



## ZONING BOARD OF APPEALS

### Minutes of the Meeting

January 11, 2023

#### ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, January 11, 2023, in the Fourth Floor City Chambers of the Sumter Opera House, 21 N. Main Street. Seven board members – Mr. Leslie Alessandro, Mr. Louis Tisdale, Mr. Frank Shuler, Mr. Todd Champion, Mr. Claude Wheeler, Mr. Clay Smith and Mr. Jason Reddick were present. Mr. Steven Schumpert and Mr. William Bailey were absent.

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

The meeting was called to order at 3:05 p.m. by Mr. Leslie Alessandro, Chairman.

#### RECOGNATION OF PAST BOARD MEMBER

Mr. Alessandro recognized Ms. P. Cleo Klopflsich for service to the Board of Zoning Appeals.

#### MINUTES

Mr. Jason Reddick made a motion to approve the minutes of the December 7, 2022, meeting as written. The motion was seconded by Mr. Claude Wheeler and carried a unanimous vote.

#### ELECTION OF OFFICERS

Mr. Alessandro opened the floor for nomination for Chair and Vice-Chair.

Mr. Louis Tisdale nominated Mr. Leslie Alessandro for the position of Chair. The nomination was seconded by Mr. Clay Smith and carried a unanimous vote.

Mr. Claude Wheeler nominated Mr. Jason Reddick for Vice-Chair. Mr. Leslie Alessandro nominated Mr. Louis Tisdale for Vice-Chair.

Mr. Jason Reddick withdrew his nomination for Vice-Chair.

The nomination for Mr. Louis Tisdale for Vice-Chair was seconded by Mr. Frank Shuler and carried an unanimous vote.

#### NEW BUSINESS

*Mr. Louis Tisdale recused himself from BOA-22-37.*

**BOA-22-37, 4140 Wedgefield Rd. (County)** was presented by Mr. Jeff Derwort. The Board reviewed a request for variance approval from the rear building setback requirements outlined in Article 3, Section 3.g.5.b: (NC District) Minimum Yard and Building Setback Requirements of the Sumter County Zoning & Development Standards Ordinance in order to permit the approval of a rear lot line adjustment. This lot line adjustment will result in further building encroachment into the required rear setback area. The closest building is proposed to be +/- 1 ft. from the rear property line. The required rear building setback for the property is 25 ft. The property is located at 4140 Wedgefield Rd., zoned Neighborhood Commercial (NC), and is represented by TMS# 158-14-01-020.

Mr. Derwort stated a property line adjustment is being sought to separate the residentially used area of land associated with the adjacent property to the south from the commercial use of land on the subject property. At one time both properties were owned by the same individual. At some point, the owner established a brick fence over the boundary of the subject property. The land area within the fence on the residential side is being maintained as part of the adjacent property to the south. The subject property was recently purchased by an outside property.

Mr. Paul Weissenstein was present to speak on behalf of the request.

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

1. The subject property and the adjacent residentially used property to the south were previously owned by the same individual. At this point, the owner established a brick fence over the boundary of the subject property. The land area within the fence is being maintained as part of the adjacent residential property to the south. The subject property, which contains a commercial use, was recently purchased by an outside party.
2. The condition of a fence encroaching over a property line is not necessarily unique to Sumter County jurisdiction. However, the formal separation of a commercial property and residential property that were at one time owned by the same individual is an uncommon condition.
3. Ordinance requirements prohibit the adjustment of the rear property line in this situation, as in doing so would result in further encroachment into the NC district required rear setback area. The property within the fence

line on the residential side is being maintained as part of the residential property.

4. The owner of the subject property and the owner of the adjacent property to the south are in agreement concerning this request. Additionally, approval of the variance will not change existing conditions on the ground.

The approval of this variance would not likely result in substantial detriment to adjacent property or to the public good, and will not likely harm the character of the district.

To include the following condition:

- Any new building construction or building additions occurring after the date of BOA-22-37 approval must be in conformance with applicable rear setback requirements or receive separate variance approval.

The motion was seconded by Mr. Claude Wheeler and carried a unanimous vote.

**BOA-22-39, 4676 Broad St. (County)** was presented by Mr. Jeff Derwort. The Board reviewed this request for variance approval from the minimum off-street parking requirements outlined in Article 8, Exhibit 23: Off Street Parking Requirements for Non-Residential Land Uses of the Sumter County Zoning & Development Standards Ordinance in order to permit +/- 1,500 sq. ft. of tenant space within the multi-tenant building on the property to be converted to a restaurant use. The property is located at 4676 Broad St., is zoned General Commercial (GC), and is represented by TMS# 155-08-02-003.

Mr. Derwort stated the multi-tenant building consists of +/- 10,650 sq. ft. of total floor area, with +/- 42 off-street parking spaces. The current business mix consists of an existing restaurant, various beauty and nail salon uses, a tobacco/vape shop, and a furniture store.

Mr. Derwort mentioned 71 off-street parking spaces are required by current Ordinance standards to accommodate the current business mix on the property. The property is currently non-conforming to minimum off-street parking requirements, approval of this request represents increase in non-conformity of 12 parking spaces.

Mr. Nathaniel Toney was present to speak on behalf of the request.

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

1. The commercial multi-tenant building and associated site improvements were constructed circa 1986, prior to the adoption of the current Ordinance.

Based on the layout of the building in comparison to the side property boundaries, establishing additional parking at the rear of the building is not practical. Additionally, the property falls within two separate zoning districts. In the event that demolition of a portion of the building was carried out to allow for commercial access to the rear, rezoning the back portion of the property to a commercial district would be required.

2. Multi-tenant commercial sites that do not conform with current minimum off-street parking requirements are fairly common in this area of Sumter County. However, most sites do have the land availability to construct some parking area additions.
3. The application of the Ordinance prohibits the applicant from locating a restaurant business in their desired location.
4. Essentially, this request (if approved) will allow for a 50% reduction in the amount of off-street parking spaces required by the Ordinance to accommodate the proposed business mix of the commercial multi-tenant building. A non-conforming situation is already present on the property concerning minimum off-street parking. This situation is allowed to continue per Article 6 of the Ordinance (but not increase). This request will increase the degree of non-conformity by 12 additional spaces.

Based on available street imagery and preliminary site research, there is typically not a high demand for parking on this property. The parking area typically functions at around 1/2 capacity during normal operating hours. This does not consider past parking issues associated with the previous tenant at 4676 Broad St. who appeared to be conducting illegal after-hours night club activity out of the tenant space. With these noted conditions however, the request is significant and does have the potential to be a substantial determinant to the adjacent property or to the public good if and when conditions change with the other business within the building.

To include the following condition:

	<ul style="list-style-type: none"> <li>• No new businesses that have a required minimum off-street parking ratio of greater than 1 space per 250 sq. ft. of GFA may locate on the property (TMS# 155-08-02-003), except were permitted by Article 6 of the Sumter County Zoning &amp; Development Standards Ordinance.</li> <li>• The tenant space at 4676 Broad St. may not be expanded to accommodate a business that has a required minimum off-street parking ratio of greater than 1 space per 250 sq. ft. of GFA.</li> </ul> <p>The motion was seconded by Mr. Louis Tisdale and carried a unanimous vote.</p>
<b>OTHER BUSINESS</b>	<b>NONE</b>
	<p>There being no further business, Mr. Clay Smith made a motion to adjourn the meeting at 3:40 p.m. The motion was seconded by Mr. Mr. Jason Reddick and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for February 8, 2023.</p>
	<p>Respectfully submitted,  <i>Kellie K. Chapman</i>  Kellie K. Chapman, Board Secretary</p>