



Kershaw County Board of Zoning Appeals

AGENDA

DECEMBER 6, 2022 REGULAR MEETING @ 5:30 PM
COUNCIL CHAMBERS
KERSHAW COUNTY GOVERNMENT CENTER
515 WALNUT STREET, CAMDEN, SOUTH CAROLINA

- I. **Call to Order and Determination of Quorum**
- II. **Approval of Minutes**
September 6, 2022
- III. **Case 22-04:** Property owner Jan M. Pierce is requesting a variance to the required 20 ft. minimum side yard setback for a proposed addition to an existing single-family home located within an RD-1 zoning district, as required in Article 3:2.5 of the Kershaw County Unified Code of Zoning and Land Development Regulations. Specifically, the applicant is requesting to allow the eastern side of the proposed addition to encroach 4.2' into the side yard setback, which would result in a 15.8' side yard setback. Additionally, the applicant is requesting to allow the southeastern corner of the proposed access stairs to the proposed addition to encroach 8.2' into the side yard setback, which would result in a 11.8' side yard setback. The property is located at 175 Colonial Lake Drive, Camden, with TMS# 228-00-00-018. For more information, contact Kershaw County Planning and Zoning Department at 803-425-7233.
- IV. **Adjournment**



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The September 6, 2022 Board of Zoning Appeals draft minutes will be sent via a separate email once completed by Board Secretary, Rhonda Darity.

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STAFF REPORT

**APPLICATION TO THE BOARD OF ZONING APPEALS
FOR VARIANCE CASE # 22-03
JAN M. PIERCE, 175 COLONIAL LAKE DRIVE, CAMDEN**

**KERSHAW COUNTY BOARD OF ZONING APPEALS PUBLIC HEARING
Tuesday, December 6, 2022 at 5:30 PM
Council Chambers, Kershaw County Government Center
515 Walnut Street, Camden, SC 29020**

APPLICANT: Jan M. Pierce, Property Owner
PROPERTY: 175 Colonial Lake Drive, Camden
TMS #228-00-00-018
Zoning: RD-1

CASE: Property owner Jan M. Pierce is requesting a variance to the required 20 ft. minimum side yard setback for a proposed addition to an existing single family home within an RD-1 zoning district, as required in Article 3:2.5 of the Kershaw County Unified Code of Zoning and Land Development Regulations.

Specifically, the applicant is requesting to allow the eastern side of the proposed addition to encroach 4.2' into the side yard setback, which would result in a 15.8' side yard setback. Additionally, the applicant is requesting to allow the southeastern corner of the proposed access stairs to the proposed addition to encroach 8.2' into the side yard setback, which would result in a 11.8' side yard setback.

Zoning and Land Development Regulations, Section 3:2.1: Determination of Front Yard and Setbacks: The required front, side, and rear yards for individual lots, as set forth for the particular zoning district within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. In general, the principal building and front yard shall be oriented toward the public street right-of-way and the rear yard shall be the opposite property line and correspond to the rear of the principal building.

Zoning and Land Development Regulations, Table 3-4: Schedule of Lot Area: This table lists the minimum required side yard setback as being 20-feet for a residential lot in an RD-1 zoning district.

JUSTIFICATION FOR A VARIANCE:

The following is an analysis of the justification given by the applicant on the application:

1. Describe the provision of the Kershaw County Zoning and Land Development Regulations from which you seek a variance.

Response from Applicant: When house was built in 1988, the [setback] was 10 ft. (HOA requirements). We built 15.8 ft. off the property line. Due to roofline and other issues we need to extend on that side. Present offset [setback] is 20 ft. Need variance to build 15.8 ft. for room and 11.8 ft. for steps.

Staff Analysis and Additional Observations: The required 20 ft. minimum side yard setback for an existing new residential home built within an RD-1 zoning district is described in Sections 3:2.1 and Table 3-4 of the Kershaw County Unified Code of Zoning and Land Development Regulations.

The house was built prior to the enactment of countywide zoning. Therefore, there were no Kershaw County setbacks standards in place at the time the current home was built. The current required side yard setback is 20 ft.

2. Describe unusual conditions of the property causing unnecessary hardship which may justify variance from the terms of the ordinance.

Response from Applicant: Roofline, garage location, fireplace, etc makes it extremely difficult to build anywhere other than down that side.

Staff Analysis and Additional Observations: Due to the unusual conditions stated by the applicant, staff concurs that a hardship does exist.

3. Describe extraordinary and exceptional conditions pertaining to the particular piece of property.

Response from Applicant: The original house was built in 1987 before zoning. The original house doesn't allow for an addition easily in any other area.

Staff Analysis and Additional Observations: Again, the house was built prior to the enactment of countywide zoning. Therefore, there were no Kershaw County setbacks standards in place at the time the current home was built.

This is the only side of the house to which an addition to the home makes logical sense. The interior design of the home along with the placement of the house on the property both support justifying direct alignment of the proposed addition with the current roofline of the house. Otherwise, an addition to the home would be inset from the

current side of the house and roofline by about 5 ft. The remaining rear of the home has a brick fireplace chimney and is predominantly a garage area.

A significant amount of FEMA designated floodplain also exists on the property.

- 4. Explain how the conditions described above do not generally apply to other property in the vicinity.***

Response from Applicant: Due to the original offset [setback] being 10 ft. the original house was built according to this.

Staff Analysis and Additional Observations: Staff contends that the applicant has cited the existence of extraordinary or exceptional conditions in # 2 and #3 above to analyze for comparison and application to other properties in the vicinity. In addition, there is a mixture of neighboring homes that were built before and after the enactment of countywide zoning.

- 5. Due to these conditions, explain how the application of the Ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.***

Response from Applicant: Due to rural, offset [setback] of 20 ft on 1.5 acres is very difficult on narrow lot.

Staff Analysis and Additional Observations: Staff contends that although the property can still be utilized for the proposed use, the unique conditions mentioned previously in this staff report analysis do create extraordinary and exceptional conditions for this specific property.

- 6. Explain how the authorization of a variance will not be of substantial detriment to the adjacent property or to the public good, and how the character of the surrounding area will not be harmed by granting of the variance.***

Response from Applicant: Due to location of house and lot as opposed to neighbor, will not cause issues.

Staff Analysis and Additional Observations: The purpose of a setback is to offer spatial separation between uses and to ensure that structures are not built too close to neighboring properties. In this specific case, the house is 34 years old and has been setback from the side property line by approximately 15 feet for all of those years. The proposed 20' long addition does not infringe upon the neighboring property to any greater extent.

Staff contends that authorization of the variance will not be of substantial detriment to adjacent properties or to the public good.

STAFF FINDINGS AND RECOMMENDATIONS:

An owner is not necessarily entitled to relief from a self-created or self-inflicted hardship. However, this variance request clearly provides evidence that extraordinary or exceptional conditions pertaining to this specific lot and house exist.

According to the Comprehensive Planning Guide for Local Government as published by the Municipal Association of South Carolina, "A variance allows the board to modify an otherwise legitimate zoning restriction when, due to unusual conditions, the restriction may be more burdensome than was intended. The variance must not impair the public purpose. To obtain a variance on the ground of unnecessary hardship, there must at least be proof that a particular property suffers a singular disadvantage through the operation of a zoning regulation."

A variance must be granted on conditions of the specific piece of property and may not be granted because an applicant wants something other than what is allowed under the Ordinance and applied to all other properties within the same zoning district category.

