

**STAFF REPORT
FOR THE
FLORENCE COUNTY BOARD OF ZONING APPEALS
January 5, 2010
BZA#2010-01**

Subject: Request for a variance from the requirements of Sec. 30-111. (6) d. Mining and extraction operations

Location: 2479 Cicero Lane, Florence County

Tax Map Number: 00145, Block 01, Parcel 011

Owner of Record/Applicant L.H Stokes and Son, Inc./
Charles H. Shumpert, Jr.

Variance (1) Requested: Decrease of 1700 feet in the distance requirement of Sec. 30-111. (6) d. Mining and extraction operations.

Required Buffer Distance: 2500 feet

Requested Buffer Distance: 800 feet

Buffer Variance Requested: 1700 feet

Variance (2) Requested: An easement off of Cicero Lane be considered an arterial or collector street for direct access.

Required Property Access: Direct access shall be off of a collector or arterial street.

Land Area: Approx. 68.83 acres

Existing Land Use and Zoning:

The subject property is currently a landfill and unzoned in Florence County.

Surrounding Land Use and Zoning:

North: Vacant/Unzoned/ Florence County

West: Single-family residential/Unzoned/ Florence County

South: Vacant /Unzoned/Florence County

East: Vacant/Unzoned/Florence County

Staff Analysis:

Background:

The subject property is an existing landfill.

The applicant wishes to expand the landfill site and proposes to expand in phases.

A total of nine phases is proposed for completion of the site.

Access and Circulation:

The property is currently accessed by way of an easement off of Cicero Lane, a private road.

Variance Request 1:

(A) **The applicant is requesting a variance for a decrease of 1700 feet in the minimum distance a mine can exist from a residential structure resulting in the last phase of the mine, the ninth phase being located eight hundred (800) feet from any residential use.**

(B) **Sec. 30-111. Development standards for unzoned areas, (6) Mining and extraction operations d. 1.** of the Florence County Zoning Ordinance requires the following:

Minimum 2,500 feet from any residential uses; where explosives are to be employed, the minimum distance shall be one mile.

(C) The following information is submitted by the actual application:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

Applicant's response:

The property is surrounded with natural vegetated buffers between the proposed mine and the residential area with the 2,500' distance.

b. These conditions do not generally apply to other property in the vicinity as shown by:

Applicant's response:

The existing landfills that are to the South of the property which are closer to most of the affected residential properties.

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 as follows:

Applicant's response:

As the mining phases are implemented, the mine will move closer to residential areas, however, the mine will always be surrounded by the vegetated buffer.

- d. The authorization of the 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 for the following reasons:

Applicant's response:

The proposed sand clay mine is buffered from the affected residential areas by a pine tree farm and other natural vegetation. This vegetation will protect the residential areas from the dust and noise usually associated with mining operations.

Staff Findings:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

Staff's response:

The site has existed as a mine according to the applicant since 2005. There are extraordinary and exceptional conditions pertaining to this particular piece of property.

- b. These conditions do not generally apply to other property in the vicinity as shown by:

Staff's response:

There are no other mines 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 as follows:

Staff's response:

An expansion may not be made to the existing mine as proposed.

- d. The authorization of the 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 for the following reasons:

Staff's response:

As the mine is developed in phases, the mine expansion will be closest to a residential use at the ninth phase. The existing portion of the mine isn't currently location in the vicinity of any existing residential property.

Variance Request (2):

(A) **The applicant is requesting a variance from the interpretation that the expansion of the mine will not have direct access off a collector or arterial street. The applicant indicates that Cicero Lane is the direct access.**

(B) **Sec. 30-111. Development standards for unzoned areas, (6) Mining and extraction operations. d. 3.** of the Florence County Zoning Ordinance requires the following:

Proposed facilities shall have direct access off of a collector or arterial street.

(C) The following information is submitted by the actual application:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

Applicant's response:

The only access to the property is through a 50" wide easement that ties directly to Cicero Lane.

b. These conditions do not generally apply to other property in the vicinity as shown by:

Applicant's response:

Most properties front on a road however this property was purchased with the only access being the easement.

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 as follows:

Applicant's response:

This is the only access point for the property because it is land locked by I-95 on the west and creeks on the north and east.

d. The authorization of the 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 for the following reasons:

Applicant's response:

This access easement was recorded in December of 2004 and has been in use since that time, including during the mining of the existing mine with no harm or concerns to the surrounding areas.

Staff Findings:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

Staff's response:

This piece of property is landlocked.

- b. These conditions do not generally apply to other property in the vicinity as shown by:

Staff's response:

Other properties in the area appear to have the proper access.

- 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 as follows:

Staff's response:

There would be no access to the property without utilizing the easement.

- d. The authorization of the 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 for the following reasons:

Staff's response:

Based on the applicant's information, this easement been in use as ingress and egress for the property in question since 2005.

Attachments:

1. Vicinity map
2. Location map
3. Zoning map
4. Aerial map
5. Letter form engineer