Sumter City-County Zoning Board of Appeals

September 11, 2024

BOA-24-34, 756/758 Bultman Dr. (City)

The applicant (Ronnie Wilkes) is requesting a variance from the principal building separation requirements outlined in *Article 4.f.3.b: Yards Located On Lots With More Than One Principal Building* of the *City of Sumter Zoning & Development Standards Ordinance* (the "Ordinance") and any other variances as may be required in order to construct a new principal building on the property closer to the existing building than otherwise permitted. The Ordinance requires that whenever there is more than 1 principal building on lot, buildings shall be separated by a horizontal distance that is at least equal to the height of the highest adjacent building. The property is located at 756/758 Bultman Dr., is zoned General Commercial (GC), and is represented by TMS# 204-05-03-053.

Sumter
SOUTH CAROLINA

Appeals - Variance - Special Exception

Sumter City-County
Zoning Board of Appeals

September 11, 2024

BOA-24-34, 756/758 Bultman Dr. (City)

I. THE REQUEST

Applicant: Ronnie Wilkes

Status of the Applicant: Property Owner

Request: Variance from principal building separation requirements in order to construct a new principal building on the property closer to the existing building than otherwise permitted.

City Council Ward: Ward 4

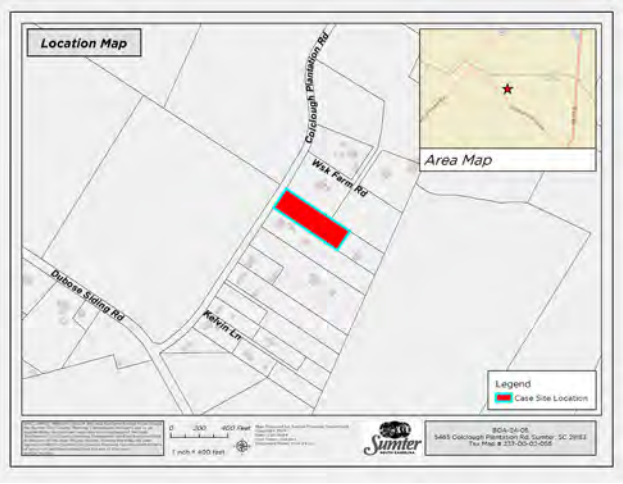
Location: 756/758 Bultman Dr.

Present Use/Zoning: Automobile Dealer / General Commercial (GC) with Highway Corridor Protection District (HCPD) Overlay.

Tax Map Reference: 204-05-03-053

II. BACKGROUND

Variance approval by the Sumter City-County Zoning Board of Appeals (BOA) is required for the proposed placement of a +/- 900 sq. ft. commercial accessory structure, as the proposed location conflicts with the commercial/industrial building separation requirements outlined in *Article 4.f.3.b.*



This request is associated with a Minor Site Plan and Highway Corridor Protection District (HCPD) application for the proposed pole building on property located at 756/758 Bultman Dr.

The applicant desires to place a pole building on the property to market construction services offered for this building type. The property is located on the westside of Bultman Dr. just south of the intersection of Broad St. and Bultman Dr.

