



BOARD OF ZONING APPEALS

Minutes of the Meeting

September 9, 2020

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, September 9, 2020 in the First Floor Sumter Opera House Theater of the Sumter Opera House, 21 N. Main Street. Five board members – Mr. Leslie Alessandro, Mr. Warren Curtis, Mr. Jason Reddick, Mr. L.C. Frederick, and Ms. Cleo Klopfleisch were present. Mr. Gregory Williams, Mr. Louis Tisdale, Mr. Steven Schumpert and Mr. Harold Johnson were absent.

Planning staff in attendance: Ms. Helen Roodman, Mr. Jeff Derwort, Mr. Kyle Kelly 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. Warren Curtis made a motion to approve the minutes of the August 12, 2020, meeting as written. The motion was seconded by Ms. Cleo Klopfleisch and carried a unanimous vote.

NEW BUSINESS

BOA-20-13, 956 Samuel St. (City) was presented by Mr. Jeff Derwort. The Board reviewed this request for a 3,871 sq. ft. variance to the 3,500 sq. ft. maximum finished floor permitted for Group Homes as outlined in *Article 4, Section 4.p.1.c of the City of Sumter – Zoning & Development Standard Ordinance* in order to establish a Group Home use within an existing 7,371 sq. ft. structure. The property is located at 956 Samuel St., is zoned Residential-9 (R-9) and is represented by Tax Map # 226-04-04-01.

Mr. Derwort stated that the property is one (1) acre in size and has frontage on Samuel St. The site contains a +/- 7,370 sq. ft. structure that was formerly used as an assisted living/residential care facility.

Mr. Derwort added the applicant intends to renovate the building to establish a group home facility with will house

no more than nine (9) residents. According to information submitted with the application, the facility will provide 24-hour group home services to mentally or physically handicapped individuals.

Ms. Jennifer Yates, Ms. Viola Carter, and Dr. Derrick Phillips were present to speak on behalf of the request.

Ms. Karen Owens-Blanding, Mr. Carnegie Johnson, Mr. Frederick Gass, Mr. Dennis Davis, Ms. Rosa Plowden, Ms. Betty Sumter, Ms. Alisha Montgomery, Mr. Antonio Owens, and Ms. Jocelyn Brewer were present to speak in opposition of the request.

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

1. The site is one (1) acre in size and is the location of an existing +/- 7, 371 sq. ft. structure that was formerly an assisted living/residential care facility.
2. Most property within the general vicinity, with the exception of the property to the rear, is either vacant or used for single family residential uses.
3. The property conditions noted above restrict the applicant from utilizing the building for a qualified group home use, as the size of the maximum finished floor area of the structure exceeds the maximum requirement outlined in Article 4, Section 4.p.1.c. In order to meet this requirement the applicant would have to demolish the existing structure on the site and rebuild a structure not to exceed 3,500 sq. ft. in size or carryout significant demolition of a portion of the structure and associated renovation work for the remaining space.
4. The group home requirements outlined in Article 4, Section 4.p.1.c, are to make reasonable housing accommodations for protected classes while protecting the character of residential zoning district within the City of Sumter. The site is the location of a former assisted living/residential care facility that was constructed in 1971. Per business license records, operations ceased on the site in 2006. It is assumed that the building has been vacant since this time.

The structure and site, as it currently exists, is geared toward assisted living/residential care use. This use was established on the site for over 30 years. As such, the authorization of a variance related to maximum floor area will not result in substantial detriment to adjacent property or the public good, and that the granting of the variance will not harm the character of the district provided that all other applicable requirements relate to the use are achieved and that the applicant installs a 6ft. opaque privacy fence along the southern property line and rear property line.

The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.

BOA-20-14, 11935 Douglas Swamp Rd. (County) was presented by Mr. Preston McClun. The Board reviewed this request for a 33 ft. variance to the 50 ft. side setback requirement for non-residential uses outlined in *Article 3, Section 3.n.5.b – AC District Minimum Yard and Building Setback Requirements* of the *Sumter County Zoning & Development Standards Ordinance* in order to allow for the subdivision of a 4.89 acre parcel from the larger tract. The property is located at 11935 Douglas Swamp Rd., is zoned Agricultural Conservation (AC), and is represented by Tax Map # 372-00-02-002.

Mr. McClun stated the site is +/- 120.78 acres in size and is located on Douglas Swamp Rd. The applicant is proposing to subdivide a +/- 4.89-acre lot from the larger tract in order for the residential house located at 11935 Douglas Swamp Rd to be on its own parcel.

Mr. Derwort added two non-residential agricultural buildings are located approximately 17 ft. from the proposed northern side property line. The applicant desires to use an existing ditch line, which runs along a portion of the northern side property line, as a natural dividing line between the two properties.

Mr. William Warr was 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. The property is +/- 120.78 acres in size with frontage on Douglas Swamp Rd. An overgrown

natural ditch line exists along a portion of the northern property line for the proposed +/- 4.89-acre tract.

2. No other properties in the general vicinity of the proposed subdivision have a natural ditch line located in close proximity to existing agricultural structures.
3. A 50 ft. property line setback is required for non-residential uses within the AC zoning district. In the instance, the application of the Ordinance would require that the northern property line be adjusted at least 33 ft. to the south. This adjustment would encompass useable front and side yard space for the residential structure at 11935 Douglas Swamp Rd.
4. Authorization of the request will not be in substantial determinant to adjacent property or to the public good and will not harm the character of the district. The historical use of the property will not change in nature. In addition, the new lot line will be placed upon a naturally occurring property division in the form of a ditch and dense vegetation.

The motion was seconded by Mr. LC Frederick and carried a unanimous vote.

BOA-20-15, 1931 Golfair Rd. (County) was presented by Mr. Kyle Kelly. The Board reviewed this request for a 7 ft. variance to the 10 ft. minimum side setback requirement for pools outlined in *Article 4, Section 4.g.2 – Residential Accessory Structures of the Sumter County Zoning & Development Standards Ordinance* and is requesting a 4 ft. variance to the 10 ft. separation requirement between principle structures and accessory structures outlined in *Article 4.g.2.b.2 – Separation Criteria*. The applicant is proposing the construction off a pool that will be located no less than 3 ft. from the side property line and the construction of a pool gazebo structure that will be located 6 ft. from the principal structure on the lot. The property is located at 1931 Golfair Rd., is zoned Residential-15 (R-15) and is represented by Tax Map # 207-05-03-015.

Mr. Kelly mentioned that the applicant is seeking a variance from the minimum side setback requirement for pool as well as a variance from the separation

requirement between principal structures and accessory structures in order to construct an in-ground pool and covered outdoor kitchen on the property.

Mr. Kelly added the property was developed in 1984 as Phase II of the Planters Trace Planned Development (PD-20). This development consisted of two three-unit triplex housing units on Golfair Rd. to the west of the intersection with Golfcrest Rd. as Phase I, and two single-family units, including 1931 Golfair Rd., located to the east of the intersection with Golfcrest Rd. as Phase II. When countywide zoning went into effect in 1999, the property was rezoned to Residential-15 (R-15), as such, the property is a grandfathered non-conforming site.

Mr. Rick Shivers, Ms. Shawn Shivers, and Ms. Ruby Miller 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. The subject property is in constrained by its unique shape, which roughly resembles a triangle due to the geometry of Golfair Rd. at the front of the site. The lot, and its adjoining neighbor, were developed as part of a single development project which utilized a side setback standard that is no longer applicable to the zoning district. This development resulted in application of an effective zero lot line, with the two structures being physically connected by brick walls and a shared pass-through gate at the street frontage between the two lots. Additionally, a large drainage canal lies along the rear property line, which further restricts the applicant's buildable area for placing accessory structures.
2. The platted dimensions constraining the development on the site are specific to the subject property and its sister lot (1040 Golfcrest Rd.) both of which were developed at the same time as part of the same 2-unit development. The rear drainage canal affects both lots.
3. Due to the constraining site elements, it is not possible to construct the proposed accessory use in rhythm of the current site development without partially encroaching into the side setback.

	<p>4. While the proposal will result in an encroachment into the standard side setback area for pools and an encroachment into the required separation distance between accessory structures and principle structures, the current conditions for the property are non-conforming to R-15 standards in general. Specifically, the property and the adjoining property are designed in a way that promotes a shared courtyard concept in the rear yard along the shared northern property line.</p> <p>The construction of these accessory structures as proposed will not result in a change to the use of the parcel and will be located in a similar location on the lot as the existing outdoor use space.</p> <p>The motion was seconded by Mr. LC Frederick and carried a unanimous vote.</p>
OTHER BUSINESS	<p>Ms. Roodman reminded all members to complete training before the October meeting, and to send their completion information to Ms. Chapman for recordkeeping.</p>
	<p>With there being no further business, Mr. Warren Curtis made a motion to adjourn the meeting at 4:07 p.m. The motion was seconded by Ms. Cleo Klopfleisch and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for December 9, 2020</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>