

Sumter City-County Planning Commission

Staff Report

August 22, 2012

SV-12-11, 249 Ott St. (County)

I. THE REQUEST

Applicant: John Coward

Status of the Applicant: Property Owner

Request: A variance from Article 8.e.13, Section f, *depth of residential lots shall not be more than 2-1/2 times their width* to subdivide +/- 2.45 acre parcel.

Location: 249 Ott St., Sumter County

Present Use/Zoning: Residential / GR

Tax Map Number: 268-06-01-004

Adjacent Property Land Use and Zoning: North – Residential / GR
South – Residential / GR
East – Residential / GR
West – Residential / GR

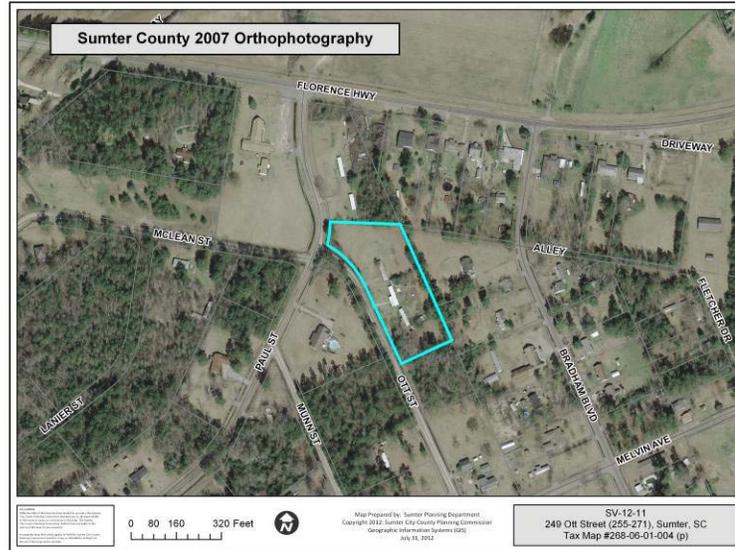
II. THE 2030 COMPREHENSIVE PLAN:



The 2030 Comprehensive Plan designates this parcel as Suburban Development (SD). An intentional mix of medium density residential, commercial and mixed-use development is appropriate in this district. Therefore, the applicant's request is compatible with the 2030 Comp Plan.

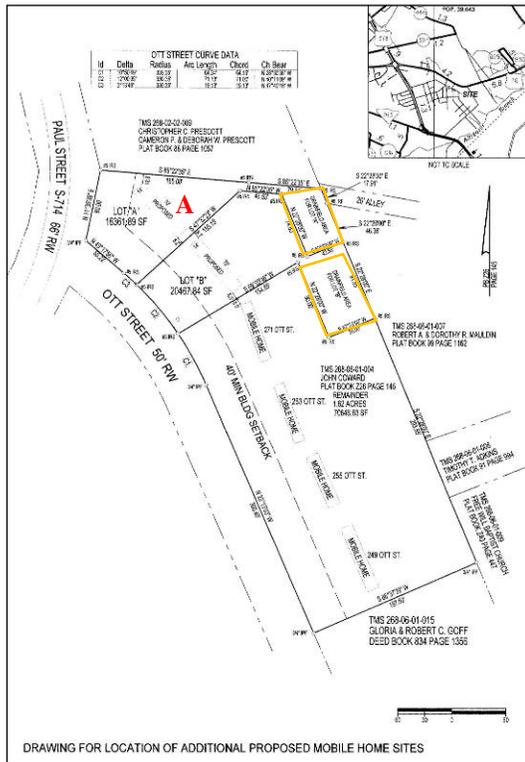
III. BACKGROUND

The property in question is a +/- 2.45 acre parcel located on Ott St., in eastern Sumter County. The Property Owner wishes to divide the land into lots for rental purposes.



Below Left: The proposed plat.

Below Right: A closer view of the parcel. The proposed lot “A” would be accessed by Paul St, if the variance is granted. The proposed divisions are shaped as they are due to the fact that DHEC is requiring the septic systems to be located at the rear of each parcel, in the area with the most suitable soils. The area of the proposed septic systems on each lot is outlined in orange.



The new proposed parcels will each require a variance from the residential lot width to depth ratio requirements found in section 8.e.13.f of the Sumter County Zoning & Development Standards Ordinance.

The lot width to depth language in the ordinance is designed to prevent creation of “flag lots” and other methods of subdividing land that often create access issues. Both proposed parcels will meet the minimum required lot size & width for the AC zoning district, and any proposed structures will be required to meet setbacks for this district.

8.e.13 states:

f. Lots – Excessive lot depth in relation to lot width shall be avoided, and as a general rule, the depth of residential lots shall not be less than one nor more than 2-1/2 times their width; provided however, that the Planning Commission may grant exceptions to this in order to overcome specific disadvantages of topography or other site conditions.

Below: The area where the 2 proposed lots are located is indicated by an arrow. There are four existing residences on the property in question at this time.



Above Left: The photo above shows the likely access point for one of the parcels, which will have road frontage on Paul St.

Above Right: Peeking through the vegetation at the open area where the two proposed lots are located, from Paul St.

This parcel is part of Midland Acres Subdivision bound by restrictive covenants that state that the property cannot be subdivided into lots with less than 100 feet of frontage and 150 feet depth (please see attached).

Section 6-29-1145 of the South Carolina Land Development Regulations states:

(B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with or prohibits the permitted activity:

(3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency

receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

IV. ENVIRONMENTAL CONDITIONS

There is no floodplain on the site.

V. STAFF RECOMMENDATION

Because the parcel is bound by restrictive covenants pertaining to subdivision of the parcel, state law does not permit the local planning agency to issue permission for subdivision approval. Therefore Staff recommends denial of this request. Staff would also, in addition, recommend denial of the width to depth variance in order to create two (2) additional lots. Staff does not find this to be the intent of the Zoning Ordinance to create such peculiar shaped lots for the sake of providing a septic drainage field. This could set a precedent for creating similar peculiar shaped lots in the future.

VI. PLANNING COMMISSION – AUGUST 22, 2012

The Sumter City-County Planning Department at its meeting on Wednesday, August 22, 2012, accepted staff's recommendation and voted to deny this request.