

Sumter City-County Zoning Board of Appeals

July 9, 2025

BOA-25-19 200 Miller Rd (City)

The applicant (Mid-Carolina Commission for Higher Education) is requesting the following variances from the City of Sumter Zoning & Development Standards Ordinance requirements: 1) building setback requirements found in Article 3, Exhibit 3-1(A) Development Standards for Uses in R-15 District and 2) principal building separation requirements found in *Article 4.f.3.b: Yards Located On Located With More Than One Principal Building* (and any other variances as may be required) in order to construct an and outdoor pavilion with roof that will be located +/- 8 ft. from a side property line and that will located closer to an adjacent principal building than is permitted. The applicable side building setback for non-residential structures in the R-15 zoning district is 50 ft. and principal buildings must be separated by a distance equal to or greater than the height of the tallest building. The property is located at 200 Miller Rd., is zoned Residential-15 (R-15), and is represented by TMS#s 204-13-01-006 & 204-13-01-009.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

July 9, 2025

BOA-25-19 200 Miller Rd (City)

I. THE REQUEST

Applicant: Mid-Carolina Commission for Higher Education (MMCHE)/
Sumter County Commission on Higher Education

Status of the Applicant: Authorized Agent

Request: Variances from required setbacks to construct an outdoor
roofed pavilion

City Council District: Ward 4

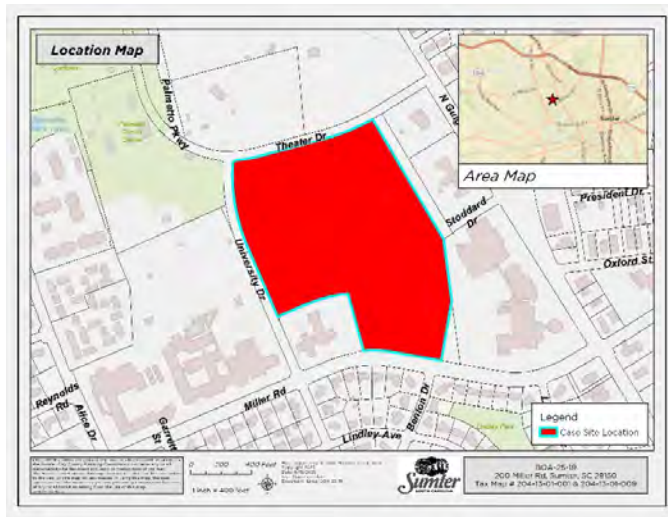
Location: 200 Miller Road.

Present Use/Zoning: College and Education / Residential-15 (R-15)

Tax Map Reference: 204-13-01-006 & 204-13-01-009

II. BACKGROUND

The applicant is requesting variances from the building setback requirements found in *Article 3, Exhibit 3-1(A) Development Standards for Uses in R-15 District* and from the principal building separation requirements found in *Article 4.f.3.b: Yards Located On Located With More Than One Principal Building* of the City of Sumter Zoning & Development Standards Ordinance (the “Zoning Ordinance”) in order to construct an outdoor roofed pavilion on the property.



The property is located on the east side of University Drive, the south side of Theatre Drive, and the north side of Miller Road. It is situated within the Residential-15 (R-15) zoning district.

The applicant's desired location for the structure does not meet the required 50-foot building setback that is applicable to non-residential uses in the R-15 zoning district. The closest part of the pavilion is proposed to be +/- 8 feet from the property line. Additionally, the closest part of the structure will be +/- 6.5 ft. from an adjacent principal building on the property. The Zoning Ordinance requires that principal structures be separated by at least the height of the tallest structure, either the proposed structure or the existing structure—whichever is taller. Thus, variance approval by the Zoning Board of Appeals is required for the applicant to proceed with construction of the building in the proposed location.

It is noted that an open pavilion, of the type being proposed, is generally considered a commercial accessory structure. Pursuant to the requirements of *Article 4.g.3.: Commercial Accessory Structures* of the Zoning Ordinance, commercial accessory structures over 200 sq. ft. in size shall be treated as a principal structure for zoning regulation purposes.

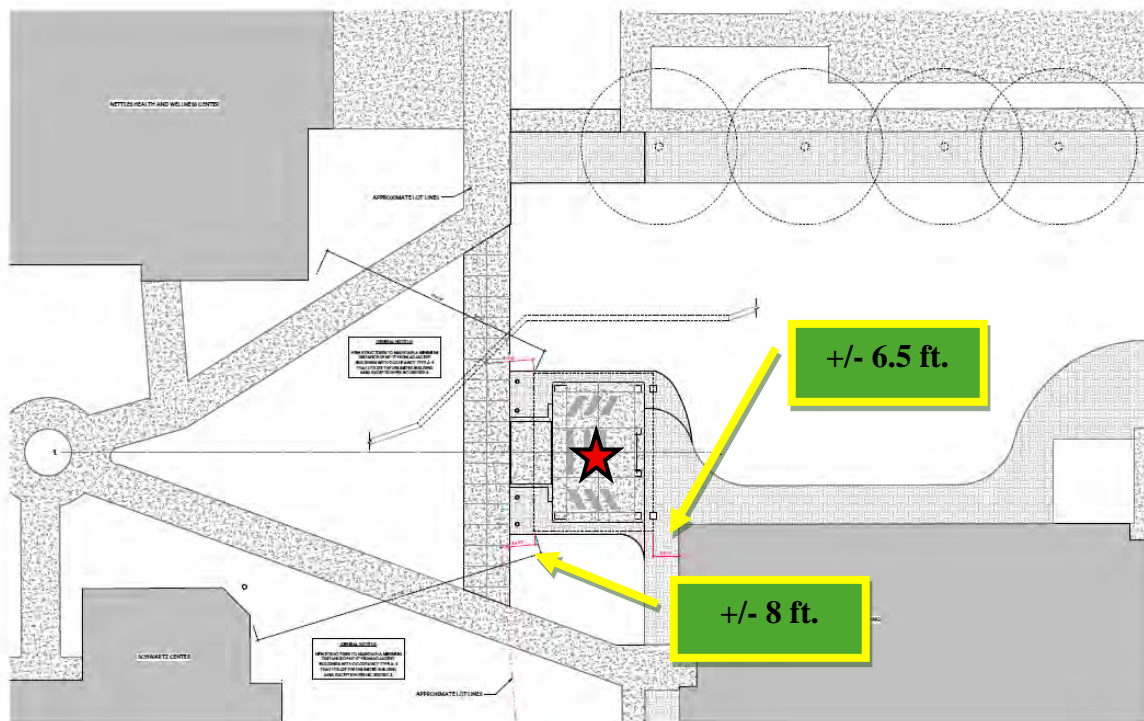


Figure 1: Site Layout Graphics Provided by the Applicant

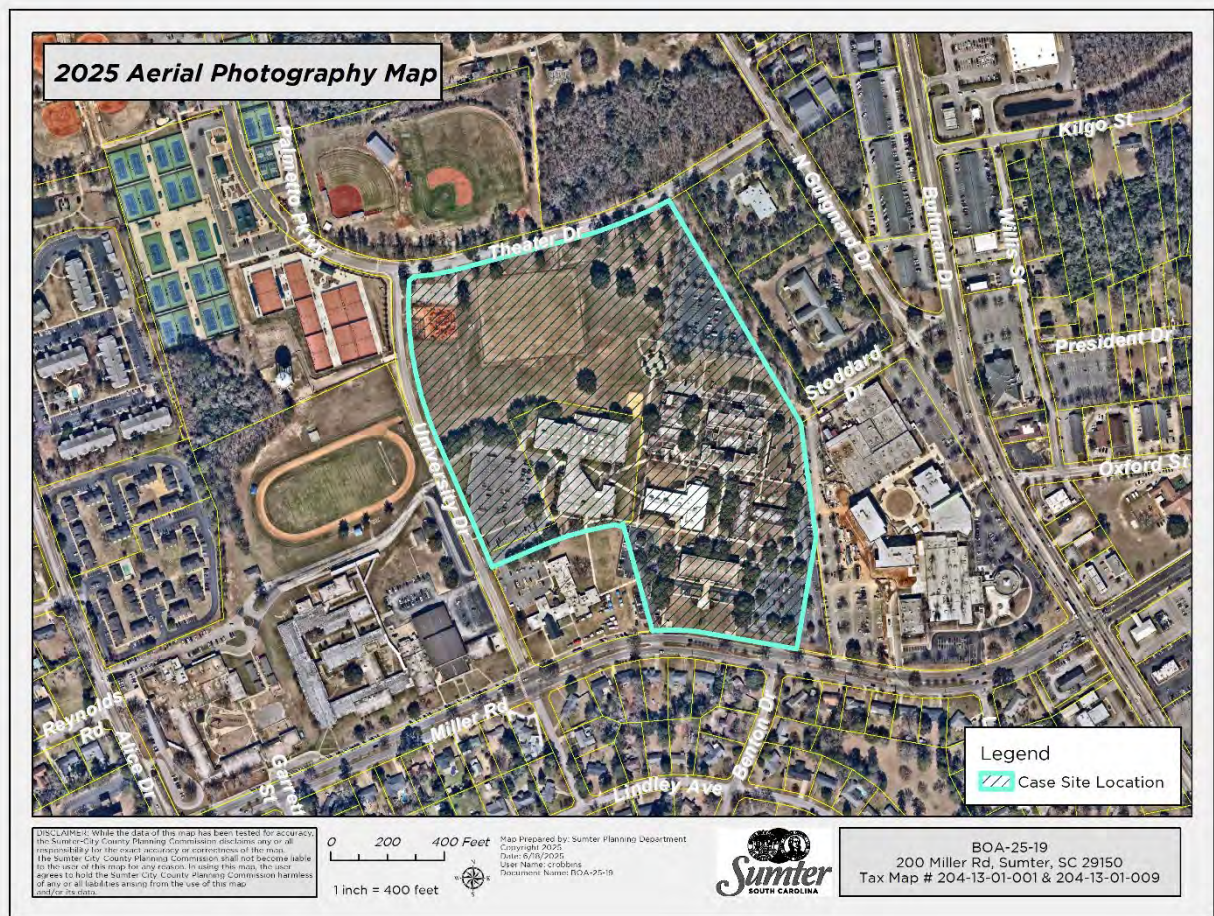


Figure 2: Aerial View of the Property



Figure 2: Front View of Pavillion Location



Figure 3: Rear View of Pavillion Location



Figure 4: Side View of Pavillion Location

Ordinance Requirements:

Article 3, Exhibit 3-1(A) Development Standards for Uses in R-15 District

EXHIBIT 3-1(A) DEVELOPMENT STANDARDS FOR USES IN R-15 DISTRICT

	Non-Residential Uses	Single Family Detached Dwellings
Minimum Lot Area Per Individual Unit ¹	N/A	15,000 sq. ft. <i>(per structure)</i>
Minimum Lot Width	100 ft.	100 ft.
Minimum Lot Depth ²	120 ft.	120 ft.
Minimum Yards, Per Structure:		
Front ³	35 ft. <i>(local/collector)</i> 45 ft. <i>(arterial)</i>	35 ft. <i>(local/collector)</i> 45 ft. <i>(arterial)</i>
Side	50 ft.	12 ft.
Rear	50 ft.	25 ft.
Maximum Impervious Surface Percentage	40%	40%
Maximum Density (units per gross acre)	N/A	2.9
Maximum Height of Buildings	45 ft.	35 ft.

Article 4.f.3. – Yards Located on Lots with More Than One Principal Building

4.f.3. Yards Located on Lots with More Than One Principal Building:

- a. Unless expressly permitted elsewhere by this Ordinance, only 1 principal residential structure shall be located on an individual lot of record or combination of 2 or more lots of record.
- 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 (Mid-Carolina Commission for Higher Education) is requesting the following variances from the City of Sumter Zoning & Development Standards Ordinance requirements: 1) building setback requirements found in Article 3, Exhibit 3-1(A) Development Standards for Uses in R-15 District and 2) principal building separation requirements found in *Article 4.f.3.b: Yards Located On Located With More Than One Principal Building* in order to construct an and outdoor pavilion with roof that will be located +/- 8 ft. from a side property line and that will located closer to an adjacent principal building than is permitted..

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.

There are extraordinary and exceptional conditions pertaining to this piece of property. The subject property is part of the USC Sumter campus, which spans multiple parcels under the ownership of both the Mid-Carolina Commission for Higher Education and the University of South Carolina (USC) and is directly adjacent to the Central Carolina Technical College (CCTC) campus. These parcels are functionally part of the larger campus, and they do not represent clear separation of the campus space. Students freely traverse these boundaries via sidewalks to campus buildings located on both parcels. However, these property lines do exist because of the legal framework for ownership of the various properties that make up the larger campus environment. The proposed improvement is intended to enhance the educational offerings of USC Sumter and will serve students and faculty across both parcels. Further, in relation to the request to vary from the principal building separation standards, staff notes that it is an outdated requirement, that Building & Fire Codes are in place to cover life safety aspects of building separation, that the pavilion has no walls, and the conditions already references are applicable.

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

These conditions do not generally apply to other properties in the vicinity. In this case, both parcels comprise the USC Sumter campus but were purchased by two separate agencies at different times—one by the Mid-Carolina Commission for Higher Education and the other by USC. This has resulted in a unique ownership and use arrangement that does not commonly occur with surrounding properties, which are typically under single ownership and managed completely differently from adjacent properties.

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.*

Because of these conditions, the strict application of the ordinance would unreasonably restrict the utilization of the property. No improvements or structures can be constructed where the property lines meet, even if such development would serve the best interests of the campus as a whole. This restriction limits the ability to make functional and cohesive enhancements to the USC Sumter campus, despite the fact that both parcels operate together as a unified educational facility.

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 approval of this request is not anticipated to result in substantial detriment to adjacent property or the public good. Further, it is not anticipated that approval of the request will harm the character of the district. The property is a college campus, and the proposed improvements will be located in between existing buildings on the campus.

IV. STAFF RECOMMENDATION

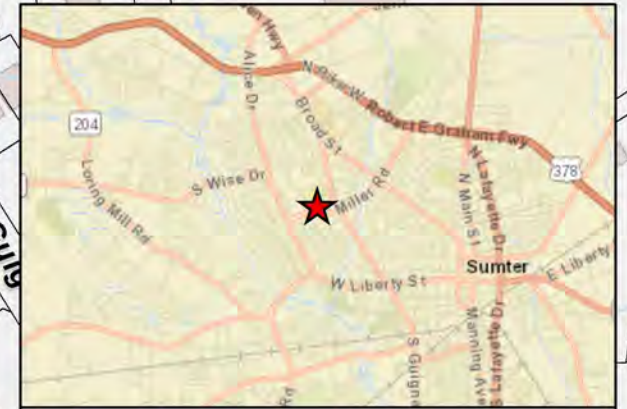
Staff recommends that no additional conditions be placed upon the requested variances, *if* the Board finds that all necessary criteria have been met.

V. DRAFT MOTIONS FOR BOA-25-19

1. I move the Zoning Board of Appeals **approve** BOA-25-19, 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-25-19, subject to the following findings of fact and conclusions:
3. I move the Zoning Board of Appeals enter an alternative motion for BOA-25-19.


VI. BOARD OF APPEALS – July 9, 2025

Location Map

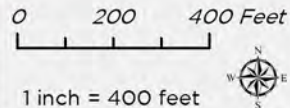


Area Map

Legend

 Case Site Location

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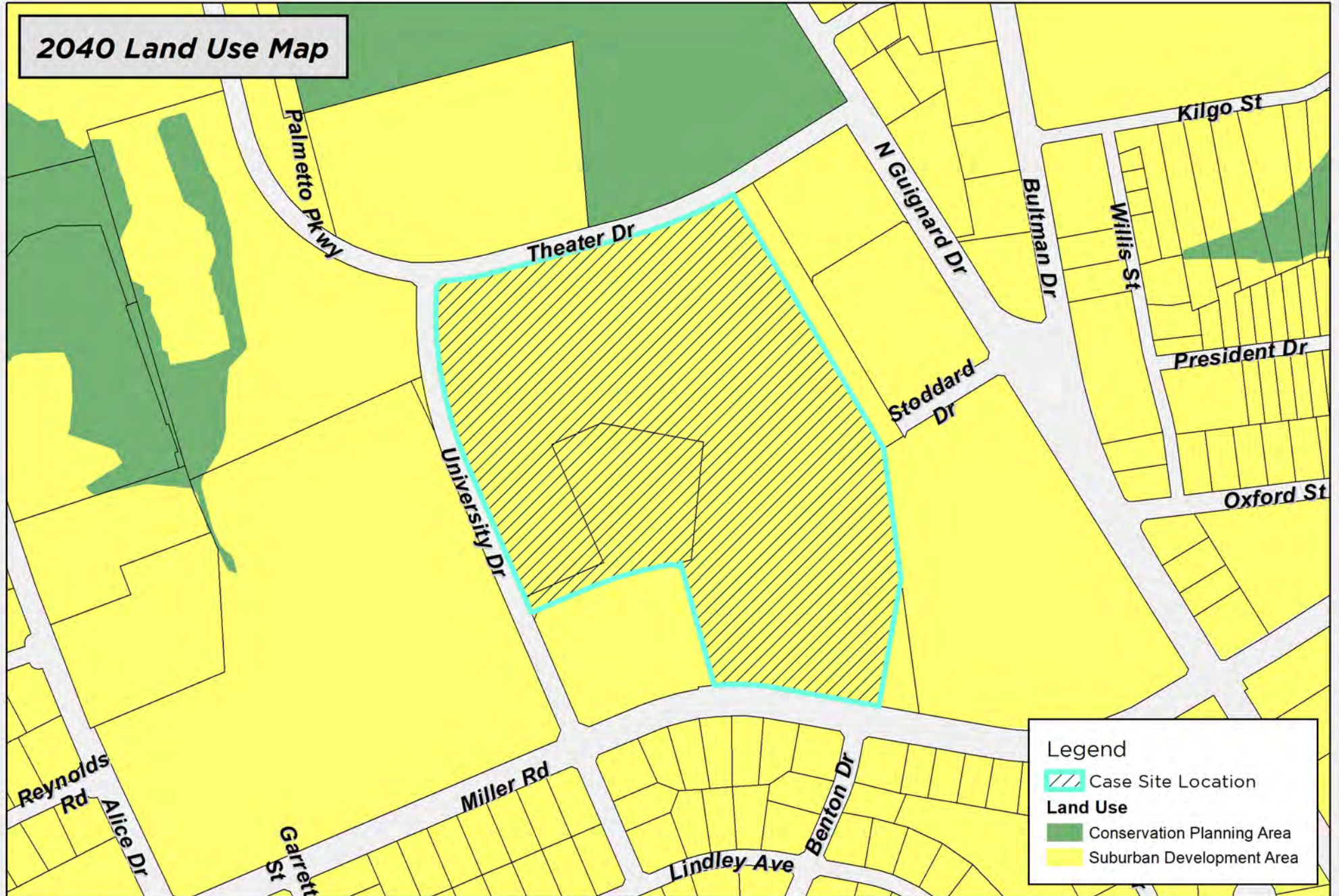


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Document Name: BOA-25-19



BOA-25-19
200 Miller Rd, Sumter, SC 29150
Tax Map # 204-13-01-001 & 204-13-01-009

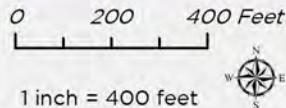
2040 Land Use Map



Legend

-  Case Site Location
- Land Use**
-  Conservation Planning Area
-  Suburban Development Area

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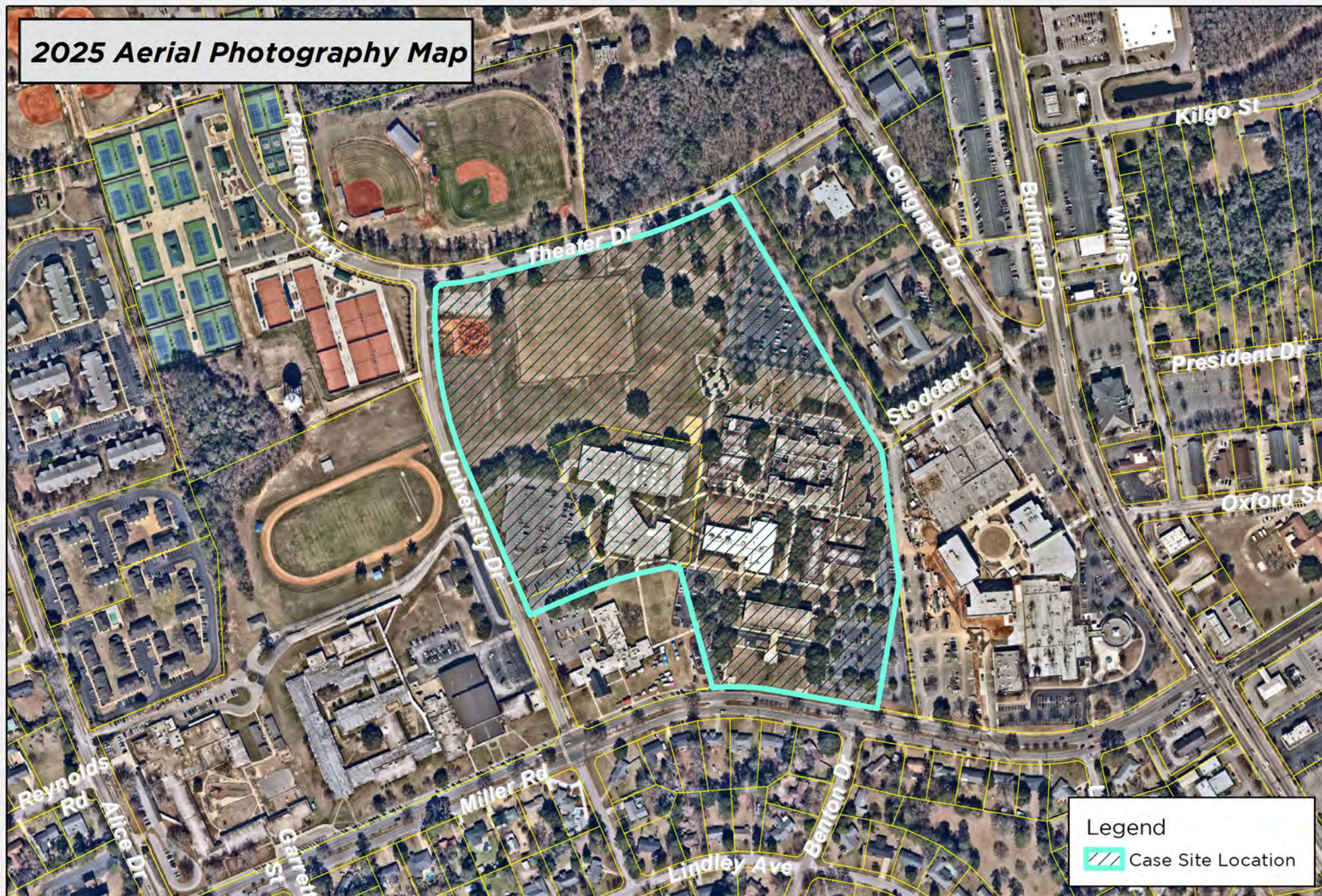


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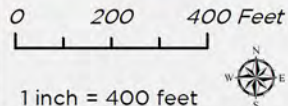
2025 Aerial Photography Map



Legend

 Case Site Location

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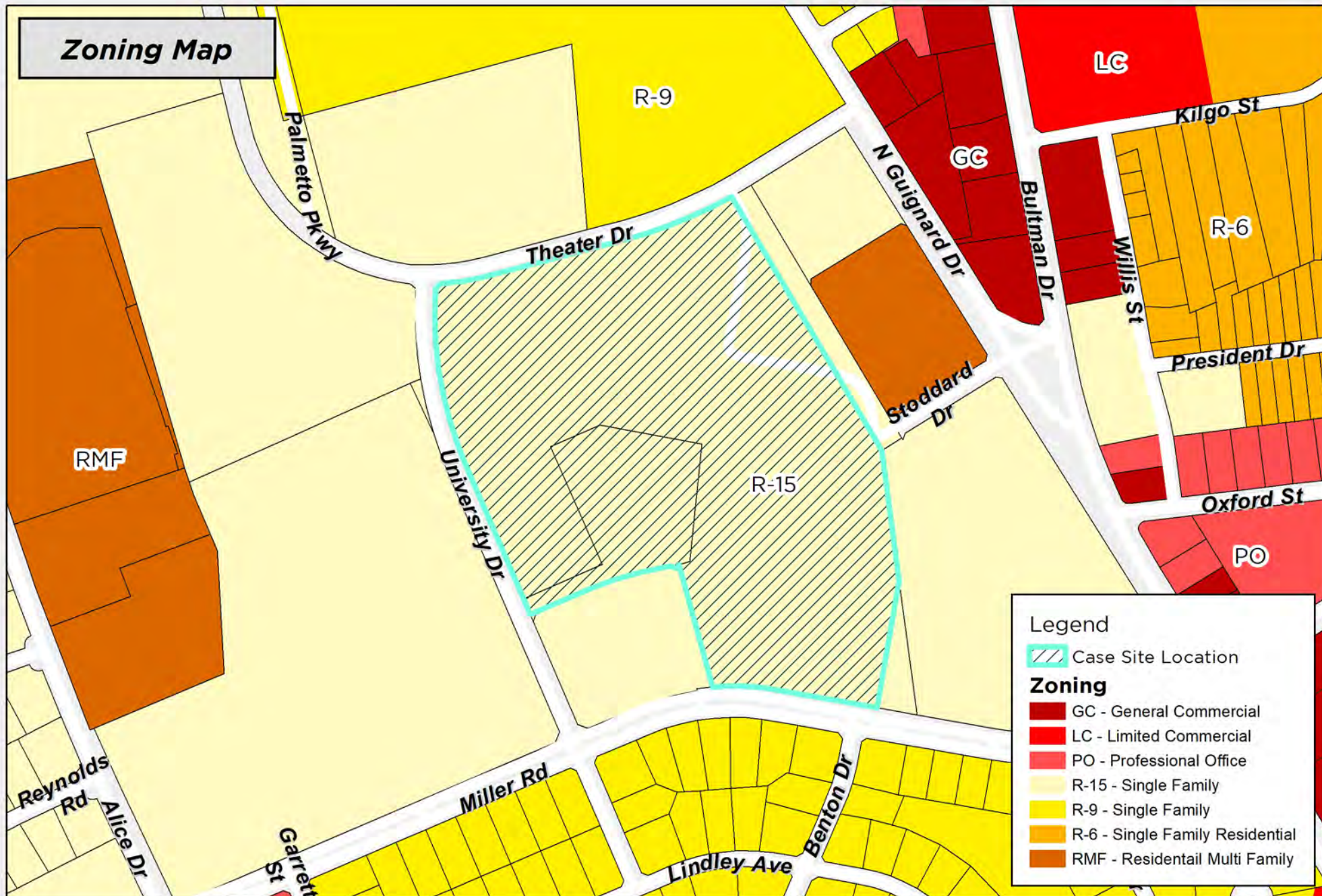


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Zoning Map



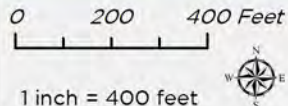
Legend

Case Site Location

Zoning

- GC - General Commercial
- LC - Limited Commercial
- PO - Professional Office
- R-15 - Single Family
- R-9 - Single Family
- R-6 - Single Family Residential
- RMF - Residential Multi Family

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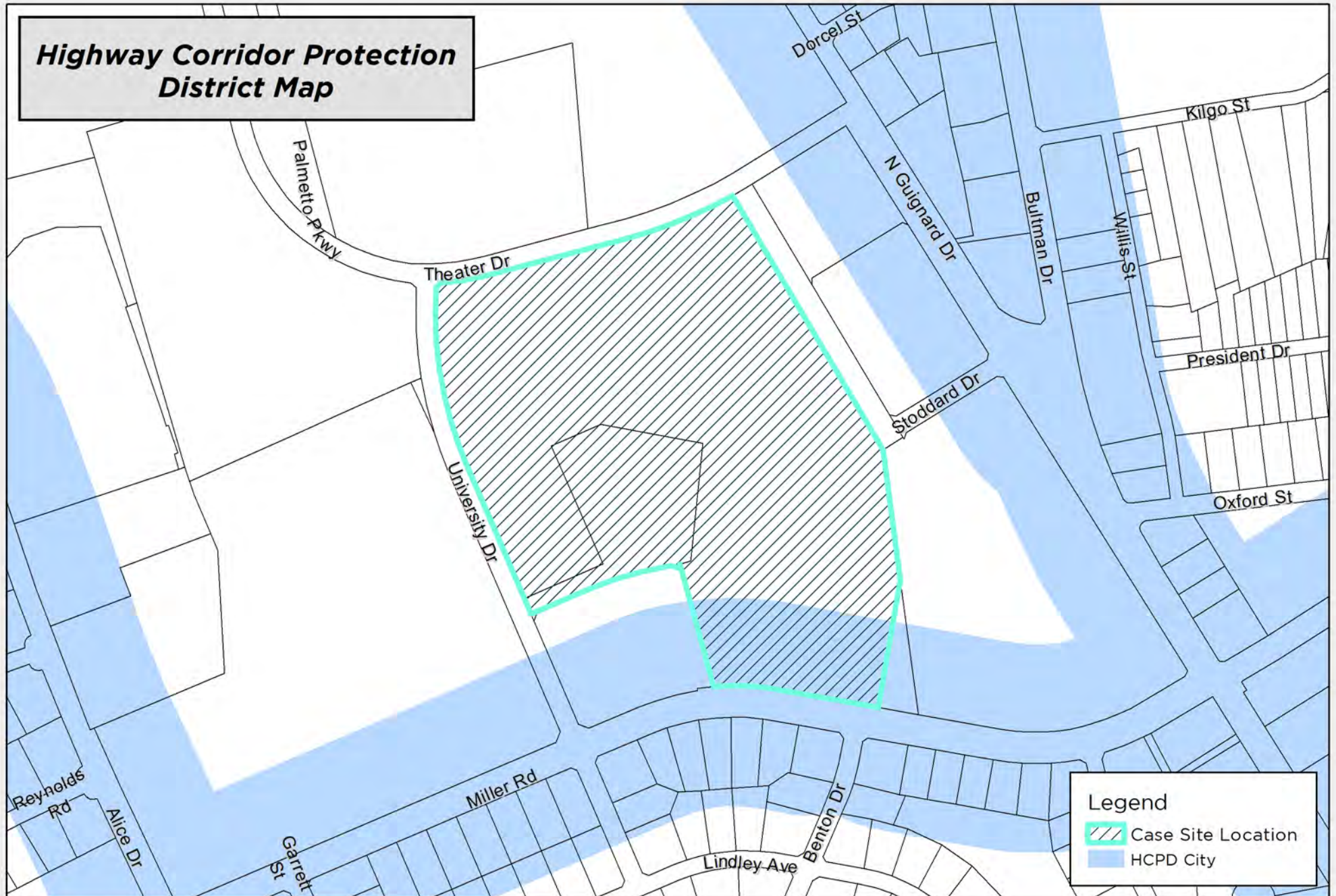


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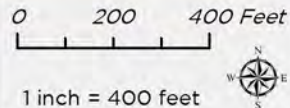


BOA-25-19
200 Miller Rd, Sumter, SC 29150
Tax Map # 204-13-01-001 & 204-13-01-009

Highway Corridor Protection District Map



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