



ZONING BOARD OF APPEALS

Minutes of the Meeting

February 8, 2023

<p>ATTENDANCE</p>	<p>A regular meeting of the Zoning Board of Appeals was held on Wednesday, February 8, 2023, in the Fourth Floor City Chambers of the Sumter Opera House, 21 N. Main Street. Seven board members – Mr. Leslie Alessandro, Mr. Louis Tisdale, Mr. Frank Shuler, Mr. Claude Wheeler, Mr. William Bailey, Mr. Steven Schumpert and Mr. Jason Reddick were present. Mr. Todd Champion and Mr. Clay Smith were absent.</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 3:02 p.m. by Mr. Leslie Alessandro, Chairman.</p>
<p>MINUTES</p>	<p>Mr. Louis Tisdale made a motion to approve the minutes of the January 11, 2023, meeting as written. The motion was seconded by Mr. Steven Schumpert and carried a unanimous vote.</p>
<p>INTRODUCTION OF NEW BOARD MEMBER</p>	<p>Mr. Leslie Alessandro introduced Mr. William Bailey to the Board</p>
<p>NEW BUSINESS</p>	<p><i>Mr. Louis Tisdale and Mr. Frank Shuler recused themselves from BOA-22-40.</i></p> <p>BOA-22-40, 3880 Patriot Parkway (City) was presented by Mr. Jeff Derwort. The Board reviewed a request Special Exception approval in accordance with Article 3, Exhibit 3-5: Permitted Uses in All Zoning Districts; Article 5, Section 5.b.2: Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities; and Article 5, Section 5.b.3.m: Liquor Stores of the City of Sumter Zoning & Development Standards Ordinance in order to establish a Liquor Store Use on the property. The property is located at 3880 Patriot Parkway, is zoned Limited Commercial (LC), and is represented by TMS# 184-00-01-018.</p> <p>Mr. Derwort stated the applicant has obtained minor site plan approval (MSP-21-18) to construct a +/- 4000 sq. ft. gas station/convenience store with an additional +/- 1000 sq. ft. of</p>

retail space on the property. The identified retail space is the location of the proposed liquor store subject to this request.

Mr. Christopher Bartholomew was present to speak in opposition of the request.

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

1. The proposed use is part of a larger gas station/convenience store development that has received minor site plan approval by the Planning Department. The project was reviewed against city standards and found to be in compliance.
2. The property is located in the LC zoning district. The purpose of this district is to accommodate commercial development along major streets, while promoting land use compatibility by limiting the type and conditions of development. All property adjacent to the subject property is currently undeveloped. However, future growth in this immediate area in the short-term and mid-term timeframes is anticipated. Additional apartment homes are being targeted on the adjacent property to the east. Trees have recently been removed in this area, but no formal plans for apartment expansion have been approved at this time. The proposed liquor store use will be part of a larger gas station/convenience store development and will not be located within 300 ft. of a residential use, church, or public playground on a separately platted parcel at time of approval.
3. The property immediately adjacent to the subject property is in the AC zoning district. The Sumter West Planned Development, Stafford Meadows Subdivision, and Patriot Palms Apartment Development are close in proximity but not directly adjacent to the subject property. The proposed liquor store use will be part of a larger gas station/convenience store development. Development plans show proposed landscape buffering in accordance with required city standards.

The motion was seconded by Mr. Claude Wheeler and carried a four (Schumpert, Reddick, Wheeler, Bailey) in favor and one (Alessandro) in opposition. The motion carried.

Mr. Frank Shuler recused himself from BOA-23-01.

BOA-23-01, 2885 English Turn Dr. (City) was presented by Mr. Jeff Derwort. The Board reviewed this request for variance

approval from the requirements outlined in Article 3, Section 3.b.5.b.: R-15 Minimum Rear Set Back of the City of Sumter Zoning & Development Standards Ordinance in order to construct a garage addition within 10 feet of the rear property line. The current rear setback for the property is 25 feet. The property is located 2885 English Turn Dr, is zoned Residential-15 (R-15), and represented by TMS# 185-12-01-039.

Mr. Derwort stated the property is within the English Turn subdivision and is improved with a single-family residential dwelling. English Turn subdivision was platted prior to the adoption of the current City of Sumter Zoning & Development Standards Ordinance. There are existing setback non-conformities within this older neighborhood, particularly on the lots platted in the cul-de-sacs.

Mr. Derwort mentioned the applicant is planning to convert the existing attached garage into additional house space and add a garage addition on the rear end of the house directly adjacent to current garage location. The applicant would prefer to put the addition at the end of the driveway but is limited due to a sewer easement that runs down the eastern side of the property.

Mr. Britton Moseley and Mr. Vern Newman 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 findings of fact and conclusions:

1. The subject property is +/- 0.6 acres in size, has an irregular shape, and has a sewer easement along the eastern side of the property that makes approximately 20 percent of the property unbuildable. The sewer easement is along the same side of the property as the driveway and existing side load garage. Additionally, the English Turn subdivision was constructed prior to the establishment of the current City of Sumter Zoning & Development Standards Ordinance and there are examples of non-conforming situations regarding setbacks within the development.
2. The sewer easement condition is unique to this property.
3. The property is approximately 20% unusable for building due to the sewer easement. The applicant is proposing to convert the existing attached garage to additional house space and to construct a new garage addition to the rear, adjacent to the current garage. Other alternatives that do not require variance approval do exist but may not be feasible or reasonable. Alternate plans

would involve either construction of the garage on the opposite side of the house and altering the driveway location, or keeping the current garage as is and constructing the house space addition on the opposite side of the structure, which may conflict with the existing internal house layout.

4. Approval of this request is not expected to be of substantial detriment to adjacent property or the public good. Further, it is not expected to harm the character of the district. There are examples of other non-conforming situations concerning setbacks in this development. Further, there is dedicated greenspace associated with a Planned Development located between the applicant's rear property line on the Gloucester Dr., giving the appearance of a greater setback area.

The motion was seconded by Mr. Louis Tisdale and carried a unanimous vote.

Mr. Frank Shuler recused himself from BOA-23-02.

BOA-23-02, 634 Antlers Dr. (City) was presented by Mr. Kyle Kelly. The Board reviewed this request for variance approval from residential accessory structure requirements outlined in Article 4, Section 4.g.2.b.4: Location Requirements, Section 4.g.2.b.6: Maximum Size 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 in order to permit the construction of a 477 sq. ft. addition to an existing accessory building on the property. A portion of the proposed addition will extend into the side yard area of the property. Accessory structures, except detached garages, must be located in the rear yard of the property. The addition will result in total of +/- 1,490 sq. ft. of total accessory structure area on the property. The maximum amount of accessory structure area permitted for the property, based on acreage, is 1,400 sq. ft. The property is located at 634 Antlers Dr., is zoned Residential-15 (R-15) and is represented by TMS# 205-02-01-003.

Mr. Kelly added the property is in the Deerfield subdivision, is 1.81-acres in size, and contains a single-family dwelling and 2 existing accessory structures (365 sq. ft. and 648 sq. ft.)

Mr. Jay Davis was present to speak on behalf of 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:

1. The subject property is +/- 1.81-acres in size and is located within the Deerfield subdivision of the City of Sumter. The lot is a combination of two of the subdivision original lots and is roughly 3 times the size of other lots in the subdivision. The west property line of the house abuts a pond, and the residence is oriented to take advantage of the pond frontage. The residence is also set back from Antlers Drive, giving the lot an irregular yard configuration, based on the definitions in the City of Sumter Zoning & Development Standards Ordinance.

Due to the nature and the location of the proposed addition, these referenced conditions could be considered extraordinary and exceptional in relation to request for structure size variance and building placement variances.

2. The nature of the proposed project and the location of the proposed addition to the front of the existing accessory building is generally unique condition in the vicinity of the property. This relates to the request for a building placement variance only.

The request for a small variance to the maximum building size requirements for the lot is reasonable given construction dimensioning standards and the lot size and configuration. The lot's layout and building placement does represent a unique condition, particularly as it relates to adjacency to a large pond.

3. In relation to the building placement variance request, these conditions restrict the applicant from constructing the proposed addition to a residential accessory storage structure in the configuration that is compatible with the lot shape and minimally impactful on adjacent neighbors. Further, while the addition encroaches into the side yard, the unique configuration of the existing structures and large front setback mitigates the impact of granting the variance.

The amount of the requested maximum structure size variance is reasonable given the lot and subdivision's layout, and construction dimension requirements.

4. The authorization of a variance in full is not likely to result in substantial detriment to adjacent property and the public good.

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

OTHER BUSINESS	NONE
	<p>There being no further business, Mr. Steven Schumpert made a motion to adjourn the meeting at 3:42 p.m. The motion was seconded by Mr. Mr. Jason Ross and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for March 8, 2023.</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>