

**STAFF REPORT  
TO THE  
FLORENCE COUNTY BOARD OF ZONING APPEALS  
TUESDAY, FEBRUARY 18, 2025  
BZA#2025-04**

**SUBJECT:** An appeal requested by DCE Group LLC, from requirements of the Florence County Code of Ordinances, Chapter 30 – ZONING ORDINANCE, ARTICLE VII. – GENERAL AND ANCILLARY REGULATIONS, Sec. 30-249. – Nonconformities for property located at 2338 South Point Road, Florence, SC 29501, as shown on Florence County Tax Map No. 00126, Block 01, Parcel 055.

**LOCATION:** 2338 South Point Road, Effingham, SC 29541

**TAX MAP NUMBER:** 00126-01-055

**COUNCIL DISTRICT(S):** 5; County Council

**OWNER OF RECORD:** DCE Group LLC

**APPLICANT:** Daniel Cabrera of DCE Group LLC

**LAND AREA:** Approximately 1.64 acres

**APPEAL REQUESTED:** Applicant requests to appeal the Zoning Administrator’s decision to deny a permit application for the setup of a Standard Designed Manufactured Home Permit pursuant to §30-249 – Nonconformities.

**STAFF ANALYSIS:**

Existing Land Use and Zoning:

The subject property is residential and is zoned R-3, Single Family, Small Lots

Surrounding Land Use and Zoning:

North: R-3/Residential

South: R-3/ Residential

West: R-1/ Residential

East: R-3/ Residential, Vacant

Background:

• **Sec. 30-249. Nonconformities.**

- (a) **Continuation.** *Nonconforming uses, buildings, or structures are declared by this section to be incompatible with permitted construction in the districts in which they are located.*

*However, to avoid undue hardship, the lawful use of any such use, building, or structure at the time of the enactment, amendment, or revision of this section may be continued even though such structure does not conform with the provisions of this section.*

- (b) **Modification.** *A proposed change or modification to a nonconforming use shall be governed by the following:*

- (1) **Change of nonconforming use.** *If a change from one nonconforming use to another is proposed and no structural alterations are involved, the change may be permitted, provided:*
- a. *Nonconformity of dimensional restrictions such as height, density, setbacks, or other requirements such as off-street parking shall not be increased; and*
  - b. *The proposed change will have little discernable impact over the existing nonconforming use.*

*If a change to a permitted use is proposed which is nonconforming only as to dimensional restrictions such as height, density, setbacks, or other requirements such as off-street parking, the change may be permitted, provided that all applicable requirements that can be reasonably complied with are met.*

*Compliance with a requirement is not reasonably possible if it cannot be achieved without adding land to the lot of the nonconforming use or moving the use if it is on a permanent foundation.*

*Whenever a nonconforming use of land or building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed back to a less restricted or nonconforming use.*

- (2) **Enlargement or expansion of nonconforming use.** *Enlargement or expansion of a nonconforming building, use, or structure by no more than ten percent shall be permitted; provided such enlargement shall meet all applicable setbacks, buffer area, and off-street parking requirements.*
- (3) **Repair or alteration of nonconforming use, building, or structure.** *The repair or alteration of a nonconforming use shall in no way increase the nonconformity of said use, except as otherwise permitted by subsection (2) above.*
- (4) **Replacement of nonconforming use.** *A building permit for the replacement of a nonconforming building or structure where damaged or destroyed must be initiated within 18 months of the time of the damage or destruction or forfeit the right of replacement. Replacement, if initiated within 18 months of the time of damage or destruction shall adhere to all applicable requirements of Table III.*

*Replacement of a nonconforming mobile or manufactured home once removed from a lot or parcel shall be accomplished within 18 months of removal or forfeit nonconforming status, and if replaced shall not infringe on established setbacks, and shall meet in full the requirements of section 30-94 of this chapter. The applicant for a zoning compliance under this section must provide planning department staff with a notarized letter stating that the replacement is occurring within 18 months of the previous home being removed.*

*Existing outdoor advertising structure owners may apply for rebuilding permits for legal, nonconforming structures that are constructed by means other than the single steel pole structural design, as required by this section. The sign face square footage must remain the same as the existing sign face. If removed, a nonconforming sign structure shall not be replaced.*

- (5) **Reuse of vacant nonconforming commercial buildings.** *Existing vacant buildings in residential zones, previously occupied by and structurally designed for commercial usage may be renovated and reoccupied under the following conditions:*
- a. All off-street parking requirements associated with the new occupant (use) shall be met on site;*
  - b. Buffer area requirements of article IV, division 2 shall be met;*
  - c. The reoccupied use shall be permitted in the B-1 and/or B-2 and/or B-3 zone districts;*
  - d. There is no encroachment into existing side, rear, or front yard setbacks.*
- (6) **Nonconforming signs.** *A nonconforming permanent sign which was in place at the adoption of this section may remain in place and be maintained indefinitely as a legal nonconforming sign subject to compliance with the following:*
- a. Normal maintenance of such sign shall be allowed including changing of copy, structural repairs, repainting or electrical repairs, and incidental alterations which do not increase the degree or extent of the nonconformity.*
  - b. No structural alteration, enlargement, or extension of such sign including additional lighting shall be allowed.*
  - c. No relocation of sign structure except in strict compliance with this section.*
  - d. If a sign is damaged or is in need of repairs for any reason, which the materials required to make the repair cost more than 60 percent of the cost of replacing the sign, then the sign cannot be repaired and must be removed or brought into compliance with this section.*
- (c) **Discontinuance.** *Except as provided in section 30-249(b)(5), no building or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of 18 months, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located. In the case of a nonconforming commercial use, a valid business license or other governmental agency licenses must have been issued to the use*

*and particular property within the last 18 months and cannot have been revoked by the governing authority.*

- (d) ***Lot of record.*** *Where the owner of a lot at the time of the adoption of this chapter does not own sufficient land to enable him to conform to the setback requirements of this section, such lot may nonetheless be used as a building site provided applicable setback requirements are not reduced by more than 25 percent. Setback reductions greater than 25 percent shall be referred to the board of zoning appeals for consideration. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined to comply with the dimensional requirements of this chapter.*

*(Ord. No. 33-2006/07, § 7.9, 6-7-07; Ord. No. 25-2009/10, § 3, 2-18-10; Ord. No. 26-2022/23, § 1, 11-17-22)*

On November 7, 2024, an application was filed for electrical restoration for 2338 South Point Rd. On November 12, 2024, a hold was placed on the electrical permit by code enforcement because it was determined that a manufactured home had been placed on the parcel without permits. An anonymous complaint was also filed for 2338 South Point Rd on November 12, 2024, with Codes Enforcement for a manufactured home that had been brought in set up without permits.

On November 13, 2024, the applicant came into the office and completed an application for a manufactured home permit. Based on the information provided, staff determined that the applicant was attempting to obtain a set up permit for a standard design manufactured home (single wide) that had already been placed on the site. Staff then worked diligently with the tax assessor's office to determine if this home could be legally permitted. After exhausting all options, it was determined that the home could not legally be permitted by staff.

Staff notified the applicant that the home could not be permitted because the property was zoned R3 and that this district only allows for residential design manufactured homes (double wide). The applicant requested that the home be "grandfathered" since there had recently been a standard design manufactured home located on the property. Staff searched County records to determine when a single wide manufactured home was last permitted on the property.

It was determined that a demolition permit had been issued for a single wide manufactured home on May 31, 2024. However, that home had never been permitted or legally registered to the site.

Further, the matter became muddled as staff found that a moving permit for a single wide manufactured home was issued by the Tax Assessor's Office in June of 2023 to remove a single wide manufactured home from this site. Why? The owner was desirous to move the home to a neighboring County which required a moving permit from Florence County prior to allowing it to be moved into that jurisdiction. To repeat, while a moving permit was issued to remove this home from the site, it was never permitted or legally registered to this site.

The demolished home and the home which was moved in June 2023, were the only two single wide design manufactured homes that been located on the site within 18 months. Since these homes have never been permitted or legally registered with the tax office, staff determined that neither would qualify as legally non-conforming uses.

On November 22, 2024, staff informed the applicant of the County's decision and informed them that they would need to move the home or appeal the County's decision to the Board of

Zoning Appeals. The applicant informed staff that they were going to speak with their legal council and inform staff when they decided which option they were going to proceed with.

On January 3, 2025, supervisory staff was following up on pending code enforcement cases, and discovered that a manufactured home set up permit had been issued in error on December 3, 2024 for 2338 South Point Rd. It was also discovered that an inspection for the set up of the manufactured home had also taken place on December 11, 2024 but failed for various reasons. At that time, supervisory staff notified that the applicant that the permit had been issued in error, and that the County still maintained their position that the home was not legally non-conforming and that the permit would be revoked and no further inspections would take place.

Once again, the applicant was informed that they would need to appeal this decision to the Board of Zoning Appeals or remove the home from the site.

**Access and Circulation:**

The property is currently accessed by way of South Point Rd, Effingham, 29541.

**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.

**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:

**Zoning official is imposing restrictions on the Exceptions for Nonconforming Use found in Section 30-249(b)(4) of the Florence County Code of Ordinances**

( ) granting (X) denial of an application for a permit to: **approve a single-wide mobile home**

was erroneous and contrary to provisions of the Zoning Ordinance in Section \_\_\_\_\_ or other action or decision of the Zoning Official was erroneous as follows: **30-249**

Applicant is aggrieved by the action or decision in that:

**See attachment.** (*referring to Zoning Letter 01/07/2025*)

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

**To approve permitting of this home consistent with the initial approvals granted for the placement of this home by Florence County.**

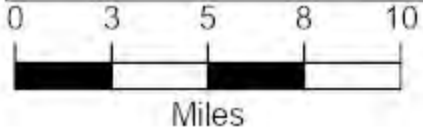
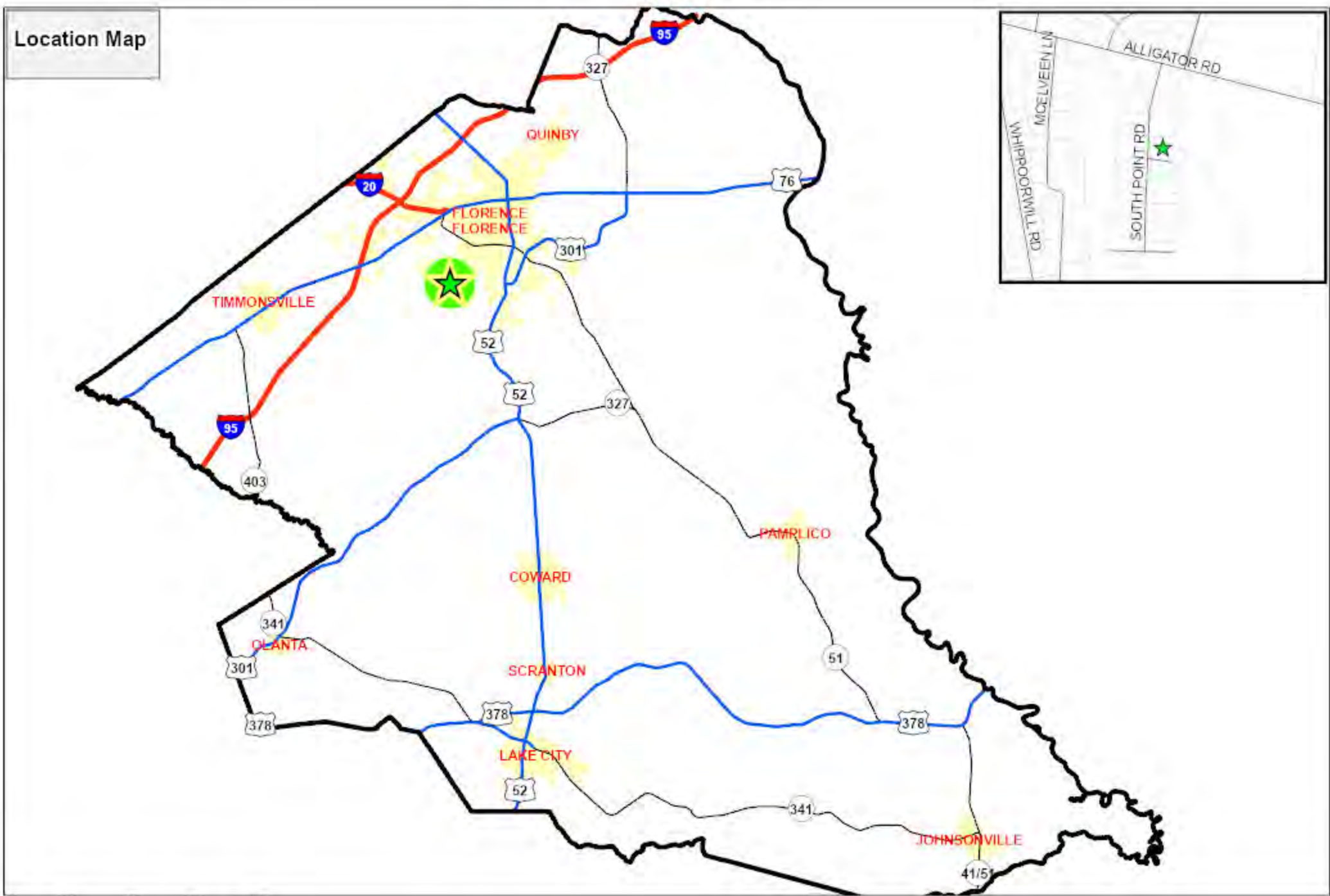
Applicant requests the following relief:

