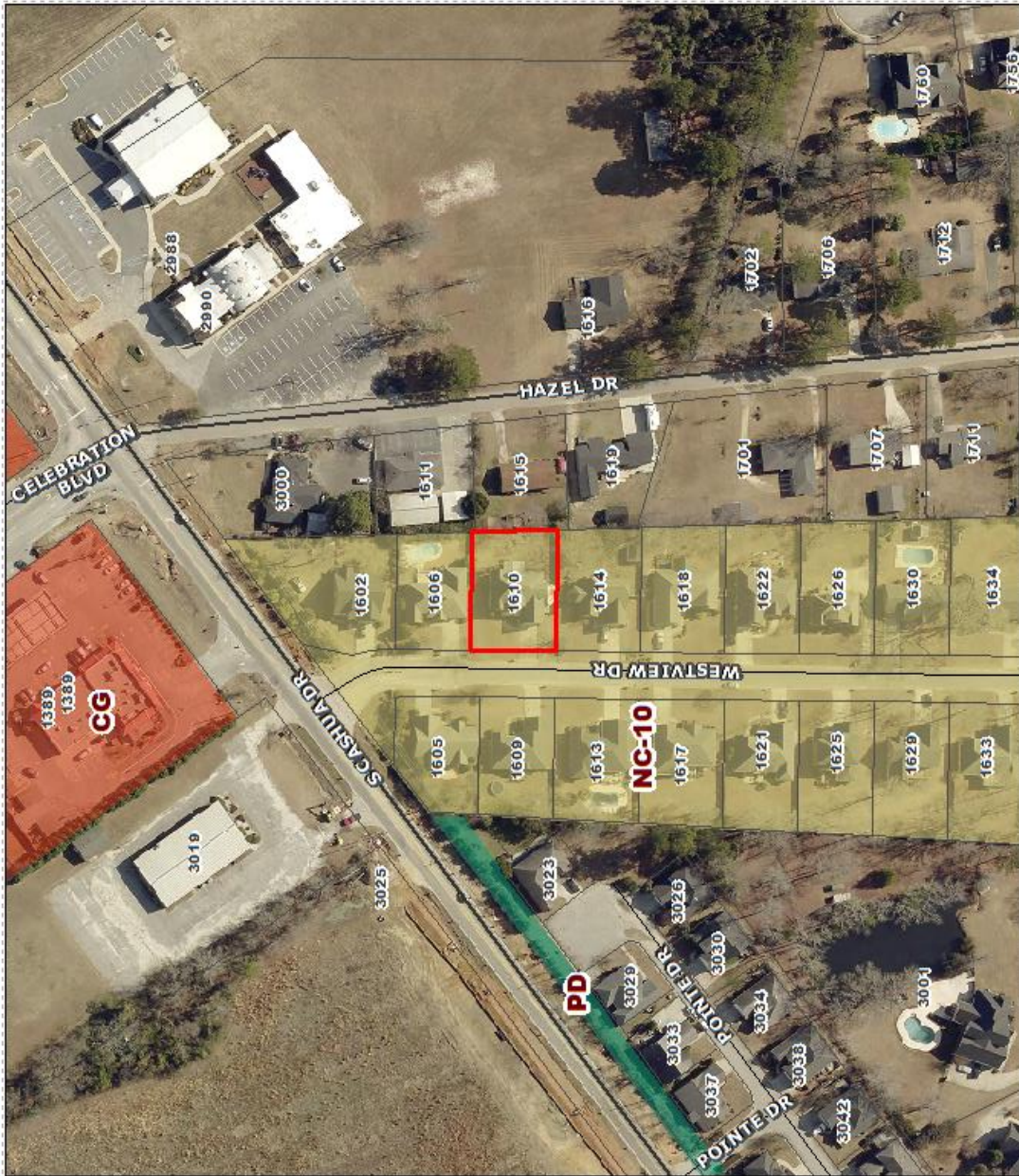
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|-----------------|------------------|
| A. Vicinity Map | D. Table 3-8.1.1 |
| B. Location Map | E. Site Photos |
| C. Zoning Map | F. Site Plans |

**BZA 2023-12
Vicinity Map - 1610 Westview Drive**





BZA 2023-12
Zoning Map - 1610 Westview Drive



- Legend**
- Parcels
 - Zoning District
 - Residential Districts**
 - PD
 - NC Sub-Districts**
 - NC-10
 - Business and Commercial Districts**
 - CG
 - Affected 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: 11/6/2023

