



ZONING BOARD OF APPEALS

Minutes of the Meeting

March 8, 2023

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, March 8, 2023, in the Fourth Floor City Chambers of the Sumter Opera House, 21 N. Main Street. Nine board members – Mr. Leslie Alessandro, Mr. Louis Tisdale, Mr. Frank Shuler, Mr. Claude Wheeler, Mr. William Bailey, Mr. Steven Schumpert, Mr. Jason Reddick, Mr. Todd Champion and Mr. Clay Smith were present.

Planning staff in attendance: Mr. Jeff Derwort and Ms. Kellie Chapman.

The meeting was called to order at 3:02 p.m. by Mr. Leslie Alessandro, Chairman.

MINUTES

Mr. Louis Tisdale made a motion to approve the minutes of the February 8, 2023, meeting as written. The motion was seconded by Mr. Clay Smith and carried a unanimous vote.

NEW BUSINESS

BOA-23-05, 60 Swamp Fox Run (City) was presented by Mr. Jeff Derwort. The Board reviewed this request for variance approval from the rear building setback requirements outlined in *Article 3, Section 3.k.5.b: (LI-W District) Minimum Yard & Building Setbacks* of the City of Sumter Zoning & Development Standards Ordinance in order to allow a 25 ft. rear building setback for future development of the property. The property is currently subject to a 100 ft. rear building setback requirement per applicable zoning district requirements. The property is located at 60 Swamp Fox Run, is zoned Planned Development (PD) subject to the development standards for the Light Industrial-Warehouse (LI-W) District, and is represented by TMS# 226-14-03-038.

Mr. Derwort stated the property is +/- 1.79-acres in size and is zoned Planned Development (PD). The original development was approved as a PUD (Type A) in 1998 (Case# PUD-98-09), an approval mechanism no longer authorized under the zoning ordinance.

Mr. Derwort mentioned this type of PUD applies the existing zoning standards on the site prior to PUD approval, which in this case is Light-Industrial Warehouse (LI-W). Any requested

deviations from those standards as shown on approved PUD supporting documentations and plans. No alternate standards approved under this PUD are applicable to this property. For all intents and purposes, the requirements of the current LI-W zoning district are applicable for the development of this property.

Mr. Derwort added that LI-W zoning requires a 100 ft. setback where adjacent to a residential zoning district, and that the property is directly adjacent to a residential zoning district along the rear property line.

Mr. Roy Creech was present to speak on behalf of the request.

Ms. Cindyella Dozier was present to inquire if the case affected her property.

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 +/- 1.79-acres in size and partially fronts on a cul-de-sac. The required rear setback area accounts for approximately 35% of the total site area.
2. The adjacent property to the north, which shares similar conditions as the subject property, was also subject to the 100 ft. rear setback requirement until the Zoning Board of Appeals approved a similar request in 2019 (BOA-19-21). The adjacent property has cul-de-sac frontage to a much greater degree than the subject property, though the properties share similar lot depths. The subject property and the adjacent property to the north are the only properties in the industrial park development where the entirety of the rear property lines are subject to the more restrictive 100 ft. setback requirement due to their adjacency with a residential zoning district.

The increased setback standard (where adjacent to residential zoning) is imposed by the zoning ordinance to protect adjacent residential development from the impacts of light industrial/warehouse uses through increased separation standards. This setback standard is applied throughout the community whenever LI-W zoning abuts residential zoning.

3. The application of the 100 ft. rear setback would not necessarily prohibit development from occurring on the subject property. However, it would certainly restrict the scale and would require the building footprint of any

proposed development to be more oriented toward the street frontage.

Due to the characteristics of the underlying zoning on the site, it is reasonable to conclude that many of the uses permitted would require accommodation for large trucks. Full application of a 100 ft. setback on this property may require truck circulation and loading/unloading areas to be orientated at the rear of the buildings and closer to the adjacent residential subdivision in order to accommodate large truck turn radii. A typical turn radius for a standard size semi-truck and trailer can be as much as 75 ft. or greater. Per Ordinance standards, parking and circulation areas can be located within the setback area. The situation could create a different set of impacts to adjacent residential properties by forcing traffic flow between the warehouse structures and adjacent residences.

4. The requested variance will have little impact on the adjacent development along Swamp Fox Run, as these properties are a part of the same light industrial subdivision and would not be greatly impacted by this specific request. However, the site is immediately adjacent to the Guignard Park subdivision to the rear.

Guignard Park is a single-family residential development that was constructed in the early to mid-1990s. The proposed development of 60 Swamp Fox Run could be detrimental to adjacent residential properties as the applicant is requesting a 75% reduction from the required 100 ft. rear setback standard to accommodate proposed development plans. The 100 ft. setback standard established in the zoning ordinance is intended to protect adjacent residential development from the impacts of light industrial/warehouse uses by increasing the distance between the uses, thereby minimizing the visual and auditory impacts of the use.

If the variance is granted as proposed, it could result in a 60 ft. tall building (the maximum height permitted by ordinance) being within 25 ft. of the common rear property lines of two (2) single-family residential parcels. The building will be directly visible from these residences. The subject property ranges from approximately 4 ft. to 8 ft. lower than the adjacent residential lots. Existing residential dwelling units on the adjacent properties are, on average +/- 55 – 60 ft. from the back wall of the proposed warehouse building. The development plan as proposed places the rear of the building within close proximity of the common property

	<p>line, however the proposed building placement is such that all truck and vehicle circulation would be to the front of the building closest to the rear property line. If the lot is developed using the required 100 ft. rear setback, there would not likely be a building barrier between vehicle circulation areas and the adjacent residential lots, as the space at the rear of the property would likely be needed to accommodate proposed development.</p> <p>Subject to the following conditions:</p> <ol style="list-style-type: none"> 1. A rear setback of no less than 30 ft. in accordance with the following: <ol style="list-style-type: none"> a. 20 ft. wide 'C' rear vegetative buffer that would include 2 canopy trees per 100 ln. ft., 6 evergreen trees per 100 ln. ft., and 15 tall shrubs per 100 ln. ft., or equivalent selection of plantings meeting the intent of city landscaping requirements. Selected plantings will provide a year-round visual screening (i.e., evergreen trees and evergreen tall shrubs). b. A Tree Survey must be prepared indicating significant and historic trees on the property, in accordance with the required development standards. c. No parking, driving, or vehicle circulation infrastructure behind the proposed building closest to the rear property line. 2. A maximum building height of no greater than 25 ft. in height. 3. No exterior lighting that would adversely affect residence to the rear. <p>The motion was seconded by Mr. Clay Smith and carried a unanimous vote.</p>
<p>OTHER BUSINESS</p>	<p>NONE</p>
	<p>There being no further business, Mr. Clay Smith made a motion to adjourn the meeting at 3:27 p.m. The motion was seconded by Mr. Claude Wheeler and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for April 12, 2023.</p>
	<p>Respectfully submitted,</p>

	<p><i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>
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