



## BOARD OF ZONING APPEALS

### Minutes of the Meeting

March 11, 2020

#### ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, March 11, 2020 in the Fourth Floor Council Chambers of the Sumter Opera House, 21 N. Main Street. Eight board members – Mr. Leslie Alessandro, Mr. Louis Tisdale, Mr. Steven Schumpert, Mr. L.C. Frederick, Mr. Jason Reddick, Mr. Warren Curtis, Mr. Gregory Williams and Ms. Cleo Klopffleisch were present. Mr. Harold Johnson was absent.

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

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

#### MINUTES

Mr. Warren Curtis made a motion to approve the minutes of the February 12, 2020, meeting as written. The motion was seconded by Mr. Gregory Williams and carried a unanimous vote.

#### NEW BUSINESS

**BOA-20-05, 4500 Pinewood Rd. (County)** was presented by Mr. Daniel Crum. The Board reviewed this request for a 0.89 acre variance to the minimum 2 acre requirement for a family conveyance in the Conservation Preservation (CP) zoning district as stated in *Article 3, Section O, 3.o.5.a Lot Requirements* in the Sumter County – Zoning & Development Standards Ordinance. The property is located at 4500 Pinewood Rd., zoned Conservation Preservation (CP), and is represented by Tax Map #165-00-01-001.

Mr. Crum stated the applicants are sisters and co-executors of their mother's estate. They are seeking a variance from the minimum size requirements in order to subdivide property that they inherited at 4500 Pinewood Rd. The subject property is an irregularly shaped +/- 4.57 acre parcel of land and contains a single family dwelling.

Mr. Crum added the applicant intends to combine +/- 3.47 acre portion of the subject property with the adjacent

property owned by Diane Elliott at 4520 Pinewood Rd. The +/- 1.11 acre remainder of 4500 Pinewood Rd. would be conveyed to Debbie Geddings.

Mr. Crum stated in the Conservation Preservation (CP) zoning district, the minimum lot size is five (5) acres. Currently, the lots at 4500 and 4520 Pinewood Rd. are both non-conforming in respect to this minimum lot size standard. The proposed division would increase the size of the lot at 4520 Pinewood Rd. from +/- 1.84 acres to +/- 5.3 acres but would decrease the size of 4500 Pinewood Rd. from +/- 4.57 acres to +/- 1.1 acres. While the proposed recombination would bring 4520 Pinewood Rd. into compliance with the minimum lot size requirements, the division also increases the degree of nonconformity for 4500 Pinewood Rd.

Ms. Debbie Geddings and Ms. Diane Elliott 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 and conclusions:

1. Both the subject property and the adjoining parcel at 4520 Pinewood Rd. are irregularly shaped and are both already nonconforming in regard to minimum lot size requirements for the CP zoning district.
2. Other parcels in the vicinity are more regularly shaped, however most of the parcels in this area also fail to meet the minimum 5-acre lot size established for the CP district.
3. Under the current ordinance provisions, it is not possible to modify the sizes of the subject parcel nor the parcel at 4520 Pinewood Rd. without increasing the degree of nonconformity for one or both of the parcels. As such, the ability to divide the inherited land in an equitable manner is restricted.
4. The purpose of the minimum parcel size requirements within the CP district is to preserve and protect environmentally sensitive areas for future generations by limiting the density of development. The subject parcel and surrounding area predate the current zoning and developmental standards ordinance. This area is

a family enclave within the CP district with the immediate adjacent properties already in use residentially on lot sizes smaller than the Ordinance established minimum lot sizes for the CP District.

While the new combination would result in the further reduction of the size of the subject parcel, it will bring the adjacent non-conforming lot at 4250 Pinewood Rd. into compliance with CP development standards, reducing the overall number of non-conforming lots in the immediate area.

Permitting this lot size variance will not alter the use of the property and will not be detrimental to the public good.

The motion was seconded by Mr. Warren Curtis and carried a unanimous vote.

**BOA-20-06, 1165-1173 Broad St. (City)** was presented by Mr. Jeff Derwort. The Board reviewed multiple variance request in relation to proposed building and site renovation from the *City of Sumter Zoning and Development Standard Ordinance, Article 8, Section 1, Exhibit 8-9 Off-Street Parking Requirements for Non-Residential Land Uses* to allow for a reduction in the number of required parking spaces from 33 to 25; *Article 8, Section 8.i.3.e Width of Aisles* to allow for a reduction in required parking aisle widths in front of the building; *Article 8, Section 8.i.3.h Curb Cuts* to allow for the retention of the existing curb cut that is in excess of 30 ft; *Article 9, Section 9.b.2 Landscaping Determination and Exhibit 9-1 Landscaping Char* to allow for zero (0) street buffer plantings (front) and zero (0) Type A landscape buffer plantings (sides and rear)); and *Article 9, Section 9.c.3.c & Section 9.c.3.d Landscape Requirements for the Interior of Parking Areas* to allow for zero (0) plantings in landscape islands at the rear and to allow for zero (0) landscape islands at the ends of the parking row in front. on property located at 1165- 1173 Broad St. The property is zoned General Commercial (GC) and represented by Tax Map #203-12-01-003.

Mr. Derwort stated that the applicant is requesting multiple variances to the City of Sumter Zoning & Development Standards Ordinance in relation to the proposed renovation of a small commercial strip center.

Specifically, the applicant is requesting the following:

- A reduction in the required number of minimum off-street parking spaces from 33 to 25.
- A reduction in required parking aisle width for the front parking row in order to allow for the continuance of the historic parking pattern in front of the building.
- Allowance for the existing open curb cut to be used vs. establishing a curb cut of no greater than 30' ft. in width.
- Allowance to proceed with the project without installing street, side, and rear landscaped bufferyards.
- Allowance to proceed with the project without installing interior parking lot islands and landscaping in the front parking area and parking lot island landscaping in the rear parking area.

Mr. Derwort added the subject property is a 0.61 acres in size. The site was developed in 1974, and there have been no significant changes to site layout and building placement since this time. The site does not conform to current Ordinance standards in several areas including minimum parking, curb cuts, aisle widths, and landscaping. This site is non-conforming subject to discontinuance, as there have been no active tenants in the structure since 2017. In the City, sites are considered discontinued if there is a discontinuance or cessation of operations or business activity at a structure for a continuous period of not less than eighteen (18) months. Discontinued sites are required to achieve a percentage of Ordinance compliance based on the amount of the cost of any improvement, upfit, renovations, rehabilitation, restoration, removal, or addition to a structure or lot that occurs after a discontinuance and within twelve (12) months following the resumption of operation or business activity at such structure.

Mr. Derwort mentioned the applicant is proposing to do major renovations to the building and site. Plans show new traffic circulation on the sides and rear of the site, a new rear parking area, and significant exterior building renovations.

Mr. Jay Davis was present to speak on behalf of this request.

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

1. The site subject to this request is +/- 0.61 acres in size and is within the General Commercial (GC) zoning district. The site was developed for commercial use in the mid-1970's and was developed prior to the adoption of current regulatory standards. The site is constrained by the existing amount of space it has when existing building and parking placement is taken into consideration. Furthermore, the site is completely bounded by zero lot line development to the rear and portions of the eastern side, as well as new commercial development to the west. This severely limits the possibility of adding additional acreage to the subject property.
2. Generally, other property in the vicinity is larger in size with space that is sufficient to achieve compliance with Zoning & Development Standards. Additionally, other property in the immediate vicinity is not bounded on more than one side by adjacent buildings and structures that are situated directly adjacent to the property line.
3. This 4-part test question has been analyzed with respect to each specific request:

**Minimum Off-Street Parking Standards** – The applicant is requesting a reduction in 8 spaces from the applicable off-street parking requirements. The site is constrained by space. The applicant is adding additional parking at the rear and west side of the site to the maximum extent practicable. Requiring full compliance with off-street parking standards would effectively prohibit renovations to the existing building on the site.

**Aisle Widths** – The applicant is requesting to keep the historic parking configuration in front of the building. This conflicts with current parking aisle width requirements due to the location of the front property line. Approximately half of the paved area that is in front of the existing building is within SCDOT right-of-way, leaving only a few feet of space between the end of the parking stalls and the SCDOT right-of-way line. Due to the size of

the site and the existing building placement, full compliance with aisle width standards would not allow for parking to be located in front of the building, further increasing non-compliance with minimum parking standards.

**Curb Cuts** – The applicant is requesting to retain the existing open ingress/egress site access configuration with no changes. Work to remedy the existing situation would have to occur primarily in SCDOT right-of-way and may impact parking in the front of the site, further increasing non-compliance with minimum parking standards.

**Landscaping** – The applicant is proposing no street buffer landscaping in the front, no Type A landscaping buffering on the rear and sides, no interior parking lot islands and associated landscaping in the front, and no landscaping within proposed parking lot islands in the rear. The size and layout of the site severely limits the ability to place landscaping improvements as required. Installation of required landscaped buffers on the sides and rear of the site would complicate the ability to complete new circulation and parking additions. Installation of street buffer landscaping would eliminate the ability to have parking in front of the structure, further reducing minimum off-street parking standards compliance. Installation of interior parking lot islands in the front would also further reduce the ability to meet minimum off-street parking requirements.

Regarding the request for no landscaping in the proposed parking lot islands in the rear, staff finds that extraordinary and exceptional conditions are not present and that the applicant could install some form of landscaping in these islands.

4. This 4-part test question has been analyzed with respect to each separate request:

**Minimum Off-Street Parking Standards** – The applicant is adding additional parking at the rear and west side of the site to the maximum extent practicable. These improvements will increase the existing amount of off-street parking on the site from 13 spaces to 25 spaces. Although this proposal still leaves the site 8 spaces under the minimum requirement for general retail uses

based on building size, there will be almost 100% percent more parking than currently existing with no changes to building size. With this finding, staff is of the opinion that this specific request concerning minimum off-street parking standards will not be of substantial detriment to adjacent property or to the public good and will not harm the character of the district.

**Aisle Widths** - The applicant is requesting to retain the historic pattern of parking at the front of the building. Based on property line locations, approximately ½ of the front parking area associated with the site is actually within SCDOT right-of-way. This leaves only a few feet of space between the end of the parking stalls in front of the building and the right-of-way line (i.e., the aisle width). Any design solution to this would essentially require that no parking be located in front of the existing building. Any use of parking in the front of the building would essentially require that a portion of SCDOT right-of-way be functionally used as a part of the parking lot, as is today.

Staff notes that this site condition has been in place for decades and that use on the site was discontinued in 2017. Under Article 6: Nonconforming Zoning Uses and Sites, the applicant could re-occupy the building with little or no investment and not be required to obtain variance approval. It is the costs associated with the applicant's proposal to improve the existing building and add additional parking that is triggering the need for variance approval.

**Curb Cuts** – The applicant is requesting to retain the existing open ingress/egress site access configuration with no changes. This open access configuration increases the amount of traffic conflict points concerning access to Broad St. Based on recent crash data, 11 crashes have occurred between 2014 and 2018 within the area of Broad St. that fronts the subject property. None of these crashes resulted in fatalities. However, 3 of the 11 crashes resulted in injuries with a total of 6 people injured.

Staff notes that this site condition has been in place for decades and that use on the site was

discontinued in 2017. Under Article 6: Nonconforming Zoning Uses and Sites, the applicant could re-occupy the building with little or no investment and not be required to obtain variance approval. It is the costs associated with the applicant's proposal to improve the existing building and add additional parking that is triggering the need for variance approval. Additionally, staff notes that the frontage associated with this site may be within the scope of work of intersection improvements at Broad St. and Robert Dinkins Rd. If within the project scope, access management improvements within SCDOT right of way along this property frontage may be implemented.

**Parking Lot Landscaping** – The applicant is proposing no street buffer landscaping in the front, no Type A landscaping buffering on the rear and sides, no interior parking lot islands and associated landscaping in the front, and no landscaping within proposed parking lot islands in the rear. The provision of this required landscaping, with the exception of the interior parking lot landscaping in the rear, would essentially impact a host of other functional design improvements for the site that include additional parking in the rear and full drivable access to all sides of the building. The site is located adjacent to zero lot line development to the rear and east, as well as located next to the landscape buffer of recent commercial development to the west. Installation of a street landscape buffer would eliminate the ability to retain parking in front of the building. Installation of parking lot islands at the end of each row in the front would require the removal of at least two parking spaces. Any landscaping in the front would further impact minimum off-street parking compliance. With these findings, staff is of the opinion that the granting of these two specific requests will not be of substantial detriment and will not harm the character of the district.

Regarding the request for no landscaping in the proposed parking lot islands in the rear, staff finds that some form of landscaping could be installed and not impact other important functional considerations. This would permit, on at least a minor level, some form of site landscaping to



	<p>further the public purpose and intent of the GC district and Article 9 landscaping requirements.</p> <p>The motion was seconded by Mr. Cleo Klopfleisch and carried with six in favor of approval (Curtis, Reddick, Tidsdale, Schumpert, Fredderick, Klopfleisch) and one (Williams) in opposition. The motion carried to approve the request.</p>
	<p>With there being no further business, Ms. Cleo Klopfleisch made a motion to adjourn the meeting at 3:40 p.m. The motion was seconded by Mr. Gregory Williams and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for April 8, 2020</p>
	<p>Respectfully submitted,  <i>Kellie K. Chapman</i>  Kellie K. Chapman, Board Secretary</p>