

**Minutes**  
**Regular Meeting of the Florence County Board of Zoning Appeals**  
**Tuesday, April 17, 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**

Acting Chairman Daniel Jackson called the meeting to order at 6:58 p.m.

**II. Attendance:**

**Board Members Present:** Daniel Jackson, Acting Chairman  
Craig Floyd  
Brenda Deas  
James Cooper, Jr.  
Kenneth E. McAllister

**Board Members Absent:** Toney Moore, Chairman  
Bryant Hollowell, Vice-Chairman  
Brian Casey

**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.

Mr. J. Shawn Brashear, Planning Director indicated that due to the absence of the Chairman and Vice-Chairman the members present should appoint an Acting Chairman for the Meeting.

Mr. Craig Floyd made a motion that Mr. Daniel Jackson be the Acting Chairman for the Meeting.  
/ Second – Ms. Brenda Deas / Unanimously approved 5 to 0.

**III. Review and motion of the minutes:**

- Meeting of March 20, 2018

Acting Chairman Mr. Daniel Jackson requested if there were any objections or comments to the meeting minutes of March 20, 2018. There were no objections or comments and the minutes were accepted and adopted by a Unanimous consent of 5 to 0.

#### **IV. Public Hearings:**

**BZA#2018-02      A variance request by Raynette McFadden from requirements of Sec. 30-28 Table I: Schedule of Permitted and Conditional Uses and Off-Street Parking Requirements for Residential Districts and Sec. 30-249 (a) and (b) (2) Non-Conformities of the Florence County Code of Ordinances for property located at 321 E. Main St., Scranton, shown on Florence County Tax Map Number 00194, Block 03, Parcel 031.**

Mr. J. Shawn Brashear presented the staff report to the Board and also provided information as to how and why the requested variance request was before the board. (Copy of the staff report available at the Florence County Planning Department) Mr. Brashear additionally informed the board that there was one telephone inquiry regarding the variance request; and staff provided an explanation about the variance and the inquirer was satisfied with the response provided by Planning and Building and stated they hoped the request would pass.

There were questions and discussion by the Board. Presently, all the R-1 properties in the cul-de-sac and its close proximity all appear to be presently conforming. The singlewide with the addition and the property is owned by the applicant's mother and has been there used and established by the family for a long period of time. The structure has since become dilapidated and not usable. It is now considered an unsafe structure. The McFadden's agreement with family is to give the family members the singlewide they are presently living in, demolish the singlewide with the addition and place a new doublewide structure in its place.

Acting Chairman Daniel Jackson inquired if there was any public who desired to speak in favor of the requested variance request.

Mrs. Raynette McFadden was present and spoke in favor of the requested variance. She stated that her mother is the owner of the property in question. Their original request was to get the grey home replaced with a double wide manufactured home, but due to difficulties with that and after discussion with family the McFaddens' would now like to take the yellow structure down and replace it with a brand new manufactured home. The home would be about a 28 x 70 approximately 1,500 to 1,700 hundred square feet. That is slightly smaller than the current structure that is presently on the property. They desire a larger home, so there would be additional space in the house. They presently have an aunt that resides with them and as she gets older they would like to have the additional space in case she requires medical attention. The extra space would allow for them to tend to her needs. They additionally have children and would love to have the additional space when they come to visit without displacing their aunt who resides with them. Also, when family comes to visit they would have enough space with the extra rooms and the other home on location at the property to facilitate all guests.

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

There were questions and discussion by the Board. Having unzoned areas within the vicinity places this variance in another category. What are the repercussions of granting such a variance, what problems could we have later on down the road if someone comes in with the same type of case but in a different

area, but want to apply the same rules. Have we set precedence. The current structure has been deemed unsafe and we can consider that in and as part of our discussion.

Mr. Shawn Brashear indicated that in order for the parcel to be zoned properly, it would have to be unzoned, based on the other adjacent contiguous uses. The only way the applicants' could get their parcel unzoned is that they would have to apply to the town of Scranton to be de-annexed from the town and, if that were approved, then they could apply to go to the Planning Commission to request rezoning of the parcel. The de-annexation from the town would only apply to that parcel. He further explained how staff looked at the applicant's request for variance. An unsafe structure on the property, curb appeal of the neighborhood would be enhanced by the new home even though it is a manufactured home; it also increases the tax base. Unfortunately, staff could not approve the request because of everything else they deal with on any given day and also is the standard design manufactured home with the addition a doublewide or could they consider the square footage of that addition to be within the nonconformance of the structure, and, if so, then they could approve the placement of a doublewide in the place of the singlewide. The decision of the Board would only apply to this owner and only to this request, it does not transfer to a new owner and it does not transfer to a new sight. As staff we cannot include the square footage in the addition to consider that a part of the whole non-conforming structure; however, if the Board does not agree with the staffs' interpretation, they could consider the square footage as part of the whole of the non-conformance.

Discussions by the Board: So as the Board we could consider that Staff's determination is incorrect and that the square footage of the addition is a part of the whole non-conforming structure, and we could approve the variance. We can see that there are exceptional or extraordinary conditions and we can respond to that. This condition does not apply to other properties in the vicinity, as other things have already been done for those properties to be in compliance. It only applies to this property and it is not a detriment to other properties in the area. If the variance is granted, someone else within the proximity or development could also petition the Board for a similar request to place a doublewide and we would have to address that request on its own merits. Additions can be built onto a single wide manufactured home if it is allowed on the property.

Mr. Shawn Brashear indicated that additions can be put onto a single wide manufactured home if the singlewide is allowed. The singlewide on the parcel in this case is a nonconforming use so staff could not just allow it to be replaced outright. As for the square footage of the addition onto a manufactured home, it would not matter it would be up to the owner of the home and their Engineer. Manufactured homes are an engineered product and you have to be careful with any imposed outside loads upon it. Regardless of any additions there is still a singlewide in the middle somewhere of the structure. Right now neither a singlewide nor doublewide is allowed on this parcel. However, if a singlewide is there nonconforming and someone wanted to add onto it, we would allow it because from a building code standpoint, one is per prescriptive building code construction and the other is a HUD constructed structure that is built entirely different in the codes and in the ordinance. We would approve the backwards, basically allowing the structure to be built if it were existing but we would currently not approve that to be included as part of the total square footage of the structure.

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 is in need of a larger residence and a newer home would add value and curb appeal to the neighborhood.**

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

**Finding: The other homes in the vicinity are already established and are approximately the same sizes of the home or more being requested.**

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: Older homes' value is lower than surrounding homes, it has been deemed an unsafe structure and cost to repair would be excessive.**

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: It would provide a safer structure and add value to the adjacent properties.**

Motion to approve - Ms. Breda Deas made a motion to approve the variance request based on the Board interrupting a nonconforming square footage, that is not a detriment to the area and that is outside of the parameters that were considered in the ordinances; the benefits of curb appeal, increased taxes, safe structure, that the benefits of the variance do not transfer to someone else and that it adds value to the adjacent properties. / Mr. James Cooper Jr. and Mr. Kenneth McAllister, seconded the motion. The motion was Unanimously approved with a vote of 5 to 0.

**V. Other Business:**

None

**VI. Adjournment**

Acting Chairman Daniel Jackson inquired of the Board and Planning Staff if there was any other business, there being none, the meeting was adjourned by unanimous consent at 7:36 p.m.

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Lisa M. Becoat, Secretary

Approved by:

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J. Shawn Brashear, Planning Director

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