



BOARD OF ZONING APPEALS

Minutes of the Meeting

February 12, 2020

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, February 12, 2020 in the Fourth Floor Council Chambers of the Sumter Opera House, 21 N. Main Street. Six board members – Mr. Leslie Alessandro, Mr. Louis Tisdale, Mr. Steven Schumpert, Mr. Harold Johnson, Mr. Jason Reddick and Ms. Cleo Klopfleisch were present. Mr. Warren Curtis, Mr. L.C. Fredrick and Mr. Gregory Williams were absent.

Planning staff in attendance: Mr. Daniel Crum, Ms. Helen Roodman, Mr. Preston McClun, and Ms. Kellie Chapman.

The meeting was called to order at 3:00 p.m. by Mr. Leslie Alessandro, Chairman.

MINUTES

Mr. Louis Tisdale made a motion to approve the minutes of the January 8, 2020, meeting as written. The motion was seconded by Ms. Cleo Klopfleisch and carried a unanimous vote.

NEW BUSINESS

BOA-20-01, 2100 Thomas Sumter Hwy. (County) was presented by Mr. Preston McClun. The Board reviewed this request for Special Exception approval for a Commercial Kennel as required per *Article 3, Section I, General Commercial Zoning District; 3.i.4.a. Special Exceptions – Commercial Kennels (SIC Code 0752); Exhibit 3-5, and Article 5, Section B; 5.b.1 and 5.b.3.g of the Sumter County – Zoning & Development Standards Ordinance*; and a request for a 300 ft. variance from *Article 5, Section 5.b.3.g.1* to reduce the residential separation from structure to structure to 200 ft. The property is located at 2100 Thomas Sumter Hwy., zoned General Commercial (GC), and represented by Tax Map # 202-00-01-026.

Mr. McClun stated the applicant is requesting special exception approval to operate a commercial kennel/pet boarding facility and a 300 ft. variance from the required 500 ft. minimum residential separation requirements.

The facility will be expanded and renovated to house pets, including dogs, with indoor kenneling only. The dogs will be the only pets allowed outside. When outside, the dogs will be supervised. No animals shall be outside from the hours of 8:00 p.m. to 8:00 a.m.

Mr. McClun added the property is within the General Commercial (GC) zoning and is currently a vacant commercial site. The applicant is proposing to utilize the vacant commercial site at 2100 Thomas Sumter Hwy. as a commercial kennel, pet grooming, pet physical therapy and dog training facility. At this time, the applicant will only be opening the pet grooming portion of the business as a building expansion/renovation is needed to open the Commercial Kennel and other business operation phases.

Ms. Wendy Graiff and Mr. David McGinnis were present to speak on behalf of the request.

After a brief discussion, Ms. Cleo Klopfleisch made a motion to approve this request subject to the following findings of fact, conclusions, and conditions:

In relation to the requested 300 ft. reduction in the 500 ft. separation standard from adjacent residential uses:

The intent of the ordinance separation requirement is to distance potentially objectionable uses from more sensitive uses. In this specific case, the use will be located 220 feet from the closest residential structure after full site buildout. The nature of kenneling operations is that they can occur either indoors or outdoors. The impact of outdoor kenneling activities on adjacent residential uses is more intense than an indoor kenneling/boarding operation. This operation will be for indoor boarding only, eliminating the potential night-time noise impact to adjacent residences.

Additionally, the way this particular commercial property is designed and developed to include the orientation of the building on this site and natural vegetation combined with the presence of the adjacent commercial uses, there are significant physical, dimensional, and naturel elements of separation between the commercial uses and the residential structures located within the 500 ft. buffer. The elements mitigate the potential noise

impacts on adjacent residences from outdoor operations during the normal business day.

1. While many of the commercial properties along Thomas Sumter Hwy. are in close proximity to residential uses, other commercial uses in the area either do not have separation standard requirements, or have lower separation standards than the 500 ft. separation established for Commercial Kennels.
2. In order to establish the proposed commercial use on the subject property, the use must meet all applicable zoning and development standards. While the request meets the other components of the requisite development and special exception use standards, due to the pattern of existing development the 500 ft. required use separation standard cannot be met at this location without a variance.
3. Granting a 300 ft. variance from the required 500 ft. separation will not be substantial detriment to adjacent property or to the public good and will not hard the character of the district. So long as kenneling/boarding operations are restricted to indoor use only, the site will continue to operate as a self-contained commercial use that will have no tangible impact on the nearby sensitive uses that the special exception use criteria seek to protect.

In relation to the requested special exception approval from the requested Commercial Kennels:

1. The commercial kennel area of the existing building does not meet the Ordinance separation requirement of 500 feet from structure to structure of a residential use on a separately platted parcel. The proposed location is approximately 220 feet away from the closest residential use when measured from the existing building footprint to the proposed future rear building expansion. The applicant requests a 300 ft. variance from the residential separation standard in conjunction with this special exception approval.

The applicant requested a 300 ft. variance from the residential separation standard in conjunction with the special exception approval. The Board made affirmative findings for granting the request of 300

	<p>ft. variance from the residential separation standard.</p> <p>2. The commercial structure that is the subject of the request was developed prior to the adoption of the current Zoning and Development Standards Ordinance. The last business on the site was Palmetto Auto Repairs. Per the Sumter County Business License Department, the use was discontinued in 2015. The site is non-conforming with respect to parking lot development and landscaping. Because it has been unoccupied for more than 36 months, non-conforming features to the property must be brought up to current development standards if required by Article 6 of the Zoning & Development Standards Ordinance. At this time, investment in the structure prior to occupancy is projected to be less than 25% of the assessed value of the structure, therefore existing site nonconformities may remain unaltered. Additional compliance with development standards will be evaluated later during the Site Plan Review process for the future site development/structural expansions.</p> <p>The applicant is unable to meet the 500 ft. separation requirements for commercial kenneling uses from residential uses but is seeking a variance from this provision of the ordinance.</p> <p>3. The proposed nature of the boarding operations are to be in-door boarding/kenning with no animals to be kenneled outside over-night.</p> <p>The proposed special exception use, in addition to the adjacent uses, are zoned General Commercial (GC). The area has been commercial in character since the late 1980s. At the scale and scope proposed by the applicant, the land use impacts of the commercial kenneling use should be indistinguishable from the operation of the other adjacent commercial automotive repair uses during normal daylight operating hours.</p> <p>4. The proposed special exception will not discourage or negate the use of surrounding property permitted by-right. The ordinance's 500 ft. buffer separation from residential uses is designed to prevent the encroachment of potentially objectionable commercial uses. In this instance, the special</p>
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exception uses are screened and buffered from these enumerated sensitive uses by the pattern of existing development including buildings and existing vegetative screening. In addition, the kenneling operations as proposed will be indoor only with no outdoor kenneling of any animals. As the space was previously used for an automotive repair activity, the operation of an indoor commercial kennel should not result in any change in land use impacts to the neighboring commercial or residential uses during daylight hours.

The motion was seconded by Mr. Louis Tisdale and carried a unanimous vote.

BOA-20-02, 945 Amerson St. (County) was presented by Mr. Daniel Crum. The Board reviewed this request for a variance from *Article 3, Section 3.n.5.b Yard and Building Setback Requirements* in the Agricultural Conservation (AC) district in order to reduce the front setback to 25ft. from the required 35 ft. The property is located at 945 Amerson St., zoned Agricultural Conservation (AC), and is represented by Tax Map #251-04-01-032.

Mr. Crum stated the applicant is seeking a variance from the front setback requirements in order to create a new addition to the dwelling. The current structure on the property is 1150 sq. ft. The applicant is requesting to remove the structure's existing attached covered carport and create a 1080 sq. ft. addition that will extend 10 ft. into the 35 ft. front setback area.

Mr. Crum added while the subject property is over an acre in size, expansion opportunities for the single-family residential dwelling are limited by an existing 15 ft. drainage easement with associated underground pipe that runs in the southeast direction behind the home. In addition, the home is prohibited from expanding to the south, as the dwelling is grandfathered nonconforming regarding the southern setback already.

Mr. John P. Merkel was present to speak on behalf of the request.

After a brief discussion, Mr. Steven S. Schumpert made a motion to approve this request subject to the following findings of fact and conclusions:

1. The subject property is constrained by both the existing pattern of development for the site, as well as a drainage easement. The existing dwelling has no room to expand to the south due to the location of the adjacent property line and is not permitted to build over the established drainage easements and piping to the east and northeast. Substantial increase in the size of the structure necessitates encroachment into the front setback area.
2. The drainage easement/pipe constraining the development on the site is specific to the subject property.
3. Due to the constraining site elements, it is not possible to construct an addition to the home as the proposed size without partially encroaching into the front setback.
4. While the proposed expansion would result in a 10 ft. encroachment into the standard front setback area for the AC district, there are portions of the current structure that are already encroaching into the front setback area. The home's covered porch landing extends six (6) ft. into the front setback area already. The proposed expansion would extend the structure just four (4) ft. farther forward on the property than the current covered porch landing.

The construction of this structure would not result in a change to the use of the parcel and could be similar in location to existing elements of the single-family home.

The parcel's remote location on a dead-end road limits a potential impact that the proposed expansion might have, and the proposed development will not negate the use of any of the surrounding properties.

The motion was seconded by Mr. Harold Johnson and carried a unanimous vote.

BOA-20-03, 12 Marley Ct. (County) was presented by Mr. Daniel Crum. The Board reviewed the request for a 500 ft. variance from the *Sumter County Zoning and Development Standard Ordinance, Article 4, Section G, Exhibit 8A* in order to construct a 1600 sq. ft. accessory

	<p>structure on property located at 12 Marley Ct. The property is zoned General Residential (GR) and represented by Tax Map #225-13-01-017.</p> <p>Mr. Crum stated that the applicant is requesting 500 sq. ft. of additional accessory building space in order to construct a 1600 sq. ft. metal storage building. The applicant previously came before the board in October of 2019 under BOA-19-30 and sought approval for an 1800 sq. ft. accessory structure. The board, citing issues of scale, compatibility, and lack of hardship, denied the request. Mr. Bodiford is currently in the process of appealing that decision in Circuit Court.</p> <p>Mr. Crum added the applicant proposed to install the same single-story prefabricated building with metal siding as the previous request, but will modify the structure by removing the rear 200 sq. ft.</p> <p>Mr. James Bodiford, Mr. Cal Land and Mr. Joseph Coonce Jr. were present to speak on behalf of this request.</p> <p>After a brief discussion, Mr. Louis Tisdale made a motion to approve this request subject to the following findings of fact and conclusions:</p> <p>The applicant has already purchased and received delivery on a non-returnable 30'X60' metal building. Based upon the construction of the prefabricated metal building as shown in the Building Drawings prepared by GWB; Job Number 92344; Project Name: James Bodiford; Project Location: 12 Marley Ct., Sumter, SC 29150; Reviewed by Richard T. Smith at 7:23pm June 10, 2019. The building is constructed in 20 ft. spans and can be reached in size to 30'X40'. As such, the Board is granting a 130 sq. ft. variance to allow for a 1230 sq. ft. building.</p> <p>The motion was seconded by Mr. Harold Johnson and carried a unanimous vote.</p>
	<p>With there being no further business, Ms. Cleo Klopffleisch made a motion to adjourn the meeting at 3:50 p.m. The motion was seconded by Mr. Harold Johnson and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for March 11, 2020</p>

	Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary