

Sumter City-County Zoning Board of Appeals

May 8, 2024

BOA-24-14, 3908/3910 Camden Hwy. (County)

The applicant (William E. Moore) is requesting a variance from the non-residential building setback requirements outlined in *Article 3.b.5.b: (R-9 District) Minimum Yard and Building Setback Requirements* and *Article 4.g.4.a: (Agricultural Accessory Structures) Conditions & Exceptions* of the Sumter County Zoning & Development Standards Ordinance in order reuse existing discontinued non-residential structures that do not comply with applicable non-residential building setback requirements for agricultural purposes. The building setback requirement for non-residential uses applicable to this property is 50 ft. The property is located at 3908/3910 Camden Hwy., is zoned Residential-9 (R-9), and is represented by TMS# 189-00-02-005.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

May 8, 2024

BOA-24-14, 3908/3910 Camden Hwy. (County)

I. THE REQUEST

Applicant: William E. Moore

Status of the Applicant: Property Owner

Request: The applicant is requesting a variance from applicable non-residential building setback requirements in order to reuse existing discontinued non-residential structures that do not comply with applicable non-residential building setback requirements for agricultural purposes.

County Council District: District 2

Location: 3908/3910 Camden Hwy.

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

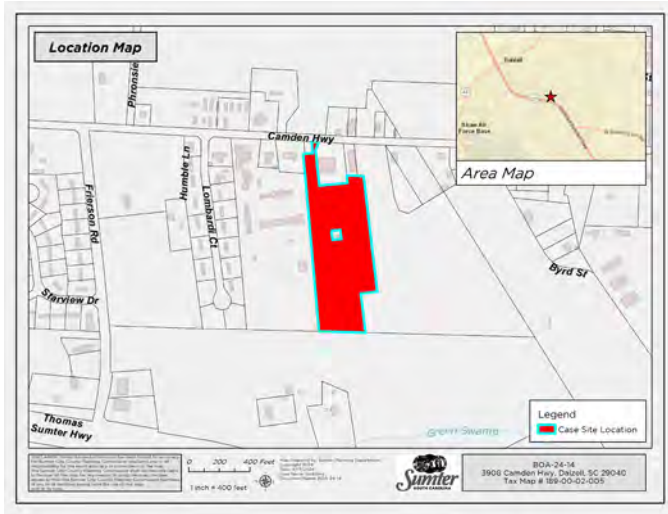
Tax Map Reference: 189-00-02-005

II. BACKGROUND

The applicant is requesting a variance from non-residential building setback requirements in order to reuse 2 existing discontinued non-residential structures that do not conform to current setback requirements.

The property, shown in red on the location to the right, is located on the south side of Camden Hwy. between Byrd St. and Lombardi Ct. in the Dalzell area of Sumter County.

The property is the location of a former cotton oil mill and contains multiple



structures pertaining to this business and any other later businesses on the property, as applicable. The applicant desires to reuse two (2) of the warehouse buildings at the rear of the property for agricultural storage purposes. Agricultural storage uses are permitted in the R-9 zoning district, like they are in all county zoning districts, but must meet required non-residential building setback requirements.

The location of the warehouse buildings is nonconforming to setback requirements and the site is considered discontinued in accordance with *Article 6* provisions. As such, reuse of the buildings is subject to the “Projects at Nonconforming Sites” provisions in *Article 6.c.4* of the Ordinance. The applicant is proposing electrical work in order for building reuse. Based on the cost of work submitted with an electrical permit application, it appears that substantial compliance with all current standards is required. The major non-conforming site feature applicable are distance the building are setback from side and rear property lines, with both building being located +/- 11 ft. from the side property line and 1 building being located +/- 25 ft. from the rear property line. The side and rear building setback requirement for non-residential uses in the R-9 zoning district is 50 ft.



Above: Site layout graphic

Ordinance Requirements:

Article 3.b.5.b: (R-9 District) Minimum Yard and Building Setback Requirements

Front	35 ft. (local/collector roadways) 45 ft. (all other roadways)
Side	10 ft. (residential) 50 ft. (non-residential)
Rear	25 ft. (residential) 50 ft. (non-residential)

Article 4.g.4.a: (Agricultural Accessory Structures) Conditions & Exceptions

a. Conditions & Exceptions:

1. Accessory buildings constructed for the exclusive use of sheltering agricultural machinery or storage of agricultural products shall be exempt from the accessory building standards;
2. All agricultural structures shall be treated as principal structures for the purpose of this Zoning Ordinance; agricultural structures shall meet nonresidential setbacks and shall meet all other non-residential development criteria for a given zoning district to include maximum height, distance between buildings and impervious surface ratio requirements.

The Request:

The applicant (William E. Moore) is requesting a variance from the non-residential building setback requirements outlined in *Article 3.b.5.b: (R-9 District) Minimum Yard and Building Setback Requirements* and *Article 4.g.4.a: (Agricultural Accessory Structures) Conditions & Exceptions* of the Sumter County Zoning & Development Standards Ordinance in order reuse existing discontinued non-residential structures that do not comply with applicable non-residential building setback requirements for agricultural purposes. The building setback requirement for non-residential uses applicable to this property is 50 ft.

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, and the improvements thereon, were in place long before current zoning requirements. The layout of the buildings on the property were done so to support a past cotton oil mill land use. The property has a narrow width in relation to the number of structures placed on it.

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

The conditions described above, as they pertain to the subject property, are not generally applicable to most other property in the vicinity.

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 this property would not allow most of the structures on the property to be reused for any nonresidential use otherwise permitted in the R-9 zoning district.

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.

The property is adjacent to property that is either currently undeveloped or used for agricultural purposes.

IV. STAFF RECOMMENDATION

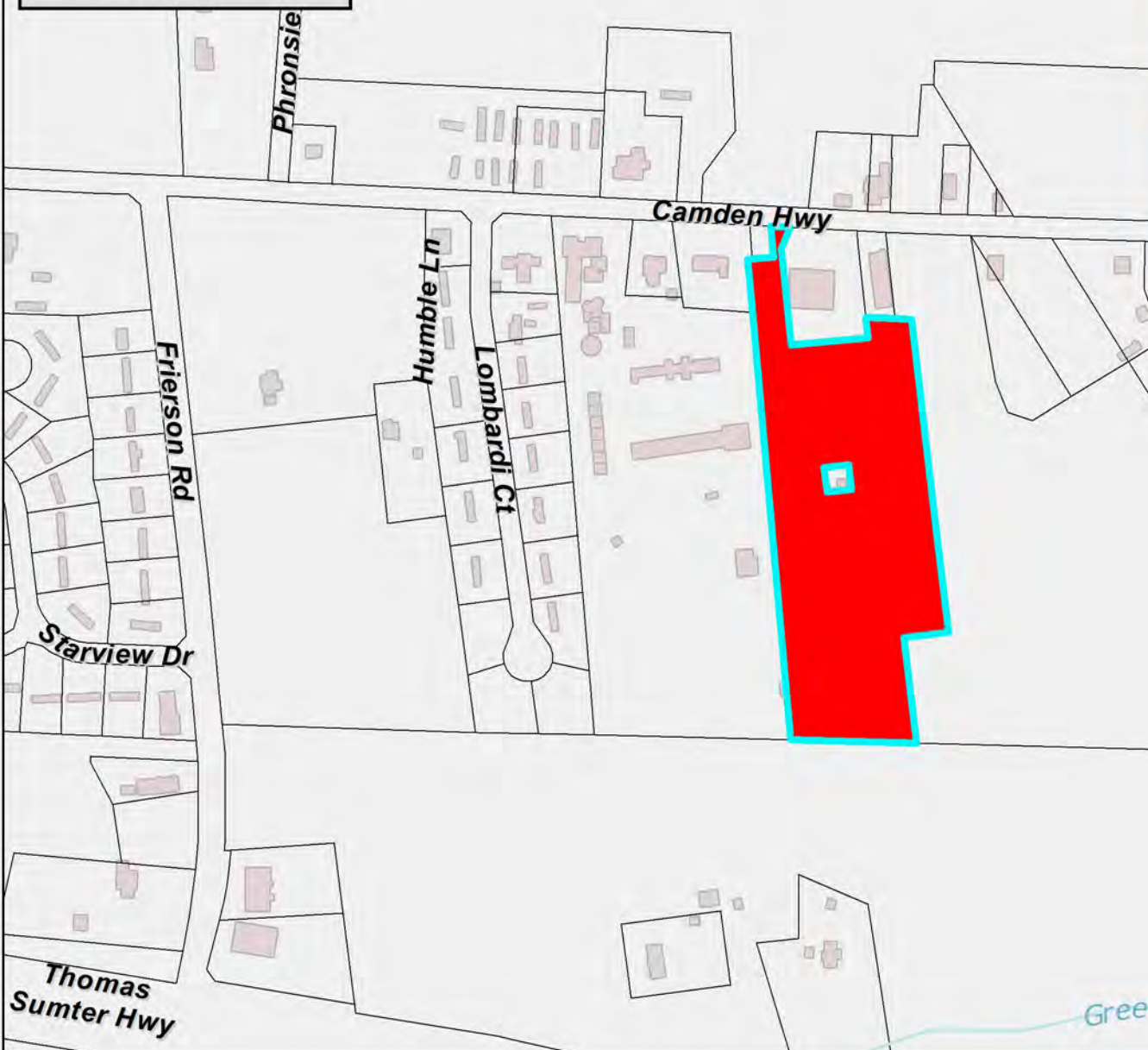
Staff recommends no additional approval conditions if the Zoning Board of Appeals makes all the findings necessary to approve this request.

V. DRAFT MOTIONS FOR BOA-24-14

1. I move the Zoning Board of Appeals **approve** BOA-24-14, subject to the following findings of fact and conclusions:
2. I move the Zoning Board of Appeals **deny** BOA-24-14, 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-24-14.

VI. BOARD OF APPEALS – May 8, 2024

Location Map

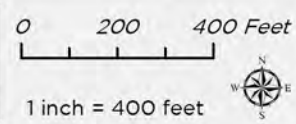


Area Map

Legend

-  Case Site Location

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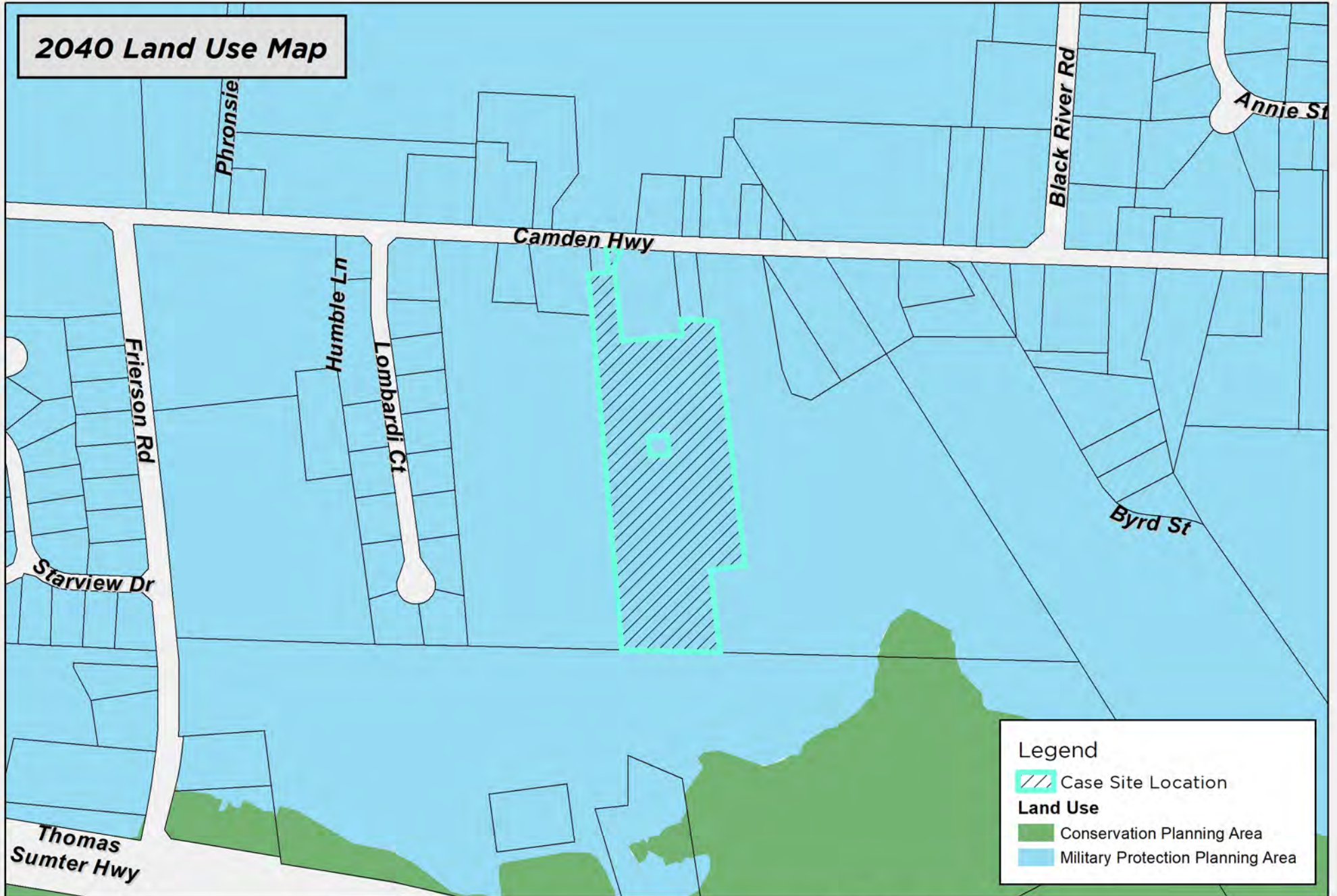


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BOA-24-14
3908 Camden Hwy, Dalzell, SC 29040
Tax Map # 189-00-02-005

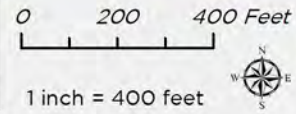
2040 Land Use Map



Legend

- Case Site Location
- Land Use**
- Conservation Planning Area
- Military Protection Planning Area

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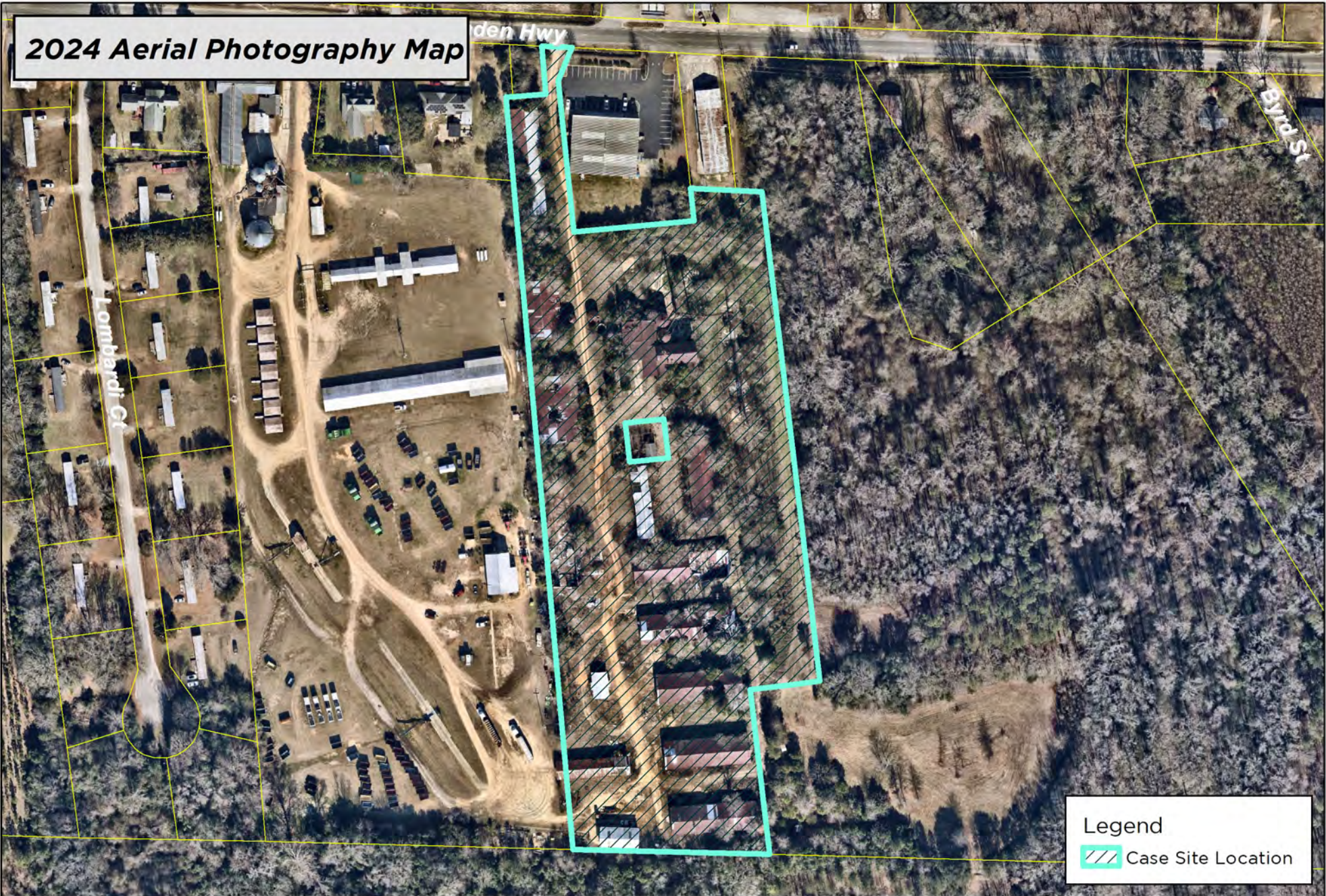


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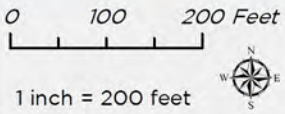
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2024 Aerial Photography Map



Legend
 Case Site Location

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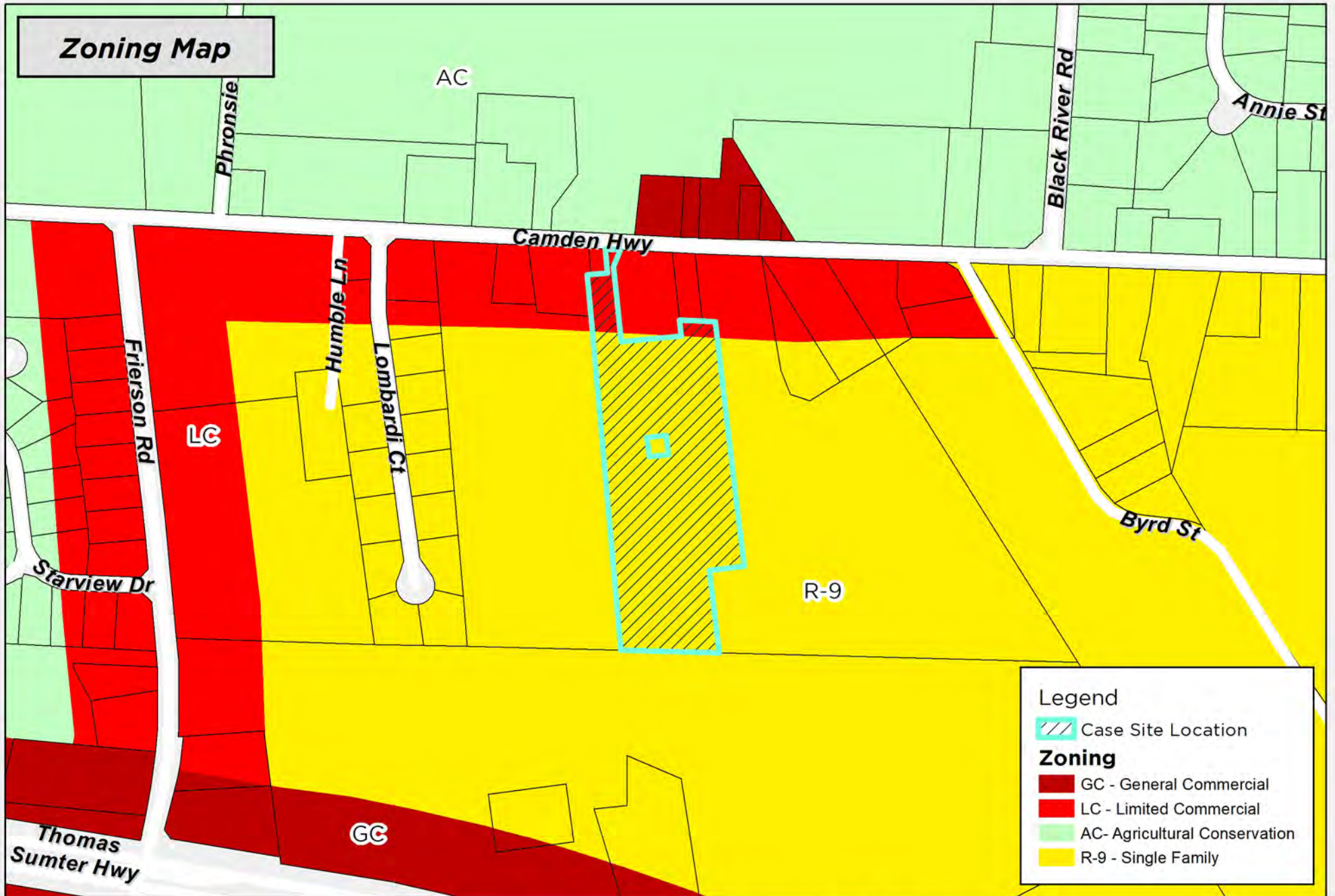


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Zoning Map



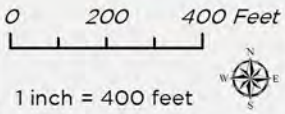
Legend

- Case Site Location

Zoning

- GC - General Commercial
- LC - Limited Commercial
- AC - Agricultural Conservation
- R-9 - Single Family

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