# Sumter City-County Zoning Board of Appeals

December 11, 2024

## BOA-24-40, 550/552 Brushwood Dr. (City)

The applicant (JMJ Homes, LLC) is requesting a variance from the front setback requirements outlined in the Sumter West Planned Development Ordinance (Ordnance # 2857, PD-00-08, Revision 26) in order to allow for single-family attached structure (consisting of 2 dwelling units) to be established +/- 24.37 ft. from the front property line. The Sumter West Planned Development Ordinance requires a 25 ft. front building setback on this property. Planned Developments in general are authorized by *Article 3.p: Planned Development (PD) District* of the City of Sumter Zoning & Development Standards Ordinance. The property is located at 550/552 Brushwood Dr., is zoned Planned Development (PD), and is identified as TMS# 185-00-01-186.

Sumter
SOUTH CAROLINA

Appeals - Variance - Special Exception

# Sumter City-County
# Zoning Board of Appeals

**December 11, 2024**

**BOA-24-40, 550/552 Brushwood Dr. (City)**

## I. THE REQUEST

**Applicant:** JMJ Homes, LLC

**Status of the Applicant:** Property Owner

**Request:** Variance to front setback requirements for a new single-family attached residential structure.

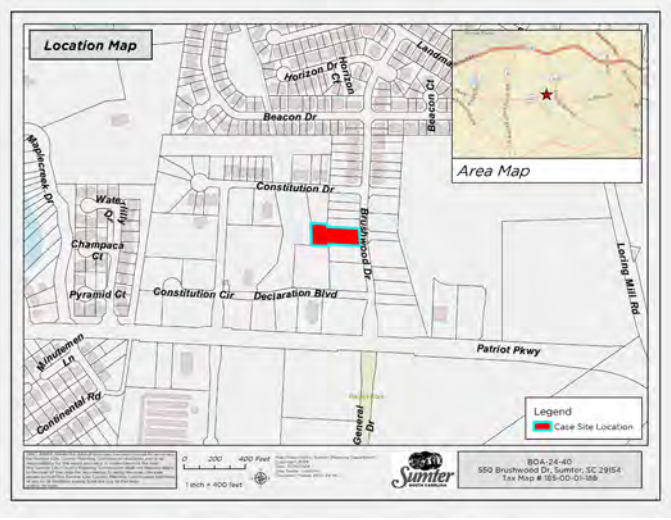
**City Council Ward:** Ward 5

**Location:** 550/552 Brushwood Dr.

**Present Use/Zoning:** Residential (Under Construction) / Planned Development (PD)

**Tax Map Reference:** 185-00-01-186

## II. BACKGROUND




The applicant is requesting a variance to the front setback requirements outlined in the Planned Development Ordinance for Sumter West. Sumter West is a mixed use Planned Development originally established in 2000.

The subject property is shown in red on the location map to the right and is located on the west side of Brushwood Dr. at a midblock location between the intersections of Brushwood Dr./Constitution Dr. and Brushwood Dr./ Declaration Blvd.

In 2019, City Council adopted a revised Planned Development Ordinance for Sumter West to allow for townhome (two-unit single-family attached) lots to be established in certain areas of the Planned Development designated as neighborhood commercial. This revised Ordinance

included specific development standards for townhome construction in this area, including a required 25 ft. front building setback.

