

**STAFF REPORT
FOR THE
FLORENCE COUNTY BOARD OF ZONING APPEALS
October 1, 2013
BZA#2013-01**

SUBJECT: A variance request for a decrease in the size of the gross floor area requirements of an accessory structure in a residential district.

LOCATION: 3829 Pine Needles Road, Florence County

TAX MAP NUMBER: 00751, Block 01, Parcel 158

OWNER OF RECORD: Pamela Bailey

APPLICANT: Randy Bailey

LAND AREA: Approximately .66 acres

Existing Land Use and Zoning:

The subject property has a single family residence along with a detached garage. It is currently zoned R-1, Single-Family Residential District in Florence County.

Surrounding Land Use and Zoning:

North: Single-family residential / R-1 /Florence County
West: Single-family residential / R-1 /Florence County
South: Single-family residential / R-1 /Florence County
East: Single-family residential / R-1 /Florence County

Staff Analysis:

Background:

The subject property is currently zoned R-1, Single-Family Residential District.

The maximum combined gross floor area (GFA) of all accessory structures shall not exceed 1,000 square feet for a residential zoned district.

The applicant has built an unpermitted detached garage on the rear of the property. This structure exceeds the maximum square footage for an accessory building in a residential zoned district. The maximum square feet allowable for an accessory building in a residential zoned district is 1,000 square feet. This structure exceeds the maximum allowable size by approximately 152 square feet.

The applicant is requesting a variance from Section 30-246. Accessory buildings and uses of the Florence County Code of Ordinances.

Access and Circulation:

The property is currently accessed by way of Pine Needles 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:

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal of the following provisions of the Zoning Ordinance:

Applicant's response:

A building 152 square feet over 1,000 square feet allowed by ordinance.

so that a zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows:

Applicant's response:

To allow me to park 2 vehicles, golf cart, motorcycle, lawn mower, other lawn equipment & tools. I have had my vehicles broken in since living here. I built this building unaware of provisions of the 1,000 square foot allowed. My intentions were to clean up my yard to make my home a beautiful place in this neighborhood. The company I purchased the building from told me I did not need a permit. I should have checked with zoning instead of listening to this company. I never meant to break any rules, only trying to make my home more valuable & attractive to the neighborhood.

for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the Zoning Ordinance.

2. The application of the ordinance will result in unnecessary hardships, and the standards for a variance set by State law and the ordinance are met by the following facts.
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

Applicant's response:

To hide (store) extra vehicles, lawn mowers & other things in yard & also to lock them up. To make yard free of "things."

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

Applicant's response:

Please note my lot is larger (per your GIS) than most lots on this block, if I am able to purchase the adjoining lot, this will make my residential lot over 1 acre.

- 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:

I have contacted the owner of the vacant lot that connected to my lot which would give me 1 acre (+-) instead of ½ acre. However the current owner is in the military overseas & have not responded to my request-(Dennis Carpenter/Sara Carpenter map# 751-01-160.)

- 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:

To get this size of building the cost was only \$6,900 (including cement). Another reason I went with this size –again I was unaware I would be over the allowed square feet.

Staff Recommendation:

Staff recommends denial of the variance request by the Board of Zoning Appeals based on the structure not being in compliance with Chapter 30-Zoning Ordinance-Section 30-246-Accessory buildings and uses.

Attachments:

1. Location Map
2. Zoning Map
3. Aerial Map
4. Plat