

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS  
JULY 22, 2021**

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

**MEMBERS ABSENT:** Larry Adams and Randolph Hunter

**STAFF PRESENT:** Derek Johnston, Alane Zlotnicki, and Danny Young, IT

**APPLICANTS PRESENT:** Julian and Mary Blanche Fowler

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

**APPROVAL OF MINUTES:**

Chairman Chewning introduced the June 24, 2021 minutes. Mrs. Moses moved that the minutes be approved as submitted; Mr. Chico seconded the motion. Voting in favor of approving the minutes was unanimous (5-0).

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

**BZA-2021-09 Request for a variance from the requirements for an accessory building on a residential lot located at 1731 Malden Drive, in the NC-15 zoning district; Tax Map Number 01503-01-105.**

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

Mr. Chico clarified the distances requested. He said that it looks like there's a wide grassy right of way; Mr. Fowler said it is 13'2" wide, so the building will actually be about 24 feet from the road. Chairman Chewning asked where the original zoning permit had the building; Mr. Johnston said it originally said ten rather than the needed fifteen feet, so it was withdrawn.

The applicant, Mr. Fowler, was sworn in. He explained that his and his wife's parents are deceased and they need storage space. They like the cluster of trees in the back yard. He misread the ordinance when he ordered the building. After speaking to staff, he decided to ask for these distances. He has a fence that's 2 feet off the property line, so the building will actually be 13 feet off the property line. There is a ditch bank behind him with trees on either side. People have accessory buildings all along it.

Mr. Chico asked for clarification on what a "ditch bank" is. It's an area about 12 feet wide and provides a drainage ditch between the properties. Mr. Fowler said they don't own any of it, so it adds an extra gap between the property lines.

Chairman Chewning asked if Mr. Fowler had discussed this with his neighbor; he hasn't, but letters were sent out to all neighbors by staff. Mr. Poston asked if any neighbors had contacted the City; no one has, either for or against the request.

There being no further questions for the applicant 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 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: The owner would like to place the detached garage 11' from the street side property line and 6' from the rear property line to take advantage of open space free of vegetation. Strict adherence to the Ordinance would require removal of mature trees on the property.
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done: The height of the structure triggers the increased setback requirements from 5' to 10'. The applicant is proposing the structure to be 6' from the rear property line to make up for the additional 1'8" of height over 10'. This would allow the preservation of mature trees and shrubs on the site.
3. That there are extraordinary and exceptional conditions pertaining to this particular piece of property: The rear yard is almost completely covered with vegetation including trees and shrubs that limit placement options for the detached garage
4. That these conditions do not generally apply to other property in the vicinity: The hardship is limited to this parcel because of the large percentage of rear yard occupied by established vegetation as compared to most lots in the vicinity.
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: Strict adherence to the Ordinance does allow use of the property as a single-family residence, but would limit the ability of the property owner to place the detached garage in the desired location of 11' from the street-side property line and 6' from the rear property line.
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 detached garage will not have minimal visual impact from Malden Drive or Milton Street due to the house and the vegetation, but the property owner to the rear will be affected by the close proximity of the detached garage to the property line. There is a row of mature trees and shrubs separating the two parcels.

Ms. Deas seconded the motion. The motion to approve the variance as requested passed unanimously (5-0).

**ADJOURNMENT:** As there was no further business, Mrs. Moses moved to adjourn the meeting. Ms. Deas seconded the motion. Voting in favor of the motion was unanimous (5-0). Chairman Chewning adjourned the meeting at 6:18 p.m. The next regular meeting is scheduled for August 26, 2021.

Respectfully submitted,  
Alane Zlotnicki, AICP  
Senior Planner