



**CITY OF FLORENCE BOARD OF ZONING APPEALS
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET, FLORENCE, SC
THURSDAY, JUNE 25, 2026 – 6:00 P.M.
REGULAR MEETING AGENDA**

I. Call to Order

II. Approval of Minutes Regular meeting held on May 28, 2026

III. Public Hearing and Matter in Position for Action

BZA-2026-10 Request for a variance from the minimum lot size requirement for new parcels at 3801 Breckridge Circle in the NC-15 zoning district; identified as Florence County Tax Map Number 00153-01-163.

IV. Public Hearing and Matter in Position for Action

BZA-2026-11 Request for a variance from the setback requirements for accessory structures at 1767 Marsh Avenue in the NC-15 zoning district; identified as Florence County Tax Map Number 90041-08-013.

V. Public Hearing and Matter in Position for Action

BZA-2026-12 Request for a variance from the setback requirements for accessory structures at 4021 West Eagle Street in the RG-2 zoning district; identified as Florence County Tax Map Number 00052-02-009.

VI. Adjournment

The next meeting is scheduled for July 23, 2026.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
MAY 28, 2026**

- MEMBERS PRESENT:** Larry Chewning, William Edwards, Miriam James-Singley, Deborah Moses, Jermaine Nowline, and Nathaniel Poston
- MEMBER ABSENT:** Oforiwa Gregg
- STAFF PRESENT:** Jerry Dudley, Patty Falcone, Derek Johnston, and Alane Zlotnicki
- CALL TO ORDER:** Chairman Chewning called the meeting to order at 6:00 p.m.

APPROVAL OF MINUTES: Chairman Chewning introduced the April 23, 2026 minutes and asked if there were any changes that needed to be made. There being none, he called for a motion. Ms. James-Singley moved that the minutes be approved as submitted, Mrs. Moses seconded, and the motion passed unanimously (6-0).

PUBLIC HEARING AND MATTER IN POSITION FOR ACTION:

BZA-2026-09 Request for a variance from the size requirement for accessory structures at 1505 Madison Avenue in the NC-15 zoning district; identified as Florence County Tax Map Number 90035-12-006.

Chairman Chewning introduced the request and asked staff for their report. Mrs. Zlotnicki gave the staff report as submitted to the Board of Zoning Appeals. She reported that she had received a number of letters and emails in support of the proposal from the neighboring property owners.

There being no questions for staff, Chairman Chewning opened the public hearing.

Mr. Raymond Kennedy, the applicant, spoke on behalf of his request, explaining his reasoning for wanting such a large building. He explained further that he intends to replace the existing carport with one that is a few feet taller, further obscuring the view of the accessory building from the street.

There being no one else to speak for or against the request, Chairman Chewning closed the public hearing and asked for a motion. Mrs. Moses moved that the request be approved as submitted, subject to the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will not, in an individual case, result in an unnecessary hardship.
Without the variance, the applicant can construct an accessory building one third of the size that he has proposed.
2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done.
The purpose of the size limit for accessory buildings is to prevent the construction of structures that would dominate a lot or disrupt the character of a neighborhood, especially in the case of smaller lots. This lot is 20,500 square feet, which is 27% larger than the required square footage of the zoning district. Because of the size of the lot, they can be allowed to put up a building of this size.

3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property.
The lot is slightly wider than other parcels on this block, and the locations of the carport and house prevent the backyard from being visible from the street.
4. That these conditions do not generally apply to other property in the vicinity.
This lot is about a third larger than the majority of parcels in the immediate vicinity. It's not a corner lot and it is larger than a lot of the properties in the neighborhood.
5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows.
The applicant is still permitted to have an accessory building in his back yard. However, he is limited in the size he may have.
6. That 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.
Granting the variance results in a larger than normal accessory structure behind the house, which would be minimally visible from the street. It will be visible from the rear yards of the immediately adjacent properties. But since the neighbors do not have a problem with it and there's a business property behind it, there is no objection to this building.

Mr. Nowline seconded the motion, and it passed unanimously (6-0).

ADJOURNMENT: There being no other business, Ms. James-Singley moved to adjourn the meeting, Mrs. Moses seconded, and the motion to adjourn passed unanimously (6-0). Chairman Chewing adjourned the meeting at 6:22 p.m. The next regular meeting is scheduled for June 25, 2026.

Respectfully submitted,
Alane Zlotnicki, AICP
Senior Planner

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT
STAFF REPORT TO THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
JUNE 25, 2026**

AGENDA ITEM: BZA-2026-10

VARIANCE REQUEST: Request for a variance from the minimum lot area required for new parcels.

LOCATION: 3801 Breckridge Circle

TAX MAP NUMBER: 00153-01-163

OWNER OF RECORD: Maria Toledo

APPLICANT: Maria Toledo

ZONING DISTRICT: Neighborhood Conservation-15 (NC-15)

Land Use and Zoning

This request concerns the subdivision of one distinct lot of record into two lots. The 29,597 square foot lot is zoned Neighborhood Commercial-15 (NC-15). It has never been built upon and was a wooded lot until recently. It has since been cleared and two building pads laid out without the approval of the subdivision or procurement of zoning and building permits.

This lot is at the entrance to and part of the South Oak subdivision, which consists of lots that are at least 29,000 square feet in area containing large single family homes with deep setbacks; the front setback for existing houses in the South Oak subdivision is about 70 feet.

There are small lots with smaller houses to the northwest across Green Acres Road, but they are not part of this development. This is the only lot in South Oak which is within City limits and therefore subject to the *Unified Development Ordinance*.

Proposal and Variance Request

The applicant wants to subdivide the parcel into two separate lots of record in order to construct two single family houses rather than one, as is currently permitted. The NC-15 zoning district requires that any new parcel have a minimum area of 15,000 square feet and a minimum lot width of 100 feet. One of the proposed lots is 15,541 square feet in area, which meets the requirement. The second lot is 14,056 square feet, 944 square feet short of the required 15,000, necessitating an area variance of 6%. Both proposed lots exceed the minimum 100 feet of street frontage required.

The two houses would be built to face Green Acres Road rather than Breckridge Circle and would be between 1800 and 2000 square feet in area. They will have to meet the setbacks for the NC-15 district, which are 25 feet from the front, 30 feet from the rear, 10 feet from the interior side, and 15 feet from the street side property lines.

Twenty six residents of the development have provided a petition opposing the subdivision of the lot. There are 37 lots in the South Oak neighborhood.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular property as follows: *access to road frontage*.
- b. These conditions do not generally apply to other property in the vicinity as shown by: *lot 20 on the plat*.
- c. Because of these conditions, the application of the ordinance to the particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows: *property would only qualify for one home facing Breckridge Circle instead of having two single family homes*.
- 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: *no need to share entrances or use adjacent property for access*.

The needed variance comes from Table 1-2.2.1B, Neighborhood Conservation Subdistricts as shown below: **Table 1-2.2.1B “Neighborhood Conservation Subdistricts”** specifies the minimum lot area for new lots in subdistrict NC-15:

Table 1-2.2.1B ¹ Neighborhood Conservation Subdistricts				
Subdistrict	Character Type	Predominant Building Type	Minimum Lot Area ² (for New Lots)	Minimum Lot Width ³ (for New Lots)
NC-15	Suburban	Single-Family Detached	15,000 sf.	100 ft.
NC-10			10,000 sf.	80 ft.
NC-6.1	Auto-Urban		6,000 sf.	60 ft.
NC-6.2		Single-Family Detached and Two-Family Attached	6,000 sf.	60 ft.
NC-6.3		Mixed Detached and Attached	6,000 sf.	50 ft.
NC-4			4,400 sf.	40 ft.

Issues to be Considered

Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

1. That a variance from the terms of the *Unified Development Ordinance* (will/will not) be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions (will/will not), in an individual case, result in an unnecessary hardship.
Staff Comment: *The lot is part of an established subdivision intended to have one large house on a minimum 2/3 acre parcel. Enforcing the ordinance prevents the applicant from subdividing the lot and constructing two houses.*
2. That the spirit of the *Unified Development Ordinance* (will/will not) be observed, public safety and welfare secured, and substantial justice done.
Staff Comment: *The intent of the lot area and width minimum requirements for any particular zoning district is to ensure uniformity of lot sizes throughout a neighborhood to prevent overcrowding and preserve character. Granting this variance will result in two lots that are denser than the neighborhood as a whole because this parcel is part of an established subdivision.*

3. That there (are/are not) extraordinary and exceptional conditions pertaining to the particular piece of property.

Staff Comment: This parcel was laid out as part of the South Oak subdivision in the 1980s and is the same size as other lots on this street that were laid out at the same time.

4. That these conditions (do/do not) generally apply to other property in the vicinity.

Staff Comment: All of the lots within the subdivision are at least 29,000 square feet in area and contain one large single family house per parcel.

5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property (would/would not) effectively prohibit or unreasonably restrict the utilization of the property as follows.

Staff Comment: Application of the lot area requirement to the request maintains the character and standard of one house per lot in keeping with the original intent of the development of which it is a part.

