



**CITY OF FLORENCE BOARD OF ZONING APPEALS**  
**CITY CENTER – COUNCIL CHAMBERS**  
**324 WEST EVANS STREET, FLORENCE, SC**  
**THURSDAY, APRIL 24, 2025 – 6:00 P.M.**  
**MEETING AGENDA**

**I. Call to Order**

**II. Approval of Minutes** Regular meeting held on February 27, 2025

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

BZA-2025-04 Request for a variance from the setback requirement for swimming pools for 1052 Oak Bend Lane in the NC-10 zoning district; identified as Florence County Tax Map Number 07510-01-001.

**IV. Adjournment**

The next meeting is scheduled for May 22, 2025.

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS  
FEBRUARY 27, 2025**

**MEMBERS PRESENT:** Larry Chewning, Deborah Moses, Nathaniel Poston, and Michael Valrie

**MEMBERS ABSENT:** Charlie Ipock, Miriam James-Singley, and Jermaine Nowline

**STAFF PRESENT:** Jerry Dudley, Alane Zlotnicki, 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 January 23, 2025 minutes and asked if there were any changes that needed to be made. There being none, he called for a motion. Ms. Moses moved that the minutes be approved as submitted and the motion passed unanimously (4-0).

**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.**

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

Mr. Valrie asked why the square footage was set at 10,000 square feet. Mrs. Zlotnicki explained that each district had standards to provide for uniformity in a neighborhood.

Chairman Chewning asked Mrs. Zlotnicki if she had gotten any comments from the public. She said she had received several phone calls from neighbors who were against it.

Mr. Poston asked if the duplex was a non-conforming use, she said that it was. He asked if it was originally built as a duplex; she said it looked like it. She said that it already has two units on this parcel where everyone else has one unit. If it's destroyed or if it was vacant, they could only build a single family house on it.

Mrs. Moses asked if the duplex was occupied; Mrs. Zlotnicki said it was.

Mr. Poston asked if it would be considered overcrowded if the variance was granted; Mrs. Zlotnicki said it would not match the rest of the neighborhood for density.

There being no other questions for staff, Chairman Chewning opened the public hearing. He swore in Louie Hopkins, the applicant. Mr. Hopkins shared a rendering of the house and site plan that he was proposing for the new lot, showing setbacks. He pointed out that there was a multi-family development on the opposite side of Cheraw Drive, but Mrs. Zlotnicki said it was zoned differently. Mr. Hopkins said he was approached by the property owners to add a small house to the back yard. The setbacks proposed for the new house would be more than the required setbacks for the district as well as for typical new construction by being 18 feet side setbacks.

Mrs. Moses asked if the house would face Langston Drive, he confirmed that was correct.

Mr. Poston asked Mr. Hopkins if this was intended for the owner; he said they would sell the house to a new family. Mr. Hopkins said he'd observed smaller lots just around the corner.

Mr. Valrie asked if the yard was being used for anything else right now, Mr. Hopkins said it was just backyard.

Mr. Reeves Cannon, the property owner, was sworn in next. He said he wants to create more single family homes in the area, and it would not be a rental. He thinks it would benefit the other properties in the area.

Mr. Clyde Kahn spoke next. He lives immediately behind this lot. He asked about emails received by the city as well; Mrs. Zlotnicki confirmed that she did receive two emails. Mr. Kahn cited his concerns about the strain on infrastructure already; he doesn't see how another house would benefit his property values.

Mrs. Moses clarified that his back yard would be adjacent to any new construction. He said there was no guarantee that a buyer would not rent the house.

Mr. Charles Ducker was sworn in next. He agreed with Mr. Kahn, saying this would essentially be spot zoning. It would set a negative precedent for people busting up their lots to create a bunch of rental properties.

Mr. Poston asked staff if there were incentives for people to buy homes; Mrs. Zlotnicki said no.

Mr. Kahn asked if the emails could be read; Mrs. Zlotnicki said they were all concerned about the increased density, infrastructure, and traffic effects. She said she heard from Celly Kahn, Tim Cunningham, Missy Worthington, and Christy Kahn. She said Mr. Ducker and the Kahns were on the adjacent property owner list. Mr. Poston asked if anyone called in favor of it or just out of curiosity; she said no, they were all against it.

Mr. Cannon said that Ms. Worthington reached out to him after some Facebook chatter about the request, and she indicated to him that the plans were good for the neighborhood. Some comments on Facebook were positive towards the proposal.

