

**STAFF REPORT
FOR THE
FLORENCE COUNTY BOARD OF ZONING APPEALS
OCTOBER 4, 2011
BZA#2011-03**

Subject: Allow a communication tower in R-1, Single-Family Residential District

Location: 355 North Country Club Road, Florence County

Tax Map Number: 000142, Block 31, Parcel 48

Owner of Record: The Carolina Academy

Applicant: Jonathan Teseniar on behalf of FTC Communications

Land Area: Approximately 26 acres

Existing Land Use and Zoning:

The subject property is currently occupied by Carolina Academy-a private school and is zoned R-1, Single-Family Residential District in Florence County.

Surrounding Land Use and Zoning:

North: Un-developed / R-1 /Florence County
West: Single-family homes and golf course / R-1 /Florence County
South: Single-family homes and golf course / R-1 /Florence County
East: Farmland / R-1 /Florence County

Staff Analysis:

Background:

The subject property contains The Carolina Academy private school campus.

The applicant wishes to construct a communication tower near the middle of the property.

The applicant is requesting a variance from Section 30-28. Table I of the Florence County Code of Ordinances.

Table I of the Florence County Code of Ordinances does not allow communication towers to be constructed in the R-1, Single - Family Residential Zoning district.

Access and Circulation:

The property is currently accessed by way of Country Club Road.

Sec. 30-293. – Board of zoning appeals (c)

Powers of board of appeals; variances; special exceptions; remand; stay; hearing; decisions and orders. The board of appeals has the following powers:

- (1) To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance;
- (2) To hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - b. These conditions do not generally apply to other property in the vicinity;
 - 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; and
 - d. 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 Board of Zoning appeals is to review questions (a,b,c,d) and use them to determine the findings of fact to make their decision.

Variance Request:

(A) The applicant is requesting a variance to allow for a communications tower in R-1 Single Family Residential zoning district.

(B) **Sec. 30-28. Table I: Schedule of permitted and conditional uses and off-street parking requirements for residential districts.** Establishes that communications towers and antennas are not permitted in the R-1 Single Family Residential zoning district.

(C) Additionally, the following information is included as submitted by the actual application:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

Applicant's response:

FTC has performed an extensive wireless propagation study of the area in and around Carolina Academy and neighboring Lake City Club neighborhood. In order to better serve these communities with wireless broad band and wireless communication services, it is imperative that we get as close to the properties as possible in order to achieve adequate pedestrian and mainly in-building coverage.

- b. These conditions do not generally apply to other property in the vicinity as shown by:

Applicant's response:

No, these conditions do not apply to other properties as this property is site specific to achieve the desired wireless coverage to a specific area (Carolina Academy and the Lake City Country Club).

- 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:

Applicant's response:

As a result of FTC's use of the property to construct a communications tower there would be no added restrictions to the ordinary use of the property.

- 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:

Applicant's response:

Authorization of the variance will only enhance the surrounding properties with latest and up to date wireless communications services. Furthermore, FTC will landscape the 75X75 compound in order to esthetically blend the structure into the existing environment.

Section 30-293 (c, 2, d) Board of Zoning Appeals

The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Board of Zoning Appeals (September 6, 2011)

Due to there not being a quorum at the September 6, 2011 meeting this item was moved to the October 4, 2011 meeting.

Attachments:

1. Location Map
2. Zoning Map
3. Aerial Map
4. Site Plan