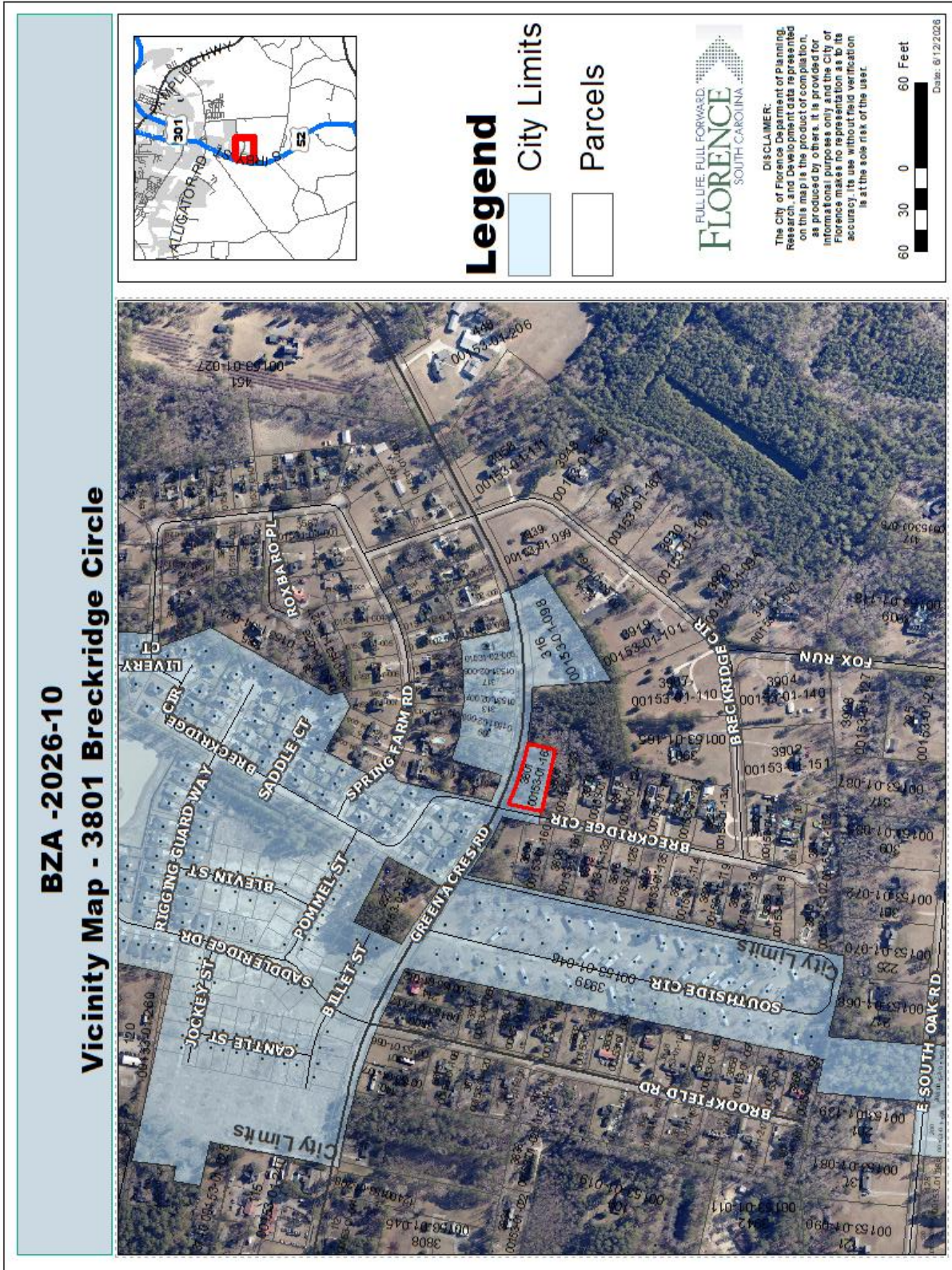
6. That the authorization of a variance (will/will not) be of substantial detriment to adjacent property or to the public good, and the character of the district (will/will not) be harmed by the granting of the variance.

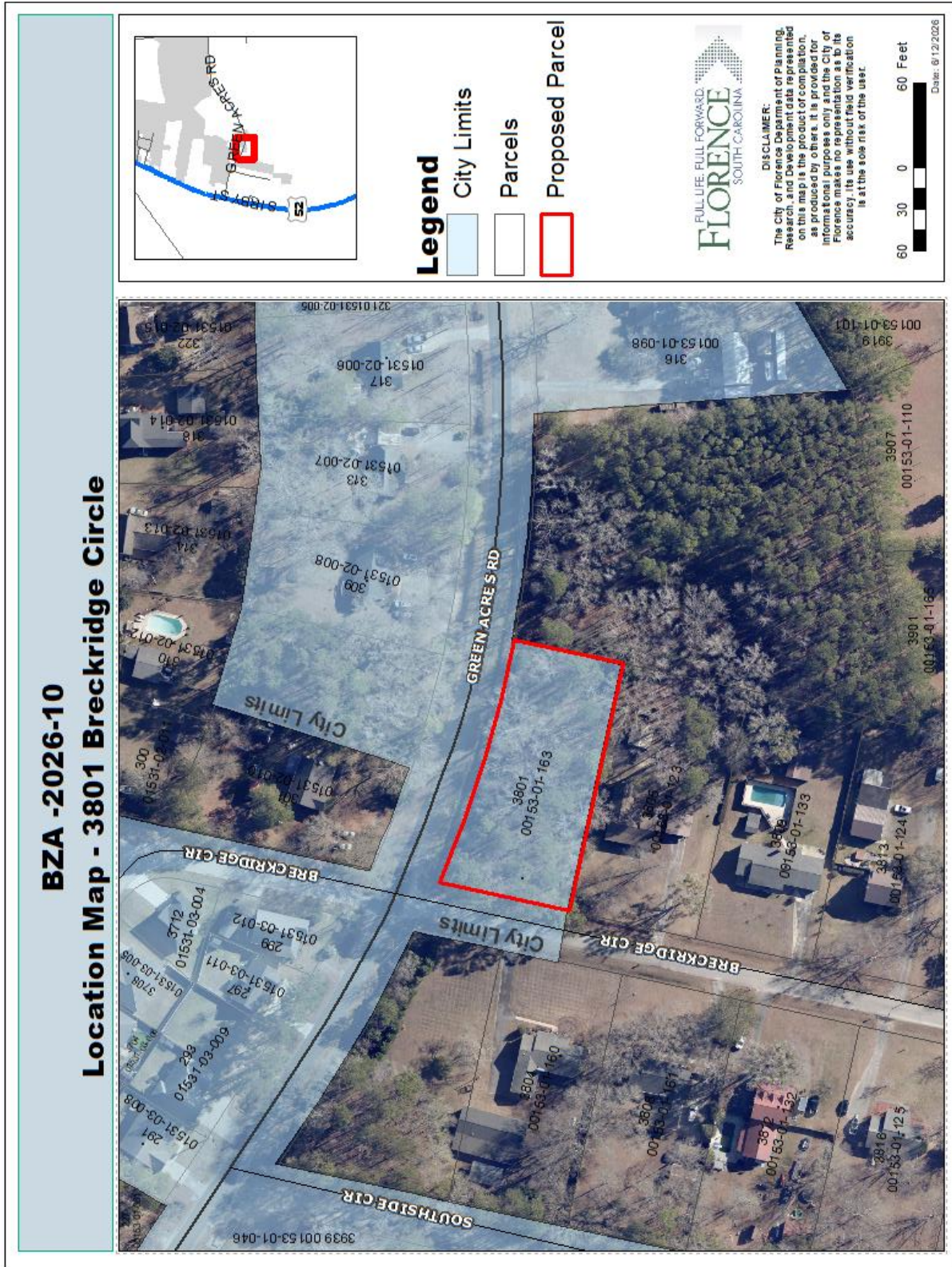
Staff Comment: The overarching character of the neighborhood is that of large lots with large single family houses. Two smaller houses on two parcels that are half the size of the other lots in the subdivision is out of character for the subdivision.

