

Agenda
Florence County Board of Zoning Appeals
Regular Meeting
Tuesday, April 1, 2014
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 October 1, 2013

III. Public Hearings:

BZA#2014-01 A variance request by Daniel C. Jackson from requirements of Sec. 30-111. (6) d. Mining and extraction operations of the Florence County Code of Ordinances for property located off of T V Rd. and McIver Rd., Florence shown on Florence County Tax Map No. 00174, Block 01, Parcel 004. (green)

IV. Other Business:

None

V. Adjournment

BZA# 2014-01

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

Tax Map Number: 00174, Block 01, Parcel 004

Owner of Record/Applicant: Daniel C. Jackson

Variance Requested: Decrease of 2175 feet in the distance requirement of Sec. 30-111. (6) d. Mining and extraction operations.

Required Buffer Distance: 2500 feet

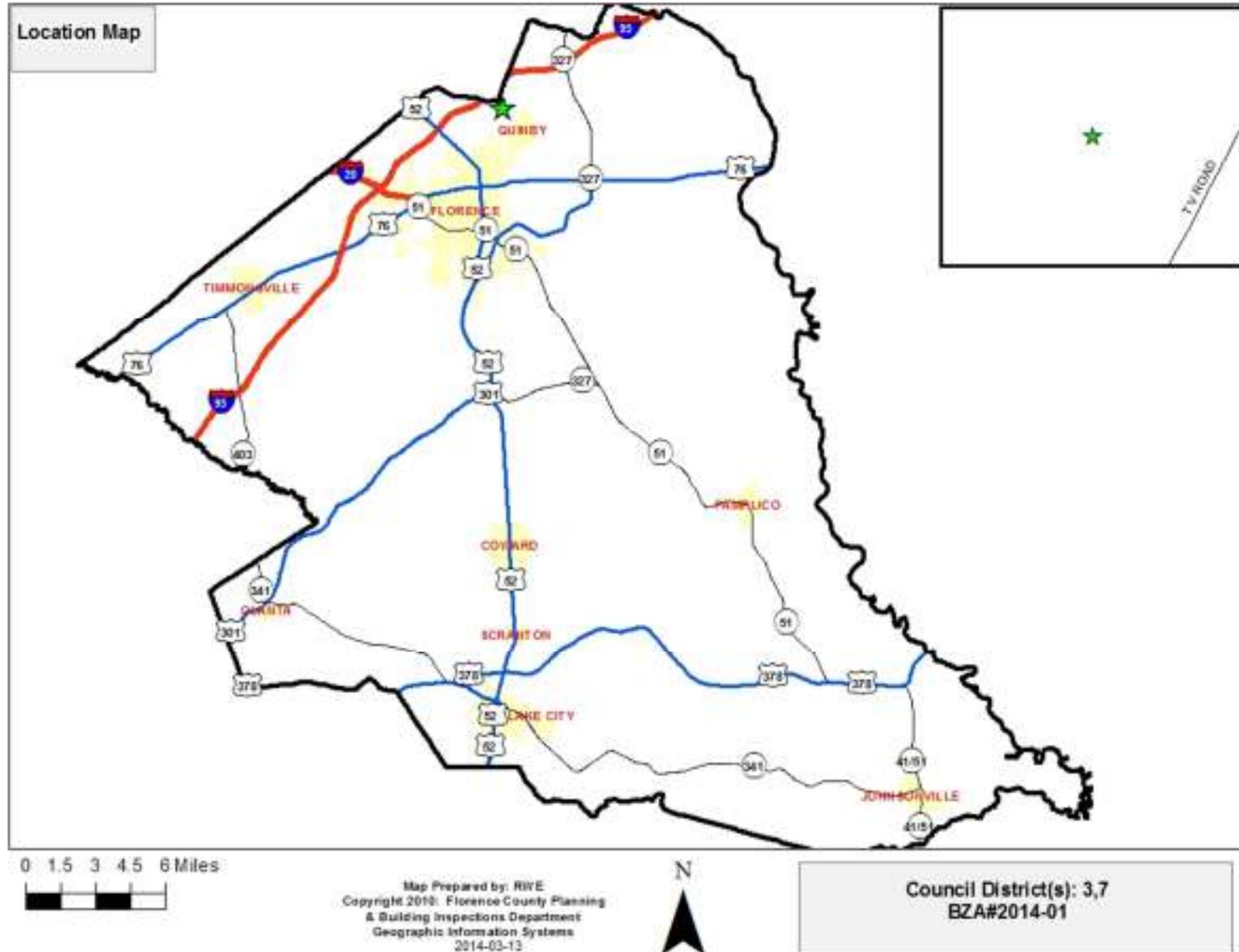
Requested Buffer Distance: 325 (+/-) feet

