



ZONING BOARD OF APPEALS

Minutes of the Meeting

April 12, 2023

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, April 12, 2023, in the Fourth Floor City Chambers of the Sumter Opera House, 21 N. Main Street. Six board members – Mr. Leslie Alessandro, Mr. Frank Shuler, Mr. Claude Wheeler, Mr. William Bailey, Mr. Steven Schumpert, and Mr. Clay Smith were present. Mr. Louis Tisdale, Mr. Jason Reddick and Mr. Todd Champion were absent.

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

The meeting was called to order at 3:02 p.m. by Mr. Leslie Alessandro, Chairman.

MINUTES

Mr. Steven Schumpert made a motion to approve the minutes of the March 8, 2023, meeting as written. The motion was seconded by Mr. Frank Shuler and carried a unanimous vote.

NEW BUSINESS

BOA-23-06, 1116 Manning Rd. (County) was presented by Mr. Quint Klopfleisch. The Board reviewed this request for variance approval from the front building setback requirements outlined in *Article 3, Section 3.d.5: (GR District) Development Standards and Article 3, Exhibit 2: Development Standards For Uses In GR District of the Sumter County Zoning & Development Standards Ordinance* in order to permit the approval of a covered porch addition that will encroach into the required front building setback area +/- 5 ft. The required front building setback for non-residential uses in the GR District is 45 ft. The property is located at 1116 Manning Rd., is zoned General Residential (GR), and is represented by TMS# 251-09-02-062.

Mr. Klopfleisch stated the property is +/- 2.89-acres in size with primary road frontage on Manning Rd. Manning Rd. is functionally classified as a minor arterial road. The church was constructed prior to the adoption of the current Ordinance.

Mr. Robbie Christmas 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 is +/- 2.89-acres in size with primary road frontage on Manning Rd in area of unincorporated Sumter County to the south of city jurisdiction. The church was constructed prior to the adoption of the current Ordinance. The age of the church, combined with the unusually wide right-of-way for Manning Rd. in this area (100 ft.) could be considered extraordinary and exceptional.
2. Southside Baptist Church is one of the few religious organizations on Manning Rd. and was built prior to a majority of the surrounding homes.

Most of the neighborhoods in the surrounding area consist of residential homes with a few small businesses.

The Church's property is significantly larger than surrounding residential parcels.

3. Other commercial districts designations provide a reduced setback requirement when parking is placed at the side or rear of the building like it is on the subject. In a commercial district, variance approval would not be required for this project.

The GR zoning district does not include this reduction, but the property does have enough acreage to request a rezoning to another district even though it is completely bounded by GR zoning.

4. The requested variance is small in degree and is off-set by the amount of right-of-way on Manning Rd.

The motion was seconded by Mr. Steven Schumpert and carried by a unanimous vote.

BOA-23-07, 1320 Broad St. (City) was presented by Mr. Quint Klopfleisch. The Board reviewed this request for Special Exception approval in accordance with *Article 3, Exhibit 3-5: Permitted Uses in All Zoning Districts*; *Article 5, Section 5.b.2: Enumeration of Certain Hazardous and/or Potential Disruptive Land Development Activities*; and *Article 5, Section 5.b.3.1: Drinking Places/Bottle Clubs/Night Clubs* of the City of Sumter Zoning & Development Standards Ordinance (the Ordinance) **in order to establish a Tobacco Shop & Lounge with on-premise alcohol consumption** within a specified tenant space of a larger retail center (Gateway Plaza). The applicant is also requesting a

+/- 160 ft. variance from the 300 ft. residential use separation criteria required for the proposed use under *Article 5, Section 5.b.3.l: Drinking Places/Bottle Clubs/Night Clubs* of the Ordinance. The tenant space location is addressed as 1320 Broad St. The overall property is zoned General Commercial (GC) and is represented by TMS# 203-11-02-009.

Mr. Klopfleisch stated the property is approximately +/- 140 ft. from the Broad Trace Apartments in the rear of the building (west) located at 1235 Tryon St.

Mr. Klopfleisch added the apartments are separated from the plaza by a combination of a brick and metal fence, and garages.

Mr. Klopfleisch mentioned the location of the proposed business in the plaza neighbors a restaurant and a former bar to the east with a dental office and hearing aid store on the north side.

Mr. Charles Bruce 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:

In relation to the requested 160 ft. reduction in the 300 ft. separation standard from adjacent residential uses:

1. The property's front/main entrances face east toward the retail center parking lot and Alice Dr. Garage space serves as a solid wall along the west side of Gateway Plaza where adjacent to Broad Terrance Apartments. The property is adjacent to an existing restaurant with a bar that has similar land use impacts.
2. This property is the location of a large retail center with frontage on two primary city streets. The location of a large multi-tenant commercial use is not uncommon in this area of the city. However, no other similar retail center uses in the immediate vicinity have multi-family residential uses in such close proximity.
3. The tenant space could be occupied by any use allowed to be established in the GC zoning district, in accordance with the process outlined in the use table found at Article 3, Exhibit 3-5 of the Ordinance.
4. There is a restaurant with a bar in the same area of the plaza along with other small to medium size retailers and service providers. The Broad Trace apartments in the rear of the building (west) are separated from the plaza by a combination of a brick and metal fence, and garages

	<p>with a solid wall in the rear of the proposed building giving no adjustment to the amount of traffic or views from the apartments.</p> <p>In relation to the requested special exception approval from the requested Drinking Places/Bottle Clubs/Night Clubs:</p> <ol style="list-style-type: none"> 1. The proposed use does not meet the 300 ft. separation requirements from residential uses. Multifamily residents exist approximately +/- 160 ft. from the rear of the building. This multifamily resident is separated from the proposed business by a brick/metal fence and garages along with a solid wall on the rear of the proposed building. <p>The site does conform with general applicable development standards. The location of the business is within the Gateway Plaza which meets the off-street parking requirements, and applicable landscaping and bufferyards.</p> <ol style="list-style-type: none"> 2. The area is primarily commercial with a multi-family apartment complex adjacent along a portion of the retail center's western boundary. The proposed tenant space location is adjacent to an existing restaurant with a bar. The entrance to this tenant space faces east towards Alice Dr., the opposite direction of the multifamily units to the west. The proposed use will be in substantial harmony with the general area in which is located. 3. The area is primarily commercial in nature and considering the precedent is set for a drinking establishment along with clientele a Tobacconist Lounge attracts on average, this will not discourage or negate the use of surrounding properties. <p>The motion was seconded by Mr. William Bailey and carried a unanimous vote.</p>
OTHER BUSINESS	<p>Ms. Roodman informed the Board of an opportunity to complete the required training.</p>
	<p>There being no further business, Mr. Clay Smith made a motion to adjourn the meeting at 3:34 p.m. The motion was seconded by Mr. Claude Wheeler and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for May 10, 2023.</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>