



BOARD OF ZONING APPEALS

Minutes of the Meeting

July 14, 2021

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, July 14, 2021 in the Fourth Floor City Chambers of the Sumter Opera House, 21 N. Main Street. Five board members – Mr. Leslie Alessandro, Mr. Louis Tisdale, Ms. Cleo Klopffleisch, Mr. Jason Reddick and Mr. L.C. Fredrick were present. Mr. Sam Lowery, Warren Curtis; and Mr. Steven Schumpert were absent.

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

The meeting was called to order at 3:05 p.m. by Mr. Leslie Alessandro, Chairman.

MINUTES

Mr. Louis Tisdale made a motion to approve the minutes of the May 12, 2021, meeting as written. The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.

NEW BUSINESS

BOA-21-14, 2310 N. Saint Paul's Church Rd. (County) was presented by Mr. Kyle Kelly. The Board reviewed this request for Special Exception approval in accordance with Article 3, Section 3.d.4: GR District Special Exceptions, Article 3, Exhibit 4: Permitted and Conditional Uses in the Residential Districts, Article 5, Section 5.b.2: Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities, and Article 5, Section 5.b.4 Communication Towers and Antennae of the Sumter County Zoning & Development Standards Ordinance in order to replace an existing cell tower (SIC Code 48) on the property. The property is located at 2310 N. St. Paul's Church Rd., is zoned General Residential (GR), and is represented by TMS# 155-04-01-001.

Mr. Kelly stated the property is primary zoned General Residential (GR). The purpose of the GR district is to accommodate higher density residential development and a variety of housing types on small lots. This area of Saint Paul's Church Rd. is dominated by mobile homes and mobile home parks.

Mr. Kelly Cannon was present to speak on behalf of this request.

After a brief discussion, Ms. Cleo Klopfleisch made a motion to approve this request subject to the following findings of fact and conclusions:

1. The proposed 90 ft. telecommunications tower will comply with the standards in Article 5, Section 5.b.4., based on submission and approval of a minor site plan addressing all required elements.
2. The proposed 90 ft. telecommunications tower will occupy a site currently occupied by a 90 ft. telecommunications tower proposed for removal. All work is to occur within the existing 0.01-acre fenced compound.
3. The parcel is zoned General Residential (GR). The purpose of the GR district is to accommodate higher density residential development and a variety of housing types on small lots.

The proposed tower is an unobtrusive design that matches the format of the existing tower, and the tower is intended to provide telecommunications network coverage for emergency use.

The land use immediately adjacent to the property is residential. Part of the property is occupied by Crescent Mobile Home Park.

4. The purpose of the GR district is to accommodate higher density residential development and a variety of housing types on small lots. The existing pattern of development in the area is marked by General Residential (GR) on North Saint Paul's Church Rd., with General Commercial (GC) along Broad St. and Shaw AFB approximately 1,250 ft. to the north.

Subject to the following conditions:

1. That all requirements and conditions for development of a telecommunications tower imposed by Article 5.b.4.d. and 5.b.4.e. be met by the site development plan.

2. The removal of the existing 90 ft. monopole tower be completed within 90 days of the completion of the new 90 ft. monopole tower.

The motion was seconded by Mr. L. C. Frederick and carried a unanimous vote.

BOA-21-06, 4010 B Broad St. (County) was presented by Mr. Jeff Derwort. The Board reviewed this request for Special Exception approval in accordance with Article 3, Section 3.i.4: GC District Special Exceptions, Article 3, Exhibit 5: Permitted and Conditional Uses in the Commercial, Industrial, Agricultural, and Conservation Districts; and Article 5, Section 5.b.2: Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities of the Sumter County Zoning & Development Standards Ordinance in order to establish a Smash/Rage Room Recreational Use (SIC Code 7999) on the property. The applicant is also requesting variance approval from the minimum parking requirements outlined in Article 8, Exhibit 23: Off-Street Parking Requirements for Non-Residential Land Uses of the Sumter County Zoning & Development Standards Ordinance in order to allow for a total of 36 parking spaces to serve the entire multi-tenant commercial building on the property. The property is located at 3632 Broad St., is zoned General Commercial (GC), and is represented by TMS # 186-01-02-009.

Mr. Derwort stated per available online sources, a smash/rage room is a commercial recreational establishment that provides a place for customers to destroy/break common items such as office equipment, bottles, dishes, vases, etc. Smash/rage room operators tout this business type as a way to vent anger, frustration, and stress in a safe and controlled environment.

The actual space where the recreational activity will occur will be in a separate area of the tenant space. This space will have false walls to provide noise mitigation to surrounding tenants. Additionally, the applicant intends to have a dedicated room within the tenant space for storing items to be used for this recreational activity.

Mr. Derwort added the property was developed prior to the establishment of the current Sumter County Zoning & Development Standards Ordinance and does not meet the minimum parking requirements, as outlined in Article 8, Exhibit 23. The site has 36 available parking spaces. Based on current tenant mix, including the proposed use,

47 spaces are required. Recreational uses such as the one being proposed requires 1 parking space per 200 sq. ft. of gross floor area (GFA). The previous use in this space required 1 parking space per 350 sq. ft. of GFA. The ability to add additional parking to this site is severely limited due to the location of the property lines, layout of the building on the site, and the location of the septic system to the rear of the building.

Mr. Jared Barela was present to speak on behalf of the request.

Mr. Donnie Hines and Ms. Jane Smith were present to speak against the request.

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

In relation to the requested special exception approval from the requested Recreation/Sports Clubs:

1. The proposed smash/rage room will occupy an existing tenant space within the building previously used for an office or similar type. The proposed use increases the amount of parking required to be on the property. The current site has 36 spaces. The current tenant mix, including the proposed use, requires 47 off-street parking spaces. The applicant has applied for a variance to minimum off-street parking standards to accommodate the use on the property.

The property is non-conforming, not subject to discontinuance, regarding landscaping standards. Triggers points requiring site upgrades to meet current standards have not been reached at this time. No additional site improvements are required based on information available at this time.

2. The parcel is zoned General Commercial (GC). The purpose of the GC district is to accommodate the broadest possible range of commercial uses. The parcel is located along a major arterial roadway (Broad St./US Hwy 378). Indoor recreational uses of this type are generally compatible with other uses in the GC zoning district.

While the underlying zoning of the parcel is compatible with the proposed use, there is currently insufficient parking on the property to meet minimum off-street parking standards. The applicant has applied for a variance to the zoning requirements.

Due to the nature of this use and business model, there is a concern about the amount of solid waste that could be generated and the potential of this waste to be stored outside.

Also, the concern of potential noise impact to adjacent tenants within the center.

- 3. The purpose of the GC zoning district is to accommodate the broadest possible range of commercial uses, while protecting the environment from potentially objectionable uses. The existing pattern of development in the area can be categorized as commercial strip development, with numerous commercial uses located along a major arterial roadway (Broad St./ US Hwy 378). The property is not adjacent to any property used for residential purposes

In relation to the requested variance:

- 1. The property at 3632 Broad St. was developed circa 1975 as a multitenant commercial center. It was developed prior to the adoption of current development and parking standards. It had remained in continuous operation in the intervening 46 years with a variety of tenants. 10 additional parking spaces were added within the existing parking area in 2019 to accommodate a planned religious organization use within one of the tenant spaces. Although the property is approximately 1.44-acres in size, expansion of the existing paved parking to accommodate additional off-street parking is severely limited by the legal boundaries of the property, the layout of the building on the property, and the location of the on-stie septic system to the rear of the building. Essentially, there is nowhere else on the property to add additional compliant off-street parking.
- 2. Most nearby commercial developments either have sufficient space to add additional parking or

were developed after the adoption of current development standards.

3. As written, the current parking requirements effectively prohibit the establishment of any business within this space that has a minimum off-street parking standards that mandate more than 1 parking space per 350 sq. ft. of GFA. Constraints arising from the property shape, layout of the building on the property, and location of the on-site septic system, make any expansion of the parking area unfeasible.
4. The off-street parking requirements are based on the actual use of each tenant space. Any change in tenant make-up could potentially reduce the amount of off-street parking in the future. The multi-tenant centers are fluid environments, with a variety of different business types with different operational hours and business peak times. Therefore, the granting of this particular request will not be substantial detriment to adjacent property or public good provided that any use that requires a parking ratio greater than 1 space per 200 sq. ft. of GFA requires further variance approval to parking standards.

Subject to the following conditions:

1. No outside storage of materials associated with the use, including solid waste.
2. Any donated material must be accepted during business operating hours.
3. Prior to business license approval, sound proofing must be installed around the specific space where the recreational activity will be occurring.
4. No alcohol on premises – 3632 Broad St., Suite C.
5. The minimum amount of off-street parking to serve the multi-tenant building at 3632 Broad St., is 36 spaces. However, further variance approval is required for any future use of the property that has a required parking ratio that exceeds 1 parking space per 200 sq. ft.

	The motion was seconded by Ms. Cleo Klopfleisch and carried a unanimous vote.
OTHER BUSINESS	NONE
	<p>With there being no further business, Ms. Cleo Klopfleisch made a motion to adjourn the meeting at 3:48 p.m. The motion was seconded by Mr. Louis Tisdale and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for August 11, 2021.</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>