



## BOARD OF ZONING APPEALS

### Minutes of the Meeting

September 9, 2015

#### ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, September 9, 2015, in the Fourth Floor Council Chambers of the Sumter Opera House, 21 N. Main Street. Six board members – Mr. Patrick Flaherty; Mr. Colin Davis; Mr. Leslie Alessandro; Mrs. Jean Frierson; Mr. James Price and Mr. Louis Tisdale were present. Mr. Warren Curtis; Mrs. Betty Clark and Mr. Sam Lowery were absent.

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 Mr. Louis Tisdale.

#### MINUTES

A motion to approve the minutes of the August 12, 2015, meeting was made by Mr. Colin Davis. The motion was seconded by Mr. Patrick Flaherty and carried a unanimous vote.

#### NEW BUSINESS

**BOA-15-05, 2849 September Dr. (County)**, was presented by Ms. Donna McCullum. The board reviewed the applicant's request for several variances as follows: (1) variance from Article 4, Section G, 4.g.2.b.2 to reduce the building separation criteria from 10 feet to 8 ft. between a principal structure and detached accessory structure; (2) variance from Article 4, Section G, 4.g.2.b.5.a to reduce one side setback from 10 feet to 5 ft.; and (3) variance in size from maximum 1000 sq. ft. in order to allow the completed construction of a 1400 sq. ft. detached accessory building. The property is located at 2849 September Dr. represented by Tax Map # 183-03-02-009 and zoned Residential-15(R-15).

Ms. McCullum stated the Board deferred this request on June 10, 2015, for 90 days to give the applicant additional time to prepare a detailed plan related to reducing the size of the accessory building to comply with the Zoning Ordinance. She explained the applicant's attorney has submitted plans to reduce the size of the building from 1,400 sq. ft. to 990 sq. ft. in which case a variance for the building size and side yard setback will no longer be needed. She added that a variance of 2 feet from the

required 10 foot separation criteria from the principal structure is still requested. Ms. McCullum stated the other issue the Board had at the June meeting was the restrictive covenants and the role the Planning Staff plays in signing off on permits. She stated after consulting with the County Attorney, staff finds that the restrictive covenants are not applicable to the BZA's deliberations.

Mr. John Miles was present and spoke on behalf of the request.

After some discussion, a motion was made by Mr. James Price made a motion to approve this request as negotiated by staff. The motion was seconded by Mr. Patrick Flaherty 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 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 Landscaping Chart. Property is located at 360 Pinewood Rd. and represented by Tax Map # 206-12-01-011 and zoned General Commercial.

Ms. Roodman stated that at the direction of the Board, staff and the applicant met to better understand the site planning issues and try to maximize the use of the site to get what the applicant needed while complying with the development standards regulations. She stated staff is supportive of the revised plan. The revised plan will require the additional variances be legally advertised and recommends a continuance of this request so that all legal advertising can be done.

After some discussion, Mr. James Price made a motion to defer this request until the October 14, 2015, meeting as recommended by staff. The motion was seconded by Mr. Leslie Alessandro and carried a unanimous vote.

**BOA-15-12, 389 Rast St. (City)** was presented by Ms. Donna McCullum. The board reviewed the applicant's a variance *from Article 8, Exhibit 8-5 Maximum Wall Sign Area* for General Commercial Zoning District to allow for

an additional 48 sq. ft. of wall signage. The property is located at 389 Rast St., represented by Tax Map #230-16-03-020 and is zoned General Commercial (GC).

Mr. Robert Beatson, Jr. was present and spoke on behalf of this request.

After some discussion between the board, staff and the applicant, a motion to approve this request subject to findings of fact was made by Mr. James Price. The motion was seconded by Mr. Patrick Flaherty and carried a unanimous vote.

**BOA-15-13, 40 Black Oak Ct. (County)** was presented by Ms. Helen Roodman. The board reviewed the applicant's request for variances is requesting a variance from Article 4, Section G, 4.g.2.b.5 Residential Accessory Building Development Standards-Setbacks to reduce the building side setback from required 5 feet to 3 feet. Applicant wishes to construct a detached carport/garage structure. The property is located at 40 Black Oak Ct. represented by Tax Map #181-04-01-014 and zoned Residential-15 (R-15).

Mr. Robert Strickland was present and spoke on behalf of the request.

After some discussion, Mr. James Price made a motion to approve the variances as requested subject staff's recommendation and findings of fact. The motion was seconded by Mr. Patrick Flaherty and carried a unanimous vote.

**BOA-15-14, 4225 Queen Chapel Rd. (County)** was presented by Ms. Claudia Rainey. The Board reviewed this request for: (1) Special Exception approval for a Drinking Place as required per Article 3, Section 3.n.4.j Drinking Places (SIC Code 5813), Article 3, Exhibit 5 and Special Exception approval for a Drinking Place as required per Article 3, Section 3.i.4.d Drinking Places (SIC Code 5813), Article 3, Exhibit 5 and Article 5, Section 5.b.3.e Special Design Review Criteria and (2) a variance from the required separation criteria per Article 5, Section 5.b.3.e.1 Special Design Review Criteria. The property is located at 4225 Queen Chapel Rd., represented by TMS # 199-00-01-009 and is zoned Agricultural

Mr. Orlando Jackson was present and spoke on behalf of this request.

	After some discussion, Mr. Leslie Alessandra made a motion to deny this request. The motion was seconded by Ms. Jean Frierson and carried a unanimous vote.
<b>OTHER BUSINESS</b>	NONE
<b>ADJOURNMENT</b>	With there being no further business, the meeting was adjourned at 4:15 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



Sumter  
SOUTH CAROLINA

Board of Zoning  
Appeals

Date: 9-9-13

NAME (Please Print)	Which request are you here for?
ROBERT L. STRICKLAND JR	Planning Commission Mtg.
ALBERT ABRAMS, JR	Planning Com. Mtg
JOHN MILES	Zoning Board
GREG CHANDLER	Robert Benson Hearing