

Sumter City-County Zoning Board of Appeals

December 11, 2024

BOA-24-38, 1485 Diebold Dr. (County)

The applicant (Thompson Construction Group) is requesting a variance from the side interior setback requirements outlined in *Article 3.1.5.b: (HI District) Minimum Yard & Building Setback Requirements* of the *Sumter County Zoning & Development Standards Ordinance* (the "Ordinance") and any other variances as may be required in order to establish a new industrial structure on the property at 0 ft. to +/- 5 ft. from the side property line. The Ordinance requires a 15 ft. side setback in this specific situation. The property is located at 1485 Diebold Dr., is zoned Heavy Industrial (HI), and is represented by TMS# 230-00-01-042.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

December 11, 2024

BOA-24-38, 1485 Diebold Dr. (County)

I. THE REQUEST

Applicant: Thompson Construction Group

Status of the Applicant: Property Owner

Request: Variance from the side interior setback requirements outlined in *Article 3.1.5.b.: (HI District) Minimum Yard & Building Setback Requirement* of the *Sumter County Zoning & Development Standards Ordinance* (the “Ordinance”) in order to establish a new industrial structure on the property at 0 ft. to +/- 5 ft. from the side property line.

County Council District: District 5

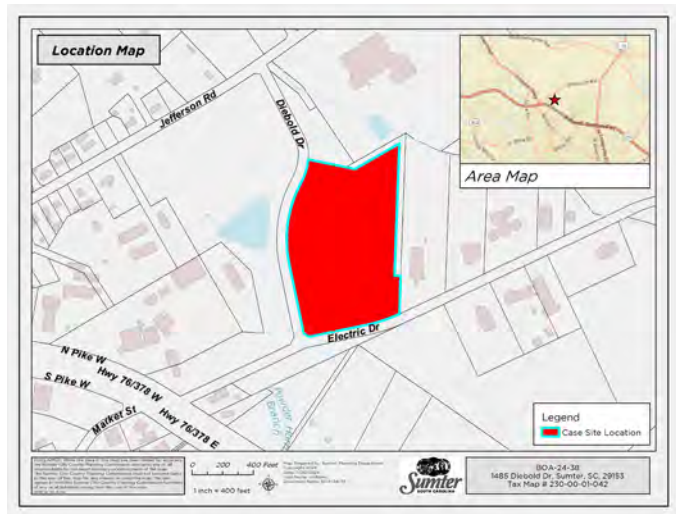
Location: 1485 Diebold Dr.

Present Use/Zoning: Manufacturing / Heavy Industrial (HI)

Tax Map Reference: 230-00-01-042

II. BACKGROUND

The applicant is requesting a variance from the side exterior setback requirements outlined in *Article 3.1.5.b.: (HI District) Minimum Yard & Building Setback Requirements* of the *Sumter County Zoning & Development Standards Ordinance* (the “Ordinance”) in order to establish a new industrial structure on the property at 0 ft. to +/- 5 ft. from the side property line.



The Ordinance requires a 15 ft. side setback in this specific situation. ¹

The variance is requested in order for the applicant to construct a +/- 18,287 sq. ft. paint and blast building on the property that is part of a larger scope of refurbishments and site improvements to make the property ready for a new industrial user (see *Figure 2*).

There are currently three separate lots of land (Parcels A, B, and C on *Figure 1* below) within the applicant's proposed industrial project site which are proposed to be purchased by the applicant and were intended to be combined into a single parcel.

Because Parcel B is within the municipal limits of the City of Sumter, the combination of that parcel with the remaining two parcels is not viable, as it would result in the tract crossing a jurisdictional boundary. Parcels A and C can be combined, as they are both in unincorporated Sumter County.

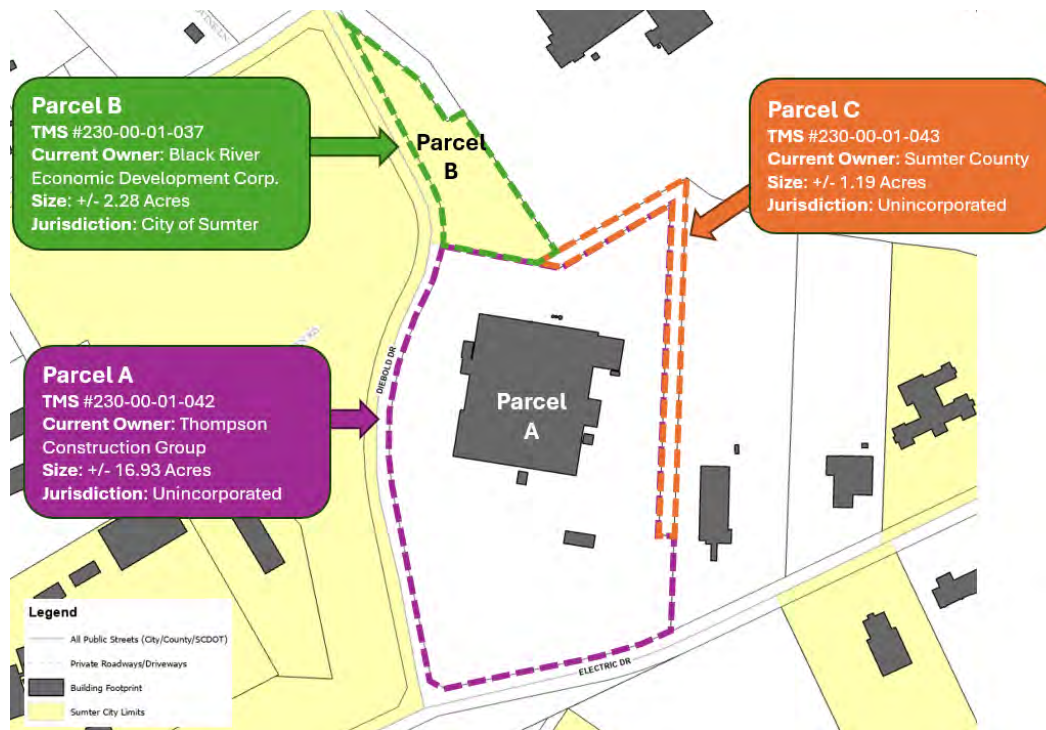


Figure 1 - Diagram of Parcels Comprising Proposed Development Site

¹ This case was advertised via legal notice using a reference to the property line in question being an exterior side of the tract, which would require a greater setback standard and additional code references. Subsequently, staff determined that the interior side setback standard applies, which is a lesser required setback, although variance approval is still required.

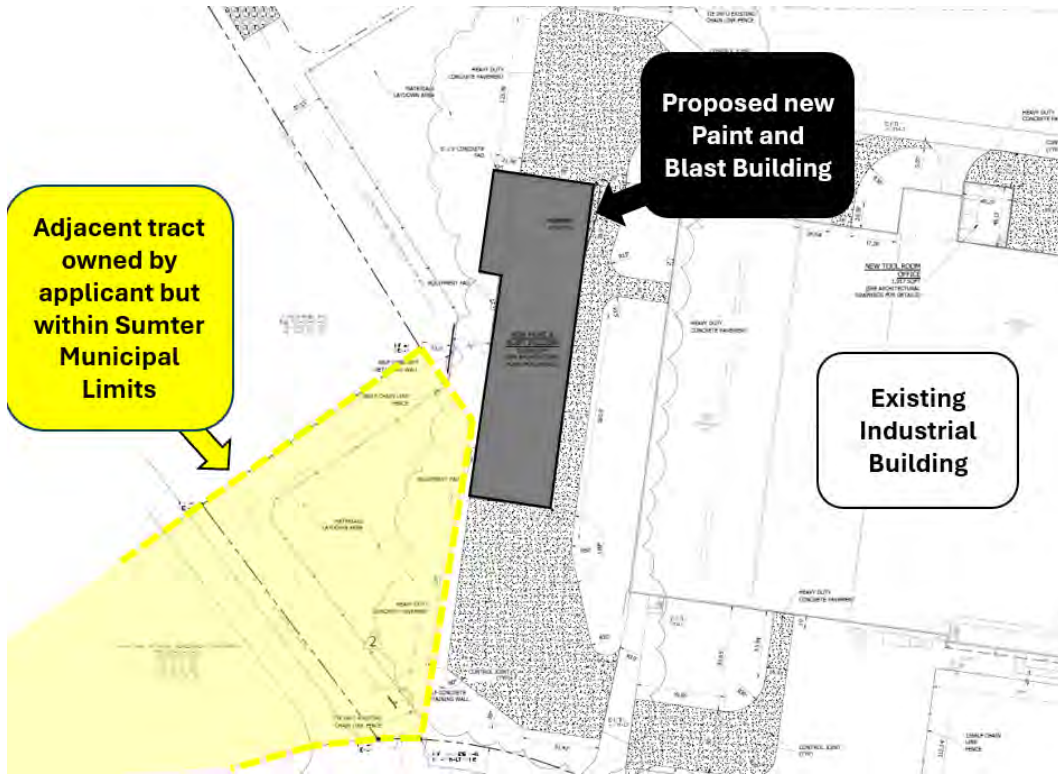


Figure 2 - Proposed Site Sketch Plan

Ordinance Requirements:

Article 3.1.5.b.: (HI District) Minimum Yard & Building Setback Requirements

	<u>Front Yard Setback</u>
From local/collector Streets	35 ft.
From all other type Streets	100 ft.
	<u>Side Yard Setback</u>
From abutting Residential Districts	100 ft.
From abutting Non-Residential Districts	15 ft.
	<u>Rear Yard Setback</u>
From abutting Residential Districts	100 ft.
From abutting Non-Residential Districts	25 ft.

The Request:

The applicant is requesting a variance from the side interior setback requirements outlined in *Article 3.1.5.b.: (HI District) Minimum Yard & Building Setback Requirements* of the *Sumter County Zoning & Development Standards Ordinance* (the “Ordinance”) in order to establish a new industrial structure on the property at 0 ft. to +/- 5 ft. from the side property line.

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.

The subject property is 16.93 acres in size, is a corner parcel, and is located in a Sumter County Heavy Industrial (HI) zoning district. The extraordinary and exceptional condition that applies to this site is that the adjoining tract (Parcel B as shown in *Figure 1* of this report) that the applicant is purchasing and plans to use as part of the overall site development is located in the municipal limits of the City of Sumter. This makes the current boundary between the two parcels a jurisdictional boundary that can only be modified by either annexation of the property at 1485 Diebold Dr. (Parcel A) or de-annexation of the portion of TMS #230-00-01-037 (Parcel B).

Annexation is not feasible given the City's and County's current policies and practices with regard to economic development, while de-annexation is not feasible given the legal requirements and City Council decision-making process required to consider such a request.

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

While the City of Sumter's municipal boundary is very irregular in this portion of Sumter, annexation of a tract into the City boundary either as part of a development or re-development plan is generally pursued via 100% petition for commercial and residential development. For industrial economic development projects, annexation is not the preferred mechanism given the mechanisms employed to encourage investment by industries with high employment and/or capital equipment needs.

- 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.*

The application of the ordinance to the particular property restricts the ability of the applicant to fully utilize the tract as desired.

- 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.*

Because the applicant will be the owner of both the site at 1485 Diebold Dr. and the adjacent tract affected by the setback variance, there is not expected to be a detriment to the adjacent property or the public good.

Granting the variance is also not expected to harm the character of the district, as the combined site's overall development will not appear inconsistent with other industrial developments in the Sumter community.

IV. STAFF RECOMMENDATION

The purpose of regulating setbacks is to control the placement of buildings on a property, creating buffer zones that ensure adequate space for safety, access, utilities, aesthetics, and overall area character by maintaining consistency in building placement, while also providing room for things like fire access, emergency response, and building maintenance.

Essentially, it aims to manage the distance between a structure and property lines to achieve planned development goals. In this case, while the applicant would prefer to eliminate the property line affecting the setback requirement via combination of parcels, that option is not available due to the presence of a municipal boundary.

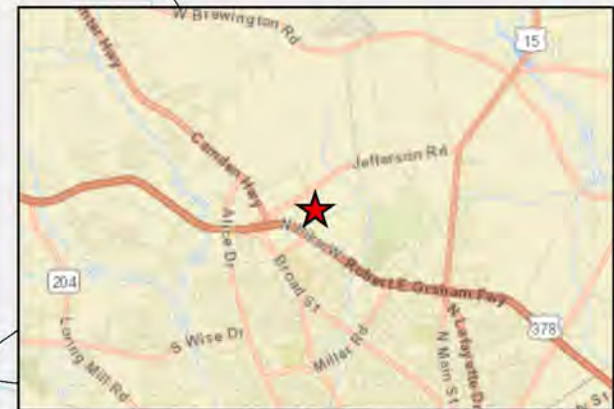
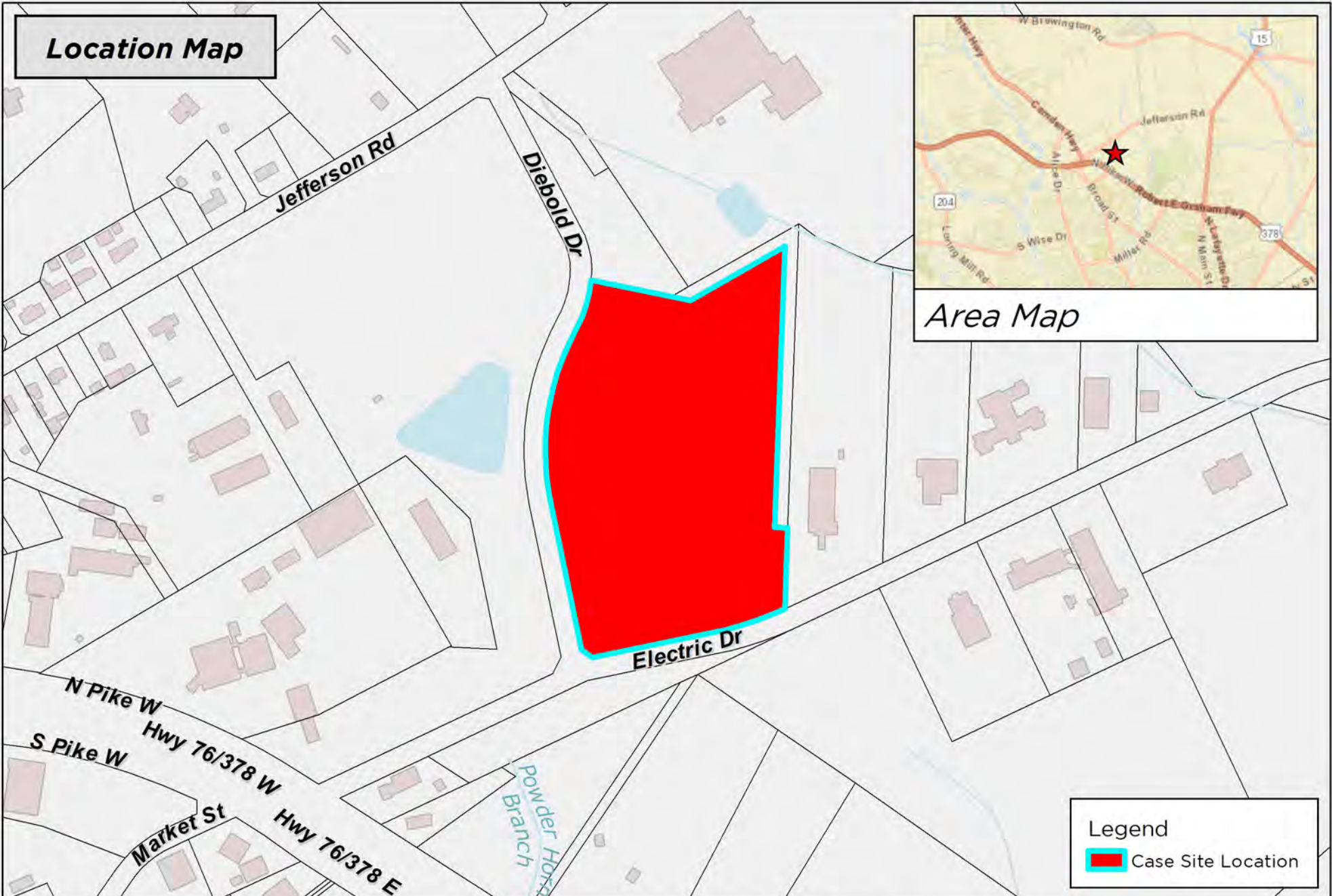
If the Zoning Board of Appeals makes all the findings necessary to approve this request. Staff recommends no additional approval conditions.

V. DRAFT MOTIONS FOR BOA-24-38

1. I move the Zoning Board of Appeals **approve** BOA-24-38, subject to the following findings of fact and conclusions: State Definitive Findings for each part of the four-part test for the record.
2. I move the Zoning Board of Appeals **deny** BOA-24-38, subject to the findings of fact and conclusions developed by the BZA and so stated: State Definitive Findings for each part of the four-part test for the record.
3. I move the Zoning Board of Appeals enter an alternative motion for BOA-24-38.

VI. BOARD OF APPEALS – December 11, 2024

Location Map

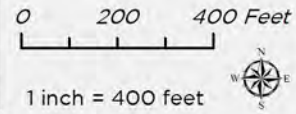


Area Map

Legend

-  Case Site Location

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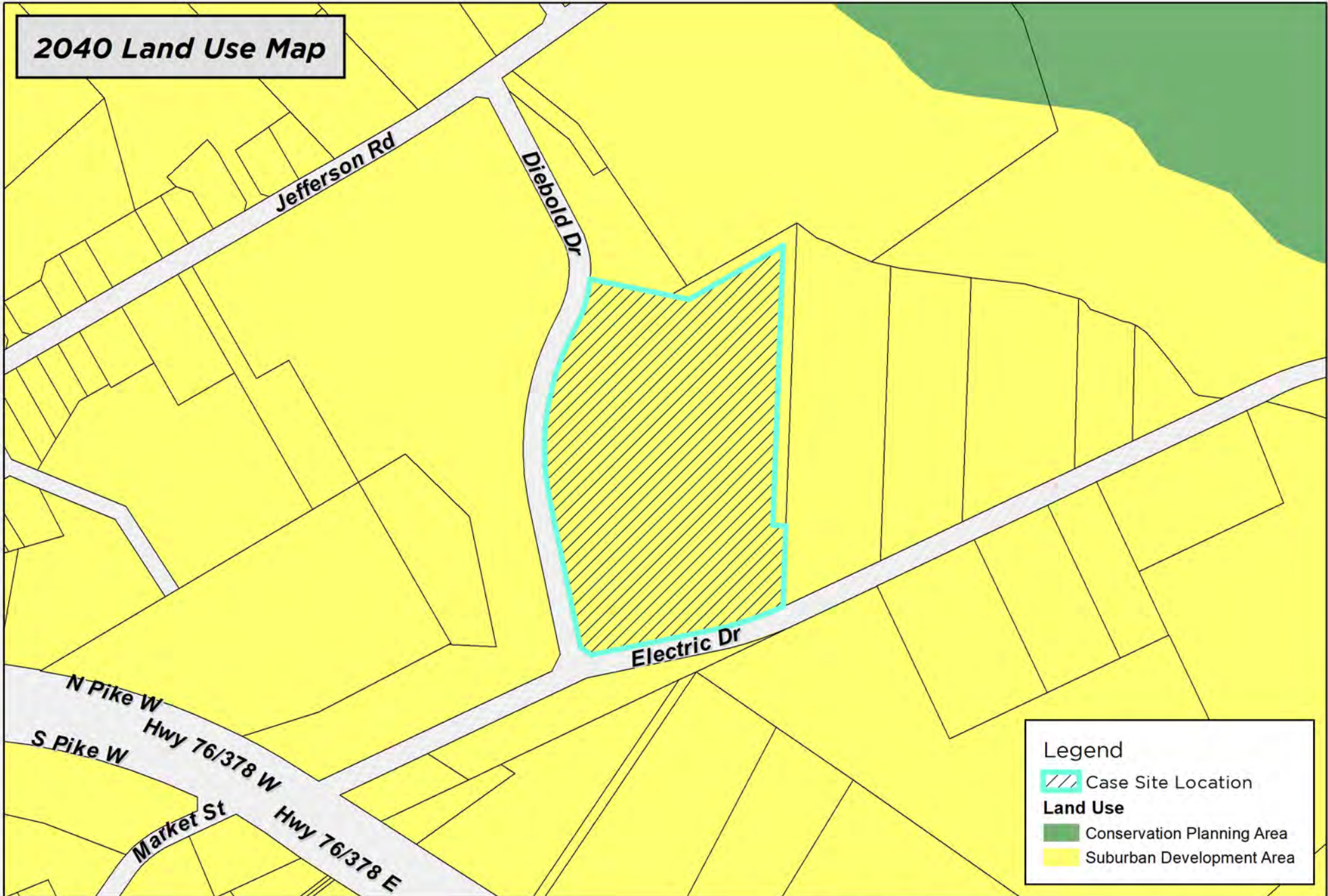


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Document Name: BOA-24-38



BOA-24-38
1485 Diebold Dr, Sumter, SC, 29153
Tax Map # 230-00-01-042

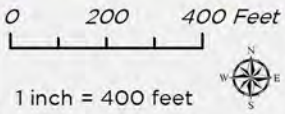
2040 Land Use Map



Legend

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

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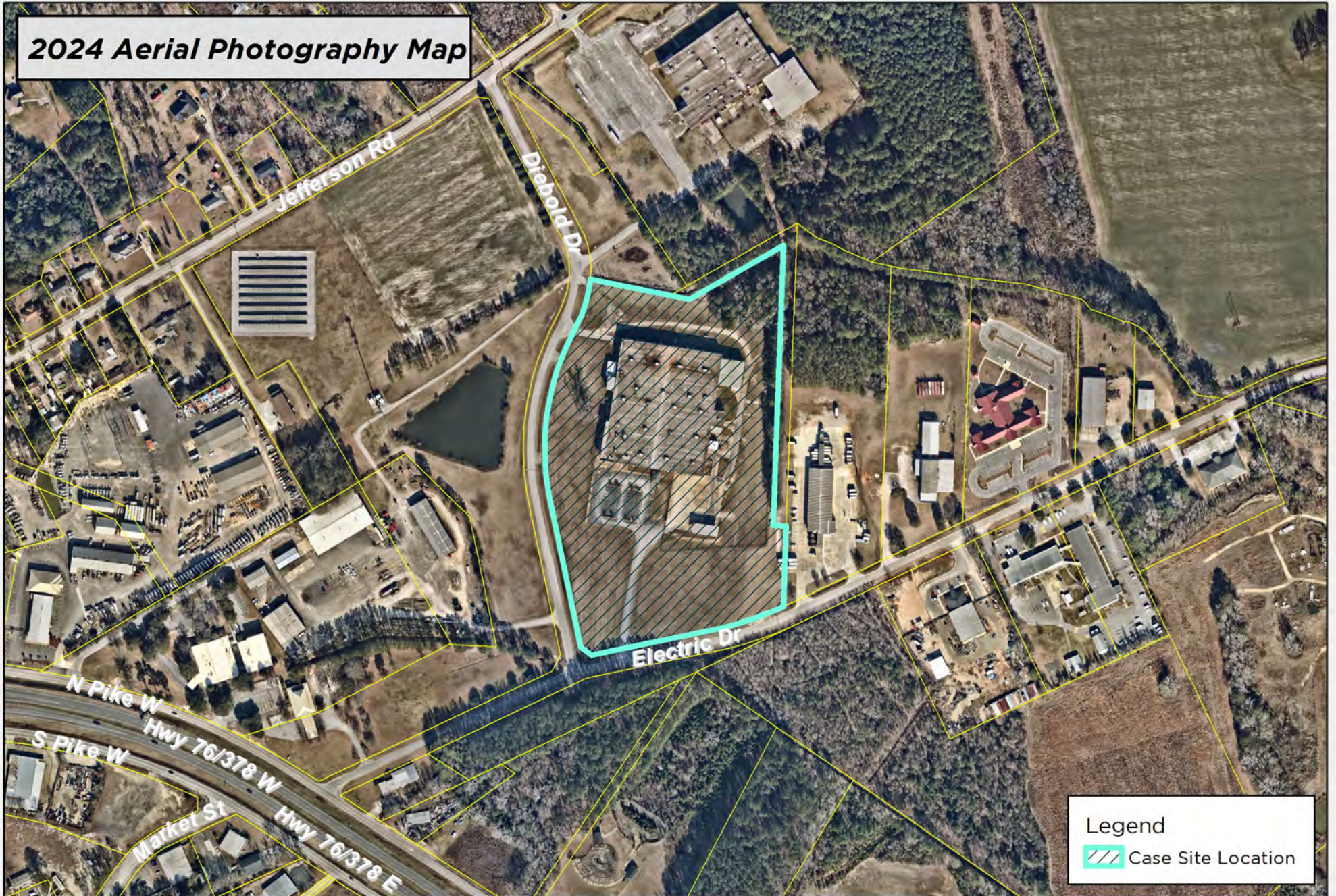


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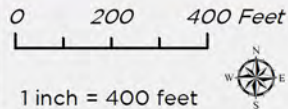


BOA-24-38
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2024 Aerial Photography Map



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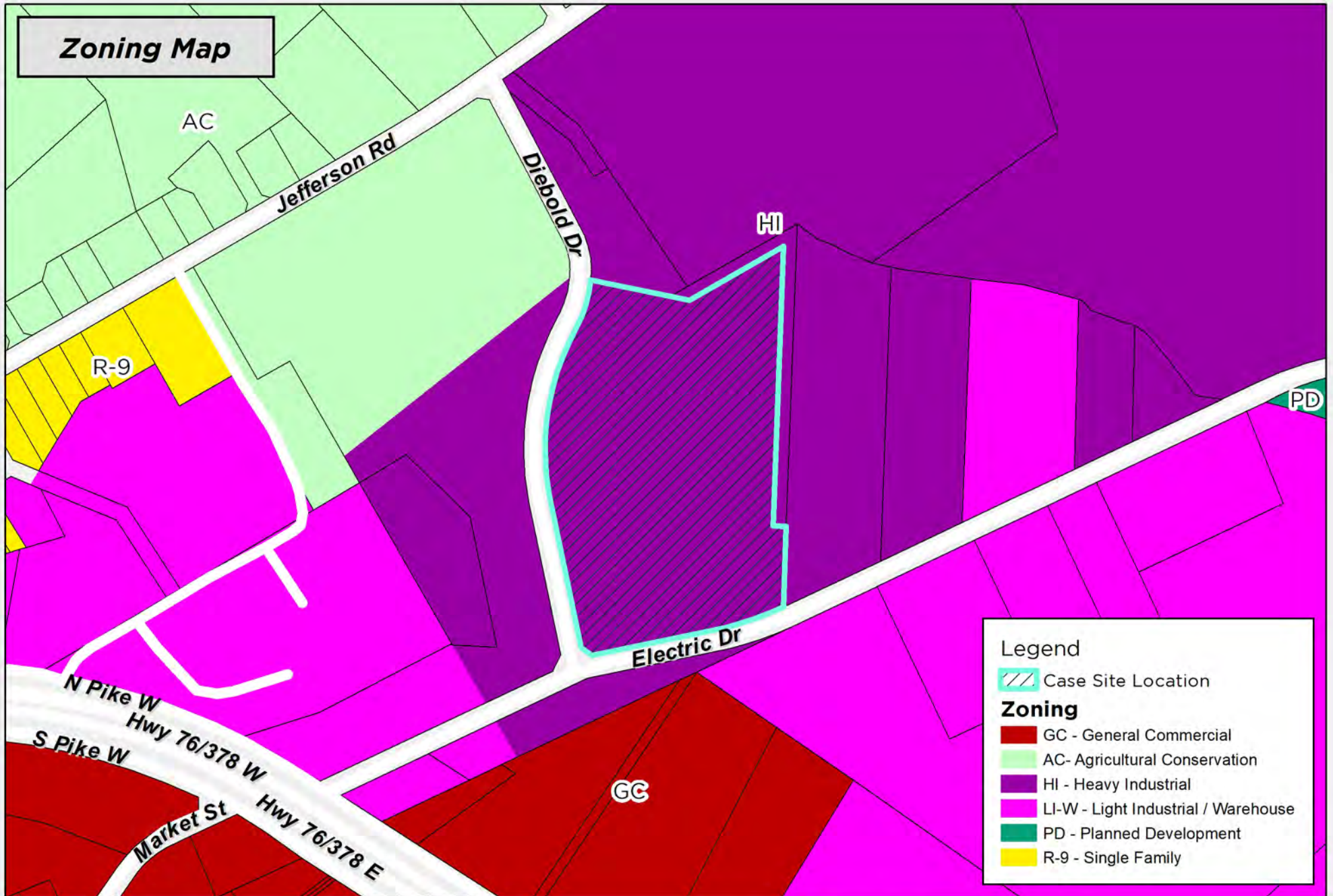


Legend

 Case Site Location

BOA-24-38
1485 Diebold Dr, Sumter, SC, 29153
Tax Map # 230-00-01-042

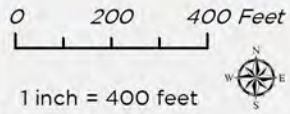
Zoning Map



Legend

- Case Site Location
- Zoning**
- GC - General Commercial
- AC- Agricultural Conservation
- HI - Heavy Industrial
- LI-W - Light Industrial / Warehouse
- PD - Planned Development
- R-9 - Single Family

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