



BOARD OF ZONING APPEALS

Minutes of the Meeting

September 14, 2022

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, September 14, 2022, in the Fourth Floor City Chambers of the Sumter Opera House, 21 N. Main Street. Seven board members –Mr. Jason Reddick, Mr. Warren Curtis, Ms. Cleo Klopfleisch, Mr. Leslie Alessandro, Mr. Clay Smith, Mr. Claude Wheeler, Jr. and Mr. Steven Schumpert were present. Mr. Sam Lowery and Mr. Louis Tisdale were absent.

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

The meeting was called to order at 3:03 p.m. by Mr. Leslie Alessandro, Chair.

MINUTES

Mr. Steven Schumpert made a motion to approve the minutes of the August 10, 2022, meeting as written. The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.

NEW BUSINESS

BOA-22-21, 586 Pittman Dr. (County) was presented by Mr. Kyle Kelly. The Board reviewed a request for variance approval from the requirements outlined in *Article 4, Exhibit 8A: Maximum Square Footage of Residential Accessory Structures Based on Gross Acreage of the Sumter County Zoning & Development Standards Ordinance* in order to establish a total of +/- 3,000 sq. ft. of residential accessory structure area on the property. The property is +/- 1.72 acres in size. As per applicable ordinance requirements, no more than 1,675 sq. ft. of total residential accessory structure area is permitted on this property. The property is located at 586 Pittman Dr., is zoned Residential-15 (R-15), and is represented by TMS# 183-00-03-060.

Mr. Kelly stated the applicant is requesting a variance to construct a 2,000 sq. ft. accessory garage in the rear yard at 586 Pittman Dr.

Mr. Kelly added the property currently contains a single-family residential dwelling and an existing 1,000 sq. ft. accessory garage.

Mr. Kelly mentioned the proposed structure would be a 40 ft. x 50 ft. open gable structure with three (3) separate garage bays.

Mr. Gordon Owens was present to speak on behalf of the request.

Mr. Roy Bryant was present to speak in opposition of the request.

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

1. The subject property is +/- 1.72 acres in size, is located with the Austin Acres subdivision. The lot is located in an interior location on the loop created with Pittman Rd. and Butterworth Cir. The size and shape of the lot is similar to the two adjacent interior lots to the west. These lots are smaller in size than most lots within this subdivision.

In relation to a request to allow for an increase in the amount of accessory structure area permitted on a residential parcel, staff finds that these conditions are not extraordinary and exceptional

2. There are no unique conditions that apply to the subject property in relation to this request. Two adjacent properties to the west share the same conditions as the subject property. All residential properties are required to abide by the accessory structure limitations based on gross acreage of the lot.
3. As is, the applicant could construct up to 2 accessory buildings with a combined size of 1,675 sq. ft. without a variance. The applicant has an existing +/- 1,000 sq. ft. accessory structure and could build an additional +/- 675 sq. ft. structure without a variance. The ordinance prevents the applicant from exceeding this limit to construct the proposed 2,000 sq. ft. structure.
4. The purpose of regulating the size of residential accessory buildings is to ensure compatibility, preserve the primary residence as the focal point of the property, and avoid negatively impacting surrounding properties.

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 Mr. Steven Schumpert and carried a unanimous vote.

BOA-22-22, 6115 Fish Rd. (County) was presented by Mr. Jeff Derwort. The Board reviewed a request for variance approval from the requirements outlined in *Article 4, Section 4.g.2.b.4: (Residential Accessory Structures) Development Standards of the Sumter County Zoning & Development Standards Ordinance* in order to permit the establishment of a new detached storage building in the front yard of the property. Residential storage buildings are only permitted in rear yard locations. The property is located at 6115 Fish Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 093-00-02-044.

Mr. Derwort stated the property is +/- 14.29 acres in the size and contains a single-family dwelling unit and one accessory structure.

Mr. Derwort mentioned the primary portion of property is behind existing residential lots of record. The property is a remainder tract from a 2000 subdivision of lots along Fish Rd. and Ben Sanders Rd.

Mr. Clint Lane 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 +/- 14.29 acres in size. With the exception of two (2) 60 ft wide segments extending to Fish Rd, all of the property is located behind existing lots of record that have direct frontage on Fish Rd. This situation was created via a minor subdivision approval circa 2000 involving multiple larger acreage tracts (reference: PB 2000 PG510). The subject property is essentially a remainder from the circa 2000 subdivision.
2. This condition is applicable to adjacent property to east (TMS#093-00-02-017) and west (TMS# 093-00-02-018). However, these properties were also part of the same circa 2000 subdivision. Considering the subject property and the two adjacent properties as a whole, the condition is atypical for the vicinity but does occur in other locations.
3. These conditions prevent the applicant from constructing a residential accessory storage structure in the desired location.
4. The authorization of this variance is not likely to result in substantial detriment to adjacent property and the public good. Nor is it likely that the authorization of the variance will harm the character of the district.

A sufficient of trees exist between the proposed structure location and adjacent residential property. This existing vegetation provide adequate screening. Also, the proposed location of the structure is not directly in front of the principal swelling unit. Rather, it is offset +/- 60 ft. to the west in a logical location.

The primary intent of the requirement is to place residential accessory storage buildings in logical rear yard locations on a typical residential sized lot with primary street frontage. The subject property is atypical as it is a larger tract that is primarily located behind existing lots of record that have direct street frontage.

The motion was seconded by Mr. Clay Smith and carried a unanimous vote.

BOA-22-23, 514 W. Liberty St. (City) was presented by Mr. Kyle Kelly. The Board reviewed a request for variance approval from the requirements outlined in *Article 8, Exhibit 8-5: Maximum Total Sign Area by Use, Number, Dimensions, and Location of Individual Signs of the City of Sumter Zoning & Development Standards Ordinance* in order to permit the approval of a new freestanding sign to be setback +/- 8 ft. from the front property line, where the required front setback is 10 ft. The property is located at 514 W. Liberty St., is zoned General Commercial (GC) and is represented by TMS# 228-14-04-002.

Mr. Kelly stated the applicant is seeking variance approval to construct a free-standing sign on the subject property.

Mr. Kelly mentioned the variance requested is to allow a free-standing sign to have an 8 ft. setback from the front property line, instead of the 10 ft. setback required.

Ms. Teona Franklin was present to speak on behalf of the request.

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

1. 514 West Liberty St is located on West Liberty St. between Edwards St. and S. Blanding St. Staff finds that the placement of the current building, the parking layout, and overall layout of improvements on the parcel do not conform to current city development standards and represent a unique challenge as it pertains to placing a new ordinance compliant free-standing business sign.

2. Signage along the West Liberty Street Corridor is a mixture of both conforming and non conforming signage. The site conditions, when combined, represent a unique circumstance in relation to the placement of a new free-standing business sign.
3. Application of the ordinance to this particular piece of property would restrict the business from placing free-standing signage of a type commonly used in the West Liberty Street Corridor on their property. There is no location on the property that would allow a free-standing sign to comply with Ordinance requirements.
4. Approval of the request would not likely represent a substantial detrimental to adjacent property or to the public good. The proposed signage will assist drivers and pedestrians with directional navigation and will not present a greater danger to vehicles other than properly approved signs on the corridor. Placing a free-standing sign for the subject property is consistent with the charact of the district.

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

BOA-22-24, 4325 US Hwy 15 S. (County) was presented by Mr. Jeff Derwort. The Board reviewed a request for variance approval from the requirements outlined in *Article 3, Section 3.n.5.a (AC District) Minimum Lot Requirements and Article 3, Section 3.n.5.b (AC District) Minimum Yard & Building Setback Requirements of the Sumter County Zoning & Development Standards Ordinance* in order to allow for a subdivision of the property that will 1) create a +/- 0.54-acre lot and 2) create a side property line located +/- 30 ft. from a commercial non-residential structure. The applicable minimum lot size requirement is 1 acre and the applicable side setback requirement for commercial non-residential structures is 50 ft. The property is located at 4325 US Hwy. 15 S., is zoned Agricultural Conservation (AC), and is represented by TMS# 220-00-02-003.

Mr. Derwort stated the property is +/- 1.84 acres in size and is located in the Agricultural Conversation zoning district. The property currently contains two)2) single family dwellings (1 site built and 1 mobile home) and two (2) commercial buildings (upholstery shop and vacant restaurant). The property is nonconforming to AC zoning district standards concerning commercial building setbacks and number of dwelling units on a lot.

Mr. Derwort mentioned the property contains 2 single family dwellings and 2 commercial structures.

	<p>Mr. Derwort added that the applicant is requesting to divide property as generally described in a Last Will and Testament prepared in 2010, with a 0.54 acre parcel to be conveyed to a relative that resides in one of the homes on the property.</p> <p>Ms. Margaret Smith was present to speak on behalf of the request.</p> <p>After a brief discussion, Mr. Warren Curtis made a motion to approve this request subject to the following findings of fact and conclusions.</p> <ol style="list-style-type: none"> 1. The property is +/- 1.84 acres in size and is non-conforming to current County development standards. There are two (2) separate single-family dwellings and two (2) separate commercial structures located on the property. These conditions have been present on the property for multiple decades. 2. The above conditions do not generally apply to other property in the vicinity. 3. The Ordinance prohibits any subdivision of this property. Thus, the Ordinance prohibits the conveyance of a tract of land to the individual who has resided on the property for a period of time, as intended by the deceased property owner and the descendants thereof. 4. The authorization of this variance will not likely be of substantial detriment to adjacent property or to the public good. Nor is it likely that the authorization of this variance will harm the character of the district. <p>Approval of the variance does not change the existing conditions of the property and does not impact adjacent owners. It does allow for a new lot to be created around an existing mobile home and subsequently deeded to the individual that resides on and maintains this specific portion of the property</p> <p>The motion was seconded by Mr. Clay Smith and carried a unanimous vote</p>
<p>OTHER BUSINESS</p>	<p>Ms. Helen Roodman introduced Ms. Marsha Grinnell.</p> <p>Ms. Helen Roodman mentioned training information will be sent via email for the required 3 hour training for 2022.</p>

	<p>There being no further business, Mr. Clay Smith made a motion to adjourn the meeting at 3:50 p.m. The motion was seconded by Mr. Claude Wheeler and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for October 12, 2022.</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>