

# Sumter City-County Zoning Board of Appeals

October 8, 2025

## **BOA-25-31, 5748 TB Wright Rd (County)**

The applicant (Nicholas A. Young – Shuler Killen Law) is requesting the following variances from the Sumter County Zoning & Development Standards Ordinance requirements: (1) side building setback requirement found in *Article 3.n.5.b* (AC District) Minimum Yard & Building Setback Requirements and (2) any other variances as may be required to approve a plat that is part of a court settlement agreement. The required side building setback in the AC district is 12 ft. The property is located at 5748 T.B. Wright Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 088-00-03-009.



Appeals - Variance - Special Exception

# Sumter City-County Zoning Board of Appeals

October 8, 2025

## BOA-25-31, 5748 TB Wright Rd (County)

### I. THE REQUEST

**Applicant:** Nicholas A Young

**Status of the Applicant:** Authorized Agent

**Request:** Variances from principal residential structure setbacks to settle a property line dispute.

**County Council District:** District 1

**Location:** 5748 T.B. Wright Road

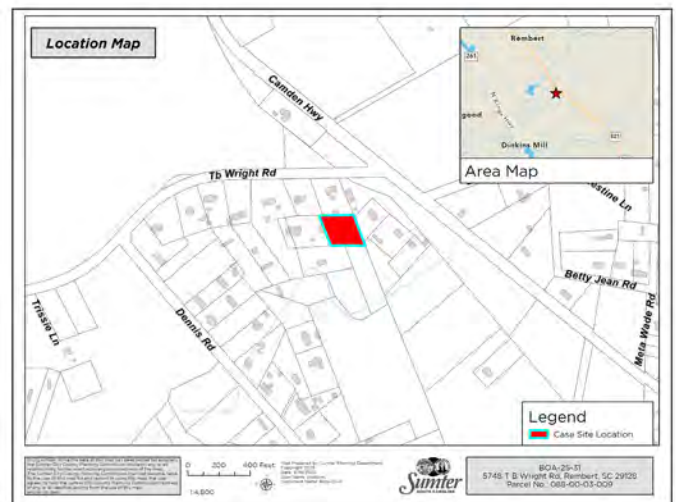
**Present Use/Zoning:** Residential / Agricultural Conservation (AC)

**Tax Map Reference:** 088-00-03-009

### II. BACKGROUND

The applicant is requesting a variance to the principal building side setback requirements outlined in *Article 3.n.5.b* of the Sumter County Zoning & Development Standards Ordinance (the “Zoning Ordinance”) in order to allow for the applicant to settle the property line dispute between the two neighbors.

The property is situated to the south of TB Wright Rd. and is shown in red on the map to the right. The property owner acquired the property in January 1993. It consists of a 1-acre parcel (TMS# 088-00-03-009). There is also a single-family home on the property that was constructed in 1986 according to the Sumter County Tax Accessors Office.

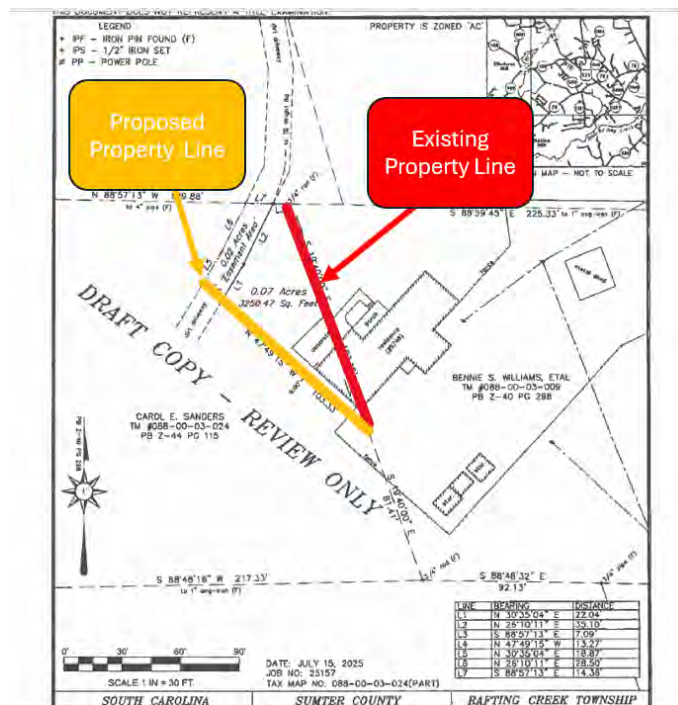


The applicant is requesting a setback variance to establish a new side property line in order to resolve an ongoing boundary dispute between two adjacent property owners. The applicant's

existing residence currently encroaches upon the shared property line. As part of a settlement agreement facilitated by the respective legal representatives, the proposed new property line will be relocated to the southwestern side of the applicant's home. However, the new property line will be located only 6 feet from the existing structure, which does not meet the minimum 12-foot side yard setback requirement stipulated in the Agricultural Conservation (AC) District regulations. Therefore, a variance is required to allow a reduced setback of 6 feet in lieu of the required 12 feet.



**Figure 1- Ariel View**



**Figure 2- Proposed New Plat of Record**

## Ordinance Requirements:

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

<b>Front</b>	35 ft. (local/collector roadways) 45 ft. (all other roadways)
<b>Side</b>	12 ft. (residential) 50 ft. (non-residential)
<b>Rear</b>	25 ft. (residential) 50 ft. (non-residential)

## The Request:

The applicant (Nicholas Young) is requesting a setback variance from the side residential setback requirements for his client outlined in *Article 3.n.5.b: Agricultural Conservation Yard and Building Setback Requirements* 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 +/-6 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 home was built in 1986 and there is a potential that the home builder did not have the correct lot dimensions when the home was being constructed.

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

There are no other properties in the general vicinity that encroach upon land not owned by their respective property owners.

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 prevents the property owners from resolving the property line dispute and establishing mutually agreed-upon boundary lines without first obtaining variances. As a result, the ordinance effectively hinders a practical and amicable resolution between neighboring property owners, even when both parties are in agreement regarding the proposed boundary adjustment.

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. The request, if approved, will actually bring the property into greater conformity with the ordinance than existing conditions.

