

Sumter City-County Zoning Board of Appeals

January 8, 2025

BOA-24-44, 3075-3145 Carter Rd. (City)

The applicant (JTS Development, LLC) is requesting a variance from the side and rear setback requirements for Suburban Multi-Family Apartment Complexes outlined in *Article 3, Exhibit 3-6: Development Standards for Residential Uses in Commercial Districts of the City of Sumter Zoning & Development Standards Ordinance* (the "Ordinance") in order to develop an apartment building structure +/- 20 ft. from the rear property line of TMS# 186-00-04-037 and 2 apartment building structures +/- 35 ft. from the side property line of TMS# 186-00-04-036 that is adjacent to Companion Ct. The Zoning Ordinance requires a 50 ft. setback from all side and rear property lines for Suburban Multi-Family Apartment Complexes. The property is located at 3075, 3095, 3125, 3135, & 3145 Carter Rd., is zoned General Commercial (GC), and is represented by TMS#s 186-00-04-036, 186-00-04-037, & 186-00-04-025.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

January 8, 2025

BOA-24-44, 3075-3145 Carter Rd. (City)

I. THE REQUEST

Applicant: JTS Development, LLC

Status of the Applicant: Property Owner

Request: Variance from principal building rear setback requirements in order to construct new apartment buildings on the property closer to the rear and side setback than otherwise permitted.

City Council Ward: Ward 5

Location: 3075-3145 Carter Rd.

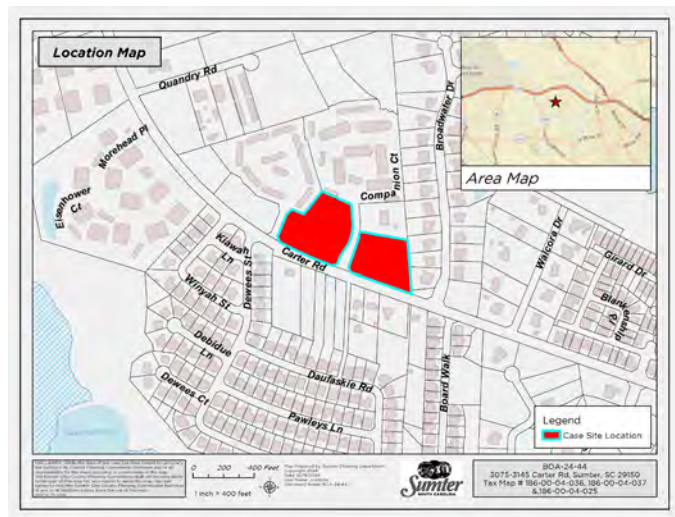
Present Use/Zoning: Undeveloped / General Commercial (GC) with Highway Corridor Protection District (HCPD) Overlay.

Tax Map Reference: 186-00-04-036, 186-00-04-037, 186-00-04-025.

II. BACKGROUND

Variance approval by the Sumter City-County Zoning Board of Appeals (BOA) is required for the proposed placement of a multifamily apartment complex, as the proposed building placement conflicts with the required rear and side setback requirements outlined in *Article 3, Exhibit 3-6*.

This request is associated with a pending Major Site Plan and Highway Corridor Protection District (HCPD) application for the construction of 4 multifamily apartment buildings totaling 96 housing units on the



property, which consists of 3 separate tax parcels (TMS#s 186-00-04-036, 186-00-04-037, & 186-00-04-025). The development is an expansion to the existing Companion at Carter Mill apartment development located to the rear of the proposed parcels, on TMS #186-00-04-022.

The applicant is requesting a 20 ft. rear building setback for TMS# 186-00-04-037 and 35 ft. side building setback (along Companion Ct.) for TMS# 186-00-04-036. It is noted that Companion Ct. is a private drive that is part of TMS# 186-00-04-022. As such, standard side setback requirements are applicable. Suburban Multi-Family Apartments in the GC district require buildings to be setback at least 50 ft. from rear and side property lines.

The property is located on the north side of Carter Rd. approximately 150 ft. west of the intersection of Carter Rd. and Broadwater Dr.

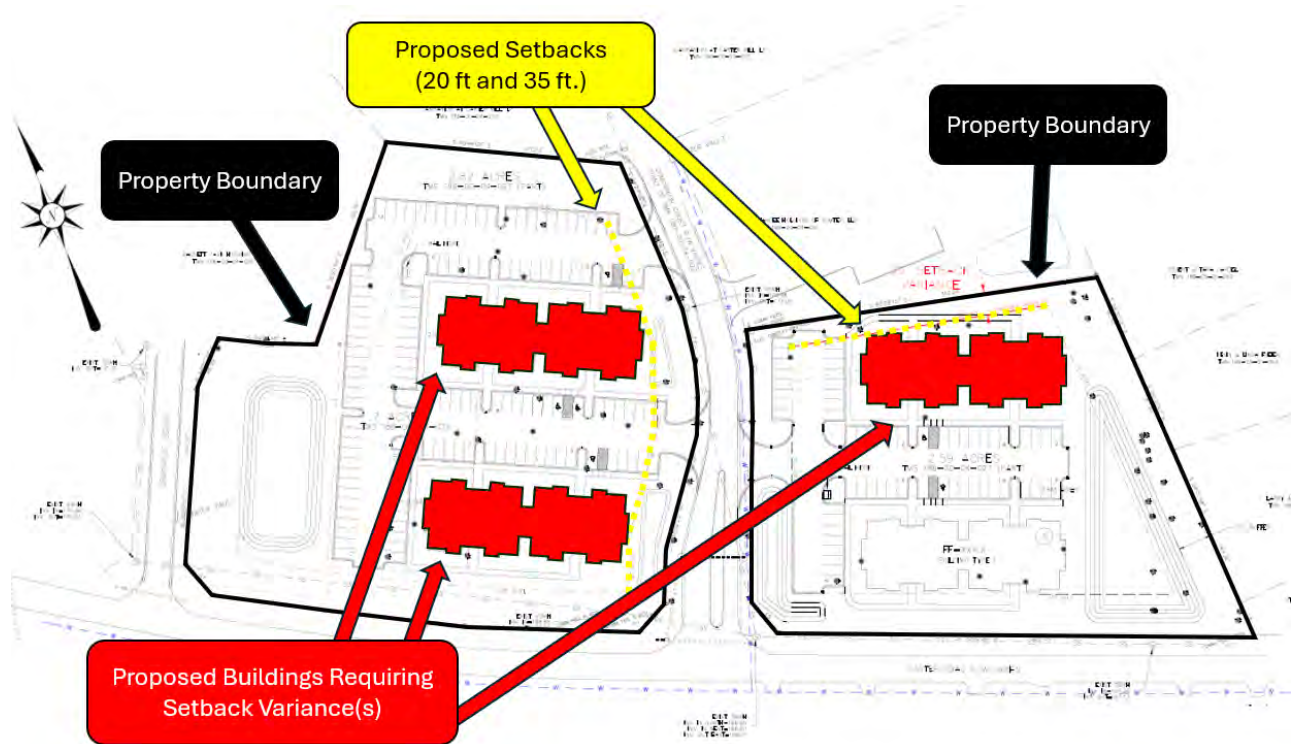


Figure 1 - Plan View of Proposed Structure Placement and Property Boundaries

Ordinance Requirements:

Article 3, Exhibit 3-6

**EXHIBIT 3-6
DEVELOPMENT STANDARDS FOR RESIDENTIAL USES IN COMMERCIAL DISTRICTS**

	Single Family Detached Dwellings	Single Family Attached Dwellings	Duplex Dwellings	Patio Home Dwellings	Suburban Townhome Dwellings ¹	Triplex and Quadriplex Dwellings	Suburban Multi-Family Apartments	Urban Multi-Family Apartments	Manufactured Home Park ²
Minimum Lot Area Per Structure	6,000 sq. ft. (per structure)	3,000 sq. ft. (per unit)	8,000 sq. ft. (per structure)	5,000 sq. ft. (per structure)	5,000 sq. ft. (per unit)	10,000 sq. ft. (per structure)	N/A	N/A	5,000 sq. ft. (per structure)
Minimum Site Area	N/A	N/A	N/A	2 acres	2 acres	2 acres	2 acres	N/A	5 acres
Minimum Lot Width	60 ft.	40 ft.	80 ft.	45 ft.	16 ft.	150 ft.	200 ft.	N/A	45 ft.
Minimum Setback, Per Structure:									
Front ³	35 ft. (local/collector) 45 ft. (arterial)	35 ft. (local/collector) 45 ft. (arterial)	35 ft. (local/collector) 45 ft. (arterial)	35 ft. (local/collector) 45 ft. (arterial)	35 ft. (local/collector) 45 ft. (arterial)	35 ft. (local/collector) 45 ft. (arterial)	35 ft. (local/collector) 45 ft. (arterial)	10 ft. (local, collector, arterial)	35 ft. (local/collector) 45 ft. (arterial)
Side	8 ft.	0 ft. / 8 ft. ⁴	8 ft.	0 ft. / 8 ft. ⁵	0 ft. / 7.5 ft. ⁶	30 ft.	50 ft.	10 ft.	25 ft.
Rear	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	35 ft.	50 ft.	15 ft.	25 ft.
Minimum Distance Between Buildings	N/A	N/A	N/A	N/A	15 ft.	40 ft.	30 ft.	N/A	N/A
Maximum Impervious Surface Percentage	45%	45%	45%	45%	65%	60%	60%	95%	45%
Common Open Space Ratio (% project area)	N/A	N/A	N/A	N/A	20% ⁷	25% ⁷	25% ⁷	N/A	10% ⁷
Maximum Density (units per gross acre)	7.2	14	10	8	14	16	16	38	8
Maximum Height of Buildings	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	45 ft.	60 ft.	35 ft.

The Request:

The applicant is requesting a variance to the subdivision development standards outlined in *Article 3, Exhibit 3-6* of the *City of Sumter Zoning and Development Standards Ordinance* in order to develop an apartment building structure +/- 20 ft. from the rear property line of TMS# 186-00-04-037 and 2 apartment building structures +/- 35 ft. from the side property line of TMS# 186-00-04-036 that is adjacent to Companion Ct. The Zoning Ordinance requires a 50 ft. setback from all side and rear property lines for Suburban Multi-Family Apartment Complexes.

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 comprised of 3 parcels totaling 5.4 acres in size. While the property itself is similar to other tracts on Carter Rd., the configuration of the private Companion Court driveway that provides access to the existing Companion at Carter Mill development and the carveout for commercial use of TMS #186-00-04-024 can be considered extraordinary and exceptional conditions.

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

The configuration of the parcels and structure of the development as a separate phase of development of an existing apartment complex on separately platted land does not generally apply to other property in the vicinity. The property in the vicinity is a combination of completed residential multi-family apartment complexes and single-family residential uses.

- 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 place the proposed four apartment buildings in the locations desired, with a logical circulation pattern incorporated.

- 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.***

Existing development standards regarding building setbacks from property lines for suburban multi-family developments are more restrictive than many other forms of development in the City of Sumter (minimum rear and side setbacks of 50 ft.). The purpose of regulating building setback and separation standards is a combination of general guidelines regarding accessibility of property for purposes including emergency services, effort to prevent negative impacts to adjacent property, and regulatory structure to ensure that intended density of development in suburban areas is followed.

In this instance, the setbacks impacted are due to a unique private driveway configuration that establishes parcel boundaries similar to a roadway right-of-way, while the driveway in fact serves as an internal circulation drive. Further, reduction of setback adjacent to the commercial use at 1345 Companion Court (Surpass Behavioral Health) is not expected to be of substantial detriment to the adjacent property or public good. Also, the proposed layout of the buildings (with front orientation to Carter Rd.) seeks to reduce potential external impacts to the adjacent single-family detached housing units.

IV. STAFF RECOMMENDATION

The establishment of minimum building setback standards for suburban multifamily residential buildings is intended to prevent negative impacts to adjacent property, ensure sufficient access to structures for purposes including emergency services (e.g. fire access), and support the intended density for suburban areas. Deviations from the Ordinance-specified dimensions should be carefully weighed.

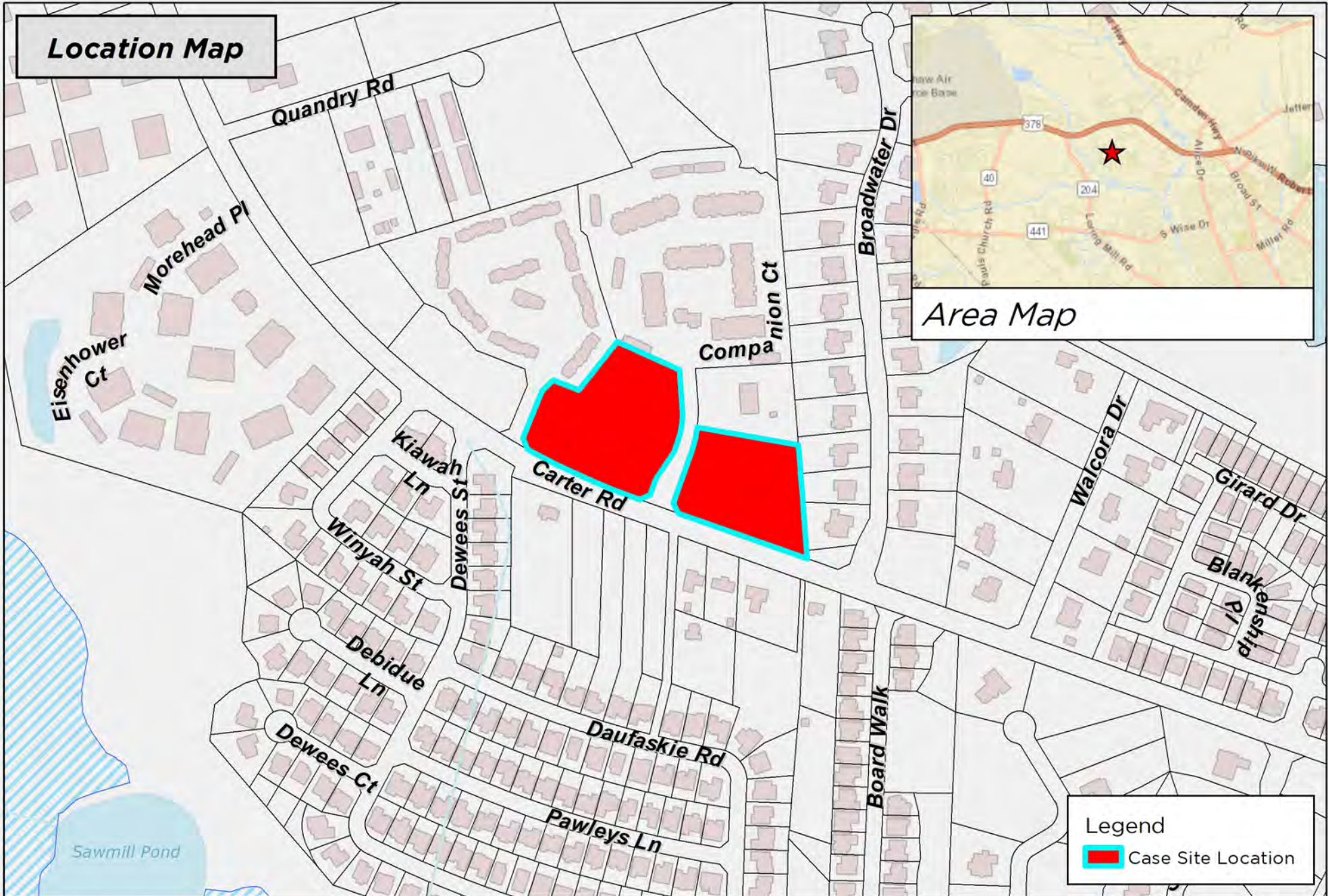
Staff recommends no additional approval conditions *if* the Zoning Board of Appeals makes all the findings necessary to approve this request.

V. DRAFT MOTIONS FOR BOA-24-44

1. I move the Zoning Board of Appeals **approve** BOA-24-44, subject to the following findings of fact and conclusions:
2. I move the Zoning Board of Appeals **deny** BOA-24-44, subject to the findings of fact and conclusions developed by the BZA and so stated:
3. I move the Zoning Board of Appeals enter an alternative motion for BOA-24-44.

VI. BOARD OF APPEALS – January 8, 2025

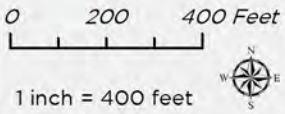
Location Map



Area Map

Legend
 Case Site Location

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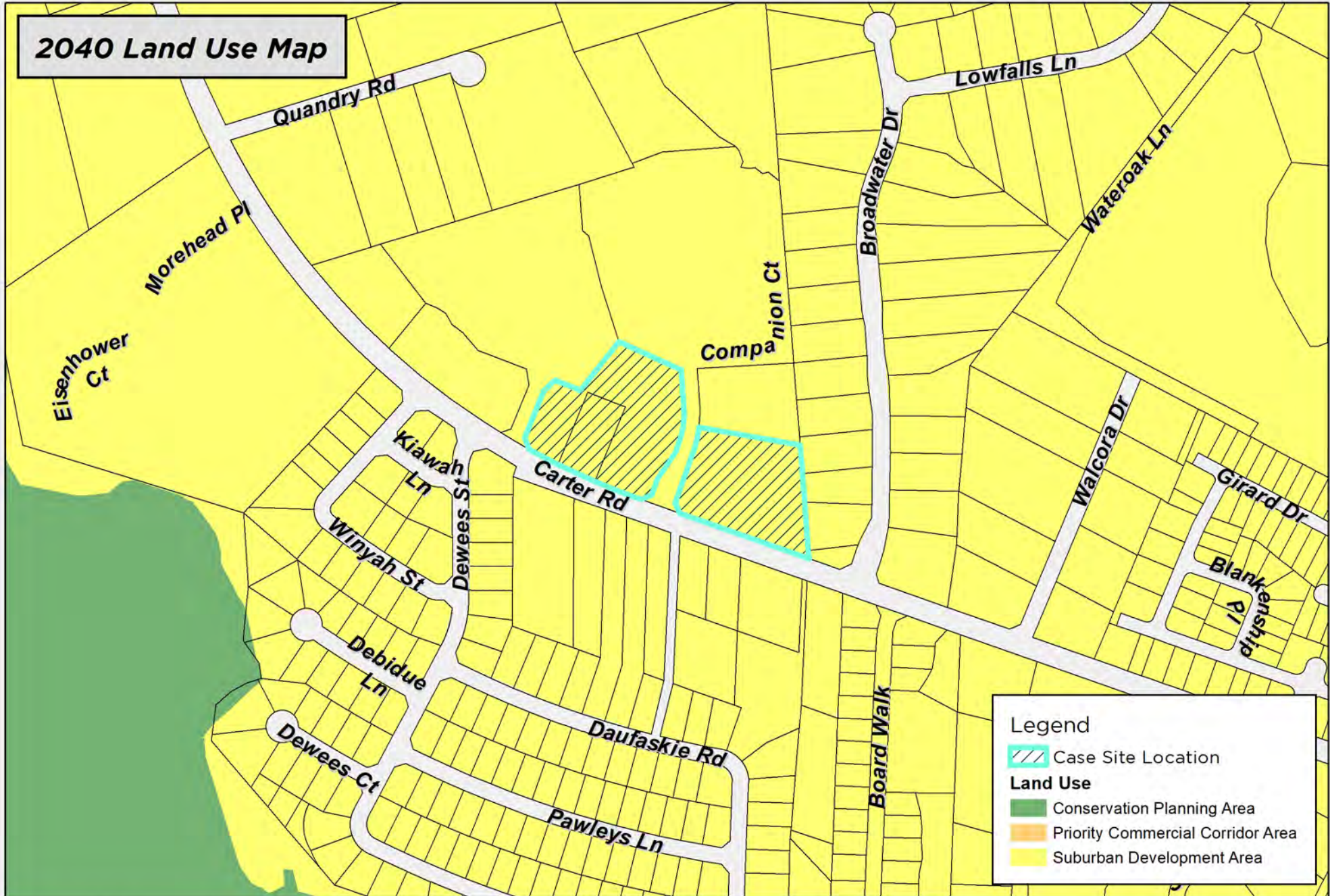


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BOA-24-44
3075-3145 Carter Rd, Sumter, SC 29150
Tax Map # 186-00-04-036, 186-00-04-037
& 186-00-04-025

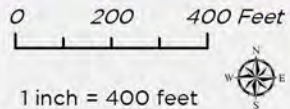
2040 Land Use Map



Legend

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

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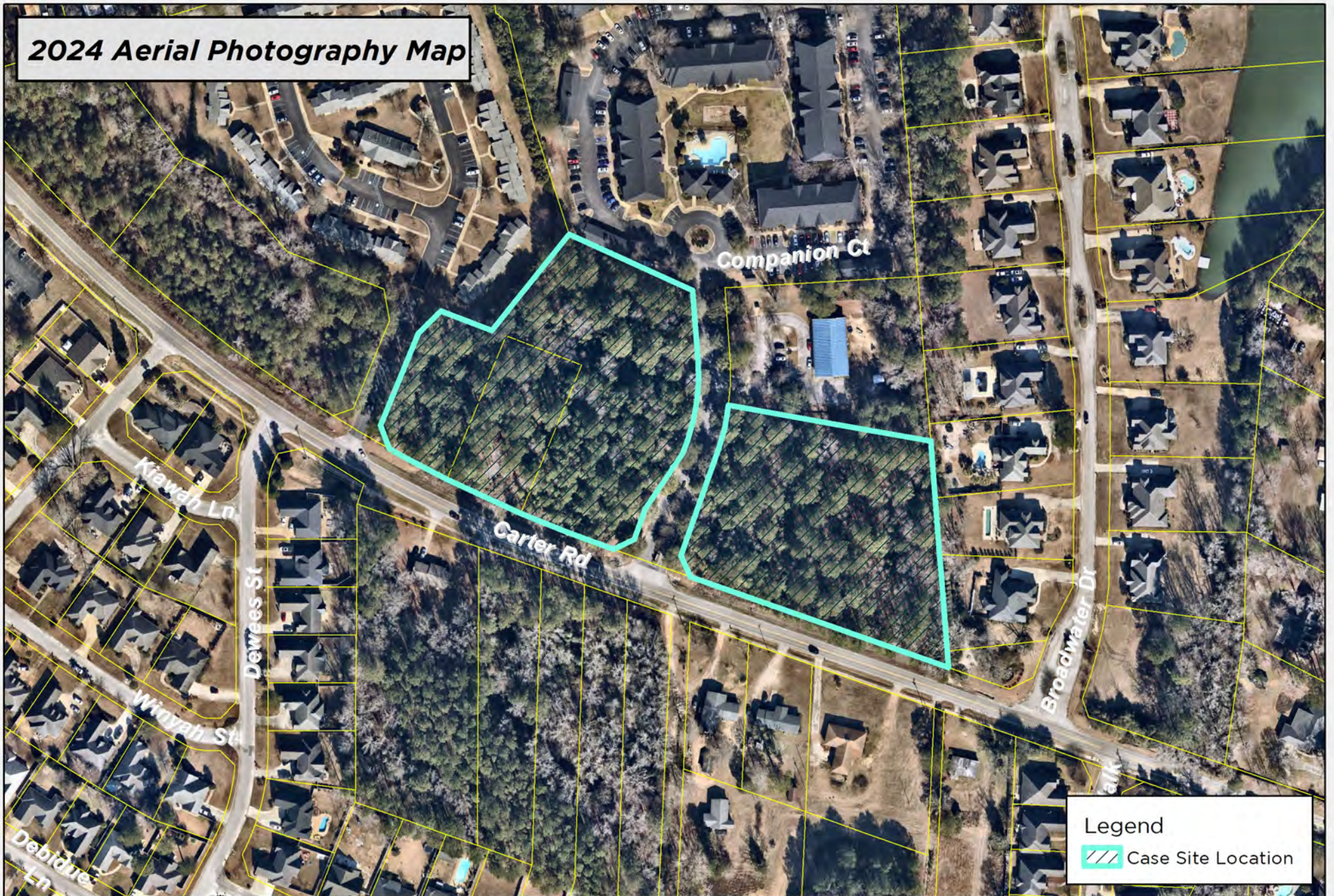


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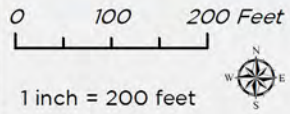
BOA-24-44
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2024 Aerial Photography Map



Legend
Case Site Location

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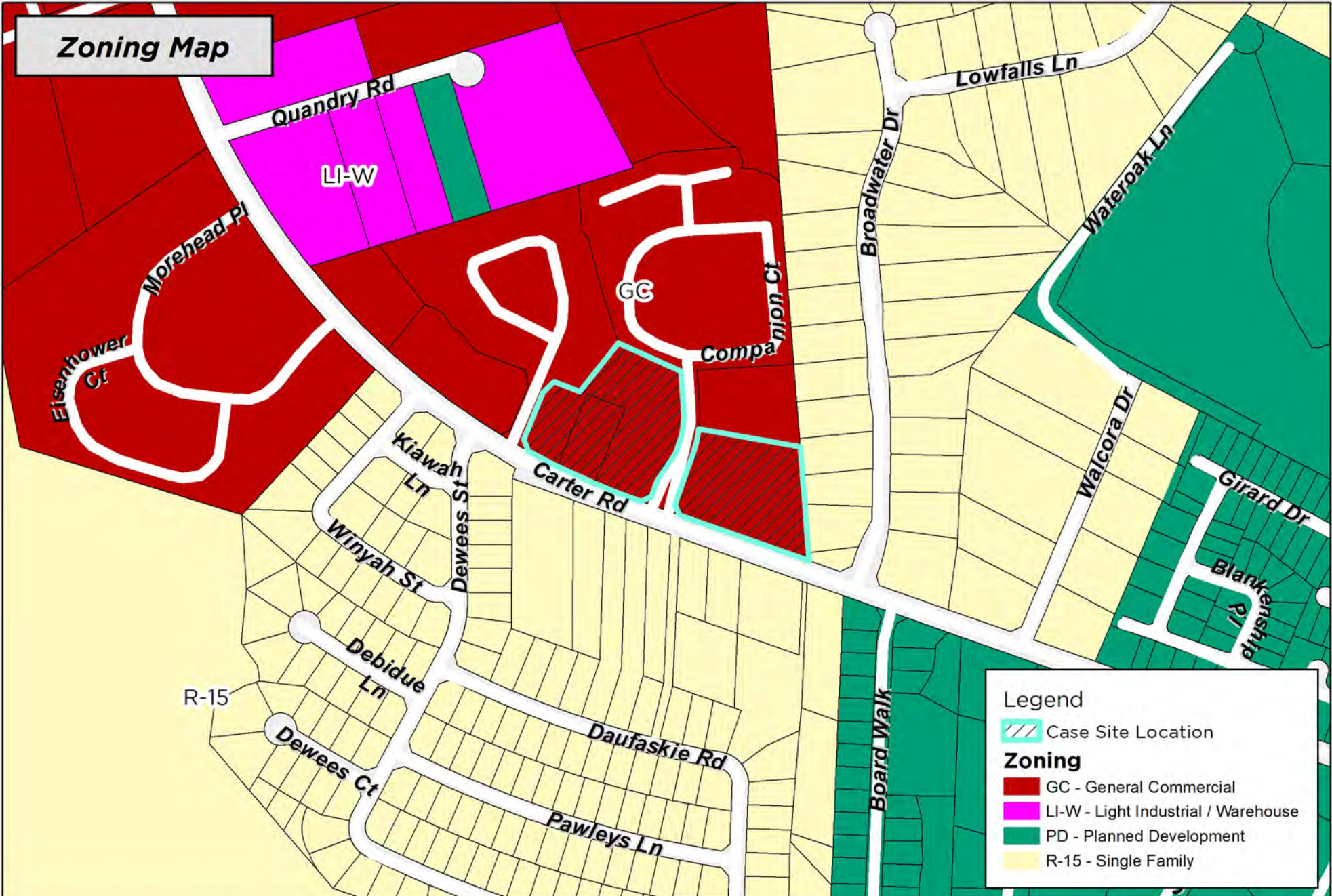


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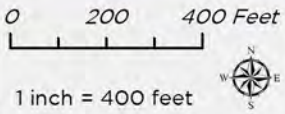
Zoning Map



Legend

- Case Site Location
- Zoning**
- GC - General Commercial
- LI-W - Light Industrial / Warehouse
- PD - Planned Development
- R-15 - Single Family

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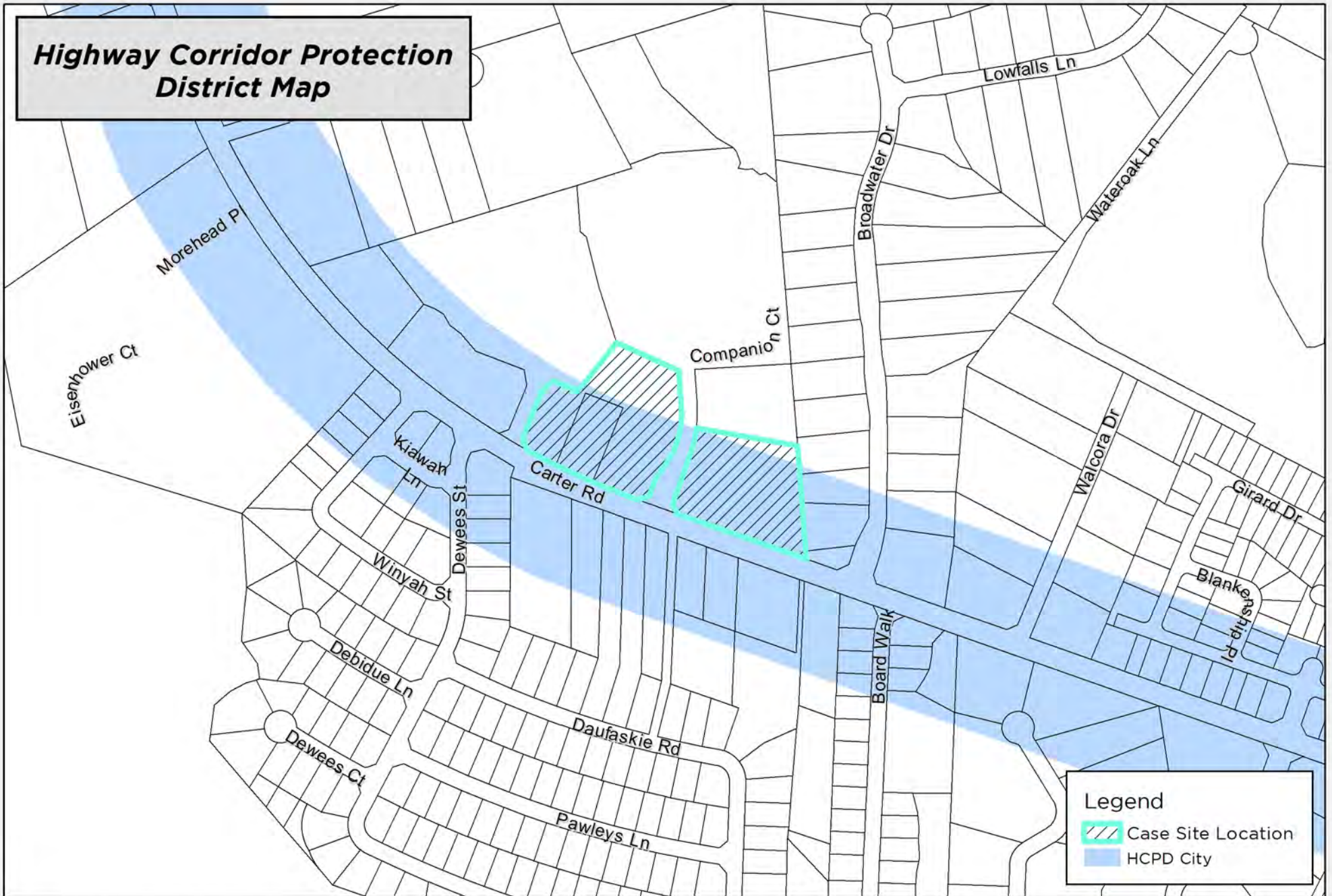


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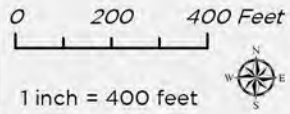
Highway Corridor Protection District Map



Legend

- Case Site Location
- HCPD City

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