

Minutes
Florence County Board of Zoning Appeals Meeting
Tuesday, February 1, 2011 at 6:30 p.m.
City-County Complex, Council Chambers, Room 803
180 N. Irby Street, Florence, South Carolina 29501

The Florence County Planning Department staff posted the agenda for the meeting on the information boards at the main entrance and the back entrance of the City-County Complex and at the entrance of the Planning and Building Inspection Department building.

The agenda was also mailed to the media.

I. Call to Order:

Vice-Chairman Bill Garner called the meeting to order at 6:35 p.m. and declared a quorum of members present.

II. Attendance:

Board Members Present: Bill Garner, Vice-Chairman
James Cooper
Daniel Jackson
Marion McDowell
Ernie Smith

Board Members Absent: Chuck Jacobs, Chairman
Clyde Moore

Staff Present: Pearlie D. McDaniel, Interim Planning Director
Angela C. Thomas, Secretary

Public Attendance: See sign-in sheet on file at the Florence County Planning Department.

III. Review and motion of the minutes:

Mr. Ernie Smith made a motion to approve the minutes of the September 7, 2010 meeting.

Mr. Dan Jackson seconded the motion.

The vote carried unanimously.

IV. Public Hearings:

BZA#2011-01 A variance request by John K. and Pamela B. Radcliffe for a decrease in the minimum setback requirements of Section 30-30 Table III of the Florence County Code of Ordinances for property located at 2500 Parkland Dr., Florence shown on Florence County Tax Map No. 1252, Block 1, Parcel 47.

Ms. Pearl McDaniel presented the staff report to the Board.
(copy available at the Florence County Planning Department)

Vice-Chairman Garner asked the applicant if he would like to come forward to speak.

Mr. John Radcliffe spoke in favor of this request and his comments were as follows:

- We've been in the area since 1986.
- The property behind us is owned by Dr. Hunter Stokes; the two lots behind our house and the one to the left of our house, he's kind of made it into a party area.
- His Leyland Cypress trees are probably 30 feet tall.
- Any building that I put back on the property would not be detrimental to the use of his lots.
- The way it's setup right now, if I have to move the building off the property line, everything behind that shop that I'm going to put back there is going to be a total waste of space; the trees are already killing the grass because you can't get any sunlight back there so it's going to be a lot more maintenance and upkeep for us.
- We're just trying to make better use of our property.

Vice-Chairman Garner asked was there a sign placed in front stating that this was going to come before the board?

Ms. McDaniel responded yes, we did post a sign.

Mr. Smith asked how close are the Leyland Cypress trees to the line?

Mr. Radcliffe responded I think six or seven feet off of the fence line itself, but the trees are so huge that they're coming over.

Mr. Smith asked what size building are you proposing?

Mr. Radcliffe responded right now I'm looking at 30 x 30 or 30 x 32.

Vice-Chairman Garner asked is there anyone that would like to speak opposed to this request?

There was no response.

Mr. Smith stated I personally don't see anything wrong with it since the cypress trees are there.

Mr. Jackson asked do we need to have discussion with an attorney to tell us on these things that get kind of hard like this, because where my inclination is to think that there is nothing wrong with this, where do we draw the line with something that needs some better direction?

Mr. Smith responded well I think that's the whole purpose of the Board of Appeals is to look at each individual case and make a judgment on the basis of the request.

Mr. Cooper asked are you going to be able to access it to paint your building without getting on other people's property?

Mr. Radcliffe responded yes sir.

Mr. Jackson asked the one foot is going to be the edge of your building or where the roof overhang goes to?

Mr. Radcliffe responded my thought is where the roof overhang would be, from what I've talked about with the people who are looking at building it; otherwise you would have the roof overhang on the other person's property.

Vice-Chairman Garner asked in the site preparation, would you not damage those trees or the roots?

Mr. Radcliffe responded no sir; I've already had conversations with the people that we are looking at hiring to build it; the only thing that I will have to do is take the fence down in order for them to build a stand back there to put the vinyl siding and that kind of stuff on; I'm going to have it in writing that if anything like that is damaged then they are responsible for it.

Vice-Chairman Garner asked Ms. McDaniel, we've had one member recommend that we have an attorney come in and advise us on something like this; is that something that we should pursue?

Ms. McDaniel asked are you meaning as part of a work session?

Vice-Chairman Garner responded no, I think what the concern is, are we setting a precedent if we grant this; are we opening up the floodgates or is it that we should take it one case at a time?

Ms. McDaniel responded it's up to the board as to what you would want to do; if you would like to get an opinion from an attorney or you can make your decision tonight.

Mr. Smith asked can we vote on something other than one foot?

Ms. McDaniel responded you can't go less restrictive; you can be more restrictive.

Mr. Smith asked we can say two feet?

Ms. McDaniel responded it's up to the board because you can say let's make it greater; because that would be more restrictive.

Mr. Smith responded one sounds like more than what would be reasonable; Dan made a good point, you've got to have at least a 12 inch overhang regardless; then in essence you don't have a one foot setback, you would have zero.

Mr. Radcliffe responded that's why I requested a one foot is so the roofline would be at one foot; that was the intent of requesting the one foot.

Mr. Jackson asked this is unzoned property, it's not as restrictive as any other thing that we have on the book?

Ms. McDaniel responded within the past two years an amendment was made to the unzoned area to establish setbacks for other uses; we always had some for commercial but we only had a front setback for residential uses in an unzoned area, so in order to have restrictions an amendment was made to establish a rear and side setbacks.

Mr. Jackson stated I'm inclined to vote for this in favor of people having trees that are inhibiting where somebody wants to put a piece of property because state law says the state of South Carolina recognizes the free use of people's property.

Ms. McDaniel responded when you have made your decision, you can add your reasoning for it; we can make that a part of the minutes.

Mr. Smith responded I would word it, if we approve it, that no part of the building can be closer than one foot of the property line.

Ms. McDaniel responded you can establish conditions when you make your decision; it is in your established procedures.

Mr. Jackson responded I would go along with the one foot as long as we have the stipulation that we're doing this because of the trees.

Mr. Smith responded the trees are already a privacy screen; his neighbor to the rear won't even be able to see the building I would think; as long as we can ensure that no part of the building encroaches on that one foot setback, I could go along with it; that would mean the actual building would be two foot because there would be at least a 12 inch overhang.

Mr. Ernie Smith made a motion to approve the request with the stipulation that no portion of the building can encroach into the one foot setback.

Mr. Marion McDowell seconded the motion.

The vote carried unanimously.

V. Other Business:

- **Review and approval of the 2011 Board of Zoning Appeal's Meeting Calendar.**

Mr. Ernie Smith made a motion to approve the calendar as presented.

Mr. James Cooper seconded the motion.

The vote carried unanimously.

VI. Adjournment:

Vice-Chairman Bill Garner declared the meeting adjourned at 7:03 p.m.

Respectfully submitted,

Angela C. Thomas
Secretary

Approved by:

Pearlie D. McDaniel, Interim Planning Director

*These minutes reflect only actions taken and do not represent a true verbatim transcript of the meeting.