Sumter City-County Zoning Board of Appeals

May 8, 2024

BOA-24-11, 420 S Pike West (City)

The applicant is requesting a variance to the public road frontage requirements outlined in *Article 8.d.14.a (Lots)* and *Article 8.d.14.c (Lots)* of the *City of Sumter Zoning & Development Standards Ordinance* in order to permit the establishment of a new 1.97-acre lot that does not front on either a public road or other permissible road type. The *City of Sumter Zoning & Development Standards Ordinance* requires that new lots (that are not exempt as outlined in *Article 10*) shall have at least 60 ft. of frontage on either a public or other permissible road type. The property is located at 420 S Pike West, is zoned Residential-6 (R-6), and is represented by TMS# 229-02-02-001.

Sumter
SOUTH CAROLINA

Appeals - Variance - Special Exception

Sumter City-County
Zoning Board of Appeals

May 8, 2024

BOA-24-11, 420 S. Pike West (City)

I. THE REQUEST

Applicant: City of Sumter

Status of the Applicant: Authorized Agent for Property Owner

Request: The applicant is requesting a variance to the public road frontage requirements for new lots in order to permit the establishment of a new 1.97-acre lot that does not front on either a public road or other permissible road type.

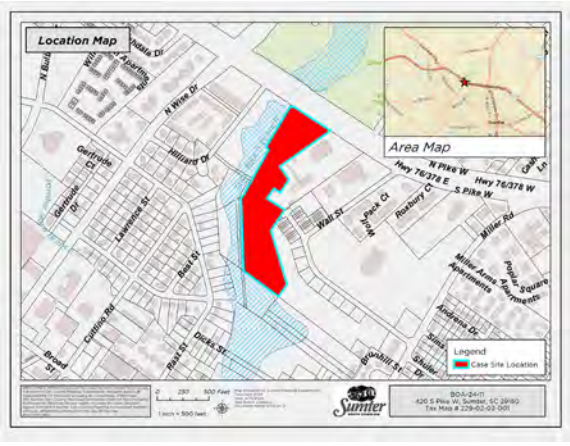
City Council Ward: Ward 1

Location: 420 S. Pike West

Present Use/Zoning: Undeveloped / Residential-6 (R-6)

Tax Map Reference: 229-02-02-001 (part)

II. BACKGROUND

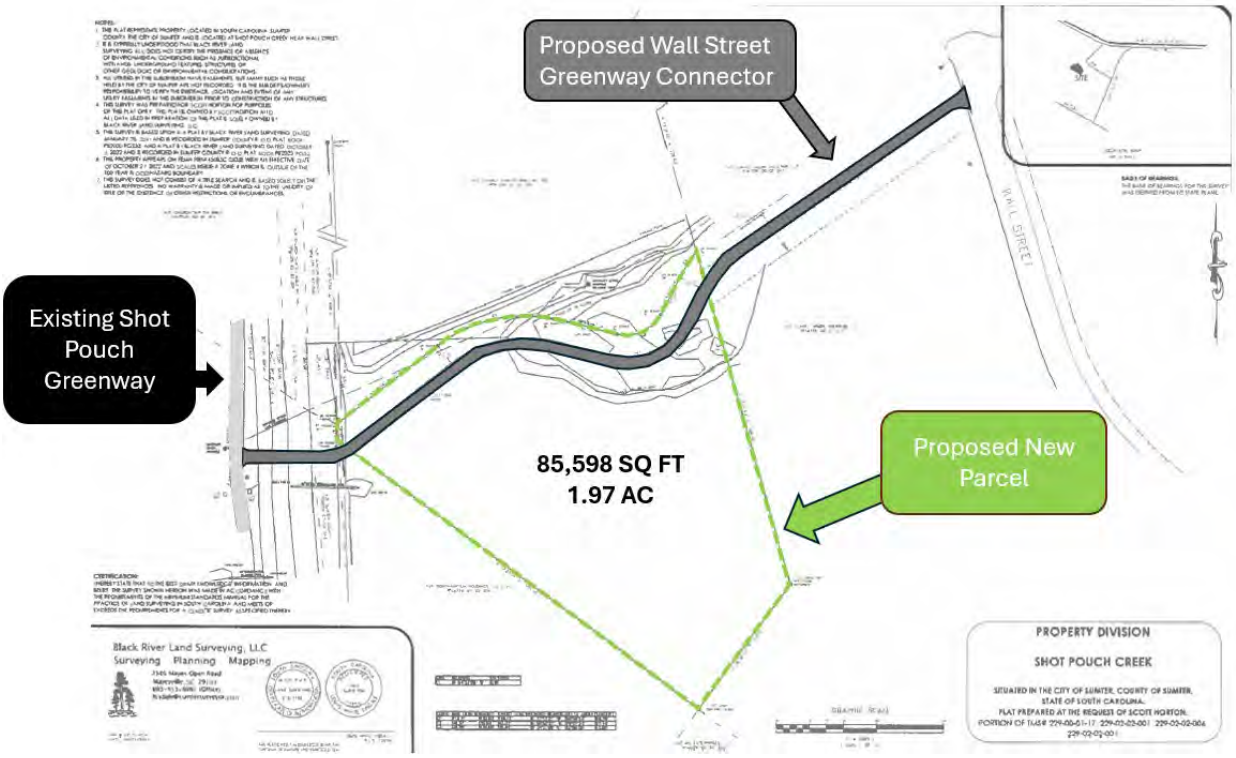


The applicant is requesting a variance to the public road frontage requirements outlined in *Article 8.d.14.a (Lots)* and *Article 8.d.14.c (Lots)* of the City of Sumter Zoning & Development Standards Ordinance (the "Ordinance") in order to permit the establishment of a new 1.97-acre lot that does not front on either a public road or other permissible road type.

The Ordinance requires that new lots (that are not exempt as outlined in *Article 10*) shall have at least 60 ft. of frontage on either a public or other permissible road type.

The proposed subdivision is being pursued by the City of Sumter as part of a project in the planning stages to provide a pedestrian connection to the City's recently built Shot Pouch

Greenway for the residents, businesses, and healthcare providers located east of Shot Pouch Creek along and around Wall Street.



Above: Site Survey Sketch

Ordinance Requirements:

Article 8.d.14.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.*

Article 8.d.14.c (Lots)

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

The Request:

The applicant is requesting a variance to the public road frontage requirements outlined in *Article 8.d.14.a (Lots)* and *Article 8.d.14.c (Lots)* of the Ordinance in order to permit the establishment of a new 1.97-acre lot that does not front on either a public road or other permissible road type.

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 +/- 13.05 acres in size, with +/- 424 ft of frontage on S. Pike West. The property is currently used as a church and private school, with the buildings for the uses located close to S. Pike West and recreational fields located at the rear of the site. The proposed 1.97 acres to be subdivided is at the very rear of the property, approximately 1,400 feet from the road. This proposed lot is currently an undeveloped forested area that is approximately 80% floodplain and jurisdictional wetlands.

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

This area of the City of Sumter contains primarily residential lots, with some commercial and multi-family development as well. Due to the presence of environmental features including Shot Pouch Creek and its associated floodplain and floodway, there are some irregularly shaped parcels of land, including several existing parcels that do not meet the Ordinance requirement in *Article 8.d.14.* These lots were established prior to adoption of the current Ordinance.

All properties in the City of Sumter are required to abide by the *Article 8.d.14.* standards, save for those defined as exempt subdivisions under *Article 10,* which is limited to agriculturally restricted tracts as well as family 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 by the applicant to subdivide the property as depicted in order to facilitate development of a connection to the City's Shot Pouch Greenway for the Wall Street neighborhood.

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.d.14. 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. In this case, while the proposed lot would be technically landlocked, it is adjacent to property owned by Sumter County, and will be accessible via a combined trail and utility easement from Wall Street. The City's ultimate objective is to construct a paved greenway segment on the property, which will benefit the public good, and enhance the character of the district.

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 frontages widths is to prevent negative impacts to adjacent property and limit legal disputes over property access. Staff notes that if this request is approved, the City of Sumter will retain ownership of the parcel and it will be permanently used for pedestrian and recreational purposes only.

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

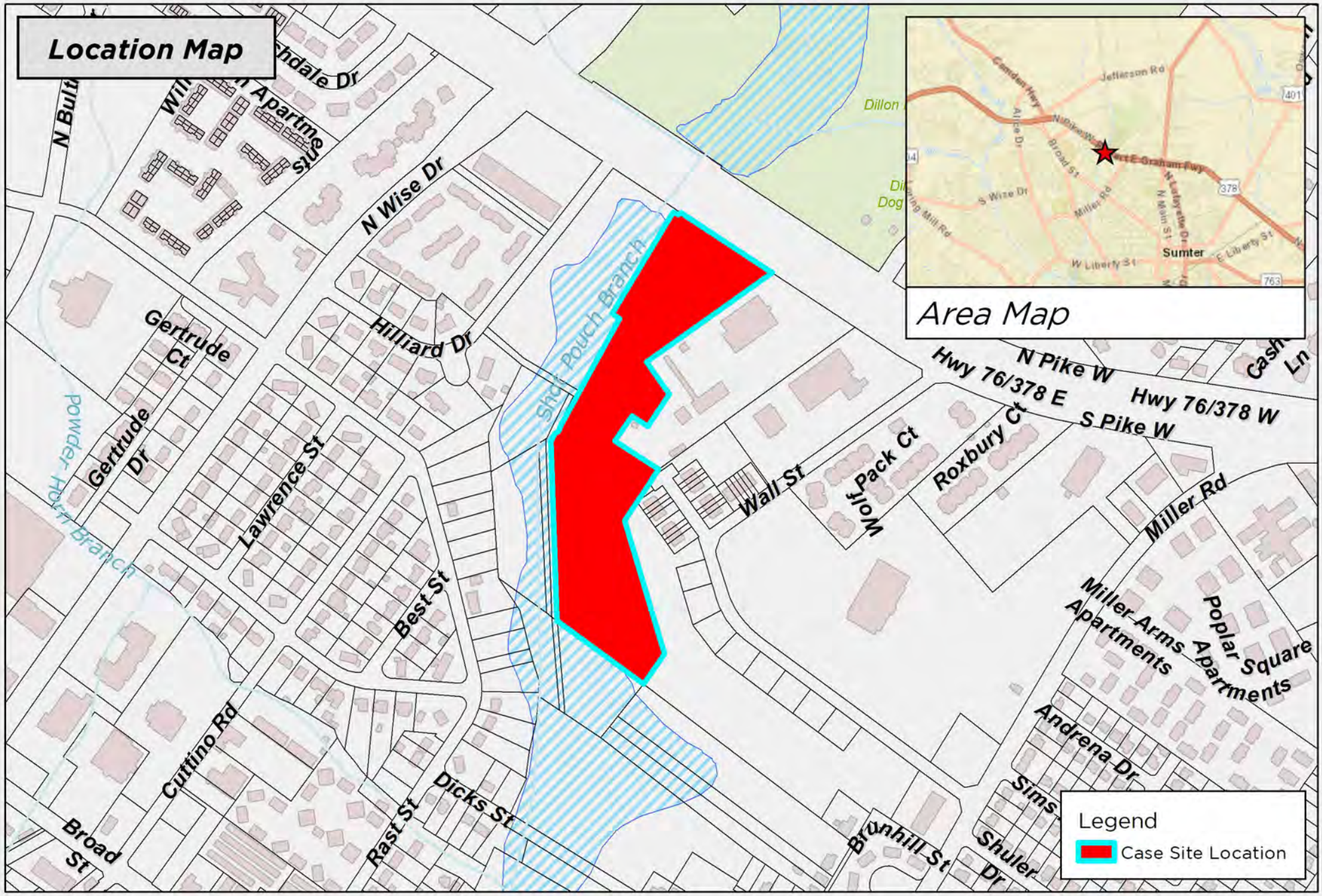
V. DRAFT MOTIONS FOR BOA-24-11

1. I move the Zoning Board of Appeals **approve** BOA-24-11, subject to the following findings of fact and conclusions:

2. I move the Zoning Board of Appeals **deny** BOA-24-11, subject to the findings of fact and conclusions developed by the BZA and so stated:

3. I move the Zoning Board of Appeals enter an alternative motion for BOA-24-11.

VI. BOARD OF APPEALS – May 8, 2024



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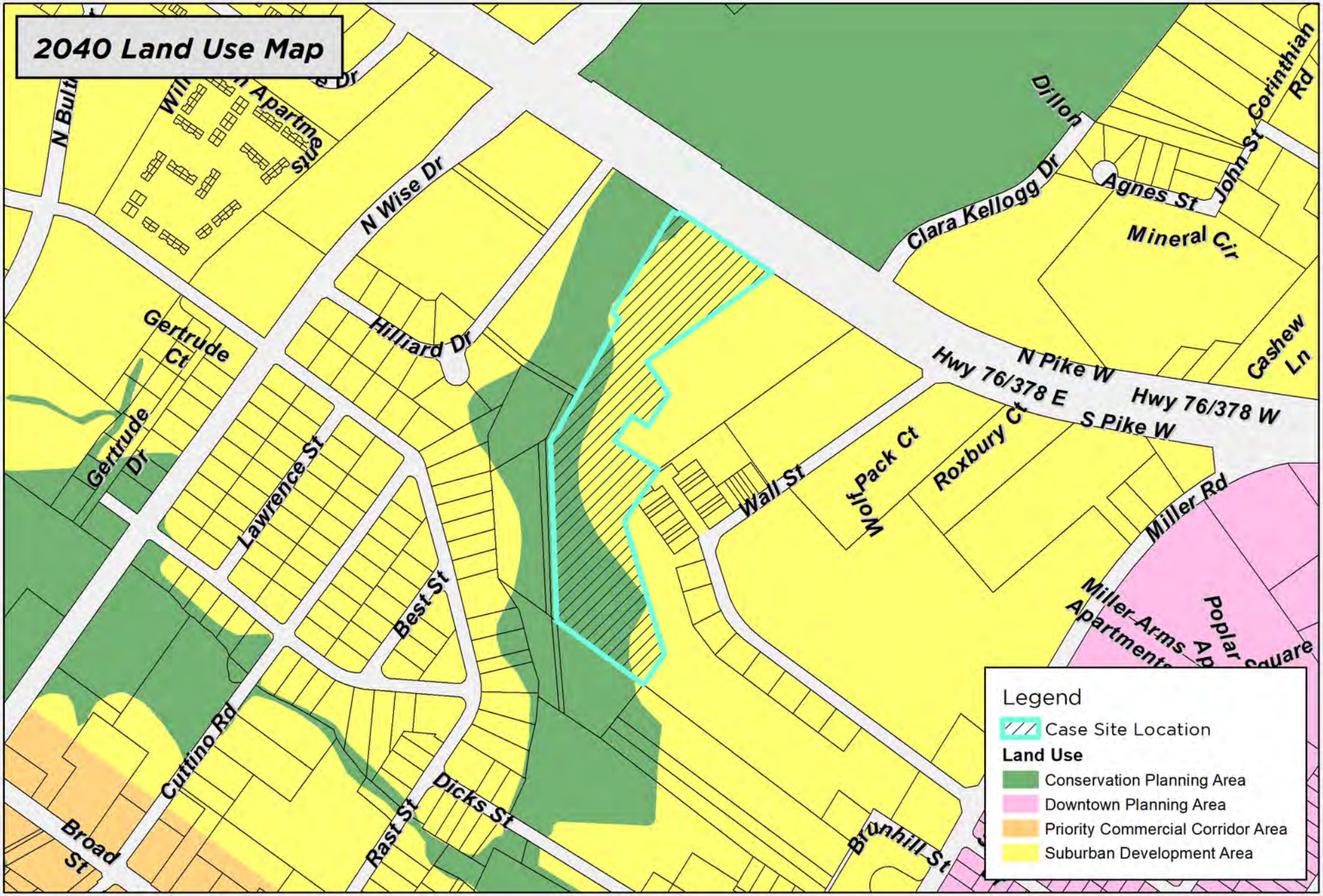
BOA-24-11
420 S Pike W, Sumter, SC 29150
Tax Map # 229-02-02-001

2040 Land Use Map



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1 inch = 500 feet

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2024 Aerial Photography Map

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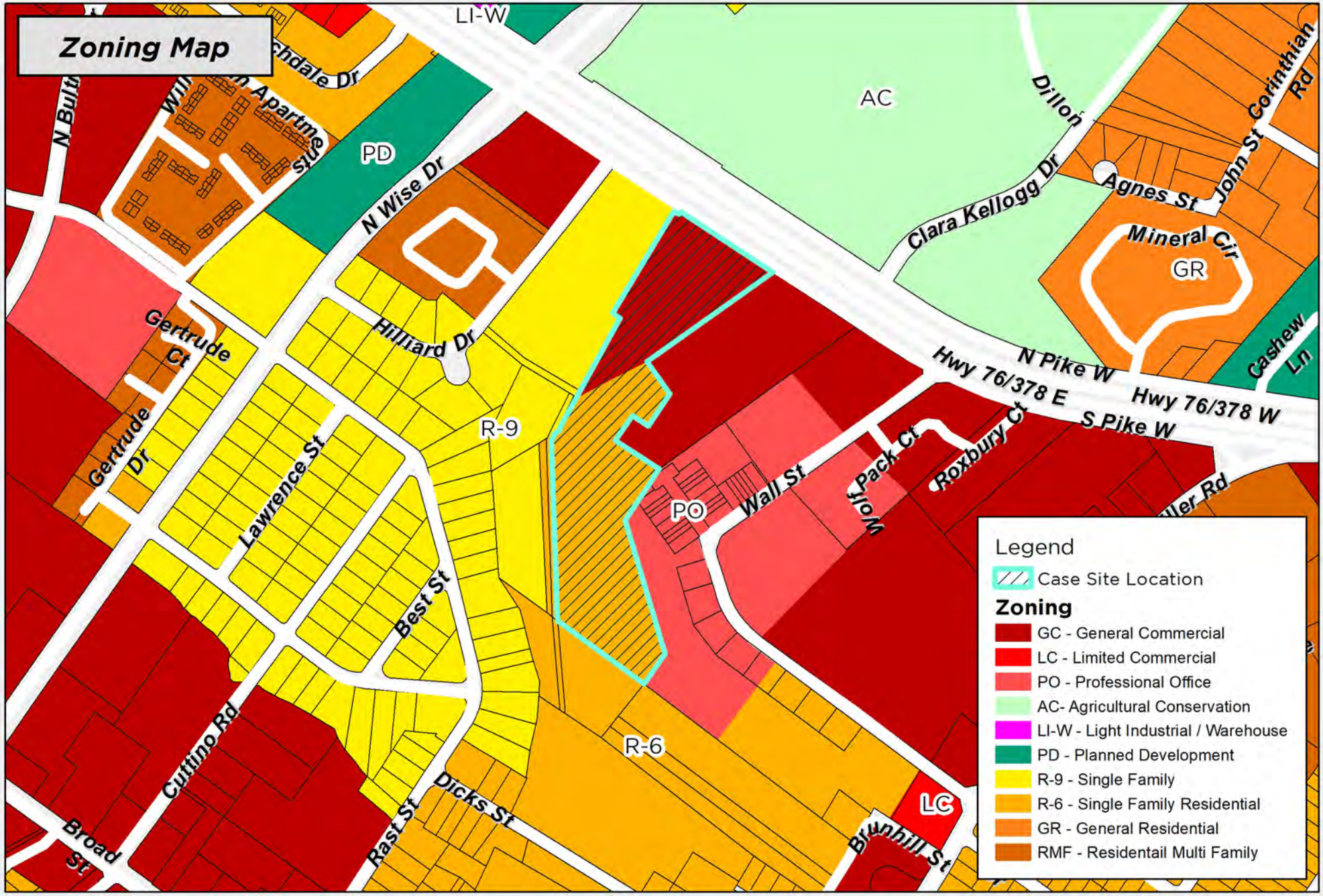

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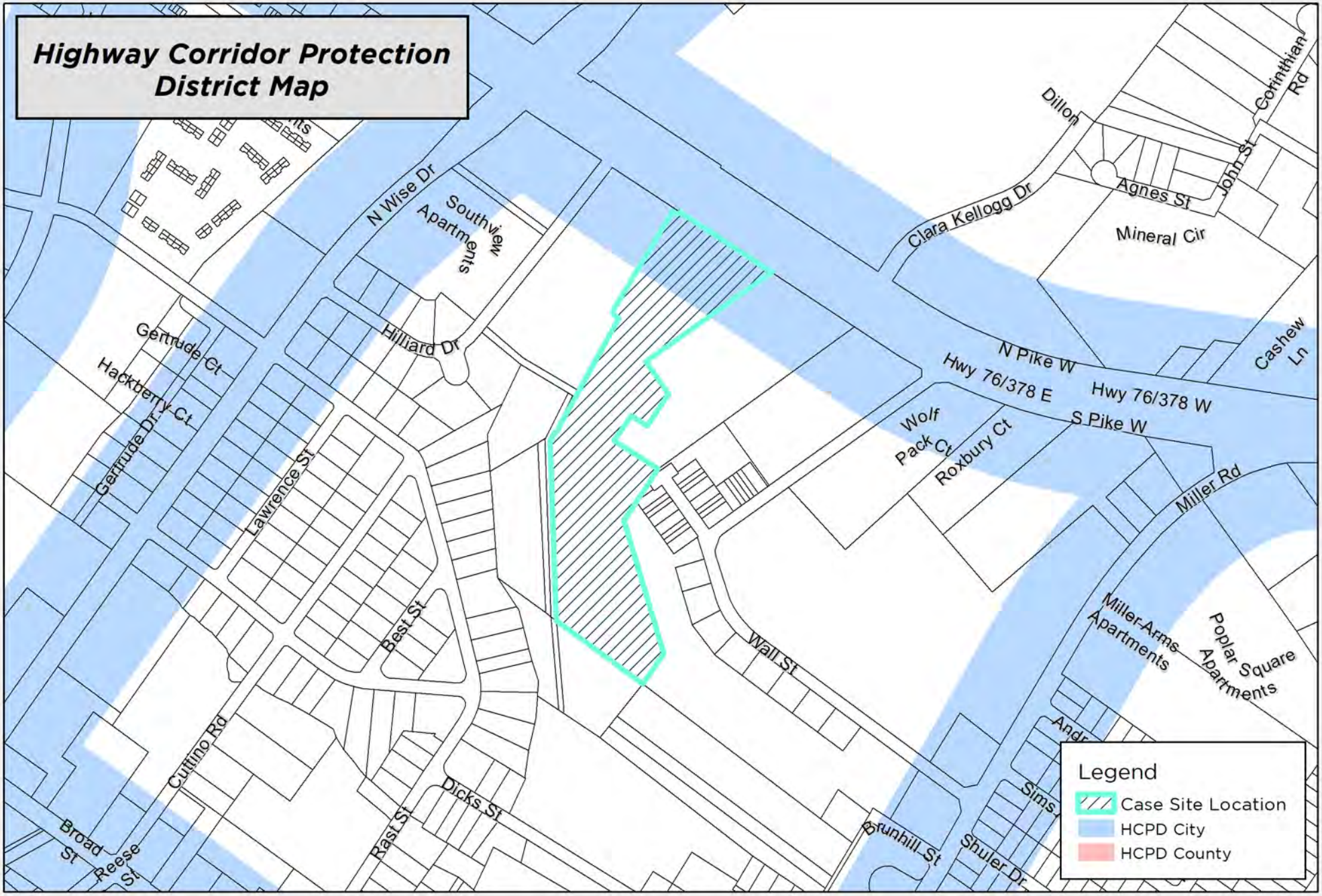
Highway Corridor Protection District Map



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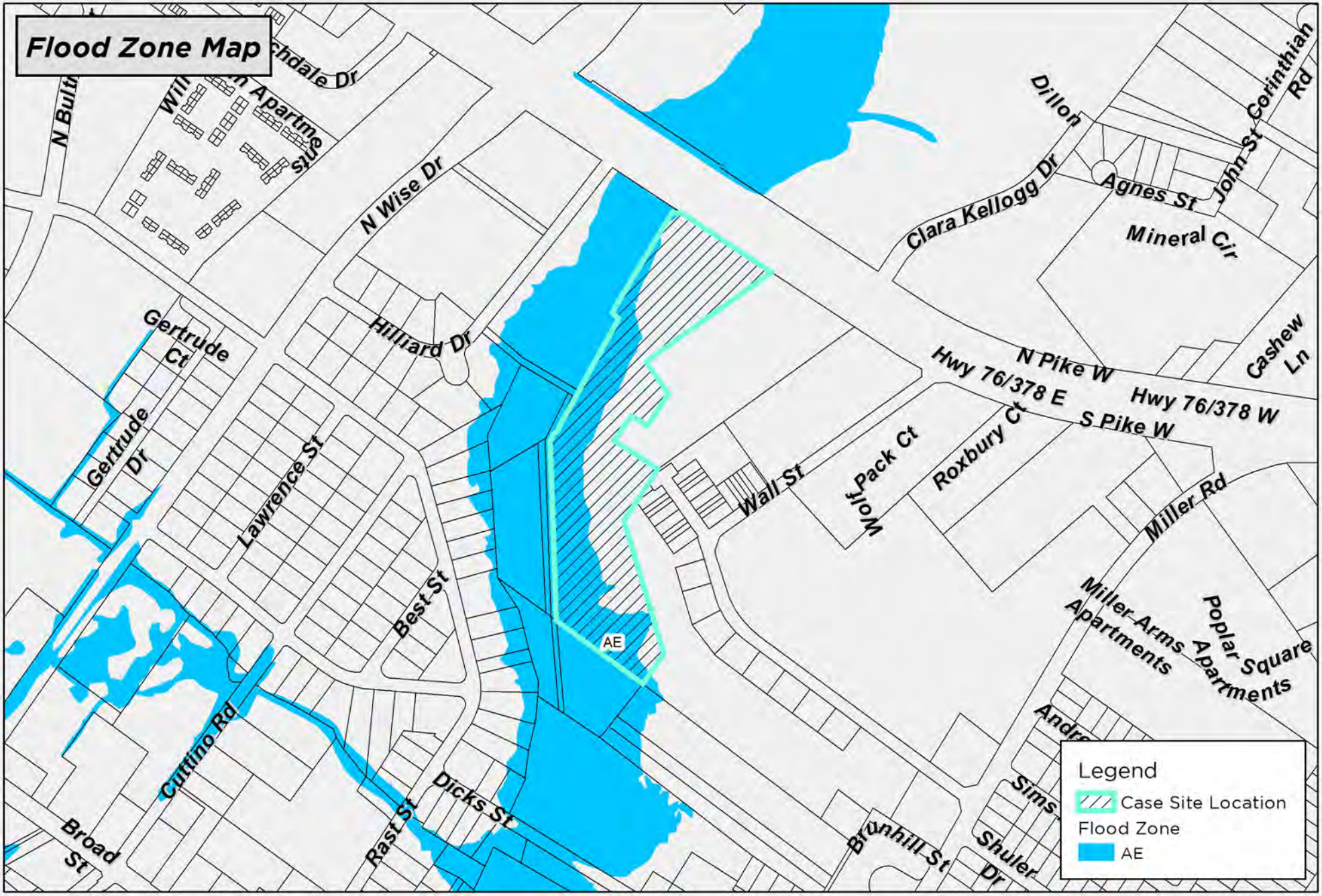

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