

Sumter City-County Board of Zoning Appeals

October 8, 2014

BOA-14-09, 2550 & 2560 Relative Rd. (County)

The applicant is requesting a variance from Article 3, Section N, 3.n.5.a to reduce the minimum lot size from one acre in the AC Zoning District to .50 and a variance from Article 8, Section E, 8.e.13.a to allow the subdivision of one parcel into two parcels to be accessible from a private street instead of a public street.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

BOA-14-09, 2550 & 2560 Relative Rd. (County)

I. THE REQUEST

Applicant: Vickie Underwood

Status of the Applicant: Property Owner (Inherited Property from Mother’s Estate)

Request: Variance from minimum lot size and public street accessibility for Agricultural Conservation (AC) zoning district so that a parcel can be divided into 2 parcels.

Location: 2550 & 2560 Relative Rd.

Present Use/Zoning: Agricultural Conservation (AC)/
Two existing residential dwellings

Tax Map 134-01-05-016

II. BACKGROUND

The applicant, Vickie Underwood, is inheriting the property from her mother’s (Connie Buckner) estate. This property consists of 1.01 acres and is located on a private dirt road (Relative Rd.) Property has two existing houses on it. Mrs. Underwood wishes to subdivide the property into two pieces each having 0.5 acres in size for each house. Applicant plans to retain the smaller house and sell the larger brick house in order to give her siblings a fair share of the inheritance and settle the estate. In order to sell a portion of the property it has to be subdivided. Several family members are interested in buying this house and keeping the property in the family.

Applicant is seeking two different variances- (1) variance from the minimum lot size (1 acre) in the Agricultural Conservation (AC) zoning district and (2) a variance from the public street frontage requirement since this property fronts on a private dirt road. The parcel in question is located on Relative Rd. off Raccoon Rd. just north of Fish Rd. behind Shaw AFB in Sumter. The proposed parcels meet the lot width, depth and setbacks for the structures already built on this property for Agricultural Conservation.

Zoning Ordinance Requirements:

(1) Lot Size

3.n.5. Development Standards: Notwithstanding development standards set forth elsewhere by this Ordinance, the following minimum requirements shall apply within the AC, Agricultural Conservation District:

a. Lot Requirement (Minimum)

Minimum lot width requirement in the AC District is 60.

Depth: There is no minimum lot depth requirement in the AC District.

Lot Area: 1 acre minimum

(2) Streets Frontage

8.e.13. Lots:

a. All lots shall be accessible by a public street, a private street only as provided in a Planned Development (PD), or a rural community drive as defined in 8.e.1.c.2. Exception: Multi-space or building commercial sites may make the driveway and parking area a common, jointly maintained area and have individual properties access that area. **“Accessible” shall be construed as meeting the minimum frontage requirements for the zoning district on a public street.**

Below are photos of the houses



House to be sold

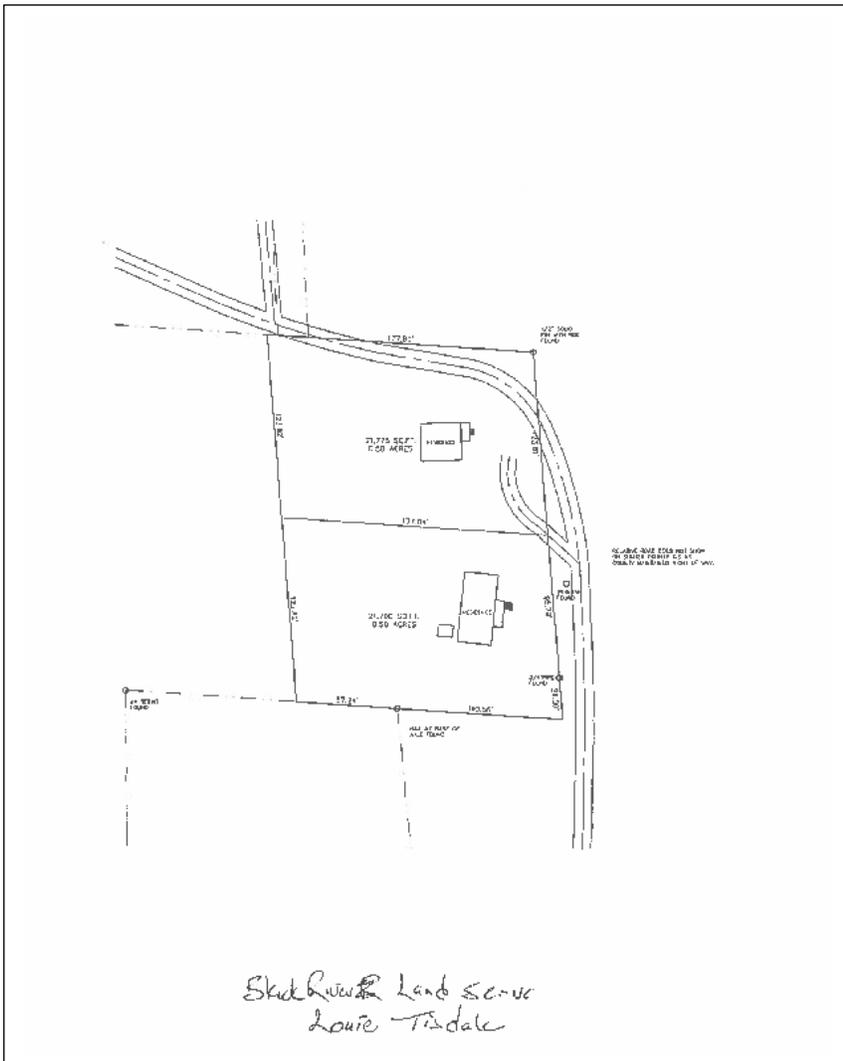


House to retain

III. THE REQUEST

The minimum lot size for a single family dwelling in the AC zoning district is 1 acre. The proposed parcels once subdivided will be .50 of an acre. Therefore, the applicant is requesting a variance of .50 of an acre for both lots. Applicant is also asking to allow the creation of the 2 new parcels to front on Relative Road which is a private street.

Proposed Subdivision of Property



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. Although it is of a similar size and shape to the surrounding parcels, the adjacent lots only have one residence on them, whereas this parcel has two residences. This property is also involving the distribution of this property and settling of estate property.

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

The surrounding homes appear to each be situated on their own separate parcels.

- 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.***

Without the approval of this variance, the property cannot be divided in order to sell off the larger brick home and settle the estate and obtain a clear title to the residences on the parcel.

- 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.***

Because the two residences on this parcel already exist, there will be no physical change to the district. Relative Road is existing, therefore there is no creation of a new private road and no increase in number of residences currently existing today. Therefore, no harm will be created towards the character of the adjacent properties.

V. STAFF RECOMMENDATION

Staff recommends approval of BOA-14-09.

VI. DRAFT MOTIONS for BOA-14-09

- A.** I move that the Sumter Board of Appeals approve BOA-14-09 subject to the findings of fact and conclusions contained in the draft order dated October 8, 2014, attached as Exhibit 1.
- B.** I move that the Sumter Board of Appeals deny BOA-14-09.

VII. BOARD OF ZONING APPEALS – OCTOBER 8, 2014

The Sumter City-County Board of Appeals at its meeting on Wednesday, October 8, 2014, voted to approve this request subject to the findings of fact and conclusions contained in the draft order, dated October 8, 2014, attached as Exhibit 1.

Exhibit 1
Order on Variance Application
Board of Zoning Appeals
BOA-14-09, 2550 & 2560 Relative Rd. (County)
October 8, 2014

Date Filed: October 8, 2014

Permit Case No. BOA-14-09

The Board of Zoning Appeals held a public hearing on Wednesday, October 8, 2014 to consider the request of Vickie Underwood, 222 Guyton Dr. Sumter, SC 2915 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. Although it is of a similar size and shape to the surrounding parcels, the adjacent lots only have one residence on them, whereas this parcel has two residences. This property is also involving the distribution of this property and settling of estate property.

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:

The surrounding homes appear to each be situated on their own separate parcels.

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:

Without the approval of this variance, the property cannot be divided in order to sell off the larger brick home and settled the estate and obtain a clear title to the residences on the parcels.

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:

Because the two residences on this parcel already exist, there will be no physical change to the district. Relative Road is existing so there is no increase in number of houses on this

private Rd. Therefore, no harm will be created towards the character of the adjacent properties.

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.