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

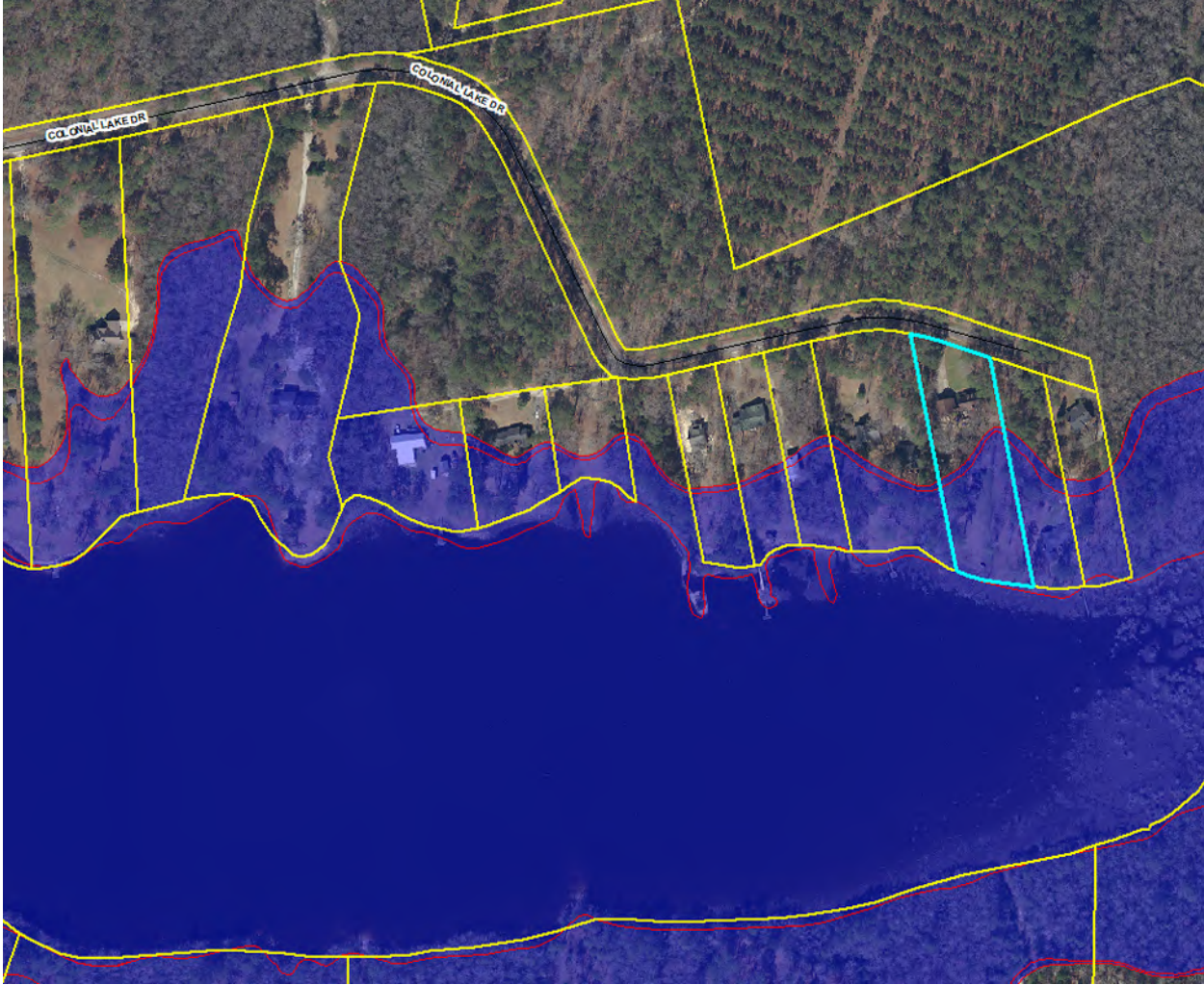
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit 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.

