



BOARD OF ZONING APPEALS

Minutes of the Meeting

March 9, 2011

ATTENDANCE	<p>A regular meeting of the Zoning Board of Appeals was held on Wednesday, March 9, 2011 in the Fourth Floor Council Chambers of the Sumter Opera House, 21 N. Main Street. Seven board members – Ms. Kay Stockbridge; Mr. James Price; Mr. Sam Lowery; Mr. Jimmy Lowery; Mr. Patrick Flaherty; Mr. J. Seth; Mr. Albert Douroux and the secretary were present. Ms. Kristi Curtis was absent. The meeting was called to order at 3:00 p.m. by Ms. Kay Stockbridge.</p>
MINUTES	<p>A motion to approve the minutes of the February 9, 2011, meeting was made by Mr. Sam Lowery. The motion was seconded by Mr. J. Seth and carried a unanimous vote.</p>
NEW BUSINESS	<p>Mr. J. Seth recused himself from discussions on this request. Ms. Kay Stockbridge recused herself from discussions on this request.</p> <p>BOA-11-04, 229 Haynsworth Street (City) was presented by Ms. Donna McCullum. The board reviewed the request for a side yard setback variance of 4.22 feet to allow for a two story addition to existing house. Article 3, Section B, 3.b.5 Development Standards for R-9 District requires a 10 foot side setback. This property has received an approved variance to allow for a five foot variance in 1985. Therefore, applicant is requesting the 4.22 feet from the approved 5 foot setback. The property is located at 229 Haynsworth St. and is represented by Tax Map #228-07-02-024. Mr. Warren Curtis, attorney for the applicant, Mr. Raymond Leidy, applicant, Ms. Nancy Wilson and Ms. Nancy Briggs were present and spoke on behalf of the request. Mr. Dickie Jones, attorney for Ms. Marla Talley, neighbor, and Mr. Nelson Harold were present and spoke in opposition of the request. After a great deal of discussion, a motion was made by Mr. Albert Douroux based on the response from Mr. Dickie Jones to defer this request for 30 days so that the applicant and Ms. Talley can talk and come to an agreement. Discussion continued and it was stated that the applicant did not want to wait 30 days. Mr. Albert Douroux withdrew his motion. Discussion</p>

	<p>continued throughout the board members and a motion was made by Mr. Albert Douroux to approve this request allowing for the .78 foot side yard setback. A condition was placed on this approval not to allow any 2nd story construction above the 1 story addition. The motion was seconded by Mr. Jimmy Lowery and carried a unanimous vote.</p> <p>Mr. J. Seth rejoined the meeting. Ms. Kay Stockbridge rejoined the meeting.</p>
<p>OLD BUSINESS</p>	<p>BOA-11-02, 236 S. Pike West (City) was presented by Ms. Susannah Smith. Ms. Stockbridge stated that this request was originally heard at the February 9, 2011, meeting at which time a public hearing was held. As a result of that public hearing, there was a request that a meeting be held between property owners who were interested in that area and members of staff. This meeting was conducted with Donna McCullum and Susannah Smith officiating. Ms. Stockbridge then stated that a letter was received by Attorney McMillan requesting a chance to address the board. As part of his request, he also requested that the property owners be given a chance to speak. Ms. Stockbridge reiterated that the public hearing was held and closed at the February 9, 2011, meeting. She then stated that she would feel more comfortable if that decision was made by the board. Mr. J. Seth questioned if it was okay to ask the audience who was present in support of the request and who was present in opposition. By a show of hands it was determined that there was 1 (one) present in support of the request and 5 (five) present in opposition. Ms. Stockbridge asked the applicant if Attorney Deas would be present. Mr. Shannon Marshall stated that Attorney Deas would not be present because he was under the assumption that the special meeting that was held on February 25, 2011, concluded their business as decisions were made at that time. Ms. Kay Stockbridge reminded Mr. Shannon Marshall that at the meeting on February 9, 2011, she requested that Vanette Fore be present at this meeting since she was the applicant on file. Mr. Shannon Marshall stated she was not able to make this meeting. Mr. Shannon Marshall stated to the board that he did not think Attorney McMillan should be allowed to speak. Because an official request was received, the board must decide if they will honor or permit Attorney McMillan to address the board per his request in his letter.</p>

Discussion was had between board members and a motion was made by Ms. Kay Stockbridge to permit Attorney McMillan to address the board on behalf of those he represents for a period of five minutes to explain any additional information, but much information has been covered in the report from the Planning Department describing the results of the meeting that was held between the property owners and the applicant, so this would be confined to new information or additional information for the period of five minutes. The motion was seconded by Mr. Patrick Flaherty.

Mr. Price questioned the motion to make sure that the public hearing was not being reopened. He was under the assumption that they were there to make a decision, and not hear any more testimony. Mr. Stockbridge reiterated that she brought the letter before the board and the board would make the decision as to whether they choose to allow Attorney McMillan to speak, but the public hearing would not be reopened. Mr. J. Seth stated he felt it was reasonable to allow Attorney McMillan to speak for 5 minutes and also a representative for the applicant for 5 minutes. He would like to hear their perspectives from the special meeting that was held.

A motion was made by Mr. J. Seth to allow Attorney McMillan to speak for 5 minutes with a rebuttal from the applicant or applicant's representative for 5 minutes. Mr. Albert Douroux seconded the motion which carried a four in favor-Seth, Douroux, S. Lowery, J. Lowery and 2 abstentions-Price, Flaherty vote.

Staff presented the information from the February 25, 2011, meeting. Attorney McMillan addressed the board with concerns from the neighboring property owners and Mr. Shannon Marshall spoke in favor of the request. After much discussion a motion was made by Mr. Sam Lowery to approve this request based on the memorandum, staff report, and agreement from the February 25, 2011, special meeting. The motion was seconded by Mr. Patrick Flaherty and carried a three in favor-S. Lowery, Price, Flaherty and four in opposition-J. Lowery, Seth, Douroux, Stockbridge vote. The motion failed.

After more discussion, a motion was made by Mr. Sam Lowery to approve this request based on the conditions of the meeting that was held February 25, 2011, that were

	<p>agreed upon. The motion was seconded by Mr. Patrick Flaherty and carried a three in favor-S. Lowery, Price, Flaherty and four in opposition-J. Lowery, Douroux, Seth, Stockbridge vote. The motion failed.</p> <p>Discussion continued and a motion was made by Mr. Jimmy Lowery to deny the Special Exception request for a drinking place. The motion was seconded by Mr. J. Seth and after more discussion; the motion carried a four in favor of the motion-J. Lowery, Seth, Douroux, Stockbridge and three in opposition of the motion-S. Lowery, Price, Flaherty vote. The Special Exception request for a drinking place was denied.</p>
ADJOURNMENT	<p>The meeting was adjourned at approximately 5:50 p.m. The motion was made by Mr. Albert Douroux and seconded by Mr. Sam Lowery.</p> <p>The next regularly scheduled meeting will be on April 13, 2011.</p>
	<p>Respectfully submitted,</p> <p><i>Julie A. Scarborough</i></p> <p>Julie A. Scarborough, Board Secretary</p>