

Sumter City-County Board of Zoning Appeals

September 11, 2024

BOA-24-31, 1411 Frank St. (County)

The applicant (Williba A. Brogdon) is requesting a variance from applicable rear building setbacks outlined in *Article 3.n.5.b: (AC District) Minimum Yard & Building Setback Requirements* of the Sumter County Zoning & Development Standards Ordinance (the "Ordinance") and any other variances as may be required in order to construct a single-family detached dwelling that will be setback +/- 15 ft. from the rear property line. The property is located in a zoning district that requires a 50 ft. rear setback for primary residential structures. The property is located at 1411 Frank St., is zoned Agricultural Conservation (AC), and is represented by TMS# 225-04-02-005.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

September 11, 2024

BOA-24-31, 1411 Frank St. (County)

I. THE REQUEST

Applicant: Willa A Brogdon

Status of the Applicant: Authorized agent

Request: Variance from applicable rear building setbacks in order to construct a single-family detached dwelling that will be setback +/- 15 ft. from the rear property line.

District 6

County Council District:

Location: 1411 Frank St

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

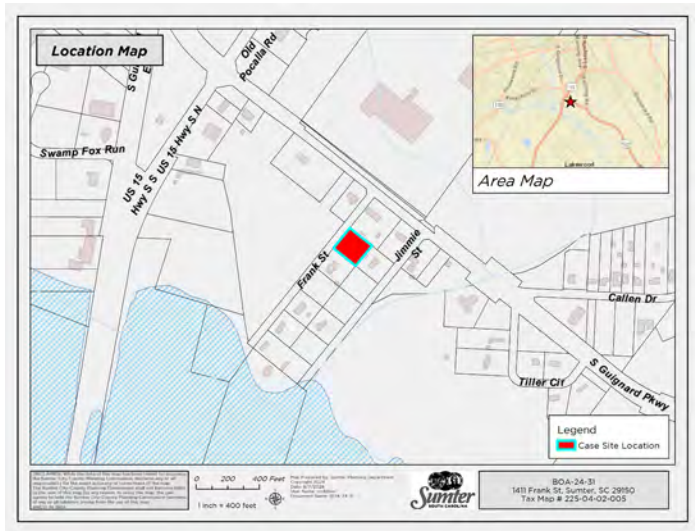
Tax Map Reference: 225-04-02-005

II. BACKGROUND

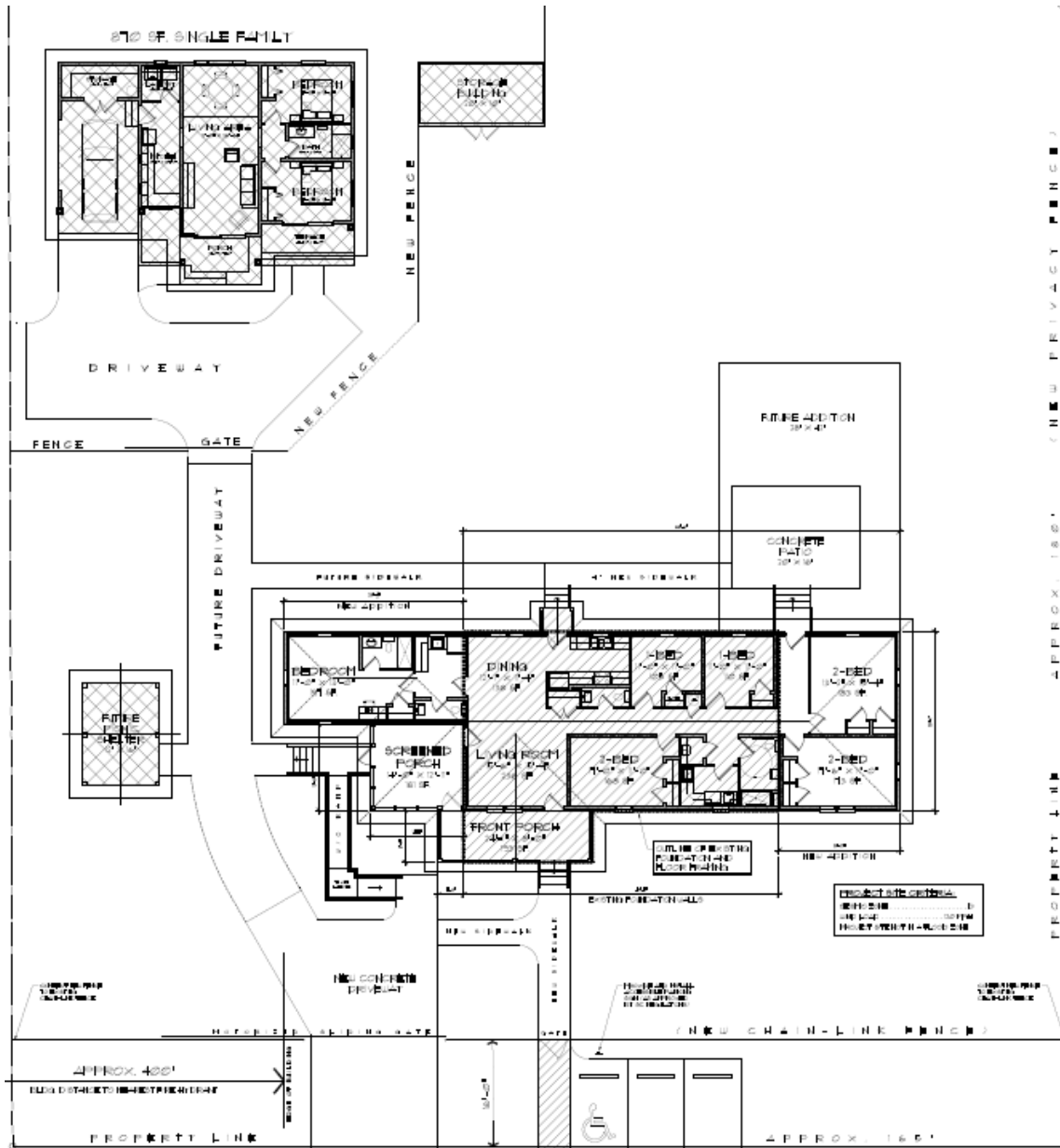
The applicant is requesting a variance from applicable rear building setbacks in order to construct a single-family detached dwelling that will be setback +/- 15 ft. from the rear property line

The subject property, shown in red on the map to the right, is located at the east side of Frank St +/- 100 yards south of S Guignard St

The subject property, which is +/- 0.68 acres in size, is zoned Agricultural Conservation (AC). Per *Article 3.n.5.b.* of the *Sumter County – Zoning & Development Standards Ordinance* (the



“Ordinance”), a single family detached dwelling in the AC zoning is required to be a minimum of 50 ft from the rear property line. The applicant is currently converting the current dwelling on the property into a residential care facility and is proposing to construct a new +/- 900 sq. ft. dwelling in the rear yard area. This dwelling is proposed to be the caretaker’s residence for the facility. The proposed new dwelling is not an Accessory Dwelling Unit (ADU), as the primary use will be a residential care facility. As such, principal building setbacks are applicable, and variance approval is required to carry out the project as proposed. The site plan shown below shows the proposal in more detail.



Above: Site plan showing house in the rear of the lot

Ordinance Requirements:

Article 3, Section 3.n.5

	<u>AC Setbacks</u>
Front	35 ft. - local/collector 45 ft. - all other
Side	12 ft. - Residential Use 50 ft. – Non-Residential
Rear	50 ft. – Residential 50 ft. – Non-Residential

The Request:

The applicant is requesting a variance from the non-residential building setback requirements outlined in *Article 3.n.5.b: (AC District) Minimum Yard & Building Setbacks* of the Ordinance in order to establish a single family detached dwelling +/- 15 ft. from the rear property lines. The required building setback for a single family detached dwelling is 50 ft. from the rear property lines.

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 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 a +/- 0.68-acre property in a subdivision developed prior to the adoption of the Sumter County Zoning & Development Standards Ordinance. As such, the property is non-conforming to minimum lot size.

If the current building was utilized as a single-family resident, the +/- 900 sq. ft. proposed caretakers' cottage would be considered an ADU which would have a required minimum setback of 5 feet from rear and side property lines.

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

The property is of similar shape and size as other lots in the 13-lot subdivision but is smaller than neighboring properties which are 1 acre or greater in size. However, the establishment of an ADU of similar size as the proposed dwelling on the subject property is permitted on other properties (with single family dwellings on them) in this subdivision. This is not the case for the subject property, and the principal use is residential care.

- 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.*

These conditions prevent the applicant from developing a separate caretaker's dwelling on the property.

- 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.*

The purpose of regulating setbacks for residential and accessory structures is to ensure compatibility, ensure minimum open space around a structure, facilitate safe access, and avoid negatively impacting surrounding properties.

Substantial detriment to adjacent property or to the public good is not anticipated, nor is it anticipated that their will harm to character of the district. The proposed dwelling is of a similar size as a permissible ADU on other property in the immediate vicinity. The proposed dwelling will actually be setback further than required, if the dwelling were considered an ADU under the Ordinance. Further, a larger accessory structure could be placed on the property with less restrictive setbacks than what is being proposed.

IV. STAFF RECOMMENDATION

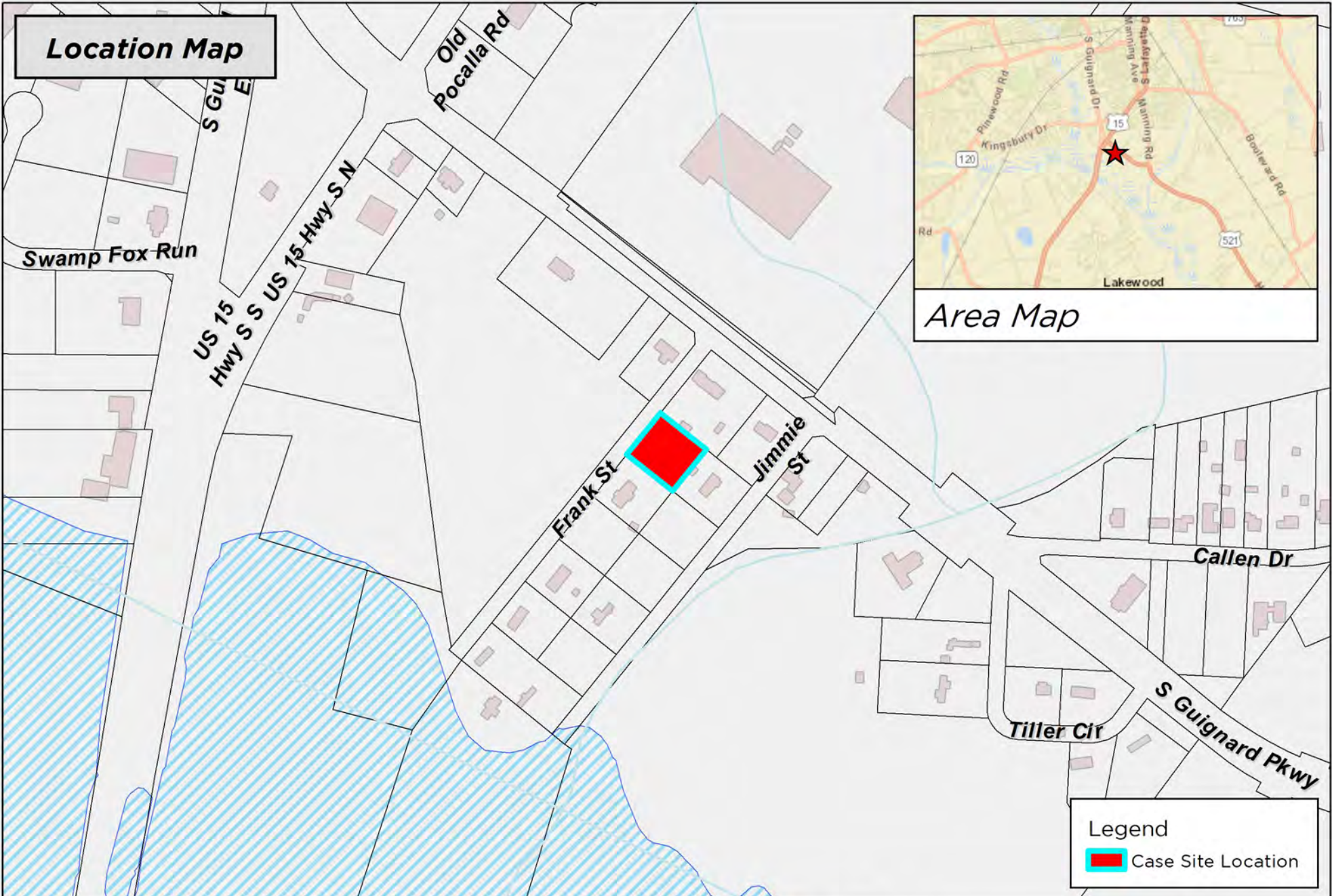
If the Zoning Boards of Appeals makes the findings necessary to approve this request, Staff recommends no additional conditions.

V. DRAFT MOTIONS for BOA-24-31

- A. I move the Zoning Board of Appeals **deny** BOA-24-31 subject to the conditions of approval and findings of fact and conclusions:
- B. I move the Zoning Board of Appeals **approve** BOA-24-31 on the following findings of fact and conclusions:
- C. I move the Zoning Board of Appeals enter an alternative motion for BOA-24-31.

VI. **ZONING BOARD OF APPEALS – September 11, 2024**

Location Map

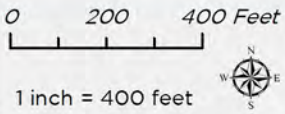


Area Map

Legend

-  Case Site Location

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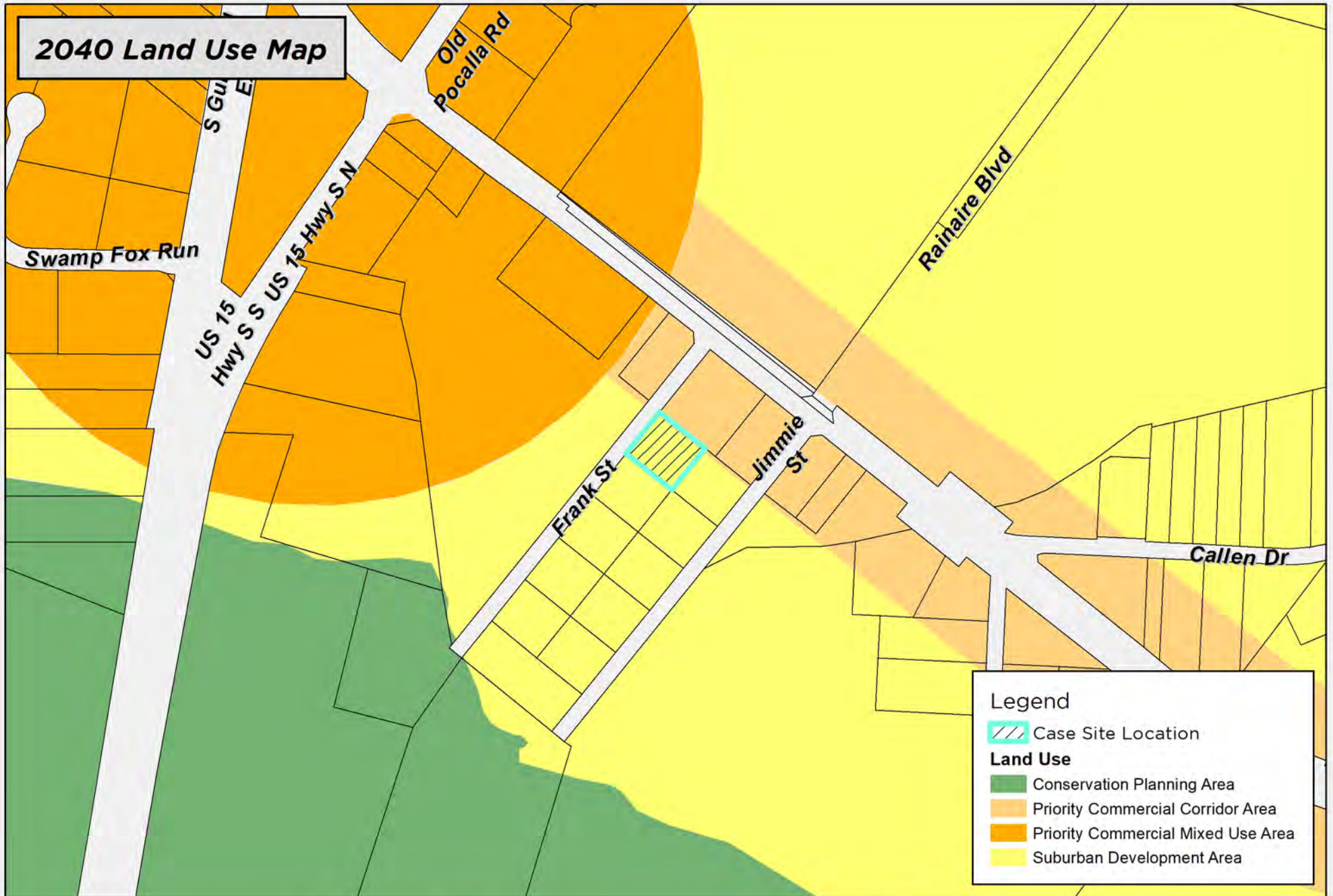


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BOA-24-31
1411 Frank St, Sumter, SC 29150
Tax Map # 225-04-02-005

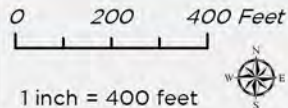
2040 Land Use Map



Legend

-  Case Site Location
- Land Use**
-  Conservation Planning Area
-  Priority Commercial Corridor Area
-  Priority Commercial Mixed Use Area
-  Suburban Development Area

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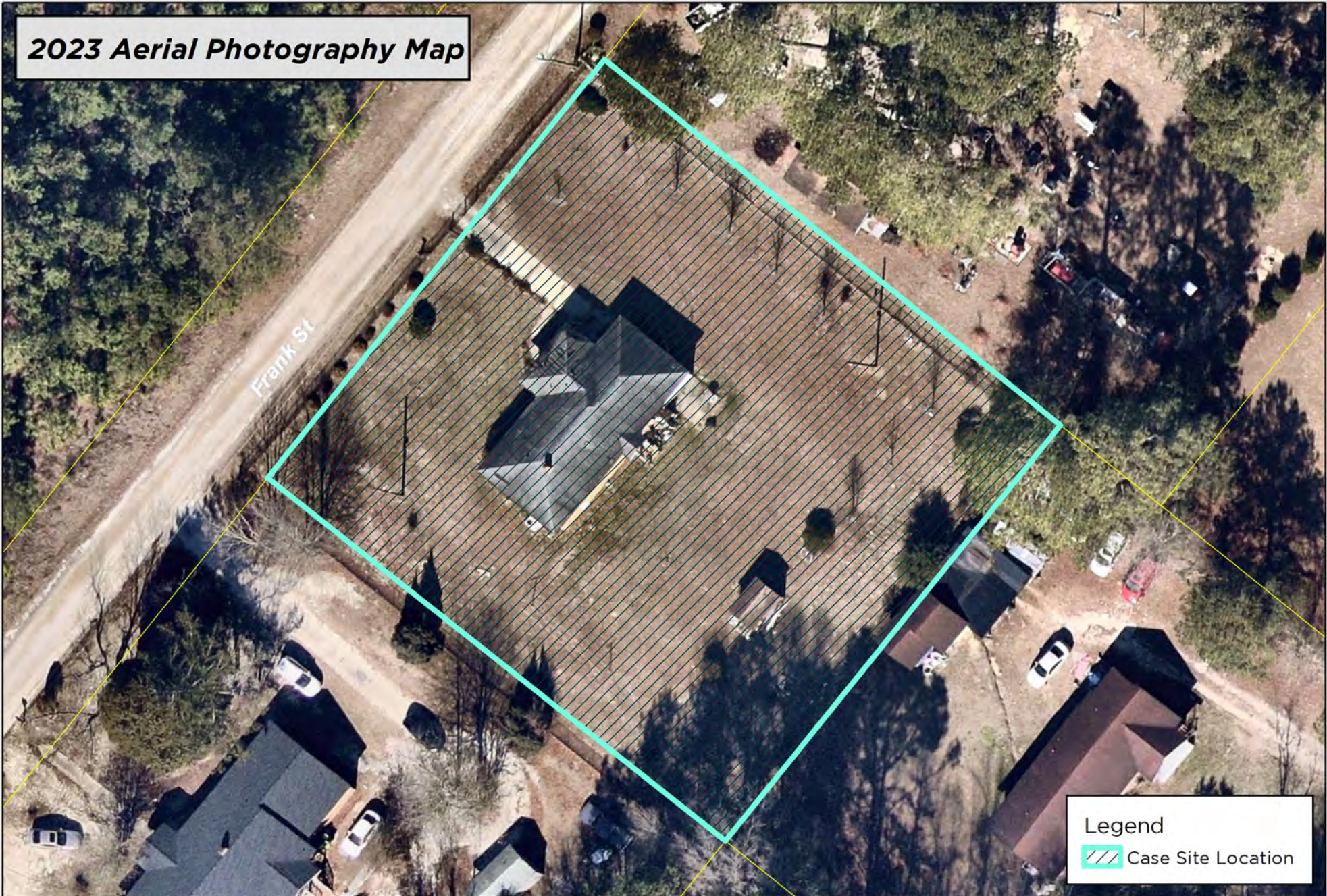


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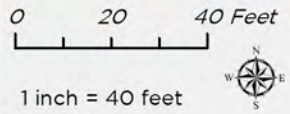


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2023 Aerial Photography Map



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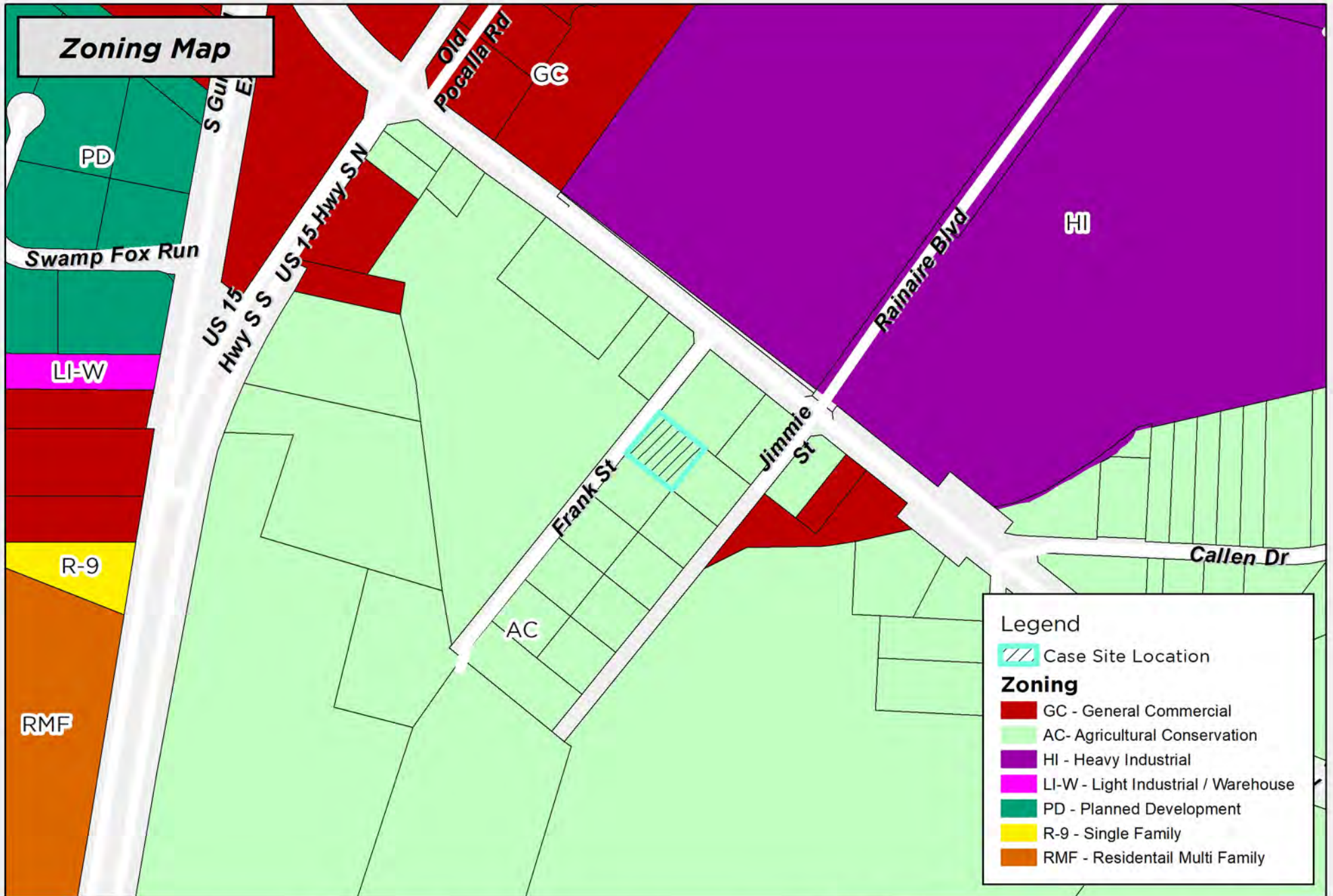
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Legend
Case Site Location

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1411 Frank St, Sumter, SC 29150
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Zoning Map



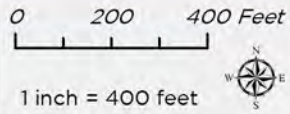
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Case Site Location

Zoning

- GC - General Commercial
- AC- Agricultural Conservation
- HI - Heavy Industrial
- LI-W - Light Industrial / Warehouse
- PD - Planned Development
- R-9 - Single Family
- RMF - Residential Multi Family

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