

Sumter City-County Board of Zoning Appeals

February 8, 2012

BOA-12-01, 4805 Cannery Road (County)

The applicant is requesting a variance from the minimum lot size requirement per Article 3 Section 3.n.5.a Development Standards for AC zoning district in order to divide a parcel.



Appeals - Variance - Special Exception

Sumter City-County Board of Appeals

February 8, 2012

BOA-12-01, 4805 Cannery Rd. (County)

I. THE REQUEST

Applicant: Janie English

Status of the Applicant: Daughter of Property Owner

Request: A variance from the minimum lot size requirement per Article 3 Section 3.n.5.a Development Standards for AC zoning district in order to divide a parcel.

Location: 4805 Cannery Road

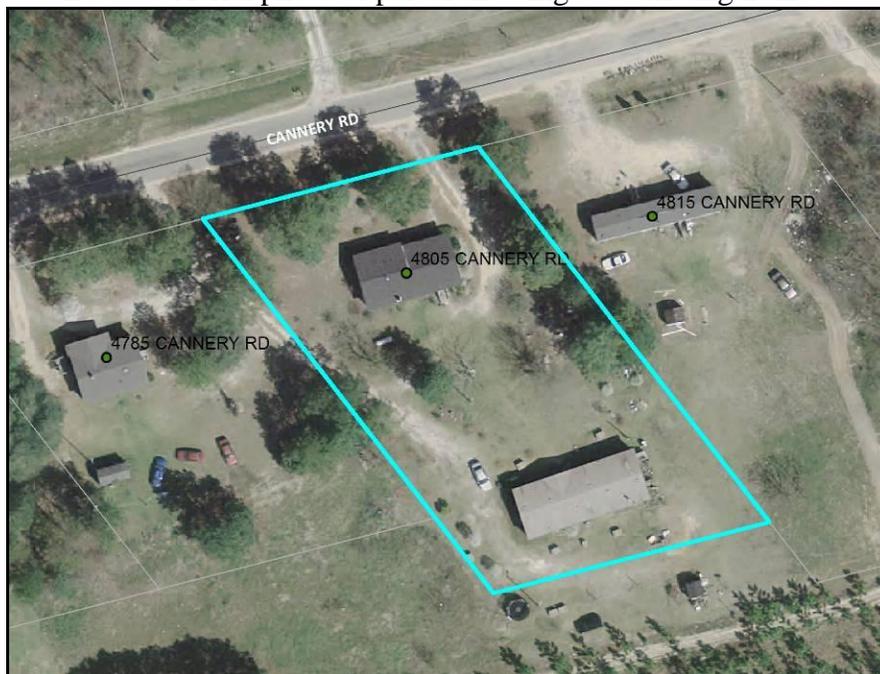
Present Use/Zoning: Residential / AC

Tax Map Reference: 198-00-01-004

II. BACKGROUND

The applicant, Janie English, is the daughter of the property owner, Willie Vaughn. Both Ms. Vaughn and Ms. English have residences on the property at this time. The parcel is +/- 0.79 acres in size. The minimum parcel size requirement in the Agricultural Conservation (AC) zoning district is 1 acre.

Below: Aerial photo of parcel showing two existing homes.

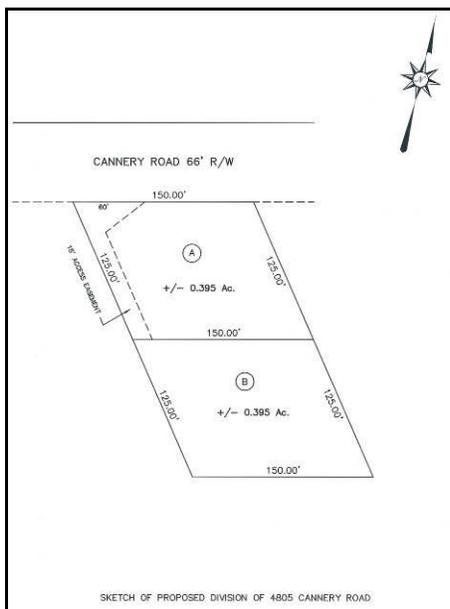


Below: Photo of Parcel at 4805 Cannery Rd. showing two existing residences.



III. THE REQUEST

The applicant wishes to divide the property as shown in the sketch *below*, so that each residence will have its own parcel. The rear parcel will be conveyed by a lifetime family transfer from the property owner to her daughter.



Parcels in the AC zoning district have a minimum lot size requirement of 1 acre. This parcel is +/- 0.78 acres in size at this time. After division, both parcels would be +/- 0.39 acres. Therefore, a variance from the minimum lot size for this zoning district would be required in order for this parcel to be divided as proposed. There are already two existing residences on the parcel. Applicant wishes to subdivide providing each house with its own lot.

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.

- 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 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-12-01. The applicant has no alternative for subdividing the property other than to seek a variance.

VI. DRAFT MOTIONS for BOA-12-01

- A. I move that the Sumter Board of Appeals approve BOA-12-01 subject to the findings of fact and conclusions contained in the draft order dated February 8, 2012, attached as Exhibit 1.
- B. I move that the Sumter Board of Appeals deny BOA-12-01 on the following findings of fact and conclusions.
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-12-01.

VII. ZONING BOARD OF APPEALS – FEBRUARY 8, 2012

The Sumter City-County Board of Appeals at its meeting on Wednesday, February 8, 2011, voted to accept staff recommendation and approve this request subject to the findings of fact and conclusions as shown on Exhibit 1.

Exhibit 1
Order on Variance Application
Sumter Board of Appeals

BOA-12-01, 4805 Cannery Rd. (County)
February 8, 2012

Date Filed: February 8, 2012

Permit Case No. BOA-12-01

The Board of Zoning Appeals held a public hearing on Wednesday, February 8, 2012 to consider the request of Janie English, 4805 Cannery Rd., Sumter, SC 29040 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.

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:

Adjacent parcels are of a similar size and shape but only have one residence on each lot, whereas this parcel has two.

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:

Without a variance, the property cannot be divided as proposed and therefore clear titles to the properties in question cannot be obtained.

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:

This variance only changes the dimensions of the plat for the properties in question, the two residences are already existing and therefore no physical changes to the district will be created.

THE BOARD, THEREFORE, ORDERS that the variance 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.