There being no further questions from the Board and no one else to speak for or against the request, Chairman Chewning closed the public hearing and asked for a motion.

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

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

**Granting the variance from the UDO would be contrary to the public interest as it would undermine the intent of the zoning regulations which are designed to maintain orderly development and ensure community wellbeing as the special conditions in this case do not warrant deviating from the established provisions and literal enforcement is necessary to preserve the integrity of the zoning district. Allowing this variance could set a harmful precedent potentially leading to the unnecessary hardship and disruption of the area's historical use and development patterns.**

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

**The spirit of the UDO would not be observed if the variance is granted as it would undermine the intent of the lot size minimum requirement which ensures uniformity of lot sizes and prevents overcrowding in the neighborhood.**

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

**While the lot is on a corner, this condition is not unique enough to justify the variance. The fact that all lots in the area are roughly twice as deep as they are wide leading to deep backyards does not create a compelling reason to deviate from the zoning requirements.**

4. That these conditions do generally apply to other property in the vicinity.

**While the subdivision was originally laid out with lots that are 50 feet wide by 180 feet deep, the subject parcel does not present unique circumstances that justify the variance. The current lot sizes in the immediate area range from just under 9,000 square feet to 24,000 square feet and there's nothing particularly different about this lot that would warrant an exception to the established zoning requirements. Granting the variance would deviate from the uniformity of the neighborhood potentially disrupting the intended character and the layout of the area.**

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

**While the lot size requirement may prevent the landowner from subdividing the parcel and building a second home, this is consistent with the intent of the zoning regulations which are designed to maintain uniformity and prevent overcrowding. The property is still being used as a duplex and there's no need to deviate from established lot size requirements to accommodate this use.**

6. That the authorization of a variance will be of substantial detriment to adjacent property or to the public good, and the character of the district will be harmed by the granting of the variance.

**As a corner lot with rear yard frontage along a secondary street, subdividing and developing the property would result in a denser development than what is characteristic for this neighborhood. This could disrupt the established character of the area leading to overcrowding and potentially diminishing the quality of life for residents of the surrounding properties. Granting the variance would negatively impact the neighborhood's uniformity and could set a precedent for further changes that are not in line with the district's intended development.**

Ms. Moses seconded the motion, and the vote to deny the variance was unanimous (4-0).

**ADJOURNMENT:** As there was no further business, Mr. Valrie moved to adjourn. The motion passed unanimously (4-0). Chairman Chewning adjourned the meeting at 6:34 p.m. The next regular meeting is scheduled for March 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  
APRIL 24, 2025**

**AGENDA ITEM:** BZA-2025-04

**VARIANCE REQUEST:** Request for a variance from the side setback requirement for a swimming pool.

**LOCATION:** 1052 Oak Bend Lane

**TAX MAP NUMBER:** 07510-01-001

**OWNER OF RECORD:** Dr. and Mrs. Walter Connor

**APPLICANT:** Tarah Reeves, Dreamscape Pools

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

**Land Use and Zoning**

The 0.606 acre lot is located at the corner of Oak Bend Lane and Stratton Drive in the Oak Pointe subdivision in Oakdale. The neighborhood is zoned NC-10, which permits single family detached uses only. There is an existing 2,363 square foot house with an attached 369 square foot brick carport. The minimum setback for a swimming pool as required in Table 3-8.1.4 of the *Unified Development Ordinance* is 10 feet from any side or rear property line.

**Proposal**

The property owners want to install a 23 foot long by 11 foot wide inground swimming pool. The majority of the lot is within the 500 year floodplain, which cannot contain any permanent structures, including swimming pools. Because of the limited yard area available outside the floodplain, and the configuration of the house and brick carport, the applicants would like to place the pool behind the house and 3 feet from the street side property line.

There is a 6 foot tall white vinyl privacy fence around the rear yard along the Stratton Road side. They are proposing to locate the pool 3 feet from the property line with 2 feet of concrete and a 1 foot rock bed along the fence to provide a walk-around path. They are requesting a variance of 7 feet - or 70% - from the side setback requirement.

**Variance Request Information**

The applicant is requesting a variance from Table 3-8.1.4 of the *Unified Development Ordinance*, “Setbacks for Swimming Pools and Spas”, regarding side setbacks.

