



## BOARD OF ZONING APPEALS

### Minutes of the Meeting

October 13, 2021

#### ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, October 13, 2021, in the Fourth Floor City Chambers of the Sumter Opera House, 21 N. Main Street. Five board members – Mr. Leslie Alessandro, Mr. Jason Reddick, Mr. Sam Lowery, Ms. Cleo Klopfleisch, Mr. Warren Curtis and Mr. Steven Schumpert were present. Mr. Louis Tisdale 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. Steven Schumpert made a motion to approve the minutes of the September 8, 2021, meeting as written. The motion was seconded by Mr. Sam Lowery and carried a unanimous vote.

#### NEW BUSINESS

**BOA-21-21, 15 Thomas Dr. (City)** was presented by Mr. Kyle Kelly. The Board reviewed this request for a variance from the maximum total square footage allowed for residential accessory structures as outlined in Article 4, Exhibit 4-1: Maximum Square Footage of Residential Accessory Structures Based on Gross Acreage of the City of Sumter Zoning & Development Standards Ordinance in order to construct a +/- 384 sq. ft. addition to an existing detached garage / storage building. The property is located at 315 Thomas Dr., is zoned Residential-9 (R-9) and is represented by Tax Map # 204-05-01-042.

Mr. Kelly stated the applicant is requesting a +/- 220 sq. ft. variance to the maximum total square footage allowed for residential accessory structures to permit the construction of a +/- 384 sq. ft addition to an existing garage building located in the rear of the property.

Mr. Kelly added the amount of accessory structure square footage permitted on a parcel is based on the size

of the property. For a parcel 0.53-acres in size, the City of Sumter Zoning and Development Standards Ordinance allows for a total of 1100 sq. ft. of accessory structure square footage, which can be divided among up two (2) separate buildings. There are currently two detached accessory structures on the property with a combined floor area of 936 sq. ft.

The property currently contains a single-family residential dwelling, a 20' X 18' ft (360 sq. ft.) covered carport, and a 24' X 24' (576 sq. ft.) garage.

Both existing accessory structures are located in the property's rear yard.

Mr. Charles Lloyd was present to speak on behalf of the 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. Most lots in the Bon Air Terrance subdivision average 0.35-acres and are rectangular in shape. The lot at 15 Thomas Dr. is slightly larger at 0.53-acres, and is square, owing to the addition of a former portion of road right-of-way combined with the parcel at 15 Thomas Dr.
2. The shape and size of the lot at 15 Thomas Dr. does not general apply to other property in the vicinity. However, under the City of Sumter Zoning and Development Standard Ordinance, all properties are required to abide by the accessory structure size limitation based on gross acreage of the lot.
3. Under the current Ordinance, the applicant could expand his existing accessory structure by 164 sq. ft. without requiring a variance. The ordinance prevents the applicant from exceeding this limit to construct the proposed 384 sq. ft. addition.
4. The proposed structure will be located in the rear yard, where it will not be easily visible from the public right-of-way and will not be clearly visible from residential dwellings to the rear.

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

**BOA-21-22, 4400 Broad St. (County)** was presented by Mr. Kyle Kelly. The Board reviewed this request for a variance from the sign requirements outlined in *Article 8, Exhibit 19: Maximum Total Sign Area by Use, Number, Dimensions, and Location of Individual Signs* and *Article 8, Exhibit 20: Permitted Signs by Type and Zoning Classification* of the Sumter County Zoning & Development Standards Ordinance in order to install a free standing mobile home park identification sign that is +/- 15 ft. in height and has an area of +/- 50 sq. ft. The proposed sign type, area, and height do not conform to sign requirements for the applicable zoning district. The property is located at 4400 Broad St., is zoned General Residential (GR), and is represented by TMS# 155-00-02-002.

Mr. Kelly stated the applicant is seeking variance approval from applicable Sumter County sign requirements in order to place a free-standing mobile home park identification sign that is 15 ft. tall and 50 sq. ft. in area on the subject property.

Mr. Kelly added the property is located on the southside of Broad St. (US Hwy 378) just west of Copley Dr. The property is the location of "American Mobile Home Plaza", an older non-conforming mobile home park located new Shaw AFB.

Mr. Kelly mentioned the applicant is proposing to place a free-standing mobile home park identification sign on the northwest side of the property. The sign will meet applicable setback requirements. However, per sign requirements pertaining to the General Residential (GR) zoning district, only residential development signs 40 sq. ft. in size and 5 ft. in height are permitted.

Mr. Kelly added these types of signs are typically monument signs often taking the form of a wall on each side of the entrance to the development. Standard free-standing pole signs are not permitted in the GR zoning district.

Ms. Debbie Ashby was present to seek clarification on the variance request as an adjoining property owner. She did not express any objection once understanding the proposed sign location.

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

1. The property at 4400 Broad St. is +/- 16.83 acres in size and does not have direct frontage on a public road. The property is accessed from Broad St. via two existing private shared commercial drives. A formal easement exists over one of the drives per the plat of record (PB98 PG1188) for the property. The mobile home park cannot be easily viewed from Broad St. due to the existing commercial building that are located in front of it.
2. These conditions do not generally apply to other property in the vicinity. The property is landlocked and has an active mobile home park use. The property is accessed via shared commercial drives with no readily identifiable entrance identification for the mobile home park use.
3. As written, the Ordinance prevents the applicant from constructing the sign as proposed. A residential identification sign compliant with Ordinance requirements would have limited visibility and functionality given that the access to the mobile home park is located on Broad St., a 4-lane divided major arterial road with high traffic volumes.
4. The applicant is proposing a free-standing mobile home park identification sign that is 15 ft. in height with an area of 50 sq. ft. the sign will be located more than 300 ft. away from Broad St. right-of-way, as proposed by the applicant. All land to the north of the subject property, with direct frontage on Broad St., is zoned General Commercial and allows significantly larger signs than the one being proposed. The proposed sign's location will not have a significant negative impact on the visual aesthetics along this section of Broad St. Additionally, appropriate identification of the mobile home park may improve road safety by decreasing the amount of sudden braking and turning by parties wishing to enter the development but are unfamiliar with its exact location.

The authorization of the variance will not be of substantial detriment to adjacent property or the public good, and authorization of the variance will not harm the character of the district.

Subject to the following condition:

- The variance approval under BOA-21-22 only applies to the specific sign being proposed. Any additional signage must meet the requirements of the Sumter County Zoning & Development Standards Ordinance or received additional variance approval by the Sumter City-County Board of Zoning Appeals.

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

**BOA-21-23, 1145 Union Camp Blvd. (County)** was presented by Mr. Kyle Kelly. The Board reviewed this request variance from the sign requirements outlined in *Article 8, Section 8.i.7.i: Directional Signs* of the Sumter County Zoning & Development Standards Ordinance in order to replace existing directional signs on the site with new directional signs that are larger than the existing signs to be replaced and also have a sign area larger than the than 2sq. ft., the maximum area allowed for directional signs. The property is located at 1145 Union Camp Blvd., is zoned Heavy Industrial (HI), and is represented by TMS# 208-00-03-044.

Mr. Kelly mentioned the applicant is seeking a variance from the sign requirements outlined in the Sumter County Zoning and Development Standards Ordinance in order to replace existing directional signage for the industrial complex on the site. The applicant wishes to install new signs that are both larger than the existing nonconforming signs and larger than the 2 sq. ft. maximum area allowed for directional signs.

Mr. Kelly stated the property is currently used by International Paper/Sylvamo as a distribution facility, containing +/- 286,000 sq. ft. of warehouse space.

Mr. David Byrd 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 findings of fact and conclusions:

1. The subject property is one of the developed heavy industrial tracts located at the rear of the Live Oak Industrial Park south of the City of Sumter. The property is a corner lot which includes several different entrances for shipping, receiving, visitors, and employees on both Lynette Dr. and Union Camp Blvd.
2. The property is located in an industrial park which many adjacent lots also have large road frontages and multiple entrances for various tasks related to the business. However, outside of the County's two active multi-tenant large industrial parks, these conditions are not commonly found.
3. Application of the Ordinance as written would restrict Sylvamo/International Paper from placing the size of directional signs that best fulfill the need for providing adequate visibility and instructions to tractor-trailer drivers bringing materials to the site, as well as minimize the potential for trucks and cars to navigate the site in a way counter to the business operations of the site, which creates safety concerns.
4. Because the property is in an established industrial park is located in the area of the park furthest from the industrial park's entrances, there is no known detriment identified at this time authorizing a variance for the requested signage. The proposed signage would not harm the character of the district.

The motion was seconded by Mr. Warren Curtis and carried a unanimous vote.

**BOA-21-25, 2480 Florence Hwy. (County)** was presented by Mr. Kyle Kelly. The Board reviewed this request for a variance from the rear yard setback requirements outlined in *Article 3, Section 3.n.5.b: AC District Minimum Yard and Building Setback Requirements* of the Sumter County Zoning & Development Standards Ordinance in order to create a new lot that that will result in an existing non-residential agricultural building being located +/- 39.4 ft. from the rear property line, +/- 10.6 ft. less than required rear property line setback. The property is located at 2480 Florence Hwy., is zoned Agricultural Conservation (AC), and is represented by TMS# 284-00-02-022.

Mr. Kelly added the applicant is seeking a variance from rear setback requirements in order to subdivide a 1.69-acre parcel from a larger agricultural tract located at 2480 Florence Hwy.

Mr. Kelly stated the applicant wishes to create a 1.6-acre parcel in accordance with the last will and testament of Harry Lawrence Kirven. This proposed lot includes a 576 sq. ft agricultural accessory structure that does not meet the required 50 ft. rear setback requirement.

Ms. Carol Kirven was present to speak on behalf of the request.

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

1. The subject property consists of a large agricultural tract which lies between the Sumter County Landfill and Florence Hwy. The property contains several agricultural accessory structures, and no residential structures. The ability of the property owner to create a new parcel compliant with the County's Zoning and Development Standards Ordinance is constrained by the spacing of the existing agricultural accessory structures.

The Last Will and Testament of Harry Lawrence Kirven, dated March 20, 2020, wills Mr. Kirven's farmland and swamp property to his son, with the exception of a planned 300 x 300 ft. parcel fronting on US Hwy 76, which was willed to his wife.

2. The combination of the parcel's boundaries, spacing of agricultural accessory structures, and stipulations outlined in Mr. Kirven's will are not generally applicable to other property in the vicinity.
3. Application of the Ordinance as written would restrict Ms. Kirven's ability to establish the 1.69-acre parcel that is referenced in Mr. Kirven's will. Without variance approval, the only alternative action available to Ms. Kirven would be to demolish the existing agricultural accessory structure. This building is used to store farm equipment that Ms. Kirven's owns.

4. The authorization of this request will not be of substantial detriment to adjacent property or public good. Additionally, the authorization of this request will not harm the character of the district.

While the proposed lot creation would result in a +/- 11 ft. encroachment into the standard rear setback area in the AC district, the existing pattern of development, specifically the series of agricultural structures and fields, would not be diminished or harmed by establishment of the new parcel as proposed.

No new accessory or principal structures are proposed at this time. However, if and when a single-family residence is constructed on the property, the existing structure would meet the setback requirements for the zoning district.

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

**BOA-21-26, 180 E. Foxworth Mill Rd. (County)** was presented by Mr. Kyle Kelly. The Board reviewed this request for a variance accessory structure requirements outlined in *Article 4, Section 4.g.2.b.2: Separation Criteria* and *Article 4, Section 4.g.2.b.3: Number of the Sumter County Zoning & Development Standards Ordinance* in order to construct a +/- 1,200 sq. ft. detached garage closer than 10 ft. to the principal residential structure on the property and to establish a third accessory structure on the property greater than 120 sq. ft. in size. The property is located at 180 E. Foxworth Mill Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 244-00-02-005.

Mr. Kelly stated the applicant is seeking variance approval from residential accessory structure separation requirements to place a new detached garage structure +/- 3 ft. (including eave overhangs) from the principal dwelling on the property.

Mr. Kelly mentioned the property is currently improved with one principal dwelling unit, an agricultural building, and an enclosed dog kennel. The principal dwelling unit includes both the main house area and an existing side loaded two car garage structure that is connected to the main house area via breezeway. Due to this connection, the garage area is considered to be part of the primary



dwelling unit. A 32 x 32 ft. concrete pad is situated directly west of the existing garage area.

Mr. Kelly added the applicant is requesting variance approval to permit the installation of a new detached garage/equipment storage building to be located directly south of the concrete pad. This detached garage will be front loaded and accessed directly from the concrete pad. To maximize use of the existing concrete pad, the placement of new accessory structure is +/- 3 ft. from the existing garage.

Mr. Robert Beatson Jr. and Ms. Christian Beatson were present to speak on behalf of the request.

*Mr. Sam Lowery recused himself from the request.*

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

1. The property at 180 E. Foxworth Mill Rd. is 22.18 acres in size. The property is used for both residential and agricultural purposes. The property has existing parking located to the west of the main area of the house. Parking is accommodated via an existing side loaded garage attached to the main area of the house via breezeway and an existing concrete pad. The existing +/- 1,200 sf. agricultural building, used to store motorized farm equipment, is located approximately 53 ft. from the west side of the existing garage area. The agricultural building, the existing garage area, the concrete pad, and the new detached garage/equipment storage building are located directly south of a drainage ditch that runs diagonally across the property.

These are extraordinary and exceptional conditions since moving the new detached garage further to the west will block access and maneuverability for motorized farm equipment stored in the agricultural building due to the location of the drainage ditch and moving the building any further south will conflict with the location of an existing underground water valve.

2. The specific extraordinary and exceptional conditions stated are generally unique to this property.

	<p>3. As written, the accessory structure separation criteria prohibit the applicant from placing the detached garage in the proposed location. While the property is of sufficient size to accommodate a new accessory building in accordance with the requirement for 10 ft. of separation between a residential accessory structure and the principal dwelling unit. Doing so would require altering existing improvements or located the detached garage in a less functional location on the property.</p> <p>4. The request is related to the required separation criteria between an accessory structure and a principal dwelling unit on a property +/- 22.18 acres in size. The property's principal dwelling unit is located over 600 ft. from the front property line on E. Foxworth Mill Rd. Additionally, the location of the new accessory structure is adequately screened from adjacent property. Provided that it is documented that the structure meets residential building codes at its existing location, then the authorization of the request will not be of substantial detriment to adjacent property or the public good, nor will it harm the character of the district.</p> <p>Subject to the following condition:</p> <ul style="list-style-type: none"> <li>• A report submitted by a qualified professional documenting that the foundation of the structure meets applicable Building Codes shall be submitted to the Sumter City-County Building Department within 120 days of the date of the Board of Zoning Appeals Order on Case # BOA-21-26.</li> </ul> <p>The motion was seconded by Mr. Cleo Klopffleisch and carried a unanimous vote.</p>
<p><b>OTHER BUSINESS</b></p>	<p><b>NONE</b></p>
	<p>There being no further business, Mr. Steven Schumpert made a motion to adjourn the meeting at 4:16 p.m. The motion was seconded by Mr. Sam Lowery and carried a unanimous vote.</p>

	The next regularly scheduled meeting is scheduled for November 10, 2021.
	Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary