

Sumter City-County Board of Zoning Appeals

July 13, 2011

BOA-11-11, 201 N. Washington St. (City)

The applicant is requesting a variance from Article 8, Exhibit 19 requiring freestanding signs in the GC (General Commercial) zoning district to have a 10 ft. front yard setback in order to relocate an existing pylon sign.



Appeals - Variance - Special Exception

Sumter City-County Board of Appeals

July 13, 2011

BOA-11-11, 201 N. Washington St. (City)

I. THE REQUEST

Applicants: Wes Lyles, Studio 2LR

Status of the Applicants: Project Architect

Request: A variance from Article 8, Exhibit 19 requiring freestanding signs in the GC (General Commercial) zoning district to have a 10 ft. front yard setback in order to relocate an existing pylon sign.

Location: 201 N. Washington St. (Corner of Washington & Calhoun St)

Present Use/Zoning: Bank/ GC (General Commercial)

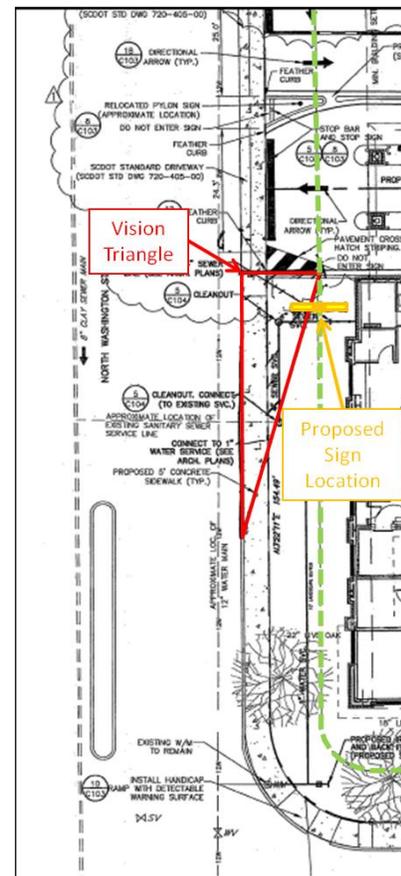
Tax Map Reference: 228-05-06-017

II. BACKGROUND

The applicant is requesting a variance from the 10 ft. front yard setback requirements for freestanding signs in the General Commercial (GC) zoning district. If granted, the variance would allow for the relocation of an existing sign. Based on the applicant's request the leading edge of the sign would be approximately 4 ft. 8 in. from the property line with the post being located entirely outside of the vision triangle but within the required 10 ft. setback. The graphic to the right depicts the proposed sign location, vision triangle and 10 ft. setback (green dotted line).

The original sign location is grandfathered non-conforming with the sign sitting approximately 4 ft. 8 in. from the property line. However the property has been recently redeveloped and the existing sign location is in the middle of a required driveway. The most logical and safest placement for the sign would be within a landscaped area outside of the parking lot and driveways.

This is that same property that was the subject of BOA-10-33 which granted a front setback variance for the new bank structure constructed on-site, the building setback variance was granted to allow the site to meet all landscaping, buffering and parking lot development



standards. Because of the building location and driveways, there is limited room for placement of the freestanding sign, and nowhere in which the entire sign could meet the 10 ft. required setback.

III. THE REQUEST



The applicant is seeking variances from the required front setback in order to relocate the existing freestanding sign shown to the left. As shown in the photograph, the overall height of the sign is 16 ft. while the sign face is only 11 ft. 11 in. from the ground. Overall sign width is approximately 10 ft. with an almost 3 ft. wide sign base. Based on the applicant's proposal, the sign face would project into the vision triangle while the base of the sign will be located entirely outside of the required vision triangle.

In order for the Board of Appeals to grant a variance from the Zoning Ordinance, the proposed variance request must meet all four-parts of a State mandated four-part test. When reviewing a variance request, the Board may not grant a variance that would do the following:

- Allow the establishment of a use not otherwise permitted in a zoning district;
- Extend physically a nonconforming use

of land;

- Change zoning district boundaries shown on the Sumter City-County Official Zoning Map.

The fact that a property may be utilized more profitably should a variance be granted shall not be considered grounds for approving a variance request.

IV. FOUR-PART TEST

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property.*

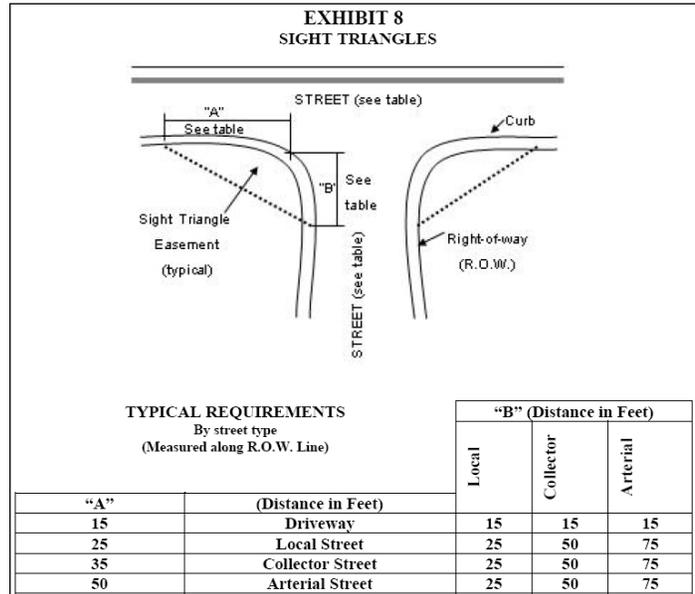
The total area of the parcel is +/-0.57 acres with frontage on Washington St. and Calhoun St. In 2010, First Citizens Bank began redevelopment of the site which included demolition of the existing building, new construction and slight reconfigurations to site access. These site changes necessitated the movement of the existing sign which is to be retained. Although the property has two street frontages, the sign must be placed on the Washington St. frontage because any signage placed on the Calhoun St. frontage would be obscured by the protected Live Oak Trees that were preserved as part of the site redevelopment. Specific development criteria for sign placement within vision (sight) triangles and within parking lots are addressed in Section 8.i.11 of the Sign Ordinance and Article 4, Section H: Visual Clearance at Intersections.

Sections 8.i.11.a & 8.i.11.b state the following:

- a. *The visual clearance at intersections shall be governed by the requirements set forth in 4.h.1 (Exhibit 8) of this Ordinance;*
- b. *The vehicle area clearance of a sign where vehicles travel or are parked, shall have the bottom of a sign at least fourteen feet (14 ft.) above the ground. Vehicle areas include driveways, alleys, parking lots, loading and maneuvering areas;*

Additionally, Sections 4.h.1 and 4.h.2 state:

4.h.1. General: *On any corner lot in any district except the Central Business District (CBD) no plantings shall be placed or maintained and no fence, building, wall or structure shall be constructed or erected ... if such planting or structure thereby obstructs vision at any point between a height of three and a half feet (3 ½ ft.) and ten feet (10 ft.) above upper face of the nearest curb or street center line (if no curb exists). This requirement is established within the sight triangle area bounded on two sides by the street rights-of-way lines as required by the illustration shown herein. (Exhibit 8 – pictured right)*



4.h.2. Removal of Obstructions: *Existing impediments to visual clearance shall be discontinued in accordance with the schedule contained in Article 6. However, structures (i.e. poles) less than twelve inches (12") in diameter and free-standing signs at least ten feet (10 ft.) above ground may be permitted in such visual clearance areas.*

Because of the existing signage dimensions as shown on page 2 of this report, and vision triangle regulations the current sign cannot be placed within the new parking lot nor can it be placed within a vision triangle because of the dimension on the sign base.

2. These conditions do not generally apply to other property in the vicinity.

The property to the immediate south is within the Central Business District and subject to different sign development standards; the property to the immediate east is grandfathered non-conforming, however the existing structure is situated far enough from the road to allow sign relocation while meeting the 10 ft. setback. Additionally, these properties do not have large protected trees on their primary street frontage that could obscure signage.

3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Application of the ordinance does limit the utilization of this property for signage placement. This is a small corner lot and variances were required for construction of the new building in order to accommodate current parking and landscaping standards. Additionally, the protected trees on the Calhoun St. frontage limit viable locations for placement of the freestanding sign.

4. *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.*

The authorization of a variance will not substantially impact adjacent properties, the public good, or harm the character of the district. In fact, granting of this variance would remove the freestanding sign from within the parking lot area thereby minimizing the possibility of it becoming a hazard to navigation.

V. STAFF RECOMMENDATION

Staff recommends approval of BOA-11-11.

VI. DRAFT MOTIONS for BOA-11-11

- A. I move that the Zoning Board of Appeals approve BOA-11-11, subject to the findings of fact and conclusions attached as Exhibit I.
- B. I move that the Zoning Board of Appeals deny BOA-11-11 subject to the following findings of fact and conclusions.
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-11-11.

VII. ZONING BOARD OF APPEALS – July 13, 2011

The Sumter City-County Board of Appeals at its meeting on Wednesday, July 13, 2011, voted to accept staff recommendation and approve this request subject to the findings of fact and conclusions as shown on Exhibit 1.

Exhibit 1
Order on Variance Application
Sumter Board of Appeals

BOA-11-11, First Citizens Bank – Freestanding Sign
201 N. Washington St.
July 13, 2011

Date Filed: July 13, 2011

Permit Case No. BOA-11-11

The Sumter Board of Appeals held a public hearing on Wednesday, July 13, 2011 to consider the appeal of Wes Lyles, Studio 2LR, 801 Gervais St., Suite 201, Columbia, SC 29201 for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the Applicant **has** - **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

Although the property has two street frontages, the sign must be placed on the Washington St. frontage because any signage placed on the Calhoun St. frontage would be obscured by the protected Live Oak Trees that were preserved as part of the site redevelopment. Specific development criteria for sign placement within vision (sight) triangles and within parking lots are addressed in Section 8.i.11 of the Sign Ordinance and in Article 4, Section H: Visual Clearance at Intersections. Because of the existing signage dimensions and vision triangle regulations the current sign cannot be placed within the new parking lot nor can it be placed within a vision triangle because of the dimension of the sign base.

2. The Board concludes that these conditions **do** - **do not** generally apply to other property in the vicinity based on the following findings of fact:

The property to the immediate south is within the Central Business District and subject to different sign development standards; the property to the immediate east is grandfathered non-conforming, however the existing structure is situated far enough from the road to allow sign relocation while meeting the 10 ft. setback. Additionally, these properties do not have large protected trees on their primary street frontage that could obscure signage.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property **would** - **would not** effectively prohibit or unreasonable restrict the utilization of the property based on the following findings of fact:

Application of the ordinance does limit the utilization of this property for signage placement. This is a small corner lot and variances were required for construction of the new building in order to accommodate current parking and landscaping

standards. Additionally, the protected trees on the Calhoun St. frontage limit viable locations for placement of the freestanding sign.

4. The Board concludes that authorization of the variance will – will not be of substantial detriment to adjacent property or to the public good, and the character of the district will – will not be harmed by the granting of the variance based on the following findings of fact:

The authorization of a variance will not be of substantial detriment to adjacent properties, the public good, or harm the character of the district. Granting this variance removes the freestanding sign from within the parking lot area minimizing the possibility of it becoming a hazard to navigation.

THE BOARD, THEREFORE, ORDERS that the variance is DENIED – GRANTED, subject to the following conditions:

Approved by the Board by majority vote.

Date issued: _____

Chairman

Date mailed to parties in interest: _____

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.