



Department of Community Development

AGENDA

**Board of Zoning Appeals**

March 7, 2017

Town Council Chambers

6:00 PM

- A. Call to Order
- B. Roll Call
- C. Adoption of January 3, 2017 Minutes
- D. New Business
  - 1. Public Hearing
    - Consideration of a variance from the Moncks Corner Zoning Ordinance (Lot Frontage) for 123 George Street, TMS # 143-05-00-023. The property is zoned R-1 (General Residential).
- E. Staff Comments
  - 1. Commission & Board Training: March 27, 2017
- F. Move to Adjourn



Community Development Department

## Staff Report

### Variance Request

**DATE:** March 3, 2017  
**TO:** Moncks Corner Board of Zoning Appeals  
**FROM:** Douglas Polen, Community Development Director  
**SUBJECT:** Variance Request (Street Frontage)  
**STAFF RECOMMENDATION:** APPROVAL

Report Summary	
<i>Property Location</i>	123 George Street
<i>Property TMS</i>	143-05-00-023
<i>Acreage</i>	69,496 sq. ft.
<i>Zoning</i>	R-2, Single Family Residential
<i>Applicant/Owner</i>	James Harris & Henry Thomas, on behalf of Habitat for Humanity
<i>Use</i>	Single Family Residential (Currently Vacant)
<i>Request</i>	<p><b>Request for Variances to Street Frontage and Minimum Lot Size</b></p> <p>The applicant, on behalf of Habitat for Humanity, wishes to reduce the minimum lot frontage from 70' to 52' to accommodate the construction of three single-family residences. This reduction in lot width would reduce the total lot area to approximately 7,400 square feet, while the district minimum is 8,500.</p>
<i>Current Requirements</i>	R-2 Street Frontage: 70' minimum; Minimum Lot Size: 8,500 s.f.

### Background

The subject property is zoned R-2, which requires 70' of frontage along the right-of-way. Habitat for Humanity would like to purchase the property and place three houses to the east of the existing residence. In order to accommodate three homes, the lot frontage will need to be reduced from 70' to 52'.

While 52' is a considerable variance (25%), lot widths of that size are common in this neighborhood. The adjacent lot to the west has a ±54' lot frontage, while the eleven lots across the median on Fennick Drive average 51' wide.

Likewise, the applicant is requesting a 13% reduction in minimum lot size. The adjacent lot to the west measures ±7,760 s.f., while the lots across Fennick Street average 6,525 s.f. It should be noted that only one of the lots along Fennick meets the current R-2 district requirements, and two houses are located on that property.

The lot frontages and sizes being requested meet the requirements for new houses being built in the Foxbank and Moss Grove neighborhoods, and so would not be out of place in other areas of town as well.

### **Authority**

§11-2 of the Moncks Corner Zoning Ordinance outlines the duties of the BZA with regard to Variances:

*(1) To hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following finding:*

*(a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;*

*(b) these conditions do not generally apply to other property in the vicinity*

*(c) 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; and*

*(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.*

*(i) The board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be grounds for a variance.*

*(ii) In granting a variance, the board may attach to it such conditions regarding the location, character or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare;*

### **Analysis**

**1. Are there are extraordinary and exceptional conditions pertaining to the particular piece of property?**

No. The lot has no wetlands or atypical topography.

**2. Do these conditions generally apply to other property in the vicinity?**

N/A – none of the lots in the vicinity have extraordinary or exceptional conditions prohibiting use.

**3. Because of these conditions, does the application of the ordinance to the particular piece of property effectively prohibit or unreasonably restrict the utilization of the property?**

No. The property is currently being used in accordance with the Code, and the area east of the existing house could be subdivided into two lots by right.

**4. *Will the authorization of the variance be of substantial detriment to adjacent property or to the public good, and will the character of the district be harmed by the granting of the variance?***

