



# BOARD OF ZONING APPEALS

## Minutes of the Meeting

July 6, 2022

<p><b>ATTENDANCE</b></p>	<p>A regular meeting of the Zoning Board of Appeals was held on Wednesday, July 6, 2022, in the Fourth Floor City Chambers of the Sumter Opera House, 21 N. Main Street. Six board members – Mr. Louis Tisdale, Mr. Warren Curtis, Ms. Cleo Klopfleisch, Mr. Jason Reddick, Mr. Leslie Alessandro, and Mr. Steven Schumpert were present. Mr. Sam Lowery and Mr. L.C. Fredrick was absent.</p> <p>Planning staff in attendance: Ms. Helen Roodman, Mr. Jeff Derwort, Mr. Kyle Kelly, Mr. Derrick Phillips, Jr., Ms. Toni McLellan and Ms. Kellie Chapman.</p> <p>The meeting was called to order at 1:30 p.m. by Mr. Leslie Alessandro, Chair.</p>
<p><b>MINUTES</b></p>	<p>Mr. Steven Schumpert made a motion to approve the minutes of the June 15, 2022, meeting as written. The motion was seconded by Ms. Cleo Klopfleisch and carried a unanimous vote.</p> <p>Mr. Louis Tisdale made a motion to approve the minutes of the May 11, 2022, meeting as written. The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.</p>
<p><b>NEW BUSINESS</b></p>	<p><i>Warren Curtis recused himself from case BOA-22-08.</i></p> <p><b>BOA-22-08, 2980 W. Brewington Rd. (County)</b> was presented by Mr. Jeff Derwort. The Board reviewed a request for variance approval from requirements outlined in Article 4, Exhibit 8A: Maximum Square Footage of Residential Accessory Structures Based on Gross Acreage and Article 4, Section 4.g.2.b.3: Number of Residential Accessory Structures of the Sumter County Zoning &amp; Development Standards Ordinance in order to (1) establish a total of +/- 1,446 sq. ft. of residential accessory structure area on the property and (2) establish a total of 3 residential accessory structures on the property. The property is +/- 0.75 acres in size. As per applicable ordinance requirements, no more than 1,250 sq. ft. of residential accessory structure area and no more than 2 residential accessory structures are permitted on this property. The property is located at 2980 W. Brewington</p>

Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 188-04-02-004.

Mr. Derwort stated the applicant bought the property in 2021. Sine this time, a total of four unpermitted accessory structures were placed within the fenced rear yard area of the property. The matter was brought to the attention of the Planning Department via a complaint filed against the property. The applicant has removed one structure, obtained permits for two, and is seeking variance approval to allow the third structure to be legally established. The structure in question is a 240 sf. storage building.

Mr. Derwort added that variance approval is required because the maximum number of residential accessory structures permitted on the lot is two and for lots 0.75 acres in size, the maximum combined area of such structures cannot exceed 1250 sf. The 240 sf. storage exceeds the number allowed and when combined with other existing accessory structures, exceeds the maximum area allowance.

Ms. Debra Osteen was present to speak on behalf of the request.

Mr. Mark Yarkie was present to speak against the request.

After a brief discussion, Ms. Cleo Klopfleisch made a motion to deny this request subject to the following findings of fact and conclusions.

1. The subject property is 0.75 acres in size. The lot's characteristics are similar to those of the other properties in the vicinity, all of which are part of the Brewington Estates subdivision.
2. The shape and size of the lot at 2980 W. Brewington Rd. is generally consistent with other lots within Brewington Estates subdivision that do not have pond frontage. All residential properties are required to abide by the accessory structure regulations contained in Article 4, Exhibit 8A and Article 4, Section 4.g.2.b.3 of the Ordinance.
3. Under the Ordinance, the applicant can have a total of two accessory structures with a maximum combined area of 1,250 sf. There are no conditions present that effectively prohibit or unreasonably restrict the applicant from having accessory structures on the property that comply with the maximum number and maximum area requirements outlined in the Ordinance.

4. The authorization of this variance request could be of substantial determinant to adjacent property, the public good, and harm the character of the R-9 district by establishing a precedent regarding accessory structure maximum number and area requirements within an existing residential development.

The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.

**BOA-22-09, 2309 & 2315 Boulevard Rd. (County)** was presented by Mr. Kyle Kelly. The Board reviewed a request for variance approval from requirements outlined in Article 3, Section 3.n.5.a: AC District Minimum Lot Requirements in order to allow for a property line adjustment that will reduce the size of an existing lot to +/- 0.55 acres in size. The minimum lot size requirement in the AC District is 1 acre. The property is located at 2309 & 2315 Boulevard Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 264-00-04-007 & TMS# 264-00-04-008.

