Sumter City-County Zoning Board of Appeals

May 8, 2024

BOA-24-07, 1740 Hwy 521 S (County)

The applicant is requesting variances from the lot development standards outlined in Article 3.b.5.a: (R-9 District) Minimum Lot Requirements and Article 8.e.13.c: Lots of the Sumter County Zoning & Development Standards Ordinance and any other Ordinance requirements as may be applicable in order to establish a new lot that will have +/- 21 ft. of frontage on a public street and will have +/- 21 ft. of lot width at the front building setback line. The Ordinance requirements applicable to the subdivision of this property require that new lots have at least 60 ft. of frontage on a public street and have at least 75 ft. of lot width at the front building setback line. The property is located at 1740 US Hwy 521 S., is zoned Residential-9 (R-9), and is represented by TMS# 252-00-02-022.

Sumter
SOUTH CAROLINA

Appeals - Variance - Special Exception

Sumter City-County
Zoning Board of Appeals

May 8, 2024

BOA-24-07, 1740 Hwy 521 S. (County)

I. THE REQUEST

Applicant: Thomas Anderson, Anderson Surveying

Status of the Applicant: Authorized Agent for Property Owner

Request: The applicant is requesting variances from the lot development standards outlined in in order to establish a new lot that will have +/- 21 ft. of frontage on a public street and will have +/- 21 ft. of lot width at the front building setback line. The Ordinance requirements applicable to the subdivision of this property require that new lots have at least 60 ft. of frontage on a public street and have at least 75 ft. of lot width at the front building setback line.

County Council District: District 7

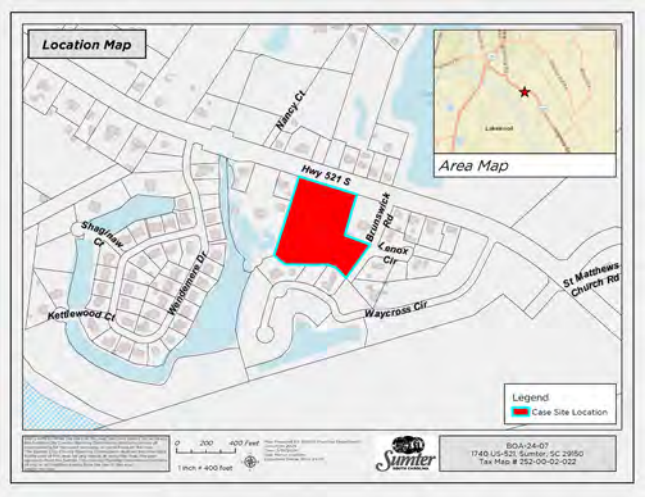
Location: 1740 Hwy 521 S.

Present Use/Zoning: Religious Organization / Residential-9 (R-9)

Tax Map Reference: 252-00-02-022

II. BACKGROUND

The applicant is requesting variances from the lot development standards outlined in *Article 3.b.5.a: (R-9 District) Minimum Lot Requirements* and *Article 8.e.13.c: Lots* of the Sumter County Zoning & Development Standards Ordinance (the "Ordinance") in order to establish a new lot that will have +/- 21 ft. of frontage on a public street and will have +/- 21 ft. of lot width at the front building setback line.



The Ordinance requirements applicable to the subdivision of this property require that new lots have at least 75 ft. of lot width at the front building setback line and at least 60 ft. frontage on a public road.

The parcel in question, TMS #252-00-02-022, was purchased by the current owner in 1995, who is proposing to subdivide the parcel as shown in the sketch below.

Below: Proposed Lot Division Sketch

Ordinance Requirements:

Article 3.b.5.a: Residential - 9 (R-9) District Minimum Lot Requirements

3.b.5. ***Development Standards****:*

a. Lot Requirement (Minimum)

Minimum lot width requirement in the R-9 District is 75 ft.
Minimum Depth: 100 ft.
Minimum Lot Area: 9,000 sq ft.

8.e.13. Lots:

f. Except in the Agricultural Conservation (AC) District, the depth of residential lots shall not be less than one nor more than 2.5 times their width; provided however, that the Sumter City-County Planning Commission may grant exceptions to this in order to overcome specific disadvantages of topography or other site conditions.

The Request:

The applicant is requesting variances from the lot development standards outlined in *Article 3.b.5.a: (R-9 District) Minimum Lot Requirements* and *Article 8.e.13.c: Lots* of the Sumter County Zoning & Development Standards Ordinance (the "Ordinance") and any other Ordinance requirements as may be applicable in order to establish a new lot that will have +/- 21 ft. of frontage on a public street and will have +/- 21 ft. of lot width at the front building setback line.

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 +/- 6.17 acres in size, with public frontage on US 521 S. The lot is currently home to a religious organization. The proposed lot will have +/- 270 ft. of road frontage along a private road (Brunswick Rd) on the eastern edge of the property which will give it access to US 521 S. The narrow width stem is being proposed to US 521 S. in order to provide some level of frontage on a public road and to preserve the existing driveway location for the church.

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

The lot size and dimensions of the property are not uncharacteristic for a non-residential institutional use along a major arterial roadway. However, having secondary frontage on private road that provides access to multiple lots under different ownership is somewhat unique to this particular property.

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 subdivide the property as proposed. Staff notes that the proposed lot has significant frontage on a private road that is the only access point for multiple different property owners.

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.

Based on the proposed subdivision sketch, it is not anticipated that the area of lot width and road frontage non-conformity will be of substantial detriment to adjacent property or the public good. However, it is important to consider the impact that a variance approval creates with regard to precedent for future, potentially more impactful, requests.

IV. STAFF RECOMMENDATION

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

V. DRAFT MOTIONS FOR BOA-24-07

1. I move the Zoning Board of Appeals **approve** BOA-24-07, subject to the following findings of fact and conclusions:

2. I move the Zoning Board of Appeals **deny** BOA-24-07, subject to the following findings of fact and conclusions:

3. I move the Zoning Board of Appeals enter an alternative motion for BOA-24-07.

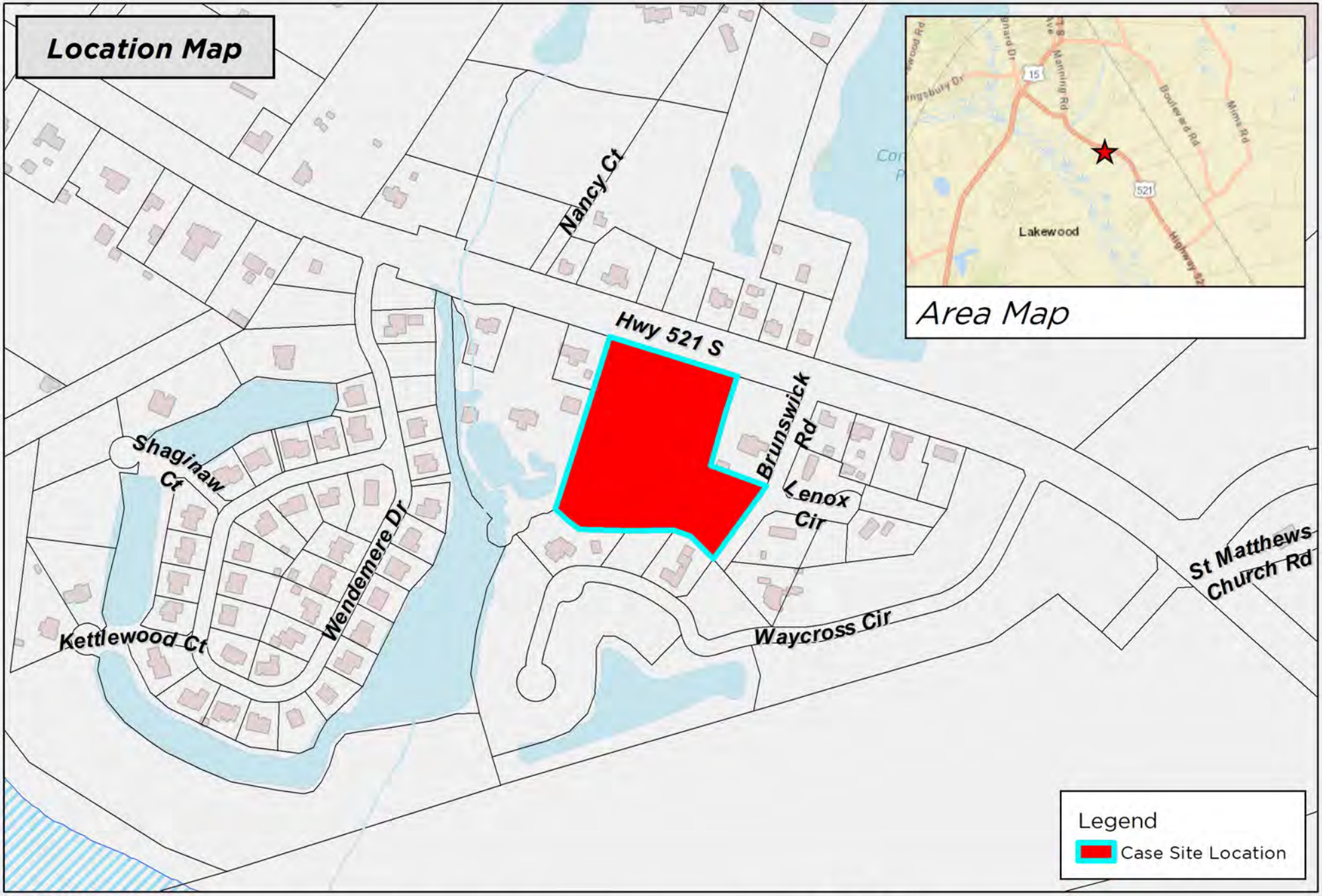
VI. BOARD OF APPEALS – April 10, 2024

The Sumter City-County Board of Appeals at its meeting on Wednesday, April 10, 2024, deferred action on this request until the next Board of Appeals meeting on Wednesday, May 8, 2024. The Board has questions for the applicant that could not be answered by Planning Staff. Please make arrangements for a representative to be present at the May 8th meeting. The meeting will begin at 3:00 p.m. and will be held in City Council Chambers located on the Fourth Floor of the Sumter Opera House (21 North Main Street, Sumter, South Carolina).

VII. BOARD OF APPEALS – MAY 8, 2024

Location Map

Area Map



Legend

Case Site Location

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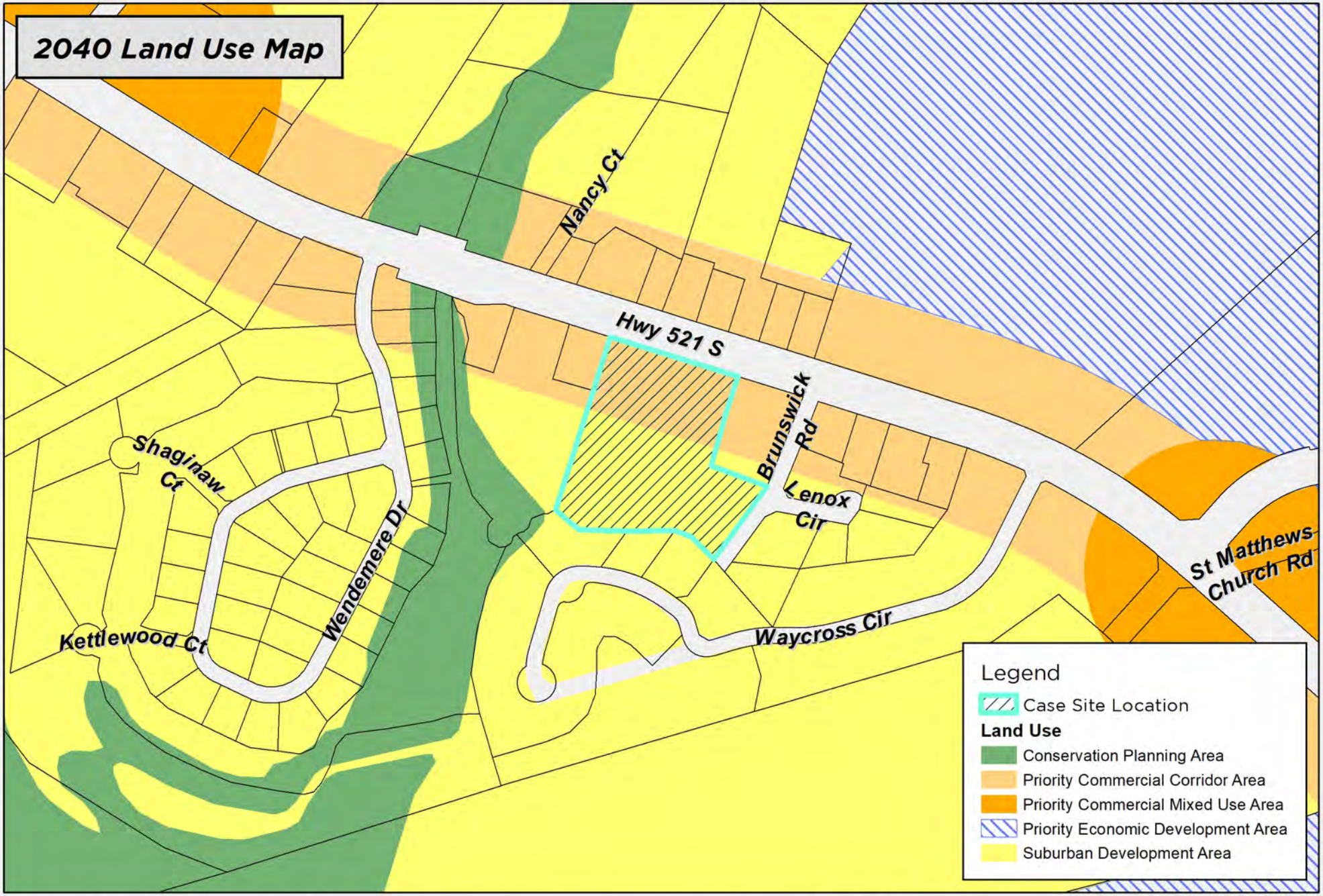
Sumter SOUTH CAROLINA

BOA-24-07
1740 US-521, Sumter, SC 29150
Tax Map # 252-00-02-022



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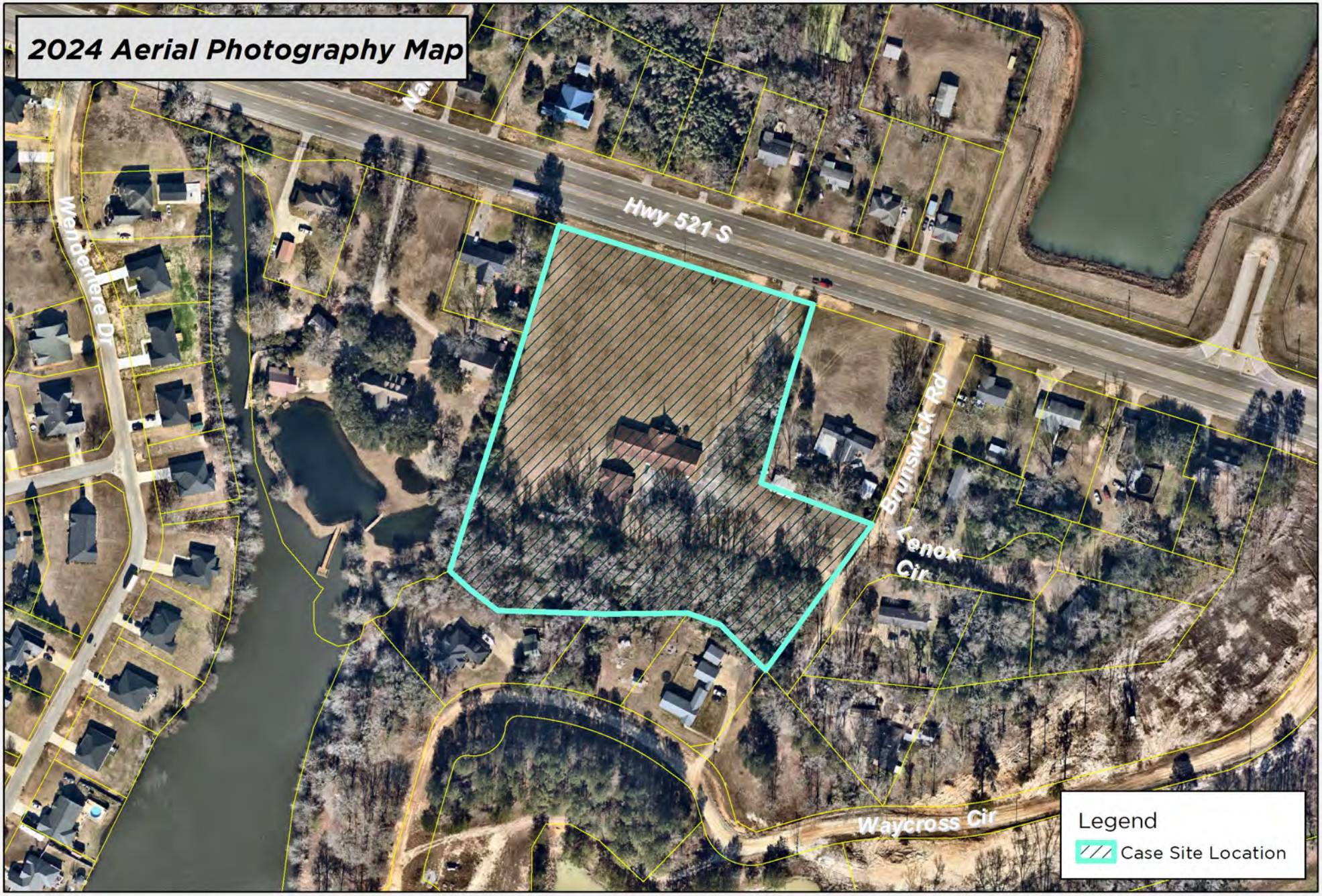
2024 Aerial Photography Map



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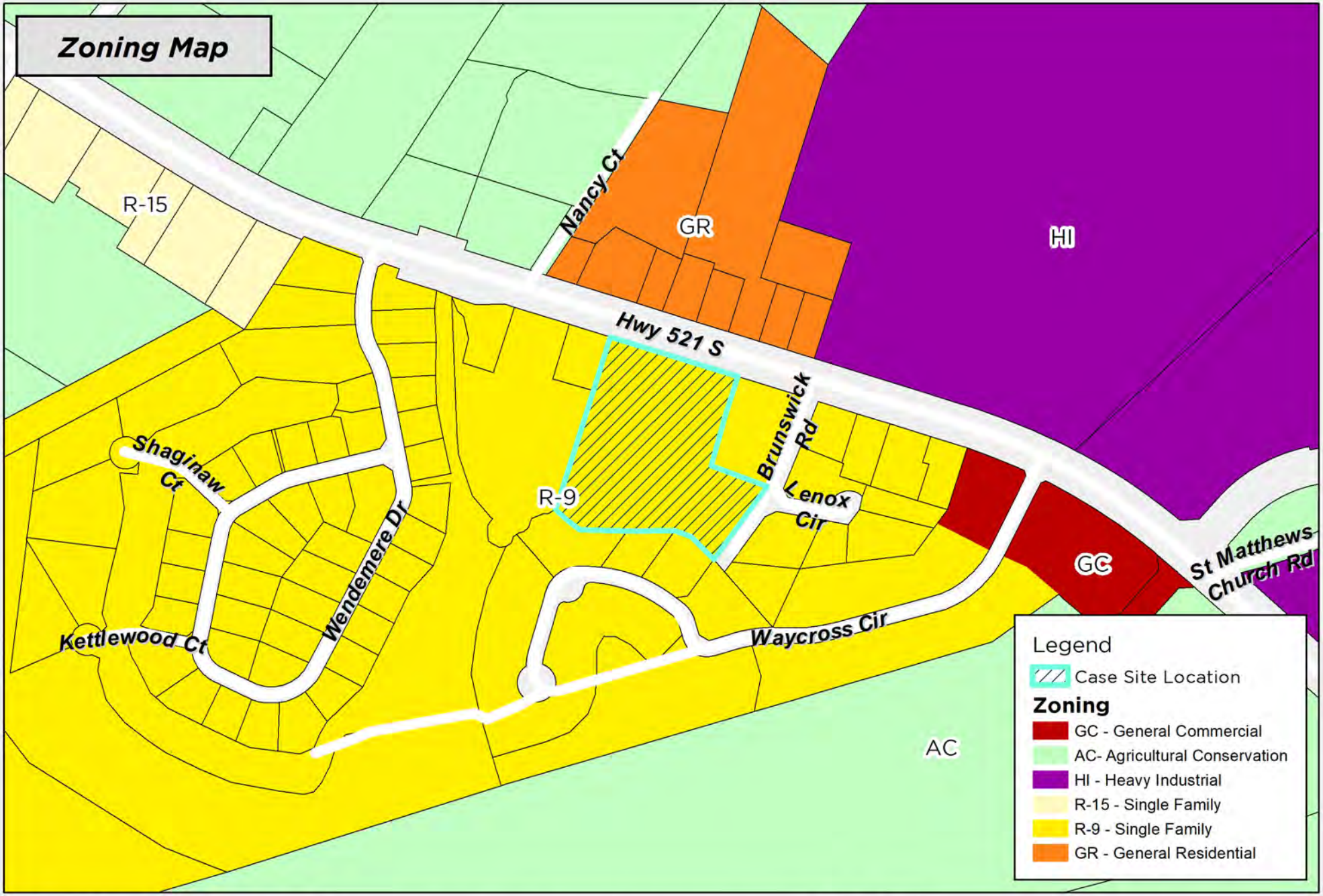

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BOA-24-07
1740 US-521, Sumter, SC 29150
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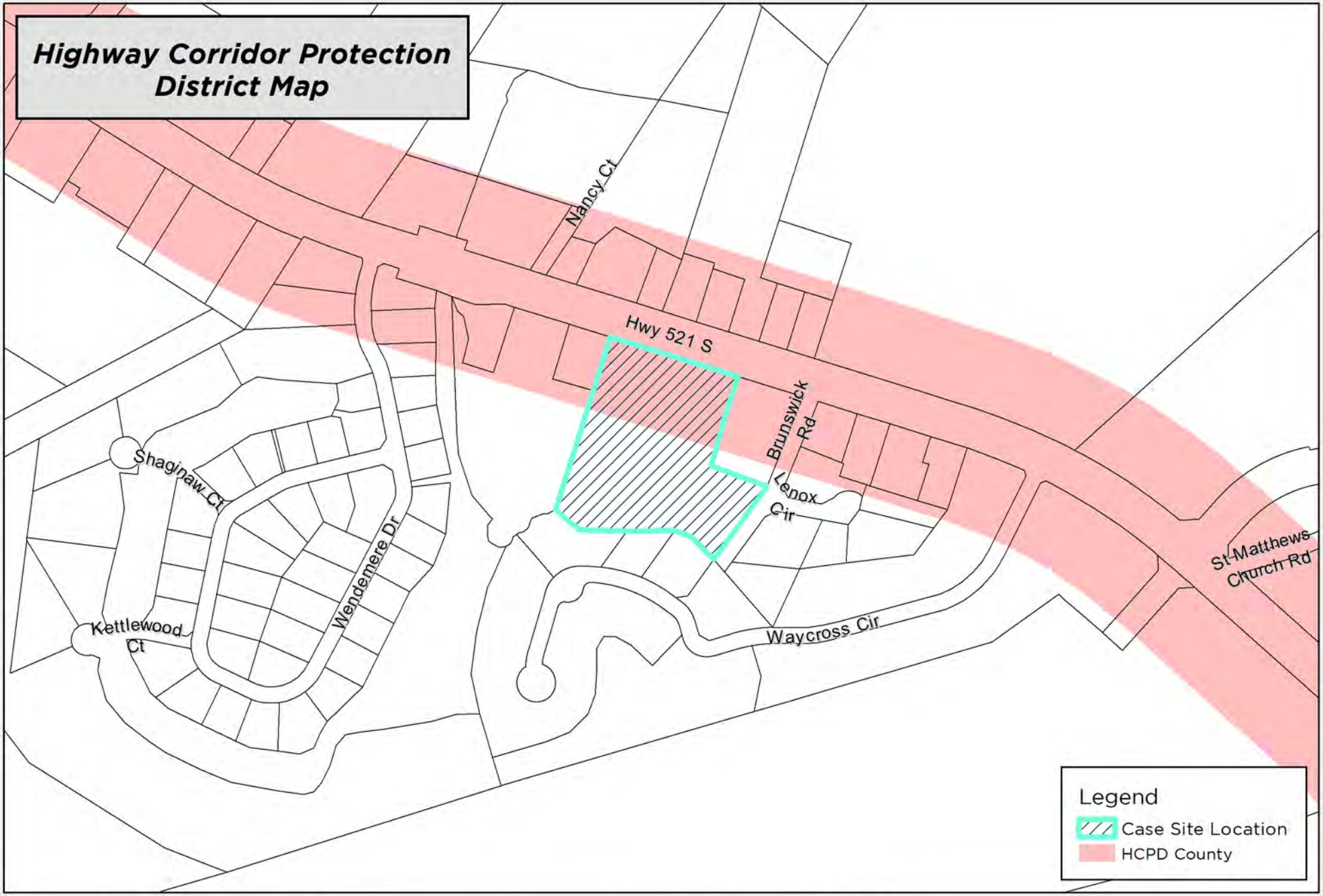
Highway Corridor Protection District Map



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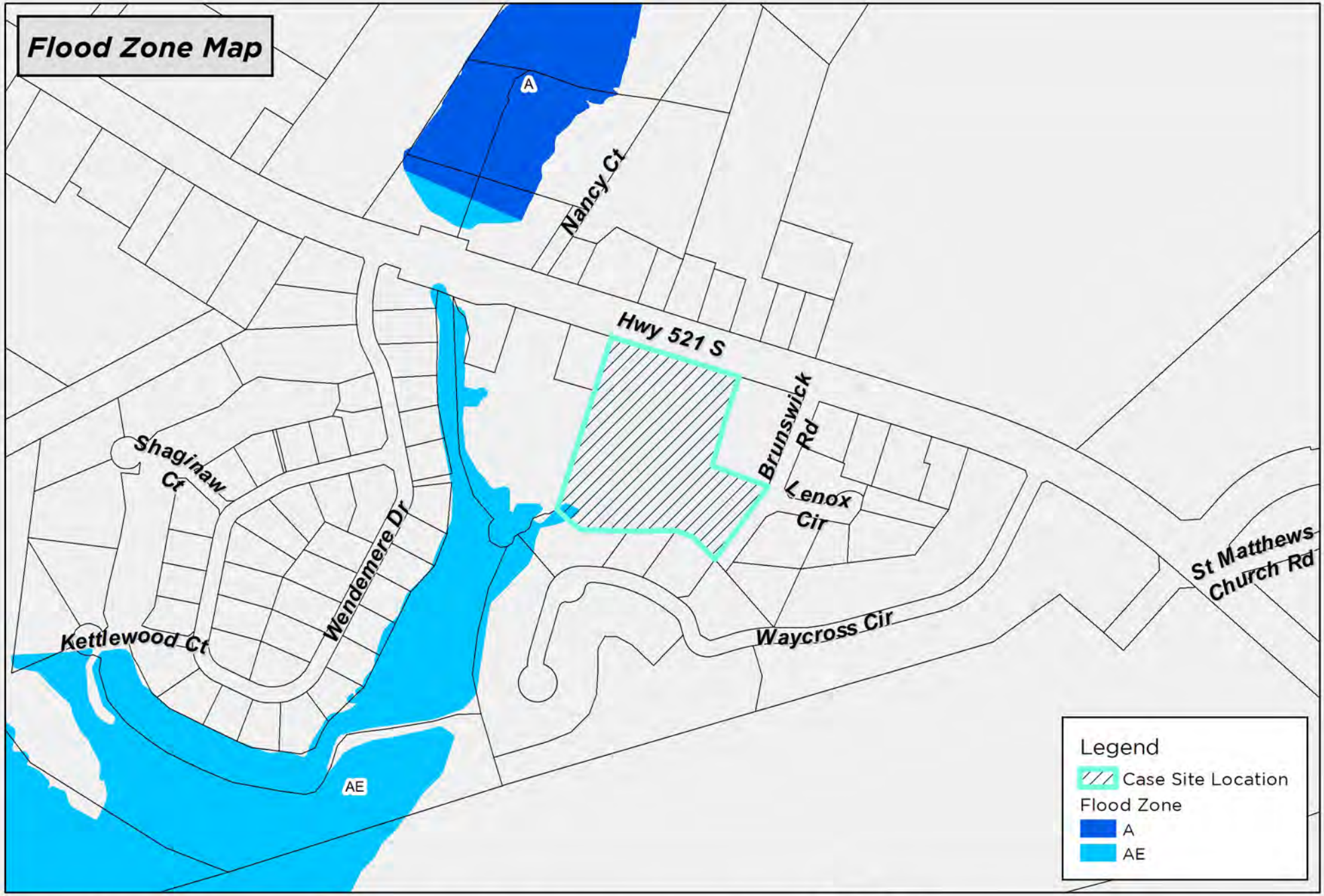
Flood Zone Map



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