

Sumter City-County Board of Zoning Appeals

October 8, 2025

BOA-25-33, 5770 Peach Orchard Rd. (County)

The Board of Zoning Appeals will consider a request by (Steve Porter) for the establishment of a Special Events Facility on the property. The Zoning Administrator has referred this conditional use request to the Board of Zoning Appeals for review as a special exception pursuant to *Article 5.a.3: Review* and *Article 5, Section 5.b.1: Criteria for Conditional Use Review* of the Sumter County Zoning & Development Standards Ordinance. The property is located at 5770 Peach Orchard Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 192-00-01-135.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

October 8, 2025

BOA-25-33, 5770 Peach Orchard Rd. (County)

I. THE REQUEST

Applicant: Steve Porter

Status of the Applicant: Property Owner

Request: Conditional use request for the establishment of a special events facility) on the property.

County Council District: District 1

Location: 5770 Peach Orchard Rd.

Present Use/Zoning: Warehouse/Agricultural Conservation

Tax Map Reference: 192-00-01-135

II. BACKGROUND

The applicant is seeking approval to establish a special events facility on property located at 5770 Peach Orchard Rd.

As shown by the location map to the right, the property is located on the north side of Peach Orchard Rd., approximately 1/3 of a mile to the northeast of the intersection of Live Oak Rd./Peach Orchard Rd.

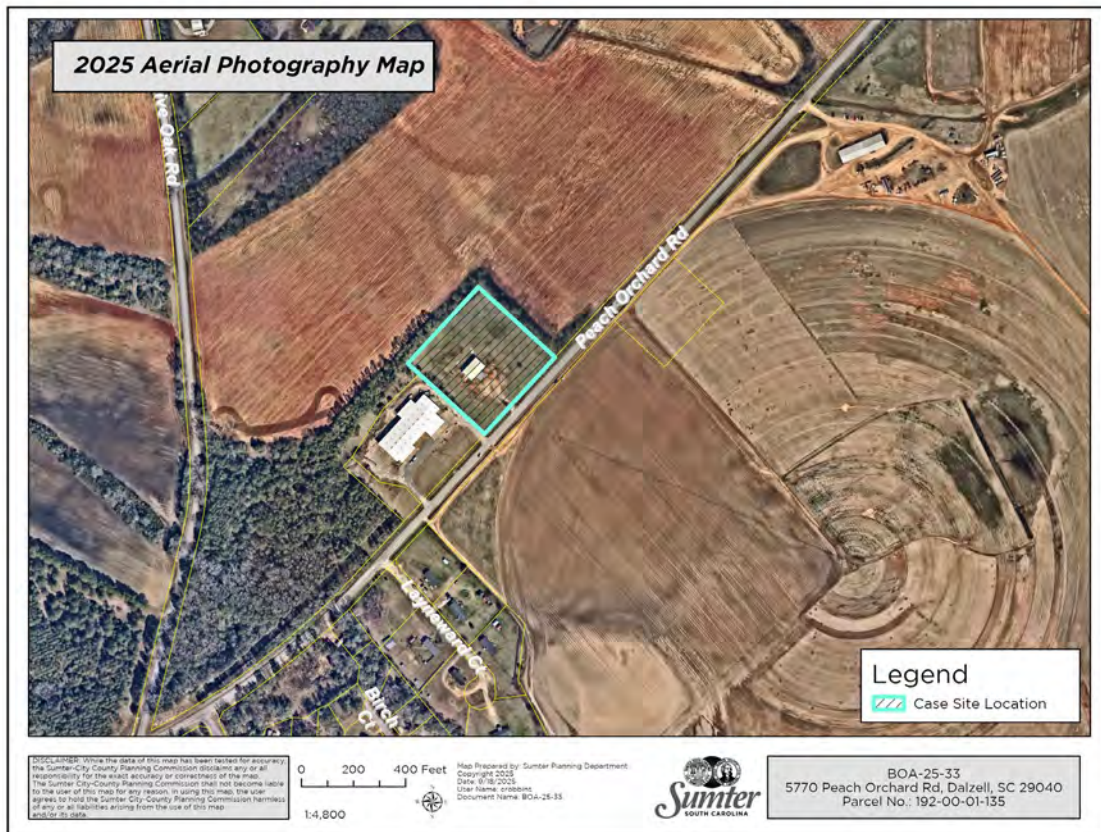
The Zoning Administrator has referred this Conditional Use request to the Board of Zoning Appeals consistent with *Article 5.a.3: Review of the Sumter County Zoning & Development Standards Ordinance (the Ordinance)*.



A special events facility is defined in *Article 10* of the Ordinance. See definition below:

Special Event Facility/Venue: A Commercial facility rented to individuals, groups, or organizations, and used to host gatherings such as, but not limited to, weddings, receptions, meetings, galas, networking events, and conferences. Event facilities cater to a significant diversity of individuals, groups, and organizations on a contractual basis, with such individuals, groups, and organizations holding unique events on an irregular basis only. Such individuals, groups, and organizations may provide alcoholic beverages for guests in accordance with applicable state law. This definition does not include bottle clubs, night clubs, or drinking places.

The property is within the Agricultural Conservation (AC) zoning district. As such, special events facilities require Conditional-300 (C-300) approval in order to be established. Special event facilities requests must demonstrate that the general criteria outlined in *Article 5.b.1.a – 5.b.1.f* and the use specific criteria outlined in *Article 5.b.1.p* of the Ordinance are met and must obtain consent signatures from property owners within 300 ft. of the development/use area.



A conditional use application for C-300 approval to establish a special events facility use on the property was submitted to the Sumter City-County Planning Department. Upon receipt of this application, planning staff prepared a list with property owner names and contact information for parcels within 300 ft. of the proposed use. This list was transmitted to the applicant for use as a resource in meeting the consent criteria.

After receiving the formal list, the applicant obtained the requisite amount of signatures to fulfill the consent requirement of the C-300 process. However, upon full review of the request against the general and use-specific criteria, the Zoning Administrator has referred this request to the BOA pursuant to *Article 5.a.3.*

***5.a.3. Review:** Review and approval by the Sumter City/County Planning Commission Staff shall be a prerequisite to the issuance of a building permit for any conditional use identified in Article 3 of this Ordinance. If the conditions or standards are met, the zoning administrator may issue a permit for the use without review by the Sumter City/County Board of Zoning Appeals. If the Board reviews a case and imposes additional conditions, the use is listed as a permitted special exception after a public hearing.*

Staff notes that complaints have been received over the course of the last year concerning gatherings and events on the property subject that have been reported to include loud music and other disruptive activities that have lasted well into the morning hours on certain occasions. Staff has discovered online advertisements for night club like events that were unapproved and are not consistent with the definition of a special events facility as provided in the Ordinance.

III. LAND USE, ZONING, & EXISTING CONDITIONS

The property is zoned Agricultural Conservation (AC). The purpose of the AC district is to protect and preserve areas of the county which are presently rural or agricultural in character and use. Where urban development is permitted within the district, strict quality standards should be required. The property is primarily rural in character

The property is in a primarily rural area of the county and is adjacent to agricultural land and developed property used for an agricultural related business. According to Tax Assessor records, the structure on the property is listed as a warehouse. The property is located +/- 560 ft. to the closest residential use on Layneward Ct. The property is located +/- 916 ft. from the closest residential use in the nearby Oakwood Subdivision.



Site Photo: Front view of building



Site Photo: Facing northeast on Peach Orchard Rd.



Site Photo: Facing southwest on Peach Orchard Rd.

IV. CONDITIONAL USE & SPECIAL EXCEPTION REVIEW

Special events facilities require C-300 approval in the AC zoning district. As noted above, staff is unable to approve the conditional use application as affirmative findings on all of the general and use-specific conditional use criteria cannot be made. As such, the Zoning Administrator has referred this conditional use request to the BOA for special exception review, pursuant to *Article 5.a.3.* of the Ordinance.

Staff review comments on the applicable conditional use and special exception criteria are outlined below.

Article 5, Section 5.b.1.a – 5.b.1.f: Conditional Use General Criteria

- a. *That ingress and egress to the proposed use be provided with reference to automotive and pedestrian safety and convenience, traffic generation flow and control, and access in case of fire catastrophe, such as not to be detrimental to existing or anticipated uses, either adjacent to or in the vicinity of the proposed use.*

Staff Review: The property has 1 access point to Peach Orchard. This access is paved in SCDOT right-of-way, though the asphalt is in poor condition. No access changes/improvements are proposed under this request.

- b. *That off-street parking and loading area, where required or proposed by the applicant, be designed and provided in harmony with adjacent properties.*

Staff Review: The proposed special event facility includes a publicly accessible area that is 2,650 sq. ft. in size. *Per Article 8, Exhibit 23* of the Ordinance, special event facilities require 1.2 parking spaces per 100 sq. ft. of rentable building area (excluding area for storage, bathrooms, administrative office space, and kitchen space. As such, 32 off-street parking spaces to include 2 handicap accessible spaces are required to meet minimum requirements.

There is not a requirement for asphalt or concrete parking area in the AC district, however parking areas must meet the following minimum criteria:

1. Areas shall be coated in a durable, dustless all-weather surface such as gravel, crusher run, or recycled asphalt;
2. The extent and limits of all parking lots shall be defined through the use of some suitable edging material capable of confining any loose parking surface materials within the designated parking area;
3. Regardless of parking surface, as site plan must be submitted for review showing sufficient space to accommodate the required number of parking spaces.

Parking for the proposed use is anticipated to be in front of the existing building. It appears some areas in front of the building have had a gravel surface area at one time, but the extent of the area is unclear. Further, there are no asphalt or concrete handicapped spaces as required.

If this use is approved by the BZA, staff recommends that a site plan be submitted as a condition of approval. This site plan must show all required parking spaces, areas where crusher run or similar all weather parking surface material must be applied to meet minimum off-street parking requirements (if applicable), and the provision of adequate handicapped accessible parking spaces.

- c. *That refuse and service area be adequately screened so as not to be visible from adjacent property or public rights-of-way and shall be located in such a way as not to create a nuisance to adjacent properties.*

Staff Review: The applicant intends to collect and dispose of trash after each event. No commercial dumpster is proposed. Staff notes that typically commercial uses that involve an assembly of people have commercial trash services of some type. However, the applicant's plans may be sufficient based on the number of events per year proposed. If the applicant elects to place a commercial dumpster on the property in the future, site plan approval is required and the dumpster must be screened in accordance with *Article 4.k* of the Ordinance.

- d. *That screening, buffering or separation of any nuisance or hazardous feature be provided with reference to type, dimensions and character, and be fully and clearly represented on the submitted plans, to protect adjacent properties.*

Staff Review: The property is considered to be non-conforming to landscaping requirements, primarily due to the lack of street buffer landscaping. Land to the rear and to the west of the subject property is used for agricultural purposes with existing vegetation present along both of these property lines. Some screening is in place between the subject property and developed property to the southwest.

Due to existing site conditions and lack of permitted building improvement work triggering required site upgrades, staff does not recommend any additional landscaping improvements in association with this request. If site improvement thresholds for projects at nonconforming sites, as outlined in *Article 6* of the Ordinance is triggered, then nonconforming landscaping features shall be made conforming to the extent allowed.

- e. *The proposed signs and exterior lighting be provided so as not to create glare, impair traffic safety, or be incompatible with adjacent properties.*

Staff Review: Currently, the subject property contains no existing exterior signage. No plans for exterior signage have been submitted for review at this time. Staff notes that any new exterior signage on the site must be established in accordance with *Article 8.i: Sign Regulations of the Ordinance* and be properly permitted.

The property utilizes one outdoor lighting fixture attached to a power pole, as shown in the photograph on the following page. Staff notes that all outdoor lighting must be oriented in a manner that does not impair traffic safety or is incompatible with adjacent properties.



