

**CITY OF FLORENCE, SOUTH CAROLINA  
BOARD OF ZONING APPEALS  
NOVEMBER 18, 2021 AT 6:00 PM**

**AGENDA**

**I. Call to Order**

**II. Approval of Minutes**

Regular meeting held on October 28, 2021.

**III. Public Hearing and Matter in Position for Action**

BZA-2021-18                      Request for a variance from size limits and rear setback requirements for an accessory building on a residential lot located at 1309 West Palmetto Street, in the NC-6.1 zoning district; Tax Map Number 90047-01-004.

**IV. Adjournment**

Next regularly scheduled meeting is December 16, 2021. Because of Christmas, this is the third rather than the fourth Thursday of December.

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS  
OCTOBER 28, 2021**

**MEMBERS PRESENT:** Larry Adams, Larry Chewning, Ruben Chico, Shelanda Deas, Deborah Moses, and Nathaniel Poston

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

**CALL TO ORDER:** Chairman Chewning called the meeting to order at 6:01 p.m.

**APPROVAL OF MINUTES:**

Chairman Chewning introduced the September 23, 2021 minutes. Mr. Adams moved that the minutes be approved as submitted; Mrs. Moses seconded the motion. Voting in favor of approving the minutes was unanimous (6-0).

**PUBLIC HEARINGS AND MATTERS IN POSITION FOR ACTION:**

**BZA-2021-15 Request for a variance from street side setback requirements for a residential lot located at 221 North Pointe Drive, in the NC-6.1 zoning district; Tax Map Number 01472-01-111.**

Chairman Chewning introduced the variance and asked staff for their report. Mrs. Zlotnicki gave the staff report as submitted to the Board of Zoning Appeals. Chairman Chewning asked if there were any questions of staff. Being none, Chairman Chewning opened the public hearing and swore in Ms. Toni Yates to address the Board.

Ms. Toni Yates, owner of 217 North Pointe Drive, asked for reassurance that this action would rectify the situation of her home being built on the property line. Mr. Dudley assured her this would bring her property into compliance.

Mr. Chico asked if the variance of 5 feet from the side setback was meant to “shift the new house away from Ms, Yates’ house towards the road.” Mr. Dudley stated that was the reason for the variance. Ms. Moses asked if the parcel which is being made smaller belongs to the city, and if there are plans to develop it. Mr. Dudley stated yes to both questions.

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. Adams moved that the Board approve the variance as requested based on the following findings of fact and conclusions, with the condition that the amended property be deeded correctly to Ms. Toni Yates, the owner of 217 North Pointe Drive, whose house is most affected by this variance.

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 unusual shape of the lot, the variance is necessary to enable the construction of a house in keeping with those already constructed in a manner that does not**

**detract from the overall character of the neighborhood.**

2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done: **The intent of the street side setback is to ensure that visibility is maintained at the intersection. Because of the width of the public right of way and the sidewalk, the proposed location of the house will not interfere with that visibility. As a condition, the extra portion of the lot is to be deeded over to the owner of 217 North Pointe Drive by the City.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: **The irregular shape of the lot that resulted from the unavoidable redrawing of the interior side property line limits the buildable area.**
4. That these conditions do not generally apply to other property in the vicinity: **The shape of this particular lot was distorted after accommodations were made for the house constructed next door.**
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 the 10 foot street side setback would put the two houses too close to each other for safety or aesthetics.**
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: **Granting the variance will not impair the character of the neighborhood either visually or physically because the house will be consistent with the others and it will exceed the minimum setback distance from the sidewalk, if not the property line.**

Mr. Poston seconded the motion. The motion to approve the variance as requested passed unanimously (6-0).

**BZA-2021-16 Request for a variance from setback requirements for a residential lot located at 403 North McQueen Street, in the NC-6.2 zoning district; Tax Map Number 90072-12-023.**

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

Ms. Moses asked if the applicant planned to live in the home once constructed. Mrs. Zlotnicki stated it is going to be a rental.

There being no one to speak for or against the request, Chairman Chewing closed the public hearing and asked for a motion. Mr. Adams moved that the Board approve the variance as requested based on the following findings of fact and conclusions:

1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship: **Because of the unusual shape of the lot, the variance is necessary to enable the construction of a new house in a manner that does not detract from the overall character of the neighborhood.**

2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done: **The intent of the rear setback is to ensure that a sufficient back yard is provided. The variance would place the house 13 feet from the back yard of the neighboring lot, and set the front of the house to line up with existing houses.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: **The irregular shape of the lot limits the buildable area.**
4. That these conditions do not generally apply to other property in the vicinity: **The shape of this particular parcel is not typical for residential lots in this neighborhood.**
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 the 20 foot rear setback severely limits the buildable area available.**
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: **Granting the variances will not impair the character of the neighborhood either visually or physically because the house will be consistent with the others and it will only affect the back yard of the neighboring property.**

Mr. Chico seconded the motion. The motion passed 5-1, with Chairman Chewning voting no.

#### **ADJOURNMENT:**

Mr. Dudley gave the Board an update on the progress of the Comprehensive Plan. As there was no further business, Mr. Adams moved to adjourn the meeting. Mrs. Moses seconded the motion. Voting in favor of the motion was unanimous (6-0). Chairman Chewning adjourned the meeting at 6:30 p.m. The next regular meeting is scheduled for November 18, 2021; a week earlier than usual due to Thanksgiving being on November 25.

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 18, 2021

**APPEAL NUMBER:** BZA-2021-018

**VARIANCE REQUEST:** Request for a variance from the setback requirements in Table 3-8.1.1 and the size limits for accessory buildings in Sec. 3-8.1.9 I of the *Unified Development Ordinance* for a residential lot.

**LOCATION:** 1309 West Palmetto Street

**TAX MAP NUMBER:** 90047-01-004

**OWNER OF RECORD:** Damon and Debra Runion

**APPLICANT:** Damon and Debra Runion

**ZONING DISTRICT:** Neighborhood Conservation - 6.1

**Land Use and Zoning**

The parcel is located at 1309 West Palmetto Street. It is in the Neighborhood Conservation-6.1 zoning district, as is everything adjacent to it. This district permits single family detached houses only. In this district, accessory buildings require a side setback of 5 feet, and a rear setback of 10 feet for buildings taller than 10 feet in height. According to Section 3-8.1.9 of the *Unified Development Ordinance*, accessory buildings are not to cover an area more than 25% of the principal building or be longer than 25% of the width of the rear property line.

**Site and Building Characteristics**

The lot is 20,400 square feet in size, making it a double lot compared to those in the vicinity. It is 120 feet wide and 170 feet deep. There is a house with 1,996 square feet in the center of the lot, set back 50 feet from the front property line and 76 feet from the rear property line, and about 38 feet from the east side property line. There is an existing carport/shed that is 13 feet wide and 23 feet deep that is 5 feet from the side property line.

**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 30 foot deep by 45 foot wide accessory building in the northeast corner of the lot, behind the existing shed. According to Table 3-8.1.1, side setbacks shall be the side setback for the district, which in the NC-6.1 district is 5 feet. The rear setback is 10 feet for accessory buildings over 10 feet tall. According to Section 3-8.1.9 I of the UDO, accessory buildings can not exceed 25% of the area of the principal building, which would be 500 square feet based on the size of the house at roughly 2000 square feet.

The applicant is therefore requesting a 50% variance from the rear setback to set the building 5 feet from the rear property line instead of 10 feet, and a variance allowing a building that is 68% of the size of the house rather than 25%.

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: **This is a double lot with a standard sized house so it has a lot of open area, unlike surrounding properties which are smaller and have more cover.**
2. These conditions do not generally apply to other property in the vicinity as shown by: **this property is a double lot and not densely developed like those around it.**
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 build the shop as large as I want to or be able to store my boat out of sight.**
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 building will be finished to match the house and it will be well behind the house and far from the road. Because there are a lot of buildings on smaller lots in the area, it will not look unusually dense and out of character by comparison.**

#### **Staff Comments**

The house is on a double lot. The owner wishes to construct an enclosed building to store his boat and lawn supplies as well as have enough room for a workshop. He wants to shift the large building to the rear corner of the yard.

