

# Sumter City-County Zoning Board of Appeals

December 11, 2024

## BOA-24-37, 475 Boots Branch Rd. (County)

The applicant (Teresa P. Sandifer) is requesting a variance from the minimum lot requirements outlined in *Article 3.n.5.a: Minimum Lot Requirements & Article 8.e.13.g: Lots* and from public road frontage requirements outlined in *Article 8.e.13.a & Article 8.e.13.c: Lots* of the *Sumter County Zoning & Development Standards Ordinance* (the "Ordinance") and any other variances as may be required in order to subdivide the property into 4 separate lots. The Ordinance requires that all new lots in the AC zoning district have 60 ft. of lot width throughout and that all new lots (not otherwise exempted) must have at 60 ft. of frontage on a compliant street. 1 new lot of the proposed 4 new lots will have widths less than 60 ft. and will have less than 60 ft. of frontage on a compliant street. The property is located at 475 Boots Branch Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 299-00-02-031.



Appeals - Variance - Special Exception

# Sumter City-County Zoning Board of Appeals

December 11, 2024

## BOA-24-37, 475 Boots Branch Rd. (County)

### I. THE REQUEST

**Applicant:** Teresa Sandifer

**Status of the Applicant:** Authorized Agent for Property Owner

**Request:** Variance from the minimum lot requirements and from public road frontage requirements in order to subdivide the property into 4 separate lots. Ordinance requires that all new lots in the AC zoning district have 60 ft. of lot width throughout and that all new lots (not otherwise exempted) must have at least 60 ft. of frontage on a compliant street. 1 new lot of the proposed 4 new lots will have widths less than 60 ft. and will have less than 60 ft. of frontage on a compliant street.

**County Council District:** District 7

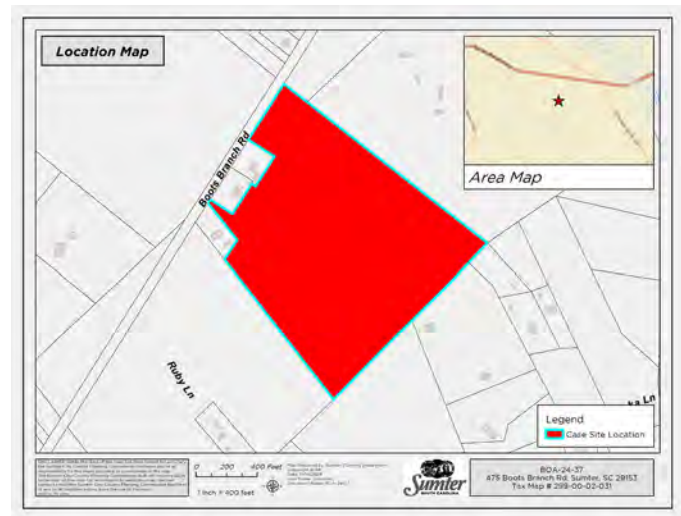
**Location:** 475 Boots Branch Rd.

**Present Use/Zoning:** Residential / Agricultural Conservation (AC)

**Tax Map Reference:** 299-00-02-031

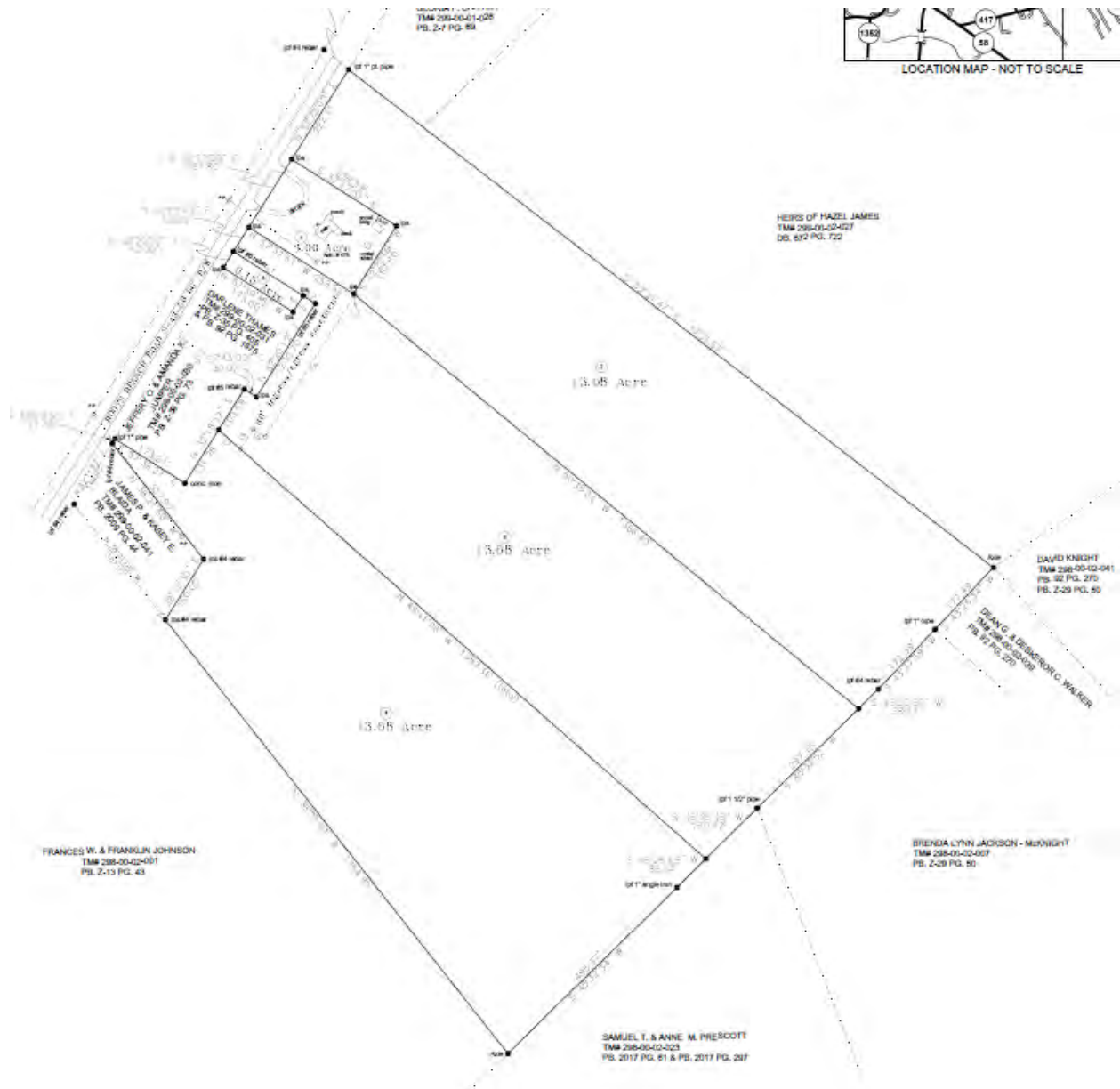
### II. BACKGROUND

The applicant is requesting a variance from the minimum lot requirements outlined in *Article 3.n.5.a: Minimum Lot Requirements & Article 8.e.13.g: Lots* and from public road frontage requirements outlined in *Article 8.e.13.a & Article 8.e.13.c: Lots of the Sumter County Zoning & Development Standards Ordinance* (the “Ordinance”) and any other variances as may be required in order to subdivide the property into four (4) separate lots.



The Ordinance requires that all new lots in the AC zoning district have 60 ft. of lot width throughout and that all new lots (not otherwise exempted) must have at least 60 ft. of frontage on a compliant street. One (1) new lot out of the proposed four (4) new lots will have widths less than 60 ft. and will have less than 60 ft. of frontage on a compliant street.

The proposed division is the result of a family settlement agreement (Case #2023-ES-43-00418), which outlines the division into five (5) lots, one of which will be combined with the existing lot represented by TMS #299-00-02-029. The proposed division is shown on the sketch plat below, prepared by Mathis & Muldrow Land Surveying, Inc. Due to the limited frontage width on Boots Branch Rd. (11.39 ft.), an access easement is proposed for tract# 4, the lot requiring variances.



Above: Proposed Subdivision Sketch Plat

## **Ordinance Requirements:**

### Article 8.e.13.a (Lots)

- a. *All lots shall be accessible by a public street, a private street only as provided for in a Planned Development (PD), or a rural community drive as defined in Article 8.e.1.c.2. Exception: Multi-space or building commercial sites may make the driveway and parking area a common, jointly maintained area and have individual properties access that area. "Accessible" shall be construed as meeting the minimum frontage requirements for the zoning district on a public street.*

### Article 8.e.13.c (Lots)

- c. *All lots shall have no less than 60 ft. of street frontage unless a lesser standard is allowed elsewhere in the ordinance. These standards may vary in a cul-de-sac only upon approval of the Sumter City-County Planning Commission.*

### Article 8.e.13.g (Lots)

- c. *In the Agricultural Conservation (AC) District, all lots shall have no less than 60 ft. of lot width throughout the parcel.*

## **The Request:**

The applicant is requesting a variance from the minimum lot requirements outlined in *Article 3.n.5.a: Minimum Lot Requirements, Article 8.e.13.a.: (Lots), Article 8.e.13.c.: (Lots), & Article 8.e.13.g. (Lots)* of the *Sumter County Zoning & Development Standards Ordinance* (the "Ordinance") in order to subdivide the property into 4 separate lots. The Ordinance requires that all new lots in the AC zoning district have 60 ft. of lot width throughout and that all new lots (not otherwise exempted) must have at 60 ft. of frontage on a compliant street. 1 new lot of the proposed 4 new lots will have widths less than 60 ft. and will less than 60 ft. of frontage on a compliant street.

## **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 a nonconforming use of land;
- Change zoning district boundaries shown on the Sumter City-County Official Zoning Map.

The fact 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 the public health, safety, or general welfare.

**Staff Review:**

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

The subject property is 42.04 acres in size, with approximately 461.3 linear feet of total lot frontage on Boots Branch Rd. spread over two (2) separate locations. The lot is a non-conforming lot of record due to it having less than 60 ft. of width in one location. The proposed division would result in tracts 1, 2, and 3 being conforming, but tract #4 would retain the existing nonconforming lot condition, specifically that a portion of the lot would be less than 60 ft. in width and would not have 60 ft. of width to a public roadway.

There are numerous uniquely shaped parcels of record in the area of this site, none are to the degree of the subject parcel, particularly with regard to the narrow width of the lot that is the result of a subdivision completed prior to the adoption of the County's current Ordinance.

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

Lots and tracts in this area of Sumter County are generally a combination of large agricultural and undeveloped tracts and smaller residential lots averaging 1.0 acres in size. Several lots in the vicinity do not meet Article 8.e.13. standard with regard to lot width and road frontage, though those lots were created prior to adoption of the current Ordinance.

The condition of the existing lot boundary that creates 11.39 ft. of width at the public road is an uncommon condition.

All properties in Sumter County are required to abide by Article 8.e.13. standards, save for those defined as exempt subdivisions under Article 10, which is limited to agricultural restricted uses and family exempt subdivisions.

***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 to the particular property restricts the ability of the applicant to divide the tract as desired in order to convey each parcel to a different family member.

***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.***

Article 8.e.13. requires that newly subdivided lots be established with public road frontage in order to minimize the presence of "landlocked" lots, meaning tracts of land that cannot be

reached but by crossing another property owner's land. While easements are employed as a means to establish legal access to property, their application and enforceability is left to individual property owners, leaving situations in which property becomes difficult to access for its owners. *Article 8.e.13.* ensures that lots are created with the necessary width to allow access without requiring easements across property owned by other individuals.

In this instance, the division is being completed as part of a family settlement agreement that establishes separate tracts for each of the siblings that were bequeathed a 1/3 interest in the property. The proposed subdivision includes a 50 ft. ingress-egress easement for Lot #4 to access Boots Branch Rd. through Lot #3, in addition to the 11.39 ft. of direct access that the lot retains.

#### **IV. STAFF RECOMMENDATION**

Permitting establishment of lots without frontage (and thus direct access) to a public roadway should be carefully weighed. The establishment of minimum road frontage widths is to prevent negative impacts to adjacent property and limit legal disputes over property access.

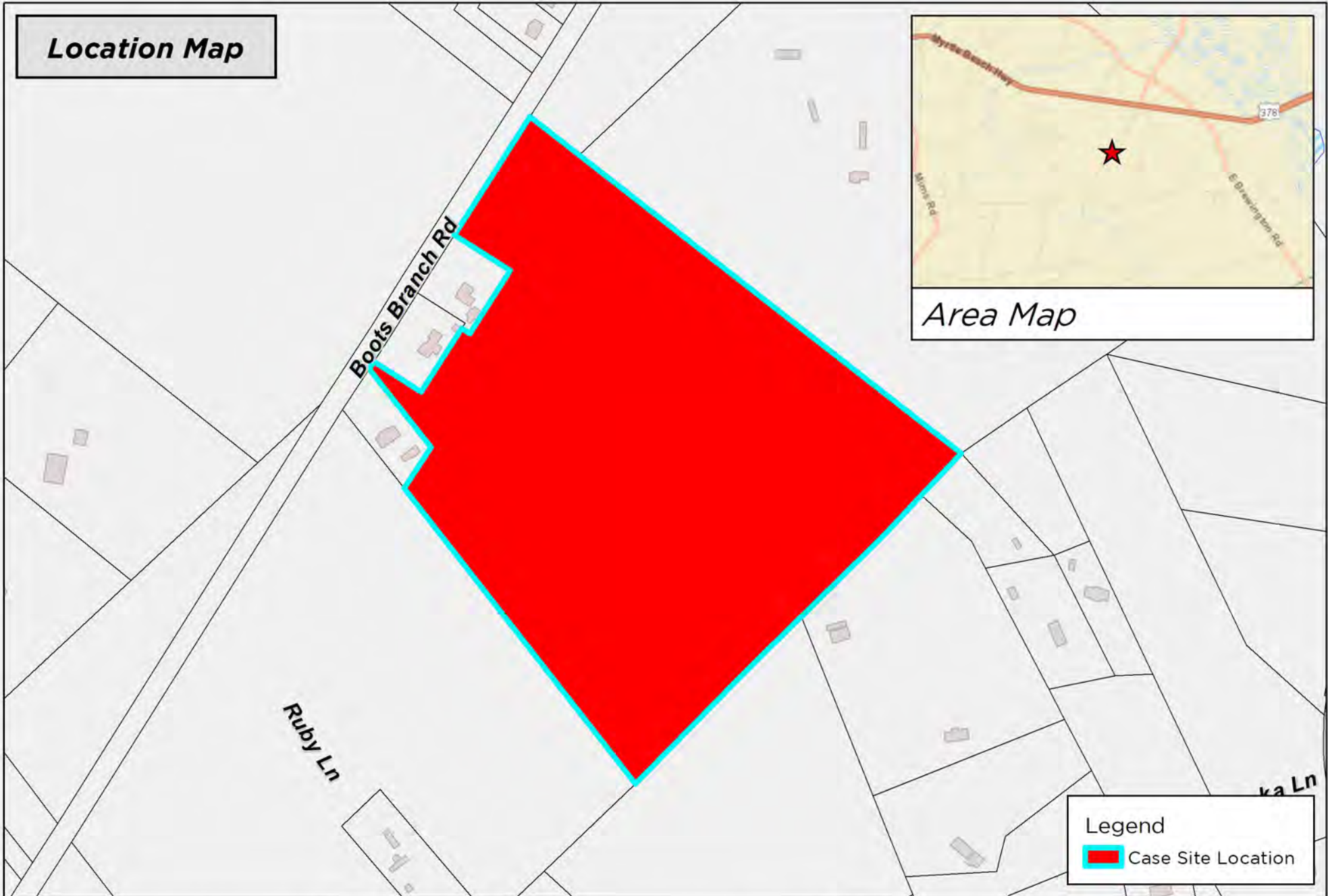
*If* the Zoning Board of Appeals makes all the findings necessary to approve this request. Staff recommends no additional approval conditions.

#### **V. DRAFT MOTIONS FOR BOA-24-37**

1. I move the Zoning Board of Appeals **approve** BOA-24-37, subject to the following findings of fact and conclusions: *State Definitive Findings for each part of the four-part test for the record.*
2. I move the Zoning Board of Appeals **deny** BOA-24-37, subject to the findings of fact and conclusions developed by the BZA and so stated: *State Definitive Findings for each part of the four-part test for the record.*
3. I move the Zoning Board of Appeals enter an alternative motion for BOA-24-37.

#### **VI. BOARD OF APPEALS – December 11, 2024**

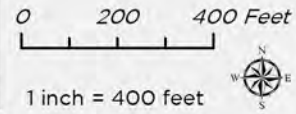
# Location Map



Area Map

**Legend**  
 Case Site Location

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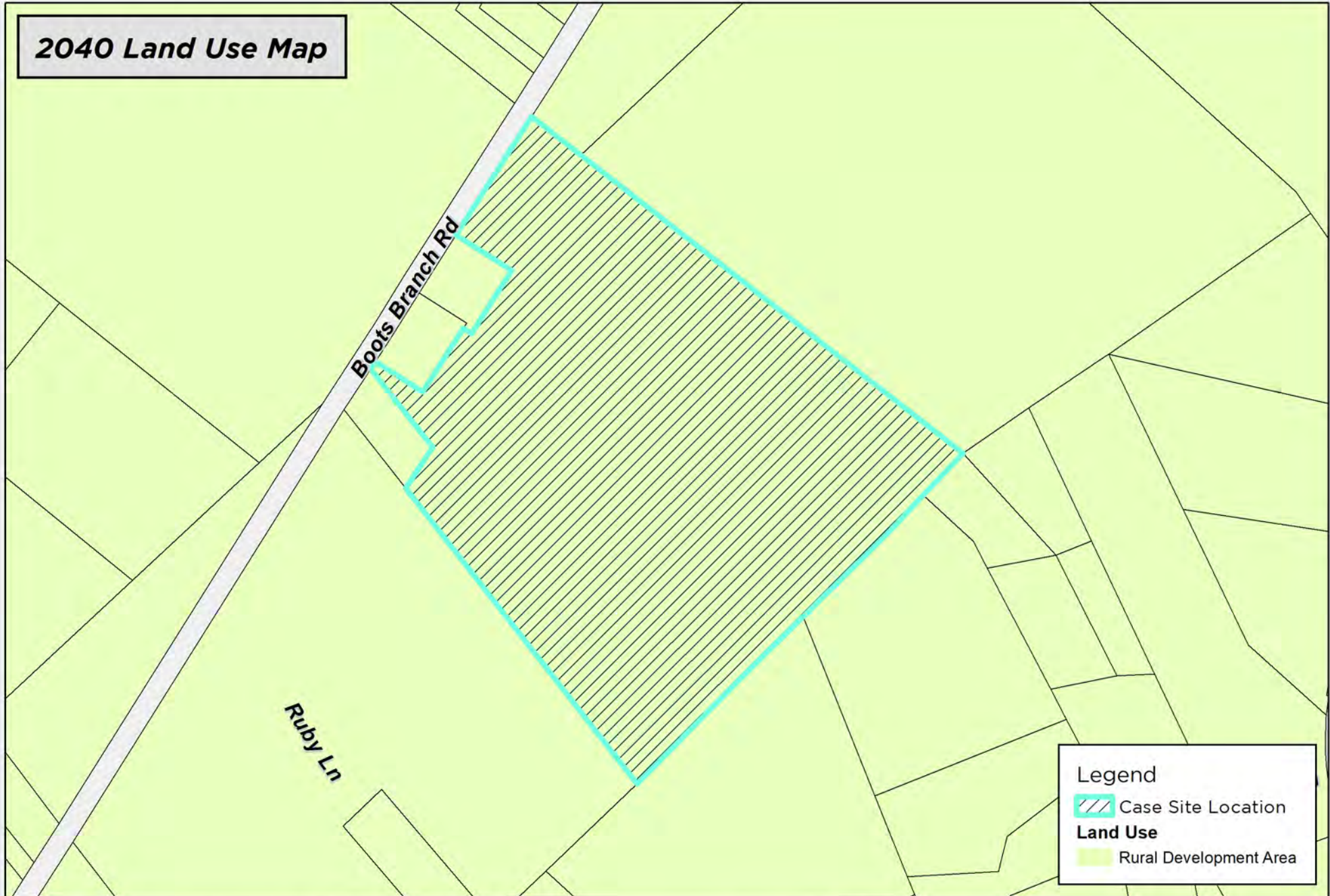
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User Name: crobbins  
Document Name: BOA-24-37



BOA-24-37  
475 Boots Branch Rd, Sumter, SC 29153  
Tax Map # 299-00-02-031



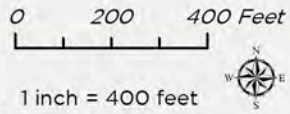
# 2040 Land Use Map



**Legend**

-  Case Site Location
- Land Use**
-  Rural Development Area

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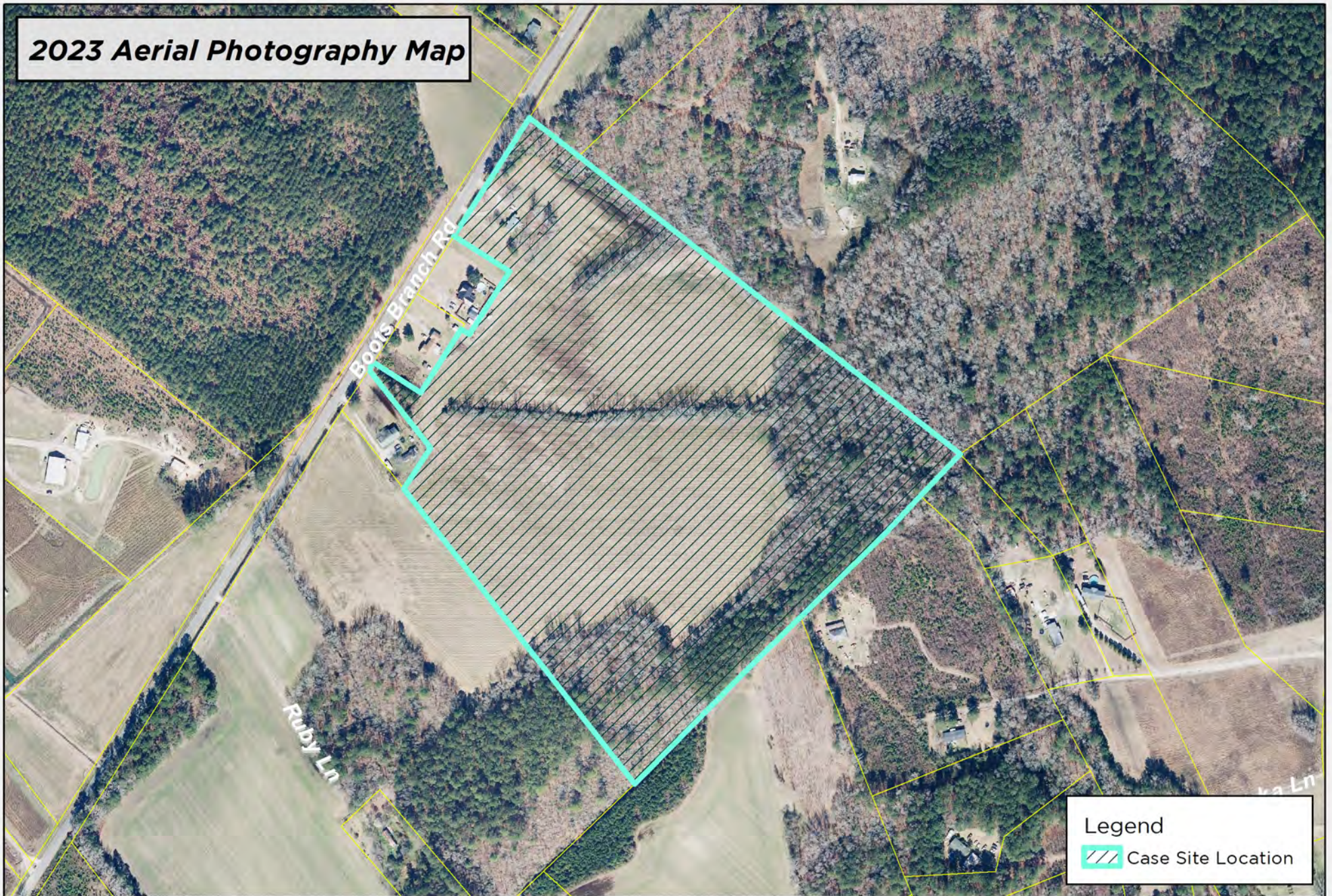
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


