

Sumter City-County Zoning Board of Appeals

May 8, 2024

BOA-24-13, 1619/1625 Panola Rd. (County)

The applicant (Connie Smiling) is requesting variances from requirements outlined in *Article 3.n.5.a: AC District Minimum Lot Requirements, Article 8.e.13.a: Lots, Article 8.e.13.c: Lots*, and any other applicable provisions of the *Sumter County Zoning & Development Standards Ordinance* (the "Ordinance") required to subdivide the property in a manner that will result in 1 new lot being 0.43 acres in size and will result in 1 new lot (non-exempt) being established without required public road frontage. The property is subject to a 1.0-acre minimum lot size requirement and all new lots are required to have at least 60 ft. of frontage on a public road (unless exempted elsewhere in the Ordinance). The property is located at 6919 & 6925 Panola Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 172-00-02-005.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

May 8, 2024

BOA-24-13, 1619/1625 Panola Rd (County)

I. THE REQUEST

Applicant: Connie Smiling

Status of the Applicant: Authorized Agent for Property Owner

Request: Variances from lot size and public road frontage requirements for new lots in order to subdivide the property in a manner that will result in 1 new lot being 0.43 acres in size and will result in 1 new lot (non-exempt) being established without required public road frontage.

County Council District: District 3

Location: 6919 & 6925 Panola Rd.

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

Tax Map Reference: 172-00-02-005

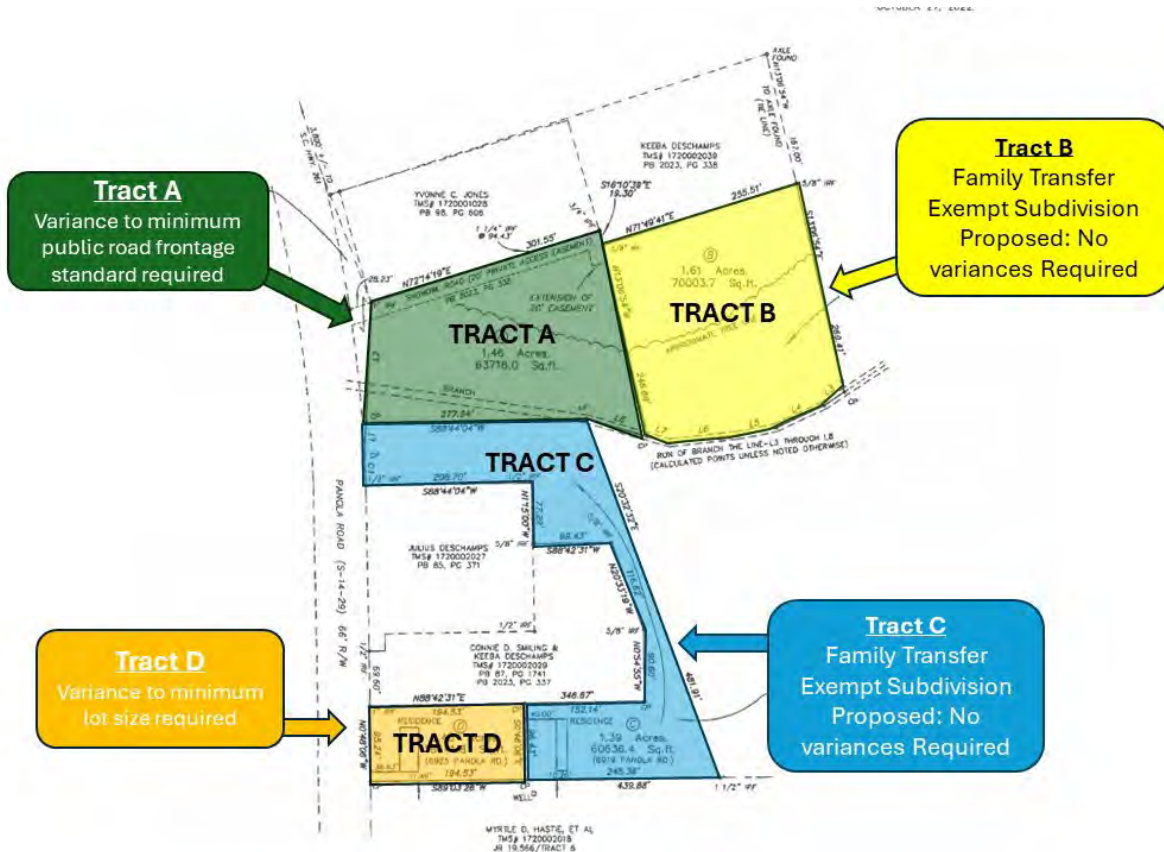
II. BACKGROUND

The applicant is requesting variances to the subdivision development standards outlined in *Article 3.n.5.a: (AC District) Minimum Lot Requirements*, *Article 8.e.13.a: Lots*, and *Article 8.e.13.c: Lots*, of the *Sumter County Zoning and Development Standards Ordinance* in order to permit division of a 4.89 acre tract into 4 separate lots, 2 of which would not meet the Ordinance minimum development standards.

The *Ordinance* requires that new lots in the AC zoning district have at least 60 ft. of lot width throughout the entire lot and at least 60 ft. of frontage on a public road. Furthermore, lots must be at least 1.0 acres in size.



The parent parcel in question, TMS #172-00-02-005, was created in 1961 via survey and filed in Judgement Roll 19566 at the Office of the Clerk of Court. The applicant is attempting to subdivide the tract into 4 separate portions as part of a division of the land for different family members. Tract A and D, as shown on the map below, require variances prior to plat approval. Tracts B and C, as proposed family transfers in accordance with the exempt subdivision regulations found in *Article 10* of the Ordinance, do not require variances.



Above: Site Survey Sketch

Ordinance Requirements:

Article 3.n.5.a (Agricultural Conservation District Minimum Development Standards)

a. *Lot Requirement (Minimum)*

- Width: 60 ft.
- Depth: N/A
- Lot Area: 1.0 acre

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.*

The Request:

The applicant is requesting variances to the subdivision development standards outlined in *Article 3.n.5.a: (AC District) Minimum Lot Requirements*, *Article 8.e.13.a: Lots*, and *Article 8.e.13.c: Lots*, of the *Sumter County Zoning and Development Standards Ordinance* in order to permit division of a 4.89 acre tract into 4 separate lots, 2 of which would not meet the Ordinance minimum development standards. The *Ordinance* requires that new lots in the AC zoning district have at least 60 ft. of lot width throughout the entire lot and at least 60 ft. of frontage on a public road. Furthermore, lots must be at least 1.0 acres in size.

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 +/- 4.89 acres in size, with approximately 131 linear feet of frontage on Panola Rd. in two separate locations. The lot is a non-conforming lot of record due to it having a less than a 60 ft. wide portion at the rear. The lot is also a nonconforming use not

subject to discontinuance, as it has 2 separate residences on a single lot. The proposed division would retain the existing nonconforming lot condition, but would resolve the nonconforming use.

While there are numerous uniquely shaped parcels of record in the area of this site, none share the same conditions as the subject parcel, particularly with regard to the narrow width of the lot, combined with the 0.15 acre remnant of land on the east side of Panola Rd. that appears to have been the result of development of the roadway, and which blocks the tract from having a much greater width at the roadway (218 LF vs. 36 LF).

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 tracts and smaller residential lots. Several lots in the vicinity do not meet the *Article 8.e.13.* standard, though those lots were created prior to adoption of the current Ordinance.

The condition of the 0.15-acre strip of land between the subject property and the public roadway is a unique condition not commonly found across the County, as is the placement of both dwellings and lot configuration of the area of Lot C & D.

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 by the family.

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.*

Tract D - *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 case, while parcel itself would be landlocked, the applicant and their family does have some direct access to the public road, and has obtained easement access across the 0.15 acre strip of property to legally access Panola Rd.

Tract A - Article 3.n.5.a. likewise requires that new lots have at least 1.0 acre of total land in the Agricultural Conservation District as part of a broader County-wide policy intended to discourage dense development in rural areas in order to preserve the agricultural and rural character of these areas from suburban sprawl. However, in this situation, the existence of 2 residential structures (manufactured homes) is an existing grandfathered condition, and application of the *Ordinance* in restricting a subdivision action that would separate the two residences would not result in an actual change to the existing pattern of development as it currently legally exists.

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.

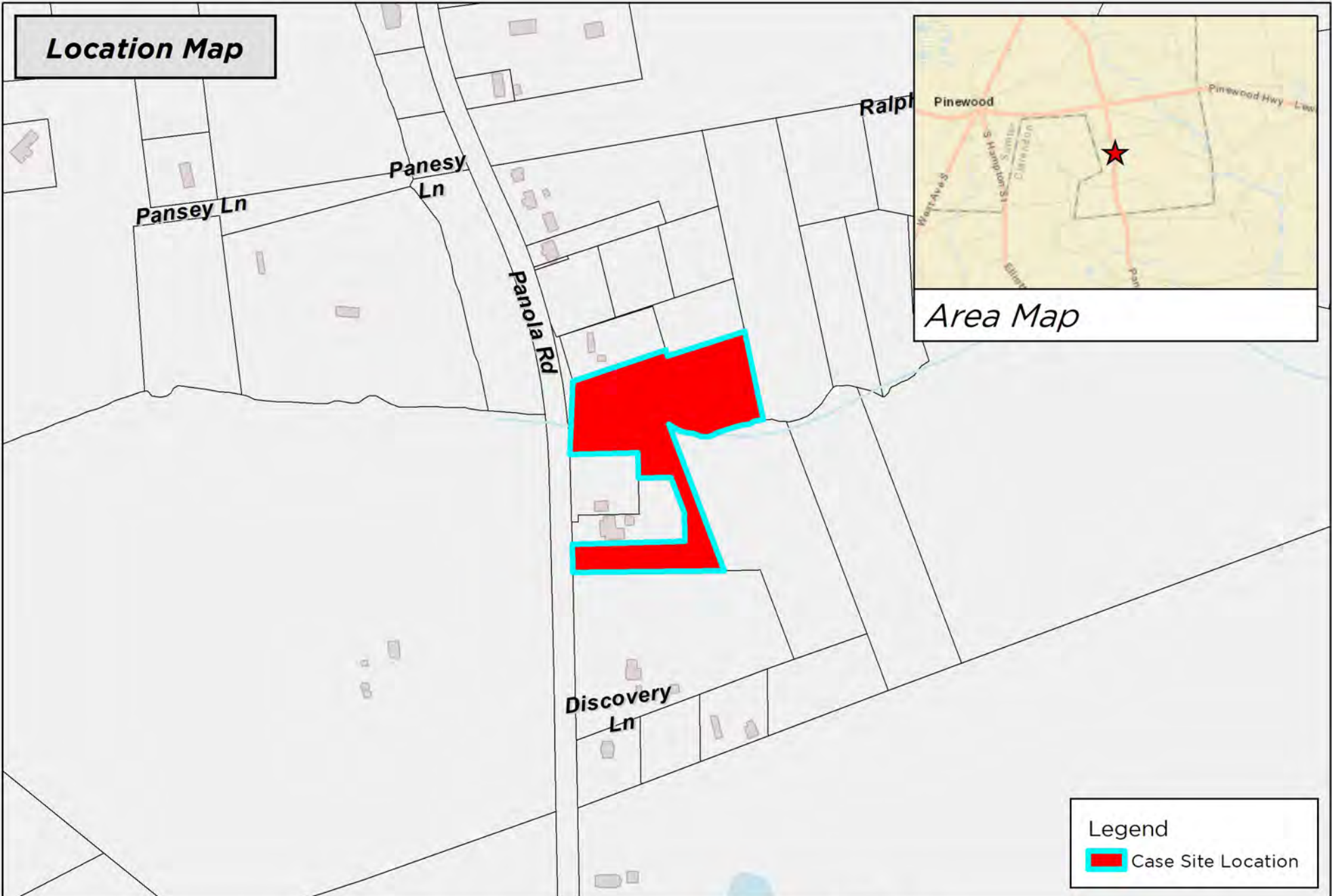
Staff recommends no additional approval conditions if the Zoning Board of Appeals makes all the findings necessary to approve this request.

V. DRAFT MOTIONS FOR BOA-24-13

1. I move the Zoning Board of Appeals **approve** BOA-24-13, subject to the following findings of fact and conclusions:
2. I move the Zoning Board of Appeals **deny** BOA-24-13, 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-24-13.

VI. BOARD OF APPEALS – MAY 8, 2024

Location Map

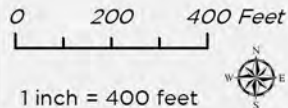


Area Map

Legend

 Case Site Location

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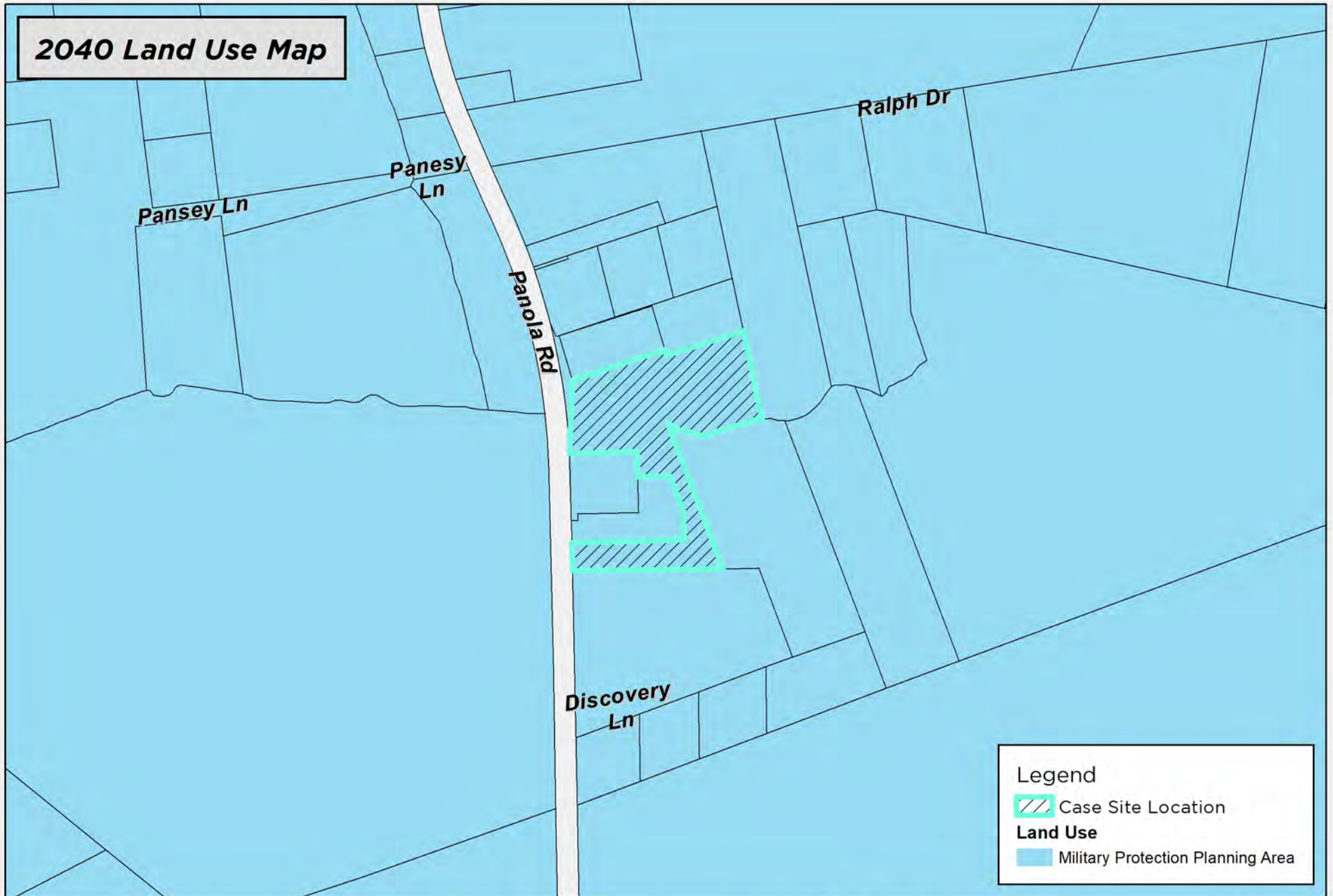


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BOA-24-13
6919 Panola Rd, Pinewood, SC 29125
Tax Map # 172-00-02-005

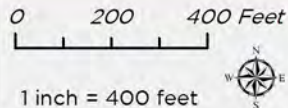
2040 Land Use Map



Legend

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

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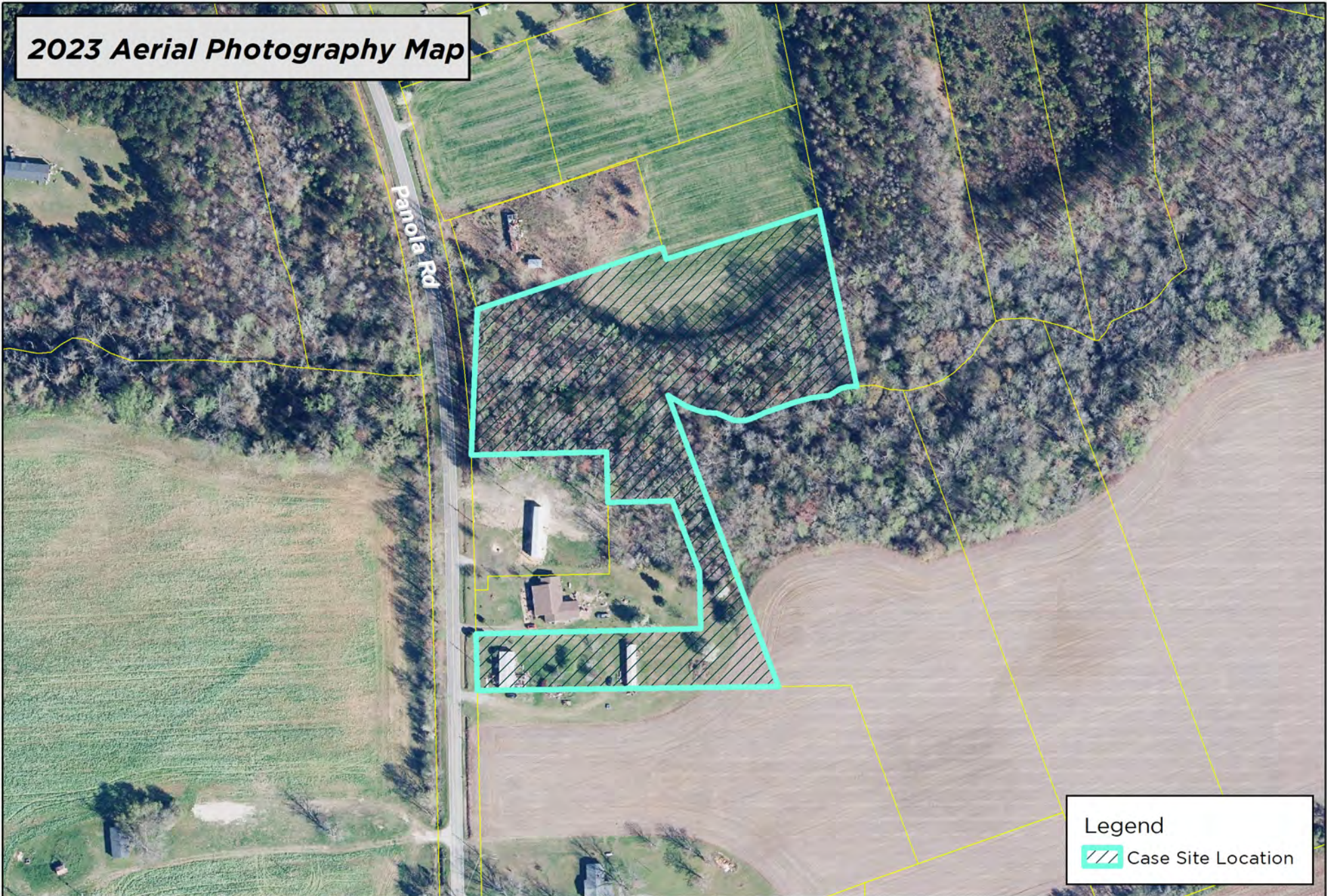


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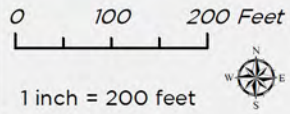
BOA-24-13
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2023 Aerial Photography Map



Legend
Case Site Location

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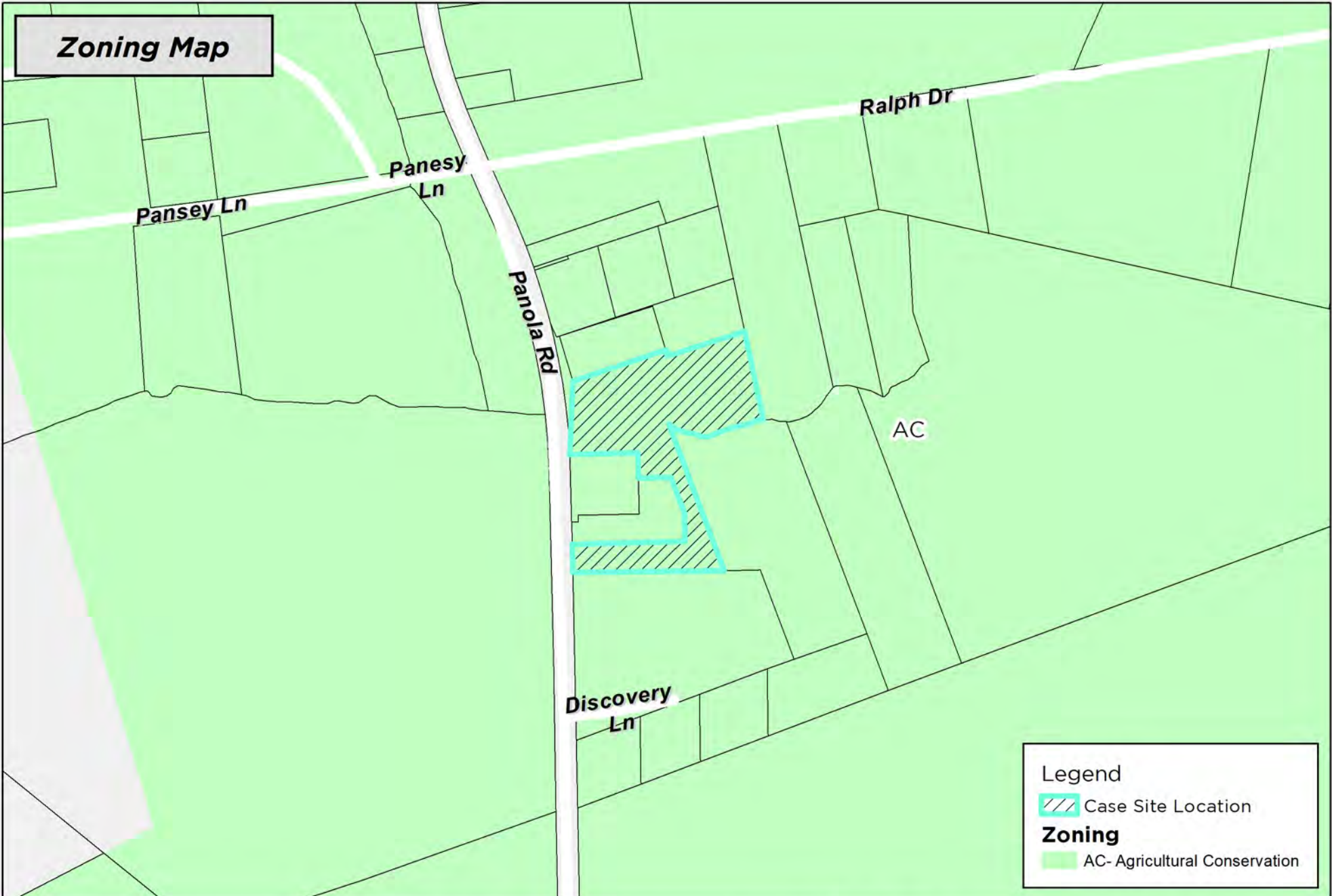


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BOA-24-13
6919 Panola Rd, Pinewood, SC 29125
Tax Map # 172-00-02-005

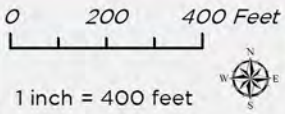
Zoning Map



Legend

- Case Site Location
- Zoning**
- AC- Agricultural Conservation

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