STAFF RECOMMENDATION

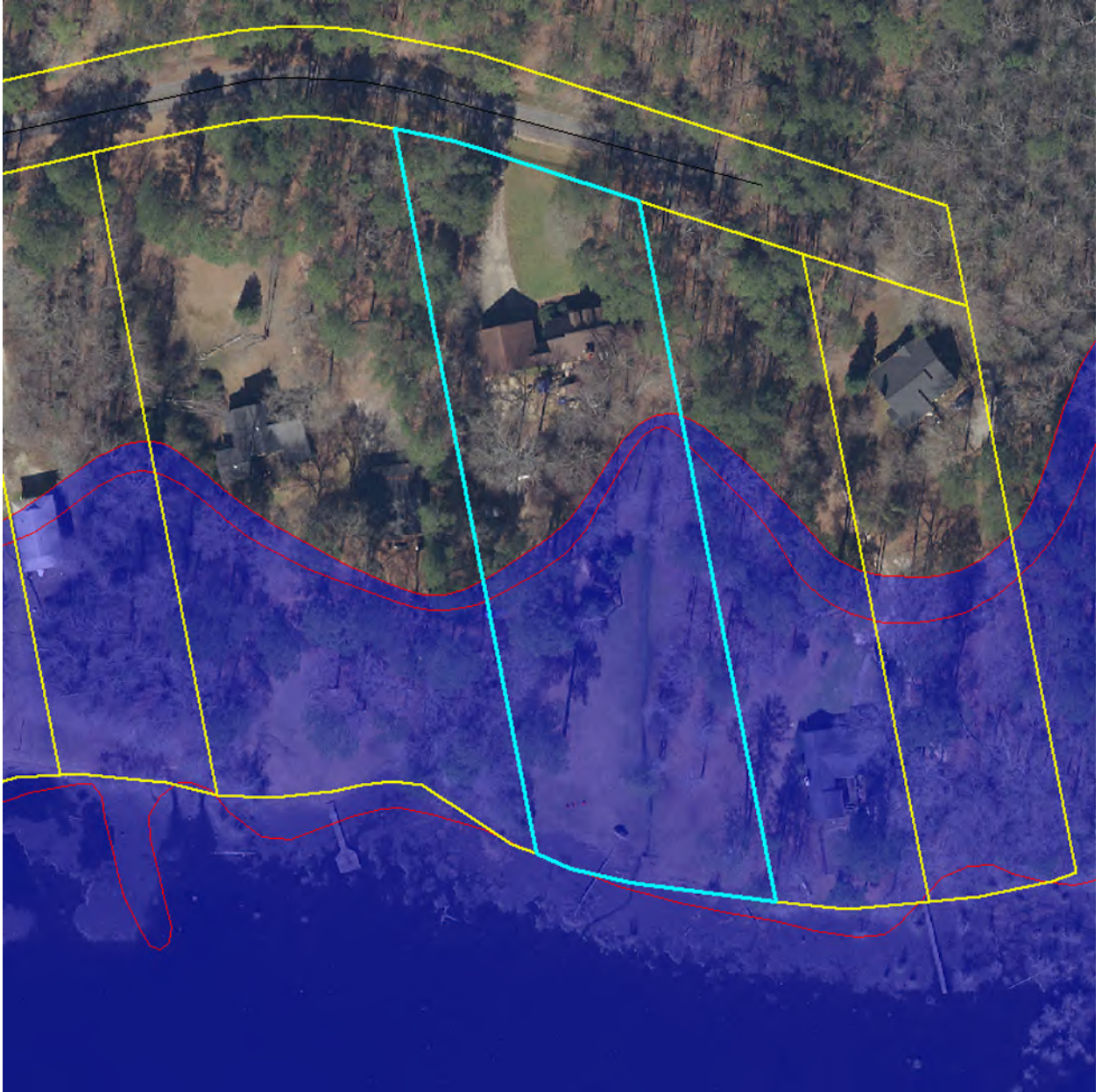
Based upon the application materials and staff analysis as applied to the four (4) State law standards, staff contends that the applicant has identified justifiable reasoning for allowing a variance from the minimum 20' side yard setback for this property. Specifically, to allow the eastern side of the proposed addition to encroach 4.2' into the side yard setback, which would result in a 15.8' side yard setback. Additionally, the applicant is requesting to allow the southeastern corner of the proposed access stairs to the proposed addition to encroach 8.2' into the side yard setback, which would result in a 11.8' side yard setback.

Therefore, staff recommends that a variance be granted for the side yard setback of the property identified in this application as 175 Colonial Lake Drive, Camden, with TMS# 228-00-00-018.

Aerial view of subject property (BZA# 22-04)



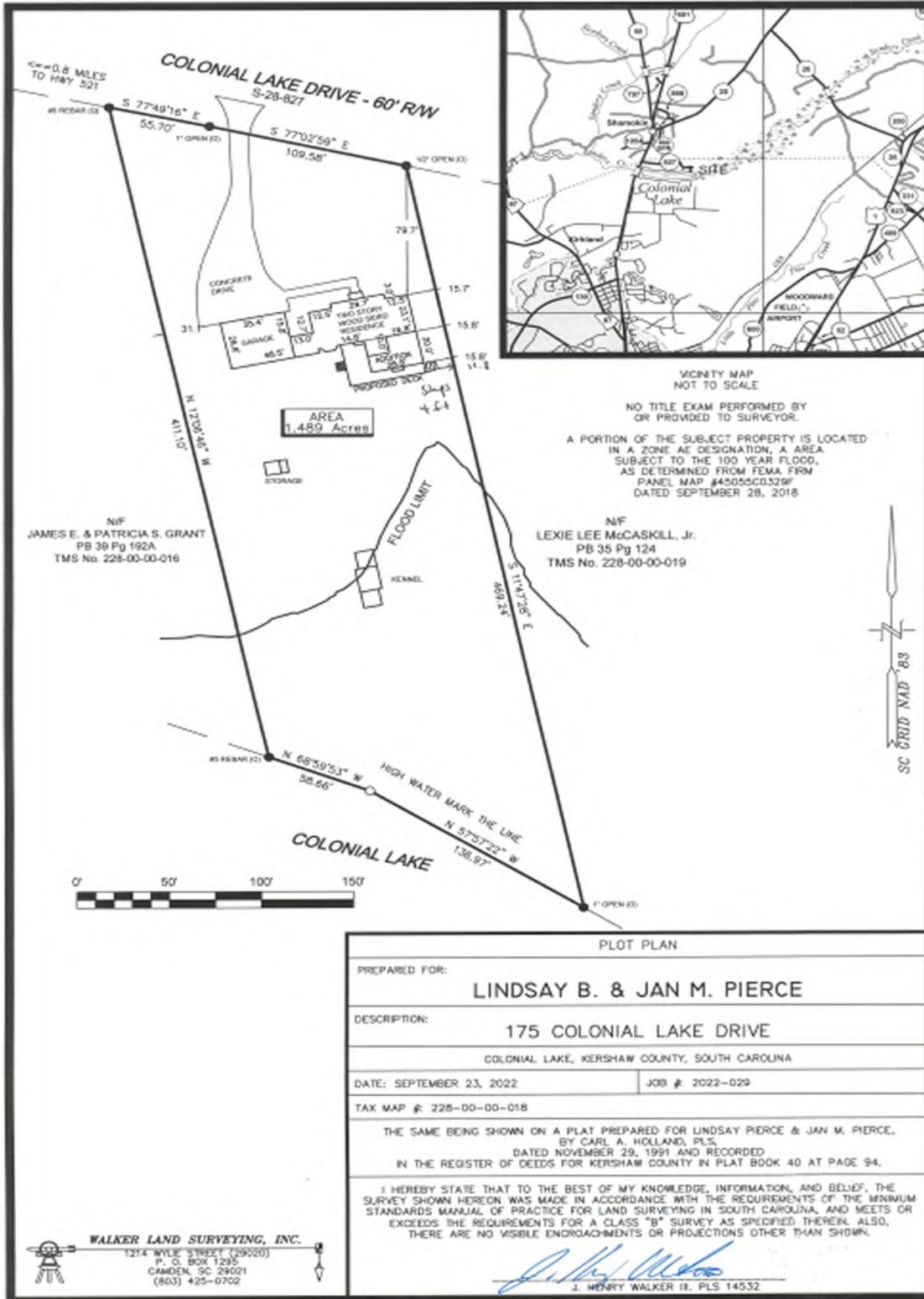
Closeup aerial view of subject property (BZA# 22-04)



Rear of home (addition will be on right side of this picture) (BZA# 22-04)



Survey (BZA# 22-04)



Kershaw County Planning and Zoning Department
 515 Walnut Street, Room 160, Camden, SC 29020 803-425-7233

**PETITION TO BOARD OF ZONING APPEALS
 FOR A VARIANCE**

All data and exhibits found herein or appended to this petition shall be deemed to be public record.

DATE:	REQUEST NO.:
I, <u>Jan Pierce</u> , hereby make application to the Kershaw County Board of Appeals for a variance.	

PROPERTY LOCATION

STREET ADDRESS: <u>175 Colonial Lake Dr</u>		COMMUNITY/SUBDIVISION:	
TMS#: <u>228-00-00-018</u>		PROPERTY AREA: <u>1 1/2</u> acres	
DEED BOOK:	PLAT BOOK:	SEWER DISTRICT:	WATER DISTRICT:
CURRENT USE:		PROPOSED USE:	
Has previous variance application been made for all or any part of this property? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes when?			
Per the South Carolina Local Government Planning enabling Act (Section 6-29-1145 of the South Carolina Code of Laws), is/are this/these tract(s) or parcel(s) restricted by any recorded covenant, restriction, easement, etc., that is contrary to, conflicts with, or prohibits the proposed land use? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, submit a copy with this application.			
THE APPLICANT IS: PROPERTY OWNER <input checked="" type="checkbox"/> AGENT OF PROPERTY OWNER <input type="checkbox"/> OPTION HOLDER <input type="checkbox"/>			

PROPERTY OWNER (If property is owned by more than one person, each owner must be listed. An additional form is provided at the end of this application and may be duplicated if necessary.)

NAME: <u>Lindsay & Jan Pierce</u>	E-MAIL: <u>jan.pierce@ctp-epa.com</u>
MAILING ADDRESS: <u>0175 Colonial Lake Dr</u>	CITY: <u>Camden</u> STATE: <u>SC</u> ZIP: <u>29020</u>
TELEPHONE: <u>813-427-4057</u>	CELL: FAX:

APPLICANT (If other than property owner.)

NAME:	E-MAIL
MAILING ADDRESS:	CITY: STATE: ZIP:
TELEPHONE:	CELL: FAX:

If applicant is other than owner, state applicant's interest in the proposed variance:

DESIGNATION OF AGENT (To be completed by owner, only if owner is not applicant. If property is owned by more than one person, each owner must complete a Designation of Agent Form. An additional form is available at the end of this application. The signature of each owner must be notarized.)

I, _____ (PROPERTY OWNER) hereby appoint _____ (APPLICANT) as my agent to represent me in this request for administrative appeal.

Owner's signature: _____ Date: _____

Given under my hand and seal, this _____ day of _____, 20____

 (Seal)
 Notary Public for South Carolina

My commission expires on _____ day of _____, 20____

Describe the provision of the Kershaw County Zoning and Land Development Regulations from which you seek a variance.

When house was built in 1987, the variance was 10ft. We built 15.8 feet off line. Due to roofline & other issues, we need to extend on that side. Present offset is 20ft. Need variance to

JUSTIFICATION FOR VARIANCE - If additional space is needed, use a separate sheet of paper.

Describe unusual conditions of the property causing unnecessary hardship which may justify variance from the terms of the ordinance.

Roofline, garage location, fireplace etc makes it extremely difficult to build anywhere other than down that side

Describe extraordinary and exceptional conditions pertaining to the particular piece of property.

The original house was built in 1987 before zoning. The original house doesn't allow for addition easily in any other area.

Explain how the conditions described above do not generally apply to other property in the vicinity.

Due to original offset being 10ft, house was originally built according to this

Due to these conditions, explain how the application of the Ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Due to rural, offset of 20 feet on 1/2 acre is very difficult on narrow lot.

Explain how the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and how the character of the surrounding area will not be harmed by the granting of the variance.

Due to location of house on lot
as opposed to neighbor, will not
cause issues.

APPLICANT'S SIGNATURE:

DATE:

ACTION BY APPEALS BOARD:

SIGNATURE OF CHAIRMAN:

DATE:

ADDITIONAL PROPERTY OWNER AND DESIGNATION OF AGENT FORMS

(To be duplicated if needed for additional property owners.)

PROPERTY OWNER FORM (To be completed by each owner if property is owned by more than one person.)

NAME:	E-MAIL:		
MAILING ADDRESS:	CITY:	STATE:	ZIP:
TELEPHONE:	CELL:	FAX:	

DESIGNATION OF AGENT FORM (To be completed by each owner if owner is not the applicant.)

I, _____ (PROPERTY OWNER) hereby appoint _____ (APPLICANT)
as my agent to represent me in this request for administrative appeal.

Owner's signature: _____ Date: _____

Given under my hand and seal, this ____ day of _____, 20__

(Seal)
Notary Public for South Carolina

My commission expires on ____ day of _____, 20__

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