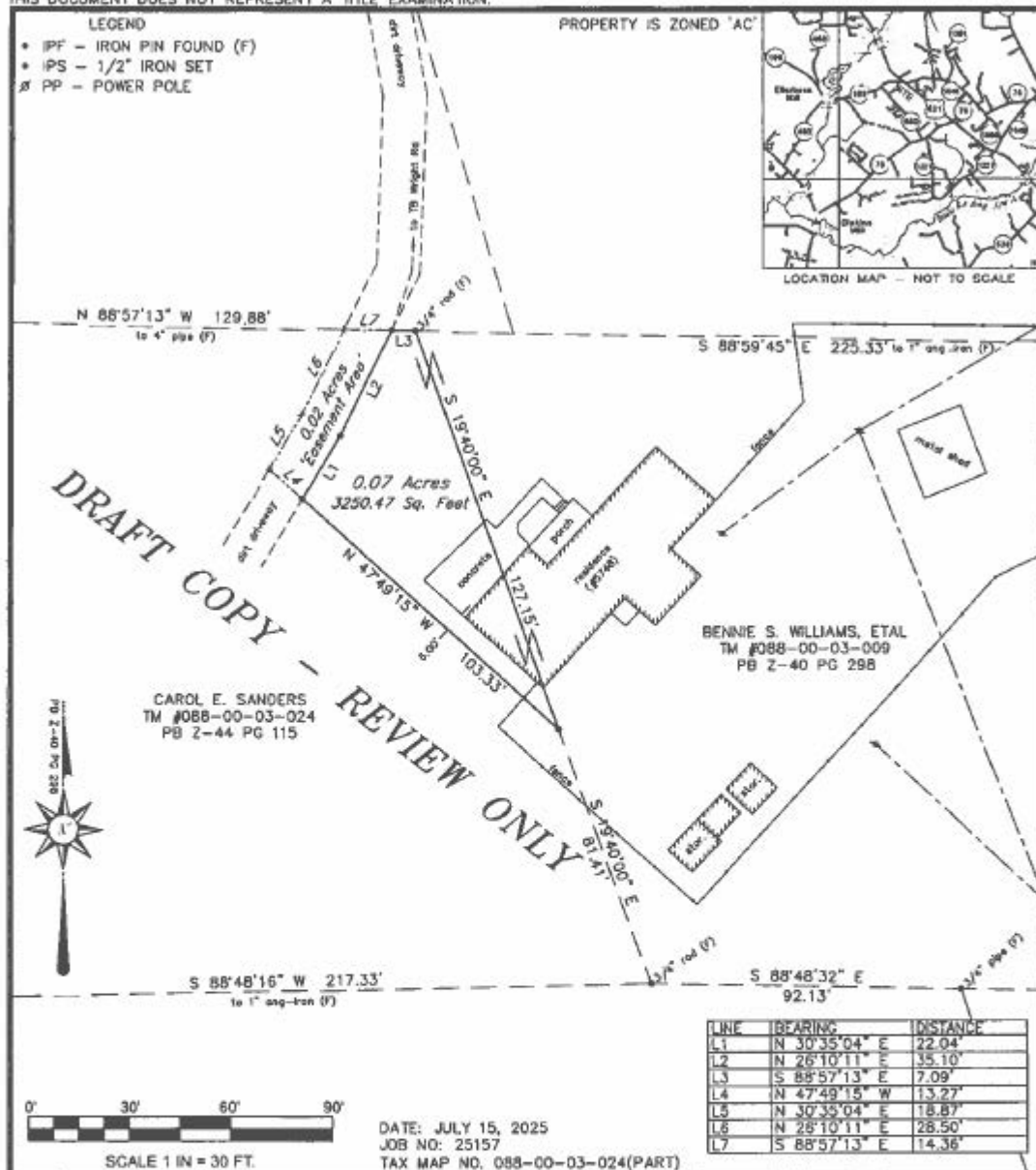
#### **IV. STAFF RECOMMENDATION**

Staff recommends no additional approval conditions *if* the Board finds that all necessary criteria have been met to approve this request:

#### **V. DRAFT MOTIONS FOR BOA-25-31**

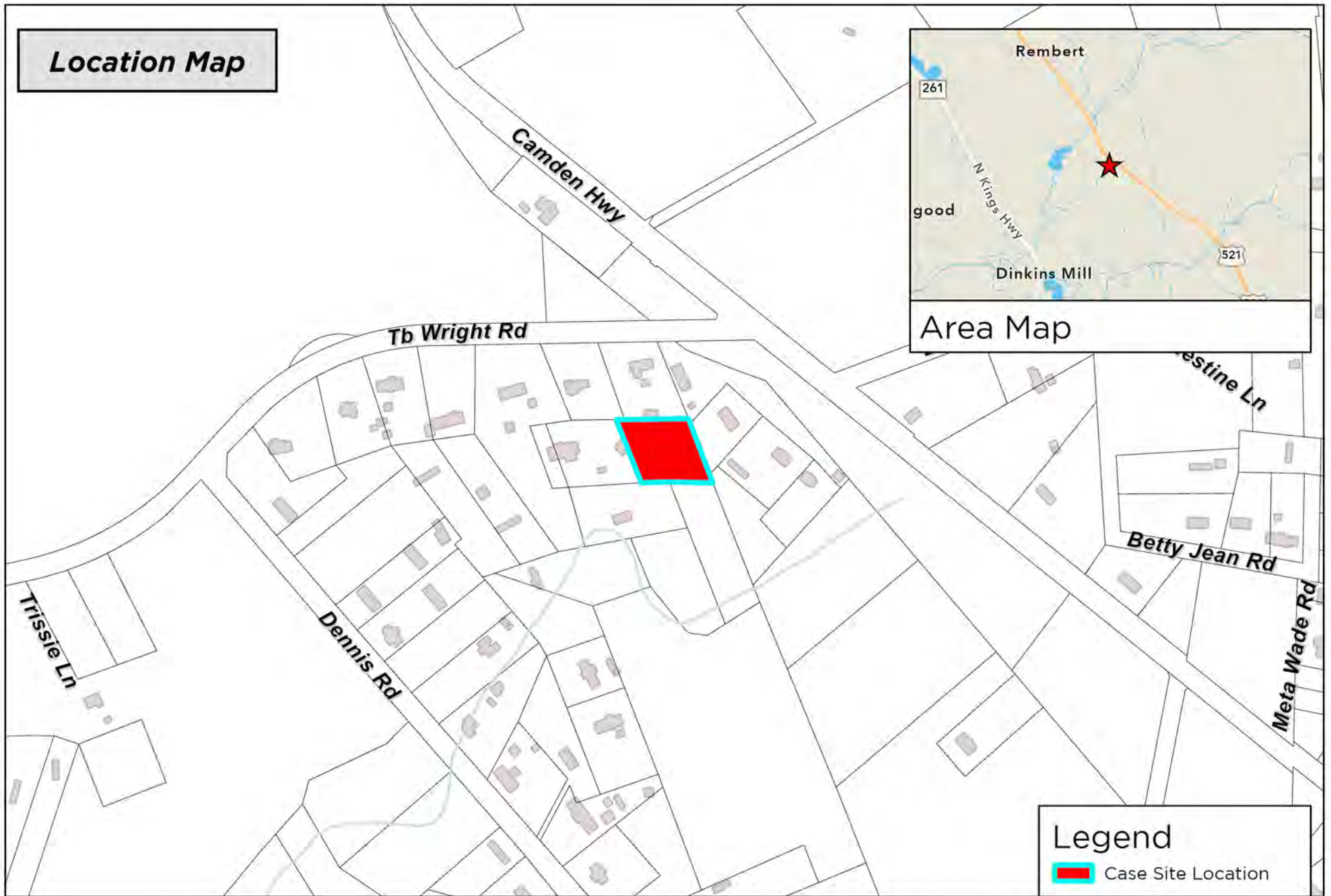
1. I move the Zoning Board of Appeals **approved** BOA-25-31, subject to the findings of fact and conclusions developed by the BZA and so stated:
2. I move the Zoning Board of Appeals **deny** BOA-25-31, subject to the following findings of fact and conclusions:
3. I move the Zoning Board of Appeals enter an alternative motion for BOA-25-31.

#### **VI. BOARD OF APPEALS – October 8, 2025**






## Location Map

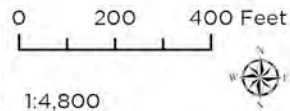


## Area Map

## Legend

 Case Site Location

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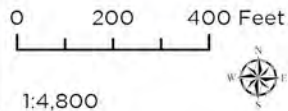


BOA-25-31  
5748 T B Wright Rd, Rembert, SC 29128  
Parcel No.: 088-00-03-009

# 2040 Land Use Map



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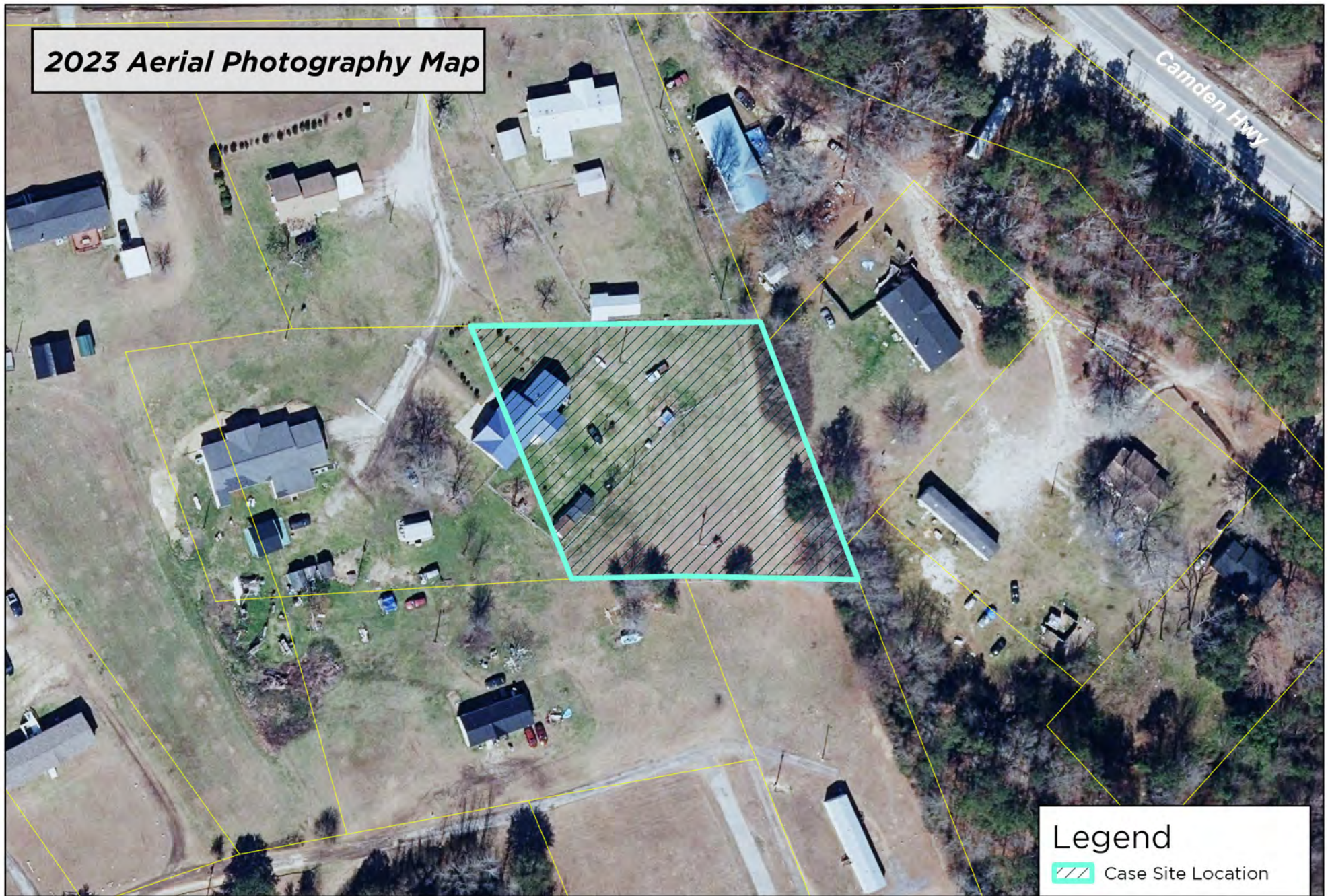
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BOA-25-31  
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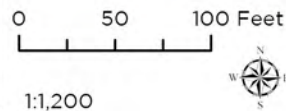
# 2023 Aerial Photography Map



## Legend

 Case Site Location

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BOA-25-31  
5748 T B Wright Rd, Rembert, SC 29128  
Parcel No.: 088-00-03-009



# Zoning Map



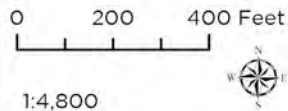
## Legend

 Case Site Location

## Zoning Classification

 AC- Agricultural Conservation

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