



BOARD OF ZONING APPEALS

Minutes of the Meeting

October 12, 2022

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, October 12, 2022, in the Fourth Floor City Chambers of the Sumter Opera House, 21 N. Main Street. Seven board members –Mr. Jason Reddick, Mr. Warren Curtis, Ms. Cleo Klopfleisch, Mr. Louis Tisdale, Mr. Clay Smith, Mr. Claude Wheeler, Jr. and Mr. Steven Schumpert were present. Mr. Sam Lowery and Mr. Leslie Alessandro were absent.

Planning staff in attendance: Ms. Helen Roodman, Mr. Kyle Kelly, and Ms. Kellie Chapman.

The meeting was called to order at 3:03 p.m. by Mr. Warren Curtis, Vice-Chair.

MINUTES

Ms. Cleo Klopfleisch made a motion to approve the minutes of the September 14, 2022, meeting as written. The motion was seconded by Mr. Clay Smith and carried a unanimous vote.

NEW BUSINESS

Louis Tisdale recused himself from BOA-22-25.

BOA-22-25, 2462 Wedgefield Rd. (County) was presented by Mr. Kyle Kelly. The Board reviewed a request for variance approval from the requirements outlined in *Article 3, Section 3.b.5.a.: R-15 District Minimum Lot Requirements* and *Article 8, Section 8.e.13: Lots of the Sumter County Zoning & Development Standards Ordinance* in order to subdivide an existing +/- 7.46 acre tract of land into two separate lots, with one of the proposed lots only having +/- 13 ft. of road frontage and +/- 13 ft. of lot width (at the front setback line). At least 100 ft. of lot width at the front setback line and 60 ft. of frontage on a public road is required for new lots in the R-15 district. The property is located 2462 Wedgefield Rd., is zoned Residential-15 (R-15), and is represented by TMS# 206-00-02-009.

Mr. Kelly stated the applicant is requesting a variance from public road frontage and lot width requirements applicable to the R-15 zoning district to subdivide the existing 7.46-acre tract into a 6.46-acre lot and a 1.0-acre lot.

Mr. Kelly added that +/-13 ft. of road frontage and +/- 13 ft. of lot width (at the front setback line), the proposed 1.0-acre lot would not meet the lot width requirement or minimum street frontage requirement for the R-15 District.

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 tract is 7.46-acres in size with primary road frontage on W. Oakland Ave., in an area of unincorporated Sumter County just west of the City of Sumter. While most lots of land in this area of Sumter County are generally rectangular, with some larger tracts having irregular shapes owing to natural features, the subject parcel is generally a larger triangle with the portion of the parcel at Wedgefield Rd. having a narrower extent that deviates from being a regular triangle shape.

The shape of the property relative to its location in Sumter County is an extraordinary and exceptional conditions pertaining to the property that relates to applicant's specific request to allow for a subdivision of the tract into two parts.

2. The combined size and shape of the tract is an extraordinary and exceptional condition pertaining to the property that relates to this specific request. In the immediate vicinity of the site, lots are generally rectangular, though there are a few triangular parcels scattered throughout. Most lots do not have multiple street frontages, as is the case with this lot.
3. The property is currently entitled for development in accordance with Residential-15 (R-15) zoning district requirements and other general Ordinance requirements applicable to all land developments. Application of the Ordinance to this piece of property would prevent the applicant from subdividing this property as proposed. The property is a +/- 7.46-acres in size and has frontage on two separate public roads.
4. Approval of this request is not expected to be of any substantial detriment to adjacent property or to the public good. Access to each proposed subdivided parcel is well-established via existing driveways, one on W. Oakland and one on Wedgefield Rd.

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

BOA-22-26, 210/212 W. Liberty St. (City) was presented by Mr. Kyle Kelly. The Board reviewed a request for consideration of a Conditional Use request for the establishment of an automotive repair use (SIC Code 753) on the property. The Zoning Administrator has referred this conditional use request

to the Board of Zoning Appeals for special exception review consistent with *Article 5, Section 5.a.3: Review* and *Article 5, Section 5.b.1: Criteria for Conditional Use Review* of the City of Sumter Zoning & Development Standards Ordinance. The property is located at 210/212 W. Liberty St., is zoned General Commercial (GC) at the location of the proposed use and is represented by TMS# 228-13-02-002.

Mr. Kelly stated that this conditional use request is being referred for review as a special exception. This referral is made because affirmative findings for all the applicable conditional use criteria outlined in *Article 5.b.1.a – 5.b.1.f* cannot be made by staff.

Mr. Kelly stated the property has primary frontage on W. Liberty St., where the use of land is predominately commercial, office and institutional.

Mr. Kelly mentioned the property is extremely narrow, as compared to other non-residential properties in the immediate vicinity.

Mr. Kelly stated this building shares a wall with the building on the adjacent property to the east and there is +/- 5 ft. of space between the building on the property and the building on the adjacent property to the west.

Mr. Kelly added while the property has primary frontage on W. Liberty St., the rear of the building can only be accessed from the adjacent property to the west via platted access easement.

Mr. Kelly mentioned there is no entrance large enough for an automobile on the front of the building. Vehicles being repaired inside the building would need to be pulled into the building via the larger rear building doors.

Mr. Kelly stated the subject property crosses 3 separate zoning districts: General Commercial (GC), Professional Office (PO), and Residential-6 (R-6). Automotive repair uses under SIC 753 may only be established via conditional use approval in the GC zoning district. If approved, no portion of the use can extend into the PO or R-6 portions of the property absent a rezoning of these areas.

Mr. Richard Burns was 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. The property at 210/212 W. Liberty St. is a non-conforming site subject to discontinuance with respect to site development standards. This site does not meet current city landscaping requirements. Further, minimum parking standards for the use cannot be met in the GC zoned area of the property. Based on Article 6 of the Ordinance, the site may remain “as is” without expansion or changes to the site configuration so long as the permitted work required to occupy the building is less than 25% of the value of the structure. At this time no required work to the structure has been identified by the applicant.

2. The property is situated within three (3) separate zoning districts, GC, PO, and R-6. Automotive repair uses, and associated components such as car storage and parking, can only be established in the GC zoned portion of the property. There is limited space within the GC zoned portion of the property to carry out an automotive repair business in compliance with the Ordinance.

The property is situated along the W. Liberty St. corridor near the Central Business District, historic residential areas, and prominent institutional uses. An automotive repair use in this location has the potential to disrupt the existing character of the area due to common characteristics associated with this use, including but not limited to outdoor car storage, parts storage, tow/wrecker truck delivery of vehicles, etc.

3. The property is situated within three (3) separate zoning districts, GC, PO, and R-6. Automotive repair uses, and associated components such as car storage and parking, can only be established in the GC zoned portion of the property. There is limited space within the GC zoned portion of the property to carry out an automotive repair business in compliance with the Ordinance.

The rear building must be accessed through a shared parking lot with the adjacent property to the west. While easements appear to be present based on plat examination, access for an automotive repair use through this adjacent property will likely result in negative impacts to “by-right” uses occurring on this property, particularly if tow and wrecker trucks are delivering vehicles to the rear of the subject property.

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

BOA-22-27, 1270 Rockdale Blvd. (County) was presented by Mr. Kyle Kelly. The Board reviewed a request for variance approval from the requirements outlined in *Article 4, Section 4.g.2.b.5: Setbacks (Residential Accessory Structures)*, *Article 4, Section 4.g.2.b.6: Maximum Size (Residential Accessory Structures)*, and *Article 4, Exhibit 8A: Maximum Square Footage of Residential Accessory Structures Based on Gross Acreage* of the Sumter County Zoning & Development Standards Ordinance in order to permit the construction of an addition to an existing 864 sq. ft. residential accessory building that will result in a 1,326 sq. ft. residential accessory building that will be located +/- 5 ft. from the side and rear property lines. The property is +/- 0.66 acres in size and is allowed no more than 1150 sq. ft. of total residential accessory building area. Residential accessory buildings over 1200 sq. ft. in size must be setback 10 ft. from the rear and side property lines. The property is located at 1270 Rockdale Blvd., is zoned Residential-15 (R-15), and is represented by TMS# 182-15-01-003.

Mr. Kelly stated the applicant is requesting variance approval to permit a patio roof addition and a small bathroom addition to an existing accessory structure located on the property.

Mr. Kelly mentioned these additions are associated with previous construction of an in-ground pool and concrete patio in front of the existing accessory structure.

Mr. Kelly added the proposed additions will result in an accessory structure that will exceed overall maximum area permitted for such structures, based on the size of the property.

Additionally, the proposed additions trigger more restrictive setback requirements that cannot be met on the rear and side property lines.

Mr. Michael MacLain and Mr. Gee Dew were 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 subject property is +/- 0.66-acres in size and is located within the Stonecroft subdivision. A +/- 864 sq. ft. accessory structure was permitted in 2018 (Permit # 29018-03495) and received final inspection approval in July of 2019. The structure was built +/- 5 ft. from the side and rear property lines, in compliance with the setback requirements for the size of the structure. The primary area for the addition, which is a roof for and unenclosed patio, is to the front of the building and will

not be constructed any closer to the side and rear property lines than the existing extents of the structure. Due to the nature and the location of the proposed addition, staff finds that these referenced conditions could be considered extraordinary and exceptional in relation to a request for a rear setback variance.

2. The nature of the proposed project and the location of the proposed addition to the front of the building is a generally unique condition in the vicinity of the property. This relates to the request for a rear setback variance only.
3. In relation to the rear setback variance request, these conditions prevent the applicant from constructing additions do not further encroach into the rear setback, just the overall size of the structure with the proposed additions triggers more restrictive setback requirements.
4. The authorization of a variance is not likely to result in substantial detriment to adjacent property and the public good.

Subject to the following conditions:

- The property located at 1270 Rockdale Blvd. (TMS# 182-15-01-003) and 1250 Rockdale Blvd. (TMS# 182-15-01-002) must be combined into one lot via approved plat and one tax parcel via action of the Sumter County Tax Assessor's Office prior to approval of building permits for the proposed accessory structure additions.
- After this combination of lots (as described in the first proposed condition) occurs, the applicant must obtain building permits for the unpermitted +/- 168 sq. ft. storage building located on the property at 1250 Rockdale Blvd. (TMS# 182-15-01-002) prior to building permit approval for the proposed accessory structure additions.

The motion was seconded by Mr. Clay Smith and carried a unanimous vote.

BOA-22-28, 5670 Pear Tree Rd. (County) was presented by Mr. Kyle Kelly. The Board reviewed a request for variance approval from the requirements outlined in *Article 4.g.2.b.6: Maximum Size (Residential Accessory Structures)* and *Article 4, Exhibit 8A: Maximum Square Footage of Residential Accessory Structures Based on Gross Acreage* of the Sumter County Zoning & Development Standards Ordinance in order to permit a total of +/- 1,960 sq.

ft. of residential accessory building area on the property. The property is +/- 0.91 acres in size and is allowed no more than 1,450 sq. ft. of total residential accessory building area. The property is located at 5670 Peartree Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 130-16-01-003.

Mr. Kelly stated the applicant is requesting variance approval for the construction of a 1,560 sq. ft. accessory garage building in the side yard of the property at 5670 Pear Tree Rd.

Mr. Kelly mentioned the property currently contains a single-family residential dwelling and an existing +/- 400 sq. ft. accessory storage building, and unpermitted detached carport in the front yard on the property.

Mr. Eugene Edmundson 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 property is +/- 0.91-acres in size, and is located within the Orchard Heights subdivision. The lot is located at the end of one of the cul-de-sacs in the subdivision. The lot is a combination to two of the original lots in the subdivision, each of which is generally 0.45-acres. While the subject site is larger than most of the lots in the subdivision, it is not the only situation in which multiple lots in the subdivision have been combined.
2. The lots immediately behind the subject site (to the north) share similar conditions as the subject property. All residential properties are required to abide by the accessory structure limitations based on gross acreage of the lot, with different allowances for structure size based on the size of the lot.
3. As is, the applicant could construct up to 2 accessory buildings with a combined size of 1,450 sq. ft. without a variance. The applicant has an existing +/- 400 sq. ft. accessory structure and could build an additional +/- 1,050 sq. ft. structure without a variance. The ordinance prevents the applicant from exceeding this limit.
4. The purpose of regulating the size of residential accessory buildings is to ensure compatibility, preserve the primary residence as the focal point of the property, and avoid negatively impacting surrounding properties.

Exceeding the established maximum accessory structure size limits without demonstrating a true hardship is detrimental as it hinders the effectiveness of the Ordinance requirements and undermines the expressed intent of the Ordinance countywide.

Subject to the following conditions:

- The existing unpermitted detached carport in the front yard of the property either 1) must be removed from the property or 2) must be attached to the primary dwelling and meet all applicable principle building setbacks for the AC district and any other applicable development standards. Building permits must be obtained and work must be completed and inspected prior to building permit approval for the 1,560 sq. ft. residential garage building.
- A building permit must be obtained for the 1,560 sq. ft. residential garage building by January 6, 2023.

The motion was seconded by Mr. Louis Tisdale. Mr. Steven Schumpert then made a motion to amend Ms. Klopfleisch's motion to remove the requirement that the 400 sq. ft. accessory structure be removed from the site. The motion to amend was seconded by Mr. Jason Reddick and carried with five (Reddick, Tisdale, Schumpert, Wheeler, Klopfleisch) votes in favor and one vote (Smith) in opposition.

The original motion, as amended, was then voted on and carried a unanimous vote.

BOA-22-29, 5633-3 Broad St. (County) was presented by Mr. Kyle Kelly. The Board reviewed this request for Special Exception approval in accordance with *Article 3, Section 3.i.4: GC District Special Exceptions, Article 3; Exhibit 5: Permitted and Conditional Uses in the Commercial, Industrial, Agricultural, and Conservation Districts; Article 5, Section 5.b.2: Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities,* and *Article 5, Section 5.b.3.m: Tattoo Parlors (Special Design Criteria)* of the Sumter County Zoning & Development Standards Ordinance in order to establish a Tattoo Parlor Use (SIC Code 7299) on the property. The property is located at 5633 Broad St., is zoned General Commercial (GC), and is represented by TMS# 132-00-02-017.

Mr. Kelly stated that the subject property is a commercial space within an existing commercial shopping center known as "Shaw Square" located at the corner of Broad St. and Peach Orchard Rd.

Mr. Kelly mentioned based on business license records and historical street imagery, while the shopping center has had multiple active businesses, the specific tenant space at 5633-3 proposed for occupancy by the applicant appears to have been vacant for the last 5 years.

Ms. Margaret Taylor-Urrea was present to speak on behalf of the request.

Mr. Capers Lee, Ms. Heather Mullen, Ms. Ivy Disher and Ms. Jennifer Houston were present to speak in opposition 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 commercial shopping center containing the proposed tenant space was developed prior to the adoption of the current Sumter County Zoning and Development Standards Ordinance. Because the site has continually operated with commercial businesses in the various tenant spaces, the parking lot and landscaping are legal non-conforming features to the property. The site currently meets all applicable special exception separation standards.
2. The proposed Special Exception request is in substantial harmony with the surrounding area. The proposed special exception space, in addition to the areas immediately adjacent to these properties are zoned General Commercial (GC). At the scale and scope proposed by the applicant, the land use impacts of the tattoo parlor use should be indistinguishable from the operations of the other commercial uses within the existing shopping center.
3. The proposed special exception will not discourage or negate the use of surrounding property permitted by-right. The ordinance's 1,000 ft. buffer separation from churches/religious institutions, schools, public parks or recreation facilities, and other tattoo parlors is designed to prevent the negative impacts of a potentially objectionable commercial use. In this instance, the special exception use meets the required separation criteria. Additionally, the proposed location is screened and buffered from these enumerated sensitive uses by the pattern of existing development including buildings, roads, and existing vegetative screening. As the space was previously used for commercial activity, the

	<p>operation of a self-contained tattoo parlor should not result in any change in land use impacts to the neighboring commercial or residential uses.</p> <p>The motion was seconded by Mr. Louis Tisdale and carried a unanimous vote.</p>
OTHER BUSINESS	<p>Ms. Helen Roodman mentioned training opportunity on Monday, November 14, 2022.</p>
	<p>There being no further business, Mr. Clay Smith made a motion to adjourn the meeting at 4:37 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 October 12, 2022.</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>