

# Sumter City-County Board of Zoning Appeals

November 12, 2014

## BOA-14-14, 4013 & 4015 N. King's Hwy. (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 0.38 acres.



Appeals - Variance - Special Exception

# Sumter City-County Zoning Board of Appeals

BOA-14-14, 4013 & 4015 N. King's Hwy. (County)

## I. THE REQUEST

**Applicant:** Margaret S. Edwards

**Status of the Applicant:** Property Owner

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

**Location:** 4013 & 4015 N. King's Hwy.

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

**Tax Map** 078-00-02-037

## II. BACKGROUND

The applicant, Margaret Edwards, is dividing the property by lifetime family transfer to give a 0.38 acre portion in front to her granddaughter. The parent property consists of 1.01 acres and is located in the rear of the parcel. Property has two existing houses on it.

The parcel in question is located on N. King's Hwy. near Rembert, in Sumter County. 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**

Below are photos of the houses



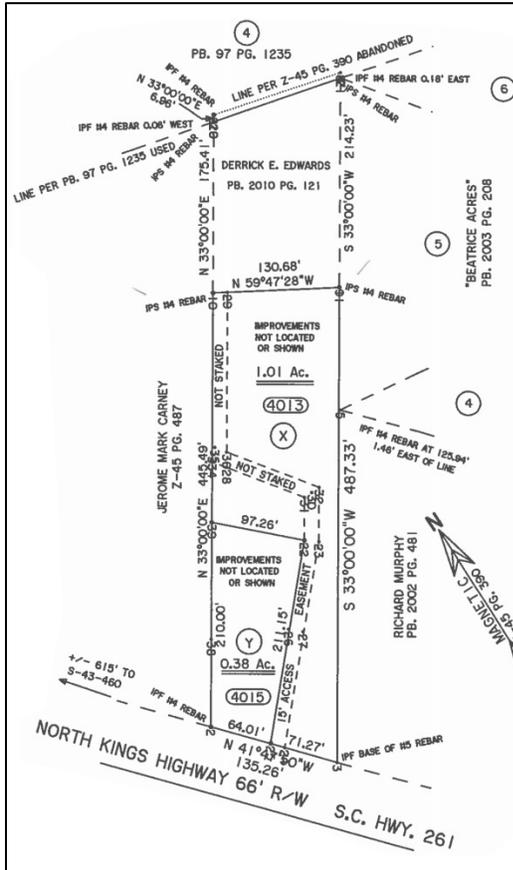
*Above: House at 4015 N. Kings Hwy. (in front); Below: House at 4013 N. Kings Hwy. (in rear)*



### 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 1.01 and .38 of an acre. Therefore, the applicant is requesting a variance of .62 in lot size in order to allow for the .38 of an acre lot at the front of property.

### Proposed Subdivision of Property



*Above Left: Sketch of proposed subdivision of parcels; Above Right: Aerial 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 being divided to give a portion to family, which meets the intent of the ordinance.

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 give a portion to the applicant's grandchild, and to 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. Therefore, no harm will be created towards the character of the adjacent properties.

## **V. STAFF RECOMMENDATION**

Staff recommends approval of BOA-14-14.

## **VI. DRAFT MOTIONS for BOA-14-14**

- A. I move that the Sumter Board of Appeals approve BOA-14-14 subject to the findings of fact and conclusions contained in the draft order dated November 12, 2014, attached as Exhibit 1.
- B. I move that the Sumter Board of Appeals deny BOA-14-14.

## **VII. BOARD OF ZONING APPEALS – NOVEMBER 12, 2014**

The Sumter City-County Board of Appeals at its meeting on Wednesday, November 12, 2014, voted to approve this request subject to the findings of fact and conclusions contained in the draft order, dated November 12, 2014.

**Exhibit 1**  
**Order on Variance Application**  
**Board of Zoning Appeals**  
**BOA-14-14, 4013 & 4015 N. King's Hwy. (County)**  
**November 12, 2014**

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Date Filed: November 12, 2014

Permit Case No. BOA-14-14

The Board of Zoning Appeals held a public hearing on Wednesday, November 12, 2014 to consider the request of Margaret Edwards, 4013 N. King's Hwy. Rembert, SC 29128 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 division for a family member.

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 give a portion to a grandchild, 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. 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.**