

# Sumter City-County Board of Zoning Appeals

August 10, 2011

## BOA-11-14, N. Harvin St. – Judicial Center Site (City)

The applicant is requesting a variance from Article 8, Exhibit 23 Off Street Parking Requirements for Non-Residential Land Uses to reduce the number of required parking spaces and a variance from Article 8, Section J, 8.j.3.k requiring a 10 ft. bufferyard between the street and parking lot.



Appeals - Variance - Special Exception

# Sumter City-County Board of Appeals

August 10, 2011

## BOA-11-14, N. Harvin St. – Judicial Center Site (City)

### I. THE REQUEST

**Applicants:** Sumter County

**Status of the Applicants:** Project Owner

**Request:** A variance from Article 8, Exhibit 23 Off Street Parking Requirements for Non-Residential Land Uses to reduce the number of required parking spaces and a variance from Article 8, Section J, 8.j.3.k requiring a 10 ft. bufferyard between the street and parking lot.

**Location:** +/-6.0 acres in the block bounded by N. Harvin St., W. Calhoun St., Magnolia St., and E. Hampton Ave. north of the Public Library

**Present Use/Zoning:** Parking lot and government/government related buildings/ GC (General Commercial)

**Tax Map Reference:** 249-09-02-001 through 249-09-02-017

### II. BACKGROUND

The applicant is requesting two variances from the City of Sumter – Zoning & Development Standards Ordinance in order to construct the new Sumter County Judicial Center, depicted to the right. The two variances relate to a reduction in the number of required parking spaces as well as a reduction in the required bufferyard width at the street front surrounding the proposed parking lot area.



The new Sumter County Judicial Center is a project that is being funded by the Penny Sales Tax Referendum passed by Sumter County Voters in 2008. The courthouse is currently too small to handle the volume of cases Sumter County generates. The office space is also inadequate for the Solicitor's Office as well as the Clerk of Court's offices. The current facility also lacks the security needed to keep judges, court staff and jurors safe. Also, there is a major lack of space for the storage of legal records, which is required by state law. The State Supreme Court directed Sumter County to address safety concerns at the current Court House where the County handles a per capita docket on par with Greenville and Columbia. The new Judicial Center will address these concerns and will become the core legal facility for the community. It has been designed with top-level security in mind, meeting or exceeding state and federal guidelines. The new facility will provide secure parking for judges, law enforcement, detention center vans, clerks and court officials.

Extensive work has gone into developing the proposed judicial center to include building placement and parking lot development that is sensitive to state and federal security mandates. As shown in the graphic below, the new complex is planned to be located in the middle of the block bounded by E. Calhoun St., N. Harvin St., E. Hampton Ave. and N. Magnolia St. The project development area is currently the site of several large non-conforming parking lots. Historically these parking spaces have been used as support parking for the surrounding government related offices and library identified below.



Parking provisions are addressed in Article 8, Section J: Parking Regulations and Exhibit 23. In all zoning districts, except for the CBD (Central Business District), off-street parking is required. Parking is calculated using GFA (gross floor area) of a structure, in situations of shared parking, the floor area of each structure using the parking lot must be included to determine whether the

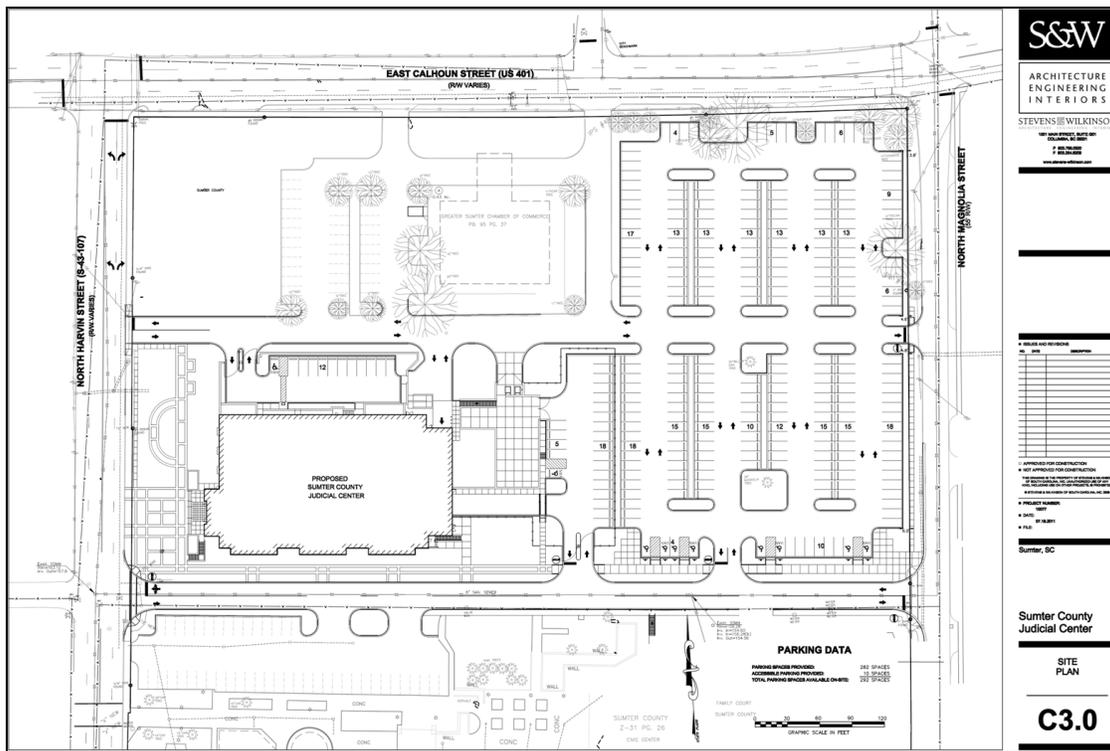
net number of parking spaces is sufficient to accommodate all buildings. The following list identifies the structures that will be impacted by development of the judicial center.

1. County Courthouse – 3-story building with 17,000 sq. ft. per floor for a total of 51,000 sq. ft.
2. Public Library – 2-story building with a total of 46,000 sq. ft.
3. 7-story Building – 10,000 sq. ft. first floor and 5,000 sq. ft. on floors 2 through 7, total floor area of 40,000 sq. ft.,
4. Family Court Building – 14,000 sq. ft.
5. Chamber of Commerce – 7,500 sq. ft.
6. Department of Juvenile Justice – 5,600 sq. ft.

Based on Exhibit 23, all of the uses in this area have a parking ratio of 1 space for every 350 sq. ft. GFA. For calculation purposes, the existing County Courthouse is not included because it is within the CBD. The remainder of the affected area is in the GC (General Commercial) zoning district. The aggregate floor area of all affected structures is 113,100 sq. ft.; based on this amount of floor area, there must be at least 324 parking spaces available. A field count of the area showed that there are currently 368 parking spaces within the project area. With the addition of the 80,000 sq. ft. judicial center on this block, the number of required parking spaces will increase to 534.

Currently, the County's judicial functions are dispersed throughout four buildings: the County Courthouse, 7-Story Office Building, Family Court Building, and the Department of Juvenile Justice. Upon development/completion of the judicial center, the 6,500 sq. ft. Department of Juvenile Justice Building will be demolished and the remaining court functions will be consolidated and reorganized with no net gain in employees. As a result of this consolidation and reorganization, the existing County Courthouse in the CBD will become mostly vacant and no longer house any court room functions.

The proposed site development plan is shown below. The existing parking lots are non-conforming with respect to landscaping, stormwater management, and access. The plan as proposed takes every effort to bring this site into compliance to include bio-retention areas within the parking lot's required landscape areas while addressing the necessary security measures for the new judicial center.



The newly designed parking lot area as well as existing and modified parking adjacent to the project area will result in a total of 409 ordinance compliant parking spaces which will accommodate all the structures within this portion of the block. This number is 125 less spaces than what is required by Exhibit 23 in the Ordinance.

In addition to the reduction in the number of required parking spaces, the applicant is requesting a variance in bufferyard width. Section 8.j.3.k requires the following:

***Buffering and Landscaping:*** All parking areas except those in the CBD and residential zoned lots, shall be required to comply with 8.d.7 and 8.d.8 of this Ordinance. However, where parking lots on commercial or industrial zoned lots are located in the front of buildings the width of the buffer facing the street right-of-way shall be ten feet (10 ft.) wide.

Because of the orientation of this parking area, it must have a 10 ft. wide buffer on the W. Calhoun and N. Magnolia St. frontages. Because of planned bio-retention for stormwater management, tree protection, and Ordinance mandated dimensions for parking spaces and drive aisle width, both of the street front buffers are less than 10 ft. in width. A variance must be granted from this standard in order to meet all stormwater management and other applicable parking lot development standards.

### III. THE REQUEST

The applicant is seeking a 125 parking space variance as well as a 6 ft. bufferyard width variance in order to construct the new Sumter County Judicial Center.

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.*

All of the functions housed within the block targeted for redevelopment are public/government services in nature and as such have been located adjacent to the political and social core of the community. The proposed location has been chosen because of its proximity to all existing court functions and because of the availability of publically owned land.



The proposed development area is at the heart of the City of Sumter adjacent to the CBD (Central Business District). However as shown in the zoning map to the right, the property is zoned GC (General Commercial). As an in-fill development project, site planning must work around existing conditions in a practical manner that respects the existing patterns of development. In this instance, all site development must not only adhere to the GC district regulations and the requirements of Article 8, Section D and J; but site planning must also address all state and federal safety regulations for public courthouses—namely secure access, secure parking and public parking placement.

In addition, the street front bufferyards on E. Calhoun & N. Magnolia Streets are less than 10 ft. in width because of the need to accommodate low impact stormwater management areas within the parking lot area. Larger street front bufferyards will result in an inability to meet stormwater management requirements for the site.

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

Property to the west is zoned CBD and is subject to different zoning & development standards. Street front bufferyards are not required to be 10 ft. in width nor is off-street parking required for development within the CBD. This site is unique in that it is a pre-existing wholly publically owned area with multiple entities sharing a large parking area. This development is unlike any other General Commercial development in the vicinity and necessitates treating the entire block as one entity as opposed to individual commercial activities.

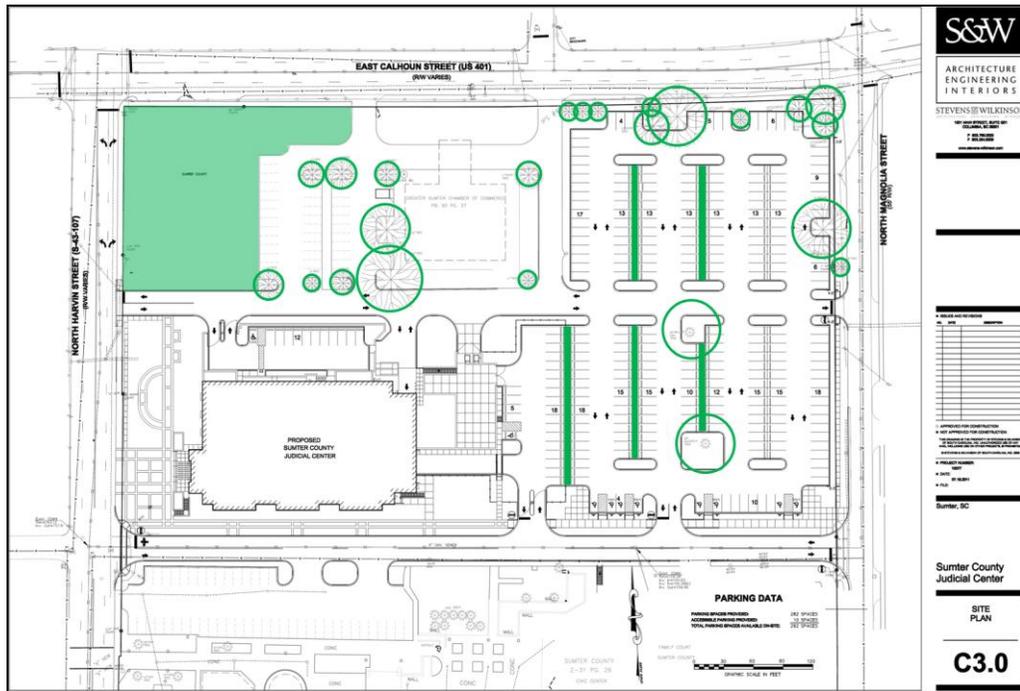
**3. *Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.***

Application of the ordinance does limit the utilization of this property. Without a variance on the number of parking spaces, a structure large enough to accommodate all necessary court needs cannot be constructed at this site. The amount of available land cannot increase. Although an additional 80,000 sq. ft. building is proposed for construction, there will be no net increase in the number of employees nor is there anticipated to be an increase in parking demand as a result of this new structure. In fact, the Applicant undertook a parking study on four (4) consecutive Mondays when Court was in session to determine actual parking demand for all existing court functions. At peak demand only 162 parking spaces within the project area were in use.

As per Exhibit 23, Libraries, Legislative Bodies, General Government, Courts, and Law Enforcement are required to provide one (1) off-street parking space for every 350 sq. ft. of gross floor area. As defined in Article 10, gross floor area is the sum of the floor area for each of the building's stories measured from the exterior limits of the faces of the structure, including basement floor area. Because parking is calculated on gross floor area and not usable floor area of a building, the number of required parking spaces is based on not only office and courtroom space but file storage areas, hallways and bathrooms, and utility/service areas that will never be accessible to the public and/or not used by employees on a regular basis.

**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 or the public good. In fact, not granting these variances may harm the character of the district. Because of the finite area for development as shown in the site plan below, site development as proposed has maximized parking while accommodating for logical site traffic-flow & control, stormwater management, tree protection and open space. The approach to development of this area has had an eye towards preservation of important public open space and tree protection while bringing the site into compliance with as many of the current development standards as possible.



Although an additional +/-64 parking spaces could be gained by removal of all protected trees and development of the public open space at the corner of N. Harvin and E. Calhoun St., preservation of the open space and protection of significant and historic trees within the project area are in the interest of the public good. Additionally, low impact bio-retention areas are to be used on site to help improve water quality as part of the stormwater management facilities

**V. STAFF RECOMMENDATION**

Staff recommends approval of BOA-11-14.

**VI. DRAFT MOTIONS for BOA-11-14**

- A. I move that the Zoning Board of Appeals approve BOA-11-14, subject to the findings of fact and conclusions attached as Exhibit I.
- B. I move that the Zoning Board of Appeals deny BOA-11-14 subject to the following findings of fact and conclusions.
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-11-14.

**VII. ZONING BOARD OF APPEALS – AUGUST 10, 2011**

The Sumter City-County Board of Appeals at its meeting on Wednesday, August 10, 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-11-14, N. Harvin St. – Judicial Center Site (City)**  
**August 10, 2011**

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Date Filed: August 10, 2011

Permit Case No. BOA-11-14

The Sumter Board of Appeals held a public hearing on Wednesday, August 10, 2011 to consider the appeal of Sumter County, 13 E. Canal St., Sumter SC 29150 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:

- a. The functions housed within the block targeted for redevelopment are public/government services in nature and as such have been located adjacent to the political and social core of the community. The proposed location has been chosen because of its proximity to all existing court functions and because of the availability of publically owned land.

As an in-fill development project, site planning must work around existing conditions in a practical manner that respects the existing patterns of development. In addition to meeting all Zoning & Development Standards Ordinance development regulations, site planning must also adhere all state and federal safety regulations for public courthouses—namely secure access, secure parking and public parking placement.

- b. The street front bufferyards on E. Calhoun & N. Magnolia Streets are less than 10 ft. in width due to accommodating low impact stormwater management areas within the parking lot area. Larger street front bufferyards will result in an inability to meet stormwater management requirements for the site.

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:

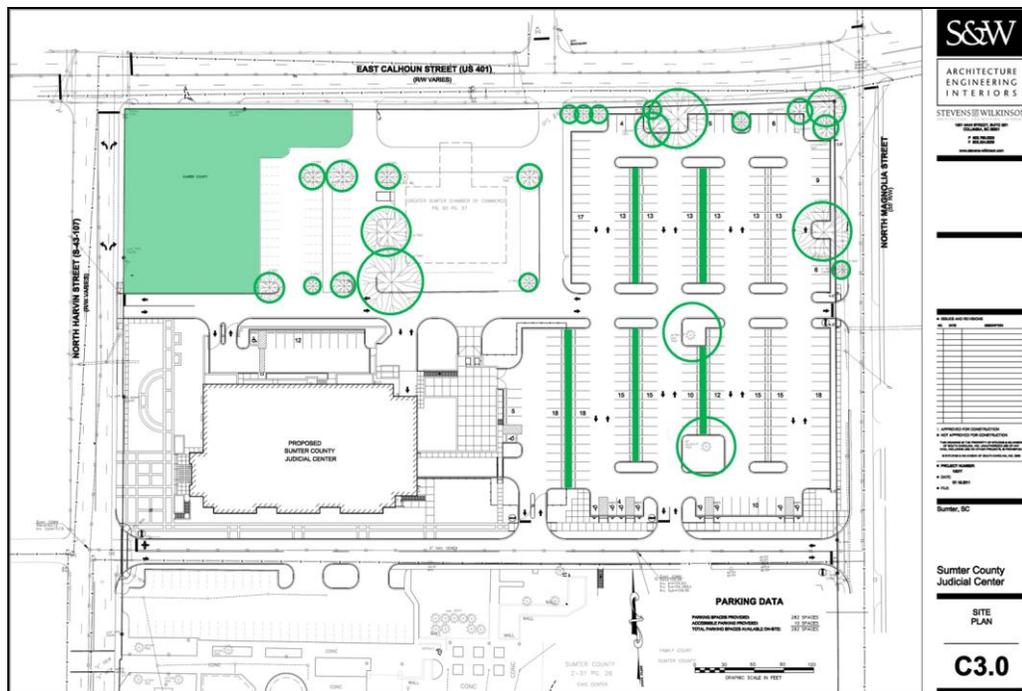
Property to the west is zoned CBD and is subject to different zoning & development standards. Within the CBD off-street parking is not required nor are 10 ft. wide street front bufferyards. This site is unique in that it is a pre-existing wholly publically owned area with multiple entities sharing a large parking area. This development is unlike any other General Commercial development in the vicinity and necessitates treating the entire block as one entity as opposed to individual commercial activities.

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:

A submitted parking analysis undertaken on four (4) consecutive Mondays when Court was in session has shown that at peak demand only 162 parking spaces were in use within the project area. Application of the ordinance does limit the utilization of this property. The amount of available land will not change and cannot accommodate 534 parking spaces. Although an additional 80,000 sq. ft. building is proposed for construction, there will be no net increase in the number of employees and no anticipated increase in parking demand as a result of the new structure.

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 substantially impact adjacent properties or the public good. In fact, not granting these variances may harm the character of the district. Because of the finite area for development as shown in the site plan below, site development as proposed has maximized parking while accommodating for logical site traffic-flow and control, stormwater management, tree protection and open space. The approach to development of this area has had an eye towards preservation of important public open space and tree protection while bringing the site into compliance with as many of the current development standards as possible.



Although an additional +/-64 parking spaces could be gained by removal of all protected trees and development of the public open space at the corner of N. Harvin and E. Calhoun St., preservation of the open space and protection of significant and historic trees within the project area are in the interest of the public good. Additionally, low impact bio-

retention areas used on site to help improve water quality as part of the stormwater management facilities

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.**