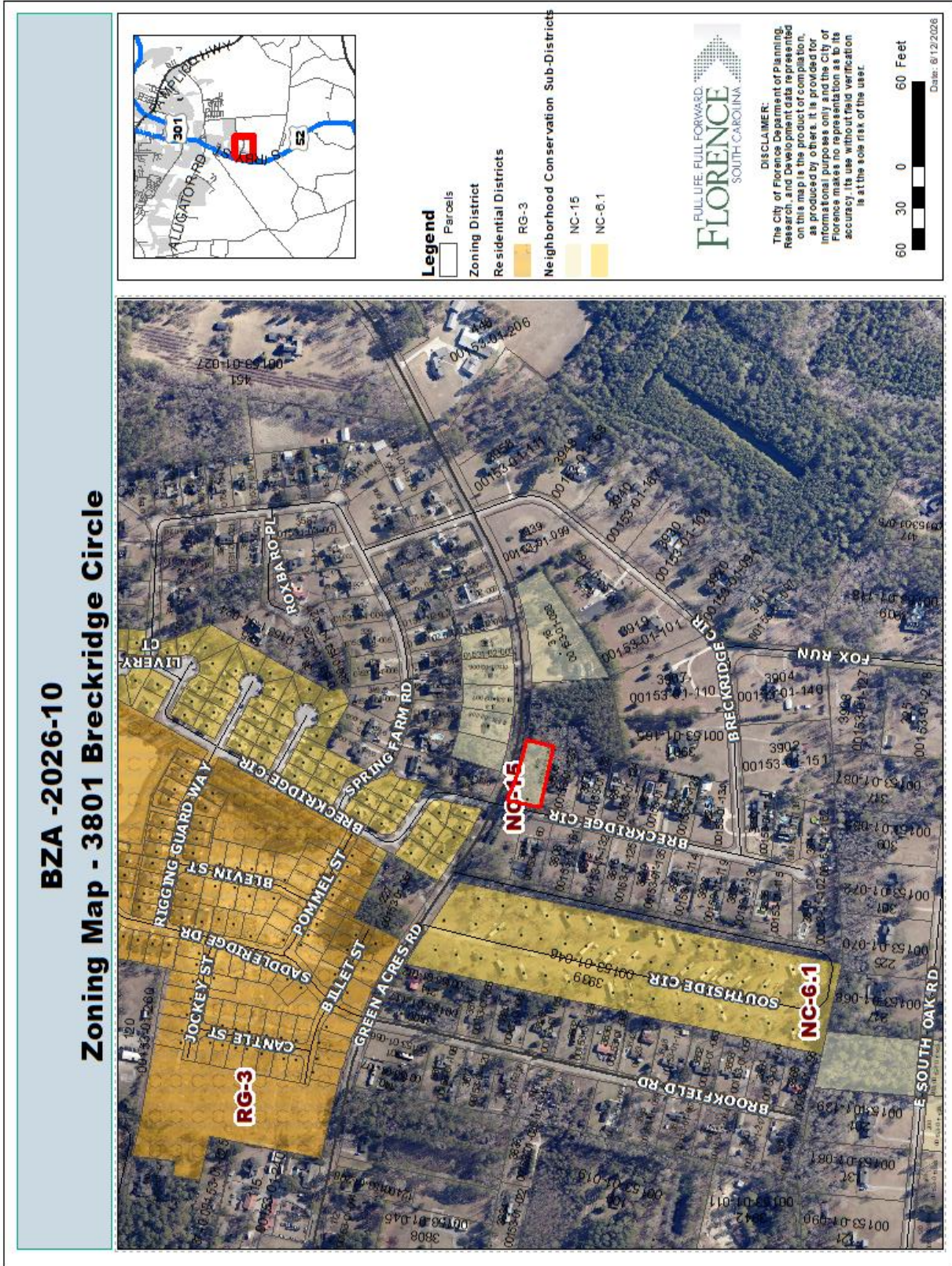
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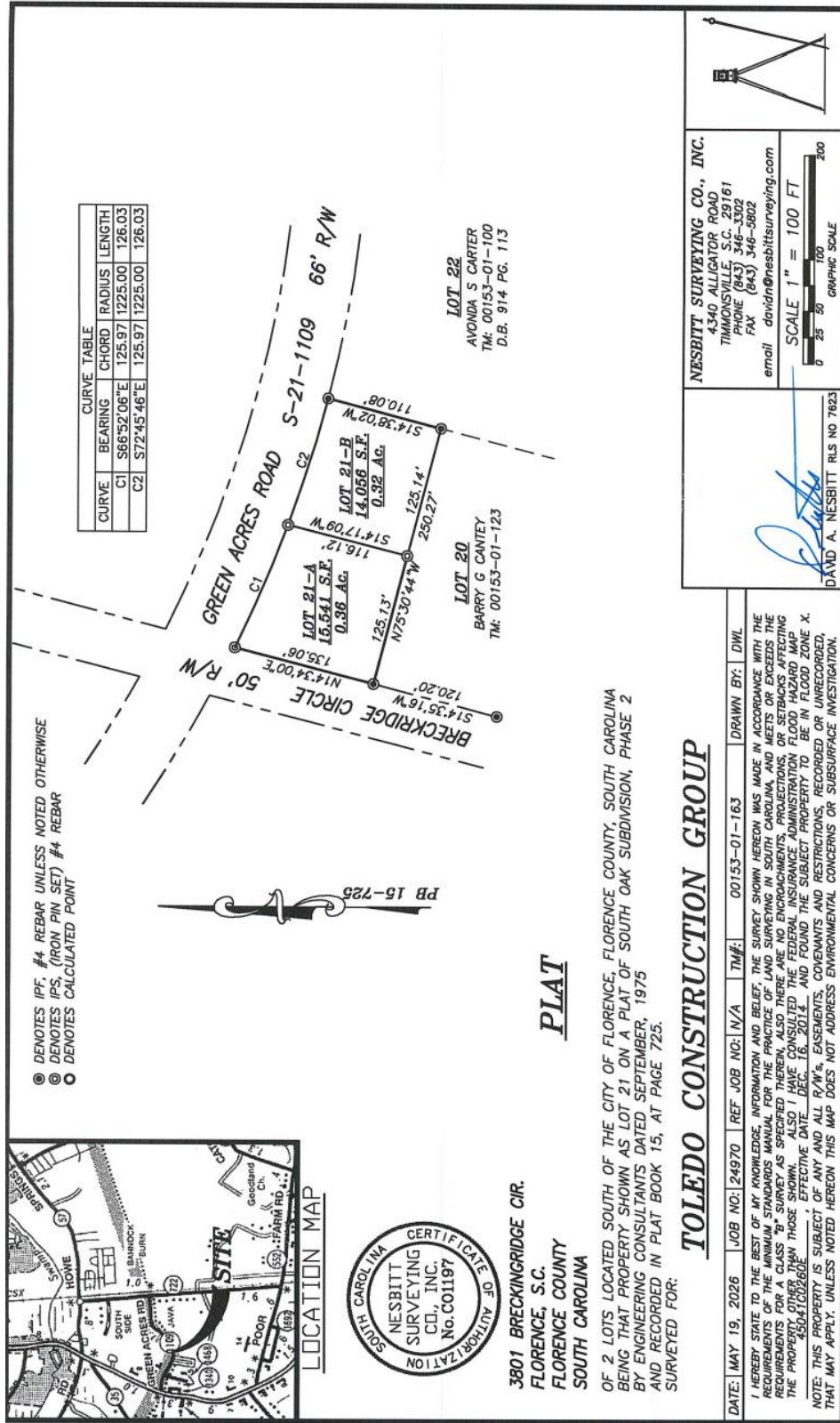
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Proposed Plat
- E. South Oak Subdivision Lot Layout
- F. Neighborhood Petition
- G. Site Photos

Attachment A: Vicinity Map









PLAT

3801 BRECKINGRIDGE CIR.
 FLORENCE, S.C.
 FLORENCE COUNTY
 SOUTH CAROLINA

OF 2 LOTS LOCATED SOUTH OF THE CITY OF FLORENCE, FLORENCE COUNTY, SOUTH CAROLINA BEING THAT PROPERTY SHOWN AS LOT 21 ON A PLAT OF SOUTH OAK SUBDIVISION, PHASE 2 BY ENGINEERING CONSULTANTS DATED SEPTEMBER, 1975 AND RECORDED IN PLAT BOOK 15, AT PAGE 725. SURVEYED FOR:

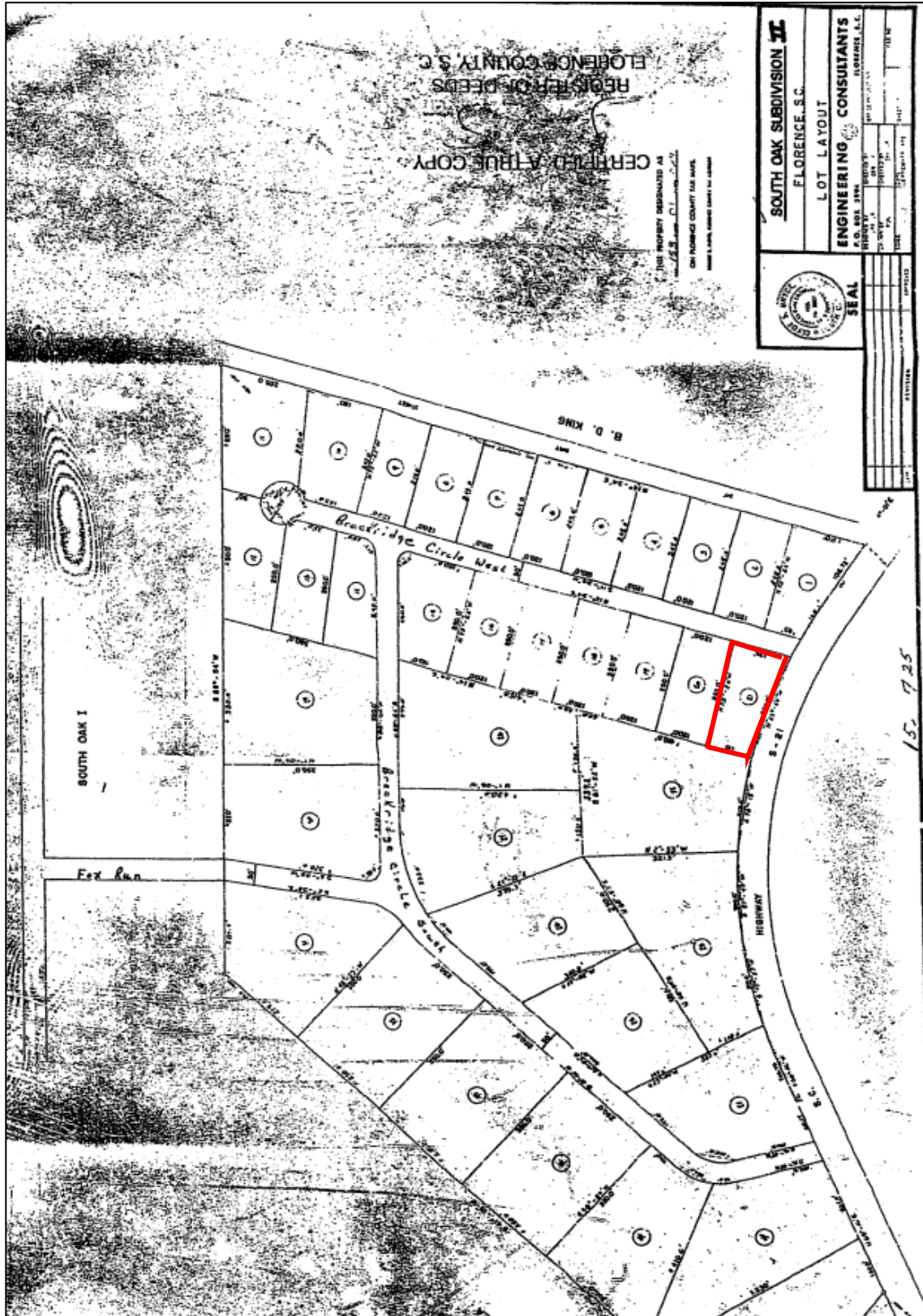
TOLEDO CONSTRUCTION GROUP

DATE: MAY 19, 2026 | JOB NO: 124970 | REF JOB NO: N/A | TM#: 00153-01-163 | DRAWN BY: DWL

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO ENCROACHMENTS, PROJECTIONS, OR SETBACKS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN. ALSO I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD MAP 4504M1C02808E, EFFECTIVE DATE DEC. 16, 2014, AND FOUND THE SUBJECT PROPERTY TO BE IN FLOOD ZONE X.

NOTE: THIS PROPERTY IS SUBJECT OF ANY AND ALL R/W'S, EASEMENTS, COVENANTS AND RESTRICTIONS, RECORDED OR UNRECORDED, THAT MAY APPLY. UNLESS NOTED HEREON THIS MAP DOES NOT ADDRESS ENVIRONMENTAL CONCERNS OR SUBSURFACE INVESTIGATION.

Attachment E: South Oak Subdivision Lot Layout



Attachment F: Neighborhood Petition

PETITION OF OPPOSITION TO VARIANCE APPEAL

Regarding Property: 3801 Breckridge Circle, Florence 29505
00153-01-163

TO: The City of Florence Board of Zoning Appeals (BZA) and
Planning Department:

We, the undersigned residents and property owners in
Subdivision 2, of South Oak, Breckridge Circle neighborhood,
formally state our **STRONG OPPOSITION** to the requested
variance appeal application for 3801 Breckridge Circle.

The applicant requests dividing a single 29,000sq.ft. lot into (2)
smaller lots for the purpose of building (2) houses. This directly
violates the minimum lot size for the requirements of the City
Zoning Department, which is 15,000sq. ft., the NC-15
(NEIGHBORHOOD CONSERVATION) minimum lot size of
15,000sq.ft. The surrounding properties on our street
consistently exceed 30,000sq.ft. Our neighborhood falls well
into low-density zoning expectations.

We respectfully urge the Board of Zoning Appeals to DENY this
variance on the grounds that:

1. NO UNIQUE PHYSICAL HARDSHIP EXISTS: The parcel has
no topographical defects preventing its standard use as
a single family site.
2. ECONOMIC GAIN IS NOT GROUNDS FOR A VARIANCE:
A developer's desire to MAXIMIZE profits by doubling
Density does not constitute a legal hardship under South
Carolina State law.
3. DETRIMENT TO PUBLIC GOOD: Approving this variance
 - a. ALTERS the neighborhood character with the spatial
layout of our properties
 - b. DEVALUES our property
 - c. Sets a bad precedent for future PIECEMEAL
subdivisions
 - d. Loss of privacy will impact the daily lives and well-
being of long-time residents bordering this property.

Attachment G: Site Photos



View of the cleared lot from the corner with the two building pads laid out.



The neighbor immediately adjacent to the lot.



The view from Green Acres Road.



The character of the neighborhood.

Board of Zoning Appeals Motion Worksheet

Case Number: BZA-2026-10 Nature of Request: Lot Area Variance

I move that we grant / deny the request for a variance based upon the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* will not / will be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in this individual case, result in an unnecessary hardship, in that:

2. That the spirit of the *Unified Development Ordinance* will / will not be observed, public safety and welfare secured, and substantial justice done because:

3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely:

4. That these conditions do not generally apply to other property in the vicinity, in that:

5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would effectively prohibit or unreasonably restrict the utilization of the property by:

6. That the authorization of a variance will not / will be of substantial detriment to adjacent property or to the public good, and the character of the district will not / will be harmed by the granting of the variance, because:

Guidelines applicable to the granting of a variance:

1. Profitability: the fact that a property may be used more profitably if the variance is granted may not be used as the basis for granting the variance.
2. Conditions: the BZA can put conditions on the granting of the variance.
3. Use Variance: the BZA cannot grant a variance that would allow a use not permitted in the zoning district.
4. Hardship: the hardship cannot be based on conditions created by the owner/applicant.

Notes:

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT
STAFF REPORT TO THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
JUNE 25, 2026**

AGENDA ITEM: BZA-2026-11

VARIANCE REQUEST: Request for a variance from the setback requirements for accessory structures.

LOCATION: 1767 Marsh Avenue

TAX MAP NUMBER: 90041-08-013

OWNER OF RECORD: Patricia Baccus and Denise Abraham

APPLICANT: Denise Abraham

ZONING DISTRICT: Neighborhood Conservation-15 (NC-15)

Land Use and Zoning

The corner lot has an area of 17,504 square feet and it is 112 feet wide and 162 feet deep. It is zoned Neighborhood Conservation-15, which permits single family detached houses on minimum 15,000 square foot lots only. An 1,805 square foot single family detached house sits in the middle of the lot, with a front setback of 60 feet. There is a carport that is perpendicular to the house which cuts the back yard in half.

Proposal and Variance Request

The applicant proposes to place a 12 foot wide by 12 foot long (144 square feet) storage building in the rear yard behind the house. The structure is 11 feet tall. The setback requirements for accessory buildings over 10 feet tall is 10 feet from the rear property line, and in the NC-15 district the side setback requirement is also 10 feet from the side property lines. Because of the constraints of the back yard, the applicant is requesting to place the shed 3 feet from the rear and side property lines rather than 10 feet, necessitating a 70% decrease in setback distances.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular property as follows: *the actual backyard area available to locate the shed is very small compared to the front and street side yards.*
- b. These conditions do not generally apply to other property in the vicinity as shown by: *the layout of the house on the lot and the fact it is a corner lot.*
- c. Because of these conditions, the application of the ordinance to the particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows: *abiding by the 10' side and rear setbacks would result in the shed being in the middle of the yard.*

- 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: *the house and landscaping will largely hide the shed from public view.*

According to Table 3-8.1.1, “Permitted Encroachments”, in the residential zoning districts, regarding accessory buildings:

Structure or Projection	Permitted Encroachments	
	Into Required Yard	From Lot Line
Interior Side Setback or Street Side Setback		
Accessory building (except detached garages)	N/A	Shall comply with the principal building setback for the district.
Rear Setback		
Accessory building (except detached garages)	N/A	5’ for buildings that are less than 10 ft. in height; 10’ for all other accessory buildings

Issues to be Considered

Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

1. That a variance from the terms of the *Unified Development Ordinance* (will/will not) be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions (will/will not), in an individual case, result in an unnecessary hardship.
Staff Comment: Without the variance, the applicant is limited regarding where she can place the accessory building.
2. That the spirit of the *Unified Development Ordinance* (will/will not) be observed, public safety and welfare secured, and substantial justice done.
Staff Comment: The purpose of the setback requirements for accessory buildings is to prevent the construction of structures that are too close to the neighboring properties. The next door neighbor already has an accessory structure within a few feet of the common property line (see Attachment G).
3. That there (are/are not) extraordinary and exceptional conditions pertaining to the particular piece of property.
Staff Comment: The shape of the house and carport limits the space available to place anything in the backyard.
4. That these conditions (do/do not) generally apply to other property in the vicinity.
Staff Comment: Because this is a corner lot, the applicant has limited options for placing the shed where it will be inconspicuous and not readily visible from the street.
5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property (would/would not) effectively prohibit or unreasonably restrict the utilization of the property as follows.

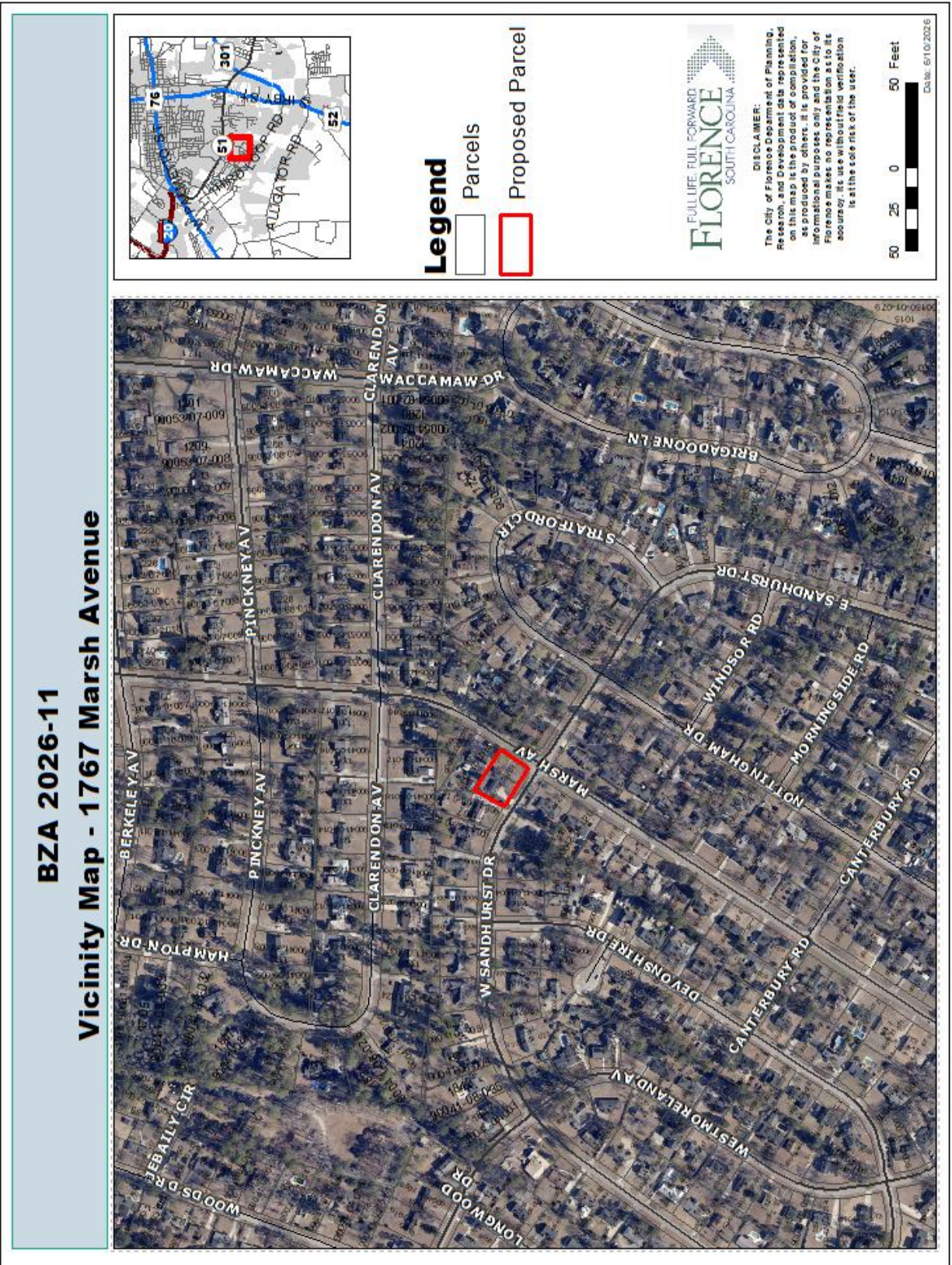
Staff Comment: The applicant is still permitted to have an accessory building but she would end up with it inconveniently located in the middle of the back yard.