Buffer Variance Requested: 2175 feet

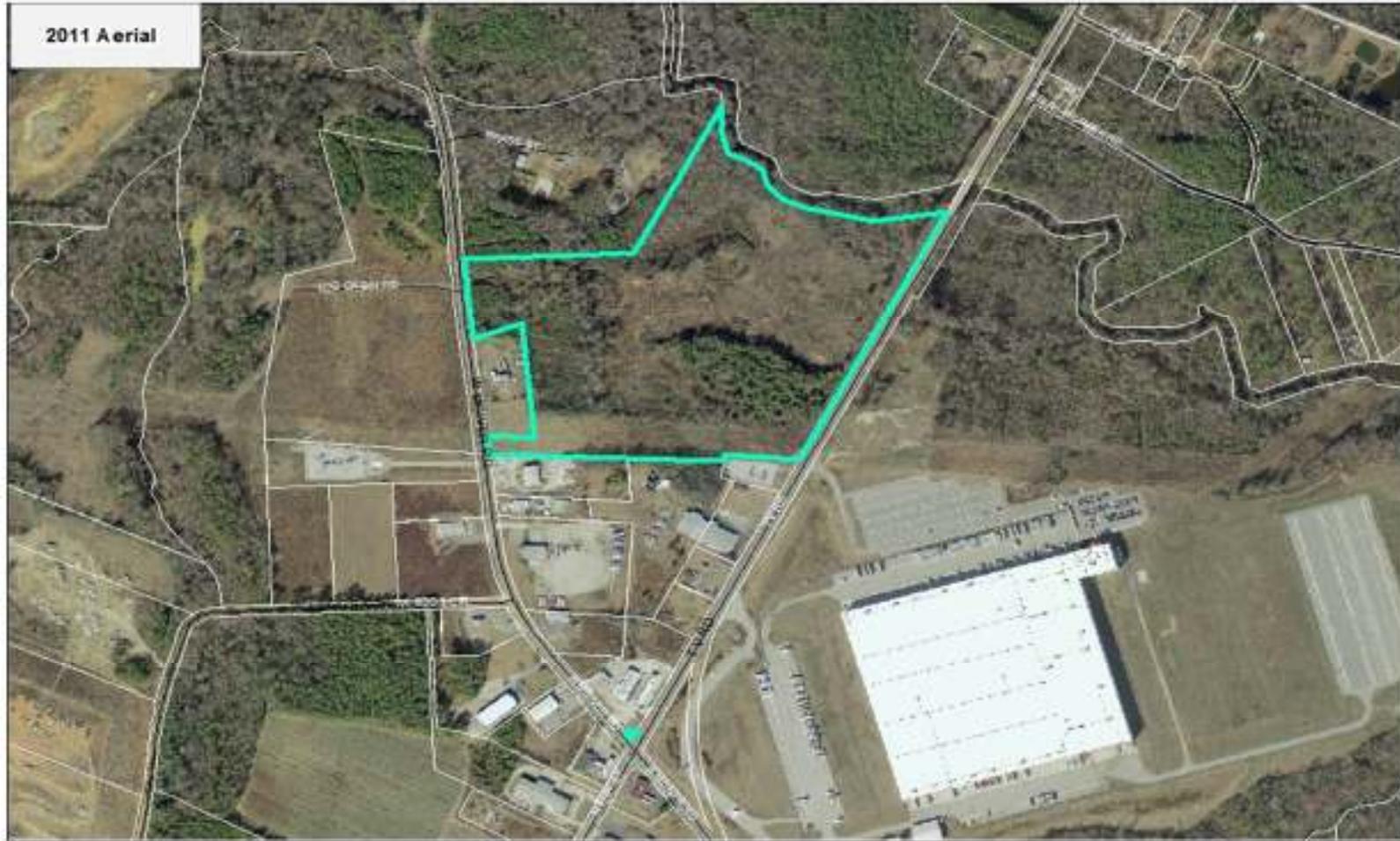
Land Area: Approx. 48 acres

Mine Area: Approx. 8 acres

BZA#2014-01 - Location Map



BZA#2014-01 - Aerial Map



2011 Aerial

0 305 610 1,220 Feet

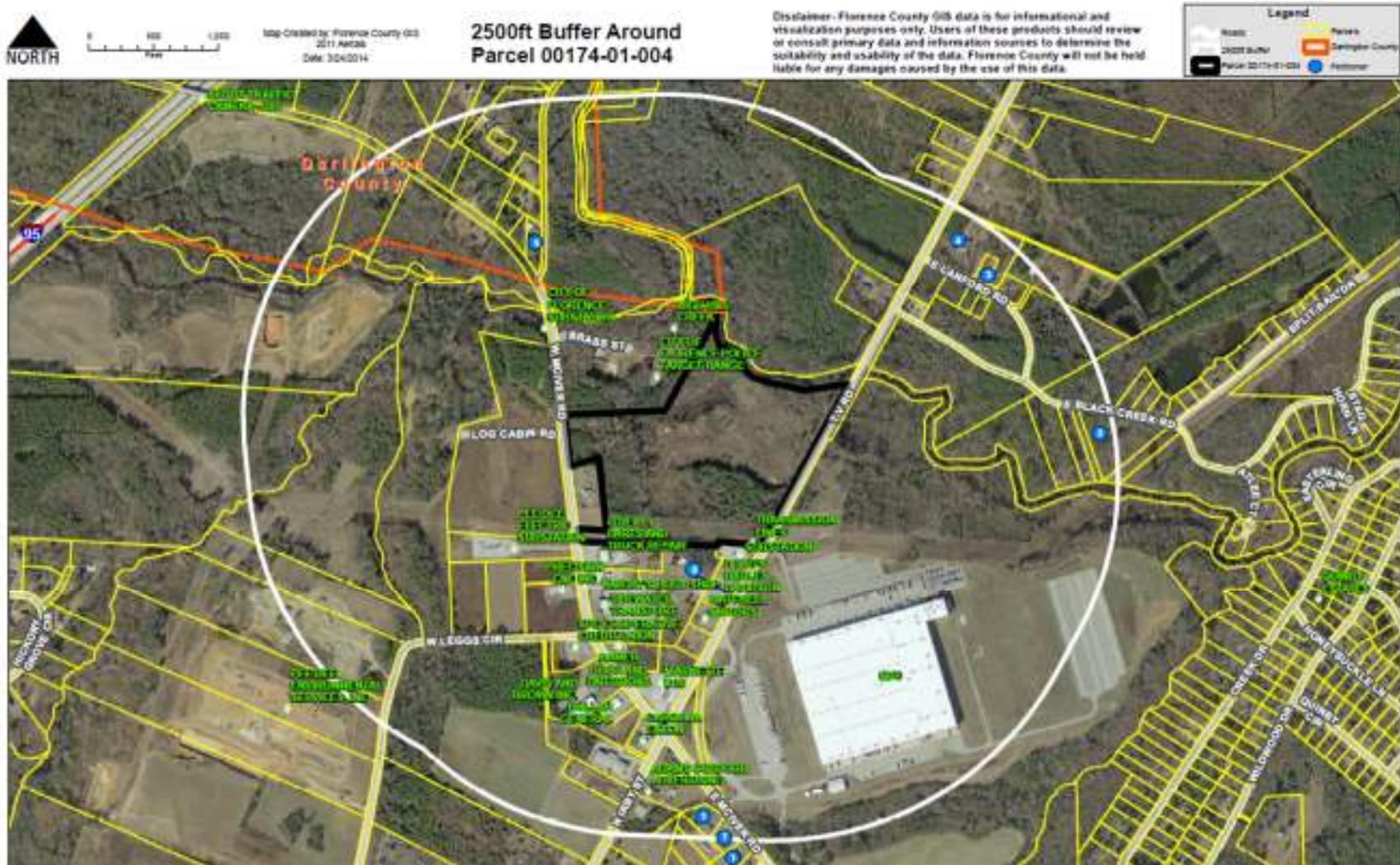
Map Prepared by: NWE
Copyright 2010: Florence County Planning
& Building Inspections Department
Geographic Information Systems
2014-03-13



Council District(s): 3,7
BZA#2014-01

BZA# 2014-01 2500 ft. Buffer

Map



BZA# 2014-01 Site Photograph



BZA# 2014-01 Site Photograph



BZA# 2014-01 Site Photograph



BZA# 2014-01 Background

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

The applicant wishes to use the property as a mine.

The mine will be approximately 8 acres when completed.

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.

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# 2014-01 Variance Request

The applicant is requesting a variance for a decrease of 2,175 feet in the minimum distance a mine can exist from a residential structure resulting in the mine, being located eight hundred 325 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# 2014-01 Variance Request

The following information is submitted by the actual applicant:

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

Applicant's response:

Sand clay to be used for TV Road construction-onetime use of area for mining-completion of intended elevation before ordinance written-residential owner's consent-Buffer in place to residential remove does not create a hole.

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

Applicant's response:

Proximity to TV Road-expansion-prior sand clay removal before zoning ordinance-removal of sand clay for state project and not for general construction Buffer existing-additional DOT subdivision.

BZA# 2014-01 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:

Elevation of 3 (+/-) acres as intended prior to ordinance better buffer of City of Florence firing range use of better sand clay removal area for expansion of TV Road.

- 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:

Existing sand clay removal area property owners consent (residential) sand clay use for public TV Road construction.

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 to the Board of Zoning Appeals based on the location's non-compliance with Chapter 30-Zoning Ordinance-Sec.30-111.-
Development Standards for Unzoned Areas-
(6d-1)-Mining and extraction operations.

Other Business

- None

Adjournment