

**STAFF REPORT  
TO THE  
FLORENCE COUNTY BOARD OF ZONING APPEALS  
Tuesday, June 05, 2012  
BZA#2012-02**

**SUBJECT:** Variance request for a decrease in the rear yard setback requirement.

**LOCATION:** 690 Arizona Way

**TAX MAP NUMBER:** 00741-01-014

**COUNCIL DISTRICT(S):** 9; County Council

**OWNER OF RECORD:** Robin C. Miller

**APPLICANT:** Robin C. Miller

**LAND AREA:** .01717

**VARIANCE REQUESTED:** Decrease of 7 ft. in the rear yard setback requirement.

**STAFF ANALYSIS:**

Existing Land Use and Zoning:

The subject property is currently occupied by a single-family residence and is zoned R-3, Single-Family Residential District in Florence County.

The applicant wishes to construct an addition of a bathroom to the side of the house keeping the proposed addition in line with the rear of the house.

The proposed addition will meet the side yard setback requirement of 5 feet for the R-3 zoning district but will not meet the rear yard setback requirement of 25 feet.

The house exists non-conforming in rear yard setback due to the current setback existing at 18 feet.

Surrounding Land Use and Zoning:

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

**VARIANCE REQUEST:**

- (A) That said home does not meet existing setback requirement of 25feet. Rear of home setback approximately 18ft existing.
- (B) The minimum rear yard setback requirement for R-3, Single-Family Residential District is 25 feet.
- (C) The following is extracted from the submitted variance application:

The applicant is proposing and addition to right side of the structure on the property that would intrude into rear yard setback requirement.

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

**Applicant's response:**

**Home was built on a cul-de-sac with odd angle property lines which restrict front-rear setback.**

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

**Applicant's response:**

**On Arizona Way cul-de-sac, my property has an odd angle of measurement. The property parcel at 690 Arizona Way is the smallest and limits my options for any additions to my house.**

- 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:**

**For owner in later years to have a larger bath with easier access to have a shower with a low thresh hold for easier access.**

- 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:**

**It will not affect the view of neighbors home and not encroach any further than it already exists.**

### **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.

### **STAFF RECOMMENDATION:**

Staff recommends denial of the variance request by the Board of Zoning Appeals based on the rear yard setback not being in compliance with Chapter 30-Zoning Ordinance-Sec.30.30.-Table III: Zoning setbacks for the R-3, Single-Family Zoning District.

### **ATTACHMENTS:**

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