

Sumter City-County Zoning Board of Appeals

March 11, 2026

BOA-26-07 595 Curlew Cir (City)

The applicant (Sam Avins) is requesting variance(s) from the requirements of City of Sumter Zoning & Development Standards Ordinance, as follows: (1) nonresidential building setback requirements found in *Article 3, Exhibit 3-1(B): Development Standards for Uses in R-9 District*, and (2) any other variances as required to construct a +/- 90 sq. ft. bus shelter on property owned by the Heritage Bay Development Company, LLC. The property is located at 595 Curlew Cir., is zoned Residential-9 (R-9), and is represented by TMS# 184-00-03-001.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

March 11, 2026

BOA-26-07 595 Curlew Cir (City)

I. THE REQUEST

Applicant: Sam Avins

Status of the Applicant: Authorize Agent

Request: Variances from non-residential structure setback requirements

City Council Ward: Ward 5

Location: 595 Curlew Cir.

Present Use/Zoning: Residential / Residential-9 (R-9)

Tax Map Reference: 184-00-03-001

II. BACKGROUND

The applicant is requesting a variance from the nonresidential building setback requirements found in *Article 3, Exhibit 3-1(B): Development Standards for Uses in R-9 District of the City of Sumter Zoning & Development Standards Ordinance* (the “Zoning Ordinance”) in order to construct a +/- 90 sq. ft. open air bus stop shelter.

The property is owned and maintained by the Heritage Bay Development Co. and is reflected best on the plat prepared by Mathis & Muldrow, dated September 5, 2024, and recorded in Plat Book: 2024 Page: 274 at the Sumter County Register of Deeds.

The applicant is seeking approval to install a bus shelter on the property near the main entrance to Heritage Bay on Sora Ln. As a non-residential structure proposed within a residential zoning district, the bus shelter is subject to the applicable non-residential setback requirements. The proposed location does not comply with the required setbacks for such structures in this district. Therefore, the applicant is requesting variances from



the applicable setback requirements, and approval from the Zoning Board of Appeals is required to permit the structure as proposed.

