

**Minutes**  
**Regular Meeting of the Florence County Board of Zoning Appeals**  
**Tuesday, January 21<sup>st</sup>, 2025 at 6:30 p.m.**  
**Florence County Complex, Room 803**  
**180 N. Irby St., Florence, South Carolina 29501**

**Florence County Planning Department staff posted the agenda for the meeting at the following locations:**

- The County's Website
- Information Board / Main Entrance of the County Complex (180 N Irby St, Florence)
- Information Board / Main Lobby of the County Planning & Building Dept (518 S Irby St, Florence)
- Elevator Landings / 1<sup>st</sup> Floor and 8<sup>th</sup> Floor of the County Complex

The agenda was also mailed to the media.

**I. Call to Order**

Chairman Brian Casey called the meeting to order at 6:34PM.

**II. Attendance:**

**Board Members Present:** Chairman Brian Casey  
 Louie Hopkins  
 Wesley Martin  
 Jessica Wright  
 Kenneth Muldrow

**Board Members Absent:** Craig Floyd  
 Vice-Chairman Brenda Deas

**Staff Present:** Mr. J. Shawn Brashear, Planning Director  
 Mr. Ethan Brown, Deputy Director  
 Ms. Lisa Becoat, Administrative Assistance  
 Ms. Holly Smith, Secretary

**Staff Absent:** Mr. Malloy McEachin, County Attorney  
 Ms. Caroline Dunlap, Planner III

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

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

- **Meeting of December 10<sup>th</sup>, 2024.**

**Motion** to approve the minutes as presented – Mr. Louie Hopkins/ **Second** – Mr. Kenneth Muldrow. All were in favor. The minutes of the December 10<sup>th</sup>, 2024 meeting were unanimously approved 5 to 0.

#### IV. Public Hearing:

##### **BZA#2025-01**

**A variance requested by Brian Casey Construction, from requirements of the Florence County Code of Ordinances, Chapter 30 – ZONING ORDINANCE, ARTICLE III. – CONDITIONAL USE REGULATIONS, Sec. 30-111. – Development standards for unzoned areas. for property located at 3218 Benvill Court, Florence, SC 29501, as shown on Florence County Tax Map No. 00098, Block 01, Parcel 479.**

Before presenting this item, Chairman Brian Casey read aloud a written letter of recusal he had composed concerning BZA Item #2025-01 which stated that he wished to (and was required by law) to recuse himself from discussions and voting. Due to his recusal, and the absence of Vice-Chairman Brenda Deas, Chairman Casey stated that a special election would need to be held (before proceeding) for selecting an Interim Vice-Chairman. Mr. Louie Hopkins moved to make a nomination for Ms. Jessica Wright to be the Interim Vice-Chairman, Mr. Wesley Martin seconded the motion, and all were in favor for Jessica Wright to proceed as the Interim Vice-Chairman for this item. The motion carried unanimously. With that motion, Chairman Casey temporarily stepped down from the board to sit in the public seating area, as the applicant of BZA Item #2025-01.

Interim Vice-Chairman Wright continued with the introduction of Mr. Ethan Brown to present the staff report for this item to the Board. A copy of the report and presentation are available at the Florence County Planning Department and on the Florence County website at: <http://florenceco.org/planning/bza/archives.php/>.

Mr. Brown stated to the Board that the requested variance request was for the property located at 3218 Benvill Court within the recently approved Wessex Residential Subdivision bearing the tax map number 00098-01-479. The owner of record being Weststar Development LLC. The applicant, Mr. Brian Casey of Brian Casey Construction, and the total approximate acreage of the property being .13 acres.

Mr. Brown went on to state that the zoning map presented showed the property and surrounding properties within the subdivision all being designated as Unzoned areas. He then presented to the Board a site plan of the property depicting the unique shape of the parcel. He explained that the unique shape was caused by the hammerhead turnaround (marking the end of Benvill Court) jutting into the front property line. He also noted that a drainage swale running along the rear of the property limited the applicant from siting the proposed residential structure closer to the rear of the property to account for the loss of frontage from the hammerhead turnaround and explained that these unavoidable features were the primary reasons for the requested variance request. The requested variance request made by the applicant, Mr. Brown explained, was to reduce the current established minimum front setback of 25ft by 9.2ft, resulting in a minimum front setback of 15.8ft. Mr. Brown made note that the applicant's proposed location of the residential structure would actually line up better with existing structures in the subdivision than if it was built within established setbacks listed in Florence County's Ordinance in Sec. 30-111. Development standards for Unzoned areas. He continued to explain that granting the requested variance request would allow the applicant to obtain a building permit to begin construction of the residential structure as proposed.

Mr. Brown presented all information/photos compiled by staff and provided by the applicant. It was made apparent by Mr. Brown that public notice of the variance request was posted on the property, letters were mailed to adjacent property owners and notice of the meeting and copies of the agenda were posted in public places per the requirements set forth in the Florence County Ordinance.

Mr. Brown stated there were no public comments/inquiries received by Planning Staff regarding this requested variance request. (A copy of comments and inquiries \*if received\* are maintained at the Florence County Planning and Building Department for inspection during regular business hours.)

At conclusion of the Staff presentation, there was no further discussion from the board.

Interim Vice-Chairman Wright inquired if there was anyone from the public in attendance who desired to speak in favor of the requested variance request.

Mr. Brian Casey, the applicant and contracted builder, was present and approached the board to speak in favor of the requested variance request. Mr. Casey explained the couple building the house was elderly and he was trying to keep the rear of their house out of the drainage easement. He noted that he did not wish to construct the house at the bottom of the swale, and doing so would not only negatively affect drainage for the property owners but for the surrounding neighbors as well. He stated that the proposed rear setback of 15feet would put the rear of the house in check with the rear of the other constructed homes on the street, which were all around 25feet. Mr. Casey presented to the board, for the record, a plot plan of an existing home that he had already built on the same street, listing the same setbacks.

There were no other members of the public in attendance who spoke in favor of the requested variance request. Interim Vice-Chairman Wright inquired if there was anyone in attendance who desired to speak in opposition to the requested variance request. There were no members of the public in attendance who stood to speak in opposition to the requested variance request.

Interim Vice-Chairman Wright, along with the other Board Members in attendance then moved to discussion. There was discussion from the board regarding the uniqueness of the lot. Interim Vice-Chairman Wright proceeded then to review the application and comments submitted by the applicant in reference to the requested variance request. Upon completion, there was no other discussion by any of the Board Members or Staff in attendance.

**Motion** – Mr. Louie Hopkins made a motion that BZA #2025-01 be approved as presented, granting a reduction of 9.2ft from the established minimum front setback requirement of 25ft, resulting in a minimum front setback of 15.8ft / Mr. Kenneth Muldrow seconded the motion to approve. All were in favor. The motion carried with a vote of 4 to 0 to approve the requested variance request, BZA #2025-01.

#### **BZA#2025-02**

**A variance requested by Javon Kennedy, from requirements of the Florence County Code of Ordinances, Chapter 30 – ZONING ORDINANCE, ARTICLE II. – ZONING DISTRICT REGULATIONS, DIVISION 1.- GENERALLY, Sec. 30-30. – Table III: Zoning setbacks. for property located at 1005 Tunbridge Place, Florence, SC 29501, as shown on Florence County Tax Map No. 00751, Block 01, Parcel 280.**

At this point, Interim Vice-Chairman Wright relinquished her Interim Vice-Chair duties back over to Chairman Brian Casey who returned to his seat on the board and requested that staff proceed to present the next item.

Mr. Ethan Brown presented the staff report to the Board. A copy of the staff report and presentation is available at the Florence County Planning Department and on the Florence County website at: <http://florenceco.org/planning/bza/archives.php/>.

Mr. Brown stated to the Board that the variance request was for the property located at 1005 Tunbridge Place, Florence, SC, 29501. The applicant is Mr. Javon Kennedy. The property, which bears tax map number 00751-01-280 is approximately .13 acres. The owner of record is Tri-Point Properties LLC. It was stated by Mr. Brown that the requested variance request would allow the applicant to exceed not just the minimum front and rear setbacks, within an R-1 zoning district, but all of the established requirements listed in Sec.30-30. Table

III: Zoning Setbacks, such as Max Impervious Surface Ratio and Max Floor Area Ratio. Mr. Brown explained to the board that this property, which has an R-1 zoning designation, does not meet the minimum lot width and minimum area requirements set forth in the Florence County Code of Ordinances for the R-1 Zoning District. He further explained, that by decreasing the minimum front and rear setback requirements on this small of a lot would cause the max impervious surface and max floor area ratios to be higher than what is established for the R-1 zoning district within the Florence County Code of Ordinances. Mr. Brown stated that adjoining lots and already existing homes in this subdivision were all around the same size and shared the same characteristics as what the applicant was requesting/proposing. That being small lots with structures built up to the property lines.

