



## BOARD OF ZONING APPEALS

### Minutes of the Meeting

July 13, 2022

#### ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, July 13, 2022, in the Fourth Floor City Chambers of the Sumter Opera House, 21 N. Main Street. Five board members –Mr. Warren Curtis, Ms. Cleo Klopfleisch, Mr. Jason Reddick, Mr. Leslie Alessandro, and Mr. Steven Schumpert were present. Mr. Louis Tisdale, Mr. Sam Lowery 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, Chair.

#### MINUTES

Ms. Cleo Klopfleisch made a motion to approve the minutes of the July 6, 2022, meeting as written. The motion was seconded by Mr. Steven Schumpert and carried a unanimous vote.

#### NEW BUSINESS

**BOA-22-14, 405 W. Wesmark Blvd. (City)** was presented by Mr. Kyle Kelly. The Board reviewed a request from the requirements outlined in Article 8, Section 8.h.8.e: Automobile Franchise Signs of the City of Sumter Zoning & Development Standards Ordinance in order to permit an addition to an existing automobile franchise sign exceeding the 200 sq. ft. maximum sign area permitted for this sign type. The proposes total area of the automobile franchise sign, with the addition, will be +/- 212 sq. ft. The property is located at 405 W. Wesmark Blvd., is zoned Planned Development (PD), and is represented by TMS# 203-14-01-029.

Mr. Kelly stated the applicant is seeking a variance to permit an addition to an existing automobile franchise sign exceeding the 200 sq. ft. maximum for this sign type.

Mr. Kelly added the sign is classified as an automobile franchise special purpose sign because a majority of the area on the single sign is for particular franchise advertisements

Mr. Kelly mentioned the proposed total area of the automobile franchise sign, with the addition, will be +/- 212 sq. ft., on a single pole.

Mr. Hank Todd 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. 405 W. Wesmark Blvd. is located on Wesmark Blvd. between Alice Dr. and Wilson Hall Rd. The current pattern of development in this corridor is commercial, with the subject site representing the only automotive dealership type use. The property is improved with one free standing sign, that primarily serves as an automobile franchise sign. The applicant has the ability to establish separate free-standing signs for each automobile franchise sold from the property without the need for variance approval., per the requirements of *Article 8, Section 8.b.e.* of the Ordinance. More than one free-standing sign on the property is inconsistent with the character of the corridor in the area and would potentially impact visibility for turning movements into/out of the site as well the business's overall visibility.
2. The Ordinance section that affects this property is specific to automobile franchise uses. The automobile franchise in this situation is unique to the area in which it is located, and no other properties in the vicinity of the site are affected by these conditions.
3. Using the Ordinance, the applicant could establish separate free-standing signage to meet their needs regarding separate brands or franchises of vehicles. However, the site's layout and the nature of the existing signage, all of which is mounted on a single base, supports the request, and application of the Ordinance would restrict the applicant's ability to utilize the signage that would otherwise be permitted were they to establish separate signs for each franchise.
4. There is a low potential for detriment to adjacent property or to the public good if the request is approved. Staff finds that approval is consistent the character of this district. Approval of this request will allow for franchise signs on the property to be uniform and consistent within one established pole sign. Additionally, the request represents a minor variance from the established maximum amount of area allowed.

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

**BOA-22-15, 445 Broad St. (City)** was presented by Mr. Kyle Kelly. The Board reviewed a request for variance approval from 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 a new freestanding sign to be located +/- 7 ft. from the front property line. The property is located at 445 Broad St., is zoned General Commercial (GC), and is represented by TMS# 229-10-02-049.

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

Mr. Kelly added the variance being requested is to allow for a free-standing sign to have a 7 ft. setback from the front property line, instead of the 10 ft. setback required.

Mr. Joey Smoak 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. 445 Broad St. is located on Broad St. between Highland Ave. and Miller Rd. Staff finds that the placement of the current building, the parking layout, the number of site entrance/exit points, 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 Broad 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 Broad Street Corridor on their property. There is no location on the property that would allow a free-standing sign to comply with Ordinance requirements while still permitting safe traffic circulation and parking in front of the building.
4. Approval of the request would not likely represent a substantial detriment to adjacent property or to the public good, provided the conditions of approval are met. The proposed signage will assist drivers with

directional navigation and will not present a greater danger to vehicles than other properly approved signs on the corridor. Placing a free-standing sign for the subject property is consistent with the character of the district and represents an improvement in conformity as compared to the location of the previous free-standing sign on the property.

**Subject to the following condition:**

- **Submission of a surveyed site and landscaping plan showing the location of the sign in conformance with the variances granted.**

The motion was seconded by Mr. Steven Schumpert and carried a unanimous vote.

**BOA-22-16, 586 Pittman Dr. (County)** was presented by Mr. Kyle Kelly. The Board reviewed a request for variance approval from 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 +/- 3,992 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 2,992 sq. ft. accessory garage in the rear yard at 586 Pittman Dr.

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

Mr. Kelly added the applicant has not indicated the intended use for the proposed structure, which would be a 44 ft. x 68 ft. open gable structure with four (4) separate garage bays.

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

Ms. Cindy Geddings 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 2,992 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. Jason Reddick and carried a unanimous vote.

**BOA-22-15, 812/814 S. Guignard Dr. (City)** was presented by Mr. Kyle Kelly. The Board reviewed a request for variance approval from requirements outlined in *Article 8, Section 8.j.3.g: Common Off-Street Parking Areas* of the Sumter County Zoning & Development Standards Ordinance in order for two principal uses to share a common compliant parking area that does not have the combined minimum amount of off-street parking spaces required for each separate principal use. The property is located at 812/814 S. Guignard Dr., is zoned Light Industrial-

Warehouse (LIW), and is represented by TMS# 226-03-01-013 & 226-03-01-004.

Mr. Kelly stated the applicant is proposing to upfit +/- 8,300 sq. ft of space within a 15,000 sq. ft. warehouse complex currently used by the Habitat for Humanity Office/Restore Facility at 812 S. Guignard Dr. for use a cheerleading practice facility.

Mr. Kelly added the rear warehouse building is located on a separate parcel from the Habitat for Humanity Office/Restore Facility.

Mr. Kelly mentioned the applicant intends to utilize off-street parking on the 812 S. Guignard property.

Mr. Kelly stated applicable parking requirements state that common parking areas must have enough (compliant) parking spaces to account for the minimum off-street parking requirements of both principal uses combined. Parking areas in the LI-W are required to have an asphalt or concrete surface material. The site at 812 S. Guignard does not have enough compliant spaces to meet the minimum off-street parking requirements of both principal uses combined.

Mr. Jeff Stanfield, Ms. Shawn Smith, Ms. Julie Lowder, and Ms. Theresa Dorsey were 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 property subject to this request is composed of two (2) separate tax parcels; however, it has historically functioned as one cohesive site with the rear building (814 S. Guignard Dr.) being accessory in nature to the primary building (812 S. Guignard Dr.).

The property at 814 S. Guignard Dr. is influenced by areas of special flood hazard that are located on and in close proximity to the property.

The two principal uses will operate primarily at separate times, except for one hour of overlap on Tuesdays through Fridays between the times of 5:00 pm – 6:00 pm.

2. The conditions of having separate buildings located on two parcels under common ownership, where both buildings are used as part of a cohesive site, is a unique condition as compared to other property in the immediate vicinity. Further, the condition of having two

	<p>principal uses with primarily separate operating times is a unique condition as compared to other non-residentially used property in the immediate vicinity.</p> <ol style="list-style-type: none"> <li>3. Strict application of the ordinance in this situation requires the construction of an additional 24 space parking area consisting of concrete or asphalt surface material with curb and gutter. The proposed use of the 814 S. Guignard Dr. property as a cheerleading practice facility is limited in nature, meaning that the hours of operation are limited to weekday evenings and Sundays only.</li> <li>4. The authorization of this request has a low potential for causing substantial detriment to adjacent property or to the public good. Likewise, there is a low potential for approval of this request to cause harm to the LI-W district as a whole. The two principal uses will primarily operate at separate times, with no negative parking impacts anticipated. The proposed shared parking area has enough spaces to accommodate the minimum off-street parking requirements of both uses on their own.</li> </ol> <p><b>Subject to the following condition:</b></p> <ul style="list-style-type: none"> <li>• <b>Approval is only applicable to Palmetto Xplosion All Star Cheerleading and Habitat for Humanity operations on the property, as proposed under BOA-22-17.</b></li> <li>• <b>Additional conflicts or overlap in operational hours, beyond those outlined in this request, will require the construction of a fully compliant off-street parking area that will accommodate the total combined amount of minimum off-street parking spaces required for both principal uses on the property.</b></li> <li>• <b>One (1) paved ADA accessible parking space must be provided for the building at 814 S. Guignard Dr. if the Building Official determines on is required for ADA compliance.</b></li> </ul> <p>The motion was seconded by Mr. Jason Reddic and carried a unanimous vote.</p>
<b>OTHER BUSINESS</b>	<b>NONE</b>
	There being no further business, Ms. Cleo Klopffleisch made a motion to adjourn the meeting at 3:55 p.m. The motion was

	<p>seconded by Mr. Steven Schumpert and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for August 10, 2022.</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>