



**CITY OF FLORENCE BOARD OF ZONING APPEALS**

**CITY CENTER – COUNCIL CHAMBERS**

**324 WEST EVANS STREET, FLORENCE, SC**

**THURSDAY, FEBRUARY 27, 2025 – 6:00 P.M.**

**MEETING AGENDA**

**I. Call to Order**

**II. Approval of Minutes** Regular meeting held on January 23, 2025

**III. Public Hearing and Matter in Position for Action**

BZA-2025-02 Request for a variance from the minimum lot area required for a new parcel to be located behind 814 Cheraw Drive in the NC-10 zoning district; identified as Florence County Tax Map Number 90049-01-003.

**IV. Adjournment**

The next meeting is scheduled for March 27, 2025.

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS  
JANUARY 23, 2025**

**MEMBERS PRESENT:** Larry Chewning, Miriam James-Singley, Deborah Moses, Jermaine Nowline, and Nathaniel Poston

**MEMBERS ABSENT:** Charlie Ipock and Michael Valrie

**STAFF PRESENT:** Jerry Dudley and Derek Johnston

**CALL TO ORDER:** Chairman Larry Chewning called the meeting to order at 6:00 p.m.

**APPROVAL OF MINUTES:** Chairman Chewning introduced the June 27, 2024 minutes and asked if there were any changes that needed to be made. There being none, he called for a motion. Ms. James-Singley moved that the minutes be approved as submitted and the motion passed unanimously (5-0).

**APPROVAL OF MEETING CALENDAR FOR 2025:** Chairman Chewning introduced the meeting calendar for 2025 and called for a motion. Ms. Moses moved that the calendar be approved as submitted, Mr. Nowline seconded, and the motion passed unanimously (5-0).

**PUBLIC HEARING AND MATTER IN POSITION FOR ACTION:**

**BZA-2025-01 Request for a variance from the side setback for accessory structures on the parcel located at 1858 Devonshire Drive in the NC-15 zoning district; identified as Florence County Tax Map Number 90042-11-003.**

Chairman Chewning introduced the request and asked staff for their report. Mr. Johnston gave the staff report as submitted to the Board of Zoning Appeals.

Mr. Poston clarified the addresses of the immediate neighbors. 1854 Devonshire Drive is the property to the north and 1862 Devonshire Drive is on the south side. They both gave consent to the construction of the garage; 1854 by email and 1862 verbally.

Ms. James-Singley asked if anyone had phoned in to say no to the proposal; Mr. Johnston said he was unaware of any concerns by the neighbors. She asked if there was an HOA; he said he was unaware of one.

Mr. Poston asked if the other properties given as examples of detached garages and other accessory structures had gone through the proper channels to be permitted. Mr. Johnston said he expected that they predated the 2018 adoption of the *Unified Development Ordinance*. He said the built environment showed that the request had a precedence in the area and they were probably installed according to the code in effect at the time.

Mr. Poston asked Mr. Johnston if there were any attempts to reach out to the other adjacent neighbors. He explained that all adjacent neighbors received letters, it's in the newspaper and on the City website, and there was a sign in the front yard. Mr. Poston clarified that this was not a codes enforcement issue; Mr. Johnston said that was correct because nothing has been constructed yet, this was an application for a permit for construction.

There being no other questions for staff, Chairman Chewing opened the public hearing. He swore in Truman Flowers, the applicant. Mr. Flowers said that he had spoken to the new neighbor who had recently purchased one of the houses behind his, as well as speaking to Mark Hyman, who lives directly behind him. Mr. Hyman had received the notification letter from the City, and indicated he may replace his temporary accessory building with a permanent one in the future.

Ms. James-Singley asked if there would be any runoff onto the neighbor's yards from the roof of the building; Mr. Flowers said there would not and that it is about 7 feet from the rear property line. He explained that the metal building would be white with a gray roof to try to match the house.

Mr. Poston asked Mr. Flowers if he had a plat or survey of the property; he said he did not. He said because of the fences along the property lines being slightly on his property, he thinks he'll actually have around 5 ½ feet from the side property line. Mr. Poston clarified the amounts of impervious surface, and that it would be 47% with the existing as well as new construction.

There being no further questions from the Board and no one else to speak for or against the request, Chairman Chewing closed the public hearing and asked for a motion to cover both the side setback and total impervious surface variances. Mr. Poston asked if it was one or none; Mr. Johnston said that yes, they would need both to make it work.

Mr. Poston moved that the variance be granted, subject to the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship.

**The unique conditions of this property present a situation where the strict adherence to these regulations will result in an unnecessary hardship limiting the reasonable use and development of the land. By granting the variance we would allow for a more practical and effective use of the property without significantly affecting public safety or the environment.**

2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done.

**We acknowledge the intent of the *Unified Development Ordinance* to maintain consistency and ensure public safety and welfare and we believe that granting the variance in this case will not compromise the spirit of the ordinance but will rather provide a practical solution that addresses the unique circumstances while still prioritizing the overall goals of the community.**

3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. **Namely, these unique circumstances such as irregular lot shape, topographic or other site specific factors make it impractical or unreasonable to appeal strictly to established regulations. Granting the variance will allow for a more effective use of the property without compromising overall intent of the *Unified Development Ordinance* which aims to balance development needs with public safety and environmental concerns.**

4. That these conditions do not generally apply to other property in the vicinity.

**The specific characteristics of this property such as its size, shape, and other exceptional factors create a situation in which strict adherence to the standard setback lines and impervious surface requirements would result in an undue hardship or prevent the property from being developed in**

**a reasonable manner. These unique conditions provide a solid basis for granting the variance as it would allow for a practical and effective use of the property while still maintaining the overall intent of the *Unified Development Ordinance*.**

5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows.

**We acknowledge the unique conditions of this property present significant challenges that if the *Unified Development Ordinance* was applied strictly it would effectively prohibit or unreasonably restrict the property's reasonable use. This solution would not only enable the owner to make effective use of the property but would ensure that the overall intent of the *Unified Development Ordinance* is still respected and upheld as it would allow for a balanced approach to development.**

6. That 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.

**We believe that granting the variance will not result in any substantial detriment to adjacent properties or the public good. The proposed variance has been carefully considered to ensure that development will not negatively impact the neighboring properties in terms of aesthetics, privacy or safety. Additionally, the character of the district will be preserved as the variance is consistent with the general tone and intent of the surrounding area. By allowing a more practical use of the property, the variance will contribute positively to the community while still maintaining the overall objectives of the *Unified Development Ordinance*.**

Ms. James-Singley seconded the motion, and voting to grant the variance was unanimous (5-0).

**ADJOURNMENT:** As there was no further business, Ms. Moses moved to adjourn. The motion to adjourn passed unanimously (5-0). Chairman Chewning adjourned the meeting at 6:25 p.m. The next regular meeting is scheduled for February 27, 2025.

Respectfully submitted,

Alane Zlotnicki, AICP  
Senior Planner

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT  
STAFF REPORT TO THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS  
FEBRUARY 27, 2025**

**AGENDA ITEM:** BZA-2025-02

**VARIANCE REQUEST:** Request for a variance from the minimum lot area required for a new parcel.

**LOCATION:** 814 Cheraw Drive

**TAX MAP NUMBER:** 90049-01-003

**OWNER OF RECORD:** Smith and Cannon Real Estate LLC

**APPLICANT:** Louie Hopkins

**ZONING DISTRICT:** Neighborhood Conservation-10 (NC-10)

**Land Use and Zoning**

The 0.39 acre corner lot is zoned NC-10, which permits single family detached houses only. There is an existing 2,101 square foot duplex on the west side of the lot facing Cheraw Drive. The rear of the lot is empty and faces Langston Avenue. The NC-10 zoning district requires that any new parcel have a minimum area of 10,000 square feet and a minimum lot width of 80 feet. This parcel currently has an area of 17,099 square feet and a street frontage of 92 feet along Cheraw Drive and 180 feet along Langston Avenue.

**Proposal**

The applicant is proposing to subdivide the parcel to provide a second lot of record that would front on Langston Avenue. The proposed new parcel would be 80 feet wide as required, but only 7,196 square feet in area. It would leave the remaining parcel with the duplex on it also slightly under the 10,000 square feet requirement at 9,825 square feet. If approved, the applicant intends to construct a single family house on the new parcel as infill development.

**Variance Request Information**

The applicant is requesting a variance from Table 1-2.2.1B of the *Unified Development Ordinance*; he requires a 2% decrease for the portion of the lot fronting on Cheraw Drive (containing the existing duplex), and a 28% decrease in lot size for the proposed lot fronting on Langston Avenue (undeveloped land).

Table 1-2.2.1B “Neighborhood Conservation Subdistricts” specifies the minimum lot area for new lots in subdistrict NC-10:

Table 1-2.2.1B <sup>3</sup>				
Neighborhood Conservation Subdistricts				
Subdistrict	Character Type	Predominant Building Type	Minimum Lot Area <sup>3</sup> (for New Lots)	Minimum Lot Width <sup>3</sup> (for New Lots)
NC-15	Suburban	Single-Family Detached	15,000 sf	100 ft
NC-10			10,000 sf.	80 ft.
NC-6.1	Auto-Urban		6,000 sf.	60 ft.
NC-6.2		Single-Family Detached and Two-Family Attached	6,000 sf.	60 ft.
NC-6.3		Mixed Detached and Attached	6,000 sf.	50 ft.
NC-4			4,400 sf.	40 ft.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular property as follows: ***This parcel was previously multiple lots.***
- b. These conditions do not generally apply to other property in the vicinity as shown by: ***At some point in the past lots were combined to create this lot.***
- c. Because of these conditions, the application of the ordinance to the particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows: ***The current lot size for the new lot is smaller than existing requirements but larger than COF minimum lot size.***
- 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: ***Will build a small single family home that will be between a duplex and single family and will be a nice addition to the neighborhood.***

**Staff Review**

The lots in this neighborhood are generally about twice as deep as they are wide, resulting in deep back yards. The owner wishes to subdivide off the back yard of the duplex in order to build a single family house in that space. A plat from 1952 indicates that the lots in this area were originally laid out to be 50 feet wide and about 180 feet deep (see Attachment F). 814 Cheraw Drive appears to have been built on the combination of two 50 foot wide lots with 180 feet of frontage along Langston Avenue.

Approval of the proposal would result in the creation of two lots of record that are smaller than other lots in the immediate vicinity. The two new parcels would also lack a large back yard, which is a characteristic of most of the other lots in the neighborhood.

**Issues to be Considered:**

Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

1. That a variance from the terms of the *Unified Development Ordinance* (will/will not) be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions (will/will not), in an individual case, result in an unnecessary hardship.

***Staff Comment: The applicant desires to essentially carve out a new lot of record from the rear yard. Leaving the lot as it is does not prevent the historical use of it for the duplex.***

2. That the spirit of the *Unified Development Ordinance* (will/will not) be observed, public safety and welfare secured, and substantial justice done.

***Staff Comment: The intent of the lot size minimum requirement for any particular zoning district is to ensure uniformity of lot sizes throughout a neighborhood and prevent overcrowding.***

3. That there (are/are not) extraordinary and exceptional conditions pertaining to the particular piece of property.

***Staff Comment: All of the lots in the area are roughly twice as deep as they are wide, leading to deep back yards. This lot is on a corner so the back yard has street frontage.***

4. That these conditions (do/do not) generally apply to other property in the vicinity.

***Staff Comment: Current lot sizes in the immediate vicinity range from just under 9,000 square feet to about 24,000 square feet for single family lots. The subdivision was originally laid out with lots that were 50 feet wide by about 180 feet deep, so those dimensions do apply to all of the lots in the area. There is nothing unique about the subject parcel.***

5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property (would/would not) effectively prohibit or unreasonably restrict the utilization of the property as follows.

***Staff Comment: Application of the lot size requirement to the request would result in the inability of the landowner to subdivide his parcel due to its inadequate area, and prevent him from building a second house on it. It would not prevent its current use for a duplex.***

6. That the authorization of a variance (will/will not) be of substantial detriment to adjacent property or to the public good, and the character of the district (will/will not) be harmed by the granting of the variance.

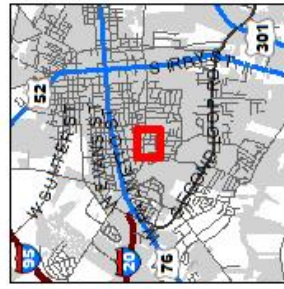
***Staff Comment: This is a corner lot giving the rear yard frontage along the secondary street. If subdivided and developed, it would result in more dense development than is characteristic for this neighborhood.***

### **Attachments**

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Proposed Plat
- F. 1952 Subdivision Map
- G. Site Photos

Attachment A: Vicinity Map

**BZA-2025-02**  
**Vicinity Map 814 Cheraw Drive**

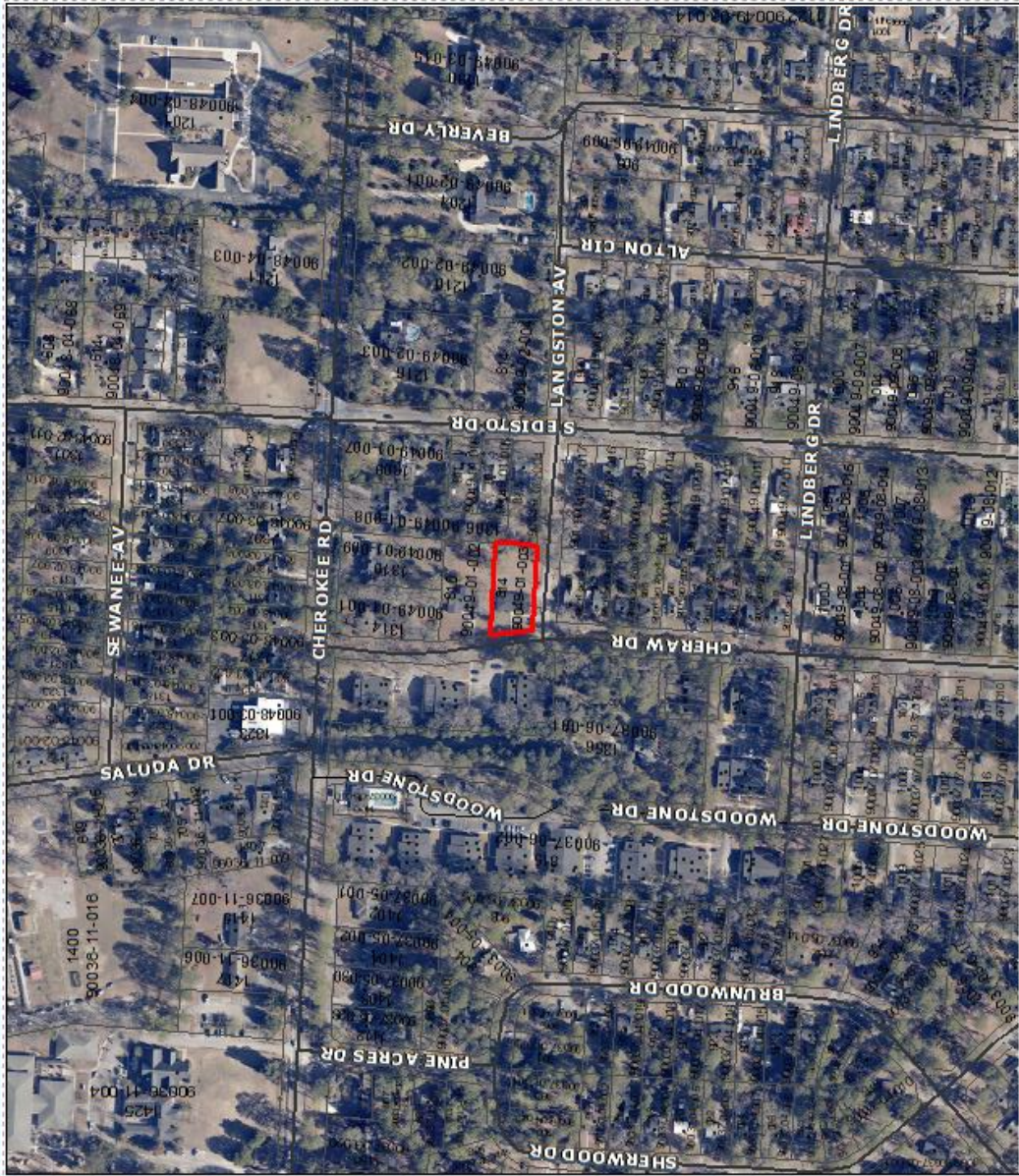


**Legend**

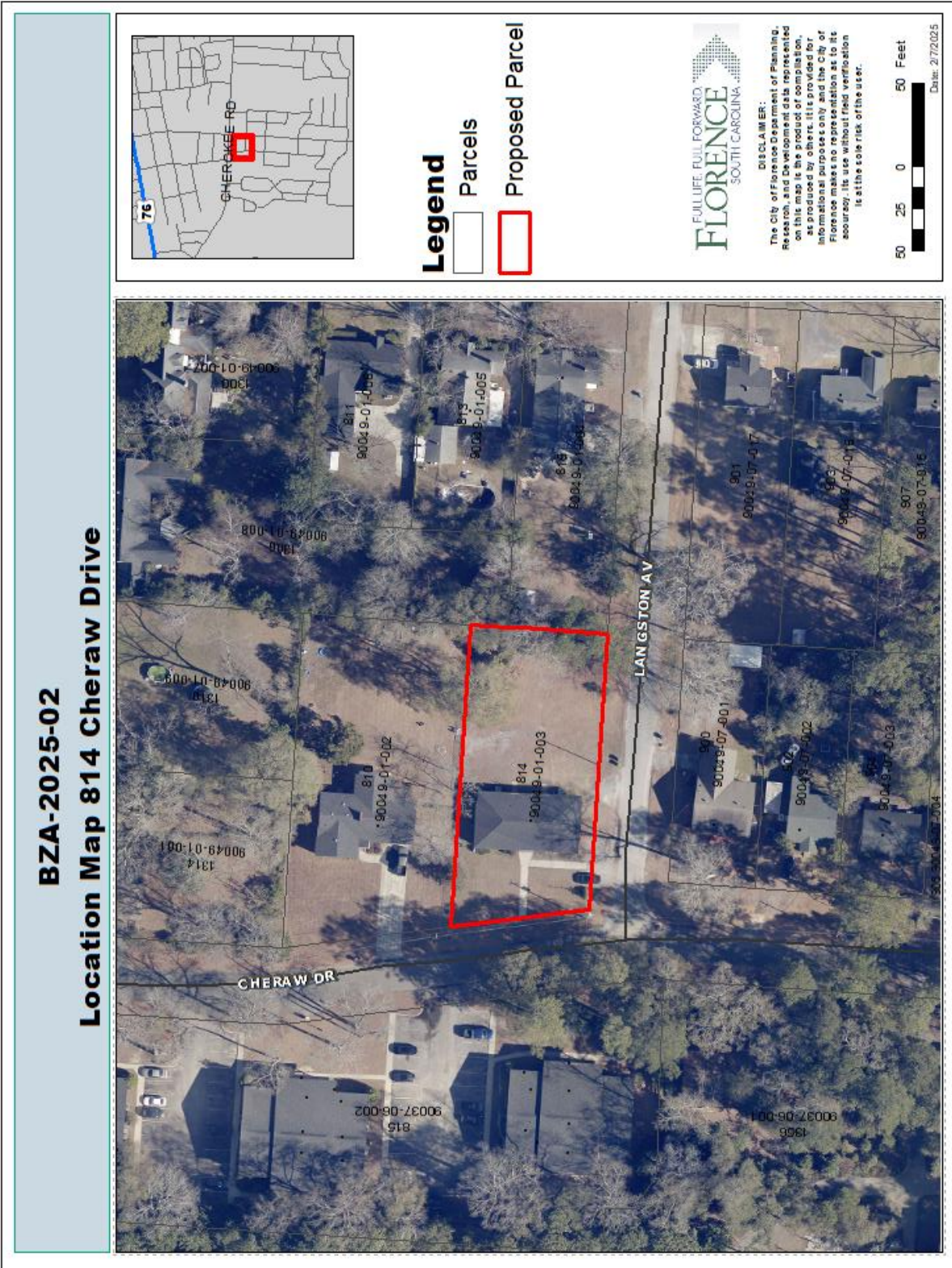
- Parcels
- Proposed Parcel



**DISCLAIMER:**  
 The City of Florence Department of Planning, Research, and Development has represented on this map is the product of compilation as produced by others. It is provided for informational purposes only and the City of Florence makes no representation as to its accuracy. Its use without field verification is at the sole risk of the user.

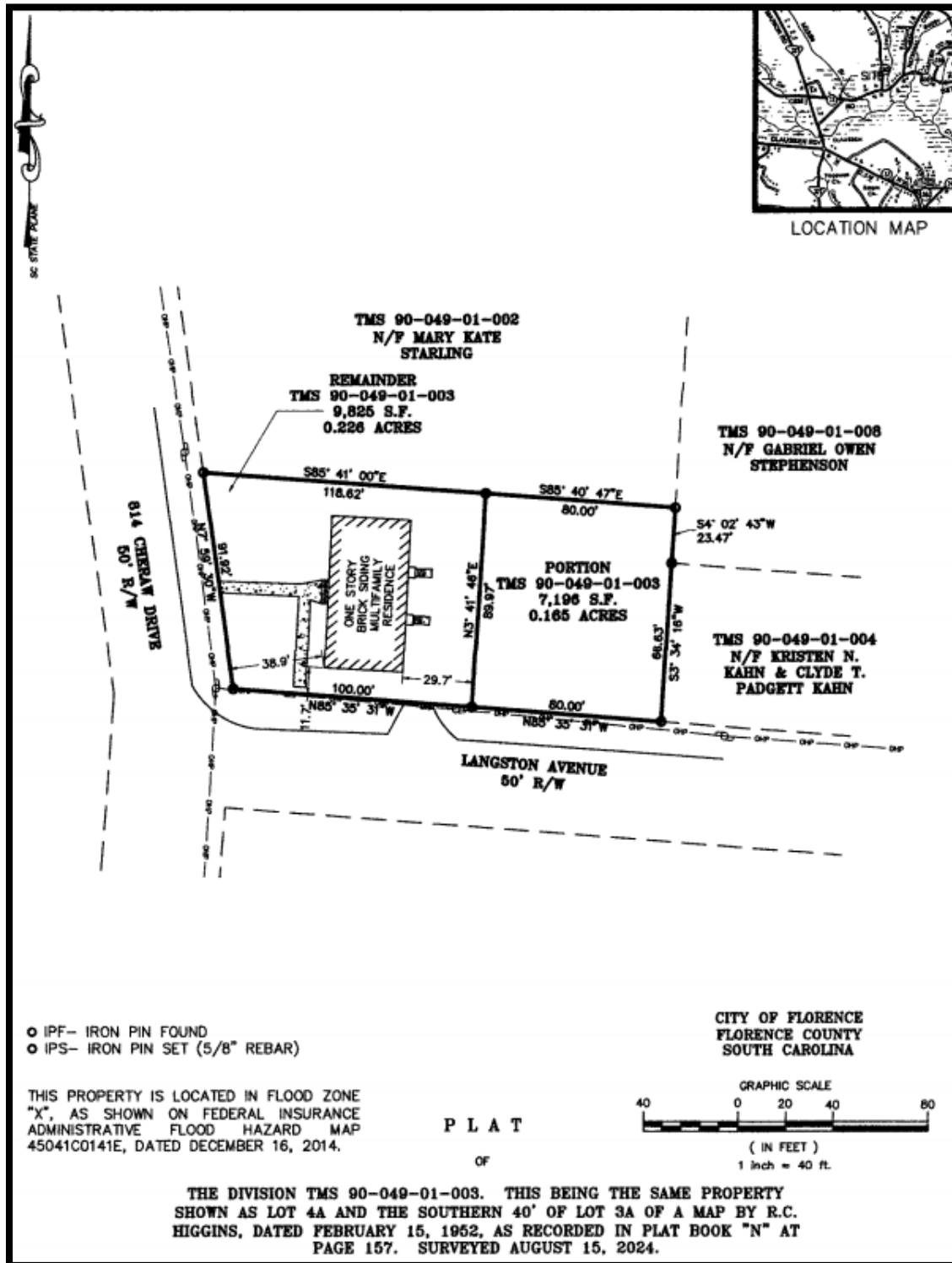




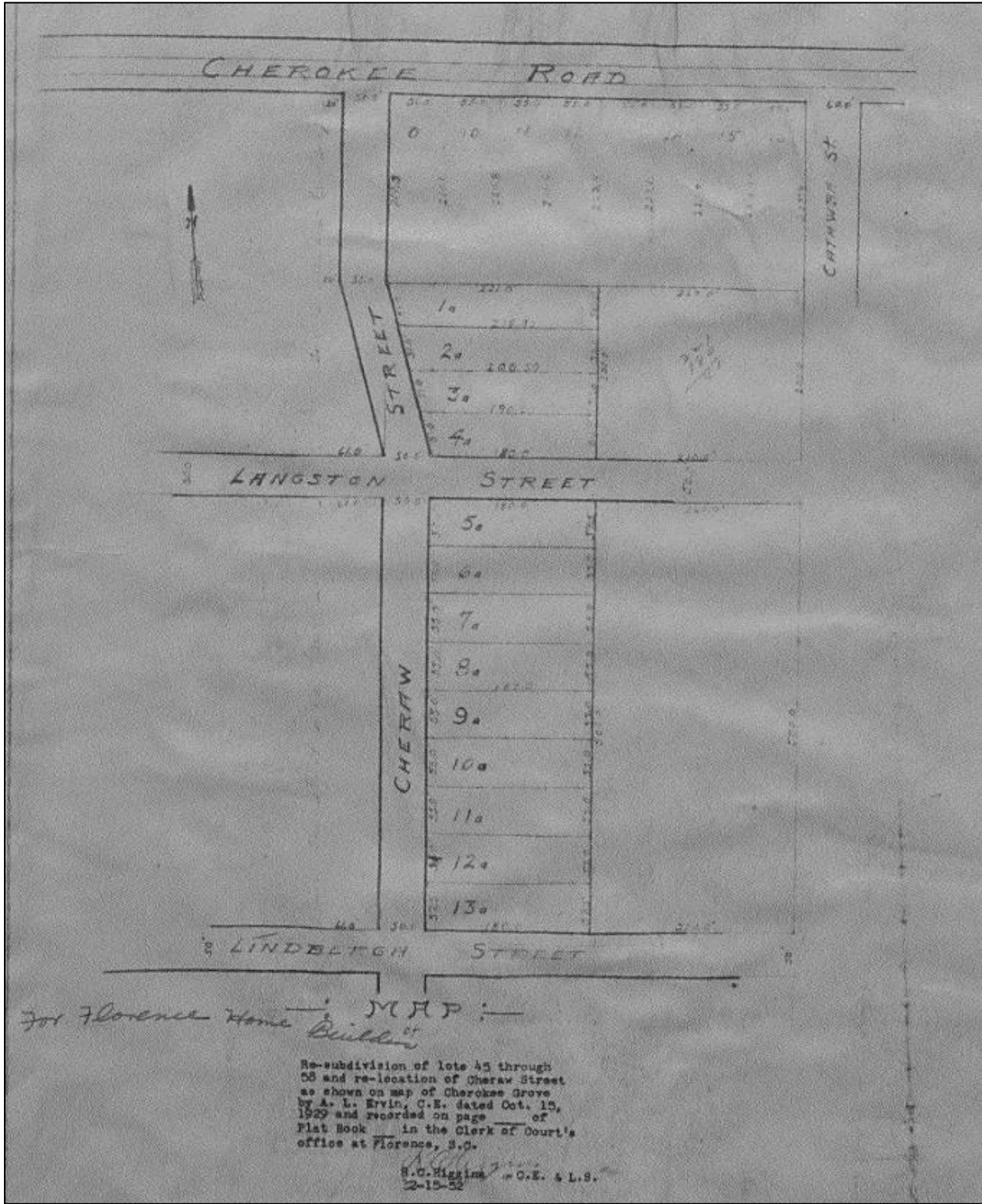








Attachment F: 1952 Subdivision Map



The subdivision map dated February 15, 1952. 814 Cheraw Drive was originally lots 3 and 4.



Closeup of Lots 3 and 4 from the subdivision map dated February 15, 1952, showing the dimension of the original lot to be 180 feet along Langston Street.

Attachment G: Site Photos



814 Cheraw Drive.



The rear of the lot showing the back of the duplex.



The view of the potential parcel from Langston Avenue.



Directly across Langston Avenue.





Across Langston Avenue.



Immediately to the right of the proposed parcel.

**Board of Zoning Appeals Motion Worksheet**

Case Number: BZA-2025-02

Nature of Request: New Lot Area Variances

I move that we grant / deny the request for a variance based upon the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* will not / will be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in this individual case, result in an unnecessary hardship, in that:
  
2. That the spirit of the *Unified Development Ordinance* will / will not be observed, public safety and welfare secured, and substantial justice done because:
  
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely:
  
4. That these conditions do not generally apply to other property in the vicinity, in that:
  
5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would effectively prohibit or unreasonably restrict the utilization of the property by:
  
6. That the authorization of a variance will not / will be of substantial detriment to adjacent property or to the public good, and the character of the district will not / will be harmed by the granting of the variance, because:

Guidelines applicable to the granting of a variance:

1. Profitability: the fact that a property may be used more profitably if the variance is granted may not be used as the basis for granting the variance.
2. Conditions: the BZA can put conditions on the granting of the variance.
3. Use Variance: the BZA cannot grant a variance that would allow a use not permitted in the zoning district.
4. Hardship: the hardship cannot be based on conditions created by the owner/applicant.

Notes: