**STAFF REPORT**
**FOR THE**
**FLORENCE COUNTY BOARD OF ZONING APPEALS**
**May 4, 2010**
**BZA#2010-02**

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| **Subject:** | Appeal requested by Tammy Thomas for a variance from the requirements of Sec. 30-28, Table I, Schedule of permitted and conditional uses and off-street parking requirements for residential districts. |
| **Location:** | 108 Cockfield Drive, Pamplico, SC |
| **Tax Map Number:** | 60010, Block 03, Parcel 014 |
| **Owner of Record/Applicant** | Renell Fryer |
| **Variance Requested:** | To allow a standard designed manufactured home on this site currently zoned R-5, Multi-Family Residential District. Currently this site only allows single-family dwellings and residential designed manufactured homes. |
| **Required Property Access:** | Direct access shall be off of Cockfield Drive. |
| **Land Area:** | Approximately .17 acres |

**Existing Land Use and Zoning:**
The subject property is currently vacant and located in the Town of Pamplico, SC.

The property is currently zoned R-5, Multi-Family Residential District.

**Surrounding Land Use and Zoning:**
North: Single-family/R-5, Multi-Family Residential/ Town of Pamplico
West: Single-family residential/ R-5, Multi-Family Residential/ Town of Pamplico
South: Vacant / R-5, Multi-Family Residential/ Town of Pamplico
East: Single-family/ R-5, Multi-Family Residential/ Town of Pamplico

**Staff Analysis:**

Background:
The subject property is vacant.

The applicant wishes to place a standard designed manufactured home on the site. This site would currently allow for single-family dwellings and residential designed manufactured homes.

Prior to the Town of Pamplico consolidating with the Florence County Planning and Building Inspection Department for services, the Zoning Ordinance and Zoning Map of the Town of Pamplico established that this property was in the R-3, High Density Residential District and did allow mobile homes in the R-3 district.

Once the consolidation became effective, the zoning designations for the Town of Pamplico were renamed to meet the same criteria as the zoning designations for Florence County.

Below are the pertinent sections from the Town of Pamplico's Zoning Ordinance addressing the placement of mobile homes in the R-3 zoning district:

- **R-3- High Density Residential**

**5-4.1 Intent. It is the intent of this district to establish medium to high density residential areas which will provide for single and multi-family dwellings and mobile homes; to prohibit any use which would substantially interfere with the development or continuation of residential development; and to discourage any use which would generate traffic on minor streets other than that required to serve residences on those streets.**

- **Mobile Homes**

**4-9.4 The mobile home shall be oriented on the lot so that the front door shall face he street upon which the mobile home is addressed. More specifically, the length of the mobile home shall be parallel to the street in front of the mobile home.**

**Access and Circulation:**
The property is currently accessed by way of Cockfield Drive.

**Variance Request:**

(A) The applicant is requesting a variance to allow for a standard designed manufactured home on this site which is currently zoned R-5, Multi-Family Residential.

**(B)** Sec. 30-28, Table I, Schedule of permitted and conditional uses and off-street parking requirements for residential districts. This is a portion of the chart:

| | NAICS | R-1 | R-2 | R-3 | R-4 | R-5 | Off-Street Parking Requirements |
|---|---|---|---|---|---|---|---|
| **Residential designed (section 30-94)** | **81411** | **N** | **N** | **C** | **N** | **C** | **None** |
| **Standard designed (section 30-94)** | **81411** | **N** | **N** | **N** | **N** | **N** | **None** |
| **Mobile home (section 30-94)** | **81411** | **N** | **N** | **N** | **N** | **N** | **2.0 spaces per unit** |

(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 small and I once lived on it. There are fences on both sides. To place a double wide there would not be sensible. That would leave no room to rise a family with the children playing at the front and not the side. The cost of a double wide is more. Children starting out need something they can afford.**

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

**Applicant's response:**
**The property at 108 Cockfield Drive is vacant and has been for years. This property has always had single wide homes on it.**

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:**
**To reach the back end of the property with a double wide in order to do repairs to the land or mobile home with heavy equipment would be extremely challenging. The back side join to the property on the adjacent street. TO ask for access through that property to enter ones won property is sad. To be at the mercy of ones neighbor to enter ones own property. However, a single wide would allow access through the side. This is a permanent housing situation not temporary. Our interest is making wise decisions and life long investments**

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 property at this time is an eye sore, However, to allow the variance will add beautification to the adjacent property and to the district. For it to be a single wide would grant more of an opportunity for permanent housing and a life long commitment.**

**Staff Findings:**

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

**Staff's response:**
**There are no exceptional conditions pertaining to this particular piece of property. There are other properties is the area with similar dimensions**

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

**Staff's response:**
**There are other manufactured/ mobile homes 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:**
**It appears that a double wide manufactured home would meet the setback requirements for the zoning district.**

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:**
**Chapter 30. Zoning Ordinance of the Florence County Code establishes the following:**

The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

A local governing body by ordinance may permit or preclude the granting of a variance for a use of land, a building, or a structure that is prohibited in a given district, and if it does permit a variance, the governing body may require the affirmative vote of two-thirds of the local adjustment board members present and voting. Notwithstanding any other provision of this section, the local governing body may overrule the decision of the local board of adjustment concerning a use variance.

**Staff Recommendation:**
Staff recommends denial of the request based on the fact that approval of the request would allow a use in that zoning district that is not permitted by the Zoning Ordinance and as a result would establish a use variance.

**Attachments:**
1. Location map
2. Zoning map
3. Aerial map