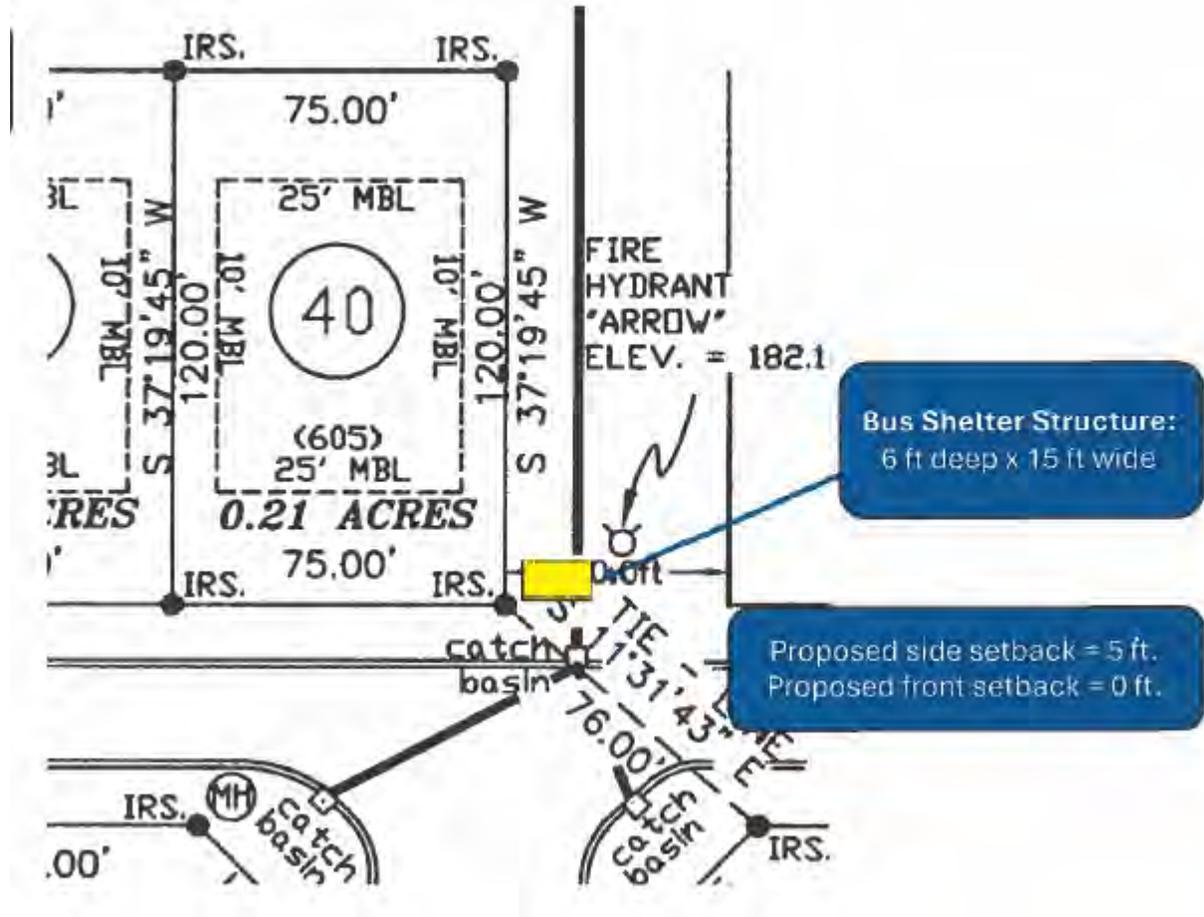


Figure 1: Site Layout



Figure 2: Site photo

Article 3, Exhibit 3-1 (B): Development Standards for Uses in R-9 District

**EXHIBIT 3-1(B)
DEVELOPMENT STANDARDS FOR USES IN R-9 DISTRICT**

	Non-Residential Uses	Single Family Detached Dwellings	Single Family Attached Dwellings	Patio Home Dwellings	Suburban Townhome Dwellings ¹
Minimum Lot Area Per Individual Unit ²	9,000 sq. ft.	9,000 sq. ft. (per structure)	7,000 sq. ft. (per unit)	5,000 sq. ft. (per structure)	2,000 sq. ft. (per unit)
Minimum Site Area	N/A	N/A	N/A	2 acres	2 acres
Minimum Lot Width	75 ft.	75 ft.	50 ft.	45 ft.	16 ft.
Minimum Lot Depth	100 ft.	100 ft.	100 ft.	100 ft.	N/A
Minimum Yards, Per Structure:					
Front ³	35 ft. (local/collector) 45 ft. (arterial)	35 ft. ⁴ 35 ft. ⁴ (arterial)			
Side	50 ft.	10 ft.	0 ft. / 10 ft. ⁵	0 ft. / 10 ft. ⁶	0 ft. / 15 ft. ⁷
Rear	50 ft.	25 ft.	20 ft.	20 ft.	20 ft.
Minimum Distance Between Buildings	30 ft.	N/A	N/A	N/A	30 ft.
Maximum Impervious Surface Percentage	40%	40%	45%	45%	65% ⁸
Common Open Space Ratio (% project area)	N/A	N/A	N/A	N/A	20% ⁸
Maximum Density (units per gross acre)	N/A	4.8	6.2	6.2	14
Maximum Height of Buildings	45 ft.	35 ft.	35 ft.	35 ft.	35 ft.

The Request:

The applicant (Sam Avins) is requesting a variance from the nonresidential building setback requirements found in *Article 3, Exhibit 3-1(B): Development Standards for Uses in R-9 District* of the City of Sumter & Development Standards Ordinance (the “Zoning Ordinance”) and any other variances as may be required in order to allow for the accessory structure to be placed in the front of the principle structure.

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. This site is a portion of a larger unsubdivided tract, which is used for access to storm water pond at the rear and is part of the community open space.
2. The lot’s dimensions and configuration at this frontage creates practical difficulties in complying with current zoning standards, whether the use is residential or non-residential.

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

Case Facts

1. Majority of the lots in the lots within the Heritage Bay Subdivision are utilized as residential. A covered bus shelter can be seen as accessory to the development.
2. There are no other non-residential support structures located within the Heritage Bay Subdivision.

- 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. The bus shelter is inherently intended to serve passengers boarding and exiting buses at the curb, relocating it farther from the street would render it nonfunctional and impractical for its intended use.
2. There is a fire hydrant along this lot frontage. Clearance from and access to the fire hydrant must be maintained for public safety.

- 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 structure consists of approximately 90 square feet in area.
2. The bus shelter is proposed to be located directly opposite the entrance to the subdivision, providing a centralized and visible location.
3. The bus shelter will be privately owned by the neighborhood and utilized by children riding school buses.

IV. STAFF RECOMMENDATION

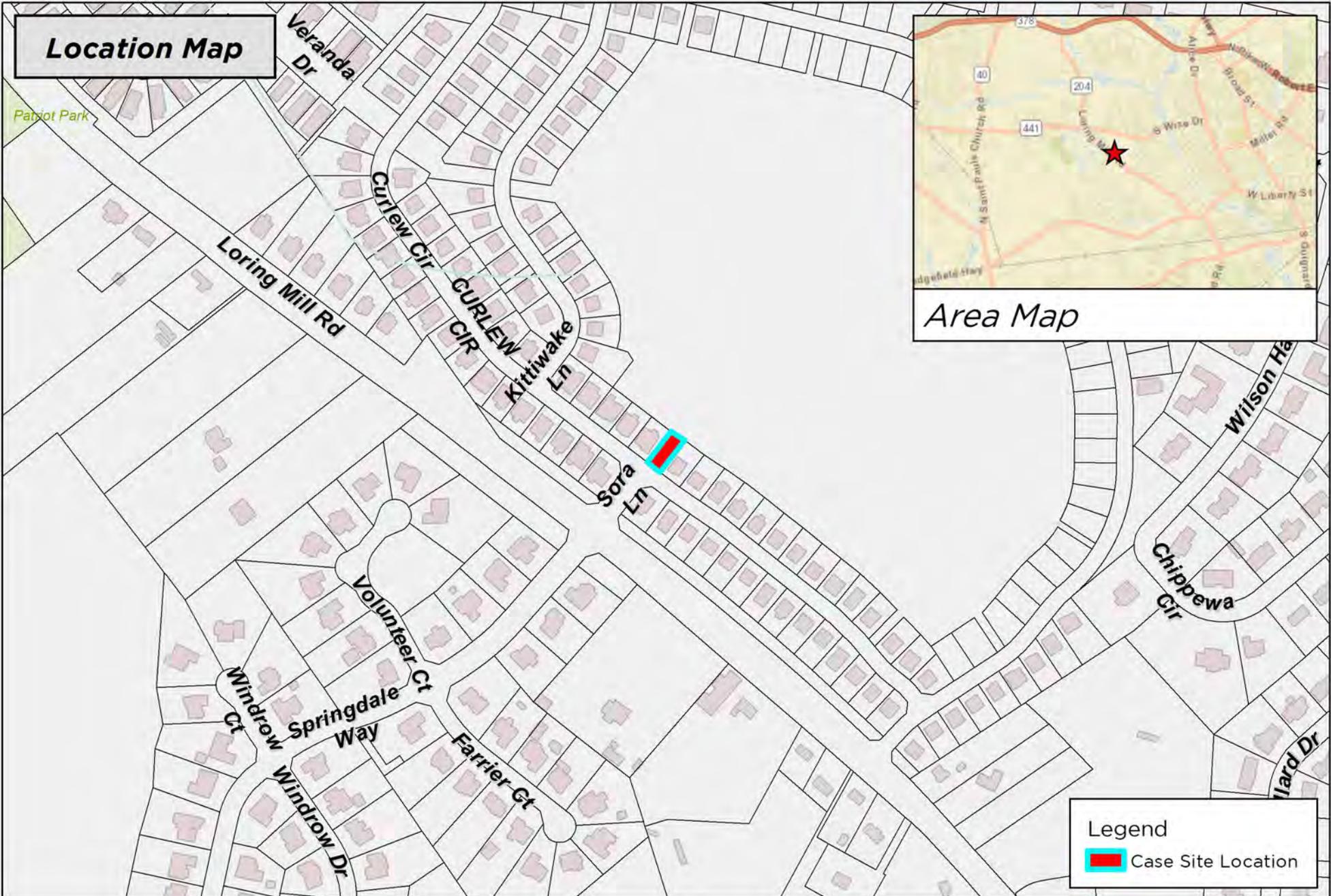
Staff recommend no additional approval conditions *if* the Board finds that all necessary criteria have been met to approve this request.

V. DRAFT MOTIONS FOR BOA-26-06

1. I move the Zoning Board of Appeals **approved** BOA-26-07, 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-26-07, subject to the following findings of fact and conclusions:
3. I move the Zoning Board of Appeals enter an alternative motion for BOA-26-07.

VI. BOARD OF APPEALS – March 11, 2026

Location Map

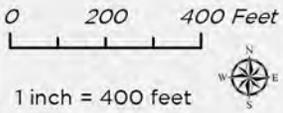


Area Map

Legend

 Case Site Location

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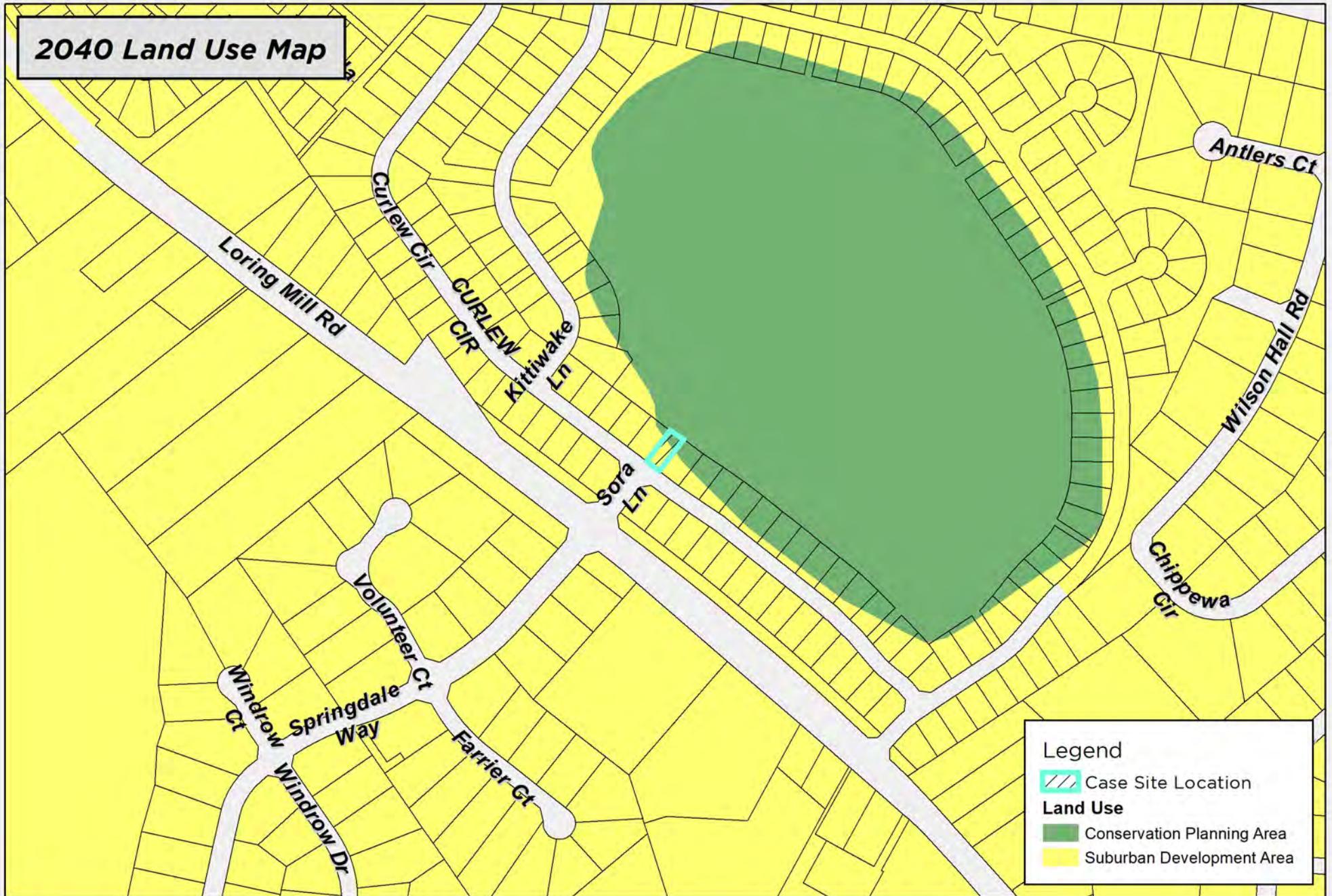


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BOA-26-07
595 Curlew Cir, Sumter, SC 29150
Tax Map # 184-00-03-001 (Portion)

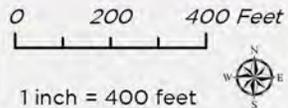
2040 Land Use Map



Legend

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

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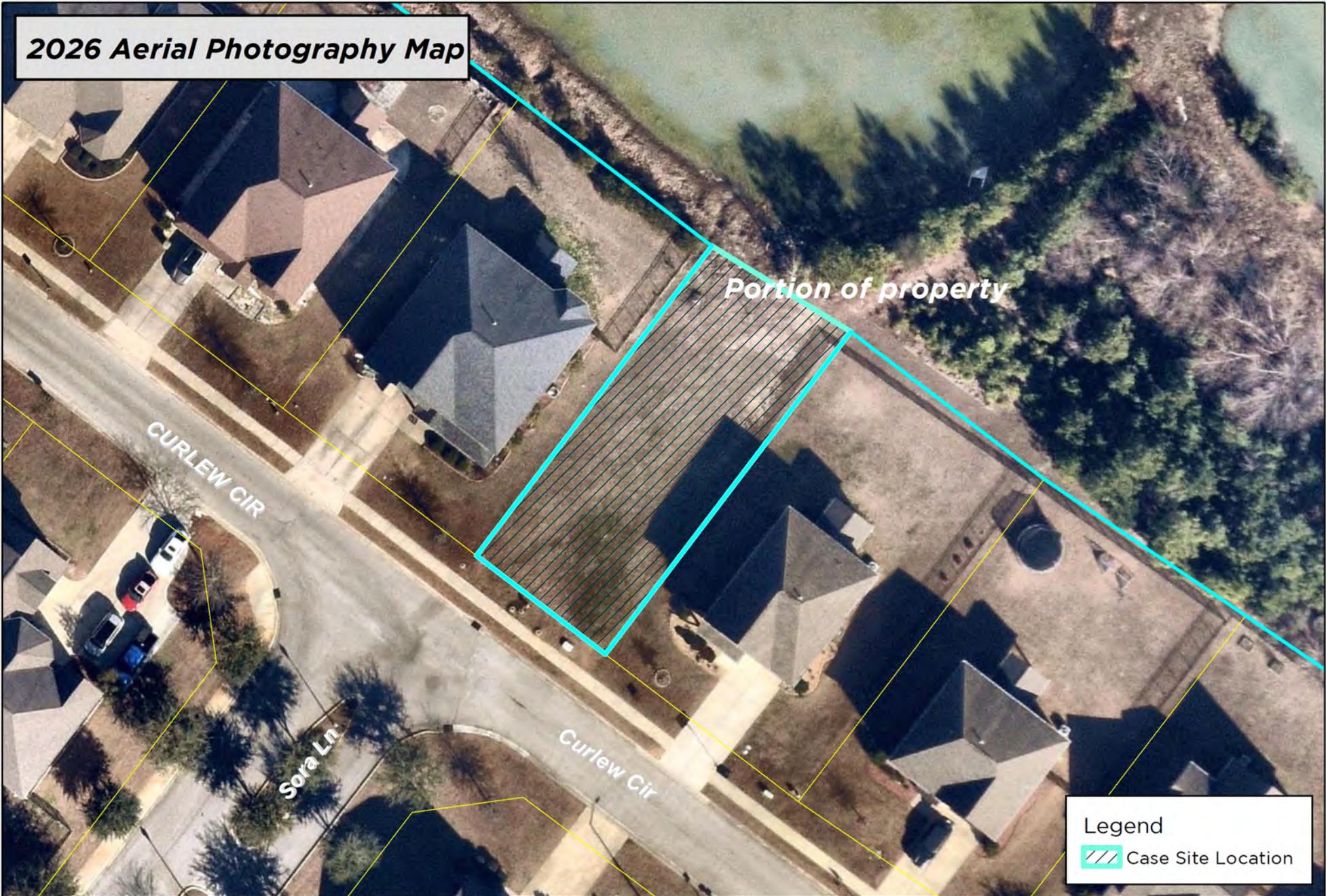


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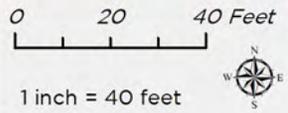
2026 Aerial Photography Map



Portion of property

Legend
[Cyan hatched box] Case Site Location

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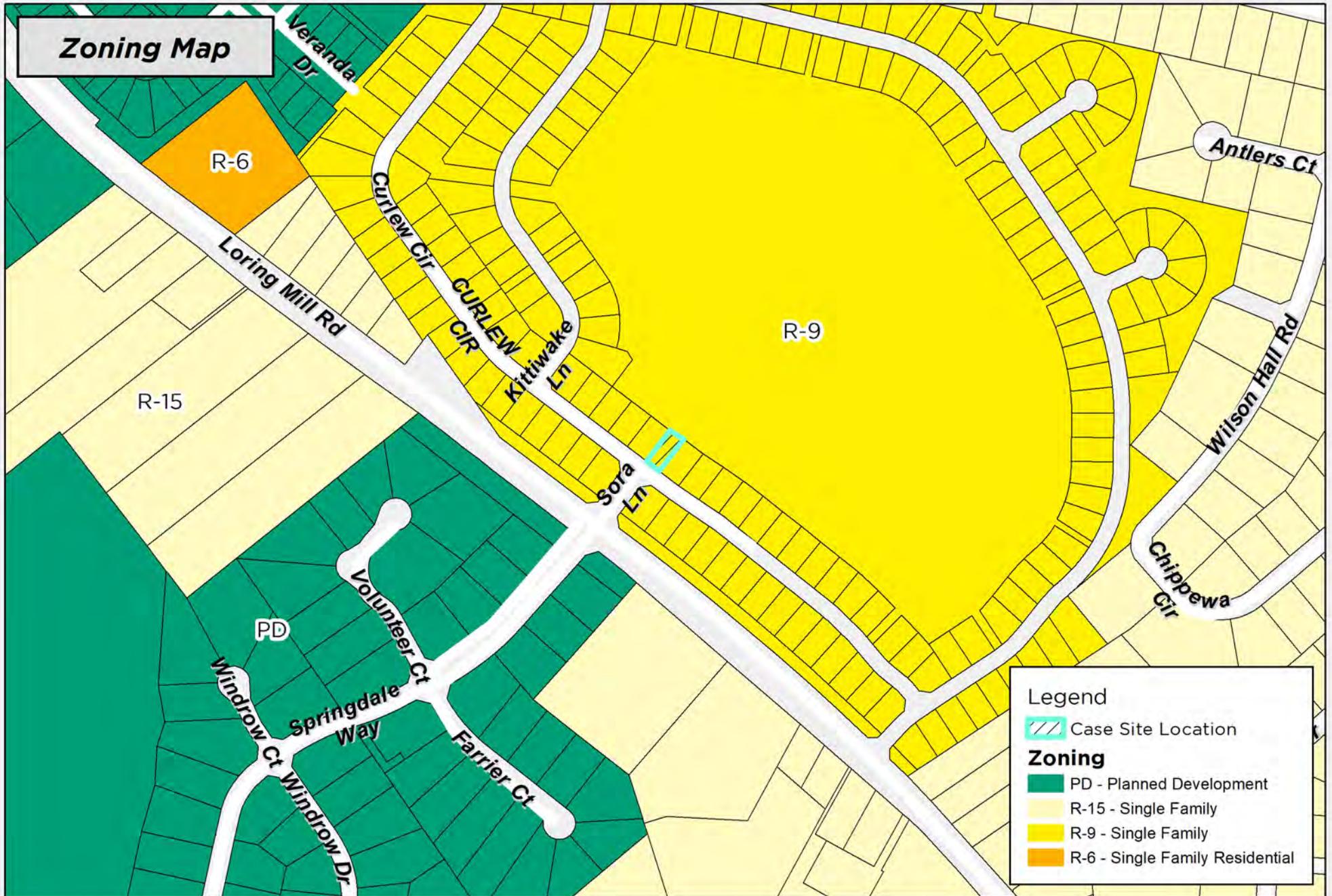


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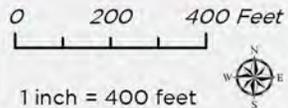
Zoning Map



Legend

- Case Site Location
- Zoning**
- PD - Planned Development
- R-15 - Single Family
- R-9 - Single Family
- R-6 - Single Family Residential

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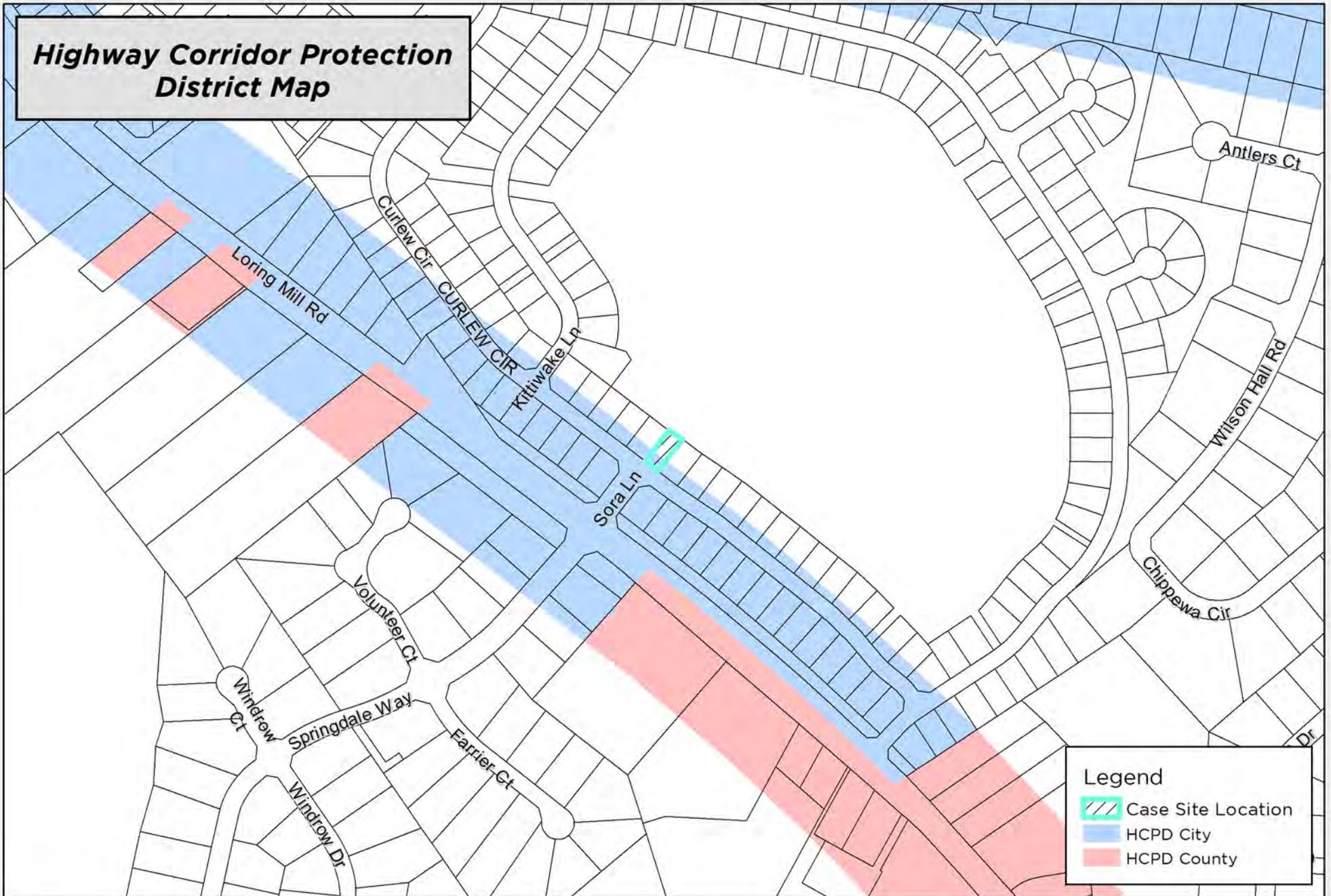


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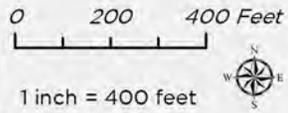
Highway Corridor Protection District Map



Legend

- ▭ Case Site Location
- ▭ HCPD City
- ▭ HCPD County

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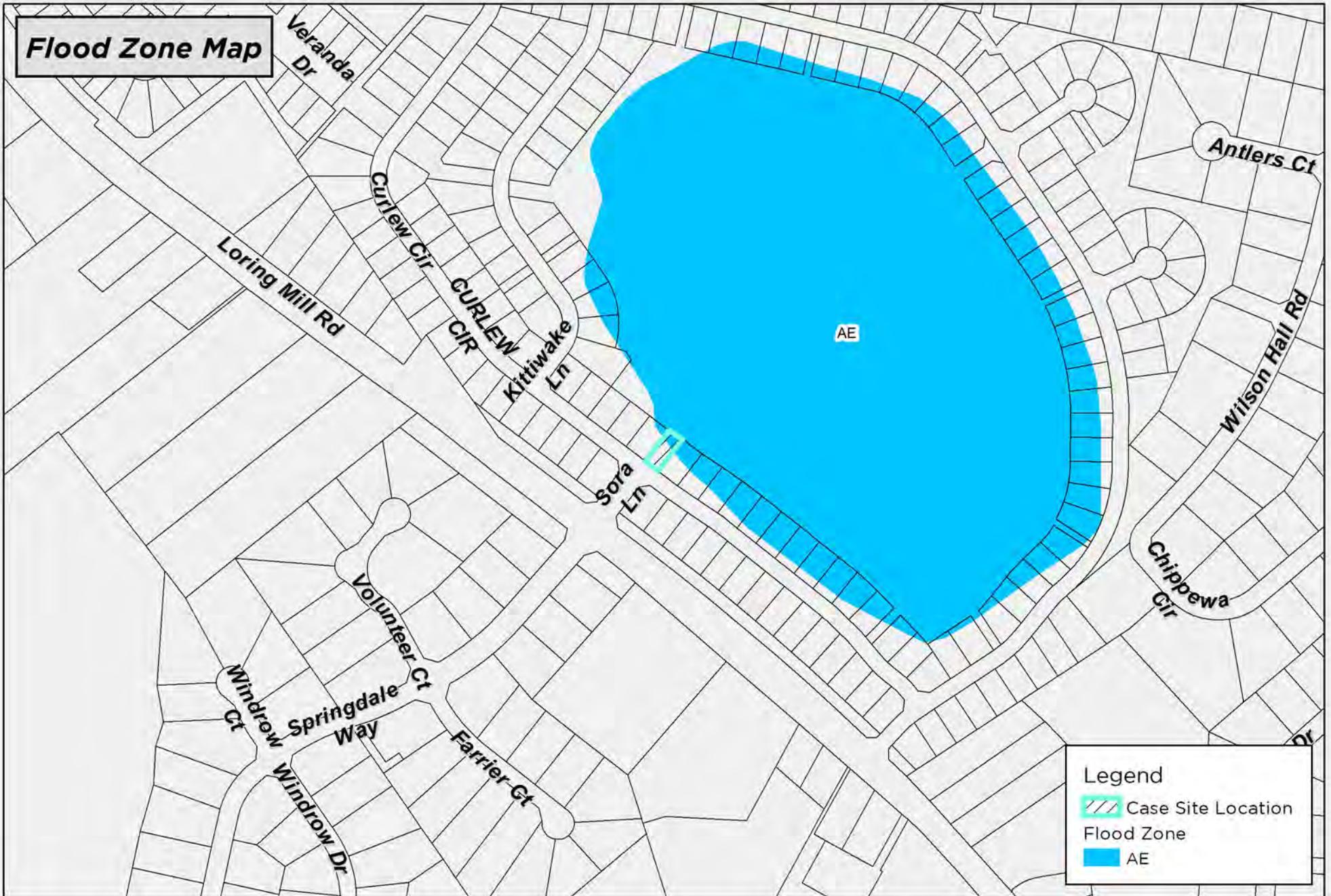


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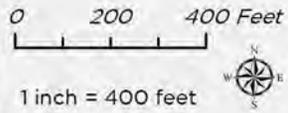
Flood Zone Map



Legend

-  Case Site Location
-  Flood Zone
-  AE

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