

**STAFF REPORT  
FOR THE  
FLORENCE COUNTY BOARD OF ZONING APPEALS  
December 6, 2011  
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

**Existing Land Use and Zoning:**

The subject property is currently vacant and is zoned R-3A, Single-Family Residential District in Florence County.

**Surrounding Land Use and Zoning:**

North: Single family residential / R-3A /Florence County  
West: Single family residential / R-3A /Florence County  
South: Single family residential / R-3A /Florence County  
East: Single family residential / R-3A /Florence County

**Staff Analysis:**

**Background:**

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.

The following information establishes a time line for the original zoning of the subject property.

**Florence County Council Meeting: August 20, 2009:**

Florence County Council approved a Moratorium on all building permits within the West Sumter Street Community for up to one (1) year. (See Attachment 1)

Florence County Planning Commission Meeting: March 23, 2010:

Mrs. Ervin appeared before the Planning Commission requesting that they sponsor a zoning request to R-3A on behalf of the West Sumter Street community. (See Attachment 2)

Florence County Planning Commission Action: April 27, 2010:

A summary was presented to the Planning Commission of the status of the zoning request to R-3A for parcels in the West Sumter Street area and that a public meeting had been scheduled for the West Sumter Street area. ( See Attachment 3)

West Sumter Street Community Meeting: May 3, 2010:

Residents in the area would like to maintain a single-family residential neighborhood and they believe the construction of any additional duplexes or mobile homes would negatively impact the area. In addition, the residents indicated that they would like to or have attempted to purchase property in the community but were unable to get property information. Residents purchasing the property would ensure the property would be developed in accordance with the surrounding neighborhood. Residents also questioned which zoning district the Planning Commission would sponsor. This was clarified that the petition submitted was for the R-3A zoning district. Questions remained about the difference between R-3 and R-3A districts. Finally, Chairman Knoller informed the citizens that this request would appear on the agenda for public hearing at the May 25<sup>th</sup> Planning Commission meeting.

Meeting with representatives of the West Sumter Street Community: May 11, 2010:

Staff met with Mrs. Ervin, Ms. Dimery and Mr. Singletary to discuss status of the zoning request and the feedback from the May 3<sup>rd</sup> public meeting. Based on the meeting, staff planned to coordinate one additional public meeting before the request appears as a public hearing for Planning Commission.

Florence County Planning Commission Meeting: May 25, 2010:

Planning staff presented an update to the Planning Commission on the public meeting held on May 3, 2010 and because of the issues that were brought up at this meeting, staff moved forward with scheduling one additional public meeting to be held on June 10<sup>th</sup> before the public hearing. (Attachment 4)

West Sumter Street Community Meeting: June 10, 2010:

The public meeting began at 6:15 pm. There were five Planning Commission members in attendance to include Chairman Peter Knoller, Cecil Cunha, King Lowery, Ted Greene and Virginia Talbert. Twenty citizens signed in for the meeting. Chairman Knoller informed the citizens that this meeting was to allow review of maps that were placed on tables around the room and staff members were available at the maps to discuss and answer any questions the citizens might have.

Two information sheets were provided for citizens at the meeting with one document briefly describing the meeting with a citizen's comment section and that the public hearing for the zoning amendment request would be held on June 22, 2010 and the other document contained information on the R-3A zoning district.

Florence County Planning Commission Meeting: June 22, 2010:

Florence County Planning Commission voted to disapprove the request to zone the property to R-3A Single Family Residential. The request was forwarded to Florence County Council with a recommendation to deny the request. (Attachment 5)

Florence County Council Meeting: September 16, 2010:

Florence County Council approved third reading to zone the property to R-3A Single Family Residential. (Attachment 6)

**Access and Circulation:**

The property is currently accessed by way of West Sumter Street.

**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 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.

(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.

- 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.

- 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.

**Attachments:**

1. Florence County Council Meeting: August 20, 2009
2. Florence County Planning Commission Meeting: March 23, 2010
3. Florence County Planning Commission Action: April 27, 2010
4. Florence County Planning Commission Meeting: May 25, 2010
5. Florence County Planning Commission Meeting: June 22, 2010
6. Florence County Council Meeting: September 16, 2010
7. Location Map
8. Zoning Map
9. Aerial Map
10. Site Plan