



ZONING BOARD OF APPEALS

Minutes of the Meeting

January 8, 2025

ATTENDANCE	<p>A regular meeting of the Zoning Board of Appeals was held on Wednesday, January 8, 2025, in the Fourth Floor City Council Chambers of the Sumter Opera House, 21 N. Main Street. Nine board members –Mr. Leslie Alessandro, Mr. William Bailey, Mr. Clay Smith, Mr. Claude Wheeler, Mr. Steven Schumpert, Mr. Frank Shuler, Mr. Jason Reddick, Mr. Todd Champion and Mr. Louis Tisdale were present.</p> <p>Planning staff in attendance: Ms. Helen Roodman, Mr. Jeff Derwort, Mr. Kyle Kelly and Ms. Kellie Chapman.</p> <p>The meeting was called to order at 3:00 p.m. by Mr. Leslie Alessandro, Chairman.</p>
MINUTES	<p>Mr. Steven Schumpert made a motion to approve the minutes of the December 11, 2024, meeting as written. The motion was seconded by Mr. Louis Tisdale and carried a unanimous vote.</p>
MEETING DATES FOR 2025	<p>Mr. William Bailey made a motion to approve the meeting dates for 2025 as written. The motion was seconded by Mr. Clay Smith and carried a unanimous vote.</p>
ELECTION OF OFFICERS	<p>Mr. Steven Schumpert nominated Mr. Clay Smith for Chairman for 2025. The motion was seconded by Mr. Louis Tisdale and carried a unanimous vote.</p> <p>Mr. Steven Schumpert nominated Mr. Frank for Vice Chair for 2025. The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.</p>
NEW BUSINESS	<p>BOA-24-42, 1813 Hwy 15 South (City) was presented by Mr. Kyle Kelly. The Board reviewed this request for Special Exception approval in accordance with <i>Article 3, Exhibit 5: Permitted Uses in All Zoning Districts</i>; <i>Article 5.b.2: Enumeration of Certain Hazardous and/or Potential Disruptive Land Development Activities</i>; and <i>Article 5.b.3.o: Liquor Stores</i> of the Sumter County Zoning & Development Standards Ordinance (the “Ordinance”) in order to establish a Liquor Store Use within an individual tenant space apart of a larger commercial multi-tenant development. The property is located at 1813 US Hwy 15 S, is</p>

zoned General Commercial (GC), and is identified as TMS# 225-00-03-018.

Mr. Kelly stated the site is located at the intersection of US-15 South and Old Manning Rd, known as the Pocalla Crossing Shopping Center.

Mr. Kelly added the applicant is proposing to utilize one of the existing retail spaces in the shopping center for a liquor store use. The defined liquor store space serves as the boundary for determining compliance with any required separation standards.

Ms. L. Stokes-Coe and Mr. Tony Bradley were present to speak against the request.

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

In relation to the request for special exception approval to establish a liquor store use at property located at 1813 Hwy 15 S.:

The Special Exception complies with all applicable standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements.

1. The proposed liquor store use is located in an existing developed shopping center, and no additional site development is proposed.

The liquor store use is not within 300 ft. (measured in a straight line from structure to structure) of a residential use, church, school, or public playground on a separately platted parcel.

The liquor store use is not directly adjacent to a residential use.

That the Special Exception will be in substantial harmony with the area in which it is located.

2. The property is zoned General Commercial (GC), is located along a roadway corridor designed to support higher intensity commercial uses and is in location suitable for the establishment of a broad range of commercial uses.

That the Special Exception will not discourage or negate the use of surrounding property for use(s) permitted by right.

3. The property is zoned General Commercial (GC), is located along a roadway corridor designed to support higher intensity commercial uses and is in a location suitable for the establishment of a broad range of commercial uses.

The liquor store is part of a larger shopping center development and there is no indication that the proposed use will discourage or negate the use of surrounding property for uses(s) permitted by right.

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

BOA-24-43, 667-675 W. Liberty St. (City) was presented by Mr. Jeff Derwort. The Board reviewed the request for a variance 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 (the “Ordinance”) and variances from the free standing sign setback requirements outlined in *Article 8.b.2.f.: General Provisions* and *Article 8, Exhibit 8-8: Permanent Sign Development Standards* of the Zoning Ordinance, and any other variances as may be required in order to allow for the establishment/expansion of a restaurant/eating place and full range of retail uses on a nonconforming site and to allow for significant improvements or reestablishment of the existing free-standing sign in its current location. The property is located at 667, 669, 671, 673, & 675 w. Liberty St., is zoned General Commercial (GC), and is represented by TMS#s 228-10-02-055 & 228-10-02-056.

Mr. Derwort stated the applicant obtained the property at TMS# 228-10-02-055 (669-675 W. Liberty St.) in May 2022. The applicant obtained the property at TMS# 228-10-02-056 (667 W. Liberty St.) in September 2022

Mr. Derwort added the property is legal nonconforming to multiple current city development standards and was originally developed from the mid-1960’s to early 1970’s.

Mr. Steven Deschamps and Mr. Scott Bell were present to speak in favor of the request.