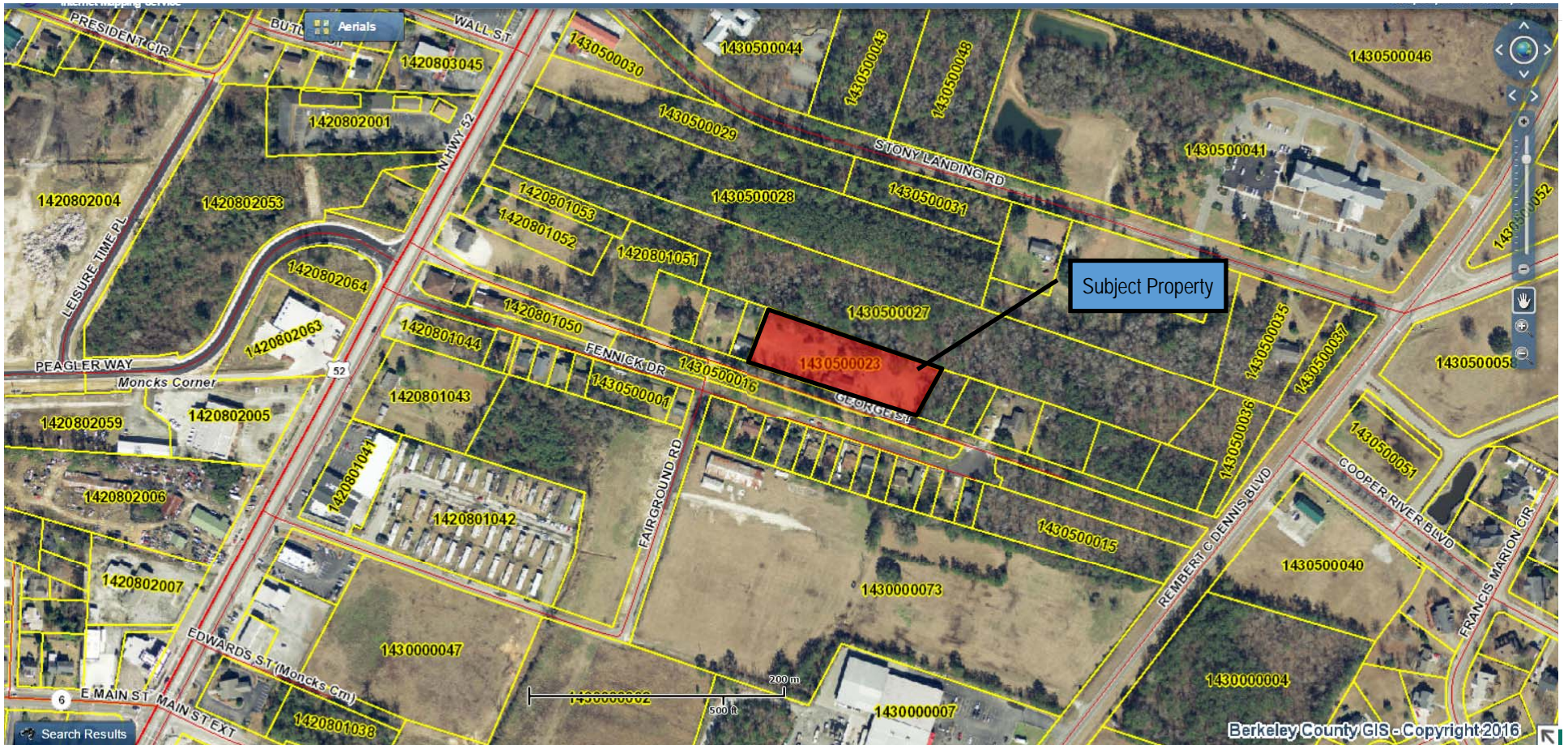
No. Staff sees no detriment to surrounding property should the variance be granted. Many houses in this neighborhood feature lot frontages and total areas in keeping with the variances being proposed.

**5. *The board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be grounds for a variance. Does the request accompany any of the aforementioned considerations?***