**That the County completes the approval process so this home can be occupied as a residence and issue a Certificate of Occupancy.**

**ATTACHMENTS:**

1. Location Map
2. Zoning Map
3. Aerial Map
4. Zoning Letter 01/07/2025
5. Applicant Submitted Photos of Destroyed MH & Replacement
6. Plat

Location Map

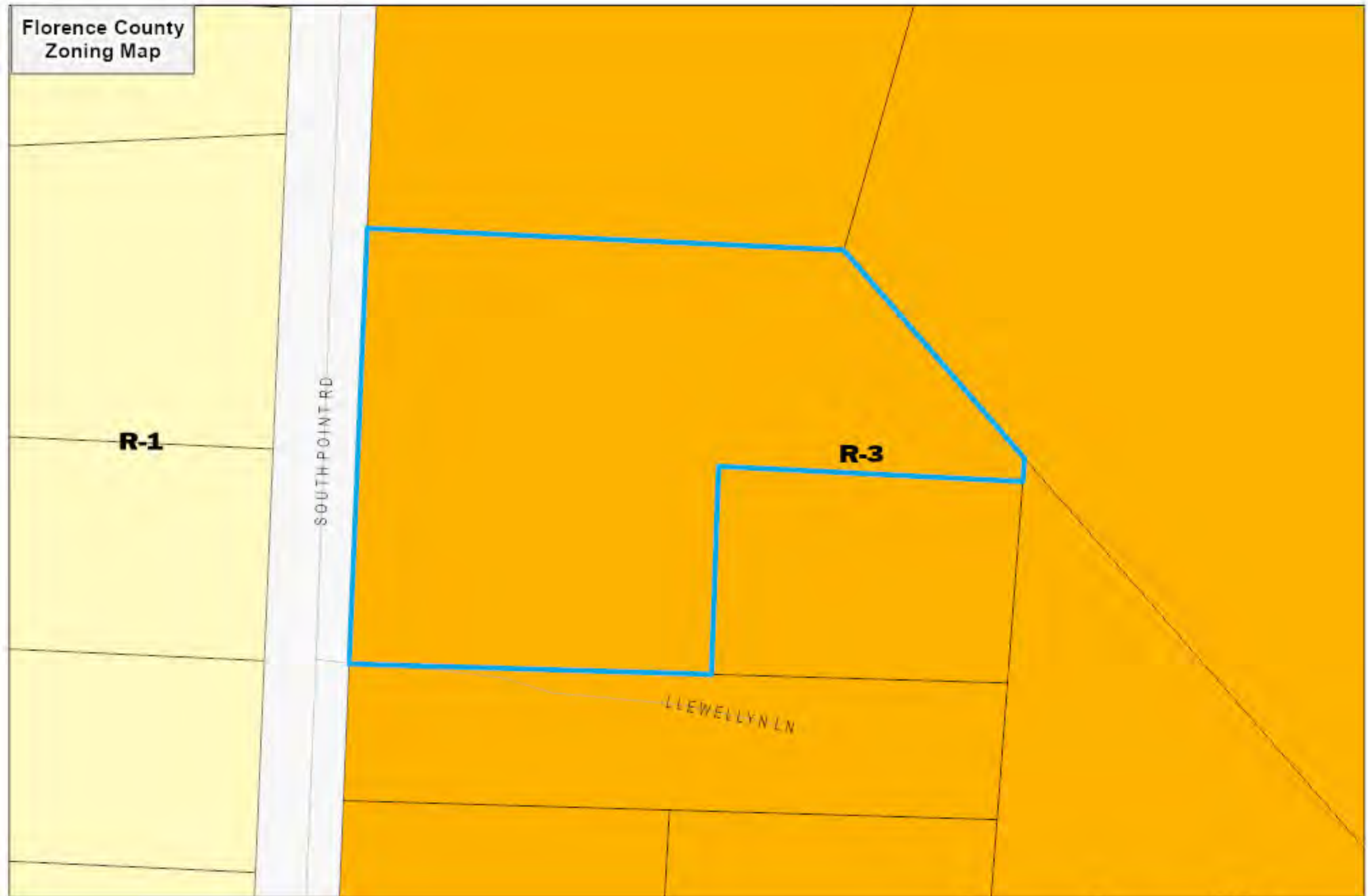


Florence County  
Planning Department  
Meeting Date:  
02/18/2025



Council District 5  
BZA#2025-04

Florence County  
Zoning Map



**R-1**

**R-3**

SOUTH POINT RD

LLEWELLYN LN

Current County Zoning

- R-1, SINGLE-FAMILY, LARGE LOTS
- R-3, SINGLE-FAMILY, SMALL LOTS

Florence County  
Planning Department  
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**Council District 5**  
**BZA#2025-04**



0 75 150 Feet



2024 Aerial



0 50 100  
Feet

Florence County  
Planning Department  
Meeting Date:  
02/18/2025



Council District 5  
BZA#2025-04





**FLORENCE COUNTY**  
**PLANNING, BUILDING INSPECTION, ENGINEERING**  
**AND CODE ENFORCEMENT DEPARTMENT**

Mr. Cabrera,

The property located at 2338 South Point Rd. (Tax Map Number: 00126-01-055) is currently zoned R3. Per the Florence County Code of Ordinances, the only type of manufactured home permitted in this district is a residential design manufactured home. Based on the applications submitted to our office, it appears you are attempting to complete the set up for a standard design manufactured home. Per the Florence County Code of Ordinances, a standard design manufactured home could be placed on this property if it met the parameters of Section 30-249-Nonconformities. Based upon our records, it does not appear that any standard design manufactured homes located on the property within the last eighteen months, were properly permitted and registered to the property. Based upon this information, we are not able to issue the permit under the nonconformity section of the ordinance. If you do not agree with this interpretation, you can appeal staff's decision to the Board of Zoning Appeals. If you choose not to seek an appeal or if the appeal is not granted, the standard design home must be removed from the property. If you have any questions, please do not hesitate to contact us.

Respectfully,

W. Ethan Brown  
Deputy Director  
Florence County  
Planning & Building Department  
518 S. Irby St. Florence, SC 29501



Destroyed Home





Replacement Home



arcgis.com



# Parcel Search Map



2338 S Point Rd, Effingham X



Show search results for 2338 S P...



2332 SOUTH POINT RD

00126-01-055

2338 SOUTH POINT RD

00126-0