

Kershaw County Board of Zoning Appeals



MINUTES

KERSHAW COUNTY BOARD OF ZONING APPEALS
MAY 7, 2024 REGULAR SESSION
COUNCIL CHAMBERS, KERSHAW COUNTY GOVERNMENT CENTER
CAMDEN, SOUTH CAROLINA

Members Present: Amy Eudy, Ashleigh Hough, Mark Sury, and Jeffrey Murphy

Members Absent: Cook Young

Staff Present: Joey Adams-Raczkowski, John Dubose, Hannah Doster and Rhonda Darity

CALL TO ORDER

Chairman, Jeffrey Murphy called the meeting to order at 5:30 p.m, and determined that there was a quorum.

ADOPTION OF AGENDA

Chairman Murphy called for a vote to adopt the agenda as listed, and all voted to adopt the agenda.

MINUTES

The minutes from the April 24, 2023 regular meeting were reviewed. The motion to approve was made by Amy Eudy, seconded by Mark Sury, and approval was unanimous. The minutes from the March 4, 2024 regular meeting were reviewed. The motion to approve was made by Jeffrey Murphy, seconded by Ashleigh Hough, and approval was unanimous.

PUBLIC HEARING CASE #22-04

Chairman Murphy introduced the case and opened the public hearing:

PUBLIC COMMENTS

Joey Adams-Raczkowski, stated that the applicants are requesting relief from Article 3:2.5, and Table 3-4 of the Kershaw County Zoning and Land Development Regulations. They are requesting a variance to the required 35' minimum front yard setback for an accessory structure/ garage, located within the R-15 zoning district, as required in Article 3. Specifically, the applicant is requesting to allow the eastern side of a proposed accessory structure to encroach 14' into the front yard setback. This would result in a 21' front yard setback. The property is located at 2194 Mallard Lane, Camden, with TMS# 161-02-43-065.

Mr. Adams-Raczkowski, informed the Board that 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 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.

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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.

The applicant's representative, Jerry Peacock briefly addressed the Board, and was available for questions. Mr. Peacock noted that this is the applicant's primary home, and they need space to store vehicles. No trees would be removed, the garage opening would not face the road, and this is a dead end street.

There was discussion between the board members and Mr. Peacock.

Chairman Murphy closed the public discussion period.

The Chairman opened the floor for discussion. The Board went over the 4 standards and addressed each item for this variance request.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
Chairman Murphy made a motion to open discussion and vote on standard 1, seconded by Ms. Hough to open for discussion. Ms. Hough had concerns on landscaping, and fairness to the property owners. In response to Ms. Hough's comments, Mr. Adams-Raczowski stated that the Board can place conditions on approvals. Chairman Murphy does not see anything that makes this parcel extraordinary/exceptional conditions than all of the other lots. Ms. Eudy had comments concerning the back yards on lake property. Chairman Murphy asked if consideration had been made for a smaller garage? Mr. Eisenback stated that the reason he needed the three door garage was because he had two classic cars stored in another county, and a recent purchase of a new Corvette. Chairman Murphy made a motion that the condition has been met, seconded by Mark Sury. All agreed that this standard was not met.
2. These conditions do not generally apply to other property in the vicinity.
Chairman Murphy made a motion to open discussion and vote on standard 2, seconded by Ms. Hough to open for discussion. Ms. Hough asked Ms. Eudy if she noticed any properties during her site visit that this standard may be an issue as well. Ms. Eudy stated that everyone at the lakeside only has one yard to work with. If you put a structure on the lakeside of the home, you obstruct the view of the lake. Chairman Murphy made a motion that the condition has been met, seconded by Mark Sury. All agreed that this standard was not met.
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.
Chairman Murphy made a motion to open discussion and vote on standard 3, seconded by Ms. Eudy to open for discussion. Ms. Eudy requested clarification on the utilization of the property because it is zoned residential, should they be thinking that the purpose of the property is to be habitable? Does building the garage affect the applicant's ability to live there? Chairman Murphy stated that there is enough property that you could construct an accessory structure within the limits of the setbacks. The specific proposed structure is larger than the area that falls within the setback. Ms. Hough requested clarification on a side setback. Mr. Adams-Raczowski verified that the side setback for this zoning district is ten feet. Chairman Murphy made a motion that the condition has been met. All agreed that this standard was not met.
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.
Chairman Murphy made a motion to open discussion and vote on standard 4, seconded by Ms. Eudy to open for discussion. Ms. Eudy stated that during her site visit she looked to see if the proposed building would obstruct. She feels that it would not obstruct the view. Ms. Eudy feels that it would not take away

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from property values, but would add to the property value, she is in favor of this standard. Chairman Murphy made a motion that the condition has been met. Chairman Murphy and Ms. Eudy voted in favor of the motion. Mr. Sury and Ms. Hough opposed the motion. County Attorney Dubose clarified that a tie vote requires an affirmative majority. Chairman Murphy stated that standard 4 does not pass.

Attorney Dubose reminded the Board that in order for a variance to be approved, all standards must be met.

Director's Report

No new items have been submitted for the next meeting.

ADJOURNMENT

At 6:12 p.m., the Chairman asked if there were any other items to discuss. Hearing none he made a motion to adjourn. Seconded by Ms. Eudy, and approval was unanimous.

Respectfully submitted,

Rhonda Darity
Rhonda Darity
Secretary

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