

Sumter City-County Board of Zoning Appeals

August 14, 2024

BOA-24-28 1370 Trappers Run Dr. (County)

The applicant is requesting variances (zoning relief) from the minimum lot size requirements and the accessory structure setback and placement requirements outlined in *Article 3.n.5: (AC District) Minimum Lot Requirements, Article 4.g.2.a.1 (Accessory Structure) Conditions & Exceptions, Article 4.g.2.a.1., and Article 4, Exhibit 8A (Note 3)* of the Sumter County Zoning & Development Standards Ordinance in order to subdivide a +/- 1.74 acre lot into two +/- 0.87 acre lots. The zoning district the property is located in has a minimum lot size of 1.0 acre. In addition, two existing accessory buildings are proposed to remain on the property in advance of a primary residential dwelling which conflicts with Ordinance requirements. Finally, the location of the accessory structures on the proposed lot do not meet accessory structure setback requirements for situations where accessory structures are permitted without a primary residential dwelling. The property is located at 1370 Trappers Run Dr., is zoned Agricultural Conservation (AC), and is represented by TMS# 127-00-02-006.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

August 14, 2024

BOA-24-28, 1370 Trappers Run Dr. (County)

I. THE REQUEST

Applicant: Latoya Archie

Status of the Applicant: Authorized Agent

Request: Variances from minimum lot size and accessory structure setback and placement requirements to subdivide a +/- 1.74-acre lot into two +/- 0.87 acre lots.

County Council District: District 3

Location: 1370 Trappers Run Dr.

Present Use/Zoning: Single Family Residence / Agricultural Conservation (AC)

Tax Map Reference: 127-00-02-006

II. BACKGROUND

The applicant is requesting variances from the minimum lot size requirements and the accessory structure setback and placement requirements to subdivide a +/- 1.74-acre lot into 2 +/- 0.87 acre lots. The zoning district the property is located in has a minimum lot size of 1.0 acre.

Two existing accessory structures are proposed to remain on the property in advance of a primary residential dwelling which conflicts with requirements of the Sumter County Zoning & Development Standards Ordinance (the “Ordinance”).



Finally, the location of the accessory structures on the proposed lot do not meet accessory structure setback requirements for situations where accessory structures are permitted without a primary residential dwelling.

As shown in the location map on pg. 2 of this report, the property is located at 1370 Trappers Run Dr., is zoned Agricultural Conservation (AC), and is currently 1.74 acres in size.

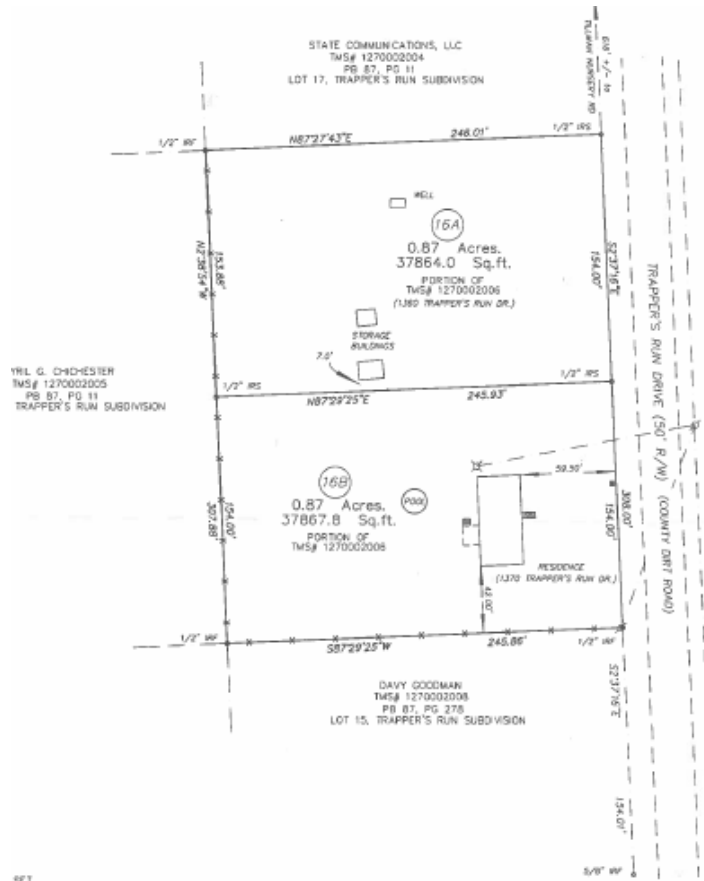


Figure 1: Proposed Subdivision Plat for TMS #127-00-02-006

The applicant would like to establish another dwelling on the property. No more than 1 principal dwelling per parcel is permitted in accordance with *Article 4.f.3.* of the Ordinance. Thus, subdivision of the property is required to accommodate the applicant’s plans. Variance approval is required since the property is within the AC zoning district where the minimum lot size is 1-acre. Since the property is only +/- 1.74 acres in size, the property cannot be subdivided as proposed and remain compliant with AC district requirements.

Historic aerial imagery data indicates that between 2001 and 2020, there has been only 1 mobile home on the property, although the location of where the mobile home on the property is established has changed. Prior to 2020, the single mobile sat in the same location as the property marked as “16A” on the proposed subdivision plat. At some time between 2020 and 2024, the mobile home on the north portion of the lot was moved and a mobile home installed on the south portion of the lot, marked as “16B” on the proposed subdivision plat.

The property does not have any non-conformity protections in accordance with Article 6 of the Ordinance. Therefore, any activity on the property must fully comply with Ordinance requirements.



Figure 2: Diagram depicting current lot with one mobile home on the property.

Ordinance Requirements:

Article 3.n.5.a: Agricultural Conservation (AC) District Minimum Lot Requirements

3.n.5. Development Standards:

a. Lot Requirement (Minimum)

Minimum lot width requirement in the AC District is 60 ft.

Minimum Depth: There is no minimum lot depth requirement in the AC District.

Minimum Lot Area: 1.0 acre.

Article 4.g.2. Residential Accessory Structures:

a. Conditions & Exceptions:

- 1. No accessory building or structure shall be constructed on any residential lot prior to the time of construction of the principal building to which it is accessory. Exemption: AC Zoning District ONLY with 5 or more acres – See Note on Table Exhibit 8A for required development standards.***

Exhibit 8A: Maximum Square Footage of Residential Accessory Structures Based on Gross Acreage

NOTES:

3. *Agricultural Conservation (AC Zoning District ONLY) with 5 acres or more are exempt from the requirement of having a principal structure on the property in order to build an accessory building on a person's property. These structures will be treated as principal structures meeting principal setbacks, distance between buildings, maximum height of 35 feet and maximum of 2 structures per parcel. Access to the structure shall be provided by paved road, gravel or dirt road as long as it provides reasonable access from off a public ROW with approved driveway encroachment permit. Lot shall meet the minimum lot width at the street as set forth in this Ordinance for all other lots of at least 60 feet.*

The Request:

The applicant is requesting variances from the minimum lot size requirements and the accessory structure setback and placement requirements outlined in *Article 3.n.5: (AC District) Minimum Lot Requirements, Article 4.g.2.a.1 (Accessory Structure) Conditions & Exceptions, Article 4.g.2.a.1., and Article 4, Exhibit 8A (Note 3)* of the Sumter County Zoning & Development Standards Ordinance in order to subdivide a +/- 1.74 acre lot into 2 +/- 0.87 acre lots. The zoning district the property is located in has a minimum lot size of 1.0 acre. Also, 2 existing accessory buildings are proposed to remain on the property absent a primary residential dwelling which conflicts with Ordinance requirements. Finally, the location of the accessory structures on the proposed lot do not meet accessory structure setback requirements for situations where accessory structures are permitted without a primary residential dwelling.

III. FOUR PART TEST

In order to grant the requested variance, the request must meet all parts of a State-mandated four-part test. When reviewing a variance request, the Board may not grant a variance that would do the following:

- Allow the establishment of a use not otherwise permitted in a zoning district.
- Extend physically nonconforming use of land.
- Change zoning district boundaries shown on the Sumter City-County Official Zoning Map.

The fact that a property may be utilized more profitably should a variance be granted shall not be considered grounds for approving a variance request. In granting a variance, the Board may attach to it such conditions regarding location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to promote public health, safety, or general welfare.

Staff Review:

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

The property is currently +/- 1.76 acres in size and presently contains 1 mobile home. The lot is a similar shape and size as other lots in the subdivision. There are four lots immediately south of the subject site that were previously subdivided into smaller than 1.0-acre sizes, though this appears to have been done in the late 1980s, prior to adoption of Sumter County's current Zoning & Development Standards Ordinance.

Staff finds that no extraordinary or exceptional conditions exist as they relate to a request to subdivide the property below the minimum lot size required by the zoning district in which the property is located.

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

The property is similar in size and shape to other property within the subdivision in which it is located.

- 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 application of the Ordinance prevents the applicant from subdividing the property below minimum zoning district standards.

However, the applicant can develop the existing parcel as allowed under all applicable Ordinance requirements. As such, staff finds that the application of the Ordinance does not effectively or unreasonably restrict the utilization of the property in this situation.

- 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.***

Zoning district minimum lot sizes set the character and intensity of development intended to meet the purpose and function of each specific zoning district. The establishment of these considerations and the placement of such zoning districts throughout the community is a function and responsibility of the County Council.

Allowing for a variance to reduce minimum lot size requirements where a tangible hardship with the land is not present subverts the intent of the Ordinance and could result in substantial detriment to the public good and the character of the district due to the precedence set.

Further, the property is located in the Poinsett Range Compatibility District (RCD) zoning overlay district, the purpose of which is to prevent incompatible land uses or the creation of

flight hazards, which would impair the utility and public investment of Poinsett Electronic Combat Range (PECR). While single-family residential uses are not further restricted in the RCD, the area is influenced by Military Protection Planning Area future land use policy as outlined in Sumter’s 2040 Comprehensive Plan. In this area, the County supports very low-density residential uses of 1.0 acre or more on private well and septic only.

IV. STAFF RECOMMENDATION

Staff finds that the request does not demonstrate a tangible hardship necessary to grant a variance, and approving this request as proposed could be detrimental to the public good and the character of the district whole due to the precedence set.

If the Board of Zoning Appeals makes the necessary findings to grant a variance to the minimum lot size requirement for this zoning district, staff recommends that the Board also include one of the following actions:

1. Time-based condition for construction of a new home or placement of a manufactured home on proposed lot “16A” to resolve Ordinance compliance for the two accessory structures that are already on the property.

