

Sumter City-County Board of Zoning Appeals

December 12, 2012

**BOA-12-45, 1251 Broad Street
(City)**

The applicant is requesting a variance from the maximum square footage allowed for an on premise freestanding business sign per Article 8, Exhibit 19 Maximum Total Sign Area by Zoning District.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

December 12, 2012

BOA-12-45, 1251 Broad Street (City)

I. THE REQUEST

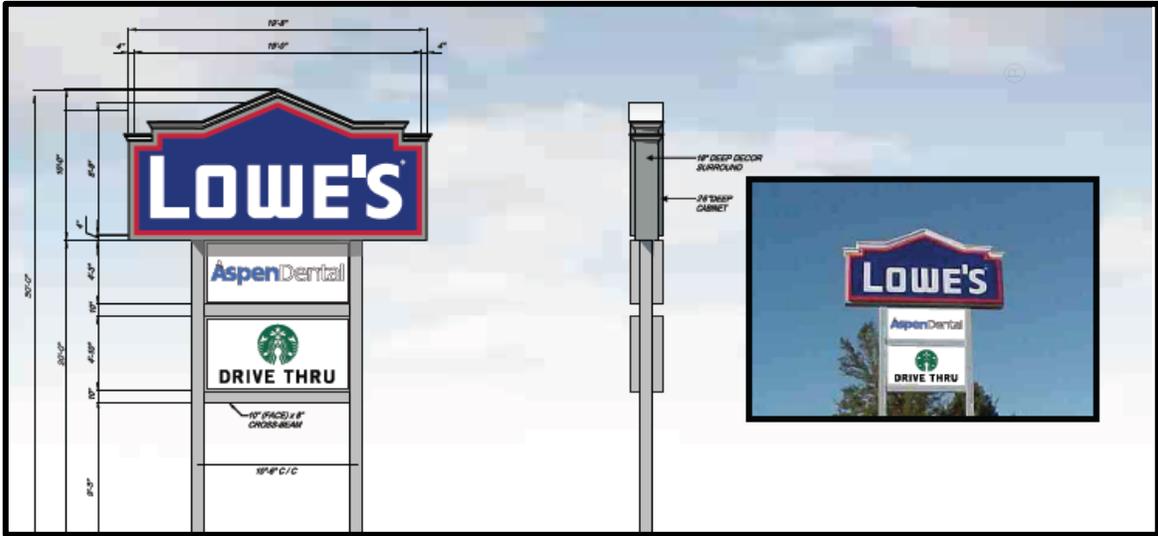
Applicant:	C H Acquisitions
Status of the Applicant:	Purchaser of Property
Request:	The applicant is requesting a variance from the maximum sq. ft. for an on premise freestanding sign to allow for the addition of 2 panel signs for a new business in shopping center.
Location:	1251 Broad Street
Present Use/Zoning:	Lowes Shopping Center/GC
Tax Map Reference:	203-00-03-017Pt & 203-11-01-008Pt

II. BACKGROUND

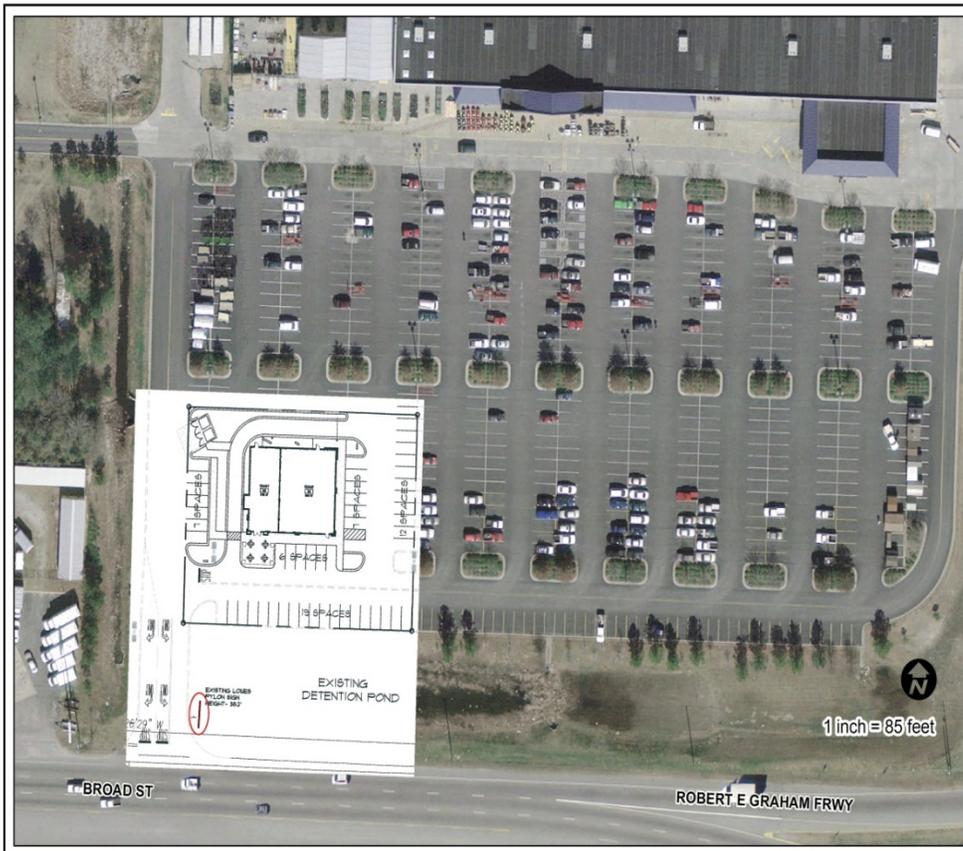
Lowes Home Centers, Inc., property owner, is selling CH Acquisitions a parcel of property (.74 acre) located within their existing parking lot for a potential new business. The parcel will have no frontage because Lowe's detention facility is located in front of the parcel at the Broad street front. (Site Plan below) This prohibits the new business from having their own freestanding sign at the street.

Lowes has agreed to let them add their signage to their existing Lowes sign. Lowes is allowed a maximum of 200 sq. ft. on their sign and they have no square footage left. Therefore, the applicant is requesting a variance from this maximum to allow them to

place two panels on the existing sign. The two panels will measure 42 sq. ft. and 47 sq. ft. exceeding the maximum by 89 sq. ft. as shown below:



Site Plan with New Parcel



III. FOUR PART TEST

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

There are extraordinary or exceptional conditions pertaining to this property. A detention facility for Lowes is located in front of the new parcel preventing it from having any street frontage on Broad Street and Lowes will be retaining this property. A parcel's street frontage determines the number and size of their freestanding sign and this parcel has no frontage.

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

As shown on the site plan included in the report, all the surrounding property will be retained by Lowes and governed by Lowes with a reciprocal easement and operating agreement providing for access rights, common detention, and utility easements. This is a very unique situation with a newly subdivided parcel within an existing parking lot.

- 2) 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 Sign Ordinance would preclude the business from having a freestanding sign like other businesses on Broad Street. Signage is critical for business's identification and the tenants precondition their leases based on having sufficient signage. This is a commercial corridor where other commercial shopping centers have shared signage.

- 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 this variance would not pose a substantial detriment to the adjacent property. The adjacent property is owned by Lowes who has given approval for the applicant to use their sign.

IV. STAFF RECOMMENDATION

Staff recommends approval of this request because it meets the four part criteria as outlined in the City Zoning Ordinance. This is a commercial highway corridor area and staff would rather see businesses share freestanding signage even if it means more sq. ft. than to see multiple freestanding signs along the Broad Street Corridor.

V. DRAFT MOTIONS FOR BOA-12-45

- A. I move that the Zoning Board of Appeals approve BOA-12-45, subject to the findings of fact and conclusions contained in the draft order, dated December 12, 2012, attached as Exhibit 1.
- B. I move that the Zoning Board of Appeals deny BOA-12-45, on the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-12-45.

VI. ZONING BOARD OF APPEALS –December 12, 2012

The Sumter City-County Board of Appeals at its meeting on Wednesday, December 12, 2012, voted to accept staff recommendation and approve this request subject to the findings of fact and conclusions contained in the draft order, dated December 12, 2012, attached as Exhibit 1.

Exhibit 1
Order on Variance Application
Sumter Board of Appeals

BOA-12-45, 1251 Broad Street

December 12, 2012

Date Filed: December 12, 2012

Permit Case No. BOA-12-45

The Sumter Board of Appeals held a public hearing on Wednesday, December 12, 2012 to consider the appeal of C H Acquisitions, 40 West Broad St., Suite 410, Greenville, SC 29601, 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:

There are extraordinary or exceptional conditions pertaining to this property. A detention facility for Lowes is located in front of the new parcel preventing it from having any street frontage on Broad Street and Lowes will be retaining this property.

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:

As shown on the subdivision plan included in the report, all the surrounding property will be retained by Lowes and governed by Lowes with a reciprocal easement and operating agreement providing for access rights, common detention, and utility easements This is a very unique situation with a newly subdivided parcel within an existing parking lot.

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 Sign Ordinance would preclude the business from having a freestanding sign like other businesses on Broad Street. Signage is critical for business's identification and the tenants precondition their leases based on having sufficient signage. This is a commercial corridor where other commercial shopping centers have shared signage.

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 this variance would not pose a substantial detriment to the adjacent property. The adjacent property is owned by Lowes who has given approval for the applicant to use their sign.

THE BOARD, THEREFORE, ORDERS that the variance is DENIED – GRANTED:

Approved by the Board by majority vote.

Date issued: _____

Chairman

Date mailed to parties
in interest: _____

Board Secretary

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