Sumter City-County Zoning Board of Appeals

May 8, 2024

BOA-24-17, 520 Wilson Hall Rd. (City)

The applicant (Ben McIver) is requesting a variance from the required 12" setback for fences along street frontages as outlined in *Article 4.f.8* of the City of Sumter Zoning & Development Standards Ordinance in order to construct a new brick fence in a manner that allows the applicant to retain existing automatic security gates and avoid underground infrastructure. The property is located at 520 Wilson Hall Rd., is zoned Residential-15 (R-15), and is represented by TMS# 185-00-02-012.

Sumter
SOUTH CAROLINA

Appeals - Variance - Special Exception

Sumter City-County
Zoning Board of Appeals

May 8, 2024

BOA-24-17, 520 Wilson Hall Rd. (City)

I. THE REQUEST

Applicant: Ben McIver

Status of the Applicant: Authorized Agent

Request: The applicant is requesting a variance from the required 12" setback for fences along street frontages in order to construct a new brick fence in a manner that allows the applicant to retain existing automatic security gates and avoid underground infrastructure.

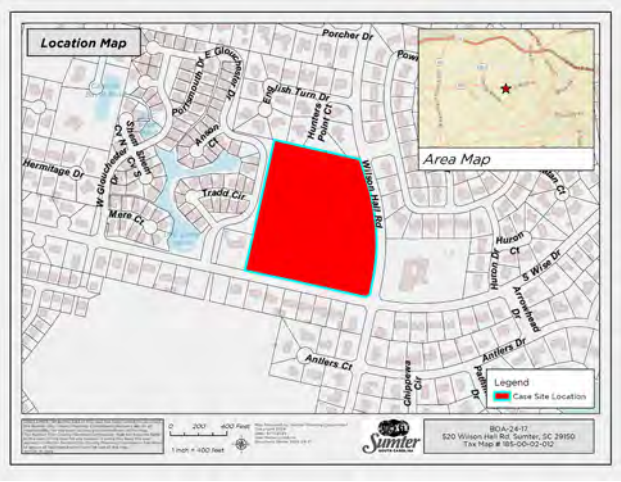
City Council Ward: Ward 5

Location: 520 Wilson Hall Rd.

Present Use/Zoning: Institutional / Residential-15 (R-15)

Tax Map Reference: 185-00-02-012

II. BACKGROUND

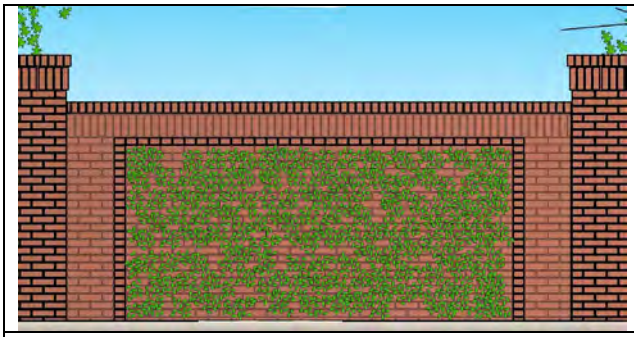


The applicant is requesting a variance from the required 12" setback for fences along street frontages in order to construct a new brick fence in a manner that allows the applicant to retain existing automatic security gates and avoid underground infrastructure. The applicant is proposing to construct a section of the fence +/- 8" from the S. Wise Dr. right-of-way (ROW) line.

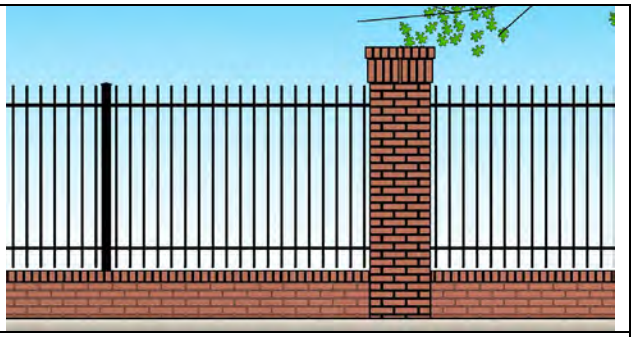
The property is located at the northwest corner of the intersection of Wilson Hall Rd. and S. Wise Dr. The property is shown in red on the location map to the right and is the location of the Wilson Hall (private school) campus.

The applicant is proposing to replace an existing chain link fence that runs parallel to S. Wise Dr. ROW with sections of screen wall fence and knee wall fence. The screen wall fence will run the majority of the S. Wise Dr. frontage and will block playground and parking areas from being viewed from S. Wise Dr. The existing chain link fence ties into brick columns at 2 site ingress/egress points along this street frontage. These brick columns provide anchoring for automatic security gates at these 2 access points. The backs of these existing brick columns are closer than 12" from the S. Wise Dr. ROW line. As such, variance approval is required for certain sections of the proposed fence in order to tie into these existing brick columns and to also avoid conflicts with on-site underground infrastructure.

Above: Site Layout Graphic

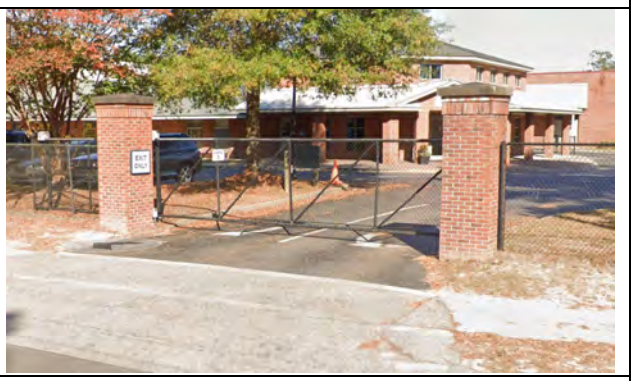


Above: Screen Wall Fence Rendering

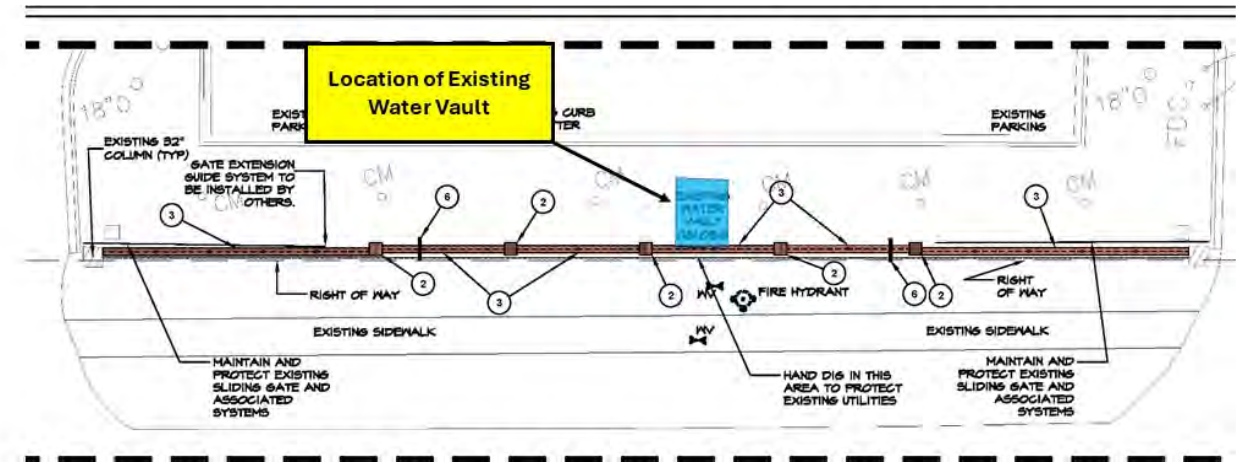


Above: Knee Wall Fence Rendering

Above: View of existing fence from S. Wise Dr. *(Source: Google Streetview)*



Above: View of existing brick columns & security gate *(Source: Google Streetview)*



Above: Site Plan Graphic Showing Existing Water Vault Location

Ordinance Requirements:

Article 4.f.8: Height, Fencing Materials, and Proximity Regulations for Fences Allowed in Required Yards:

> A solid fence or wall not over 5 ft. in height is permitted outright in any side or rear yard provided; that a said fence is no closer than 12 inches from a street right-of-way line. Where a fence is in fact over 5 ft. in height, said fence may not be permitted within 6 ft. of a structure on an adjacent property. In addition, a solid fence which is over 6 ft. in height must be an additional 1 ft. from the adjacent structure for every foot in height. No fence may exceed 8 ft. in height. Hurricane, cyclone and wire fences are permitted along any side or rear property line. All solid fences in the front yard setback area will have an exterior finish facing outward.

The Request:

The applicant (Ben McIver) is requesting a variance from the required 12" setback from road right-of-way lines for fences on street frontages as outlined in *Article 4.f.8* of the City of Sumter Zoning & Development Standards Ordinance in order to construct a new brick fence in a manner that allows the applicant to retain existing automatic security gates and to avoid underground infrastructure.

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 property is the location of an established school campus. New brick fencing is being proposed to screen school playground and parking areas from public view. A portion of the proposed fence line, primarily between 2 site access points along S. Wise Dr., will be +/- 8" from the street ROW line in order to 1) tie into existing brick columns that anchor access security gates and 2) to avoid the location of an existing underground water vault. Based on GIS analysis, there is between +/- 20' to +/- 25' ft. of space between the S. Wise Dr. edge of asphalt and the ROW line.

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

   These conditions are somewhat unique within the vicinity due to use characteristics of the property and the proximity of existing site infrastructure.

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.***

   Without variance approval, the applicant would have to relocate established brick columns and underground site infrastructure to construct the proposed fence.

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.

   Based on GIS analysis, there is between +/- 20' to +/- 25' ft. of space between the S. Wise Dr. edge of asphalt and the ROW line. The fence, as proposed, is not anticipated to impact transportation operations or the operations of other infrastructure located within the ROW.

IV. STAFF RECOMMENDATION

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

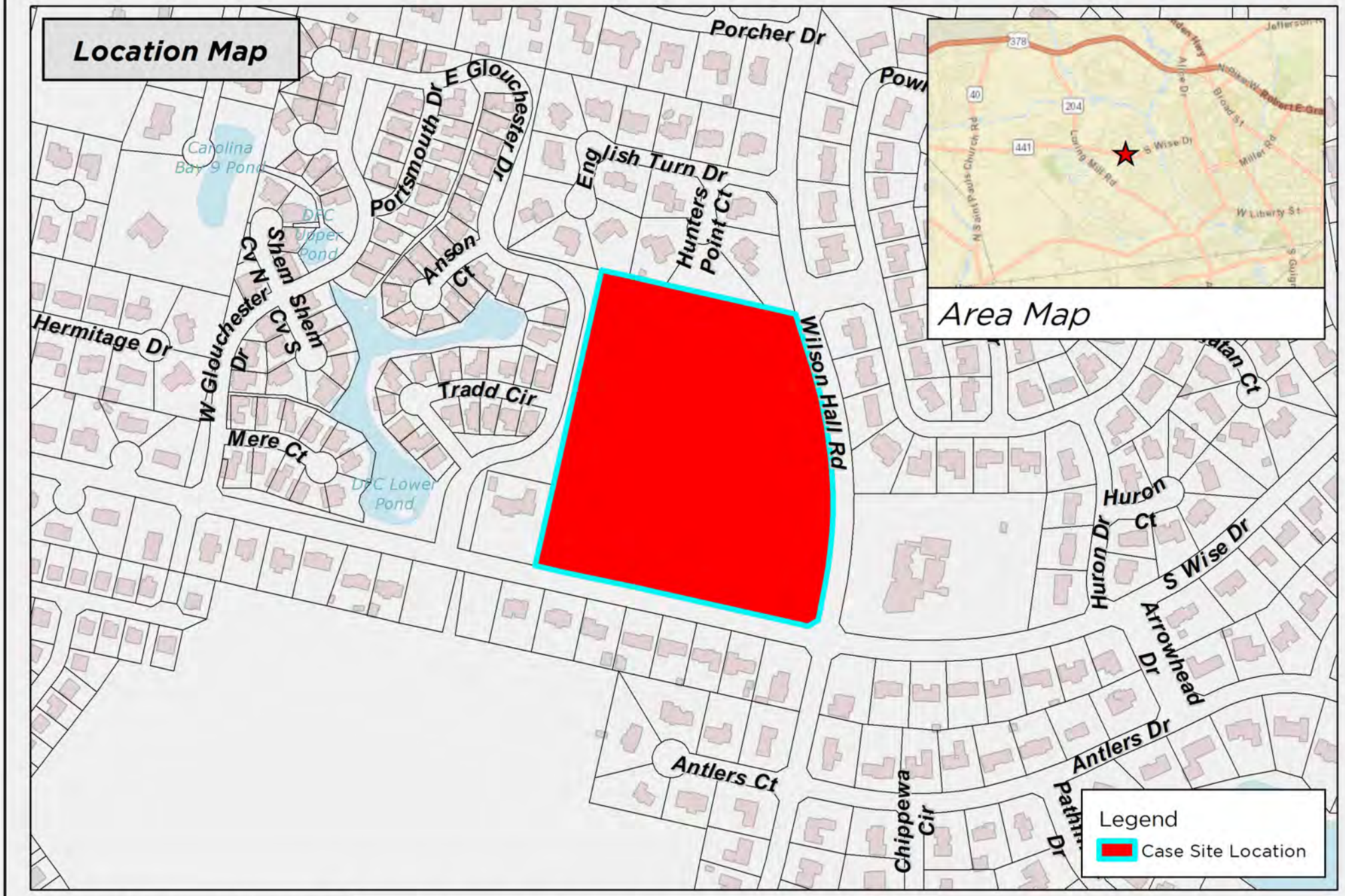
V. DRAFT MOTIONS FOR BOA-24-17

1. I move the Zoning Board of Appeals **approve** BOA-24-17, subject to the following findings of fact and conclusions:

2. I move the Zoning Board of Appeals **deny** BOA-24-17, 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-24-17.

VI. BOARD OF APPEALS – May 8, 2024


Location Map
Porcher Dr
Portsmouth Dr
E Gloucester Dr
English Turn Dr
Hunters Point Ct
Anson Ct
Carolina Bay 9 Pond
DEC Upper Pond
Shem Cv N
Shem Cv S
W Gloucester Dr
Hermitage Dr
Tradd Cir
Mere Ct
DEC Lower Pond
Wilson Hall Rd
Huron Ct
Huron Dr
S Wise Dr
Arrowhead Dr
Antlers Dr
Antlers Ct
Chippewa Cir
Area Map
Legend
Case Site Location
0
200
400 Feet
1 inch = 400 feet
Map Prepared by: Sumter Planning Department
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Date: 4/17/2024
User Name: crobbins
Document Name: BOA-24-17
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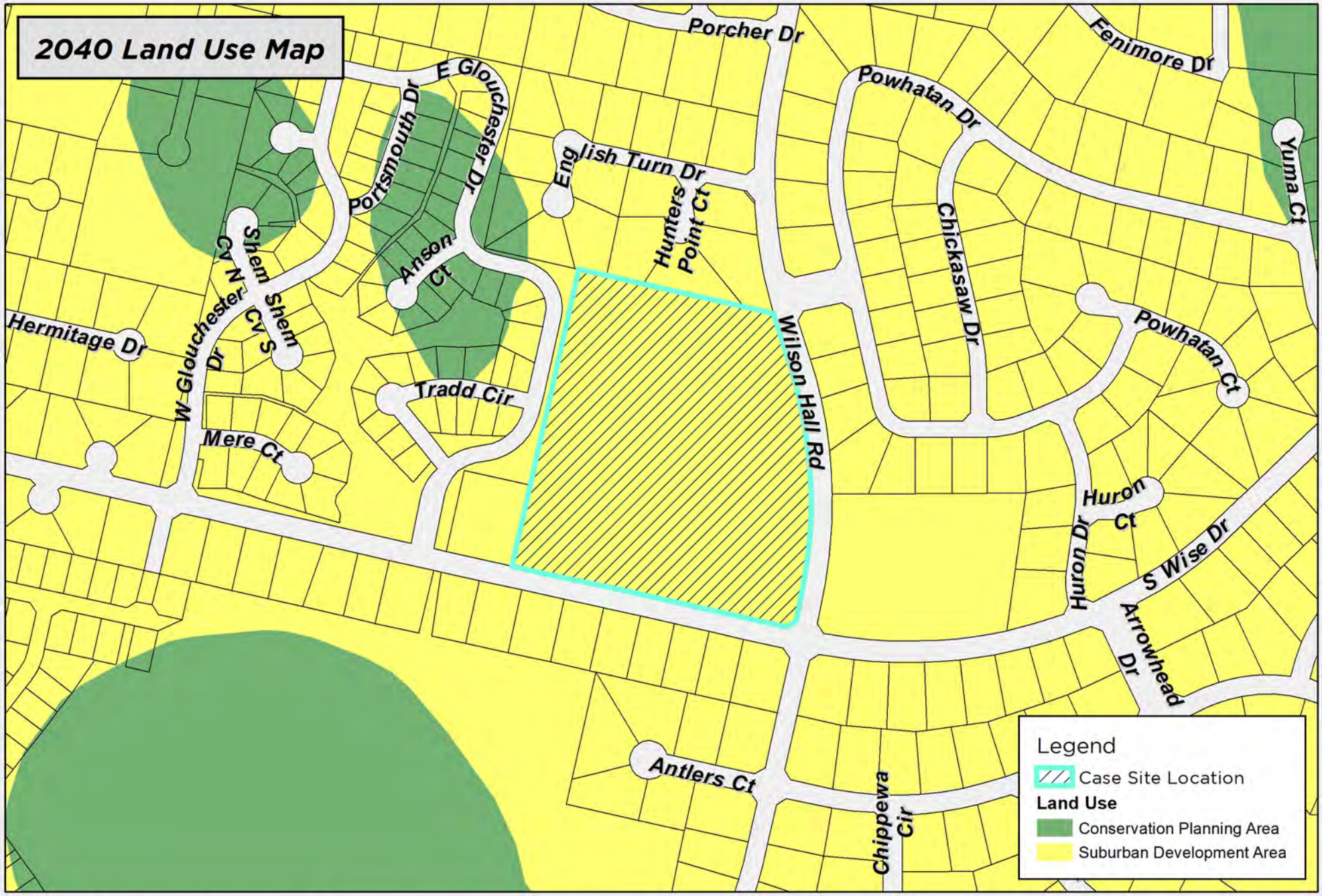
Sumter
SOUTH CAROLINA
BOA-24-17
520 Wilson Hall Rd, Sumter, SC 29150
Tax Map # 185-00-02-012



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0 200 400 Feet

1 inch = 400 feet

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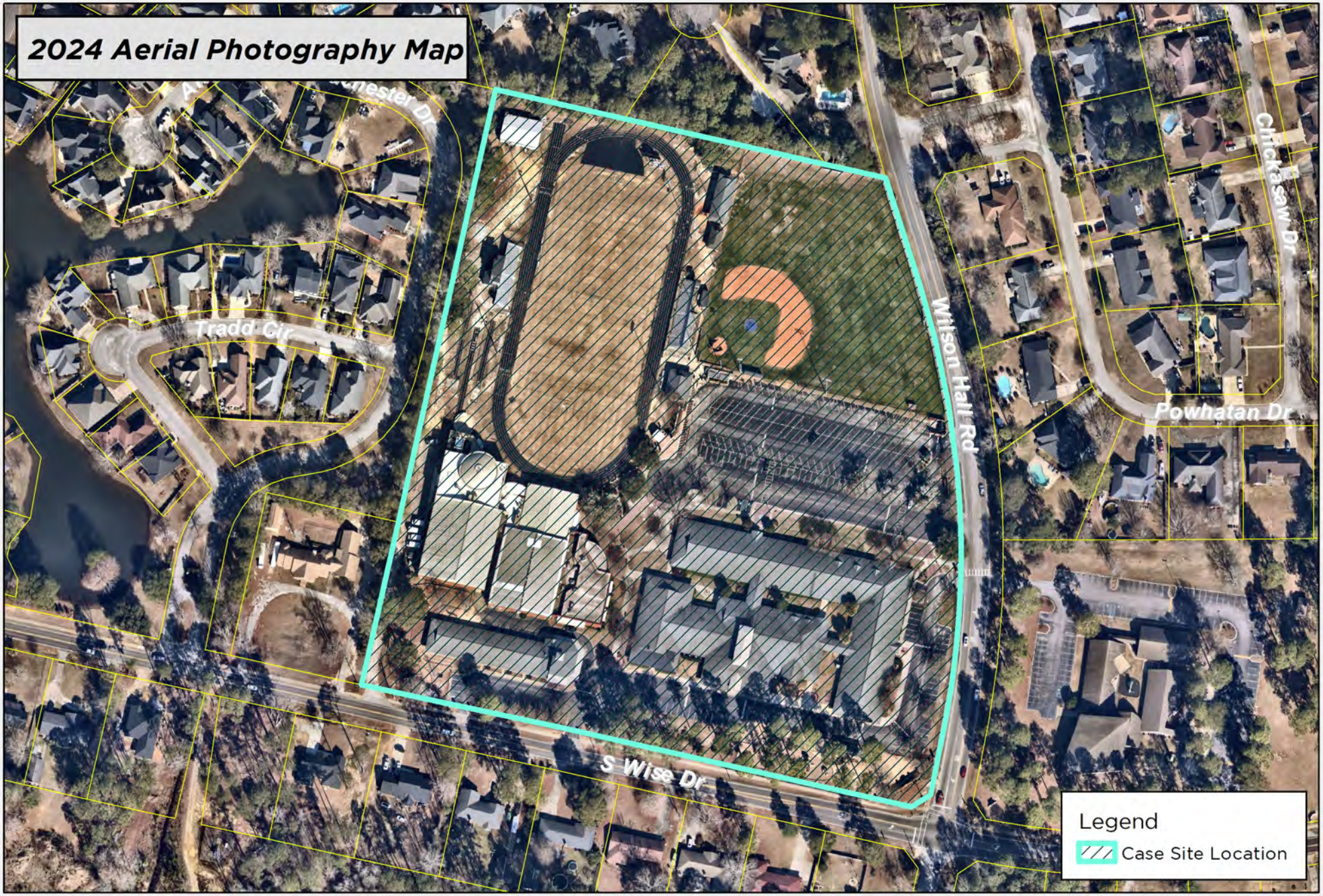

