

Kershaw County Board of Zoning Appeals



MINUTES

KERSHAW COUNTY BOARD OF ZONING APPEALS April 24, 2023 REGULAR SESSION COUNCIL CHAMBERS, KERSHAW COUNTY GOVERNMENT CENTER CAMDEN, SOUTH CAROLINA

Members Present: Mike Jones, Ben Strickland, Ned Towell, and Amy Eudy

Members Absent: Cook Young

Staff Present: Joey Adams-Raczkowski, and Rhonda Darity

CALL TO ORDER

The Chairman, Ben Strickland, called the meeting to order at 5:30 p.m

MINUTES

The minutes from the December 6, 2022 regular meeting were reviewed. The motion to approve was made by Ben Strickland, seconded by Ned Towell, and approval was unanimous.

PUBLIC HEARING CASE #23-01

Ben Strickland opened the public hearing:

Planning Manager, Joey Adams-Raczkowski, introduced the case. He stated that the applicant was requesting a variance to the required 10 ft. minimum side yard setback, and the required 35 ft. front yard setback, for an accessory structure built without first obtaining proper zoning approval and building permits, located within an R-15 zoning district as required in Article 3:2.5 of the Kershaw County Zoning and Land Development Regulations. Specifically, the applicant is requesting to allow the eastern side of the existing accessory structure to encroach 0.2 ft. into the side yard setback resulting in a 9.8 ft. side yard setback. Additionally, the applicant is requesting to allow the front of the accessory structure to encroach 19.5 ft. into the front yard setback, which would result in a 15.5 ft. front yard setback.

The applicant, Monty Floyd addressed the Board, and was available for any questions the Board may have. Mr. Floyd stated that he went out of town and when he returned home the company had already erected the building. This was done before he could obtain a survey of his property. He spoke about the slope of the property and diverting water.

There was a lengthy discussion amongst the Board members, and Mr. Floyd. Mr. Adams-Raczkowski went over the staff analysis for the justification given by the applicants on their application.

STAFF FINDINGS AND RECOMMENDATIONS:

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:

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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 as applied to the four (4) State law standards, staff has not identified any justifiable reasoning provided by the applicant for approving a variance in accordance with the four State law standards to allow the unpermitted accessory structure to encroach 19.5' into the front yard setback, or 0.2' into the side yard setback. Therefore, staff recommends that a variance to allow the unpermitted accessory structure to encroach 19.5' into the front yard setback, and 0.2 ft. into the side yard setback, be denied for the property identified as 2472 Darby Road TMS# 111-04-40-055.

REBUTTAL BY APPLICANT - None

PUBLIC COMMENT -

Robert Darby, Jr. informed the Board that Darby Road is maintained by the property owners. Mr. Floyd's building blends in and looks good. The neighborhood has been having trouble keeping anything left out due to theft.

Michael Ray informed the Board that Darby Road is like a shared driveway. His lot and Mr. Floyd's lot is very narrow. They are having issues with theft and he thinks the building looks great.

There being no further testimony, the Chairman closed the hearing.

The Chairman called for a motion. Amy Eudy made a motion to deny the variance request. The motion was seconded by Ben Strickland, and all voted to deny the application for the variance.

ADJOURNMENT

At 6:23 p.m., the Chairman called for a motion to adjourn. The motion to adjourn was made by Amy Eudy, seconded by Mike Jones, and approval was unanimous.

Respectfully submitted,

Rhonda Darity

Rhonda Darity
Secretary

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