

Sumter City-County Board of Zoning Appeals

March 13, 2013

BOA-13-04,
710 South Pike West (City)

The applicant is requesting a variance from the rear setback requirement per the City Zoning Ordinance, Article 3, Section 3.h.5.b of the City of Sumter Zoning Ordinance to allow a commercial building to expand.



Appeals - Variance - Special Exception

Sumter City-County Board of Appeals

March 13, 2013

BOA-13-04, 710 South Pike West (City)

I. THE REQUEST

Applicant: James and Dedi Rembert

Status of the Applicant: Property Owners

Request: 21 foot variance from rear setback for Limited Commercial (LC) zoning district so that a commercial building can construct an addition.

Location: 710 South Pike West

Present Use/Zoning: Commercial / LC

Tax Map Reference: 230-16-02-032

II. BACKGROUND

The applicants are the Property Owners, James and Dedi Rembert. They are seeking a variance for the rear setback in the Limited Commercial (LC) district. If granted, this variance would allow the property owners to construct an addition to the commercial building on the site.

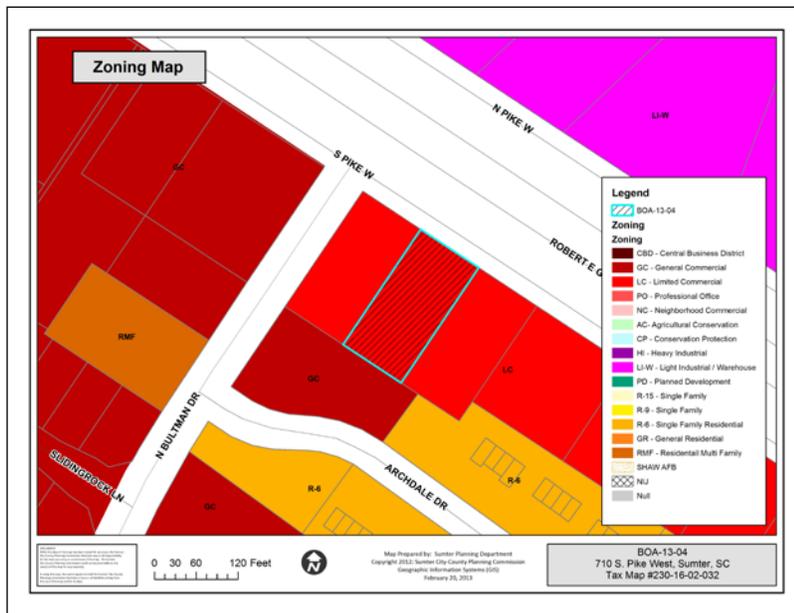


Above: The façade of the commercial building at 710 South Pike West.

The parcel in question is +/- 0.45 acres and is located South Pike West, near North Bultman Dr. in Sumter. However, the applicants also own the adjacent parcel, which is also +/- 0.45 acres in size. The applicants will be required to join these two parcels so that the parcel will still be able to accommodate parking, impervious surface requirements and any needed retention areas for the use. The applicant wishes to construct an addition to the rear of the existing building.



Above: Aerial of the parcel in question, with the adjacent vacant parcel at 700 South Pike West also shown. The vacant parcel to the rear is forested and zoned General Commercial (GC). There are some apartments to the southeast that are zoned Residential (R-6) but they are screened from the commercial area by the wooded buffer.



Left: There are several LC parcels located in this district along South Pike West. However, the other parcels back up to residential zoning districts. This particular parcel backs up to an undeveloped GC parcel.

The impervious surface ratio requirement for this zoning district is 0.80. This ratio would be exceeded by the construction of the proposed addition. However, the applicant owns the adjacent parcel and will combine these two lots, so that the impervious ratio will be within ordinance requirements. The adjacent parcel can also be used for any required stormwater retention or additional parking that may be required.



Above: Adjacent vacant parcel at 700 South Pike West.

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 applicant has stated that the proposed addition needs to be made to the rear of the building in order to accommodate the bay doors.*



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

- *These conditions do not apply to the other properties in this area. The adjacent parcels and commercial structures are of varying shapes and sizes, and have different uses on them.*

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.*

- *Application of the ordinance will prevent the property owner from adding square footage to the commercial building. This would therefore restrict the utilization of the property.*

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.*

- *This variance would only change the property as pertaining to the rear, which is screened from view by a heavily wooded buffer and backs up to a wooded parcel that is zoned GC. Proposed changes would not impact the surrounding district.*

V. STAFF RECOMMENDATION

Staff recommends approval of BOA-13-04.

VI. DRAFT MOTIONS for BOA-13-04

- A.** I move that the Sumter Board of Appeals approve BOA-13-04 subject to the findings of fact and conclusions contained in the draft order dated March 13, 2013, attached as Exhibit 1.
- B.** I move that the Sumter Board of Appeals deny BOA-13-04 on the following findings of fact and conclusions:

VII. ZONING BOARD OF APPEALS – MARCH 13, 2013

The Sumter City-County Board of Appeals at its meeting on Wednesday, March 13, 2013, voted to accept staff recommendation and approve this request subject to the findings of fact and conclusions contained in the draft order, dated March 13, 2013.

Exhibit 1
Order on Variance Application
Sumter Board of Appeals

BOA-13-04, 710 South Pike West (City)
March 13, 2013

Date Filed: March 13, 2013

Permit Case No. BOA-13-04

The Board of Zoning Appeals held a public hearing on Wednesday, March 13, 2013 to consider the request of James and Dedi Rembert, 710 South Pike West, Sumter, SC 29150 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:

There are extraordinary conditions pertaining to this property. The applicant has stated that the proposed addition needs to be made to the rear of the building in order to accommodate the bay doors. There is no other way than the proposed to construct an addition to this structure.

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:

These conditions do not apply to the other properties in this area. Adjacent lots have other uses that do not necessitate accommodating such exterior elements as bay doors during construction of an addition to the rear. The adjacent parcels and commercial structures are of varying shapes and sizes, and have different uses on them.

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 addition cannot be constructed 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 will not harm the surrounding district. This variance would only change the property as pertaining to the rear, which is screened from view by a heavily wooded buffer and backs up to a wooded parcel that is zoned GC.

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.