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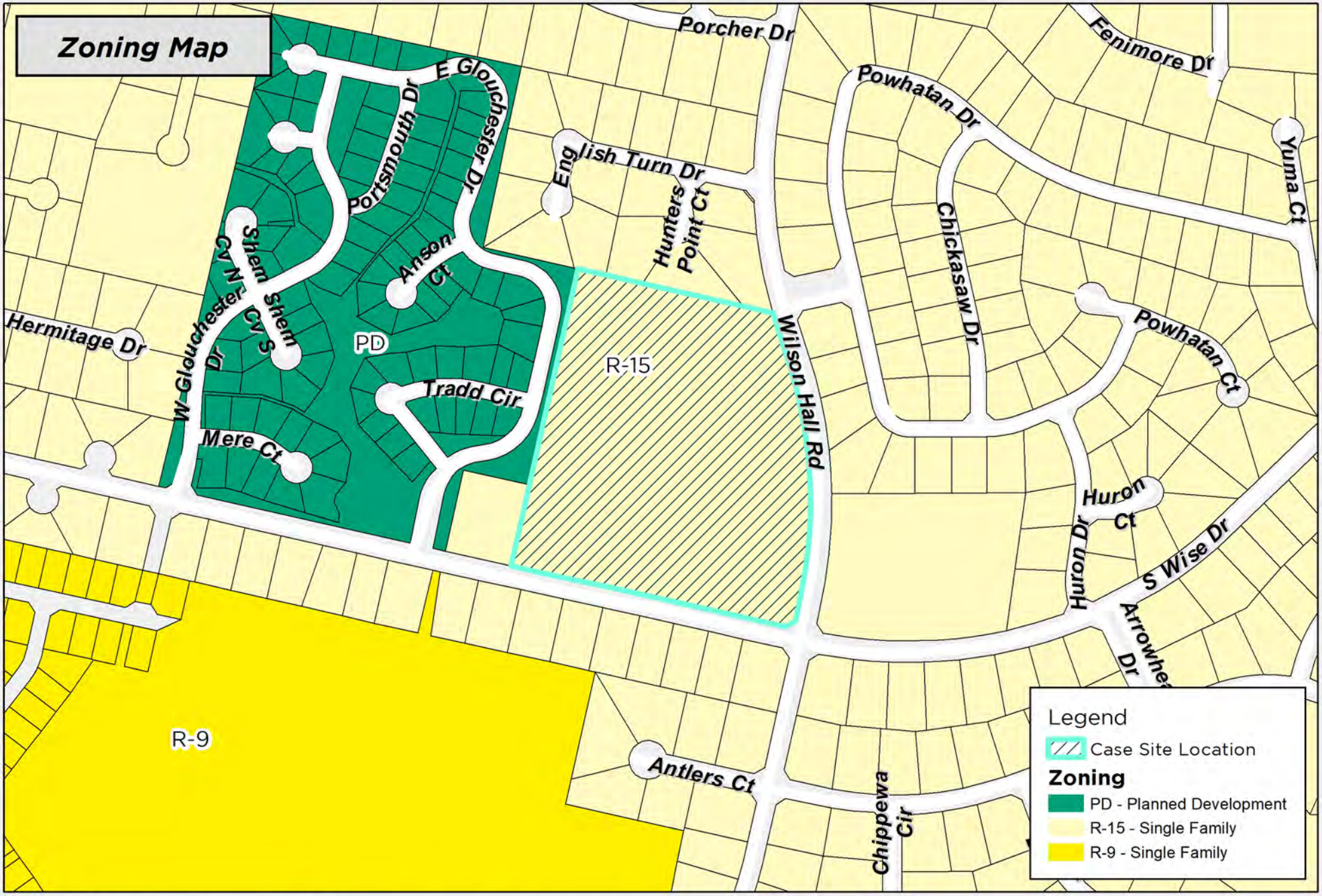

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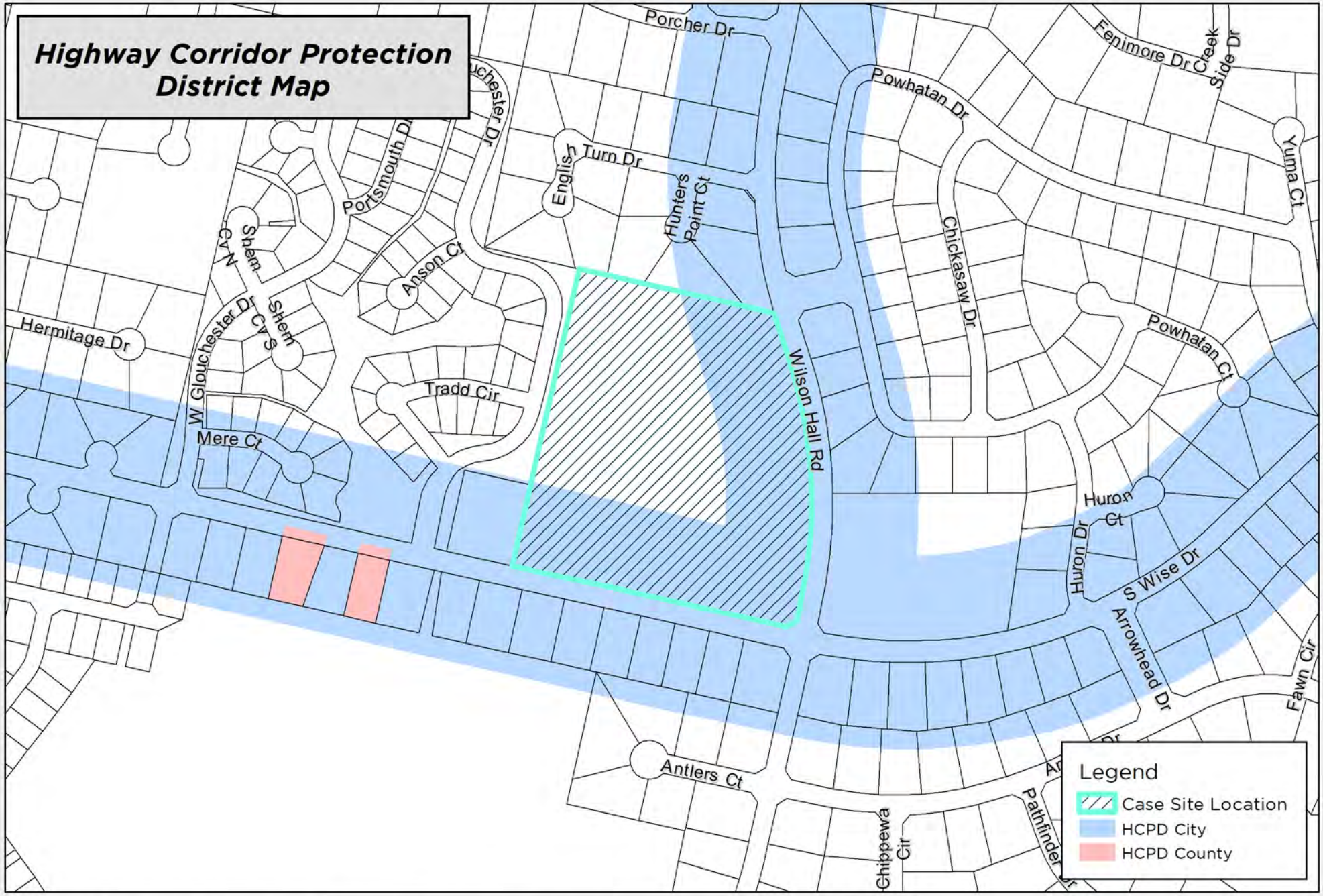
Highway Corridor Protection District Map



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