#### **Issues to be Considered**

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

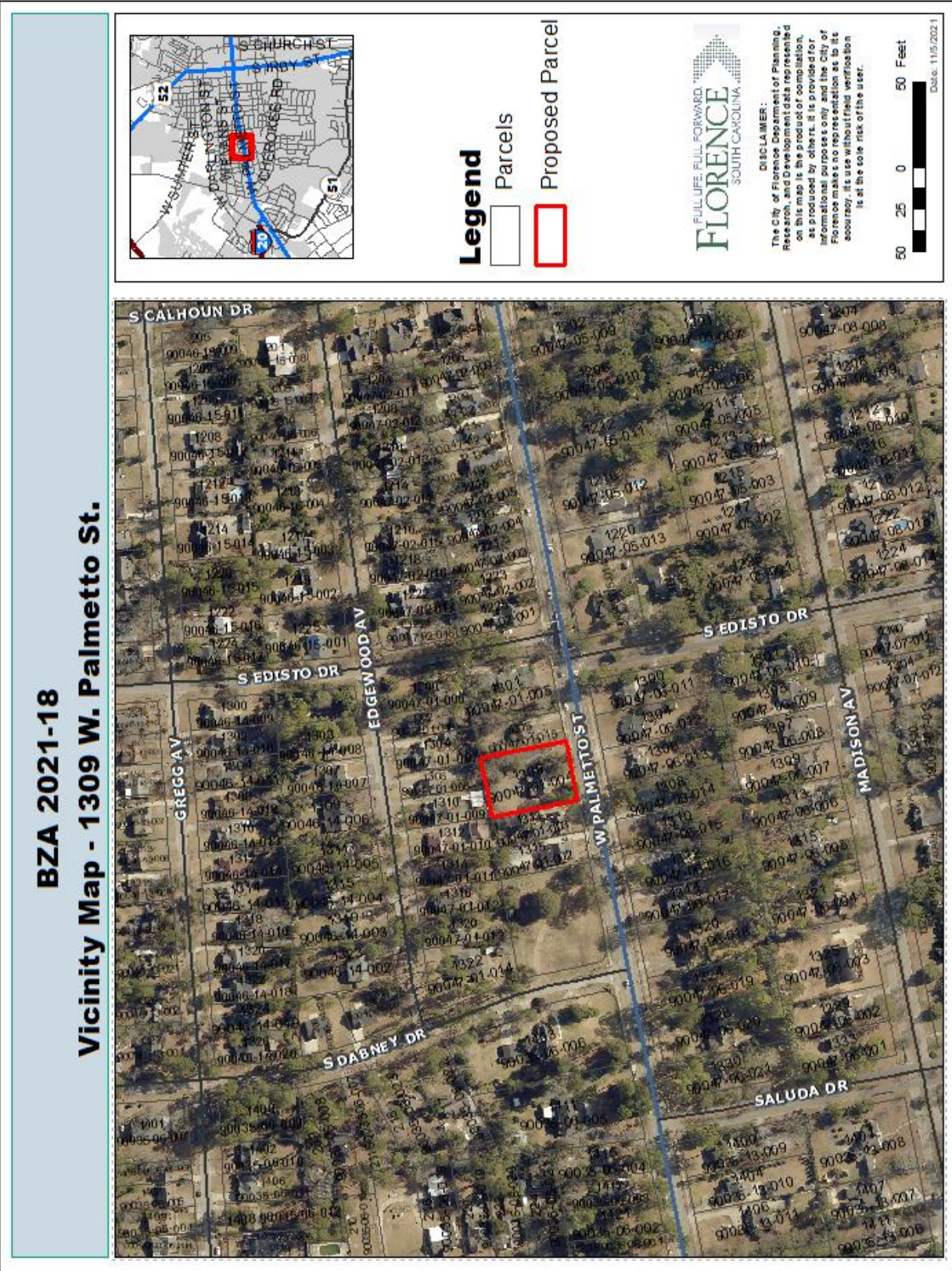
1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship: **Requiring that the rear setback requirements be met by the new building would result in the building taking up more of the open area of the yard.**
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 and to limit the scale of accessory buildings compared to the house on the same lot.**
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: **This is a double lot, and it is therefore currently developed with half the density of the two adjacent lots.**
4. That these conditions do not generally apply to other property in the vicinity: **This is a double lot compared to those around it, and it is therefore currently developed with half the density of adjacent lots.**

5. That because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: **Requiring adherence to the specifics of the setback and size limit requirements would not prevent the use of the home as a single-family residence; however, the owner wants to be able to store his boat as well as have a large workshop.**
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 building will be finished to match the house. The area proposed for the accessory building is currently unused space and it would be located 135 feet from the front property line.**

#### **Attachments**

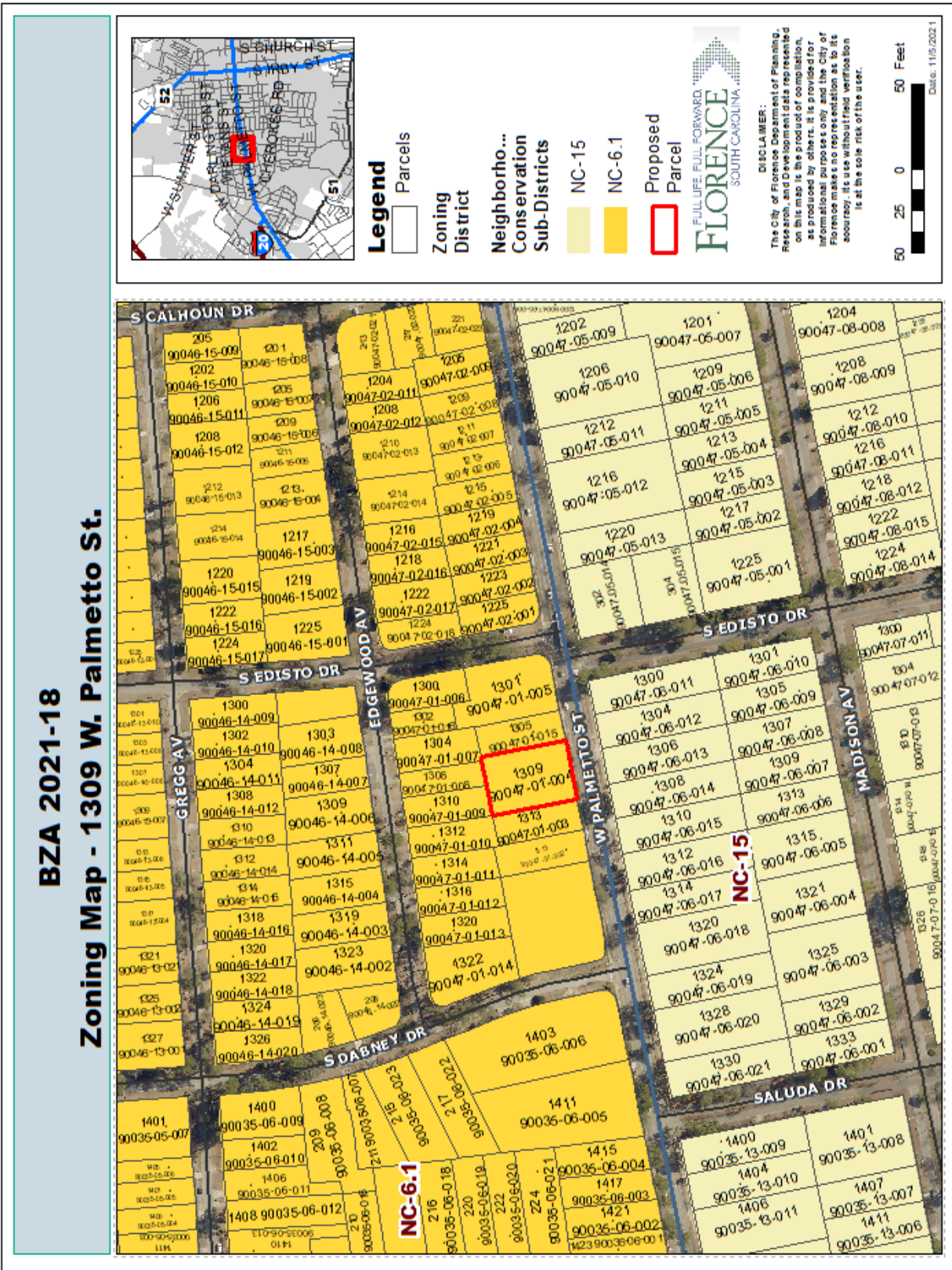
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Table 3-8.1.1 Permitted Encroachments
- E. Section 3-8.1.9 I Accessory Buildings and Structures
- F. Site Plan
- G. Site Photos

Attachment A: Vicinity Map









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

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

Attachment E: Section 3-8.1.9 I Accessory Buildings and Structures from the *Unified Development Ordinance*

**I. Other Detached Accessory Buildings (Excluding Accessory Dwelling Units).**

1. *Maximum Size.* Detached accessory buildings shall not cover an area that is larger than 25 percent of the gross floor area of the principal building, or 1,500 square feet, whichever is smaller, nor shall a detached accessory building's length (measured as the total building length along the side closest in parallel to the rear property line) be in excess of 25 percent of the width of the rear property line, except that:
  - a. In the OSR or AR districts, accessory buildings and structures are permitted as needed to support recreational or agricultural uses;
  - b. Buildings that are accessory to individual townhome, duplex, and multiplex units (except garages) are limited to 120 square feet per unit.
  - c. Accessory buildings in the RE (Residential Estate) and the NC-15 subdistrict shall not cover an area that is more than 15 percent of the lot area.
2. *Height.* Detached accessory buildings shall not exceed the height of the primary structure or 20' in height, whichever is less.

Attachment F: Site Plan



45 feet wide by 30 feet deep set 5 feet from property lines

Attachment G: Site Photos



Front of house from West Palmetto Street.



View from street.



Existing carport/shed.



The building will be sited where the latticed area is.

**Board of Zoning Appeals Motion Worksheet**

Case Number:   BZA 2021-18   Nature of Request:   Size and 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: