



BOARD OF ZONING APPEALS

Minutes of the Meeting

August 12, 2015

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, August 12, 2015, in the Fourth Floor Council Chambers of the Sumter Opera House, 21 N. Main Street. Nine board members – Mrs. Betty Clark; Mr. Patrick Flaherty, Mr. Colin Davis; Mr. Leslie Alessandro; Mr. Sam Lowery; Mrs. Jean Frierson; Mr. Warren Curtis; Mr. James Price and Mr. Louis Tisdale were present.

Planning staff in attendance were Mr. George McGregor; Ms. Claudia Rainey; Ms. Helen Roodman; and Ms. Wanda Scott.

The meeting was called to order at 3:00 p.m. by Mrs. Betty Clark.

MINUTES

A motion to approve the minutes of the July 8, 2015, meeting was made by Mr. Louis Tisdale. The motion was seconded by Mr. James Price and carried a unanimous vote.

NEW BUSINESS

BOA-15-07, 4660 Eddie Lane (County), was presented by Ms. Claudia Rainey. The board reviewed the applicant's request for a variance from *Article 3, Section, 3.n.5.a Agricultural Conservation Zoning District Development Standards* from the minimum lot area of one (1) acre in order to subdivide the property into two lots (0.89 acre & 0.75). One lot having his existing house and the other new lot for his daughter as a Lifetime Conveyance. The property is located at 4660 Eddie Lane and, represented by Tax Map #'s 213-00-01-017(part) and 213-00-01-022 (part) and zoned Agricultural Conservation (AC).

Mr. Stanley Ardis, Mr. Bruce Geddings and Mr. George Geddings were present and spoke on behalf of the request.

After some discussion, a motion was made by Mr. James Price to approve this request for a variance subject to findings of fact and conclusions as stated in the revised order dated August 13, 2015. Mr. Sam Lowery seconded

the motion with the amendment that Council review the regulations and how they deal with family property. The motion carried a unanimous vote as amended and the request was approved.

BOA-15-08, 5055 Ellerbe Mill Rd. (County) was presented by Ms. Claudia Rainey. The board reviewed the applicant's request Special Exception Approval for a Drinking Place (5813) as required per *Article 3, Section I, 3.i.4.d Special Exception Uses in Agricultural Conservation Zoning District* and per Art. 3, Exhibit 5. The property is located at 5055 Ellerbe Mill Rd. represented by Tax Map 089-00-01-002 and zoned Agricultural Conservation (AC).

Mr. Aaron Rufus, Ms. Fay Allen and Ms. Tracy Aiken were present and spoke on behalf of the request.

After some discussion, Mr. James Price made a motion to approve this request subject findings of fact and conclusions contained in the draft order dated August 12, 2015. The motion was seconded by Mr. Patrick Flaherty and carried a vote of six (6) in favor (Price, Flaherty, Lowery, Curtis, Tisdale, Davis) in favor and two (2) in opposition (Alessandro and Frierson). The request was approved.

BOA-15-09, 459 Broad St. (City) was presented by Mr. George McGregor. The board reviewed the applicant's request for multiple variances for this property in order to rebuild a restaurant: (1) exterior side setback reduction from 22.5 feet to 5 feet from Miller Rd. per Article 4, Section 4.f.5 Corner Lots Yard and Building Setback; (2) Broad St. buffer reduction from 10 feet wide to 0 feet per Article 9, Section 9.b.4.a; (3) Miller Rd. buffer reduction from 10 feet to 5 feet; (4) reduction in number of required parking spaces per Article 8, Exhibit 8-9 Off Street Parking Requirements for Non Residential Uses; (5) reduction in perimeter parking buffer from 5 feet to 0 feet per Article 9, Section 9.b.4.b Type A Landscaping; and (6) Variance from required curbing and guttering per Section 8.i.3.b Design Requirements. The property is located at 459 Broad St., represented by Tax Map# 229-10-02-018 and is zoned General Commercial (GC).

Mr. Albert Yip, Mr. Sebastian Fuller and Mr. Yom Kim were present and spoke on behalf of this request.

After much discussion between the board, staff and the applicant, a motion to defer the request until the next meeting was made by Mr. Louis Tisdale. The motion was seconded by Mr. Leslie Alessandro and carried a vote of four (4) in favor (Tisdale, Alessandro, Frierson, Lowery), three (3) in opposition (Price, Davis, Flaherty), and one (1) abstaining. The request was deferred.

BOA-15-10, Wall Street Green Apartments Phase II (City) was presented by Ms. Helen Roodman. The board reviewed the applicant's request for variances for a reduction of six feet from the required 50 foot front setback to allow 44 feet and a reduction of 1 foot from the required 50 foot rear setback to allow 49 feet as required per *Article 3, Section 3.i.3.p and Exhibit 3-6 Suburban Multi Family Apartments- General Commercial District Development Standards*. The property is located at 825, 845, 865 and 885 Bama Lane in the Wall Street Green Apartment complex and is represented by Tax Map # 229-00-01-016.

Mr. Marvin Mercer was present and spoke on behalf of the request.

After some discussion, Mr. James Price made a motion to approve the variances as requested as that is the only reasonable thing to do. He added, as part of the motion, that if they were poor people, the board would make them move a trailer off or make them tear it loose if it were a storage shed in their backyard. It's a shame that there was some kind of an error or action in this. It's a shame that we have to continue a non-conforming use because that is against the goal, but I am fully in favor of this request. Mr. Leslie Alessandro amended the motion to approve BOA-15-10 subject to the findings of fact and conclusions contained in the draft order, dated August 12, 2015. The motion was seconded by Mr. Louis Tisdale and carried a unanimous vote.

BOA-15-11, 360 Pinewood Rd. (City) was presented by Ms. Helen Roodman. The board reviewed the applicant's request for several variances in order to demolish the McDonald's Restaurant and rebuild a new building on site. Variances requested are: 1) reduction in number of parking spaces from the 69 required to allow 42 spaces per Article 8, Exhibit 8-9 Off Street Parking Requirements for Non Residential Uses; (2) reduction in perimeter parking lot landscaping buffers from the required 5 foot to allow for 3 feet on North and South side of site per Article 9, Section 9.b.4.b and Table 9-1

	<p>Landscaping Chart. Property is located at 360 Pinewood Rd. and represented by Tax Map # 206-12-01-011 and zoned General Commercial.</p> <p>Mr. Blake Williams, Ms. Becky Sharp and Ms. Tina Johnson were present and spoke on behalf of this request.</p> <p>After much discussion between the board, staff and the applicant, a motion to defer this request until the next meeting was made by Mr. Louis Tisdale. The motion was seconded by Mr. Sam Lowery and carried unanimous vote. The request was deferred.</p> <p>Mr. Leslie Alessandro made a motion to reconsider BOA-15-09. The motion was seconded by Mr. Sam Lowery. Discussion was re-opened and Mr. Michael Baker spoke on behalf of this request.</p> <p>After more discussion, Mr. Leslie Alessandro made a motion to close the public hearing. Mr. Warren Curtis seconded the motion.</p> <p>Mr. James Price made a motion to approve this request subject to the following findings of facts and conclusions:</p> <ol style="list-style-type: none"> 1. There are exceptional circumstances being that unforeseen things did occur during demolition. 2. These circumstances do not apply to properties around because nothing is undergoing demolition or reconstruction. 3. It is highly unreasonable to inhibit the improvement of a long-standing business. 4. This project has positive aesthetics, safety and commercial benefits. No harm can come to the community and surrounding area. <p>The motion was seconded by Mr. Patrick Flaherty and carried a vote of seven (7) in favor (Price, Curtis, Lowery, Tisdale, Flaherty, Frierson, Davis), and one (1) in opposition (Alessandro). The motion carried and the request was approved.</p>
OTHER BUSINESS	NONE
ADJOURNMENT	With there being no further business, the meeting was adjourned at 5:45 p.m. by acclamation.

	The next regularly scheduled meeting will be held on September 9, 2015.
	Respectfully submitted, <i>Wanda F. Scott</i> Wanda F. Scott, Board Secretary



Sumter City-County

Board of Zoning Appeals



Date: 8-12-15

NAME (Please Print)	Which request are you here for?
Marvin Mercer	Well Street Green PH II
Blake Williams	NE DONALDS
BRUCE, A. Geddings	4660 EDGE HALL BOA-15-07
George Geddings	BOA-15-07 4660 EDGE HALL
Sharon W. Ardlin	BOA-15-07 4660 EDGE HALL
Stanley S. Ardlin	BOA-15-07 4660 EDGE HALL
Sui Tai Chan	
Kon Yak Yip	
George Finkney	BOA-15-08
Aaron Fustus Sr	BOA-15-08
Becky Sharp	McDonald's / Variance
Suzanne Jensen	"
Tina Jensen	"