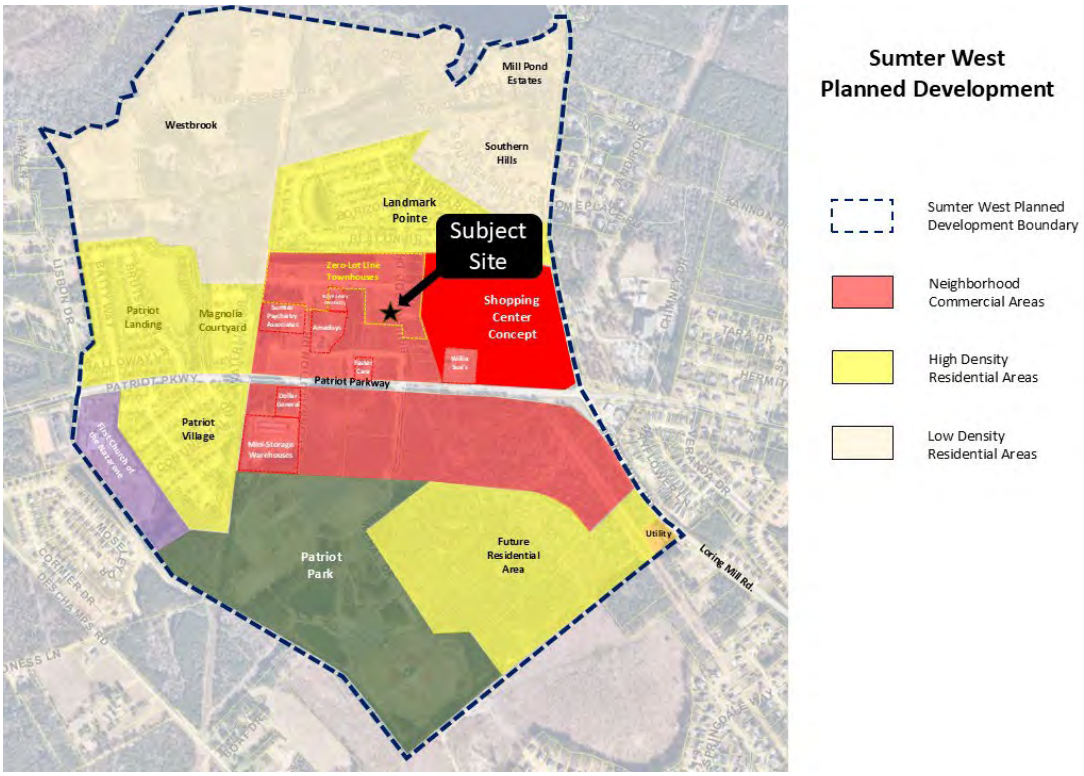



**Figure 1: Sumter West PD Concept Plan**

**Figure 2: Approved Neighborhood Commercial Townhome Area**

Building permits were issued for the construction of the townhome structure, containing 2 separate dwelling units, on March 6, 2024. Issued permits contained information on basic development standards, including required building setback requirements and approved plans. The primary building permits issued for this project are attached to this report as Exhibit 1.

Since the development is a townhome, a property line is set along the shared common wall between the units. The property line is established after construction is underway once a firm location for the shared wall is established. Based on the plat submitted to split the lot, it was discovered that the structure encroached into the front setback by 0.63 ft. at the point closest to the front property line. The plat submitted was prepared by Andersen Land Surveying (Job# 24225), is dated November 1, 2024, and is attached to this report as Exhibit 2. The applicant is requesting variance approval, citing the street curvature as a primary hardship, to resolve the setback encroachment.

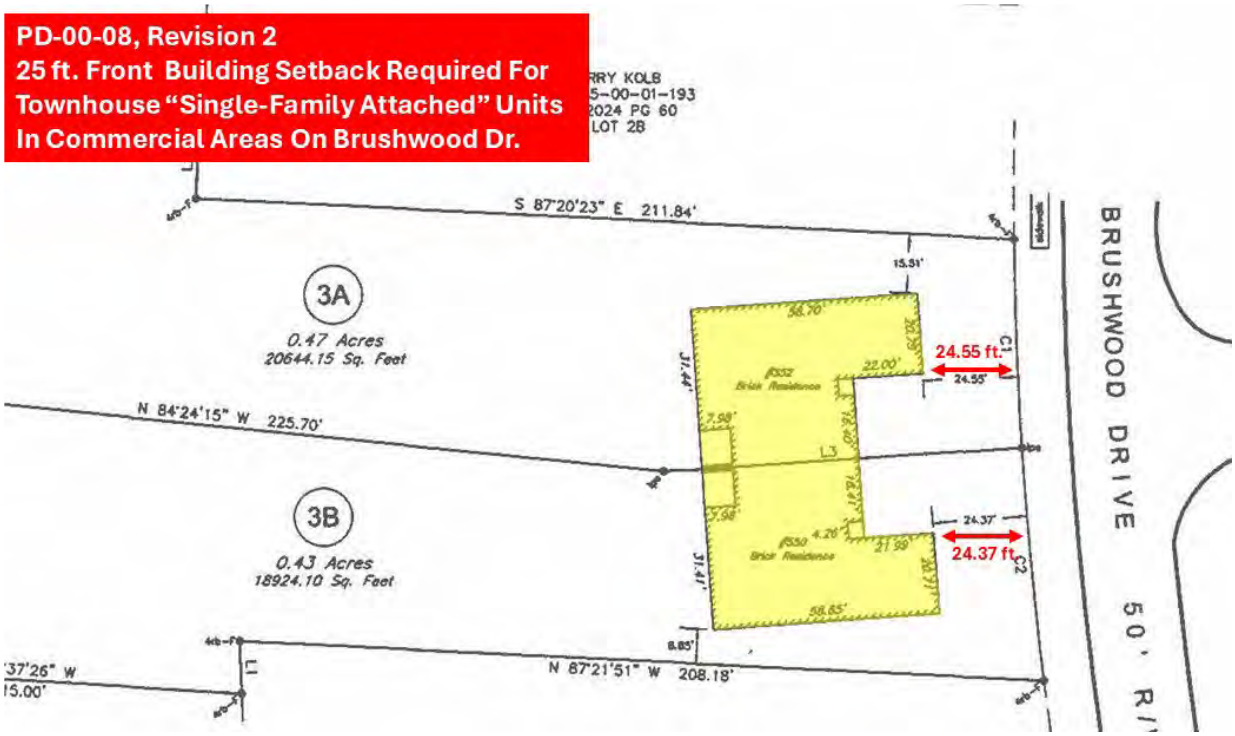



**Figure 3: Plat Showing Front Setback Encroachment**

**Site Photo: Front View of Townhome Structure From Brushwood Dr.**

## Ordinance Requirements:

City Ordinance# 2857 (PD-008, Revision 26) – Section I.B.vii – Townhouse Development within the Commercial Area (Brushwood & Constitution Drives)

*vii. Townhouse Development within the Commercial Area (Brushwood & Constitution Drives) – A maximum of 56 units in 28 structures.*

*a. Setbacks:*

*i. Front – 25 ft.*

*ii. Sides – 8 ft. with an option of 5 ft. on side of choice. If the townhouse structure is deeded separately a 0 ft. setbacks line shall be allowed on the shared interior property line.*

*iii. Rear – 20 ft.*

*b. Maximum Height – 35 ft.*

## The Request:

The applicant is requesting is requesting a variance from the front setback requirements outlined in the Sumter West Planned Development Ordinance (Ordnance # 2857, PD-008, Revision 26) in order to allow for single-family attached structure (consisting of 2 dwelling units) to be established +/- 24.37 ft. from the front property line. The Sumter West Planned Development Ordinance requires a 25 ft. front building setback on this property. Planned Developments in general are authorized by *Article 3.p: Planned Development (PD) District* of the City of Sumter Zoning & Development Standards 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 property is located at 550/552 Brushwood Dr. and is part of the approved neighborhood commercial townhome area of the Sumter West Planned Development. The property received building permit approval for the construction of a 2-unit townhome structure. Prior to completion of the structure, the property is to be subdivided along the shared wall between the 2 units. The plat submitted to subdivide the property shows a front setback encroachment of 0.63 ft. at the closest point. The property has frontage along a moderately curved section of Brushwood Dr.

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

   As it relates to a request for a front setback variance, the property generally shares similar characteristics as other approved neighborhood commercial area townhome lots. Staff notes that there is a slight curvature along Brushwood Dr. right-of-way where the subject property sits. This is not a characteristic shared by a majority of the aforementioned townhome lots. All such lots are subject to the 25 ft. front setback requirement.

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 situation prevents the applicant from receiving zoning final inspection approvals necessary to receive a Certificate of Occupancy.

***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 amount of setback variance (0.63 ft.) being requested is minor and approval is not anticipated to result in substantial determinant to adjacent property or the public good. Additionally, approval is not anticipated to harm the character of the neighborhood commercial townhome area with the Sumter West Planned Development.

## IV. STAFF RECOMMENDATION

The purpose of regulating structure setbacks is to ensure compatibility, ensure minimum open space around a structure, facilitate safe access, and avoid negatively impacting surrounding properties. Deviations from the Ordinance specified requirements should be carefully weighed.

Staff recommends no additional approval conditions ***if*** the BOA makes the necessary findings to the approve this request.