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

1. Based on available County Tax Records, the property was originally developed from the mid 1960’s to the early 1970’s and is non-conforming to city development standards.

Both parcels were developed separately from one another but share a connected internal parking area. It is noted that previous owners striped in parking spaces and placed concrete curb stops to block vehicular access across property lines.

There is limited space for the provision of additional off-street parking and limited space for adjusting the location of the free-standing sign to meet a 10 ft. setback requirement without impacting parking and internal access movements

2. While non-conforming commercial sites exist in other places throughout the City, the size of the property, the multi-tenant nature of the property, and the fact that it has frontage on 3 separate streets are unique characteristics.
3. The conditions prevent the applicant from:
 - a. Using the full area of the building at 667 W. Liberty St. for a restaurant use,
 - b. Using the full are of the building at 669-675 W. Liberty St. for general retail use, and
 - c. Improving an existing non-conforming sign.
4. Vehicular access and travel across the site is safer and more efficient when treated as a consolidated site. There are multiple ingress-egress points for the property on both N. Guignard Dr. and W. Liberty St. Efforts to address this matter should be considered when allowing for uses that may induce additional traffic impact.

It is not anticipated that the authorization of the request minimum off-street paring variance will result in substantial determinant to adjacent property, the public good, or harm to the character of the district provided the applicant is willing to work with Planning Staff and SCDOT to establish a consolidated access plan for both properties to be implemented as part of separate near term transportation improvement projects scheduled for the W. Liberty ST. and N. Guignard Dr. corridors.

With the following conditions:

1. The applicant shall work with Planning Staff and SCDOT to establish a consolidated site access plan as part of programmed transportation improvement projects along the W. Liberty St. corridor and at the intersection of W. Liberty St. and N. Guignard Dr.
2. No use that require more parking than 1 space per 250 sq. ft. of Gross Floor Area (GFA) shall be permitted within the building on TMS# 229-10-02-055.
3. The new free-standing sign cabinet shall not encroach any further into the setback area than the current sign and shall not encroach into any area of the street right-of-way.

The motion was seconded by Mr. Frank Shuler and carried by a unanimous vote.

Mr. Louis Tisdale and Mr. Clay Smith recused themselves from the BOA-24-44 request.

BOA-24-44, 3075-3145 Carter Rd. (City) was presented by Mr. Kyle Kelly. The Board reviewed the request for a variance from the side and rear setback requirements for Suburban Multi-Family Apartment Complexes outlined in *Article 3, Exhibit 3-6: Development Standards for Residential Uses in Commercial Districts of the City of Sumter Zoning & Development Standards Ordinance* (the “Ordinance”) in order to develop an apartment building structure +/- 20 ft. from the rear property line of TMS# 186-00-04-037 and 2 apartment building structures +/- 35 ft. from the side property line of TMS# 186-00-04-036 that is adjacent to Companion Ct. The Zoning Ordinance requires a 50 ft. setback from all side and rear property lines for Suburban Multi-Family Apartment Complexes. The property is located at 3075, 3095, 3125, 3135, & 3145 Carter Rd., is zoned General Commercial (GC), and is represented by TMS#s 186-00-04-036, 186-00-04-037, & 186-00-04-025.

Mr. Kelly stated the request is associated with a pending Major Site Plan (MSP) and Highway Corridor Protection District (HCPD) application for the construction of 4 multifamily apartment buildings totaling 96 housing units on the property.

Mr. Kelly added the development is an expansion to the existing Companion at Carter Mill apartment development located at the rear of the proposed site.

Mr. Kelly mentioned the property is located on the north side of Carter Rd. approximately 150 ft. west of the intersection of Carter Rd. and Broadwater Dr.

Mr. Austin Thorton, Mr. Mike Weatherly, and Mr. Jason Smith were present to speak on behalf of the request.

Mr. Mack Kolb, Mr. Talmadge Tobias, Mr. Larry Bass and Ms. Angela Grier were present to speak in favor of the request.

Mr. Eric Lavine was present to speak against the request.

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

1. The property is comprised of 3 parcels totaling 5.4-acres in size. While the property itself is similar to other tracts on Carter Rd., the configuration of the private Companion Court driveway that provides access to the existing Companion at Carter Mill development and the carveout for commercial use of TMS# 186-00-04-024 can be considered extraordinary and exceptional conditions.

2. The configuration of the parcels and structure of the development as a separate phase of development of an existing apartment complex on separately platted land does not generally apply to other property in the vicinity.

The property in the vicinity is a combination of completed residential multi-family apartment complexes and single-family residential uses.

3. The application of the ordinance to the particular property restricts the ability of the applicant to place the proposed four apartment buildings in the location desired, with a logical circulation pattern incorporated.

4. Existing development standards regarding building setbacks from property lines for suburban multi-family developments are more restrictive than many other forms of development in the City (minimum rear and side setbacks of 50ft.).

The purpose of regulating building setback and separation standards is a combination of general guidelines regarding accessibility of property for purposes including emergency services, effort to prevent negative impacts to adjacent property, and regulatory structure to ensure that intended density of development suburban areas is followed.

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

BOA-24-45, 1045 Pocalla Rd. (County) was presented by Mr. Jeff Derwort. The Board reviewed the request for a variance from building setback requirements applicable to properties with frontage on multiple roads, as outlined in *Article 4.f.4.b.: Front Yards* of the Sumter County Zoning & Development Standards Ordinance (the “Zoning Ordinance”), variances from the landscaping requirements outlined in *Article 8.d.6: Street Trees* and *Article 8.d.7: Buffering* of the Zoning Ordinance to establish a new commercial structure +/- 20 ft. from the property line fronting Roosevelt Cir. right-of-way and to establish less buffer width and less street tree plantings than required by the Zoning Ordinance. The Zoning Ordinance requires a 35 ft. setback along the property line fronting Roosevelt Cir. right-of-way, requires 10 ft. of buffer width where abutting less intensive uses, and generally requires canopy tree placement along all street frontages at a rate of 1 tree per 40 ft. The property is located at 1045 Pocalla Rd., is zoned General Commercial (GC), and is identified as TMS# 251-08-02-002.

Mr. Derwort stated the property is located on the east side of Pocalla Rd. near the intersection of Pocalla Rd./Maxwell Ave. and Pocalla Rd./Roosevelt Rd.

Mr. Derwort stated the dimensions of the property, with over 500 ft. of length and only +/- 85 ft. of depth, are atypical. Further, the site has multiple street frontages with the front facing Pocalla Rd., one side facing Roosevelt Rd., and the rear facing Roosevelt Circle.

Existing asphalt pavement covers most of the property, and historic aerial imagery suggests that the property was used to conduct automobile sales in the past. The property is served by one existing access that is located on Pocalla Rd. directly across from Maxwell Ave.

Mr. Derwort mentioned a minor site plan has been submitted for review that shows the establishment of a new +/- 1,300 sq. ft. sales office with attached 2-bay garage and other associated site improvements. Article 4.f.4 requires that front setback requirements are applicable for frontages and nonintersecting streets, or 2 intersecting streets forming an angle of 60 degrees or less. As such, this restricts the applicant's ability to place the structure in the location desired.

Mr. Scott Bell and Mr. Tripp Waynick were present to speak on behalf of the request.

Mr. Rusty Brown and Mr. John Pringle were present to speak in favor of the request.

Mr. Ronnie Colclough and Mr. Sterling Vaughn were present to speak against the request.

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

1. The property has direct frontage on 3 different streets. As such, more restrictive setbacks are applied compared to a typical lot with a single frontage or a typical corner lot property with two street frontages.

The property has an irregular shape with more than 500 ft. of length and only +/- 85 ft. of depth.

The property has been previously improved with asphalt pavement that covers a large majority of available area and extends well into required buffer areas.

2. The condition described in Question #1 are somewhat unique compared to other property in the vicinity.

	<p>3. The Ordinance prevents the applicant from improving the site in a manner desired. Due to the multiple street frontages and the applicable building setbacks from those frontages, the building would have to be placed to the south of the existing access point, unnecessarily breaking up vehicle display, parking, and security features of the proposed commercial use.</p> <p>4. In this instance, setbacks are impacted due to unique factors of the property and an attempt by the applicant to lay out the site in the most efficient manner possible for the end user.</p> <p>The applicant is proposing to install a compliant amount of street buffer planting along the Roosevelt Circle Street frontage, within the space available. The applicant is proposing to install ornamental shrub plantings along the Pocalla Rd. frontage. It is noted that overhead power lines exist along the Pocalla Rd. frontage.</p> <p>Historically, more restrictive landscaping requirements have not been applied when abutting less intensive uses are on the opposite side of a street right-of-way.</p> <p>Overall, the proposed landscaping plan will result in an improved site identity and character, with more intensive landscaping applied along the Roosevelt Circle frontage.</p> <p>The motion was seconded by Mr. Claude Wheeler and carried by a unanimous vote.</p>
<p>OLD BUSINESS</p>	<p><i>Mr. Frank Shuler recused himself from the BOA-24-41 request.</i></p> <p>BOA-24-41, 420 Lakewood Dr. (County) was presented by Mr. Jeff Derwort. The Board reviewed the request for a variance from the residential accessory structure setback requirements outlined in <i>Article 4.g.2.b.: (Residential Accessory Structures) Setbacks</i> of the Sumter County Zoning & Development Standards Ordinance (the “Ordinance”) in order to establish a new 700 sq. ft. detached garage in the side yard within the required side setback area. The property is located at 420 Lakewood Dr., is zoned Residential-15 (R-15), and is represented by TMS# 223-00-01-047.</p> <p>Mr. Derwort stated no new information was provided prior to the meeting.</p> <p>After a brief discussion, Mr. Clay Smith made a motion to deny the request. The motion was seconded by Mr. Steven Schumpert and carried by a unanimous vote.</p>

<p>OTHER BUSINESS</p>	<p>Mr. Leslie Alessandro thanked staff and board for allowing him to serve on the board as well as Chair.</p> <p>There being no further business, Mr. Clay Smith made a motion to adjourn the meeting at 4:51 p.m. The motion was seconded by Mr. Claude Wheeler and carried by a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for February 12, 2025.</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>