

Minutes
Regular Meeting of the Florence County Board of Zoning Appeals
Tuesday, March 15, 2022 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 lobby 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

Vice-Chairman Brian Casey called the meeting to order at 6:30 p.m.

II. Attendance:

Board Members Present:

Brian Casey, Chairman
Brenda Deas, Vice-Chairman
Daniel Jackson
Craig Floyd
Kenneth E. McAllister
Kenneth Muldrow

Board Members Absent:

Wallace Smith
Bryant Hollowell
James Cooper, Jr.

Staff Present:

Mr. J. Shawn Brashear, Planning Director
Mr. Ethan Brown, Planning Manager
Derrick Singletary, Senior Planner
Holly Smith, Secretary III
Lisa M. Becoat, Secretary III

Public Attendance:

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

III. Election of Officers:

Mr. Shawn Brashear administered and requested the nominations and votes for election of officers for the 2022 calendar year starting with the Chairman. He further stated that the previous Chairman Mr. Tony Moore had been elected and is now serving as a Florence County Councilman and could no longer serve on the Board.

Motion: Commissioner Craig Floyd made a motion that Brian Casey be appointed as the Chairman for the calendar year 2022 Board of Zoning Appeals. / **Second** Commissioner Brenda Deas / No

other nominations were made. / The motion and vote carried 6 to 0 that Brian Casey be appointed the Chairman for calendar year 2022.

Chairman Brian Casey administered and requested the nominations and votes for Vice-Chairman.

Motion: Chairman Brian Casey made a motion that Commissioner Brenda Deas be appointed as the Vice-Chairman for the calendar year 2022 Board of Zoning Appeals. / **Second** Commissioner Daniel Jackson / No other nominations were made. / The motion and vote carried 6 to 0 that Commissioner Brenda Deas be appointed as the Vice-Chairman for calendar year 2022.

IV. Review and motion of the minutes:

- **Meeting of August 17, 2021.**

Motion to approve the minutes as presented - Commissioner Daniel Jackson / **Second** – Chairman Brian Casey / Minutes of August 17, 2021, meeting were unanimously approved 6 to 0.

V. Public Hearings:

BZA#2022-01

A variance requested by Yigal Levi from requirements of the Florence County Code of Ordinances, Chapter 30, ZONING ORDINANCE, ARTICLE VII. – GENERAL AND ANCILLARY REGULATIONS, Sec. 30-249(b)(4) Replacement of nonconforming use, for property located at 3000 Greenfield Dr., Effingham, SC 29541 as shown on Florence County Tax Map No. 01512, Block 01, Parcel 054.

Mr. J. Shawn Brashear presented the staff report to the Board. A copy of the staff report and presentation are available at the Florence County Planning Department and on the Florence County website at: <http://www.florenceco.org/offices/planning/bza/>).

Mr. Brashear indicated to the Board that Mr. Levi was the property owner and that he was in attendance at the meeting and would make a presentation to the Board. He further stated that the request would allow the property owner to have two years to replace a standard designed manufactured home. For the knowledge of the public and the Board, he explained that a standard designed home was a singlewide manufactured home and a residential design was a doublewide manufactured home. He indicated that the neighborhood was zoned R-3 and that the zoning did not allow standard designed singlewide manufactured homes. The property was zoned R-3 in 2001 during the South Florence zoning project. Presently in the neighborhood, there are 19 standard designed homes that are legally nonconforming and 39 residential designed homes. In October of 2020 at 3000 Greenfield Drive in Effingham there was a singlewide manufactured home on the lot and a permit was issued by the Tax Assessor's office to have the home removed. The moving permit and permission to move that home expired 30 days after October 2020. The applicant has now purchased the property and purchased a home that he has placed on the property. The home was registered with the Department of Motor Vehicles on August 20, 2021. The applicant then reported to our office some weeks ago attempting to get a permit to set the home up in Florence County. The ordinance states that a nonconforming standard designed home must be replaced within six months of the previous unit being removed from the property and that is what the applicant is requesting a

variance of. The ordinance does not allow a use variance but does allow a variance of the application to the six months.

Mr. Brashear provided the comments and inquiries received by staff from the public. A copy of the comments and inquiries are maintained at the Florence County Planning and Building Department.

Mr. Brashear indicated that the property was properly posted and letters were sent to the adjacent property owners. Mr. Brashear read the applicant's submitted variance application request that contained the questions and responses of the applicant.

Questions and responses of the applicant are a part of the staff report on file at the Florence County Planning and Building Department and on the Florence County website at:

<http://www.florenceco.org/offices/planning/bza/March 15>.

Mr. Brashear indicated that staff had denied the application based on the grounds of the ordinance. He further indicated that the ordinance is set in place to protect the integrity of the neighborhood that is there and to help increase the values of the property within the entire community. He indicated that the zoning had existing since 2001 and that County Council recognized the many legally nonconforming structures in the area in 2001; and, thus implemented the probationary period of six months to provide some lead way for the property owners to replace legally nonconforming structures. Mr. Levi did not consult and/or contact staff last year to discuss his options regarding the property prior to his first initiating the purchase of the property. Staff is recommending that the request be denied and recommending that the applicant if possible seek his neighbors support in having the area rezoned to allow for single wide manufactured homes if they so desire.

There were questions and discussion by the Board.

In response to questions and discussion by the Board, Mr. Brashear indicated that zoning areas within Florence County that allow singlewide manufactured homes are RU-1 and RU-2. The requirements under RU-1 and RU-2 are also for much wider lots. Most of the lots in that area would meet the designation, as they are approximately 100 plus feet wide, with a few on the right hand side less than 100 feet. The mobile home that was originally on the lot was placed there in 2016 one single wide manufactured home was moved and replaced with another within the six months. Mr. Brashear explained that when the South Florence zoning took place in 2001, County Council recognized that there would be situations where someone would have a manufactured home single or otherwise that would be in a zoned district that would not be allowed, as a new use. So, a caveat was placed in the ordinance that indicates for whatever reason once the old home was moved or removed from the sight, they would have six months to obtain a permit to replace the home and then would have six additional months before that permit expired. Mr. Brashear explained that if the community as a whole signed petitions and requested their entire community to be zoned, then that request could go before the Planning Commission to have that area rezoned to a district that could conform to the ordinance. He further indicated that depending on when the applications came in the process could take approximately four months. One reading at Planning Commission and three readings at County Council.

Chairman Brian Casey inquired if there was any public who desired to speak in favor of the requested variance.

Mr. Yigal Levi was present and spoke in favor of the variance request. He stated that he owns the property and that he understands that it was a long time. He needs only one year. He indicated that the mobile home was moved from the property in October 2020 and he moved the new mobile home there in August of 2021. He further stated it was only 10 months and that it was four months late because of the COVID restrictions, which prevented people from going into the bank without an appointment. He had to wait until the land was released. He understands the six months but so many things came up with COVID over the last two years and there was no way to anticipate that when the ordinance was written. He indicated that he lives across the street and no one knew about the six months replacement. His neighbor who owned the property is eighty-one years old and they had to wait. They had to wait until they could go to the bank to get the property released, and then they had to wait two months to get a lawyer appointment. Then he had to purchase the property and then look around for a replacement mobile home. It took a while because everything tripled in prices during COVID and then he had to locate someone to move the home. He indicated that six months was rushing and he just could not meet that period. He is requesting one year from the time he moved the mobile home there in August of last year. The home was registered with the Department of Motor Vehicles in August, which was ten months after the last mobile home was removed.

Mr. Mike Godwin was present at the meeting and wanted to ask a question as to what was being placed on the property. He wanted to know if a double wide was going to be placed on the property within one year. He was informed that the applicant is requesting a variance of two years to replace a singlewide mobile home with another singlewide mobile home.

There was questions and discussion by the Board.

In response to the inquiry and questions by the Board Mr. Brashear indicated that the singlewide mobile home that the applicant desires to place on the property has already been moved and placed on the lot. Staff believes the two-year date the applicant is referring to is from the time the original single wide mobile home was removed from the property and the time needed to set up the single wide mobile home that he has now placed on the property. The original home was removed in October of 2020 so two years would be until this October 2022. The applicant is trying to get the permit to set up the singlewide mobile home that he has placed on the property and staff cannot issue the permit without a variance. If the applicant desired to set up a doublewide mobile home on the lot, it would be allowed. There are other singlewide mobile homes in the area and they can be there legally nonconforming, but once the home leaves the sight, the owner has six months to obtain a permit to place another singlewide mobile home on the sight per the county ordinance. Doublewide mobile homes are allowed outright in this zoning area.

Chairman Brian Casey inquired if there was any public who desired to speak opposed to the requested variance.

Ms. Catherine Kincaid was present and spoke against the requested variance. She indicated that she lives next door to the property where the variance is being requested. She indicated if the property is zoned leave it zoned as it is. The applicant has a single wide on the property now, two unlicensed vehicles on the property and all the neighbors that she spoke with in their area are against the applicant getting a variance.

There were questions and discussion by the Board regarding the neighborhood and the structures that are presently in the area.

In response to questions by the Board Mr. Brashear indicated that the single wide mobile home would be the applicant's primary home and he would rent out the residence across the street where he presently now lives.

The board did not re-state the four questions but did discuss the questions during their discussion.

Motion: Chairman Brian Casey made a motion to grant the variance request BZA #2022-01. / He indicated that the applicant was not aware of the six-month period of the grandfather clause of the Florence County Ordinance. That with the COVID 19 delays and the cost of attorney delays and with finding a replacement single wide mobile home. That there are other legally nonconforming structures that exist within the same neighboring area. That the applicant is changing out a 16 x 70 standard single wide mobile home with another standard 16 x 70 single wide mobile home. The applicant was not aware of the six-month period and is replacing the home with a similar or like home. / There was no second to the motion and thus the motion did not carry.

There was further discussion by the Board.

The recommendation and findings of fact considered by the Board were as follows:

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

Finding: That the applicant was not aware of the six-month period of the grandfather clause within the Florence County Ordinance. That with COVID 19 delays with the bank and the attorney plus finding a replacement singlewide mobile home.

- b. That these conditions do generally apply to other property in the vicinity:

Finding: That there are other legally nonconforming structures that exist within the same neighboring area.

- c. That 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: That the applicant is changing out a 16 x 70 standard singlewide mobile home with another standard 16 x 70 singlewide mobile home.

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

Finding: The applicant was not aware of the six-month period and is replacing the home with a similar or like home.

After further discussion and consideration of the variance request Commissioner Daniel Jackson made a **motion** that the Board accept and revisit the original motion made by Chairman Brian Casey to grant the variance request for **BZA #2022-01/ The motion was seconded** by Vice-Chairman Brenda Deas / All Board members voted in favor of the motion and the motion carried with a vote of 6 to 0 to approve the variance request **BZA# 2022-01**.

VI. Other Business:

Chairman Brian Casey inquired of the Board if they had reviewed the draft and proposed 2022 Board of Zoning Appeals Meeting Calendar.

Motion – Chairman Brian Casey made a motion that the 2022 Board of Zoning Appeals Meeting Schedule Calendar be approved as presented / **Seconded** – Commissioner Craig Floyd. The Board of Zoning Appeals Meeting Schedule Calendar was unanimously approved with a vote of 6 to 0.

There was no further discussion or questions by the Board.

VII. Adjournment

Chairman Brian Casey inquired of the Board and Staff if there was any additional business to discuss, there being none, the meeting was adjourned at 7:13 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.