



ZONING BOARD OF APPEALS

Minutes of the Meeting

February 14, 2024

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, February 14, 2024, 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. William Bailey, Mr. Todd Champion, Mr. Jason Reddick, and Mr. Clay Smith were present. Mr. Claude Wheeler, Mr. Steven Schumpert, and Mr. Louis Tisdale 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 3:00 p.m. by Mr. Leslie Alessandro, Chairman.

MINUTES

Mr. Frank Shuler made a motion to approve the minutes of the January 10, 2024, meeting as written. The motion was seconded by Mr. William Bailey and carried a unanimous vote.

NEW BUSINESS

BOA-24-01, 1460 Malone Rd. (County) was presented by Mr. Quint Klopfleisch. The Board reviewed this request for a variance from the requirements outlined in *Article 4.g.2.b.6: Maximum Size (Residential Accessory Structures)* and *Article 4, Exhibit 8A: Maximum Square Footage of Residential Accessory Structures Based on Gross Acreage* of the Sumter County Zoning & Development Standards in order to establish a +/- 1,050 sq. ft. residential accessory building on the property. The gross acreage of the property is +/- 0.44 acres and the maximum total area allowed for residential accessory structures based on this land area is 1,000 sq. ft. The property is located at 1460 Malone Dr, is zoned Residential-15 (R-15) and is represented by TMS# 182-13-05-038.

Mr. Klopfleisch stated the property is located in the Meadowcroft Subdivision along Malone Dr. The property is +/- 0.44-acres in size. A 1,050 sq. ft. residential accessory structure was recently established on the property without obtaining a building permit. Variance approval is being sought in order to legally permit the building. No other residential accessory structures exist on the property.

Mr. Leon Lucas and Mr. Larry Green were present to speak on behalf of the request.

After some discussion the applicant (Mr. Leon Lucas) formally withdrew the variance request.

BOA-24-02, 2205 Keltarr Circle (County) was presented by Mr. Kyle Kelly. The Board reviewed this request for variance from the requirements outlined in *Article 8.e.13.g: Lots* of the *Sumter County Zoning and Development Standards Ordinance* in order to subdivide a tract of land into two separate lots, where one of the lots being proposed does not maintain 60 ft. lot width throughout the entirety of the lot area as required in the AC zoning district. The property is located at 2205 Keltarr Circle, is zoned Agricultural Conservation (AC), and is represented by TMS# 126-00-03-083.

Mr. Kelly stated the applicant is proposing this subdivision as a lifetime family conveyance, which provides an exemption to public road frontage requirements, but not to other applicable development standards.

Mr. Kelly added the parcel was created in 2004 and purchased by the current owner in 2005.

Ms. Kellye Williams-Johnson and Mr. Terry Johnson were 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:

1. The subject property is 4.9-acres in size, with no public frontage. The lot is currently a non-conforming lot of record, as it does not meet public road frontage requirements.

There are numerous similarly shaped parcels of record in the area of this site, though the placement of the existing residence on the parcel could be considered an exceptional condition with regard to limiting the applicant's ability to subdivide the lot in a way that allows both lots to meet all minimum development standards.

2. Lots and tracts in this area of Sumter County are generally a combination of large agricultural tracts and smaller residential lots.

Many lots in the vicinity do not meet Article 8.e.13. standard, though these appear to have been created prior to adoption of the current Ordinance.

3. The application of the ordinance to the property restricts the ability of the applicant to subdivide their 4.9-acre tract into 2 lots in order to convey a 1.0-acre lot to her daughter.

The applicant's intent is for a home to be placed/built on the newly created 1.0-acre lot, which is not permitted under the Ordinance unless the lot is subdivided.

4. It is important to consider potential future impact a variance approval creates with regard to precedent for future, potentially more impactful, requests.

This request involves a proposed lot being created via the lifetime family conveyance exemption with the area of the non-conformity directly adjacent to a utility easement and to the remainder of the parent parcel.

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

Mr. Todd Champion recused himself for BOA-24-03

BOA-24-03, 10 W. College St. (City) was presented by Mr. Jeff Derwort. The Board reviewed this request for variance from the side building setback requirements outlined in *Article 3, Exhibit 3-2: Development Standards for Uses in R-6 District* and from the minimum parking requirements outlined in *Article 8.i.1: Purpose* and *Article 8, Exhibit 8-9: Off-Street Parking Requirements for Non-Residential Land Uses* of the City of Sumter Zoning & Development Standards Ordinance. Variances are being requested in order to permit the establishment of a +/- 2,600 sq. ft. student medical care facility that will be setback 17.5 ft. from the side interior property line and will have a total of 7 off-street parking spaces. The required side interior building setback for non-residential uses in the R-6 District is 25 ft. and 18 off-street parking spaces are required for a 2,600 sq. ft. medical care facility. The property is located at 10 W. College St., is zoned Residential-6 (R-6) and is represented by TMS# 229-12-04-028.

Mr. Derwort stated the property is adjacent to the Morris College campus. The College has long term plans to provide for a more cohesive campus environment that fully connects to N. Main St. To implement this plan, Morris College has taken ownership of multiple properties situated in between Brown St. and N. Main St. This includes the subject property which was acquired in 2008 and the property immediately to the rear (TMS# 229-12-04-033) which was acquired in the early 1990's. The property immediately adjacent to the east (TMS# 229-12-04-029), is owned by an outside individual and used for single-family residential purposes.

Mr. Derwort added Morris College intends to construct a small student medical facility on the subject property. The subject property is a residentially sized lot where a single-family house recently stood. All property in the immediate vicinity is within the Residential-6 (R-6) zoning district. College institutional uses can be established via conditional use approval in this zoning district but must meet more restrictive building setbacks as compared to residential uses. The applicant is proposing to place the building 17.5 ft. from the side interior property line, where the required side setback requirements is 25 ft.

Mr. Derwort mentioned the applicant is also proposing to install 7 off-street parking spaces to serve the facility, where 18 off-street parking spaces are required per the Ordinance.

Mr. Scott Bell and Mr. LeRoy Stagers were present to speak on behalf of the request.

Ms. Vivian Goodman was present to speak opposition the request.

After a brief discussion, Mr. Frank Shuler made a motion to approve this request subject to the following:

1. The property is located immediately adjacent to the Morris College campus within the area between Brown St. and N. Main St. Morris College has acquired multiple parcels within this area, and has established entrance signage along N. Main St.

The property is sized for residential use. A single-family structure previously existed on the property. The property is in the R-6 zoning district, where more restrictive building setbacks apply to non-residential uses. The subject property is adjacent to property owned by an outside individual along the eastern property boundary line.

2. Similar situations exist in the area between Brown St. and College St. adjacent to the Morris College campus. However, no such situations exist along the primary College St. entryway into the campus.
3. The conditions prohibit the applicant from establishing a campus medical care facility, as proposed.

It is noted that other vacant land owned by Morris College is located near the subject property. Morris College representatives presented information to the Board as to why this site is the more suitable location.

4. A single-family residential use is present along the property line where the side setback variance is being requested. Commercial landscape buffer requirements are applicable, and a Type B buffer with a 10 ft. minimum buffer width that includes 2 canopy trees, 6 evergreen trees, and 15 tall shrubs per 100 linear feet is required.

Approval of the requested minimum off-street parking variance is not anticipated to result in substantial detriment to adjacent property or public good, nor harm the character of the district. A campus parking lot is located directly across Brown St. from the subject property.

With the following conditions:

A Type B Landscape Buffer shall be installed along property lines adjacent to residential uses, as required by the City of Sumter Zoning & Development Standards Ordinance.

The motion was seconded by Mr. Clay Smith and carried by a four (Shuler, Smith, Alessandro, Reddick) in favor and one (Bailey) in opposition. The motion carried.

BOA-24-04, 1116 Manning Rd. (County) was presented by Mr. Quint Klopfleisch. The Board reviewed this request for a variance 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 +/- 2 ft. into the required 40 ft. front building setback. The 40 ft. front setback was established via a previous variance approval (BOA-23-06). The property is located at 1116 Manning Rd., is zoned General Residential (GR), and is represented by TMS# 251-09-02-062.

Mr. Klopfleisch mentioned the applicant is requesting a variance to allow for an additional +/- 2 feet of encroachment into the required front building setback area to accommodate the construction of a covered porch. A setback variance of 5 ft. was previously approved by the Zoning Board of Appeals under BOA-23-06.

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:

1. The subject property is 2.89-acres in size with primary road frontage on Manning Rd.

The church was constructed prior to the adoption of the current Ordinance.

The age of the church, combined with the usually wide right-of-way for Manning Rd. in this area (100 ft.) could be considered extraordinary and exceptional.

2. The Church is one of the few religious organizations on Manning Rd.

The surrounding area consists of residential homes with a few small businesses.

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

3. Commercial district designations provide a reduced front setback requirement along arterial roadways when parking is placed at the side or rear of the building like it is on the subject property.

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.

4. Approval of this request is not anticipated to be of substantial detriment to adjacent property or to the public good.

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. Frank Shuler and carried by a unanimous vote.

BOA-24-05, 5465 Colclough Rd. (County) was presented by Mr. Kyle Kelly. The Board reviewed this request for variance from the requirements outlined in *Article 8.e.13.g: Lots* of the *Sumter County Zoning and Development Standards Ordinance* in order to subdivide a tract of land into 2 separate lots, where 1 of the lots being proposed does not maintain 60 ft. lot width throughout the entirety of the lot as required in the AC zoning district. The property is located at 5465 Colclough Plantation Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 237-00-02-055.

Mr. Kelly added the applicant intends to subdivide this existing lot. The lot will have 60' of frontage on a public road but will have a narrower width along the stem of the lot.

	<p>Ms. Alysia Crawford was present to speak on behalf of the request.</p> <p>After a brief discussion, Mr. Frank Shuler made a motion to approve this request subject to the following:</p> <ol style="list-style-type: none"> 1. The subject property is 2.0-acres in size, with a 161.87 ft. of frontage on Colclough Plantation Rd. The lot is currently conforming to Ordinance requirements. <p>There are numerous similarly shaped parcels of record in the area of this site. However, the placement of the existing residence on the existing parcel could be considered an exceptional condition with regard to limiting the applicant's ability to subdivide the lot in a way that complies with all applicable development standards.</p> <ol style="list-style-type: none"> 2. Land in this area of Sumter County is generally a combination of large agricultural tracts and smaller residential lots. <p>Several lots in the vicinity do not meet the Article 8.e.13. standard, though these appear to have been created prior to adoption of the current Ordinance.</p> <ol style="list-style-type: none"> 3. The application of the ordinance to the particular property restricts the ability of the applicant to subdivide their 2-acre tract into two 1-acre lots in order to convey one lot to her son. <p>The applicant's intent is for a home to placed/built on the newly created 1-acre lot, which would not be permitted under the Ordinance unless the lot is subdivided.</p> <ol style="list-style-type: none"> 4. The proposed lot includes the entirety of an existing 35 ft. wide access easement named "Ikeshia Lane", which serves as a lifetime family conveyance lot immediately to the rear of that subject parcel. <p>The land area of the existing parcel, the requirement to have at least a 1.0-acre minimum lot size, and the need to meet minimum building setback requirements restricts the applicant's options for subdivision.</p> <p>The motion was seconded by Mr. Jason Reddick and carried by a unanimous vote.</p>
<p>OTHER BUSINESS</p>	<p>Mr. Leslie Alessandro thanked the Planning Staff, the Board, and the Community for all of the work and effort put into the last two meetings.</p>

	<p>Mr. Clay expressed his appreciation for Mr. Alessandro for his leadership of the Board.</p>
	<p>There being no further business, Mr. Frank Shuler made a motion to adjourn the meeting at 4:31 p.m. The motion was seconded by Mr. Clay Smith and carried by a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for March 13, 2024.</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>