

**STAFF REPORT
TO THE
FLORENCE COUNTY BOARD OF ZONING APPEALS
TUESDAY, JULY 20, 2021
BZA#2021-02**

SUBJECT: An appeal by Amanda Rosales from requirements of the Florence County Code of Ordinances, Chapter 30 - ZONING ORDINANCE, ARTICLE III. - CONDITIONAL USE REGULATIONS, Sec. 30-114. – Solar energy systems.(reference Sec. 30-246), for property located at 2540 North Old Georgetown Road, Coward, SC 29530 as shown on Florence County Tax Map No. 00260, Block 03, Parcel 099.

LOCATION: 2540 N. Old Georgetown Rd., Coward, SC

TAX MAP NUMBER: 00260, Block 03, Parcel 099

COUNCIL DISTRICT(S): 2; County Council

OWNER OF RECORD: Amanda Rosales and Liward James

APPLICANT: Amanda Rosales

LAND AREA: Approximately 4.65 acres

APPEAL REQUESTED: The applicant appeals to the Board of Zoning Appeals that the Zoning Administrator erred in the interpretation of the Zoning Ordinance.

STAFF ANALYSIS:

Existing Land Use and Zoning:

The subject property is residential and unzoned.

Surrounding Land Use and Zoning:

North: Residential/Unzoned/Florence County
South: Residential/Unzoned/Florence County
West: Vacant/Unzoned/Florence County
East: Vacant/Unzoned/Florence County

Background:

The request includes a variance that would allow the property owner to have ground mounted solar panels in the front yard. This would allow the panels to be in front of the primary structure(house), contrary to the accessory use requirements per the Florence County Ordinance, if granted.

Per the Florence County Zoning Ordinance, Chapter 30 - ZONING ORDINANCE, ARTICLE III. - CONDITIONAL USE REGULATIONS, Sec. 30-114. – Solar energy systems., it is referenced that

Sec. 30-246 is applicable to solar energy systems as they are considered an accessory use, and this prohibits any accessory use or structure to be in the front yard.

Access and Circulation:

The property is currently accessed by way of N. Old Georgetown Rd., Florence, SC.

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:
 - 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.

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.

APPEAL REQUEST: (Applicant responses are underlined)

Applicant hereby appeals to the Board of Zoning Appeals from the action of the Zoning Official affecting the property described in the Notice of Appeal (Form 1) on the grounds that: () granting (x) denial of an application for a permit to **place a solar ground mount in front yard for maximum production of solar energy** was erroneous and contrary to provisions of the Zoning Ordinance in Section **30-246(1)** or other action or decision of the Zoning Official was erroneous as follows: **the labeling of the solar ground mount as an accessory use. The code book for Florence County has specific regulations for Solar (30-114) that outline all the necessary information to permit and install all solar projects. The solar ground mount should not be classified as an accessory use structure when there are specific codes for solar ground mounts.**

Applicant is aggrieved by the action or decision in that:

The front yard is the best option for the ground mount to be most productive and there are numerous trees that would need to be cut down for it to go anywhere else.

Applicant contends that the correct interpretation of the Zoning Ordinance as applied to the property is:

30-114. – Solar Energy Systems and we would classify as a Level 1 SES(per code descriptions)

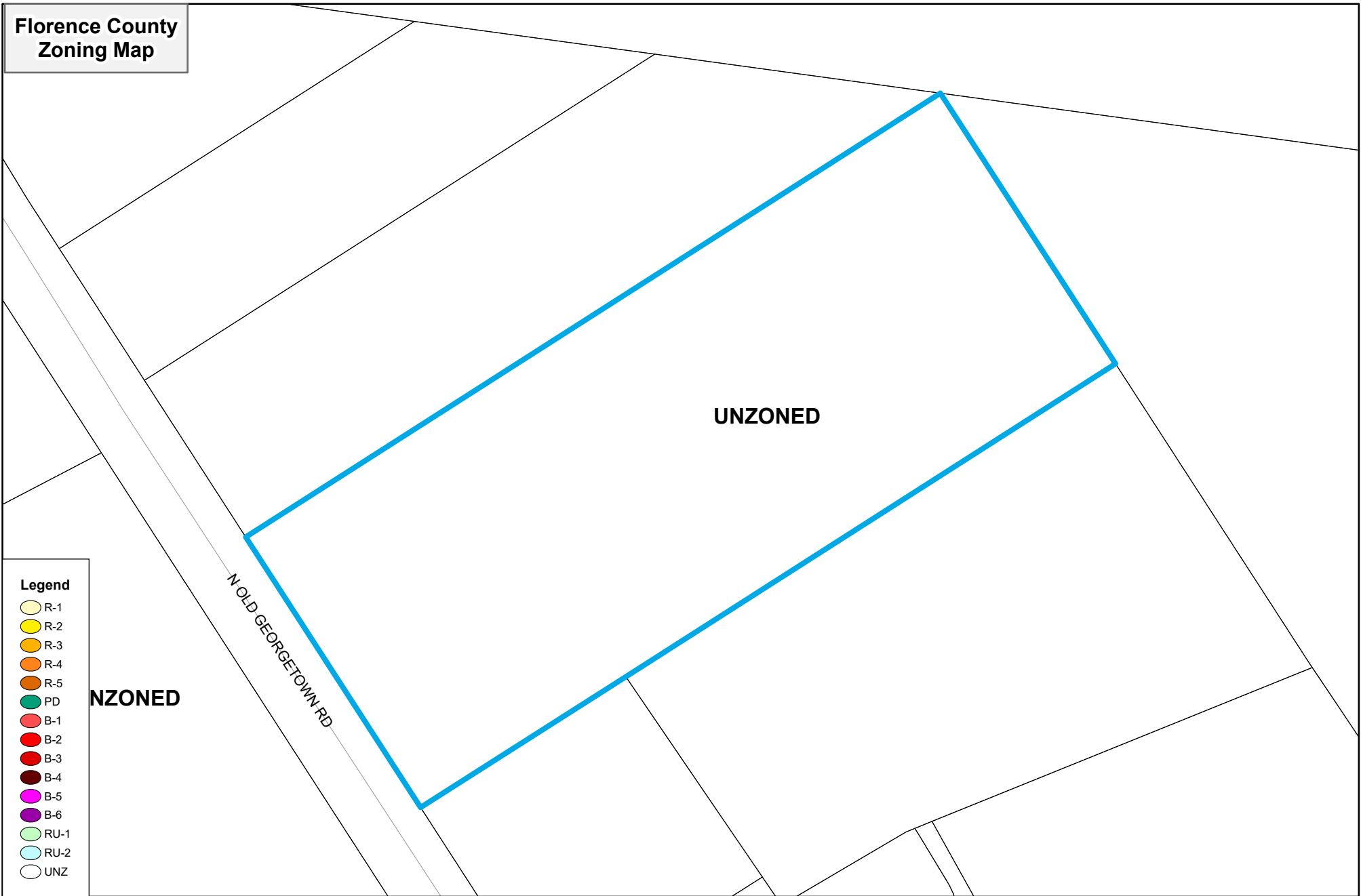
Applicant requests the following relief:

To allow the ground mount to stay where it was always intended to go.

ATTACHMENTS:

1. Zoning Map
2. Aerial Map

**Florence County
Zoning Map**



Legend

- R-1
- R-2
- R-3
- R-4
- R-5
- PD
- B-1
- B-2
- B-3
- B-4
- B-5
- B-6
- RU-1
- RU-2
- UNZ

NZONED

UNZONED

N OLD GEORGETOWN RD

0 55 110 220 Feet



Florence County
Planning Department
Meeting Date:
07/20/21



**Council District 2
BZA#2021-02**

2021 Aerial



0 55 110 220 Feet

Florence County
Planning Department
Meeting Date:
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Council District 2
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