



ZONING BOARD OF APPEALS

Minutes of the Meeting

November 8, 2023

ATTENDANCE

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

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

The meeting was called to order at 3:05 p.m. by Mr. Leslie Alessandro, Chairman.

MINUTES

Mr. Steven Schumpert made a motion to approve the minutes of the September 13, 2023, meeting as written. The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.

NEW BUSINESS

BOA-23-23, 1680/1686 Boulevard Rd. (County) was presented by Mr. Jeff Derwort. The Board reviewed this request for a variance to the requirements outlined in *Article 4.f.3: Yards Located on Lots With More than One Principal Building* of the Sumter County Zoning & Development Standards Ordinance in order to allow more than 1 (one) principal residential structure to be established on a lot of record, and to grant relief from the minimum separation distance required when more than 1 principal structure is located on a lot of record. The applicant is requesting this variance to establish a manufactured home on the property. The existing dwelling addressed as 1680 Boulevard Rd. is located partially on the subject property. The property is located at 1680/1686 Boulevard Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 265-00-01-026.

Mr. Derwort stated prior to 1991, the subject property and the property directly adjacent to the north constituted 1 single lot of record with a +/- 1-acre lot size. Two older housing units existed on the single lot of record, built in 1948 & 1949 respectively (per property card data).

Mr. Derwort added a lot split was approved by the Sumter County Tax Assessor's Office in 1992 to reflect a probate court

order. The split resulted in a property line running through 1 of the existing residential structures. A plat recorded in 2008 also reflects the lot split.

Mr. Derwort mentioned a manufactured home existed on the subject property at one time but was removed sometime between 2007 & 2013.

Ms. Gwendolyn White Wilson was present to speak on behalf of the request.

After a brief discussion, Mr. Frank Shuler made a motion to approve this request subject to the following approval conditions:

1. Prior to probate action in 1991, the subject property and the property directly adjacent to the north constituted 1 single lot of record with a +/- 1-acre lot size. The single lot of record contained 2 separate residential dwelling units, constructed in 1948 and 1949 respectively (per property card data). The 1991 probate action split the lot approximately in half, resulting in a property line running through 1 of the existing residential structures. A manufactured home was established on the subject property in the past. However, the dwelling has been removed from the property for many years and can no longer be reestablished under the nonconforming uses/sites provisions outlined in Article 6 of the Ordinance.
2. The situation is somewhat unique, as it involves a court order split of the property that created a situation where an existing residential structure is located on both properties.
3. In accordance with Ordinance requirements, no additional residential structure can be placed on the subject property. Another potential option for the property owner is to adjust the northern property boundary in a manner that solely places it on the property to the north. While this would permit the placement of the manufactured home structure on the property, doing so would also involve multiple variance requests to lot dimensions and setback requirements for both the subject property and the property to the north.
4. Beyond the immediate impacts of the adjacent property to the north, it is unlikely that approval of this request will result in substantial detriment to any other adjacent property or the public good. Further, approval of this request is unlikely to harm the character of the district.

Regarding the immediate impact to the adjacent property to the north, it is noted that the applicant lives in the house that

is situated over the property line, and another family member lives in the house completely on the adjacent property.

Subject to the following conditions:

1. The manufactured home shall be located no closer than 12 ft. (at any point) to the residential dwelling addressed as 1680 Boulevard Rd.
2. The manufactured home shall not be replaced with a site-built dwelling without returning to the Board of Zoning Appeals for appropriate variances.

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

BOA-23-24, 5663 Edgehill Rd. (County) was presented by Mr. Kyle Kelly. The Board reviewed this request for variance to the subdivision development standards outlined in *Article 8.e.13.c. (Lots) & Article 8.e.13.g. (Lots)* of the *Sumter County Zoning and Development Standards Ordinance* in order to permit a lot recombination/subdivision that will result in at least 1 lot having less than 60 ft. of lot width throughout and no frontage on a public road. New lots in the AC zoning district are required to have 60 ft. of lot width throughout the entire lot and are required to have at least 60 ft. of frontage on a public road. The property is located at 5663 Edgehill Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 134-00-01-008.

Mr. Kelly stated the applicant is requesting variance approval to permit a lot recombination/subdivision that will result in at least 1 lot having less than 60 ft. of lot width throughout and no frontage on a public road.

Mr. Kelly added that the Ordinance requires new lots in the AC zoning district to have 60 ft. of lot width throughout the lot and at least 60 ft. of frontage to a public road.

Mr. David Peagler was present to speak on behalf of the request.

After a brief discussion, Mr. Louis Tisdale made a motion to approve this request subject to the following:

1. The subject property is +/- 2.56-acres in size, with 48.32 ft. of frontage on Edgehill Rd. The lot is non-conforming due to its current lot width of less than 60 ft. at several points and due to its street frontage of less than 60 ft. at Edgehill rd.

The proposed subdivision is intended to resolve a property dispute between neighboring property owners caused by the encroachment of site development by the adjacent utility

property, Blue Granite Water Company. Blue Granite has established driveways and at least one well on the applicant's property, and as resolution, the applicant desires to sell a 0.74-acre portion of the parcel to Blue Granite to combine with their existing parcel.

While there are numerous uniquely shaped parcels of record in the area of this site, none share the same conditions as the subject parcels, particularly with regard to the narrow width of the lot, combined with the encroachment of the neighboring property owner/use. A further factor in this request is that there is a floodplain/floodway that limits access to property owned by Blue Granite, absent use of the applicant's property. This represents a hazard mitigation concern, as locating Blue Granite, an NPDES-regulated sanitary sewer service, outside of a regulatory floodplain/floodway would mitigate harmful effects caused by natural disasters to the facility and those users it serves.

2. Lots and tracts in this area of Sumter County are generally a combination of large agricultural tracts and smaller residential lots. Several lots in the vicinity do not meet Article 8.e.13. standards, though these lots were created prior to adoption of the current Ordinance.

The condition of the encroaching use on the applicant's property by the neighboring commercial use is a unique condition not commonly found across the County.

All properties in Sumter County are required to meet Article 8.e.13. standards, save for those defined as exempt subdivisions under Article 10, which is limited to agricultural restricted uses and family exempt subdivisions.

3. The application of the ordinance to the particular property restricts the ability of the applicant to resolve his property ownership and use dispute with Blue Granite Water Company in the desired manner, to which both parties have agreed. Application of Article 8.e.13. to this situation would result in the property owner not having the ability to subdivide the tract (as desired) in order to sell and convey to Blue Granite the portion of the tract they are already using, and for which removal of equipment and improvements would be a significant financial challenge.
4. Article 8.e.13. requires that newly subdivided lots be established with public road frontage in order to minimize the presence of "landlocked" lots, meaning tracts of land that cannot be reached but by crossing another property owner's land. While easements are employed as a means to established legal access to property, their application and

	<p>enforceability is left to individual property owners, leaving situations in which property becomes difficult to access for its owners. Article 8.e.13. ensures that lots are created with the necessary width to allow access without requiring easements across property owned by other individuals.</p> <p>In this case, while the width of the parcel would be less than 60 ft. and the parcel itself would be landlocked, the applicant does not own property that physically touches the subject site, and the property transaction proposed between the applicant and Blue Granite Water Company would include a properly recorded cross-access easement by both parties. This does not prevent the applicant from separate ownership of lots, but it would preserve legal access to the property that would ameliorate the condition of access to a landlocked lot of record.</p> <p>The motion was seconded by Mr. Steven Schumpert and carried by a unanimous vote.</p>
OTHER BUSINESS	<p>Mr. Derwort reminded the board members to attend training before the end of the year.</p> <p>Mr. Derwort informed the board that City Ordinance Amendment (OA-22-13) Residential Development Standards received Second Reading (Final) Approval on Tuesday, November 7, 2023.</p>
	<p>There being no further business, Mr. Steven Schumpert made a motion to adjourn the meeting at 3:42 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 December 13, 2023</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>