

**Agenda
Florence County Board of Zoning Appeals
Tuesday, December 6, 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. Review and Motion of Minutes

- Meeting of November 1, 2011

III. Public Hearings:

- | | |
|--------------------|--|
| BZA#2011-06 | A variance request by Joe O. Myers on behalf of Springbranch Baptist Church for a decrease in the minimum setback requirements of Section 30-111. Development standards for unzoned areas (7) Setbacks of the Florence County Code of Ordinances for property located at 945 E. Springbranch Rd., Pamplico shown on Florence County Tax Map No. 343, Block 2, Parcel 14. (Blue) |
| BZA#2011-07 | A variance request by Steven G. Mikell on behalf of DAH Properties, LLC of the Florence County Code of Ordinances to allow two manufactured homes in an R-3A, Single-family residential district for property located at 1113 W. Sumter St., Florence shown on Florence County Tax Map No. 90044, Block 9, Parcel 6. (Pink) |
| BZA#2011-08 | A variance request by Mickey Moss on behalf of Moss Enterprises, Inc. for a decrease in the minimum setback requirements of Section 30-30, Table III Zoning setbacks and an increase in the expansion requirements of Section 30-249. Nonconformities of the Florence County Code of Ordinances for property located at 120 Conyers Ave., Florence shown on Florence County Tax Map No. 90080, Block 1, Parcel 3. (Gray) |

IV. Other Business:

- Review and approval of the 2012 Board of Zoning Appeal's Meeting Calendar.

V. Adjournment

BZA#2011-06

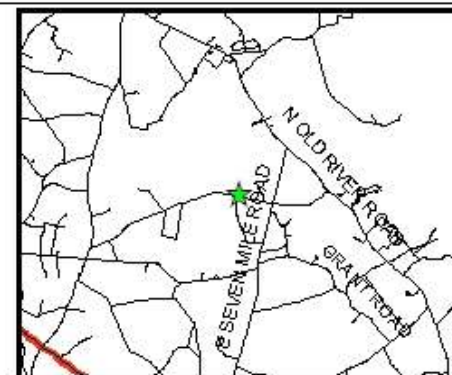
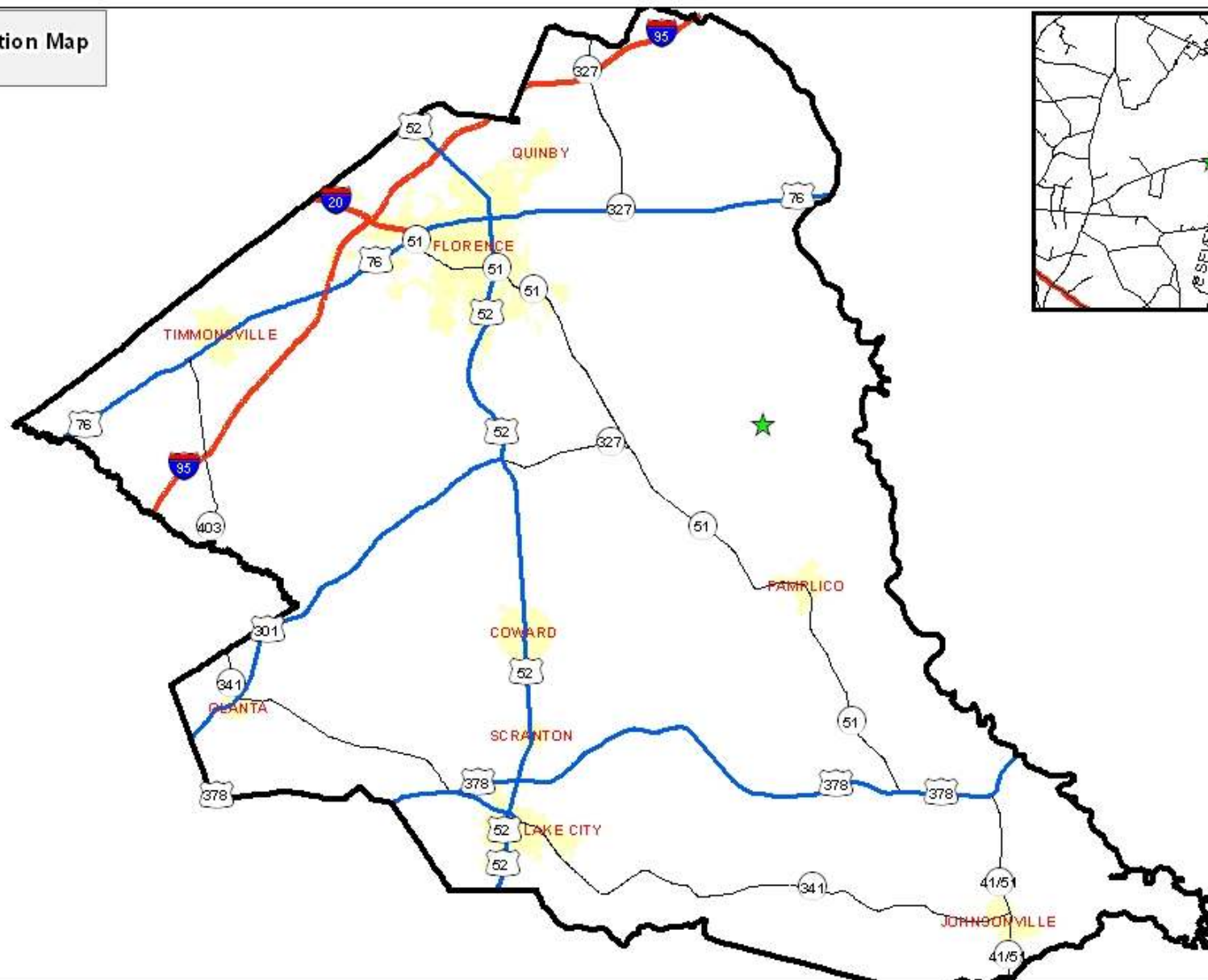
SUBJECT:	Variance request for a decrease in the front yard setback requirement.
LOCATION:	945 East Springbranch Road Pamplico, SC
TAX MAP NUMBER:	00343, Block 02, Parcel 014
COUNCIL DISTRICT(S):	6; County Council
OWNER OF RECORD:	Springbranch Baptist Church
APPLICANT:	Joe O. Myers
LAND AREA:	11 Acres

BZA#2011-06

A variance request by Joe O. Myers on behalf of Springbranch Baptist Church for a decrease in the minimum setback requirements of Section 30-111. Development standards for unzoned areas (7) Setbacks of the Florence County Code of Ordinances for property located at 945 E. Springbranch Rd., Pamplico shown on Florence County Tax Map No. 343, Block 2, Parcel 14.

BZA#2011-06 - Location Map

Location Map



0 1 2 3 4 Miles

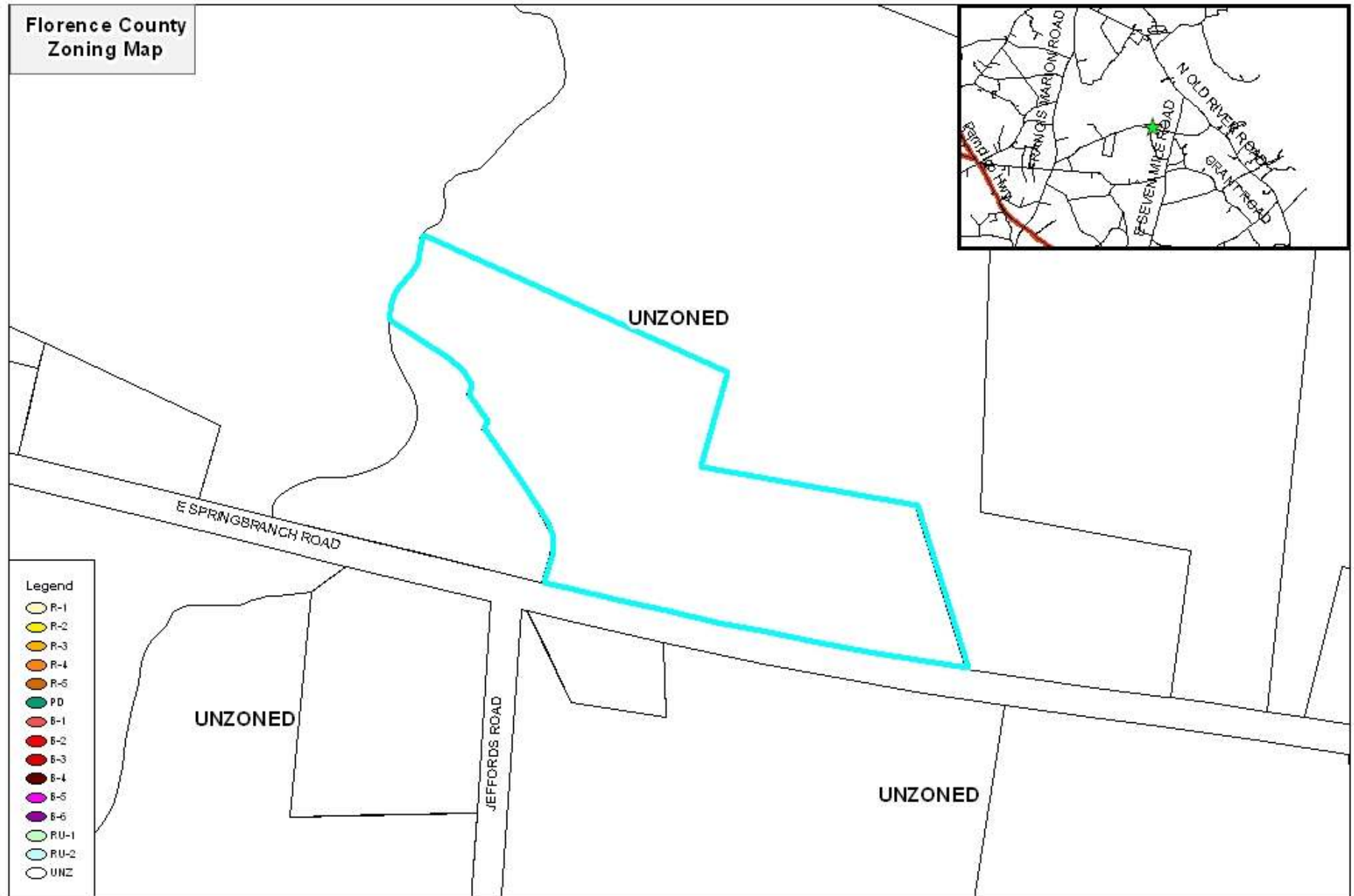


Map Prepared by: RWE
Copyright 2010: Florence County Planning
& Building Inspections Department
Geographic Information Systems
11/21/2011



COUNTY COUNCIL DISTRICT(S): 6
BZA#2011-06

BZA#2011-06 - Zoning Map



0 185 370 740 Feet Map Prepared by: RWE
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& Building Inspections Department
Geographic Information Systems
11/21/2011



COUNTY COUNCIL DISTRICT(S): 6
BZA#2011-06

BZA#2011-06 - Aerial Map

Florence County 2011 Orthophotography Map



Map Prepared by: RWE
Copyright 2010: Florence County Planning
& Building Inspections Department
Geographic Information Systems
11/21/2011



COUNTY COUNCIL DISTRICT(S): 6
BZA#2011-06

BZA#2011-06 Background

Springbranch Baptist Church has been established at this location for 163 years.

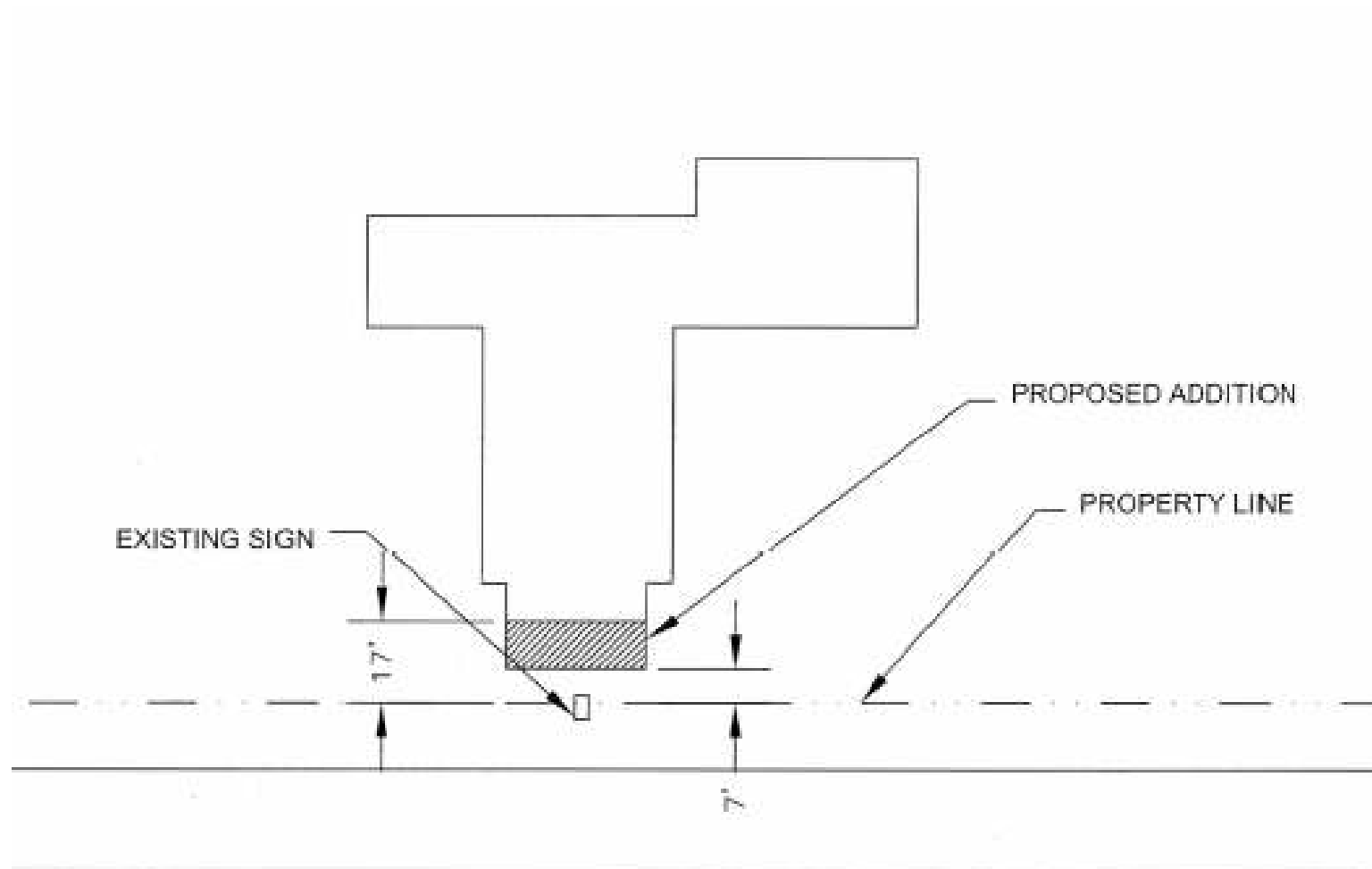
An 8' addition was constructed between 1998 and 2003 that decreased the required 25' setback to a current 17' setback.

The church has requested a 10' addition to the front of the church to accommodate two new bathrooms.

A variance is requested to decrease the existing 17' front setback by an additional 10 feet.

This request proposes to reduce the total front setback to the building face from 25 feet to 7 feet.

BZA#2011-06 Site Plan



BZA#2011-06 Site Photograph



BZA#2011-06 Site Photograph



BZA#2011-06 Site Photograph



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#2011-06 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# 2011-06 Variance Request

- A. The applicant is requesting a variance for a decrease of 18 feet in the minimum distance from property line.**
- B. Sec.30-111. Development standards for unzoned areas, (7) Setbacks Office/Institutional of the Florence County Zoning Ordinance.**

BZA#2011-06 Variance Request (Cont.)

C. The following is extracted from the submitted variance application:

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

Applicant's response:

The church does not meet the ADA requirements for disabled persons. It is our desire to comply with the ADA requirements for our members and those who visit the church that are disable.

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

Applicant's response:

There are no other properties in area built that close to church property line.

BZA#2011-07 Variance Request (Cont.)

- 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:

Currently our disabled persons and members have to be taken outside the church and person with walkers have a hard time. We want to alleviate those problems and comply with ADA.

- 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:

This variance only affects Springbranch and it makes us comply with ADA requirements.

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#2011-07

SUBJECT: Allow two mobile homes in an R-3A,
Single- Family Residential District

LOCATION: 1113 West Sumter Street, Florence
County

TAX MAP NUMBER: 90044, Block 09, Parcel 006

OWNER OF RECORD: DAH Properties, LLC

APPLICANT: Steven G. Mikell

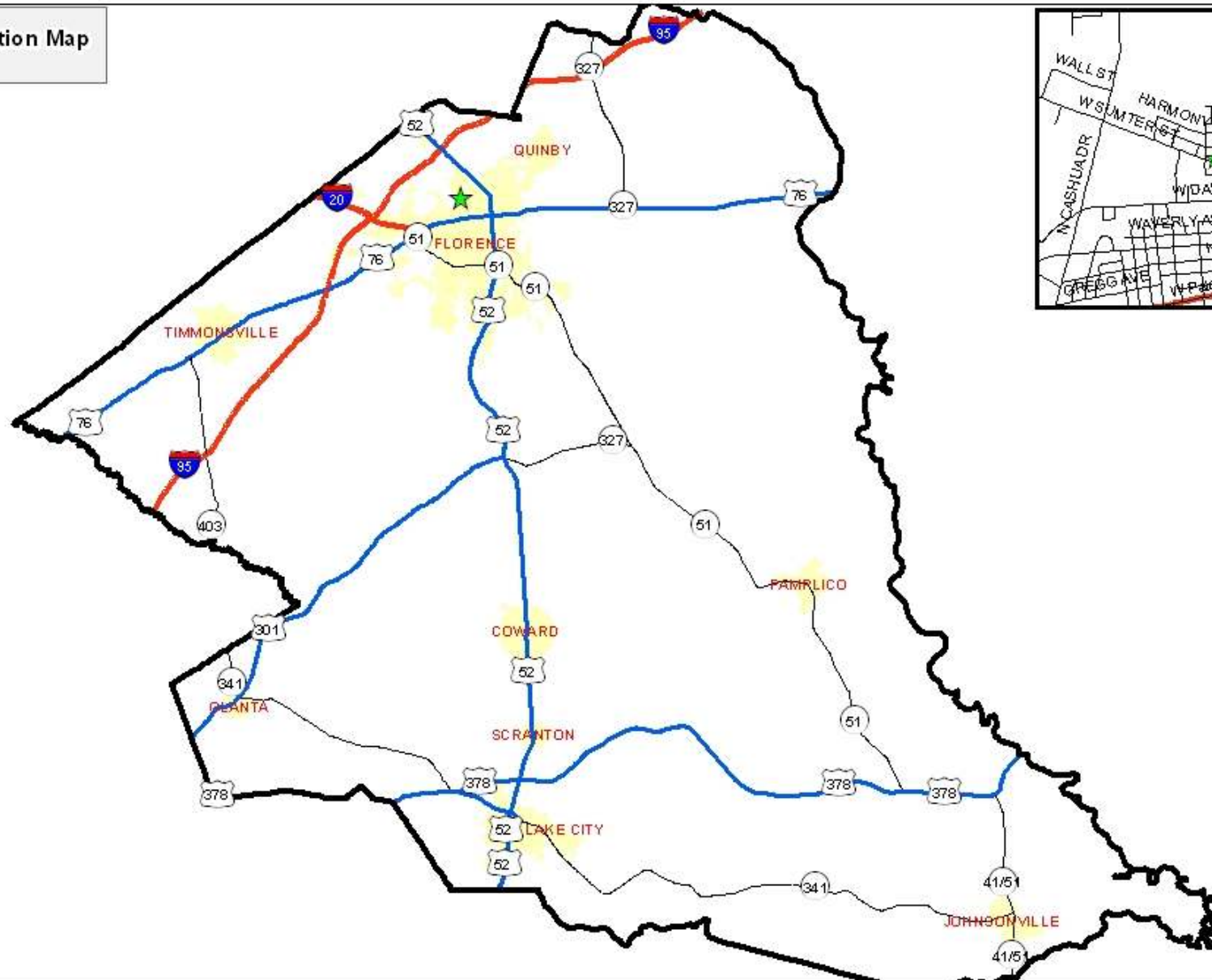
LAND AREA: Approximately 12000 sq. feet

BZA#2011-07

A variance request by Steven G. Mikell on behalf of DAH Properties, LLC of the Florence County Code of Ordinances to allow two manufactured homes in an R-3A, Single-family residential district for property located at 1113 W. Sumter St., Florence shown on Florence County Tax Map No. 90044, Block 9, Parcel 6.

BZA#2011-07 - Location Map

Location Map



Map Prepared by: RWE
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& Building Inspections Department
Geographic Information Systems
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COUNTY COUNCIL DISTRICT(S): 3
BZA#2011-07

BZA#2011-07 - Zoning Map



0 185 370

Map Prepared by 740 West
Copyright 2010: Florence County Planning
& Building Inspections Department
Geographic Information Systems
11/21/2011



COUNTY COUNCIL DISTRICT(S): 3
BZA#2011-07

BZA#2011-07 - Aerial Map

Florence County 2011 Orthophotography Map



Map Prepared by: RWE
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Geographic Information Systems
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COUNTY COUNCIL DISTRICT(S): 3
BZA#2011-07

BZA#2011-07 Site Photograph



BZA#2011-07 Adjacent Property



BZA#2011-07 Adjacent Property



BZA#2011-07 Adjacent Property



BZA#2011-07 Background

The subject property was rezoned in 2010 from Unzoned to R-3A.

The subject property is currently vacant.

The applicant wishes to develop the property with 2 mobile homes.

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 mobile homes to be placed in the R-3A, Single - Family Residential District.

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#2011-07 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#2011-07 Variance Request

Variance Request:

- A. The applicant is requesting a variance to allow for two mobile homes in R-3A 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 mobile homes are not permitted in the R-3A, Single Family Residential District.**

BZA#2011-07 Variance Request (Cont.)

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:

The owner purchased the subject property in January, 2009, at which time it was unzoned. The owner proceeded to clean up the property and paid to have a water tap installed in preparation of placing two manufactured homes thereon. A moratorium was placed on any development of property in approximately August, 2009, pending consideration of a proposed amendment of district from unzoned to R-3A Single-Family Residential. At this time, owner had already expended considerable sums to prepare the property for the planned development. Owner received notice of the first reading of the proposed ordinance in approximately June, 2010, but did not attend the first meeting because, upon inquiry, she was mistakenly told the proposed ordinance would not affect the planned development.

BZA#2011-07 Variance Request (Cont.)

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

Applicant's response:

There is similar development to that proposed by owner in the area, including on the lot adjacent to the subject property.

- 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:

The application of the ordinance would prevent owner from developing the property as planned even though there is similar development nearby. The restriction is further unreasonable because owner was in the process of development at the time the ordinance was first considered and had made substantial investment prior to having any notice thereof.

BZA#2011-07 Variance Request (Cont.)

- 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 owner plans to place two manufactured homes on the property and there are already manufactured homes in the area. The homes are intended to be rented for single family residences. Owner is a responsible resident of the City of Florence and intends to maintain the property in an attractive manner after screening potential tenants for suitability, all in a manner that is intended to benefit the surrounding area.

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#2011-08

This Item has been withdrawn by the applicant.