



**BOARD OF ZONING APPEALS**

**Minutes of the Meeting**

**August 8, 2012**

<p><b>ATTENDANCE</b></p>	<p>A regular meeting of the Zoning Board of Appeals was held on Wednesday, August 8, 2012, in the Fourth Floor Council Chambers of the Sumter Opera House, 21 N. Main Street. Eight board members – Mr. J. Seth; Mr. James Price; Mr. Sam Lowery; Ms. Kay Stockbridge; Mr. Jimmy Lowery; Ms. Betty Clark; Mr. John Acken; Ms. Sonya Davis and the secretary were present. Mr. Patrick Flaherty was absent. The meeting was called to order at 3:00 p.m. by Mr. J. Seth.</p>
<p><b>MINUTES</b></p>	<p>A motion was made by Ms. Kay Stockbridge to approve the minutes of the July 11, 2012, meeting. The motion was seconded by Mr. Sam Lowery and carried a unanimous vote.</p>
<p><b>NEW BUSINESS</b></p>	<p><b>BOA-12-32, 941 E. Liberty St. (City)</b> 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 that was deferred at the July 11, 2012 meeting pending the review of the complete site plan and all attendant documentation to determine if the request met zoning requirements. The property is located at 941 E. Liberty St. and is represented by Tax Map #249-00-03-013. Even though, the public hearing was closed at the previous meeting, Mr. Terry Land, applicant and his attorney, Mr. Reggie Lloyd were present and spoke on behalf of this request. After some discussion between board members, staff and the applicants’ representative Mr. Sam Lowery made a motion to deny this request based upon the findings of fact and conclusions of law set forth in Exhibit 1. The motion was seconded by Mr. John Acken and carried a six in favor-S. Lowery, Acken, J. Lowery, Davis, Clark, Stockbridge and one abstention-Price vote. The request was denied.</p> <p><b>BOA-12-35, 1980 Stamey Livestock Road (City)</b> was presented by Ms. Donna McCullum. The board reviewed the applicant’s request for Special Exception approval for a Recycling Center as required per Article 3,</p>

Section 3.m.4.e Manned Convenience Centers and Refuse Systems (SIC 4953), Article 3, Exhibit 5 and Article 5, Section 5.b.3.h Special Design Review Criteria. The property is located at 1980 Stamey Livestock Road and is represented by Tax Map #187-00-01-001 (p). Mr. Eddie Newman was present and spoke on behalf of the request. After little discussion, a motion was made by Ms. Kay Stockbridge to approve this request subject to the findings of fact and conclusions contained in the draft order, dated August 8, 2012 and titled Exhibit 1. The motion was seconded by Mr. Sam Lowery and carried a unanimous vote. The request was approved.

**BOA-12-36, 810 S. Pike West (City)** was presented by Ms. Helen Roodman. The board reviewed the applicant's request for Special Exception approval for an indoor amusement park/go-cart track as required per Article 3, Section 3.i.4.j Amusement and Recreation not classified elsewhere (SIC 7999), Article 3, Exhibit 5 and Article 5, Section 5.b.3.o 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, Ms. Jean Coulter and Ms. Debbie Sisson were present and spoke on behalf of the request. Mr. Larry Bandstra was present and spoke in opposition of the request. After much discussion, between board members, staff and the applicant a motion was made by Mr. James Price to approve this request with the hours the applicant has agreed to and with a buffer of two (2) trees not to be replanted if they die. The motion was seconded by Mr. Jimmy Lowery and carried a two (2) in favor-Price, J. Lowery, three (3) in denial-Stockbridge, Clark, Acken and two (2) abstentions-Davis, S. Lowery vote. The motion failed. A motion was then made by Ms. Kay Stockbridge to approve this request with the following provisions as recommended by staff:

1. Hours of operation to be:
  - a. Monday-Thursday  
9:00 a.m. to 10:00 p.m.
  - b. Friday-Saturday  
9:00 a.m. to 12:00 a.m.
  - c. Sunday  
11:00 a.m. to 8:00 p.m.
2. Installation of one row of Leyland Cypress trees (18 total) planted 10 feet apart along the rear

	<p>property line adjacent to Cascades Subdivision. This buffer is to be sustained at all times to mitigate noise. Trees need to obtain a height of 6 feet over a 3 year growing period of time.</p> <p>The motion was seconded by Mr. John Acken and carried a five (5) in favor-Stockbridge, Acken, Davis, S. Lowery, Clark and two (2) in denial-Price, J. Lowery vote. The request was approved with provisions.</p>
<p><b>OTHER BUSINESS</b></p>	<p>The board training schedule was discussed and Mr. Price asked if staff has considered conducting a training session that details items/issues that deal with Sumter.</p> <p>Mr. McGregor stated that he would look into it, but in the mean time, board members should sign up for one of the sessions already being offered.</p>
<p><b>ADJOURNMENT</b></p>	<p>With no further business, a motion to adjourn was made at approximately 4:50 by Ms. Kay Stockbridge. The motion was seconded by Mr. Jimmy Lowery and carried a unanimous vote.</p> <p>The next regularly scheduled meeting will be held on September 12, 2012.</p>
	<p>Respectfully submitted,</p> <p><i>Julie A. Scarborough</i></p> <p>Julie A. Scarborough, Board Secretary</p>