

# Sumter City-County Board of Zoning Appeals

October 8, 2014

## **BOA-14-12, 5457 Meadow Dr. (County)**

The applicant is requesting a variance from Article 4, Section G, 4.g.2.b.2 to reduce the building separation criteria to 6 ft. between a principal structure and detached accessory structure and a variance from Article 4, Section G, 4.g.2.b.5.a to reduce the side setback to 2.6 ft. in order to complete construction of a 774 sq. ft. detached carport. The property is located at 5457 Meadow Dr., represented by Tax Map # 134-15-01-002 and zoned Agricultural Conservation.



Appeals - Variance - Special Exception

# Sumter City-County Zoning Board of Appeals

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## BOA-14-12, 5457 Meadow Dr. (County)

### I. THE REQUEST

**Applicant:** Matthew Vincent

**Status of the Applicant:** Property owner

**Request:** The applicant is requesting a variance to reduce the building separation requirement between a principal structure and an accessory structure to 6 ft. and to reduce the side setback for a detached accessory structure to 2.6 ft. in order to complete construction of a 774 sq. ft. detached carport.

**Location:** 5457 Meadow Dr.

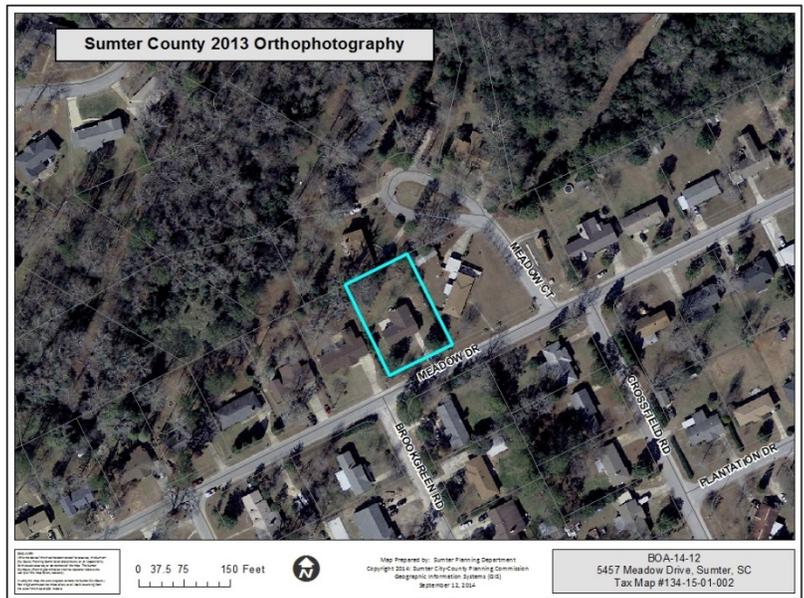
**Present Use/Zoning:** Single Family Residential / AC (Agricultural Conservation)

**Tax Map Reference:** 134-15-01-002

### II. BACKGROUND

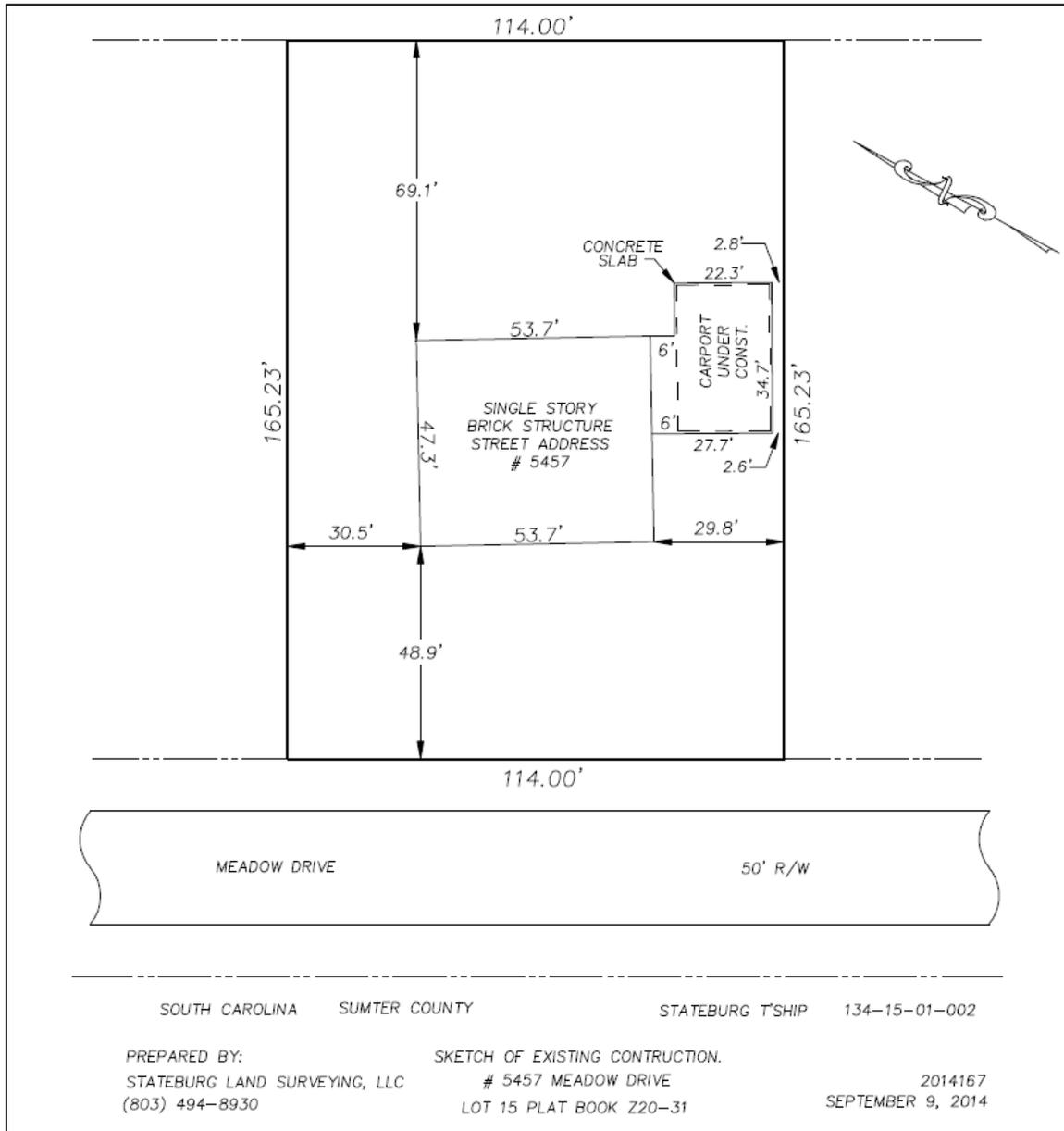
5457 Meadow Dr., shown in the orthophoto to the right, is a +/-0.43 acre parcel located in the Oakland Plantation Subdivision west of Shaw Air Force Base.

Based on the Sumter County Assessor's Record, the dwelling was constructed in 1964 with major improvements in the 1970s. At time of purchase, the property did not have a carport or garage structure. On July 3, 2014, the applicant received a Stop Work Order from the Sumter City-County Building



Inspection Department because there was a carport structure being constructed without

permits. During the process of rectifying the permitting issue, it was discovered that the building under construction does not meet the minimum building separation requirement nor does it meet the 5 ft. side setback standard for detached accessory structures. The applicant commissioned a surveyor to determine the actual building placement in relation to the dwelling and the property line. As shown in the graphic below, the building is 6 ft. from the dwelling and 2.6 ft. from the side property line.



The applicant is requesting a variance to reduce the building separation requirement between the principal structure and an accessory structure to 6 ft. and to reduce the side setback for a detached accessory structure to 2.6 ft. in order to complete construction of the 774 sq. ft. detached carport as designed.

The following photographs show the building under construction and the property.



*Above: Front of carport under construction – there is a storage room to the rear of the parking area. Below: Space between the carport and dwelling with access to rear yard.*





*Above: Space between carport structure and adjacent privacy fence. Below: Rear of structure taken from the back corner of the yard – notice the change in grade/slope to the yard.*





*Above: Opposite side of the back yard – the dirt area adjacent to the air conditioning unit is the location of the septic tank with drain lines/repair area in the grassed area.*

Detached residential accessory structures are required to abide by the regulations outlined in **Article 4, Section G, 4.g.2. Residential Accessory Structures**. Based on the development standards established in 4.g.2.b., detached accessory structures are required to be a minimum of 10 ft. from the principal structure and a minimum of 5 ft. from the side and rear property lines. The development standards for detached residential accessory structures are as follows:

**4.g.2. Residential Accessory Structures:** Residential accessory structures shall comply with the following:

**b. Development Standards:**

1. **Maximum Height** – No accessory structure shall exceed the height of 25 ft., the height is the vertical distance between the finished grade along the front of the structure to the highest point of the structure.
2. **Separation Criteria** – No structure shall be located within 10 ft. of the principal structure.
3. **Number** – No residential parcel shall have more than two (2) accessory structures; the aggregate floor area of both structures added together shall not exceed the maximum size allowed under Exhibit 8A.
4. **Location Requirements** – Detached garages shall only be located in the side or rear yard of a parcel and shall be located no further forward on the lot

than the principal structure; storage buildings shall be located in the rear yard only.

5. **Setbacks** – Note: accessory structures over 1200 sq. ft. in size must be a minimum of 10 ft. from all side and rear property lines.
  - a. Interior Lots: Front – N/A; Sides – 5 ft.; Rear – 5 ft.
  - b. Corner Lots: Front – N/A; Interior Side – 5 ft.; Exterior Side (local collector street) – 17.5'; Exterior Side (arterial street) – 22.5 ft.; rear – 5 ft.

In order to receive a building permit to continue construction of the structure at its current size and in the current location, both variances must be granted.

### III. FOUR PART TEST

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

Admittedly, the parcel is located in an area with significant changes in topography. As shown in the graphic below, there is almost a 10 ft. change in grade from east to west, with the flattest area to the east of the dwelling.



There is also an issue with the location of the septic tank and drain lines/repair area that further limits where a carport structure may be located. As stated in the applicant's application documentation, shown in the photos on previous pages, and outlined in red in the graphic on the previous page, the western side of the rear yard is where the septic tank, drain lines, and repair area are located. The location of the septic tank makes that portion of the yard unbuildable for a parking structure.

Additionally, there are several large trees in the back yard which would have to be removed to construct in the rear yard. Based on existing conditions on the property, the eastern side of the parcel adjacent to the dwelling is the optimum location for a carport structure

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

The development of Oakland Plantation Subdivision predates current regulatory standards. A large number of the dwellings within the neighborhood were constructed without parking structures and/or have had carports/garages built as additions. This is most notably visible in the sections of the neighborhood constructed in the 1960s versus the portion constructed throughout the 1970s and into the 1980s.

It is also not uncommon to see principal structures located within 5 ft. of the side property lines as this subdivision was initially developed using the Rural Development District (RDD) standards—a special purpose zoning district from the pre-1999 development regulations. Under the RDD standards detached accessory structures were also required a minimum 5 ft. side setback from the side property line; however there was no minimum separation distance between an accessory structure and principal structure.

***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.***

The development standards in place for detached accessory structures do not prohibit the construction of a detached carport adjacent to the dwelling, however; setback standards do prevent a 744 sq. ft. (22.3 ft. x 34.7 ft.) two-car carport structure from being constructed.

Based on the attached submitted plan titled, "Sketch of Existing Construction. # 5457 Meadow Drive Lot 15 Plat Book Z20-31," prepared by Stateburg Land Surveying, LLC, dated September 9, 2014. At the closest point, there is 29.8 ft. between the dwelling and the eastern side lot line. If a permit were obtained prior to construction and the setback and building separation requirements observed, a 14.8 ft. wide single car carport structure could be constructed without need of the requested variances.

- 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.*

While authorization of the proposed variances may not harm the neighborhood as a whole, authorization of the requested side setback variance may be of substantial detriment to the adjacent neighbor. An accessory structure 2.6 ft. from the common property line is exceedingly close. With the exception of Planned Development Districts, none of the residential zoning districts or residential development standards established for commercial districts permits structures to be closer than 5 ft. to a common property line. However, the established pattern of development within the Oakland Plantation neighborhood, due to the age of the development, already has detached accessory structures closer than 10 ft. to the principal structure on a given lot.

#### **IV. STAFF RECOMMENDATION**

Based on not meeting the requirements of the four-part test for both a reduction in the building separation and a reduction in the side setback, Staff offers an alternative.

Staff acknowledges that of the two requested variances, the reduction of the building separation standard from 10 ft. to 6 ft. is the least objectionable, as the risks inherent with having the structure close to the principal building are being taken by the property owner/applicant. Additionally, this is not presenting a design element not currently seen within the Oakland Plantation Neighborhood because it was developed under prior regulations.

The reduction of the building separation standard from 10 ft. to 6 ft. is acceptable based on the established pattern of development within the neighborhood, however; the carport structure should be reduced in width by 2.4 ft. to meet the 5 ft. side setback requirement.

#### **V. DRAFT MOTIONS FOR BOA-14-12**

- A. I move that the Zoning Board of Appeals approve BOA-14-12, 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 Zoning Board of Appeals deny BOA-14-12, subject to the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-14-12.

**VI. 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 with the current location of the structure as it is placed in regards to the property line setback as well as the house setback but that an additional requirement be that no windows and siding be placed on the side of the building in its entirety that faces the adjoining property.