

# Sumter City-County Zoning Board of Appeals

February 11, 2026

## **BOA-26-03, 2 1/2 Bush Ct. (County)**

The applicant (Gainey Construction Company) is requesting variances from the requirements of *Sumter County Zoning & Development Standards Ordinance*, as follows: (1) rear building setback requirements for the AC district provided for in *Article 3.n.5.b.: (AC District) Minimum Yard & building Setback Requirements*, and (2) any other variances required to construct a new dwelling up to 40 ft. from the rear property line. The minimum rear setback requirement in the AC zoning district is 50 ft. The property is located at 2 1/2 Bush Ct., is zoned Agricultural Conservation (AC) and is represented by TMS# 190-15-01-040.



Appeals - Variance - Special Exception

# Sumter City-County Zoning Board of Appeals

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## **BOA-26-03, 2 1/2 Bush Ct. (County)**

### **I. THE REQUEST**

**Applicant:** Gainey Construction Company (Jay Linginfelter)

**Status of the Applicant:** Authorized Agent for Property Owner

**Request:** Variances from principal residential structure setbacks to settle to construct a 1,513 sq. ft. single-family residence on an existing lot of record.

**County Council District:** District 5

**Location:** 2 1/2 Bush Ct.

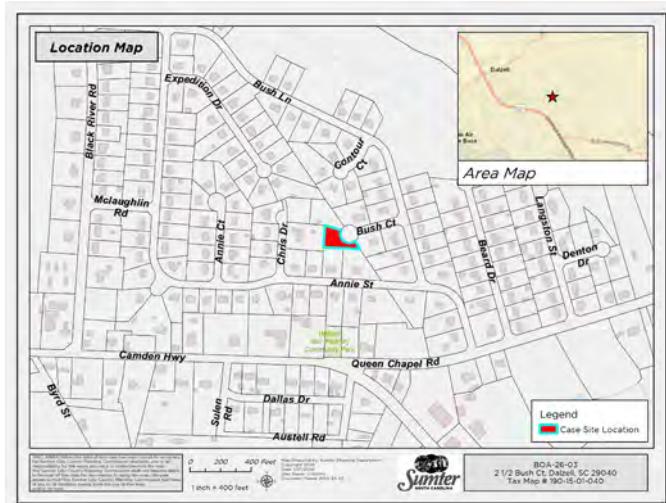
**Present Use/Zoning:** Residential / Agricultural Conservation (AC)

**Tax Map Reference:** 190-15-01-040

### **II. BACKGROUND**

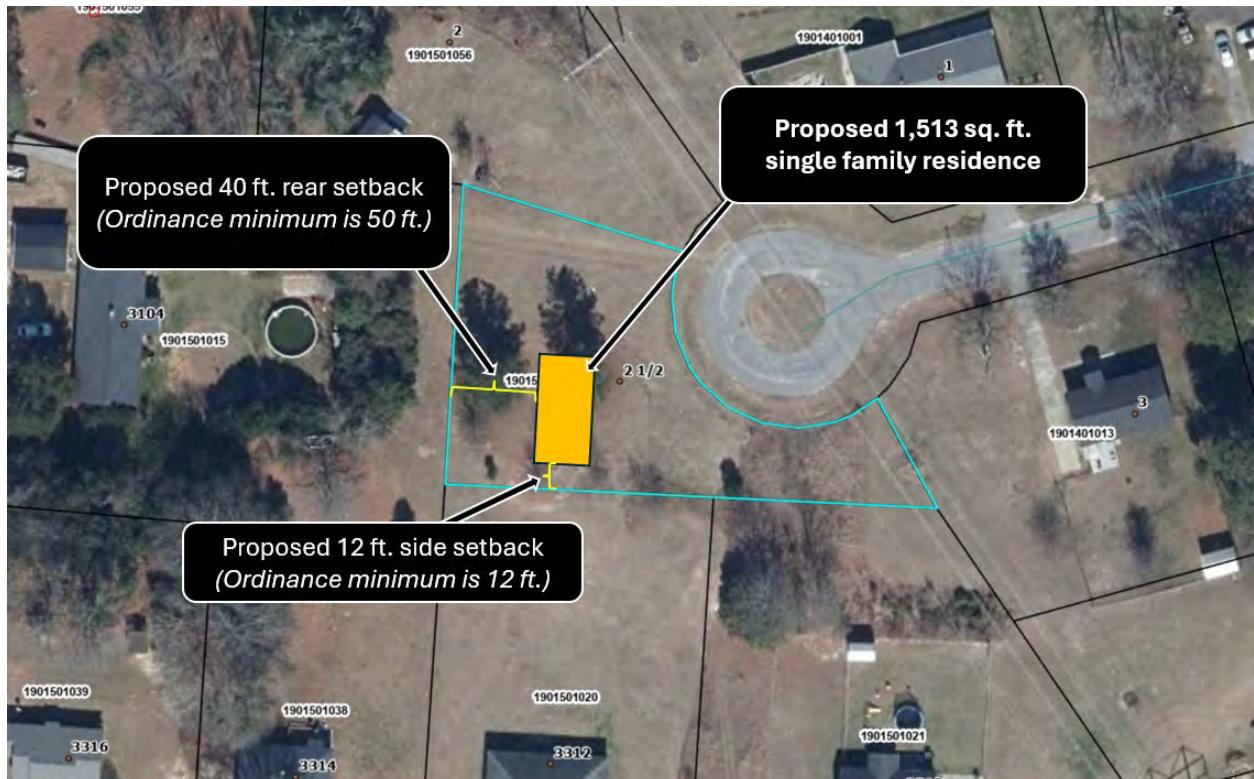
The applicant is requesting a variance to the principal building rear setback requirements outlined in Article 3.n.5.b of the *Sumter County Zoning & Development Standards Ordinance* (the “Zoning Ordinance”) in order to allow for development of a single-family residence on the existing lot of record at 2 1/2 Bush Ct.

