

# Sumter City-County Board of Zoning Appeals

January 9, 2013

**BOA-12-48, 2605 Warehouse Blvd.(County)**

A variance from the height of commercial signs as outlined in Article 8 of the County Zoning Ordinance.



Appeals - Variance - Special Exception

# Sumter City-County Board of Appeals

January 9, 2013

## BOA-12-48, 2605 Warehouse Blvd. (County)

### I. THE REQUEST

**Applicant:** Monica Phan

**Status of the Applicants:** Owner of Tanners

**Request:** Applicant is requesting a variance from *Article 8, Exhibit 19 Maximum Sign Heights and Dimensions*.

**Location:** 2605 Warehouse Blvd. in Sumter County

**Present Use/Zoning:** Heavy Industrial (HI)

**Tax Map Reference:** #223-00-01-074

### II. BACKGROUND

The applicant is the owner of Tanners Gas Station.



The parcel in question is zoned Heavy Industrial (HI) and is located at the corner of Warehouse Blvd. and U.S. Hwy. 15 South, in the County Highway Corridor Protection District (HCPD). The temporary signs shown in the photo above are not permitted. The zoning enforcement officer is addressing this issue separately from this request.

### III. THE REQUEST

The applicant seeks a variance from Article 8, Exhibit 19 of the Sumter County Zoning Ordinance, Maximum Height of Signs, as shown below:

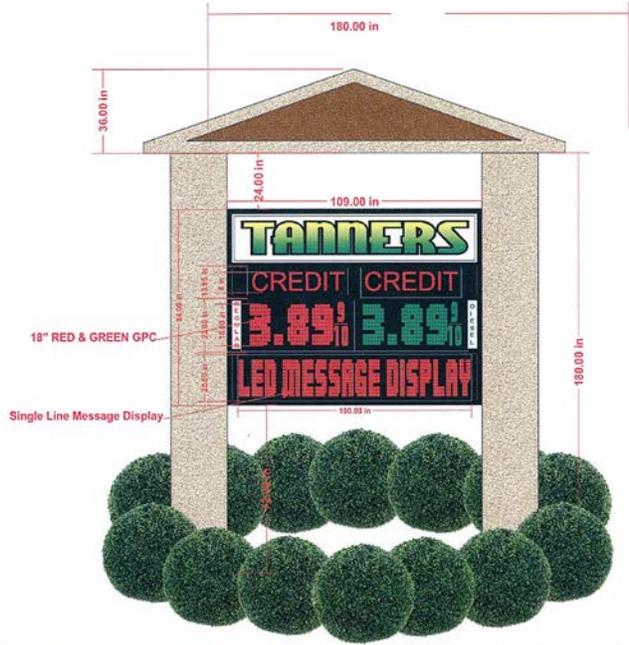
**EXHIBIT 19  
MAXIMUM TOTAL SIGN AREA BY USE, NUMBER, DIMENSIONS,  
AND LOCATION OF INDIVIDUAL SIGNS**

Note: The maximum total square footage of sign area shall be as follows:

|                               | Maximum Area of Free-Standing Sign (sq. ft.)<br>1, 2, 3           | Height (feet) | Setbacks From All Property Lines (feet) | Percentage of Wall Area Maximum |
|-------------------------------|---|---------------|---|---------------------------------|
| Heavy Industrial              | 150<br>(1sq. ft. per linear front foot<br>Maximum of 150 sq. ft.) | 15            | 10/20                                   | 20%                             |
| Agricultural Conservation     | 100<br>(1sq.ft.per linear front foot<br>Maximum of 100 sq. ft.)   | 10            | 10/20                                   | 32 sq. ft. maximum              |
| Conservation/<br>Preservation | 36  | 10            | 10/20                                   | N/A                             |

Based on the above mentioned chart, the maximum height of a sign in an industrial district is 15 feet. The proposed sign is 15 feet high with a “cap” that is 3 feet high, for a total maximum height of 18 feet (shown in the pictures *below*).

NOTES: Double-Sided



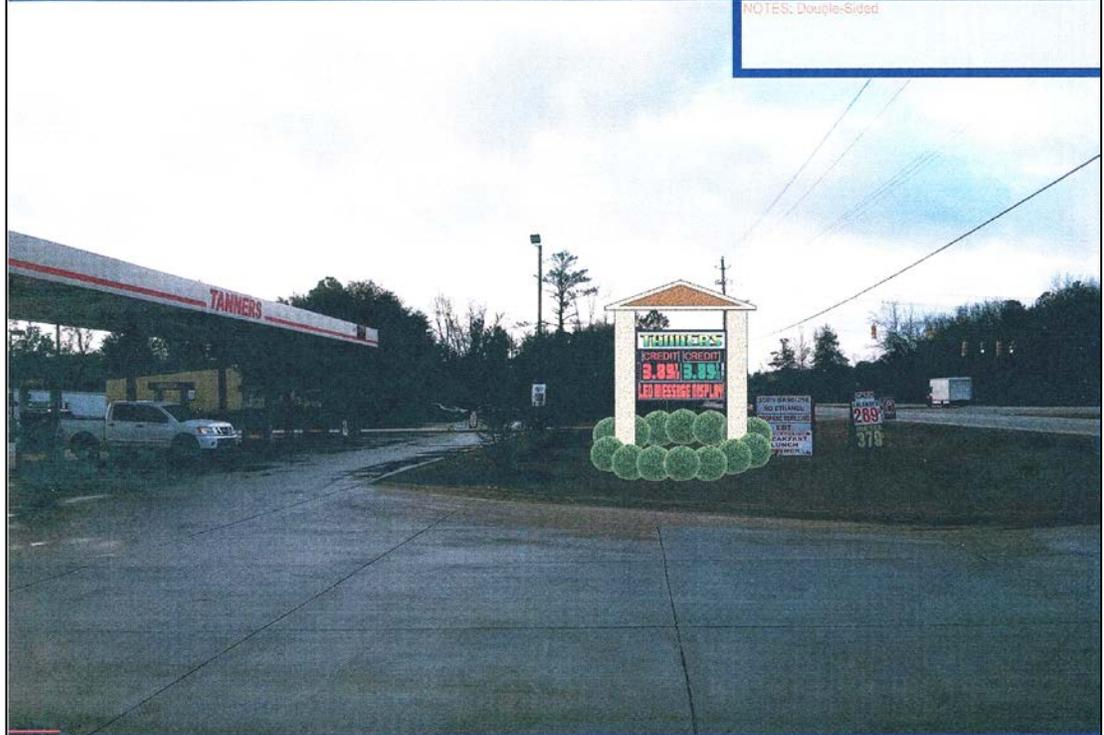
CLIENT: Tanner  
 SALES REP: Phil  
 SCALE: 3/8"=1'  
 DRAWING NAME: Tanner Pylon.cdr

CONTACT:  
 DRAWN BY: J.DAWKINS

PRICE:  
 DATE: \*-21-12

CLIENT APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_  
 \*NOTE: YOUR APPROVAL OF THIS DESIGN WILL EXPEDITE THE PRODUCTION OF YOUR SIGNAGE. IF THERE ARE ANY CHANGES, PLEASE MAKE NOTE OF THEM ON THE DRAWING. THE CUSTOMER IS RESPONSIBLE FOR CORRECTIONS TO SPELLING. THIS DESIGN SHALL REMAIN THE EXCLUSIVE PROPERTY OF FLAGSHIP SIGNS, INC.

NOTES: Double-Sided



CLIENT: Tanner  
 SALES REP: Phil  
 SCALE: 3/8"=1'  
 DRAWING NAME: Tanner Pylon.cdr

CONTACT:  
 DRAWN BY: J.DAWKINS

PRICE:  
 DATE: \*-21-12

CLIENT APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_  
 \*NOTE: YOUR APPROVAL OF THIS DESIGN WILL EXPEDITE THE PRODUCTION OF YOUR SIGNAGE. IF THERE ARE ANY CHANGES, PLEASE MAKE NOTE OF THEM ON THE DRAWING. THE CUSTOMER IS RESPONSIBLE FOR CORRECTIONS TO SPELLING. THIS DESIGN SHALL REMAIN THE EXCLUSIVE PROPERTY OF FLAGSHIP SIGNS, INC.

The Gas Station is located in a commercial and industrial district along Hwy. 15 South. The photos *below* indicate the adjacent uses:



#### IV. FOUR-PART TEST

In order to grant this size variance, the request must meet all 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.

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

There are no extraordinary conditions pertaining to this parcel. It is a commercial use adjacent to both industrial and commercial properties along a predominantly commercial and industrial corridor.

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

All industrial and commercial uses in this district are required to meet the same sign height requirements.

**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 would require a different proposed sign be installed, or altering the height of the columns to meet ordinance requirements. This is not an unreasonable restriction to use of the property.

**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.***

Granting the variance sets a precedent for other businesses located in this and other industrial or commercial districts to construct signs which are larger than the ordinance permits.

#### V. STAFF RECOMMENDATION

The requirements of the four-part test are not met for this request. Staff recommends denial of BOA-12-48.

**VI. DRAFT MOTIONS for BOA-12-48**

- A. I move that the Zoning Board of Appeals deny BOA-12-48, subject to the findings of fact and conclusions attached as Exhibit I.
- B. I move that the Zoning Board of Appeals approve BOA-12-48 subject to the following findings of fact and conclusions.
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-12-48.

**VII. ZONING BOARD OF APPEALS – JANUARY 9, 2013**

The Sumter City-County Board of Appeals at its meeting on Wednesday, January 9, 2013, voted to defer this request until the zoning issue is resolved.

**Exhibit 1**  
**Order on Variance Application**  
**Sumter Board of Appeals**

**BOA-12-48, 2605 Warehouse Blvd. (County)**  
**January 9, 2013**

---

Date Filed: January 9, 2013

Permit Case No. BOA-12-48

The Sumter Board of Appeals held a public hearing on Wednesday, January 9, 2013 to consider the appeal of Monica Phan, 1365 Loblolly Dr., Sumter SC 29102 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 no extraordinary conditions pertaining to this property. It is an industrially zoned parcel located in a district with both industrial and heavy commercial uses.

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:

All of the other commercial and industrial properties in the Heavy Industrial district along this area of US Hwy. 15 South. are regulated by the same sign restrictions as this parcel.

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 and denial of the variance would necessitate altering the proposed sign and/or columns to meet the height requirements for this district. This would not prohibit or unreasonably restrict use of the property.

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:

Granting the variance sets a precedent for other businesses to have signs that are larger than the ordinance standards permit.

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.**