

Sumter City-County Board of Zoning Appeals

February 13, 2013 (Revised)

BOA-13-01, 1034 Broad St. (City)

A variance from the setback of commercial signs as outlined in Article 8 of the City of Sumter Zoning Ordinance.



Appeals - Variance - Special Exception

Sumter City-County Board of Appeals

February 13, 2013

BOA-13-01, 1034 Broad St. (City)

I. THE REQUEST

Applicant: Ty Robbins / Site Enhancement Services

Status of the Applicants: Representative of Owner

Request: Applicant is requesting a variance from *Article 8, Exhibit 19 Front and Side Setbacks for Signs*.

Location: 1034 Broad St. in City of Sumter

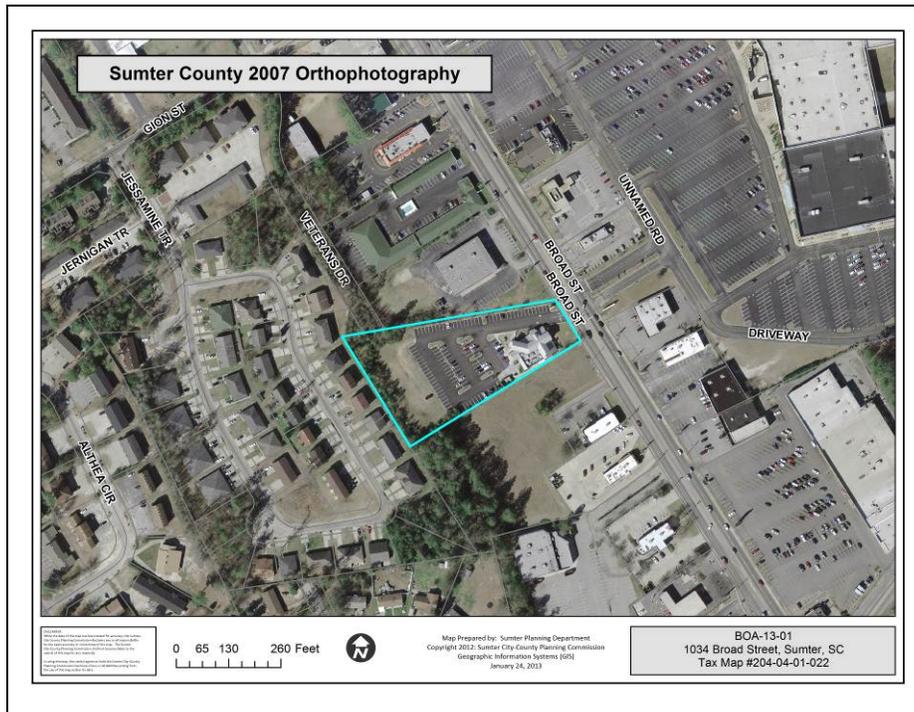
Present Use/Zoning: General Commercial (GC)

Tax Map Reference: #204-04-01-022

II. BACKGROUND



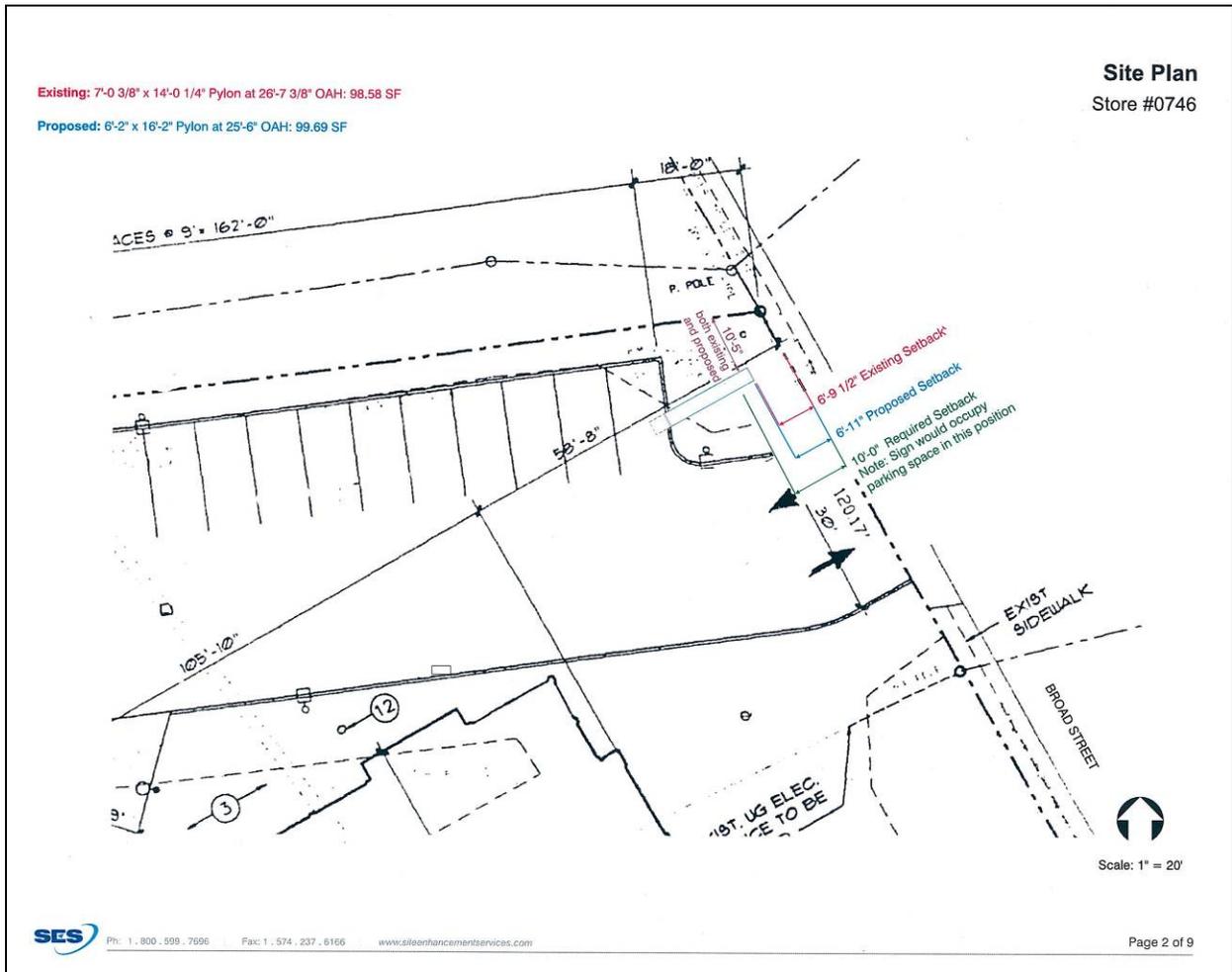
The applicant is a representative of GMRI, Inc. (Darden Restaurants), which operates the existing Red Lobster restaurant. The proposal is for a replacement sign cabinet for the restaurant, to be located on the existing base and to meet the same height standards as the former sign.



The parcel in question is zoned General Commercial (GC) and is located on Broad St. across from the mall. The setback in GC is 10' from the property line.



Above: Graphic depicting the existing sign (*Left*) and the proposed sign style and location (*Right*).



Above: Graphic depicting the proposed sign location in comparison with the existing sign.

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 (Continued)
**MAXIMUM TOTAL SIGN AREA BY USE, NUMBER, DIMENSIONS,
 AND LOCATION OF INDIVIDUAL SIGNS**

	Maximum Square Foot	Percent Ground Floor Area	Square Foot per Linear Front Foot of Street Frontage	Maximum Area of Free-Standing Sign (sq. ft.) 1, 2, 3	Height (feet)	Front/Side Setbacks (feet)	Percentage of Wall Area Maximum
General Commercial ⁴	750	10%	6 ln. ft.	200 (1sq.ft.per linear front foot Maximum of 200 sq.ft.)	30	10/10	10%
CBD	150	20%	10 ln.ft.	50 (1sq.ft.per linear front foot Maximum of 50 sq.ft.)	15	10/10	25%
Light Industrial	300	2%	N/A	150 (1sq.ft.per linear front foot Maximum of 150 sq.ft.)	15	10/10	5%
Heavy Industrial	300	2%	N/A	150 (1sq.ft.per linear front foot Maximum of 150 sq.ft.)	15	10/20	5%
Agricultural Conservation	100	N/A	N/A	100 (1sq.ft.per linear front foot Maximum of 100 sq.ft.)	10	10/20	N/A
Conservation/ Preservation	36	N/A	N/A	36	10	10/20	N/A



Above: Views of the existing sign show that the parking area is very close to the base. Changing the location of the proposed sign to meet ordinance standards would require significant alteration to the existing parking area of the restaurant. Therefore, there is a hardship on this property that justifies the variance request.

Based on the chart above, the ordinance requires a 10' setback from the property line. The existing sign is 6 feet 9½ inches from the property line that fronts on Broad St. The proposed sign would be 6' 11 inches from the property line. This request is for a 3-foot-and-one-inch variance. The existing sign base is to remain, and will have the sleeves removed and the poles painted black.

Section 8.i.2.f of the Zoning Ordinance requires all on-premise non-conforming signs on a zoned lot to come into compliance with the sign ordinance when abandoned or when the cost of repairs or replacement of any such signs are beyond fifty (50%) percent of their replacement costs.

Staff has amended the staff report to reflect a favorable recommendation and have reflected this in Exhibit 1.

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 extraordinary conditions pertaining to this parcel. It is an active commercial parcel with existing parking and driving areas.

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

Any new commercial development or significant alteration to existing development in this district would be required to meet the same ordinance standards. However, this is a minor alteration and involves only changing the sign cabinet for the establishment.

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 and denial of the variance would necessitate major restructuring of the parking and driving areas in order to accommodate the new sign.

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 will not harm the character of the district. Many of the adjacent businesses have signs located a similar distance from their property lines.

V. STAFF RECOMMENDATION

The requirements of the four-part test are met and this property does appear to have a hardship. Staff recommends approval of BOA-13-01.

VI. DRAFT MOTIONS for BOA-13-01

- A. I move that the Zoning Board of Appeals approve BOA-13-01, subject to the findings of fact and conclusions attached as Exhibit I.
- B. I move that the Zoning Board of Appeals deny BOA-13-01 subject to the following findings of fact and conclusions.
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-13-01.

VII. ZONING BOARD OF APPEALS – FEBRUARY 13, 2013

The Sumter City-County Board of Appeals at its meeting on Wednesday, February 13, 2013, voted to accept staff recommendation and approve this request subject to the findings of fact and conclusions contained in the draft order, dated February 13, 2013, attached as Exhibit 1.

Exhibit 1
Order on Variance Application
Sumter Board of Appeals

BOA-13-01, 1034 Broad St. (County)
January 9, 2013

Date Filed: February 13, 2013

Permit Case No. BOA-13-01

The Sumter Board of Appeals held a public hearing on Wednesday, February 13, 2013 to consider the appeal of Site Enhancement Services, 6001 Nimitz Pkwy., South Bend, IN 46628 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 conditions pertaining to this property because it is an existing commercial parcel with existing parking and driving areas.

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:

The adjacent businesses have parking and driving configurations as well as sign locations that vary greatly in comparison with 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 major changes to the parking and driving areas of the restaurant in order to place the new sign.

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 character of the district will not be harmed because the current sign is located exactly in the same location and meeting the exact same size standards as the proposed sign. The only change will be in the style of the sign, which will be more modern and therefore will be an aesthetic improvement.

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.