



ZONING BOARD OF APPEALS

Minutes of the Meeting

September 11, 2024

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, September 11, 2024, in the Fourth Floor City Chambers of the Sumter Opera House, 21 N. Main Street. Five board members –Mr. Leslie Alessandro, Mr. William Bailey, Mr. Clay Smith, Mr. Steven Schumpert, and Mr. Todd Champion were present. Mr. Claude Wheeler, Mr. Louis Tisdale, Mr. Jason Reddick, and Mr. Frank Shuler were absent.

Planning staff in attendance: Ms. Helen Roodman, Mr. Jeff Derwort, Mr. Quint Klopfleisch and Ms. Kellie Chapman.

The meeting was called to order at 3:09 p.m. by Mr. Leslie Alessandro, Chairman.

MINUTES

Mr. Clay Smith made a motion to approve the minutes of the August 24, 2024, meeting as written. The motion was seconded by Mr. William Bailey and carried a unanimous vote.

NEW BUSINESS

BOA-24-29, 5785 Stagecoach Dr. (County) was presented by Mr. Jeff Derwort. The Board reviewed the request for a variance from the street frontage requirements outlined in *Article 8.e.13.a & 8.e.13.c: Lots of the Sumter County Zoning & Development Standards Ordinance* (the “Ordinance”) in order to subdivide the property into 2 separate lots. The Ordinance requires that all new lots (not otherwise exempted) must be accessible from a compliant street and have at least 60 ft. of frontage on said street. The applicant is proposing a new lot that will have no frontage on a public roadway. The property is located at 5785/5795 Stagecoach Dr.. is zoned Agricultural Conservation (AC), and is represented by TMS# 139-09-01-039.

Mr. Derwort stated the Ordinance requires that new lots in the AC zoning district have at least 60 ft. of the frontage on a public roadway.

Mr. Derwort added the parcel in question, TMS#139-09-01-039, was created in 1976 via survey recorded in Plat Book z-38, Page 374. The parcel was acquired by the applicant via quitclaim deed from family members in 2023. The applicant intend to subdivide this existing lot.

Mr. Robert Dinkins, Mr. Frank Dais, Mr. Steve Parker, Mr. Andrew Ward, Ms. Margie Ward, Ms. Mamie Dinkins and Mr. Richmond Dinkins were present to speak in favor of the request.

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

1. The subject property is 2.0-acres in size. There are numerous similarly shaped parcels of record in the area of this site. However, the configuration of Stagecoach Dr. itself could be considered an exceptional condition with regard to limiting the ability to subdivide the lot in a way that complies with all applicable development standards.
2. Lots and tracts in this area of Sumter County are generally a combination of large agricultural tracts and smaller residential lots. A number of lots along Stagecoach Dr. do not meet the Article 8.e.13. standard, though they appear to have been created prior to adoption of the current Ordinance. Stagecoach Dr. itself represents a unique condition relative to the County's roadway network in that it does not have platted right-of-way, which makes determining Ordinance compliance more challenging.
3. The application of the Ordinance to the particular property restricts the ability to subdivide their 2.0-acre tract into two 1.0-acre lots. The intent is for a home to be placed/built on the newly created 1.0-acre lot, which would not be permitted under the County Ordinance unless the lot is subdivided.
4. Both the existing and proposed lots include separate proposed 20 ft. wide access easements crossing the adjacent parcel #139-09-01-037 to access Stagecoach Dr.

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. The proposed size and shape of each proposed subdivided lot is consistent with AC zoning district standards, and the parcel would include a short access easement (20-30 ft. in length) directly to the public roadway.

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

BOA-24-30, 3615 Claremont Rd. (County) was presented by Mr. Quint Klopffleisch. The Board reviewed the request for a variance from the residential accessory structure requirement outlined in *Article 4.g.2.b.3: (Residential Accessory Structure) Development Standards* of the *Sumter County Zoning & Development Standards Ordinance (the "Ordinance")* in order to establish a new

detached carport in the front yard of the property. The Ordinance requires detached garages / carports to be located on side or rear yards only. The property is located at 3615 Claremont Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 075-00-01-016.

Mr. Klopfleisch stated the Ordinance requires a detached garages only be located in the side or rear yard of a parcel and shall be located no further forward on the lot than the principal structure. The variance is being requested due to the existing topographic conditions, the location of existing buildings, and the location of the septic system on the property.

Mr. Dennis Shennard was present to speak on behalf of the request.

