



## ZONING BOARD OF APPEALS

### Minutes of the Meeting

December 10, 2025

#### ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, December 10, 2025, in the First Floor James E. Clyburn Intermodal Transportation Center Santee Wateree Regional Transit Authority (RTA) Building Meeting Room, 129 South Harvin St., Sumter, South Carolina. Seven board members – Mr. Todd Champion, Mr. Frank Shuler, Mr. Clay Smith, Mr. Doc Dunlap, Mr. Claude Wheeler, Mr. Jason Reddick and Mr. Gene Weston were present. Mr. William Bailey and Mr. Steven Schumpert were absent

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

The meeting was called to order at 3:06 p.m. by Mr. Clay Smith.

#### MINUTES

Mr. Doc Dunlap made a motion to approve the minutes of November 12, 2025, meeting as written. The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.

#### NEW BUSINESS

**BOA-25-35, 4035 Golden Bay Rd. (County)** was presented by Mr. Jeff Derwort. The Board reviewed the request for a variance from the requirements of Sumter County Zoning & Development Standards Ordinance, as follows: (1) request for relief from the minimum lot size requirements found in *Article 3.o.5.a (CP District) Minimum Lot Requirements*; and (2) any other variances as required to subdivide an existing +/- 3.81-acre lot, that will result in 2 separate lots. The required CP district minimum lots size is 5-acres. The minimum amount of frontage a new lot is required to have on a public road is 60 ft. The property is located at 4035 Golden Bay Dr., is zoned Conservation Preservation (CP), and is represented by TMS# 165-00-01-035.

Mr. Derwort stated that Golden Bay Dr. is a private road and that applicable development standards require new lots to have frontage on public roads, unless the subdivision is within a Planned Development that allows for private road, is commercial or industrial in nature with commonly maintained easement, or is a subdivision subject to the life time family conveyance exemption outlined in the Article 10 definition for Subdivision, Exempt. The proposed subdivision represents a lifetime family

conveyance exemption, which allows lots created under this method to be located on a private drive or easement.

Mr. Derwort added in 2024, the applicant and the adjoining property owner to the north (Robert A Parker II) made a request to rezone both the subject property and adjoining property from CP to Agricultural Conservation in order accommodate lifetime family conveyance subdivisions of the property. Under the AC district, the minimum lot size is 1-acre and a proposed lifetime family conveyance subdivision (as proposed under this request) would be compliant. County Council denied the request to rezone the property to the AC district on November 12, 2024.

Mr. Clarence Haslam, Mr. Robert Parker, and Ms. Kaila Haslam were present to speak in favor of the request.

Mr. Dainel Burkepile and Ms. Janet Godin were present to speak in opposition of the request.

After a brief discussion, Mr. Jason Reddick made a motion to deny this request subject to the following:

1. The property is part of a rural enclave located in close proximity to the Poinsett Electronic Combat Range (ECR) and state forest lands. Lots in this area were primarily established prior to the application of county wide zoning in 1999. The subject property is 3.81-acre in size, and is non-conforming to the 5-acre minimum lot size requirement.
2. There are 8 lots of records that have sole access from Golden Bay Dr. There are 6 lots of records that have sole access from Golden Bay Dr. that are non-conforming to CP district minimum lot size requirements.
3. The conditions prevent the applicant from subdividing the property as desired. All property owners with land in the CP district are subject to the same zoning requirements, including minimum lot size requirements. There are no conditions that prohibit or unreasonably restrict the applicant from utilizing the property in compliance with CP district zoning requirements.
4. The intent of the CP district is to recognize, preserve and protect environmentally sensitive areas for future generations. A minimum 5-acre lot size requirement, with noted exceptions for 1<sup>st</sup> generation family conveyance subdivisions, is the stated minimum lot size requirements to carry out the intent of the CP district. Regulating the intensity of development across zoning districts:

1. Ensures orderly growth,

2. Protects the health, safety, and welfare of residents, and
3. Implements the growth policies and goals as identified by County Council – this is a core purpose of local government zoning authority.

Minimum lot size restrictions are an effective method of controlling development intensity. A variance to this requirement, in absence of a demonstrated as hardship, impacts the effectiveness of the Ordinance to meet its stated purposes.

The motion was seconded by Mr. Claude Wheeler and carried a a five (Champion, Weston, Reddick, Wheeler, Weston) in favor and one (Shuler) abstained. The motion carried.

