

Sumter City-County Board of Zoning Appeals

March 14, 2012

BOA-12-03,
105 Maney St. / 18 Foxworth St. (City)

The applicant is requesting a variance from the minimum lot size requirement per the City Zoning Ordinance, Article 3, Section D, Exhibit 2 Development Standards for General Residential Zoning District to allow a parcel to be divided into two parcels.



Appeals - Variance - Special Exception

Sumter City-County Board of Appeals

March 14, 2012

BOA-12-03, 105 Maney St. / 18 Foxworth St.(City)

I. THE REQUEST

Applicant: Brenda C. Williams

Status of the Applicant: Authorized Agent for Owner, Victory Full Gospel Church

Request: Variance from minimum lot size for General Residential (GR) zoning district so that a parcel can be divided into two parcels.

Location: 105 Maney Street / 18 Foxworth Street

Present Use/Zoning: Residential / GR

Tax Map Reference: 227-12-05-033

II. BACKGROUND

The applicant, Brenda C. Williams, is acting on behalf of Victory Full Gospel Church to seek a variance for the minimum lot size in the General Residential (GR) district. If granted, this variance would allow the parcel to be divided into two parcels.



Above: 18 Foxworth St. **Below:** 105 Maney St.



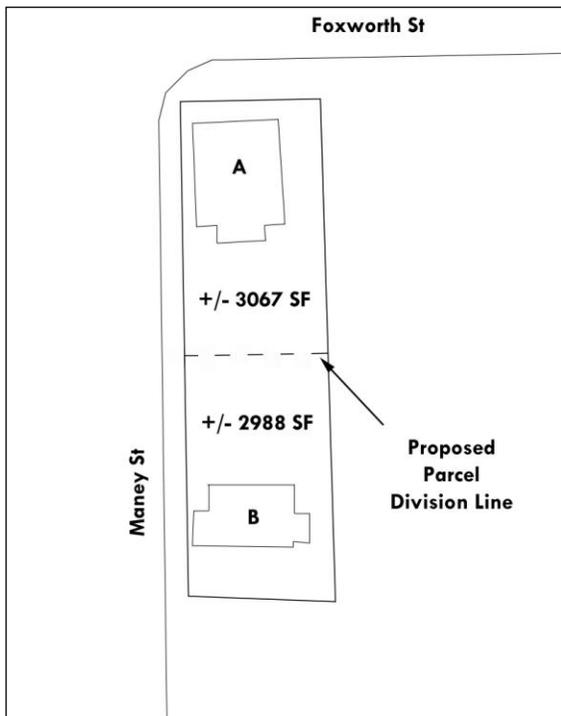
The parcel in question is +/- 0.13 acres and is located at the corner of Foxworth St. and Maney St. in Sumter. The applicant wishes to divide the property so that each residence can obtain a clear title and have its own separate parcel.

Below Left: Aerial of the parcel in question.

Below Right: A sketch of the proposed parcel division, if the variance is granted.



III. THE REQUEST



Left: The minimum lot size for a single family detached house in the GR zoning district is 6000 square feet. The proposed division of this property would result in a parcel layout as shown. The request is for a variance of +/- 2933 square feet for Parcel A (which fronts on Foxworth St.) and for +/- 3012 square feet for Parcel B, which is on Maney St.

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. It is a nonconforming lot of record with two existing residences located on it.*
- 2. *These conditions do not generally apply to other property in the vicinity.***
- *These conditions do not apply to the other properties in this area. All adjacent properties appear to have a single residence on each parcel.*
- 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.***
- *Application of the ordinance will prevent the property owner from dividing this property so that each existing residence can obtain clear title to its own separate parcel. This would therefore restrict the utilization of the 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.***
- *This variance would only change the property as pertaining to deed and title; no physical changes would be made to the proposed parcels or to the surrounding district.*

V. STAFF RECOMMENDATION

Staff recommends approval of BOA-12-03.

VI. DRAFT MOTIONS for BOA-12-03

- A.** I move that the Sumter Board of Appeals approve BOA-12-03 subject to the findings of fact and conclusions contained in the draft order dated March 14, 2012, attached as Exhibit 1.
- B.** I move that the Sumter Board of Appeals deny BOA-12-03 on the following findings of fact and conclusions:

VII. ZONING BOARD OF APPEALS – MARCH 14, 2012

The Sumter City-County Board of Appeals at its meeting on Wednesday, March 14, 2011, voted to 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-12-03, 105 Maney St. & 18 Foxworth St. (City)
March 14, 2012

Date Filed: March 14, 2012

Permit Case No. BOA-12-03

The Board of Zoning Appeals held a public hearing on Wednesday, March 14, 2012 to consider the request of Brenda C. Williams, 2 Aubrey Circle, Sumter, SC 29153 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 two existing residences located on the parcel in question.

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 lots have one existing residence per parcel.

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 property cannot be divided, and clear title to the separate residences obtained, without a variance.

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 variance will only change the platted condition of the parcel, and will not create a physical change to the parcel or the surrounding district.

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.