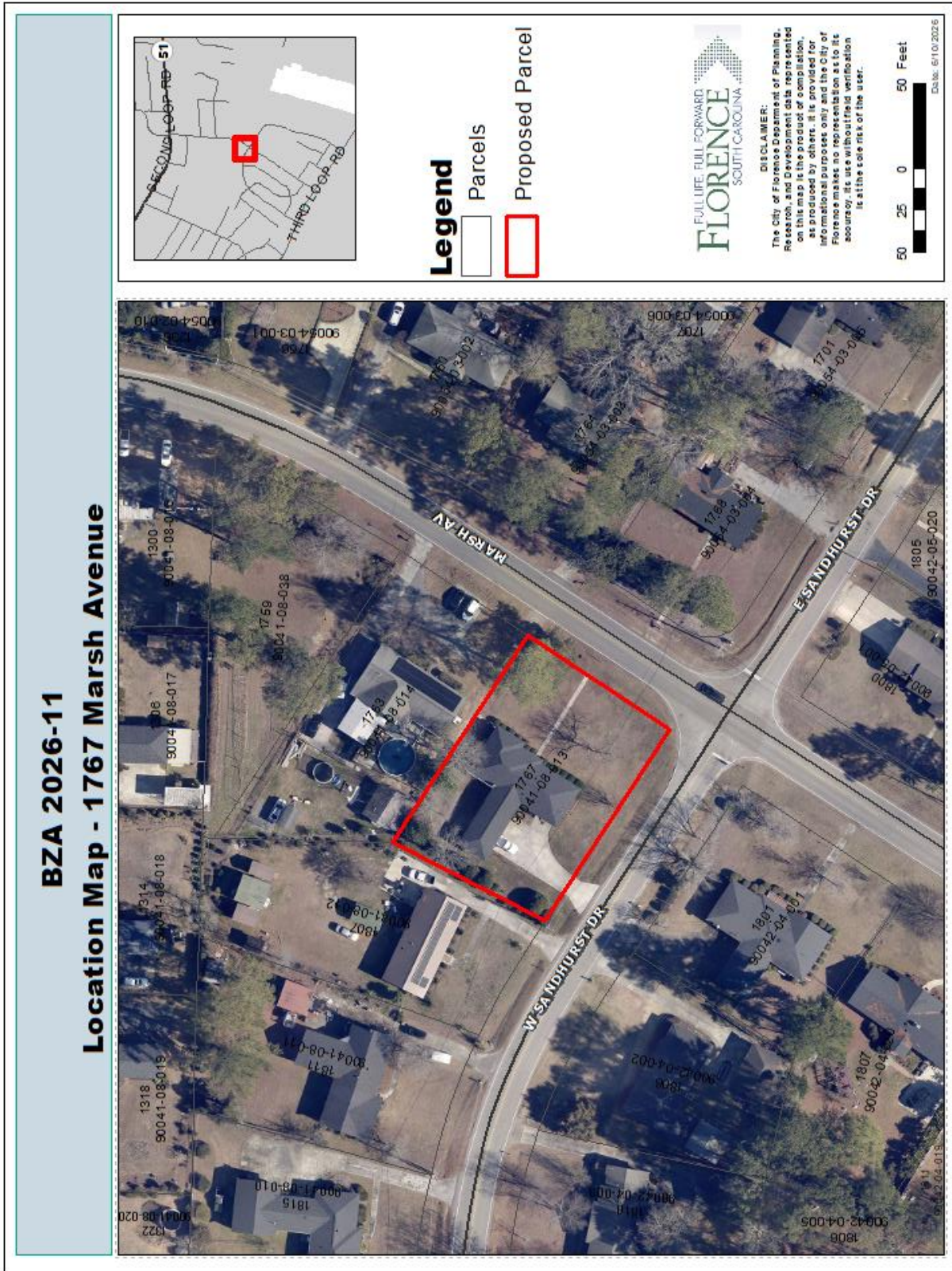
6. That the authorization of a variance (will/will not) be of substantial detriment to adjacent property or to the public good, and the character of the district (will/will not) be harmed by the granting of the variance.

Staff Comment: The same configuration that limits the area available to place the shed will also shield it from public view. It will be visible from the rear yards of the immediately adjacent properties, but not really from either of the streets. It will largely be behind a brick shed that is attached to the carport (see Attachment G).

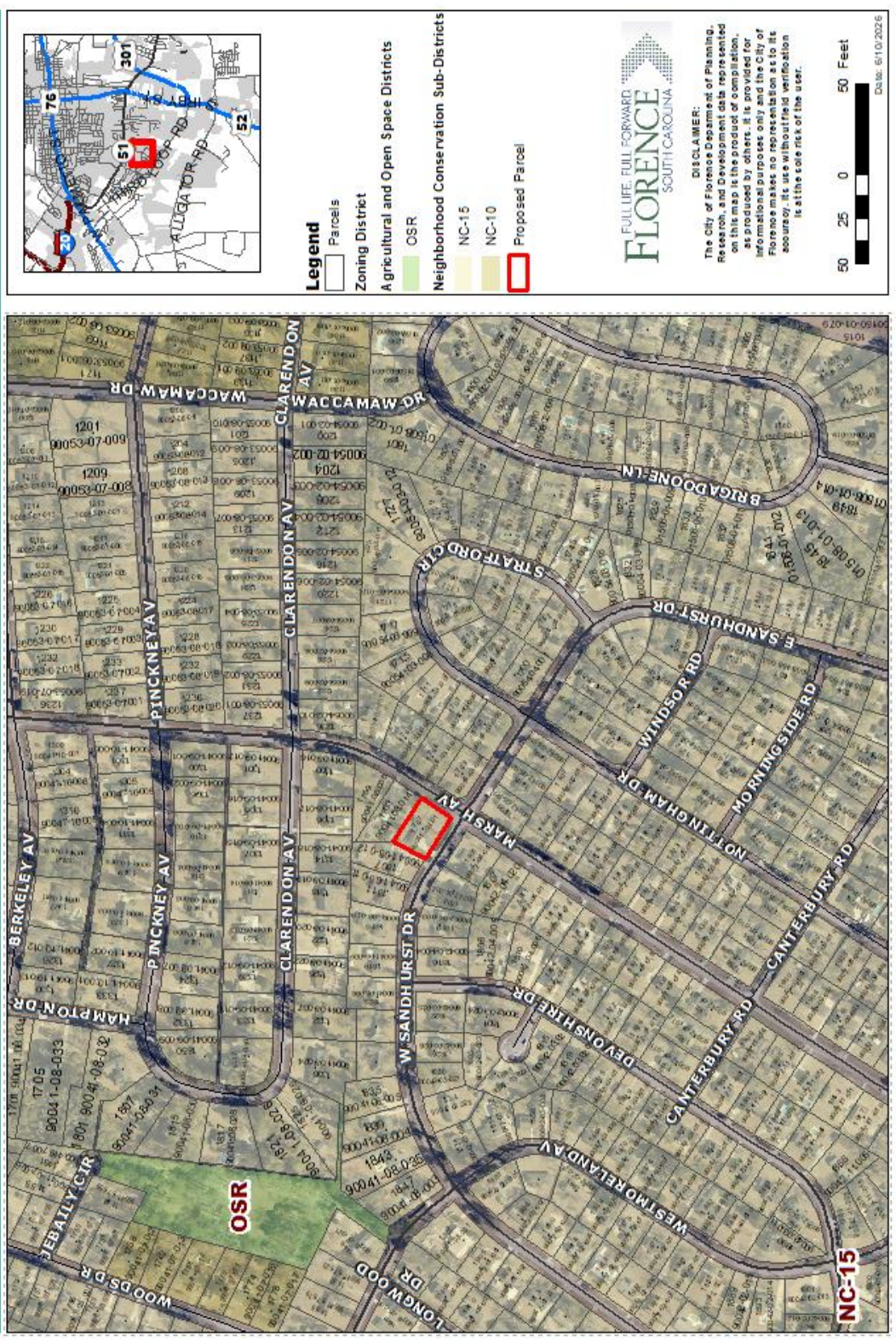
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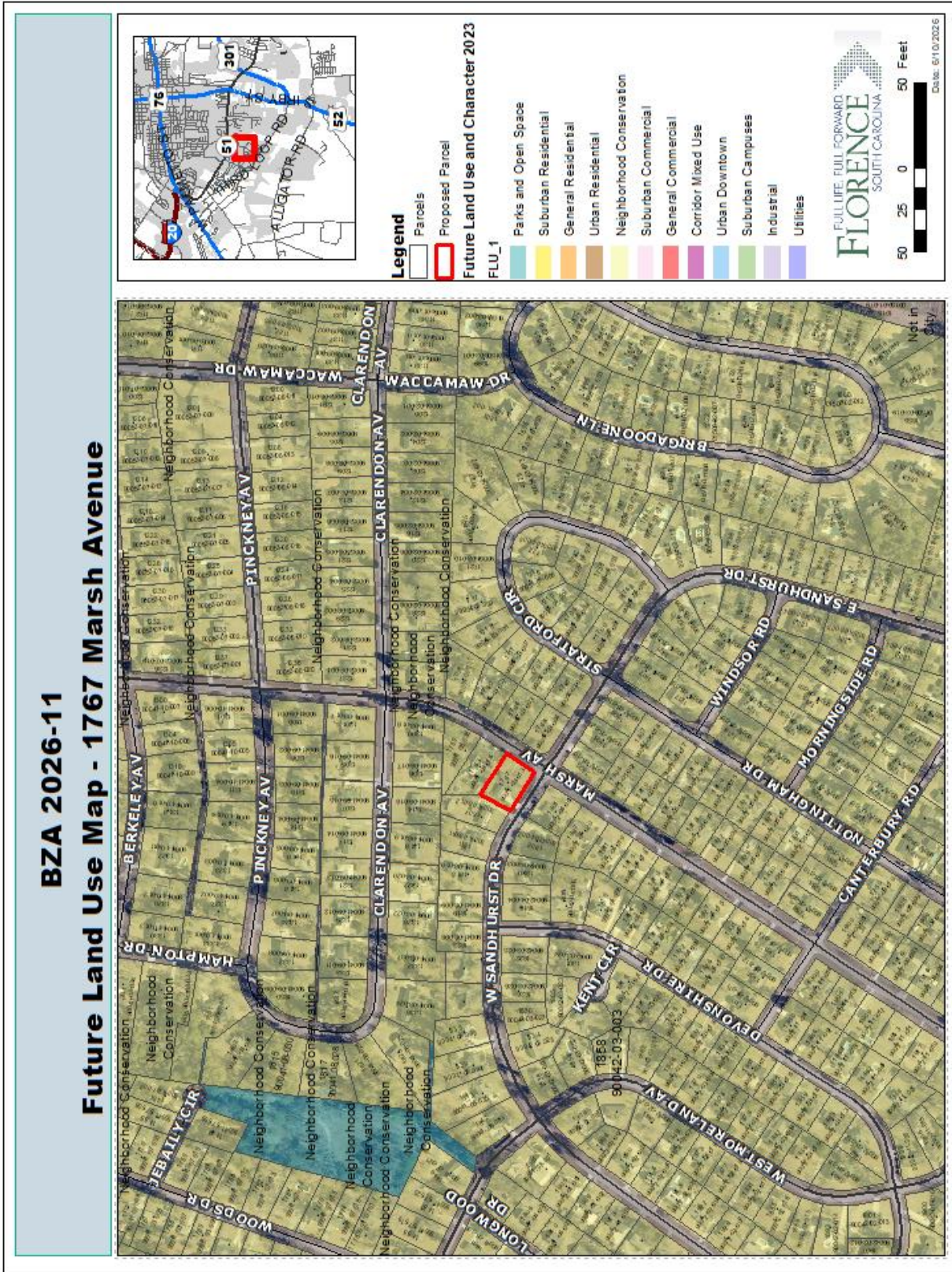
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Site Plan with Shed
- F. Building Rendering
- G. Site Photos





BZA 2026-11
Zoning Map - 1767 Marsh Avenue

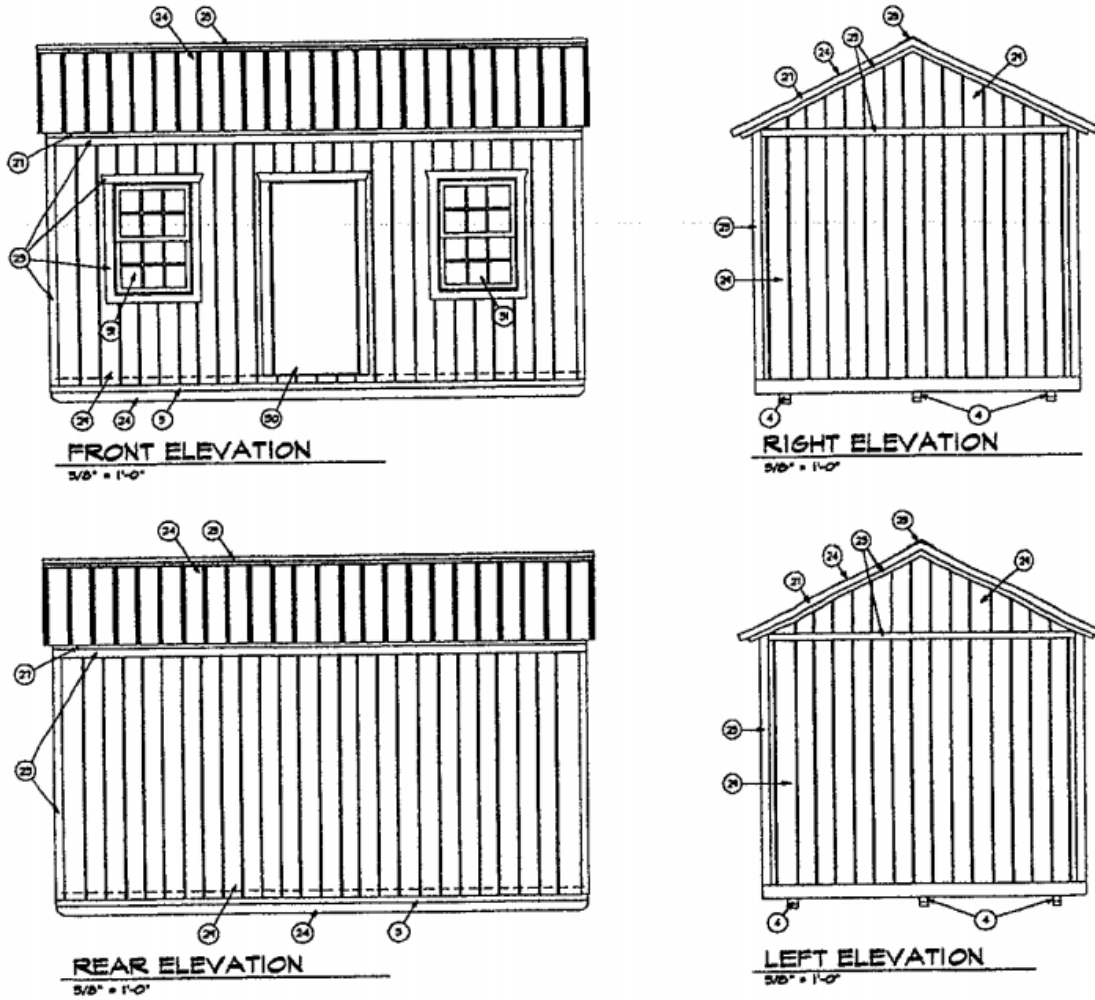




Attachment E: Site Plan with Shed (orange square)



Attachment F: Building Elevations



Attachment G: Site Photos



View of the house from Marsh Avenue.



View from the street of the corner of the yard where the shed is proposed to go.



View of the carport from West Sandhurst Drive.



View of the street from the proposed location of the new shed, behind the brick carport.



The next door neighbor's shed in proximity to the common property line.

Board of Zoning Appeals Motion Worksheet

Case Number: BZA-2026-11 Nature of Request: Accessory Building Setback Variance

I move that we grant / deny the request for a variance based upon the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* will not / will be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in this individual case, result in an unnecessary hardship, in that:

2. That the spirit of the *Unified Development Ordinance* will / will not be observed, public safety and welfare secured, and substantial justice done because:

3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely:

4. That these conditions do not generally apply to other property in the vicinity, in that:

5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would effectively prohibit or unreasonably restrict the utilization of the property by:

6. That the authorization of a variance will not / will be of substantial detriment to adjacent property or to the public good, and the character of the district will not / will be harmed by the granting of the variance, because:

Guidelines applicable to the granting of a variance:

1. Profitability: the fact that a property may be used more profitably if the variance is granted may not be used as the basis for granting the variance.
2. Conditions: the BZA can put conditions on the granting of the variance.
3. Use Variance: the BZA cannot grant a variance that would allow a use not permitted in the zoning district.
4. Hardship: the hardship cannot be based on conditions created by the owner/applicant.

Notes:

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT
STAFF REPORT TO THE
CITY OF FLORENCE BOARD OF ZONING APPEALS
JUNE 25, 2026**

AGENDA ITEM: BZA-2026-12

VARIANCE REQUEST: Request for a variance from the setback requirements for accessory structures.

LOCATION: 4021 West Eagle Street

TAX MAP NUMBER: 00052-02-009

OWNER OF RECORD: Dwight Jenkinson

APPLICANT: Dwight Jenkinson

ZONING DISTRICT: Residential General-3 (RG-3)

Land Use and Zoning

The interior lot has an area of 9,135 square feet and it is 70 feet wide and 125 feet deep. It is zoned Residential General-3 (RG-3), which is a residential district. A 2,392 square foot single family detached house sits in the middle of the lot.

