



BOARD OF ZONING APPEALS

Minutes of the Meeting

November 4, 2020

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, November 4, 2020 in the First Floor Sumter Opera House Theater of the Sumter Opera House, 21 N. Main Street. Six board members – Mr. Leslie Alessandro, Mr. Warren Curtis, Mr. Steven Schumpert, Mr. Louis Tisdale, Mr. Gregory Williams, and Ms. Cleo Klopfleisch were present. Mr. L.C. Frederick 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 3:05 p.m. by Mr. Leslie Alessandro, Chairman.

MINUTES

Mr. Warren Curtis made a motion to approve the minutes of the September 9, 2020, meeting as written. The motion was seconded by Ms. Cleo Klopfleisch and carried a unanimous vote.

NEW BUSINESS

BOA-20-16, 2460 Hewitt Rd. (County) was presented by Mr. Preston McClun. The Board reviewed this request for a variance from *Article 8, Section 8.e.13.c: Lot frontage on a public street* of the *Sumter County – Zoning and Development Standards Ordinance*, to allow for the subdivision of a land locked property into two lots, 47.47-acres and 4.78-acres in size. The property is located at 2460 Hewitt Rd., is zoned Agricultural Conservation (AC) and is represented by Tax Map # 367-00-01-007.

Mr. McClun stated that when the applicant purchased the +/- 4.78-acre portion of the property the tract was not subdivided from the larger property, this was to be completed upon final payment of the contract. However, prior to executing conveyance of the land, Mr. Floyd, the seller, passed away. Through the process of settling the estate, it was determined that the +/- 4.78-acres purchased by the applicant could not be subdivided from the larger tract due to zoning Ordinance regulations.

Mr. McClun added that to settle the estate and convey the property to the applicant, a variance must be granted to the minimum lot frontage requirement on a public street in order to subdivide the land.

Mr. Hernan Alcantara 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 subject parcel is primarily open, low density residential/agricultural land with a flat topography. The subject parcel is one of the larger parcels in the area and the only parcel that does not possess any form of public road frontage. Although Hewitt Rd bisects the parcel, it is a private road. Historically Hewitt Rd. was maintained by Sumter County; however, the County no longer assumes maintenance responsibility. Andy ownership interest in the right of way and road is private, with maintenance responsibility falling to the landowners.
2. All other nearby parcels have public road frontage. The subject parcel is the only parcel in the area that has a privately maintained dirt drive running through the property, with no public road frontage.
3. The Ordinance prohibits subdivision of the land for market-rate transactions where a new lot has no public road frontage. In order for the applicant to take fee-simple legal possession of the acreage that was purchased, a variance from the standards is necessary. Absent a variance from the public road frontage requirement, or construction of a road that meets public road standards, the tract cannot be subdivided.
4. From a development standpoint, division of the tract will have no impact of the existing land or its overall functionality.

The motion was seconded by Mr. Steven Schumpert and carried a unanimous vote.

BOA-20-17, 615 Geddings Rd. (County) was presented by Mr. Kyle Kelly. The Board reviewed this

request for a variance for a minimum lot size requirement of 1.0 acre as outlined in *Article 3, Section 3.n.5.a – Development Standards for the Agricultural Conservation Zoning District* of the *Sumter County Zoning & Development Standards Ordinance* in order to permit property line boundary revisions that will create a 0.91 acre lot. The property is located at 615 Geddings Rd., is zoned Agricultural Conservation (AC), and is represented by Tax Map # 257-00-03-035.

Mr. Kelly stated the variance is requested because the adjacent property owner at 530 Sears St. previously constructed a concrete block accessory structure on the subject property and has been utilizing the accessory structure and surrounding property.

Mr. Kelly added the property was originally developed in 1972, and the applicant purchased the property in 2004. The accessory structure is assigned to the property at 530 Sears St. for tax assessment purposes. However, the structure lies entirely on the applicant's property.

Mr. Alex Craven was present to speak on behalf of the request.

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

1. The property at 615 Geddings Rd. was originally developed in 1972, and the applicant purchased the property at the beginning of 2004. According to the Sumter County Assessor's records, the adjacent property owner at 530 Sears St. constructed a concrete block accessory structure that encroaches on the subject property. The building actually lies entirely on the property at 615 Geddings Rd. The accessory structure is connected by gravel driveway to the 530 Sears St. property.
2. This is an isolated condition in the vicinity that only applies to the subject property. The accessory structure was constructed on the property by the adjoining property owner over 19 years ago and used by the adjacent property owner since that time as a de facto part of his lot, the conditions presented are nor present on other property surrounding the subject site.

3. It is not possible for the applicant to convey the necessary amount of property containing the accessory structure to the adjoining property as is desired without reducing the lot acreage below the minimum threshold for the zoning district.
4. The adjustment of the property line will not have material effect on the character of the district, and no structure are proposed to be added, removed, or altered.

The change to the property line would not result in a change in the use of the parcel, and no changes to structures already in place would be made.

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

BOA-20-18, 1911 Linwood St. (County) was presented by Mr. Preston McClun. The Board reviewed this request for a variance from *Article 8, Section 8.e.13.c: Lots of the Sumter County – Zoning & Development Standards Ordinance* in order to permit a subdivision of property that will create a 51.21-acre tract with no public road frontage. The property is located at 1911 Linwood St., is zoned Agricultural Conservation (AC), and is represented by Tax Map #s 202-00-03-032 & 202-00-03-035.

Mr. McClun mentioned that the applicant is requesting to divide a 105-acre tract at Linwood St. within the Agricultural Conservation zoning district into 51.2-acre and 53.79-acre parcels.

Mr. McClun added the subject parcel has been conveyed from the Bradford Meadows subdivision to the applicants for the purpose of building two (2) single family residential dwellings. The Zoning Ordinance does not permit two (2) dwellings on one parcel of land, as such the parcel would have to be subdivided in order to construct two dwellings.

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 parcel is primarily open, rural land with a flat topography. The subject parcel is one of the larger parcels in the area and is in close proximity to several parcels that are similarly landlocked.

There is no way to obtain the necessary street frontage to subdivide this tract.

2. Other nearby parcels are similar in terms of topography and character of development.
3. As written, the Ordinance prohibits the owners from further dividing their land to construct 2 residential dwellings. By Ordinance requirements, the current tract of land would have to have minimum of 120 feet of public road frontage to divide the parcel into two separate parcels. The property is currently conforming with regards to public road frontage requirements.
4. The surrounding area has several parcels of a similar sizes, density, and lack of public road frontage as the proposed subdivision. These parcels were created before the adoption of the current zoning ordinance. This proposed subdivision will not negatively impact the character of the immediate area as the proposed division will be of similar character as much of the nearby properties. The division results in two large tracts that are both greater than 20-acres in the area.

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

BOA-20-19, 3215 Beulah Cuttino Rd. (County) was presented by Mr. Jeff Derwort. The Board reviewed this request for Special Exception approval to operate a Fabricated Structural Metal business with Standard Industrial Classification (SIC) Code 3411, as is required per *Article 3, Section 3.n.4: Special Exceptions; Article 3, Exhibit-5 Permitted and Conditional Uses in the Commercial Uses in the Commercial, Industrial, Agricultural, and Conservation Districts, and Article 5, Section 5.b.2: Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities of the Sumter County – Zoning & Development Standards Ordinance*. The property is located at 3215 Beulah Cuttino Rd., is zoned Agricultural Conservation (AC), and is represented by Tax Map # 221-00-01-112.

Mr. Derwort stated the property is the current location of Merchant Iron Works, a steel fabrication business whose primary services included fabrication and installation of structural and miscellaneous steel, chute work, and material handling equipment.

Mr. Derwort added the subject property is located in a rural area of Sumter County directly west of US Hwy 15 South. The property is primarily adjacent to existing residential development to the north, west, and east. The surrounding residential uses are primarily on lots one acre or greater in size. The closest adjacent residential uses are located off Nazarene Church Rd. Property immediately adjacent to the south of the subject property is undeveloped.

Mr. Derwort mentioned as the business has evolved, the facility at 3215 Beulah Cuttino Rd. has undergone two expansions – a minor expansion in 2014 (MSP-14-11) with a more substantial expansion in 2018 (MSP-18-10). Upon completion of the most recent facility expansion in early 2019, the intensity of use at the site increased, which resulted in litigation due to noise and use classification for the property.

On February 4, 2020, the Applicant contacted the Planning Department with questions regarding the County Noise Ordinance and use classification for 3215 Beulah Cuttino Rd., the site of Merchant Ironworks. At that time, the applicant was provided links to the online Sumter County Code of Ordinances related to Noise and provided a PDF of the copy of the Noise Ordinance. Additionally, the applicant was informed that, in early 2019, the Zoning Administrator researched the use classification for 3215 Beulah Cuttino Rd. and believed at that time that the classification listed on the Business License was permitted in the AC District. That conversation ended with the Zoning Administrator agreeing to revisit the licensure/use to ensure that the currently operating business was appropriately classified on the Business License.

On February 5, 2020, the Zoning Administrator began reviewing the licensing history and use of 3215 Beulah Cuttino Rd. This review included reviewing 2019 Orthophotography and the Merchant Ironworks website in order to gain insight into the business, and a review of the Standard Industrial Classification (SIC) Code book to determine whether SIC Code 1799, which includes welding contractors, was the appropriate use classification in light of the apparent current use of the property.

On February 6, 2020, the Zoning Administrator and Applicant discussed the business activity taking place on

the property. It was conveyed to the Applicant that the Zoning Administrator was of the belief that the SIC Code classification for which Merchant Ironworks is licensed (SIC 1799) no longer reflects the business activity taking place at 3215 Beulah Cuttino Rd. Based on review of all available information it appeared that the SIC Code classification that the business should be listed under, 3441 – Fabricated Structural Metal, was a use not permitted in the AC District at that point in time.

On April 16, 2020, the Applicant submitted an Ordinance Amendment request (OA-20-02) to permit uses under SIC Code 34 via Special Exception approval within the AC District. Specific special design review criteria related to the use were proposed as a part of the Amendment request. This Amendment request was adopted in part by Sumter County Council on August 11, 2020. During the adoption process, specific SIC classifications within the broader SIC 34 classification were identified as appropriate for Special Exception approval, but others were not approved. The specific SIC Codes approved by the Sumter County Council were: 3441, 3442, 3444, 3446, 3448, and 3449. The following special design criteria were adopted as a part of the Amendment:

1. Lot Requirements: Minimum parcel size of 20 acres, which may be made up of separate contiguous parcels.
2. Building Requirements: Maximum Height of 35 ft.
3. Referenced use, to include all outdoor work areas/storage yards, equipment maneuvering/circulation areas in addition to structures shall not be located any closer than 100 ft. to any residential use as measured from the defined use are to residential structure.
4. All uses within this category shall be screened in such a fashion as to not be visible from off-site. Screening may be accomplished by any combination of fencing, walls, berms, or landscaping approved by the Board of Zoning Appeals upon recommendation of the Zoning Administrator. Where landscaping or trees are utilized there shall be a 15 ft. minimum buffer width that creates a year-round visual screen

a minimum of size (6ft.) feet in height over three growing seasons.

5. No material shall be placed in open storage in a manner that is capable of being transported by wind, water, or other causes.
6. Noise: The parcel shall be effectively buffered to be in compliance with Exhibit 9 and Exhibit 10 in Article 5.
7. Operating Hours: Operating shall be limited as follows:
 - i. Monday – Friday: 6:00 a.m. to 9:00 p.m.
 - ii. Saturday: 6:00 a.m. to 3:00 p.m.
 - iii. Sunday: No manufacturing or shipping operations.

The applicant is now requesting Special Exception approval in accordance with the recently approved Ordinance Amendment request.

Staff has a conducted a site visit as a part of the analysis of this request.

Mr. Jay Davis, Mr. David Merchant, Mr. Lee Prickett, and Mr. Joey Williams were present to speak in favor of the request.

Mr. Steven McKenize, Mr. Billy Aycock, Sr., Mr. Charles Ardis, Ms. Tori Johnson, and Mr. Billy Aycock, Jr. were present to speak in opposition of the request.

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

1. Additional improvements are proposed to meet landscaping/buffering requirements outlined in applicable special design review criteria. Additionally, submission of a Noise Study is required to document compliance with required noise standards outlined in Article 5, Exhibits 9 & 10.
2. The fabricated structural metal business on the subject property is within the AC District. The property was originally developed in 1990, prior to

the adoption of current County Zoning & Development Standards. Expansions were carried in 2014 and 2018 that were subject to current standards. The site, as it stands today, is in conformance with general site development standards applicable to the AC District including – setbacks, maximum building height, parking designs standards, impervious surface ratio standards, etc.

3. Implementation of the proposed site buffering/landscaping improvements in conjunction with the submission a Noise Study demonstrating compliance with applicable special design review criteria addresses the issue of harmony.
4. Implementation of the proposed site buffering/landscaping improvements in conjunction with the submission of a Noise study demonstrating compliance with applicable special design review criteria will not discourage or negate the use of surrounding properties for uses permitted by right.

Subject to the following conditions:

- a. Prior to the approval of a business license modifying the Standard Industrial Classification (SIC) Code of Merchant Iron Works to SIC 3441, all BZA approved site and landscaping improvements must be installed and inspected by the Planning Department.
- b. Submission of a Noise Study by certified professional demonstrating that operations on the site comply with Article 5, Exhibit 9, and Exhibit 10 of the Sumter County Zoning & Development Standard Ordinance.

The motion was seconded by Mr. Warren Curtis and carried a four (Curtis, Tisdale, Schumpert, Williams) in favor and one (Klopfleisch) in opposition. The motion carried.

BOA-20-20, 10290 Lynch River Rd. (County) was presented by Mr. Kyle Kelly. The Board reviewed this request for Special Exception approval for a Drinking

Place as required per the *Sumter County – Zoning & Development Standards Ordinance, Article 3, Section N, Agricultural Conservation Zoning District; 3.n.4.j. Special Exceptions – Drinking Place (SIC Code 5813); and Article 5, Section B; 5.b.3.e* of the Ordinance. The property is located at 10290 Lynches River Rd., is zoned Agricultural Conservation (AC), and is represented by Tax Map # 365-00-04-004.

Mr. Kelly mentioned the site has hosted several licensed businesses operating as social clubs. The most recent business use at the site was closed in February of 2018 by SLED and the Sumter City-County Building Department for operating outside of the scope of the liquor license and for building code violations. The site has been vacant since that time. The current proposal is to use the entire structure as a drinking place.

Mr. Kelly added this parcel is located on the edge of Sumter County about +/- 4,500 ft. from the Florence County line, it is significantly isolated from emergency services and public transportation.

Mr. Ernest Frierson and Mr. Sinclair Durant were present to speak in favor of the request.

Mr. Russell Sawyer, Ms. Theresa Sawyer, Mr. Randall Kelly, Mr. Jerry Locklear, Sr., Mr. Jerry Locklear, Jr., and Ms. Kathy Ward on behalf of Sumter County Sherriff Anthony Dennis were present to speak in opposition of the request.

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

1. There are two structures located within 300 ft. of the proposed building, both of which are classified as commercial.
2. 10290 Lynches River Rd. is a grandfathered non-conforming site not subject to discontinuance with respect to site development standards as the site closed in 2018. The site was previously licensed for restaurant use. The proposed use will occupy the existing building with no increase in floor area. Because the parking is tied to the gross floor area of a building, and no structural expansion is proposed, there is no increase in the required number of parking spaces for the site. In

accordance with Article 6, Nonconforming Zoning Uses and Sites, the site may remain “as is” without expansion or changes to the site configuration.

3. The parcel is zoned Agricultural Conservation (AC). The purpose of this district is to protect and preserve areas of the county which are presently rural or agricultural in character and use. The existing building’s past use was as a restaurant with on-premises alcohol consumption. While the AC district is supportive of small-scale commercial uses that cater to rural residential areas, depending on hours of operation and noise impacts, a sports bar may not be compatible with the nature of the area.

This area of Sumter-County is highly isolated from population core of the community. While there is a volunteer fire station approximately 5.4 miles (7 minutes) away from the site (Pleasant Grove Fire Station #40, and an EMS station (#6) located approximately 2.8 miles (5 minutes) from the site, the site is not in close proximity to a Sheriff’s Department substation. The Sumter-County Sheriff’s Department estimates that there is a response time of at least 20 minutes to this location in case of an emergency.

Due to the isolation nature of the site, transportation services may be hard to obtain for intoxicated patrons due to the extreme isolation of the site from the larger Sumter Community.

4. The purpose of the AC zoning district is to protect and preserve areas of the county which are presently rural or agricultural in character and use. The existing pattern of development in the area is marked by agricultural development with intermittent residential uses. Although the site and the two existing commercial sites adjacent to it are used commercially, the surrounding area is comprised of intermittent residential uses and agricultural fields.

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

Mr. N. Leslie Alessandro recused himself from this request.

BOA-20-21, 325 Broad St. (City) was presented by Mr. Jeff Derwort. The Board reviewed this request for a 13 ft. variance from the front setback requirements outlined in *Article 3, Section 3.i.5.: Minimum Yard and Building Setback Requirements* in the *City of Sumter – Zoning & Development Standards Ordinance* as well as a request a variance from *Article 8, Exhibit 8-9: Off Street Parking Requirements* to allow for a reduction in the number of required off-street parking spaces from 183 to 136. These variances are being requested to allow for the placement of an outdoor testing shelter in the parking area in front of the building. The property is located at 325 Broad St., is zoned General Commercial (GC), and is represented by Tax Map #s 229-14-01-014 & 229-14-01-025.

Mr. Derwort stated that the applicant is requesting a variance to front setbacks and minimum off-street parking requirements. Variance approval is required in order for the applicant to proceed with plans to place an aluminum shelter in the parking area in front of the building. The structure will be used as shelter for staff administering drive-through COVID-19 testing.

Mr. Derwort added under this proposal patients will be directed to enter the eastern access on Broad St. and then line up in a line que for testing in front of the building. Patients will then exit the site at the next access point to the west. Due to this proposed configuration, eight (8) off-street parking spaces will be blocked off and removed from use. This reduction in off-street parking further increases the sites non-conformity to minimum off-street parking requirements and requires variance approval.

Ms. Ashley Shirley 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 parking areas on the site are usually close to capacity during most operating hours. The testing shelter and associated traffic queuing will be located in front of the building in order to minimize the amount of impact on existing parking and patient accessibility to the site.
2. The medical office is providing outdoor COVID-19 testing to patients via drive-through, as is typical

current practice due to the highly contagious nature of the virus. No other sites in the immediate vicinity are balancing provision of this critical public service while trying to maintain normal business operations.

3. The Ordinance prevents the applicant from placing a structure within the front setback area and from reducing the amounts of off-street parking on the site. While the structure could be placed at another compliant location within the parking area, the associated queuing lines may impact patient access for ongoing routine medical services that are being provided. Additionally, an alternate location may pose a greater impact the amount of off-street parking available at the site.
4. It is the applicant's intent for this structure to be temporary in nature, remaining on the site only as long as needed to meet COVID-19 testing needs.

Subject to the following conditions:

- a. The test shelter shall be removed from the site and blocked parking spaces shall be reopened for customer use not later than December 31, 2021. Any extension request must be evaluated by the Sumter Board of Zoning Appeals.
- b. The applicant shall closely monitor, and shall make adjustments (if required), to the layout of the resting que line to ensure that no travel lands on Broad St. are blocked.

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

BOA-20-22, 520 Wilson Hall Rd. (City) was presented by Mr. Preston McClun. The Board reviewed this request for a 2% variance from the Maximum Impervious Surface Ratio for a Non-Residential Use as established in *Article 3, Section C, Exhibit 3-1 Development Standards for Uses in R-6 District* in the *City of Sumter – Zoning & Development Standards Ordinance* in order to increase the Impervious Surface Ratio to 42%. The property is located at 520 Wilson Rd., is zoned Residential-15 (R-15) and is represented by Tax Map # 185-00-02-012.

Mr. McClun mentioned the applicant is requesting an impervious surface ratio variance to allow the proposed expansion of the Wilson Hall gymnasium to create 3 new classrooms, a multipurpose room, and a new weight room. In addition, the Football Bleachers will have a renovation to the press box to upgrade the bathrooms.

Mr. McClun added the applicant is requesting to increase the impervious surface ratio for the parcel from 41% (7.24 acres) to 42% (7.37 acres), which would exceed the allowed maximum impervious surface ratio for the site by 2%.

Mr. Scott Bell was present to speak on behalf of the request.

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

1. Residential development has occurred that now bounds the 17.76-acre parcel to the immediate north and west, with roadways to the east and south. There are no vacant parcels in the vicinity of the site to add to the tract, and all development/redevelopment must occur on the existing tract.
2. While the R-15 zoning classification of the subject property and surrounding properties are shared, with some PD zoning for properties to the west, there is only one other non-residential use adjacent to the site, that being Wise Drive Baptist Church. The R-15 standards hold commercial development to the same impervious surface standards as non-residential development. Impervious surface limitations are meant to combat the negative effects of stormwater run-off. In single-family residential development, individual residential lots are exempt from stormwater management standards that are applied to non-residential development.
3. Ordinance standard for impervious surface ratio on this property will prohibit expansion of the Campus on this site. In order to meet 40% impervious surface standards, parking lots and/or structure that are in active and productive use to the school would have to be demolished. Removal of parking would require additional variances.

	<p>Impervious surface limitations are meant to combat off-site stormwater run-off, while limiting the impacts of lot coverage on adjacent parcels. Almost the entirety of one city block is part of the Wilson Hall campus. Any issues associated with stormwater run-off will be mitigated through on-site stormwater management requirements in compliance with the City of Sumter Stormwater Regulations.</p> <p>4. The purpose of regulating impervious surface area is to ensure compatibility and avoid negatively impacting surrounds properties. This development is subject to higher regulatory standard as it is a commercial development and must comply with City of Sumter Stormwater Regulations.</p> <p>The motion was seconded by Mr. Louis Tisdale and carried a unanimous vote.</p>
OTHER BUSINESS	NONE
	<p>With there being no further business, Ms. Cleo Klopfleisch made a motion to adjourn the meeting at 6:27 p.m. The motion was seconded by Mr. Warren Curtis 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>