

**STAFF REPORT
FOR THE
FLORENCE COUNTY BOARD OF ZONING APPEALS
September 7, 2010
BZA #2010-04**

Subject: Variance request form 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 of Residential Structures: 3 single occupancy manufactured dwellings

Land Area: Approx. 5.9 acres

Existing Land Use and Zoning:

The subject property is currently zoned RU-1 Rural Community District and has two mobile homes on the property.

Surrounding Land Use and Zoning:

North: Industrial /RU-1 /Florence County
West: Vacant/RU-1/Florence County
South: Vacant/ RU-1/Florence County
East: Residential/ RU-1/Florence County

Staff Analysis:

Background:

The subject property has two mobile homes on the property that is 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 for the Zoning Ordinance. However, this would take additional time and capital to make it compliant.

Access and Circulation:

The property is currently accessed by way of Colin Road and Daniels Road.

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

(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.

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.

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.

- 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.

Attachments:

1. Location Map
2. Zoning Map
3. Aerial Map
4. Site Plan