## V. DRAFT MOTIONS FOR BOA-24-40

1. I move the Zoning Board of Appeals **approve** BOA-24-40, subject to the findings of fact and conclusions developed by the BZA and so stated:

2. I move the Zoning Board of Appeals **deny** BOA-24-40, subject to the following findings of fact and conclusions:

3. I move the Zoning Board of Appeals enter an alternative motion for BOA-24-40.

## VI. BOARD OF APPEALS – December 11, 2024

# Sumter Building Department

## Residential Building City Permit

**Permit #:**pp-202400977 **Master Permit #:** **Date Issued:** 03/06/2024
**Project Locations:** 550 BRUSHWOOD DR, SUMTER, SC 29154 **Lot/Apt/Bldg #:**
**Subdivision:** Sumter West **Parcel #s:** 1850001186
**Owner:** JMJ HOMES LLC **Phone:**
**Address:** P O Box 7, Pinewood, SC 29125

**Contractors**

**General Contractor:**

**Johnny M. James III** **Phone (Work):** 843-200-5010

**Address (Work):** P. O. Box 7, Pinewood, SC 29125

**General Contractor:**

Johnny M. James III

**Address (Work):** P. O. Box 7, Pinewood, SC 29125
**Phone (Work):** 843-200-5010
**Phone (Emergency):** 843-200-5010

**Work Description:** NEW DWELLING (Duplex)

**Conditions**

- Driveway must be installed prior to zoning final inspection approval. Driveway installations shall be ADA compliant.
- Final grading must be complete prior to zoning final inspection approval.
- 1 canopy tree at least 12 inches in caliper at time of planting must be installed in front yard area prior to zoning final inspection approval.
- Exterior materials used for dwelling construction shall be brick to match the existing Landmark Point Development to the North. Please refer to drawings titled "Proposed Duplex/Townhouse Design for PD-00-08 (Revision 21), dated July 22, 2019".
- A sidewalk with a minimum width of 4 1/2 ft. Must be installed per approved Planned Development sidewalk plan prior to zoning final inspection approval.
- ADA compliant street crossing shall be installed prior to zoning final inspection approval on applicable corner lots.
- Front yard must be sodded prior to zoning final inspection approval.

### Permit Information

**Fee:** $540.00 **Valuation** $98,340.00
**Square Feet Unheated** 540 **Square Feet Heated** 1500

### Planning Information

**Minimum Development Standards:**

| Max Impervious Ratio | Max Height | Rear | Side - Interior | Side - Exterior | Front |
|---|---|---|---|---|---|
| 65% | 35ft | 20ft | 0ft ( Shared Wall) | 8ft(on 1 side of Structure) & 5ft(on 1 side of Structure)-Developers Choice | 25ft |

Seismic Zone (Seismic_zone: C)

Zoning (Zone: PD - Planned Development)

Flood Hazard Area (Firm_panel: 45085C0283F, Flood_zone: X, and Effective_date: 10/27/2022)

**This permit becomes null and Void if work or construction Authorized is not commenced within 180 Days, or if Construction or Work is Suspended or Abandoned for a period of 180 Days or if there has not been any inspection activity for a period of 180 days, at any time after work has started**

All Provision of Laws and Ordinances governing this type of work must be complied with whether specified herein or not. Granting of a permit does not presume to give Authority to violate or cancel the provisions of any other State of Local Law regulating construction or the Performance of Construction

PHR, EWA

3-6-24

Exhibit 1

# Sumter Building Department

## Residential Building City Permit

**Permit #:**pp-202400981 **Master Permit #:** **Date Issued:** 03/06/2024
**Project Locations:** 552 BRUSHWOOD DR, SUMTER, SC 29154 **Lot/Apt/Bldg #:**
**Subdivision:** Sumter West **Parcel #s:** 1850001186
**Owner:** JMJ HOMES LLC **Phone:**
**Address:** P O Box 7, Pinewood, SC 29125

**Contractors**

**General Contractor:**

**Johnny M. James III** **Phone (Work):** 843-200-5010

**Address (Work):** P. O. Box 7, Pinewood, SC 29125

**General Contractor:**

Johnny M. James III

**Address (Work):** P. O. Box 7, Pinewood, SC 29125
**Phone (Work):** 843-200-5010
**Phone (Emergency):** 843-200-5010

**Work Description:** NEW DWELLING (Duplex)

**Conditions**

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- Final grading must be complete prior to zoning final inspection approval.
- 1 canopy tree at least 12 inches in caliper at time of planting must be installed in front yard area prior to zoning final inspection approval.
- Exterior materials used for dwelling construction shall be brick to match the existing Landmark Point Development to the North. Please refer to drawings titled "Proposed Duplex/Townhouse Design for PD-00-08 (Revision 21), dated July 22, 2019".
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- ADA compliant street crossing shall be installed prior to zoning final inspection approval on applicable corner lots.
- Front yard must be sodded prior to zoning final inspection approval.

### Permit Information

**Fee:** $540.00 **Valuation** $98,340.00
**Square Feet Unheated** 540 **Square Feet Heated** 1500

### Planning Information

**Minimum Development Standards:**

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Seismic Zone (Seismic_zone: C)

Zoning (Zone: PD - Planned Development)

Flood Hazard Area (Firm_panel: 45085C0283F, Flood_zone: X, and Effective_date: 10/27/2022)

**This permit becomes null and Void if work or construction Authorized is not commenced within 180 Days, or if Construction or Work is Suspended or Abandoned for a period of 180 Days or if there has not been any inspection activity for a period of 180 days, at any time after work has started**

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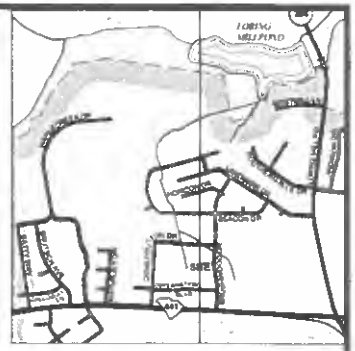
DHR, RWA 3-6-24

THIS DOCUMENT DOES NOT REPRESENT A TITLE EXAMINATION AND PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND ANY RIGHTS OF WAY OF RECORD.

LEGEND
- WM – WATER METER
- IPF – IRON PIN FOUND
- IPS – 1/2" REBAR SET
- CATV – CABLE TV PEDESTAL
- PP – POWER POLE
- PH – TELEPHONE PEDESTAL

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C1 | 1025.00' | 54.08' | 54.08' | S 02°12'46" E | 3°01'23" |
| C2 | 1025.00' | 60.13' | 60.12' | S 05°24'18" E | 3°21'41" |



LOCATION MAP – NOT TO SCALE

GAINEY CONSTRUCTION CO., LLC
TM #185-00-01-094
PB 2005 PG 38

TERRY KOLB
TM #185-00-01-193
PB 2024 PG 60
LOT 2B

SUMTER WEST COMMERCIAL OWNERS
TM #185-00-01-107
PB 2005 PG 621

S 86°38'43" E
105.57'

S 87°20'23" E 211.84'

N 00°34'34" W
72.64'

N 84°24'15" W 225.70'

N 00°34'34" W
72.64'

N 86°37'26" W
115.00'

N 87°21'51" W 208.18'

3A
0.47 Acres
20644.15 Sq. Feet

3B
0.43 Acres
18924.10 Sq. Feet

#552
Brick Residence

#550
Brick Residence

BRUSHWOOD DRIVE
50' R/W

'Future Access'
road not named

PB 2023 PG 127

JMJ HOMES, LLC
TM #185-00-01-175
PB 2023 PG 127
LOT 4

C & G ENTERPRISES OF DALZELL, INC.
TM #185-00-01-098
PB 2005 PG 38

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | S 02°05'23" E | 13.54' |
| L2 | S 03°14'15" W | 18.22' |
| L3 | S 86°02'45" W | 92.93' |

0' 25' 50' 75'
SCALE 1 IN = 25 FT

Exhibit 2

DATE: NOVEMBER 01, 2024
JOB NO: 24225
TAX MAP NO. 185-00-01-186

| SOUTH CAROLINA | SUMTER COUNTY | CITY OF SUMTER |
|---|---|---|

SURVEYED FOR:
*JMJ HOMES, LLC*

SURVEY AND DIVISION OF LOT 3 SHOWN ON A PLAT FOR MACK KOLB BY BLACK RIVER LAND SURVEYING, LLC DATED APRIL 04, 2023 AND RECORDED IN PLAT BOOK 2023 AT PAGE 127.


*ANDERSEN LAND SURVEYING, LLC*
P.O. BOX 489, TURBEVILLE, S.C. 29162
OFFICE (843) 659-5081 EMAIL: ANDERSENSURVEY@GMAIL.COM


SOUTH CAROLINA PROFESSIONAL LAND SURVEYOR No. 27440 ZACHARIAH T. ANDERSEN

I HEREBY STATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN.

IS THIS PROPERTY IN AN F.I.A. DESIGNATED FLOOD HAZARD AREA? NO
FIRM MAP NUMBER: 45085C0283F EFFECTIVE OCTOBER 27, 2022.

SOUTH CAROLINA ANDERSEN LAND SURVEYING, LLC CERTIFICATE OF AUTHORIZATION NO. 4124

NOT A VALID DOCUMENT WITHOUT ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL.

# Location Map

Area Map

Horizon Dr
Horizon Ct
Landma
Beacon Dr
Beacon Ct
Maplecreek Dr
Water Lilly Dr
Champaca Ct
Pyramid Ct
Constitution Dr
Constitution Cir
Declaration Blvd
Brushwood Dr
Loring Mill Rd
Patriot Pkwy
Minutemen Ln
Continental Rd
Patriot Park
General Dr

Legend
Case Site Location

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0 200 400 Feet

1 inch = 400 feet

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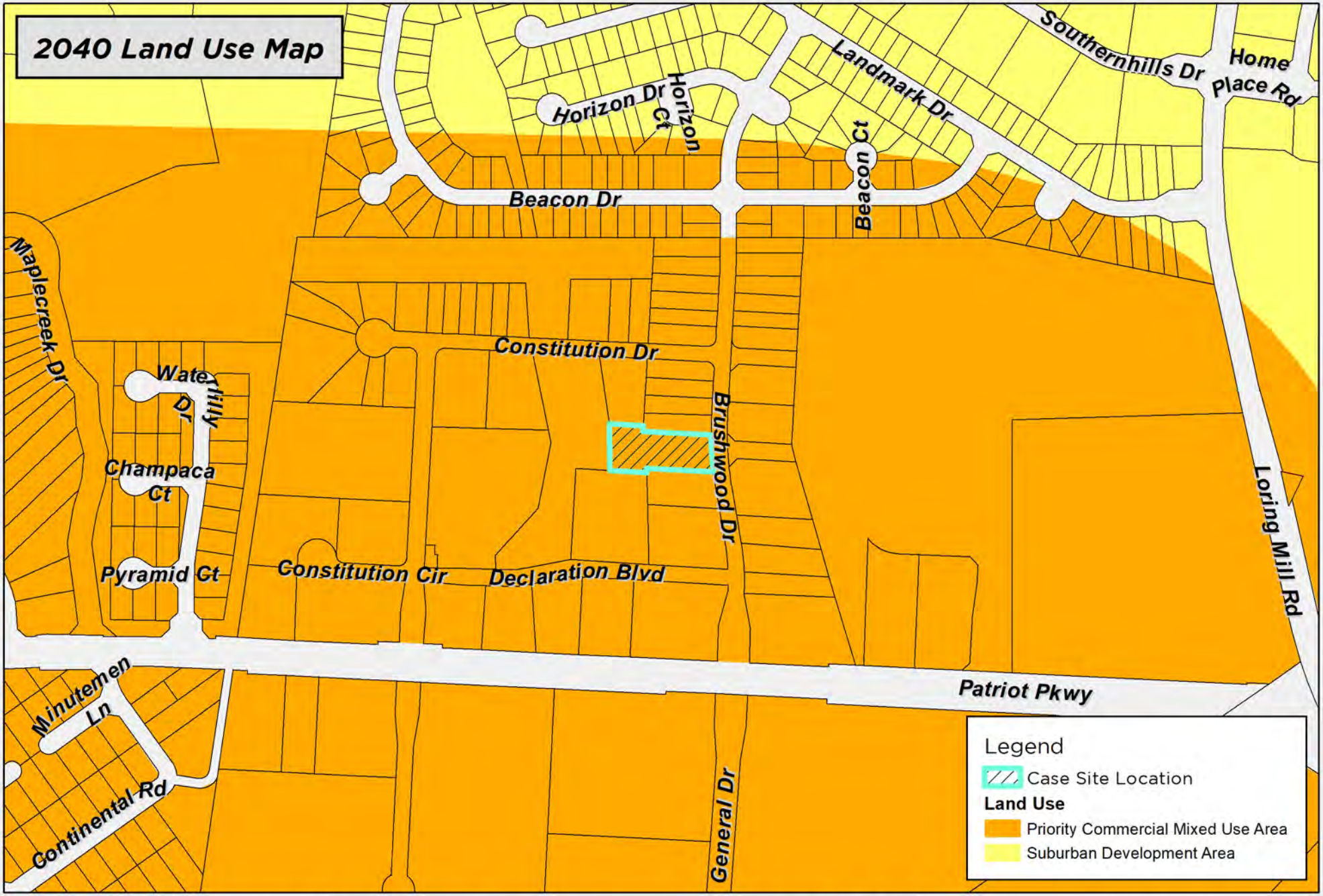
User Name: crobbins
Document Name: BOA-24-40

Sumter SOUTH CAROLINA

BOA-24-40
550 Brushwood Dr, Sumter, SC 29154
Tax Map # 185-00-01-186

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Sumter SOUTH CAROLINA

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Tax Map # 185-00-01-186

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0 50 100 Feet

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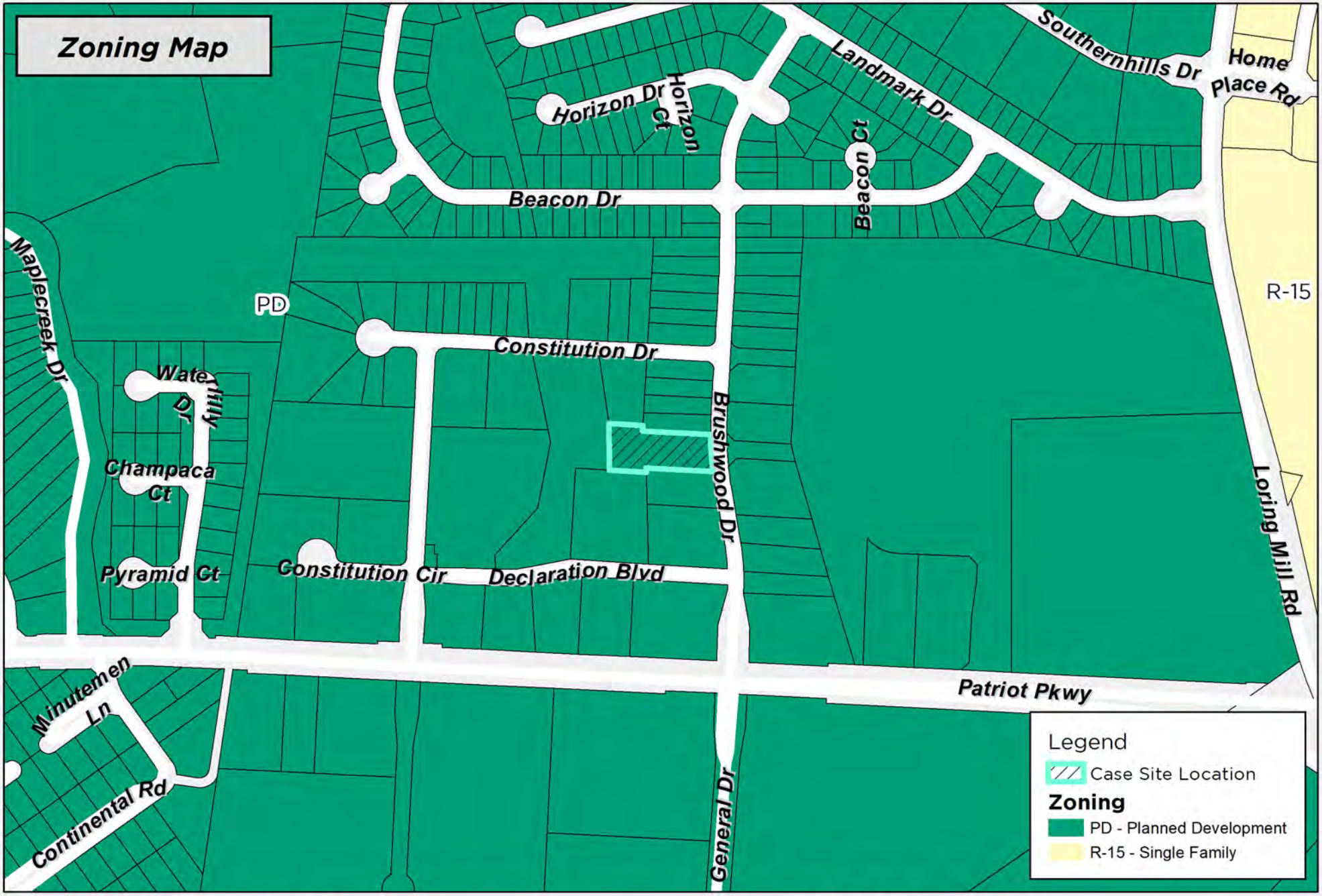


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