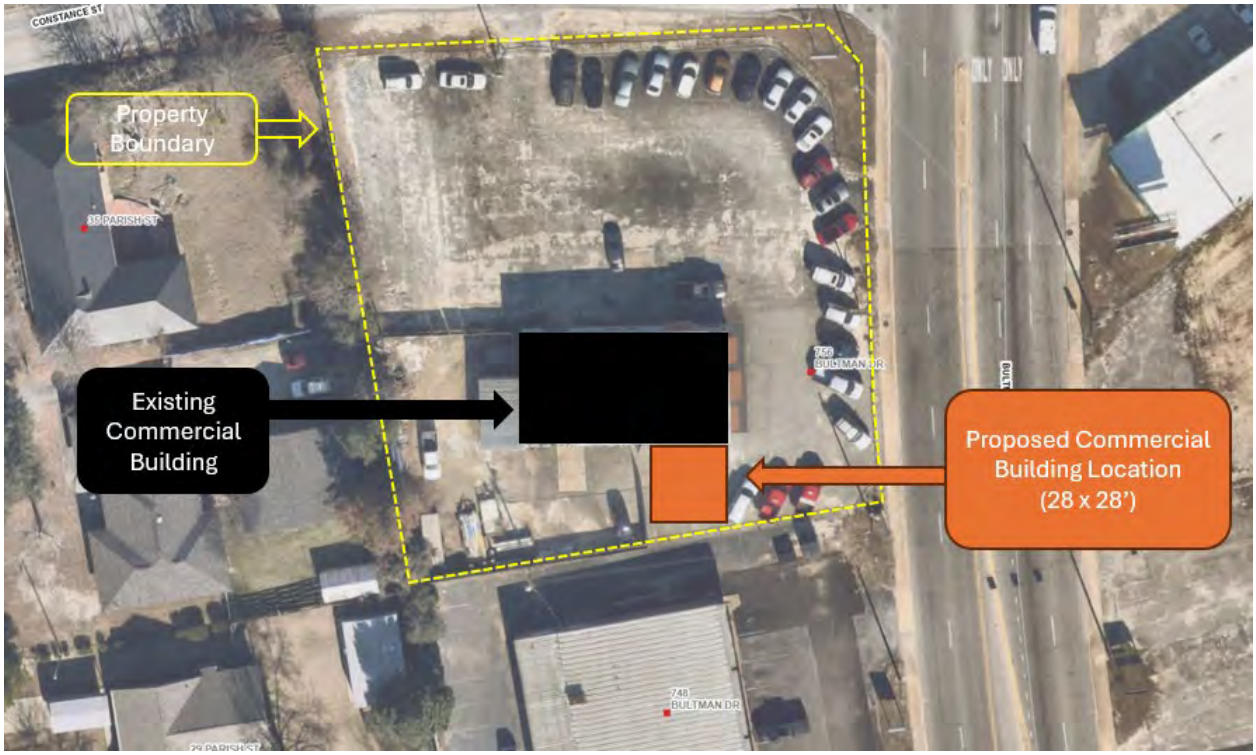


Figure 1 - Aerial View of Proposed Structure Placement

Figure 2 - Proposed placement location as viewed Facing North (at point south of proposed structure placement)

The applicant has also submitted an HCPD application with building elevation plans showing a proposed pole building with a brick front façade and metal siding exterior materials on all other facades of the structure.

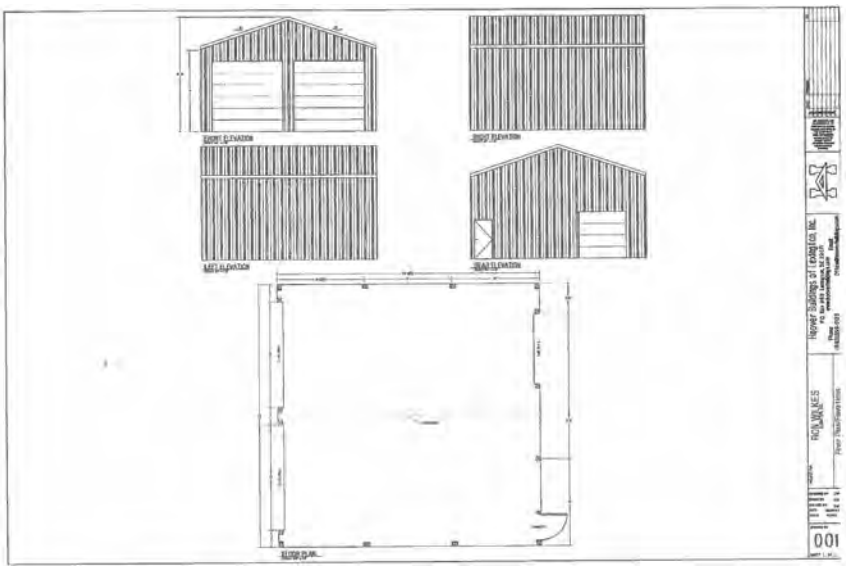


Figure 3 – Building Elevation Rendering

Ordinance Requirements:

Article 4.f.3.b.

b. Whenever more than one principal building is to be located on a lot, the required yards shall be maintained around the group of buildings, and the buildings shall be separated by a horizontal distance that is at least equal to the height of the highest adjacent building.

The Request:

The applicant is requesting a variance to the subdivision development standards outlined in *Article 4.f.3.b.* of the *City of Sumter Zoning and Development Standards Ordinance* in order to place an additional commercial structure on the property. The Ordinance requires that all new principal buildings (including commercial buildings over 200 sq. ft.) be separated by a distance equal to or greater than the height of the highest adjacent building. The applicant is proposing a new structure that will be closer to the existing structure than allowed by this provision of the Ordinance.

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 0.42 acres in size, though the commercial use also extends to the adjacent lot that is 0.39 acres. The lot is similar to other commercial lots on Bultman Dr., though the use of the property as an auto sales lot is not shared by other property on the street. Though the property has sufficient space to the north of the existing building to place a second structure, the traffic circulation pattern and use of the property as display area for vehicles for sale does complicate building placement.

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

   On Bultman Dr. there are numerous similarly shaped parcels of record in the area of this site and commercial buildings are of varying sizes and configurations, though all appear to meet the Ordinance requirements with regard to commercial building separation. Though the parcel is similar to others, none are used for auto sales, which does use land in a different way from other retail businesses, in that significant surface area of a lot must be used to park vehicles that are part of the businesses inventory and not customer vehicles.

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 add an additional commercial building in the location preferred.

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.***

   Existing commercial development standards regarding building setbacks from property lines are extremely permissive (with a minimum side setback of 0 ft. in the General Commercial Zoning District for adjacent commercial uses). The purpose of regulating building separation standards is a combination of previous standards in building code as well as general guidelines regarding accessibility of property for purposes including emergency services. While the proposed building would obstruct access along the southern property boundary,

there is sufficient space on the north side and rear of the site to accommodate anticipated access needs.

IV. STAFF RECOMMENDATION

The establishment of minimum building separation standards for commercial buildings is intended to prevent negative impacts to adjacent property and ensure sufficient access to structures for purposes including emergency services (e.g. fire 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.

