



ZONING BOARD OF APPEALS

Minutes of the Meeting

March 12, 2025

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, March 12, 2025, in the Fourth Floor City Council Chambers of the Sumter Opera House, 21 N. Main Street. Seven board members –Mr. Doc Dunlap, Mr. Clay Smith, Mr. Claude Wheeler, Mr. Steven Schumpert, Mr. Frank Shuler, Mr. Jason Reddick, Mr. Todd Champion were present. Mr. William Bailey and Mr. Leslie Alessandro were absent

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

The meeting was called to order at 3:00 p.m. by Mr. Clay Smith, Chairman.

INTRODUCTION OF NEW BOARD MEMBER

Mr. Clay Smith introduced Mr. Tyler 'Doc' Dunlap to the Board.

MINUTES

Mr. Steven Schumpert made a motion to approve the minutes of the February 12, 2025, meeting as written. The motion was seconded by Mr. Frank Shuler and carried a unanimous vote.

NEW BUSINESS

BOA-25-03, 7 N. Guignard Dr. (City) was presented by Mr. Kyle Kelly. The Board reviewed the request for a 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.m: Liquor Stores (NAICS 7224)* of the City of Sumter Zoning & Development Standards Ordinance in order to establish a Liquor Store Use on the property. The applicant (Market Place Spirits #2) is also requesting variance approval from the liquor store special design criteria outlined in *Article 5.b.3.m.*, and any other variances as maybe required, to establish a liquor store use closer than 300 ft. from a residential use and to allow for the use of existing landscaping to meet the 6 ft. screening fence requirement. The property is located at 7 N. Guignard Dr. is zoned General Commercial (GC), and is represented by TMS# 228-10-04-016.

Mr. Kelly stated the applicant is proposing to use the existing 5,400 sq. ft. commercial building for a new liquor store use.

	<p>Mr. Kelly added the existing building footprint is the boundary for calculating compliance with separation requirements.</p> <p>Mr. Kelly mentioned Cherry Lane effectively makes this 0.66-acre tract of land a triple frontage lot.</p> <p>Mr. Kelly added in 2008 a 13 ft. setback variance was approved to reduce the Cherry Ln. building setback from 35 ft. to 22 ft.</p> <p>Mr. Barry Griffith was present to speak in favor of the request.</p> <p>Ms. Gwendolyn Clyburn, Mr. Bernard Blanding, Ms. Dia Clyburn, Dr. James Blassingame, Mr. Keith Ivey and Mr. Jacob Mullikin were present to speak in opposition to the request.</p> <p>After a brief discussion, Mr. Frank Shuler made a motion to deny this request subject to the following:</p> <p><i>Special Exception</i></p> <p>The Special Exception complies with all applicable standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements.</p> <ol style="list-style-type: none"> 1. The proposed liquor store use would be located in an existing commercial building, and no additional site development is proposed. Based on staff evaluation, the site meets minimum development standards applicable to the proposed commercial use, not including the special design criteria in Article 5.b.3.m. The proposed site does not meet required residential use separation and screening requirements found in Article 5.b.3.m. A request for a variance to these standards was not granted by the Board. <p>The liquor store use is within 300 ft. (measured in a straight line from structure to structure) of a residential use, church, school, or public playground on a separately platted parcel.</p> <p>That the Special Exception will not be in substantial harmony with the area in which it is located.</p> <ol style="list-style-type: none"> 2. The property is zoned General Commercial (GC), is located along a roadway corridor intended to support higher intensity commercial uses. However, the commercial uses in the vicinity of the intersection are immediately adjacent to residential neighborhoods to the northwest, northeast, and southeast. <p>That the Special Exception will discourage or negate the use of surrounding property for use(s) permitted by right.</p>
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	<p>3. The property is zoned General Commercial (GC), is located along a roadway corridor designed to support higher intensity commercial uses. However, the proximity of a number of residential uses, combined with the existing driveway and parking lot configuration that provides an outlet for Cherry Ln. via the commercial parcel are factors which must be considered as potentially discouraging use of the surrounding property for residential use.</p> <p><i>For Variance Request:</i></p> <ol style="list-style-type: none"> 1. This parcel is an abnormally shaped triangular lot with two frontages on arterial streets with a third frontage on a local street. The presence of residential development immediately to the rear of the property is a condition commonly found in commercial corridors in Sumter, which often have commercial uses along major routes with residential development immediately abutting the commercial property. 2. The presence of residential development immediately to the rear of the property is a condition commonly found in commercial corridors in Sumter, which often have commercial uses along major routes with residential development immediately abutting the commercial property. 3. The application of the ordinance to the particular property would preclude the applicant from establishing the desired liquor store business on the property via special exception use approval. However, the property may be used for other uses allowed in the General Commercial (GC) zoning district that could be established in compliance with all other requirements of the ordinance. <p>Because the liquor store use is identified as an enumerated hazardous and/or potentially disruptive land development activity that requires greater scrutiny under Article 5.b.2., application of the ordinance standards for special exception approval would not be considered an unreasonable restriction on the utilization of the property in general.</p> <ol style="list-style-type: none"> 4. Because liquor store uses are identified as enumerated hazardous and/or potentially disruptive land development activity that requires greater scrutiny under Article 5.b.2., authorization of a variance to the criteria found in Article 5.b.2.m. could be considered a detriment to adjacent property, and granting of variances could harm the character of the district. <p>The motion was seconded by Mr. Claude Wheeler and carried by a unanimous vote.</p>
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Mr. Doc Dunlap recused himself from BOA-25-04.

BOA-25-04, 2870 Old Field Rd. (City) was presented by Mr. Jeff Derwort. The Board reviewed the request for a variance from the “Patio Home” minimum front and side exterior (corner lot) building setback requirements outlined in *Article 3.d.5: (GR District) Development Standards; Article 3, Exhibit 3-3: Development Standards for Uses in the GR District; and Article 4.f.5: Side Yards* of the City of Sumter Zoning & Development Standards Ordinance (the “Ordinance”) to facilitate the establishment of 21 new “Patio Home” lots with a front building setback of 25 ft. and side exterior (corner lot) setback of 12.5 ft. The Ordinance requires a 35 ft. front building setback and a 17.5 ft. side exterior (corner lot) building setback. The property is located at 2870 Old Field Rd., is zoned General Commercial (GC), and is represented by TMS# 187-00-02-018.

Mr. Derwort stated on January 26, 2022, Planning Commission approved a preliminary plat (Case# SD-21-04) for a development of a 65-unit subdivision consisting of townhome dwellings and single family attached dwellings on the front portion of the property only. Staff notes that initial plans received under the request included 98 townhome units on the entirety of the property, but revised plans for the front area only were submitted for approval during the review process to eliminate immediate fire access concerns.

Mr. Derwort added on July 19, 2022, City Council approved an amendment (Case# OA-22-08) to the City Zoning & Development Standards Ordinance, effectively establishing a standard 35 ft. front setback for most new residential development.

Mr. Derwort mentioned that on May 18, 2023 a revision to the initial preliminary plat (Case# SD-21-04 Revision 1) was approved at the staff level. This revision changed the housing type from townhome dwellings and single family attached dwellings to patio home dwellings, a single family detached product permitted on smaller lots with off-set side setback requirements. It was determined that the setbacks vested under the initial approval were also vested for the approved change.

Mr. Derwort added on January 15, 2025, the applicant submitted for preliminary plat approval for Phase 2 of the Canopy of Oaks Subdivision (Case# SD-21-04 Revision 2). The proposal includes 21 new patio home lots to the rear of the development previously approved. Under the plans submitted, the applicant is proposing a 25 ft. front setback in line with the previously approved lots. The Phase 2 area does not have vested rights protection pertaining to setbacks.

	<p>Mr. Talmedge Tobias was present to speak in favor of the request.</p> <p>Ms. Betty Bolden and Mr. David Bolden needed clarification on the request and how it would affect their properties.</p> <p>After a brief discussion, Mr. Steven Schumpert made a motion to approve this request subject to the following:</p> <ol style="list-style-type: none"> 1. The property is a +/- 8-acre undeveloped section of the Canopy of Oaks Subdivision. Previous approvals for the front portion of the subdivision have vested rights protection for a 25 ft. front setback, as this was the standard in place at the time of initial approval. With a 25 ft. front setback requirement, the exterior side (corner lot) setback is 12.5 ft. <p>The remaining undeveloped section of the property does not have the same vested rights protection and is subject to the more restrictive 35 ft. front setback requirement, and subsequently the more restrictive 17.5 side exterior setback.</p> <p>A linear stormwater pond intended to serve the larger Canopy of Oaks Subdivision has been completed on the west side of the property. This somewhat limits the ability to modify lot sizes in order to place the applicant's desired housing product. The applicant's builder has stated that same type of units constructed in Phase 1 cannot be done with an increased front setback requirement.</p> <ol style="list-style-type: none"> 2. All property in the GR zoning district, not otherwise protected via non-conformity protections or vested rights protections, are subject to the newly adopted 35 ft. front setback requirement. 3. The application of the ordinance to the particular property would preclude the applicant from constructing the desired housing footprint on the proposed lots. However, it is noted an alternate footprint could be proposed or changes to the design of the development could be proposed to mitigate some of this issue. 4. Approval of this variance will ultimately result in 21 new lots with development standards that will mirror those of the houses already complete in Phase 1. Thus, a continuation of the lot sizes and building footprints that have already been, or will soon be, completed. City Council elected to adopt more restrictive residential front setback requirements in 2022 to mitigate parking impacts that were primarily seen in new residential subdivisions with front setbacks of 25 ft. or less. Impacts include excess on-street parking of vehicles
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	<p>causing access challenges for larger emergency vehicles and the blocking of sidewalks by vehicles parked in designated off-street driveways due to insufficient space. These stated concerns would not be addressed if the variance is approved. While impacts to adjacent property would likely be minimal, there is the potential for impact to the overall public good that must be balanced against the desire for uniformity within the development.</p> <p>The motion was seconded by Mr. Jason Reddick and carried by a unanimous vote.</p> <p><i>Mr. Todd Champion recused himself from BOA-25-05.</i></p> <p>BOA-25-05, 241 Manning Ave. (City) was presented by Mr. Jeff Derwort. The Board reviewed the request for a variance from the front building setback requirements outlined in <i>Article 3.i.5.b: (GC District) Minimum Yard & Building Setbacks</i>, the landscape buffering requirements outlined <i>Article 9.b.1: Landscaping Requirements</i>, <i>Article 9.b.2.: Landscaping Determination</i>, <i>Article 9, Table 9-1 Landscaping Chart</i>, and <i>Article 9.b.4: Landscaping Type Depictions</i> of the City of Sumter Zoning & Development Standards Ordinance (the “Ordinance”), and any other variances as maybe required to allow for new non-residential development on the property. The property is located along Manning Ave. and E. Bee St. and is within the General Commercial (GC) zoning district.</p> <p><u>The subject property consists of multiple Sumter County tax map parcels, as follows:</u> TMS#s 227-04-04-049 (231 Manning Ave.), 227-04-04-051 (235 Manning Ave.), 227-04-04-053, 227-04-04-054 (237 Manning Ave.), 227-04-04-056 (241 Manning Ave.), 227-04-04-057 (107 E. Bee St.), 227-04-04-058 (109 E. Bee St.), & 227-04-04-059 (111 E. Bee St.).</p> <p>Mr. Derwort mentioned reuse of a discontinued residential structure for a non-residential purpose triggers full compliance with the Zoning & development Standards Ordinance based on the amount of investment required to upfit the structure versus the structure’s market value. The structure currently encroaches +/- 18.9 ft. into the required 35 ft. front setback area applicable to non-residential uses. Variance approval is required to reuse this structure as planned.</p> <p>Mr. Derwort stated reduction in the required landscape buffer width along the rear of the development site that is adjacent to residential uses. The Ordinance requires a Type B 10 ft. buffer for this scenario, with an option to reduce to 5 ft. if a solid fence is provided. The applicant is proposing a 7 ft. landscape buffer width, with no solid fence being proposed.</p>
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	<p>Mr. Ivan Sanders was present to speak on behalf of the request.</p> <p>After a brief discussion, Mr. Frank Shuler made a motion to approve this request subject to the following:</p> <ol style="list-style-type: none"> 1. The property consists of multiple parcels that will be combined into a single site to facilitate the development of a community/cultural center in South Sumter. The property is located along Manning Ave., which is classified as a major arterial roadway and supports a mix of both commercial, institutional, and residential uses. The backside of the block is under separate ownership and is used for residential purposes. The proposed development area with frontage along Manning Ave. has a depth of approximately 150 ft. The space available to develop the property to current standards is limited. In addition to limited space, more restrictive requirements are in place due to adjacent uses being residential. 2. Typically, new commercial development in this area of Manning Ave. encompass an entire block to address the full range of site development issues. The development itself, a small-scale community/cultural center with a mission to benefit the neighborhood and be part of the community fabric, could be considered a unique condition. 3. The applicant of the ordinance to the particular property would preclude the applicant from carrying out the development in the manner proposed. The development was laid out in the manner proposed to reduce, as much as possible, impacts to adjacent property while at the same time meeting high quality standards. 4. Reduction to building setback and landscape buffer width requirements should be weighed carefully, as the requirements are in place to ensure compatibility, ensure minimum open space around structure, facilitate safe access, and avoid negatively impacting surrounding properties. <p>The building setback variance request is required to reuse an established structure that is subject to discontinuance. This existing structure is culturally significant as it is the location of the original studio of Artist/Sculptor David “Pablo” Sanders, and the proposed placement of the new building is in line with historic non-residential front building setbacks along this section of Manning Ave. As such, approval of the requested front setback variances to allow for reuse of the existing structure and the placement of the new structure are not anticipated to be substantial detriment to adjacent property of the public good. Further, approval is not anticipated to harm the character of the district.</p>
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The landscape buffer width reduction is being requested along the rear property line of the development area that fronts Manning Ave. due to the limited space available for compliant non-residential development. While the requested reduction is below Ordinance required minimums, the applicant intends to provide buffer landscape plantings in this area. Details of these plantings can be reviewed during the minor site plan process to ensure that sufficient buffering is being provided, and that the general intent of the planting standards is being upheld. As such, approval of the requested landscape buffer width variance is not anticipated to be of substantial detriment to adjacent property of the public good. Further, approval is not anticipated to harm the character of the district.

The motion was seconded by Mr. Doc Dunlap and carried by a unanimous vote.

BOA-25-06, 3460 Myrtle Beach Hwy. (City) was presented by Mr. Kyle Kelly. The Board of Zoning Appeals will consider a Conditional Use request to operate a specialty trade contractor business (NAICS 238) on the property. The Zoning Administrator has referred this Conditional Use request to the Board of Zoning Appeals for consideration as a Special Exception Use consistent with *Article 5.a.3.*, and subject to the conditions outlined in *Article 1.b.4.c.* and *Article 5.b.1.a. - 5.b.1.f.* of the *Sumter County Zoning & Development Standards Ordinance*. The property is located at 3460 Myrtle Beach Hwy., is zoned Agricultural Conservation (AC), and is identified as TMS# 299-00-01-005.

Mr. Kelly stated the site location is approximately 550 ft. east of the intersection of Myrtle Beach Hwy. (US-378) and Concord Church Rd.

Mr. Kelly mentioned the request was originally made as Conditional Use subject to Sumter County's C-500 approval process, which requires 67% of property owners within 500 ft. of the proposed use to concur with the establishment of the use.

Mr. Kelly added there are 5 separate property owners within 500 ft. At least one is considered heir's property. The applicant has been able to obtain concurrence signatures from 2 of the 5 property owners but has been unable to make contact with the other 3 owners.

Mr. Kelly mentioned due to the failure to obtain the required 67% concurrence, the Zoning Administrator has referred this Conditional Use request to the Board of Zoning Appeals for consideration of approval as a Special Exception Use.

	<p>After a brief discussion, Mr. Claude Wheeler made a motion to deny this request subject to the following:</p> <p>The Special Exception complies with all applicable standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements.</p> <ol style="list-style-type: none"> 1. The proposed specialty trade contractor use would be located in an existing commercial building with equipment stored on-site. The property is heavily screened by existing vegetation, and visibility from the public right-of-way is extremely limited. The site is likewise screened on all sides from adjacent properties. The property has the ability to meet all development standards applicable to non-residential development in the Agricultural Conservation (AC) zoning district. <p>That the Special Exception will not be in substantial harmony with the area in which it is located.</p> <ol style="list-style-type: none"> 2. Negative impact on adjacent property owners of the proposed business use. <p>That the Special Exception will discourage or negate the use of surrounding property for use(s) permitted by right.</p> <ol style="list-style-type: none"> 3. Negative impact on adjacent property owners of the proposed business use. <p>The motion was seconded by Mr. Frank Shuler and carried a five (Champion, Wheeler, Shuler, Reddick, Dunlap) in favor and one (Schumpert) in opposition. The motion carried.</p>
OLD BUSINESS	<p>BOA-25-01, 160 E. Wesmark Blvd (City) was presented by Mr. Jeff Derwort. The Board reviewed this request for Special Exception approval in accordance with <i>Article 3, Exhibit 3-5: Permitted Uses in All Zoning Districts</i>; <i>Article 5, Section 5.b.2: Enumeration of Certain Hazardous and/or Potential Disruptive Land Development Activities</i>; and <i>Article 5, Section 5.b.3.l: Drinking Places/Bottle Clubs/Night Clubs (NAICS 7224)</i> of the City of Sumter Zoning & Development Standards Ordinance in order to establish a Night Club, Private Club, Concert/Entertainment Venue Use at the property. The property is located at 160 E. Wesmark Blvd., is zoned General Commercial (GC), and is represented by TMS# 203-00-06-024.</p> <p>Mr. Derwort mentioned that staff had no additional information.</p>

	<p>Mr. James Campbell was present to speak on behalf of the request.</p> <p>It was clarified that action on the tabled motion to deny the request made at the February 12, 2025 meeting by Mr. Leslie Alesandro and seconded by Mr. Louis Tisdale was before the board. The motion to deny the request carried a four (Champion, Schumpert, Dunlap, Shuler) in favor and two (Reddick and Wheeler) against. The motion carried.</p>
OTHER BUSINESS	<p>Election of Chair for 2025</p> <p>Mr. Todd Champion nominated Mr. Steven Schumpert to serve as Chair for 2025. The motion was seconded by Mr. Frank Shuler and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for April 9, 2025.</p>
	<p>Respectfully submitted,</p> <p><i>Kellie K. Chapman</i></p> <p>Kellie K. Chapman, Board Secretary</p>