

Sumter City-County Zoning Board of Appeals

September 11, 2024

BOA-24-29, 5785 Stagecoach Dr. (County)

The applicant (Robert Dinkins) is requesting a variance from the street frontage requirements outlined in *Article 8.e.13.a & 8.e.13.c: Lots of the Sumter County Zoning & Development Standards Ordinance* (the "Ordinance") and any other variances as may be required in order to subdivide the property into 2 separate lots. The Ordinance requires that all new lots (not otherwise exempted) must be accessible from a compliant street and have at least 60 ft. of frontage on said street. The applicant is proposing a new lot that will have no frontage on a public roadway. The property is located at 5785/5795 Stagecoach Rd. is zoned Agricultural Conservation (AC), and is represented by TMS# 139-09-01-039



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

September 11, 2024

BOA-24-29, 5785 Stagecoach Dr. (County)

I. THE REQUEST

Applicant: Robert L. Dinkins

Status of the Applicant: Property Owner

Request: Variance from street frontage requirements and any other variances as may be required in order to subdivide the property into 2 separate lots. The Ordinance requires that all new lots (not otherwise exempted) must be accessible from a compliant street and have at least 60 ft. of frontage on said street. The applicant is proposing a new lot that will have no frontage on a public roadway.

County Council District: District 1

Location: 5785/5795 Stagecoach Dr.

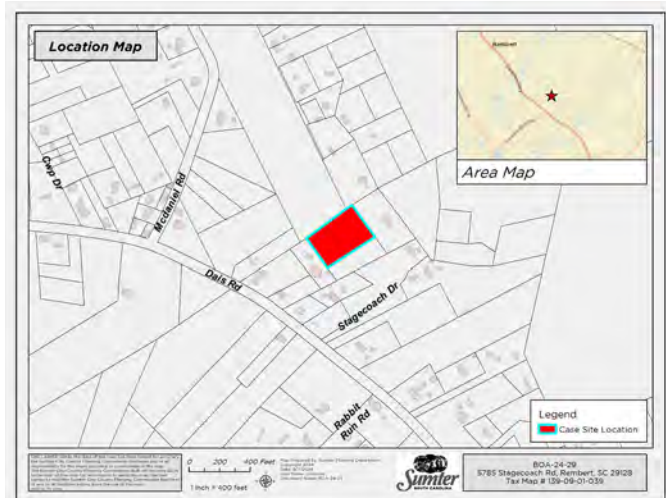
Present Use/Zoning: Residential / Agricultural Conservation (AC)

Tax Map Reference: 139-09-01-039

II. BACKGROUND

The applicant is requesting a variance from the street frontage requirements outlined in *Article 8.e.13.a & 8.e.13.c.* of the *Sumter County Zoning and Development Standards Ordinance* (the “Ordinance”) in order to permit the subdivision of an existing tract into separate lots.

The *Ordinance* requires that new lots in the AC zoning district have at least 60 ft. of frontage on a public roadway.



The parcel in question, TMS #139-09-01-039, was created in 1976 via survey recorded in Plat Book Z-38, Page 374. The parcel was acquired by the applicant via quitclaim deed from family members in 2023. The applicant intends to subdivide this existing lot as shown in the site survey below.

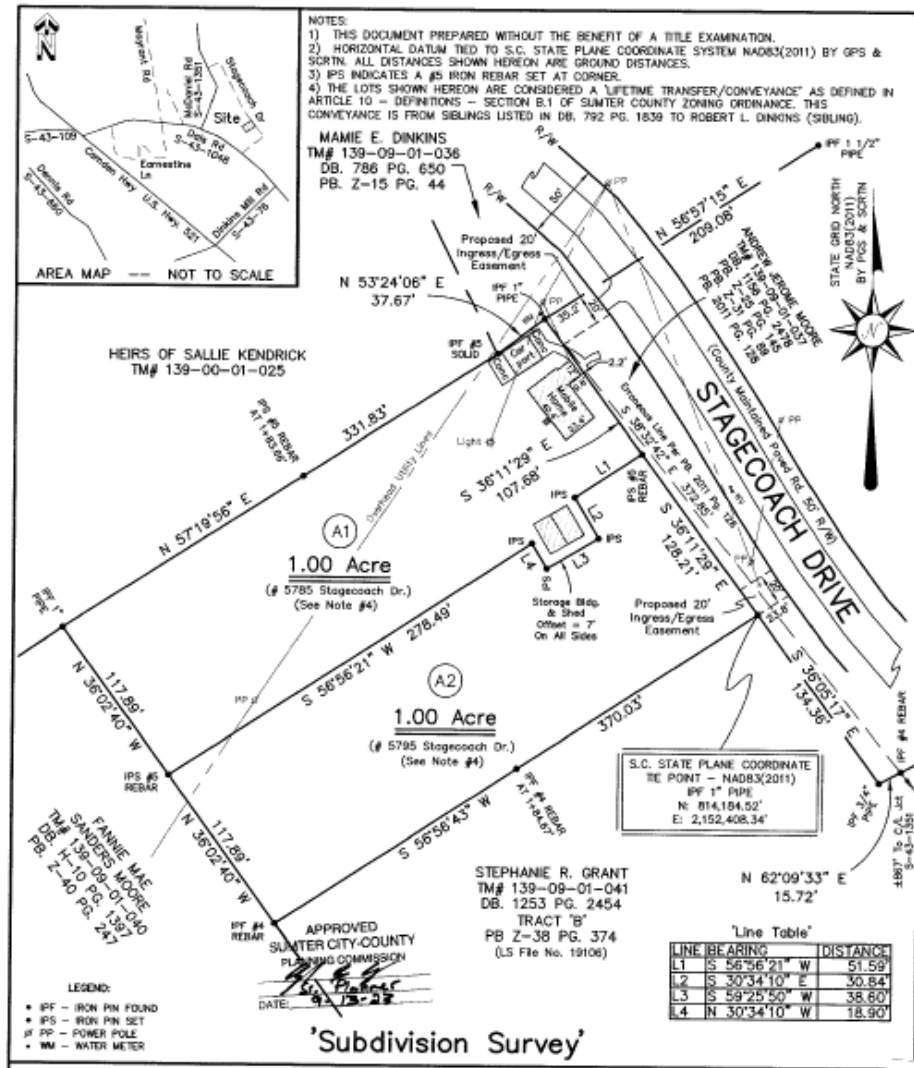


Figure 1 - Site Survey Sketch

While Stagecoach Dr. is maintained by Sumter County in the area of the site, the roadway does not have platted right-of-way. As shown on the subdivision survey above, the standard 50 ft. right-of-way for a county road separates the adjacent parcel #139-09-01-037 into two pieces, one of which lies between the road and the property for which variances are requested. The distance of the subject property from the interpolated county road right-of-way ranges between 23 and 35 ft.

Ordinance Requirements:

Article 8.e.13. 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.
- 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 a variance to the subdivision development standards outlined in *Article 8.e.13.a. & 8.e.13.c.: Lots of the Sumter County Zoning and Development Standards Ordinance* in order to subdivide the property into 2 separate lots. The Ordinance requires that all new lots (not otherwise exempted) must be accessible from a compliant street and have at least 60 ft. of frontage on said street. The applicant is proposing a new lot that will have no frontage on a public roadway.

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 2.0 acres in size. There are numerous similarly shaped parcels of record in the area of this site. However, the configuration of Stagecoach Dr. itself could be considered an exceptional condition with regard to limiting the applicant’s ability to subdivide the lot in a way that complies with all applicable development standards.

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. A number of lots along Stagecoach Dr. do not meet the *Article 8.e.13.* standard, though they appear to have been created prior to adoption of the current Ordinance. Stagecoach Dr. itself represents a unique condition relative to the County's roadway network in that it does not have platted right-of-way, which makes determining Ordinance compliance more challenging

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 subdivide their 2.0 acre tract into two 1.0 acre lots. The applicant's intent is for a home to be placed/built on the newly created 1.0 acre lot, which would not be permitted under the County Ordinance unless the lot is subdivided.

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.*

Both the existing and proposed lots include separate proposed 20 ft. wide access easements crossing the adjacent parcel #139-09-01-037 to access Stagecoach Dr.

Approval of this request is not anticipated to result in substantial detriment to adjacent property or the public good, nor harm the character of the district. The proposed size and shape of each proposed subdivided lot is consistent with AC zoning district standards, and the parcel would include a short access easement (20-30 ft. in length) directly to the public roadway.

IV. STAFF RECOMMENDATION

The establishment of minimum lot frontage on a public roadway is intended to prevent negative impacts to adjacent property and limit legal disputes over property access. Deviations from the Ordinance-specified dimensions should be carefully weighed.

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

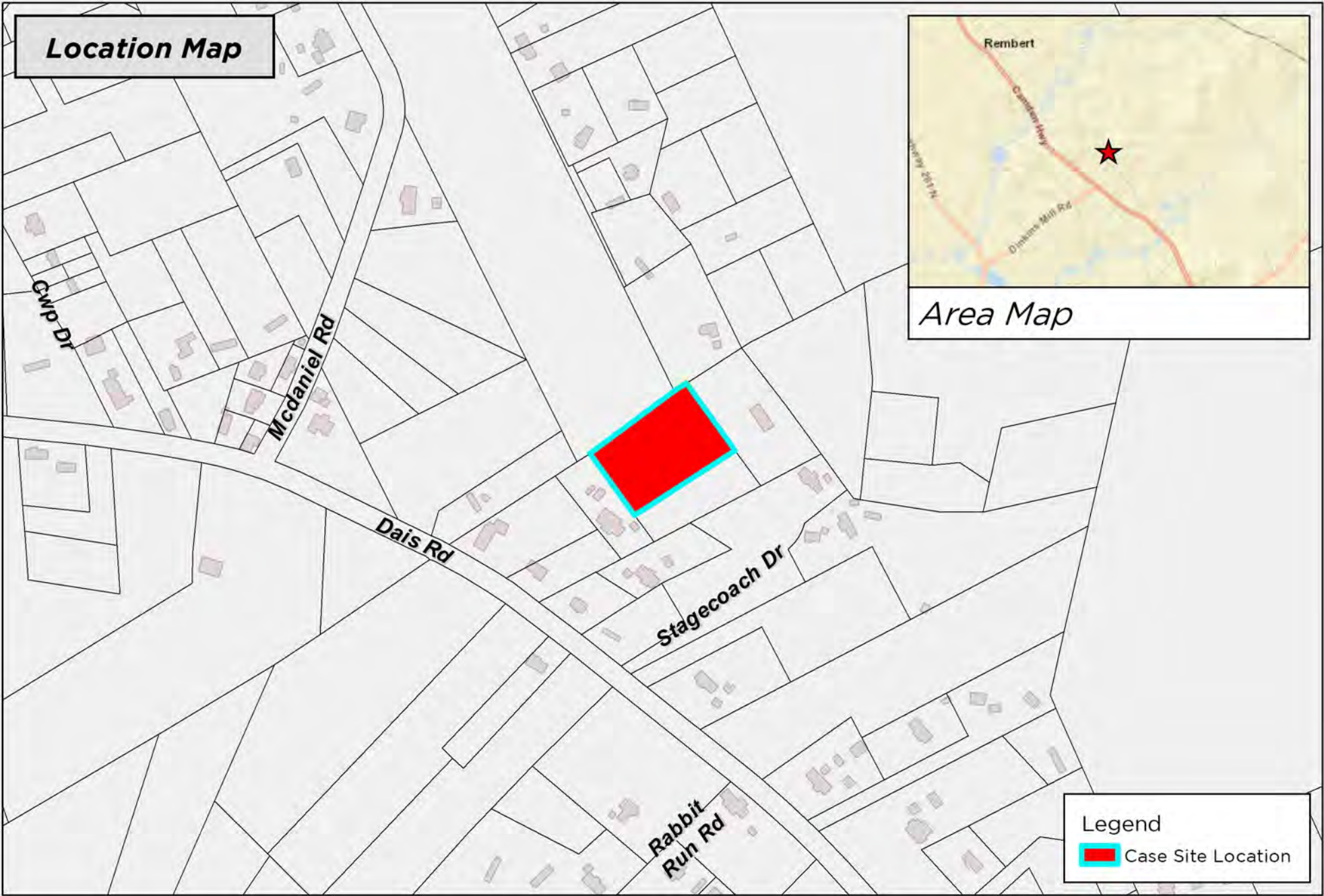
V. DRAFT MOTIONS FOR BOA-24-29

1. I move the Zoning Board of Appeals **approve** BOA-24-29, subject to the following findings of fact and conclusions:

2. I move the Zoning Board of Appeals **deny** BOA-24-29, 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-24-29.

VI. BOARD OF APPEALS – SEPTEMBER 11, 2024

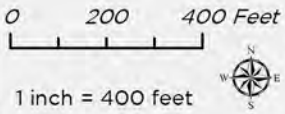
Location Map



Area Map

Legend
 Case Site Location

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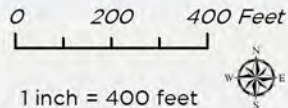


BOA-24-29
5785 Stagecoach Rd, Rembert, SC 29128
Tax Map # 139-09-01-039

2040 Land Use Map



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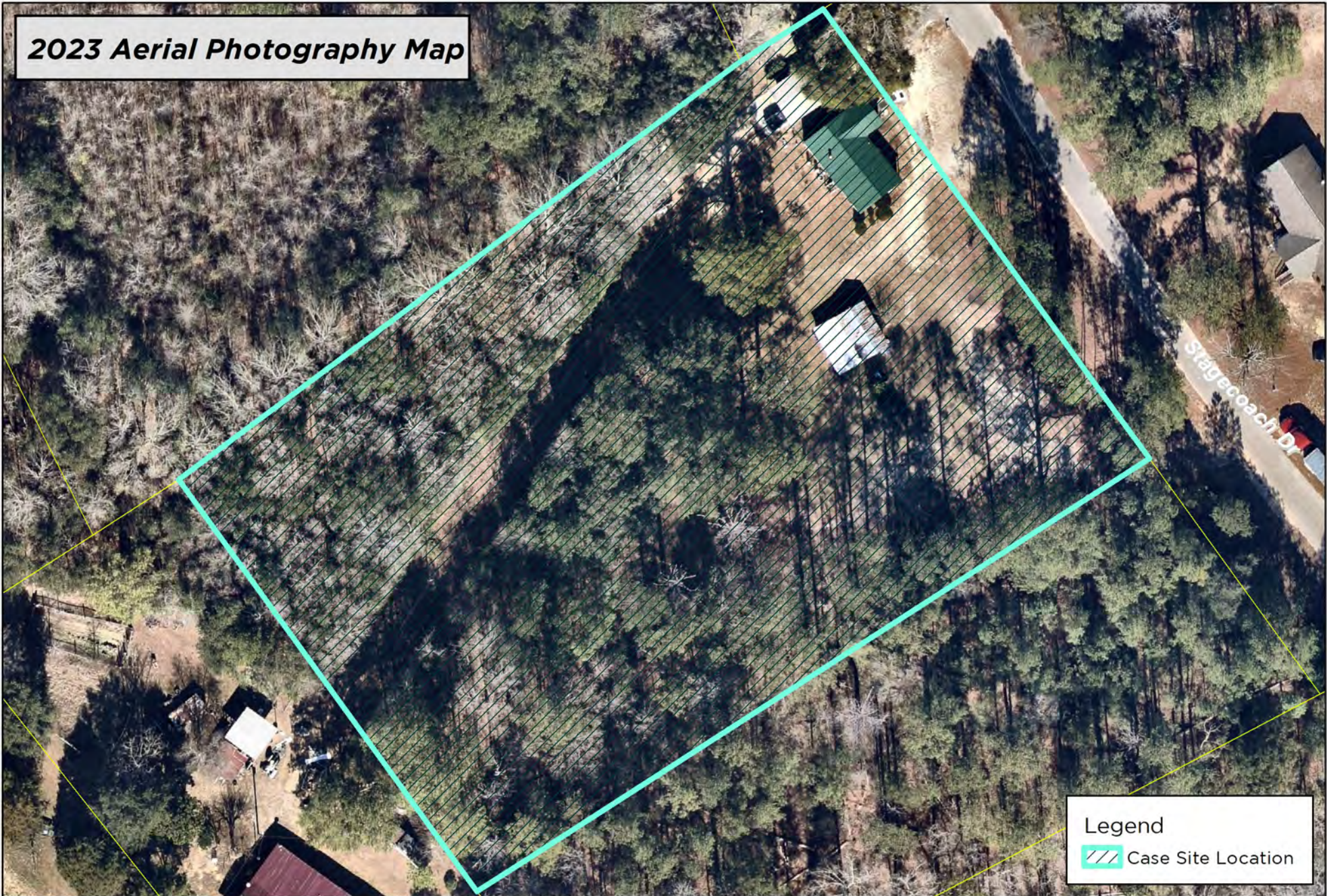


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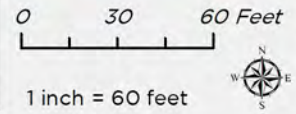
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2023 Aerial Photography Map



Legend
Case Site Location

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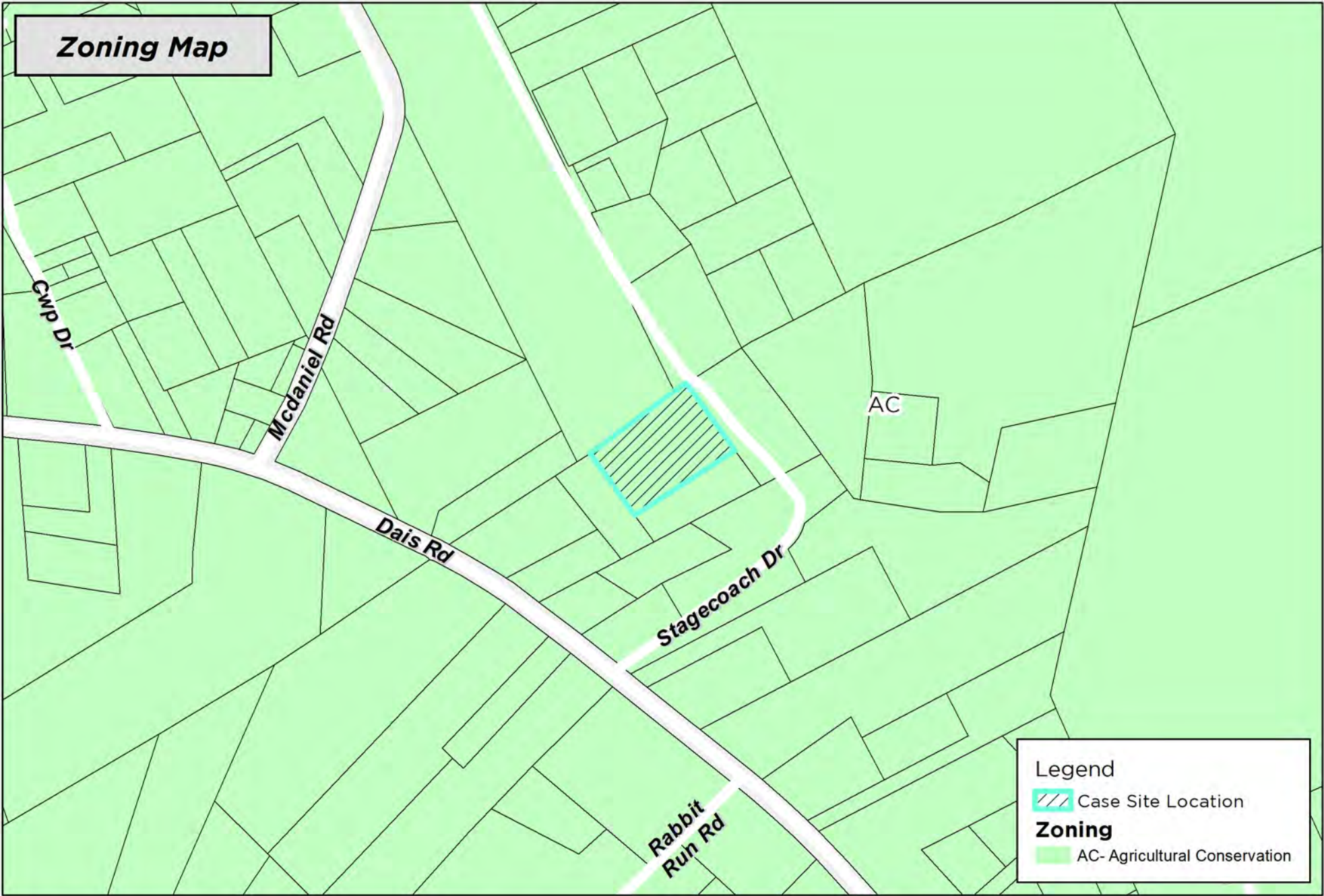


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BOA-24-29
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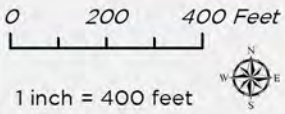
Zoning Map



Legend

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

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