

# Sumter City-County Board of Zoning Appeals

June 12, 2013

**BOA-13-07,**  
**1805 Hwy. 521 South (County)**

The applicant is requesting a variance from Article 8, Section 8.i.6 Freestanding Signs and Exhibit 19 Maximum Total Sign Area and Height to permit the maximum area of a freestanding sign in excess of 150 sq. ft. and a freestanding sign in excess of 15 ft. high in Heavy Industrial Zoning District. The applicant proposes to install a freestanding monument sign +/- 1,300 sq. ft. in size and 20 ft. high. The property is located at 1805 US Hwy. 521 South and is represented by Tax Map #252-00-05-088.



Appeals - Variance - Special Exception

# Sumter City-County Board of Appeals

June 12, 2013

## BOA-13-07, 1805 Hwy. 521 South (County)

### I. THE REQUEST

**Applicant:** Sumter County Development Board

**Status of the Applicant:** Agent

**Request:** Sign Area and Sign Height Variances for a ground-monument freestanding sign at the new Continental Tire Facility

**Location:** 1805 Highway 521 South

**Present Use/Zoning:** Manufacturing/Heavy Industrial

**Tax Map Reference:** 252-00-05-088

### II. BACKGROUND

The Sumter Development Board, on behalf of Continental Tire of the Americas, requests sign area and sign height variances found in Article VIII, Section 8.i.6 in order to construct a 20 ft. tall, 1,300 sq. ft. ground mounted freestanding sign.

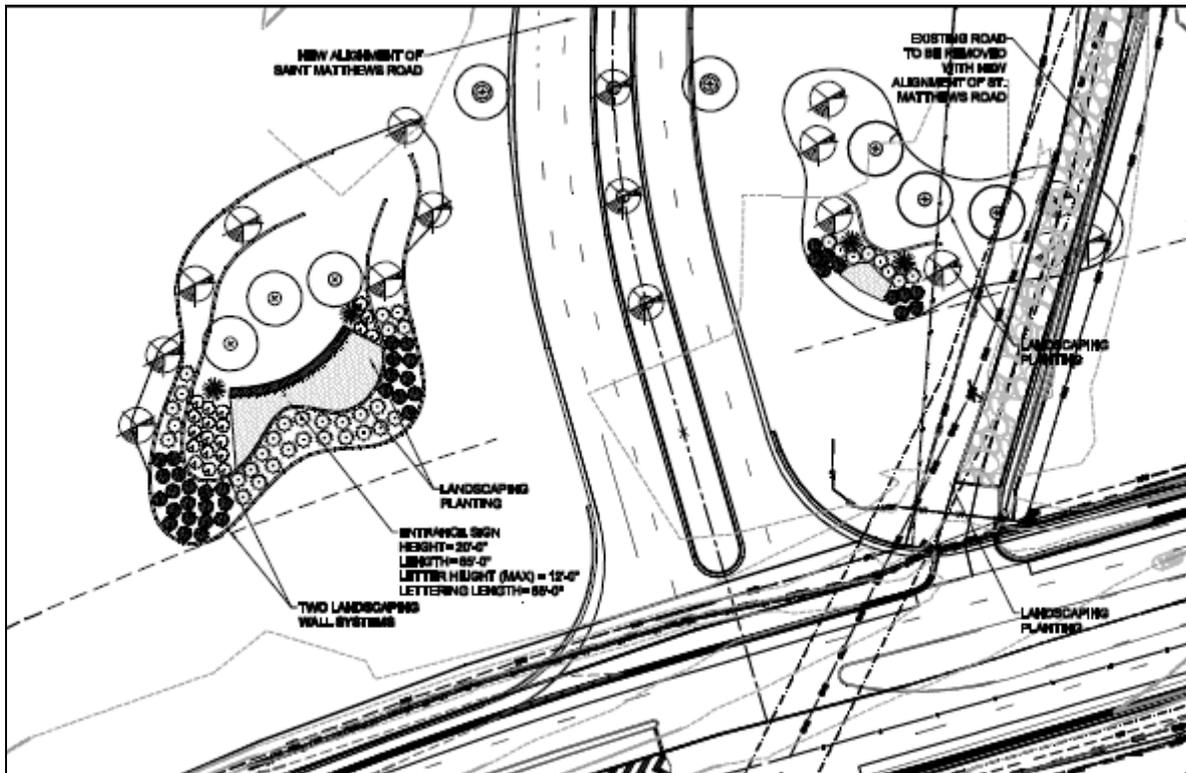
As part of the first phase of Continental Tire's new one million square foot manufacturing and warehouse facility at the intersection of 521 and St. Matthews Church Rd., a comprehensive landscaping and entrance design package has been offered:



Proposed monument free-standing sign

### III. THE REQUEST

The applicant has submitted a site plan showing the sign and berm complex at the corner of Highway 521 and St. Matthews Church Rd. This will be the primary entrance for the facility. The freestanding entrance sign, to be incorporated as part of a large berm complex, greatly exceeds that sign area typically permitted for this type of use in a Heavy Industrial Zoning District (HI). Current ordinance permits a maximum 150 sq. ft. sign, with a maximum height of 15'. Technically, therefore, a 5 ft. height variance and a 1,150 sign area variance is requested.



### IV. FOUR-PART TEST

- 1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property.***
- *There are extraordinary conditions pertaining to this property. The scale of this project is significant: The manufacturing facility is planned to reach approximately 1,000,000 sq. ft. in phase I with several more million sq. ft. planned in the future. The development takes place on over 300 plus acres. In addition, the facility is located over 1,000 ft. from 521 and over 600 feet from St. Matthews Church Rd.***
- 2. *These conditions do not generally apply to other property in the vicinity.***

- *This property stands alone among others in the 521 corridor and is not equaled in terms of size and scale of development anywhere else in Sumter.*
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.***
- *As with sign variances, we can make no finding that the use of the property is unreasonably restricted. However, we find it a compelling argument that applying the standard sign requirements of Section 8.i.6 is unreasonable due the sheer size, scope and magnitude of the project.*
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.***
- *We find that the combination of variances requested will not be of substantial detriment to adjacent property owners or harm the public good. On the contrary, we find the landscaping and monumental sign design proposed in combination to exceed the public purpose: granting the variance will not harm the public good nor the character of the district.*

**V. STAFF RECOMMENDATION**

Staff recommends approval of BOA-13-07 based on the above findings and subject to the following conditions:

*The Planning Commission shall approve the site landscaping plan prior to sign and landscaping installation.*

**VI. DRAFT MOTIONS for BOA-13-07**

- A. I move that the Sumter Board of Appeals approve BOA-13-07 subject to the findings of fact and conclusions contained in the draft order dated June 12, 2013, attached as Exhibit 1.

**VII. ZONING BOARD OF APPEALS – JUNE 12, 2013**

The Sumter City-County Board of Appeals at its meeting on Wednesday, June 12, 2013, voted to approve this request subject to the findings of fact and conclusions contained in the draft order, dated June 12, 2013.

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

**BOA-13-07, 1805 Hwy. 521 South (County)**  
**June 12, 2013**

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Date Filed: June 12, 2013

Permit Case No. BOA-13-07

The Board of Zoning Appeals held a public hearing on Wednesday, June 12, 2013 to consider the request of Sumter Development Board re: 1805 Hwy. 521 South, Sumter, SC for a variance from the strict application of Section 8.i.6 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. The scale of this project is significant: The manufacturing facility is planned to reach approximately 1,000,000 sq. ft. in phase I with several more million sq. ft. planned in the future. The development takes place on over 300 plus acres. In addition, the facility is located over 1,000 ft. from 521 and over 600 feet from St. Matthews Church Rd.*

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:

*This property stands alone among others in the 521 corridor and is not equaled in terms of size and scale of development anywhere else in Sumter.*

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:

*As with sign variances, we can make no finding that the use of the property is unreasonably restricted. However, we find it a compelling argument that applying the standard sign requirements of Section 8.i.6 is unreasonable due the sheer size, scope and magnitude of the project.*

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:

*We find that the combination of variances requested will not be of substantial detriment to adjacent property owners or harm the public good. On the contrary, we find the landscaping and monumental sign design proposed in combination to exceed the public purpose: granting the variance will not harm the public good nor the character of the district.*

THE BOARD, THEREFORE, ORDERS that the variance is  DENIED – GRANTED, subject to the following conditions:

1. No light emissions to escape the property line.

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.**