

# Sumter City-County Board of Zoning Appeals

June 12, 2013

**BOA-13-10, 110 E. Liberty St. (City)**

A variance of 15 feet from the required 20 foot rear yard setback in order to construct a rear addition to a commercial office building per Article 3, Section 3.i.5.b Yard & Building Setback Requirements.



Appeals - Variance - Special Exception

# Sumter City-County Board of Appeals

June 12, 2013

## BOA-13-10, 110 E. Liberty St. (City)

### I. THE REQUEST

**Applicant:** Edward Monroe

**Status of the Applicants:** Project Architect

**Request:** Applicant is requesting a 15 foot rear setback variance to reduce the rear setback to 5 feet from the required 20 feet.

**Location:** 110 W. Liberty St.

**Present Use/Zoning:** General Commercial (GC)

**Tax Map Reference:** 249-16-01-003

### II. BACKGROUND

The applicant seeks a 15 ft. rear setback variance in order to reduce the rear setback to 5 ft. If granted, the variance would allow for the construction of an approximate 2,414 sq. ft. building addition to the rear of the existing structure. The photograph below shows the rear of the structure. The area highlighted in red is the approximate location for the proposed addition.



**Site History:**

110 E. Liberty is the administrative headquarters for Universal Benefits, Inc. a nationwide insurance marketing firm. The company has been located at 110 E. Liberty St. since the mid-to-late 1980s.

The site was originally developed in the 1950s with a small building on site that was razed prior to 1989. Based on the Sumter County Assessor’s Record Property Card, the current structure was constructed in 1989. At that time, the parcel was approximately 8,311 sq. ft. in size, with very little room to accommodate both a commercial structure and associated required parking.

In 2001, the site was granted a 10 ft. rear setback variance to reduce the setback from 20 ft., to 10 ft. (BOA-01-04) in order to construct an approximate 717 sq. ft. addition. The addition was completed in April of 2003.

In 2008, the property owner acquired an additional 3,597 sq. ft. of land to the rear of the parcel in order to bring the tract of land to its current dimensions shown in the orthophoto to the right. Today this tract of land is 0.27 acres in size.



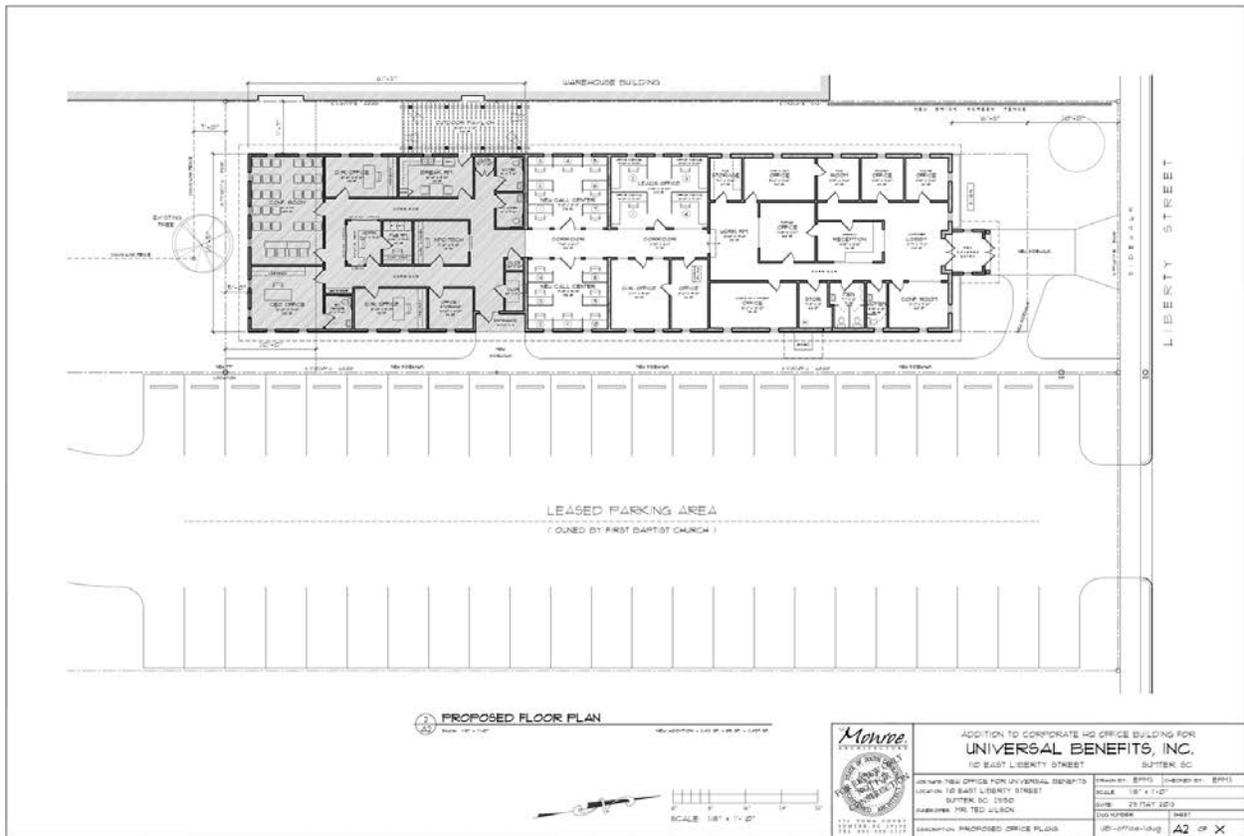
Currently the site leases their required parking from the adjacent property owner to fulfill the Ordinance required paved parking.

**III. THE REQUEST**

The applicant is requesting a 15 ft. rear setback variance to reduce the required setback to 5 ft. at the rear of the property. In accordance with Section 3.i.5.b, development standards in the General Commercial (GC) zoning district are as follows:

- Front – 20 ft. when parking is to the side or rear of the building*
- Sides – 0 ft.*
- Rear – 20 ft.*

Based on submitted plans, the applicant proposes to construct the following:



#### IV. FOUR-PART TEST

In order to grant this rear setback variance, the request must meet all parts of a State mandated four-part test. When reviewing a variance request, the Board may not grant a variance that would do the following:

- Allow the establishment of a use not otherwise permitted in a zoning district;
- Extend physically a nonconforming use of land;
- Change zoning district boundaries shown on the Sumter City-County Official Zoning Map.

The fact that a property may be utilized more profitably should a variance be granted shall not be considered grounds for approving a variance request.

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

There are no extraordinary or exceptional conditions pertaining to this particular piece of property. Based on review of the site and setback requirements, as shown in the graphic to the right, there is sufficient buildable area within the proscribed setbacks to meet the space requirements for the proposed 2,414 sq. ft. addition to the rear of the structure.

Although the parcel is only 0.27 acres in size, it is located





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.*

Authorization of the variance may be detrimental to the adjacent property, and will block access to an existing roll-up door on the adjacent building. In addition, granting a variance where there is no clear hardship undermines the community's established regulations that have been designed to protect the public health safety and welfare.

#### **V. STAFF RECOMMENDATION**

The requirements of the four-part test have not been met. Staff recommends denial of BOA-13-10.

#### **VI. DRAFT MOTIONS for BOA-13-10**

- A. I move that the Zoning Board of Appeals deny BOA-13-10, subject to the findings of fact and conclusions attached as Exhibit I.
- B. I move that the Zoning Board of Appeals approve BOA-13-10 subject to the following findings of fact and conclusions.
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-13-10.

#### **VII. ZONING BOARD OF APPEALS – JUNE 12, 2013**

The Sumter City-County Board of Appeals at its meeting on Wednesday, June 12, 2013, voted to 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-13-10, 110 E. Liberty St. (City)**  
**June 12, 2013**

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Date Filed: June 12, 2013

Permit Case No. BOA-13-10

The Sumter Board of Appeals held a public hearing on Wednesday, June 12, 2013 to consider the appeal of Edward Monroe, 571 Yuma Ct., 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:

The property is narrow. The rear section of the property is the only practical area to build addition. The owner need to expand the existing insurance office building by app. 2,475 sf. to meet the current business operation space requirements. The proposed expansion could be constructed within the limits of the currently ascribed side and rear setbacks, but would require the owner to build the addition the the limits of the zero side setbacks while not exceeding the rear 20 foot setback limit. Therefore, forcing construction directly againsts the walls of the existing adjacent building and of couse block the building owner access to the only two existing door openings on this side of the building. The addition would also block emergency access around the buildings, restrict routine building maintenance and require 4-hour fire wall for the new addition.

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 area properties are built to a zero distance setback. The conditions of this project are specific to the unique existing layout of the properties and the adjacent warehouse building located west of the property line.

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 only way to provide enough new area to the office building is to adjust the rear setback by 15 ft. Unless the variance of the rear setback is approved, the layout of the proposed expansion of the office building is unreasonably restricted because the new addition would have to be constructed against the wall of the adjacent building and would not allow the width of the

building addition to align with the existing office building and provide the square footage necessary to meet the current business operation space requirements.

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 use of the adjacent property will not be affected. Adjacent fence is 7 ft. from the property line. The variance will allow unobstructed access around the building addition for emergency access and allow adjacent property owner access to the side of the building and two existing door openings.

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.**