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

1. The subject property is +/- 75.44-acres in size with the homesite being +/- 2.5-acres. The property is located in a rural area of the northwest section of the unincorporated Sumter County. The house is built on a plateau with the left side of the house having a grade which will not support a driveway or building. The area to the right of the dwelling, as viewed from Claremont Rd., also slopes downward with two permanent agricultural buildings in place. The rear and side of the yard has swimming pool, residential accessory building, underground propane tank, and garden. The front of yard has a mound septic system.
2. The subject property has unique challenges pertaining to the placement of a detached carport in compliance with Ordinance requirements. While other properties in the immediate vicinity may also encounter similar challenges, the topography and other existing site conditions related to the placement of a detached carport on the property are somewhat unique withing the larger context of this area of Sumter County.
3. If the requested variance is not approved, the applicant must install the proposed detached carport in compliance with Ordinance requirements. Doing so would either require the structure to be located further way from the house and/or would require the applicant to drive around/through existing site features to access it.
4. This request is not anticipated to be of substantial detriment to adjacent property or to the public good. The carport is +/- 250 ft. from the road with landscaping

which when mature, will mask the view of the house. Further, the request is not expected to harm the character of the district as it is in the rural area of the country.

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

BOA-24-31, 1411 Frank St. (County) was presented by Mr. Quint Klopfleisch. The Board reviewed the request for a variance from applicable rear building setbacks outlined in *Article 3.n.5.b: (AC District) Minimum Yard & Building Setback Requirements* of the *Sumter County Zoning & Development Standards Ordinance (the "Ordinance")* in order to construct a single-family detached dwelling that will be setback +/- 15 ft. from the rear property line. The property is located in a zoning district that requires a 50 ft. rear setback for primary residential structures. The property is located at 1411 Frank St., is zoned Agricultural Conservation (AC), and is represented by TMS# 225-04-02-005.

Mr. Klopfleisch stated the subject property, which is +/- 0.68-acre in size, is zoned Agricultural Conservation (AC). Per Article 3.n.5.b. of the Sumter County – Zoning & Development Standards Ordinance, a single family detached dwelling in the AC zoning is required to be a minimum of 50 ft. from the rear property line. The applicant is currently converting the current dwelling on the property into a residential care facility and is proposing to construct a new +/- 900 sq. ft. dwelling in the rear yard area. This dwelling is proposed to be the caretaker's residence for the facility. The proposed new dwelling is not an Accessory Dwelling Unit (ADU) as allowed under the Ordinance, as the primary use will be a residential care facility. As such, principal commercial building setbacks are applicable, and variance approval is required to carry out the project as proposed.

Ms. Williba Brogdon, Ms. Jacqueline Wright and Mr. Michael Anderson 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:

1. The subject property is a +/- 0.68-acre property in a subdivision developed prior to the adoption of the Sumter County Zoning & Development Standard Ordinance. As such, the property is non-conforming to minimum lot size.

If the current building was utilized as a single-family resident, the +/- 900 sq. ft. proposed caretakers' cottage would be considered an ADU which would have a

required minimum setback of 5 feet from rear and side property lines.

2. The property is of similar shape and size as other lots in the 13-lot subdivision but is smaller than neighboring properties which are 1-acre or greater in size. However, the establishment of an ADU of similar size as the proposed dwelling on the subject property is permitted on other properties (with single family dwellings on them) in this subdivision. This is not the case for the subject property, and the principal use is/will be residential care.
3. These conditions prevent the applicant from developing a separate caretaker's dwelling on the property.
4. The purpose of regulating setbacks for residential and accessory structures is to ensure compatibility, ensure minimum open space around a structure, facilitate safe access, and avoid negatively impacting surrounding properties.

Substantial detriment to adjacent property or to the public good is not anticipated, nor is it anticipated that their will harm to character of the district. The proposed dwelling is of a similar size as a permissible ADU on other property in the immediate vicinity. The proposed dwelling will actually be setback further than required, if the dwelling were considered an ADU under the Ordinance. Further, a larger accessory structure could be placed on the property with less restrictive setback than what is being proposed.

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

BOA-24-32, 30 Baldpate Cove (City) was presented by Mr. Jeff Derwort. The Board reviewed the request for multiple variances to the residential accessory structure requirements outlined in *Article 4.g.2.b.2, Article 4.g.2.b.4, Article 4.g.2.b.5: (Residential Accessory Structure) Development Standards and Article 4, Exhibit 4-1: Maximum Square Footage of Residential Accessory Structure Based on Gross Acreage of the City of Sumter Zoning & Development Standards Ordinance* (the "Ordinance") in order to legally establish a third 1,708 sq. ft. residential accessory structure on the property, that is located +/- 1.6 ft. from the rear property line (at the closest point), and will result in +/- 3,284 sq. ft. of total residential accessory structure area on the property. The Ordinance allows no more than 2 residential accessory structures and no more than 1,120 sq. ft. of total residential accessory structure size on property that is 0.6 acres in size. The Ordinance also requires

that residential accessory structures over 1,200 sq. ft. be set back at least 10 ft. from property lines. The Property is located at 30 Baldpate Cove, is zoned Residential-15 (R-15), and is represented by TMS# 205-01-04-006.

