



BOARD OF ZONING APPEALS

Minutes of the Meeting

February 10, 2021

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, February 10, 2021 in the First Floor Sumter Opera House Theater of the Sumter Opera House, 21 N. Main Street. Six board members – Mr. Leslie Alessandro, Mr. Jason Reddick, Mr. Sam Lowery, Mr. Louis Tisdale, Mr. L.C. Fredrick and Ms. Cleo Klopfleisch were present. Mr. Steven Schumpert and Mr. Warren Curtis were absent.

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

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

MINUTES

Mr. Warren Curtis made a motion to approve the minutes of the January 13, 2021, meeting as written. The motion was seconded by Ms. Cleo Klopfleisch and carried a unanimous vote.

NEW BUSINESS

BOA-20-32, 1120 Broad St. (City) was presented by Mr. Preston McClun. The Board reviewed this request for a multiple variances from the City of Sumter Zoning & Development Standards Ordinance in order to facilitate commercial redevelopment. (1) Variance from *Article 8, Exhibit 8-9: Off Street Parking Requirements for Non-Residential Land* uses in order to permit construction of a 2,497 sq. ft. restaurant use with 26 off-street parking spaces, 4 parking spaces below the required minimum and (2) Variance from *Article 9, Section 9.b.4: Landscaping Type Depictions* in order to eliminate the required 5ft. wide Type A landscaped bufferyards on the side property lines. The property is located at 1120 Broad St., is zoned General Commercial (GC), and is represented by Tax Map # 203-13-01-016.

Mr. McClun stated the property is a +/- 0.54-acre in size. The site was historically used as a restaurant site (Pizza Hut) with the most recent use as an office location for a

Title Loan company. Prior to demolition in February of 2020, the site was vacant. Currently, the property has no structure however the previous parking lot remains. The applicant is proposing to redevelop the site for a +/- 2,497 sf. restaurant use with a drive-through and 26 striped off-street parking spaces. The proposed number of parking spaces is 4 spaces fewer than required by Ordinance for a restaurant of this size.

Mr. McClun added the site plans shows the proposed parking area within the same footprint as the existing/historic paved parking are on the site.

Mr. Julius Lee was present to speak on behalf of the request.

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

1. The site subject to this request is +/- 0.54-acre in size and is located in the General Commercial (GC) zoning district. The property has less size and less depth than both adjacent properties, as well as other properties in the vicinity. More so, at the site, the rear property line is at an angle that further limits space available for parking and internal site circulation as it results in the north side of the property having significantly more depth than south side.
2. Generally, other commercial property in the immediate vicinity is larger in overall size, has greater lot widths, and has greater lot depths with more regular lot shapes.
3. **Minimum Off-Street Parking Standards** – The request is a reduction in 4 spaces from applicable minimum off-street parking requirements. The site is constrained by space considering the proposed use and the required amount of minimum parking required by Ordinance to support it. When taking the preliminary site plan and dimensions of the property into account, the ability to provide the total amount of parking required for a restaurant use on the site, while at the same time providing functional internal site circulation, is limited.

Type A Landscaped Buffer Yards – The request is the elimination of the required 5' Type A Landscaped bufferyards. The site is constrained by its size. When taking the preliminary site plan and dimensions of the property into account, there are constraints from providing the required 5 ft. undisturbed buffer on both sides of the property, while at the same time providing the maximum amount off-street parking possible and a functioning internal site circulation pattern.

4. The site was originally developed for a restaurant use, although other uses have occupied the site since. The building recently demolished on the site was +/- 2, 820 sf. in size and was supported by 28 off-street parking spaces.

Additionally, the surrounding properties contain a significant amount of landscaping around their respective sites. The existing landscaping provides some side buffering between adjacent uses. Adjacent uses on each side are commercial in nature, requiring only the most modest landscape buffer category (Type A) between uses.

The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.

BOA-21-01, 3307 Nazarene Church Rd. (County) was presented by Mr. Jeff Derwort. The Board reviewed this request for a variance from *Article 4, Section 4.f.3.a of the Sumter County Zoning & Development Standards Ordinance* in order to establish more than one principal dwelling unit on a lot of record. The property is located at 3307 Nazarene Church Rd., is zoned Agricultural Conservation (AC), and is represented by Tax Map # 211-13-02-10.

Mr. Derwort stated the property currently contains one (1) existing mobile home, one (1) mobile home in the process of being installed with valid building permits, various accessory buildings, temporary storage pods, and two recreational vehicles (RV's).

Mr. Derwort mentioned the applicant currently resides on the property and recently obtained title to the property on December 4, 2020. This deed references a plat recorded in 1999 as being the extent of the property. This plat shows the combination of two lots into one 2.74-acre property. This plat reflects the boundaries of the property

subject to this request. The Sumter County Tax Assessor's Office does not update GIS tax parcel data until both deed and plat are recorded. This GIS data, used daily by planning staff in routine permitting decisions, showed two distinct tax parcels until as recently as January 22, 2021. A mobile home installation permit was issued on January 20, 2020 to install a mobile home within the boundaries of the former tax parcel addressed as 3305 Nazarene Church Rd. Since county level tax parcel data at the time of permit issuance reflected the existence of a 0.76-acre parcel, staff's determination is to allow the occupancy (pending inspection approval) of the mobile home at 3305 Nazarene Church Rd. and to treat the property as a non-conforming situation subject to Article 6 requirements moving forward.

Mr. Derwort added in addition to the new mobile home recently permitted at 3305 Nazarene Church Rd., the applicant is requesting to install one (1) additional mobile home at the rear of the property. In total, the applicant is requesting variance approval to allow the establishment of no more than three (3) mobile homes on a 2.74-acre property. However, it is the proposed third home that is triggering the need for Variance approval.

Mr. Derwort stated it has been determined that the recent mobile home permitted at the 3305 Nazarene Church Rd. addressed can be established, since a separate tax parcel was reflected in GIS data at the time of permit approval. Applicable requirements do prevent the placement of any additional third mobile home on the property without creation of an additional parcel via recorded plat. Staff finds that a compliant one (1) acre or greater lot could be created from the property for the purposes of establishing this 3rd mobile home. The remainder lot would contain the existing mobile home and the mobile home currently being installed. The remainder lot would be considered non-conforming not subject to discontinuance. Variance approval would not be required under this scenario.

Mr. Philip Graham was present to speak on behalf of the request.

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

	The motion was seconded by Mr. L.C. Frederick and carried a unanimous vote.
OTHER BUSINESS	Ms. Roodman stated that continuing education will be held in a face to face setting for 2021. Dates and time will be emailed once the department moves back to the Liberty Center.
	With there being no further business, Ms. Cleo Klopfleisch made a motion to adjourn the meeting at 3:33 p.m. The motion was seconded by Mr. L.C. Frederick and carried a unanimous vote. The next regularly scheduled meeting is scheduled for March 10, 2021.
	Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary