

Sumter City-County Board of Zoning Appeals

April 8, 2015

BOA-15-03, 502 W. Oakland Avenue (City)

The applicant is requesting multiple variances in minimum lot size, lot width & side yard setback requirements in order to convert an existing single family dwelling into a Duplex.



Appeals - Variance - Special Exception

Sumter City-County Board of Appeals

April 8, 2015

BOA-15-03, 502 W. Oakland Avenue– Duplex (City)

I. THE REQUEST

Applicant: Rev. Marion H. Newton

Status of the Applicant: Property Owner

Request: Variances from minimum lot size, lot width & side yard setback requirements for a proposed duplex dwelling

Location: 502 W. Oakland Avenue

Present Use/Zoning: Single family dwelling/R-6

Tax Map Reference: 227-03-04-016

II. BACKGROUND

The applicant is requesting variances in the minimum lot size, lot width and minimum side yard setback requirements in order to convert a two story single family structure into a duplex structure. The property is at the corner of W. Oakland Ave. and S. Salem Ave. It has +/-50.8 ft. of frontage on W. Oakland Ave. and a depth of +/-140 ft. The lot contains +/- 6577 sq. ft. and the residence has +/-1700 sq. ft. The Property is zoned Residential-6 (R-6).

The Residential-6 zoning district allows duplexes as a permitted use per Section 3.c.2.b along with required development standards outlined in Exhibit 3-1 of the City Zoning Ordinance.

Requirements:

Minimum Lot Size- 10,000 sq. ft.
Minimum Lot Width- 80 feet
Minimum exterior side setback- 17.5 feet
Minimum interior side setback- 10 feet

Variances Needed:

6577sqft (reduction of 3423sqft)
50.8 width (reduction of 29.2 feet)
12.75 feet (reduction of 4.75 feet)
4 feet (reduction of 6 feet)

BOA 12-21

Similar request approved for Duplex by the same applicant on May 9, 2012

Structure next door at 504 W. Oakland converted into a Duplex

Structure for this variance request

Driveway to the left of blue structure above will serve as access driveway to the rear parking area for this proposed duplex along with the previously approved duplex. There is sufficient space to the rear of property for parking for both duplexes.





Rear Area for Parking from South Salem Ave



Second access driveway to rear parking from South Salem Avenue

The Applicant owns both properties at 502 & 504 W. Oakland Ave. and lives at 506 W. Oakland Avenue as shown below to the right of the blue structure.



III. 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. The structure has existed as a residence on this property for many years. The exterior appearance of the structure is not being altered in any way. All proposed changes are to the interior of the structure. Conversion of the structure into a duplex will not create a greater nonconforming situation reference to building setbacks. It is not the entire exterior side setback(South Salem) that is nonconforming, just the rear portion of the house due to the house sitting at an angle on the lot. The interior property line has an unusual shape angling in toward the house and then angling out toward the rear of the lot making it impossible to meet any side setback requirements for even the single family unit. Although this parcel does not meet the minimum lot size or lot width for the duplex, there is sufficient space for access (existing 17 foot wide concrete driveway) on W. Oakland Ave. and a

second access driveway on S. Salem Street for two tenants as well as space at rear of structure to provide the require parking spaces to serve this use.

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

In most cases, the property owner usually does not own the adjacent properties which would be most affected by the variances being granted. The same property owner owns both properties at 502 & 504 W. Oakland Ave. One of those properties is already rental property and the applicant's own residence is adjacent to these properties.

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, it could possibly restrict the use of this structure and property. There are already single-family dwellings that have been converted into duplex/multi-tenant rental properties of similar lot sizes adjacent to this location.

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 residence on this parcel already exists, there will be no physical change to the district. There is sufficient area at the rear of the property for 4 vehicles which meets the parking requirements for this duplex. Therefore no harm will be created towards the character of the adjacent properties.

IV. STAFF RECOMMENDATION

The staff has visited the site, reviewed the request and recommends approval of BOA-15-03.

V. DRAFT MOTIONS FOR BOA-15-03

- A. I move that the Zoning Board of Appeals approve BOA-15-03, subject to the findings of fact and conclusions contained in the draft order, dated April 8, 2015 attached as Exhibit 1.
- B. I move that the Zoning Board of Appeals deny BOA-15-03 based on the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-15-03.

VI. BOARD OF APPEALS DECISION – APRIL 8, 2015

The Sumter City-County Board of Appeals at its meeting on Wednesday, April 8, 2015, voted to approve this request subject to the findings of fact and conclusions contained in the draft order, dated April 8, 2015, attached as Exhibit 1.

Exhibit 1
Order on Variance Application
Board of Zoning Appeals

BOA-15-03, 502 W. Oakland Avenue – Duplex
April 8, 2015

Date Filed: April 8, 2015

Permit Case No. BOA-15-03

The Board of Zoning Appeals held a public hearing on Wednesday, to consider the request of Rev. Marion H. Newton, 506 W. Oakland Avenue, Sumter, SC for a lot size & width variance and side yard setback variances which may be permitted by the Board pursuant to Sections 1.h.4.b. of the Sumter City Zoning Ordinance as set forth on Form 3 for the property described on Form 1. After the 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. The structure has existed as a residence on this property for many years. The exterior appearance of the structure is not being altered in any way. All proposed changes are to the interior of the structure. Conversion of the structure into a duplex will not create a greater nonconforming situation reference to building setbacks. It is not the entire exterior side setback (South Salem) that is nonconforming, just the rear portion of the house due to the house sitting at an angle on the lot. The interior property line has an unusual shape angling in toward the house and then angling out toward the rear of the lot making it impossible to meet any side setback requirements for even the single family unit. Although this parcel does not meet the minimum lot size or lot width for the duplex, there is sufficient space for access (existing 17 foot wide concrete driveway) and second access driveway on S. Salem Street for two tenants as well as space at rear of structure to provide the require parking spaces to serve this use.

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:

In most cases, the property owner usually does not own the adjacent properties which would be most affected by the variances being granted. The same property owner owns both properties at 502 & 504 W. Oakland Ave. One of those properties is already rental property and the applicant's own residence is adjacent to these properties.

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, it could possibly restrict the use of this structure and property. There are already single-family dwellings that have been converted into duplex/multi-tenant rental properties of similar lot sizes adjacent to this location.

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 residence on this parcel already exists, there will be no physical change to the district. There is sufficient area in the rear of the property for 4 vehicles which meets the parking requirements for a duplex. Therefore no harm will be created towards the character of the adjacent properties.

THE BOARD, THEREFORE, ORDERS that the variances are **DENIED**
 GRANTED

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.