

Sumter City-County Zoning Board of Appeals

January 14, 2026

BOA-25-44, 1270 Tivoli Rd. (County)

The applicant (Charles R. Burns) is requesting variances from the requirements of Sumter County Zoning & Development Standards Ordinance, as follows: (1) total number of residential accessory building requirements provided for in *Article 4.g.2.b.2: (Residential Accessory Structure Number)* of the Sumter County Zoning & Development Standards Ordinance and (2) any other variances that may be required to establish more than 2 residential accessory buildings on the property. No more than 2 residential accessory buildings per property are permitted under applicable zoning requirements. The property is located at 1270 Tivoli Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 182-00-04-007.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

January 14, 2026

BOA-25-44, 1270 Tivoli Rd. (County)

I. THE REQUEST

Applicant: Charles R. Burns

Status of the Applicant: Property Owner

Request: The applicant is requesting variance from accessory building requirements in order to install a detached carport on the site.

County Council District: District 3

Location: 1270 Tivoli Rd.

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

Tax Map Reference: 182-00-04-007

II. BACKGROUND

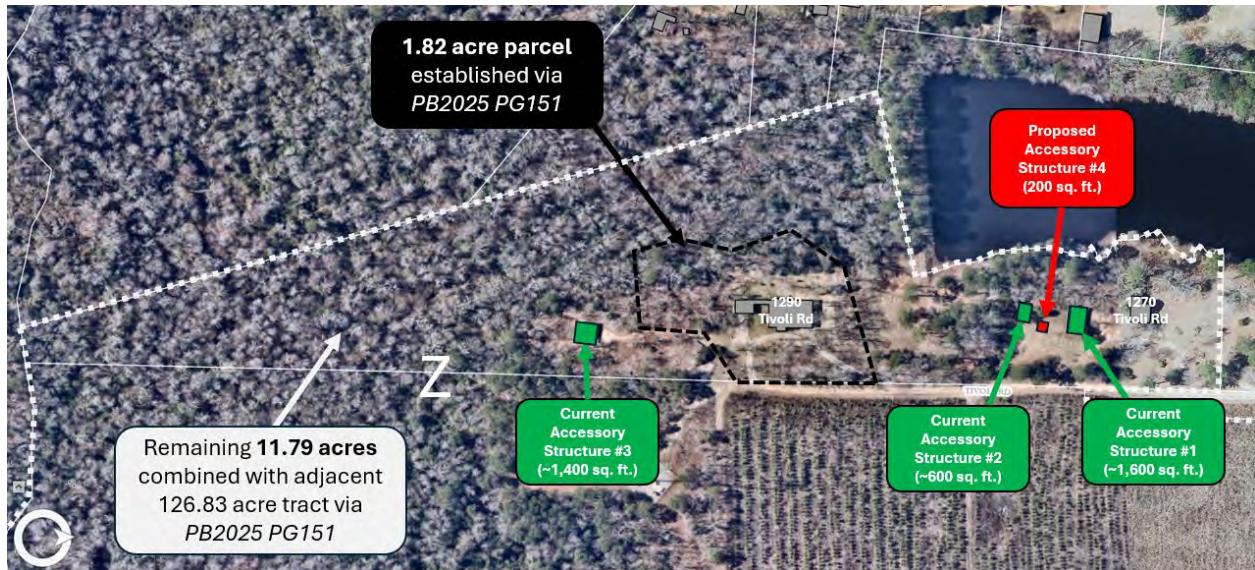
The applicant is requesting a variance to accessory structure number requirements in order to place a 20x20 ft. (200 sq.ft.) detached carport on the property.

The subject property is located on the south side of McCray's Mill Rd. and is shown in red on the location map to the right.

Article 4.g.2.b.2. of the Sumter County Zoning & Development Standards Ordinance (the "Ordinance") requires that no residentially used parcel shall have more than 2 accessory buildings; the aggregate floor area of both buildings added together shall not exceed the maximum size allowed under *Exhibit 8A*.



The subject property currently contains a single-family residence and 3 accessory structures totaling 3,600 sq. ft. The Ordinance exempts tracts larger than 5.0 acres from maximum residential accessory structure square footage requirements, as long as the combined square footage does not exceed the maximum impervious surface ratio for the given zoning district. However, the Ordinance does cap the number of residential accessory structures at 2.



Above: Site Layout Graphic

Ordinance Requirements:

Article 4.g.2.b.2: Residential Accessory Structure Number Requirements

2. **Number** – No residentially used parcel shall have more than 2 accessory buildings; the aggregate floor area of both buildings added together shall not exceed the maximum size allowed under Exhibit 8A. Exceptions to these requirements are stated below:
 - a. Single-family attached dwellings and townhome dwellings shall have no more than 1 accessory building in accordance with the maximum size allowed under Exhibit 8A.

The Request:

The applicant (Charles R. Burns) is requesting variances from the requirements of Sumter County Zoning & Development Standards Ordinance, as follows: (1) total number of residential accessory building requirements provided for in *Article 4.g.2.b.2: (Residential Accessory Structure) Number* of the Sumter County Zoning & Development Standards Ordinance and (2) any other variances that may be required to establish more than 2 residential accessory buildings on the property. No more than 2 residential accessory buildings per property are permitted under applicable zoning requirements.

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 subject property is +/- 138.0 acres in size and is located on McCray's Mill Rd. immediately to the south of the City of Sumter's western boundary.
2. The property is under ownership of a family partnership corporation (Emily Rowland Burns Family Partnership).

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

Case Facts:

1. The site is a large, primarily agricultural property located in an area of the County that has had multiple large-scale residential developments (Southbridge, Stonecroft, and Mason Croft subdivisions) in the last several decades that have converted previously agricultural lands to denser residential use.

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. If the requested variance is not approved, the applicant cannot establish the desired carport structure without removing existing structures from 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.*

Case Facts:

1. The residence and accessory structures between 2,200-3,300 ft. from the parcel's front (street) property line.
2. The subject property is over 100 acres in size.

IV. STAFF RECOMMENDATION

Staff recommends no additional approval conditions *if* the Zoning Board of Appeals makes all the findings necessary to approve this request.

If the BOA approves this request, it is only applicable to the number of proposed structures on the lot. The applicant must comply with all other accessory structure requirements, as applicable.

V. DRAFT MOTIONS FOR BOA-25-44

A. I move the Zoning Board of Appeals **approve** BOA-25-44, subject to the findings of fact and conclusions developed by the BZA and so stated:

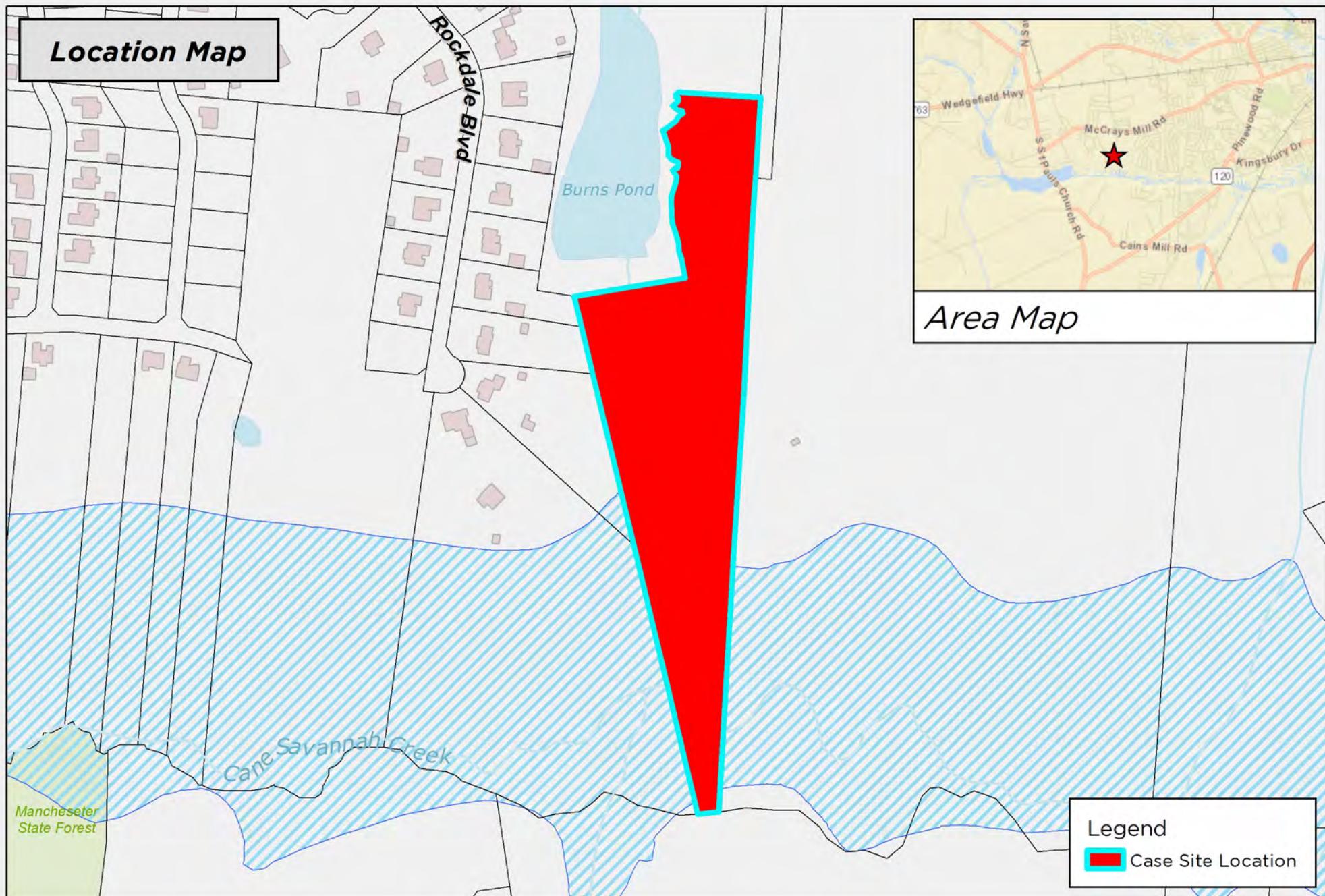
[reference specific findings as developed based on facts presented in the staff report, exhibits, and/or during the public hearing.]

B. I move the Zoning Board of Appeals **deny** BOA-25-44, 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-25-44.

VI. BOARD OF APPEALS – January 14, 2024



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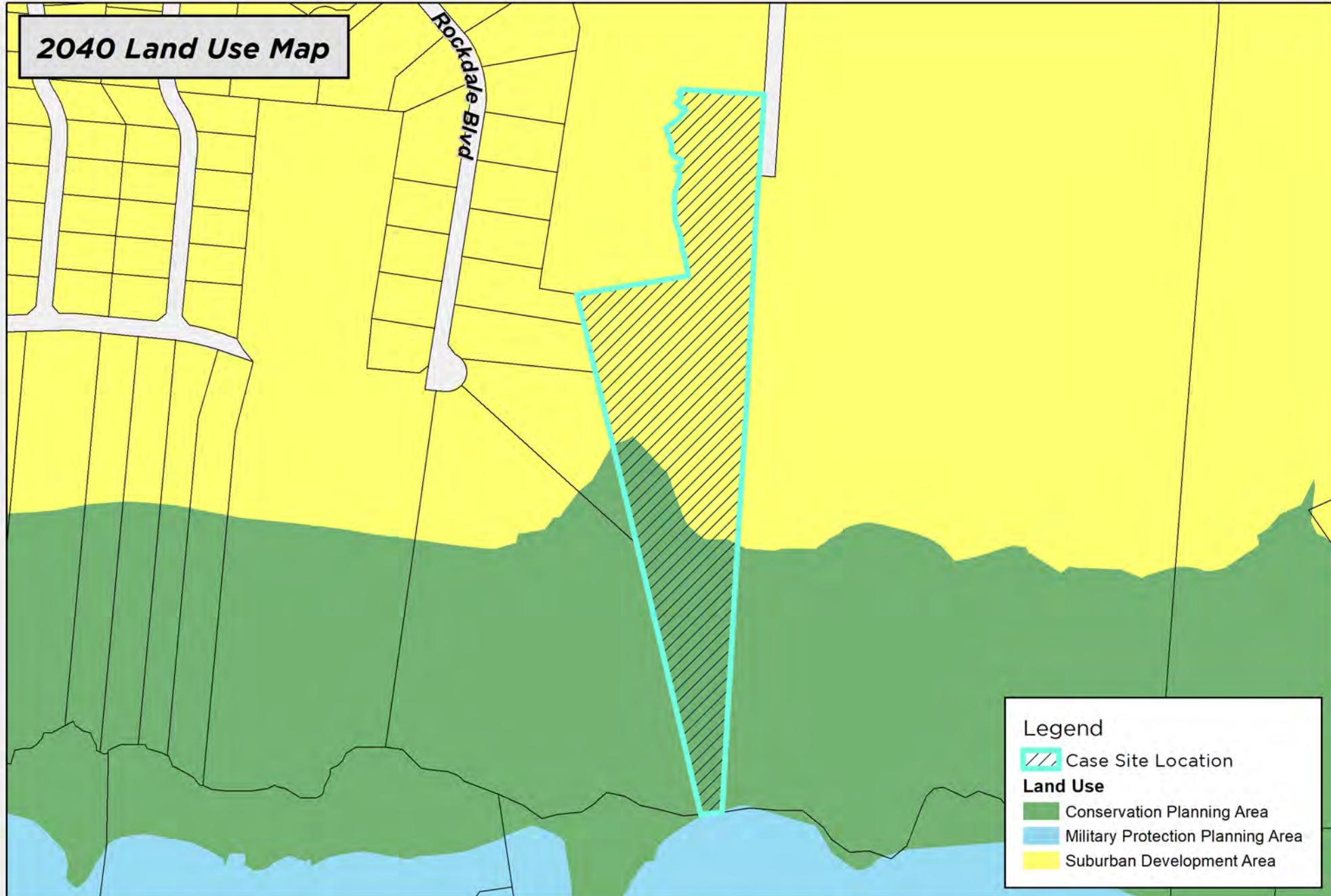
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BOA-25-43
1270 Tivoli Rd, Sumter, SC 29154
Tax Map # 182-00-04-007

2040 Land Use Map



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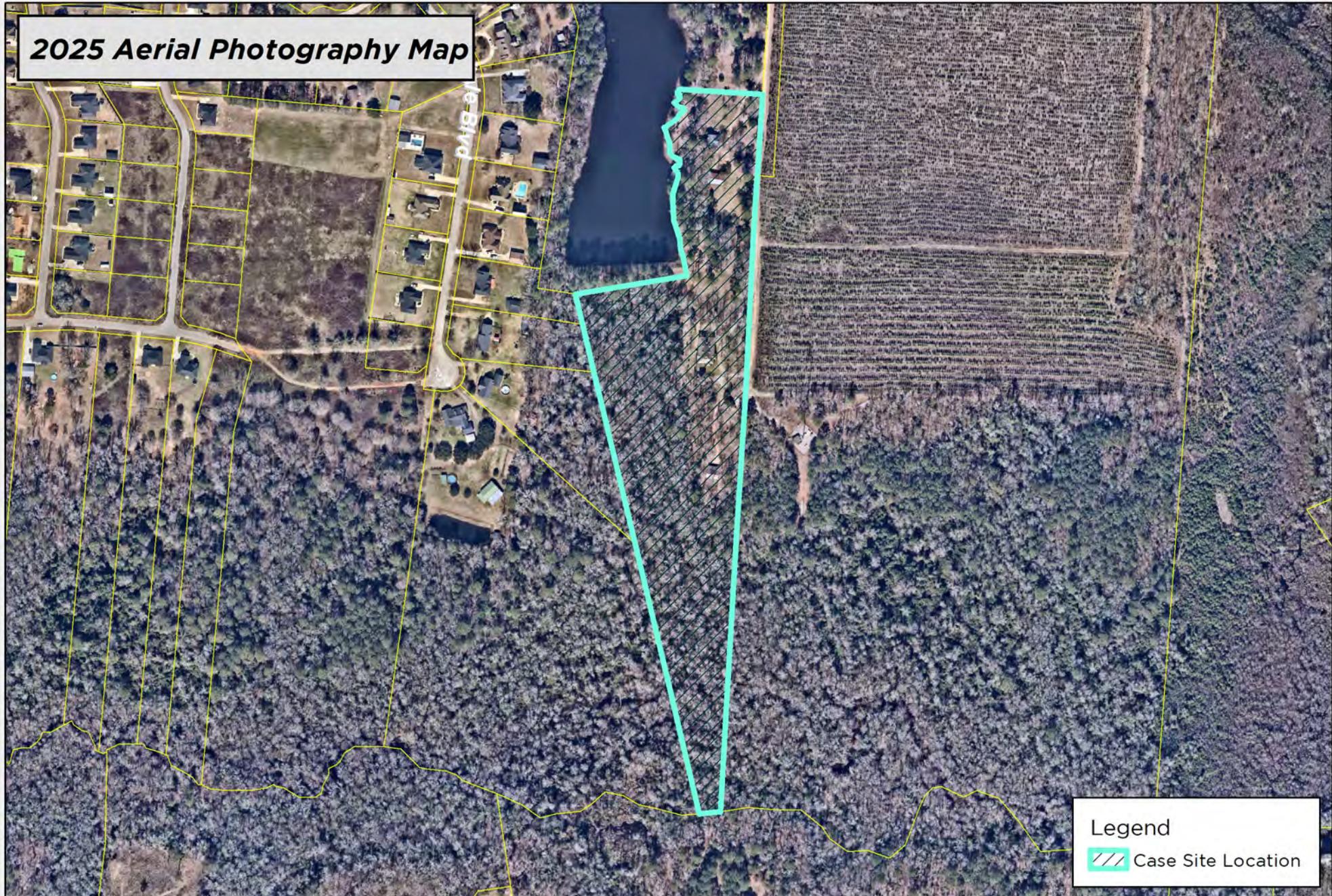


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2025 Aerial Photography Map



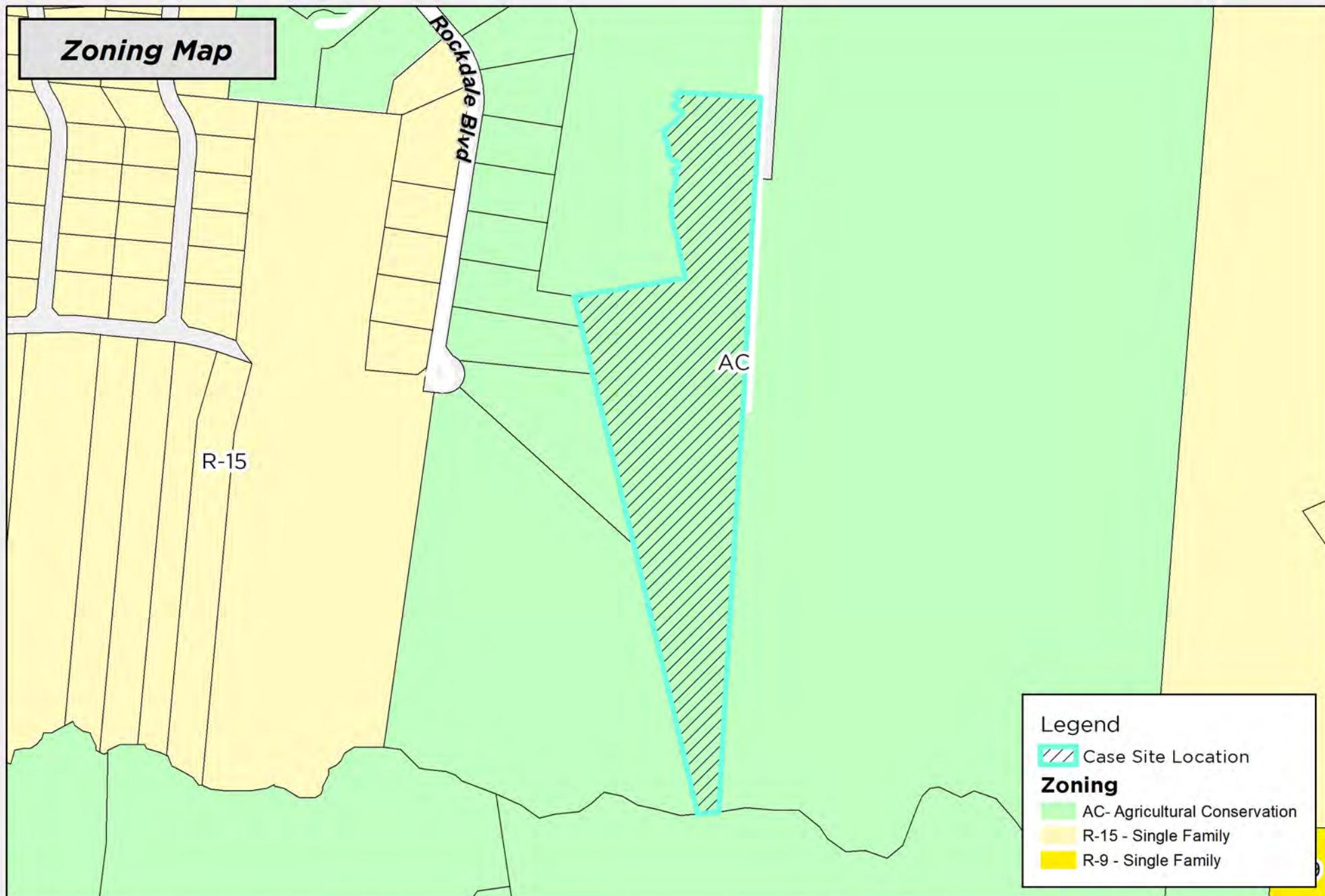
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Flood Zone Map



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