

**Agenda
Florence County Board of Zoning Appeals
Tuesday, November 1, 2011
City-County Complex, Room 803
6:30 p.m.**

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 on the information board at the entrance of the Planning, Zoning and Building Inspection Department building. The agenda was also mailed to the media.

I. Call to Order

II. Election of Officers

III. Review and Motion of Minutes

- Meeting of February 1, 2011
- Meeting of April 5, 2011
- Meeting of May 3, 2011
- Meeting of September 6, 2011
- Meeting of October 4, 2011

IV. Public Hearings:

- | | |
|--------------------|---|
| BZA#2011-03 | A variance request by Jonathan Teseniar on behalf of FTC Communications from requirements of Section 30-28, Table I of the Florence County Code of Ordinances for property located at 355 N. Country Club Rd., Lake City shown on Florence County Tax Map No. 142, Block 31, Parcel 48. (Green) |
| BZA#2011-04 | An appeal by Dale A. and Amy E. Gray of 912 Derby Drive, Florence of the interpretation made by the Zoning Administrator concerning the allowable animals by definition of Domestic Animal Shelter of the Florence County Code of Ordinances. (Lilac) |

**Agenda-Continued
Florence County Board of Zoning Appeals
Tuesday, November 1, 2011
City-County Complex, Room 803
6:30pm**

BZA#2011-05 A variance request by Charles Alexander on behalf of A & A Structural Fill from requirements of Section 30-111. (6) d. Mining and extraction operations of the Florence County Code of Ordinances for property located at 2405 S. Friendfield Rd., Scranton shown on Florence County Tax Map No. 292, Block 2, Parcel 49. (Pink)

