



## BOARD OF ZONING APPEALS

### Minutes of the Meeting

December 8, 2021

#### ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, December 8, 2021, in the Fourth Floor City Chambers of the Sumter Opera House, 21 N. Main Street. Five board members – Mr. Leslie Alessandro, Mr. Louis Tisdale, Ms. Cleo Klopfleisch, Mr. Warren Curtis, and Mr. Jason Reddick were present. Mr. Steven Schumpert, Mr. Sam Lowery, and Mr. L.C. Fredrick were absent.

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

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

#### MINUTES

Ms. Cleo Klopfleisch made a motion to approve the minutes of the November 10, 2021, meeting as written. The motion was seconded by Mr. Louis Tisdale and carried a unanimous vote.

#### NEW BUSINESS

**BOA-21-30, 4830 Hillside Rd. (County)** was presented by Mr. Derrick Phillips, Jr. The Board reviewed this request for a variance from the side setback requirements outlined in Article 3, Section 3.n.5.b: AC District Minimum Yard and Building Setback Requirements of the Sumter County Zoning & Development Standards Ordinance in order to place an 80 ft. long mobile home with the longest dimension parallel to the road on an existing lot of record with +/- 100 ft. of lot width. The required setback on each side of the property is 12 ft. The property is located at 4830 Hillside Rd., is zoned Agricultural Conservation (AC), and is represented by Tax Map # 150-09-01-008.

Mr. Phillips stated the applicant is requesting a variance from side setback requirements applicable to the Agricultural Conservation (AC) zoning district in order to place an 80 ft. long mobile home with the longest dimension parallel to the road on an existing lot of record with +/- 100 ft. of lot width. The required set back on each side of the property is 12 ft.

Mr. Kelly added the subject property was established in 1971 via a survey plat prepared by Scenic Heights Development Company and is recorded in Plat Book Z 31, Page 18. The lot is considered non-conforming to AC zoning district standards, as the lot is only 0.28-acres in size. The dimensions of the lot are approximately 100' X 125', width lot depth varying due to the diagonal run of the rear property line.

Mobile homes are permitted by right in the AC zoning district in accordance with all applicable development standards. Applicable residential setbacks for the AC district are as follows: Front-35 ft., Side-12 ft., Rear-50 ft. There is not sufficient width to place an 80 ft. long mobile home on the property parallel to the road and meet side setback requirements. Additionally, the lot does not have sufficient depth to place a mobile home at a perpendicular orientation on the lot and meet front and rear setbacks. Therefore, variance approval is required to place the mobile home on the property.

Mr. Eddie Diggs was present to speak on behalf of the request.

After a brief discussion, Ms. Cleo Klopfleisch made a motion to approve this request subject to the following findings of fact and conclusions:

1. The property is +/-0.28-acres in size and is located in a generally rural area of Sumter County where AC zoning is the predominant zoning classification.

In general, there are extraordinary and exceptional conditions pertaining to the property. The property was established prior to current zoning and development standards, is well below the minimum AC district lot size, does not have sufficient depth, and has an irregular shape due to adjoining property and diagonal rear property line.

2. These conditions are somewhat unique to this property. Particularly, other properties in the immediate vicinity have greater lot depth and area. This property is the smallest existing lot in the general proximity.

3. These conditions prevent the applicant from placing an 80 ft. wide mobile home on the property. This mobile home size is slightly above

standard size, so a smaller mobile home could be selected if the applicant were seeking to place a new manufactured home on the parcel; however, the applicant already owns the dwelling and is seeking to relocate to this site.

4. Approval of this request will not likely result in detriment to adjacent property or the public good. Setback requirements for buildings generally exist for reasons of public policy, including safety, privacy, and environmental protection. This is done to prevent structures from crowding adjacent structures, land, or streets. The applicant is requesting a 2 ft. setback reduction on each side of the property. Reducing the side setback from 12 ft. to 10 ft. on each side would not restrict most vehicles from navigating the lot without encroaching adjacent properties in the vicinity.

The request would not harm the character of the district, as the district is generally rural, with mobile homes being a highly utilized housing type. Furthermore, where the width of a lot allows, the Sumter City-County Planning Department does generally require mobile home's to be oriented with the primary door (front) facing the road. This property does not qualify for an exemption to this requirement since front or rear setback requirements cannot be achieved by placing the mobile home perpendicular on the property.

The motion was seconded by Mr. Louis Tisdale and carried a unanimous vote.

**BOA-21-31, 5230 Wedgefield Rd. (County)-  
WITHDRAWN BY APPLICANT**

**BOA-21-32, 254 Broad St. (City)** was presented by Mr. Kyle Kelly. The Board reviewed this request for variance approval from the minimum side and rear setback requirements outlined in Article 3, Section 3.i.5.b: GC District Minimum Yard & Building Setbacks and Article 4, Section 4.g.3: Commercial Accessory Structures of the City of Sumter Zoning & Development Standard Ordinance in order to construct a 1,080 sq. ft. commercial storage building and +/- 5 ft. from the rear property. A 50 ft. setback is required along these property lines due to their adjacency to a residential zoning district. The property is located at 254 Broad St., is zoned General

Commercial (GC) and is represented by Tax Map # 228-03-02-011.

Mr. Kelly stated the applicant is seeking variance approval from General Commercial (GC) district side and rear yard setback requirements that apply where property abuts a residential zoning district.

The applicant is requesting variance approval in order to facilitate the construction of a +/- 1,080 sq. ft. commercial storage building at the rear of the property to replace two (2) existing 96 sq. ft. accessory buildings.

The property is zoned General Commercial (GC). A 50 ft. setback is required along these property lines due to their adjacency to a residential zoning district. The applicant is requesting a 29 ft. variance from the side setback requirement and a 45 ft. variance from the rear setback requirement.

Mr. Gerald Lyles, Jr. was present to speak on behalf of the request.

Ms. Valli Finney, Ms. Kay Glover, Mr. Alvin Murdock, Ms. Peggy Durant, Ms. Gloria Mullis, and Ms. Sandra Murdock was present to speak against 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 property is +/- 1.00-acres in size and is located on Broad St., on a commercial corridor. The shape of the property includes a 50 ft. wide strip of land that projects beyond the primary rear boundary of the property to a depth of approximately 90 ft. Because the subject property abuts residentially zoned property, the Zoning Ordinance requires a 50 ft. side and rear setback. When this setback standard is applied to the 50 ft. X 90 ft. portion of the property, it renders that portion of the lot is unusable.
2. The unique shape of the subject lot, specifically the rear of the property, and where the property abuts adjacent residential zoning districts requiring a 50 ft. setback do not apply to other property in the vicinity. Specifically, the residentially zoned parcel at 13 Marshall St.

	<p>creates a shallower overall depth of lot for the subject site, whereas the other parcels on Broad Street generally have deeper overall lots which allow them to meet the 50 ft. rear setback requirement without creating a scenario where a large portion of the property is not usable.</p> <p>3. The property is currently entitled for development in accordance with General Commercial (GC) zoning district requirements and other general Ordinance requirements applicable to all land development.</p> <p>There are two (2) existing non-conforming accessory structures in poor condition at the rear of the property, each of which is +/- 96 sq. ft. These buildings are closer to the property lines than proposed new construction, which would not be permitted in the area of the property where the existing buildings are located without granting of a variance. The applicant cannot remove these buildings and replace them with the single proposed new construction without variance relief.</p> <p>4. Because there are already accessory buildings in the area proposed for placement of the new accessory building, there is no anticipated impact that would be of substantial detriment to adjacent property or the public good, and the character of the district is not expected to be harmed by granting of a variance. The applicant is proposing to remove existing non-conforming accessory structures and install a new building with appropriate landscape buffer and materials to meet Ordinance requirements. The details of site development would be addressed through the site plan review process, which would include Highway Corridor Protection District (HCPD) review and approval for exterior materials as well as landscape bufferyard planting requirements.</p> <p>The motion was seconded by Mr. Warren Curtis and carried a unanimous vote.</p>
<p><b>APPROVAL OF 2022 MEETING DATES</b></p>	<p>A motion was made by Mr. Warren Curtis to approve the meeting dates for 2022. The motion was seconded by Ms. Cleo Klopfleisch and carried a unanimous vote.</p>
<p><b>OTHER BUSINESS</b></p>	<p><b>NONE</b></p>

	<p>There being no further business, Ms. Cleo Klopfleisch made a motion to adjourn the meeting at 4:15 p.m. The motion was seconded by Mr. Warren Curtis and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for January 12, 2022.</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>