- f. That the affected site shall be suitable in terms of size, shape and topographic conditions to accommodate the proposed use, building or project and to insure compatibility and the safety and welfare of area residents.*

Staff Review: The applicant is proposing the establish a special events facility with the intention of holding at least 30 events per year. Per information submitted by the applicant, the facility will host baby showers & gender reveal parties, wedding receptions, repast gatherings, trunk or treat events, etc. It is anticipated that alcohol will be allowed at the facility. With this information, staff offers the following points:

- The property is a rural location, away from population centers within the County.
- The property is located +/- 560 ft. to the closest residential use on Layneward Ct. The property is located +/- 916 ft. from the closest residential use in the nearby Oakwood Subdivision.
- The closest volunteer fire station (Dalzell Station) is located approximately 3.5 miles (5-minute drive) from the property. However, this station is currently under reconstruction and inoperable. Until the Dalzell Station is operational, the closest volunteer fire stations are the Rembert Station, located 8.9 miles (11-minute drive) and the Dubose Station located 8.7 miles (11-minute drive) from the subject property.
- The closest EMS station (station #2) is located approximately 3.5 miles (5-minute drive) from the property at 3221 Frierson Rd.

- Due to the isolated nature of the site, transportation services may be hard to obtain for intoxicated patrons if alcohol will be allowed on premises.

Article 5, Section 5.b.1.p: Special Events Facilities

*p. **Special Events Facilities (SIC 7299):** The following conditions shall apply to all Event Venues for conditional use approval:*

- 1. An on-site manager shall be present and available for the duration of all events occurring at the venue. Updated contact information shall be provided to the Zoning Administrator any time the on-site manager's contact information changes.*

Staff Review: The applicant, Steve Porter, has identified Travis A. Middleton as the on-site manager that will be present and available for the duration of all events occurring at the proposed facility.

- 2. An operations plan shall be submitted with the conditional use application describing generally how the facility will operate. Substantive changes to the operations plan shall require additional Zoning Administrator approval. The operations plans shall include, at a minimum, the following items:*

- a. Maximum capacity of the facility, based on building and fire code;*
- b. Contact information for the on-site facility manager;*
- c. Types of events anticipated/marketed;*
- d. Anticipated annual number of events;*
- e. How solid waste will be disposed of;*
- f. A floor plan of the facility showing the square footage and use of each room;*
- g. A plot plan showing building footprint, property lines, parking area, delineated outdoor event space (if applicable). A formal site plan submission may be required by the Zoning Administrator*

Staff Review: The applicant has submitted an operations plan that is attached to this report as Exhibit 1. This document includes the type of events anticipated/marketed, the minimum anticipated number of events annually, and information concerning how solid waste will be disposed of. The plan includes projected capacity. Since submission of the operations plan, the Sumter City-County Fire Marshall has inspected the building and

set maximum capacity at **234 persons**. See Exhibit 2. The maximum capacity set by the Fire Marshall is the legal maximum capacity allowed for this facility. The operations plan includes a floor plan showing the use of each room. A site plan has not been submitted. Submission of a site plan is condition of approval being presented by staff.

Staff notes that both the Fire Marshall and the Building Official have inspected the facility. Based on the maximum occupant load, the building does not have to have a commercial fire suppression (sprinkler) system. Some compliance items are required to meet both Building and Fire Code. See Exhibit 2.

Article 1, Section 1.h.4.c: Special Exceptions

1. *Special exceptions are subject to the terms and conditions for the use set forth for such uses in the Zoning Ordinance.*
2. *Permits for Special Exceptions shall be evaluated by the Board of Zoning Appeals on the basis of the following criteria:*
 - a. *That the special exception complies with all applicable development standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements.*

Staff Review: 5770 Peach Orchard Rd. is a non-conforming site subject to discontinuance with respect to site development standards. The site was formerly used for general warehouse purposes pursuant to Tax Assessor data. The site does not meet current county landscaping requirements and parking design standards. Based on *Article 6* of the Ordinance, the site may remain “as is” without expansion or changes to the site configuration so long as the permitted work required to occupy the building is less than 25% of the value of the structure. At this time no permitted work above the 25% threshold has been proposed. However, since the proposed land use is not a “by-right” use and has been referred to the BZA for special exception review and approval, the BZA may adopt approval conditions that require certain site upgrades in its finding that the use meets applicable criteria.

- b. *That the special exception will be in substantial harmony with the area in which it is located.*

Staff Review: Staff offers the following points for the BZA to consider:

- The parcel is zoned Agricultural Conservation (AC). The purpose of this district is to protect and preserve areas of the county which are presently rural or agricultural in character and use.

- The property is a rural location, away from population centers within the County.
 - The property is located +/- 560 ft. to the closest residential use on Layneward Ct. The property is located +/- 916 ft. from the closest residential use in the nearby Oakwood Subdivision.
 - The closest volunteer fire station (Dalzell Station) is located approximately 3.5 miles (5-minute drive) from the property. However, this station is currently under reconstruction and inoperable. Until the Dalzell Station is operational, the closest volunteer fire stations are the Rembert Station located 8.9 miles (11-minute drive) and the Dubose Station located 8.7 miles (11-minute drive) from the subject property.
 - The closest EMS station (station #2) is located approximately 3.5 miles (5-minute drive) from the property at 3221 Frierson Rd.
 - Due to the isolated nature of the site, transportation services may be hard to obtain for intoxicated patrons if alcohol will be allowed on premises.
- c. *That the special exception will not discourage or negate the use of surrounding property for uses(s) permitted by right.*
- **Staff Review:** The purpose of the AC zoning district is to protect and preserve areas of the county which are presently rural or agricultural in character and use. The existing pattern of development in the area is marked by agricultural development, associated agricultural related businesses, and intermittent residential uses. The property is located +/- 560 ft. to the closest residential use on Layneward Ct. The property is located +/- 916 ft. from the closest residential use in the nearby Oakwood Subdivision.

V. STAFF RECOMMENDATION

Staff is unable to approve the conditional use application submitted as affirmative findings on all of the general and use-specific conditional use criteria concerning the establishment of a special events facility on the property cannot be made. As such, the Zoning Administrator has referred this request to the BOA for special exception review.

Staff has identified recommended approval conditions, should the *Board* make the necessary findings to approve this request:

- Any on-site events or activities shall not start earlier than 6:00 am and shall cease operation no later than 11:00 pm, with the exception of event preparation and clean-up activities by staff.

- Event attendees shall leave the property no later than 30 minutes after the event is concluded.
- Night club or entertainment events being advertised and marketed to the general public are not permitted.
- No outdoor events shall be permitted.
- Submission of a site plan showing at minimum property boundaries, building footprints, delineated parking spaces, handicapped accessible parking spaces, and commercial dumpster location and screening.
- Outdoor lighting must be oriented in a manner that does not impair traffic safety and is compatible with adjacent properties.

VI. DRAFT MOTIONS FOR BOA-25-33

- A. I move that the Zoning Board of Appeals **approve** BOA-25-33, subject to the findings of fact and conclusions developed by the BZA and so stated:
- B. I move that the Zoning Board of Appeals **deny** BOA-25-33, subject to the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-25-33.

VII. BOARD OF APPEALS – October 8, 2025

Exhibit 1

1. Max occupancy (standing only): -750
Chairs only (theater): -535
Banquet seating: -250
Classroom setup: -188
Office space: -37
2. Travis Anthony Middleton
2575 Maidenhair Ln
Sumter SC 29153
(803-840-4847)
3. Baby Shower/Gender Reveals
Birthday Parties/Dinners
Wedding Reception
Repast Gatherings
Trunk or Treat
4. 30 Events Annually
5. Trash would be disposed of by on-site facility manager

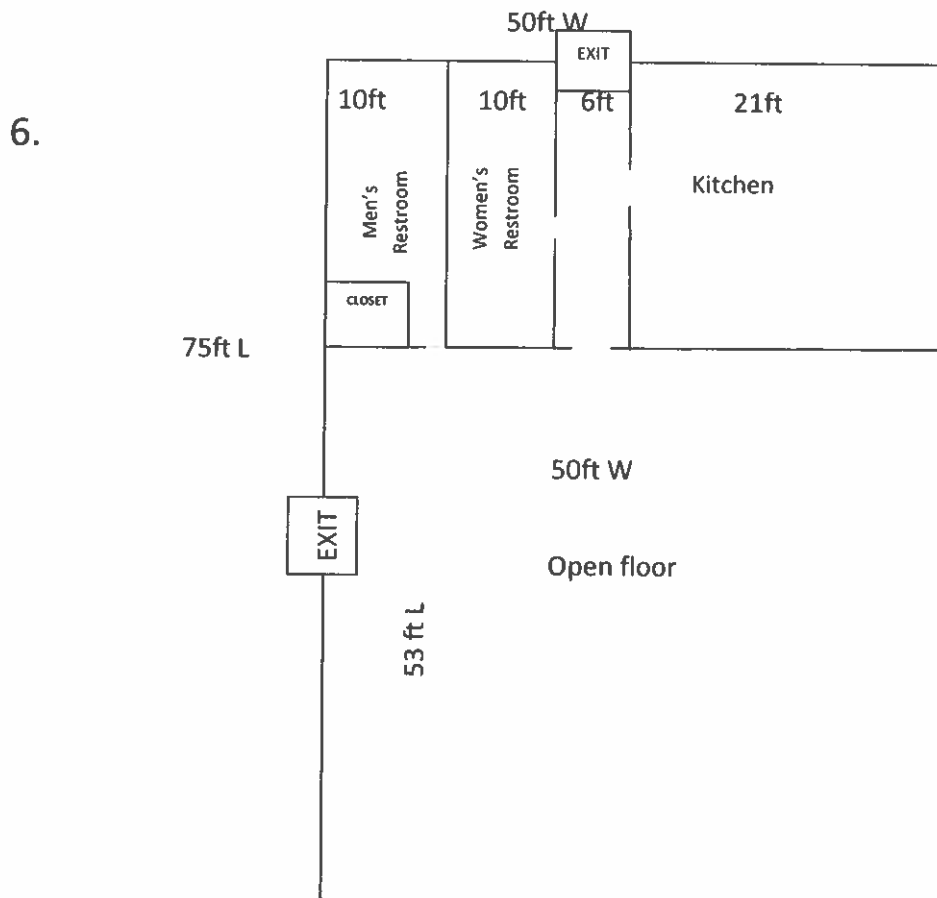


Exhibit 2

Jeff Derwort

From: Tammy Tolbert
Sent: Thursday, September 11, 2025 12:51 PM
To: Jeff Derwort; Kerlyn Mondesir
Cc: Woody Avins
Subject: 5770 Peach Orchard Rd

Woody and I visited the location today. I measured the total area at approximately 3500sqft. I set the occupant load at 234. Based on the area and occupant load, the building will not have to be sprinkled. There are 2 rollup doors and 2 exits. The exits had the proper signage and emergency lighting. Woody requested an additional exit sign at the doorway of the corridor that leads to the exit. In addition, handicap railing was requested for the restrooms. I noticed that the building is equipped with new fire alarm system which is not required. The contractor did not pull a permit, but I contacted him, and he is going to pull a permit so that it can be properly tested. I also requested numbers on the building for identification.

The building does have a kitchen, and the stove was removed as requested. The owners did inquire about a hood/suppression system, and we gave them some options to consider.

The building appears to be in good condition and well maintained. Once the owners complete the requested items, the building will be in compliance with the fire code.

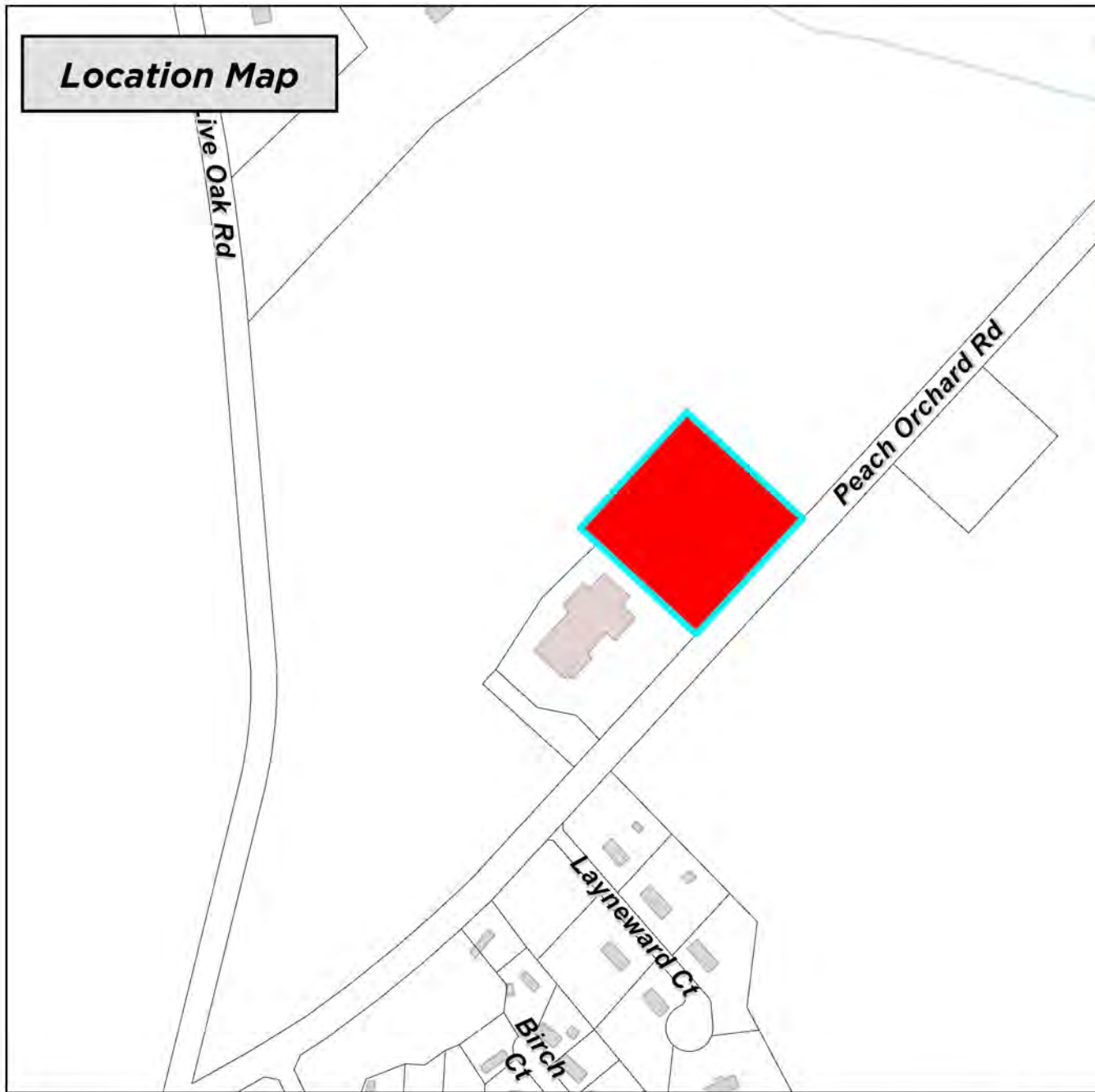
Let me know if you have any questions.

Thanks,

Tammy Tolbert
Fire Marshal
Sumter Fire Department
315 N. Lafayette Dr.
Sumter, SC 29150
Office: 803-774-7252
Cell: 803-305-8212



Location Map

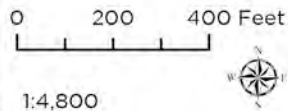


Area Map

Legend

 Case Site Location

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Document Name: BOA-25-33




BOA-25-33
5770 Peach Orchard Rd, Dalzell, SC 29040
Parcel No.: 192-00-01-135

2040 Land Use Map



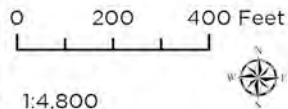
Legend

 Case Site Location

Land Use

 Rural Development Area

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BOA-25-33
5770 Peach Orchard Rd, Dalzell, SC 29040
Parcel No.: 192-00-01-135

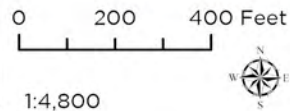
2025 Aerial Photography Map



Legend

 Case Site Location

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BOA-25-33
5770 Peach Orchard Rd, Dalzell, SC 29040
Parcel No.: 192-00-01-135

Zoning Map



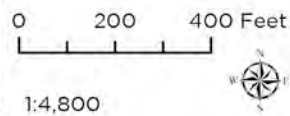
Legend

 Case Site Location

Zoning Classification

 AC- Agricultural Conservation

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BOA-25-33
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