



**CITY OF FLORENCE BOARD OF ZONING APPEALS  
CITY CENTER – COUNCIL CHAMBERS  
324 WEST EVANS STREET, FLORENCE, SC  
THURSDAY, JANUARY 22, 2026 – 6:00 P.M.  
REGULAR MEETING AGENDA**

**I. Call to Order**

**II. Approval of Minutes** Regular meeting held on December 18, 2025

**III. Public Hearings and Matters in Position for Action**

BZA-2026-01 Request for a variance from the rear setback for an addition to 1908 South Damon Drive in the NC-15 zoning district; identified as Florence County Tax Map Number 01504-01-002.

**IV. Public Hearing and Matter in Position for Action**

BZA-2026-02 Request for a variance from the rear setback for an accessory building at 1326 Hillside Avenue in the NC-15 zoning district; identified as Florence County Tax Map Number 90172-01-006.

**V. Public Hearing and Matter in Position for Action**

BZA-2026-03 Request for a variance from the size and height restriction for accessory buildings for 1070 Rock Creek Drive in the NC-10 zoning district; identified as Florence County Tax Map Number 18013-01-017.

**VI. Public Hearing and Matter in Position for Action**

BZA-2026-04 Request for a variance from the side setback for an accessory building at 917 Wisteria Drive in the NC-15 zoning district; identified as Florence County Tax Map Number 90066-02-001.

**VII. Public Hearing and Matter in Position for Action**

BZA-2026-05 Request for a variance from the side setback for accessory uses for 803 East National Cemetery Road in the OSR zoning district; identified as Florence County Tax Map Number 90119-04-001.

**VIII. Public Hearing and Matter in Position for Action**

BZA-2026-06 Request for a variance from the minimum lot width requirement for new lots at 608 South McQueen Street in the NC-6.2 zoning district; identified as Florence County Tax Map Number 90075-10-014.

**IX. Adjournment**

The next meeting is scheduled for February 26, 2026.

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS  
DECEMBER 18, 2025**

**MEMBERS PRESENT:** Larry Chewning, Deborah Moses, Miriam James-Singley, and Nathaniel Poston

**MEMBERS ABSENT:** William Edwards and Jermaine Nowline

**STAFF PRESENT:** Jerry Dudley, Patty Falcone, Derek Johnston, and Alane Zlotnicki

**CALL TO ORDER:** Chairman Chewning called the meeting to order at 6:17 p.m.

**APPROVAL OF MINUTES:** Chairman Chewning introduced the November 20, 2025 minutes and asked if there were any changes that needed to be made. There being none, he called for a motion. Mr. Poston moved that the minutes be approved as submitted, Mrs. Moses seconded, and the motion passed unanimously (4-0).

**APPROVAL OF 2026 BZA MEETING CALENDAR:** Chairman Chewning introduced the 2026 meeting calendar and asked if there were any changes that needed to be made. There being none, he called for a motion. Ms. James-Singley moved that the calendar be approved, Mr. Poston seconded, and the motion passed unanimously (4-0).

**PUBLIC HEARINGS AND MATTERS IN POSITION FOR ACTION:**

**BZA-2025-19**      **Request for a variance from the interior side setback for accessory structures on the parcel located at 1774 Bellevue Drive in the NC-10 zoning district; identified as Florence County Tax Map Number 90041-02-007.**

Chairman Chewning introduced the request and asked staff for their report. Mrs. Falcone gave the staff report as submitted to the Board of Zoning Appeals. Chairman Chewning asked if anyone had reached out to the City regarding the request; she said the only person who contacted her was the neighbor across the street, but he thought the building was going to be 20 feet tall; once she confirmed that it would be only 10 feet tall, he was fine with it. Mr. Poston asked about the small building that the neighbors had next to the fence. Ms. Singley asked about the tree in the yard. Mr. Poston asked if there was an accessory building in the rear of the lot; Mrs. Falcone said she wasn't sure.

There being no other questions for staff, Chairman Chewning opened the public hearing. He swore in Ms. Krystal Fuentes, the applicant, who explained that she is wanted to do the right thing in asking for the variance since they can't meet the 8 foot requirement. Ms. Singley asked about the existing shed in the rear of the yard. Ms. Fuentes said there was a very small one in the rear. Ms. Singley asked about the structure next to the house; Ms. Fuentes said it was a carport. Mr. Poston asked if they would have the lot surveyed to know the exact size of the setback. She said they hadn't for this project, but they would if needed. She said it would probably actually be five feet off the side property line. Mr. Poston asked if it would be a concrete foundation; she said yes.

There being no more questions and no one else to speak for or against the request, Chairman Chewning closed the public hearing and asked for a motion. Mr. Poston moved that the request be approved as submitted, subject to the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in an unnecessary hardship: ***The construction of a detached garage in this location will directly impact the neighbor to the south but will not make much of a visual impact since the short side of the building is the one that will be facing the street, and the garage will be located in the back yard.***
2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done: ***The restrictions on accessory buildings are in place to prevent overcrowding of residential properties to the detriment of neighboring lots. This parcel has sufficient space to add a garage without crowding.***
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property: ***The existence of a driveway in the side yard impacts the location of the detached garage; the applicant wishes to align the building with the existing driveway.***
4. That these conditions do not generally apply to other property in the vicinity: ***The lots in this neighborhood are generally the same size, as are the houses. The side driveway extending all the way to the backyard is present in a few of the other properties in the neighborhood as well.***
5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows: ***Adherence to the terms of the Ordinance would result in the inability of the owner to add the detached garage to her property the way she intends to.***
6. That the authorization of a 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: ***Because the garage is proposed to be behind the plane of the house, its impact on the street would be minimal. The main person affected is the owner of the house at 1778 Bellevue Drive.***

Ms. James-Singley seconded, and the motion to approve the size and location variance passed unanimously (4-0).

**ADJOURNMENT:** Ms. James-Singley moved to adjourn the meeting, Mr. Poston seconded, and the motion to adjourn passed unanimously (4-0). Chairman Chewning adjourned the meeting at 6:37 p.m. The next regular meeting is scheduled for January 22, 2026.

Respectfully submitted,

Alane Zlotnicki, AICP  
Senior Planner

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT  
STAFF REPORT TO THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS  
JANUARY 22, 2026**

**AGENDA ITEM:** BZA-2026-01

**VARIANCE REQUEST:** Request for a variance from the rear setback requirement for a covered back porch.

**LOCATION:** 1908 Damon Drive

**TAX MAP NUMBER:** 01504-01-002

**OWNER OF RECORD:** Daniel & Cynthia Maxwell

**APPLICANT:** Michael Padgett – M Padgett Engineering & Construction LLC

**ZONING DISTRICT:** Neighborhood Conservation-15 (NC-15)

**Land Use and Zoning**

The 0.37 acre lot is located at the corner of Damon Drive and Wimbleton Avenue. The neighborhood is zoned NC-15, which permits single family detached uses only. There is an existing 2,400 square foot house with an attached 241 square foot back porch. The minimum rear setback for an attached back porch as required in Table 2-5.2.1 of the *Unified Development Ordinance* is 30 feet from the rear property line.

**Proposal**

The property owners want to convert the existing back porch into a sunroom and add a new back porch right next to it. The proposed covered back porch will be 14 feet by 16 feet (224 square feet) and would be 18 feet from the rear property line, necessitating a variance of 12 feet from the rear property setback of 30 feet.

There is a privacy fence all around the back yard. The applicants are requesting a variance of approximately 12 feet - or about 40% - from the rear setback requirement.

**Variance Request Information**

The applicant is requesting a variance from Table 2-5.2.1 of the *Unified Development Ordinance*, “General Lot and Building Standards”, regarding rear setbacks.

Table 2-5.2.1 General Lot and Building Standards								
Subdistrict	Minimum Setback					Maximum Building		
	Front	Street Side	Side	Total Side	Rear	Height <sup>1</sup>	Impervious Surface	Floor Area
NC-15	25'	15'	10'	20'	30'	38'	40%	See Note 2
NC-16	25'	15'	10'	20'	30'	38'	45%	
NC-6.1	25'	10'	5'	12'	25'	38'	45%	
NC-6.2	25'	10'	5'	12'	20'	38'	45%	
NC-6.3	25'	10'	5'	12'	20'	55'	70%	
NC-4	20'	8'	5'	10'	20'	38'	60%	

Table Notes:  
<sup>1</sup> The maximum height of a residence may be 38 feet; provided however, that a new or redeveloped residence or an expansion of an existing residence shall be of no greater height than the residences situated to either side within the same subdistrict. If the new or redeveloped residence or expanded existing residence is situated adjacent to another district, the new or redeveloped residence or expanded existing residence shall be of no greater height than the adjacent residence within the same subdistrict.  
<sup>2</sup> The gross floor area of a new or redeveloped residence or expanded existing residence shall be comparable to the residences on the same side of the block and within 300' as follows:  
a. Equal to or no greater than 120 percent for residences up to 2,500 square feet of gross floor area; or  
b. Equal to or no greater than 115 percent for residences greater than 2,501 square feet of gross floor area.

The following information was submitted by the applicant:

- There are extraordinary and exceptional conditions pertaining to the particular property as follows: ***This house and lot existed long before the zoning ordinance went into effect and was not designed to accommodate such restrictions. It is also a corner lot.***
- These conditions do not generally apply to other property in the vicinity as shown by: ***It is a corner lot, also multiple houses in the immediate area exist in a state that do not comply with current zoning.***
- Because of these conditions, the application of the ordinance to the particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows: ***Sane and reasonable use of the property like the neighbors do.***
- 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 for the following reasons: ***Work will be nicely done, and this would not look out of place since so many other residences in the area already are this way.***

### Issues to be Considered

Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

- That a variance from the terms of the *Unified Development Ordinance* will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship.  
***Staff Comment: The placement of the new back porch in this location will mainly impact the neighbor immediately to the east but have little visual impact on the character of the street.***
- That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done.  
***Staff Comment: The purpose of rear setbacks is to provide space around parcels and privacy between residential properties. There will still be an 18 foot rear setback from the back property line.***
- That there are extraordinary and exceptional conditions pertaining to the particular piece of property.  
***Staff Comment: The existing pool limits the location of the back porch in this particular case.***

4. That these conditions do not generally apply to other property in the vicinity.  
***Staff Comment: This parcel is smaller than other parcels in the neighborhood, which limits the space available for additions. It does have a privacy fence around the back porch, which allows privacy for both the owner and the neighbor.***
5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows.  
***Staff Comment: Adherence to the terms of the Ordinance would result in the inability of the owner to add the back porch to his property.***
6. That the authorization of a 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.  
***Staff Comment: Because the back porch is proposed to be behind the plane of the house and the fence, its impact on the street would be minimal. The main person affected is the owner of 721 Wimbledon Avenue.***

#### **Attachments**

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Site Plan
- F. Construction Plan
- G. Site Photos



**BZA 2026-01 Attachment A  
Vicinity Map 1908 Damon Dr**



Parcels

☐ Proposed Parcel



**DISCLAIMER:**  
The City of Fresno Department of Planning, Research, and Development does not intend to set a precedent or establish a policy for other jurisdictions. It is provided for informational purposes only and the City of Fresno makes no representation as to its accuracy. It was obtained from a third party and is not the work of the user.



11/10/2011 10:45 AM

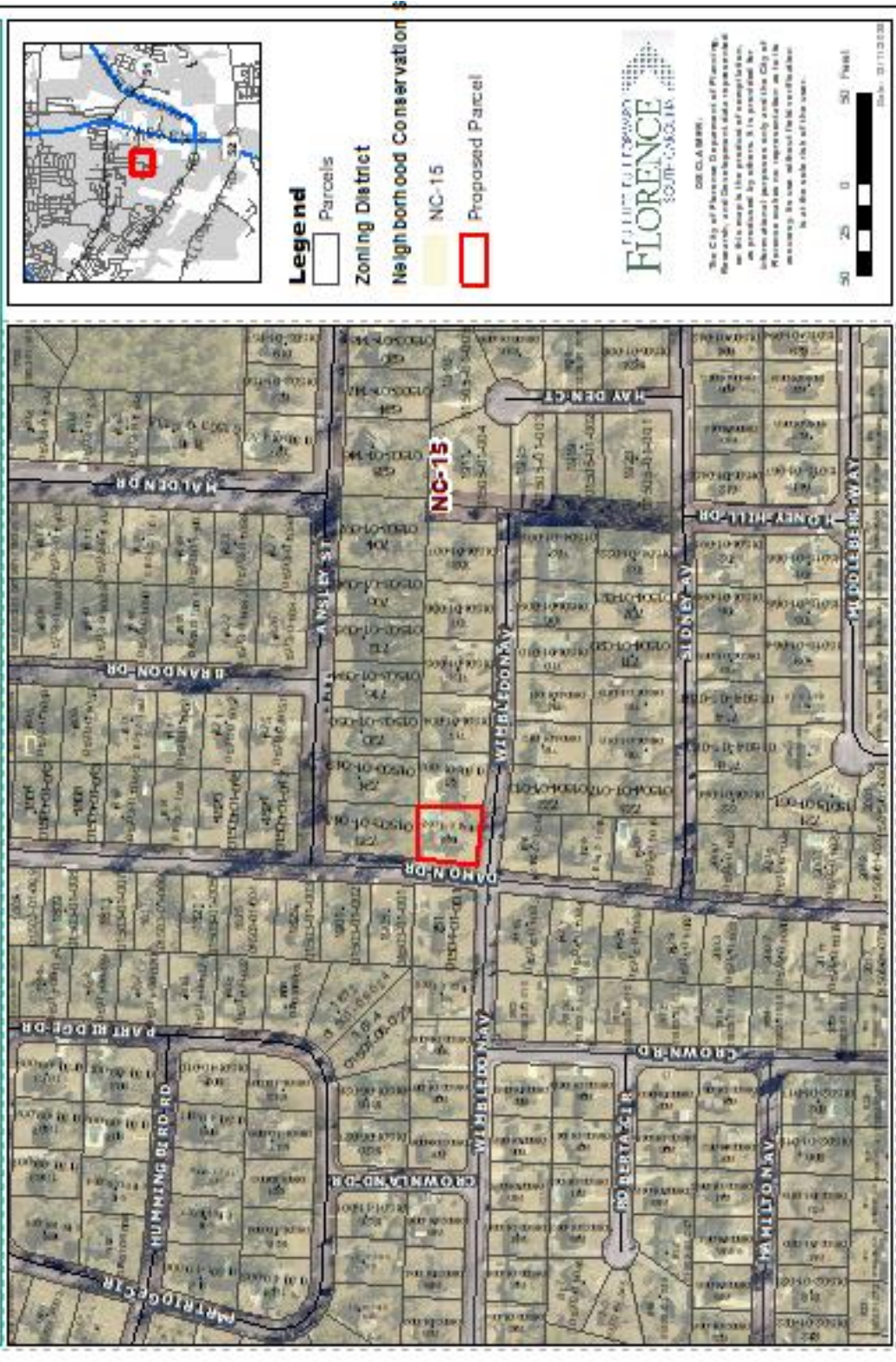


Attachment B: Location Map





**BZA 2026-01 Attachment C**  
**Zoning Map - 1908 Damon Dr**





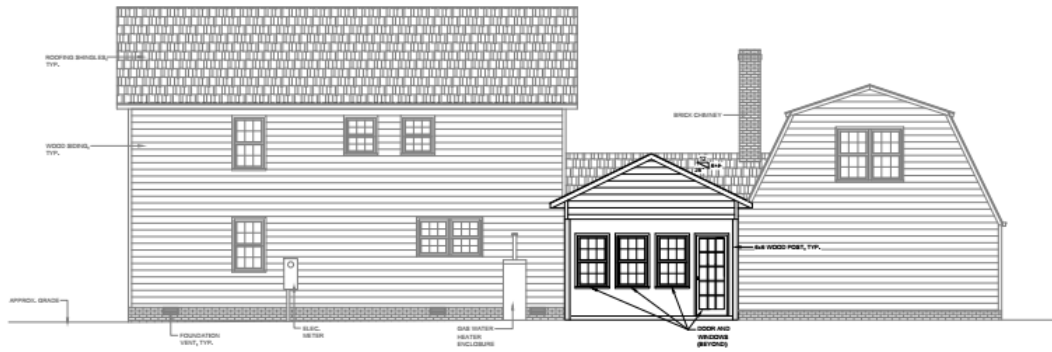


Attachment E: Site Plan

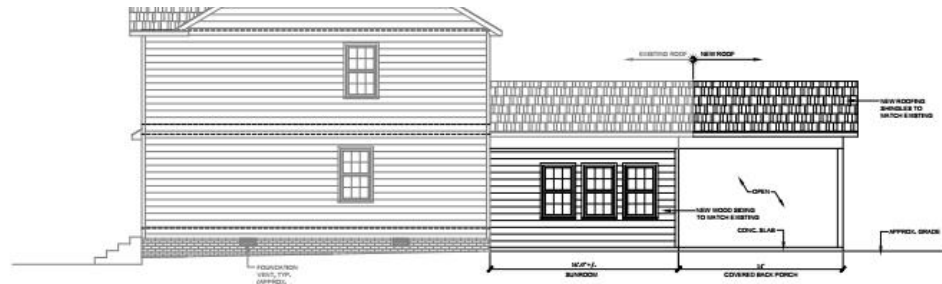


[illegible]

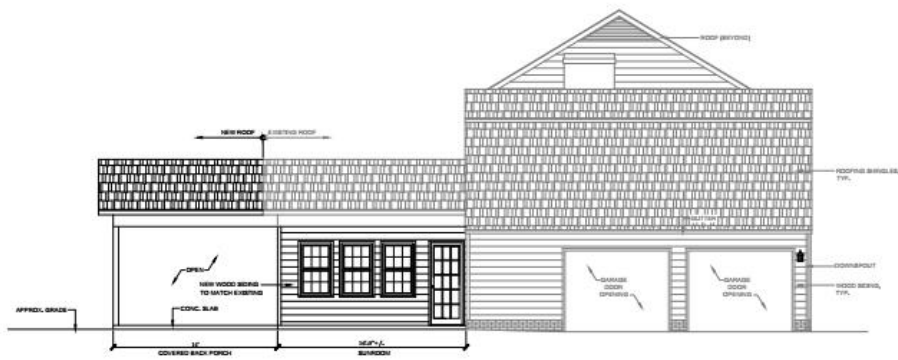




1 REAR EXTERIOR ELEVATION  
Scale: 1/4" = 1'-0"



1 RIGHT SIDE EXTERIOR ELEVATION  
Scale: 1/4" = 1'-0"



2 LEFT SIDE EXTERIOR ELEVATION  
Scale: 1/4" = 1'-0"

Attachment G: Site Photos



### **Board of Zoning Appeals Motion Worksheet**

Case Number: BZA-2026-01 Nature of Request: Rear Setback Variance

I move that we grant / deny the request for a variance based upon the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* will not / will be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in this individual case, result in an unnecessary hardship, in that:
2. That the spirit of the *Unified Development Ordinance* will / will not be observed, public safety and welfare secured, and substantial justice done because:
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely:
4. That these conditions do not generally apply to other property in the vicinity, in that:
5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would effectively prohibit or unreasonably restrict the utilization of the property by:
6. That the authorization of a variance will not / will be of substantial detriment to adjacent property or to the public good, and the character of the district will not / will be harmed by the granting of the variance, because:

Guidelines applicable to the granting of a variance:

1. Profitability: the fact that a property may be used more profitably if the variance is granted may not be used as the basis for granting the variance.
2. Conditions: the BZA can put conditions on the granting of the variance.
3. Use Variance: the BZA cannot grant a variance that would allow a use not permitted in the zoning district.
4. Hardship: the hardship cannot be based on conditions created by the owner/applicant.

Notes:

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT**  
**STAFF REPORT TO THE**  
**CITY OF FLORENCE BOARD OF ZONING APPEALS**  
**JANUARY 22, 2026**

**AGENDA ITEM:** BZA-2026-02

**VARIANCE REQUEST:** Request for a variance from the location, building spacing, and rear setback for an accessory building on a residential parcel.

**LOCATION:** 1326 Hillside Avenue

**TAX MAP NUMBER:** 90172-01-006

**OWNERS OF RECORD:** Brandis and Woody Swink

**APPLICANTS:** Brandis and Woody Swink

**ZONING DISTRICT:** Neighborhood Conservation-15 (NC-15)

**Land Use and Zoning**

The 0.66 acre lot is zoned Neighborhood Conservation-15. There is an existing 5,832 square foot single family house on the southeast side of the lot.

**Proposal and Variance Request**

The applicants are proposing to build a 14 foot tall, 1,140 square foot pool house to the west of the house. The house is located at the top of a steep hill, resulting in a diminished rear yard. As a result, the pool house needs to be located in what is technically the side yard of the parcel. The owner is also asking to place it five feet from the rear property line rather than the ten feet required for buildings over ten feet tall. Additionally, accessory buildings are required to be at least six feet from the principal structure and the pool; this will be 5.3 feet from the corner of the house at one point.

The applicants are requesting variances from the following sections of the *Unified Development Ordinance*:

1. Location

**Section 3-8.1.9 Accessory Buildings and Structures**

**D. Location.**

1. No accessory building or structure of any type shall be located in a front yard, side yard (extended to the rear plane of the principal structure), or street side yard (extended to the rear plane of the principal structure), except as may be specifically allowed by this Division.
2. Rear Setback

**Table 3-8.1.1 Permitted Encroachments**



Rear Setback		
Accessory building (except detached garages)	N/A	5' for buildings that are less than 10 ft. in height; 10' for all other accessory buildings

### 3. Building Spacing

**Section 3-8.1.9 I 4. Building Spacing.** Accessory buildings shall be separated from principal buildings and other accessory buildings by no less than six feet.

**Table 3-8.1.4 Setbacks for Swimming Pools and Spas**

Table 3-8.1.4 Setbacks for Swimming Pools and Spas		
Setback or Spacing	Private On-Lot	Community <sup>1</sup>
Front	Behind the <u>front building line</u> of the principal building	Behind the front building line of the existing or proposed pool house building
Side	10'	10' clearance to fence enclosure
Rear	10'	
Building Spacing	6'	10'
Overhead <u>Utility Line</u>	10'	

The following information was submitted by the applicant:

- There are extraordinary and exceptional conditions pertaining to the particular property as follows: ***Requesting the setback on the rear property line to be 5 feet. We are working with existing structures and a pool and would be able to complete the project with this.***
- These conditions do not generally apply to other property in the vicinity as shown by: ***The lot is uniquely shaped, and the house and pool are already in place.***
- Because of these conditions, the application of the ordinance to the particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows: ***Due to an existing fence by previous owners, the setback was misrepresented. We have now surveyed and realized this.***
- 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 for the following reasons: ***This variance will not affect any other properties or take away from the character of the district.***

### **Issues to be Considered**

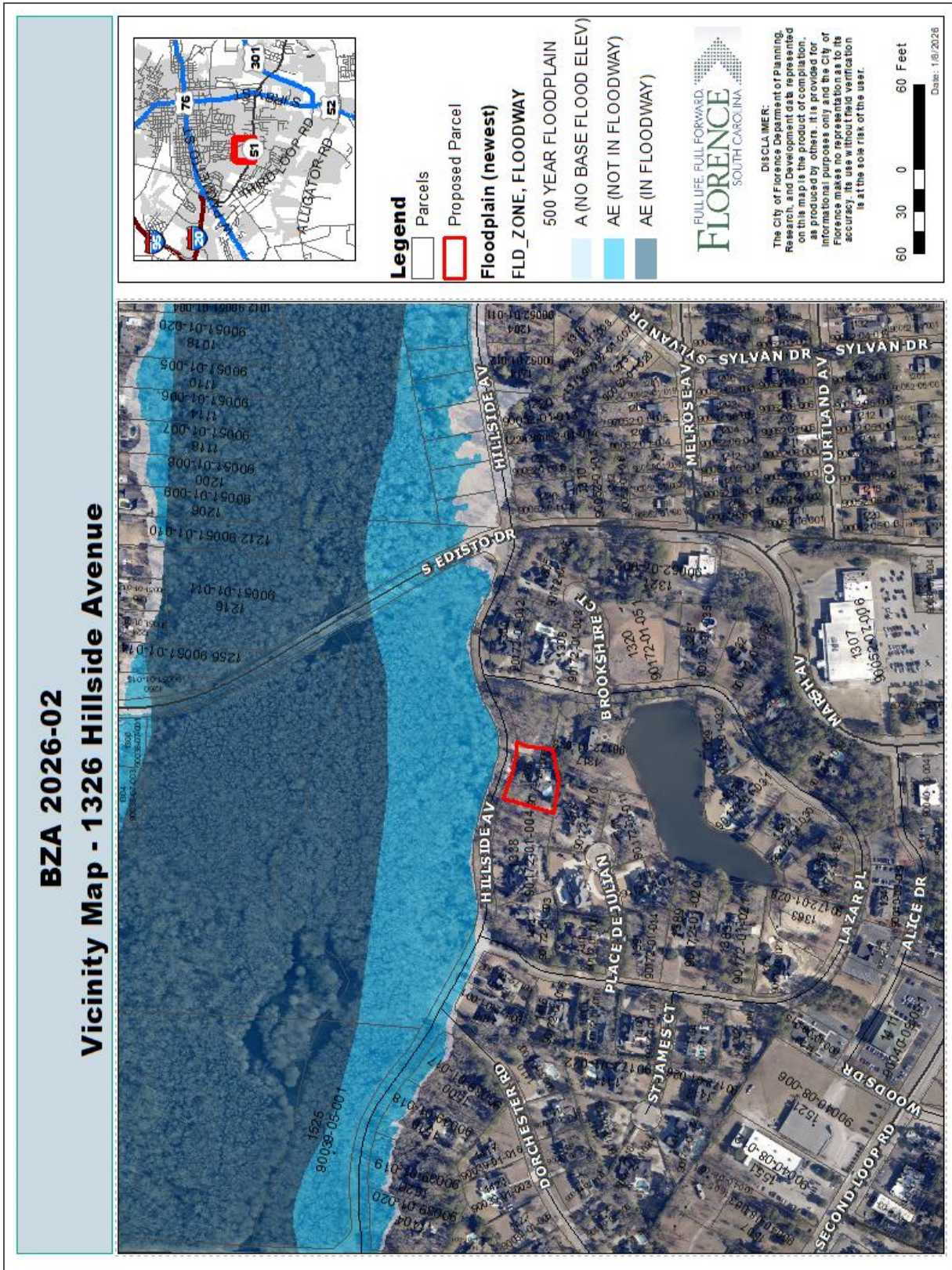
Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

1. That a variance from the terms of the *Unified Development Ordinance* (will/will not) be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions (will/will not), in an individual case, result in an unnecessary hardship.  
***Staff Comment: The topography and configuration of the parcel lend themselves to placement of the pool house in the side yard.***
2. That the spirit of the *Unified Development Ordinance* (will/will not) be observed, public safety and welfare secured, and substantial justice done.  
***Staff Comment: The intent of the Ordinance is to preserve the character of the neighborhood by limiting the visibility of accessory structures from the public right of way.***
3. That there (are/are not) extraordinary and exceptional conditions pertaining to the particular piece of property.  
***Staff Comment: The topography of the lot limits the location of the house as well as of the pool. This limitation does not apply to any of the other lots in the vicinity.***
4. That these conditions (do/do not) generally apply to other property in the vicinity.  
***Staff Comment: The size, configuration, and topography of the lot are unique to this particular parcel.***
5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property (would/would not) effectively prohibit or unreasonably restrict the utilization of the property as follows.  
***Staff Comment: The lack of a back yard restricts the options for locating the pool house.***
6. That the authorization of a variance (will/will not) be of substantial detriment to adjacent property or to the public good, and the character of the district (will/will not) be harmed by the granting of the variance.  
***Staff Comment: The pool house is proposed to be at the top of a hill and behind a solid masonry fence, making it inconspicuous from the public right of way. The only people who will be directly affected are the back door neighbors, and this will be adjacent to their backyard.***

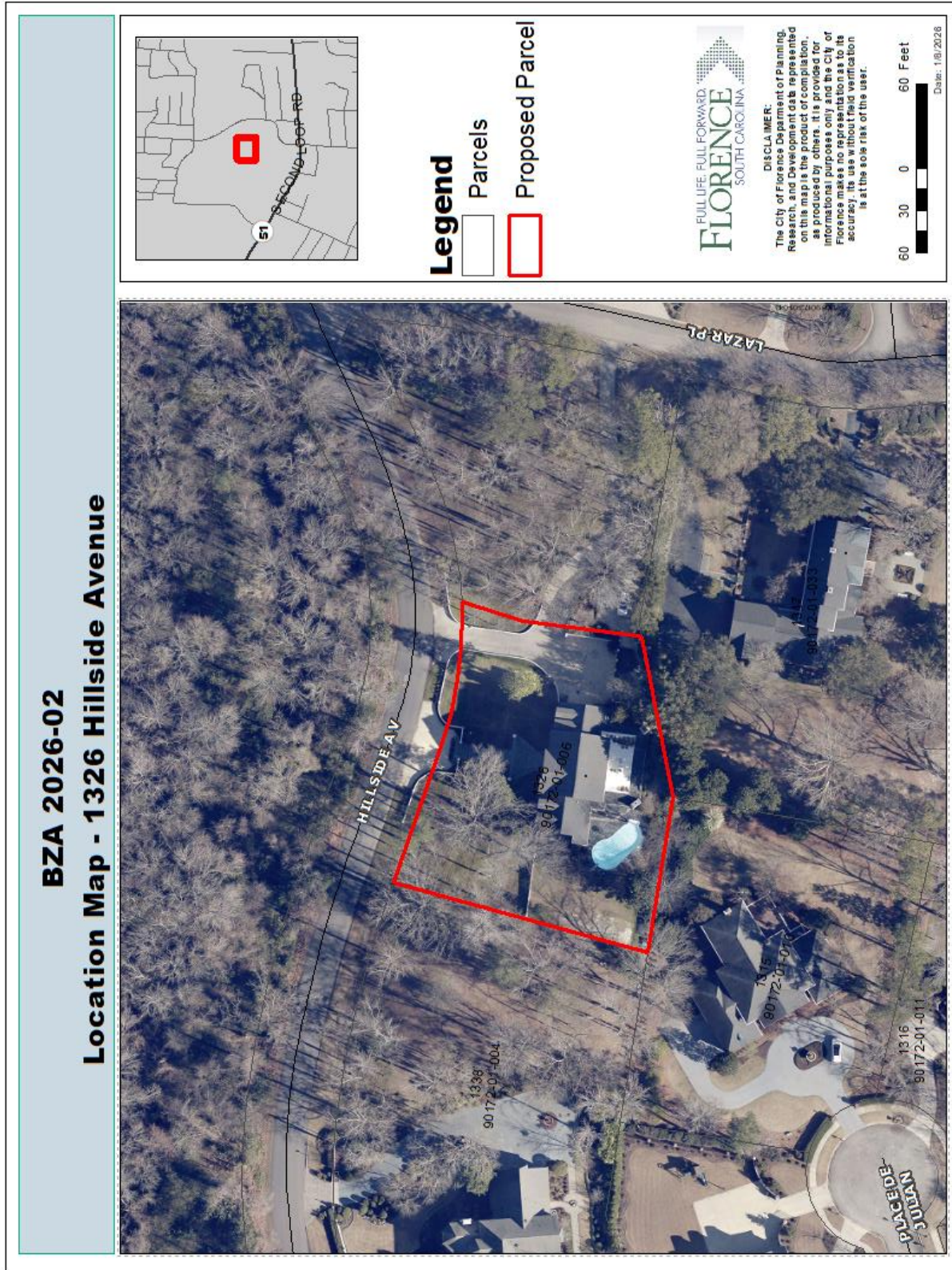
### **Attachments**

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Site Plan
- F. Site Photos

Attachment A: Vicinity Map

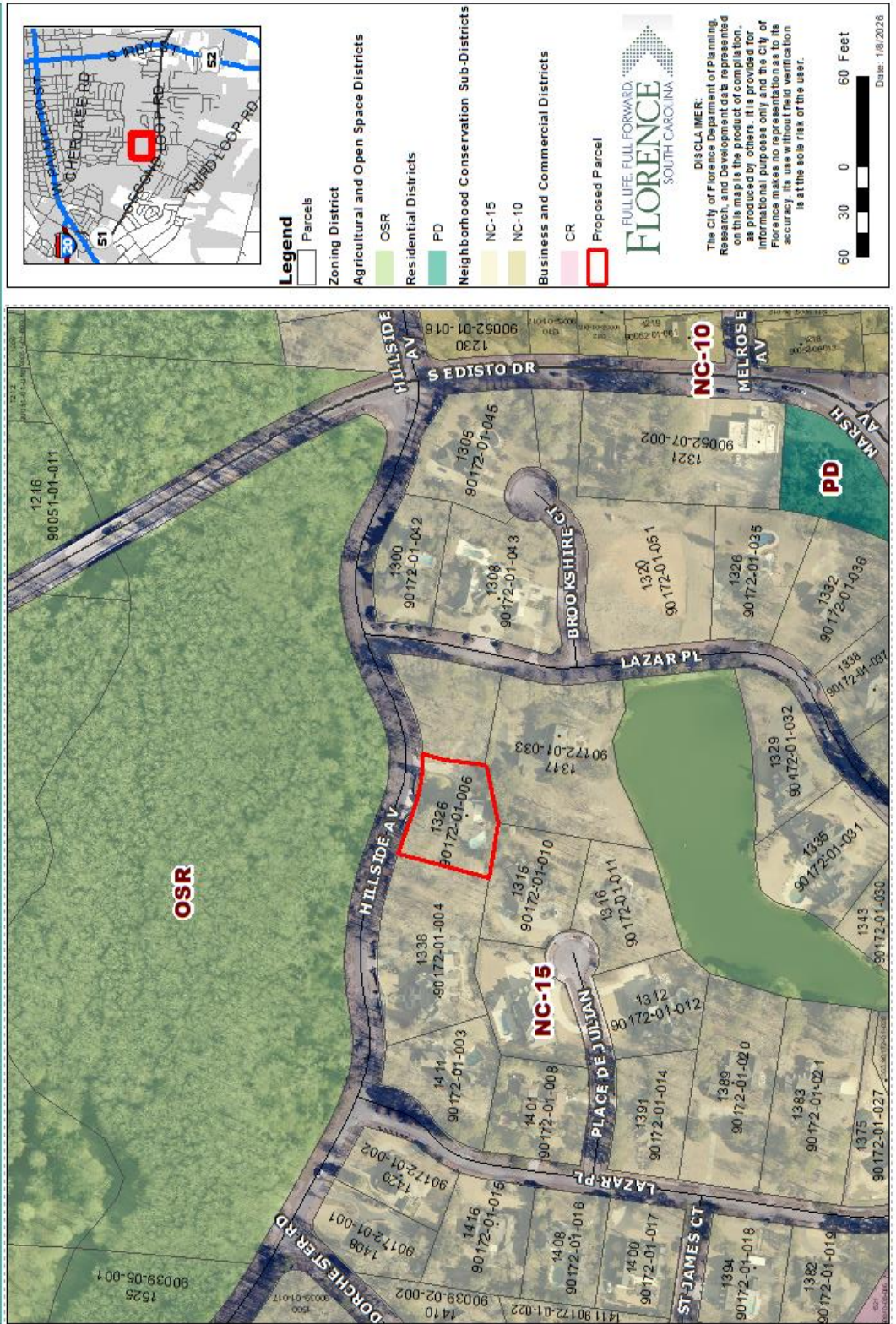




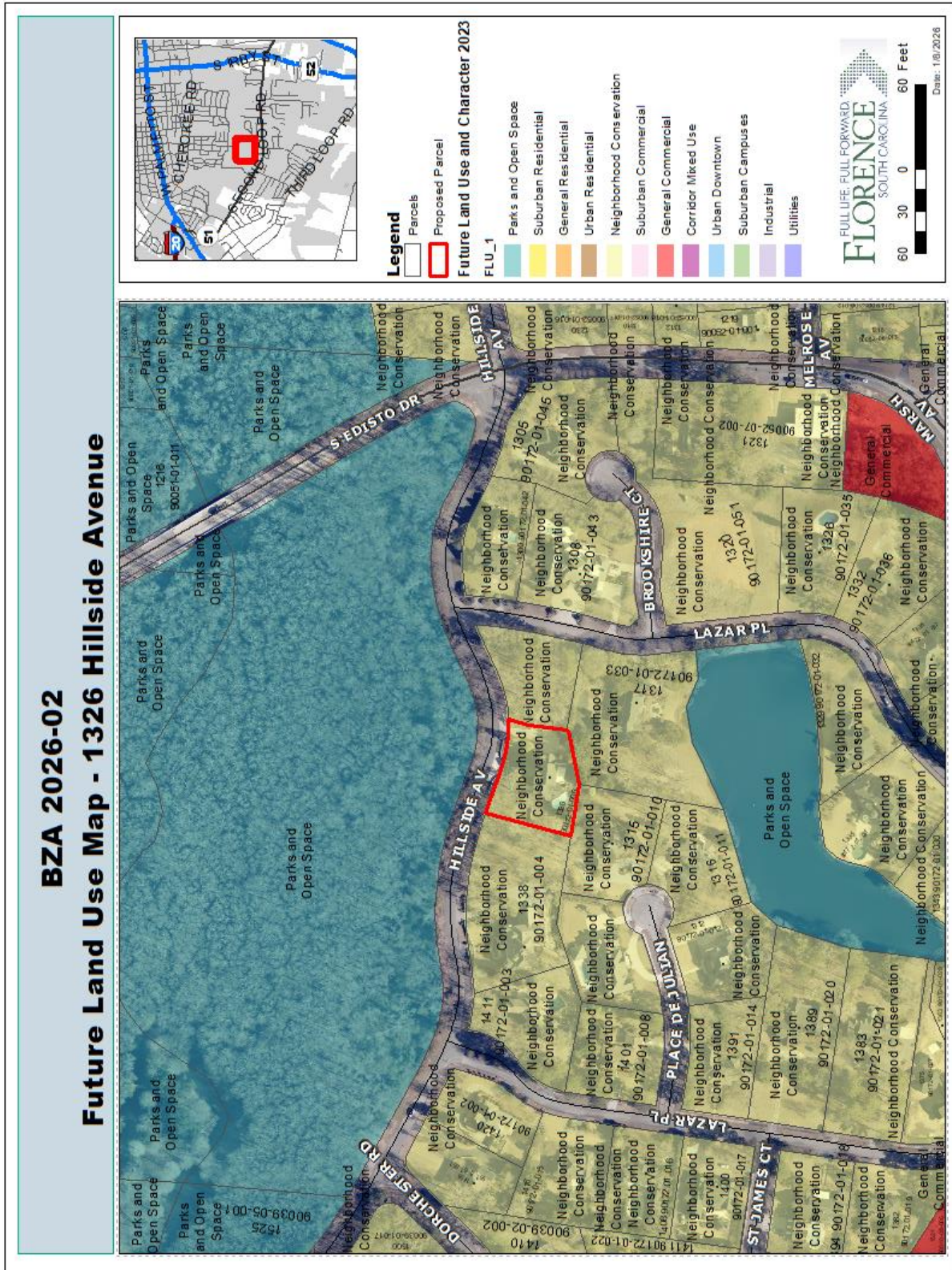




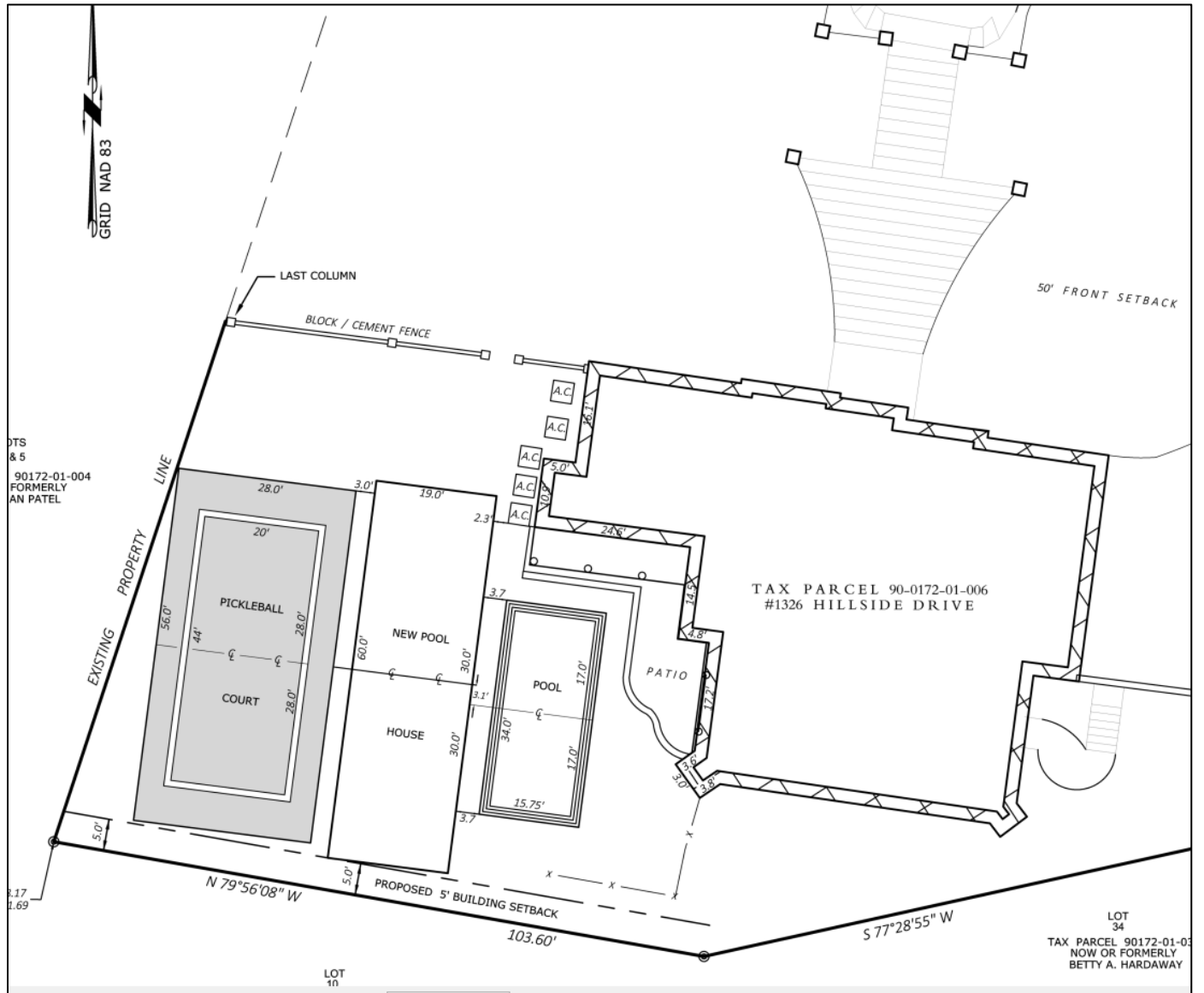
**BZA 2026-02**  
**Zoning Map - 1326 Hillside Avenue**







Attachment E: Site Plan





Attachment F: Site Photos



View of the front yard topography.



View of the side yard from the street.





The pool house will be behind this wall at the top of the hill.

### **Board of Zoning Appeals Motion Worksheet**

Case Number: BZA-2026-02 Nature of Request: Location and Setback Variances

I move that we grant / deny the request for a variance based upon the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* will not / will be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in this individual case, result in an unnecessary hardship, in that:
2. That the spirit of the *Unified Development Ordinance* will / will not be observed, public safety and welfare secured, and substantial justice done because:
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely:
4. That these conditions do not generally apply to other property in the vicinity, in that:
5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would effectively prohibit or unreasonably restrict the utilization of the property by:
6. That the authorization of a variance will not / will be of substantial detriment to adjacent property or to the public good, and the character of the district will not / will be harmed by the granting of the variance, because:

Guidelines applicable to the granting of a variance:

1. Profitability: the fact that a property may be used more profitably if the variance is granted may not be used as the basis for granting the variance.
2. Conditions: the BZA can put conditions on the granting of the variance.
3. Use Variance: the BZA cannot grant a variance that would allow a use not permitted in the zoning district.
4. Hardship: the hardship cannot be based on conditions created by the owner/applicant.

Notes:

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT  
STAFF REPORT TO THE  
CITY OF FLORENCE BOARD OF ZONING APPEALS  
JANUARY 22, 2026**

**AGENDA ITEM:** BZA-2026-03

**VARIANCE REQUEST:** Request for a variance from the size restriction for accessory buildings.

**LOCATION:** 1070 Rock Creek Drive

**TAX MAP NUMBER:** 18013-01-017

**OWNER OF RECORD:** Scott Little

**APPLICANT:** Scott Little

**ZONING DISTRICT:** Neighborhood Conservation-10 (NC-10)

**Land Use and Zoning**

The lot is three quarters of an acre in area and 300 feet deep. It is zoned Neighborhood Conservation-10, which permits single family detached houses on minimum 10,000 square foot lots only. A 3,378 square foot single family detached house is under construction following the destruction of the original house by fire last year. The back of the lot is in the flood plain so there are no houses behind it.

**Proposal and Variance Request**

The applicant proposes to place a 24 foot wide by 45 foot long storage building with an attached 12 foot wide by 45 foot long shed in the rear yard behind the house (1,620 square feet total). The structure is 17 feet tall. The location does meet the setback requirements for accessory buildings, which in this case is 8 feet from the side property lines.

According to Section 3-8.1.9 I, "Other Detached Accessory Buildings", in the residential zoning districts, regarding detached accessory buildings:

1. *Maximum Size.* Detached accessory buildings shall not cover an area that is larger than 25 percent of the gross floor area of the principal building, or 1,500 square feet, whichever is smaller, nor shall a detached accessory building's length (measured as the total building length along the side closest in parallel to the rear property line) be in excess of 25 percent of the width of the rear property line;
2. *Compatibility.* Accessory buildings shall be designed to be compatible with the principal building in terms of:
  - a. Color, which shall be the same as or compliment the principal building;
  - b. Materials, which shall be the same as those used on the principal building, and in the case of siding or brick, shall be installed with the same patterns as on the principal building;
  - c. Roof pitch, materials, and color, which shall be the same as the principal building; and



- d. Fenestration, if windows are provided, they should be of a type and aspect ratio that is similar to those on the principal building.

***The total area of the accessory building including the attached shed is 1,860 square feet. The maximum accessory area based on the size of the house is 845 square feet, resulting in a building that is 120% larger than allowed by the Ordinance. The applicant requires a variance from the compatibility requirement as well.***

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular property as follows: ***The lot is  $\frac{3}{4}$  of an acre in size and is 300 feet deep with a narrow street frontage.***
- b. These conditions do not generally apply to other property in the vicinity as shown by: ***The other lots along this side of Rock Creek Drive are also narrow and deep.***
- c. Because of these conditions, the application of the ordinance to the particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows: ***The 25% total size restriction does not enable me to have the large storage building that I want to build. The large lot lends itself to a larger building. It will also be far from the house.***
- 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 for the following reasons: ***Because of the depth of the lot and the proposed location of the building towards the back of the lot, it will not be visible from the street or the neighbors' houses.***

### **Issues to be Considered**

Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

1. That a variance from the terms of the *Unified Development Ordinance* (will/will not) be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions (will/will not), in an individual case, result in an unnecessary hardship.

***Staff Comment: Without the variance, the applicant is limited to an accessory building less than half of the size that he has proposed.***

2. That the spirit of the *Unified Development Ordinance* (will/will not) be observed, public safety and welfare secured, and substantial justice done.

***Staff Comment: The purpose of the size limit for accessory buildings is to prevent the construction of structures that are nearly the size of the house and that dominate the rear yards in residential areas. The lot is three quarters of an acre in area and very deep, so this building is not as out of scale as it would be on a smaller parcel.***

3. That there (are/are not) extraordinary and exceptional conditions pertaining to the particular piece of property.

***Staff Comment: This lot is narrow but deep, suitable to integrating the larger building into the built environment. There is no development behind this parcel, and there is no possibility of it in the future due to the location of the floodplain.***

4. That these conditions (do/do not) generally apply to other property in the vicinity.

***Staff Comment: Because of the flood plain behind this parcel and the others along this side of Rock Creek Drive, the lots are deep but of varying sizes. The lots on the opposite side of the street are more typical of NC-10 zoning as well as being much more uniform in size.***

5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property (would/would not) effectively prohibit or unreasonably restrict the utilization of the property as follows.

***Staff Comment: The applicant is still permitted to have an accessory building in his back yard. However, he is limited in the size he may have.***

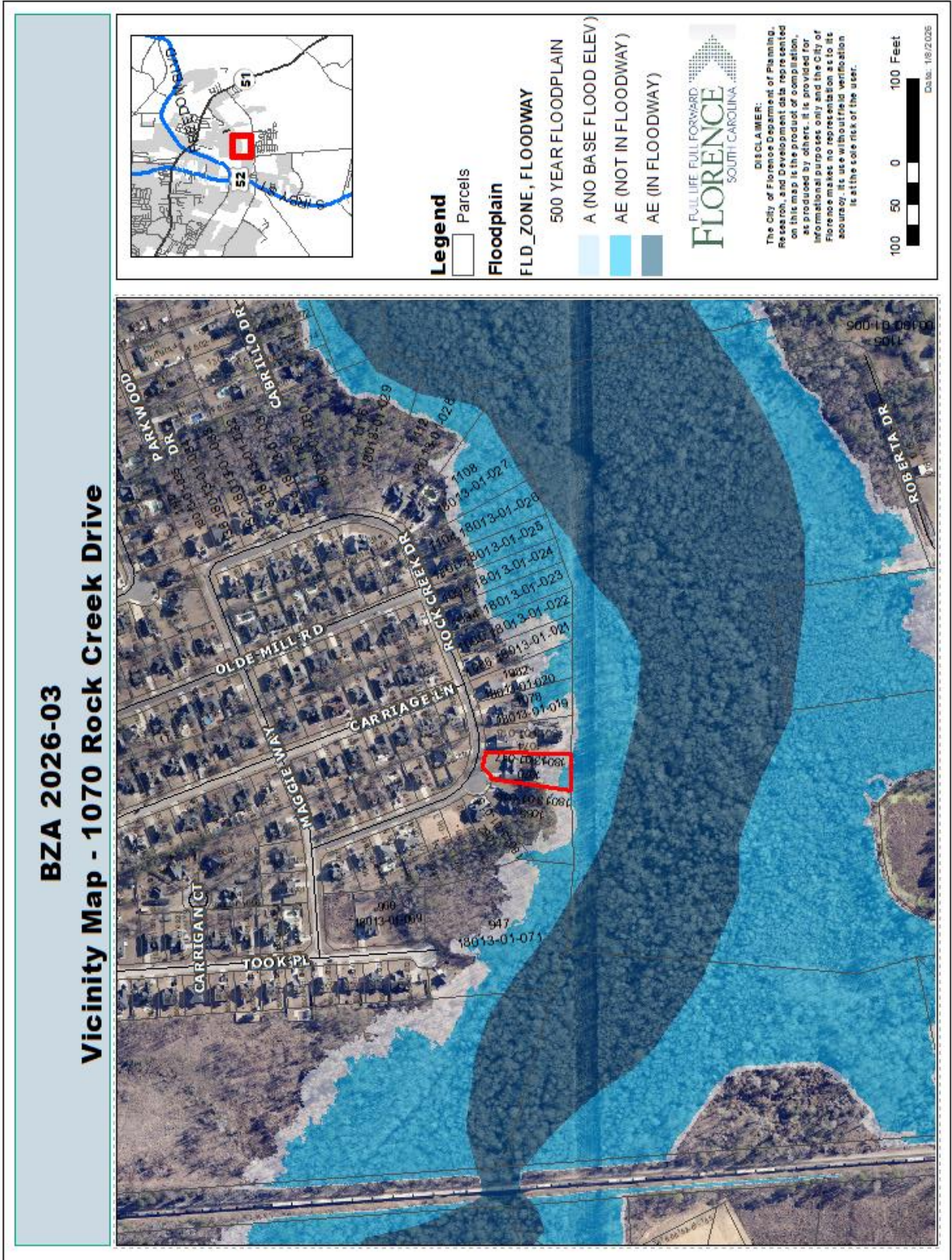
6. That the authorization of a variance (will/will not) be of substantial detriment to adjacent property or to the public good, and the character of the district (will/will not) be harmed by the granting of the variance.

***Staff Comment: Granting the variance results in a larger than normal accessory structure behind the house, which would be minimally visible from the street. It will be visible from the rear yards of the immediately adjacent properties, one of which contains an oversized garage.***

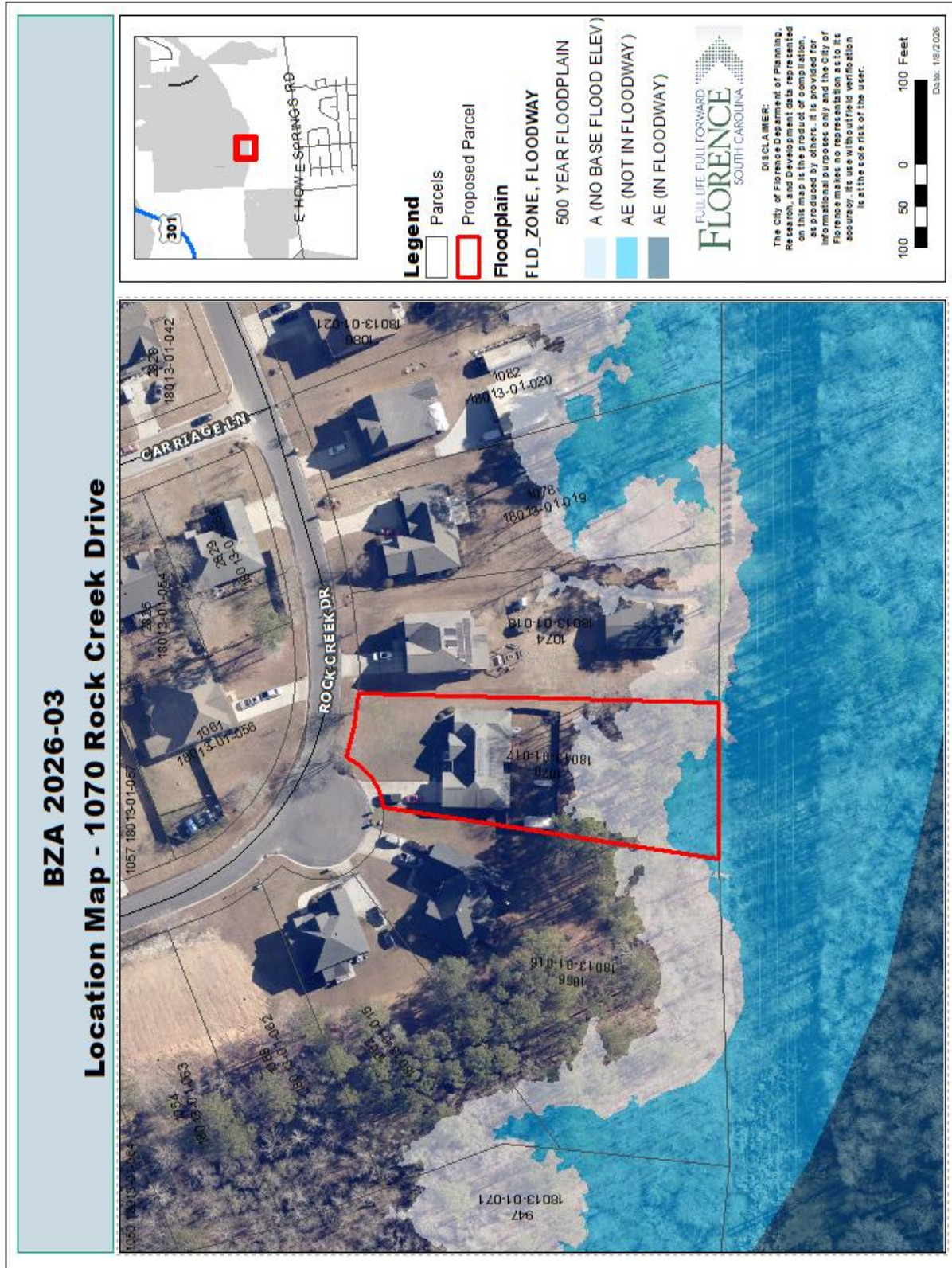
#### **Attachments**

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Site Plan
- F. Building Layout and Rendering
- G. Site Photos

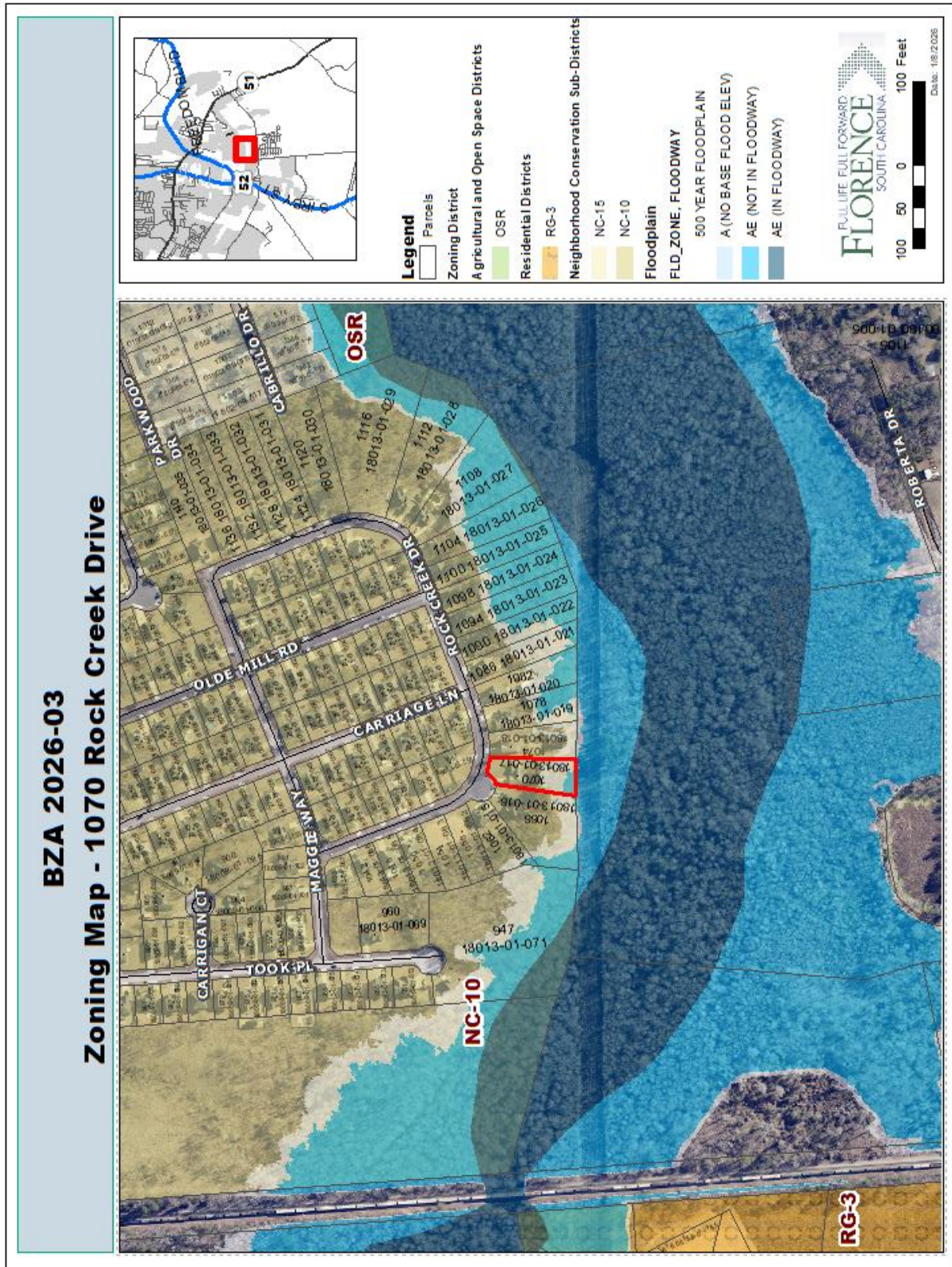
Attachment A: Vicinity Map



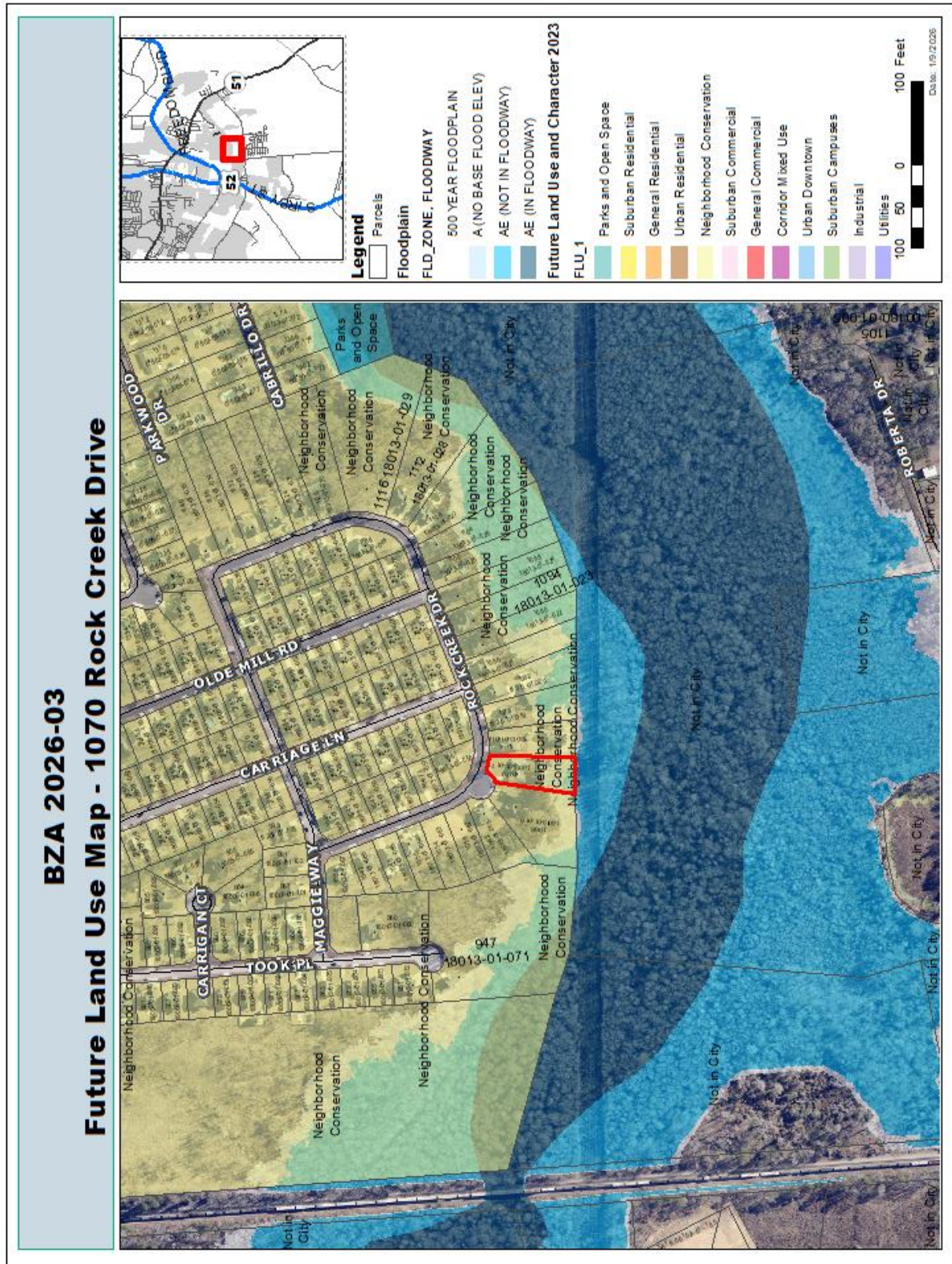






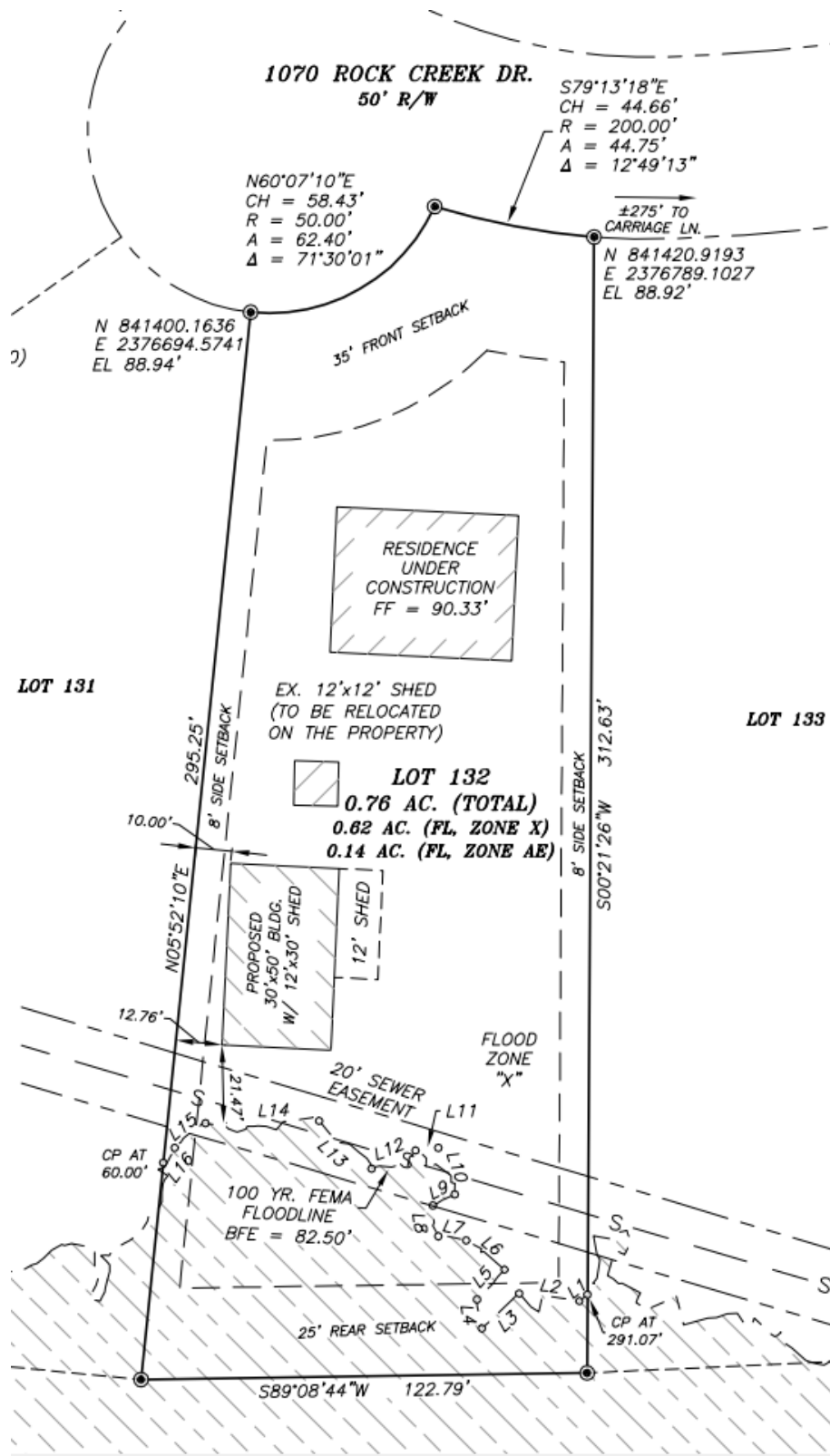




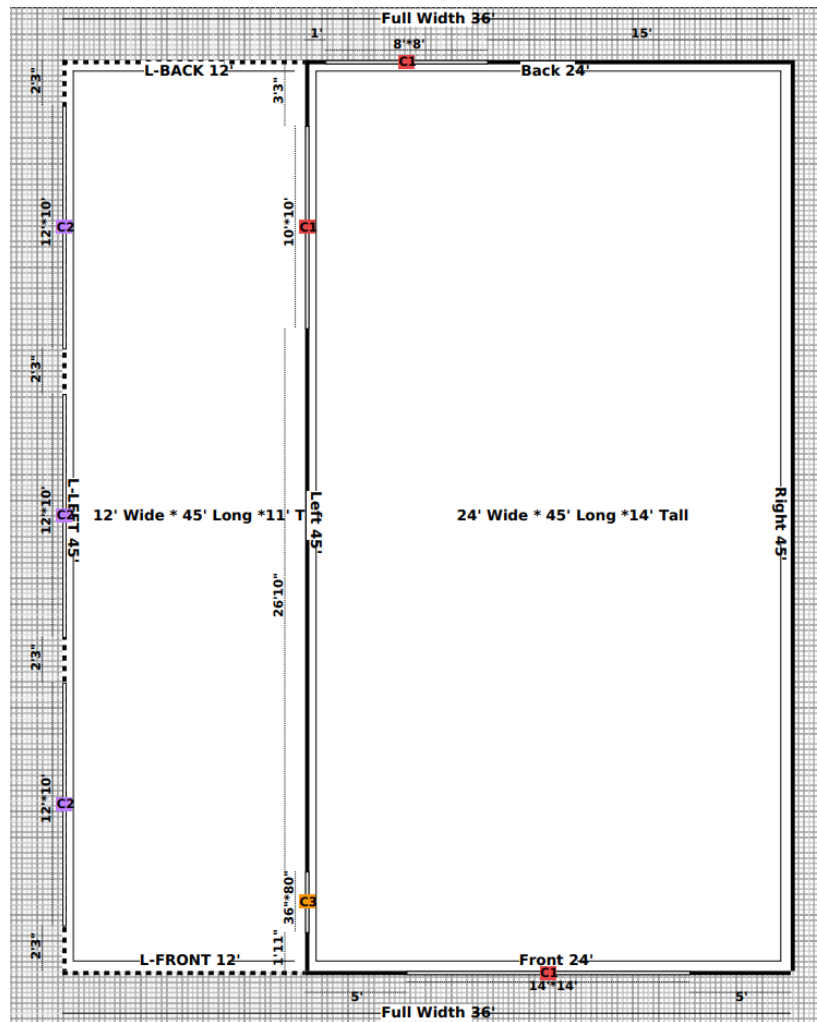




Attachment E: Site Plan



## Attachment F: Building Layout and Rendering



Attachment G: Site Photos







The back yard where the building would be located.



Next door neighbor's detached garage.

### **Board of Zoning Appeals Motion Worksheet**

Case Number: BZA-2026-03 Nature of Request: Accessory Building Area Variance

I move that we grant / deny the request for a variance based upon the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* will not / will be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in this individual case, result in an unnecessary hardship, in that:
2. That the spirit of the *Unified Development Ordinance* will / will not be observed, public safety and welfare secured, and substantial justice done because:
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely:
4. That these conditions do not generally apply to other property in the vicinity, in that:
5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would effectively prohibit or unreasonably restrict the utilization of the property by:
6. That the authorization of a variance will not / will be of substantial detriment to adjacent property or to the public good, and the character of the district will not / will be harmed by the granting of the variance, because:

Guidelines applicable to the granting of a variance:

1. Profitability: the fact that a property may be used more profitably if the variance is granted may not be used as the basis for granting the variance.
2. Conditions: the BZA can put conditions on the granting of the variance.
3. Use Variance: the BZA cannot grant a variance that would allow a use not permitted in the zoning district.
4. Hardship: the hardship cannot be based on conditions created by the owner/applicant.

Notes:

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT**  
**STAFF REPORT TO THE**  
**CITY OF FLORENCE BOARD OF ZONING APPEALS**  
**JANUARY 22, 2026**

**AGENDA ITEM:** BZA-2026-04

**VARIANCE REQUEST:** Request for a variance from the interior side setback for a storage building on a residential parcel.

**LOCATION:** 917 Wisteria Dr

**TAX MAP NUMBER:** 90066-02-001

**OWNER OF RECORD:** Kaley Elmore

**APPLICANT:** Kaley Elmore

**ZONING DISTRICT:** Neighborhood Conservation-15 (NC-15)

**Land Use and Zoning**

The 0.35 acre lot is zoned NC-15, which permits single family detached uses only. There is an existing 2,500 square foot house in the center of the lot. The minimum setbacks for the principal structure as required in Table 2-5.2.1 for the NC-15 district are 25 feet from the front, 10 feet from the side, and 30 feet from the rear. Accessory structures, including storage buildings, must have the same side setbacks as the house, which in this district is 10 feet.

**Proposal**

The applicants are proposing to construct a 378 square foot (21 feet wide by 18 feet deep by 8 feet high) storage building, they intent on using the concrete slab that it's already in place, where a carport use to be on, on the north side of the lot. The storage building would be located at approximately 6 feet from the side property line, necessitating a variance of 4 feet (40%).

**Variance Request Information**

The applicants are requesting a variance from the following sections of the *Unified Development Ordinance*:

1. Table 2-5.2.1 "General Lot and building standards": interior side setback. Because of the location of the existing concrete slab, they need to place the new building 6 feet from the side property line, necessitating a variance of 4 feet or 40% from the side setback. As long as the building is less than ten feet tall, the five feet from the rear property line is compliant.

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular property as follows: ***concrete slab was on property when purchased in November 202. The slab had a***



***carport metal structure that has since been removed. Building will replace a previous structure.***

- b. These conditions do not generally apply to other property in the vicinity as shown by: ***There are other properties in the neighborhood with accessory buildings very close to the side property lines.***
- c. Because of these conditions, the application of the ordinance to the particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows: ***we would not be able to use the existent concrete slab.***
- 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 for the following reasons: ***the neighbor most affected would be the one ,located to the east at 1104 Wentworth Drive.***

#### **Issues to be Considered:**

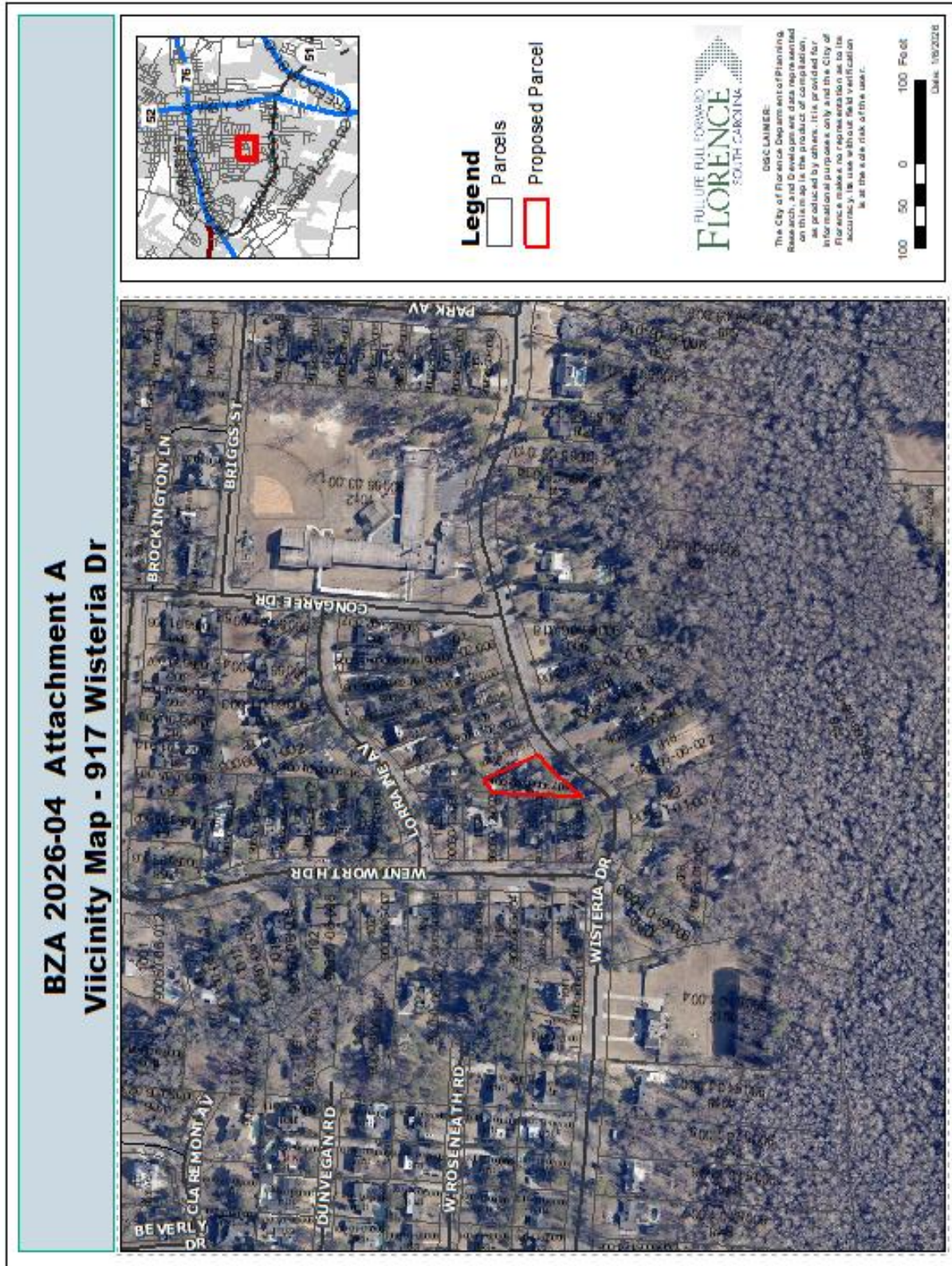
Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

- 1. That a variance from the terms of the *Unified Development Ordinance* will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship. ***Staff Comment: The placement of the new storage building in this location will mainly impact the neighbor immediately to the east but have little visual impact on the character of the street.***
- 2. That the spirit of the *Unified Development Ordinance* will be observed, public safety and welfare secured, and substantial justice done. ***Staff Comment: The restrictions on accessory buildings are in place to prevent overcrowding of residential properties to the detriment of neighboring lots.***
- 3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property. ***Staff Comment: The shape of this parcel as well as the existing concrete slab, limit the location of the storage building in this particular case.***
- 4. That these conditions do not generally apply to other property in the vicinity. ***Staff Comment: This particular parcel is shaped irregularly compared to most of the lots in the neighborhood, which restricts the area available in the rear yard.***
- 5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows. ***Staff Comment: Adherence to the terms of the Ordinance would result in the inability of the owner to add the storage building to her property on the existent concrete slab.***
- 6. That the authorization of a 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. ***Staff Comment: The storage building will replace an existing carport already on the property, additionally, the storage building is proposed to be behind the plane of the house, its impact on the street would be minimal to non-existent. The main person affected is the owner of 1104 Wentworth Drive.***

#### **Attachments**

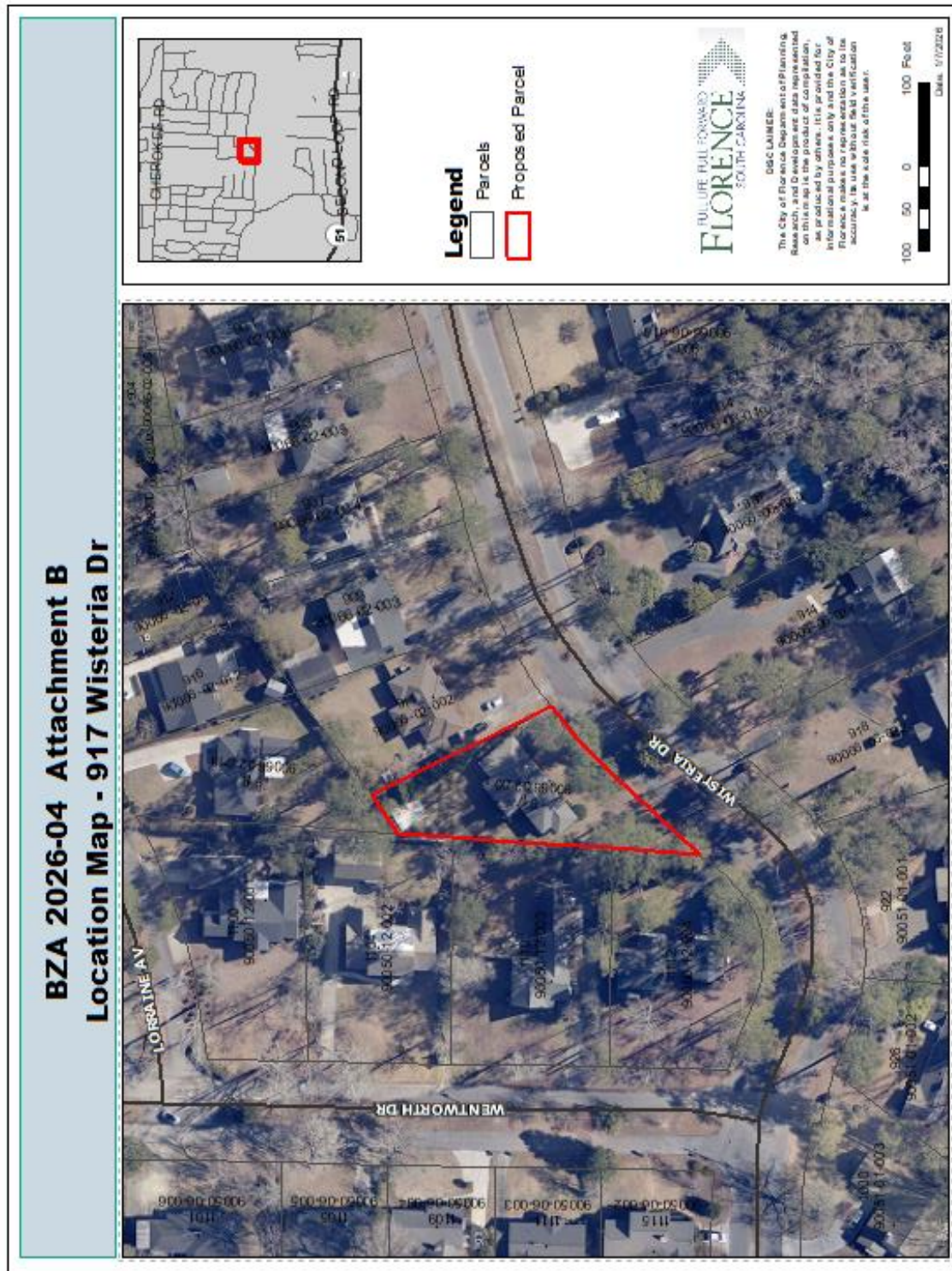
- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Site Plan
- F. Construction Plan and Elevations
- G. Site Photos

# Attachment A: Vicinity Map

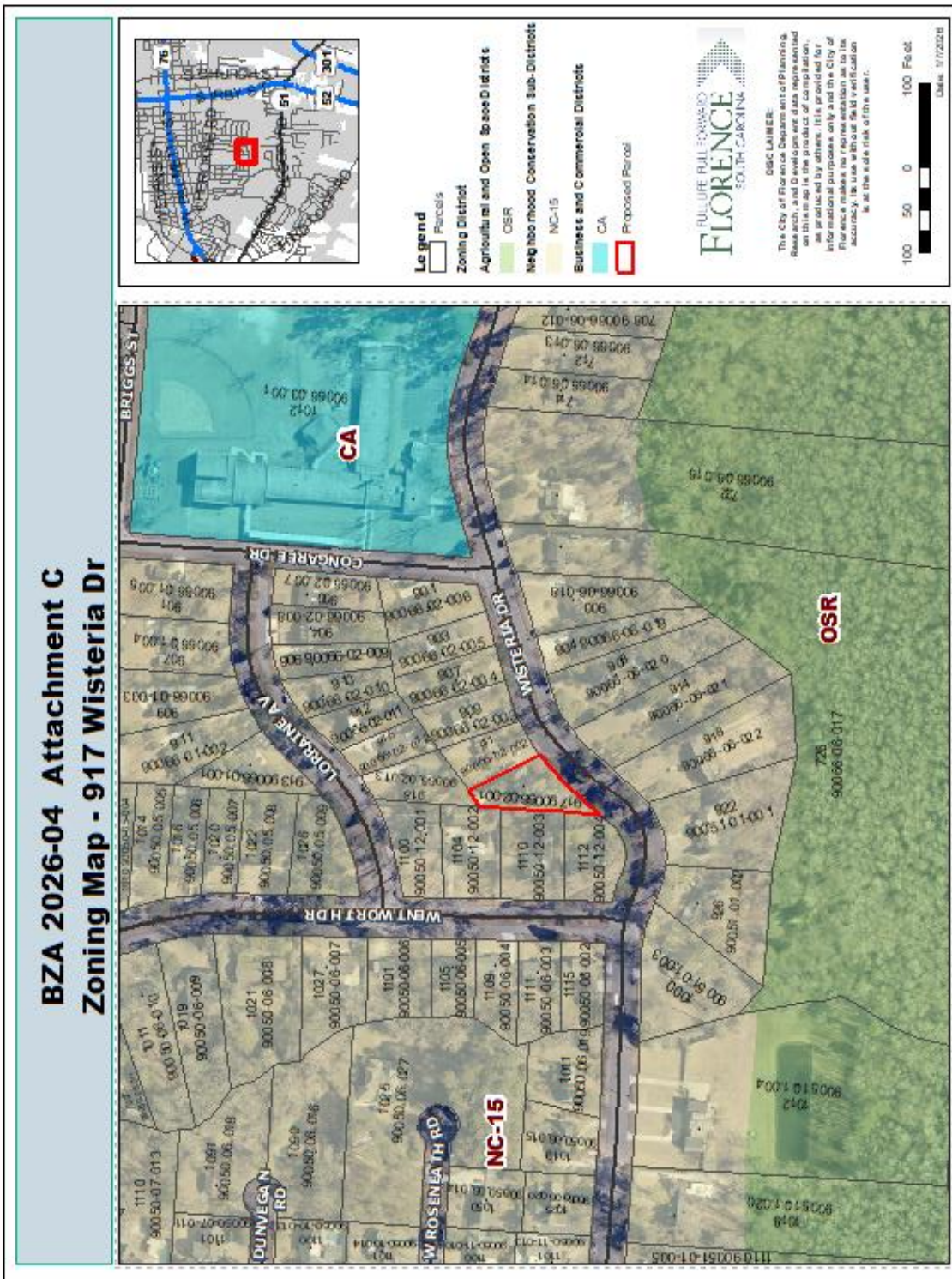




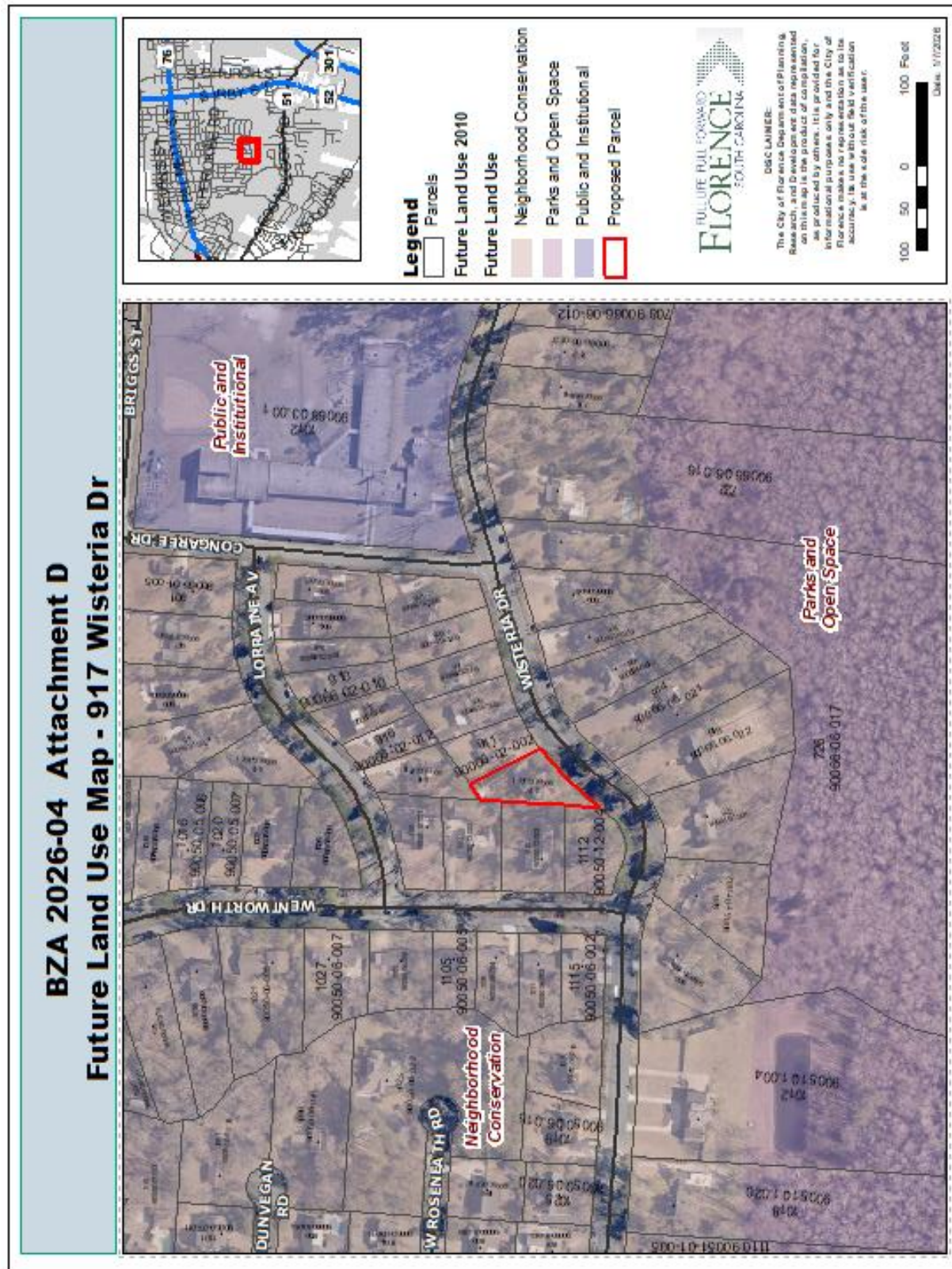
Attachment B: Location Map









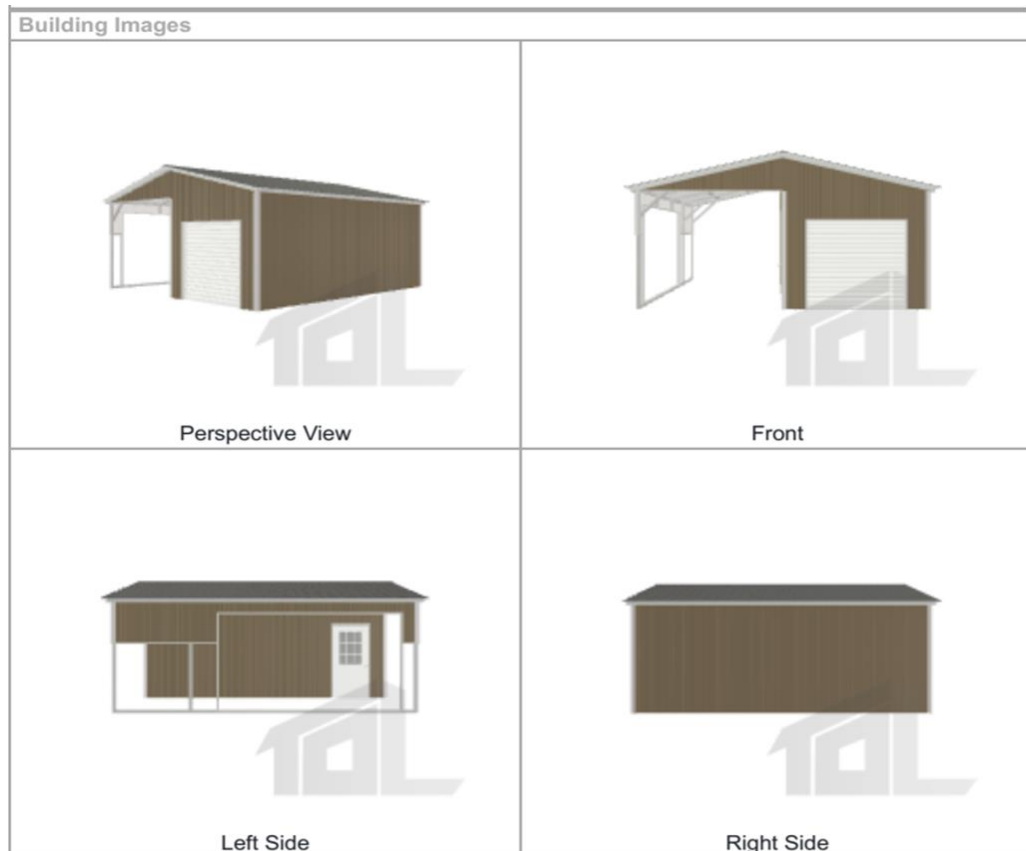
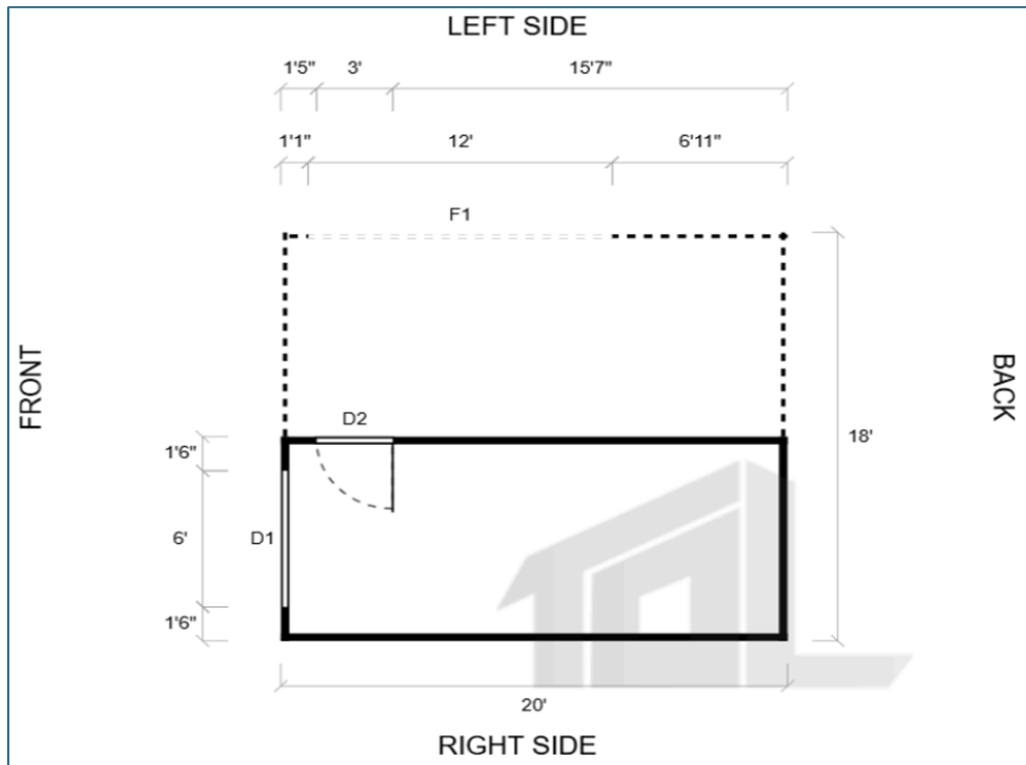


Attachment E: Site Plan





Attachment F: Construction Plans and Elevations



Attachment G: Site Photos



**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT**  
**STAFF REPORT TO THE**  
**CITY OF FLORENCE BOARD OF ZONING APPEALS**  
**JANUARY 22, 2026**

**AGENDA ITEM:** BZA-2026-05

**VARIANCE REQUEST:** Request for a variance from the setback requirement for accessory buildings.

**LOCATION:** 803 East National Cemetery Road  
Florence National Cemetery Annex

**TAX MAP NUMBER:** 90119-04-001

**OWNER OF RECORD:** U.S. Department of Veterans Affairs

**APPLICANT:** Jordan Vandermeer

**ZONING DISTRICT:** Open Space & Recreation (OSR)

**Land Use and Zoning**

The undeveloped lot is 12.89 acres in area and immediately adjacent to the Florence National Cemetery. It is zoned Open Space & Recreation (OSR), which is intended for public open spaces. Part of the lot is considered a wetland as defined by the Army Corps of Engineers.

The affected parcel immediately adjacent to the site is 7,756 square feet in area, privately owned, and also undeveloped. It is in the County and zoned R-5A, multi-family residential. This district is “intended to accommodate higher density residential development and a variety of housing types on small lots or in project settings in areas accessible by major streets and in proximity to commercial uses, employment opportunities, and community facilities.”

**Proposal and Variance Request**

The U.S. Department of Veterans Affairs is expanding the Florence National Cemetery, and part of that involves the addition of a new administrative building and maintenance yard. The maintenance yard includes covered vehicle storage, a maintenance building, and an open storage bin for sand and gravel.

The sand and gravel storage bin enclosure is 57 feet long and 31 feet deep, with concrete walls, steel framing, and a standing seam metal roof. The applicant is requesting to place the structure 9 feet from the shared side property line.

The reason for this particular location is to be accessible to the new administrative building which is being constructed as part of the project. In turn, the administrative building needs to be easily accessible to visitors to the cemetery.

According to Table 2-6.1.1, “Nonresidential and Mixed Use Lot and Building Standards”, the minimum setback is 50 feet. The request is therefore for an 82% decrease in the required setback distance.



Table 2-6.1.1 Nonresidential and Mixed Use Lot and Building Standards							
District / General Use Type	Lot Width <sup>1</sup>	Minimum Setback <sup>2</sup>				Minimum Landscape Surface Ratio	Maximum Building Height
		Build-to Line	Front	Side (Min./Total)	Rear		
Open Space and Recreation (OSR)							
All uses	N/A	N/A	50'	50'	50'	98%	N/A

The following information was submitted by the applicant:

- a. There are extraordinary and exceptional conditions pertaining to the particular property as follows: ***The proposed cemetery expansion includes the addition of a maintenance yard. The material storage bins' ideal location is within the maintenance yard. This yard will be fully fenced to screen maintenance activities from cemetery visitors and neighboring properties.***
- b. These conditions do not generally apply to other property in the vicinity as shown by: ***The national cemetery is a unique use.***
- c. Because of these conditions, the application of the ordinance to the particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows: ***Relocating the material storage facility will decrease the number of available interments for our nation's veterans.***
- 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 for the following reasons: ***The material storage bins will be fully screened by fencing.***

### **Issues to be Considered**

Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

1. That a variance from the terms of the *Unified Development Ordinance* (will/will not) be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions (will/will not), in an individual case, result in an unnecessary hardship.

***Staff Comment: Without the variance, the applicant is severely limited as to where accessory structures can be located within the national cemetery.***

2. That the spirit of the *Unified Development Ordinance* (will/will not) be observed, public safety and welfare secured, and substantial justice done.

***Staff Comment: The maintenance yard in general and the material storage bins specifically will be 130 feet from the public right of way and located behind ornamental fencing. A chain link fence will separate the material storage bins from the rear of the adjacent undeveloped parcel.***

3. That there (are/are not) extraordinary and exceptional conditions pertaining to the particular piece of property.

***Staff Comment: While this is a nearly 13 acre parcel, the need to locate the administrative building and maintenance yard near the front of the cemetery limits the options for placement of maintenance equipment from a practical standpoint. The presence of wetlands further restricts the availability of suitable locations.***

4. That these conditions (do/do not) generally apply to other property in the vicinity.

***Staff Comment: The use as a cemetery is unique to this parcel.***

5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property (would/would not) effectively prohibit or unreasonably restrict the utilization of the property as follows.

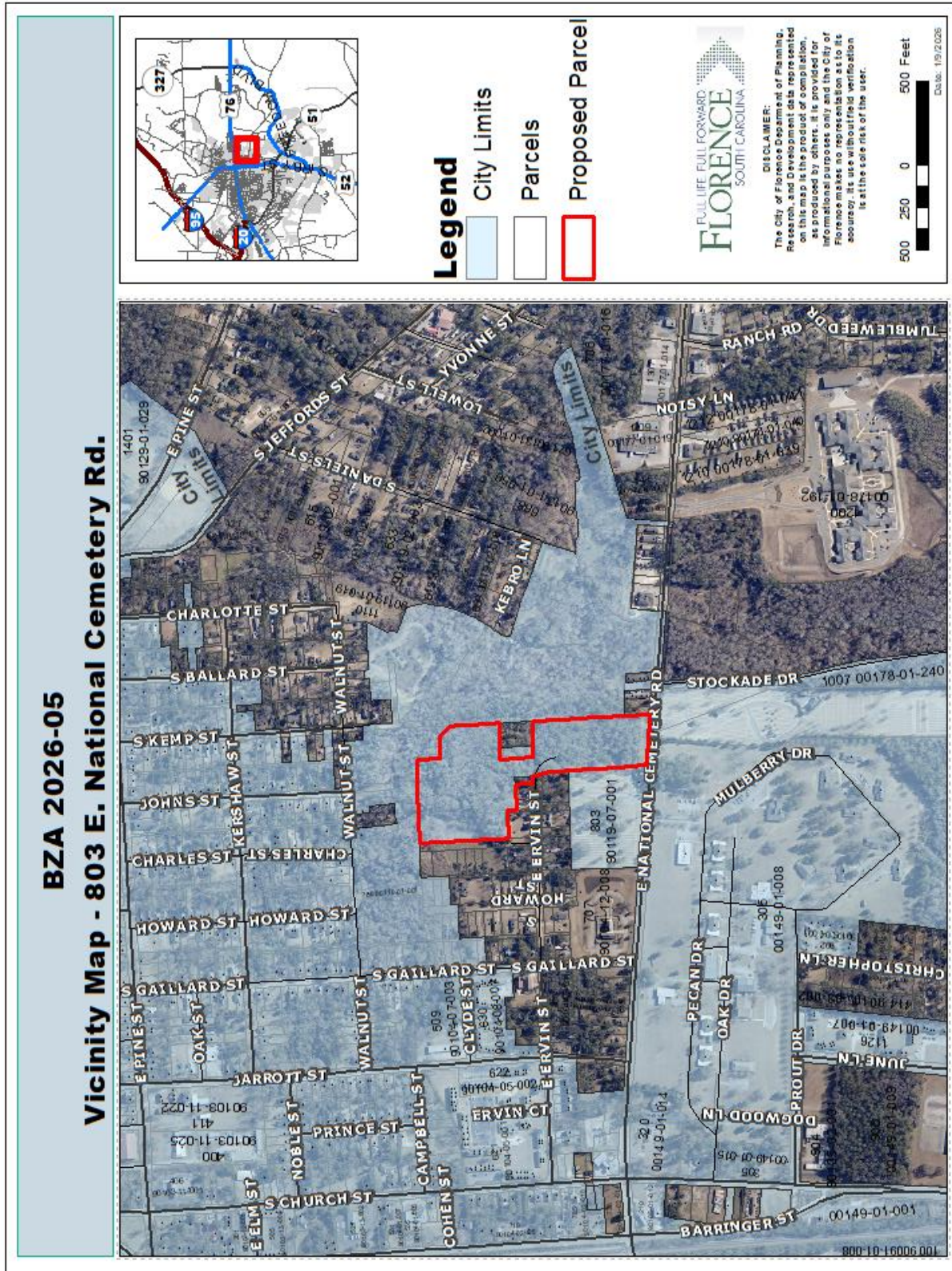
***Staff Comment: The applicant is still permitted to have an accessory building at the cemetery. However, locating the maintenance yard in a less accessible site would interfere with efficient operations.***

6. That the authorization of a variance (will/will not) be of substantial detriment to adjacent property or to the public good, and the character of the district (will/will not) be harmed by the granting of the variance.

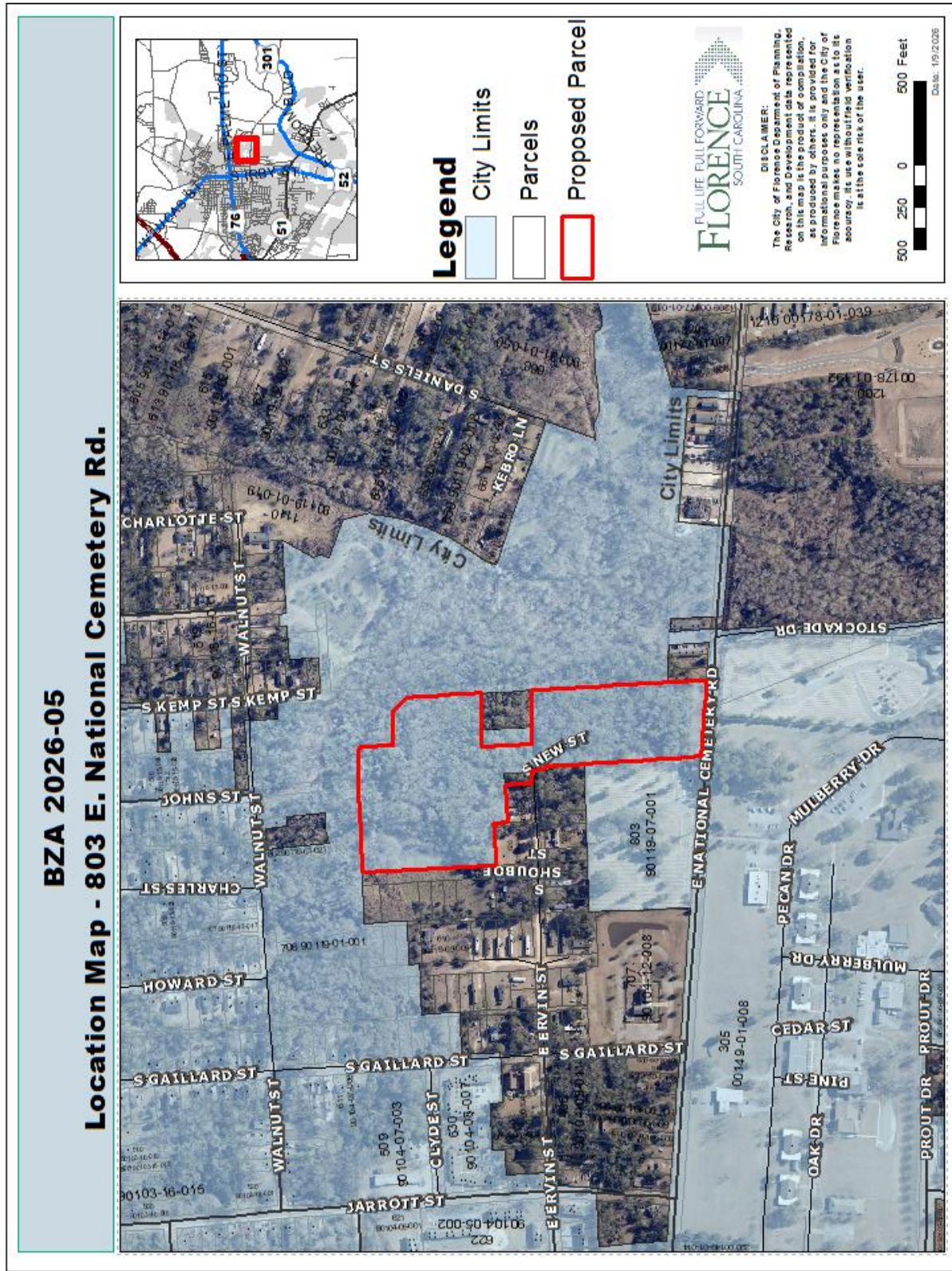
***Staff Comment: Granting the variance results in conveniently located structures which would be minimally visible from the street. The only parcel to be directly affected is undeveloped.***

#### **Attachments**

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Site Plan
- F. Material Storage Bin Plan and Elevation



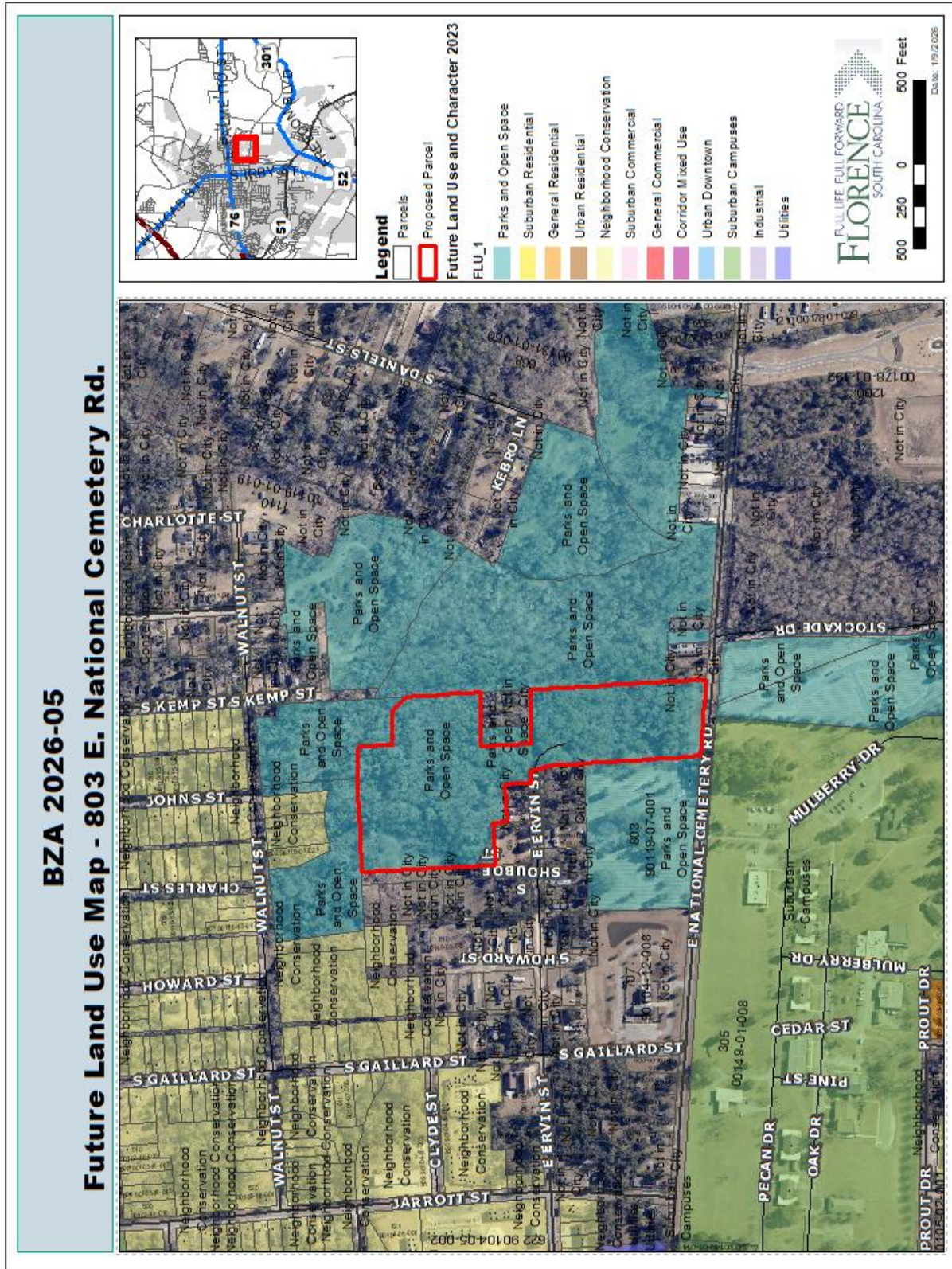










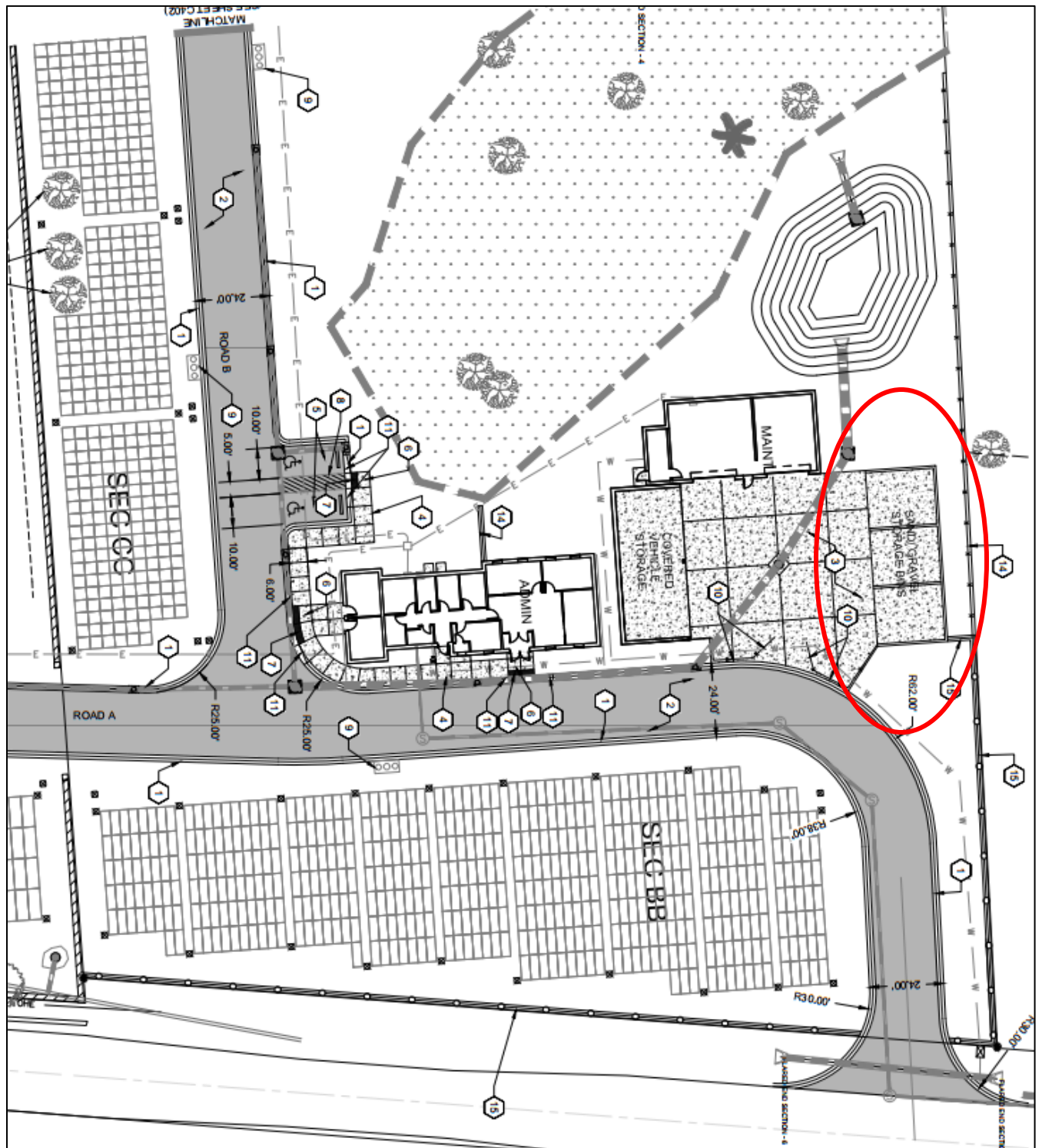




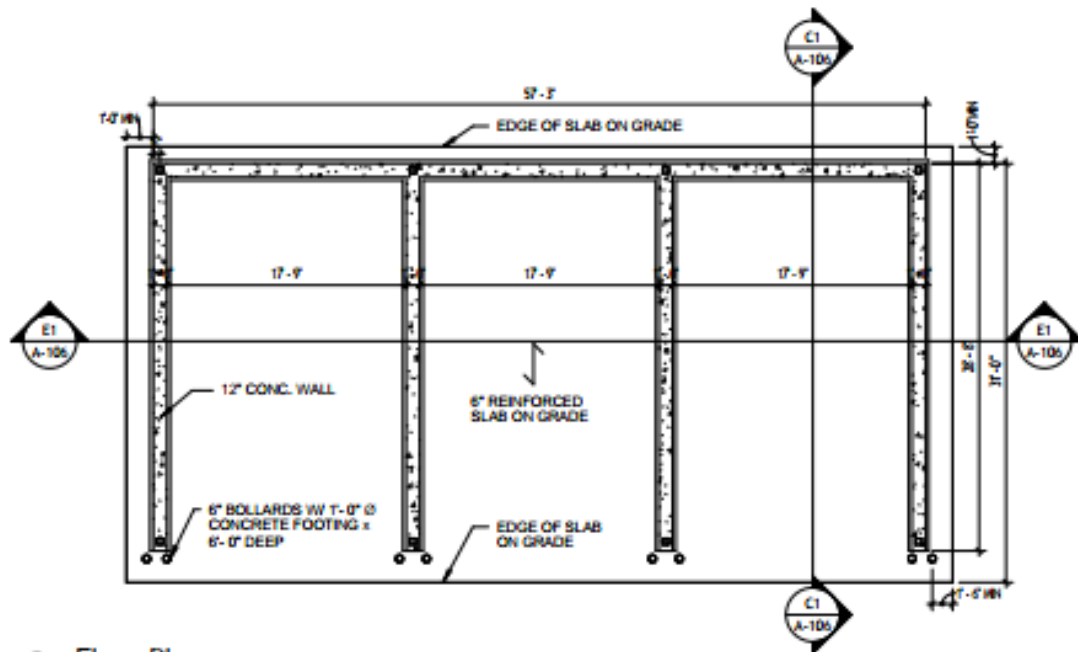
Attachment E: Site Plan



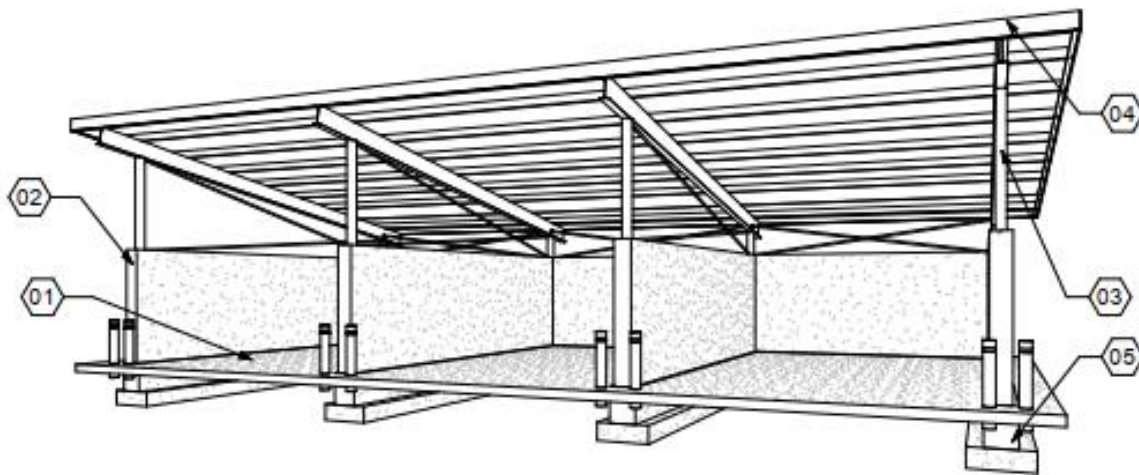
Location of Sand/Gravel Storage Bins: 57' long by 31' deep.



Attachment F: Material Storage Bin Plan and Elevation



B1 Floor Plan  
1/8" = 1'-0"



B7 3D View



### **Board of Zoning Appeals Motion Worksheet**

Case Number: BZA-2026-05 Nature of Request: Accessory Structure Setback Variance

I move that we grant / deny the request for a variance based upon the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* will not / will be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in this individual case, result in an unnecessary hardship, in that:
2. That the spirit of the *Unified Development Ordinance* will / will not be observed, public safety and welfare secured, and substantial justice done because:
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely:
4. That these conditions do not generally apply to other property in the vicinity, in that:
5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would effectively prohibit or unreasonably restrict the utilization of the property by:
6. That the authorization of a variance will not / will be of substantial detriment to adjacent property or to the public good, and the character of the district will not / will be harmed by the granting of the variance, because:

Guidelines applicable to the granting of a variance:

1. Profitability: the fact that a property may be used more profitably if the variance is granted may not be used as the basis for granting the variance.
2. Conditions: the BZA can put conditions on the granting of the variance.
3. Use Variance: the BZA cannot grant a variance that would allow a use not permitted in the zoning district.
4. Hardship: the hardship cannot be based on conditions created by the owner/applicant.

Notes:

**DEPARTMENT OF PLANNING, RESEARCH & DEVELOPMENT**  
**STAFF REPORT TO THE**  
**CITY OF FLORENCE BOARD OF ZONING APPEALS**  
**JANUARY 22, 2026**

**AGENDA ITEM:** BZA-2026-06

**VARIANCE REQUEST:** Request for a variance from the minimum lot width required for new parcels.

**LOCATION:** 608 South McQueen Street

**TAX MAP NUMBER:** 90075-10-014

**OWNER OF RECORD:** Timothy Fields Norwood Jr.

**APPLICANT:** Timothy Fields Norwood Jr.

**ZONING DISTRICT:** Neighborhood Conservation-6.2 (NC-6.2)

**OVERLAY DISTRICT:** Timrod Park Neighborhood Historic Overlay District

**Land Use and Zoning**

Currently there is one house on one lot of record. The parcel has an area of 14,400 square feet with 96 feet of frontage along South McQueen Street. The NC-6.2 zoning district requires that any new parcel have a minimum area of 6,000 square feet and a minimum lot width of 60 feet. NC-6.2 permits single family and duplex uses only. This parcel is in the Timrod Park Historic Residential Overlay District, and any new construction is subject to design standards that require it to be similar in character to the existing houses in the neighborhood.

**Proposal and Variance Request**

The applicant is proposing to demolish the dilapidated house on the lot and subsequently subdivide the single parcel to provide two separate lots of record to enable him to construct two single family houses. Both lots would have frontage along South McQueen Street.

If the parcel is divided down the middle, it will result in two lots of 7,200 square feet each, which exceeds the minimum requirement of 6,000 square feet. However, the lot widths will be 48 feet, or 20% below the minimum requirement of 60 feet.

The lots in this neighborhood are generally about 5,000 to 7,000 square feet in area and lot widths on the 600 block of South McQueen Street range from 45 feet to 55 feet, so none meet the 60 feet minimum, but 48 feet would be in keeping with the average in the neighborhood.

If approved for subdivision, the owner would have to meet the setback requirements for the district for any new construction, which are 25 feet from the front property line, 6 feet from the sides, and 20 feet from the rear.

The request is for a variance from Table 1-2.2.1B, Neighborhood Conservation Subdistricts as shown below.

**Table 1-2.2.1B “Neighborhood Conservation Subdistricts”** specifies the minimum lot area for new lots in subdistrict NC-6.2:

Table 1-2.2.1B <sup>2</sup> Neighborhood Conservation Subdistricts				
Subdistrict	Character Type	Predominant Building Type	Minimum Lot Area <sup>2</sup> (for New Lots)	Minimum Lot Width <sup>2</sup> (for New Lots)
NC-15	Suburban	Single-Family Detached	15,000 sf.	100 ft.
NC-10			10,000 sf.	80 ft.
NC-6.1	Auto-Urban		6,000 sf.	60 ft.
NC-6.2		Single-Family Detached and Two-Family Attached	6,000 sf.	60 ft.
NC-6.3		Mixed Detached and Attached	6,000 sf.	50 ft.
NC-4			4,400 sf.	40 ft.

**Table 2-5.2.1 “General Lot and Building Standards”** provides the minimum setbacks for each zoning district:

Table 2-5.2.1 General Lot and Building Standards								
Subdistrict	Minimum Setback					Maximum Building		
	Front	Street Side	Side	Total Side	Rear	Height <sup>1</sup>	Impervious Surface Ratio	Floor Area
NC-15	25'	15'	10'	20'	30'	38'	40%	See Note 2
NC-10	25'	12'	8'	16'	25'	38'	45%	
NC-6.1	25'	10'	5'	12'	25'	38'	45%	
NC-6.2	25'	10'	5'	12'	20'	38'	45%	
NC-6.3	25'	10'	5'	12'	20'	55'	70%	
NC-4	20'	8'	5'	10'	20'	38'	60%	

The following information was submitted by the applicant:

- There are extraordinary and exceptional conditions pertaining to the particular property as follows: ***This is a double lot as compared to the parcels around it in the immediate vicinity.***
- These conditions do not generally apply to other property in the vicinity as shown by: ***The average lot width is about 55 feet.***
- Because of these conditions, the application of the ordinance to the particular property would effectively prohibit or unreasonably restrict the utilization of the property as follows: ***The intent is to subdivide the lot into two parcels in order to construct one single family house on each new lot. Without the variance, only one house can be constructed.***
- 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 for the following reasons: ***The neighborhood consists of narrow lots with single family houses. Subdivision of this double lot into two single lots would not be out of character.***



### Issues to be Considered

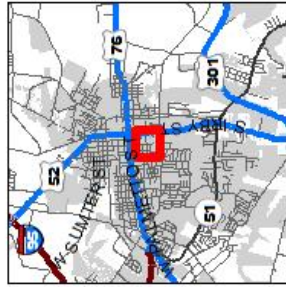
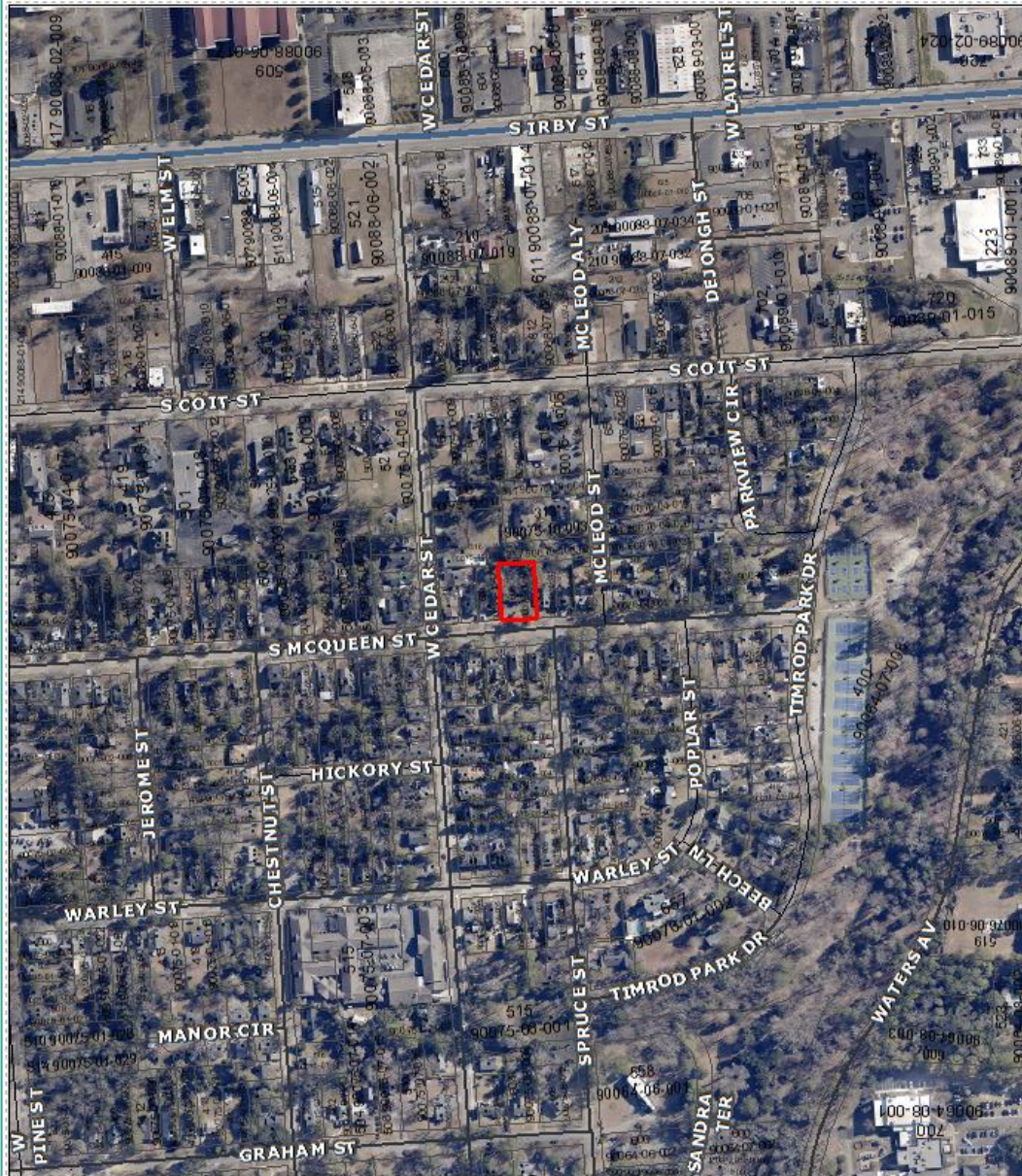
Applications for a variance shall be evaluated by the Board of Zoning Appeals on the basis of the following conditions:

1. That a variance from the terms of the *Unified Development Ordinance* (will/will not) be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions (will/will not), in an individual case, result in an unnecessary hardship. ***Staff Comment: The applicant desires to carve out two new lots of record from a double lot. Leaving the lot as it does not prevent the use of it for one single family residence or a duplex, but the provision of a second lot allows for needed infill development that will better match the existing single family character of the neighborhood.***
2. That the spirit of the *Unified Development Ordinance* (will/will not) be observed, public safety and welfare secured, and substantial justice done. ***Staff Comment: The intent of the lot size minimum requirement for any particular zoning district is to ensure uniformity of lot sizes throughout a neighborhood to prevent overcrowding. Granting of the variance will not result in development that is denser than that of the immediate vicinity because the houses have been there for more than fifty years. The existing double lot is actually out of character for the neighborhood.***
3. That there (are/are not) extraordinary and exceptional conditions pertaining to the particular piece of property. ***Staff Comment: This lot has enough area to meet the minimum area requirement for the district to be subdivided. It is one of only a few larger parcels in the area.***
4. That these conditions (do/do not) generally apply to other property in the vicinity. ***Staff Comment: The vast majority of lots of record in the area are less than 60 feet wide.***
5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property (would/would not) effectively prohibit or unreasonably restrict the utilization of the property as follows. ***Staff Comment: Application of the lot width requirement to the request would result in the inability of the landowner to subdivide his parcel to provide a second lot of record to accommodate a second single family house. He can construct a duplex on the lot as it is, which would be detrimental to the single family character of the neighborhood..***
6. That the authorization of a variance (will/will not) be of substantial detriment to adjacent property or to the public good, and the character of the district (will/will not) be harmed by the granting of the variance. ***Staff Comment: The overarching character of the neighborhood is that of narrow deep lots with narrow single family houses. The large house on the double lot is an anomaly in the historic district.***

### Attachments

- A. Vicinity Map
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map
- E. Proposed Plat
- F. Site Photos

**BZA-2026-06**  
**Vicinity Map - 608 S. McQueen St.**



**Legend**  
**Parcels**

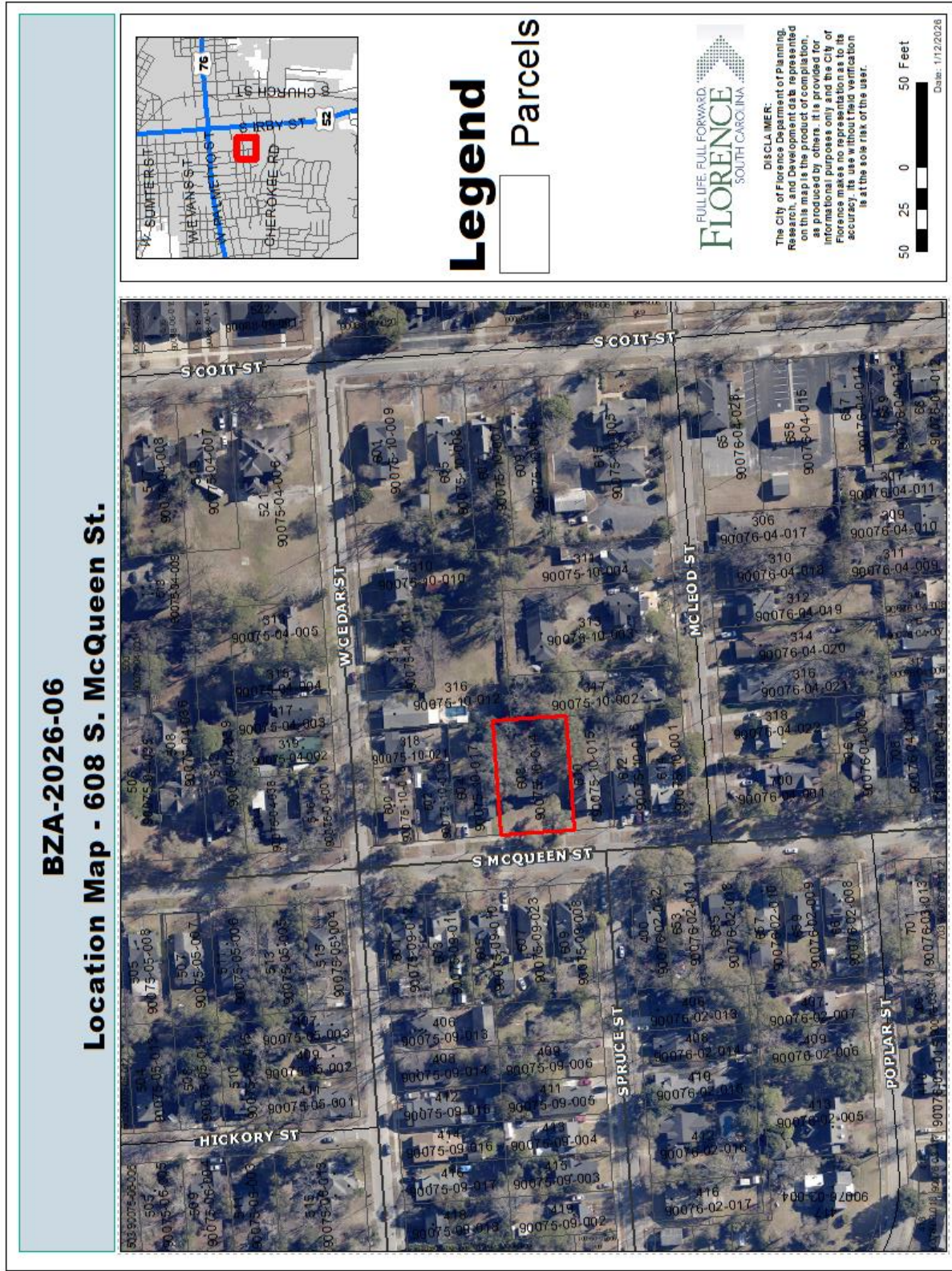


**DISCLAIMER:**  
The City of Florence Department of Planning, Research, and Development data represented on this map is the product of compilation, as produced by others. It is provided for informational purposes only and the City of Florence makes no representation as to its accuracy. Its use without field verification is at the sole risk of the user.



Date: 1/12/2026



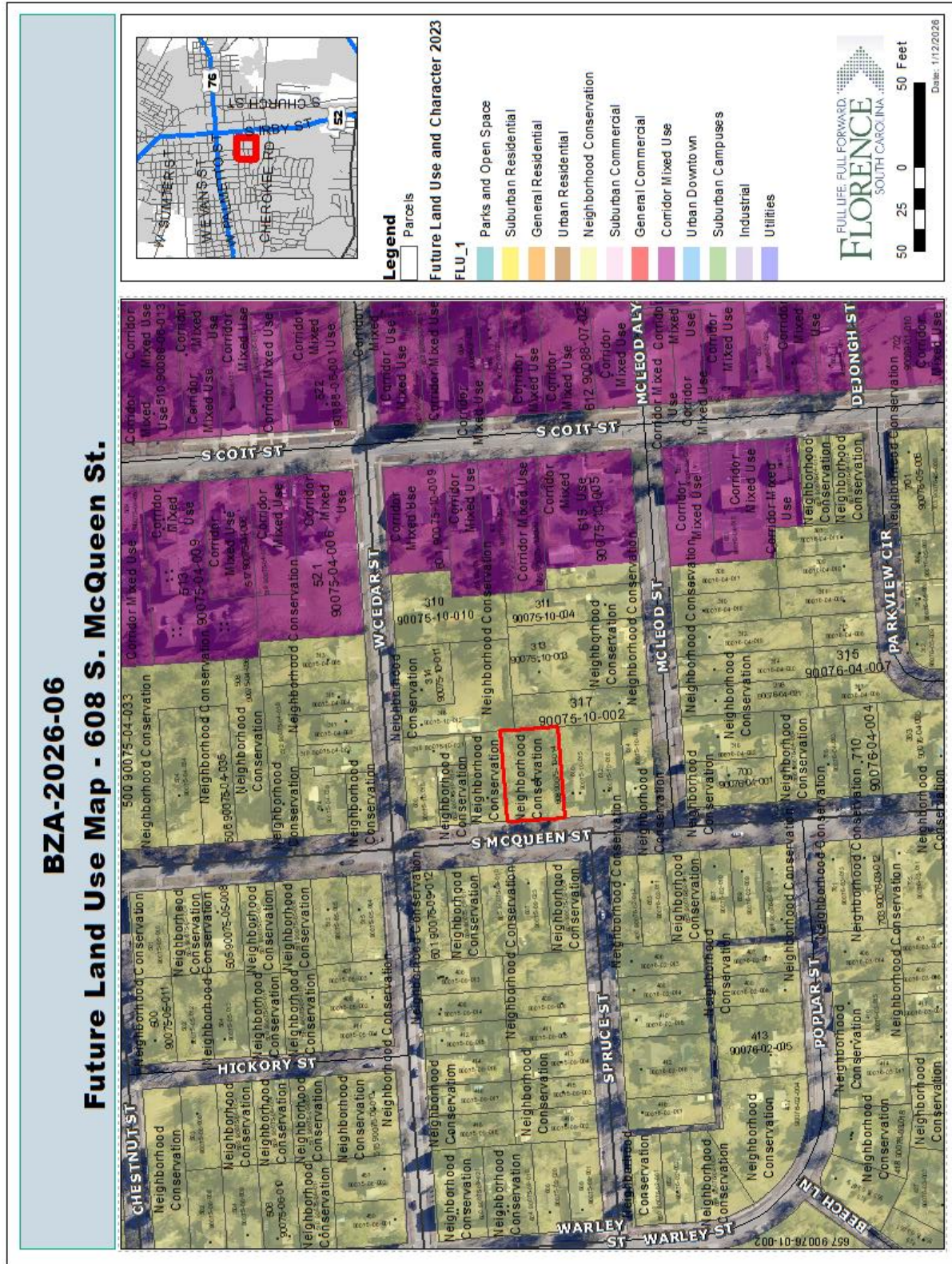




**BZA-2026-06**  
**Zoning Map - 608 S. McQueen St.**









Attachment E: Proposed Plat



Red line = proposed subdivision line: two 48 feet wide lots.



Attachment F: Site Photo



### **Board of Zoning Appeals Motion Worksheet**

Case Number: BZA-2026-06 Nature of Request: Lot Width Variance

I move that we grant / deny the request for a variance based upon the following findings of fact:

1. That a variance from the terms of the *Unified Development Ordinance* will not / will be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in this individual case, result in an unnecessary hardship, in that:
2. That the spirit of the *Unified Development Ordinance* will / will not be observed, public safety and welfare secured, and substantial justice done because:
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property, namely:
4. That these conditions do not generally apply to other property in the vicinity, in that:
5. That because of these conditions, the application of the *Unified Development Ordinance* to this particular property would effectively prohibit or unreasonably restrict the utilization of the property by:
6. That the authorization of a variance will not / will be of substantial detriment to adjacent property or to the public good, and the character of the district will not / will be harmed by the granting of the variance, because:

Guidelines applicable to the granting of a variance:

1. Profitability: the fact that a property may be used more profitably if the variance is granted may not be used as the basis for granting the variance.
2. Conditions: the BZA can put conditions on the granting of the variance.
3. Use Variance: the BZA cannot grant a variance that would allow a use not permitted in the zoning district.
4. Hardship: the hardship cannot be based on conditions created by the owner/applicant.

Notes: