

Sumter City-County Zoning Board of Appeals

March 12, 2025

BOA-25-06, 3460 Myrtle Beach Hwy. (City)

The Board of Zoning Appeals will consider a Conditional Use request to operate a specialty trade contractor business (NAICS 238) on the property. The Zoning Administrator has referred this Conditional Use request to the Board of Zoning Appeals for consideration as a Special Exception Use consistent with *Article 5.a.3.*, and subject to the conditions outlined in *Article 1.h.4.c.* and *Article 5.b.1.a. - 5.b.1.f.* of the *Sumter County Zoning & Development Standards Ordinance*. The property is located at 3460 Myrtle Beach Hwy., is zoned Agricultural Conservation (AC), and is identified as TMS# 299-00-01-005.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

March 12, 2025

BOA-25-06, 3460 Myrtle Beach Hwy. (County)

I. THE REQUEST

Applicant: Sean Fitzwilliam

Status of the Applicant: Property Owner

Request: The Board of Zoning Appeals will consider a Conditional Use request to operate a specialty trade contractor business (NAICS 238) on the property. The Zoning Administrator has referred this Conditional Use request to the Board of Zoning Appeals for consideration as a Special Exception Use consistent with *Article 5.a.3.*, and subject to the conditions outlined in *Article 1.h.4.c.* and *Article 5.b.1.a.-5.b.1.f.* of the *Sumter County Zoning & Development Standards Ordinance.*

County Council District District 7

Location: 3460 Myrtle Beach Hwy

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

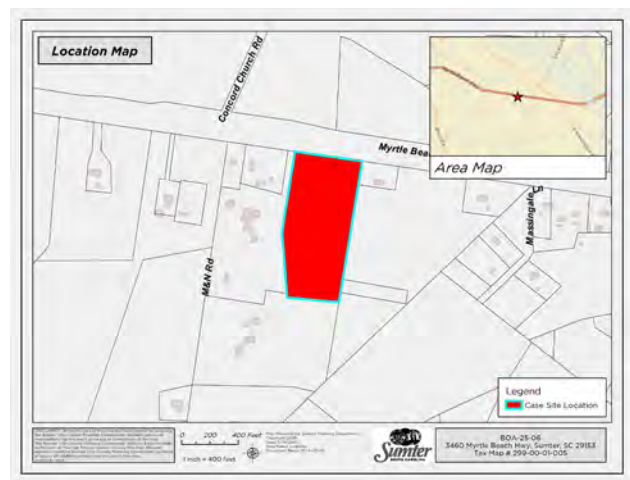
Tax Map Reference: 299-00-01-005

II. BACKGROUND

The applicant is requesting use approval to establish a specialty trade contractor business (NAICS 238) specializing in site grading and preparation on the property located at 3460 Myrtle Beach Hwy.

The subject property is located approximately 550 ft east of the intersection of Myrtle Beach Hwy (US-378) and Concord Church Rd and is marked in red on the map to the right.

The use request was originally made by the



applicant as a Conditional Use subject to Sumter County's C-500 approval process, which requires at least 2/3 of property owners within 500 ft. of the proposed use to concur with the establishment of the use. The number of property owners within 500 ft. was assessed by the Sumter City-County Planning Department as being five separate owners, at least one of which is considered heirs' property. The applicant has been able to obtain concurrence signatures from two of the five property owners, but has been unable to make contact with the other three owners. Due to the failure to obtain the required 2/3 concurrence, the Zoning Administrator has referred this Conditional Use request to the Board of Zoning Appeals for consideration of approval as a Special Exception Use.



Figure 1 - 3470 Myrtle Beach Hwy. as viewed from Road
(Source: Google StreetView, April 2024)



Figure 1: Overall Site Location (aerial imagery)

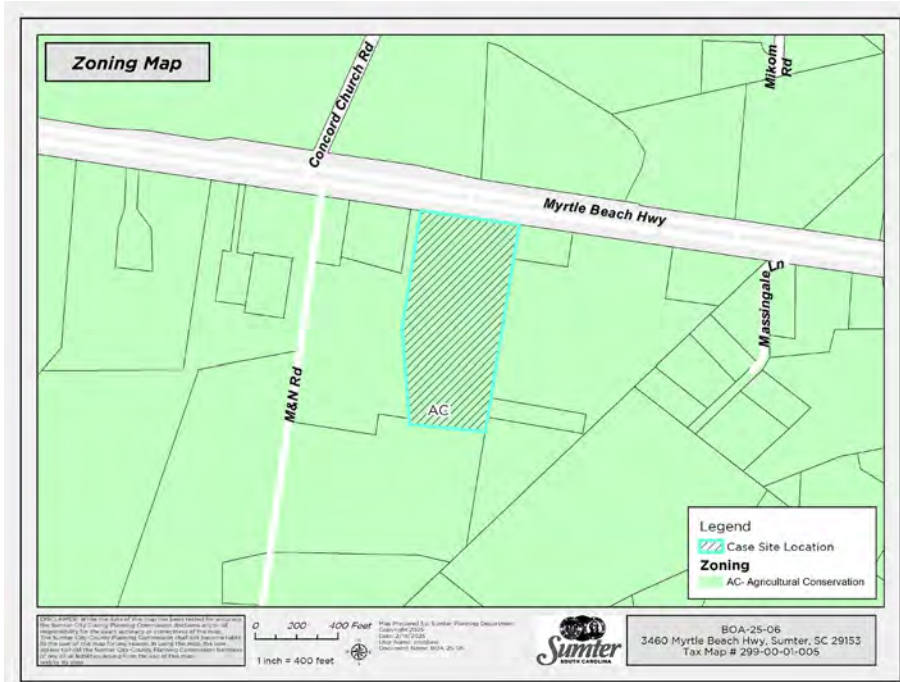


Figure 3: Zoning Map

III. SPECIAL EXCEPTION REVIEW CRITERIA

The Zoning Administrator has referred this Conditional Use request to the Board of Zoning Appeals for consideration as a Special Exception Use consistent with *Article 5.a.3.*, and subject to the conditions outlined in *Article 1.h.4.c.* and *Article 5.b.1.a.-5.b.1.f.* of the *Sumter County Zoning & Development Standards Ordinance*.

Article 1.h.4.c: Special Exceptions

2. *Permits for Special Exceptions shall be evaluated by the Board of Zoning Appeals on the basis of the following criteria:*
 - a. *That the Special Exception complies with all applicable development standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements;*

Staff Review: The proposed specialty trade contractor use would be located in an existing commercial building with equipment stored on-site. The property is heavily screened by existing vegetation, and visibility from the public right-of-way is extremely limited. The site is likewise screened on all sides from adjacent properties. Based on staff evaluation, the site meets minimum conditional use criteria outlined in *Article 5.b.1.* as follows:

Article 5.b.1.a. That ingress and egress to the proposed use be provided with reference to automotive and pedestrian safety and convenience,

traffic generation flow and control, and access in case of fire or catastrophe, such as not to be detrimental to existing or anticipated uses, either adjacent to or in the vicinity of the proposed use;

Staff Analysis: Ingress/egress is proposed via the existing driveway accessing US-378 (Myrtle Beach Hwy.)

Article 5.b.1.b. - The off-street parking and loading areas, where required or proposed by the applicant, be designed and provided in harmony with adjacent properties;

Staff Analysis: The property contains a large amount of open space that is screened from adjacent property owners. Immediately to the west of the site is an existing commercial contractor use.

Article 5.b.1.c. - That refuse and service areas be adequately screened so as not to be visible from adjacent property or public rights-of-way and shall be located in such a way as not to create a nuisance to adjacent properties;

Staff Analysis: the site is visible from the public right-of-way only once stopped directly in front of the driveway itself, with heavy vegetation screening the site in all directions.

Article 5.b.1.d. - That screening, buffering or separation of any nuisance or hazardous feature be provided with reference to type, dimensions and character, and be fully and clearly represented on the submitted plans, to protect adjacent properties;

Staff Analysis: the site is suitably screened in all directions from adjacent properties.

Article 5.b.1.e. - That proposed signs and exterior lighting be provided so as not to create glare, impair traffic safety, or be incompatible with adjacent properties;

Staff Analysis: No signage or lighting is proposed at this time.

Article 5.b.1.f. - That the affected site shall be suitable in terms of size, shape and topographic conditions to accommodate the proposed use, building or project and to ensure compatibility and the safety and welfare of area residents.

Staff Analysis: the site is suitable in terms of size (10+ acres, shape (slightly irregular rectangular shape), and topographic conditions (predominately flat) to accommodate the proposed use.

- b. *That the special exception will be in substantial harmony with the area in which it is located;*

Staff Review: The property is zoned Agricultural Conservation (AC), is located along a major highway (US-378). The property is adjacent to an existing commercial use similar to that proposed for 3460 Myrtle Beach Hwy. (TCO Construction, Inc.).

- c. *That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.*

Staff Review: The property is zoned Agricultural Conservation (AC) and is located along a major highway corridor. Based on staff evaluation, the impact of permitting a specialty trade contractor to use a portion of the property for that commercial use would not discourage or negate the use of surrounding property for by-right uses.

IV. STAFF RECOMMENDATION

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

V. DRAFT MOTIONS for BOA-25-06

- A. I move the Zoning Board of Appeals **approve** BOA-25-06, subject to the findings of fact and conclusions developed by the BZA and so stated:
- B. I move the Zoning Board of Appeals **deny** BOA-25-06, subject to the following findings of fact and conclusions:
- C. I move the Zoning Board of Appeals enter an alternative motion for BOA-25-06.

VI. BOARD OF APPEALS – March 12, 2025

Location Map

Concord Church Rd

Myrtle Beach Hwy

M&N Rd

Massingale Ct

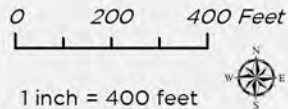


Area Map

Legend

 Case Site Location

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BOA-25-06
3460 Myrtle Beach Hwy, Sumter, SC 29153
Tax Map # 299-00-01-005

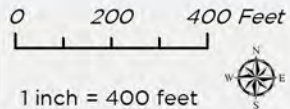
2040 Land Use Map



Legend

-  Case Site Location
- Land Use**
-  Rural Development Area

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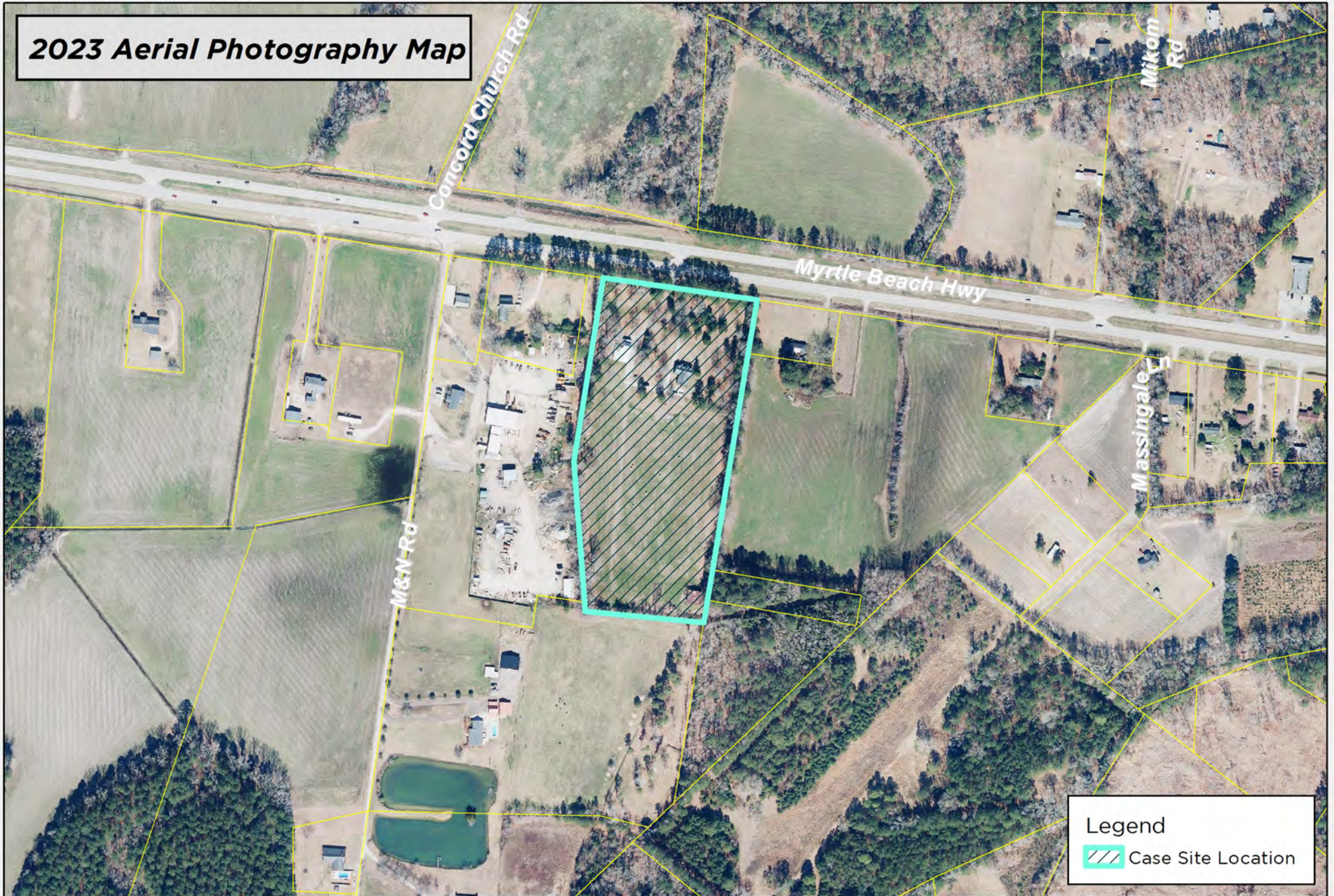



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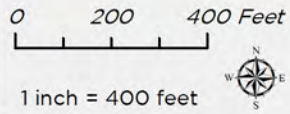
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2023 Aerial Photography Map



Legend
 Case Site Location

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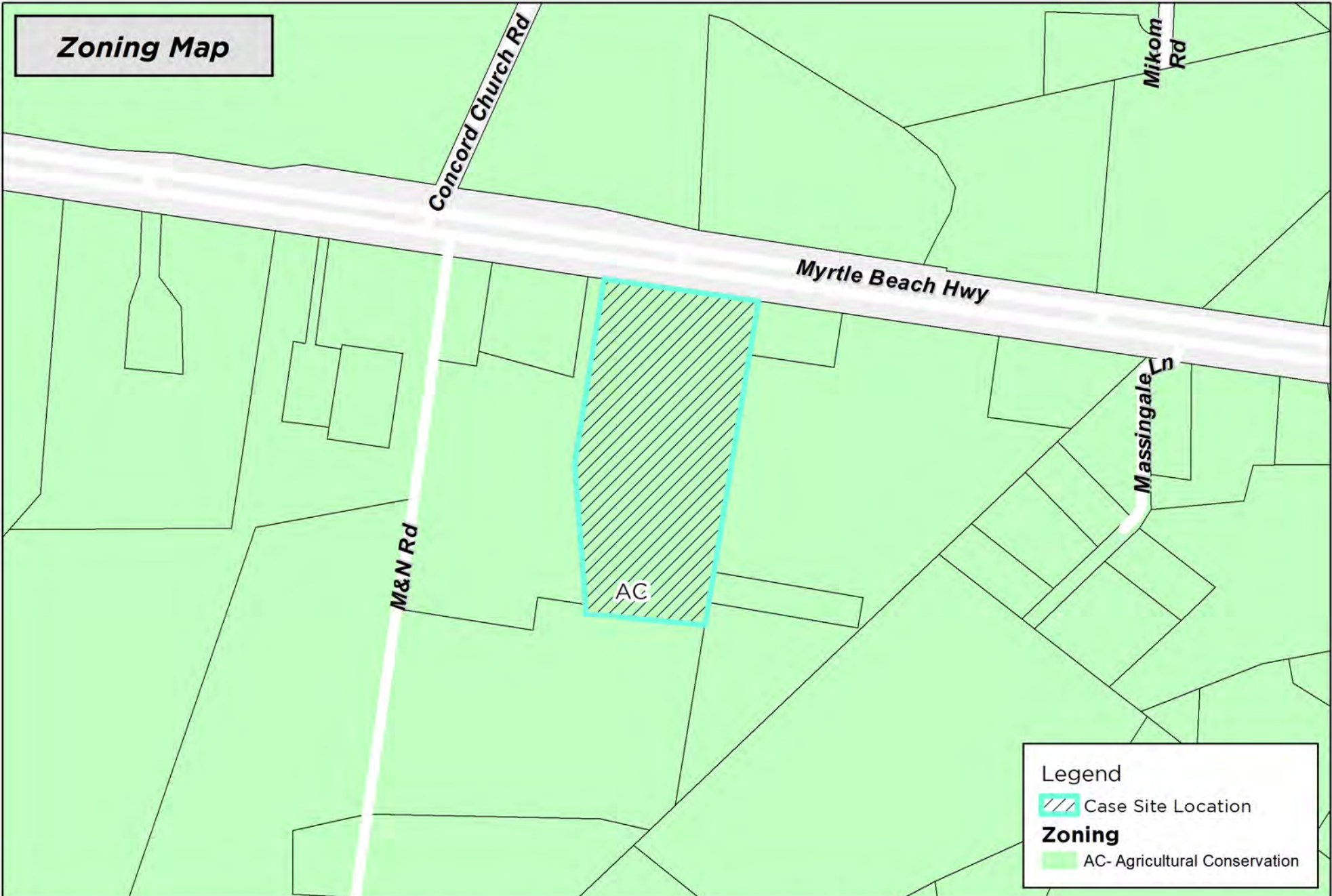


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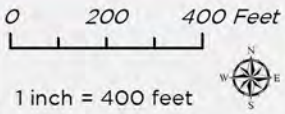
Zoning Map



Legend

- Case Site Location
- Zoning**
- AC- Agricultural Conservation

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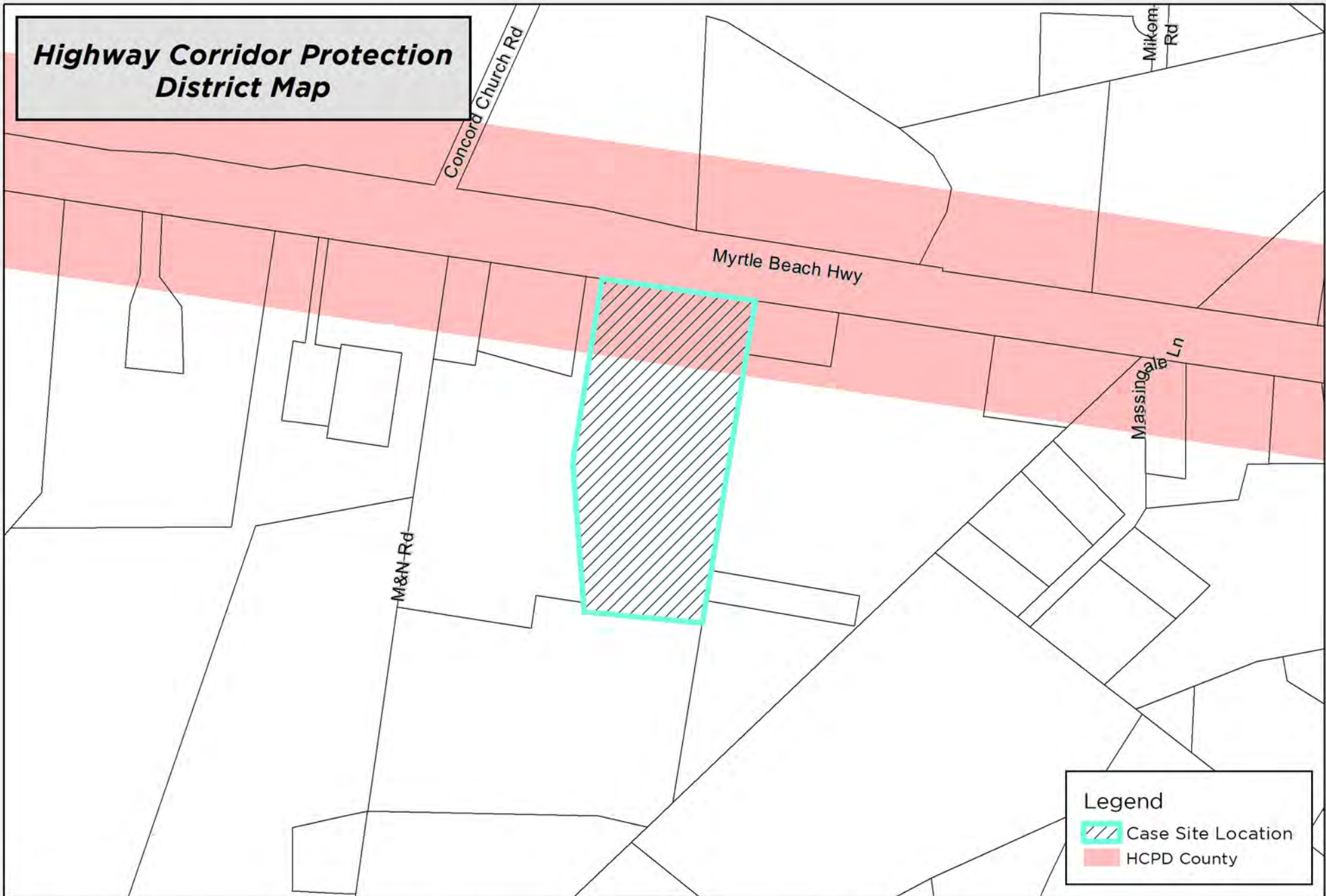


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BOA-25-06
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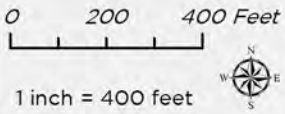
Highway Corridor Protection District Map



Legend

- Case Site Location
- HCPD County

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