

Sumter City-County Zoning Board of Appeals

November 4, 2026

BOA-26-34, 103 Brooklyn St. (City)

The applicant (MIW Properties, LLC – David Merchant) is requesting variances from the requirements of the City of Sumter Unified Development Ordinance (UDO), as follows: (1) side building setback requirements found in *UDO Chapter 5.1, Table B.5.1: LI-W District Development Standards*, and (2) any other variances required to construct a new industrial structure, within the side building setback area, in the same location as an existing structure that is to be demolished. The property is located at 103 Brooklyn St., is zoned Light Industrial-Warehouse (LI-W), and is represented by TMS# 249-15-01-001.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

November 4, 2026

BOA-26-34, 103 Brooklyn St. (City)

I. THE REQUEST

Applicant: MIW Properties, LLC (David Merchant)

Status of the Applicant: Property Owner

Request: Side setback variance for proposed new building in LI-W district.

City Council Ward: Ward 3

Location: 103 Brooklyn St.

Present Use/Zoning: Metal Fabrication / Light Industrial-Warehouse (LI-W)

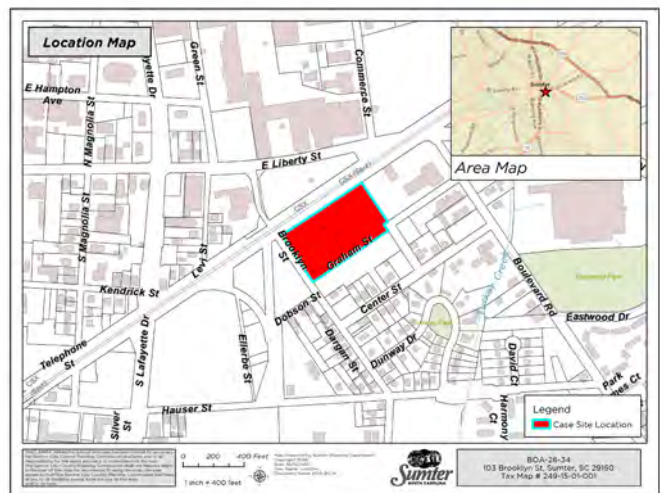
Tax Map Reference: 249-15-01-001

II. BACKGROUND

The applicant (MIW Properties, LLC) is requesting a variance from Light Industrial-Warehouse (LI-W) zoning district side setback requirements in order to construct a new industrial building in the same location as an existing industrial building planned for demolition.

The property is located on the east side of Brooklyn St. at the intersection of Brooklyn St. and CSX railway and is within the LI-W district. The applicant acquired the property in 2020. The 5.16-acre property contains multiple buildings used to support metal fabrication business operations.

The applicant is proposing to demolish an existing dilapidated building located on the northern boundary of the property directly adjacent to CSX rail line. A new industrial building related to the existing metal fabrication business is proposed on the property in the same footprint as the



building to be demolished. The existing building sits at a 0 ft. setback from the northern property line. The side setback requirement in the LI-W district is 15 ft. Thus, variance approval by the Board of Zoning Appeals (BZA) is required for the applicant to proceed with development plans as contemplated.



Figure 1: Site Layout Graphic

Ordinance Requirements:

Table B.5.1. LI-W District Development Standards		
All Development Types		
Building Height (Max) (See Chapter B.12.C)		60 ft.
Residential Density (Max) (See Chapter B.12.A)		Residential Uses Not Permitted
	Front (Street)	45 ft. (Arterial) 35 ft. (Local/Collector)
Setbacks (Min) (See Chapter B.12.E)	Side	50 ft. (Abutting Residential Districts and Planned Development Districts) 15 ft. (Abutting All Other Districts)
	Rear	50 ft. (Abutting Residential Districts and Planned Development Districts) 25 ft. (Abutting All Other Districts)
Lot (See Chapter B.12.F)	Width (Min)	100 ft.
	Depth (Min) ¹	250 ft.
	ISR (Max)	80%
Additional Standards	¹ Linear feet are measured from front lot line to rear lot line. Where lot lines are not parallel, measure by drawing lines from front to rear lot lines, at right angles to the front lot line, every 10 ft. and averaging the length of these lines. Refer to Table B.8.1 for permitted, conditional, and special exception uses allowed in this district. Refer to SC Building Code for distance minimum between buildings.	

The Request:

The applicant (MIW Properties, LLC – David Merchant) is requesting variances from the requirements of the City of Sumter Unified Development Ordinance (UDO), as follows: (1) side building setback requirements found in *UDO Chapter 5.1, Table B.5.1: LI-W District Development Standards*, and (2) any other variances required to construct a new industrial structure, within the side building setback area, in the same location as an existing structure to be demolished.

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. Current development on the property, including the structure to be replaced, does not conform to current development standards and is considered non-conforming not subject to discontinuance.
2. There has been development on the site since the early 1900s.
3. Existing development on the site, including the internal site circulation layout and the placement of other existing buildings, supports the proposed building being placed in the same location as the current building to avoid conflicts with existing site operations.

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

Case Facts:

1. Site operations rely on an open central internal circulation area to support heavy truck maneuverability. Other industrial sites in the area have operations primarily within

structures and/or have outdoor storage areas that do not appear to support regular heavy truck traffic.

- 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 conditions prevent the applicant from constructing a new building in the same location as an existing dilapidated building proposed for demolition.
2. Requiring the new building to strictly comply with setback requirements may alter site operations pertaining to the internal site circulation of heavy trucks

- 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 building will be placed in the same footprint as an existing building that has been in place on the property for many decades.
2. The proposed building is to be located on property directly adjacent to CSX railroad right-of-way.
3. The proposed location is adjacent to other industrial property, and located on the opposite side of the property from existing residential development to the south located on Center St., Dobson St., and Brooklyn St.

IV. STAFF RECOMMENDATION

Staff recommends no additional conditions be placed upon the requested variance if the Board finds that all necessary criteria have been met.

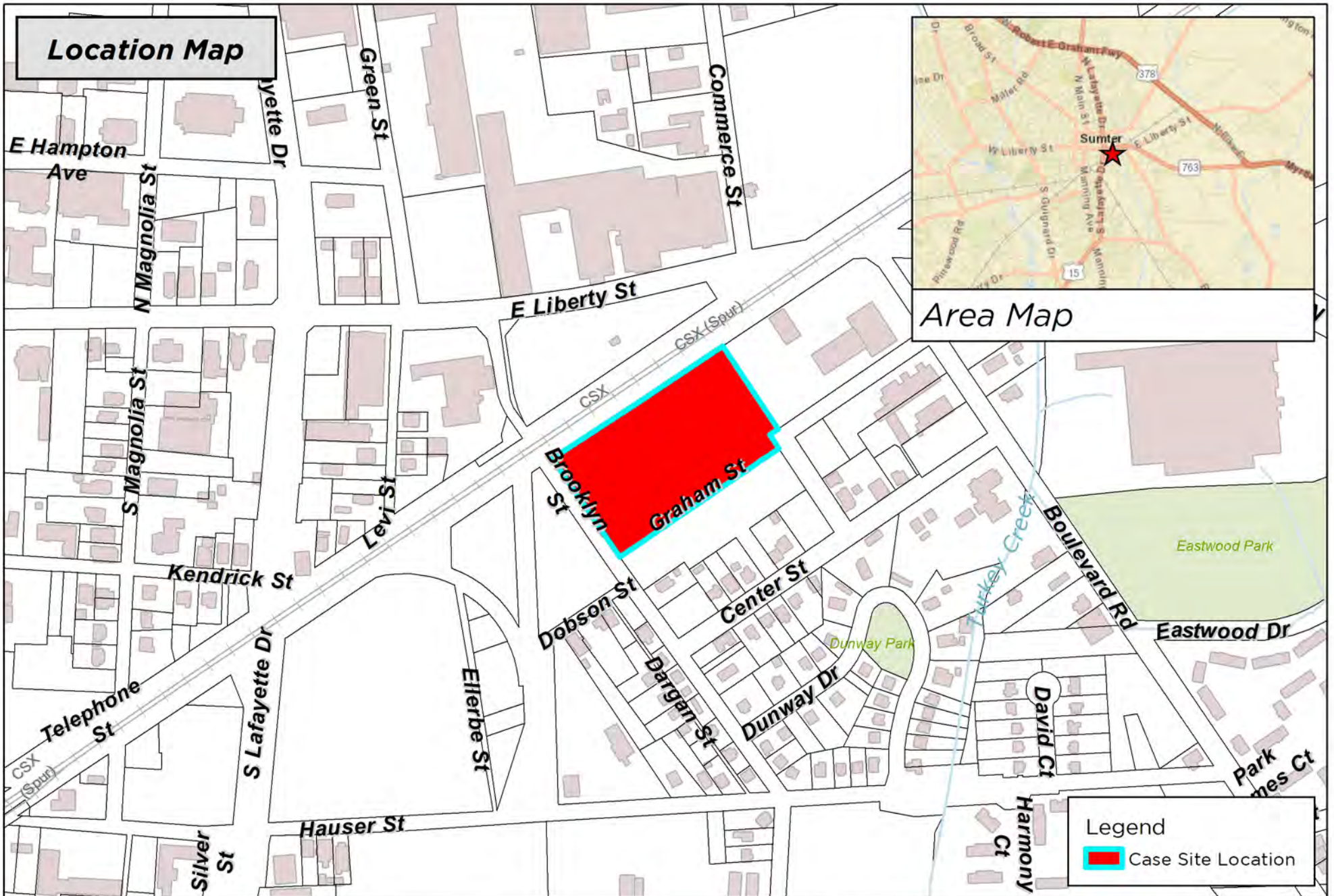
V. DRAFT MOTIONS FOR BOA-26-34

- A. I move the Board of Zoning Appeals **approve** BOA-26-34, 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 Board of Zoning Appeals **deny** BOA-26-34, 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 Board of Zoning Appeals enter an alternative motion for BOA-26-34.

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

VI. BOARD OF APPEALS – November 4, 2026

Location Map

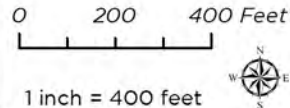


Area Map

Legend

Case Site Location

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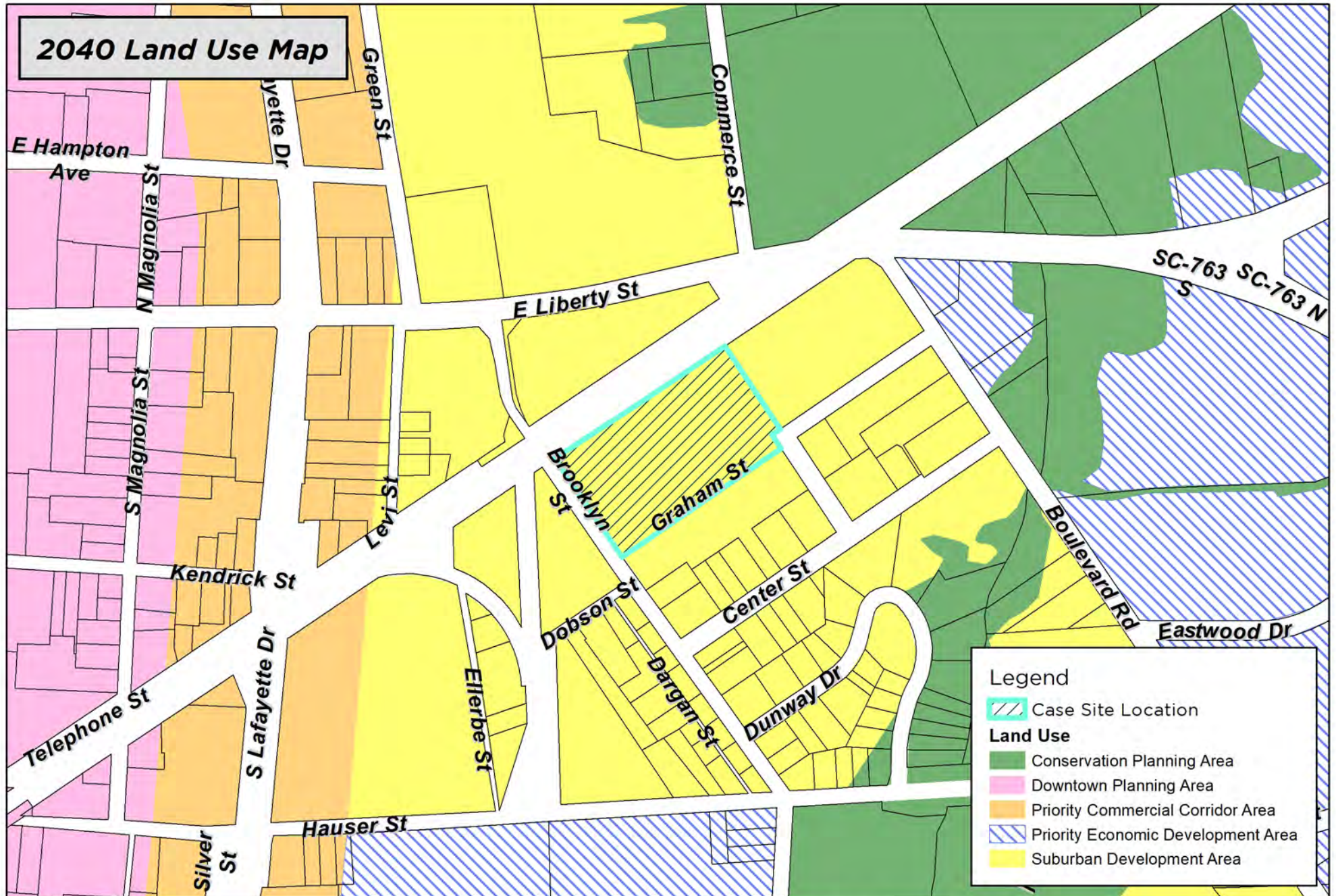


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BOA-26-34
103 Brooklyn St, Sumter, SC 29150
Tax Map # 249-15-01-001

2040 Land Use Map



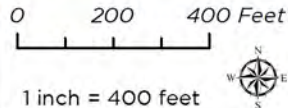
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Case Site Location

Land Use

- Conservation Planning Area
- Downtown Planning Area
- Priority Commercial Corridor Area
- Priority Economic Development Area
- Suburban Development Area

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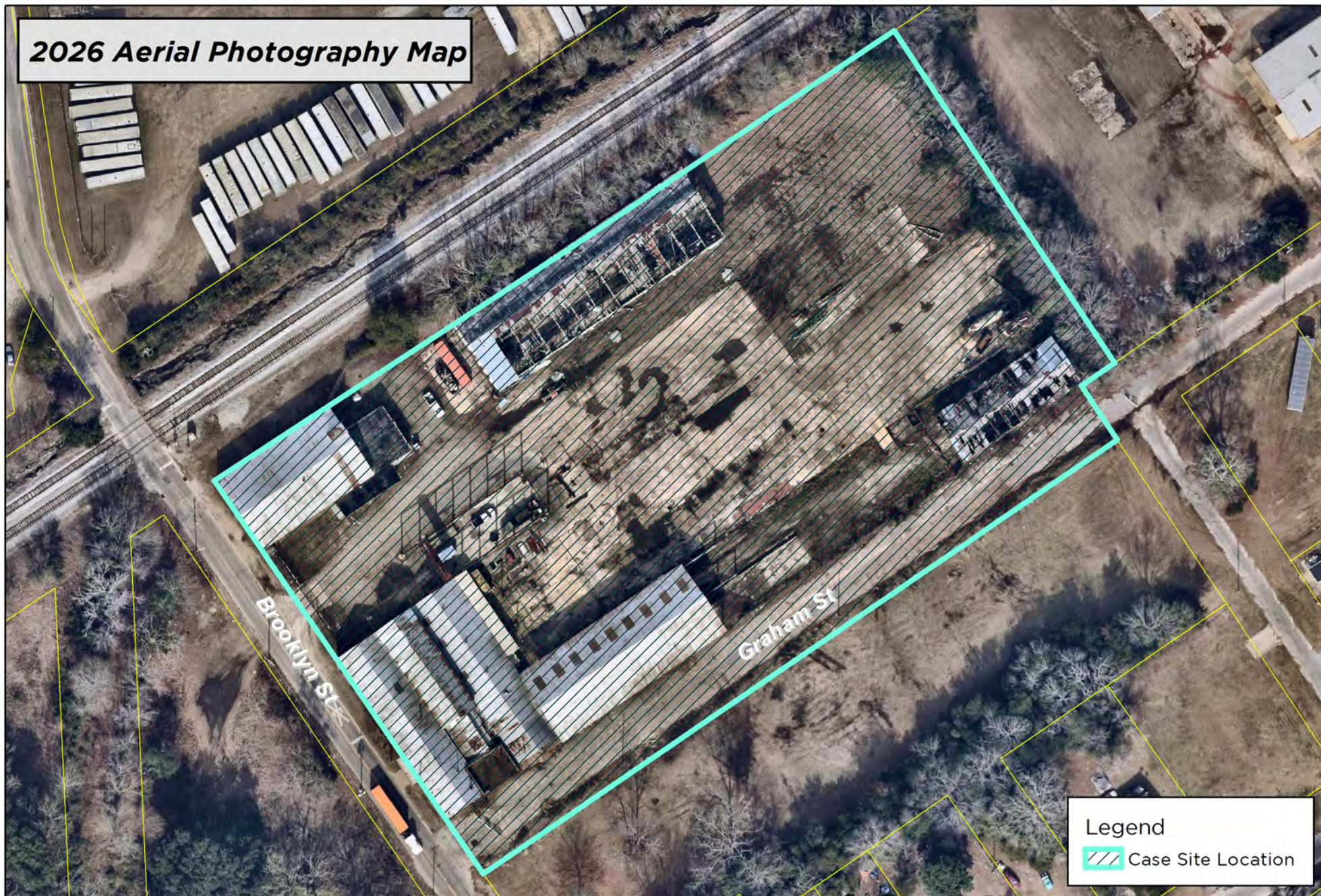


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2026 Aerial Photography Map



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0 50 100 Feet
1 inch = 100 feet



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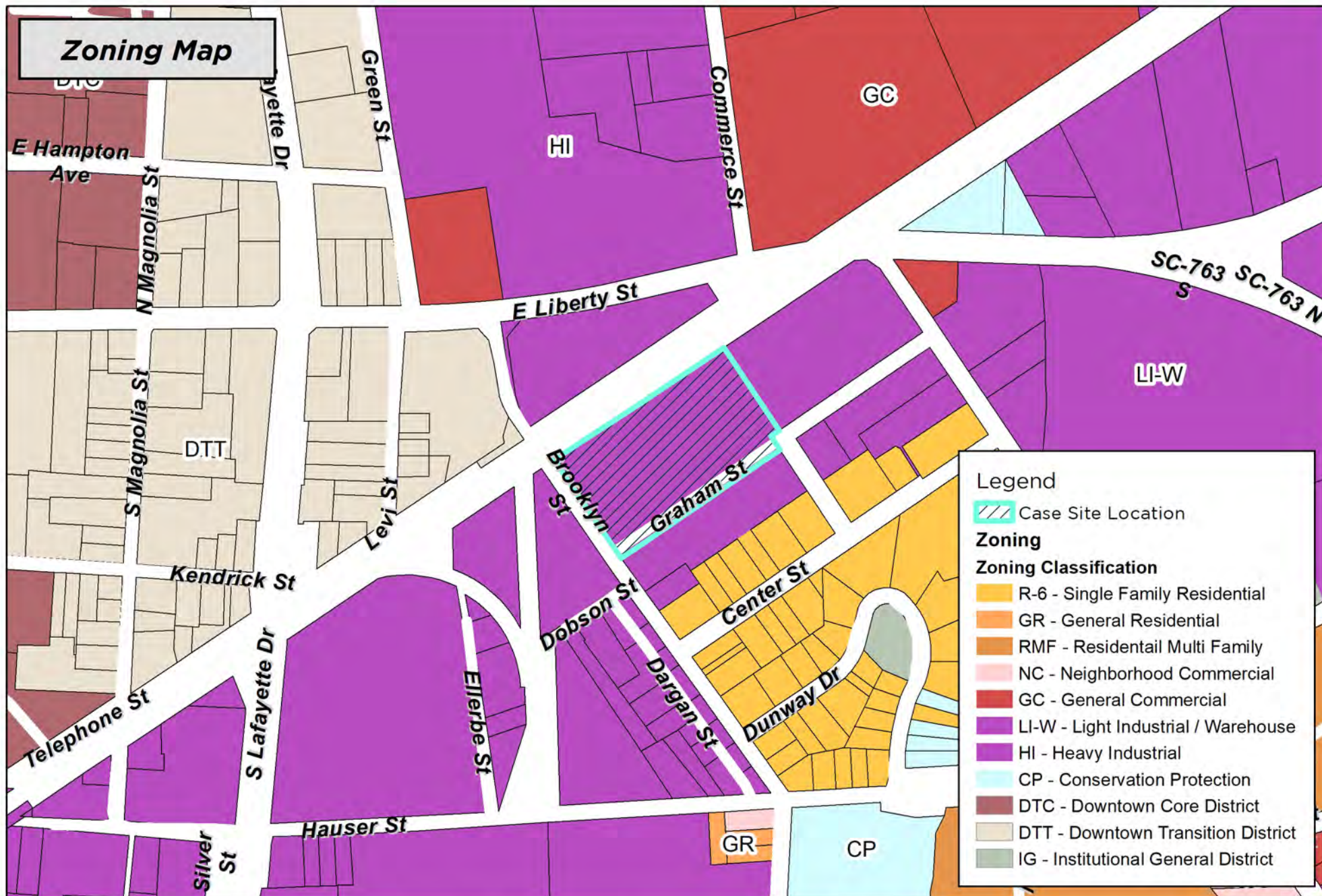


Legend

 Case Site Location

BOA-26-34
103 Brooklyn St, Sumter, SC 29150
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Zoning Map



Legend

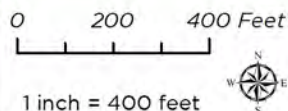
Case Site Location

Zoning

Zoning Classification

- R-6 - Single Family Residential
- GR - General Residential
- RMF - Residentail Multi Family
- NC - Neighborhood Commercial
- GC - General Commercial
- LI-W - Light Industrial / Warehouse
- HI - Heavy Industrial
- CP - Conservation Protection
- DTC - Downtown Core District
- DTT - Downtown Transition District
- IG - Institutional General District

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