

Minutes
Regular Meeting of the Florence County Board of Zoning Appeals
Tuesday, May 15, 2018 at 6:30 p.m.
County Complex, Council Chambers, Room 803
180 N. Irby St., Florence, South Carolina 29501

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 County Complex and on the information board in the lobby of the Planning and Building Inspection Department building.

The agenda was also mailed to the media.

I. Call to Order

Chairman Toney Moore, called the meeting to order at 6:30 p.m.

II. Attendance:

Board Members Present: Toney Moore, Chairman
Bryant Hollowell, Vice-Chairman
Brian Casey
Daniel Jackson
Craig Floyd
Brenda Deas
Kenneth E. McAllister

Board Members Absent: James Cooper, Jr.

Staff Present: Mr. J. Shawn Brashear, Planning Director
Derrick Singletary, Senior Planner
Lisa M. Becoat, Secretary

Public Attendance: See sign-in sheet on file at the Florence County Planning Department.

III. Review and motion of the minutes:

- **Meeting of April 17, 2018**

Motion to approve - Mr. Daniel Jackson / Second – Mr. Kenneth E. McAllister / Minutes of April 17, 2018 meeting unanimously approved 7 to 0.

IV. Public Hearings:

BZA#2018-03

A variance request by Scott Brokaw from requirements of Article III. – Conditional Use Regulations Sec 30.-111 Development standards for unzoned areas (7) Setback for properties located at 2027 W. Rosedale St., and 1822 W. Higgins St., Florence, shown on Florence County Tax Map Number 90029, Block 06, Parcels 010 and 012.

Mr. J. Shawn Brashear presented the staff report to the Board. (Copy of the staff report available at the Florence County Planning Department) Mr. Brashear additionally informed the board that there had been two telephone inquiries regarding the variance request; and staff provided an explanation about the variance and the inquirers were satisfied with the responses provided by Planning and Building Staff.

There were questions and discussion by the Board. The building in question appears to be in line with the original structure but has a lower elevation. It is attached to the original structure that was already in place. The property at this parcel used to be a total dump but has improved over the years. Based on the photos in the presentation it appears the structure is very close to the property line if not encroaching on the property line.

Mr. Shawn Brashear indicated that staff became aware of the property by way of a neighboring complaint about a safety issue with fuel tanks being in close proximity to their property and adjacent home. If the variance in this case is approved, the owner will still have to obtain some information from a design professional, an Engineer, as the structure was built without permits and inspections, this information has already been relayed to the applicant. If the appeal is denied the owner will have the option of reducing the size of the structure to meet the setbacks or to take the structure down in its entirety because the setbacks would be quite restrictive, where it would not permit the applicable use of the building.

Chairman Toney Moore inquired if there was any public who desired to speak in favor of the requested variance request.

Mr. Scott Brokaw was present and spoke in favor of the requested variance. He stated that the only complaints regarding his property that he was aware of was that there were some gas tanks that were close to a neighboring house, and that because of the new structure there was water coming off of the roof onto a neighboring yard. Both complaints had been addressed some time ago and since then he has spoken with the neighbor that had water in their yard and they have a good relationship. His neighbors also have multiple structures that appear on and/or close to his property line, but he doesn't have any issues with it. Two plus years ago, he hired a contractor named John to build a structure. John poured the concrete and built the mass of the structure. He was under the impression that he had a permit and did not think otherwise. When he originally purchased the shop, the home was not purchased with it. When he purchased the shop, he had to go to a board to get approval for the property line to be as close as it was. The line is presently at the same distance as it was approved by the board. He purchased the home of the neighbor that originally complained and had the property line redrawn so that he could have the property next door. The public is not permitted in the shop area. The additional structure is only for storage. They ran out of room in the shop and needed more storage space.

The first house he purchased was from Mr. Dyer, Dyer Transmissions and it had been there for a number of years. He purchased the first house from Mr. Dyer which is further down the street and ran the business from that residence until the present property became available. The whole space was in complete disarray. The County he believed was going to charge the owner to get the place cleaned up. He offered to clean up the area and that is how he was able to obtain the buildings and the houses that

were in much need of repair. One of the homes had a hole in the front door where animals frequently could be seen coming and going for some years. When the owner passed away, he was able to obtain the two properties and have kept the properties and area cleaned. The members of the neighborhood appear to be comfortable with the changes that he has made and they feel safe due to the security system which surrounds the property. Because of the security system and cameras, two (2) people have been arrested due to certain things going on. Some of the neighbors have approached him and indicated that they feel safer because of all that he has done and because of the 24 hour surveillance cameras around the entire property. He understands the property is encroaching on the setbacks and is very close to the property line.

Mr. Shawn Brashear indicated that once Mr. Brokaw was notified of the safety issues with the fuel tanks located in close proximity to the property and the adjacent home, he quickly moved the tanks to a different location.

There was no public in appearance to speak in opposition of the requested variance.

There was discussion by the Board.

The recommendations and four findings of fact by the Board were as follows:

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

Finding: The applicant invested in a structure to be used for additional dry storage that they have no room for anywhere else on the property.

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

Finding: The majority of the properties in the vicinity including neighbors on both sides of the parcel have similar structures that appear close to their property lines.

- 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:

Finding: The property has no room for a similar structure and the original structure has already been modified to accommodate the area.

- 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.

Finding: The structure is in the same condition as other existing structures adjacent to or in the vicinity of parcel. Structure allows for storage of equipment/tools that would be an eyesore if left lying around outside the property. Security cameras around property make neighborhood appear safer.

Motion to approve - Mr. Bryant Hollowell made a motion that the variance be granted. / Second - Mr. Brian Casey seconded the motion. The motion was unanimously approved with a vote of 7 to 0.

V. Other Business:

None

VI. Adjournment

Chairman Toney Moore inquired of the Board and Staff if there was any other business, there being none, the meeting was adjourned at 6:54 p.m.

Lisa M. Becoat, Secretary

Approved by:

J. Shawn Brashear, Planning Director

*These minutes reflect only actions taken and do not represent a true verbatim transcript of the meeting.