

**Minutes**  
**Regular Meeting of the Florence County Board of Zoning Appeals**  
**Tuesday, June 21, 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 Brenda Deas called the meeting to order at 6:31 p.m.

**II. Attendance:**

**Board Members Present:** Vice-Chairman Brenda Deas  
Daniel Jackson  
Craig Floyd  
Kenneth E. McAllister  
Kenneth Muldrow  
Wallace Smith

**Board Members Absent:** Chairman Brian Casey  
Bryant Hollowell  
James Cooper, Jr.

**Staff Present:** Mr. J. Shawn Brashear, Planning Director  
Mr. Ethan Brown, Planning Manager  
Derrick Singletary, Senior Planner  
Holly Smith, Planner II  
McKenna McRoy, GIS Technician  
Lisa M. Becoat, Secretary III

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

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

- **Meeting of March 15, 2022.**

**Motion** to approve the minutes as presented - Commissioner Kenneth McAllister / **Second** – Commissioner Daniel Jackson / Minutes of March 15, 2022, meeting were unanimously approved 6 to 0.

#### IV. Public Hearing:

**BZA#2022-02**

**A variance requested by Tarah Reeves-Sun Pools of Florence, LLC from requirements of the Florence County Code of Ordinances, Chapter 30, ZONING ORDINANCE, ARTICLE VII. – GENERAL AND ANCILLARY REGULATIONS, Sec. 30-246(3)(e) Swimming pools, tennis courts, recreational uses, for property located at 3602 Malabar St. Florence, SC 29501 as shown on Florence County Tax Map No. 07306, Block 01, Parcel 120.**

Mr. Ethan Brown 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. Brown indicated to the Board that the requested variance would allow the property owner to place a 23x11 swimming pool in the secondary front yard. The current zoning district for the property is unzoned and does not allow for accessory uses to be placed in the front yard and or the secondary front yard. Mr. Brown read the section of the Ordinance Chapter 30, Zoning Ordinance, Article VII. General and Ancillary Regulations, Sec. 30-246(3)(e) which states: swimming pools, tennis courts, recreational uses, these uses may be located in the required rear yard and setback areas only, provided said uses shall be no closer than ten feet to the nearest property line, and shall have all lighting shielded or directed away from adjoining residences. He further indicated that the property was located in the Highgate subdivision and that the property was situated at the intersection of Malabar and Beckford Streets. The front door of the house sits to the south facing Malabar Street and is where the house is addressed. That front door is considered to be the front yard and the side road to the West is Beckford Street. The property sits on a corner lot and staff considers the Beckford Street side of the property to be a secondary front yard; as it faces the street but is not addressed on that side of the lot.

The applicant desires and has submitted a variance request to place a swimming pool in the secondary front yard. Without the variance staff would have to deny the applicants permit as the Florence County Zoning Ordinance prohibits swimming pools in the secondary front yard. The Florence County Ordinance also addresses a swimming pool as a recreational accessory and it must be at least ten feet from the nearest property line. If the request is approved the applicants swimming pool would only be seven feet from the nearest property line. The request is being submitted as one variance request but has two issues, which has caused the permit to be denied. One variance for the swimming pool to be placed in the secondary front yard and the other to allow a variance of seven feet from the nearest property line.

The applicant's variance application request with the questions regarding the variance request and responses of the applicant were read and 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/June 21>.

Mr. Brown further indicated that the property had been properly posted and the adjacent property owners notified of the public hearing

Mr. Brown 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. Brown stated that the applicant of the variance requests was Tarah Reeves of Sun Pools of Florence, LLC and the property owner was Mrs. Maria Gonzalez. He requested of the Commission that if the variance were approved that it stipulated that the applicant must maintain at least a six-foot privacy fence and that no other vertical structures be approved for the secondary front yard.

Vice-Chairman Brenda Deas inquired if there were any questions and discussion by the Board.

Vice-Chairman Brenda Dears inquired if there was any public who desired to speak in favor of the requested variance.

Ms. Tarah Lee Reeves was present in the meeting and spoke in favor of the variance requests. She indicated that she was not one of the owners of the company but was in sales. She stated the company had three other pools in the neighborhood and have enjoyed working with the homeowners of the neighborhood. Barrier Reef type fiberglass pools have been being installed for over twenty-years. Having there pool in the secondary front yard gives the homeowners plenty of room as there is not enough space to place their pool in the backyard. Having the pool in the secondary front yard gives the homeowners plenty of room to enjoy their pool and possibly encourage their neighbors to want a pool in their yards.

There was discussion and questions by the Board.

In response to questions by the Board Ms. Reeves indicted that there were also asking for a three-foot variance as well as placing the pool in the secondary front yard.

There was discussion and questions by the Board.

In response to the questions by the Board Mr. Brown stated that staff did not get involved with restrictive covenants and homeowner's associations. From a zoning standpoint there is no guarantee that a lot and or homeowner will be allowed to place a swimming pool on their property after it has been built, as that is not a requirement of the Florence County Ordinance for a home. Mr. Brown further informed the Board that when staff was out posting the public signs on the property that they were approached by some neighbors in the community who indicated that they were in favor of the variance requests.

Vice-Chairman Brenda Deas inquired if there was any public who desired to speak opposed to the requested variance.

There was no public in attendance who desired to speak opposed to the variance request.

There were questions and discussion by the Board regarding swimming pools and the requirements of the Florence County Ordinance

In response to some of the questions by the Board Ms. Reeves indicated that the 23x11 swimming pool would not fit in the back yard of the lot, as it would be close to the residence. The homeowners already have a small back patio area and placing the pool in that area they would be walking out of

the residence into the water line of the pool. It would not be advisable to put the pool in that area of the property. She also indicated that the wastewater from the pool would be minimal and from the side yard location the water would go directly into the storm drain. They recommended that size pool and location with the equipment and everything as it would not have any impact on drainage or visibility to the neighbors with the privacy fence already in place. In the rear of the home is a ten-foot drainage easement that Sun Pools was staying away from and that is why the homeowners could not put the pool in their backyard off the patio as it would infringe on the easement.

There was discussion by the Board regarding the patio in the back of the home, the distance from the patio to the property line, the setbacks of the home and the drainage easement.

In response to some of the discussion by the Board Mr. J. Shawn Brashear indicated that a rough measurement of the property from the backyard patio to the drainage easement line was just less than fifteen feet. He further indicated that the patio looked approximately ten-feet deep.

There was questions and discussion by the Board.

In response to the questions and discussion by the Board Mr. Brashear indicated that staff was unaware of the how many two sided lots were located within the subdivision as the majority of the subdivision actually resided within the jurisdictional limitations of Darlington County.

Ms. Reeves was present in the meeting and requested to make further comments. She stated that if the property were not a corner lot she would not have applied for the requested variances. The placement and impact of having the pool would be minimal to the neighborhood.

There was discussion by the Board as they discussed the variance questions and responses.

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 property was a corner lot and the Florence County Ordinance did not allow for a pool installation in the secondary front yard of the corner lot property. Additionally, because of the distance from the back patio of the property line the homeowner would not be able to place a pool directly in the rear of the house and not impose on the setbacks and the drainage easement.

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

**Finding:** That there was reference to three other pools that were installed in the neighborhood but no information was provided that indicated whether those properties had the same layout as the present properties corner lot with secondary front property.

- 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:** There were other options discussed including moving the patio and placing the 23x11 swimming pool closer to the residence. Although the homeowner felt that they would not have

another option of ever installing a swimming pool on their property and they felt it would limit future selling opportunities.

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 homeowners already have a six-foot privacy fence on the secondary front yard of the property so the swimming pool would not be visible to passerbys.

**Motion:** Commissioner Kenneth Muldrow made a motion to grant the variances requested in BZA #2022-02. / The motion was seconded by Commissioner Wallace Smith / Five Board members voted in favor of the motion with the stipulations that the home owners maintain a six-foot privacy fence and that no other vertical structures be added to the property one Board member opposed. The motion with stipulations carried with a vote of 5 to 1 to approve the variances requested in BZA #2022-02.

There was no further business, discussion or questions by the Board.

## **VI. Adjournment**

Vice-Chairman Brenda Deas inquired of the Board and Staff if there was any additional business to discuss there being none she called for a motion to adjourn the meeting.

Commissioners Wallace Smith and Kenneth McAllister made a motion to adjourn the meeting. / Second - Commissioner Daniel Jackson. / Unanimously approved 6 to 0 to adjourn the meeting.

Vice-Chairman Brenda Deas declared the meeting adjourned at 7:15.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.