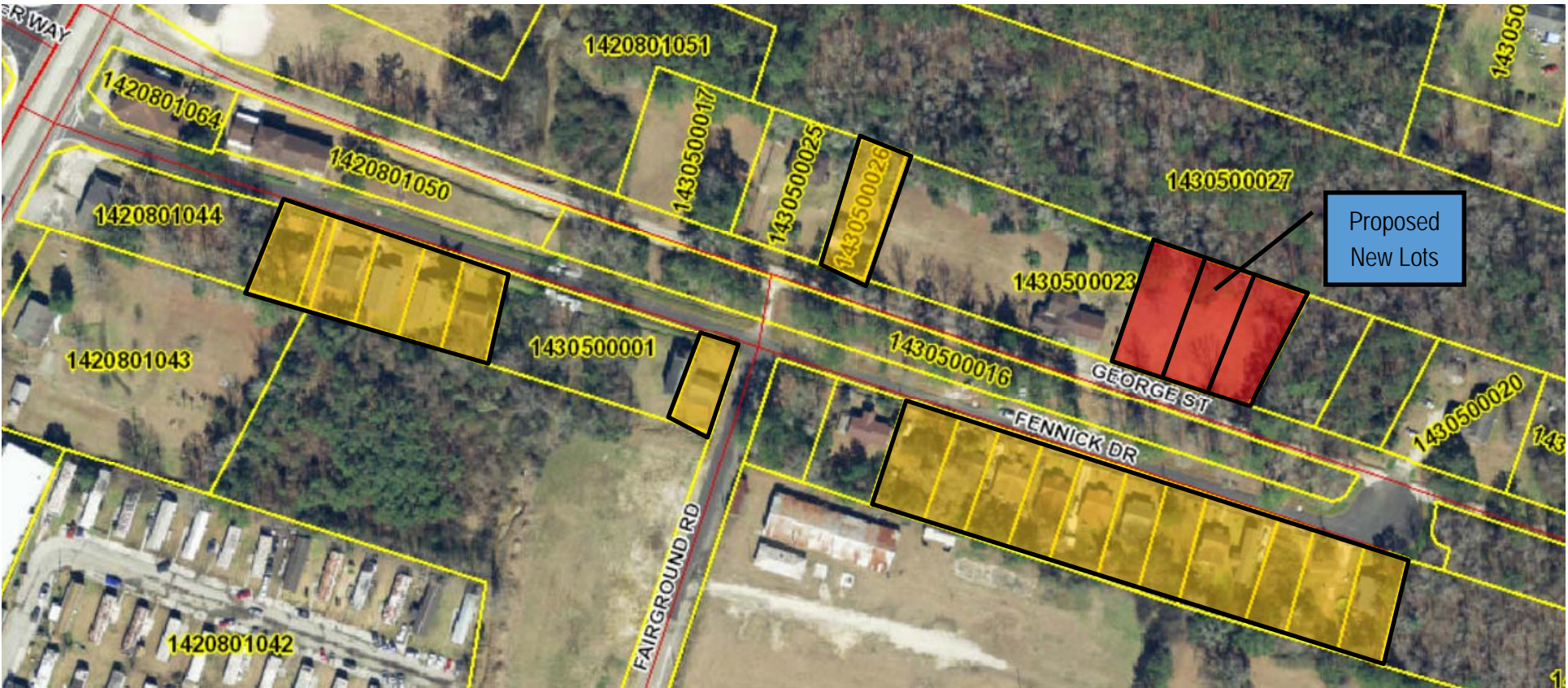
Yes and no. The subdivision will allow the property to be used more profitably, creating three lots for homes rather than two. However, the developer is Habitat for Humanity, which recently purchased and developed the two lots just east of the subject property. Habitat for Humanity is a non-profit group, so profit is not a true consideration. Rather, they can build three houses with the variance, or none without the variance. The growth of diverse housing options within a range accessible to current and future residents is a goal of the Town's Comprehensive Plan. It is for this reason that staff recommends APPROVAL of this variance.

**The Board may also wish to consider any specified conditions it wishes to place upon the property should it determine to grant a variance.**

# Variance — 123 George Street



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The 18 lots shaded yellow represent all but five of the residentially-built lots in the neighborhood.

	Eighteen Sample Lots	Proposed Lots
Average Lot Size	6,310 s.f.	7,384 s.f.
Average Lot Frontage	50'	52'

Zoning Variance Application

Town of Moncks Corner  
Department

Planning

Variance #: \_\_\_\_\_

Date: \_\_\_\_\_

Property Owner: HARRIS JAMES SR & HENRY THOMAS  
Owner Address: P.O. BOX 888612 GRAND RAPIDS, MI

Do Not Write In This Space	
Advised:	_____
Public Hearing:	_____
Receipt #:	_____
Property Posted:	_____
Fee Paid:	_____
Application Taken By:	_____

Owner Phone Number: 706-951-7533  
Applicant: HABITAT FOR HUMANITY OF BOULDER COUNTY  
Applicant Address: 1 BELKNAP RD. GOOSECREST, SC

Applicant Phone Number: 843-203-3749  
Property Interest: 123 GEORGE ST FOR CONSTRUCTION OF 3 NEW HOMES  
Property Location: (a plat must accompany this application)

123 GEORGE STREET MONCK'S CORNER, SC 294

Tax Map Number: 1430500023 Lot Dimensions: 476' X 146'  
Zoning Classification: R-2 Lot Area: 69,496 FT<sup>2</sup>  
Use of Property: RESIDENTIAL  
Property Characteristics:

LOT CONSISTS OF VACANT AREAS TO LEFT & RIGHT OF EXISTING BRICK HOME

Has any application involving this property been considered previously by the Moncks Corner Planning Commission or Board of Appeals? If yes, please state details.

NOT TO MY KNOWLEDGE

I request a variance from the following provisions of the Ordinance so that the property listed in this application can be used in a manner indicated by the plot plan (cite section numbers):  
Please explain reasons for request and any supporting information.

WE REQUEST A VARIANCE TO ALLOW MINIMUM STREET FRONT LOT SIZE TO BE NO LESS THAN 50' IN ORDER TO ACCOMMODATE 3 NEW HABITAT HOMES ON RIGHT SIDE OF PROPERTY. THESE LOT SIZES WOULD MATCH LOTS ACROSS THE STREET ON FENNER.

Signature of Applicant: George Drayton, ED

Date: 2/7/17

I (We) certify that I (we) are the free holder(s) of the property(s) involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this variance.

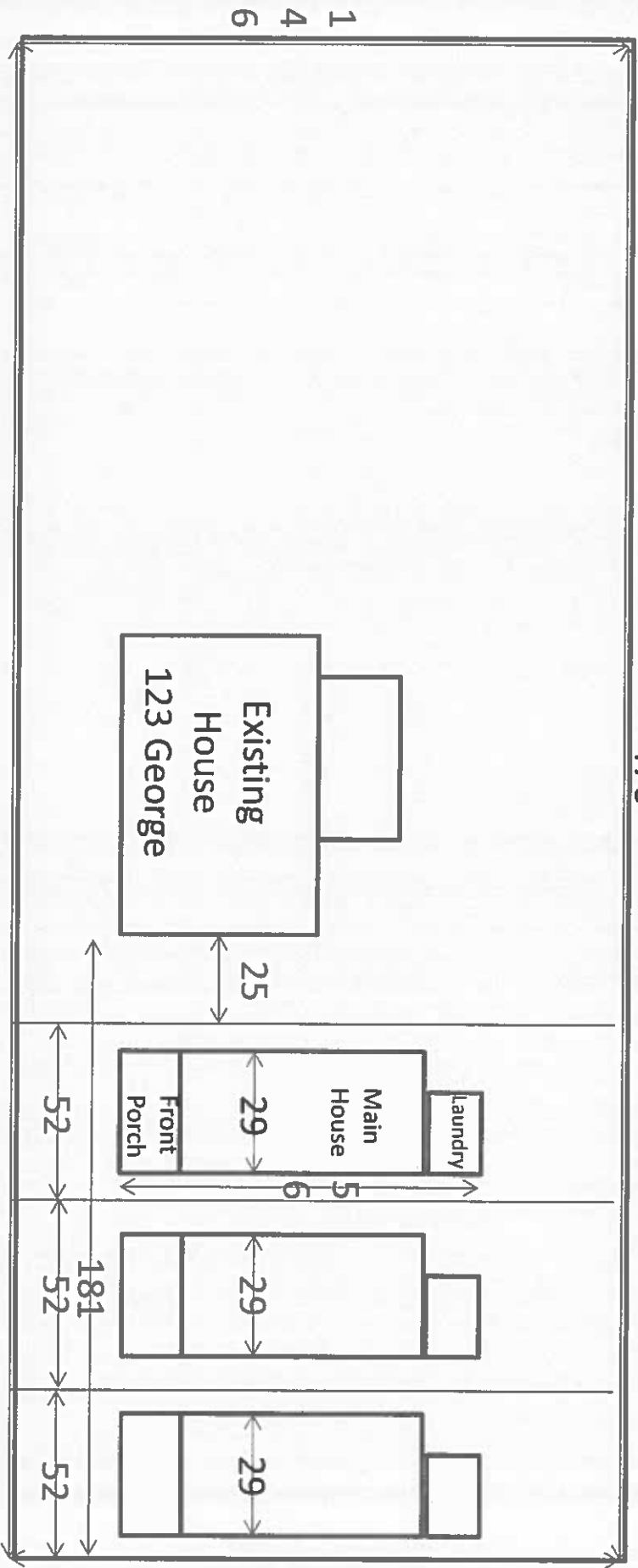
Approved  Disapproved

Date: \_\_\_\_\_

Owner \_\_\_\_\_

Date \_\_\_\_\_

Chairman, Board of Appeals \_\_\_\_\_



476

453

Existing House  
123 George

25

Main House  
Laundry  
Front Porch

29

52

181

52

29

29

52

1  
4  
6

1  
4  
2