



BOARD OF ZONING APPEALS

Minutes of the Meeting

April 14, 2021

ATTENDANCE

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

Planning staff in attendance: Ms. Helen Roodman, 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. Warren Curtis made a motion to approve the minutes of the February 10, 2021, meeting as written. The motion was seconded by Mr. Sam Lowery and carried a unanimous vote.

NEW BUSINESS

BOA-21-05, 1725 Mark Place (County) was withdrawn by the applicant on March 29, 2021.

BOA-21-06, 4010 B Broad St. (County) was presented by Mr. Kyle Kelly. The Board reviewed this request for Special Exception approval in accordance with *Article 3, Section 3.i.4: Special Exceptions, Article 3; Exhibit 5: Permitted and Conditional Uses in the Commercial, Industrial, Agricultural, and Conservation Districts; Article 5, Section 5.b.2: Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities; and Article 5, Section 5.b.3.n: Liquor Stores* of the Sumter County Zoning & Development Standards Ordinance in order to establish a Liquor Store (SIC Code 592) on the property. The applicant is also requesting a variance from the residential use and church separation distance requirements outlined in from *Article 5, Section 5.b.2: Liquor Stores* of the Sumter County Zoning & Development Standards Ordinance. The property is located at 4010 Broad St., is zoned General Commercial

(GC) at the proposed location of the store, and is represented by TMS#155-04-01-002.

Mr. Kelly stated the applicant is seeking special exception approval to operate a retail liquor store in a tenant space located at the gas station and convenience store property at 4010 Broad St. A variance from the Sumter County Zoning and Development Standards Ordinance is also requested from the residential use and church separation distance requirements outlined in from Article 5, Section 5.b.2: Liquor Stores of the Sumter County Zoning & Development Standards Ordinance.

Since its original development in 1993, the site has been used as a gas station and convenience store. The tenant space proposed for the liquor store use was previously a tax preparation service. While both the gas station and tax preparation services use were discontinued for a time, the gas station use has recently been re-established as the site.

Mr. Kelly added the property is primarily zoned General Commercial (GC). The purpose of the GC district is to accommodate the broadest possible range of commercial uses, determined principally by market conditions, while protecting the environment from potentially objectionable uses. The Broad St. corridor is dominated by retail, restaurants, and other commercial uses. A portion of the rear of 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.

Mr. Kelly mentioned the applicant is also requesting a variance from Article 5, Section 5.b.3.n: Liquor Stores (SIC Code 592) of the Sumter County Zoning & Development Standards Ordinance in order to allow for the establishment of a retail liquor store use in a location which does not meet the minimum 300 ft. separation between the proposed use and residential uses (measured from structure to structure via straight line distance). The property is located at 4010B Broad St. The property is zoned General Commercial (GC).

Ms. Komika Rivers was present to speak on behalf of the request.

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

In relation to the requested special exception approval from the requested Liquor Stores:

1. The proposed liquor store area of the existing building does not meet the Ordinance separation requirements of 300 feet from structure to structure of a residential uses, church, school or public playground on a separately platted parcel.

The proposed location is +/- 60 feet away from residential uses both to the east and west measured from structure to structure. There is also a church (St. Luke's AME Church) which sits +/- 307 ft. southeast of the proposed site, measured from structure to structure.

A 6 ft. tall chain link fence and landscaping which forms a visual screen surrounds the parcel and screens the bulk of the commercial use from residential view. However, there are residential uses immediately adjacent to the site, with the nearest use +/- 60 feet away measured from structure to structure.

2. The proposed liquor store would occupy an existing tenant space within the building that was previously used by a tax preparation service. Because parking is tied to the gross floor area of a building, and no structural expansion is proposed, there is no increase in the required number of parking spaces for the site. Under current regulations, the site may remain "as is" without expansion of changes to site configuration.

3. The parcel is primarily zoned General Commercial (GC). The purpose of the GC district is to accommodate the broadest possible range of commercial uses. A portion of the rear of 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.

While the underlying zoning of the parcel is compatible with the proposed use, the land uses immediately adjacent to the property are residential, with single-family dwelling +/- 62 ft. from the building

In addition, a church (St. Luke's AME Church) sits +/- 307 ft. southeast of the proposed site, measured from structure to structure. Shaw Air Base lies immediately to the north of the site.

4. The purposed 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 is marked by General Commercial (GC) along Broad St., with General Residential (GR) located immediately adjacent to the south, and Shaw AFB immediately adjacent to the north.

In relation to the requested variance:

1. The property at 4010 broad St. was developed in 1993 as a gas station and convenience store use, with a tenant space which was most recently occupied by a tax preparation service. There are no extraordinary or exceptional conditions that apply to this particular piece of property. The property is currently licensed for a gas station and convenience store use in the primary retail space. The tenant space is currently vacant.
2. The area of Broad St. where the liquor store use is proposed contains a blend of residential uses and commercial uses within the General Commercial (GC) zoning district. Additionally, due to the way zoning was applied to the Broad St. corridor, there is residential zoning immediately to the rear of all commercial zoning in the vicinity of the site.
3. The subject site has been previously developed, and a wide range of uses are permitted both by-right and as conditional uses. Application of the ordinance to this piece of property, specifically restricting uses as a retail liquor store, would not effectively prohibit or unreasonably restrict utilization of the property, as many uses are permitted.
4. The authorization of a variance in this case for the purpose of allowing a retail liquor store use would be detrimental to the adjacent residential uses which Article 5, Section 5.b.3.n was adopted to

protect. Granting of the variance has the potential to harm the character of the district by introducing a use that is inconsistent with the Ordinance requirements.

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

BOA-21-07, 1547 Old Ford Dr. (County) was presented by Mr. Kyle Kelly. The Board reviewed this request for a variance from *Article 4, Section 4.g.2.b.4: Accessory Building Locations Requirements* of the Sumter County Zoning & Development Standards Ordinance in order to place a residential storage building in the front yard of the property. The property is located at 1547 Old Ford Rd., is zone Residential-9 (R-9), and is represented by TMS# 181-00-03-033.

Mr. Kelly stated the applicant is seeking variance approval in order to place a +/- 1,200 sq. ft residential accessory storage building in the front yard of the residential property located at 1547 Old Ford Rd.

The property contains an existing single family residential dwelling unit that is situated at the rear of the lot. The building appears to be oriented perpendicular to Old Ford Rd., with only a garage entrance that fronts the street. Additionally, portions of the property are within a Zone AE Special Flood Hazard Area (SFHA).

Mr. Kelly stated the residential accessory storage building is proposed to be located in close proximity to the southern side property line in relatively clear area of the property. Applicable accessory structure zoning provisions require detached residential accessory buildings be located in the rear yard only.

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 property is +/- 1.51-acres in size and is located within the Woodlake Subdivision. The residential dwelling unit on the property is situated at the rear of the lot with a true rear yard area consisting of approximately 20 ft. Further, the rear of the site contains regulated floodplain (Zone AE) and other unregulated areas subject to and increased annual chance of flooding.

2. The location of the existing residential dwelling, near the rear of the lot, is unique condition of this property.

While other properties in the immediate vicinity also contains regulated floodplain and other unregulated areas with increased flooding potential, these properties also have much larger rear yard areas with space sufficient to locate compliant residential storage buildings outside of the identified regulated floodplain areas or identified unregulated areas with increased flooding potential.

3. Ordinance requirements effectively prohibit the placement of any residential accessory storage building on the property without some form of variance approval due to the location of the house on the property and the amount of rear yar space available.

4. The authorization of this variance is not likely to result in substantial detriment to adjacent property or the public good, and the granting of the variance will not harm the character of the district. Due to the location of the house, the placement of the residential storage building on the property cannot comply with the strict letter of Ordinance requirements. The proposed location of the structure is logical given the orientation of the house on the property. Further, the proposed location in the front of the house removes the structure from regulated floodplain areas and other unregulated areas identified as having an increased potential for flooding. This finding is made based on the proposed location provided by the applicant and the with the caveat that the proposed residential accessory storage building should not be located any further forward on the property than the front line of the house located on the adjacent property address as 1551 Old Ford Rd.

Following Conditions:

The proposed residential accessory storage building must not be located any further forward on the property that the front line of the house located on the adjacent property addressed as 1551 Old Ford Rd.

The motion was seconded by Mr. Sam Lowery and carried a unanimous vote.

BOA-21-08, 2990 Broad St. (City) After detailed review of the specific sign dimensions, it has been determined that a variance is not required per Article 8, Exhibit 8-5.

BOA-21-09, 3220 Raleigh Dr. (City) was presented by Mr. Kyle Kelly. The Board reviewed this request for a variance from *Article 3, Exhibit 3-6: Development Standards for Residential Uses in Commercial Districts* of the City of Sumter Zoning & Development Standards Ordinance in order to allow for the placement of suburban multi-family apartment buildings +/- 25 ft. from the rear property line and +/- 40 ft. from the side property line, where required rear and side setbacks are 50 ft. The property is located along Carter Rd., specifically 3240 Raleigh Dr. & 3220 Raleigh Dr, at "The Retreat at Sumter" multi-family apartment complex. The property is zoned General Commercial (GC) and is represented by TMS# 186-00-03-030.

Mr. Kelly stated the applicants are seeking variance approval in order to construct suburban multi-family apartment buildings +/- 25 ft. from the rear property line and +/- 40 ft. from the side property line, where required rear and side setbacks are 50 ft.

Mr. Kelly added the major site plan revision (MSP-18-02 Revision 3) for this project was approved by the Planning Commission on February 24, 2021. The Planning Commission included, as a condition of approval, a requirement to combine TMS # 186-00-03-030 and # 186-00-03-001, resulting in a single development. However, due to restrictions imposed by the development's federal mortgage underwriters, the applicants are unable to obtain approval to combine the parcels. The applicant is instead submitting a variance request to keep the two parcels separate, maintaining the project's financing, and retaining a cohesive development pattern for the overall apartment project.

Mr. Michael Weatherly 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 findings of fact and conclusions.

1. A major site plan revision (MSP-18-02 Revision 3) for this project was approved by the Planning Commission on February 24, 2021. At the time of the site plan approval, the Planning Commission required that TMS # 186-00-03-030 and # 186-00-03-001 be combined. However, subsequent to the Planning Commission's approval, the applicant was unable to secure approval from the developments federal mortgage underwriters to combine the parcels.
2. Because the subject site is a de-facto extension of the already developed Retreat at Sumter multi-family housing development, the presence of a parcel boundary which separates the two parts of the overall housing development is a condition that does not generally apply to other property in the vicinity. Although the General Commercial (GC) district has the least restrictive side and rear setbacks for general development, suburban multi-family apartments are required to meet a 50 ft. setback from all property lines.
3. Application of the ordinance to this particular piece of property would unreasonably restrict utilization of the property. Although the development is comprised of two separate parcels, the Retreat of Sumter is on cohesive suburban multi-family apartment project. The project was conceived as one development and planned with the intent of combining the two tracts to eliminate internal setback standards. However, the developer's federal financing requires that the two parcels that include the development's housing units be separate for each separate lending vehicle. In the absence of a variance granted by the BOA, the developer would have to reconfigure their proposed site plan to meet the minimum rear and side setback requirements, resulting in a disjointed development plan that impacts the amount of parking spaces, and/or site buffering, which currently meet Ordinance requirements.
4. The approval of this request would not likely represent a substantial determinant to adjacent property or to the public good. As the development project was conceived as a singular development, the site as proposed and approved meets all ordinance requirements with the exception of the rear and side setback standards,

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| | <p>and the property abutting the side and rear boundaries of the subject site is under common ownership, and will be managed as part of a single apartment complex.</p> <p>The motion was seconded by Mr. Warren Curtis and carried a unanimous vote.</p> |
| OTHER BUSINESS | <p>BOA-21-03, 931 Ravenwood Dr. (County) withdrawn by applicant. The applicant obtained the property, so a variance is no longer needed.</p> |
| | <p>With there being no further business, Mr. Warren Curtis made a motion to adjourn the meeting at 3:40 p.m. The motion was seconded by Ms. Cleo Klopfleisch and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for May 12, 2021.</p> |
| | <p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p> |