The property is situated at the end of the Bush Ct. cul-de-sac in the McLaughlin Estates subdivision, shown in red on the map to the right. The applicant has a contract to purchase the property from the

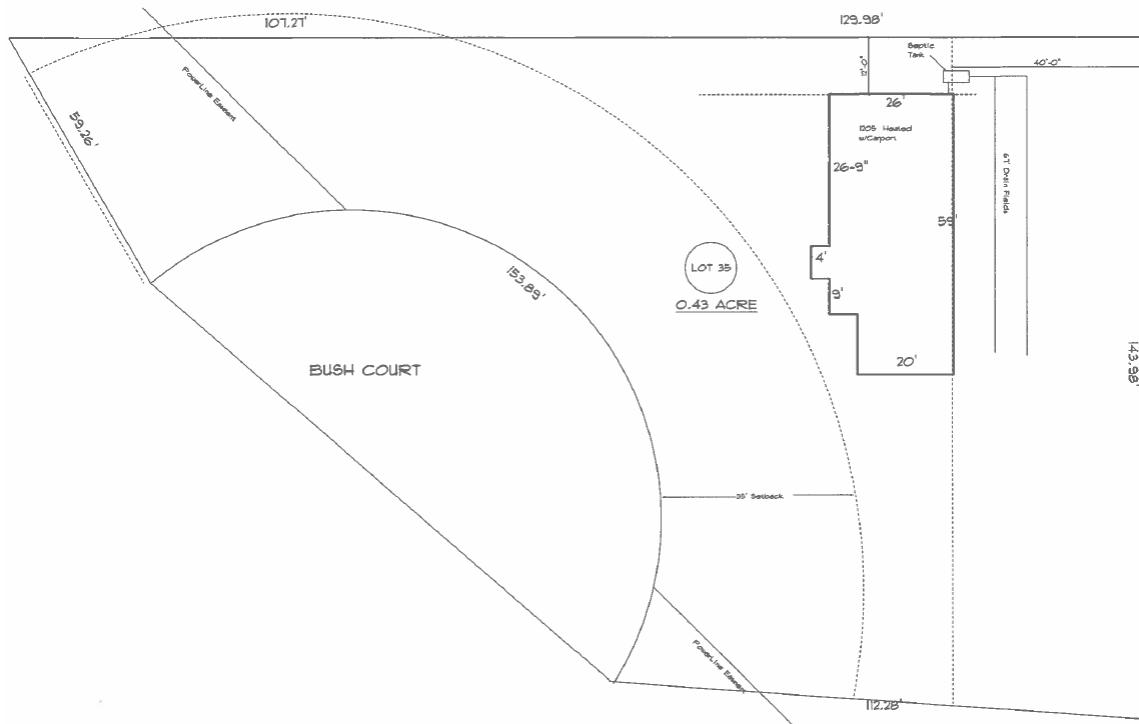


current owner, who acquired the property in July 2019. It consists of a 0.43 acre -acre parcel (TMS# 190-15-01-040).

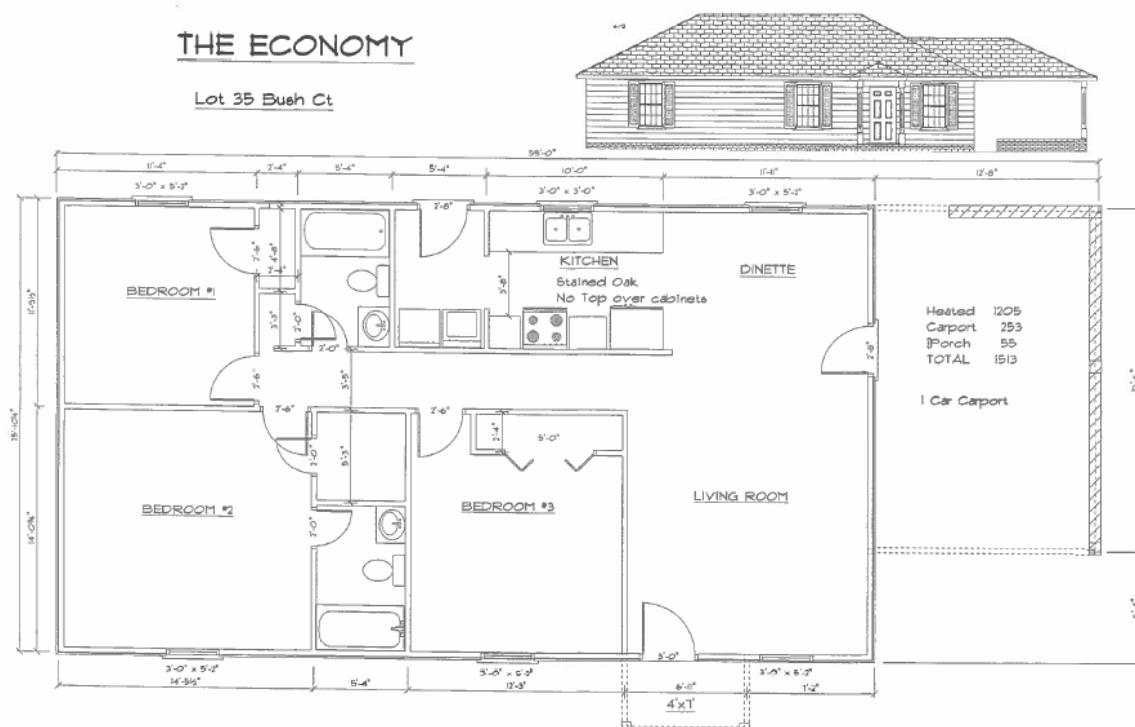
The applicant is requesting a setback variance to establish a new residential structure on the property. However, the property line will be located 40 feet from the proposed structure, which does not meet the minimum 50-foot rear yard setback requirement stipulated in the Agricultural Conservation (AC) District regulations. Therefore, a variance is required to allow a reduced rear setback of 40 feet in lieu of the required 50 feet.



**Figure 1 - Aerial View with proposed building placement and setbacks noted**



**Figure 2 - Site Plan Sketch of Proposed Dwelling**



**Figure 3 - Plot Plan and Elevation of Proposed Residence**

## **Ordinance Requirements:**

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

#### **b. Yard and Building Set Back Requirements (Minimum)**

	<u>Front Yard Setback</u>
From local/collector Streets	35 ft
From all other type Streets	45 ft
	<u>Side Yard Setback</u>
For Residential Uses	12 ft
For Non-Residential Uses	50 ft
	<u>Rear Yard Setback</u>
From abutting Residential Districts	50 ft
From abutting Non-Residential Districts	50 ft

## **The Request:**

The applicant (Gainey Construction Company) is requesting variances from the requirements of *Sumter County Zoning & Development Standards Ordinance*, as follows: (1) rear building setback requirements for the AC district provided for in *Article 3.n.5.b.: (AC District) Minimum Yard & building Setback Requirements*, and (2) any other variances required to construct a new dwelling up to 30 ft. from the rear property line. The minimum rear setback requirement in the AC zoning district 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.***

**Case Facts:**

1. The property is +/- 0.43 acres in size and is located on Bush Ct. in Dalzell.
2. The property is considered a non-conforming lot of record based on its size, which is less than the 1.0 acre minimum threshold for the applicable zoning district.
3. The property is located in the McLaughlin Estates Subdivision.

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

**Case Facts:**

1. Multiple properties in the area are similar in total size to the subject property, however, none are impacted by the location of the cul-de-sac right-of-way to a similar degree.

**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.***

**Case Facts:**

1. Application of the ordinance restricts the applicant's ability to construct a residence on the property without either approval of variances or adjustment to the building plans.
- 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.***

**Case Facts:**

1. The proposed new residence is similar in size and architectural style to the homes in the McLaughlin Estates subdivision.
2. Effective spacing of residential structures will be consistent with the pattern of development already established in the subdivision.

**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-26-03**

- A. I move the Zoning Board of Appeals **approve** BOA-26-03, subject to the findings of fact and conclusions developed by the BZA and so stated:  
*[reference specific findings as developed based on facts presented in the staff report, exhibits, and/or during the public hearing.]*

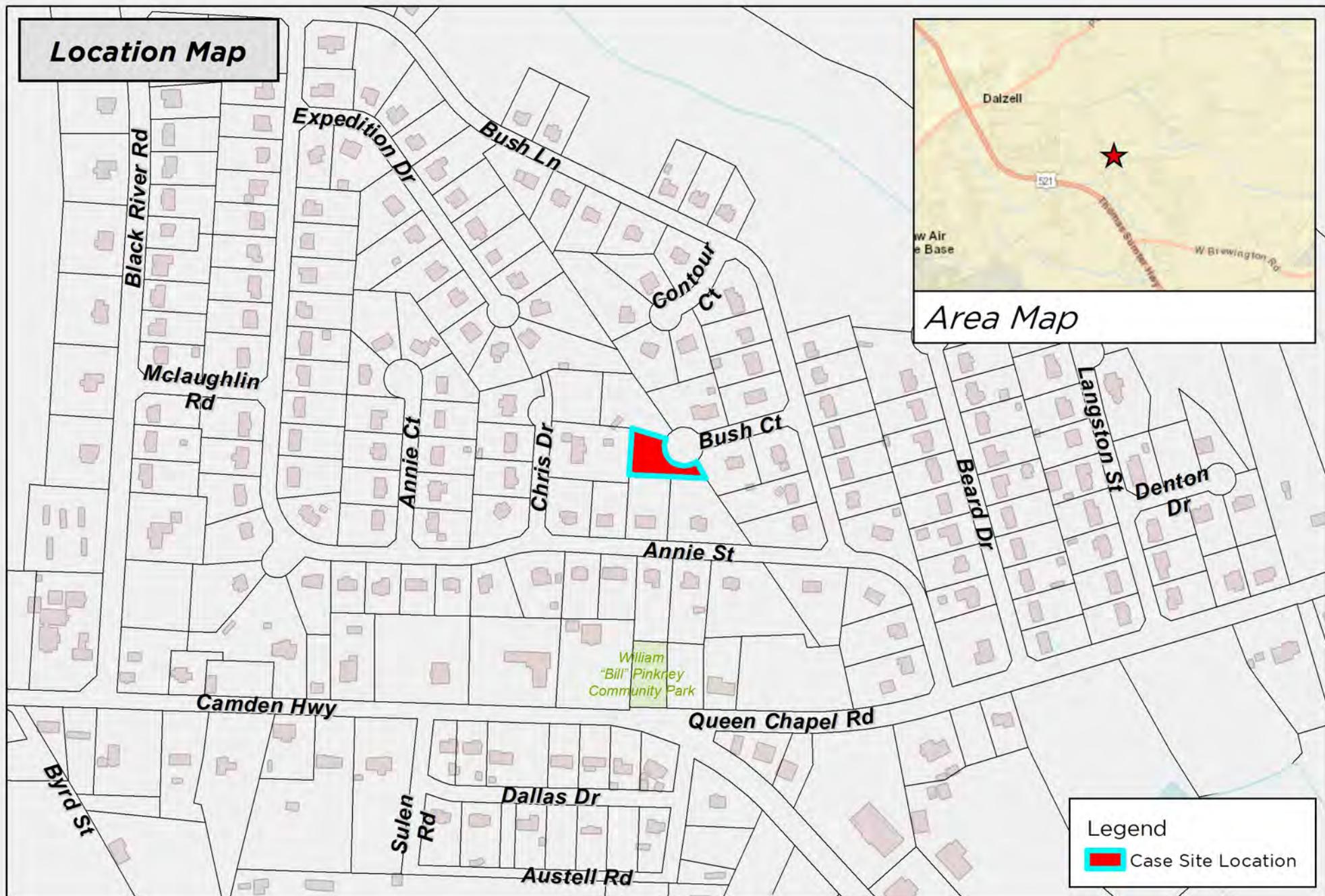
B. I move the Zoning Board of Appeals **deny** BOA-26-03, subject to the following findings of fact and conclusions developed by the BZA and so stated:

*[reference specific findings as developed based on facts presented in the staff report, exhibits, and/or during the public hearing.]*

C. I move the Zoning Board of Appeals enter an alternative motion for BOA-26-03.

**VI. BOARD OF APPEALS – February 11, 2026**

## Location Map



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1 inch = 400 feet



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Document Name: BOA-26-03



BOA-26-03  
2 1/2 Bush Ct, Dalzell, SC 29040  
Tax Map # 190-15-01-040

## 2040 Land Use Map



### Legend

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

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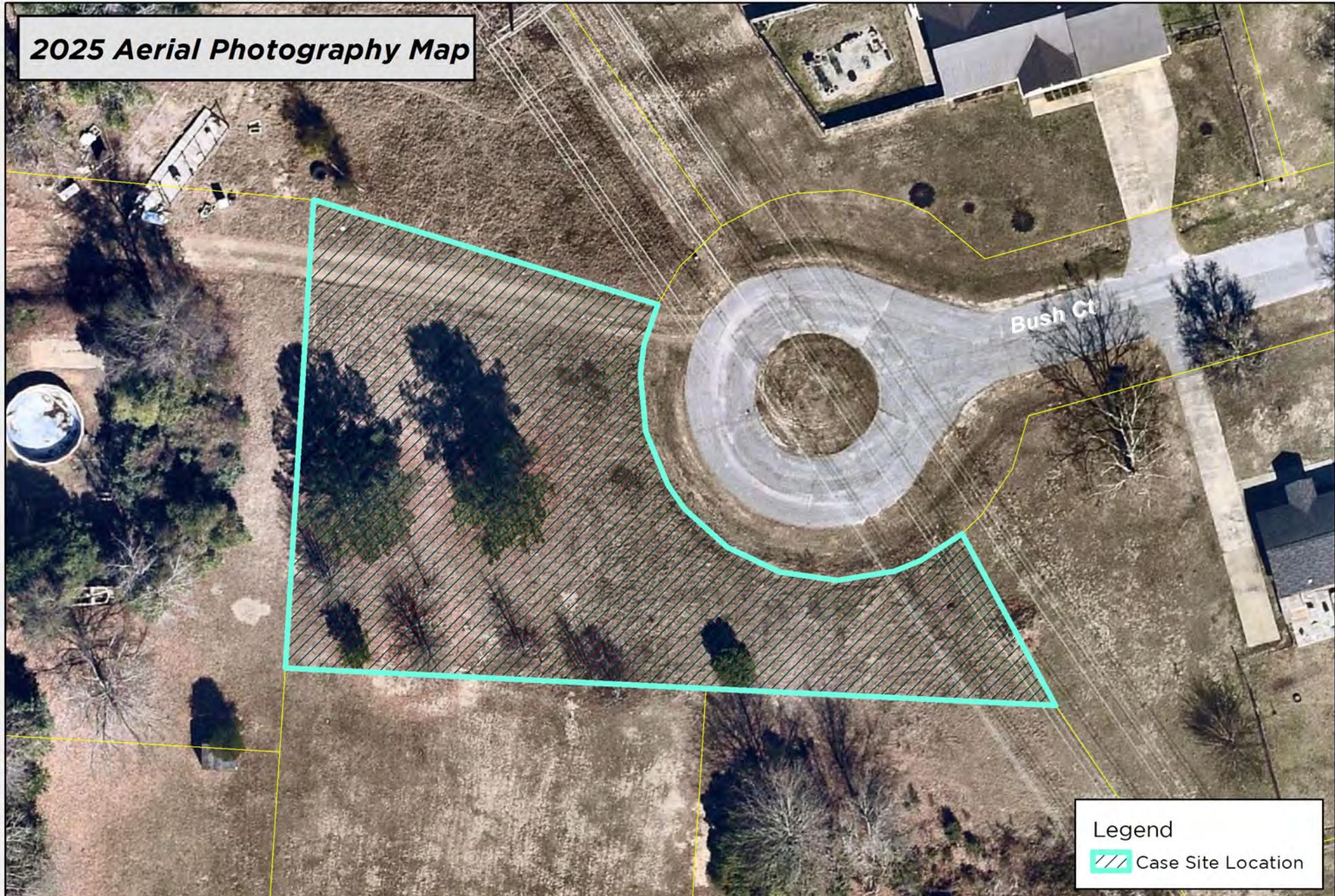
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BOA-26-03  
2 1/2 Bush Ct, Dalzell, SC 29040  
Tax Map # 190-15-01-040

## 2025 Aerial Photography Map



### Legend

 Case Site Location

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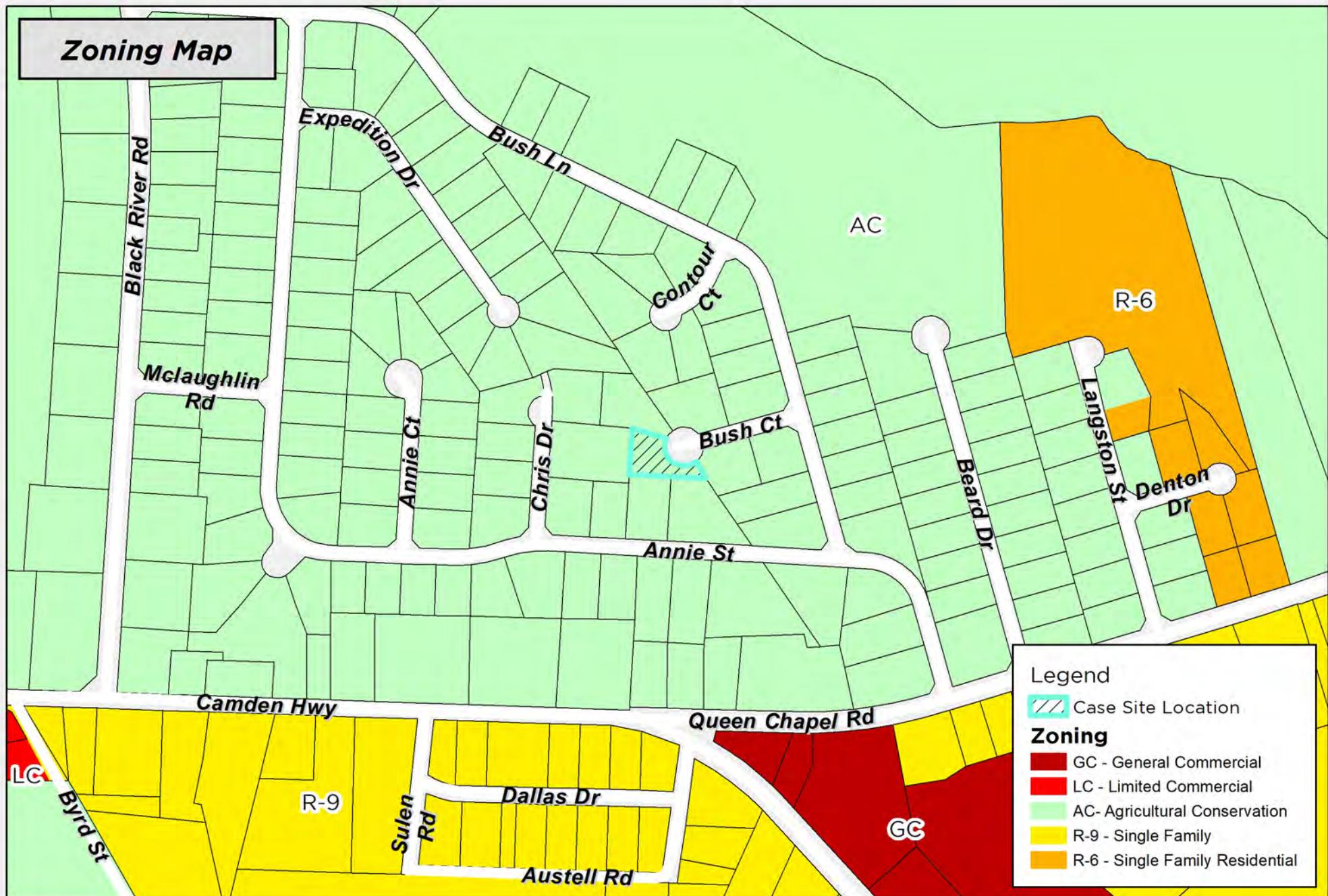
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BOA-26-03  
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## Zoning Map



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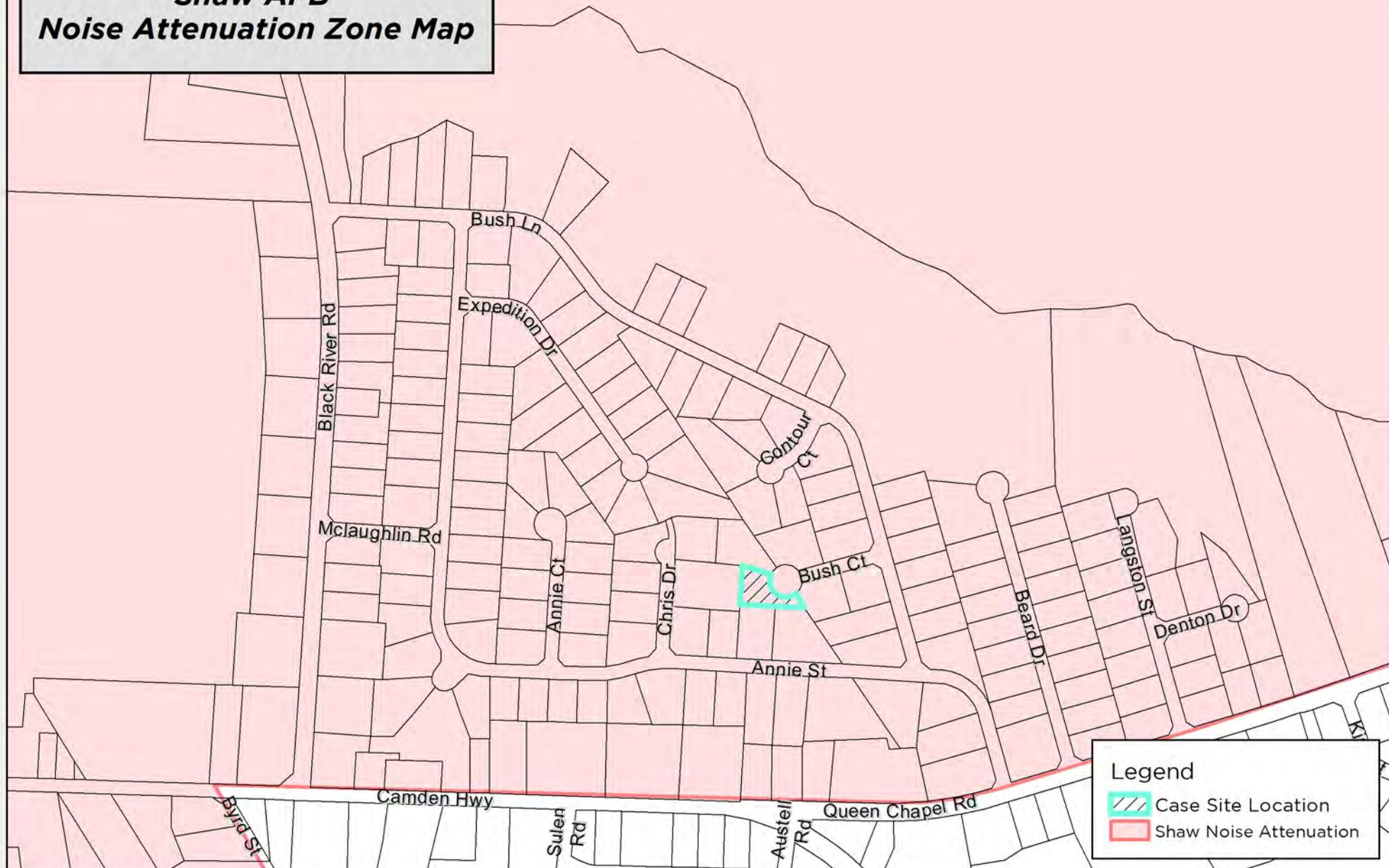
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BOA-26-03  
2 1/2 Bush Ct, Dalzell, SC 29040  
Tax Map # 190-15-01-040

## Shaw AFB Noise Attenuation Zone Map



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