Table 3-8.1.4 Setbacks for Swimming Pools and Spas		
Setback or Spacing	Private On-Lot	Community <sup>1</sup>
Front	Behind the front building line of the principal building	Behind the front building line of the existing or proposed pool house building
Side	10'	10' clearance to fence enclosure
Rear	10'	
Building Spacing	6'2	10'
Utility Easement	2.	
Overhead Utility Line	10'	
TABLE NOTES: <sup>1</sup> Owned by a Property Owners' Association for the benefit of owners or as an amenity to the renters of a multifamily development. <sup>2</sup> Portable spas are not subject to this requirement.		

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular property as follows: ***the bulk of the backyard is in a floodplain, and nothing can be built there.***
- b. These conditions do not generally apply to other property in the vicinity as shown by: ***the large amount of the yard taken up by the floodplain.***
- 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 permitted locations for a pool are very restrictive and inconvenient.***
- 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: ***the pool will be in the rear yard behind a privacy fence, not visible to the public.***

**Issues to be Considered:**

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

2. 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.  
**Staff Comment: The placement of a swimming pool in the proposed location will not affect any neighbors nor impact the character of the street, but denying the variance would keep the applicant from being able to have the pool at all.**
7. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done.  
**Staff Comment: The restrictions on pool locations are in place to prevent noise and other issues that may be detrimental to neighboring lots. Placement of this pool on the street side will meet the intent of the ordinance without infringing on the privacy of a next door neighbor.**
8. That there are extraordinary and exceptional conditions pertaining to the particular piece of property.  
**Staff Comment: The footprint of the house and carport along with the location of the floodplain limit the options for placement of the pool.**
9. That these conditions do not generally apply to other property in the vicinity.  
**Staff Comment: The lots in this neighborhood are generally the same size, as are the houses. The footprint of this house and the dominance of the floodplain are unique to this particular property.**

10. 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.

**Staff Comment: Adherence to the terms of the Ordinance would result in the inability of the owner to add the swimming pool to his property.**

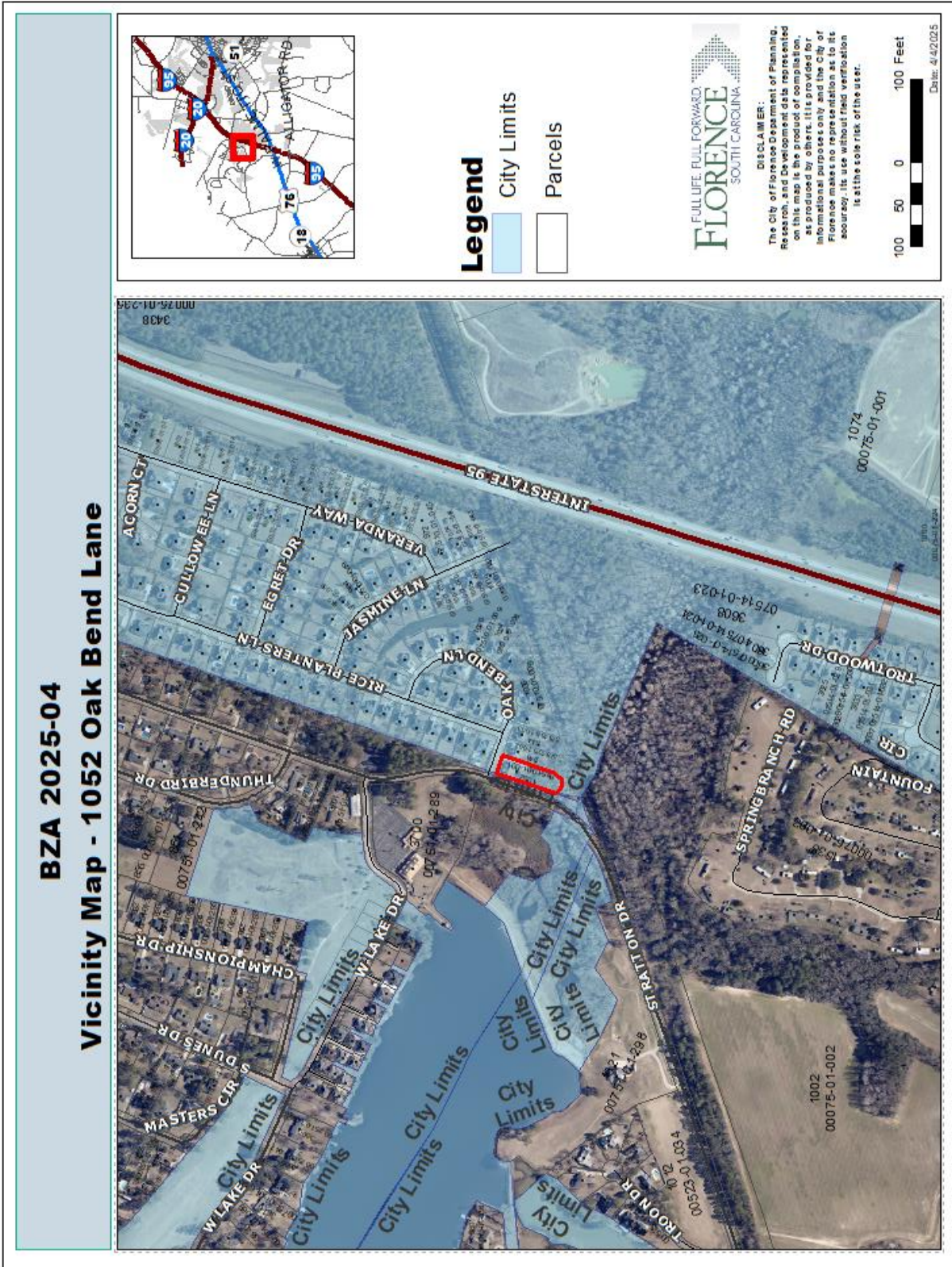
11. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

