

Sumter City-County Board of Zoning Appeals

July 11, 2012

BOA-12-30, 1415 S. Guignard Dr. (County)

The applicant is requesting Special Exception approval for a Liquor Store, as required per Article 3, Section 3.i.4.e. Liquor Stores (SIC 592), Article 3, Exhibit 5 and Article 5, Section 5.b.3.m Special Design Review Criteria. The property is located at 1415 S. Guignard Dr. and is represented by Tax Map # 226-13-01-020.



Appeals - Variance - Special Exception

Sumter City-County Board of Appeals

July 11, 2012

BOA-12-30, 1415 S. Guignard Dr. (County)

I. THE REQUEST

Applicant: W. R. McLeod, Jr.

Status of the Applicant: Business Operator/Property Owner

Request: Special Exception approval for a Liquor Store, under SIC Code 592.

Location: 1415 S. Guignard Dr.

Present Use/Zoning: Unoccupied Tenant Space in Multi-tenant Building/General Commercial (GC)

Tax Map Reference: 226-13-01-020

II. BACKGROUND

The applicant, is requesting approval to open a Liquor Store (SIC Code 592) at 1415 S. Guignard Dr. in Sumter County, shown in the photograph below.



Currently, the subject property is the site of a Piggly Wiggly Grocery store and one 4800 sq. ft. multi-tenant building that currently houses a dry cleaning service on one side. Based on Business

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;*
 - b. *That the special exception will be in substantial harmony with the area in which it is located;*
 - c. *That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.*

The following can be determined based on 1.h.4.c.2:

1. Overall, the site complies with the parking lot, bufferyards and landscaping requirements contained in the County Zoning Ordinance. There are a sufficient number of parking spaces to accommodate all existing and proposed uses on-site.
2. Staff finds that the proposed Special Exception request is in substantial harmony with the surrounding area based on the following conclusions:
 - a. The proposed special exception meets the 300 ft. separation requirement from structure to structure of a church, school, park, public playground, and residential use on a separately platted parcel.
 - b. The purpose of the General Commercial district is to accommodate the broadest possible range of commercial uses. Additionally, this location is on a primary transportation corridor at a facility that meets development standards and is designed in a manner capable of accommodating the proposed use with minimal impact on adjacent parcels.
3. Staff finds that the proposed Special Exception request will not discourage or negate the use of surrounding property for use(s) permitted by right based on the following conclusions:
 - a. Special exception approval for a liquor store at this location will not have negative impact on the surrounding development. S. Guignard Dr./Hwy. 15 South area has historically been an intense commercial and light industrial corridor that accommodates a wide variety of commercial and industrial uses with very minimal residential development. The presence of this use will not discourage or negate the use of surrounding property for uses that are permitted by right.

IV. STAFF RECOMMENDATION

Staff recommends approval of BOA-12-30.

V. DRAFT MOTIONS for BOA-12-30

- A. I move that the Sumter Board of Appeals approve BOA-12-30, subject to the findings of fact and conclusions contained in draft order, dated July 11, 2012 attached as Exhibit 1.

- B. I move that the Sumter Board of Appeals enter an alternative motion for BOA-12-30.

VI. ZONING BOARD OF APPEALS – JULY 11, 2012

The Sumter City-County Board of Appeals at its meeting on Wednesday, July 11, 2012, voted to approve this request subject to the findings of fact and conclusions contained in the draft order, dated July 11, 2012.

Exhibit 1

Order on Special Exception and Application

Sumter Board of Appeals

BOA-12-30, 1415 S. Guignard Dr., Sumter, SC
July 11, 2012

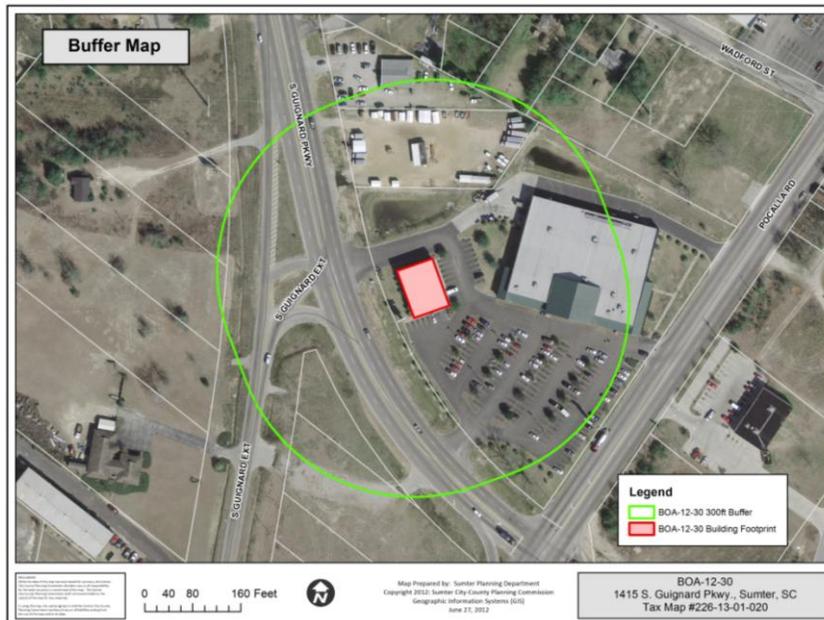
Date Filed: July 11, 2012

Permit Case No. BOA-12-30

The Board of Zoning Appeals held a public hearing on Wednesday, July 11, 2012 to consider the request of W. R. McLeod, Jr., the Applicant for a special exception which may be permitted by the Board pursuant to Sections 1.h.4.c, 3.i.4.e, and 5.b.3.m 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 Liquor Store (SIC Code 592).

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.m 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 that the proposed location of the liquor store meets the Ordinance separation requirement of 300 ft. from structure to structure of a residential use, church, school or public playground on a separately platted parcel as shown in the 300 ft. buffer map below.



2. The Board concludes that the special exception **does** - **does not** comply with all 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 site complies with the parking lot, bufferyards and landscaping requirements contained in the County Zoning Ordinance. There are a sufficient number of parking spaces to accommodate all existing and proposed uses on-site.

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 proposed special exception meets the 300 ft. separation requirement from structure to structure of a church, school, park, public playground, and residential use on a separately platted parcel.
 - b. The purpose of the General Commercial district is to accommodate the broadest possible range of commercial uses. Additionally, this location is on a primary transportation corridor at a facility that meets development standards and is designed in a manner capable of accommodating the proposed use with minimal impact on adjacent parcels.

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. Special exception approval for a liquor store at this location will not have a negative impact on the surrounding development. The S. Guignard Dr./Hwy. 15 South area has historically been an intense commercial and light industrial corridor that accommodates a wide variety of commercial and industrial uses with very minimal residential development. The presence of this use will not discourage or negate the use of surrounding property for uses that are permitted by right.

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

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.**
