



ZONING BOARD OF APPEALS

Minutes of the Meeting

April 10, 2024

ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, April 10, 2024, in the Fourth Floor City Chambers of the Sumter Opera House, 21 N. Main Street. Eight board members –Mr. Frank Shuler, Mr. Jason Reddick, Mr. Claude Wheeler, Mr. Steven Schumpert, Mr. Louis Tisdale, Mr. Leslie Alessandro, Mr. William Bailey, and Mr. Todd Champion were present. Mr. Clay Smith was absent.

Planning staff in attendance: Mr. Jeff Derwort, Mr. Quint Klopfleisch, Ms. Helen Roodman 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 March 13, 2024, meeting as written. The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.

NEW BUSINESS

BOA-24-07, 1740 Hwy. 521 S. (County) was presented by Mr. Quint Klopfleisch. The Board reviewed the request for variances from the lot development standards outlined in *Article 3.b.5.a: (R-9 District) Minimum Lot Requirements and Article 8.e.13.c: Lots of the Sumter County Zoning & Development Standards Ordinance* and any other Ordinance requirements as may be applicable in order to establish a new lot that will have +/- 21 ft. of frontage on a public street and will have +/- 21 ft. of lot width at the front building setback line. The Ordinance requirements applicable to the subdivision of this property require that new lots have at least 60 ft. of frontage on a public street and have at least 75 ft. of lot width at the front building setback line. The property is located at 1740 US Hwy 521 S., is zoned Residential-9 (R-9), and is represented by TMS# 252-00-02-022.

Mr. Klopfleisch stated the subject property is a +/- 6.17-acres in size, with public frontage on US 521 S. The lot is currently home to a religious organization. The proposed lot will have a +/- 270 ft. of road frontage along a private road. The narrow width stem is being proposed to US 521 S. in order to provide some level of frontage on a public road and to preserve the existing driveway location.

Mr. Klopfleisch added the lot size and dimensions of the property are not uncharacteristic for a non-residential institutional use along a major arterial roadway. Having secondary frontage on private road that provides access to multiple lots under different ownership is somewhat unique to this particular property.

Mr. Klopfleisch mentioned the application of the ordinance to the particular property restricts the ability of the applicant to subdivide the property as proposed. The proposed lot has significant frontage on a private road that is the only access point for multiple different property owners.

After a brief discussion, Mr. Frank Shuler made a motion to defer action on this request until the next Board of Appeals meeting on Wednesday, May 8, 2024. The Board has questions for the applicant that could not be answered by Planning Staff. The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.

BOA-24-08, 941 Clay St. (County) was presented by Mr. Kyle Kelly. The Board reviewed the request for a variance from the residential accessory structure maximum size requirements outlined in *Article 4, g.2.b.6: Maximum Size and Article 4, Exhibit 8A: Maximum Square Footage of Residential Accessory Structures Based on Gross Acreage of the Sumter County Zoning & Development Standards Ordinance* (the “Ordinance”) and any other Ordinance requirements as may be applicable in order to establish a +/- 1,200 sq. ft. residential accessory structure where the maximum total area of residential accessory structures permitted based on the size of the property is 1,150 sq. ft. The property is located at 941 Clay St., is zoned Residential-15 (R-15), and is represented by TMS# 207-10-02-009.

Mr. Kelly stated the 1,200 sq. ft. accessory structure was erected sometime between January and March 2024 without required building permits. Variance approval is being sought in order to legally permit the building. There is an existing +/- 400 sq. ft. carport structure located adjacent to the residence.

Mr. Kelly stated that based on 0.61-acre lot size, the maximum amount of residential accessory structure area permitted is 1,150 sq. ft. The property is located in the Hilldale Subdivision.

Mr. Kelly mentioned aerial imagery from 2023 indicates 3 accessory structures: 1 carport in the property’s side yard, 1 carport in the property’s rear yard, and 1 barn/shed in the property’s rear yard.

Mr. Kelly added the 2 rear yard accessory structures were removed between August 2023 and March 2024 without

demolition permits. Based on approximate measurements, the two rear yard structures removed between 2023 and 2024 were 500 sq. ft. and 600 sq. ft.

Mr. Kelly stated a further factor of relevance to this case is the presence of an overhead electrical transmission line easement along the property's northeast (side) property line. The easement is identified on the plat prepared by H.S. Wilson and recorded in 1994 (PB 94, Pg 805), is shown as being 70 ft. in width (35 ft. on the property at 945 Clay St.), and held by Carolina Power & Light, now. Staff attempted unsuccessfully to reach Duke Energy Progress for further details on the easement terms.

After some discussion, Mr. Frank Shuler made a motion to defer action on this request until the next Board of Appeals meeting on Wednesday, May 8, 2024. The Board has asked the applicant to obtain written consent or other legal documentation that verifies that the construction of an accessory structure is permitted under the terms of the easement currently held on the property by Duke Energy Progress. The motion was seconded by Mr. Louis Tisdale and carried a unanimous vote.

BOA-24-09, 495 Myrtle Beach Hwy. (County) was presented by Mr. Jeff Derwort. The Board reviewed the request for special exception approval in accordance with *Article 3, Exhibit 5: Permitted Uses in All Zoning Districts; Article 5.b.2: Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities; and Article 5.b.3.g: Used Vehicle Parts Merchant Wholesalers (NAIC 42314) of the Sumter County Zoning & Development Standards Ordinance* (the "Ordinance") in order to establish a Used Vehicle Parts Use with Outside Storage of Dismantled Vehicles and/or Parts on the property. The property is located at 495 Myrtle Beach Hwy., is zoned Light Industrial-Warehouse (LI-W), and is represented by TMS# 268-15-01-033.

Mr. Derwort stated on March 12, 2024, Sumter County Council approved a zoning ordinance text amendment (OA-23-05) that made "Used Motor Vehicle Parts Merchant" uses under NAICS a special exception use in the Light Industrial-Warehouse (LI-W) district. Prior to the approval of OA-23-05, uses under NAICS 42314 were not permitted in the LI-W district per 2018 zoning ordinance amendment (OA-18-07) that prohibited the use from being established in the LI-W district. Prior to the OA-18-07 amendment, the use was a "by-right" permitted use in the LI-W district.

Mr. Derwort added the property previously consisted of two separate tax parcels, a 7-acre portion formerly identified as TMS# 268-15-01-041 and a 1.5-acre portion identified as TMS# 268-15-01-033. These two tax parcels were combined in October 2022, when both parcels came under common ownership. The

	<p>applicant legally operates both a used automobile sales business and a used motor vehicle part merchant business on the 1.5-acre portion of the property only. If approved, the requested Special Exception would allow the used motor vehicle parts use to be established on the remaining 7-acres.</p> <p>Mr. Derwort mentioned the applicant has taken steps to establish a used motor vehicle parts business on the 7-acre portion of the property since at least late 2019. These actions resulted in lengthy enforcement actions against the applicant to correct documented violations. Approval of this request, and documented compliance by the applicant with any conditions attached to such approval, would render the ongoing enforcement action moot.</p> <p>After some discussion, Mr. Louis Tisdale made a motion to defer action on the request until the next Board of Appeals meeting on Wednesday, May 8, 2024. The board has asked that the applicant obtain a site and landscaping plan. The motion was seconded by Mr. William Bailey and carried a unanimous vote.</p> <p><u>BOA-24-10, 2495 Brogdon Circle (County)</u> was presented by Mr. Quint Klopfleisch. The Board reviewed a request for a variance from the AC zoning district 1-acre minimum lot size requirement outlined in Article 3.n.5.a: (AC District) Development Standards of the Sumter Zoning & Development Standards Ordinance (the “Ordinance”) in order to subdivide a +1.81-acre lot into two (2) separate lots with +/- 0.9-acre lot sized for the purpose of establishing a new mobile home. The property is located at 2495 Brogdon Cir., is zoned Agricultural Conservation (AC), and is represented by TMS# 287-00-02-033.</p> <p>Mr. Klopfleisch mentioned the applicant would like to facilitate placement of another mobile home on the property in order to maximum the property’s monetary gain. Historic GIS data indicates that there were 2 mobile homes on the property at 1 point in time. 2007 aerial imagery does not indicate a 2nd dwelling. As such, removal of the 2nd dwelling occurred at least 17 years ago, and thus the property is required to comply with all current Ordinance requirements.</p> <p>After a brief discussion, Mr. Stephen Schumpert made a motion to approve this request. The motion was seconded by Mr. Jason Reddick and carried a three (Schumpert, Reddick, Wheeler) in favor and five (Tisdale, Champion, Shuler, Alessandro, Bailey) in opposition. The motion failed. The request was denied.</p>
OTHER BUSINESS	NONE
	<p>There being no further business, Mr. Louis Tisdale made a motion to adjourn the meeting at 4:54 p.m. The motion was seconded by Mr. William Bailey and carried by a unanimous vote.</p>

	The next regularly scheduled meeting is scheduled for May 8, 2024.
	Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary