



# ZONING BOARD OF APPEALS

## Minutes of the Meeting

May 8, 2024

### ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, May 8, 2024, in the Fourth Floor City Chambers of the Sumter Opera House, 21 N. Main Street. Seven board members –Mr. Jason Reddick, Mr. Claude Wheeler, Mr. Steven Schumpert, Mr. Louis Tisdale, Mr. Leslie Alessandro, Mr. William Bailey, and Mr. Todd Champion were present. Mr. Frank Shuler and Mr. Clay Smith were absent.

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

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

### MINUTES

Mr. Louis Tisdale made a motion to approve the minutes of the April 10, 2024, meeting as written. The motion was seconded by Mr. Steven Schumpert and carried a unanimous vote.

### NEW BUSINESS

*Mr. Louis Tisdale recused himself from BOA-24-11.*

**BOA-24-11, 420 S. Pike West (City)** was presented by Mr. Kyle Kelly. The Board reviewed the request for a variance to the public road frontage requirements outlined in Article 8.d.14.a (Lots) and Article 8.d.14.c (Lots) of the City of Sumter Zoning & Development Standards Ordinance in order to permit the establishment of a new 1.97-acre lot that does not front on either a public road or other permissible road type. The City of Sumter 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 420 S Pike West, is zoned Residential-6 (R-6), and is represented by TMS# 229-02-02-001.

Mr. Kelly stated the applicant is requesting a variance to the public road frontage requirements of the Ordinance to permit the establishment of a new 1.97-acre lot.

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

Mr. Kelly mentioned proposed subdivision is being pursued by the City as part of a project to provide pedestrian connection to the City's Shot Pouch Greenway for residents, businesses, and healthcare providers east of Shot Pouch Creek around Wall Street.

Mr. John Macloskie 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:

1. The subject property is +/- 13.05-acres in size, with +/- 424 ft. of frontage on S. Pike West. The property is currently used as a church and private school, with the buildings for the uses located close to S. Pike West and recreational fields located at the rear of the site.

The proposed 1.97-acres to be subdivided is at the rear of the property, approximately 1,400 feet from the road. The proposed lot is currently an undeveloped forested area that is approximately 80% floodplain and jurisdictional wetlands.

2. This area of the City of Sumter contains primarily residential lots, with some commercial and multi-family development as well.

Due in part to the floodplain and floodway around Shot Pouch Creek, there are irregularly shaped parcels of land, including several existing parcels that do not meet the Ordinance requirement in Article 8.d.14.

These lots were established prior to adoption of the current Ordinance.

3. The application of the Ordinance in this case prevents the applicant from subdividing the property as intended in order to facilitate development of a public connection to the City's Shot Pouch Greenway for the Wall Street neighborhood.

4. Article 8.d.14. requires that newly subdivided lots be established with public road frontage to minimize "landlocked" lots.

In this case, while the proposed lot would be landlocked, it is adjacent to property owned by Sumter County, and will be accessible from Wall Street via a recreational trail and utility easement.

The City's objective is to construct a paved greenway segment on the property, which will benefit the public good, and enhance the character of the district.

The motion was seconded by Mr. William Bailey and carried by a unanimous vote.

**BOA-24-12, 4672 Broad St. (County)** was presented by Mr. Quint Klopfleisch. The Board reviewed the request for a variance from the minimum off-street parking requirements outlined in Article 8, Exhibit 23: Off-Street Parking Requirements for Non-Residential Uses of the Sumter County Zoning & Development Standards Ordinance and any other variances required to establish a hookah lounge (with no on-site consumption of alcoholic beverages) within an existing tenant space of the multi-tenant commercial building on the property. The property is located at 4672 Broad St., is zoned General Commercial (GC), and is represented by TMS# 155-08-02-003.

Mr. Klopfleisch stated the applicant is requesting a variance to minimum off-street parking requirements in order to allow for the establishment of a hookah lounge (with no on-site consumption of alcoholic beverages) within a +/- 1,200 sq. ft. tenant space of a larger multi-tenant commercial building.

Mr. Klopfleisch added the property currently does not conform to minimum off-street parking requirements, and the requested use of this specific space will increase the degree of nonconformity. As such, an approval of a variance to minimum off-street parking requirements is required.

Mr. Klopfleisch mentioned the space proposed for the hookah lounge is currently licensed for a use requiring 1 space per 250 sq. ft. of GFA.

Ms. Sunny Wise 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:

1. The commercial building was constructed circa 1986, prior to the adoption of the current Ordinance.

Based on the layout of the building establishing additional parking at the rear of the building is not practical.

The property falls within two separate zoning districts.

If demolition of a portion of the building was carried out to allow for 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 available land to construct some additional parking areas.
3. The application of the Ordinance prohibits the applicant from locating a hookah lounge in their desired location.
4. Based on available street imagery and preliminary site research, there is not typically a high demand for parking on this property. The parking area typically functions at around ½ capacity during normal operating hours.

Subject to the following conditions:

- No more than 3,900 sq. ft. of space within the multitenant building on the property may be used for uses that require more off-street parking than 1 space per 250 sq. ft. of gross floor area (GFA) under applicable requirements in place now or in the future.
- Previous BOA conditions pertaining as applied under BOA-23-29 are null and void.

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

**BOA-24-13, 1619/1625 Panola Rd. (County)** was presented by Mr. Kyle Kelly. The Board reviewed the request for a variance from requirements outlined in Article 3.n.5.a: AC District Minimum Lot Requirements, Article 8.e.13.a: Lots, Article 8.e.13.c: Lots, and any other applicable provisions of the Sumter County Zoning & Development Standards Ordinance (the “Ordinance”) required to subdivide the property in a manner that will result in 1 new lot being 0.43 acres in size and will result in 1 new lot (non-exempt) being established without required public road frontage. The property is subject to a 1.0-acre minimum lot size requirement and all new lots are required to have at least 60 ft. of frontage on a public road (unless exempted elsewhere in the Ordinance). The property is located at 6919 & 6925 Panola Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 172-00-02-005.

Mr. Kelly stated the applicant is requesting variance to the subdivision development standards outlined in Article 3.n.5.a: (AC District) Minimum Lot Requirements, Article 8.e.13.a: Lots, of the Sumter County Zoning and Development Standards Ordinance in order to permit division of a 4.89-acre tract into 4

separate lots, 2 of which would not meet the Ordinance minimum development standards.

Mr. Kelly added the Ordinance requires that new lots in the AC zoning district have at least 60 ft. of lot width throughout the entire lot and at least 60 ft. of frontage on a public road. Furthermore, lots must be at least 1.0-acre in size.

Mr. Kelly mentioned the parent parcel in question, TMS# 172-00-02-005, was created in 1961 via survey and filed in Judgement Roll 19566 of the Office of the Clerk of Court. The applicant is attempting to subdivide the tract into 4 separate portions as part of a division of land for different family members. Tract A and D, as shown on the map below, require variances prior to plat approval. Tract B and C, as proposed family transfers in accordance with the exempt subdivision regulations found in Article 10 of the Ordinance, do not require variances.

Ms. Connie Smiling was present to speak on behalf of the request.

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

1. The property is +/- 4.89-acres, with +/- 131 LF of frontage on Panola Rd. in 2 separate locations. The site is a non-conforming lot of record because it has less than 60 ft. of width throughout. The lot is also a nonconforming use not subject to discontinuance, as it has 2 separate principal residences on a single lot. The proposed division would retain the existing nonconforming site condition, but would resolve the nonconforming use.

While there are numerous uniquely shaped parcels of record in the area of this site, none share the same conditions as the subject parcel, particularly the narrow width of the lot, combined with the 0.15-acre remnant of land on the east side of Panola Rd. that is the result of development of the road, which blocks the tract from having a greater width at the roadway (218 LF vs. 36 FL).

2. Lots in this area of Sumter County are generally a combination of large agricultural tracts and smaller residential lots. Several lots in the vicinity do not meet the Article 8.e.13. standard, though these were created prior to adoption of the Ordinance.

The condition of the 0.15-acre strip of land between the site and Panola Rd. is a unique condition, as is the placement of both dwellings and configuration of the area of Lot C & D.

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

3. The application of the ordinance to the property restricts the ability of the applicant to divide the tract as desired by the family.
4. **Tract A** – Article 3.n.5.a. requires that new lots have a least 1.0-acre of land in the AC District as part of the County-wide policy intended to discourage dense development in rural areas to preserve the agricultural and rural character of these areas. However, in this situation, the existence of 2 residential structures (manufactured homes) is an existing condition, and application of the Ordinance in restricting a subdivision that would separate the 2 residences would not result in an actual change to the pattern of the development.

**Tract D** – Article 8.e.13. requires that newly subdivided lots be established with public road frontage to minimize presence of “landlocked” lots, meaning tracts that cannot be reached but by crossing another’s land. While easements are employed 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. Article 8.e.13. ensures that lots are created with the necessary width to allow access without requiring easements. In this case, while the parcel would be landlocked, the applicant does have some direct access to the public road, and has obtained easement access across the adjoining lot to legally access Panola Rd.

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

**BOA-24-14, 3908/3910 Camden Hwy. (County)** was presented by Mr. Jeff Derwort. The Board reviewed the request for a variance from the non-residential building setback requirements outlined in Article 3.b.5.b: (R-9 District) Minimum Yard and Building Setback Requirements and Article 4.g.4.a: (Agricultural Accessory Structures) Conditions & Exceptions of the Sumter County Zoning & Development Standards Ordinance in order reuse existing discontinued non-residential structures that do not comply with applicable non-residential building setback requirements for agricultural purposes. The building setback requirement for non-residential uses applicable to this property is 50 ft. The property is located at 3908/3910 Camden Hwy., is zoned Residential-9 (R-9), and is represented by TMS# 189-00-02-005.

Mr. Derwort stated the property is the location of a former cotton oil mill and contains multiple structures pertaining to this business and any other later businesses on the property.

Mr. Derwort added the applicant desires to reuse two (2) of the warehouse buildings at the rear of the property for agricultural storage purposes. Agricultural storage uses are permitted in the R-9 zoning district, like they are in all county zoning districts, but must meet required non-residential building setback requirements.

Mr. Derwort mentioned the locations of the warehouse buildings are nonconforming to setback requirements and the site is considered discontinued in accordance with Article 6 provisions.

Mr. Derwort added reuse of the buildings is subject to the "Projects at Nonconforming Sites" provisions in Article 6.c.4 of the Ordinance. The applicant is proposing electrical work in order for building reuse. Based on the cost of work submitted with an electrical permit application, it appears that substantial compliance with all current standards is required.

Mr. Derwort stated the major non-conforming site feature applicable are the distances the building are setback from side and rear property lines, with both building being located +/- 11 ft. from the side property line and 1 building being located +/- 25 ft. from the rear property line.

Mr. William Moore 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:

1. The property, and the improvements thereon, were in place long before current zoning requirements.

The layout of the buildings on the property were done so to support a past cotton oil mill land use. The property has a narrow width in relation to the number of structures placed on it.

2. The conditions described above, as they pertain to the subject property, are not generally applicable to most other property in the vicinity.
3. The application of the Ordinance to this property would not allow most of the structures on the property to be reused for any nonresidential use otherwise permitted in the R-9 zoning district.

4. Approval of this request is not anticipated to be of substantial detriment to adjacent property or to the public good. Further, the request is not expected to harm the character of the district.

The property is adjacent to property that is either currently undeveloped or used for agricultural purposes.

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

**BOA-24-15, 3413 US Highway 15 S. (County)** was presented by Mr. Quint Klopfleisch. The Board reviewed the request for a variance from the front and rear building setback requirements in the Agricultural Conservation (AC) zoning district outlined in Article 3.n.5.b: (AC District) Minimum Yard and Building Setback Requirements of the Sumter County Zoning & Development Standards Ordinance (the “Ordinance”) in order to establish a new dwelling that will be located +/- 34 ft. from the front property line and located +/- 14 ft. from the rear property line. The property is located at 3413 US Hwy. 15 S., is zoned Agricultural Conservation (AC), and is represented by TMS# 222-00-02-025.

Mr. Klopfleisch stated the subject property is located on the east side of US Hwy. 15 S. The proposed new construction will result in the building’s proposed front being +/- 34 ft. from the front property line and +/- 14 ft. from the rear of the property.

Mr. Klopfleisch added the subject property is approximately 0.23-acres in size, and falls under the Agricultural Conservation (AC) zoning. In the AC District, any road classified higher than a collector street necessitates a 45-foot front setback. At the location of the subject property, US Hwy. 15 S. is classified as an arterial road. Arterial roads primarily facilitate traffic movement and typically permit higher vehicular speeds compared to collector or local roads.

Ms. Antionette Boykin and Mr. David Johnson were 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:

1. The subject property is 0.23-acres in size with primary road frontage on US Hwy. 15 S. The property is located in an area of unincorporated Sumter County to the south of the city jurisdiction. The lot is an irregular shape with depths ranging from 106 ft. at its deepest to 77 ft. at the shallowest, making the lot unbuildable without setback variance approvals.



2. Several neighboring houses sit as close or closer US Hwy. 15 S. The house on the abutting parcel to the southeast lies approximately 15 ft. from the front property line and as close as approximately 25 ft. from the rear property line, while the house on the parcel abutting to the northwest of the property stands approximately 22 ft. from the front property line. Additionally, the house across the road is approximately 34 ft. from the front property line. All the neighboring houses mentioned were built before the current ordinance. The conditions of the subject property, and the existing residentially used lots in the immediate vicinity, are somewhat unique for property within the AC zoning district along US Hwy. 15 S.
3. The lot is unbuildable without building setback variance approvals.
4. Approval of this request is not anticipated to be of substantial detriment to adjacent property or to the public good. Further, the request is not expected to harm the character of the district.

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

**BOA-24-16, 5725 Hugh Ryan Rd. (County)** was presented by Mr. Jeff Derwort. The Board reviewed the request for a variance from the accessory building placement requirements outlined Article 4.g.2.b.4 (Residential Accessory Structures) Location Requirements of the Sumter County Zoning & Development Standards Ordinance (the “Ordinance”) in order to construct a detached carport in the front yard. The property is located at 5725 Hugh Ryan Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 091-00-01-046.

Mr. Derwort stated Article 4.g.2.b.4 of the Sumter County Zoning & Development Standards Ordinance (the “Ordinance”) requires that detached garages and carports be placed in either the rear yard of the property or the side yard of the property no further forward than the front of the principal dwelling.

Mr. Derwort added the applicant is requesting this variance due to existing topographic conditions, the location of the existing fence, and the location of the septic drain field on the property.

Ms. Pamela Kirvin 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:

1. The subject property is +/- 2.1-acres in size and is located in a rural area in the northwest section of unincorporated Sumter County. There is an approximately 16 ft. change in grade from the front of the property to the rear of the house. The area to the right of the dwelling, as viewed from Hugh Ryan Rd., is fenced in and has steps installed to access the area from the front yard due to the change in grade. The area to the left of the dwelling, as viewed from Hugh Ryan Rd., is the location of the septic tank drain field and repair area. The dwelling only has front and rear entry doors.
2. The subject property has unique challenges pertaining to the placement of a detached carport in compliance with Ordinance requirements. While other property in the immediate vicinity may also encounter similar challenges, the topography and other existing site conditions related to the placement of a detached carport on this property are somewhat unique within the larger context of this area of Sumter County.
3. If the requested variance is not approved, the applicant must install the proposed detached carport in compliance with Ordinance requirements. Doing so would either require the structure to be located further away from the house and/or would require the applicant to drive around/through existing site features to access it. The area immediately behind the dwelling is fenced in.
4. Approval of this request is not anticipated to be of substantial detriment to adjacent property or to the public good. Further, the request is not expected to harm the character of the district.

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

*Mr. Jason Reddick recused himself from BOA-24-17.*

**BOA-24-17, 520 Wilson Hall Rd. (City)** was presented by Mr. Jeff Derwort. The Board reviewed the request for a variance from the required 12” setback for fences along street frontages as outlined in Article 4.f.8 of the City of Sumter Zoning & Development Standards Ordinance in order to construct a new brick fence in a manner that allows the applicant to retain existing automatic security gates and avoid underground infrastructure. The property is located at 520 Wilson Hall Rd., is zoned Residential-15 (R-15), and is represented by TMS# 185-00-02-012.

Mr. Derwort stated the applicant is proposing to replace an existing chain link fence that runs parallel to S. Wise Dr. ROW with sections of screen wall fence and knee wall fence.

Mr. Derwort added the existing chain link fence ties into brick columns at 2 site ingress/egress points along this street frontage. These brick columns provide anchoring for automatic security gates at these 2 access points.

Mr. Derwort mentioned the backs of these existing brick columns are closer than 12" from the S. Wise Dr. ROW line.

Mr. Ben McIver 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:

1. The property is the location of an established school campus.

New brick fencing is being proposed to screen the school playground and parking areas from public view. A portion of the proposed fence line, primarily between 2 site access points along S. Wise Dr., will be +/- 8' from the street ROW line in order to 1) tie into existing brick columns that anchor access security gates and 2) to avoid the location of an existing underground water vault.

Based on GIS analysis, there is between +/- 20' to +/- 25' ft. of space between the S. Wise Dr. edge of asphalt and the ROW line.

2. These conditions are somewhat unique within the vicinity due to use characteristics of the property and the proximity of existing site infrastructure.
3. Without variance approval, the applicant would have to relocate established brick columns and underground site infrastructure to construct the proposed fence.
4. Approval of this request is not anticipated to be of substantial detriment to adjacent property or to the public good. Further, the request is not expected to harm the character of the district.

Based on GIS analysis, there is between +/- 20' to 25' ft. of space between the S. Wise Dr. edge of asphalt and the ROW line. The fence, as proposed, is not anticipated to impact transportation operations or the operations of other infrastructure located within the ROW.

	<p>The motion was seconded by Mr. Claude Wheeler and carried by a unanimous vote.</p>
<p><b>OTHER BUSINESS</b></p>	<p><b>BOA-24-07, 1740 Hwy. 521 S. (City)</b> The Board reviewed the request for variances from the lot development standards outlined in Article 3.b.5.a: (R-9 District) Minimum Lot Requirements and Article 8.e.13.c: Lots of the Sumter County Zoning &amp; Development Standards Ordinance and any other Ordinance requirements as may be applicable in order in establish a new lot that will have +/- 21 ft. of frontage on a public street and will have +/- 21 ft. of lot width at the front building setback line. The Ordinance requirements applicable to the subdivision of this property require that new lots have at least 60 ft. of frontage on a public street and have at least 75 ft. of lot width at the front building setback line. The property is located at 1740 US Hwy 521 S., is zoned Residential-9 (R-9), and is represented by TMS# 252-00-02-022. This request was deferred to the May 8, 2024 BOA at the April 10, 2024 BOA meeting.</p> <p>Mr. Derwort stated that this request was deferred due to the applicant not being present at the meeting and due to questions that could not be resolved at that time. Mr. Derwort stated that the applicant is present at the meeting and the staff is recommending an addition approval conditions, should the BOA find that all necessary criteria have been met. Mr. Derwort stated that this additional recommended approval conditions is that the applicant provide a access easement to property from the driveway of the church property.</p> <p>Mr. Thomas Anderson and Mr. Ricky McLeod was present to speak on behalf of the request. Mr. Ricky McLeod indicated that they were comfortable with providing an access easement.</p> <p>After a brief discussion, Mr. Louis Tisdale made a motion to approve this request subject to the following:</p> <ol style="list-style-type: none"> <li>1. The subject property is +/- 6.17-acres in size, with public frontage on US 521 S. The lot is currently home to a religious organization. The proposed lot will have +/- 270 ft. of road frontage along a private road (Brunswick Rd.) on the eastern edge of the property which will give it access to US 521 S. The narrow width stem is being proposed to US 521 S. in order to provide some level of frontage on a public road and to preserve the existing driveway location for the church.</li> <li>2. The lot size and dimensions of the property are not uncharacteristic for a non-residential institutional use along a major arterial roadway. However, having secondary frontage on private road that provides access to multiple lots under</li> </ol>

different ownership is somewhat unique to this particular property.

3. The application of the ordinance to the particular property restricts the ability of the applicant to subdivide the property as proposed. The proposed lot has significant frontage on a private road that is the only access point for multiple different property owners.
4. Based on the proposed subdivision sketch, it is not anticipated that the area of lot width and road frontage non-conformity will be substantial detriment to adjacent property or the public good. However, it is important to consider the impact that a variance approval creates with regard to precedent for future, potentially more impactful, requests.

**Subject to the following condition:**

- An Easement is shown on the plat from Frasier Memorial Church to all future owners of the new lot giving the owners right to use the present ingress/egress onto US Highway 521.

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

**BOA-24-08, 941 Clay St. (County)** The Board reviewed the request for a variance from the residential accessory structure maximum size requirements outlined in Article 4.g.2.b.6: Maximum Size and Article 4, Exhibit 8A: Maximum Square Footage of Residential Accessory Structures Based on Gross Acreage of the Sumter County Zoning & Development Standards Ordinance (the “Ordinance) and any other Ordinance requirements as may be applicable in order to establish a +/- 1,200 sq. ft. residential accessory structure where the maximum total area of residential accessory structures permitted based on the size of the property is 1,150 sq. ft. The property is located at 941 Clay St., is zoned Residential-15 (R-15), and is represented by TMS# 207-10-02-009. This request was deferred to the May 8, 2024 BOA at the April 10, 2024 BOA meeting.

Ms. Helen Roodman provided an update concerning the Duke Energy/Progress easement, and stated that no final answer from Duke Energy/Progress is available at this time concerning whether or not the structure will be allowed to remain within the easement area.

Mr. Richard Irick was present to speak on behalf of the request.

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

1. The property is in the R-15 zoning district, which allows a minimum lot size of 15,000 sq. ft. (0.34-acres). Most lots in the subdivision are between 0.34 and 0.40-acres in size.

While the overhead electric utility line easement is an extraordinary condition that affects a relatively small number of lots within the overall subdivision, the lot size for these lots appear to have been established with this factor in mind of offset the impact of the easement's effect.

Additionally, while the lot is not technically a corner lot, it functions as a corner parcel, as there is a private portion of Hilldale Dr. located adjacent to the property which provides unpaved driveway access to 3 lots.

2. The subject parcel's location with the subdivision and impact caused by the utility easement applies to a relatively small number of lots in the overall subdivision. However, the accessory building standards found in Article 4.g. of the Ordinance apply countywide, and the specific dimensional constraints to which this request is seeking a variance are intended to account for differently sized parcels of land.

The maximum accessory structure size thresholds in Exhibit 8A were established based on a standard increment, with each 0.10-acre increase in lot size corresponding to additional accessory structure size allowance between 25 and 100 sq. ft.

This methodology does not account for standard dimensioning in the building construction industry, which can make constructing a 1,150 sq. ft. building significantly more difficult than a 1,200 sq. ft. building.

3. The applicant can construct up to 2 accessory buildings with a combined size of 1,150 sq. ft. without a variance. The applicant has an existing +/- 400 sq. ft. accessory structure (carport) and could build an additional +/- 750 sq. ft. structure without a variance. The ordinance prevents the applicant from exceeding this limit.

The existing +/- 400 sq. ft. carport located to the side of the residence is close enough to the dwelling that it could be connected and treated as part of the principal structure and not as an accessory structure.

In this scenario, the applicant's need for a variance would be reduced from 450 sq. ft. to 50 sq. ft.

4. The purpose of regulating the size of residential accessory buildings is to ensure compatibility, preserve the primary

	<p>residence as the focal point of the property, and avoid negatively impacting surrounding properties.</p> <p>Authorization of this specific variance is not likely to result in substantial detriment to adjacent property and the public good, as it represents only a small increase in residential accessory structure above the maximum requirement.</p> <p>However, exceeding the established maximum accessory structure size limits without demonstrating a true hardship could impact district character over time as it hinders the effectiveness of the Ordinance requirements and undermines the expressed intent of the ordinance countywide.</p> <p><b>Subject to the following condition:</b></p> <ul style="list-style-type: none"> <li>• The applicant must obtain written consent or other legal documentation within 90 days (Tuesday, August 6, 2024) that verifies that construction of an accessory structure is permitted under the terms of the easement currently held on the property by Duke Energy Progress prior to building permit approval.</li> </ul> <p>The motion was seconded by Mr. Jason Reddick and carried by a unanimous vote.</p>
	<p>There being no further business, Mr. Louis Tisdale made a motion to adjourn the meeting at 4:54 p.m. The motion was seconded by Mr. William Bailey and carried by a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for May 8, 2024.</p>
	<p>Respectfully submitted,  <i>Kellie K. Chapman</i>  Kellie K. Chapman, Board Secretary</p>