

**Agenda**  
**Florence County Board of Zoning Appeals**  
**Tuesday, September 7, 2010**  
**City-County Complex, Room 803**  
**6:30 p.m.**

The Florence County Planning Department staff posted the agenda for the meeting on the information boards at the main entrance and the back entrance of the City-County Complex and at the entrance of the Planning, Zoning and Building Inspection Department building. The agenda was also mailed to the media.

- I. Call to Order
- II. Election of Officers
- III. Review and Motion of Minutes
  - Meeting of May 11, 2010

IV. Public Hearings:

BZA#2010-04	A variance request by Frank McDougal on behalf of Ruby McDougal from the requirements of Section 30-244. of the Florence County Code of Ordinances to place a third manufactured home on the property located at 1531 Colin Rd., Lake City shown on Florence County Tax Map No. 140, Block 31, Parcel 117. (gray)
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V. Other Business:

None

VI. Adjournment

# BZA# 2010-04

**Subject:** Variance request from the maximum number of residential structures allowed on a lot.

**Location:** 1531 Colin Road, Florence County

**Tax Map Number:** 00140, Block 31, Parcel 117

**Owner of Record/Applicant:** Ruby McDougal/Frank McDougal

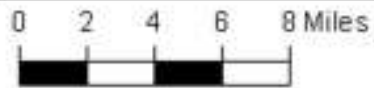
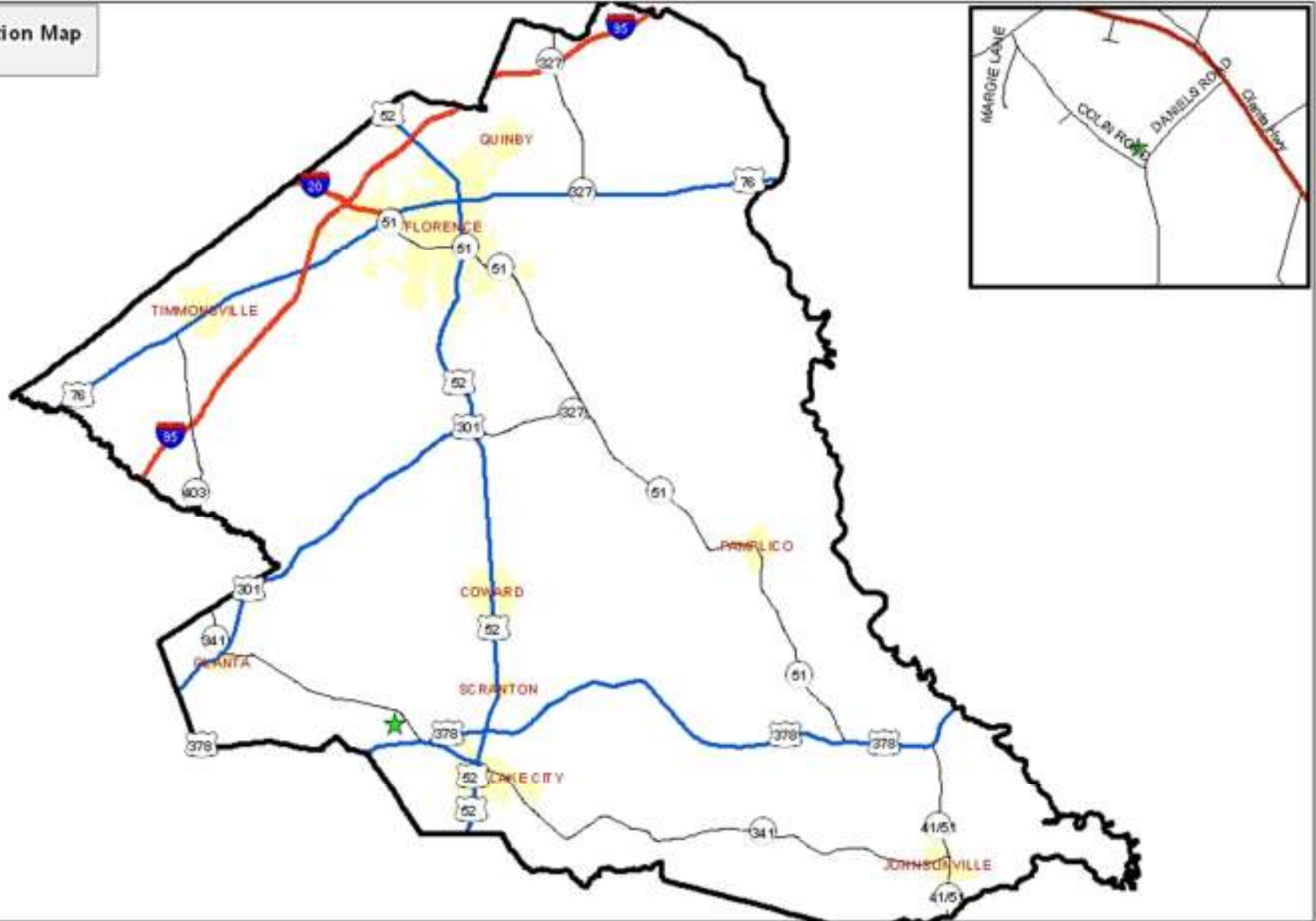
**Maximum Allowed Residential Structures:** 2 single occupancy manufactured dwellings

**Requested Number Residential Structures:** 3 single occupancy manufactured dwellings

**Land Area:** Approx. 5.9 acres

# BZA#2010-04 - Location Map

Location Map



Map Prepared by: RWE  
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& Building Inspections Department  
Geographic Information Systems  
08/18/2010



COUNTY COUNCIL DISTRICT(S): 1  
BZA#2010-04

# BZA#2010-04 - Zoning Map



- Legend
- R-1
  - R-2
  - R-3
  - R-4
  - R-5
  - PD
  - E-1
  - E-2
  - E-3
  - E-4
  - E-5
  - E-6
  - RU-1
  - RU-2
  - UNZ

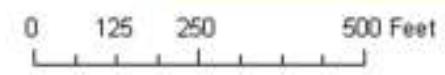
0 135 270 540 Feet

Map Prepared by: RWE  
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& Building Inspections Department  
Geographic Information Systems  
08/16/2010



COUNTY COUNCIL DISTRICT(S): 1  
BZA#2010-04

# BZA#2010-04 - Comprehensive Plan Map



Map Prepared by: RWE  
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Geographic Information Systems  
08/16/2010



COUNTY COUNCIL DISTRICT(S): 1  
BZA#2010-04

# BZA#2010-04 - Aerial Map



0 150 300 Feet

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Geographic Information Systems  
08/16/2010



COUNTY COUNCIL DISTRICT(S): 1  
BZA#2010-04

# BZA# 2010-04 Site Photograph



# BZA# 2010-04 Site Photograph





# BZA# 2010-04 Site Photograph



# BZA# 2010-04 Adjacent Property



# BZA# 2010-04 Adjacent Property



# BZA# 2010-04 Adjacent Property



# BZA# 2010-04 Background

The subject property contains two mobile homes that are currently occupied by Mr. McDougal and his mother Ruby McDougal. The applicant, Mr. McDougal wishes to register an additional mobile home on the property so his son's family can live near him.

The applicant requests a variance from Section 30-244 to allow for three mobile homes to be placed on the property.

The applicant would be able to register the home at its current location through the requirements of the Land Development and Subdivision Ordinance without a variance from the requirements of the Zoning Ordinance. However, this would take additional time and capital to make the property compliant.

# BZA# 2010-04 Variance Request

A. The applicant is requesting a variance for an increase in the maximum number of residential structures allowed on a lot.

**B. Sec. 30-244. Number of principle buildings/uses on a lot states:**

“In the RU-1 and RU-2 districts, any combination of not more than two single-family detached dwellings and/or single occupancy manufactured dwellings may be permitted on a lot-of-record; provided all applicable lot area and setback requirements are met for both units as if they were established on single lots and so arranged to ensure public access in the event the property is subsequently subdivided for sale or transfer.”

This establishes two as the maximum number of single occupancy manufactured dwellings allowed on a lot for RU-1 Zoning District

# BZA# 2010-04 Applicant's Response

C. Additionally, the following information is included as submitted by the actual application:

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

**Applicant's response:**

**Have mortgage on property, Mortgage Co. won't let split property**

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

**Applicant's response:**

**The additional home is not for rent or financial gain, its for my son and his family to move in to.**

# BZA# 2010-04 Applicant's Response Cont'd.

- 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:**

**I have approximately 6 acres I purchased for my family to put houses on. Due to the ordinance I'm restricted to 2 homes. I think it is unfair that this restricts me from having family close by, because that's the reason I bought that much property to begin with. For family**

- 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:**

**3 Homes on a 6 acre lot is not a detriment to anyone else. It wont change the value of the neighborhood.**



# BZA# 2010-04 Staff Findings

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

**Staff's response:**

**There are not any extraordinary and exceptional conditions pertaining to the property. Staff cannot determine adjacent property owners status with mortgage companies.**

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

**Staff's response:**

**There are no conditions that do not generally apply to other properties in the vicinity.**

# BZA# 2010-04 Staff Findings Cont'd.

- 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:**

**The 6 acre lot appears to be bigger than other residential lots in the area that is mostly rural farm land. The applicant is proposing to register a total of three manufactured homes on the property. The ordinance would currently not allow for the additional home to be registered to the lot.**

- 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, there will be no site constraints or detriment to adjacent property.**

## **Section 30-293 (c,2,d) Board of Zoning Appeals**

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.