**Staff Comment: Because the pool is proposed to be behind the house, behind a 6 foot tall privacy fence, and on the street side property line along Stratton Drive, its impact on the street and on the neighbors will be negligible.**

### Attachments

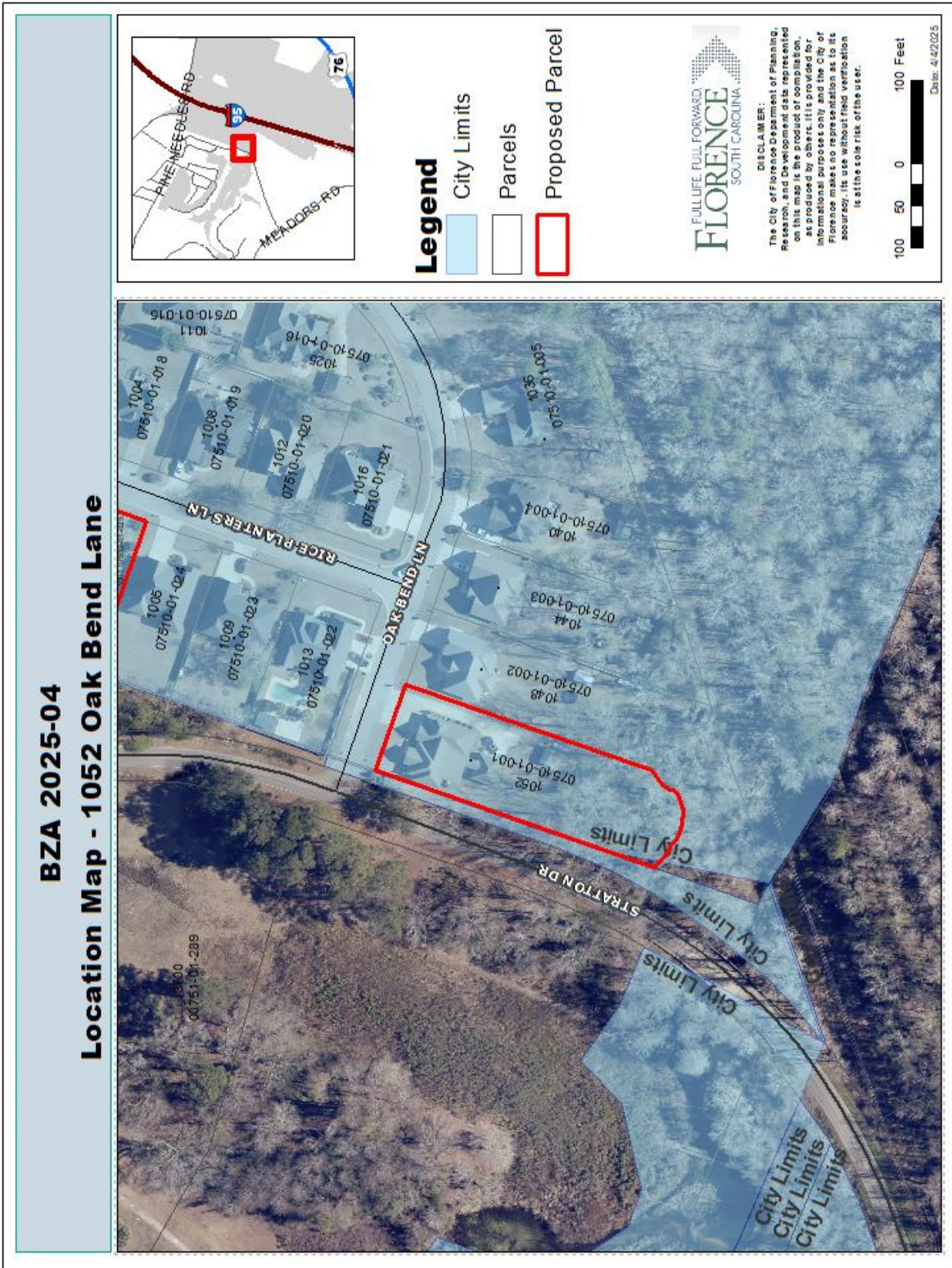
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Site Plan
- F. Flood Plain Map
- G. Site Photos



