



BOARD OF ZONING APPEALS

Minutes of the Meeting

November 13, 2019

ATTENDANCE	<p>A regular meeting of the Zoning Board of Appeals was held on Wednesday, November 13, 2019 in the Fourth Floor Council Chambers of the Sumter Opera House, 21 N. Main Street. Seven board members – Mr. Warren Curtis, Mr. Harold Johnson, Ms. Cleo Klopffleisch, Mr. Leslie Alessandro, Mr. Louis Tisdale, Mr. Jason Reddick and Mr. Gregory Williams were present. Mr. L.C. Frederick was absent.</p> <p>Planning staff in attendance: Mr. Daniel Crum, Ms. Helen Roodman, Mr. Kyle Kelly, Mr. Preston McClun and Ms. Kellie Chapman.</p> <p>The meeting was called to order at 3:00 p.m. by Mr. Warren Curtis, Chairman.</p>
MINUTES	<p>Mr. Gregory Williams made a motion to approve the minutes of the October 9, 2019, meeting as written. The motion was seconded by Mr. Leslie Alessandro and carried a unanimous vote.</p>
OLD BUSINESS	<p>None</p>
NEW BUSINESS	<p>BOA-19-32, 1708/1710 Highway 521 S. (County) was presented by Mr. Kyle Kelly. The Board will review the request for two (2) variances from the Sumter County Zoning and Development Standards Ordinance in order to subdivide and convey land to adjacent property, as follows: <i>Article 4, Section 4.g.2.b Residential Accessory Structure Development Standards</i> and <i>Article 4, Section G, Exhibit 8A Maximum Square Footage of Residential Accessory Structures Based on Gross Acreage</i>, in order to increase the maximum number of permitted detached residential accessory structures over 120 sq. ft. to a total of three (3) and to permit a 1,185 sq. ft. variance from the maximum combined total square footage for residential accessory structures allowed on a +/- 4.71 acre parcel to 3,610 sq. ft. The properties are located at 1708 and 1710 Highway 521 S. Both properties are zoned Residential-</p>

9 (R-9), and represented by Tax Map #'s 252-00-02-039 and 252-00-02-052.

Mr. Kelly stated the proposed property adjustment would result in the property at 1710 Hwy. 521 South gaining 0.33 acres of land and third accessory structure. The property located at 1708 Hwy. 521 South currently contains one (1) single-family residential dwelling and two (2) accessory structures. The property located at 1710 Hwy. 521 South currently contains one (1) single-family residential dwelling and two (2) accessory structures. The property at 1708 Hwy. 521 South is proposed for subdivision with a portion conveyed to 1710 Hwy. 521 South.

Mr. Michael Leviner was present to speak on behalf of the request.

After some discussion, Mr. Leslie Alessandro made a motion to approve this request based on the harmony of the lot and with no additional new buildings being constructed or other changes being made to the property. The motion was seconded by Ms. Cleo Klopfleisch and carried a unanimous vote.

Mr. Louis Tisdale recused himself for this request.

BOA-19-33, 3100 Quandry Rd. (City) was presented by Mr. Preston McClun. The Board reviewed this request for a variance from the minimum lot frontage requirement on a public street as established in *Article 8, Section 8.d.13, Lots in City of Sumter – Zoning & Development Standards Ordinance* in order to subdivide a +/- 3.0 acre portion of land from an existing landlocked parcel to serve as an off-site stormwater management area for adjacent commercial development. The property is located at 3100 Quandry Rd., zoned General Commercial (GC), and represented by Tax Map # 186-00-04-027 (Part).

Mr. McClun stated this request is to divide a 3.16 acre portion from a 5.18 acre landlocked parcel. As proposed the 3.16 acre tract would be used for off-site stormwater management for future commercial development at the intersection of Carter Rd. and Broad St. The 5.18 acre parent tract is currently used for stormwater management for the Companion at Cater Mill apartments to the south.

Mr. McClun added that this variance request will allow for the subdivision of the tract into two parcels, with the 3.16 acre tract being conveyed to the property owners association for the future commercial development at the Carter Rd. /Broad St. intersection.

Mr. Mack Kolb and Mr. Mike Weatherly were present to speak on behalf of the request.

Mr. Julian Moore attended to gain an understanding of the request, but was neither in favor or opposition.

After some discussion, Mr. Leslie Alessandro made a motion to approve this request based on the recommendation of Staff and the following findings of fact and conclusion of law developed by the BZA and so stated

1. *3100 Quandary Road is a landlocked lot with low lying areas running through the eastern side of the property. A portion of the property currently serves as an off-site stormwater management area for the adjacent Companion at Carter Mill apartments. No other lots in the vicinity are landlocked.*
2. *The overall 5.18 acre tract has an area that serves as off-site stormwater management for Companion at Carter Mill Apartments, as it is a natural low point in the area. It appears that the land was part of the overall Companion at Carter Mill development tract, however, at some point the land was subdivided from the apartment complex creating a landlocked parcel.*
3. *The applicant is in the process of developing the lot into a stormwater management area. As written, the ordinance prevents the applicant from dividing off the low lying portion of the property as neither parcel created will have public road frontage. The requirement for road frontage is to insure publicly accessible spaces used for daily commerce/activity are easily reached by emergency services. In this instance, the proposed development of the area is for stormwater management, a use not commonly accessed on a daily basis by the general public.*
4. *Granting this variance would allow for a stormwater management area that will serve the properties on the southeastern corner of Carter Rd. and Broad St. The Property Owners Association for the*

commercial development would be conveyed ownership of the stormwater management area and be responsible for required maintenance. The stormwater management area will be designed in accordance with all applicable regulations.

The motion was seconded by Mr. Harold Johnson and carried a vote of four (4) in favor of approval (Johnson, Alessandro, Reddick, Williams) and one (1) opposition (Klopfleisch).

BOA-19-34, 3330 Broad St. (City) was presented by Mr. Daniel Crum. The Board review this request for a 42 ft. side set back variance for suburban multi-family apartments as required in *Article 3, Exhibit 3-6 Development Standards for Residential Uses in Commercial District* in the *City of Sumter – Zoning and Development Standards Ordinance* in order to subdivide a commercial outparcel from the larger tract resulting in an 8 ft. setback for the existing multi-family apartment development. The property is located at 3330 Broad St., zoned General Commercial (GC), and represented by Tax Map # 186-00-03-001.

Mr. Crum stated the applicant is requesting a principal structure setback variance in order to subdivide the property at 3330 Broad St.

Mr. Crum stated the subject property is portion of The Retreat multi-family development that was approved by Planning Commission in 2019, under MSP 18-02 (Rev 2). The financial institutions involved with financing the development wish to have the commercial and residential portions of the development separated into separate parcels.

Mr. Mike Weatherly was present to speak on behalf of the request.

Ms. Jonetta Goggins had questions concerning the request, which were answered by the board.

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

- 1. The subject property is operating at a high density and has a mixing of residential and commercial uses not found on other properties in the area. The pattern of development for the site is also unique,*

as the plan for the property was originally developed based on the premise that as a singular parcel would be no property line setbacks that need to be accounted for by the interior uses and buildings.

- 2. Other properties in the vicinity are operating at a significantly smaller scale, and do not have the same mixing of uses found on the subject property.*
- 3. In order to subdivide and separate the uses, both the commercial and residential lots would be required to be in compliance with all developmental standards. It is not possible to create a functional new lot around the proposed commercial use without resulting in the creation of a nonconformity with the established setbacks for the multi-family residential structures.*
- 4. Granting this variance will not alter the existing development, nor will it change the approved plans for the future commercial parcel. This request simply seeks to separate the residential and commercial uses in order to simplify financing for the development.*

The motion was seconded by Ms. Cleo Klopfleisch and carried a unanimous vote.

BOA-19-35, 1820 Rush St. (County) was presented by Daniel Crum. The Board reviewed this request for a 1680 sq. ft. variance *Article 4, Section G, Exhibit 8A Maximum Square Footage of Residential Accessory Structures Based on Gross Acreage in the Sumter County – Zoning & Development Standards Ordinance* in order to construct a 2400 sq. ft. accessory structure on property located at 1820 Rush St. The property is zoned Agricultural Conservation (AC), and represented by Tax Map # 358-00-02-023.

Mr. Crum stated the applicant is requesting an additional 1680 sq. ft. of accessory building space in order to construct a 2400 sq. ft. metal storage building in the rear yard of the property. The property currently contains a single family residential dwelling, as well as two existing accessory structures.

Mr. Crum added the applicant will be removing the open sided structure in the rear yard and replacing it with a larger storage building in a different location. The

proposed building will be a 2400 sq. ft. (40ft. X 60ft.) single story prefabricated building with metal siding.

After a brief discussion, Mr. Leslie Alessandro made a motion to deny this request subject to the following findings of fact and conclusions:

1. *The area no extraordinary or exceptional conditions pertaining to this piece of property.*
2. *There are no unique conditions that apply to the subject property. All properties are required to abide by the accessory structure limitations based on gross acreage of the lot. Surrounding parcels are held to the same limitations as the subject property.*
3. *By removing the open sided accessory structure as proposed, the applicant could construct a replacement accessory storage building that is up to 720 sq. ft. in size without needing the variance. The ordinance prevents the applicant from exceeding this limit to construct the proposed 2400 sq. ft. structure.*
4. *The purpose of regulating the size of residential accessory building is to ensure compatibility, preserve the primary residence as the focal point of the property, and avoid negatively impacting surrounding properties. The structure as proposed is out of scale with the pattern of existing development on the property, as the accessory building is over twice the size of the existing single family dwelling.*

Furthermore, exceeding the established maximum accessory structure size limits without demonstrating a true hardship is detrimental as it hinders the effectiveness of the Ordinance requirements and undermines the expressed intent of the ordinance countywide.

The motion was seconded by Ms. Cleo Klopfleisch and carried a unanimous vote.

BOA-19-36, 701-713 Bultman Dr. / 26 Wise Dr. (City) was presented by Daniel Crum. The Board reviewed this request for a 9 ft. front setback variance for three (3)

freestanding signs in the General Commercial (GC) zoning district as required in *Article 8, Section H, Exhibit 8-5, Maximum Total Sign Area by Use, Number, Dimensions, and Location of Individual Signs in the City of Sumter – Zoning & Development Standards Ordinance* in order to construct three (3) freestanding monument signs within 1 ft. of the front property line for the properties identified as 701-713 Bultman Dr. and 26 Wise Dr. The properties are located at 701-713 Bultman Dr. and 26 Wise Dr., zoned General Commercial (GC), and represented by Tax Map #'s 229-08-02-025, 229-08-02-006, and 229-08-02-008.

Mr. Crum stated the applicant is requesting setback variance in order to replace nonconforming signage at a commercial strip center. The center is comprised of three separate parcels under common ownership with shared access points.

Mr. Crum stated the subject properties are located near the intersection of Bultman Dr. and Wise Dr. These parcels comprise Lo Rey Plaza and are home to a number of businesses, including an optometrist, trophy shops, insurance sales and other uses.

Mr. Crum added the applicant is seeking approval to remove four of the six freestanding signs and replace them with multi-tenant monument signs that are more compliant with ordinance standards.

Mr. Jay Davis and Ms. Esther 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 findings of fact and conclusions:

1. *The subject properties were developed prior to the adoption of the current development standards, and are nonconforming in regards to sign setbacks. Based on pattern of development for the sites, meeting the required 10 ft. setback from property lines with new replacement signage would require locating signs within the parking lot area. Much of the older development along Bultman Dr. exhibits a common setback for freestanding signage. Due to existing parking lot development and buffering placement, many of the adjacent parcels would also require sign setback variances in order to prevent placing*

freestanding signage in required parking spaces or within the vehicular travel way of the parking lot.

- 2. As previously stated, Bultman Dr. is an older commercial corridor and many of the commercial sites were established prior to adoption of the current zoning ordinance. While new development further along the corridor meet current standards, other properties in the immediate vicinity are nonconforming with respect to sign setbacks.*

- 3. The ordinance requires new freestanding signs to meet current development standards. Per **Exhibit 8-5**, the replacement signage would be required to meet the full 10ft. front setback from the front property line. Meeting this standard would place the signs within the commercial parcels' parking lot. Furthermore, **Article 8, Section 8.h.11.b**, states, "The vehicle area clearance of a sign where vehicles travel or are parked shall have the bottom of a sign at least fourteen (14 ft.) feet above the ground. Vehicle areas include driveways, alleys, parking lots, loading and maneuvering areas." Although from a space standpoint, there is sufficient room to locate the proposed signage 10 ft. from the front property line, this would require placement of the signage within the vehicular travel way or within a designated parking space. As designed the proposed signage is monument style with the bottom of each sign less than 6 ft. from the ground.*

Although within the General Commercial (GC) zoning district freestanding signs can be as tall as 30 ft., this property is influenced by the Highway Corridor Protection District (HCPD) a design review district whose intent is to, "Promote development that is compatible with the function, capacity, and design of major arterial roadways, while remaining sensitive to the relationship of the roads to abutting residential, commercial, and industrial development." This purpose is achieved by encouraging good design. As proposed, monument style signs contribute to this purpose by removing sign clutter, consolidating multiple freestanding signs, and utilizing a design aesthetic that is more in scale with the type of

	<p><i>commercial/professional office development along the Bultman Dr. corridor.</i></p> <p>4. <i>One of the primary goals of sign front setback requirements is to ensure that the signs are located far enough away from the road travel way that they do not interfere with driver visibility or hinder pedestrian access.</i></p> <p><i>In this instance, the property lines are buffered from the road travel way by an existing sidewalk system. This affords the sign additional space from the road, which when combined with the proposed one (1) foot setback should be sufficient to ensure the location of the signs do not cause any issues with visibility or pedestrian safety. The location of the new signs are similar in front property line setbacks as the signage that preceded them.</i></p> <p><i>This request will result in a reduction in the number of nonconforming signs and features designs that are more compatible with Highway Corridor requirements, which should result in an improvement in the character of the area.</i></p> <p>The motion was seconded by Mr. Gregory Williams and carried a unanimous vote.</p>
	<p>With there being no further business, Mr. Jason Reddick made a motion to adjourn the meeting at 4:05 p.m. The motion was seconded by Mr. Gregory Williams and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for December 11, 2019.</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>