

Sumter City-County Zoning Board of Appeals

May 8, 2024

BOA-24-15, 3413 US Hwy. 15 S. (County)

The applicant (Deed Creations, LLC) is requesting variances from the front and rear building setback requirements in the Agricultural Conservation (AC) zoning district outlined in Article 3.n.5.b: (AC District) Minimum Yard and Building Setback Requirements of the Sumter County Zoning & Development Standards Ordinance (the "Ordinance") in order to establish a new dwelling that will be located +/- 34 ft. from the front property line and located +/- 14 ft. from the rear property line. The property is located at 3413 US Hwy. 15 S., is zoned Agricultural Conservation (AC), and is represented by TMS# 222-00-02-025.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

May 8, 2024

BOA-24-15, 3413 US Hwy. 15 S. (County)

I. THE REQUEST

Applicant: Deed Creations, LLC

Status of the Applicant: Property Owner

Request: The applicant is requesting variances from front and rear building setback requirements in order to establish a new dwelling on the property.

County Council District: District 5

Location: 3413 US Hwy 15 S.

Present Use/Zoning: Vacant / Agriculture Conservation (AC)

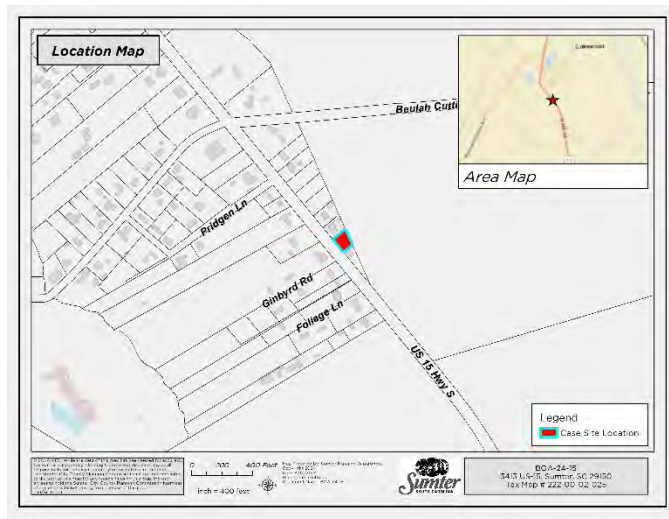
Tax Map Reference: 222-00-02-025

II. BACKGROUND

The applicant is requesting variances from the front and rear building setback requirements in order to construct a new dwelling on the property.

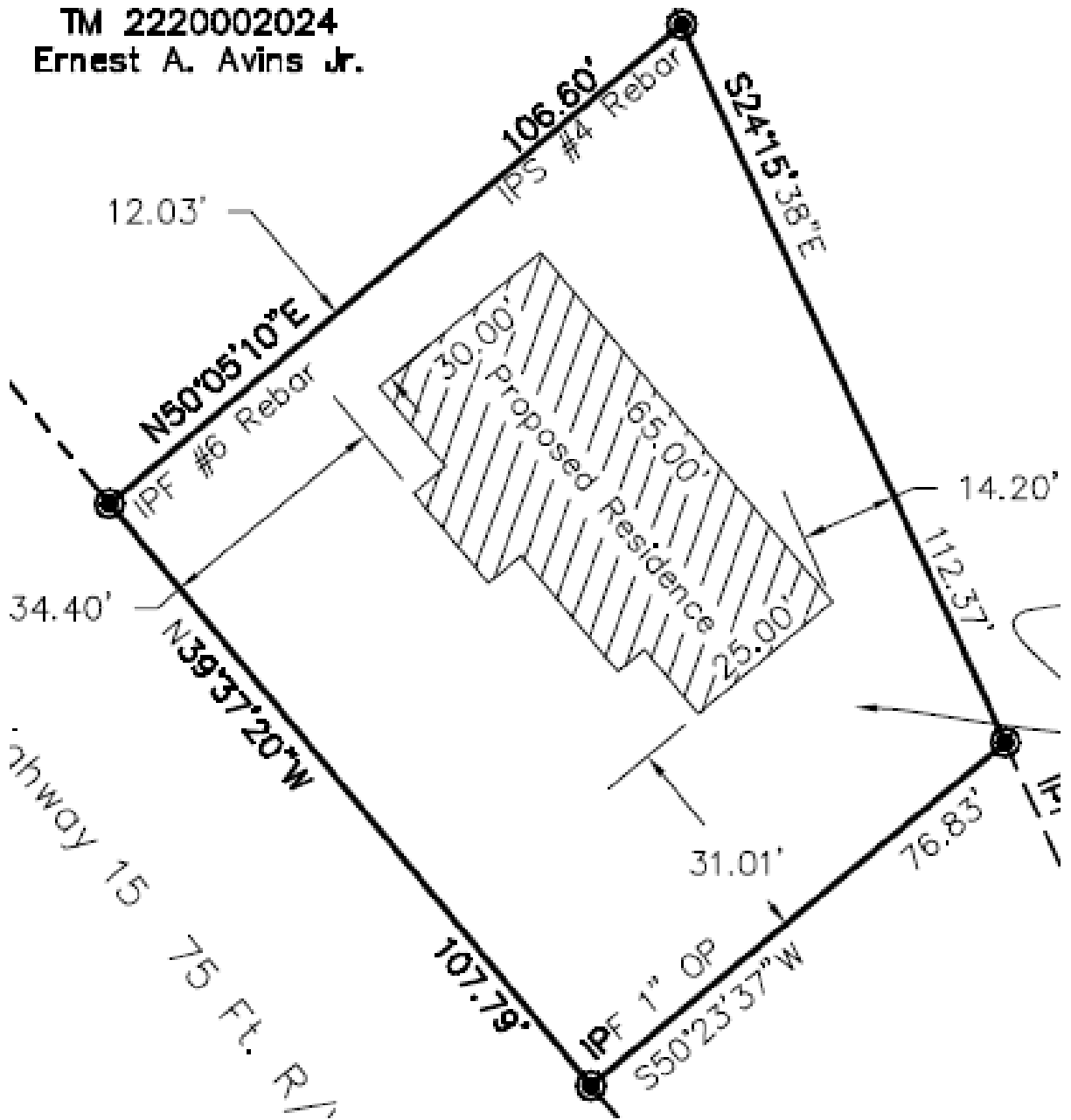
The subject property, shown in red on the map to the right, is located on east side of US Hwy 15 S. The proposed new construction will result in the building's proposed front being +/- 34 ft from the front property line and +/- 14 feet from the rear of the property.

The subject property, which is approximately 0.23 acres in size, falls under the Agricultural Conservation (AC) zoning. In the AC District, any road classified higher than a collector street necessitates a 45-foot front setback. At the



location of the subject property, US Hwy 15 S is classified as an arterial road. Arterial roads primarily facilitate traffic movement and typically permit higher vehicular speeds compared to collector or local roads.

TM 2220002024
Ernest A. Avins Jr.



Above: Site plan of proposed house

III. Ordinance Requirements:

Article 3.n.5: AC District Minimum Lot Requirements

3.n.5. Development Standards: Notwithstanding development standards set forth elsewhere by this Ordinance, the following minimum requirements shall apply within the AC District.

See Development Standards Below.

Article 3, Section 3.n.5.b – Yard and Building Set Back Requirements (Minimum)

	<u>Non-Residential Uses</u>
Front (local/collector)	35 ft. - local/collector 45 ft. - all other
Side	12 ft,
Rear	50 ft.

The Request:

The applicant is requesting variances from the front and rear building setback requirements for the AC zoning district outlined in *Article 3.n.5.b: (AC District) Minimum Yard and Building Setback Requirements* of the Ordinance in order to construct a new dwelling that will be located +/- 34 ft. from the front property line and located +/- 14 ft. from the rear property line.

IV. 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 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 0.23 acres in size with primary road frontage on US Hwy 15 S. in an area of unincorporated Sumter County to the south of the city jurisdiction. The lot is an irregular shape with depth ranging from 106 ft at its deepest to 77 ft at the shallowest part, making the lot unbuildable without setback variance approvals.

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

Several neighboring houses sit as close or closer to US Hwy 15 S. On the abutting parcel to the southeast that also fronts on US Hwy. 15 S., the house lies approximately 15 ft from the front property line and as close as approximately 25 ft from the rear property line, while the house on the parcel abutting to the northwest of the property stands approximately 22 ft from the front property line. Additionally, the house across the road is approximately 34 ft from the front property line. All the neighboring houses mentioned were built before the current ordinance. The conditions of the subject property, and the existing residentially used lots in the immediate vicinity, are somewhat unique for property within the AC zoning district along US Hwy 15 S.

- 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 lot is unbuildable without building setback variance approvals.

- 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.*

Approval of this request is not anticipated to be of substantial detriment to adjacent property or to the public good. Further, the request is not expected to harm the character of the district.

IV. STAFF RECOMMENDATION

No additional approval conditions are recommended by staff if the Zoning Boards of Appeals makes the findings necessary to approve this request.

V. DRAFT MOTIONS FOR BOA-24-15

1. I move the Zoning Board of Appeals **approve** BOA-24-15, subject to the findings of fact and conclusions developed by the BZA and so stated:
2. I move the Zoning Board of Appeals **deny** BOA-24-15, subject to the following findings of fact and conclusions:

3. I move the Zoning Board of Appeals enter an alternative motion for BOA-24-15.

VI. BOARD OF APPEALS – May 8, 2024

Location Map

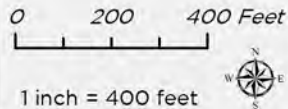


Area Map

Legend

 Case Site Location

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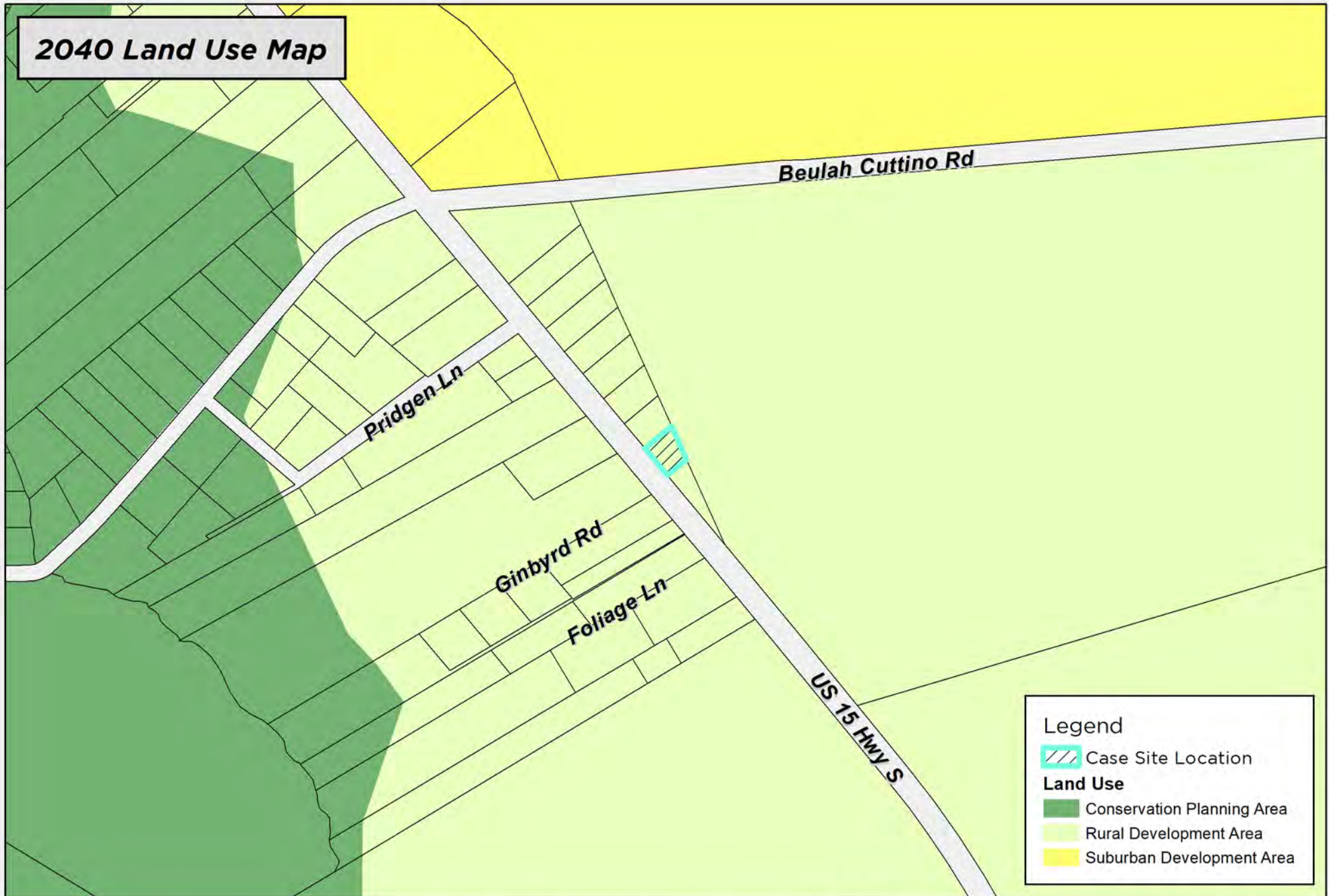


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BOA-24-15
3413 US-15, Sumter, SC 29150
Tax Map # 222-00-02-025

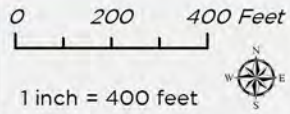
2040 Land Use Map



Legend

- Case Site Location
- Land Use**
- Conservation Planning Area
- Rural Development Area
- Suburban Development Area

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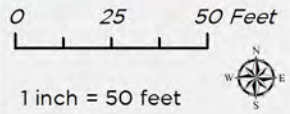
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2024 Aerial Photography Map



Legend
 Case Site Location

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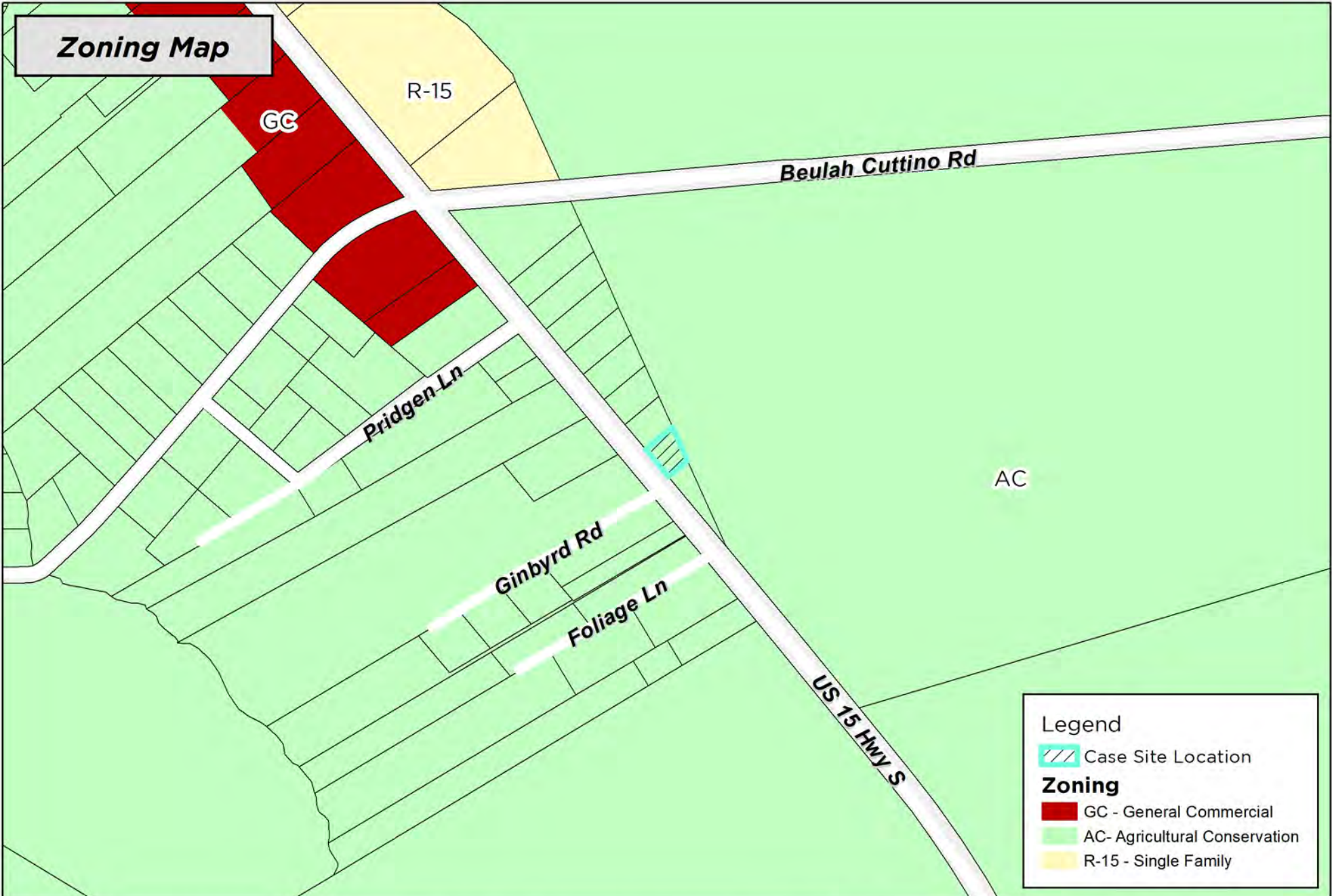


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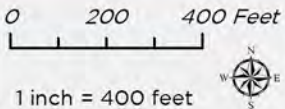
Zoning Map



Legend

- Case Site Location
- Zoning**
- GC - General Commercial
- AC- Agricultural Conservation
- R-15 - Single Family

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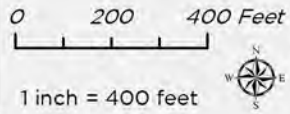
Highway Corridor Protection District Map



Legend

-  Case Site Location
-  HCPD County

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