

Sumter City-County Zoning Board of Appeals

May 8, 2024

BOA-24-16, 5725 Hugh Ryan Rd. (County)

The applicant (Pamela Kirvin) is requesting a variance from the accessory building placement requirements outlined *Article 4.g.2.b.4 (Residential Accessory Structures) Location Requirements* of the Sumter County Zoning & Development Standards Ordinance (the "Ordinance") in order to construct a detached carport in the front yard. The property is located at 5725 Hugh Ryan Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 091-00-01-046.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

May 8, 2024

BOA-24-16, 5725 Hugh Ryan Rd. (County)

I. THE REQUEST

Applicant: Pamela Kirvin

Status of the Applicant: Property Owner

Request: The applicant is requesting a variance from accessory building placement requirements in order to install a detached carport in the front yard.

County Council District: District 1

Location: 5725 Hugh Ryan Rd.

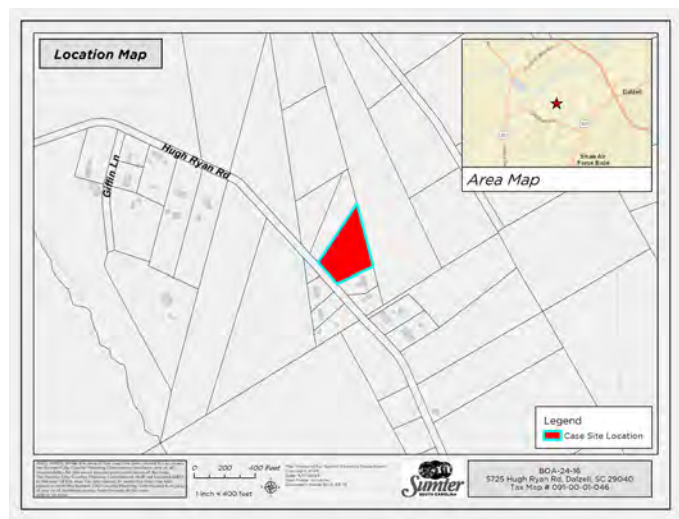
Present Use/Zoning: Residential / Agricultural Conservation (AC)

Tax Map Reference: 091-00-01-046

II. BACKGROUND

The applicant is requesting a variance to accessory structure location requirements in order to place a detached carport in the front yard of the property.

The subject property is located on the north side of Hugh Ryan Rd. and is shown in red on the location map to the right. Hugh Ryan Rd. is located in the northwest section of unincorporated Sumter County, east of Hwy 261 N., west of US Hwy 521 N., and south of Rembert.



Article 4.g.2.b.4 of the Sumter County Zoning & Development Standards Ordinance (the “Ordinance”) requires that detached garages and carports be placed in either the rear yard of the property or the side yard of the property no further forward than the front of the principal dwelling.

The applicant is requesting this variance due to existing topographic conditions, the location of existing fencing, and the location of the septic drain field on the property.



Above: Site layout and topography graphic



Above: Subject property as viewed from Hugh Ryan Rd.



Above: Right side of dwelling as viewed from front yard



Above: Left side of dwelling as viewed from the north side of the structure



Above: Rendering of proposed detached carport

Ordinance Requirements:

Article 4.g.2.b.4: (Residential Accessory Structures) Location Requirements

4. **Location Requirements** – Detached garages shall only be located in the side or rear yard of a parcel and shall be located no further forward on the lot than the principal structure, storage buildings shall be located in the rear yard only.

The Request:

The applicant (Pamela Kirvin) is requesting a variance from the accessory building placement requirements outlined *Article 4.g.2.b.4 (Residential Accessory Structures) Location Requirements* of the Sumter County Zoning & Development Standards Ordinance (the “Ordinance”) in order to construct a detached carport in the front yard.

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 +/- 2.1 acres in size and is located in a rural area of the northwest section of unincorporated Sumter County. There is an approximately 16 ft. change in grade from the front of the property to the rear of the house. The area to the right of the dwelling, as viewed from Hugh Ryan Rd., is fenced in and has steps installed to access the area from the front yard due to the change in grade. The area to the left of the dwelling, as viewed from Hugh Ryan Rd., is the location of the septic tank drain field and repair area. The dwelling only has front and rear entry doors.

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

The subject property has unique challenges pertaining to the placement of a detached carport in compliance with Ordinance requirements. While other property in the immediate vicinity may also encounter similar challenges, the topography and other existing site conditions related to the placement of a detached carport on the property are somewhat unique within the larger context of this area of Sumter County.

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.

If the requested variance is not approved, the applicant must install the proposed detached carport in compliance with Ordinance requirements. Doing so would either require the structure to be located further away from the house and/or would require the applicant to drive around/through existing site features to access it. Staff notes that the area immediately behind the dwelling is fenced in.

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.

The subject property is over 2 acres in size and is within a rural area of the county.

IV. STAFF RECOMMENDATION

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

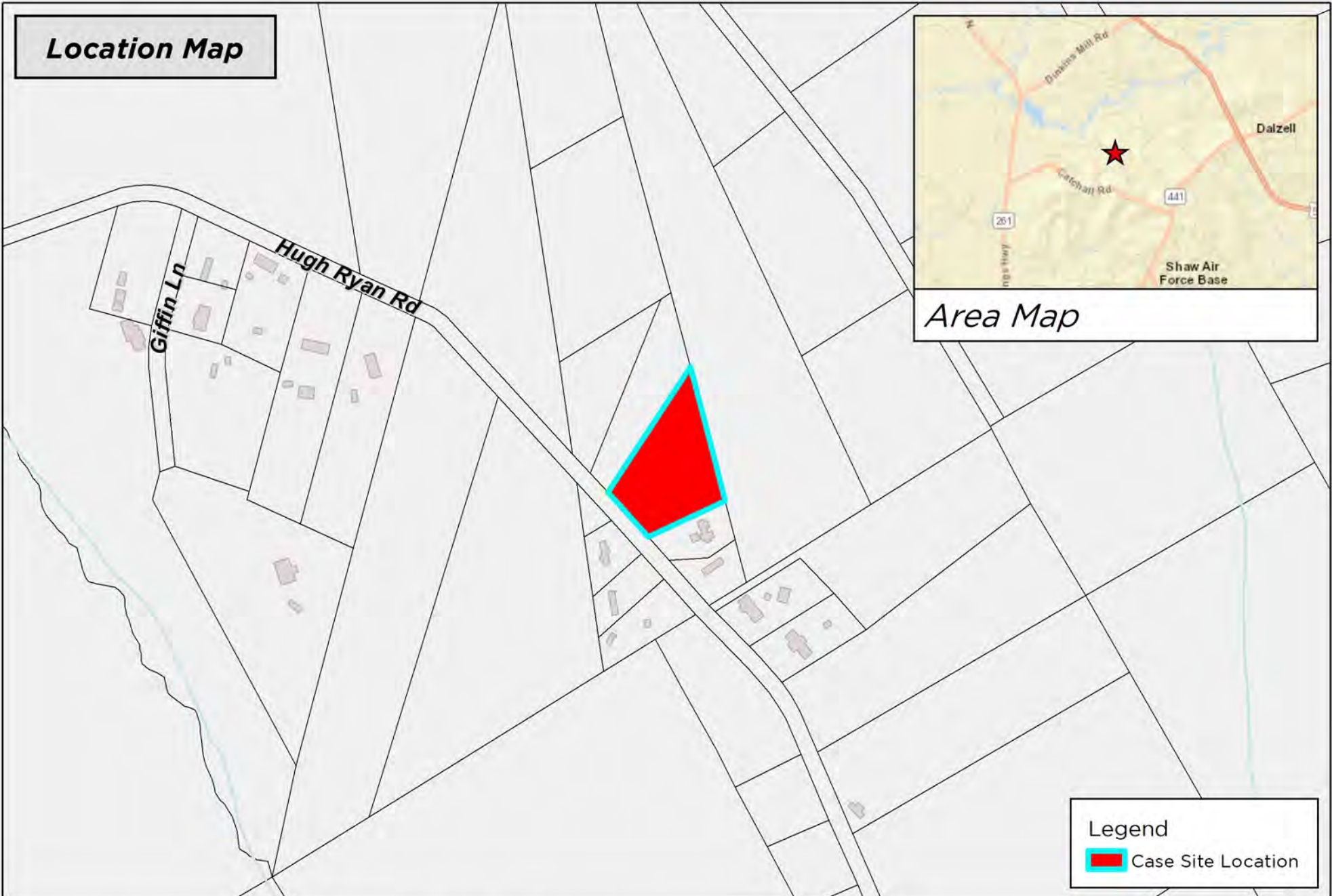
If the BOA approves this request, it is only applicable to the placement of the proposed structure on the lot. The applicant must comply with all other accessory structure requirements, as applicable.

V. DRAFT MOTIONS FOR BOA-24-16

1. I move the Zoning Board of Appeals **approve** BOA-24-16, subject to the following findings of fact and conclusions:
2. I move the Zoning Board of Appeals **deny** BOA-24-16, 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-24-16.

VI. BOARD OF APPEALS – May 8, 2024

Location Map

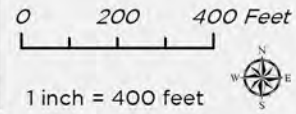


Area Map

Legend

 Case Site Location

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BOA-24-16
5725 Hugh Ryan Rd, Dalzell, SC 29040
Tax Map # 091-00-01-046

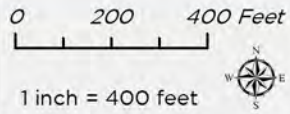
2040 Land Use Map



Legend

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

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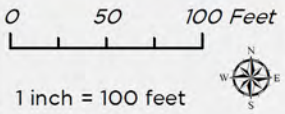
BOA-24-16
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2023 Aerial Photography Map



Legend
Case Site Location

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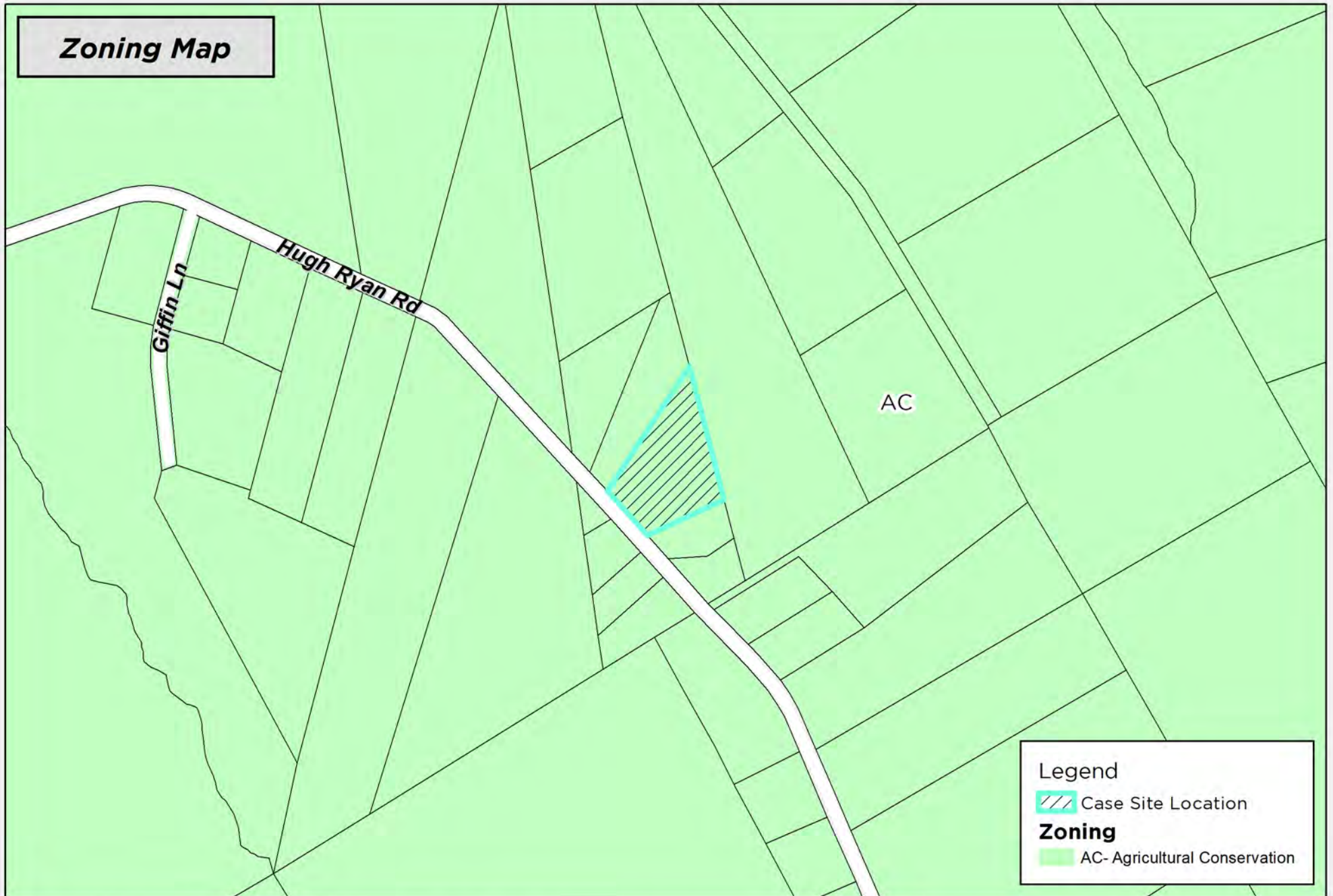


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BOA-24-16
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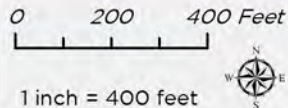
Zoning Map



Legend

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

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