Attachment D: Table 3-8.1.1

Table 3-8.1.1 Permitted Encroachments		
Structure or Projection	Permitted Encroachments ¹	
	Into Required Yard	From Lot Line
All Setbacks		
Overhanging eaves and gutters	North and South exposures: 1.5' East and West exposures: 3'	1',1,2
Awnings and structurally supported canopies without supports that extend to the ground	N/A	2',1,2
Steps, 4 feet or less above the point of measurement for the building, which are necessary for access to the building	5'	1.5'
Chimneys	2'	N/A
Arbors and trellises	N/A	2'
Flagpoles	N/A	2'
Fences, walls, and hedges	See Section 3-8.1.2	
Ground-supported Communication and Reception Antennae	5'	
Structures and projections not listed in this Table.	3'	
Front or Street Side Setback		
First floor bay windows	3'	N/A
Patios	10 ft., subject to Section 3-8.1.3	2.5'
Open porches	4 ft., subject to Section 3-8.1.3	2.5'
Balconies, subject to Section 3-8.1.3	Generally: 4' CBD, AC, and DS Districts: 6'	N/A
Side-load garages (attached or detached)	On lots 75' or more in width: 10 ft. On lots less than 75' in width: prohibited	
Interior Side Setback or Street Side Setback		
Air conditioning unit	3' without screening; 5' if screened by a garden wall or hedge that is 1' taller than the unit	3'
Driveways	N/A	Generally: 2'; Shared Driveways: 0'
Decks	N/A	3', subject to Section 3-8.1.3; 1' if the adjacent parcel is permanent open space
Accessory building (except detached garages)	N/A	Shall comply with the principal building setback for the district.
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
Paved off-street parking spaces	N/A	3', except individual driveways that are accessed from an alley
Rear-load detached garage	N/A	0', or as required by Director for safe alley passage
Side-load detached garage	N/A	5'
One-story bay window	3'	N/A
Air conditioning unit	3' without screening; 5' if screened by a garden wall or hedge that is 1' taller than the unit	N/A
Decks, less than 4' above grade	N/A	3', subject to Section 3-8.1.3
Decks and balconies, 4 feet or more above grade	12'	5', subject to Section 3-8.1.3
Animal pens and shelters; dog runs ³	N/A	5'

Attachment E: Site Photos



1610 Westview Drive from the street.



The distance between the structure and the house.



The newly constructed accessory structure.





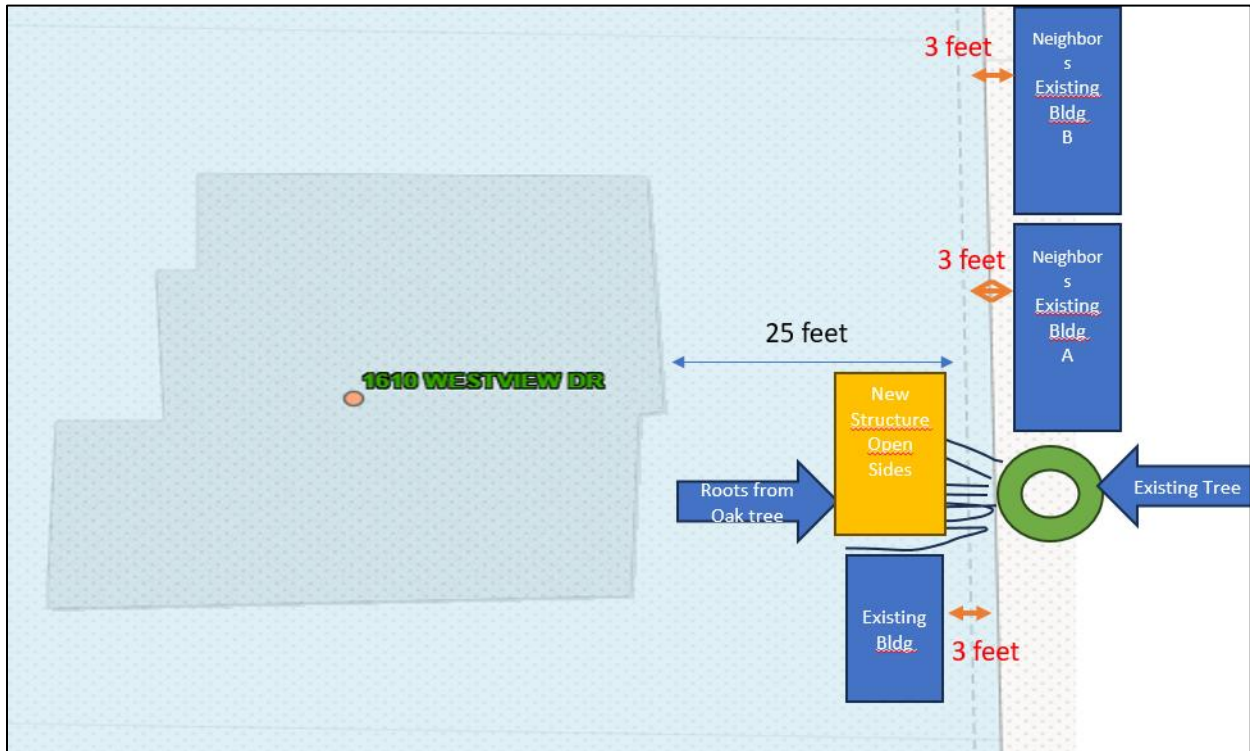
The distance between the structure and the applicant's fence – about 2 feet.
The shared property line is 1 foot behind the fence.



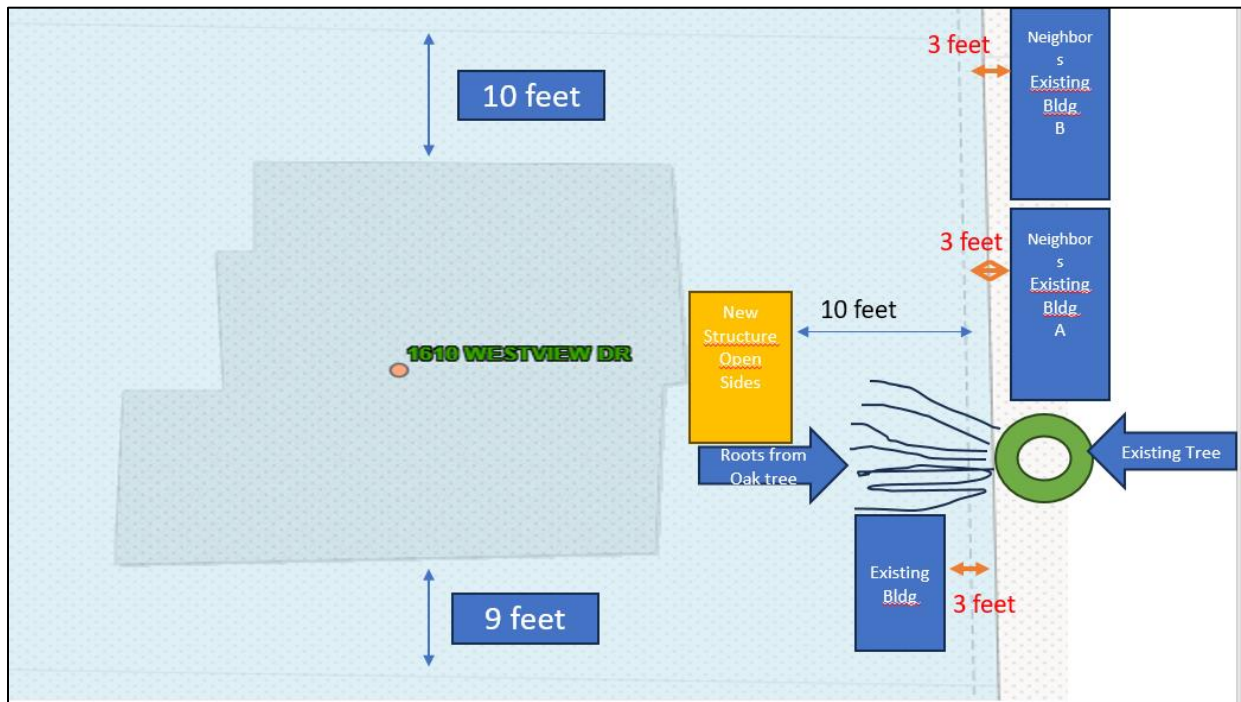
The view of the neighbor's accessory buildings from the applicant's yard.



Attachment F: Site Plans: Existing and If Compliant



Existing conditions.



If built to comply with requirements.

Board of Zoning Appeals Motion Worksheet

Case Number: BZA-2023-12 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: