



## BOARD OF ZONING APPEALS

### Minutes of the Meeting

February 9, 2022

#### ATTENDANCE

A regular meeting of the Zoning Board of Appeals was held on Wednesday, February 9, 2022, in the Fourth Floor City Chambers of the Sumter Opera House, 21 N. Main Street. Five board members –Ms. Cleo Klopfleisch, Mr. Steven Schumpert, Mr. Warren Curtis, Mr. Sam Lowery and Mr. Jason Reddick were present. Mr. Leslie Alessandro, Mr. Louis Tisdale and Mr. L.C. Fredrick were absent.

Planning staff in attendance: Mr. Jeff Derwort, Mr. Derrick Phillips, Jr., and Ms. Kellie Chapman.

The meeting was called to order at 3:00 p.m. by Mr. Warren Curits, Vice-Chair.

#### MINUTES

Mr. Steven Schumpert made a motion to approve the minutes of the January 12, 2022, meeting as written. The motion was seconded by Mr. Jason Reddick and carried a unanimous vote.

#### NEW BUSINESS

**BOA-22-01, 3175 Florence Hwy. (County)** was presented by Mr. Jeff Derwort. The Board reviewed a request for variance approval from the maximum height and minimum property line setback requirements for free standing signs in the Agricultural Conservation (AC) zoning district as outlined in Article 8, Exhibit 19: Maximum Total Sign Area by Use, Number, Dimensions, and Location of Individual Signs of the Sumter County Zoning & Development Standards Ordinance in order to modify an existing free standing sign to be +/- 12.5 ft. in height and to be located closer to the front property line than the existing sign that does not conform to current requirements. The property is located at 3175 Florence Hwy, zoned Agricultural Conservation (AC), and is represented by Tax Map# 283-00-02-009.

Mr. Derwort added the applicant is requesting variance approval to modify an existing free-standing sign to have a larger footprint and height of +/- 12.5 ft. During staff's review and analysis of this request, but after formal legal advertisement, it was discovered that the existing sign's location is within SC DOT owned and maintained right-of-way (ROW) along Florence Hwy. The Sumter City-County Board of Zoning Appeals (BZA) does

	<p>not have the authority to grant a setback variance for features that are located outside the boundaries of the property.</p> <p>Mr. Derwort stated the options available:</p> <p><u>Option 1:</u> Remove the existing sign and install a new sign at an Ordinance compliant or BZA approved location. Install sign at compliant height or BZA approved height.</p> <p>The BZA could make a decision on both the sign height and setback variance request to be applicable only to construct within the boundary of TMS# 283-00-02-009. The applicant would have to 1) remove the existing sign and unpermitted improvements in their entirety and 2) install a new sign in an alternate location on the property.</p> <p><u>Option 2:</u> Obtain SCDOT encroachment permit approval for development in SCDOT right-of-way and reapply for a variance to Article 8, Section 8.1.4.e: Signs Within Street or Highway Right-of-Way as private signs such as this are currently not permitted in public right-of-way per this section.</p> <p>Per conversation with SCDOT Sumter County Maintenance Engineer, it is staff's understanding that encroachment permit approval would be likely only if there was no expansion in sign footprint area. This particular proposal includes an expansion of the sign footprint, so modification to the original proposal may be required to receive SCDOT approval depending on their interpretation of expansion.</p> <p>Staff notes that the request was specifically advertised for a sign height and sign setback variance and not for a variance to allow for a sign within the public right-of-way that would not otherwise be permitted. In keeping with applicable public notice requirements, staff recommends that a new variance request to permit the sign's location within the public-right-of-way and to permit the height above the maximum requirements be submitted and duly advertised if this is the option the applicant desires.</p> <p>Mr. Marion Duncan and Mr. Dwayne Bruce were present to speak on behalf of the request. Mr. Duncan noted that a meeting was held with SCDOT concerning the sign.</p> <p>Mr. Marion Duncan, the authorized agent for the property owner, withdrew the request.</p>
<b>OTHER BUSINESS</b>	<b>NONE</b>
	<p>There being no further business, Ms. Cleo Klopfleisch made a motion to adjourn the meeting at 3:40 p.m. The motion was</p>

	<p>seconded by Mr. Steven Schumpert and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for March 9, 2022.</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>