

Sumter City-County Board of Zoning Appeals

January 14, 2015

BOA-14-26, 2900 Jereco Rd. (County)

The applicant is requesting Special Exception approval in order to operate a Commercial Kennel (SIC Code 0752) on property and a variance of 50 feet from the separation requirement from residential uses of 500 feet.



Appeals - Variance - Special Exception

Sumter City-County Board of Appeals

January 14, 2015

BOA-14-26, 2900 Jereco Rd. – Greg & Lisa Gaedtke (County)

I. THE REQUEST

Applicant: Greg & Lisa Gaedtke

Status of the Applicant: Proposed Purchasers of Property

Request: Special Exception approval for a Commercial Kennel, SIC Code 0752, and a variance from 5.b.3.g.1 to reduce the separation requirement from a residential use from 500 ft. to 450 ft.

Location: 2900 Jereco Rd.

Present Use/Zoning: Residential/AC

Tax Map Reference: 200-00-02-014

II. BACKGROUND

The applicants wish to purchase 2900 Jereco Rd. (the “Property”) to use as their residence as well as to operate a dog boarding and training business.

As shown in the orthophoto to the right, the Property is a +/- 2.04 acre parcel in the Agricultural Conservation (AC) zoning district. The area is rural in character, large lots with residences surrounded by agricultural animal pastures and forested land. The two closest adjacent residences are 2870 and 2920 Jereco Rd.





Above: 2900 Jereco Rd.

Lisa Gaedtke is a certified animal behaviorist and focuses on individual dog specialty training. Mrs. Gaedtke has an active business license for dog training that allows her to go from location to location conducting the training. The license does not currently permit board of animals. Boarding animals is classified as a commercial kennel under SIC Code 0752, in order to board animals at the Property Special Exception use approval is required.

In the AC zoning district, Commercial Kennels with SIC Code 0752 are classified as a Special Exception use and are subject to review and approval from this Board.

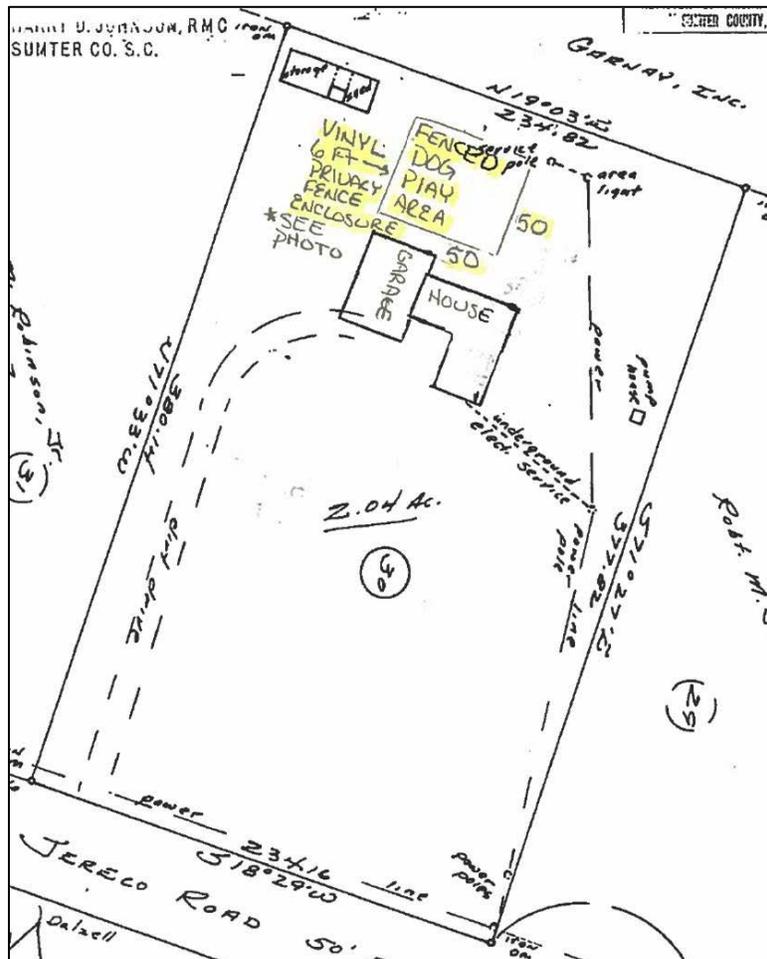
III. SPECIAL EXCEPTION REVIEW

The following criteria are used by the Board of Appeals to review Special Exceptions. Additionally, the board shall be guided by Section 1.h.4.c. of the Zoning Ordinance. The Sumter County Zoning Ordinance states:

Article 5 Section 5.b.3.g Stockyards, Poultry Houses, Commercial Kennels, Slaughter Houses, and Animal Auction Houses (SIC Codes 0211, 025, 0752, 2015, and 5154)

1. *The referenced use shall not be located closer than one thousand (1,000 ft) feet (500 ft. for commercial kennels) to any adjacent residential use on a separately platted parcel of land under separate ownership.*

As noted above, commercial kennels are subject to a 500 ft. separation from residential uses on a separately platted parcel of land. As shown in the buffer map on the following page, the proposed location is within 500 feet of adjacent residential dwellings, as measured from structure to structure. The closest residence is approximately 455 ft. from the area proposed to be used for the commercial kennel.



Above: Proposed Layout of outdoor play/training area to be used in conjunction with kennel operation.

Based upon submitted documentation and site plan on the previous page the applicant intends to use the dwelling and an enclosed outdoor area for the proposed use.

Article 1 Section 1.h.4.c Special Exceptions:

1. *Special exceptions are subject to the terms and conditions for the use set forth for such uses in the Zoning Ordinance.*

Because the proposed site does not meet the 500 ft. residential separation criteria the applicants are requesting a variance of 50 feet from the required 500 foot residential separation to reduce the separation standard to 450 ft.

2. *Permits for Special Exceptions shall be evaluated by the Board of Zoning Appeals on the basis of the following criteria:*
 - a. *That the Special Exception complies with all applicable development standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements.*

The Property meets the development standards for the Agricultural Conservation zoning district. It will continue to be used as a residential property. As proposed, the home based training and boarding kennels will be buffered by a six foot privacy fence as shown in the photograph below, in addition to the natural buffering already in place.

The following picture depicts the type of fence planned to be install around the outdoor play area.



The following photographs show the north, south and west side views from the rear yard area of the Property. The Property backs up to the Garnay Farms and there is existing vegetative buffer to the other sides of the property



***Above:** View to the north of the property from the proposed outdoor play area. **Below:** View to the south from the rear yard of the dwelling.*





Above: View to the west from house showing vacant field between neighbor

- b. *That the special exception will be in substantial harmony with the area in which it is located.*

Staff finds that the proposed request will be in in harmony with the area. The area has widely dispersed residential homes with over 400 feet between residences. The area is rural and agricultural in nature – the adjacent property owners have agricultural uses, barns, horse shelters and pastures.

- c. *That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.*

Staff finds that the special exception will not discourage or negate the use of surrounding property. The established pattern of development along Jereco Rd. is that of small scale personal farming/livestock operations in conjunction with personal dwellings.

IV. FOUR-PART TEST

The Applicant requests a variance from **Article 5 Section 5.b.3.g.1. Commercial Kennels** (SIC Code 0752) which states : *The referenced use shall not be located closer than 500 feet for commercial kennels to any residential use on a separately platted parcel of land under separate ownership.*

The zoning ordinance states that a variance may be granted in an individual case of unnecessary hardship if the Board finds and explains all of the following:

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

There are extraordinary conditions pertaining to this property. The majority of the parcels on this road are much larger than this parcel averaging anywhere from 5 acres to 24 acres and greater widths to the parcels averaging from 400 feet to over a thousand feet(1000ft). This property is one of the fewer smaller lots with 235 feet of width and 2 acres in size. This property does have ample space and the right setting for this type of dog training, is over 450 feet from the nearest neighbor, backs up to a large farm and has vacant fields on both sides of property with natural buffering.

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

The same conditions do apply to all AC zoned parcels in this area but the majority of the properties on this road are agricultural with pastures in the front yards with farm animals and this dog training business is similar in nature to this area.

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 property is restricted in that this specialized type of business comes under a broad category of uses. Because of the width of the property, without a variance the kennels can not be placed anywhere on this 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.*

Granting a 50 foot variance from the required 500 foot separation would not be a substantial detriment to adjacent property owners. The intent of the ordinance is to separate objectionable or potentially objectionable uses from houses. Reducing the separation distance in this location will not harm the character of the nearby residential areas. The fencing and distance of the house off the road screens the area from the road and the vacant fields and natural buffers on the sides will help with screening from the neighbors.

IV. STAFF RECOMMENDATION

The staff has visited the site, reviewed the request and recommends approval of BOA-14-26, of both the Special Exception and the variance from the separation requirements for a commercial kennel.

V. DRAFT MOTIONS FOR BOA-14-26

- A. I move that the Zoning Board of Appeals approve BOA-14-26, subject to the findings of fact and conclusions contained in the draft order, dated January 14, 2014 attached as Exhibit 1.
- B. I move that the Zoning Board of Appeals deny BOA-14-26 based on the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-14-26.

VI. BOARD OF APPEALS DECISION – JANUARY 14, 2015

The Sumter City-County Board of Appeals at its meeting on Wednesday, January 14, 2015, voted to approve both the Special Exception and Variance request subject to the findings of fact and conclusions contained in the draft order, dated January 14, 2015.

Exhibit 1
Order on Special Exception Application
Board of Zoning Appeals

BOA-14-26, 2900 Jereco Rd. – Commercial Kennels
January 14, 2015

Date Filed: January 14, 2015

Permit Case No. BOA-14-26

The Board of Zoning Appeals held a public hearing on Wednesday January 14, 2015 to consider the request of Greg & Lisa Gaedtke, 322 Lindley Ave., Sumter, SC for a special exception and variance which may be permitted by the Board pursuant to Sections 1.h.4.c, 3.n.4.j, and 5.b.3.g of the Sumter County Zoning Ordinance as set forth on Form 4 for the property described on Form 1 to be used for: a Commercial Kennel (SIC Code 0752).

After the consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that 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. The majority of the parcels on this road are much larger than this parcel averaging anywhere from 5 acres to 24 acres and greater widths to the parcels averaging from 400 feet to over a thousand feet(1000ft). This property is one of the fewer smaller lots with 235 feet of width and 2 acres in size. This property does have ample space and the right setting for this type of dog training, is over 450 feet from the nearest neighbor, backs up to a large farm and has vacant fields on both sides of property with natural buffering.

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 same conditions do apply to all AC zoned parcels in this area but the majority of the properties on this road are agricultural with pastures in the front yards with farm animals and this dog training business is similar in nature to this area.

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 unreasonably restrict the utilization of the property based on the following findings of fact:

The property is restricted in that this specialized type of business comes under a broad category of uses. Because of the width of the property, without a variance the kennels can not be placed anywhere on this 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:

Granting a 50 foot variance from the required 500 foot separation would not be a substantial detriment to adjacent property owners. The intent of the ordinance is to separate objectionable or potentially objectionable uses from houses. Reducing the separation distance in this location will not harm the character of the nearby residential areas. The fencing screens the area from the road and the natural buffers will help with sounds.

THE BOARD, THEREFORE, ORDERS that the special exception 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.