



ZONING BOARD OF APPEALS

Minutes of the Meeting

October 8, 2025

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, October 8, 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. Claude Wheeler, Mr. Steven Schumpert, Mr. William Bailey, Mr. Clay Smith, Mr. Jason Reddick and Mr. Gene Weston were present. Mr. Doc Dunlap and Mr. Frank Shuler 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 3:01 p.m. by Mr. Steven Schumpert.

MINUTES

Mr. Clay Smith made a motion to approve the minutes of September 10, 2025, meeting as written. The motion was seconded by Mr. Gene Weston and carried a unanimous vote.

NEW BUSINESS

BOA-25-26, 1242 Alice Dr. (City) was presented by Mr. Kerlyn Mondesir. The Board reviewed the request for a special exception approval for establishment of a +/- 120 ft. tall monopole telecommunications tower in a residential zoning district pursuant to *Article 3, Exhibit 3-5: Permitted Uses in All Zoning Districts*; *Article 5.b.2. Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities*; and *Article 5.b.4: Communication Towers and Antennae of the City of Sumter Zoning & Development Standards Ordinance*. The telecommunications tower is proposed to be located in the area of an existing electrical utility substation on the property. The property is located at 1242 Alice Dr., is zoned Residential-15 (R-15), and is represented by TMS# 203-00-05-005.

Mr. Mondesir stated the applicant is requesting approval to place the tower to enhance internal communications. The improved infrastructure will allow for faster notification of power outage in the area and more efficient coordination of response efforts.

Mr. Adam Jackson was present to speak on behalf of the request.

	<p>There was no opposition.</p> <p>After a brief discussion, Mr. Clay Smith made a motion to approve this request subject to the following findings of fact and conclusions:</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 tower will be located adjacent to the existing Duke Energy Electrical Substation. Based on staff evaluation, the site meets minimum development standards applicable to the proposed use, not including the special design criteria in Article 5.b.4. <p>That the Special Exception will be in substantial harmony with the area in which it is located.</p> <ol style="list-style-type: none"> 2. The property is zoned Residential-15 (R-15) and is located within the Suburban Development Planning Area as outlined in the 2040 Comprehensive Land Use Plan. The property that surrounds the parcel is a combination of commercial and light industrial zoning and use. Staff is of the opinion that the construction of the proposed tower will be harmonious with the surrounding area. <p>That the Special Exception will not discourage or negate the use of surrounding property for use(s) permitted by right.</p> <ol style="list-style-type: none"> 3. The proposed tower will be set back over 200 ft. from all property lines and is not expected to cause any negative impacts that would discourage or negate use of surrounding properties. <p>The motion was seconded by Mr. Gene Weston and carried a unanimous vote.</p> <p>BOA-25-27, 2434 Wedgefield Rd. (City) was presented by Mr. Kerlyn Mondesir. The Board reviewed the request for a special exception approval for the establishment of a +/- 120 ft. tall monopole telecommunications tower in a residential zoning district pursuant to <i>Article 3, Exhibit 3-5: Permitted Uses in All Zoning Districts</i>; <i>Article 5.b.2. Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities</i>; and <i>Article 5.b.4: Communication Towers and Antennae of the City of Sumter Zoning & Development Standards Ordinance</i>. The telecommunications tower is proposed to be located within the area of an existing electrical utility substation on the property. The property is located at 2434 Wedgefield Rd., is zoned Residential-15 (R-15), and is represented by TMS# 206-00-02-010.</p>
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	<p>Mr. Adam Jackson was present to speak on behalf of the request.</p> <p>Mr. Scott Sargent, Ms. Sarbina Hunt and Mr. Steven Cook were present to speak against the request.</p> <p>After a brief discussion, Mr. Claude Wheeler made a motion to approve this request subject to the following findings of fact and conclusions:</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 tower will be located adjacent to the existing Duke Energy Electrical Substation. Based on staff evaluation, the site meets minimum development standards applicable to the proposed use, not including the special design criteria in Article 5.b.4. <p>That the Special Exception will be in substantial harmony with the area in which it is located.</p> <ol style="list-style-type: none"> 2. The property is zoned Residential-15 (R-15) and is located within the Suburban Development Planning Area as outlined in the 2040 Comprehensive Land Use Plan. The property that surrounds the parcel is a combination of commercial and light industrial zoning and use. Staff is of the opinion that the construction of the proposed tower will be harmonious with the surrounding area. <p>That the Special Exception will not discourage or negate the use of surrounding property for use(s) permitted by right.</p> <ol style="list-style-type: none"> 3. The proposed tower will be set back over 190 ft. from all property lines and is not expected to cause any negative impacts that would discourage or negate use of surrounding properties. <p>With the following condition:</p> <ul style="list-style-type: none"> • No tree removal is permitted in carrying out the project. <p>The motion was seconded by Mr. William Bailey and carried a unanimous vote.</p> <p>BOA-25-28, 314 Brown St. (City) was presented by Mr. Jeff Derwort. The Board reviewed the request for a variance from the following City of Sumter Zoning & Development Standards Ordinance requirements: (1) non-residential structure side building setback requirements found in <i>Article 3, Exhibit 3-2</i>, (2) the building separation requirements found in <i>Article 3, Exhibit 3-</i></p>
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	<p>2 and <i>Article 4.f.3.b.</i>, and (3) any other variances as may be required to construct a new city park maintenance building on the property. The applicant is proposing to construct the proposed building +/-12 ft. from a side property, where the Ordinance requirement is 50 ft. and to construct the proposed building closer to an adjacent city owned building than is permitted. The property is located at 314 Brown St., is zoned Residential-6 (R-6), and is represented by TMS# 229-13-01-002.</p> <p>Mr. Derwort stated the City of Sumter is proposing to construct a +/- 2,900 sq. ft. city park maintenance building along Brown St.</p> <p>Mr. Derwort added the proposed building will serve Riley Park. Based on proposed site plans, side setback and commercial building separation variances are required.</p> <p>Mr. Scott Bell was present to speak on behalf of the request.</p> <p>There was no opposition.</p> <p>After a brief discussion, Mr. Clay Smith made a motion to approve this request subject to the following:</p> <ol style="list-style-type: none"> 1. The property is the location of Riley Park. The applicant is proposing to construct a park maintenance building on an area of the property with direct frontage to Brown St. Riley Park is a historic development that pre-dates the current Zoning Ordinance. The proposed location for the building is logical, as the remainder of the undeveloped land on the property is used for game/event parking or would be located further from park facility improvements than desired. As such, there is a lack of viable space on the property for locating a new maintenance building with the exception of the proposed location. The proposed location meets the needs of the City but does not meet all location standards of the Zoning Ordinance. 2. The property is an historic recreational facility that is integrated into a neighborhood in close proximity to the downtown area. The identified extraordinary and exceptional conditions do not generally apply to other property in the vicinity. 3. The strict application of the Ordinance in this situation would prohibit the establishment of a new city maintenance building for Riley Park in the manner desired by the City. The amount of side building setback variance required to the adjacent residential use is 3 ft. The degree of building separation variance required is slightly less than 50%. However, other building on the property near the baseball
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	<p>stadium do not comply with current building separation standards and life safety aspects of building separation are regulated under building and fire codes.</p> <p>4. In accordance with the staff's proposed approval conditions, the request is not anticipated to result in substantial detriment to adjacent property or to the public good. Further, it is not anticipated that approval of the request will harm the character of the district. The proposed maintenance building will not impact emergency access between buildings and will generally match the scale of development already on the park site.</p> <p>The motion was seconded by Mr. William Bailey and carried a unanimous vote.</p> <p>BOA-25,30, 1420 Camden Hwy. (City) was presented by Mr. Kyle Kelly. The Board reviewed this request for Special Exception approval for a <u>Liquor Store</u> pursuant to <i>Article 1.b.4.c.: Special Exceptions; Article 3, Exhibit 3-5: Permitted Uses in All Zoning Districts; Article 5.b.2. Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities; and Article 5.b.3.m: Liquor Stores</i> of the City of Sumter Zoning & Development Standards Ordinance (the "Zoning Ordinance"). The applicant (Nimisha Patel) is also requesting a variance from the 300 ft. residential use separation requirement found in <i>Article 5.b.3.m: Liquor Stores</i> of the Zoning Ordinance. The property is located at 1420 Camden Hwy., is zoned General Commercial (GC), and is represented by TMS# 203-03-02-047.</p> <p>Mr. Kelly stated the applicant is requesting special exception approval to establish a liquor store use (NAICS 44532) on property location at 1420 Camden Hwy.</p> <p>Mr. Kelly mentioned the applicant is also requesting variance approval from the liquor store special design criteria to establish a liquor store use closer than 300 ft. to residential use.</p> <p>Mr. Kelly added the subject property is located on US-521 between Linwood St. and Alice Dr.</p> <p>Mr. Kelly stated the applicant is proposing to utilize an existing retail space in a multi-tenant shopping center as a liquor store. The building footprint serves as the boundary for determining compliance with required separation standards.</p> <p>Mr. Nimisha Patel and Mr. Ken Young were present to speak on behalf of the request.</p>
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	<p>Mr. William Hayes, Ms. Violet Smith, Mr. Ron Davis, Mr. Timothy Russell, Mr. Mike Westmoreland and Mr. Dale Edwards were present to speak against the request.</p> <p>After a brief discussion, Mr. Claude Wheeler made a motion to deny this request subject to the following findings of fact and conclusions:</p> <p>In relation to the request for special exception approval to establish a liquor store use at property located at 1420 Camden Hwy:</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 would be located in an existing commercial building, with no additional site development proposed. Based on staff evaluation, the site meets minimum development standards applicable to the proposed commercial use, not including the special criteria in Article 5.b.3.m <p>That the Special Exception will 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) and 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 east and west, with two residences inside the 300 ft. buffer zone located across Camden Hwy. and multiple others immediately outside a 300 ft. distance both across Camden Hwy. and to the rear of the site. Thus, potentially disruptive uses requiring special exceptions must be carefully weighed against the uses allowed in the commercial properties on Camden Hwy. <p>That the Special Exception will not discourage or negate the use of surrounding property for use(s) permitted by right.</p> <ol style="list-style-type: none"> 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 are factors which must be considered as potentially discouraging use of the surrounding property for residential use. <p>In regards to the Variance Request:</p>
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	<ol style="list-style-type: none"> 1. The site of the proposed liquor store use is in an existing multi-tenant shopping center located across a 5-lane highway from the residences which are closer than 300 ft. 2. The presence of residential development in the vicinity of the site 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 any by-right use allowed in the General Commercial (GC) zoning district, and would also allow consideration of any conditional use subject to Article 5.b.1. <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., applicant of the ordinance standards for special exception approval would not be considered and 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. Clay Smith and carried a unanimous vote.</p> <p>BOA-25-31, 5748 TB Wright Rd. (County) was presented by Mr. Kerlyn Mondesir. The Board reviewed the request for a variance from the Sumter County Zoning & Development Standards Ordinance requirements: (1) side building setback requirement found in <i>Article 3.n.5.b</i> (AC District) Minimum Yard & Building Setback Requirements and (2) any other variances as may be required to approve a plat that is part of a court settlement agreement. The required side building setback in the AC district is 12 ft. The property is located at 5748 T.B. Wright Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 088-00-03-009.</p> <p>Mr. Mondesir stated the applicant's existing residence currently encroaches upon the shared property line.</p>
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	<p>Mr. Mondesir added as part of a settlement agreement facilitated by the respective legal representatives, the proposed new property line will be relocated to the southwestern side of the applicant's home.</p> <p>Mr. Mondesire mentioned the new property line will be located only 6 feet from the existing structure, which does not meet the minimum 12-foot side yard setback requirement stipulated in the Agricultural Conservation (AC) District regulations.</p> <p>Mr. Nicholas Young and Mr. Dickie Jones were present to speak in favor of the request.</p> <p>There was no opposition.</p> <p>After a brief discussion, Mr. Clay Smith made a motion to approve this request subject to the following findings of fact and conclusions:</p> <ol style="list-style-type: none"> 1. The home was built in 1986 and there is a potential that the home builder did not have the correct lot dimensions when the home was being constructed. Also, there was not county wide zoning and building ordinances. 2. There are no other properties in the general vicinity that encroach upon land not owned by their respective property owners. 3. The application of the ordinance prevents the property owners from resolving the property line dispute and establishing mutually agreed-upon boundary lines without first obtaining variances. As a result, the ordinance effectively hinders a practical and amicable resolution between neighboring property owners, even when both parties are in agreement regarding the proposed boundary adjustment. 4. Approval of this variance is not anticipated to result in substantial detriment to adjacent property or the public good. Further, approval is not anticipated to harm the character of the district. The request will actually bring the property into greater conformity with the ordinance than existing conditions. <p>The motion was seconded by Mr. William Bailey and carried a five (Smith, Bailey, Champion, Weston, Smith) in favor and one (Reddick) in opposition. The motion carried.</p> <p>BOA-25-32, 5664 Broad St. (County) was presented by Mr. Kyle Kelly. The Board reviewed this request for Special Exception approval for a Liquor Store pursuant to <i>Article 1.b.4.c.:</i></p>
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	<p><i>Special Exceptions; Article 3, Exhibit 5: Permitted Uses in All Zoning Districts; Article 5.b.2. Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities; and Article 5.b.3.o: Liquor Stores of the Sumter County Zoning & Development Standards Ordinance.</i> The property is located at 5664 Broad St., is zoned General Commercial (GC), and is represented by TMS# 131-00-02-024.</p> <p>Mr. Kelly added the subject property is located in an established multi-tenant commercial shopping plaza at the corner of US-378 and Patriot Parkway.</p> <p>Mr. Kelly mentioned the applicant is proposing to utilize an existing retail space that is part of a multi-tenant shopping center as a liquor store use. The existing tenant space footprint serves as the boundary for determining compliance with required separation standards.</p> <p>Mr. Casey Owens was present to speak on behalf of the request.</p> <p>There was no opposition.</p> <p>After a brief discussion, Mr. Jason Reddick made a motion to approve this request subject to the following findings of fact and conclusions:</p> <ol style="list-style-type: none"> 1. The proposed liquor store use would be in an existing multi-tenant commercial shopping center, with no additional site developments proposed. The site meets minimum development standards applicable to the proposed commercial use. 2. The property is zoned General Commercial (GC), is located along two roadway corridors intended to support higher intensity commercial uses. There are no residential uses within 300 ft. 3. The property is zoned General Commercial (GC), is located along a roadway corridor designed to support higher intensity commercial use. <p>The motion was seconded by Mr. William Bailey and carried a unanimous vote.</p> <p>BOA-25-33, 5770 Peach Orchard Rd. (County) was presented by Mr. Jeff Derwort (staff). The Board reviewed the request for the establishment of a <u>Special Events Facility</u> on the property. The Zoning Administrator has referred this conditional use request to the Board of Zoning Appeals for review as a special exception pursuant to <i>Article 5.a.3: Review</i> and <i>Article 5, Section 5.b.1: Criteria for Conditional Use Review</i> of the Sumter County</p>
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	<p>Zoning & Development Standards Ordinance. The property is located at 5770 Peach Orchard Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 192-00-01-135. Mr. Derwort stated the applicant is requesting to establish a special event facility on the property. A conditional use application has been submitted. This request has been referred to the Zoning Board of Appeals via the Zoning Administrator, for review as a special exception pursuant to <i>Article 5.a.3.</i> as staff could not make affirmative findings on all applicable conditional criteria.</p> <p>Mr. Derwort stated that a special event facility is defined as a Commercial facility rented to individuals, groups, or organizations, and used to host gatherings such as, but not limited to, weddings, receptions, meetings, galas, networking events, and conferences. Event facilities cater to a significant diversity of individuals, groups, and organizations on a contractual basis, with such individuals, groups, and organizations holding unique events on an irregular basis only. Such individuals, groups, and organizations may provide alcoholic beverages for guests in accordance with applicable state law. This definition does not include bottle clubs, night clubs, or drinking places.</p> <p>Mr. Derwort stated the property is in the AC district and subject to the C-300 process which, in addition to standard conditional use review, requires adjacent owner consent within 300 ft. of the use. Mr. Derwort stated the applicant obtained the required consents from adjacent owners.</p> <p>Mr. Derwort stated that closest residential use is located +/- 560 ft. to the closest residential use on Layneward Ct. and that the property is located +/- 916 ft. from the closest residential use in the nearby Oakwood Subdivision.</p> <p>Mr. Derwort presented the staff analysis for the conditional use criteria outlined in <i>Article 5.b.1.a – 5.b.1.f & Article 5.b.1.p</i></p> <p>Mr. Steve Porter and Mr. Travis Middleton were present to speak on behalf of the request.</p> <p>Mr. Arite Baker spoke in favor of the request.</p> <p>There was no opposition.</p> <p>After brief discussion, Mr. Gene Weston made a motion to approve this request with certain modifications to the proposed approval conditions. This motion died for lack of a second.</p>
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	<p>After continued discussion, Mr. Clay Smith made a motion to approve the request this request subject to the following findings of fact and conclusions:</p> <ol style="list-style-type: none"> 1. 5770 Peach Orchard Rd. is a non-conforming site subject to discontinuance with respect to site development standards. The site was formerly used for general warehouse purposes pursuant to Tax Assessor data. The site does not meet current county landscaping requirements and parking design standards. Based on <i>Article 6</i> of the Ordinance, the site may remain “as is” without expansion or changes to the site configuration so long as the permitted work required to occupy the building is less than 25% of the value of the structure. At this time no permitted work above the 25% threshold has been proposed. However, since the proposed land use is not a “by-right” use and has been referred to the BZA for special exception review and approval, the BZA may adopt approval conditions that require certain site upgrades in its finding that the use meets applicable criteria. 2. The parcel is zoned Agricultural Conservation (AC). The purpose of this district is to protect and preserve areas of the county which are presently rural or agricultural in character and use. The property is in a rural location, away from population centers within the County. The property is located +/- 560 ft. to the closest residential use on Layneward Ct. The property is located +/- 916 ft. from the closest residential use in the nearby Oakwood Subdivision. The closest volunteer fire station (Dalzell Station) is located approximately 3.5 miles (5-minute drive) from the property. However, this station is currently under reconstruction and inoperable. Until the Dalzell Station is operational, the closest volunteer fire stations are the Rembert Station located 8.9 miles (11-minute drive) and the Dubose Station located 8.7 miles (11-minute drive) from the subject property. The closest EMS station (station #2) is located approximately 3.5 miles (5-minute drive) from the property at 3221 Frierson Rd. Due to the isolated nature of the site, transportation services may be hard to obtain for intoxicated patrons if alcohol will be allowed on premises. 3. The purpose of the AC zoning district is to protect and preserve areas of the county which are presently rural or agricultural in character and use. The existing pattern of development in the area is marked by agricultural development, associated agricultural related businesses, and intermittent residential uses. The property is located +/- 560 ft. to the closest residential use on Layneward Ct. The property is located +/- 916 ft. from the closest residential use in the nearby Oakwood Subdivision.
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	<p>Subject to the following conditions:</p> <ul style="list-style-type: none"> • Any on-site events or activities shall not start earlier than 6:00 am and shall cease operation no later than 11:00 pm, with the exception of event preparation and clean-up activities by staff. • Event attendees shall leave the property no later than 30 minutes after the event is concluded. • Night club or entertainment events being advertised and marketed to the general public are not permitted. • Submission of a site plan showing at minimum property boundaries, building footprints, delineated parking spaces, handicapped accessible parking spaces, and commercial dumpster location and screening. • Outdoor lighting must be oriented in a manner that does not impair traffic safety and is compatible with adjacent properties. <p>The motion was seconded by Mr. Todd Champion and carried a unanimous vote.</p>
DIRECTOR'S REPORT	NONE
	<p>There being no further business, Mr. Clay Smith made a motion to adjourn the meeting at 5:22 p.m. The motion was seconded by Mr. Gene Weston and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for November 12, 2025.</p>
	<p>Respectfully submitted,</p> <p><i>Kellie K. Chapman</i></p> <p>Kellie K. Chapman, Board Secretary</p>