Mr. Kelly stated the applicant is seeking variance approval to adjust a property line shared by two existing lots of record, both of which are existing non-conforming to Agricultural Conservation (AC) district minimum lot size requirements.

Mr. Kelly added the property is currently +/-0.78 acres in size. The lot which sits immediately to the rear and is part of this request is +/-0.29 acres in size.

Mr. Thomas Hudson and Ms. Bailey Kruger was present to speak on behalf of the request.

After a brief discussion, Mr. Steven Schumpert made a motion to approve this request subject to the following findings of fact and conclusions.

1. The 2315 Boulevard Rd. property is currently +/-0.78 acres in size and is non-conforming to AC zoning district minimum lot size standards. The 2309 Boulevard Rd. property is currently +/-0.29 acres in size and is also non-conforming to AC zoning districts minimum lot size standards. The lots are part of approximately 18 lots located on Boulevard Rd. extending north from the intersection of Boulevard Rd. and Mims Rd. which range in size from 0.43 to .081 acres, and are all considered non-conforming lots of record.
2. While the subject lot (2315 Boulevard Rd.) is generally consistent in terms of size and layout with other lots of record in the immediate vicinity, the approximately 18

lots in the general area are all non-conforming lots of record, and the 0.29 acre lot located immediately behind 2315 Boulevard Rd. is unique in its shape and size, a condition that approval of this variance would mitigate.

3. The applicant would like to facilitate placement by a family member of a new double wide manufactured home on the lot located at 2309 Boulevard Rd. The new manufactured housing unit cannot be placed on 2309 Boulevard Rd. while meeting setback requirements and avoiding impacts to the existing septic system without the property line shift which would transfer 0.23 acres from 2315 to 2309 Boulevard Rd. Application of the Ordinance requirement of 1.0 acre lot size in this situation would unreasonably restrict utilization of 2309 Boulevard Rd., and the adjustment to the lot at 2315 Boulevard Rd. to the new size of 0.55 acres does not materially impact the usability of that lot.
4. As stated previously, there are approximately 18 lots in the vicinity of the Mims/Boulevard Rd. intersection which are non-conforming lots of record, and the neighborhood character already includes single family residential uses on lots smaller than 1.0 acre. Authorization of the variance request will correct larger issues of non-conformity with both lots, and increase the ability of both lots to meet required setback standards.

The motion was seconded by Mr. Warren Curtis and carried a unanimous vote.

*Warren Curtis recused himself from case BOA-22-10.*

**BOA-22-10, 2645 Autumn Terrace (County)** was presented by Mr. Derrick Phillips, Jr. The Board reviewed a request for variance approval from requirements outlined in Article 4, Section 4.g.2.b.3: Number of Residential Accessory Structures of the Sumter County Zoning & Development Standards Ordinance in order to establish a total of three (3) residential accessory structures on the property. As per applicable ordinance requirements, no more than two (2) residential accessory structures are permitted on this property. The property is located at 2645 Autumn Terrace, is zoned Agricultural Conservation (AC), and is represented by TMS# 134-04-03-001.

Mr. Phillips stated that there are currently two existing structures on the property with a combined floor area of 513 sq. ft. By Ordinance, no more than two residential accessory structures over 120 sq. ft in size are permitted on a parcel.

Mr. James Comeau was present to speak on behalf of the request.

After a brief discussion, Ms. Cleo Klopfleisch made a motion to deny this request subject to the following findings of fact and conclusions.

1. The property is +/- 0.56 acres in size and is non-conforming to AC zoning district minimum lot size standards. Located in the Autumn Place subdivision, the property and surrounding properties are generally non-conforming residential lots with respect to minimum lot area.
2. The shape and size of the lot at 2645 Autumn Terrace is generally consistent in terms of size and layout with other lots of record within the Autumn Place subdivision.
3. Under the Ordinance, the applicant can have a total of two accessory structures on the property that are over 120 sq. ft. in size. There are no conditions present that effectively prohibit or unreasonably restrict the applicant from having accessory structures on the property that comply with the maximum number outlined in the Ordinance.
4. The property is part of the Autumn Place subdivision. The residential development functions as more of a cohesive residential neighborhood than a rural area. In general, establishing more than the maximum number of residential accessory structures does have the potential to create greater external impacts on both adjacent property owners and the character of the residential neighborhood area. However, the individual impacts associated with this request based on the small areas of each structure, will not likely result in substantial determinant to adjacent property.

The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.

**BOA-22-11, 1311 Peach Orchard Rd. (County)** was presented by Mr. Derrick Phillips, Jr. The Board reviewed a request for consideration of a Conditional Use request for the establishment of a special events facility (SIC Code 729) on the property. The Zoning Administrator has referred this Conditional Use application request to the Board of Zoning Appeals for review as a Special Exception, consistent with Article 5, Section 5.a.3: Review and Article 5, Section 5.b.1: Criteria for Conditional Use Review of the Sumter County Zoning & Development Standards Ordinance. The property is located at 1311 Peach Orchard Rd., is zoned General Commercial (GC), and is represented by TMS# 132-00-02-015.

Mr. Phillips stated applicant is seeking Conditional Use approval to establish a special events facility within the M&M Plaza currently zoned General Commercial.

Mr. Phillips added the Zoning Administrator has referred this Conditional Use request to the Board of Zoning Appeals (BZA) for review as a special exception, consistent with Article 5, Section 5.a.3: Review of the Ordinance, due to the inability of staff to make affirmative findings on applicable conditions use criteria.

Mr. Phillips stated the following information concerning facility operations has been provided by the applicant:

- Will host approximately 90 events annually.
- Events anticipated include birthday parties (adult & kids), baby showers, business meetings.
- No proposed hours of operation have been provided.

Mr. Willie Razor was present to speak on behalf of the request.

After a brief discussion, Mr. Warren Curtis made a motion to approve this request subject to the following findings of fact and conclusions.

1. The property is in general compliance with county development standards, with the exception of minimum off-street parking. The previous use within this tenant space was a drinking place with a minimum off-street parking requirement of 1.2 spaces per 100 sf GFA. Event facility uses require similar amount of off-street parking. In accordance with Article 6 of the Ordinance, the site has not been subject to a discontinuance and may remain “as is” without expansion or changes to the site configuration. However, since the proposed land use is not a “by-right” use and has been referred to the BZA for special exception approval, the BZA may adopt approval conditions that require certain upgrades in its finding that the use meets applicable criteria.
2. The parcel is zoned General Conservation (GC). The purpose of this district is to accommodate the broadest possible range of commercial uses, determined principally by market conditions, while protecting the environment from potentially objectionable uses. The property is non-conforming to current minimum off-street parking standards.

3. The property is non-conforming to current minimum off-street parking standards.

**Subject to the following conditions:**

- **Any on -site events or activities must cease operation no later than 10:00 pm.**
- **No consumption of alcohol on premise.**

The motion was seconded by Ms. Cleo Klopfleisch and carried a unanimous vote.

**BOA-22-12, 10290 Lynches River Rd. (County)** was presented by Mr. Jeff Derwort. The Board reviewed a request for consideration of a Conditional Use request for the establishment of a special events facility (SIC Code 729) on the property. The Zoning Administrator has referred this Conditional Use application request to the Board of Zoning Appeals as a Special Exception consistent with Article 5, Section 5.a.3: Review and Article 5, Section 5.b.1: Criteria for Conditional Use Review of the Sumter County Zoning & Development Standards Ordinance. The property is located at 10290 Lynches River Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 365-00-04-004.

Mr. Derwort stated applicant is seeking Conditional Use approval to establish a special events facility at the subject property.

Mr. Derwort added the Zoning Administrator has referred this Conditional Use request to the Board of Zoning Appeals (BZA) for Special exception review, consistent with Article 5, Section 5.a.3: Review of the Ordinance due to the inability of staff to make affirmative findings on applicable conditions use criteria.

Mr. Derwort stated this use requires C-300 approval in the AC district. The applicant was unable to obtain written consent from 2/3 or 67% of property owners/tenants within 300 ft.

Mr. Derwort mentioned in 2020 a special exception request to establish a drinking place/bar at this property was denied by BZA. This decision was upheld by Circuit Court on appeal.

Ms. Yolanda Washington and Mr. Sinclair Durant were present to speak on behalf of the request.

Mr. Russell Sawyer, Ms. Theresa Sawyer, Mr. Mickey Matthews, Ms. Vivian Matthews and Mr. Jerry Locklair were present to speak in opposition of the request.

After a brief discussion, Mr. Warren Curtis made a motion to approve this request subject to the following findings of fact and conclusions.

1. 10290 Lynches River Rd. is a non-conforming site subject to discontinuance with respect to site development standards. The site was previously licensed for a restaurant use. The site does not meet current county landscaping requirements and parking design standards. Based on Article 6 of the Ordinance, the site may remain “as is” without expansion or changes to the site configuration so long as the permitted work required to occupy the building is less than 25% of the value of the structure. At this time no permitted work above the 25% threshold is anticipated in order to occupy the property. However, since the proposed land use is not a “by-right” use and has been referred to the BZA for special exception review and approval, the BZA may adopt approval conditions that require certain site upgrades in its finding that the use meets applicable criteria.
2. The parcel is zoned Agricultural Conservation (AC). The purpose of this district is to protect and preserve areas of the county which are presently rural or agricultural in character and use. The most recent legally established past use of the property was as a restaurant with on-premise alcohol consumption. The applicant was unsuccessful in obtaining use consent signatures from at least 2/3 or 67% owners/tenants within 500 ft. of the requested use area. The property is a rural location, away from population centers within the County. The property is in close proximity to an I-95 exchange (exit 146). The closest volunteer fire station (Pleasant Grove Fire Station #4) is located approximately 5.4 miles (7 minutes) from the property. The closest EMS station (station #6) is located approximately 2.8 miles from the property. The property is not in close proximity to a Sheriff's Department substation, and the estimated police response time to a call at this location is at least 20 minutes. Previous uses at this location have generated significant police calls for service. Due to the isolated nature of the site, transportation services may be hard to obtain for intoxicated patrons (if alcohol will be allowed on premises).
3. The purpose of the AC zoning district is to protect and preserve areas of the county which are presently rural or agricultural in character and use. The existing pattern of development in the area is marked by agricultural

development with intermittent residential uses. Although the site and the two existing commercial sites adjacent to it are used commercially, the surrounding area is comprised of intermittent residential uses and agricultural fields.

**Subject to the following conditions:**

- **Any on -site events or activities must cease operation no later than 9:00 pm.**
- **Submission of a site plan showing at minimum property boundaries, building footprints, delineated parking spaces, handicapped accessible parking spaces, and commercial dumpster location and screening.**
- **Submission of a floor plan of the facility showing the square footage and use of each room.**
- **Submission of information documenting the maximum capacity of the facility, based on building and fire code.**
- **Submission of the anticipated maximum number of events.**
- **Outdoor lighting must be oriented in a manner that does not impair traffic safety and is compatible with adjacent properties.**
- **No consumption of alcohol on premise.**

Mr. Louise Tisdale amended the motion to add the following conditions:

- **Noise Mitigation (no greater than 70 decibels at property line)**
- **Premise be secured from vehicle access during non-operating hours.**

The amended motion was seconded by Mr. Steven Schumpert and carried a two (Tisdale, Schumpert) in favor and three (Curtis, Reddick and Klopfleisch) in opposition of the motion. Motion did not carry.

Ms. Cleo Klopfleisch seconded the original motion and carried four (Curtis, Klopfleisch, Reddick and Schumpert) in favor and one (Tisdale) in opposition. The original motion carried.

*Warren Curtis recused himself from case BOA-22-13.*

**BOA-22-13, 336 Pinewood Rd. (City)** was presented by Mr. Jeff Derwort. The Board reviewed a request for special exception approval from the requirements outlined in Article 3, Section 3.i.4: GC District Special Exceptions; Article 3, Exhibit 3-5: Permitted and Conditional Uses in the Commercial, Agricultural, and Conservation Districts, Article 5, Section 5.b.2.: Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities; and Article 5, Section 5.b.3.m: Special Design Review Criteria for Liquor Stores of the City of Sumter Zoning & Development Standards Ordinance in order to establish a Liquor Store use (SIC Code 592) on the property. The property is located at 336 Pinewood Rd., is zoned General Commercial (GC), and is represented by TMS# 206-12-02-016.

Mr. Derwort stated applicant is seeking special exception approval for development of a liquor store use (SIC 592).

Mr. Derwort added the applicant currently operates a liquor store use on the adjacent property to the north and is proposing to relocate that business to the proposed site.

Mr. Chirag Patel was present to speak on behalf of the request.

After a brief discussion, Mr. Steven Schumpert made a motion to approve this request subject to the following findings of fact and conclusions.

1. The proposed liquor store must be constructed in accordance with all applicable development standards outlined in the Ordinance. Site plan and Highway Corridor Protection District (HCPD) approval must be granted by the Planning Department prior to land disturbance and building permits issuance.
2. The parcel is primarily zoned General Commercial GC). The purpose of the GC district is to accommodate the broadest possible range of commercial uses. The underlying zoning of the parcel is compatible with the proposed use, and all surrounding land uses are commercial. There are no residential use, churches, schools, or public playgrounds located within 300 ft. of the proposed site.
3. The purpose of the GC zoning district is to accommodate the broadest possible range of commercial uses, while protecting the environment from potentially objectionable uses. The existing pattern of development in the area is marked by General Commercial (GC) along

	<p>both Pinewood Rd. and McCray's Mill Rd., with several grocery stores, retail outlets, and fast-food restaurants in the vicinity.</p> <p>The motion was seconded by Mr. Steven Schumpert and carried a unanimous vote.</p>
<b>OTHER BUSINESS</b>	<b>NONE</b>
	<p>There being no further business, Ms. Cleo Klopfleisch made a motion to adjourn the meeting at 4:06 p.m. The motion was seconded by Mr. Louis Tisdale and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for July 13, 2022.</p>
	<p>Respectfully submitted,  <i>Kellie K. Chapman</i>  Kellie K. Chapman, Board Secretary</p>