BOA-24-37  
475 Boots Branch Rd, Sumter, SC 29153  
Tax Map # 299-00-02-031

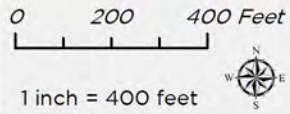


# 2023 Aerial Photography Map



**Legend**  
 Case Site Location

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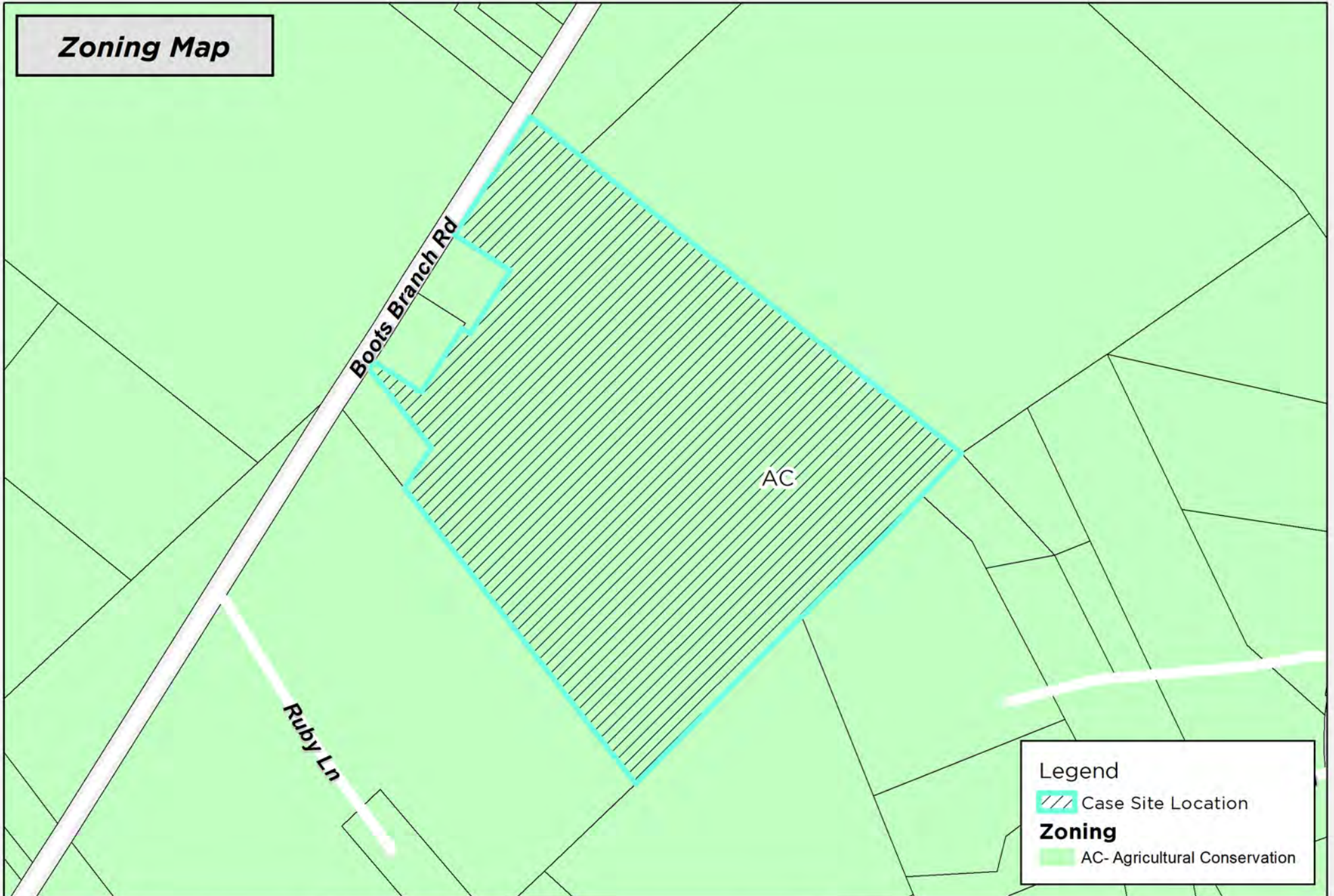
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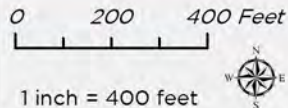
**BOA-24-37**  
475 Boots Branch Rd, Sumter, SC 29153  
Tax Map # 299-00-02-031



# Zoning Map



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