

Sumter City-County Board of Zoning Appeals

August 12, 2015

BOA-15-07, 4660 Eddie Lane (County)

The applicant is requesting a variance to reduce the minimum lot size from one acre to 0.89 and 0.75 acres in the Agricultural Zoning District as required per Article 3, Section N, 3.n.5.a in order to create two new parcels in the AC Zoning District.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

BOA-15-07, 4660 Eddie Lane (County)

I. THE REQUEST

Applicant: Stanley Ardis

Status of the Applicant: Property owner

Request: Variance from minimum lot size of one acre for Agricultural Conservation (AC) zoning district in order to create 2 parcels.

Location: 4660 Eddie Lane

Present Use/Zoning: Agricultural Conservation (AC)/
One existing residential dwelling

Tax Map 213-00-01-017Pt. & 213-00-01-022Pt.

II. BACKGROUND

The applicant, Stanley Ardis, is requesting a variance in lot size in order to subdivide his property along with a portion of his mother's property and create two new parcels (+/- 0.89 acres and +/- 0.75 acres). Applicant's house will be on one parcel and the newly created second lot is for his daughter and son in law. New lot behind applicant's house *below*.



Proposed plat shown below, overlaid on the aerial pictometry of the site. Existing property lines are in light blue, proposed area in orange.



Zoning Ordinance Requirements:

3.n.5. Development Standards in the Agricultural Conservation (AC) District:

a. Lot Requirement (Minimum)

Lot Area: 1 acre minimum

Below: Eddie Lane, which will access both parcels if variance is approved.



III. THE REQUEST

The property owner wishes to locate his daughter and son-in-law on the property behind their home, if the variance is approved. Eddie Lane is a private road.

The applicant is seeking a variance from the minimum lot size of (1 acre) in the Agricultural Conservation (AC) zoning district for both of the parcels to be created. The plat proposal borrows some acreage from the adjacent property belonging to Mr. Ardis' mother, at 2815 Underwood Rd. in order to try to come as close to the 1 acre minimum requirement as possible.

The minimum lot size for a single family dwelling in the AC zoning district is one acre. The proposed parcels, if subdivided, will be 0.75 and 0.89 acres, as shown on the plat. Therefore, the applicant is requesting a variance of 0.25 and 0.11 acres, respectively.

IV. FOUR-PART TEST

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

There are no extraordinary conditions pertaining to this property. The parcel to be divided is an existing 1.2 acre parcel. This request would take a conforming Agricultural Conservation parcel and create 2 nonconforming lots. The intent of Article 6 Nonconforming Sites is to allow continual use of legal nonconforming lots that were grandfathered when Ordinance regulations changed. The intent was not to continue creating these nonconforming lots. The goal is to eventually bring all nonconforming lots into compliance with ordinance requirements. There are already 11 parcels on this private drive which have been created in some fashion in past years. All of these parcels are 1 acre or greater.

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

All of the parcels in this area which are zoned Agricultural Conservation have to meet the 1 acre lot size minimum. One lot fronting on Underwood Street, which is a public street, is little less than one acre but under previous ordinances they were only required to have 20,000sqft if fronting on public street so this lot is a legal Lot of Record.

- 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 current property is not prohibited of uses. There is an existing house on this property today. Accessory apartments are allowed as an option. These are allowed outright on the same parcel as the principal house as long as they comply with

Section 4.g.2.c which does restrict the size to 1000sqft and required similar external finishes as the principal house.

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.*

Staff does not necessarily see that there would be substantial detriment since this is family property but the Ordinance does not support creating new nonconforming lots. The purpose of the Agricultural Conservation Zoning is to allow and protect rural agricultural properties and minimum lot size serves a purpose in controlling density in these rural areas.

V. STAFF RECOMMENDATION

Staff recommends denial of BOA-15-07.

VI. DRAFT MOTIONS for BOA-15-07.

- A. I move that the Sumter Board of Appeals deny BOA-15-07 subject to the findings of fact and conclusions contained in the draft order dated August 12, 2015, attached as Exhibit 1.
- B. I move that the Sumter Board of Appeals approve BOA-15-07.

VII. BOARD OF ZONING APPEALS – AUGUST 12, 2015

The Sumter City-County Board of Appeals at its meeting on Wednesday, August 12, 2015, voted to approve this request subject to the findings of fact and conclusions contained in the order dated August 12, 2015.

Exhibit 1
Order on Variance Application
Board of Zoning Appeals
BOA-15-07, 4660 Eddie Lane (County)
August 12, 2015

Date Filed: August 12, 2015

Permit Case No. BOA-15-07

The Board of Zoning Appeals held a public hearing on Wednesday, August 12, 2015 to consider the request of 4660 Eddie Lane, Sumter, SC 29154 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 no extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

There are no extraordinary conditions pertaining to this property. The parcel to be divided is an existing 1.2 acre parcel. This request would take a conforming Agricultural Conservation parcel and create 2 nonconforming lots. The intent of Article 6 Nonconforming Sites is to allow continual use of legal nonconforming lots that were grandfathered when Ordinance regulations changed. The intent was not to continue creating these nonconforming lots. The goal is to eventually bring all nonconforming lots into compliance with ordinance requirements. There are already 11 parcels on this private drive which have been created in some fashion in past years. All of these parcels are 1 acre or greater.

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:

All of the parcels in this area which are zoned Agricultural Conservation have to meet the 1 acre lot size minimum. One lot fronting on Underwood Street, which is a public street, is little less than one acre but under previous ordinances they were only required to have 20,000sqft if fronting on public street so this lot is a legal Lot of Record.

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:

The current property is not prohibited of uses. There is an existing house on this property today. Accessory apartments are allowed as an option. These are allowed outright on the same parcel as the principal house as long as they comply with Section 4.g.2.c which does restrict the size to 1000sqft and required similar external finishes as the principal house.

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:

Staff does not necessarily see that there would be substantial detriment since this is family property but the Ordinance does not support creating new nonconforming lots. The purpose of the Agricultural Conservation Zoning is to allow and protect rural agricultural properties and minimum lot size serves a purpose in controlling density in these rural areas.

THE BOARD, THEREFORE, ORDERS that the variance is DENIED – GRANTED, subject to the following conditions:

Date issued: _____

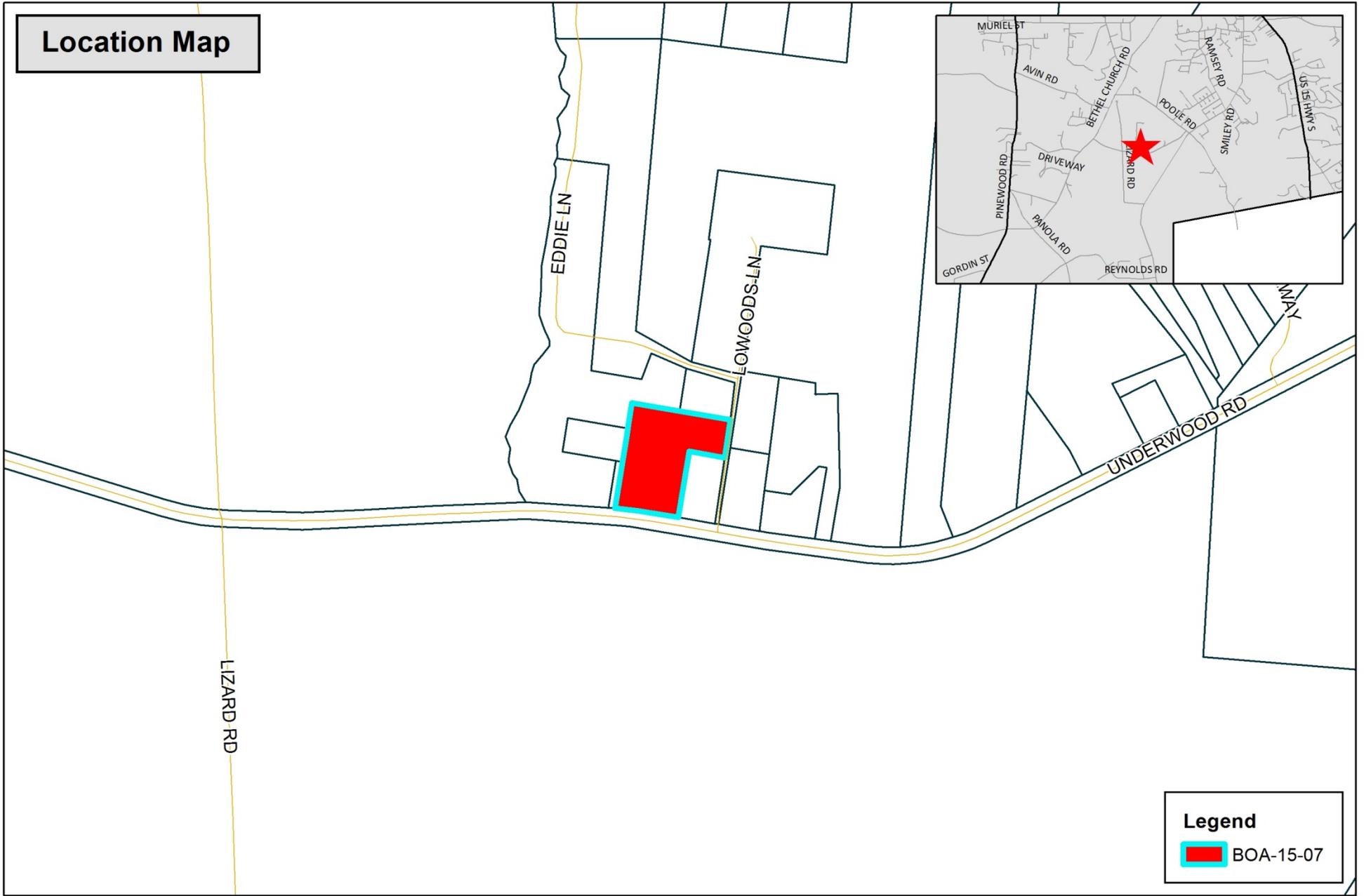
Chairman

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.

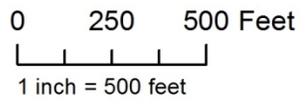
Location Map



Legend

 BOA-15-07

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BOA-15-07
 4660 Eddie Ln., Sumter, SC
 Tax Map # 213-00-01-017