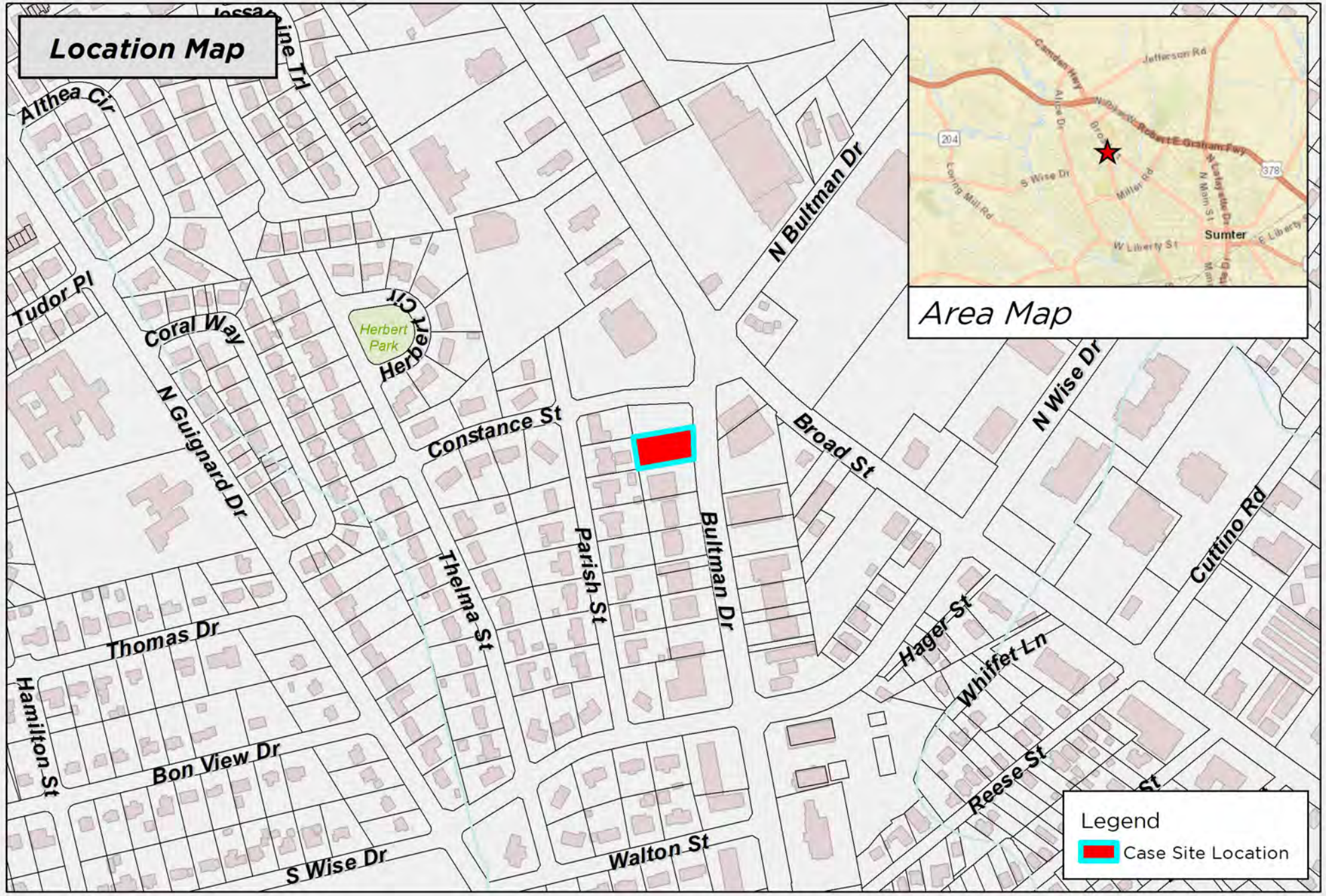
V. DRAFT MOTIONS FOR BOA-24-34

1. I move the Zoning Board of Appeals **approve** BOA-24-34, subject to the following findings of fact and conclusions:

2. I move the Zoning Board of Appeals **deny** BOA-24-34, 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-24-34.

VI. BOARD OF APPEALS – SEPTEMBER 11, 2024



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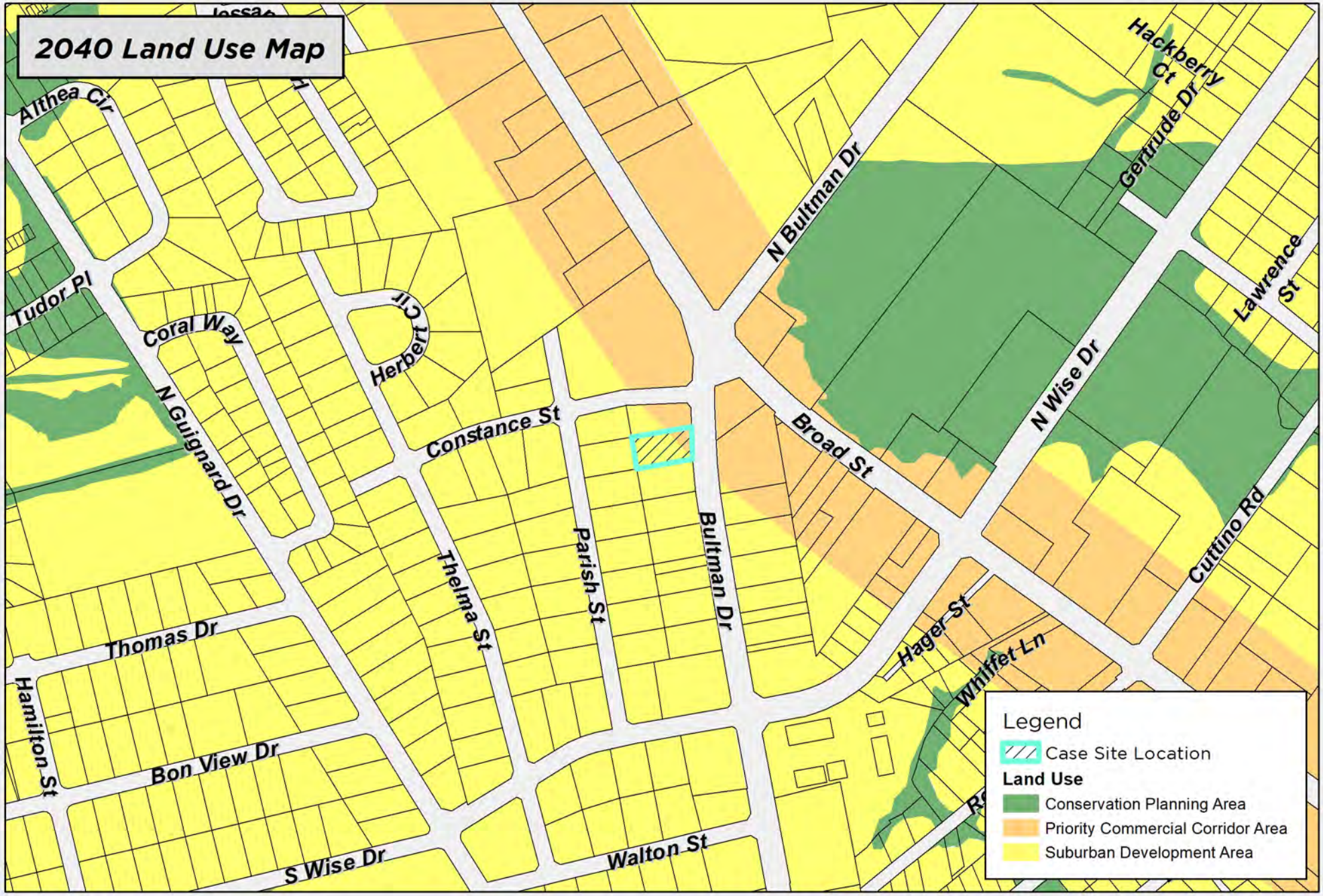
Sumter SOUTH CAROLINA

BOA-24-34
756 Bultman Dr, Sumter, SC, 29150
Tax Map # 204-05-03-053



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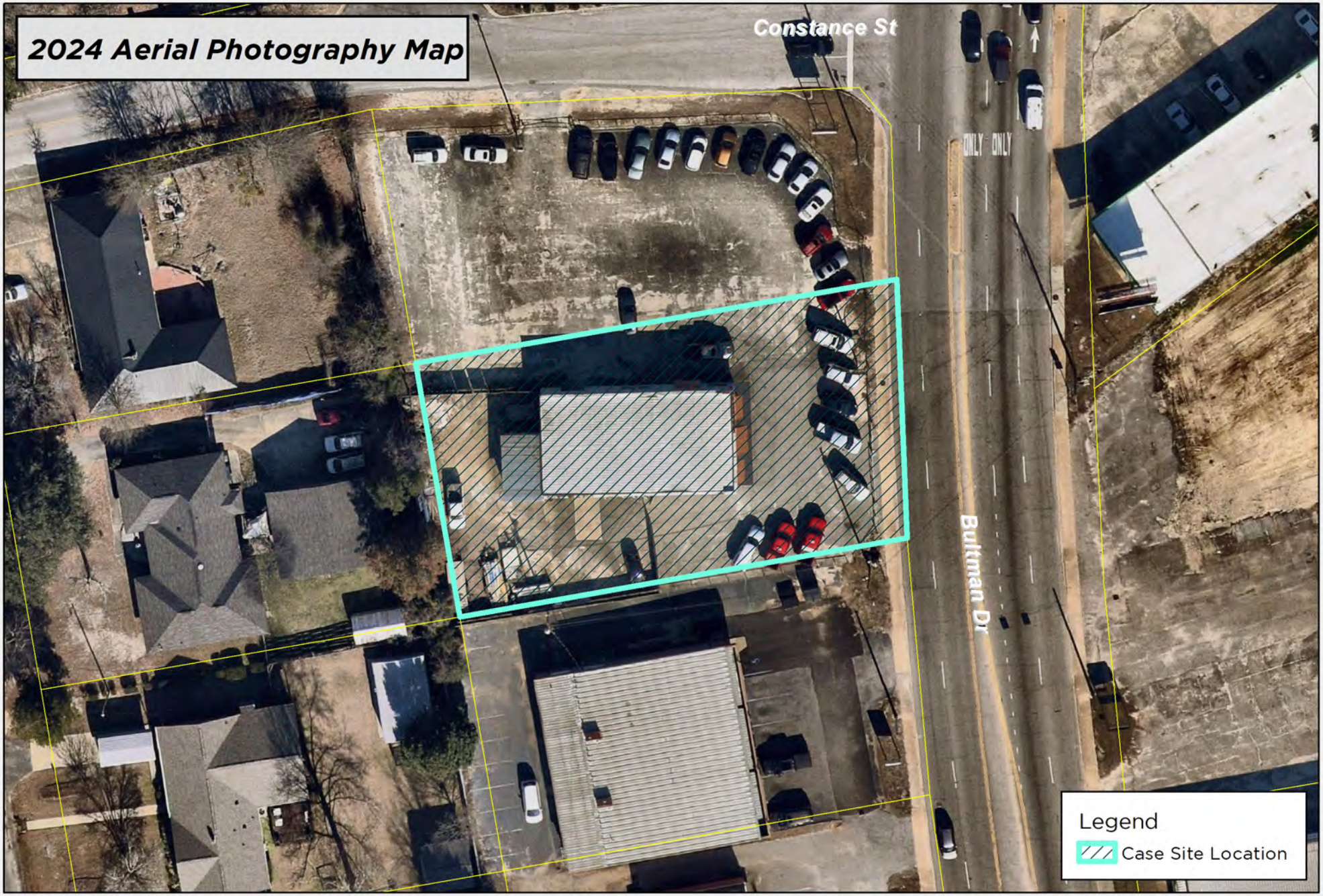
2024 Aerial Photography Map



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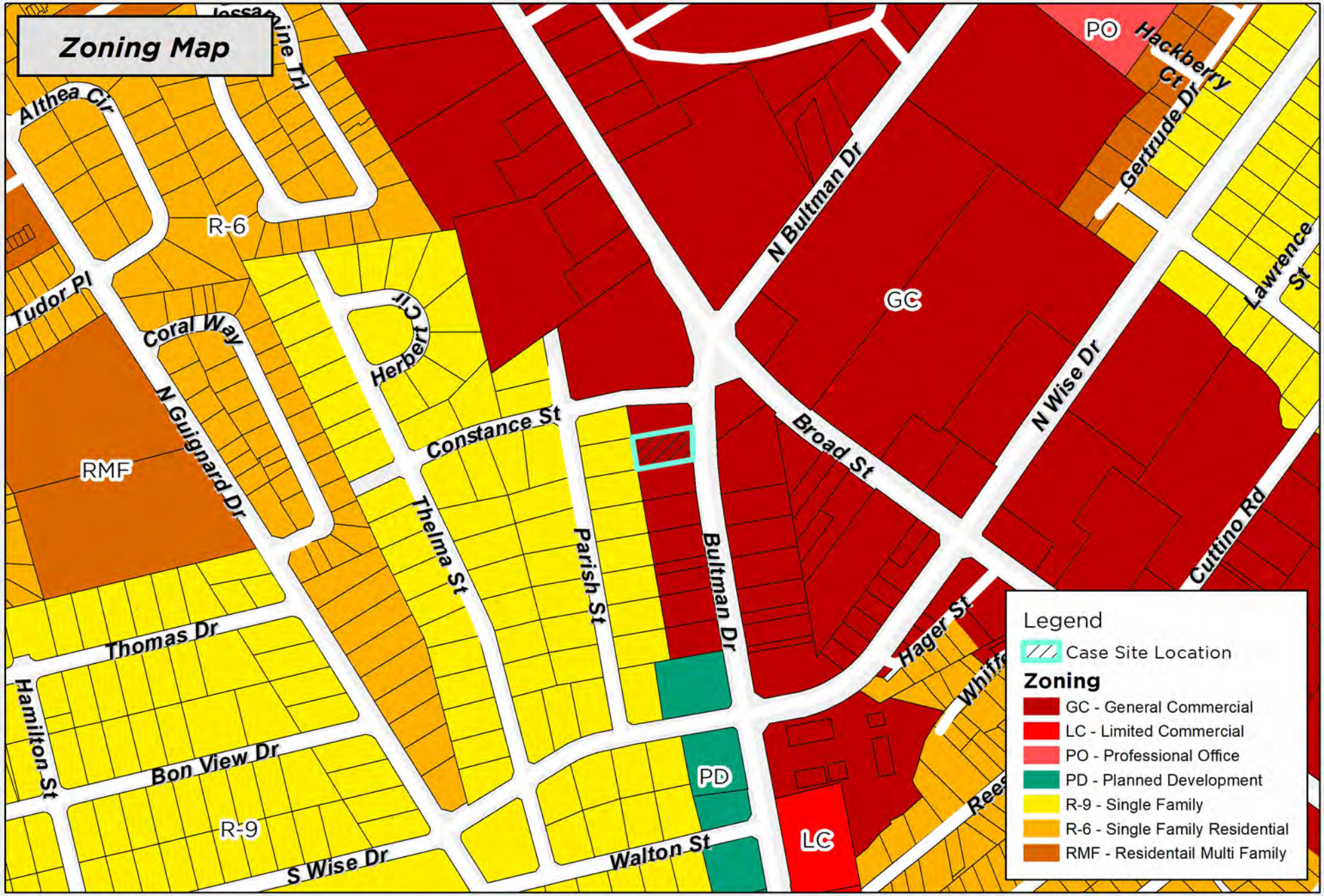

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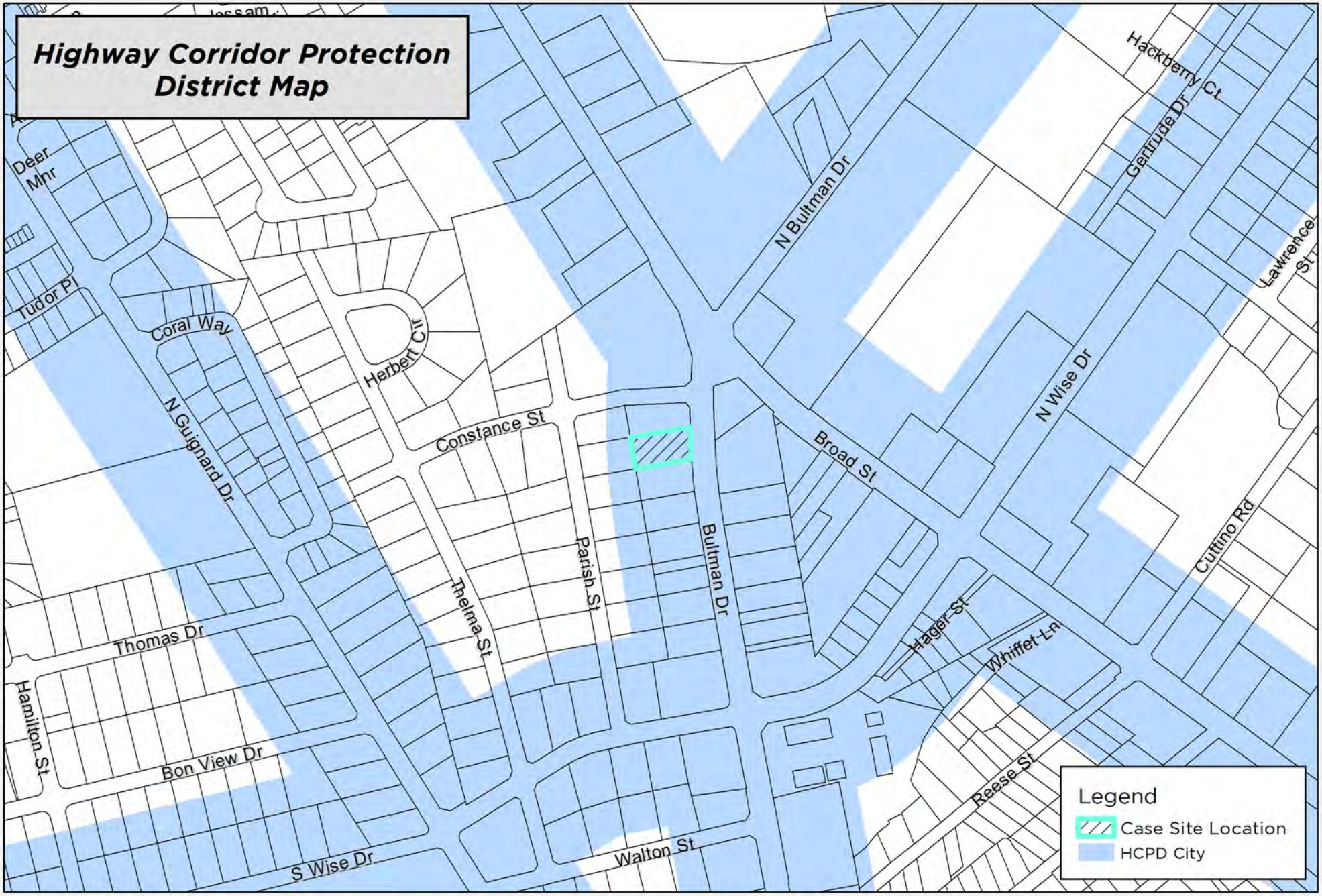
Highway Corridor Protection District Map



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