



BOARD OF ZONING APPEALS

Minutes of the Meeting

May 12, 2021

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, May 12, 2021 in the First Floor Sumter Opera House Theater of the Sumter Opera House, 21 N. Main Street. Five board members – Mr. Leslie Alessandro, Mr. Louis Tisdale, Mr. Steven Schumpert, Mr. Jason Reddick and Mr. L.C. Fredrick were present. Mr. Sam Lowery, Warren Curtis; and Ms. Cleo Klopffleisch were absent.

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

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

MINUTES

Mr. Steven Schumpert made a motion to approve the minutes of the April 14, 2021, meeting as written. The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.

NEW BUSINESS

BOA-21-10, 6135 Dubose Siding Rd. (County) was presented by Mr. Jeff Derwort. The Board reviewed this request for multiple variances from the Sumter County Zoning & Development Standards Ordinance as follows: 1) variance from *Article 3, Section 3.d.6.c: Special Development Standards for Manufactured Units or Mobile Homes* in order to place a mobile home on AC zoned property with the shorter dimension fronting the road; 2) variance from *Article 3, Section 3.n.5.a: AC District Minimum Lot Requirements* in order to create a new lot with +/- 46 ft. of lot width (+/- 14 ft. below the required minimum); and 3) variance from *Article 8, Section 8.e.13.c: Lots* in order to create a new lot with +/- 46 ft. of public street frontage (+/- 14 ft. below the required minimum). The property is located at 6135 Dubose Siding Rd., is zoned Agricultural Conservation (AC), and is represented by TMS#196-00-02-001.

Mr. Kelly stated the applicant is seeking multiple variances to allow for an existing +/- 4.4-acre property to be subdivided in manner that will create a new lot with

less than the required amount of lot width and less than the required amount of public road frontage. Additionally, the applicant is requesting a variance in order to place a mobile home on the newly created lot in a manner that will orient the shorter dimension parallel to Dubose Siding Rd.

Mr. Derwort added the applicant is proposing to create a new lot primarily using the open area located in the rear of the property. The new lot would be used to site a mobile home for an elderly family member requiring care. However, the eastern edge of the existing site-built house is approximately 61 ft. from the eastern property line and the western edge of a +/- 1,650 sq. ft. metal accessory building is located approximately 56 ft. from the western property line. Thus, a lot compliant with minimum Agricultural Conservation (AC) District requirements cannot be established due to applicable minimum development requirements. Additionally, the mobile home planned for the new lot has a unique front porch orientation on the shorter dimension home. Absent variance approval, the front porch of the unit would be required to face a side property line.

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

1. The property is +/- 4.4-acres in size and contains a site built residential dwelling unit and two accessory buildings. Existing primary and accessory structure are spread out horizontally along the property, with the eastern edge of the house located approximately 61 ft. from the eastern side property line and the western edge of the +/- 1,650 sq. ft. metal accessory building located approximately 56 ft. from the western side property line. The undeveloped rear portion of the property is approximately 2-acres in size. The site cannot be divided in accordance with current development standards due to the location of the existing primary and accessory structures located in the front portion of the property. For example, an alternate approach would be to locate the new property line between the primary dwelling unit and metal accessory building. However, this would still require variance approval since the size of the property would be too small for a stand-alone accessory building and because the

accessory building would be located in front of the future dwelling unit.

Additionally, the proposed mobile home to be located on the new lot has a front porch design on the shorter dimension vs. the longer dimension, similar to an historic “shotgun” style home. The intent of the ordinance standard is to have the “front” of the mobile home facing the public road however, the ordinance language states “longest dimension” must be parallel to the lot frontage. Absent variance approval, the mobile home front will not be oriented towards a public road as is intended by applicable requirements.

- 2. Other properties of similar size and shape in the general vicinity do not have building improvements situated in a horizontal manner across the width of the property, thus preventing subdivision in accordance with applicable AC District standards.

Further, the front of most mobile homes located in the immediate vicinity of the property are located on the longer dimension of the unit, however, those units are designed such that the longest dimension of the home is where the primary entrance and porch are located.

- 3. The subject property could be divided in accordance with the Lifetime Family Conveyance exception described in the Article 10: Definitions of the Sumter County Zoning & Development Standards Ordinance under the subdivision definition. Moving forward in this manner, however, would burden the property owner with probate complications in the near term as the property would need to be deeded to an elderly family member who is moving onto the property for provision of care purposes. Absent the Lifetime Family Conveyance option, it does not appear that the property can be subdivided without some form of variance approval.

The proposed mobile home has a front porch design on the shorter dimension of the unit. As such, the shorter dimension is intended to face the front of the property. Strict application of the Ordinance would require placement of the mobile

home on the property with front entrance oriented to a side property line.

4. The authorization of this variance is not likely to result in substantial detriment to adjacent property or to the public good, and that the granting of the variance will not harm the character of the district. The general location of the property is rural/agricultural in nature and approval will not substantially impact surrounding property. The variance is limited to the least of amount area required to meet setback requirements for the +/- 1,650 sq. ft. accessory building to the west. Absent variance approval, the applicant will need to pursue the Lifetime Family Conveyance option or remove/relocate the accessory building that is situated near the western side property line.

The motion was seconded by Mr. L. C. Frederick and carried a unanimous vote.

BOA-21-11, 418, 420, & 426 E. Liberty St. (City) was presented by Mr. Jeff Derwort. The Board reviewed this request for multiple variances from the City of Sumter Zoning & Development Standards Ordinance as follows 1) variances from *Article 3, Section 3.k.5.a: LI-W District Minimum Lot Requirements* to allow for the creation of a new lot with +/- 61 ft. of lot width (+/- 39 ft. below minimum requirements) and to allow for the creation of a new lot that is +/- 0.55 acres in size (+/- 0.45 acres below the minimum LI-W District lot size requirement); and 2) variance from *Article 3, Section 3.k.b: LI-W District Minimum Yard & Building Setbacks* in order to allow for the creation of a new lot that will result in a sideyard building setback of +/- 2 ft. (+/- 13 ft. below the minimum LI-W District setback requirement). The property is located at 418, 420, & 426 E. Liberty St., is zoned Light Industrial-Warehouse (LI-W), and is represented by TMS# 249-15-02-002.

Mr. Derwort stated the applicant is seeking multiple variances to allow for the subdivision of a property withing the Light Industrial Warehouse (LI-W) District. Variances are required in this situation because the proposed new lot will have a lot size that is below minimum requirements, as well as lot widths that are below the minimum requirements. Additionally, the proposed subdivision will establish a side property line that is +/- 2 ft. from an existing building, below minimum LI-W District sideyard building setback requirements.

The property is located on E. Liberty St. near the intersection of E. Liberty St. and Boulevard Rd. The property has frontage on both E. Liberty St. and Boulevard Rd., is +/- 1.66-acres in size, and contains four existing buildings. The applicant is proposing to subdivide the property so that +/- 1.55 acres can be purchased by a buyer interested in establishing an automotive related business at the 420 E. Liberty St. building and site.

Mr. Derwort added the applicant is proposing to establish at new 0.55-acre property with a lot width of +/- 61 ft. at the Liberty St. building setback line. The proposed eastern side property line will run between the buildings at 418 & 420 E. Liberty St. This property line will be located +/- 2 ft. from the existing buildings at 418 E. Liberty St. Variance are required since the minimum lot size for the LI-W District is 1 acre, the minimum lot width for the LI-W District is 100 ft., and sideyard building setback requirements for the LI-W District (where adjacent to a non-residential zoning district), are 15 ft.

Mr. Robert James was present to speak on behalf of the request.

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

1. The property is +/- 1.66-acres in size and is considered a nonconforming site that is not subject to a discontinuance, as defined by Article 6: Nonconforming Uses of Sites of the City of Sumter – Zoning & Development Standards Ordinance. The property contains a total of four existing buildings that are located in close proximity to the street right-of-way lines on E. Liberty St. and Boulevard Rd. Two of these buildings appear to be vacant or underused, one is being used for an auto repair shop use (420 E. Liberty St.), and one is being used for retail food store (418 E. Liberty St.). The applicant is seeking to subdivide the property in order to sell the land and buildings at 420 and 426 E. Liberty St. to an interested buyer. The owner will retain the new 0.55-acre lot and the buildings at 418 E. Liberty St. and 85 Boulevard Rd. Rezoning the property to the General Commercial (GC) zoning district was first option pursued by the applicant. However, because the property is under two acres

in size and is not adjacent to another commercial zoning area requirements outlined in Article 2, Section 2.a.2 of the City of Sumter – Zoning Development Standards Ordinance. The property cannot be subdivided without variance approval of some type.

2. The E. Liberty St. corridor contains a significant section of older heavy and light-industrial development that does not conform with current development standards. However, use of these industrial properties by separate unrelated business types in combination with building frontage in close proximity to the street are a unique condition with the context of the E. Liberty St. corridor and general vicinity. Additionally, due to the location of the property on the western edge of the nearby regulated floodplain area, it is more tied into the commercial areas adjacent to Downtown Sumter than to the remainder of the industrial section of the E. Liberty St. corridor. This would make rezoning a recommended option if the property met the minimum free-standing zoning area size threshold. This condition is also unique considering the majority of industrial zoned properties along the E. Liberty St. corridor are located further east on E. Liberty St.
3. Ordinance requirements prohibit the property, in its current form, from being subdivided in any fashion. The minimum lot size requirement for the LI-W District is 1-acre. Under current requirements, the applicant cannot sell a portion of the property to an interested buyer. Anyone interested in establishing ownership of a building and associated site must purchase the entire property with all existing buildings and active businesses.
4. The authorization of this variance is not likely to result in substantial detriment to adjacent property or the public good, and the granting of the variance will not harm the character of the district. The subdivision, in effect, will mark no change to the existing use and operations of the property. If approved, it is anticipated that the new owner would occupy the 420 E. Liberty St. building to conduct a similar automotive related business. Further, the rezoning of the property to a commercial designation makes sense from a

commercially designated zoning district and is not large enough to meet the minimum threshold for the establishment of a free-standing zoning area per Article 2, Section 2.a.2 of the City of Sumter Zoning & Development Standards Ordinance.

It is noted that any changes or reuse to the 418 E. Liberty St. building may require additional fire wall improvements to meet International Building Code requirements, outside the scope of the Zoning & Development Standards Ordinance

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

BOA-21-12, 8265 Saint John's Rd. (County) was presented by Mr. Kyle Kelly. The Board reviewed this request for a variance from *Article 3, Section 3.n.5.a: AC District Minimum Lot Requirements of the Sumter County Zoning & Development Standards Ordinance* in order to create 4 new lots with each lot sized +/- 0.8 acres (+/- 0.2 acres below minimum requirements). The property is located at 8225, 8245, 8265, & 8274 Saint John's Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 144-00-03-005.

Mr. Kelly stated the applicant is seeking a variance in order to subdivide an existing parcel of land containing three houses and one recently demolished house site into four (4) separate lots each containing one dwelling.

Mr. Kelly added the property was purchase by its' current owners in 1979. At that time, the property was a single 3-acre lot. Subsequent to that, the owners purchased an additional adjacent lot and combined it for tax assessment purposes only (no property combination survey was completed). The current pattern of development on the property is that of single-family residences, with each residence occupying between 0.72 and 0.99 acres.

In order to complete construction of a new house on the property to replace a mobile home which burned in January of 2020, the lot must be subdivided, and a variance is required to permit subdivision of lots into less than 1.0-acre parcels.

Mr. William Cauthen 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 subject property was developed prior to the adoption of the current Zoning Ordinance, and currently contains three principal structures on 3.37-acres, with a fourth principal structure having been destroyed in early 2020 by fire. While there are other lots in the general vicinity that contain multiple principal structures on a single parcel of land, the pattern of development, in which each of the residences face a public road is not common in the area. The variance request has been triggered by the extraordinary condition of a mobile home fire which destroyed one of the four grandfathered non-conforming principal structures. The applicant wishes to build a site-built house on the site of the burned mobile home but needs a variance in order to subdivide the property for financing purposes.
2. Because the subject site is already developed with a pattern consistent with other home sites on Saint John's Rd. and in the general vicinity, the condition of having multiple principal structures on a single lot of land, each oriented to the public road, does not generally apply in the vicinity.
3. Strict application of the ordinance to this particular piece of property does not allow for applicant to construct a new home to replace the mobile home which burned in 2020. While the Ordinance does permit replacement of a nonconforming structure destroyed by fire within one year of destruction, the applicant's desire to construct a site-built home and the length of time that has elapsed since the house fire has rendered that allowance moot. Without a variance, the vacant home site cannot be utilized. Absent a variance, the applicant's only recourse would be to purchase additional property from adjacent property owners to the rear of the site.
4. The approval of the request would not represent a substantial determinant to adjacent property or to the public good. As the property has been previously developed based on +/- 0.80-acre de facto home sites, granting a variance to permit subdivision of the property into lots smaller than

	<p>1.0-acre will not harm the character of the district, and no additional house beyond the one proposed as a replacement to the unit destroyed in 2020 would be allowed.</p> <p>And subject to the following approval condition:</p> <ul style="list-style-type: none"> • Variance approval is only applicable to the specific layout shown on the plat prepared by Lindler Surveying, Inc. for Thomas Graham & Lindler Graham, dated April 21, 2021 (TMS# 144-00-03-005) <p>The motion was seconded by Mr. L.C. Frederick and carried a unanimous vote.</p>
OTHER BUSINESS	NONE
	<p>With there being no further business, Mr. Steven Schumpert made a motion to adjourn the meeting at 3:40 p.m. The motion was seconded by Ms. L.C. Frederick and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for June 9, 2021.</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>