

Sumter City-County Board of Zoning Appeals

July 9, 2014

BOA-14-08, 2890 Bunneau St. (County)

The applicant is requesting a variance from the minimum lot size requirement of one acre per the County Zoning Ordinance, Article 3, Section N, 3.n.5.a Lot Requirement (Minimum) for Agricultural Conservation Zoning District to allow a parcel to be approved and recorded.



Appeals - Variance - Special Exception

Sumter City-County Board of Appeals

July 9, 2014

BOA-14-08, 2890 Bunneau St. (County)

I. THE REQUEST

Applicant: Sue B. Boswell

Status of the Applicant: Property Owner

Request: Variance from minimum lot size for Agricultural Conservation (AC) zoning district so that a parcel can be approved and recorded

Location: 2890 Bunneau St.

Present Use/Zoning: Agricultural Conservation (AC)

Tax Map Reference: 188-00-01-019(Pt.)

II. BACKGROUND

The applicant, Sue B. Boswell, property owner, is seeking a variance from the minimum lot size in the Agricultural Conservation (AC) zoning district. The parcel in question is +/- 0.686 acres and is located at the corner of W. Brewington Rd. and Bunneau St. in Sumter. The proposed parcel meets the lot width for Agricultural Conservation and there is no minimum depth requirement. Parcel is large enough for mobile home to meet setbacks. Applicant wishes to sell the lot to someone who wants to place a mobile home on the property. This old mobile home is required to be removed before new mobile home is placed on property if this request is approved by the Board.

Below are photos of the corner parcel



Property has old abandoned mobile home which is going to be removed by the applicant.



III. THE REQUEST

The minimum lot size for a single family dwelling in the AC zoning district is 1 acre. The proposed parcel has only .686 of an acre. This parcel actually was created by default when the plat (**Attachment A**) was approved and recorded back in June 22, 2009. This plat as you can see cut out an acre from the middle of the larger tract leaving this nonconforming corner parcel. Applicant is requesting approval so she can record this parcel and sell it to someone to place a mobile home on the property. The request is for a variance of +/- 13,677.84.

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. It is a nonconforming lot created by default as the result of an older plat being approved and recorded back in June 2009. The plat approval left this lot on the corner not contiguous in anyway to the remainder of the larger parent parcel.*

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. Most of the lots in this vicinity are lots less than 1 acre (.68 acre to .85 acre) created under the previous zoning ordinance at which time the minimum lot size for AC was 20,000sqft. but now the requirement as of 1999 is one acre for AC lots.*

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 getting a plat recorded for this lot so that it can be used for a dwelling. This would therefore restrict the utilization of the property. The only use for the property would be to join with an adjacent 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 not cause any detriment to adjacent properties. This lot will be consistent in size and lot width to the majority of the other lots in this subdivision.*

V. STAFF RECOMMENDATION

Staff recommends approval of BOA 14-08 contingent upon old mobile home being removed before new mobile home is placed on property.

VI. DRAFT MOTIONS for BOA 14-08

- A.** I move that the Sumter Board of Appeals approve BOA 14-08 subject to the findings of fact and conclusions contained in the draft order dated July 9, 2014, attached as Exhibit 1.

B. I move that the Sumter Board of Appeals deny BOA-14-08 on the following findings of fact and conclusions:

VII. BOARD OF ZONING APPEALS – JULY 9, 2014

The Sumter City-County Board of Appeals at its meeting on Wednesday, July 9, 2014, voted to approve this request subject to the findings of fact and conclusions contained in the draft order, dated July 9, 2014.

Exhibit 1
Order on Variance Application
Sumter Board of Appeals
BOA-14-08, 2890 Bunneau St. (County)
July 9, 2014

Date Filed: July 9, 2014

Permit Case No. BOA-14-08

The Board of Zoning Appeals held a public hearing on Wednesday, July 9, 2014 to consider the request of Sue B. Boswell, 2835 Bunneau St., 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:

There are extraordinary conditions pertaining to this property. It is a nonconforming lot created by default as the result of an older plat being approved and recorded back in June 2009. The plat approval left this lot on the corner not contiguous in anyway to the remainder of the larger parent parcel.

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. Most of the lots in this vicinity are smaller lots created under the previous zoning ordinance at which time the minimum lot size for AC was 20,000sqft. but now the requirement as of 1999 is one acre for AC lots.

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 getting a plat recorded for this lot so that it can be used for a dwelling. This would therefore restrict the utilization of the property. The only use for the property would be to join with an adjacent property.

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 would not cause any detriment to adjacent properties. This lot will be consistent in size and lot width to the majority of the other lots in this subdivision.

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

- o Old mobile home must be removed before new mobile home is placed on property.

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.