	ZONING BOARD OF APPEALS **Minutes of the Meeting** **October 14, 2026**
ATTENDANCE	A regular meeting of the Zoning Board of Appeals was held on Wednesday, October 14, 2026, 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. Six board members – Mr. Todd Champion, Mr. Doc Dunlap, Ms. Cassandra Floyd, Mr. Jason Reddick, Mr. Gene Weston, Mr. Clay Smith were present. Mr. Frank Shuler, Mr. William Bailey and Mr. Steven Schumpert were absent. Staff in attendance: Ms. Helen Roodman, Mr. Kyle Kelly, Ms. Carmen Lowery and Ms. Kellie Chapman. The meeting was called to order at 3:01 p.m. by Mr. Clay Smith.
MINUTES	Mr. Jason Reddick made a motion to approve the minutes of September 9, 2026. The motion was seconded by Mr. Gene Weston and carried a unanimous vote.
OLD BUSINESS	**BOA-26-29, 7056 Camden Hwy. (County)** was presented by Mr. Kyle Kelly. The Board reviewed the request for consider a request from Harmoni Gateway Towers, LLC to establish a 279 ft. tall telecommunications tower on the property. The Zoning Administrator has referred this request to the Board of Zoning Appeals consistent with *Article 5.b.4: Communication Towers and Antenne* of the *Sumter County Zoning & Development Standards Ordinance*. The property is located at 7056 Camden Hwy., is zoned Agricultural Conservation (AC), and is identified as TMS# 088-00-03-028. Ms. Sasha Riedisser asked that the request be deferred until the November 4, 2026, meeting. Mr. Gene Weston made a motion to defer the request until the next meeting on November 4, 2026. The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.
NEW BUSINESS	**BOA-26-30, 1340 Reona Ave. (County)** was presented by Mr. Kyle Kelly. The Board reviewed a request of variances from the requirements of *Sumter County Zoning & Development Standards* Ordinance, as follows: (1) residential building maximum number

	requirements provided for in *Article 4.g.2.b.2; (2) residential accessory building maximum total size requirements* provided for in *Article 4.g.2.b.5 and Article 4, Exhibit 8A*:; and (3) any other variances required to establish a new 300 sq. ft. detached carport on the property. Variances are being sought by the applicant to exceed the maximum total number residential buildings over 120 sq. ft. in size allowed and to exceed the total combined maximum size of residential accessory buildings allowed. The property is located at 1340 Reona Ave., is zoned General Residential (GR) and is represented by TMS# 155-07-02-011. Mr. Kelly stated the applicant currently has 6 detached residential accessory structures on the property with combined floor area of 3,050 sq. ft. Mr. Kelly added by Ordinance, no more than 2 residential accessory structures over 120 sq. ft. in size are permitted on a parcel. Mr. Kelly mentioned if approved, the total residential accessory structure area established on the property will be 3,350 sq. ft., across 7 structures. Maximum residential accessory structure area permitted is 1,100 sq. ft., with the total number of structures over 120 sq. ft. being 2. Mr. Johnny Bowen was present to speak on the request. There was no opposition. After a brief discussion, Mr. Todd Champion made a motion to deny this request subject to the following findings of fact and conclusions: 1. Property is +/- 0.57-acres Conforms to GR zoning district minimum lot size standards. Located in the Cherryvale area, the property and surrounding properties generally conforming residential lots with respect to minimum lot area and width. 2. Shape and size of the lot at 1340 Reona Ave. is generally consistent in terms of size and layout with other lots of record within the Cherryvale area. 3. Under the current Ordinance, the applicant can have a total of 2-accessory structures on the property that are over 120 sq. ft. in size, with a combined gross floor area not to exceed 1100 sq. ft.

The 6 existing structures on the site are considered non-conforming not subject to structure size and setbacks.

The conditions restrict the applicant from constructing a seventh accessory building of the size and dimension requested.

4. All residential properties in the GR zoning are subject to the sliding scale maximum area requirements as outlined in Article 4, Exhibit 8A of the Ordinance.

   Exceeding established requirements without demonstrating a true hardship cold be considered determinantal as it hinders the effectiveness of the Ordinance requirements and undermines the expressed intent on the Ordinance county-wide.

The motion was seconded by Ms. Cassandra Floyd and carried a unanimous vote.

BOA-26-32, 850 Lewis Rd. (County) was presented by Ms. Carmen Lowery. The Board reviewed the request for variances from the requirements of Sumter County Zoning & Development Standards Ordinance, as follows: (1) residential accessory building maximum total size requirements provided for *Article 4, Exhibit 8A*, and (2) any other variances required to establish a new 1200 sq. ft. detached garage/storage building on the property. A variance is being sought by the applicant to exceed the total combined maximum size of residential accessory buildings allowed, which is 1,150 sq. ft. based on the acreage of the property. The property is located at 850 Lewis Rd., is zoned Residential-15 (R-15), and is represented by TMS# 226-00-01-002.

Ms. Lowery stated the subject property is +/- 0.67-acres in size; the maximum permitted accessory structure area is 1,150 sq. ft.

Ms. Lowery added there is 1 existing accessory structure that the applicant intends to remove from the property.

Ms. Lowery mentioned the applicant is requesting the additional square footage in order to have enough space to store his boat trailer, enclosed trailer, and other tools and equipment.

Mr. Kevin Boland was present to speak on behalf of the request.

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

	1. The property is +/- 0.67-acres in size and has a generally rectangular shape, consistent with the adjacent parcels on Lewis Rd. The applicant states a need for a larger structure in order to store their boat trailer and enclosed trailer, and other tools and equipment. The boat trailer and enclosed trailer are currently placed in the rear yard and are not housed in a carport or garage. The proposed building is prefabricated and reducing it in size by only 50 sq. ft. is likely not feasible due to the standardized manufacturing processes for prefabricated structures. 2. Other properties within the general vicinity are of similar and size of the subject parcel. All residential parcels must comply with the accessory structure size standards applicable to this parcel as established in Article 4 and Article 4, Exhibit 8A. The property has enough space to place the proposed accessory structure in compliance with a 5ft. setback, even though it is larger than the maximum allowed square footage. 3. The conditions prevent the applicant from establishing a 1,200 sq. ft. accessory building on the property that is 50 sq. ft. over the maximum total area permitted. 4. The accessory structure is proposed to be placed at the rear (northwest corner) of property. The purpose of regulating the size of residential accessory buildings is to ensure compatibility, preserve the primary residence as a focal point of the property, and avoid negatively impacting surrounding properties. The applicant is proposing a 50 sq. ft. overage in required size based on a prefabricated building design. The existing accessory structure on the property is to be removed. With the following conditions: • The existing accessory structure on the property shall be removed 30 days after CO has been issued for new accessory structure. The motion was seconded by Ms. Cassandra Floyd and carried a unanimous vote.

BOA-26-33, 760 Bay String Dr. (County) was presented by Ms. Helen Roodman. The Board reviewed the request to appeal the Zoning Administrator's determination that the structures used to keep chickens on the property are subject to the requirements of *Article 3.x: Farming*, including the stated setback requirements from residential property lines for barns, stables, pens, or other animal shelters. The applicant contends that the keeping of chickens on the property does not qualify as a farming activity/operation as defined in the Zoning Ordinance and therefore the setbacks provided for in *Article 3.x: Farming* are not applicable. The property is located at 760 Bay Springs Dr., is zoned Residential-15 (R-15), and is represented by TMS# 207-01-07-013.

Ms. Roodman stated the applicant is appealing the Zoning Official's determination that the structures used to keep chickens on the property are subject to the requirements of Article 3.x: Farming, including the stated setback requirements from residential property lines for barns, stables, pens, or other animal shelters.

Ms. Roodman informed the Board of Zoning Appeals that the BOA has the explicit authority to hear such appeals pursuant to *Article 1.h.4*. of the Zoning Ordinance.

1.h.4. Powers of the Board of Zoning Appeals: It is the intention of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Zoning Administrator and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the Zoning Administrator.

The Board of Zoning Appeals shall have the following powers and duties:

Appeals from administrative interpretation: To hear and decide appeals where it is alleged there is an error in an order, requirement, decision, or determination made by an administrative official of the Sumter City-County Planning Commission in the enforcement of the Zoning Ordinance…

Ms. Roodman gave the timeline of the request:

1. **Mid-July 2026** – A complaint from a resident concerning the subject property was received. The complaint concerned the number of chickens and number of structures housing said chickens on the property located at 760 Bay Springs Dr.

2. **July 30, 2026** – Planning staff conducted aerial photographic analysis and performed a visual site inspection from the Bay Springs Drive public right-of-way.

3. **August 24, 2026** – The Zoning Administrator issued a Notice of Violation (NOV) regarding the total number of accessory structures. The NOV also cited that the activity appeared to meet the definition of a commercial poultry house under Article 10, a use not permitted in R-15. See Exhibit 5.

4. **August 31, 2026** – The appellant responded by email, proposing a consolidation plan for accessory structures and clarifying that the flock is maintained solely as personal hobby/rescue pets rather than a commercial operation. *See Exhibit 4*.

Note: At this time, staff is not contesting that the keeping of chickens is non-commercial.

5. **September 9, 2026** – The Zoning Administrator notified the appellant that Article 3.x.1 setbacks apply to animal shelters housing chickens, requiring a 100-foot setback from residential property lines, and issued an updated NOV outlining available options. *See Exhibit 4 & Exhibit 6*.

6. **September 9, 2026** - The appellant replied inquiring into the formal administrative appeal process in lieu of requesting variance relief. *See Exhibit 4*.

7. **September 10, 2026** – In response to staff inquiry, the appellant confirmed that approximately 50 chickens are housed on the property, noting that most are rescue animals, including ~20 recently acquired from a military family reassigned to Guam. *See Exhibit 4*.

8. **September 10, 2026** - The Zoning Administrator issued a formal written determination that Article 3.x.1 setbacks govern the shelters, accompanied by appeal submission instructions. *See Exhibit 2*.

9. **September 17, 2026** – The appellant emailed additional information concerning the nature of the chickens being kept on the property. *See Exhibit 4*.

10. **September 21, 2026** – The appellant submitted a complete BOA Appeal Application (Forms 1 & 2), accompanied by an appeal narrative and proposed site plan. *See Exhibit 1 & Exhibit 2*.

Ms. Roodman added the Zoning Administrator position:

1. Pursuant to written communication with the appellant, approximately 50 chickens are housed on the property in

	small structures located in the rear yard of the property. *See Exhibit 4*. 2. The keeping of approximately 50 chickens on the property constitutes agricultural activity, meeting the agriculture definition in *Article 10* of the Zoning Ordinance. *See Exhibit 8*. *This determination is based on the fact that an agricultural product (eggs) is produced from the chickens. While it is staff's understanding that the eggs produced by the chickens on the property are given away, and not sold, there is still a product being produced.* 3. Article 3.x.1. is applicable to general farming operations, including the keeping of approximately 50 chickens on a residential lot. 4. Article 3.x.1. of the Zoning Ordinance states that all accessory and principal buildings associated with said use shall meet the minimum yard and setback requirements for the district in which the farming use is located, except that barns, stables, pens, or other animal shelter shall be located not closer than 100 ft. to the nearest residential property. These requirements are applicable to the buildings, structures, and/or enclosures serving the chickens on the property. 5. The language in *Article 3.x.1* of the Zoning Ordinance states that farming operations can be of a personal nature and do not have to be commercial. 6. A definition of "farm" or "farmland" exists in *Article 10* of the Zoning Ordinance. This definition includes a 35-acre minimum acreage requirement. Staff asserts that farming activity can take place on property that does not formally meet the definition of a farm. Ms. Roodman stated the appellant submitted the standard BOA application, Forms 1 & 2, for an appeal from action of a zoning official on September 21, 2026. The appellant is taking the following positions: 1. **The action of the Zoning Official was erroneous because** – The animals kept are personal pets whose value is companionship, not agricultural production or commercial value. The keeping of the animals on the property is not an agricultural enterprise, in that animals or eggs are not sold. Rather, the animals are kept, housed, and cared for pets. 2. **Appellant is aggrieved by the action or decision in that** – The determination classifies a private, non-

	commercial residential use as farming and subjects my property to setback requirements that the property cannot physically satisfy. The animals are maintained as personal pets and not for agricultural production or commercial purposes. A plan to comply violations pertaining to the overall number of structures has been submitted and is believed to be acceptable means to achieve compliance. 3. **Appellant contends that the correct interpretation of the Zoning Ordinance as applied to the property is** – That private non-commercial keeping of companion animals on a residential property does not constitute a "farming use" subject to setback requirements in *Article 3.x.1* of the Zoning Ordinance. Applying this standard would affect most property owners of personal flocks with the county. 4. **Appellant requests the following relief** – Reverse staff's determination that the property constitutes a farming use and interpret the Zoning Ordinance based upon the actual and stated purpose for which the animals are kept, as privately owned pets and companion animals, not for commercial or agricultural production and determine that the setbacks requirements in *Article 3.x.1* of the Zoning Ordinance are not applicable to this situation. Ms. Carrie Tisdale, Ms. Amanda Mahaffey, and Ms. Kelly Temples were present to speak in favor of the request. Mr. John Gleaton and Ms. Gloria Jeter were present to speak against the request. After a brief discussion, Mr. Jason Reddick made a motion to reverse the Zoning Administrator's determination based on the following facts and findings: • Ordinance does not establish a classification of what constitutes a farm animal. • Based on the testimony provided by the applicant and strict interpretation of the ordinance, the use does not meet the requirements for classification as a general farming operation. The motion was seconded by Mr. Gene Weston and carried a four (Smith, Dunlap, Weston, Reddick) in favor and two (Floyd, Champion) in opposition. The motion carried.

	There being no further business, Mr. Gene Weston made a motion to adjourn the meeting at 4:31 p.m. The motion was seconded by Mr. Jason Reddick and carried a unanimous vote. The next regularly scheduled meeting is scheduled for November 4, 2026.
	Respectfully submitted, *Kellie K. Chapman* Kellie K. Chapman, Board Secretary