



ZONING BOARD OF APPEALS

Minutes of the Meeting

May 14, 2025

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, May 14, 2025, in the Fourth Floor City Council Chambers of the Sumter Opera House, 21 N. Main Street. The board members – Mr. Doc Dunlap, Mr. William Bailey, Mr. Claude Wheeler, Mr. Steven Schumpert, Mr. Frank Shuler, Mr. Jason Reddick, Mr. Todd Champion, Mr. Clay Smith and Mr. Gene Weston were present.

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

The meeting was called to order at 3:12 p.m. by Mr. Steven Schumpert, Chairman.

MINUTES

Mr. Clay Smith made a motion to approve the minutes of the April 9, 2025, meeting as written. The motion was seconded by Mr. William Bailey and carried a unanimous vote.

NEW BUSINESS

BOA-25-13, 4095 Oswego Hwy. (County) was presented by Mr. Kyle Kelly. The Board reviewed the request for a variance from the minimum lot width and road frontage requirements found in Article 3.n.5.a: (AC District) Minimum Lot Requirements, and Article 8.e.13.c & Article 8.e.13.g: Lots of the Sumter County Zoning & Development Standards Ordinance (and any other variances as may be required) in order to combine a portion of the property with an adjacent tract of land. The property is located at 4095 Oswego Hwy., is zoned Agricultural Conservation (AC), and is represented by TMS# 274-00-02-025.

Mr. Kelly stated the property owner of 4095 Oswego Hwy. desires to divide the lot and combine a 30 ft. wide strip of the parcel with the parcel to the rear which he also owns.

Mr. Kelly mentioned the ordinance requires that all new lots in the AC zoning district have 60 ft. of lot width throughout and that all new lots (not otherwise exempted) must have at least 60ft. of frontage on a compliant street.

Mr. Kelly added the proposed combined lot will have a width less than 60 ft. and will have less than 60 ft. of frontage on a compliant street.

	<p>Mr. Aaron Rentz was present to speak in favor 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. Being a gateway to a college campus facility, it is reasonable to consider the site extraordinary and exceptional. <p>The subject property is 9.0-acres in size, with 423.25 linear feet of total lot frontage on Oswego Hwy. The proposed division would create an 8.48-acre parcel (Tract A) at 4095 Oswego Rd., and a 0.52-acre parcel (Tract B) which would be combined with the adjacent tract at 5095 Scapeore Ln. The resulting combination of Tract B with 5095 Scapeore Ln. would create a nonconforming flag lot, specifically due to a 779 ft. long portion of the property that would range in width between 46.46 ft. and 20.93 ft.</p> <p>The numerous uniquely shaped parcels of record in the area of this site, non are to the degree of the subject parcel, particularly with regard to the narrow width of the lot that is the result of a subdivision completed prior to the adoption of he County's current Ordinance.</p> <ol style="list-style-type: none"> 2. Lots and tracts in this area of Sumter County are generally a combination of large agricultural and undeveloped tracts and smaller residential lots averaging 1.0-acres in size. Several lots in the vicinity do not meet Article 8.e.13. standards with regard to lot width and road frontage, though those lots were created prior to adoption of the current Ordinance. <p>The condition of the existing landlocked lot at 5955 Scapeore Ln. with a width of 29.9 ft. at the point where the subdivided portion of TMS#247-00-02-025 would join to form a single flag lot is uncommon.</p> <p>All properties in Sumter County are required to abide by 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 subdivision.</p> <ol style="list-style-type: none"> 3. Application of the ordinance to the particular property restricts the ability of the applicant to combine the property as desired. 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 means to establish legal access to property, their application and enforceability
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	<p>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>The motion was seconded by Mr. Jason Reddick and carried by a unanimous vote.</p> <p>BOA-25-14, Black River Rd., Borden Rd., Cimmaron Rd., Log Cabin Rd., & New Hope Church Rd. (County) was presented by Mr. Jeff Derwort (staff).</p> <p>Prior to the staff presentation, Mr. Steven Schumpert (Chairman) stated the following:</p> <p>The next item on the agenda is BOA – 25-14, Black River Rd. Borden Rd., Cimmaron Road, Log Cabin Road and New Hope Church Road. This is an application for special exception to establish a utility scale primary photovoltaic solar energy system in the County.</p> <p>I want to remind the members of the Sumter City-County Zoning Board of Appeals that this is a quasi-judicial body and this meeting is, in fact, a hearing. Your decision today shall be based on the information that you receive in this hearing and you shall not allow your decision to be influenced by anything that you may have heard or read prior to the hearing - with the exception of the staff report and the 16 exhibits included with the staff report. It will be important to hear the staff, the applicant and the members of the public who address this body and you will be asked to make your decision on the information that is presented to you this afternoon. In fact, when the hearing is closed and we go into discussion, it will be important to reference what you have learned from the staff report, including the 16 exhibits, and what you hear this afternoon in supporting a position or opinion.</p> <p>The Board reviewed the request for special exception approval for the establishment of a utility scale (+/- 170 MWac) primary photovoltaic solar energy system on multiple parcels of land with frontage along or near Black River Rd., Borden Rd., Cimmaron Rd., Log Cabin Rd., & New Hope Church Rd. pursuant to <i>Article 3, Exhibit 5: Permitted Uses in All Zoning Districts; Article 5.b.2: Enumeration of Certain Hazardous and/or Potential Disruptive Land Development Activities</i>, and <i>Article 5.b.3.f: Primary Photovoltaic Solar Energy Systems</i> of the Sumter County Zoning & Development Standards Ordinance (the “Ordinance”). The applicant is also requesting consideration for setback area reductions pursuant to <i>Article 5.b.3.f.</i> of the Ordinance. The property is within the Agricultural Conservation (AC) zoning district. The property</p>
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	<p>consists of multiple Sumter County tax map parcels, as follows: TMS# 139-00-01-038, 139-00-01-043, 139-00-02-001, 139-00-02-002, 140-00-02-009, 140-00-02-033, 147-00-01-016, 148-00-03-001, 139-00-01-004, 148-00-02-038, 148-00-02-009, & 147-00-02-042 (part).</p> <p>Mr. Derwort stated the applicant is seeking approval to establish a Primary Photovoltaic Solar Energy System along or near Black River Rd., Borden Rd., Cimmaron Rd., Log Cabin Rd., & New Hope Church Rd. The project will be located on an assemblage of land that is +/- 1,763-acres in total size. The fenced development area for the project will be +/- 1,158-acres in total. The facility is being designed to be a 170 megawatt alternating current (MWac), 2277-megawatt direct current (MWdc) single-axis tracker utility scale solar facility. Support facilities will include an interconnection point, substation, transformers, inverters, etc.</p> <p>In accordance with <i>Article 3, Exhibit 5</i> of the Sumter County Zoning & Development Standards Ordinance (the “Ordinance”), Primary Photovoltaic Energy Systems (NAICS 221114) require special exception approval in all districts where they can be established. The Sumter City-County Zoning Board of Appeals (BOA) reviews all special exception requests for adherence to the applicable criteria outlined in the Ordinance, holds a public hearing, and ultimately decides on whether the request meets all the criteria for approval. Mr. Derwort added that the subject property is completely located within the Agricultural Conservation (AC) zoning district.</p> <p>Mr. Derwort added that a key factor of the applicant’s decision to site this project at this proposed location is the combination of available large acreage holdings in close proximity to a Santee Cooper transmission line. This transmission line traverses the project area boundary.</p> <p>Major components of the project are anticipated to include separate clusters of fenced solar panel arrays, a substation, a switchyard, and operation and maintenance yard, and an interconnection point.</p> <p>Mr. Derwort mentioned Sumter County Council adopted Ordinance Amendment OA-23-01 on December 12, 2023. This amendment put in established comprehensive primary solar facility development requirements. Sumter County Council amended these requirements via Ordinance Amendment OA-24-06 on December 10, 2024. The OA-24-06 revisions primarily refined setback requirements to account for situations not previously anticipated.</p>
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	<p>Mr. Derwort stated that no development is proposed in a special flood hazard area (SFHA) and stated that a wetlands delineation submitted by the applicant show wetlands exist in the larger project area but are being protected from disturbance with a 50 ft. buffer.</p> <p>Mr. Derwort provided a project review summary concerning each individual special exception criteria outlined in Article 1.h.4.c.2. & Article 5.b.3.f.</p> <p>Mr. Derwort asked the Board if there were any questions for staff.</p> <p>Steven Schumpert (Chairman), Todd Champion, & Doc Dunlap asked several questions to staff. Mr. Derwort & Helen Roodman responded to these questions.</p> <p>Mr. Patrick Duffy made an opening statement (as the applicant) in support of the project.</p> <p>Mr. Clay Smith (Board Member), Mr. Doc Dunlap (Board Member), Mr. Todd Champion (Board Member), Mr. Claude Wheeler (Board Member), Mr. Gene Weston (Board Member), Mr. Jason Reddick (Board Member) & Mr. Steven Schumpert (Chairman) asked several questions to the applicant.</p> <p>Mr. Patrick Duffy, Mr. Marshall Coover, Ms. Kelly Thames, & Mr. Derrick Ebener responded to these questions.</p> <p>Ms. Allie Belger & Mr. Wayne Belger were present to speak in favor of the request.</p> <p>Mr. Derek Ebner, Mr. Marshall Coover, Ms. Kelly Thames, Ms. Allie Belger and Mr. Wayne Belger were present to speak in favor of the request.</p> <p>Ms. Valerie Hatfield-Rabon, Mr. Daniel Cook, Mr. Terry Cook, Mr. Angus Duffie, Ms. Renee More Frost, Mr. Allen Moore, Mr. Brian Davis, Mr. John Hayes, Ms. Holly Blackwood, Mr. Henry Shadwell, Ms. Tanya Eddins, Dr. Gladys Grant, Ms. Joanne Givens, Ms. Mary Brown, Ms. Delisa Dawkins, Ms. Sharron Sisson, Ms. Alice Priest, Mr. Shawn Lucas, Mr. Jeremy Miller, Mr. James Dennis, Mr. Brian Gainey, Ms. Ashley Goza, Ms. Tracy Blecher Rogers, Ms. Alice Catoe, and Mr. Jackson Blackwood were present to speak in opposition of the request.</p> <p>Mr. Patrick Duffy, Mr. Marshall Coover, Ms. Kelly Thames, & Mr. Derrick Ebener made rebuttal statements.</p> <p>After a brief discussion, Mr. Clay Smith made a motion to deny this request subject to the following:</p>
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	<p>1. The Special Exception will not be in substantial harmony with the area in which it is located.</p> <p>The motion was seconded by Mr. Frank Shuler and carried by a unanimous vote.</p>
OLD BUSINESS	NONE
OTHER BUSINESS	NONE
	<p>Respectfully submitted,</p> <p><i>Kellie K. Chapman</i></p> <p>Kellie K. Chapman, Board Secretary</p>