Sumter City-County Board of Zoning Appeals

June 12, 2013

BOA-13-06,
342 Bagnal Dr. (City)

The applicant is requesting a 21 foot variance from the required front yard setback requirement of 35 feet per *Article 3, Section B; 3.b.5.b Residential-9 Front Yard Setback Requirement*, City of Sumter Zoning Ordinance, in order to attach a metal carport to the front of his house. The property is located at 342 Bagnal Dr. and represented by TMS# 249-02-02-021.

Sumter
SOUTH CAROLINA

Appeals - Variance - Special Exception

Sumter City-County Board of Appeals

June 12, 2013

<u>BOA-13-06, 342 Bagnal Dr. (City)</u>

I. THE REQUEST

Applicant:	Randy Lomax
Status of the Applicant:	Property Owner
Request:	Variance: • 21 ft. front yard setback variance to reduce the required setback to 14 ft. from 35 ft.
Location:	342 Bagnal Dr.
Present Use/Zoning:	Residential / R-9 (Residential-9)
Tax Map Reference:	249-02-02-021

II. THE REQUEST

The applicant is seeking a variance in order to attach a metal carport measuring (20'x24') to the front of his house to shelter a boat and vehicle from weather and pine tree limbs. Property is located in an older Wen-Le Subdivision which was platted and recorded back in 1946. The property in question at this time is shown in the photo below.

Metal Porch Awning Which Metal Carport Is To Be Attached To

Photos show left and right side of house.

LEFT SIDE

RIGHT SIDE

There is no space to install the carport on either side of the house. The left side of the house has 1.49 feet and the right hand side has 16.3 feet according to recorded plat on file dated 1985. The proposed carport is 20 feet wide so it is impossible to locate on either side and meet setbacks.

III. 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 side yards are extremely narrow and do not allow enough space to place the carport to either side of the house. The only area is the front yard. Applicant has no carport for his boat and vehicle to shelter from weather. There is space in the rear yard but not enough width on the side yards to access the rear yard if carport was placed there and there are already 2 accessory buildings back in that area..

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

This is an older subdivision dating back to 1946. This lot is a nonconforming lot of record because it does not meet the minimum lot width for the current Residential-9 zoning district which it is currently designated as. The minimum lot width for R-9 is 75' and this lot has only 70'. This lot is one of the original smaller platted lots when the Subdivision was developed. Throughout past years, it appears a number of the lots were combined resulting in larger lots and more space to place other structures especially in this immediate area across Bagnal Dr.

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 having a carport type structure. Although this lot is deep, when the house was built to comply with the side setbacks, it left a very narrow width on both sides of the house with little access to the rear property space. There are already two accessory storage buildings in the rear yard which gives applicant his maximum square footage for detached accessory structures under the Zoning Ordinance. The only option is to attach to the front of the house.

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 will not cause detriment or change the character of the neighborhood. There are a number of other metal carports within this neighborhood.

IV. STAFF RECOMMENDATION

This request meets all criteria in the four-part test. Staff recommends approval of BOA-13-06.

V. DRAFT MOTIONS for BOA-13-06

A. I move that the Sumter Board of Appeals approve BOA-13-06 subject to the findings of fact and conclusions contained in the draft order dated June 12, 2013, attached as Exhibit 1.

B. I move that the Sumter Board of Appeals deny BOA-13-06 subject to the findings of fact and conclusions contained in the draft order dated June 12, 2013, attached as Exhibit 1.

C. I move that the Sumter Board of Appeals approve an alternate motion for BOA-13-06.

VI. ZONING BOARD OF APPEALS – JUNE 12, 2013

The Sumter City-County Board of Appeals at its meeting on Wednesday, June 12, 2013, voted to accept staff recommendation and approve this request subject to the findings of fact and conclusions contained in the draft order, dated June 12, 2013, attached as Exhibit 1.

Exhibit 1
Order on Variance Application
Sumter Board of Appeals

BOA-13-06, 342 Bagnal Drive (City)
June 12, 2013

Date Filed: June 12, 2013 Permit Case No. BOA-13-06

The Board of Zoning Appeals held a public hearing on Wednesday, June 12, 2013 to consider the request of Randy C. Lomax, 342 Bagnal Drive, 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 side yards are extremely narrow and do not allow enough space to place the carport to either side of the house. The only area is the front yard. Applicant has no carport for his boat and vehicle to shelter from weather. There is space in the rear yard but not enough width on the side yards to access the rear yard if carport was placed there.*

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:

   - *This is an older subdivision with the average lot area being. This lot is one of the smaller lots in area and lot width than the majority of the other lots within this subdivision especially the ones across Bagnal Dr. The applicant's lot and his neighbor's lot was one parcel at one time and then it was subdivide into two smaller lots. If it had not been subdivided then chances are a variance would not have been needed.*

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:

   - *Application of the ordinance will prevent the property owner from having a carport type structure. Although this lot is deep, when house was built to comply with the side setbacks, it left a very narrow width on both sides of the house with little access to the rear property space. There are already two accessory storage buildings in the rear yard which gives applicant his maximum square footage for detached accessory structures under the Zoning Ordinance. The only option is to attach to the front of the house.*

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:

- *This variance will not cause detriment or change the character of the neighborhood. There are a number of other metal carports within this neighborhood.*

THE BOARD, THEREFORE, ORDERS that the variance is ❑ **DENIED –☑ GRANTED, subject to the following conditions:**

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.