**BOA-25-39, 1775 Horne Rd. (County)** was presented by Mr. Kyle Kelly. The Board reviewed the request for a variance from the requirements of the *Sumter County Zoning & Development Standards Ordinance*, as follows: (1) minimum lot size requirements found in *Article 3.n.5.a (AC District) Minimum Lot Requirements*; (2) rear setback requirements found in *Article 3.n.5.b (AC District) Minimum Yard and Building Setback Requirements*; and (3) any other variances that may be required to establish a new +/- 0.27-acre lot around an existing dwelling on the property as proposed. The required minimum lot size in the AC district is 1-acre. The required rear building setback for a single-family homes on an individual lot of record in the AC district is 50 ft. The property is located at 1775 Horne Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 133-15-01-001.

Mr. Kelly stated a request for variances to subdivide an existing 4.57-acre tract into a 4.3-acre tract for the current mobile home park and a 0.27-acre residential lot for an existing residence.

Property is located on Horne Rd. in unincorporated western Sumter County, approximately 400 ft. south of intersection of Beech Creek Rd. and Horne Rd.

The current tract is 4.57-acres and contains a 1,309 sq. ft. residence (1767 Horne Rd.) and 17 mobile homes.

The mobile home park, “Woodland Acres” is nonconforming not subject to discontinuance, as regulated by Article 6.c.3. – The mobile home park has 20 approved mobile home sites, 17 of which are in use.

Mr. Kelly added a sketch plat submitted by the applicant indicates that the subdivision would create 2 issues requiring variance approval:

- Variance to minimum lot size requirements for a lot in the AC zoning district (Article 3.n.5.a (AC District) Minimum Lot Requirements)
- Rear setback variance to allow the new proposed rear property line to be +/- 30 ft. from the existing residential structure on the proposed new 0.27-acre lot. This structure is subject to a 50 ft. rear setback as noted in Article 3.n.5.b (AC District) Minimum Yard and Building Setback Requirements.

The site is located in the Shaw Air Force Base military protection area, and in DNL Zone 1, representing the 64-74db noise zone. In this district, mitigation measures to reduce noise within structures is required by Article 3.r., Exhibit 7.

Mr. Carson Smith was present to speak in favor of the request.

There was no opposition.

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

1. The property is +/- 4.57-acres and located in unincorporated Sumter County west of Shaw Air Force Base.

While some existing subdivision lots in the vicinity of the site, particularly on Beech Creek Dr. and Country Squire Ct., are smaller than the current zoning district minimum, the vast majority of parcels are 0.45-acres and larger.

There are 2 nonconforming lots of record smaller than the proposed lot (0.15 and 0.27 acres) located approximately 500 ft. east of the site.

2. Property in the vicinity can be characterized as a combination of large agricultural and timber tracts with scattered older residential subdivisions of lots between 0.45 and 2.0-acres.

+/- 1,000 ft. to the east of the site is Shaw Air Force Base.

3. The Ordinance prevents the applicant from subdividing the tract in order to create a separate parcel for the site-built residence at 1767 Horne St., while reserving the remainder of the property for use by the Woodland Acres Mobile Home Park.

4. The purpose of regulating minimum lot size is to control the density and intensity of development to meet the expressed goals and purposes of the zoning district.

The proposed division would create a lot well below the minimum size for the zoning district. Existing density of development is already well beyond the 1 unit per acre intent of the AC district due to the mobile home park.

The purpose of regulating structure setback is to ensure compatibility, ensure minimum open space around a structure, facilitate safe access, and avoid negatively impacting surrounding properties.

The rear setback requested follows the edge of the Mobile Home Park's existing internal access drive, which represents a boundary that matches existing development.

The motion was seconded by Mr. Gene Weston and carried a unanimous vote.

**BOA-25-40, 3060 Carter Rd. (City)** was presented by Mr. Kerlyn Mondesir. The Board reviewed the request for a variance from the requirements of the City of Sumter Zoning & Development Standards Ordinance as follows: (1) request for relief from the R-15 district lot width requirements outlined in *Article 3, Exhibit 3-1(A): Development Standards for Uses in R-15 District*; (2) request for relief from the minimum road frontage requirements for lots outlined in *Article 8.d.14.c Lots*, and (3) any other variances as may be required to reconfigure the lot line boundaries for 2 existing lots of record. The minimum lot width required for the R-15 district is 100 ft. The minimum amount of frontage a new lot is required to have on a public road is 60 ft. The property is located at 3060/3064 Carter Rd., is zoned Residential-15 (R-15), and is represented by TMS# 186-00-03-009 & 186-00-03-010.

Mr. Mondesir mentioned a request for variances from the minimum lot-width standard in order to establish access to a land-locked parcel located to the rear of 3060 Carter Road.

To provide this access, the applicant proposes the creation of a flag lot within the R-15 Zoning District.

Property is located to the south of Carter Rd., in the Sumter City limits.

The property consists of 2 parcels, a 1-acre parcel addressed as 3060 Carter Rd. that has direct frontage onto Carter Rd. and a 1.06-acre land locked parcel located directly to the rear of the property at 3060 Carter Rd.

Mr. Mondesir added the proposed lot boundary adjustment requires a variance because:

- New lots in the R-15 zoning district have 100 ft. of lot width (measured at front building line).
- A minimum of 60 ft. of street frontage (unless otherwise exempted).

Mr. Buddy Wilkes was present to speak in favor of the request.

Ms. Debra Clyburn Wilson, Ms. Kay Zobrist, and Mr. Keonte Clyburn were present to speak against the request.

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

1. The property is +/- 4.57-acres and located in unincorporated Sumter County west of Shaw Air Force Base.

While some existing subdivision lots in the vicinity of the site, particularly on Beech Creek Dr. and Country Squire Ct., are smaller than the current zoning district minimum, the vast majority of parcels are 0.45-acres and larger.

There are 2 nonconforming lots of record smaller than the proposed lot (0.15 and 0.27 acres) located approximately 500 ft. east of the site.

2. Property in the vicinity can be characterized as a combination of large agricultural and timber tracts with scattered older residential subdivisions of lots between 0.45 and 2.0-acres.

+/- 1,000 ft. to the east of the site is Shaw Air Force Base.

3. The Ordinance prevents the applicant from subdividing the tract in order to create a separate parcel for the site-built residence at 1767 Horne St., while reserving the remainder of the property for use by the Woodland Acres Mobile Home Park.
4. The purpose of regulating minimum lot size is to control the density and intensity of development to meet the expressed goals and purposes of the zoning district.

The proposed division would create a lot well below the minimum size for the zoning district. Existing density of development is already well beyond the 1 unit per acre intent of the AC district due to the mobile home park.

The purpose of regulating structure setback is to ensure compatibility, ensure minimum open space around a structure, facilitate safe access, and avoid negatively impacting surrounding properties.

The rear setback requested follows the edge of the Mobile Home Park's existing internal access drive, which represents a boundary that matches existing development.

The motion was seconded by Mr. Gene Weston and carried a unanimous vote.

**BOA-25-41, 330 Rast St. (City)** was presented by Mr. Kyle Kelly. The Board reviewed the request for Special Exception approval in accordance with *Article 3, Exhibit 3-5: Permitted Uses in All Zoning Districts*, *Article 5.b.2: Enumeration of Certain Hazardous and/or Potential Disruptive Land Development Activities*, and *Article 5.b.3.l: Drinking Places of the City of Sumter Zoning & Development Standards Ordinance* in order to establish a Drinking Place Use on the property. The applicant (Backyard Bar N Grill/Phillip Boyd) is also requesting variance approval from the drinking place special design criteria outlined in *Article 5.b.3.l: Drinking Places*, and any other variances as may be required, to establish a drinking place use closer than 300 ft. from a church. The property is located at 330 Rast St., is zoned General Commercial (GC), and is represented by TMS# 230-16-01-009.

Mr. Kelly stated that this is a request for special exception approval to establish a drinking place on property at 330 Rast St. Mr. Kelly also referenced a variance from the residential use separation criteria (applicable to drinking places) is also being requested.

Mr. Kelly explained the timeline of events concerning the Backyard Bar N Grill and their past operations at 330 Rast St.

Mr. Kelly explained the applicable special exception requirements and staff's analysis of each as they pertain to this case.

Mr. Kelly explained the applicable variance criteria and staff's analysis of each as they pertain to this case.

Mr. Kelly concluded his presentation and entertained questions from the Board. Mr. Kelly responded to questions received.

Mr. Toby Ward, Jr., PA of the law firm Tobia G. Ward, Jr. PA (Attorney's at Law) was present to represent the applicant and made introductory remarks.

Ms. Kathy Schillaci of McCulloch Law Firm presented the SC Department of Revenue status of Backyard Bar N Grill's beer/wine and liquor by the drink licenses.

Ms. Schillaci answered questions from the Board.

Mr. Ward referenced a brief and exhibits prepared for the applicant (Backyard Bar N Grill/Phillip Boyd).

*Note: This exhibit was provided to board members prior to the start of the meeting. The exhibits were introduced by Mr. Ward.*

Mr. Ward answered questions from the Board.

Mr. Ward called the following witnesses to speak in front of the Board:

1. Dean Gainey (Property Owner)
2. Phillip Boyd II (Business Owner)

Mr. Ward presented the position outlined in the brief which supported approval of the special exception and variance requests.

Mr. Ward stated that Backyard Bar N Grill will follow SC Department Revenue condition applied to applicable licenses and are comfortable with these same conditions being applied to approved special exception and variance requests.

Mr. Darin Russel, Mr. Raymond Charles, Kenneth Benson, and Mr. Boyd spoke in favor of the request.

Mr. Kelly made clarifications concerning Ordinance requirements and status of SC Department of Revenue permits.

Mr. Kelly answered questions from the Board.

No one was present to speak against the request.

Mr. Danny Crowe (Board Attorney) stated he is available to answer any questions from the board.

Mr. Boyd waived his allowed rebuttal time.

After a brief discussion, Mr. Jason Reddick made a motion to approve both requests subject to the following findings of fact and conclusions:

Variance Request:

1. The property is located in a partially developed commercial area, with two adjacent vacant tracts and 3 adjacent developed commercial uses. The adjacent

church use utilizes one of three tenant spaces in the property 340 Rast St. The church use applied (and was approved) to locate at this location on November 29, 2023 while drinking place operations previously occurred at the subject property (330 Rast St.).

- 2. The church use applied (and was approved) to locate at this location on November 29, 2023 while drinking place operations previously occurred at the subject property (330 Rast St.).
- 3. The conditions prevent the establishment of the proposed use on the subject property. The church use applied (and was approved) to locate at this location on November 29, 2023 while drinking place operations previously occurred at the subject property (330 Rast St.).
- 4. The property is in the General Commercial (GC) zoning district that supports the broadest range of uses. The Board proposes several conditions of approval (so stated below) on the request to prevent substantial detriment to adjacent property, the public good, and the character of the district.

Special Exception Request:

The Special Exception complies with all applicable standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements.

- 1. The property at 330 Rast St. is considered a nonconforming site with regard to parking lot configuration and bufferyard landscaping standards as contained Articles 8 and 9 of the City of Sumter Zoning & Development Standards Ordinance. These conditions have not been discontinued under the nonconforming site provisions in Article 6.a.2.b.2 of the City of Sumter Zoning & Development Standards Ordinance and the site can be reused in compliance with the Ordinance without site upgrades.

That the Special Exception will be in substantial harmony with the area in which it is located.

- 1. The Board proposes several conditions of approval (so stated below) to ensure the use is in substantial harmony with the area in which it is located:

That the Special Exception will not discourage or negate the use of surrounding property for use(s) permitted by right.

1. The Board proposes several conditions of approval to ensure the use will not discourage or negate the use of surrounding property for uses(s) permitted by right.

Subject to the following conditions:

1. The business shall have at least three (3) SLED certified security personnel on premises (stationed both inside and outside) during the hours from 5:00 p.m. to 9 p.m., and at least eight (8) SLED certified security personnel after 9 p.m., whenever liquor, beer, or wine are being sold, and must have at least twelve (12) SLED certified security personnel on premises (stationed both inside and outside) for special events. Those security personnel stationed on the outside of Backyard shall be licensed to carry weapons and shall be armed while performing their duties.
2. No more than 300 patrons shall be allowed into the facility at 330 Rast St. at any time, including special events.
3. The business shall not allow loitering or littering in parking lot area, which must be monitored and patrolled by security personnel stationed on the exterior of the building after 5:00 p.m., whenever liquor, beer, or wine are being sold.
4. A professional security contractor shall be employed to conduct a security assessment of the location, and the business shall implement the security measures recommended.
5. The business shall close by 12:00 a.m. on weekdays and 1:00 a.m. on Fridays and Saturdays, and recognized federal and state holidays, and ensure all patrons have exited the building and the parking areas within thirty (30) minutes thereafter.
6. The business shall at no time employ or permit any untrained, non-staff individuals to serve as bouncers or other security personnel at the location. This condition in no way abrogates or excuses the obligation to employ or deploy adequate security personnel to ensure the safety of its patrons and the adjacent community at all times the location is selling liquor, beer, or wine.
7. Both interior and exterior security cameras shall be operational at all times and the Sumter Police Department and other law enforcement agencies shall

	<p>have access to the stream and/or recordings upon request.</p> <p>8. The business shall maintain at all times a valid permit to sell on-premises beer and wine and a valid license to sell business liquor by the drink from the SC Department of Revenue.</p> <p>9. Any relief from the approval conditions set forth in this written order shall be approved by the Board by majority vote.</p> <p>The motion was seconded by Mr. Gene Weston and carried a unanimous vote.</p>
<b>OTHER BUSINESS</b>	<p>Mr. Gene Weston made a motion to approve the Calendar for 2026, and the motion was seconded by Mr. Frank Shuler. The vote carried.</p>
	<p>There being no further business, Mr. Frank Shuler made a motion to adjourn the meeting at 4:16 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 January 14, 2026</p>
	<p>Respectfully submitted,  <i>Kellie K. Chapman</i>  Kellie K. Chapman, Board Secretary</p>