



BOARD OF ZONING APPEALS

Minutes of the Meeting

July 11, 2012

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, July 11, 2012, in the Fourth Floor Council Chambers of the Sumter Opera House, 21 N. Main Street. Seven board members – Mr. J. Seth; Mr. James Price; Mr. Sam Lowery; Ms. Kay Stockbridge; Mr. Jimmy Lowery; Ms. Betty Clark; Mr. Patrick Flaherty and the secretary were present. Mr. John Acken and Ms. Sonya Davis were absent. The meeting was called to order at 3:00 p.m. by Mr. J. Seth.

OTHER BUSINESS

1. A motion was made by Mr. Sam Lowery to change the order of the agenda to the following:

- a. Move the legal briefing from the County Attorney before new business
- b. Move request BOA-12-32 to the first request in new business

The motion was seconded by Mr. Patrick Flaherty and carried a unanimous vote.

2. Mr. James Price made a statement that he wanted to withdraw his motion made at the last meeting to amend the action previously taken concerning application BOA-12-13.
3. Mr. Patrick Flaherty made a statement that he wanted to withdraw his motion made at the last meeting to amend the action previously taken concerning BOA-12-12.
4. Mr. Johnathan Bryan advised the board of the two pending appeals. He stated that the board needed to elect a representative or representatives to attend the mediation hearing and who with authority could make a binding decision for the board.

Mr. J. Seth acknowledged this request and stated that the board would make this decision after the new business was heard and would notify him of their decision.

<p>MINUTES</p>	<ol style="list-style-type: none"> 1. A motion was made by Mr. Patrick Flaherty to approve the minutes of the June 13, 2012, meeting. The motion was seconded by Mr. Sam Lowery and carried a unanimous vote. 2. A motion was made by Mr. Patrick Flaherty to approve the minutes of the June 20, 2012, special meeting. The motion was seconded by Mr. Sam Lowery and carried a unanimous vote.
<p>NEW BUSINESS</p>	<p>BOA-12-32, 941 E. Liberty St. (City) was presented by Mr. George McGregor. The board reviewed the applicant’s request for Special Exception approval for an Adult Entertainment Establishment as required per Article 3, Section 3.i.4.g Adult Uses (SIC 7299), Article 3, Exhibit 5 and Article 5, Section 5.b.3.g Special Design Review Criteria. The property is located at 941 E. Liberty St. and is represented by Tax Map #249-00-03-013. Mr. Terry Land, applicant was present and spoke on behalf of the request. Ms. Earnestine Kirkland, Ms. Nancy Zippleman, Ms. Mattie Malachi, Mr. Eddie Newman, Mr. James Davis, Jr., Ms. Sheila Coplin, Mr. Tommy Mims, Ms. Patty Wilson, Ms. Cassandra Perry, Mr. William Singleton, Mr. Abraham Perry, Mr. Herbert Boan, Mr. Mike McCoy, Ms. Jackie Hughes, Mr. Wade Gibbons and Mr. Gardenour Gore were present and spoke in opposition of the request. After much discussion between board members and staff, Ms. Kay Stockbridge made a motion to defer this request pending the review of the complete site plan and all attendant documentation to determine if the request meets zoning requirements. The motion was seconded by Mr. Sam Lowery and carried a unanimous vote. The request will return before the board as its meeting on August 8, 2012.</p> <p>BOA-12-11, 3789 Thomas Sumter Hwy. (County) was presented by Mr. George McGregor. The board reviewed the applicant’s request an Electronic Gaming Establishment as required per Article 3, Section 3.i.4.j Electronic Gaming Establishments (SIC 7999), Article 3, Exhibit 5 and Article 5, Section 5.b.3.k Special Design Review Criteria. The property is located at 3789 Thomas Sumter Hwy. and is represented by Tax Map #189-00-02-001. Mr. Mike Ross, partner of the applicant Charles Ward was present and spoke on behalf of the request. Ms. Wanda Altman, Ms. Marie Sanders and Ms. Betty Langston were present and spoke in opposition of the request. After some discussion, a motion was made by</p>

Mr. Patrick Flaherty to accept staff recommendation and approve this request. The motion was seconded by Mr. James Price and carried a four in favor- Flaherty, Price, J. Lowery, S. Lowery and two in opposition- Stockbridge, Clark vote. The request was approved.

BOA-12-30, 1415 S. Guignard Dr. (County) was presented by Ms. Helen Roodman. The board reviewed the applicant's request for Special Exception approval for a Liquor Store as required per Article 3, Section 3.i.4.e Liquor Stores (SIC 592), Article 3, Exhibit 5 and Article 5, Section 5.b.3.m Special Design Review Criteria. The property is located at 1415 S. Guignard Pkwy. and is represented by Tax Map #226-13-01-020. Mr. W.R. McLeod, Jr. was present and spoke on behalf of the request. After little discussion, a motion was made by Mr. James Price to approve this request. The motion was seconded by Ms. Betty Clark and carried a unanimous vote. The request was approved.

BOA-12-31, 810 S. Pike West (City) was presented by Ms. Helen Roodman. The board reviewed the applicant's request for Special Exception approval for a Drinking Place as required per Article 3, Section 3.i.4.e Drinking Place (SIC 5813), Article 3, Exhibit 5 and Article 5, Section 5.b.3.m Special Design Review Criteria. The property is located at 810 S. Pike West and is represented by Tax Map #230-16-03-025. Mr. Bobby Sisson, property owner, Ms. Amilia Mattice, applicant, Mr. James Davis, Mr. Gardenour Gore and Ms. Jackie Hughes were present and spoke on behalf of the request. After some discussion, a motion was made by Mr. James Price to overturn the Zoning Administrator's classification of the proposed use. After review of the pertinent facts, the board found that the use proposed did not rise to the level of a full-fledged Drinking Place; that the addition of alcohol at the Indoor Amusement Park did not change the primary use. Therefore, the use classification does not require special exception approval. The motion was seconded by Mr. Patrick Flaherty and carried a unanimous vote.

BOA-12-33, 3525 Camden Hwy. (County) was presented by Mr. George McGregor. The board reviewed the applicant's request for Special Exception approval for an Electronic Gaming Establishment as required per Article 3, Section 3.i.4.j Electronic Gaming Establishments (SIC 7999), Article 3, Exhibit 5 and

Article 5, Section 5.b.3.k Special Design Review Criteria. The property is located at 3525 Camden Hwy. and is represented by Tax Map #189-03-03-001. Mr. Terry Land was present and spoke on behalf of the request. Ms. Wanda Altman, Ms. Alta Sanders, Mr. William Sutherland, Pastor Marie Sanders, Mr. James Davis, and Ms. Betty Langston were present and spoke in opposition of the request. After much discussion, a motion was made by Mr. James Price to accept staff recommendation and approve this request. The motion was seconded by Mr. Patrick Flaherty and carried a three in favor-Price, Flaherty, J. Lowery and four in opposition-Clark, Stockbridge, S. Lowery, Seth vote. The motion failed. After more discussion between the board members, Ms. Kay Stockbridge made a motion to deny this request subject to the findings of fact and conclusions listed on Exhibit 1 and as listed below:

- a. Six residents spoke against the request, citing the following concerns as reasons for opposition:
 - i. Location is in close proximity of Dalzell United Methodist Church and church members will have to pass a gambling establishment traveling to and from church.
 - ii. Potential traffic hazards for a 35 mile per hour two lane road right near a curve.
 - iii. The location is a nice residential area that does not need a gambling establishment in it. A large subdivision is directly across the street and children are present.
 - iv. One resident has a lot he wants to sell and feels it will be hard to do so with a gambling establishment that close by.
 - v. The current tenant, which is a church, will be put out.
 - vi. Larger businesses coming in and pushing churches out.
 - vii. Bad location because it is so close to the highway.

- b. Due to the traffic patterns and road conditions of the neighborhood, the established pattern of development in the vicinity and negative impact from increased on and off-site traffic this use is found not to be in substantial harmony with the area and may discourage uses permitted by right on adjacent parcels.

	<p>The motion was seconded by Ms. Betty Clark and carried a four in favor-Stockbridge, Clark, S. Lowery, Seth and three in opposition-Price, Flaherty, J. Lowery vote. The request was denied.</p>
<p>OTHER BUSINESS CONTINUED</p>	<p>Board members discussed the request to elect a representative or representatives to attend the mediation hearing of the two appeals.</p> <p>A motion was made by Mr. James Price to not defend the motion and plead no contest. The motion was seconded by Mr. Patrick Flaherty and carried a three in favor-Price, Flaherty, J. Lowery and four in opposition-S. Lowery, Clark, Stockbridge, Seth vote. The motion failed.</p> <p>A motion was made by Ms. Kay Stockbridge to send the chair, Mr. J. Seth to represent the board in mediation. The motion was seconded by Ms. Betty Clark and carried a four in favor- S. Lowery, Clark, Stockbridge, Seth and three in opposition-Price, Flaherty, J. Lowery vote. The motion was approved.</p> <p>Mr. Seth will contact Mr. Bryan of the Board's decision.</p>
<p>ADJOURNMENT</p>	<p>With no further business, a motion to adjourn was made at approximately 5:40 by Mr. Sam Lowery. The motion was seconded by Ms. Kay Stockbridge and carried a unanimous vote.</p> <p>The next regularly scheduled meeting will be held on August 8, 2012.</p>
	<p>Respectfully submitted,</p> <p><i>Julie A. Scarborough</i></p> <p>Julie A. Scarborough, Board Secretary</p>