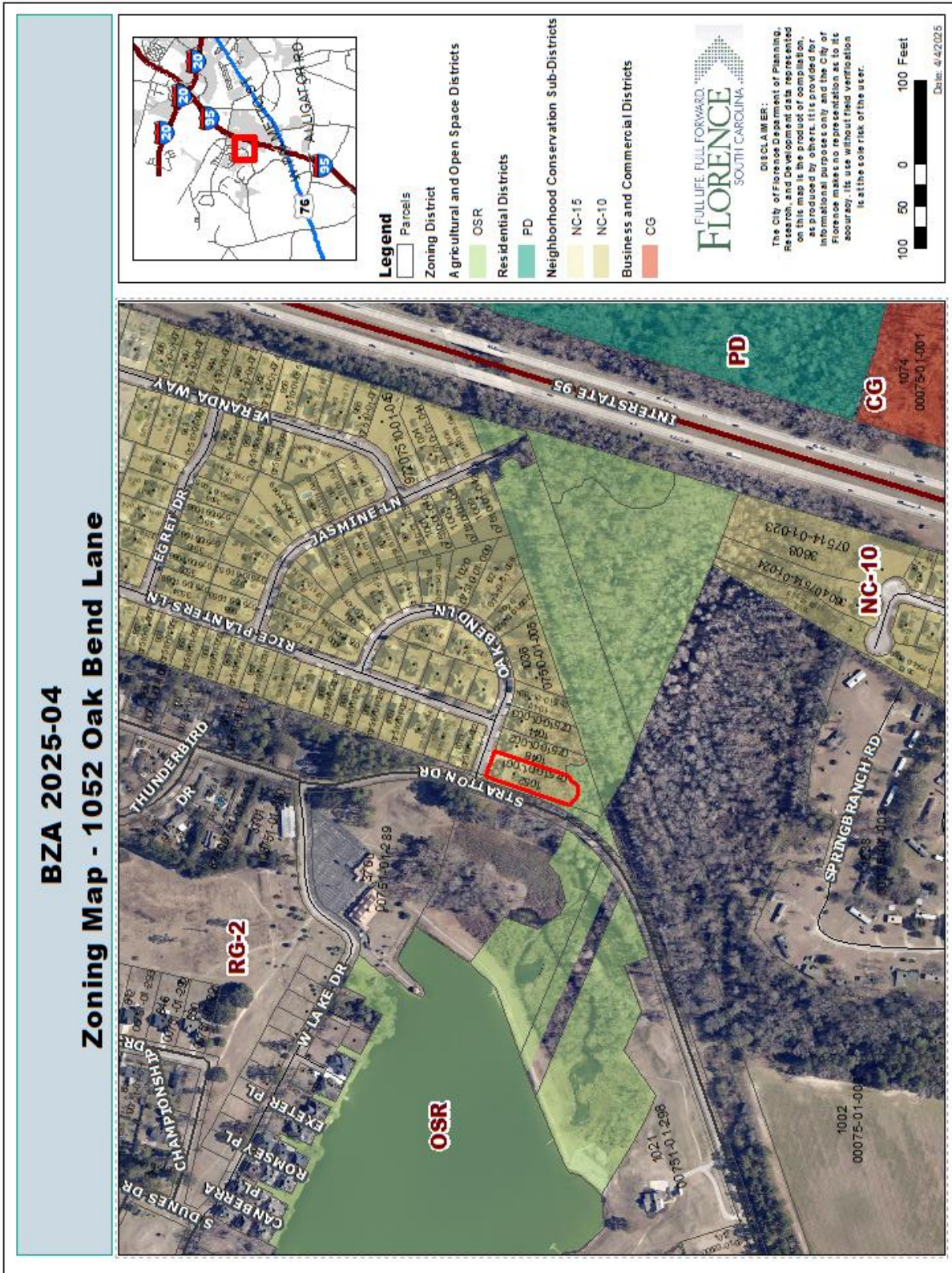




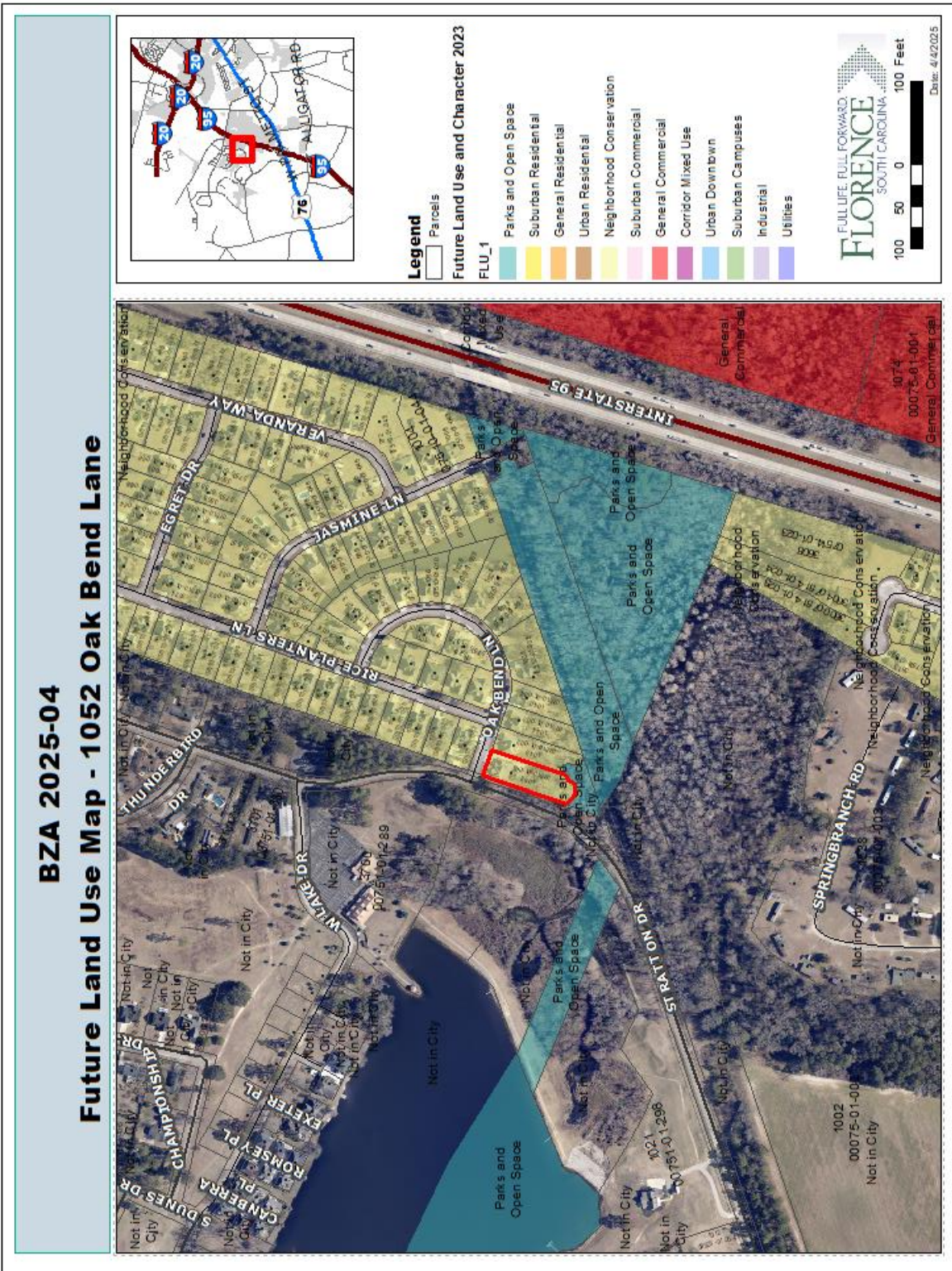
Attachment B: Location Map





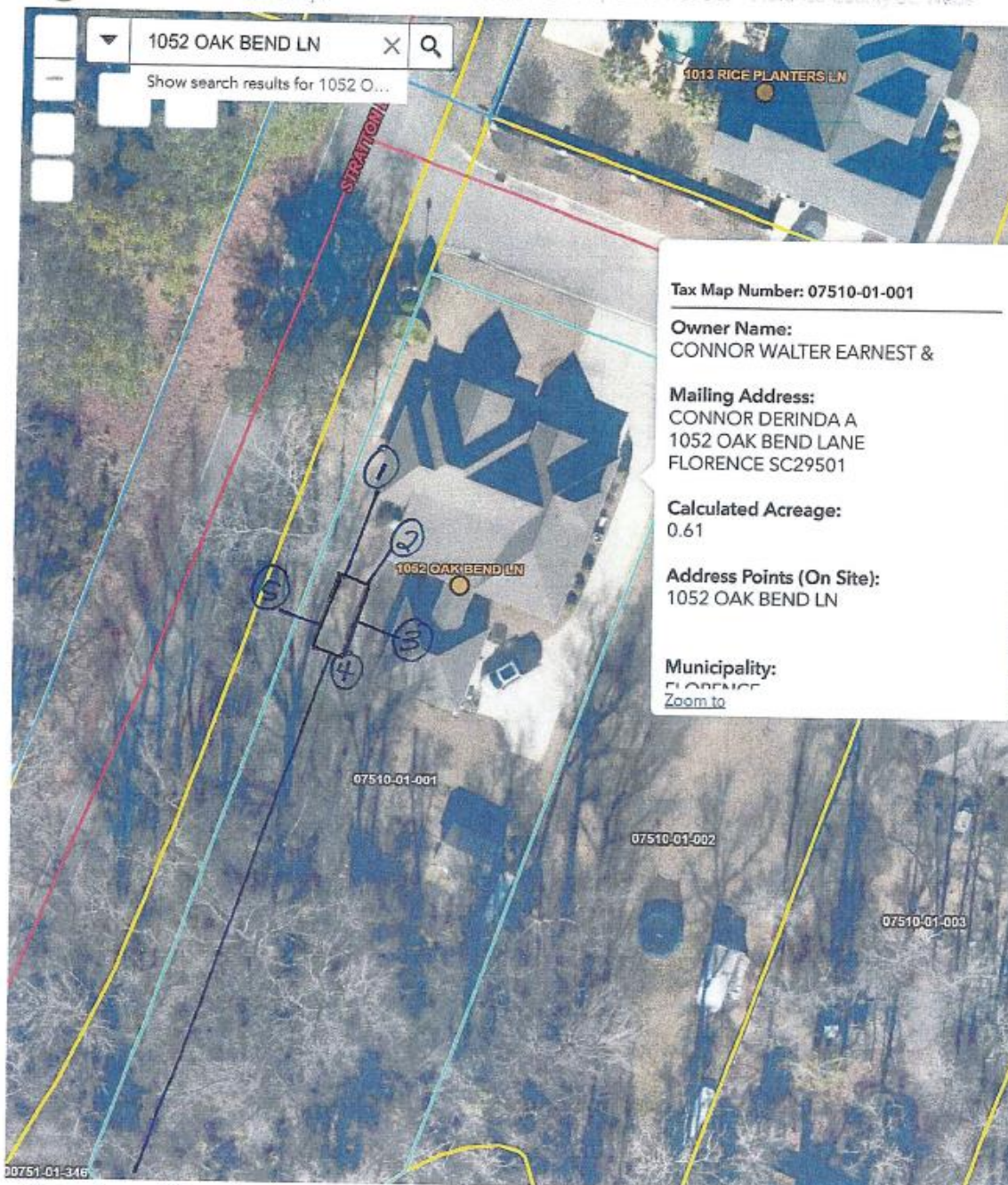








Attachment E: Site Plan



Barrier Reef Laguna 23' x 11' fiberglass in-ground pool

1- 28' from corner of house

2- 11' from corner of back porch

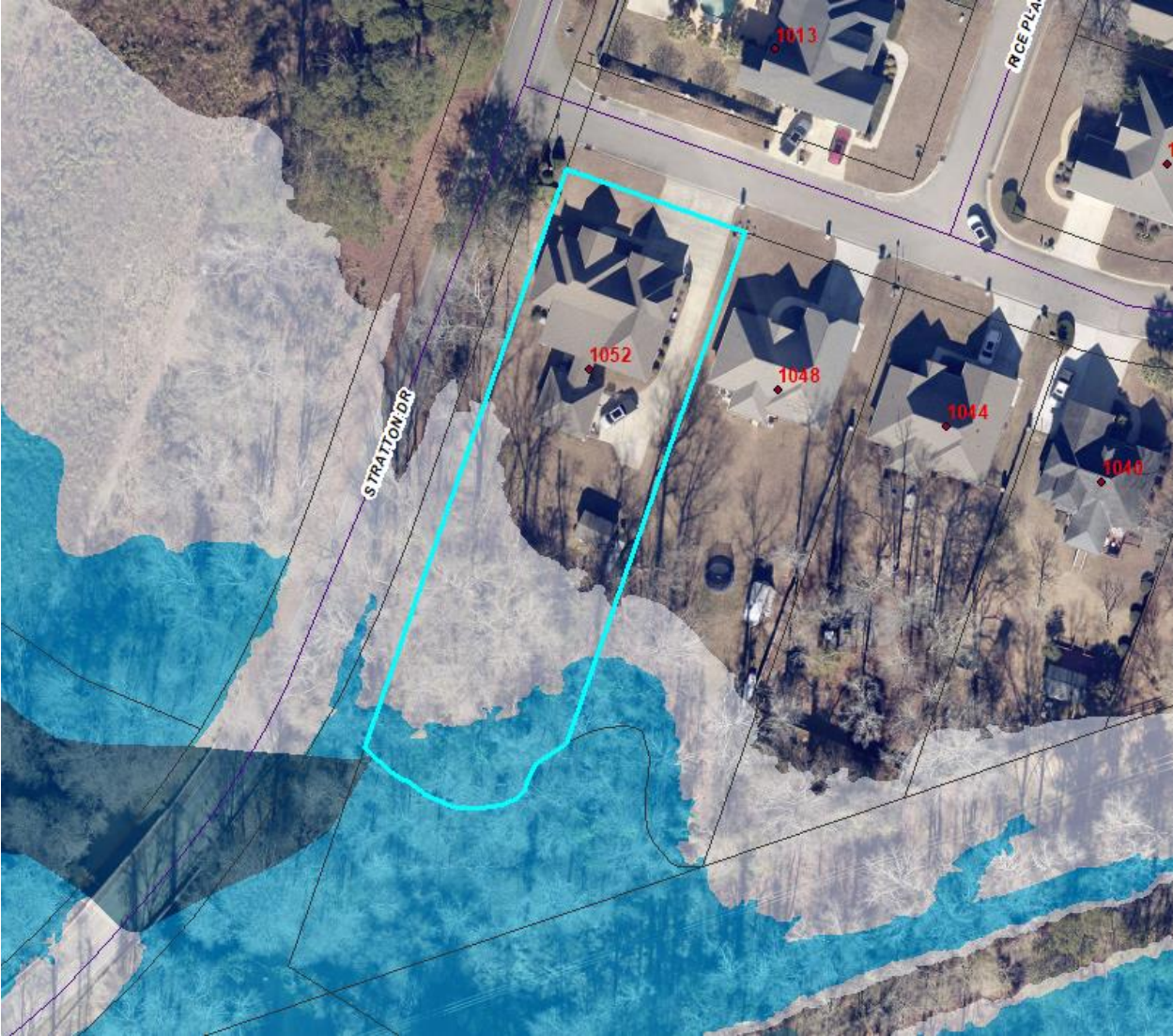
3- 12' from brick carport

4- 170' to rear prop line

5- 3' (TBD) to prop line - Stratton Rd. side



Attachment F: Flood Plain Map



Attachment G: Site Photos









**Board of Zoning Appeals Motion Worksheet**

Case Number: BZA-2025-04 Nature of Request: Side Setback for Swimming Pool

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: