



BOARD OF ZONING APPEALS

Minutes of the Meeting

March 10, 2021

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, March 10, 2021 in the First Floor Sumter Opera House Theater of the Sumter Opera House, 21 N. Main Street. Five board members – Mr. Leslie Alessandro, Mr. Jason Reddick, Mr. Sam Lowery, Mr. Warren Curtis and Mr. L.C. Fredrick were present. Mr. Steven Schumpert; Mr. Louis Tisdale and Ms. Cleo Klopfleisch were absent.

Planning staff in attendance: 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 10, 2021, meeting as written. The motion was seconded by Mr. L.C. Frederick and carried a unanimous vote.

NEW BUSINESS

BOA-21-02, 1151 Alice Dr. (City) was presented by Mr. Jeff Derwort. The Board reviewed this request for a multiple variances from the *City of Sumter Zoning & Development Standards Ordinance* to allow for the placement of a free-standing sign on the property, as follows: *Article 8, Section 8.h.11.b: General Sign Development Standards* in order to place a free-standing sign with a height of less than 14 ft. in a vehicle clearance area, *Article 8, Exhibit 8-5* in order to place a free-standing sign within the required setback area, and *Article 8, Section 8.i.3.e: Width of Aisles and Exhibit 8-7: Guidelines for Parking Lot Aisles* of the *City of Sumter Zoning & Development Standards Ordinance* in order to allow for the placement of a freestanding sign that will create a 24 ft. drive aisle width, 1 ft. less than the minimum requirement. The property is located at 1151 Alice Dr., is zoned Residential-9 (R-9) and is represented by Tax Map # 204-00-02-005.

Mr. Derwort stated the property is Residential-9 (R-9) and is located on the east side of Alice Drive between Wesmark Drive and Wise Drive. Since at least 2007, there has been no freestanding signage on the subject property. There have been several temporary banners and signs posted at various times in prior years, primarily advertising special events and programs hosted by the church.

Mr. Derwort added from 2012-2016 a roadway improvement project was completed in this area that resulted in the widening of Alice Drive from 2 to 5 lanes between W. Wesmark Drive and Wise Drive. This major public infrastructure project had significant impacts on right-of-way in the corridor, and existing uses such as the First Assembly of God Church were impacted due to configuration of parking areas, building placements, and access driveways.

Mr. Randall Stewart was present to speak on behalf of the request.

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

1. The church is comprised of two separate buildings, with plans to expand in the future to a third building on site. Much of the facility's parking is located along Alice Drive. From 2012-2016 a roadway improvement project was completed in this area that resulted in the widening of Alice Drive from 2 to 5 lanes between W. Wesmark Drive and Wise Drive. The major public infrastructure project had significant impacts on right-of-way in the corridor, and existing uses such as First Assembly of God Church were impacted due to how they had configured their site's parking areas, buildings, and access driveways.
2. While the widening of Alice Drive in the mid-2010s affected the entire length of the roadway between W. Wesmark Drive and Wise Drive, the specific configuration of the church's parking and site development was affected in a way not shared by other similar uses on the corridor because those uses had different parking configurations that were not as affected by the additional right-of-way required to complete the public infrastructure project.

3. Application of the ordinance to this particular piece of property would restrict the church from placing their primary signage in the location that, in their view, best orients visitors and passer bys to the configuration of their church site, and which aligns to the location of the church's current sanctuary. While there are other possible locations where the church could erect their signage given the size of the property, much of the site's Alice Drive frontage is constrained by the same setbacks and parking lot configurations challenges.

4. Approval of this request would not likely represent substantial determinant to adjacent property or to the public good, provided the condition of approval is met. The proposed signage will assist drivers with directional navigation and will not present a greater danger to vehicles than other properly approved monument signs on the corridor. Even with a zero setback there will be +/- 7 ft. between the outside of sidewalk and the edge of the proposed sign. Placing a free-standing sign for the subject property is consistent with the character of the district.

Following conditions:

1. Removal of pavement around the proposed site location and installation of low shrubs and/or concrete curb stops around the proposed sign base to reduce the potential for vehicle collision with the sign.

2. Submission of a surveyed site and landscaping plan showing the location of the sign in conformance with variances granted and with improvements proposed in Condition 1.

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

BOA-21-03, 931 Ravenwood Dr. (County) was presented by Mr. Jeff Derwort. The Board reviewed this request for a variance from *Article 8, Section 8.e.13.c of the Sumter County Zoning & Development Standards Ordinance* in order to allow for the subdivision of a property that will result in a new lot with less than 60 feet of public road frontage. The property is located at 931

Ravenwood Dr., is zoned General Residential (GR) and is represented by Tax Map # 159-05-01-001.

Mr. Derwort stated the applicant is seeking variance approval in order to subdivide an existing +/- 1.20-acre lot of record. The proposed subdivision will result in the creation of a new lot with less than 60 ft. of street frontage.

Mr. Derwort states that the applicant wishes to establish two (2) mobile homes on the subject property. This requires that the property be subdivided into two separate lots of record. While the property has sufficient size to accommodate two separate lots under GR zoning, the Ordinance requires all new lots be accessible by a public street. "Accessible" is construed as meeting the minimum frontage requirements for the zoning district on a public street. The minimum frontage requirement in the GR district is 60 ft. Due to the parcel configuration the 60 ft. minimum cannot be met.

Mr. Derwort added Ravenwood Dr. crosses the property from north to south; however, it is considered a private road within the boundaries of the subject property. The property only has public road frontage to the south on Ravenwood Dr. and to the north along the right-of-way lines of Ravenwood Dr. and Mana Dr. The public road frontage to the north on Ravenwood Dr./Mana Dr. is +/- 54.9 ft., less than the minimum required for the establishment of a new lot.

Mr. Thomas Leggett and Mrs. Nina Leggett were present to speak on behalf of the request.

Mr. Scott Alfred and Mr. BJ Russell were present to speak.

After a brief discussion, Mr. Jason Reddick made a motion to defer action on this request until the April 14, 2021.

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

BOA-21-04, 3160 Spencer Rd. (County) was presented by Mr. Jeff Derwort. The Board reviewed this request for a variance from the *Sumter County Zoning & Development Standards Ordinance* in order to allow for plat approval of a court-ordered lot line revision. Specifically, a variance from *Article 3, Section 3.n.5.b.*

Minimum Yard & Building Setbacks to allow for a dwelling unit to be located within 50 ft. of the rear property line is being requested. The property is located at 3160 Spencer Rd., is zoned Agricultural Conservation (AC), and is represented by Tax Map # 138-00-03-007.

Mr. Derwort stated the applicants are seeking variance approval in order to allow the approval of a plat reflecting a court ordered lot line adjustment.

Mr. Derwort added that the court ruling seeks to resolve a property line dispute between the owners of 3160 Spencer Rd. and the owners of 3150 Spencer Rd. The application was submitted with the proposed lot division and recombination plat along with two (2) separate court documents, one ordering the creation of the plat and one accepting the plat. The plat accepted by the court creates a non-compliant rear setback for the existing mobile home located at 3160 Spencer Rd., necessitating a rear setback variance.

The primary purpose of the court order(s), as related to this variance request, is to address the encroachment of the mobile home addressed as 3160 Spencer Rd. onto the adjacent property located at 3150 Spencer Rd.

The plat identifies two structures described as log sheds. These structures were established by the owners of 3150 Spencer Rd. during the course of the property dispute litigation, are unpermitted, and are in violation of the Sumter County Zoning & Development Standards Ordinance. Since the structures are on the adjacent property, the applicant does not have standing to request variance approval regarding their location.

Mr. Matthew Williamson, attorney for applicant, spoke on behalf of the request.

Mr. Christopher Myers and Ms. Irene Myers were present to speak against the request.

After a brief discussion, Mr. Sam Lowery made a motion to approve this request subject to the following findings of fact and conclusions. Mr. Warren Curtis made a motion to amend the motion to include the conditions recommended by staff.

1. The property in question is part of Court-Ordered property line adjustment resulting from a property dispute between the applicant and an adjacent

property owner. The case was adjudicated by the Sumter County Master-In-Equity, and the lot line adjustment boundaries were established via order from applicable court cases.

2. This is an isolated condition that does not generally apply to other property in the vicinity. The court order applies only to the subject property.
3. The property itself was the subject of a property line dispute resolved by the Sumter County Master-In-Equity. The dispute revolved around the 1999 placement of a mobile home that encroached onto property located at 3150 Spencer Rd. In order to resolve the dispute, the Sumter County Master-In-Equity directed the preparation of a plat showing a property boundary line revision. This plat was subsequently accepted by the Court.
4. The authorization of the variance would not be of substantial detriment to adjacent property, the public good, nor harm the character of the district. Rather, the variance will allow for the enforcement of a court order in a way that does not impact the two properties subject to this request and subject to the referenced court orders. Further, approval of the variance will allow the property owners to reconcile the historical encroachment of the applicant's mobile home onto the adjacent property.

Following conditions:

1. Prior to Sumter City-County Planning Commission approval of the plat prepared for 3160 Spencer Rd. by Black River Land Surveying and dated 4-13-2020, the following notes must be added to the plat:

- a. Plat subject to variance approval by the Sumter City-County Board of Zoning Appeals (Case# BOA-21-04).
- b. All structures identified as "log sheds" were constructed without valid building permits at the time of survey.

	<p>c. All structures identified as “log sheds” are subject to any zoning relief granted under BOA-21-04 and would require separate variance approval in the current location prior to building permit approval.</p> <p>2. Prior to Sumter City-County Planning Commission approval of the plat prepared for 3160 Spencer Rd. by Black River Land Surveying and dated 4-13-2020, the date of the final court ruling must be included on the plat.</p> <p>The motion was seconded by Mr. L.C. Frederick and carried a unanimous vote.</p>
OTHER BUSINESS	
	<p>With there being no further business, Mr. Sam Lowery made a motion to adjourn the meeting at 5:15 p.m. The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for April 14, 2021.</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>