Proposal and Variance Request

The applicant proposes to place a 14 foot wide by 20 foot long (280 square feet) lofted barn style storage building in the rear yard behind the house. The structure is 11 feet tall. The setback requirements for accessory buildings over 10 feet tall is 10 feet from the rear property line, and in the RG-3 district the side setback requirement is 5 feet from the side property lines. Because of the constraints of the back yard, the applicant is requesting to place the shed 5 feet from the rear property line rather than 10 feet, necessitating a 50% decrease in the rear setback distance.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular property as follows: ***the lot is only 70' wide and 125' deep, and the house dominates the lot, leaving little room for the placement of accessory structures.***
- b. These conditions do not generally apply to other property in the vicinity as shown by: ***not every house has this footprint, and not everyone needs an accessory building.***
- c. Because of these conditions, the application of the ordinance to the particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows: ***the 10' rear setback requirement places the accessory building in the middle of the yard.***
- 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: *the HOA approved of the smaller setback for the 280 square foot building, and I will eventually put a fence around the yard anyway.*

According to Table 3-8.1.1, “Permitted Encroachments”, in the residential zoning districts, regarding accessory buildings:

Structure or Projection	Permitted Encroachments	
	Into Required Yard	From Lot Line
Interior Side Setback or Street Side Setback		
Accessory building (except detached garages)	N/A	Shall comply with the principal building setback for the district.
Rear Setback		
Accessory building (except detached garages)	N/A	5’ for buildings that are less than 10 ft. in height; 10’ for all other accessory buildings

Issues to be Considered

Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

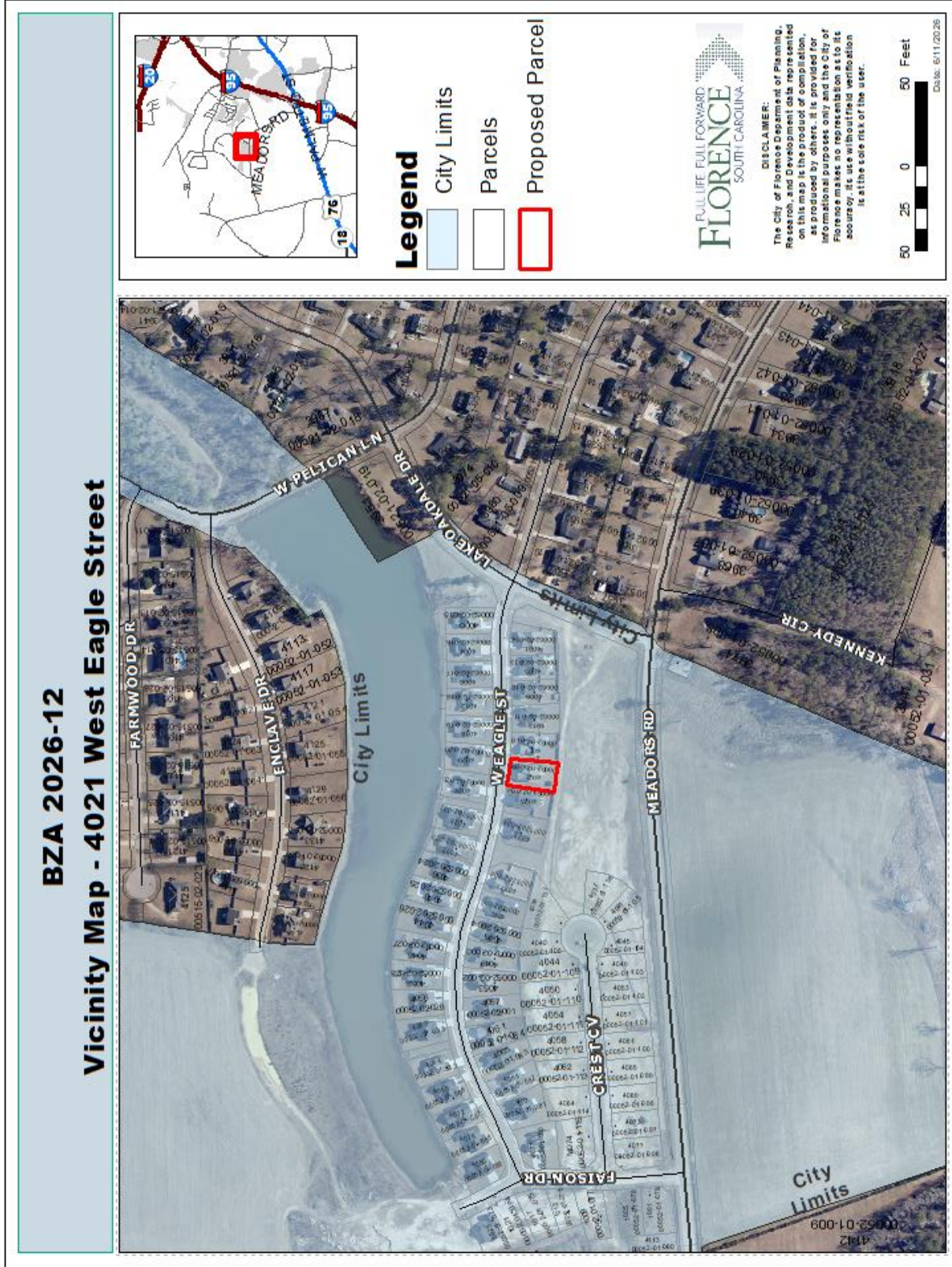
1. That a variance from the terms of the *Unified Development Ordinance* (will/will not) be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions (will/will not), in an individual case, result in an unnecessary hardship.
Staff Comment: Without the variance, the applicant is severely limited regarding where he can place the accessory building.
2. That the spirit of the *Unified Development Ordinance* (will/will not) be observed, public safety and welfare secured, and substantial justice done.
Staff Comment: The purpose of the setback requirements for accessory buildings is to prevent the construction of structures that are too close to the neighboring properties.
3. That there (are/are not) extraordinary and exceptional conditions pertaining to the particular piece of property.
Staff Comment: The size of the house and lot limits the space available to place anything in the back yard.
4. That these conditions (do/do not) generally apply to other property in the vicinity.
Staff Comment: All of the lots in this neighborhood are small with large houses on them.
5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property (would/would not) effectively prohibit or unreasonably restrict the utilization of the property as follows.
Staff Comment: The applicant is still permitted to have an accessory building but he would end up with it inconveniently located in the middle of the back yard.

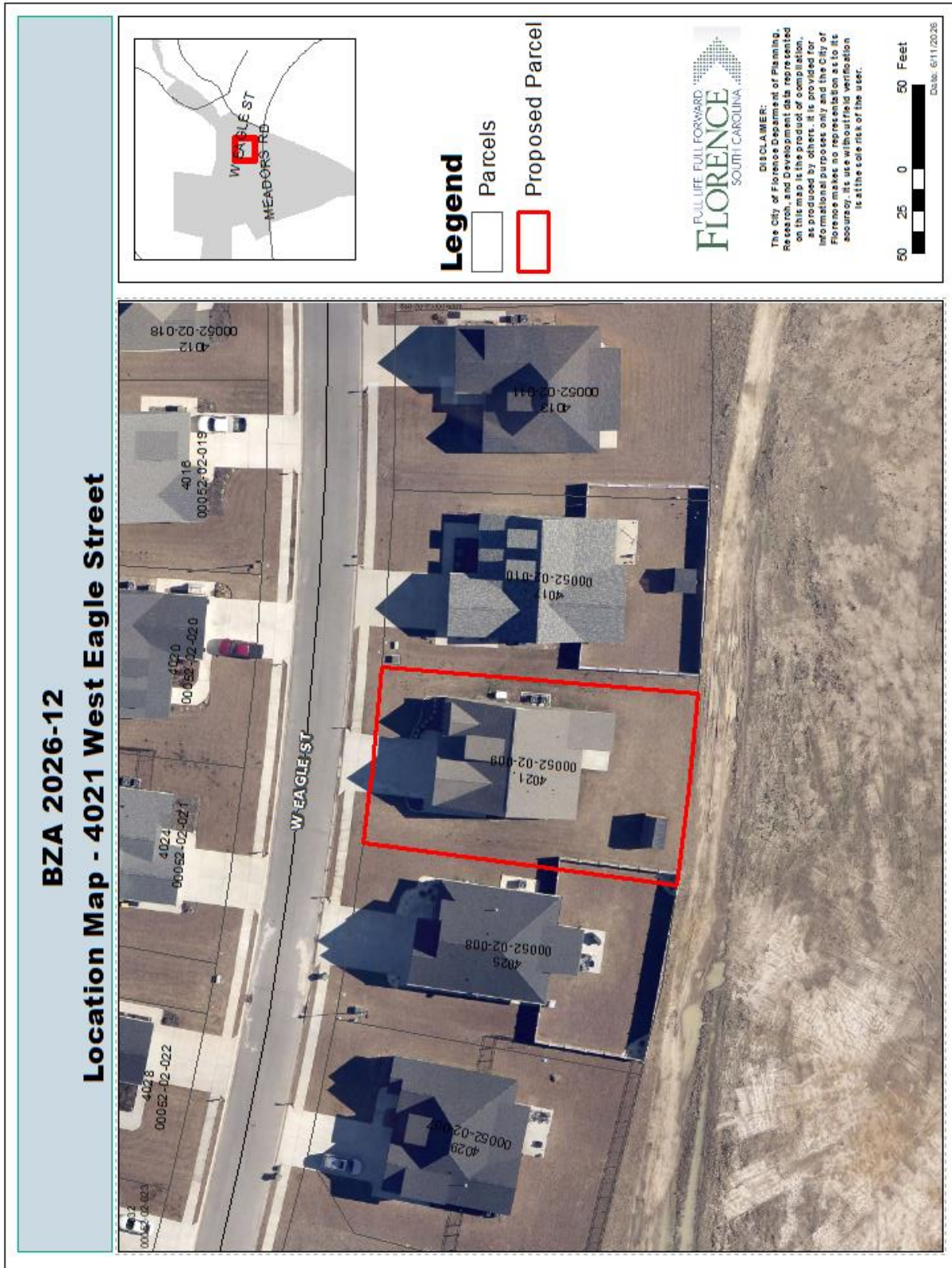
6. That the authorization of a variance (will/will not) be of substantial detriment to adjacent property or to the public good, and the character of the district (will/will not) be harmed by the granting of the variance.