V. Other Business:

- Orientation Training for new members
- Continuing Education

VI. Adjournment

BZA#2011-03

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

Location: 355 North Country Club Road, Florence County

Tax Map Number: 00142, Block 31, Parcel 48

Owner of Record: The Carolina Academy

Applicant: Jonathan Teseniar o/b/o FTC Communications

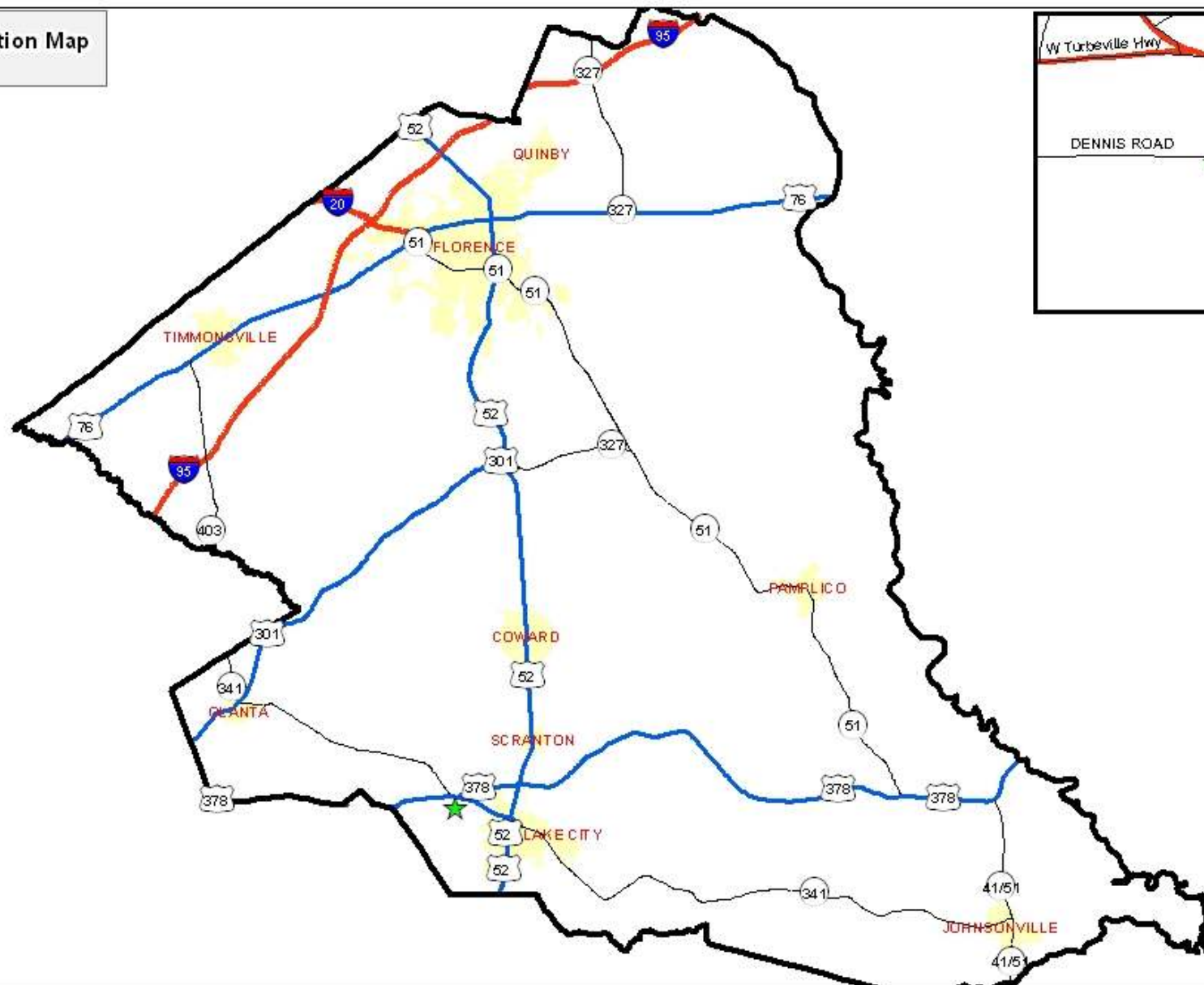
Land Area: Approximately 26 acres

BZA#2011-03

A variance request by Jonathan Teseniar on behalf of FTC Communications from the requirements of Section 30-28. Table I: Schedule of permitted and conditional uses and off-street parking requirements for residential districts of the Florence County Code of Ordinances for property located at 355 N. Country Club Rd., Lake City shown on Florence County Tax Map No. 142, Block 31, Parcel 48.

BZA#2011-03 - Location Map

Location Map



0 2 4 6 8 Miles

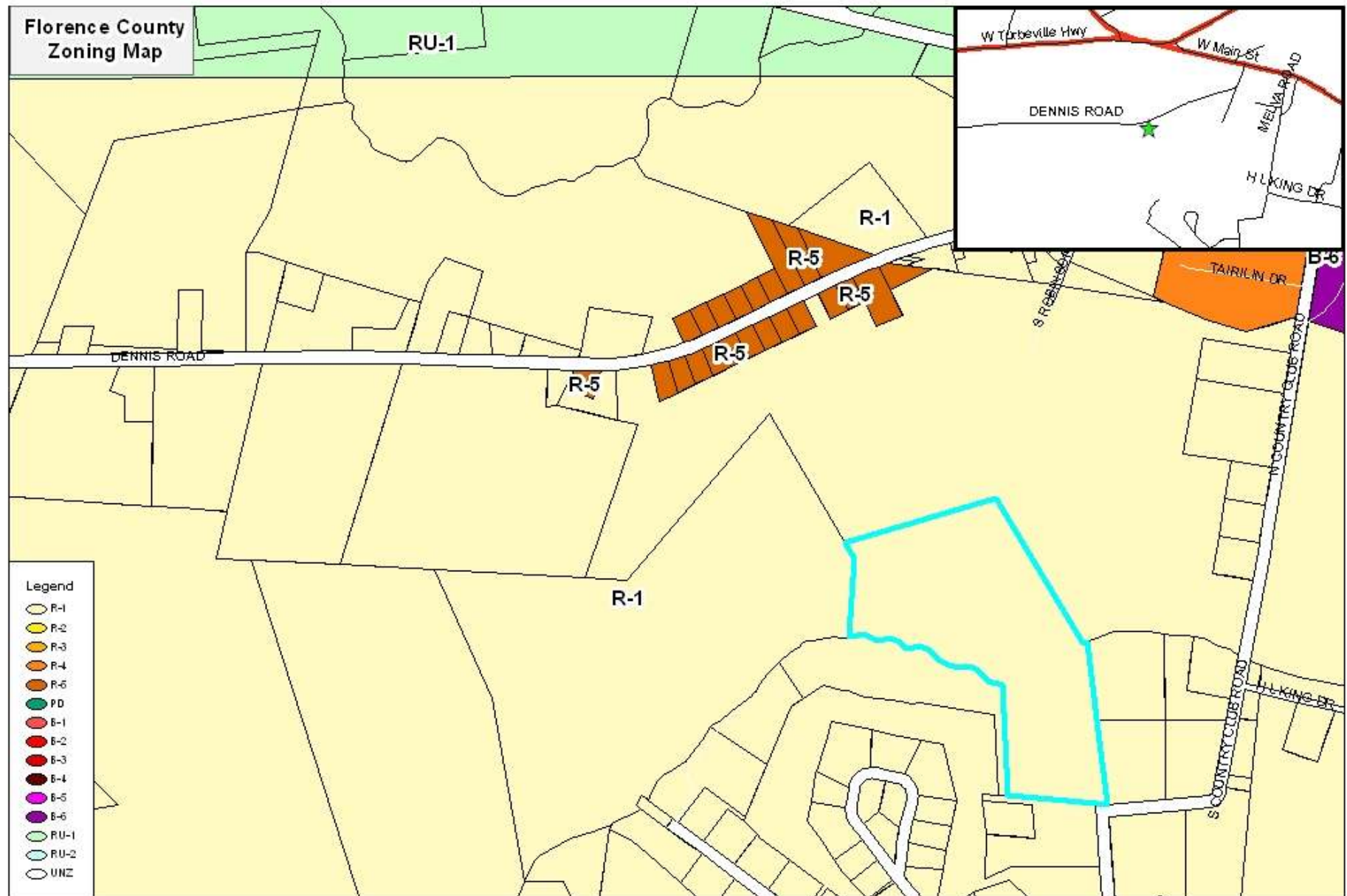


Map Prepared by: RWE
Copyright 2010: Florence County Planning
& Building Inspections Department
Geographic Information Systems
08/19/2011



COUNTY COUNCIL DISTRICT(S): 1
BZA#2011-03

BZA#2011-03 - Zoning Map



BZA#2011-03 - Aerial Map



0 150 300 600 900 1200 Feet

Map Prepared by: RWE
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Geographic Information Systems
08/19/2011



COUNTY COUNCIL DISTRICT(S): 1
BZA#2011-03

BZA# 2011-03 Site Photograph



BZA# 2011-03 Site Photograph



BZA# 2011-03 Site Photograph



BZA# 2011-03 Site Photograph



BZA# 2011-03 Background

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

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

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

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.

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

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:

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

- 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.

BZA#2011-03 Board of zoning appeals (Cont'd)

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.

BZA# 2011-03 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.

BZA# 2011-03 Variance Request (Cont'd)

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).

BZA# 2011-03 Variance Request (Cont'd)

- 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.

BZA #2011-04

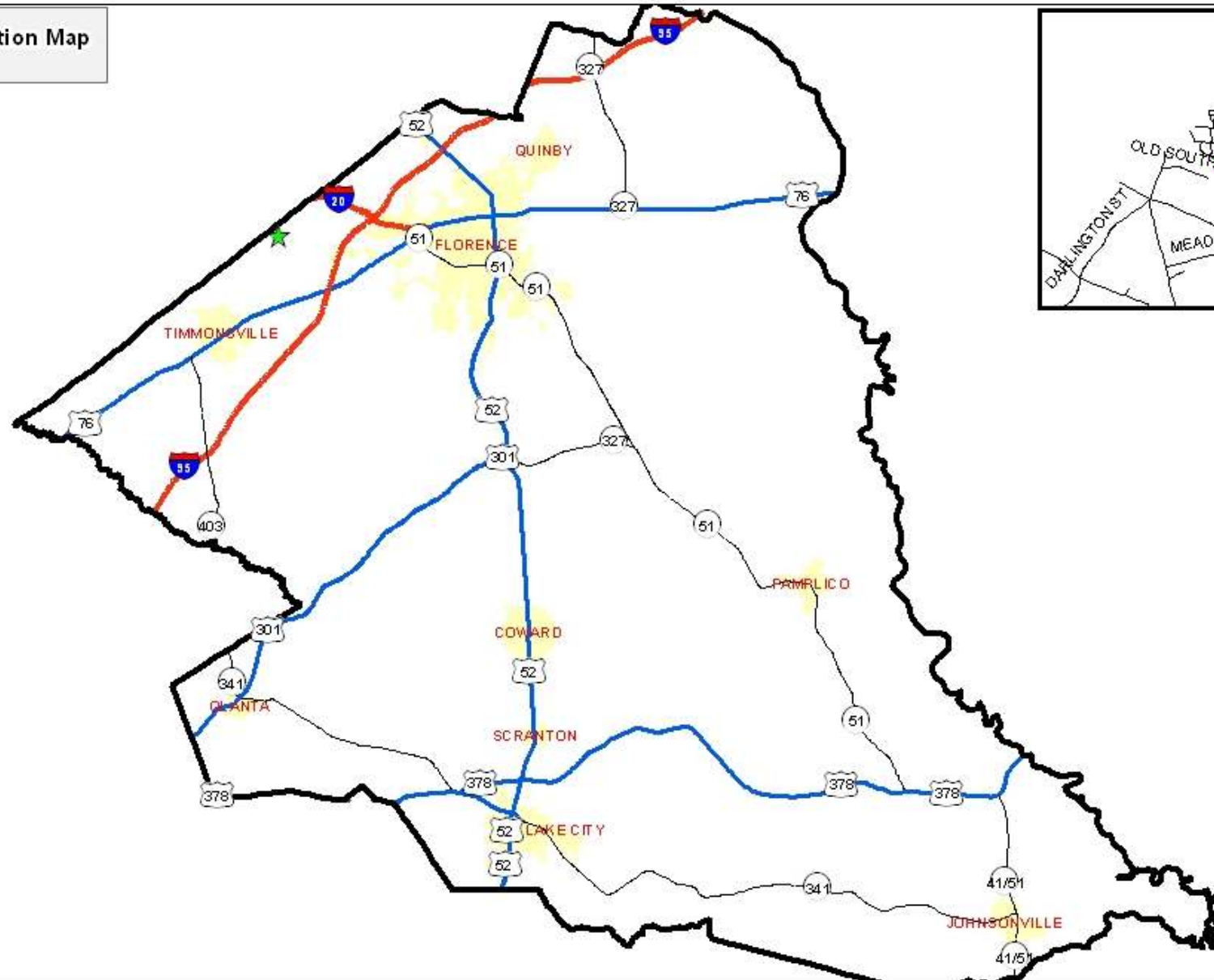
An appeal by Dale A. and Amy E. Gray of 912 Derby Drive, Florence of the interpretation made by the Zoning Administrator concerning the allowable animals by definition of Domestic Animal Shelter of the Florence County Code of Ordinances.

BZA #2011-04

The applicant is requesting an appeal to the interpretation of the Zoning Ordinance for the definition of domestic animal shelters.

BZA#2011-04 - Location Map

Location Map



0 1 2 3 4 Miles



Map Prepared by: RWE
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& Building Inspections Department
Geographic Information Systems
09/19/2011



COUNTY COUNCIL DISTRICT(S): 9
BZA#2011-04

BZA#2011-04 - Zoning Map

Design and Planning Solutions

BZA#2011-04 - Aerial Map

Image not found. (0/0)

BZA#2011-04 Site Photograph



BZA#2011-04 Site Photograph



BZA#2011-04 Site Photograph



BZA#2011-04 Site Photograph



BZA# 2011-04 Background

The property located at 912 Derby Drive is currently occupied by a single-family residence and a fenced in area containing four goats and zoned R-1, Single-Family Residential District.

August 9, 2011-The Planning Department received a complaint of a possible zoning violation for the goats currently existing on the property.

August 10, 2011-The Codes Enforcement Division made a site visit and verified that four goats exist on the property.

August 18, 2011-The property owners/applicants were notified by letter of the result of the site review and that the goats are not allowed on the property in the R-1 zoning district.

August 26, 2011-The property owners/applicants met with staff on the issue.

August 29, 2011- The property owners/applicants submitted an application for an appeal to the Planning Department for appearance before the Board of Zoning Appeals.

BZA#2011-04 Appeal

Applicant hereby appeals to the Board of Zoning Appeals from the action of the Zoning Official affecting the property located at **912 Derby Drive, Florence County** on the grounds that:

1. Denial of an application for a permit to **allow goats to stay on property** was erroneous and contrary to provisions of Chapter 30-Zoning Ordinance in **Article X. Sec. 30-311. - Definitions**; or other action or decision of the Zoning Official was erroneous as follows:

There is no harm by having these goats on our land. We have had goats for four years.

2. Applicant is aggrieved by the action or decision in that:

We need to remove goats from land. They are our pets and they harm no one or no thing.

BZA# 2011-04 Appeal (Cont'd)

3. Applicant contends that the correct interpretation of the Zoning Ordinance as applied to the property is:

Per the County, I now know that we shouldn't have goats there. However, there is no covenant in our neighborhood that won't allow the goats to stay.

4. Applicant requests the following relief:

Allow our goats to stay. They are our children's pets.

BZA#2011-04 Staff Analysis

Chapter 30-Zoning Ordinance:

1. Sec. 30-28.-Table I-Schedule of permitted and conditional uses and off-street parking requirements for residential districts permits domestic animal shelters in the R-1, Single-Family Residential District.
2. Sec. 30-311.- Definitions defines domestic animal shelter as follows:

A pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine including potbellied pigs, sheep, ponies, grazing animals, and fowl of any kind, are boarded and kept.

BZA#2011-04 Staff Analysis (Cont'd)

3. Sec. 30-293.-Board of Zoning Appeals-(a)(1)

a) 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;

BZA#2011-04 Staff Analysis (Cont'd)

4. Additionally, the Comprehensive Planning Enabling Guide for Local Governments establishes that in such cases, the Board may reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination of the zoning administrator. The board has all the powers of the zoning administrator in such cases and may issue or direct the issuance of a permit.

When deciding an administrative appeal from a decision of the zoning administrator, the board is not bound by the conclusion or reasoning of the zoning administrator and may consider and apply the appropriate provisions of the zoning ordinance as dictated by the facts before it.

BZA# 2011-05

Subject: Request for a variance from the requirements of Sec. 30-111. (6) d. Mining and extraction operations

Location: 2474 South Friendfield Road,
Florence County

Tax Map Number: 00145, Block 01, Parcel 011

Owner of Record/Applicant: Charles Alexander

Variance Requested: Decrease of 1816 feet in the distance requirement of Sec. 30-111. (6) d. Mining and extraction operations.

Required Distance from Residential Use: 2,500 feet

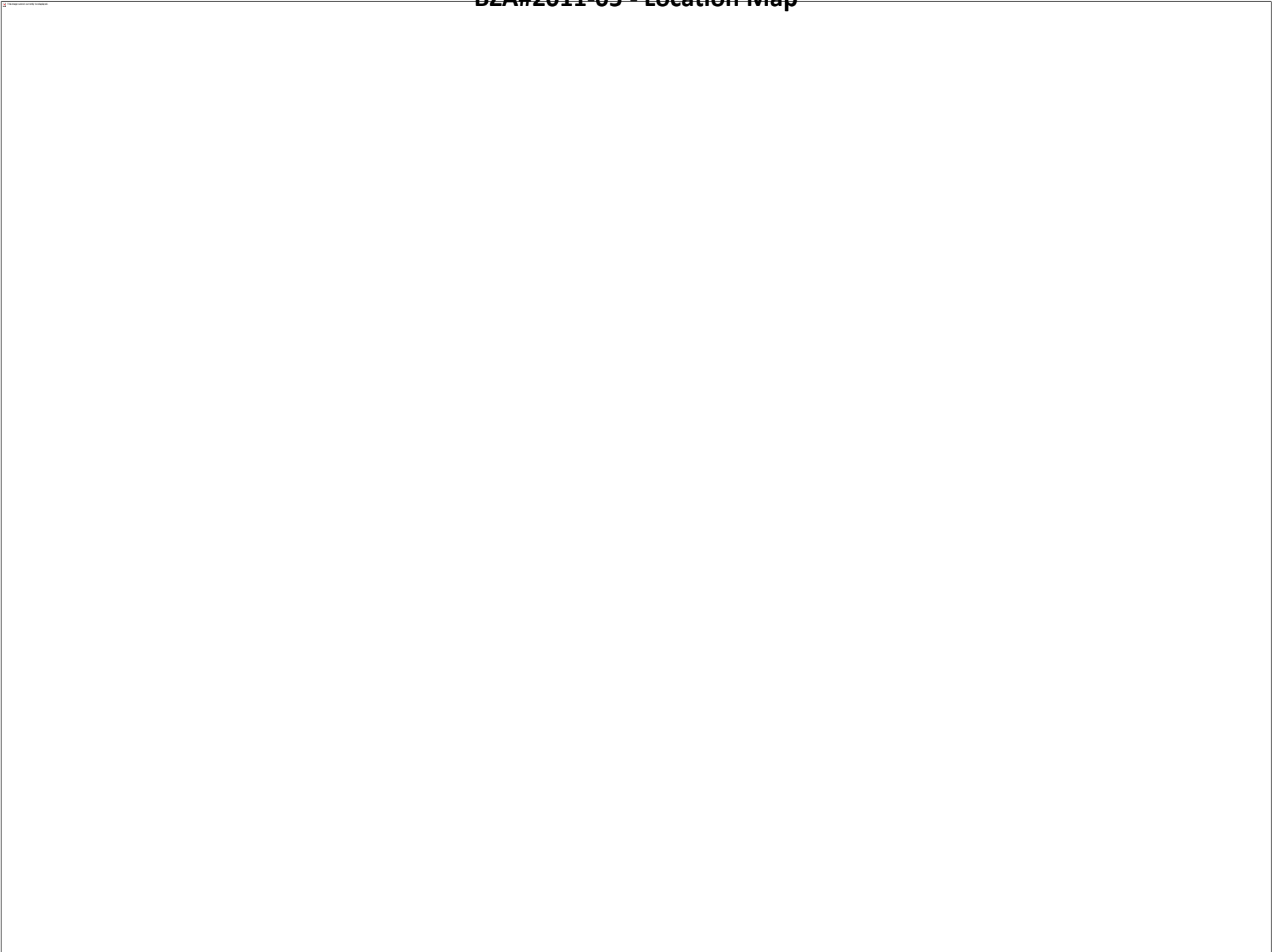
Requested Distance from Residential Use: 684 feet

