

# Sumter City-County Board of Zoning Appeals

September 14, 2011

## BOA-11-18, 1580 Airport Rd (County)

The applicant is requesting Special Exception approval for a Commercial Kennel, under SIC Code 0752.



Appeals - Variance - Special Exception

# Sumter City-County Board of Appeals

September 14, 2011

## BOA-11-18, 1580 Airport Rd. (County)

### I. THE REQUEST

**Applicant:** Tina Schnyder / L.E. Martin, Property Owner  
**Status of the Applicant:** Authorized Agent for Property Owner  
**Request:** Special Exception approval for a commercial kennel operation (SIC Code 0752)  
**Location:** 1580 Airport Rd.  
**Present Use/Zoning:** Unoccupied Existing Commercial Bldg/Heavy Industrial (HI)  
**Tax Map Reference:** 230-00-02-006

### II. BACKGROUND

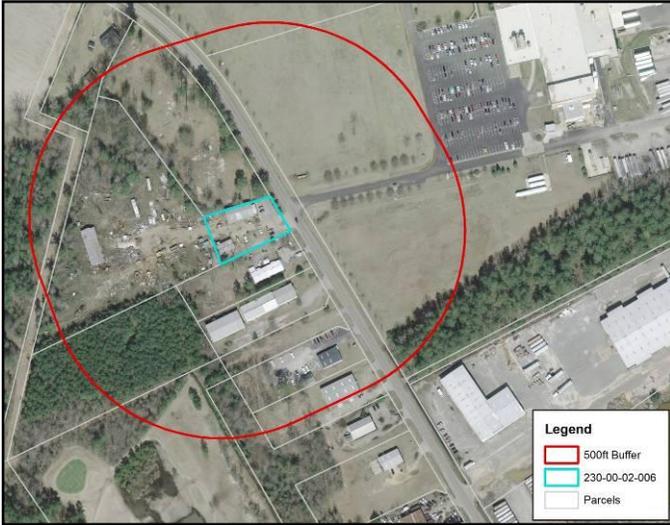
The applicants desire to open a Commercial Kennel in an existing commercial building on Airport Rd.

Commercial Kennels (SIC code 0752) are required to be reviewed and approved as a Special Exception. Special Exceptions are to be evaluated in accordance with Article 1, Section 1.h.4.c; Article 3, Section 3.i.4.a and Article 5, Section 5.b.3.g in the Sumter County Zoning & Development Standards Ordinance.

#### **Article 5 Section 5.b.3.g Commercial Kennels:**

1. *The referenced use shall not be located within five hundred (500 ft.) feet of a residential use on a separately platted parcel of land under separate ownership.*

This location does meet the 500 ft. separation requirement from a residence.



**Left:** Aerial of the parcel where the proposed kennel is to be located (indicated in blue), showing the 500 foot buffer in red. The parcel is +/- 5.14 acres in size, but the applicant only intends to use the 0.6 acre area in front for the kennel. This portion will be fenced in to separate it from the rear area.

**Article 1 Section 1.h.4.c Special Exceptions:**

1. *Special exceptions are subject to the terms and conditions for the use set forth for such uses in the Zoning Ordinance.*
2. *Permits for Special Exceptions shall be evaluated by the Board of Zoning Appeals on the basis of the following criteria:*
  - a. *That the Special Exception complies with all applicable development standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements.*

The last active business license on this site was in 2010. The last business license on record for this address was a General Contractor’s office, which closed in 2010. There appears to be adequate parking on site for the proposed use. Because the last active business on this site was recorded within the 36 month threshold, no site upgrades are required at this time to meet zoning approval

- b. *That the special exception will be in substantial harmony with the area in which it is located.*

The surrounding uses are all of a commercial or industrial nature, other than a single residence on the other side of the adjacent cemetery.

- c. *That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.*

As stated above, the surrounding properties are compatible with this proposed use.

This site is directly across from the entrance to Becton, Dickinson and Co. (See photo, below).



**Below Left:** Closer aerial view. Note that the area to the north and west of the property mapped as possible wetlands in the National Wetlands Inventory (NWI) which serves as a natural buffer on two sides.



### **III. STAFF RECOMMENDATION**

Staff has visited the site and reviewed the request. The site is located in a predominantly commercial and industrial area, with only one residence nearby, that is not within the 500 foot buffer of the proposed kennel area. Therefore staff finds this is a good location for the proposed kennel and recommends approval of this special exception.

### **IV. BOARD OF ZONING APPEALS – SEPTEMBER 14, 2011**

The Sumter City-County Board of Appeals at its meeting on Wednesday, September 14, 2011, voted to approve this Special Exception request subject to the findings of fact and conclusions as shown on Exhibit 1.

**Exhibit 1**  
**Order on Special Exception Application**  
**Sumter Board of Appeals**

**BOA-11-18, 1580 Airport Rd., Sumter, SC.**  
**September 14, 2011**

---

Date Filed: September 14, 2011

Permit Case No. BOA-11-18

The Board of Zoning Appeals held a public hearing on Wednesday, September 14, 2011 to consider the request of Tina Schnyder, 1580 Airport Rd., Sumter, SC for a special exception which may be permitted by the Board pursuant to Sections 3.1.4.b and 5.b.3.g of the Sumter County Zoning & Development Standards Ordinance as set forth on Form 4 for the property described on Form 1 to be used for: a Commercial Kennel (SIC Code 0752).

After the consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the standards in Sections 5.b.3.g of the Sumter County Zoning & Development Standards Ordinance which are applicable to the proposed special exception of the Zoning Ordinance  **have** -  **have not** been met based on the following findings of fact:
  - a. The Board finds the location of the proposed Commercial Kennel meets the Ordinance separation requirement of 500 ft. from a residential use.
  
2. The Board concludes that the special exception  **does** -  **does not** comply with all other applicable development standards contained elsewhere in the Sumter County Zoning Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements based on the following findings of fact:
  - a. The property owner is not required to upgrade the site or submit a site plan as the location has had an active business license within the last 36 months;
  
  - b. There is adequate access to the parcel from a major thoroughfare, and the parking lot is large enough to accommodate the number of parking spaces that will be generated by the proposed use;

3. The Board concludes that the proposed special exception  **will** -  **will not** be in substantial harmony with the area in which it is located based on the following findings of fact:

a. The use meets the 500 foot separation requirement from residential uses. Further, the majority of the surrounding uses are commercial and industrial in character.

4. The Board concludes the special exception  **will** -  **will not** discourage or negate the use of surrounding property for uses(s) permitted by right based on the following findings of fact:

a. The request meets the minimum 500 ft. separation requirement residential uses; This use fits in with the character of the surrounding businesses and will not negatively impact adjacent uses.

THE BOARD, THEREFORE, ORDERS that the special exception is  **DENIED** –  **GRANTED with 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.**

---