



ZONING BOARD OF APPEALS

Minutes of the Meeting

November 13, 2024

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, November 13, 2024, in the Fourth Floor City Council Chambers of the Sumter Opera House, 21 N. Main Street. Six board members –Mr. Leslie Alessandro, Mr. William Bailey, Mr. Clay Smith, Mr. Claude Wheeler, Mr. Steven Schumpert, and Mr. Frank Shuler were present. Mr. Jason Reddick, Mr. Todd Champion and Mr. Louis Tisdale were absent.

Planning staff in attendance: Ms. Helen Roodman, Mr. Jeff Derwort 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 October 9, 2024, meeting as written. The motion was seconded by Mr. Clay Smith and carried a unanimous vote.

NEW BUSINESS

BOA-24-36,3580 Congruity Rd. (County) was presented by Mr. Jeff Derwort. The Board reviewed the request for a variance from the public road frontage requirements outlined in *Article 8.e.13.a: Lots* and *Article 8.e.13.c: Lots* of the Sumter County Zoning & Development Ordinance (the “Ordinance”), and any other variances to the Ordinance as may be required, in order to subdivide a tract of land. If approved, the subdivision will result in at least 3 new lots with no frontage on a public road. The Ordinance requires all new lots to have at least 60 ft. of frontage on a public road (unless otherwise exempted). The property is located at 3580 Congruity Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 298-00-05-014.

Mr. Derwort stated this request is being made to resolve the estate of Walter Simon.

Mr. Derwort added a previous Court Order dividing the land in a similar matter was vacated and declared void in January 2024. The proposed plat, showing division of the property among multiple heirs is being brought forward in an effort to move forward with the resolving the matter.

Mr. James Simon was present to speak in favor of the request.

Mr. Everette Harrington was present to speak on behalf of the request. Mr. Harrington stated he owned land adjacent to the subject property. Mr. Harrington did not state if he is for or against but stated that he has questions regarding how access is going to work near the northeastern corner of his property.

After a brief discussion, Mr. Frank Shuler made a motion to approve this request subject to the following:

1. The subject property is +/- 82.36-acres in size and is being split among the legal heirs of Walter Simon.

There has been complexity with resolving the Walter Simon estate that has resulted in a previous court order being vacated. The proposed plat represents the desired path to resolve this matter.

New lots that have no frontage on a public road can only be established with the lifetime family conveyance exemption outlined in Article 10 of the Ordinance. Due the complexity and the number of heirs involved with the estate, this exemption is not feasible for this situation.

2. Large family-owned tracts of land are not uncommon in the rural areas of Sumter County.

However, the complexity of this case and the number of heirs involved in resolving the estate could be considered a unique condition, as the lifetime family conveyance exemption option is not a feasible path towards resolutions.

3. Application of the ordinance to the particular property the ability of the applicant to resolve the Walter Simon Estate as proposed.

4. Approval of this request is not anticipated to result in substantial detriment to adjacent property of the public good, nor harm the character of the district, provided that the plat be updated to include access easements to a public road for the 3 proposed landlocked lots.

To include the following conditions:

1. Plat shall be updated to include 15 ft. wide access easements from each landlocked lot to a public road prior to Planning Department approval of the proposed subdivision.

	The motion was seconded by Mr. Clay Smith and carried by a unanimous vote.
OTHER BUSINESS	Continuing Education on November 15, 2024.
	<p>There being no further business, Mr. Clay Smith made a motion to adjourn the meeting at 3:29 p.m. The motion was seconded by Mr. Steven Schumpert and carried by a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for December 11, 2024.</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>