Mr. Derwort stated the Ordinance allows no more than 2 residential accessory structures (larger than 120 sq. ft.) per lot, with the maximum combined size of those structures set by Article 4, Exhibit 4-1. In the case of 30 Baldpate Cove, the Ordinance allows a maximum of 1,120 sq. ft. of total accessory structure area. Additionally, structures over 1,200 sq. ft. must meet a minimum 10 ft. setback from property lines.

Mr. Derwort discussed Figure 1 (Aerial View of Structure Placement) from the staff report. Mr. Derwort stated that there are currently 3 separate accessory buildings on the property. Buildings #1 and #2 were constructed prior to adoption of the current Ordinance requirement, and their combined size of 1,584 is considered non-conforming not subject to discontinuance (grandfathered) per Article 6 of the Ordinance.

However, Building #3's impact on the site in terms of its contribution to total accessory structure numbers, size, and setbacks, is not grandfathered, and is subject to Ordinance requirements. This structure was recently placed on the property within permits. This is an open zoning enforcement case, and the applicant is seeking variance approval to resolve these violations.

Mr. Derwort added in addition to the Ordinance requirements, the property is subject to Restrictive Covenants enforced by the Idlewild Subdivision Homeowners Association (HOA).

Mr. Floyd Simmons, Mr. Joseph Horry, Jr., and Mr. Johnny Brown were present to speak on behalf of the request.

Mr. Buddy Wescott, Mr. Bryan Furke, Mr. Jude Blake, Mr. Ben Griffith, Mr. Gill Bell and Mr. John Watts were present to speak against the request. Mr. Wescott confirmed that the 1,708 sq. ft. structure was not submitted for, nor received, HOA approval as required

After a brief discussion, Mr. Clay Smith made a motion to deny this request subject to the following:

1. The subject property is 0.60-acres in size and is comparably sized to other lots in the Idlewild Subdivision. The lot does have a slightly irregular shape based on its position on a cul-de-sac and extension of the rear yard to a triangular point that is not common in the area.

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

2. While lots in the Idlewild Subdivision and surrounding areas are slightly irregular, all meet the minimum development standards for an R-158 lot under the Ordinance. There do not appear to be any conditions applicable to 30 Baldpate Cove that do not also apply to other lots in the subdivision, particularly looking at the 6 total cul-de-sacs in the development.

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 1,120 sq. ft. without a variance under the current Ordinance. Since 1,584 sq. ft. of accessory structure area already exists the Ordinance prevents the applicant from legally constructing any additional accessory structures over 120 sq. ft.
4. The purpose of regulating the size, number, and setbacks of residential accessory buildings is to ensure compatibility, preserve the primary residence as a focal point of the property, and avoid negatively impacting surrounding properties.

Furthermore, exceeding the established maximum accessory structure size, number, and setback 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 citywide.

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

BOA-24-33, 1029 Broad St. (City) was presented by Ms. Helen Roodman. The Board reviewed the request for variances from the minimum off-street parking requirements outlined in *Article 8, Exhibit 8-12: Off-Street Parking Requirements For Non-Residential Land Uses* of the *City of Sumter Zoning & Development Standards Ordinance* and any other variances as may be required in order to expand the footprint of a restaurant/eating place use within the existing building on the property. There are +/- 44 existing off-street parking spaces and 51 off-street parking spaces are required to accommodate the proposed expansion of

restaurant/eating place space within the existing building. The property is located at 1029 Broad St., is zoned General Commercial (GC), and is represented by TMS# 229-01-01-002.

Ms. Roodman mentioned the building located on the subject property is +/- 4,300 sq. ft. in size and is divided into two (2) separate tenant spaces. One (1) of the spaces is the location of a restaurant use, the other space is vacant with last use of the space being a financial office. The applicant is proposing to expand the restaurant use into the vacant tenant space in order dedicate the entirety of the building for restaurant use. The existing site has +/- 44 space (BOA legal ad mistakenly referenced +/- 46 existing parking spaces). This number is accounting for recent spaces added at the rear of the site. Based on the area dedicated to restaurant use, 51 parking spaces are required. A variance is required as the site does not have enough parking stalls to meet minimum requirements.

Ms. Roodman added the site was developed in 1972, prior to the current development standards. At the time, the entire structure served as a restaurant. In the early 2000s the site became vacant and remained so until approximately 2009. Because the site was nonconforming, subject to a discontinuance.

Prior to re-occupancy in 2009, parking and landscaping variances were granted for the site so that it could reopen as another restaurant use (BOA-09-26). Ultimately the end user receiving variance approval did not reoccupy the building.

By 2014, the building owner acquired permits and split the building into two tenant spaces, making the parking variances granted in 2009 moot as the division of the building decreased the parking requirement for the entire structure, bringing it into alignment with ordinance standards. This new parking variance request is being brought forward because the owners seek to convert the entire structure back into a single restaurant space.

Mr. Jack Horiatis and Mr. Steven Pantellodis 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:

1. The structure and site development date back to 1972, prior to adoption of the current Ordinance. As such, the site is nonconforming with respect to site development standards. Historically the entire site was used as a restaurant, however changes in the 2010s converted the structure into two tenant spaces. The owners seek to reestablish the historic use of the entire building.

The site is similar to many other locations in the immediate area, many of which predate the current standards, however; it is the only one that was historically used as an eating place. Like many lots on Broad Street, this lot is narrow, and the building takes up a substantial proportion of the property. Because of existing adjacent development and uses, there is nowhere available to provide the additional 7 parking spaces required by the current ordinance.

2. Other properties in the vicinity are likewise impacted by the current development standards as they are also nonconforming with respect to site development standards. However, the adjacent properties are used for retail purposes, which have a significantly smaller parking requirement than that of an eating place.
3. There is no space available to provide the 7 required spaces needed to convert the entire structure back into an eating place. Without a variance, the number of available parking spaces significantly limits the utility of the building without complete site demolition and rebuild. Even if the site were to be demolished and redeveloped, it is likely that site development variances would be necessary due to the parcel size and shape.
4. Significant sections of the Broad Street corridor are nonconforming to current development standards. As those sites change ownership and uses, sites are constantly evaluated for conformance with the development standards. In situations such as these, where it is physically impossible to comply with the development standards, Article 6 addresses how to handle these nonconforming sites of record. It is the intent of Article 6 to have the Board of Appeals evaluate these variances and to review and evaluate the impacts of the request.

The motion was seconded by Mr. William Bailey and carried by a unanimous vote.

BOA-24-34, 756/758 Bultman Dr. (City) was presented by Mr. Jeff Derwort. The Board reviewed the request for variances from the principal building separation requirements outlined in *Article 4.f.3.b: Yards Located On Lots With More Than One Principal Building* of the *City of Sumter Zoning & Development Standards Ordinance* (the “Ordinance”) and any other variances as may be required in order to construct a new principal building on the property closer to the existing building than otherwise permitted. The Ordinance requires that whenever there is more than 1 principal building on lot, buildings shall be separated by a horizontal distance that is at

least equal to the height of the highest adjacent building. The property is located at 756/758 Bultman Dr., is zoned General Commercial (GC), and is represented by TMS# 204-05-03-053.

Mr. Derwort mentioned the request is associated with a Minor Site Plan and Highway Corridor Protection District (HCPD) application for the proposed pole building on property located at 756/758 Bultman Dr.

Mr. Derwort added the applicant desires to place a pole building on the property to market construction services offered for this building type. The property is located on the westside of Bultman Dr. just south of the intersection of Broad St. and Bultman Dr.

The applicant has submitted an HCPD application with building elevation plans showing a proposed pole building with a brick front façade and metal siding exterior materials on all other facades of the structure.

Mr. Ron Wilkes was present to speak on behalf of the request.

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

1. The subject property is 0.42-acres in size, though the commercial use also extends to the adjacent lot that is 0.39-acres. The lot is similar to other commercial lots on Bultman Dr., though the use of the property as an auto sales lot is not shared by other property on the street. Though the property has sufficient space to the north of the existing building to place a second structure, the traffic circulation pattern and use of the property as display area for vehicles for sale does complicate building placement.
2. On Bultman Dr. there are numerous similarly shaped parcels of record in the area of this site and commercial buildings are of varying sizes and configurations, though all appear to meet the Ordinance requirements with regard to commercial building separation. Though the parcel is similar to others, none are used for auto sales, which does use land in a different way from other retail businesses, in that significant surface area of a lot must be used to park vehicles that are part of the businesses inventory and not customer vehicles.
3. The application of the ordinance to the particular property restricts the ability of the applicant to add an additional commercial building in the location preferred.

	<p>4. Existing commercial development standards regarding building setbacks from property lines are extremely permissive (with a minimum side setback of 0 ft. in the General Commercial Zoning District for adjacent commercial uses). The purpose of regulating building separation standards is a combination of previous standards in building code as well as general guidelines regarding accessibility of property for purpose including emergency services. While the proposed building would obstruct access along the southern property boundary, there is sufficient space on the north side and rear of the site to accommodate anticipated access needs.</p> <p>The motion was seconded by Mr. Clay Smith and carried by a unanimous vote.</p>
OTHER BUSINESS	<p>Dates for Continuing Education will be announced soon.</p>
	<p>There being no further business, Mr. Clay Smith made a motion to adjourn the meeting at 5:17 p.m. The motion was seconded by Mr. Jason Reddick and carried by a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for October 9, 2024.</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>