



## ZONING BOARD OF APPEALS

### Minutes of the Meeting

August 9, 2023

#### ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, August 9, 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. Todd Champion, Mr. Jason Reddick, Mr. Louis Tisdale, and Mr. Clay Smith were present. Mr. William Bailey and Mr. Steven Schumpert were absent.

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

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

#### MINUTES

Mr. Frank Shuler made a motion to approve the minutes of the July 12, 2023, meeting as written. The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.

#### NEW BUSINESS

**BOA-23-17, 1165 Reedroman Rd. (County)** was presented by Mr. Quint Klopfleisch. The Board reviewed this request for a variance to the non-residential side building setback requirements outlined in *Article 3.n.5.b (AC District) Minimum Yard & Building Setback Requirements* of the Sumter County Zoning & Development Standards Ordinance in order to permit the construction of a church structure up to +/- 15 ft. from the side property lines. The non-residential side building setback requirement applicable to this property is 50 ft. The property is located at 1165 Reedroman Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 267-00-04-056.

Mr. Klopfleisch stated requesting a variance to the side building setback requirements for a non-residential side building setback requirement to permit the construction of a church structure up to +/- 15 ft. from the side property lines.

Mr. Klopfleisch added the non-residential side building setback requirement applicable to this property is 50 ft. The property is located on the east side of Reedroman Rd. The property is zoned Agricultural Conservation (AC) is +/- 2.0-acres in size and currently vacant. The proposal is to construct a 40ft. X 60ft.

church building and parking lot in a lot with a width of +/- 139.5ft.

Mr. Zeke Lynam, Mr. Al Smiling, and Ms. Patricia Titus 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 approval conditions:

1. The property is +/- 2.0-acres in size and is located on the east side of Reedroman Rd.

The property only measures +/- 139.5ft. at the front line making it a very narrow lot.

Most other lots in the area are residential, which only requires a 12ft. side setback.

2. The property is of similar shape and size as other property in the immediate vicinity.

It is well suited for residential use from a lot dimensioning standpoint.

The distinction with this request is the applicant is proposing a non-residential land use.

3. In relation to the side setback variance request, these conditions prevent the applicant from construction a church, as proposed.

4. Non-residential use setbacks are more restrictive in the AC district to off-set potential impacts to adjacent property.

The AC district allows for a variety of rural focused uses.

The property is adjacent to existing residential land uses to the north and south.

Existing vegetative growth exists on both side of the subject property, it is more pronounced on the south side vs. the north side.

Subject to the following conditions:

1. A 6ft. tall visual screen along the south property line consisting of either evergreen landscaping and/or fencing must be installed and complete prior to zoning final inspection approval of the church building.

2. Any evergreen trees installed as part of the buffering/screening plan for both the north and south side of the subject property must be at least 6ft. in height at time of planting.
3. The scope of this approval is for a 35ft. side setback variance along the southern side property line only. The required side setback along the northern property line remains 50ft.

The motion was seconded by Mr. Frank Shuler and carried by a unanimous vote.

**BOA-23-18, 1048 Morton St. (County)** was presented by Mr. Quint Klopfleisch. The Board reviewed this request for variance a to the side interior and side exterior building setback requirements outlined in *Article 3.d.5: (GR District) Development Standards; Article 3, Exhibit 3-2: Development Standards For Uses in the GR District; and Article 4.f.5: Side Yards* of the Sumter County Zoning & Development Standards Ordinance in order to permit the establishment of a manufactured home +/- 15.5 ft. from the side exterior property line and +/- 7 ft. from the side interior property line. The required side exterior building setback for single family detached housing applicable to this property is 17.5 ft. and the required side interior building setback for single family detached housing applicable to this property is 8 ft. The property is located at 1048 Morton St., is zoned General Residential (GR), and is represented by TMS# 251-07-01-059.

Mr. Klopfleisch stated the applicant is requesting a variance to the side interior and side exterior building setback requirements to permit the establishment of a manufactured home +/- 15.5ft. (17.5ft. required) from the side exterior property line and +/- 7ft. (8ft. required) from the side interior property line.

Mr. Klopfleisch added the applicant is proposing to move a 27.5ft. X 48ft. manufactured home onto the property. The front of the property is considered Morton St. and the side exterior of the property is Webb Ave. Side interior and side exterior setbacks cannot be met based on the width of the lot in relation to the size of the structure.

Ms. Diane Dinkins and Mr. Charles Smith were 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 approval conditions:

1. The subject property is +/- 0.17-acre lot with street frontage on both Webb Ave. and Morton St.

The lot is non-conforming to GR district lot width requirements.

This combined with the additional setback required for corner lots could be considered as extraordinary and exceptional conditions.

2. While similar corner lot property exists in the general vicinity, most of these lots have structures already placed on them.

It is noted most of the structures on said lots are non-conforming to current GR side setback requirements.

3. In relation to the side setback variance request, these conditions prevent the applicant from placing the proposed home.

4. Approval of this request is not expected to be substantial detrimental to adjacent property or to the public good. The request is not expected to harm the character of the district.

The structure will be placed 7ft. for the side interior property line and 15.5ft. from the side exterior property line.

Emergency access to the property is not anticipated to be significantly impacted with this degree of variance permitted.

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

**BOA-23-19, 5315 Adrian Circle (County)** was presented by Mr. Kyle Kelly. The Board reviewed this request for a variance to the public road frontage requirements outlined in *Article 8.e.13.a (Lots)* and *Article 8.e.13.c (Lots)* of the *Sumter County Zoning & Development Standards Ordinance* in order to permit the establishment of a new 2.0-acre lot that does not front on either a public road or other permissible road type. The *Sumter County Zoning & Development Standards Ordinance* requires that new lots (that are not exempt as outlined in *Article 10*) shall have at least 60 ft. of frontage on either a public or other permissible road type. The property is located at 5315 Adrian Circle, is zoned Agricultural Conservation (AC), and is represented by TMS# 196-00-02-012.

Mr. Kelly mentioned the applicant is requesting a variance to the public road frontage requirements outlined in *Article 8.e.13.a* and *Article 8.e.13.c* in order to permit the establishment of a new 2.0-acre lot that does not front on either a public road or other permissible road type.

Mr. Kelly added the Ordinance requires that new lots must have at least 60ft. of frontage on either a public or other permissible road type.

Ms. Ikeshia T. Sumpter 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 approval conditions:

1. The property is +/- 20.4-acres in size, with +/- 630ft. of frontage on Dubose Siding Rd.

The site is currently non-conforming not subject to discontinuance due to the presence of multiple residential structures on a single lot.

The proposed subdivision is intended to resolve a portion of the nonconformity, though establishment of a 'flag lot' is problematic given the location of the existing driveway and easement access.

In order to create an ordinance-compliant flag lot, two separate 60ft. stems would need to be surveyed and subdivided to create two separate parcels on Adrian Circle that would meet the Article 8.e.13. requirement.

2. Lots in this part of Sumter County are generally large agricultural tracts and smaller residential lots. Several lots in the vicinity of the crossroads do not meet the Article 8.e.13. standard, though all were all established prior to the current Ordinance.

The conditions of multiple residential structures on a single lot of land, while not unique, is uncommon in Sumter County, and does not meet the current Ordinance standard.

All properties in Sumter County are required to abide by Article 8.e.13., save for those defined as exempt subdivisions under Article 10, which is limited to agriculturally restricted uses and family exempt subdivisions.

3. The applicant has indicated that her family has lived on the property since at least 1972, and her family has been connected to the property owner's father (Mac Dubose) until his death in 2022.

Application of Article 8.e.13. to this situation would result in the property owner not having the ability to subdivide the tract as desired to convey to the applicant and her parents' a

parcel on which to place their mobile home, based on the history between the applicant's family and the property owner's family.

4. Article 8.e.13. requires that newly subdivided lots be established with public road frontage in order to minimize the presence of "landlocked" lots, meaning tracts of land that cannot be reached but by crossing another property owner's land.

While easements are employed as a means to establish legal access to property, application and enforceability is left to individual property owners, leaving situations in which property becomes difficult to access for its owners.

The motion was seconded by Mr. Frank Shuler and carried by a unanimous vote.

**BOA-23-20, 541/545 W. Wesmark Blvd. (County)** was presented by Mr. Jeff Derwort. The Board reviewed this request for a variance to the side building setback requirements outlined in *Article 3.k.1.b: (LI-W District) Minimum Yard & Building Setback Requirements* of the City of Sumter Zoning & Development Standards Ordinance in order to permit the establishment of a new clear well structure +/- 5 ft. from a side property line. The applicable side building setback for this property is 15 ft. The property is located at 541/545 W. Wesmark Blvd., is zoned Light Industrial-Warehouse (LI-W), and is represented by TMS# 203-00-05-023.

Mr. Derwort mentioned the request is in relation to the placement of a new clear well structure for Water Treatment Plant #5. The scope of work is part of a \$10,000,000 grant awarded to the City of Sumter by the SC Rural Infrastructure Authority.

Mr. Derwort stated storage of water in the clear well typically comprises the last step of a municipal drinking water treatment system. At the point water reaches the clear well, it has gone through both the initial filtration and the disinfectant systems. The treated water is held in the clear well in order to allow for disinfectants to further neutralize remaining pathogens.

Mr. Derwort added the property does not have direct frontage to a street and is considered land locked. Thus, flexibility exists in determining what is the front, side, and rear of the property.

Mr. John Reynolds was present to speak on behalf of the request.

	<p>After a brief discussion, Mr. Louis Tisdale made a motion to approve this request subject to the following approval conditions:</p> <ol style="list-style-type: none"> <li>1. The subject property is +/- 4.74-acres in size and is the location of City Water Treatment Plant #5. The city is proposing to expand water treatment capacity to meet the needs of city residents and businesses. The clear well structure is part of this effort. <p>The site has limited area when taking both existing and proposed site improvements into account.</p> </li> <li>2. These conditions are unique to the property, as the property is the only major city utility site in the general vicinity.</li> <li>3. The proposed site of the clear well appears to be the most viable location due to existing and planned site improvements, as well as other required structure setback areas on the property. <p>Having additional clear well capacity is crucial to the overall purpose of the project.</p> <p>Complying with required setbacks may hinder operations of the existing wash water pond.</p> </li> <li>4. Approval of this request is not anticipated to be of substantial detriment to adjacent property owners, the public good, or the character of the district. <p>The clear well structure will be approximately 5ft. in height, and an existing tree line is in place that provides screening between the site and the adjoining undeveloped property to the south.</p> <p>Project will require site plan review and compliance with all other applicable development standards.</p> <p>The motion was seconded by Mr. Jason Reddick and carried by a unanimous vote.</p> </li> </ol>
<b>OTHER BUSINESS</b>	<b>NONE</b>
	<p>There being no further business, Mr. Clay Smith made a motion to adjourn the meeting at 4:01 p.m. The motion was seconded by Mr. Frank Shuler and carried a unanimous vote.</p>

	The next regularly scheduled meeting is scheduled for September 13, 2023.
	Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary