

# Sumter City-County Board of Zoning Appeals

November 14, 2012

**BOA-12-41, 3160 Springdale Way  
(City)**

The applicants are requesting a 2 ft. variance from the side yard setback requirement of 5 ft. to construct a 483 square foot accessory garage, per Article 4, Section 4.g.2.b.5 Development Standards for Residential Accessory Buildings



Appeals - Variance - Special Exception

# Sumter City-County Zoning Board of Appeals

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## BOA-12-41, 3160 Springdale Way (City)

### I. THE REQUEST

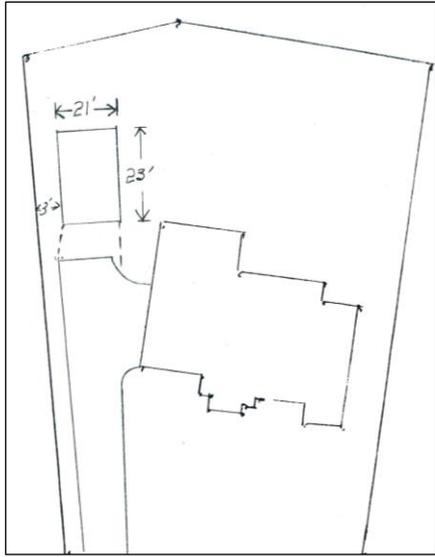
<b>Applicant:</b>	William P. and Concetta Barrineau
<b>Status of the Applicant:</b>	Property Owners
<b>Request:</b>	The applicants are requesting a 2 ft. variance from the side yard setback requirement of 5 ft. to construct an accessory garage.
<b>Location:</b>	3160 Springdale Way
<b>Present Use/Zoning:</b>	Residence/PD
<b>Tax Map Reference:</b>	184-06-02-018

### II. BACKGROUND

The property owners are asking for a variance of 2 feet from the side yard setback requirement of 5 feet so they can construct a detached garage on the property per Section **4.g.2.b.5 Setbacks for Residential Accessory Structures.**

The property is in Timberline Meadows Subdivision, a residential subdivision that is zoned Planned Development (PD) with underlying Residential (R-15) zoning development standards. The setbacks for accessory buildings on residential parcels are 5 feet from the property line and 10 feet from the principal structure.





**Left:** A diagram showing the location of the existing house, driveway and proposed garage in relation to the property lines. The proposed garage would be constructed 3 feet from the property line, as shown, if the variance is granted. The residence does have an attached garage but it is situated at an angle so that backing into the existing garage with a trailer or boat would be virtually impossible.

**Below Left:** Looking towards the rear of the property. The property line is indicated by the pink flags.

**Below Right:** Looking towards the front of the property. The distance between the marked corner of the proposed building and the property line is indicated by the pink circles.



The adjacent property owners at 3150 Springdale Way have no objection to the variance (letter is included with report- **Attachment 1**).



**Above:** The proposed structure is 21 ft. x 23 ft. with a total of 483 square feet and would resemble this image once built. The contractor stated that the building would meet the height restriction of 25' as required by the ordinance for accessory buildings.

### **III. FOUR PART TEST**

- 1) *There are extraordinary and exceptional conditions pertaining to the particular piece of property.*

There are extraordinary or exceptional conditions pertaining to this property. The parcel does not have sufficient area to meet the 5 foot setback requirement, unless the driveway location is changed. The applicant wishes to be able to drive straight into the garage without having to angle a vehicle. The driveway appears to be closer to the property line than the adjacent parcels and there is no room to maneuver a vehicle without significantly altering the location of the driveway.



**Left:** Graphic comparing the distance between the driveway and the property line at 3160 Springdale Way (center, outlined in white) and the adjacent parcels. The property in question appears to have a driveway that is

almost touching the property line. If the garage were built 5' from the property line as required by ordinance, the vehicle would have to maneuver at an awkward angle to park inside it. This would hinder safe access and use of the garage.

**2) *These conditions do not generally apply to other property in the vicinity.***

These conditions do not apply to other properties in this area. If the adjacent parcels were to construct a garage at the end of their driveways, they would be able to enter the garage comfortably with a vehicle without having to angle or maneuver. Either of the adjacent parcels would be able to construct a detached garage using the ordinance-required setbacks.

**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.***

The conditions imposed on this property would create a situation where the garage, if constructed according to current setbacks, would be difficult to use as the property owner intends. Parking in the garage, and specifically backing into the garage with something like a trailer or boat would be very difficult if the garage were constructed at an angle to the driveway. That is why the property owner wishes to construct the garage directly in line with the driveway.

**4) *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.***

The authorization of this variance will not pose a substantial detriment to the adjacent properties. There is an existing fence on the property line in question, and the adjacent neighbor has indicated that they are comfortable with the granting of this variance.

**IV. STAFF RECOMMENDATION**

Staff recommends approval of this request because it meets the four part criteria as outlined in the City Zoning Ordinance.

**V. DRAFT MOTIONS FOR BOA-12-41**

- A. I move that the Zoning Board of Appeals approve BOA-12-41, subject to the findings of fact and conclusions contained in the draft order, dated November 14, 2012, attached as Exhibit 1.
- B. I move that the Zoning Board of Appeals deny BOA-12-41, on the following findings of fact and conclusions:

C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-12-41.

**VI. ZONING BOARD OF APPEALS –November 14, 2012**

The Sumter City-County Board of Appeals at its meeting on Wednesday, November 14, 2012, voted to approve this request subject to the findings of fact and conclusions contained in the draft order (Exhibit 1), dated November 14, 2012.

**Exhibit 1**  
**Order on Variance Application**  
**Sumter Board of Appeals**

**BOA-12-41, 3160 Springdale way**

**November 14, 2012**

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Date Filed: November 14, 2012

Permit Case No. BOA-12-41

The Sumter Board of Appeals held a public hearing on Wednesday, November 14, 2012 to consider the appeal of William P. and Concetta Barrineau, 3160 Springdale Way, Sumter, SC for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the Applicant  **has** -  **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

The property line is very close to the existing driveway, and in order for a proposed garage to function well the garage needs to be constructed in line with the driveway. Therefore the property does contain a hardship that justifies a variance.

2. The Board concludes that these conditions  **do** -  **do not** generally apply to other property in the vicinity based on the following findings of fact:

Other properties in the vicinity appear to have driveways constructed further away from the property lines, so that a detached garage could be constructed on them and meet both required setbacks and the need to drive straight when entering them with a vehicle.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property  **would** -  **would not** effectively prohibit or unreasonable restrict the utilization of the property based on the following findings of fact:

The application of the ordinance would prevent the property owner from being able to use the garage on their property as intended.

4. The Board concludes that authorization of the 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 based on the following findings of fact:

The adjacent property owners have submitted a letter stating that they approve and support construction of the garage in this location.

THE BOARD, THEREFORE, ORDERS that the variance is  DENIED -  GRANTED:

Approved by the Board by majority vote.

Date issued:

\_\_\_\_\_  
Chairman

Date mailed to parties in interest:

\_\_\_\_\_  
Board Secretary

**Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.**