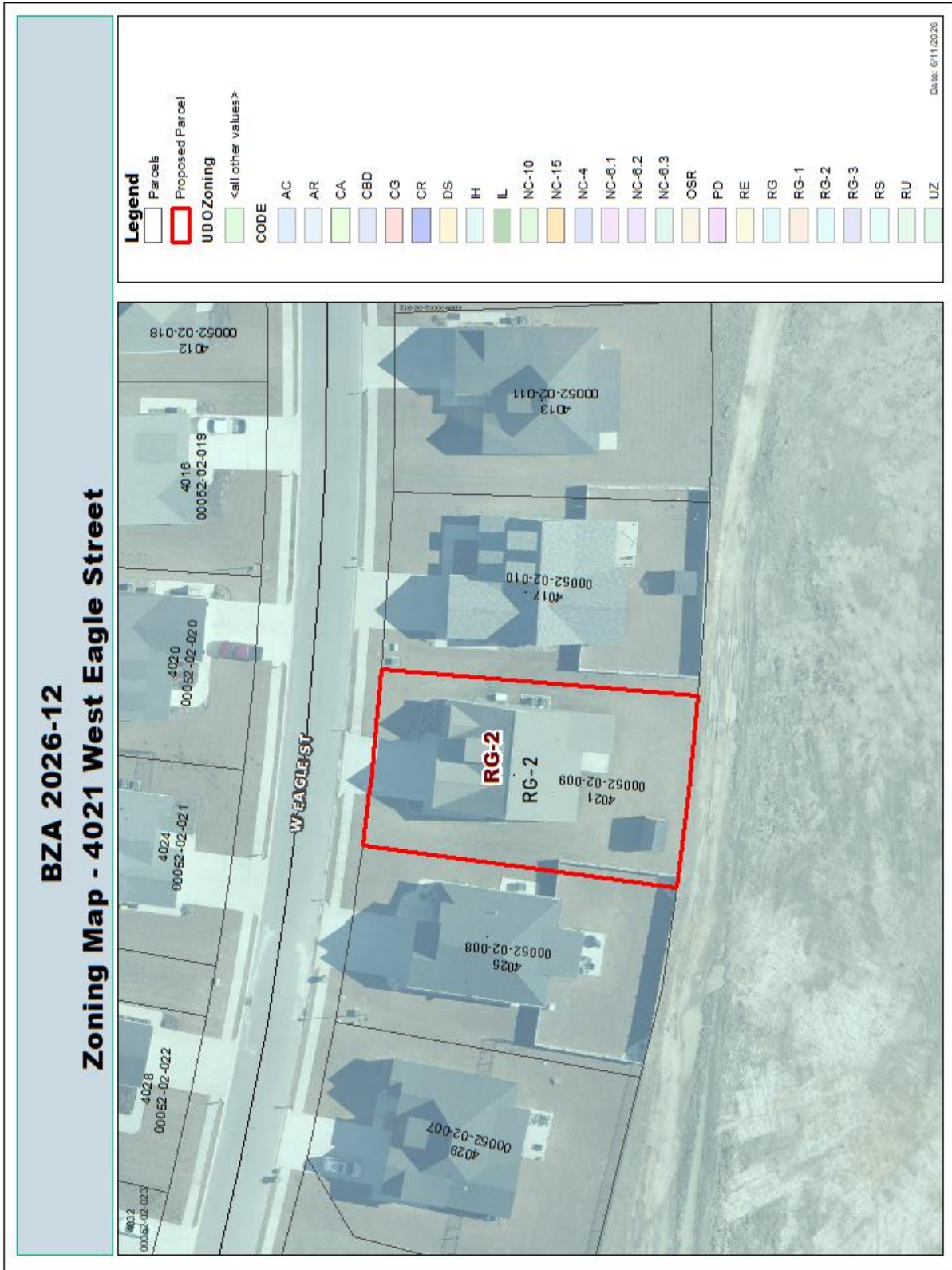
Staff Comment: Allowing the placement of the building 5 feet from the rear property line will only directly affect the property behind the lot, which is currently undeveloped. The applicant plans to install a fence in the future, which will shield most of the accessory building from view.

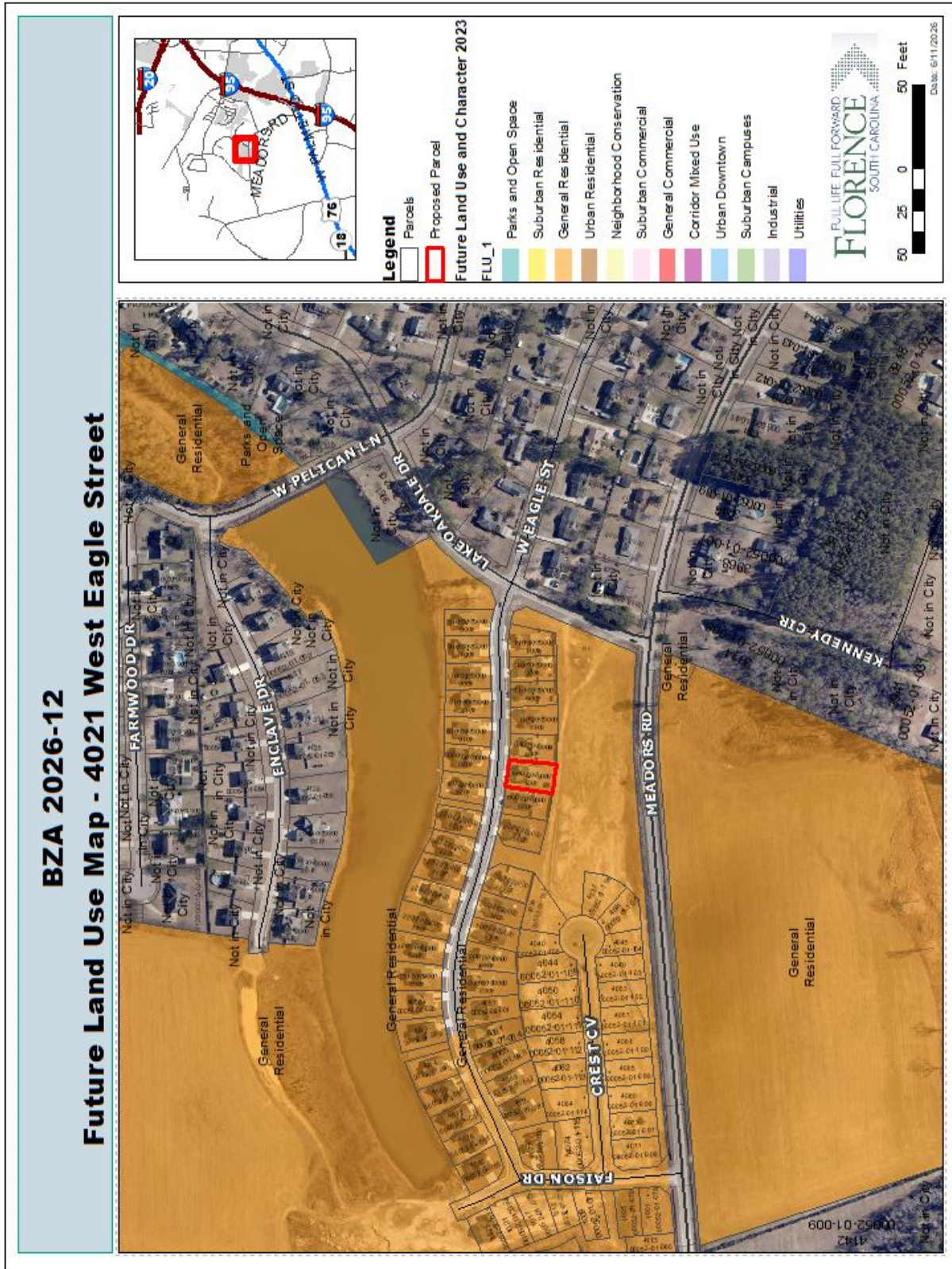
Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Site Plan with Shed
- F. Site Photos









Attachment E: Site Plan with Shed



Attachment F: Site Photos



The view of the house from the street.



The view of the back yard from the left side of the house.



The view of the backyard from the front right side of the house.



The view of the site for the shed.

Board of Zoning Appeals Motion Worksheet

Case Number: BZA-2026-12 Nature of Request: Accessory Building Setback Variance

I move that we grant / deny the request for a variance based upon the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* will not / will be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in this individual case, result in an unnecessary hardship, in that:

2. That the spirit of the *Unified Development Ordinance* will / will not be observed, public safety and welfare secured, and substantial justice done because:

3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely:

4. That these conditions do not generally apply to other property in the vicinity, in that:

5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would effectively prohibit or unreasonably restrict the utilization of the property by:

6. That the authorization of a variance will not / will be of substantial detriment to adjacent property or to the public good, and the character of the district will not / will be harmed by the granting of the variance, because:

Guidelines applicable to the granting of a variance:

1. Profitability: the fact that a property may be used more profitably if the variance is granted may not be used as the basis for granting the variance.
2. Conditions: the BZA can put conditions on the granting of the variance.
3. Use Variance: the BZA cannot grant a variance that would allow a use not permitted in the zoning district.
4. Hardship: the hardship cannot be based on conditions created by the owner/applicant.

Notes: