

Sumter City-County Zoning Board of Appeals

August 13, 2025

BOA-25-24-4300 Nazarene Church Rd. (County)

The applicant (Veronica Avin & Karen Cooper) is requesting variances from the following Sumter County Zoning & Development Standards Ordinance requirements: non-residential structure side building setback requirements found in Article 3.n.5.b (and any other variances as may be required) to establish a non-residential structure on the property +/- 25 from a side property line. The required side building setback for non-residential uses in the AC district is 50 ft. The property is located at 4300 Nazarene Church Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 213-00-03-066.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

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BOA-25-24-4300 Nazarene Church Rd. (County)

I. THE REQUEST

Applicant: Veronica Avin & Karen Cooper

Status of the Applicant: Authorized Agent

Request: Variances from agriculture accessory structure setbacks

County Council District: District 3

Location: 4300 Nazarene Church Rd.

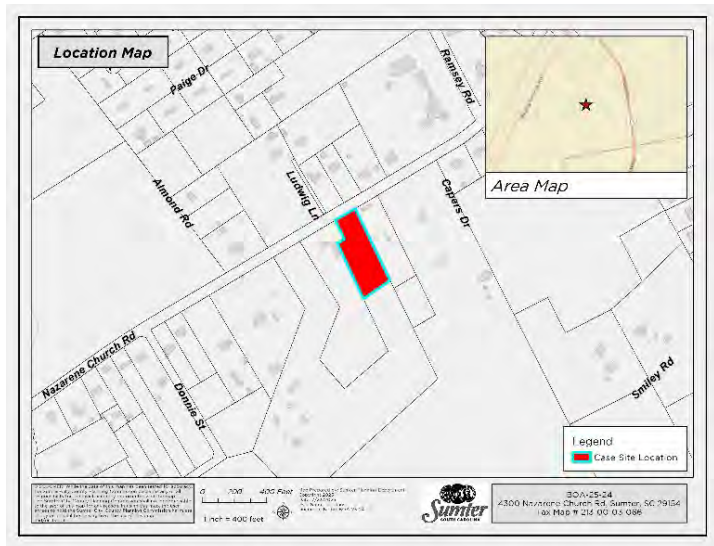
Present Use/Zoning: Residential / Agricultural Conservation (AC)

Tax Map Reference: 213-00-03-066

II. BACKGROUND

The applicant is requesting a variance to the agricultural accessory structure setback requirements outlined in *Article 4.g.4.* of the Sumter County Zoning & Development Standards Ordinance (the “Zoning Ordinance”) in order to allow for the applicants stated use as an agricultural accessory structure that has already been constructed.

The property is situated to the south of Nazarene Church Rd. and is shown in red on the map to the right. The applicant acquired the property in December 2019. It consists of a 2-acre parcel (TMS# 213-00-03-066). There is also a mobile home on the property that the applicant states will be removed from the property, as it does not meet the required building separation standards.



The applicant is requesting a setback variance for a 1600 sq. ft. agricultural accessory structure that is being constructed. The structure is metal building dimensioning at 40'x40' with a +/-9' x 20' covered porch constructed on a 49'x40' concrete slab. As shown in the photos below, the front of the building is oriented towards the side yard facing 4320 Nazarene Church Rd. and not the Nazarene Church Rd. frontage.



Figure 1: East Side View



Figure 2 East Side Expanded View



Figure 3: Street View



Figure 4: Aerial View

According to *Article 4.g.4*, agricultural accessory structures must comply with the nonresidential setback requirements for the zoning district in which they are located. The applicant has informed staff that the intended use of the structure is to store gardening equipment for maintaining a community garden currently being developed on the lot.

Staff also notes that a Sumter City-County Building Department inspector issued a stop work order on the structure due to the applicant's failure to submit a building permit. As a result, the applicant may not have been aware of the required setback regulations for an agricultural accessory structure. The required side setback is 50 feet; while one side meets this requirement at approximately 54 feet, the other side is set back only approximately 25 feet¹, which does not comply.

¹ There appears to be parallax in the amount of +/-12 ft. between parcel boundary lines and aerial photography in GIS. Property boundary assumed to be at or near the fence line on the property.

Ordinance Requirements:

Article 3.n.5.b: (AC District) Minimum Yard and Building Setback Requirements

Front	35 ft. (local/collector roadways) 45 ft. (all other roadways)
Side	12 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 (Veronica Avin & Karen Cooper) is requesting a setback variance from the non-residential setback requirements for agricultural accessory structures outlined in *Article 4, Section G: Accessory Buildings and Uses* of the *Sumter County – Zoning & Development Standards Ordinance* (the “Zoning Ordinance”) and any other variances as may be required in order to allow for the structure to be placed +/-25 ft. from the side property line.

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 lot is +/-143 ft. of lot width in the area of construction and gets wider towards the rear of the parcel. The front area of the property is the most logical place on this property to locate the structure. The wider section of the property to the rear is heavily wooded and could contain wetlands in certain locations per NWI data.

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

There are other lots in the vicinity lot with similar lot width characteristics as the subject property. However, it is noted that not all of these lots have heavily wooded areas and potential wetlands located on them.

- 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.*

Application of the ordinance does not permit construction of this specific building configuration without variances. Construction of this structure in this location does require variances for the property owner will have to relocate the building to another area 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.*

Approval of this variance is not anticipated to result in substantial detriment to adjacent property or the public good. Further, approval is not anticipated to harm the character of the district. There is an existing tree line serving as a buffer between the adjacent property on the side where the setback variance is being requested.

IV. STAFF RECOMMENDATION

Staff recommends that the following approval condition be placed *if* the Board finds that all necessary criteria have been met to approve this request:

1. Removal of the mobile home prior to building permit approval.

V. DRAFT MOTIONS FOR BOA-25-24

1. I move the Zoning Board of Appeals **approved** BOA-25-24, 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-25-24, subject to the following findings of fact and conclusions:
3. I move the Zoning Board of Appeals enter an alternative motion for BOA-25-24.

VI. BOARD OF APPEALS – August 13, 2025

Location Map

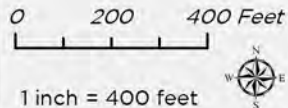


Area Map

Legend

 Case Site Location

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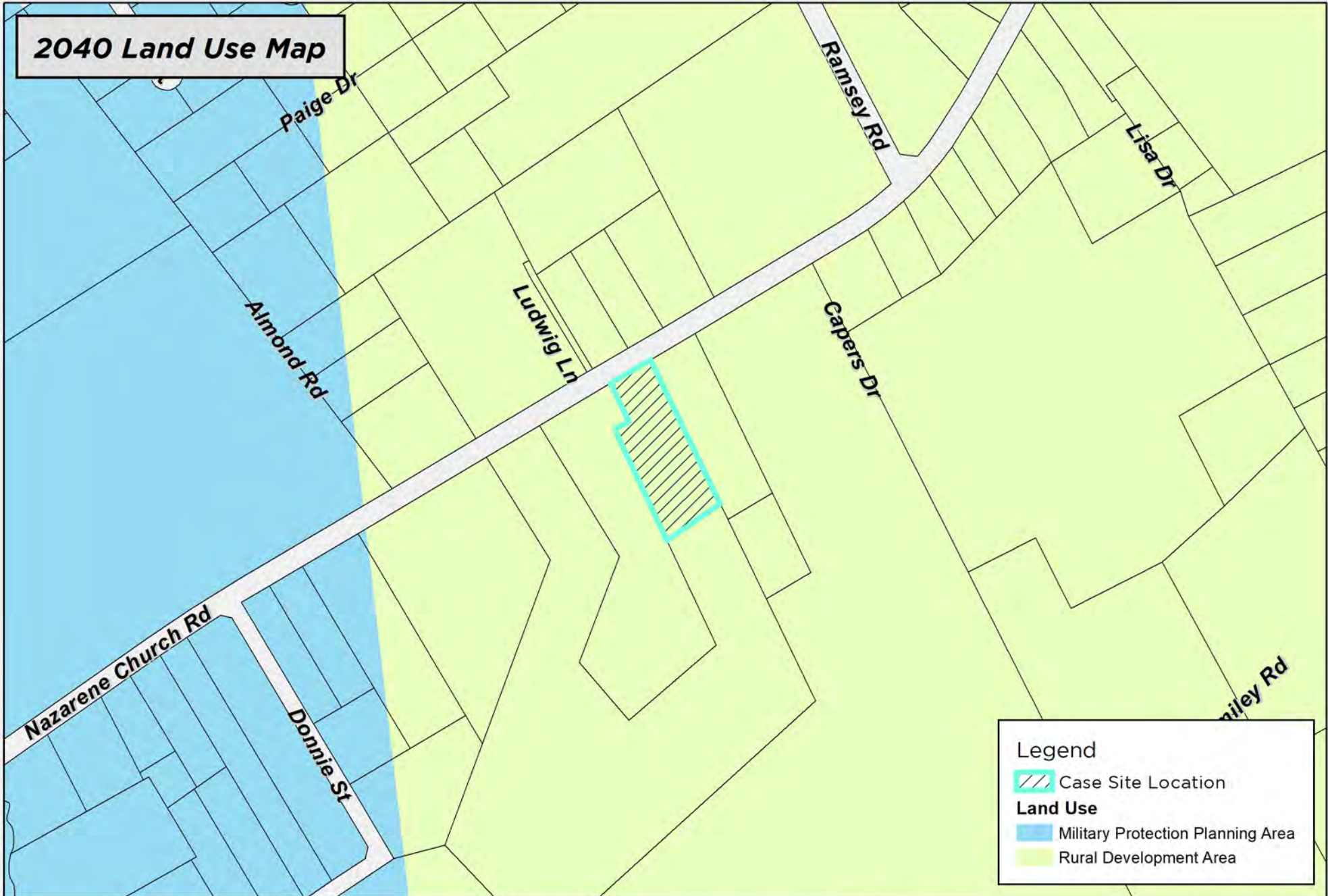


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BOA-25-24
4300 Nazarene Church Rd, Sumter, SC 29154
Tax Map # 213-00-03-066

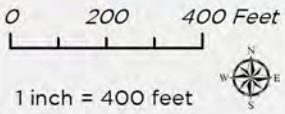
2040 Land Use Map



Legend

- Case Site Location
- Land Use**
- Military Protection Planning Area
- Rural Development Area

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
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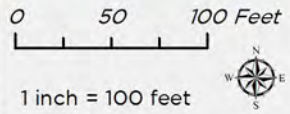
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2025 Aerial Photography Map



Legend
 Case Site Location

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Zoning Map



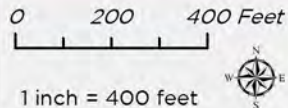
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 Case Site Location

Zoning

 AC- Agricultural Conservation

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