Distance Variance Requested: 1,816 feet

Land Area: Approx. 54.8 acres

Mine Area: Approx. 16.09 acres

BZA#2011-05 - Location Map



BZA#2011-05 - Zoning Map



0 280 560 1,120 Feet

Map Prepared by: RWE
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& Building Inspections Department
Geographic Information Systems
10/14/2011



COUNTY COUNCIL DISTRICT(S): 2
BZA#2011-05

BZA#2011-05 - Aerial Map

Florence County 2008 Orthophotography Map



Map Prepared by: RWE
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& Building Inspections Department
Geographic Information Systems
10/14/2011



COUNTY COUNCIL DISTRICT(S): 2
BZA#2011-05

BZA# 2011-05 Site Photograph



BZA# 2011-05 Site Photograph



PUBLIC NOTICE

Florence County
Board of Zoning Appeals

WILL ON Tuesday

November 1, 2011

6:30 p.m.

AT Council Chambers - Room 803

IN City/County Complex - 180 N. Irby St.

HOLD A PUBLIC HEARING ON A PROPOSAL

Variance request from requirements of Section
30-111, 16-3, Mining and extraction operations of
the Florence County Code of Ordinances.

FOR INFORMATION CALL 843-676-8600

REFERENCE BZA#2011-05

FLORENCE COUNTY PLANNING DEPT

BZA# 2011-05 Site Photograph



BZA# 2011-05 Site Photograph



BZA# 2011-05 Background

The subject property is currently undeveloped and unzoned in Florence County.

The subject property is an undeveloped parcel of land partially used as a sod farm.

The applicant wishes to use the rear of the property as a mine.

The mine will be approximately 16 acres when developed.

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

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(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:

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

- 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.

Board of zoning appeals (Cont'd)

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.

BZA# 2011-05 Variance Request

The applicant is requesting a variance for a decrease of 1816 feet in the minimum distance a mine can exist from a residential structure resulting in the mine, being located eight hundred (684) feet from any residential use.

Sec. 30-111. Development standards for unzoned areas, (6) Mining and extraction operations d. 1. of the Florence County Zoning Ordinance requires the following:

Minimum 2,500 feet from any residential uses; where explosives are to be employed, the minimum distance shall be one mile.

BZA# 2011-05 Variance Request

The following information is submitted by the actual application:

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

Applicant's response:

The soils on the property are of good quality for use as fill material in the expansion of Highway 378. The location of the property and its proximity to the highway will provide the most economical means of providing fill material to the road improvement sites.

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

Applicant's response:

R. E. Goodson Mine (Permit # GP1-001200) is located on the adjoining property to the northwest. The R. E. Goodson is within 2500' of residential property including the homesite closest to the proposed mine for which this variance is being requested.

BZA# 2011-05 Variance Request

- 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:

Use of the property as a mine for structural fill is the most effective use. This is because the sandy soils provide good fill material and are of low quality for other uses, including agriculture.

- 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:

The closest residential home site is approximately 684' from the proposed mine site. The haul road will be covered with gravel to reduce dust, and mine operation will only be conducted during normal business hours. The mine site will be reclaimed to SCDHEC standards following closure.

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

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Other Business

Director's Report:

- **Orientation Training for new members**
- **Continuing Education**