Mr. Brown also noted that the two adjoining vacant parcels along Tunbridge Place were also owned by the applicant and had been recently annexed into the City of Florence at the applicant's request. He explained that the City's zoning ordinance was much more flexible in allowing the applicant to construct houses similar in character and size to existing houses in the neighborhood versus the county's zoning ordinance where the minimum numbers must be met and the maximum numbers can not be exceeded. Mr Brown continued explaining that the applicant intended to annex this property into the City as well, but due to its location within the flood zone, the City refused to annex the property. To conclude, Mr. Brown stated that the requested variance request would allow the applicant to exceed the established minimum front yard setback of 25 feet by 15 feet and minimum rear yard setback of 30 feet by 20 feet. These reductions would allow the applicant to have 10 foot minimum setbacks for both the front and rear yards. Additionally, the applicant would also be allowed to exceed the max impervious surface ratios and max floor area ratios as established in Florence County Code of Ordinances Sec. 30-30. Table III: Zoning Setbacks due to the small size of the lot and the reductions in the front and rear minimum setbacks. If the requested variance was granted, the applicant would be able to obtain a building permit and proceed with proposed residential construction as planned.

Mr. Brown presented all information/photos compiled by staff and provided by the applicant. It was made apparent by Mr. Brown that public notice of the variance request was posted on the property, letters were mailed to adjacent property owners and notice of the meeting and copies of the agenda were posted in public places per the requirements set forth in the Florence County Ordinance.

Mr. Brown provided the comments and inquiries received pertaining to the requested variance request BZA #2025-02. (A copy of the comments and inquiries are maintained at the Florence County Planning and Building Department.)

At the conclusion of Staff's presentation there was discussion between staff and the board inquiring about the existence of lots of similar size in the subdivision. After this discussion, Chairman Brian Casey inquired if there were any questions and/or comments from the Board.

There were no further questions and/or discussion from the Board and Chairman Brian Casey inquired if there was any public in attendance who desired to speak in favor of the requested variance request.

Mr. Javon Kennedy, the applicant, was present in the meeting and spoke in favor of the requested variance request. Mr. Kennedy stated he purchased the three lots along Tunbridge Place with the intention of constructing houses on these lots. He stated he was unaware of the unique zoning issues these properties posed when he purchased the properties. He continued to explain that he was able to annex two properties into the City, but this property was not able to be annexed. He noted that he was trying construct new homes on these lots and he intended to maintain the same size and character of existing homes in the subdivision. He concluded that the current county zoning designation would make it completely impossible to construct a home on the property. He then made himself available for questions to the Board. There were no further questions from the Board.

Chairman Brian Casey inquired if there was any public in attendance who desired to speak opposed to the requested variance request. There was no member of the public in attendance who chose to speak in opposition to the requested variance request.

There was some discussion among members of the Board regarding the location of Tunbridge Place and the proposed front of the home/front of the property.

At the completion of this discussion there were no further questions and/or comments. Chairman Brian Casey and the Board proceeded to review the application and comments submitted by the applicant in reference to the requested variance request.

**Motion** - Commissioner Louie Hopkins made a motion that BZA #2025-02 be approved granting a complete variance from the requirements established for the R-1 Zoning Designation within Sec.30-30. Table III: Zoning Setbacks/ Ms. Jessica Wright seconded the motion to approve. The motion carried with a vote of 5 to 0 to approve the variance request BZA #2025-02.

**BZA#2025-03**

**A variance requested by Robert L. Weaver, PE, from requirements of the Florence County Code of Ordinances, Chapter 30 – ZONING ORDINANCE, ARTICLE III. – CONDITIONAL USE REGULATIONS, Sec. 30-91. – Townhouses. for property located at 2916 W. Palmetto Street, Florence, SC 29501, as shown on Florence County Tax Map No. 00100, Block 01, Parcel 031, 032 and 047.**

Mr. Ethan Brown presented the staff report to the Board. A copy of the staff report and presentation is available at the Florence County Planning Department and on the Florence County website at: <http://florenceco.org/planning/bza/archives.php/>.

Mr. Brown stated to the Board that the variance request was for three adjacent properties located at 2916 West Palmetto Street, Florence, SC 29501. The applicant is Mr. Robert L. Weaver who submitted the application on behalf of Mr. Neil Patel (at Mr. Patel's request), who is the owner of the properties. The combined acreage of the three properties is approximately 12.65 acres. The property with tax map number 00100-01-031 is currently zoned R-3A, Single Family, Small Lots and approximately 9.79 acres. The owner of record for this property is Global Investors LLC. The property with tax map number 00100-01-032 is currently zoned B-3, General and is approximately .76 acres. The property with tax map number 00100-01-047 is currently zoned R-3A, Single Family, Small Lots and is approximately 2.10 acres. The two latter properties list, 2022 Real Estate as the owner of record.

Mr. Brown first explained to the Board that they (the Board) did not have the authority to approve the specific site plan submitted by the applicant, but that the Board only needed to approve or deny the requested variance request made by the applicant. He went on to explain that the applicant has two requests within his requested variance request. The first request, as explained, was to develop the townhouses with no property lines running between the walls of each of the townhouses. Mr. Brown noted that the Florence County Code normally requires a minimum of 18 foot lots for each townhouse and explained that the applicant wanted no lot lines. Mr. Brown continued, by explaining the second request made by the applicant. The second request was for the interior roads of the proposed townhouse development to remain as private drives instead of being constructed using the County's road construction standards with the intention of deeding the roads over to the County upon completion of development where they would be maintained as public roads. Mr. Brown stated that the Florence County Code of Ordinances also requires that townhouses be accessed by public roads.

At this time, there was discussion regarding the proposed development and inquiry from the board asking if

proposed townhouse development should actually be presented as apartments.

After this discussion, Mr. Brown continued with the staff report making note that parcel 00100-01-032 is currently zoned as B-3 but pointed out that the property was also included in the proposed townhouse development. He explained to the Board that B-3 zoning does not allow Townhouses and if the requested variance request was to be approved tonight, it would not grant the applicant permission to construct townhouses in the B-3 zoning district. This was something that would have to be corrected through a zoning map amendment.

Mr. Brown also made a special note that the applicant had proposed commercial frontage along East Palmetto St in the submitted site plan. He made the Board aware that if the requested variance request was granted, the current R-3A zoning would prohibit the proposed commercial use of that portion of the property. He again explained that the Board is not able to permit a use variance, and that issue would also need to be remedied by the applicant before proceeding with the proposed development (if the requested variance request was granted).

Mr. Brown also noted to the Board that if the requested variance request was granted it would allow the applicant to construct townhouses with no lot lines and with private drives. He noted that the submitted site plan would not need to be approved through this requested variance request, only the issue of lot lines and road ownership/maintenance. He stated that the proposed private drives would not be built to county standards and would be most likely maintained by the townhome development's HOA.

Lastly, Mr. Brown stated that approval of the variance request would allow the applicant to proceed with developing a proposed townhouse development (without requiring approval of the development from the Planning Commission), but the B-3 zoning and proposed Commercial Area within the R-3A zoning would still be issues that would need to be resolved accordingly by the applicant before proceeding with the development.

Mr. Brown continued through the presentation. Public notice of the variance request was posted on the property, letters sent to adjacent property owners and posted in public places per the Florence County Ordinance. Mr. Brown then reviewed the application and comments submitted by the applicant in reference to the requested variance request.

Mr. Brown stated there were no public comments or inquiries received pertaining to the requested variance request BZA #2025-03. (A copy of the comments and inquiries are maintained at the Florence County Planning and Building Department.)

There was a good bit of discussion upon the completion of the staff report from the Board to Staff and also among board members. The discussion was mainly focused on the board trying to determine what the benefit of having no lot lines would be for the applicant. Staff explained to the board that the applicant provided Staff with no exact reason for wanting no lot lines and private drives in the proposed townhouse development.

The Board discussed the complexities of the situation and their desire to have the applicant present to be able to ask the important questions they needed answers for in order to better understand the requested variance request.

There was also discussion to Staff from the Board regarding the current zoning designations on the properties and if townhouses are allowed in the B-3 zoning designation. It was explained by Staff to the Board that the B-3 zoning would require the applicant to request a zoning map amendment for the property to a zoning designation that would allow townhouses, and it would have to be approved. The same scenario would apply for the R-3A areas fronting E Palmetto St that the applicant had proposed to be commercial use. The applicant would, again, need submit a Zoning Map Amendment request and it would have to be approved.

There were no further questions or comments, or discussion.

Chairman Brian Casey inquired if there was any public in attendance who desired to speak in favor of the requested variance request. There was no one in attendance who stood up to speak in favor of the requested variance request.

Chairman Brian Casey inquired if there was any public in attendance who desired to speak in opposition to the requested variance request. There was no public in attendance that stood up to speak in opposition to the requested variance request.

There were no further questions or comments from the public. Chairman Brian Casey and the Board proceeded to review the application and comments submitted by the applicant in reference to the requested variance request.

**Motion** – Mr. Wesley Martin made a motion that BZA #2025-03 be denied a variance from Section 30-91. Townhouses. / Commissioner Kenneth Muldrow seconded the motion to deny. The motion carried with a vote of 5 to 0 to deny the variance request BZA #2025-03.

The Public Hearing was closed.

#### **V. Other Business**

There was no other business brought before the Board by Staff or any member of the Board in attendance.

#### **VI. Adjournment**

There being no other business, questions, or discussion, Chairman Brian Casey adjourned the meeting at 7:16PM.

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Holly Smith, Secretary

Approved by:

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Ethan Brown, Deputy Director

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