

Kershaw County Board of Zoning Appeals



MINUTES

KERSHAW COUNTY BOARD OF ZONING APPEALS JANUARY 7, 2020 REGULAR SESSION COUNCIL CHAMBERS, KERSHAW COUNTY GOVERNMENT CENTER CAMDEN, SOUTH CAROLINA

Members Present: David Brown, Mike Jones, Paul Holder, and Ben Strickland

Members Absent: None

Staff Present: Michael Conley, Joey Adams-Raczkowski, and Rhonda Darity

CALL TO ORDER

Paul Holder, called the meeting to order at 5:30 p.m.

MINUTES

The minutes from the October 1, 2019 regular meeting were reviewed. The motion to approve was made by Ben Strickland, seconded by Mike Jones, and approval was unanimous.

PUBLIC HEARING CASE #19-05

Paul Holder opened the public hearing:

Planning and Zoning Manager, Joey Adams-Raczkowski, gave the Staff Report, stating that the applicant/property owner, Betty Rudd, is requesting a variance on the number of permitted dwellings per lot, as required in Section 3:2.2-2 of the Kershaw County Unified Code of Zoning and Land Development Regulations (ZLDR). Ms. Rudd is currently leasing the home and land located at 1832 Lovett Road to an occupant who has health care needs. The occupant's son would like to place a second manufactured home onto the property in order to care for his ailing mother. Since the occupant does not own the land, she and her son cannot take advantage of a Family Exemption found within the ZLDR. This parcel has 184.6' of road frontage and does not qualify to have two dwellings placed on the lot. Based upon the application materials as applied to the four (4) state law standards, staff has not identified any justifiable reasoning for allowing a variance from the minimum 200' of road frontage that is required in order to provide public street access in the event the subject property on which the proposed second dwelling is located is subsequently subdivided for sale or transfer. Therefore, staff recommends that a variance not be granted for the property.

After considering the information presented by the applicant and staff, during discussion among the Board members, David Brown made the motion to deny the variance as recommended by staff, stating that the request did not meet the four (4) standards for granting a variance as set forth by the State (listed below), and that the owner is not entitled to relief from a self-created or self-inflicted hardship. The motion was seconded by Ben Strickland, and all voted to deny the request for a variance on the number of permitted dwellings per lot.

515 Walnut Street, Room 160 Camden, SC 29020 803-425-7233 Fax 803-424-5268

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In order to grant a variance, the Board of Zoning Appeals is required to determine that the application of the Ordinance will result in unnecessary hardship, and that all four standards for a variance set by State Law and the Ordinance are met by the following facts:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. 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.
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the surrounding area will not be harmed by granting the variance.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

The board delayed action on this item until a full board is present. Positions on the board remain unfilled at this time.

ADJOURNMENT

At 5:45 p.m., the Chairman called for a motion to adjourn. The motion to adjourn was made by David Brown, seconded by Mike Jones, and approval was unanimous.

Respectfully submitted,
Rhonda Darity
Rhonda Darity
Secretary

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