or

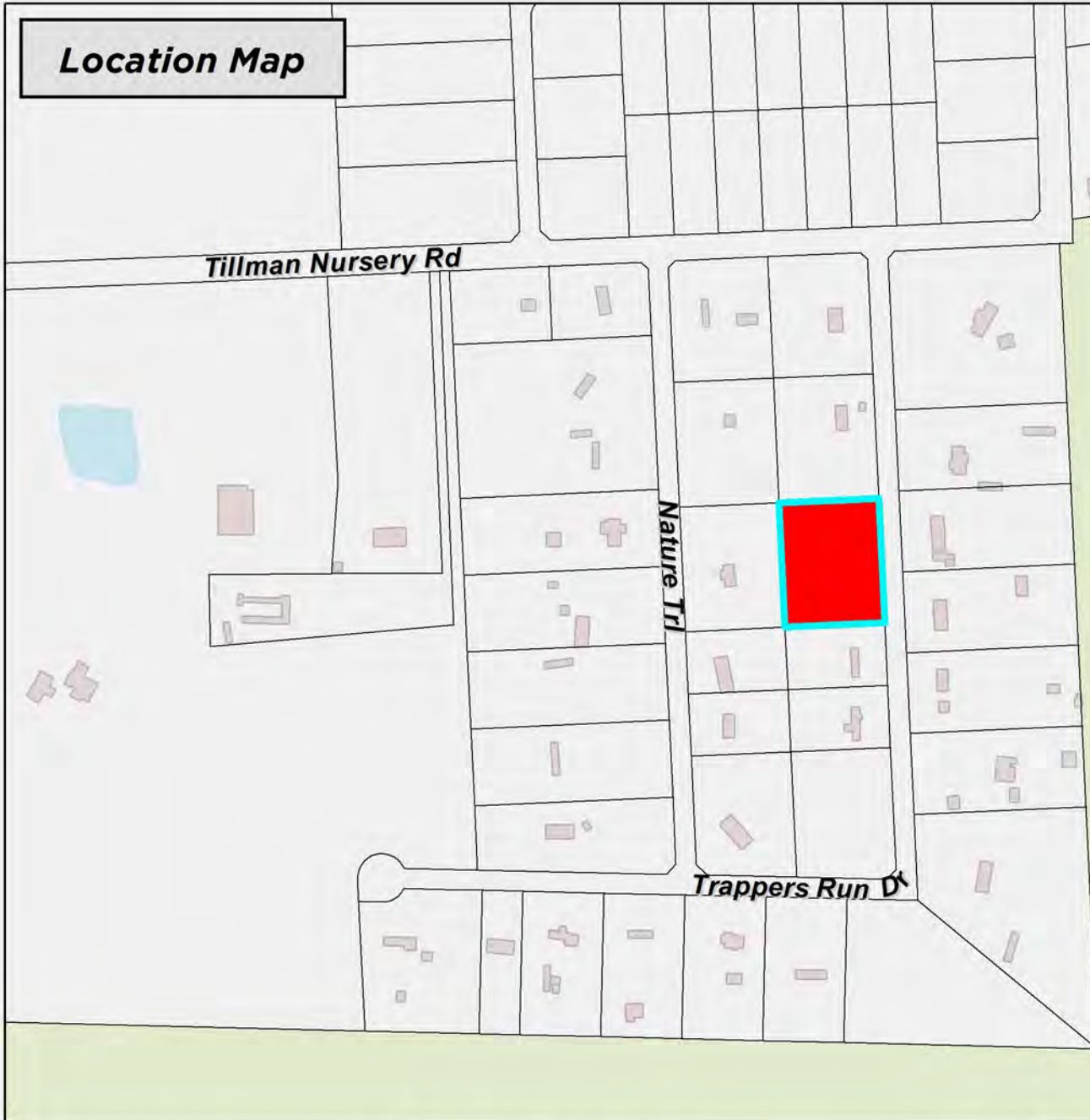
2. Grant necessary variances to the requirements of *Article 4.g.2.a.1.* to allow either or both accessory structures to remain on proposed lot “16A” without the presence of a principal dwelling.

VI. DRAFT MOTIONS FOR BOA-24-28

- A. I move the Zoning Board of Appeals deny BOA-24-28, subject to the following findings of fact and conclusions:
- B. I move the Zoning Board of Appeals approve BOA-24-28, subject to the findings of fact and conclusions developed by the BZA and so stated:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-24-28.

VII. BOARD OF APPEALS – August 14, 2024


Location Map



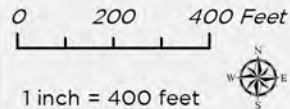
Area Map

Manchester State Forest

Legend

 Case Site Location

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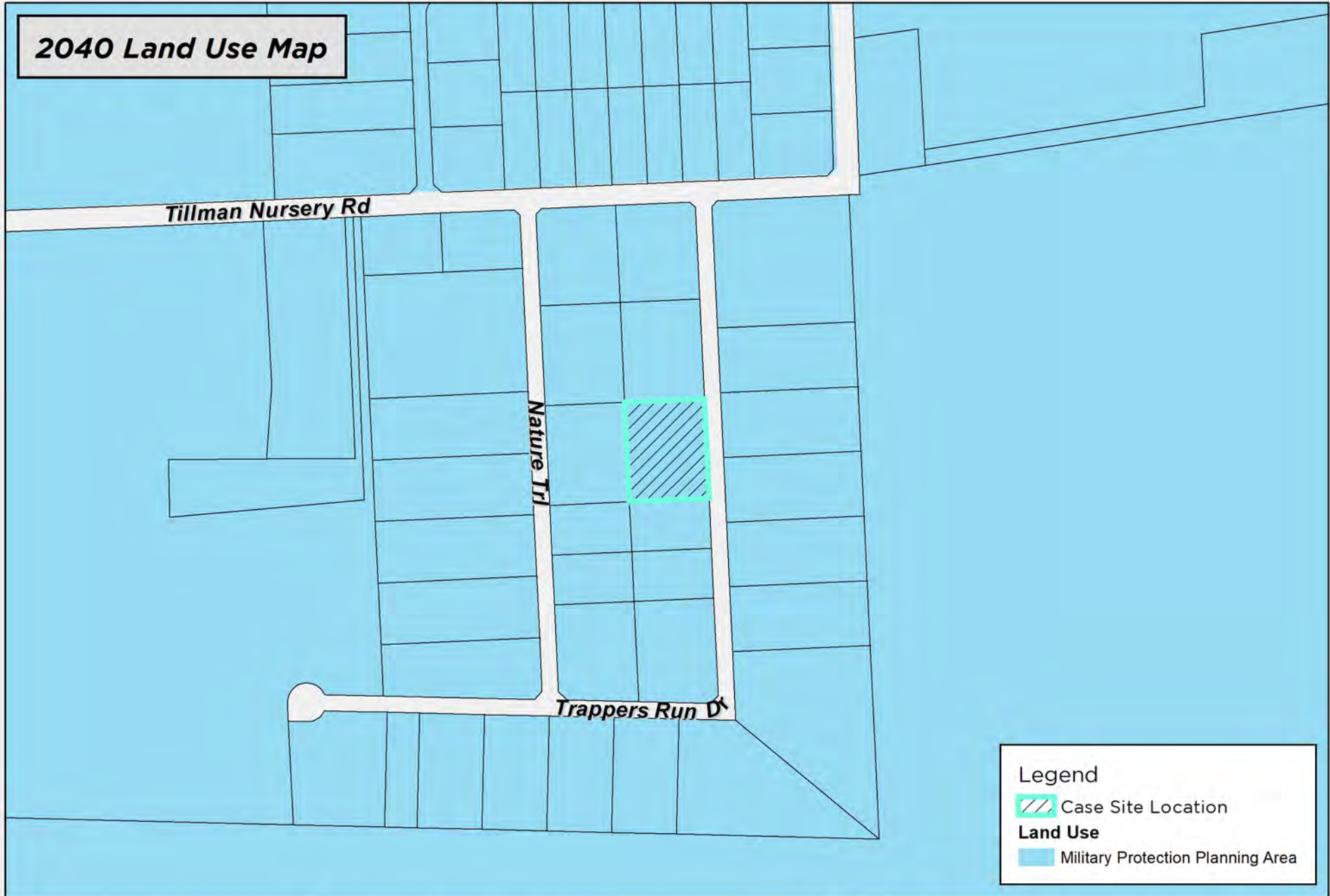


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BOA-24-28
1360 Trappers Run Dr, Wedgefield, SC 29168
Tax Map # 127-00-02-006

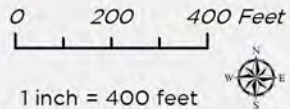
2040 Land Use Map



Legend

-  Case Site Location
- Land Use**
-  Military Protection Planning Area

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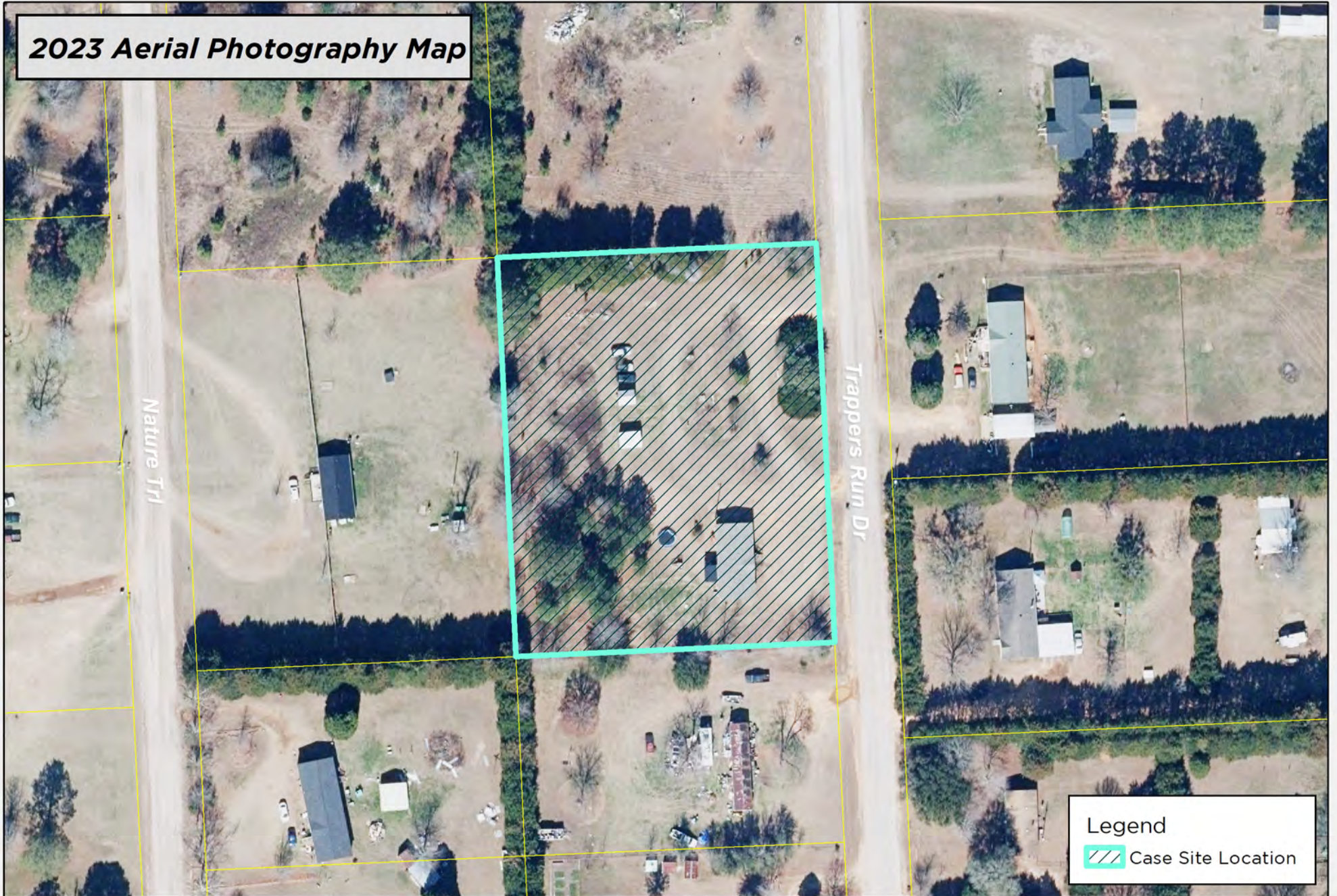



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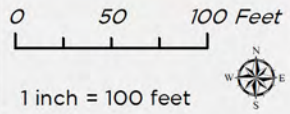
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2023 Aerial Photography Map



Legend
 Case Site Location

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Zoning Map

PD

Tillman Nursery Rd

Nature Trl


Trappers Run Dr


AC

Legend

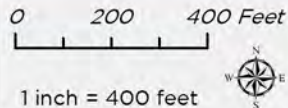
 Case Site Location

Zoning

 AC- Agricultural Conservation

 PD - Planned Development

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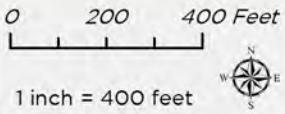
Poinsett Range Compatability District Map



Legend

-  Case Site Location
-  Poinsett Range Compatibility District

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