

Sumter City-County Board of Zoning Appeals

December 12, 2012

BOA-12-44,
30 Corona Court (County)

The applicant is requesting a variance from the side setback requirement of 12 feet for principal structures in the Agricultural Conservation zoning district, to allow for a side setback of 4.74 feet to finish a house under construction per Article 3, Section N.3.n.5.b Development Standards. The property is located at 30 Corona Court and is represented by Tax Map #242-00-02-067.



Appeals - Variance - Special Exception

Sumter City-County Board of Appeals

December 12, 2012

BOA-12-44, 30 Corona Court (County)

I. THE REQUEST

Applicant: Sandra D. Conyers

Status of the Applicant: Property Owner

Request: A side setback variance from the required setback of 12 feet for completion of home construction.

Location: 30 Corona Court

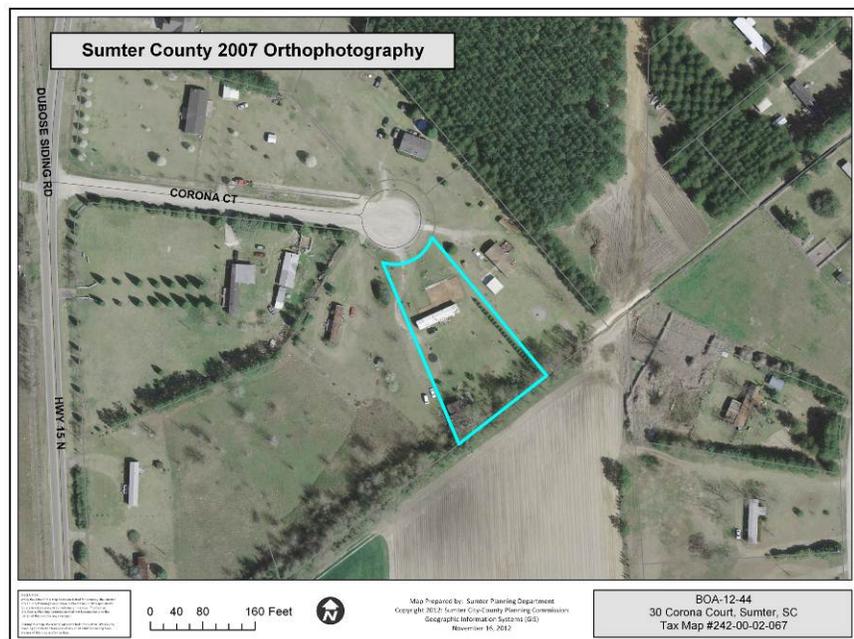
Present Use/Zoning: Agricultural / AC

Tax Map Reference: 242-00-02-067

II. BACKGROUND

The applicant is requesting a side setback variance of 7.26 ft. to allow for the completion of a new home being constructed at 30 Corona Court, in Sumter County.

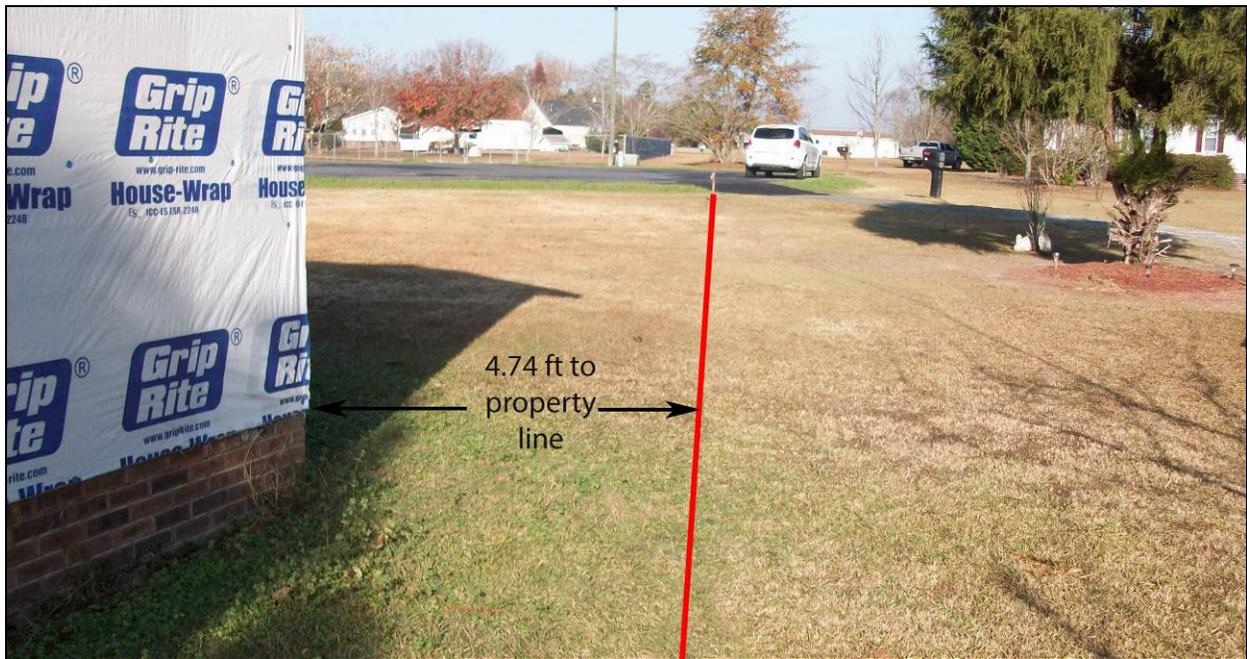
Right: Aerial of parcel showing location at rear of Corona Court, a small cul-de-sac neighborhood off Hwy. 15 North.





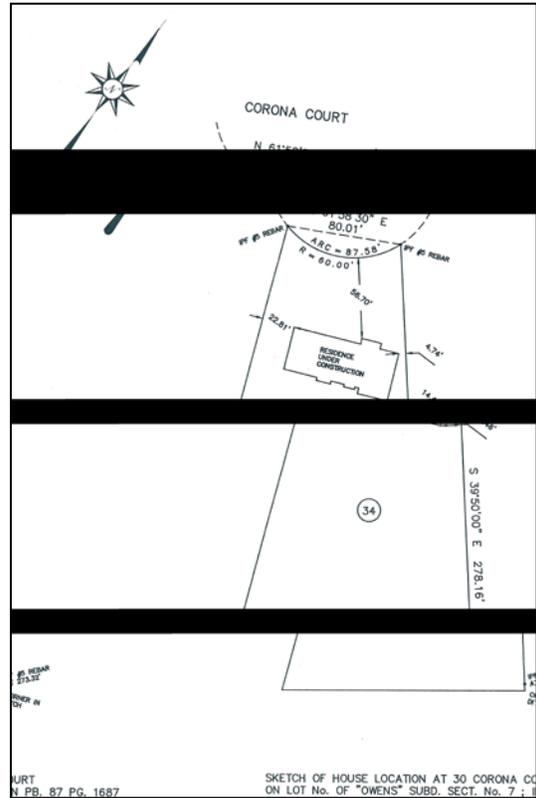
Above: The home under construction at 30 Corona Court. The property line is shown in red.

Below: Graphic of setback in question looking towards Corona Court from the side of the house.



Left: Adjacent neighbor to left of house, nearest the corner of the house in question. The neighboring house is +/- 45 feet from the property line, meaning the total distance between the homes is approximately 50 feet.

Right: Sketch showing footprint of proposed home, and distance measured to property line from closest point.



III. THE REQUEST

The applicant is requesting a side setback variance of 7.26 ft. to complete construction of a new home at 30 Corona Court off Hwy. 15 North in Sumter County.

The parcel is located in the Agricultural Conservation (AC) zoning district, which has side setbacks requirement of 12’.

The applicant originally applied for a building permit for this home in 1998. At that time, the side setbacks were 5’ in the Rural Development zoning district. In 1999, the Rural Development zoning district went away and this property was zoned Agricultural Conservation. The regulations were changed to the current setback of 12’.

No footing inspection was ever done to the property. When the applicant resumed work on the building recently (Permit 2011-04036), an inspector noted that the setback did not meet regulations and a variance request ensued.

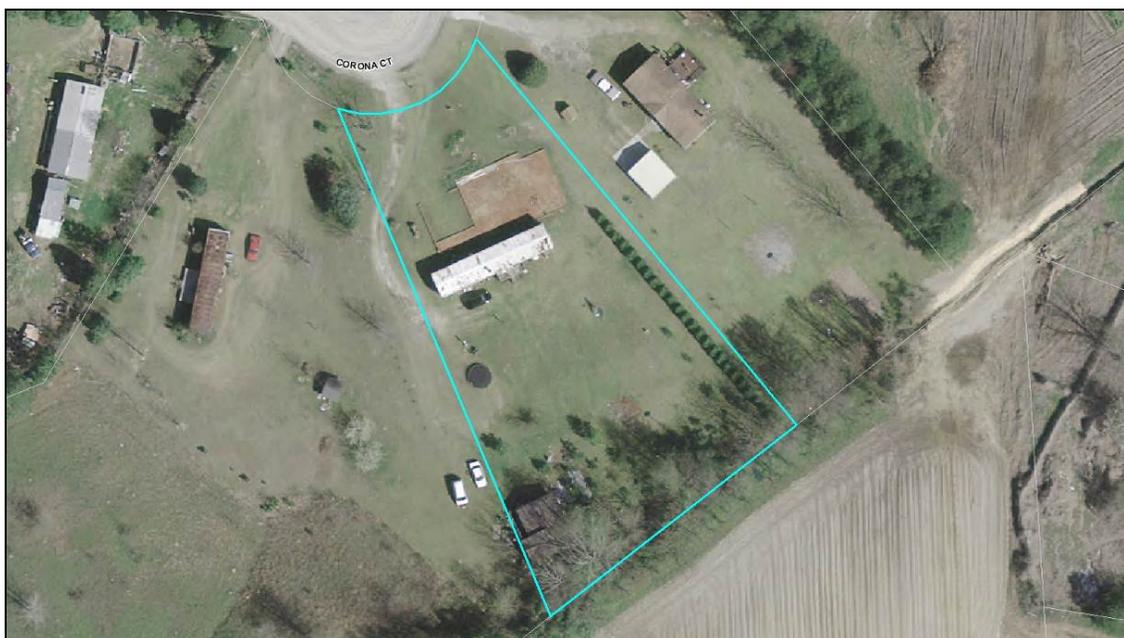
IV. FOUR-PART TEST

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

- *There are extraordinary conditions pertaining to this property. The original building permit was applied for in 1998, when the regulations were different. The footprint for the house was established at that time.*

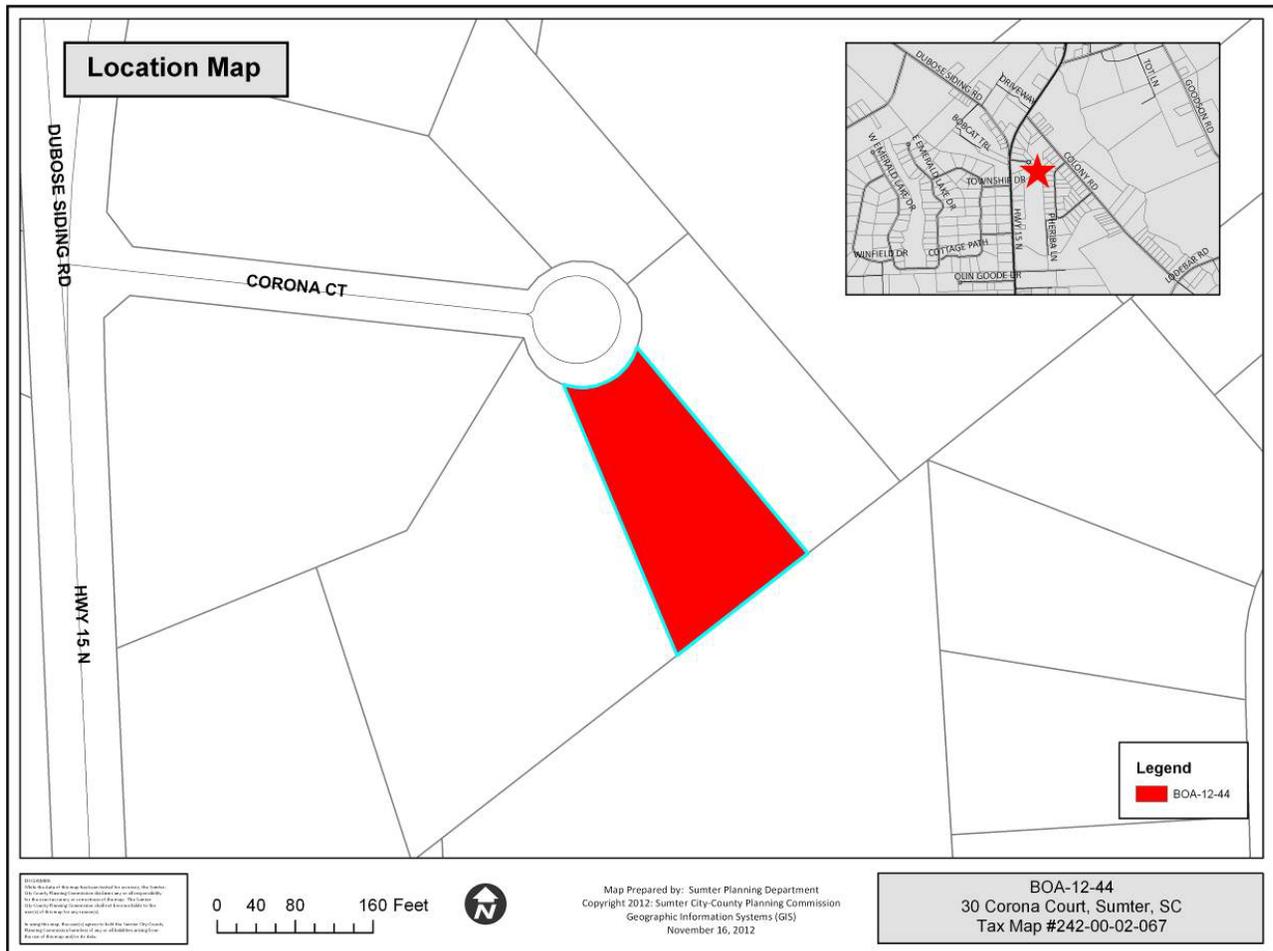


***Above:** Orthophotography image from 2001 and **Below:** from 2007 showing the foundation footprint of the home under construction. The mobile home on the property would be removed once the house is completed and a C.O. is issued.*



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

- *These conditions do not apply to the other properties on Corona Court. The adjacent parcels are of different shapes and sizes from the parcel in question, and all have existing homes on them and therefore either meet current setback regulations, or are grandfathered non-conforming. This parcel is part of a cul-de-sac neighborhood, so the individual parcels vary according to their location on the circle. (See graphic below)*



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.

- *Construction of the home cannot be completed on this parcel without a variance for the side setback requirements.*

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.*

- *Setbacks are established in order to create a uniform placement of homes in a community, and to afford privacy between residential dwellings. Authorizing a variance on this parcel will not impact the character of the district because of the location of this house on its parcel, in relation to the house next door. The adjacent house on the side in question is set farther back and is not close to the property line. The adjacent property is also the home of a relative of the applicant, who supports the variance request.*



V. STAFF RECOMMENDATION

Staff recommends approval of BOA-12-44.

VI. DRAFT MOTIONS for BOA-12-44

- A.** I move that the Sumter Board of Appeals approve BOA-12-44 subject to the findings of fact and conclusions contained in the draft order dated December 12, 2012, attached as Exhibit 1.

B. I move that the Sumter Board of Appeals deny BOA-12-44 on the following findings of fact and conclusions:

VII. ZONING BOARD OF APPEALS – DECEMBER 12, 2012

The Sumter City-County Board of Appeals at its meeting on Wednesday, December 12, 2012, voted to approve this request subject to the findings of fact and conclusions contained in the draft order, dated December 12, 2012, attached as Exhibit 1.

Exhibit 1
Order on Variance Application
Sumter Board of Appeals

BOA-12-44, 30 Corona Court (County)
December 12, 2012

Date Filed: December 12, 2012

Permit Case No. BOA-12-44

The Board of Zoning Appeals held a public hearing on Wednesday, December 12, 2012 to consider the request of Sandra D. Conyers, 30 Corona Court, Sumter, SC 29153 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 original building permit was applied for in 1998, when the regulations required a five foot setback.

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:

Adjacent parcels already have homes constructed on them, that either meet current setbacks or are grandfathered non-conforming.

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 home cannot be completed on this parcel without a variance.

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:

Granting a variance on this parcel will not harm the character of the district. The residence on the adjacent parcel that is most at risk of impact is a relative, who approves of the variance request.

THE BOARD, THEREFORE, ORDERS that the variance is DENIED - GRANTED, subject to the following conditions:

Approved by the Board by majority vote.

Date issued: _____

Chairman

Date mailed to parties in interest: _____

Secretary

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