

Sumter City-County Board of Zoning Appeals

October 9, 2013

BOA-13-15, 839-C Broad Street (City)

The applicant is requesting Special Exception approval for a Billiard Hall, under SIC Code 7999.



Appeals - Variance - Special Exception

Sumter City-County Board of Appeals

October 9, 2013

BOA-13-15, Billiard Hall at 839-C Broad St. (City)

I. THE REQUEST

Applicant: Vikki Vause-Duggin

Status of the Applicant: Business Owner

Request: Special Exception approval for a Billiard Hall, under SIC Code 7999.

Location: 839-C Broad St.

Present Use/Zoning: Commercial Strip Center/GC/HCPD

Tax Map Reference: 229-08-01-002

II. BACKGROUND

The applicant desires to open a billiard hall to be located in the City in an existing small commercial strip center, at the corner of Broad St. and N. Wise Dr.

The adjacent building on the property at 837 Broad St. received special exception approval for a billiard hall in March 2012 (BOA-12-14). However, the business was never opened at that location and after 6 months the special exception status expired as per Article 1 section 1.i.8 “Expiration of variance or special exception”.

It should be noted that the adjacent property at 853 Broad St. (formerly Walmart Site) has been acquired by Central Carolina Technical College. It has been advertised publicly (September 24, 2013) that the College intends to open an advanced manufacturing training center, an extension of the Guignard Dr. Campus, at this location but as of the date of this application, no formal plans have been submitted to the Sumter City-County Planning Department for review or approval.

Billiard Halls (SIC Code 7999) are required to be reviewed and approved as a Special Exception. Special Exceptions are to be evaluated in accordance with Article 1, Section 1.h.4.c and Article 3, Section 3.i.4.i and in accordance with Article 5, Section 5.b.3.n in the Sumter City Zoning & Development Standards Ordinance.

Article 5 Section 5.b.3.n Pool Halls:

1. *This use shall not be within 150 feet (measured in a straight line from structure to structure) of a church, school or public playground that is on a separately platted parcel under different ownership.*

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.*

This site is part of an established commercial center with existing, grandfathered non-conforming site standards.

- b. *That the special exception will be in substantial harmony with the area in which it is located.*

This area of Broad Street is dominated by commercial uses such as restaurants, title loans, beauty salons and retail businesses, which are compatible with a billiard hall.

- c. *That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.*

This use will not discourage or negate the use of surrounding property for uses permitted by right in the general commercial zoning district. The GC district is intended to “accommodate the broadest possible range of commercial uses.” This location meets the 150 ft. separation requirement from a church or religious institution, public or private school, park or playground.

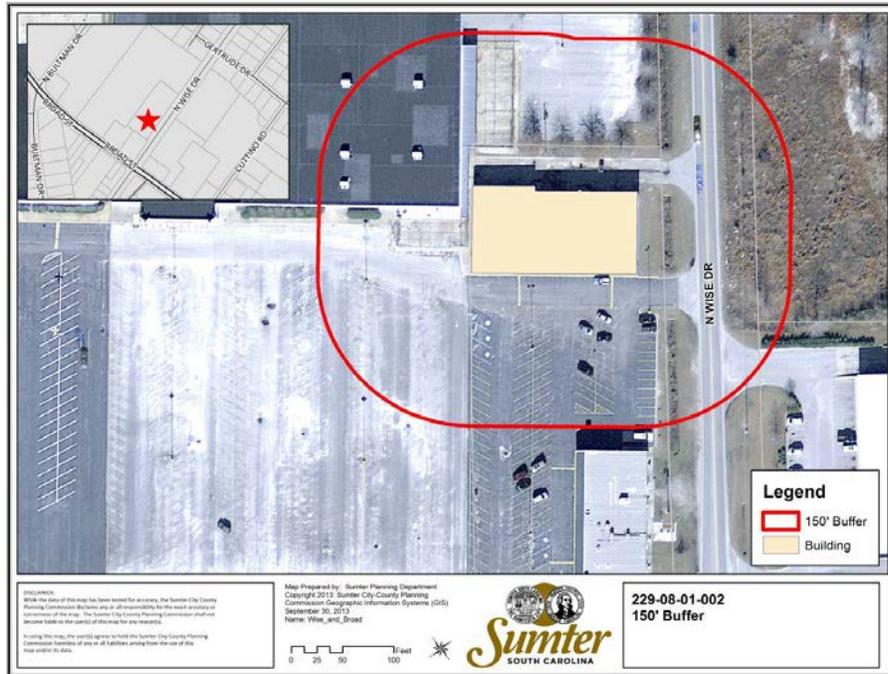
Below: Photo of the building where the proposed billiard hall is to be located



ADJACENT USES:



Above: the adjacent uses include a mix of commercial businesses such as a grocery store, retail uses, several restaurants and a beauty salon, which are compatible uses to the Billiard Hall.. There is an apartment complex and a residential street located +/- 500' behind the proposed use, with vacant land and a significant natural buffer located in between the two.



Above: The 150 foot buffer around the strip center housing the proposed Billiard Hall.

Note: Article 1.h.4.c.3 states: “In granting a special exception, the Board of Zoning Appeals may impose such additional stipulations, conditions, or safeguards as, in its judgment, will enhance the siting of the special exception.”

III. STAFF RECOMMENDATION

Staff has visited the site and reviewed the request, and this use meets the separation requirements and the intent of the special exception criteria. Staff therefore recommends approval of the request.

IV. DRAFT MOTIONS

- A.** I move that the Sumter Board of Appeals approve BOA-13-15 subject to the findings of fact and conclusions contained in the draft order dated October 9, 2013, attached as Exhibit 1.
- B.** I move that the Sumter Board of Appeals deny BOA-13-15 on the following findings of fact and conclusions:
- C.** I move that the Zoning Board of Appeals enter an alternative motion for BOA-13-15.

V. BOARD OF ZONING APPEALS – October 9, 2013

The Sumter City-County Board of Appeals at its meeting on Wednesday, October 9, 2013, voted to accept staff recommendation and approve this request subject to the findings of fact and conclusions contained in the draft order, dated October 9, 2013.

Exhibit 1
Order on Special Exception Application
Sumter Board of Appeals

BOA-13-15, 839-C Broad Street, Sumter, SC.
October 9, 2013

Date Filed: October 9, 2013

Permit Case No. BOA-13-15

The Board of Zoning Appeals held a public hearing on Wednesday, October 9, 2013 to consider the request of Vikki Vause-Duggin, 16 Wilson St., Sumter, SC for a special exception which may be permitted by the Board pursuant to Sections Article 1.h.4.c, Article 3.i.4.i and Article 5.b.3.n of the City of Sumter Zoning & Development Standards Ordinance as set forth on Form 4 for the property described on Form 1 to be used for: a Billiard Hall (SIC Code 7999).

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.n of the City Of Sumter 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 the location of the proposed Billiard Hall meets the Ordinance separation requirement of 150 ft. from structure to structure from a church, school or playground.

2. The Board concludes that the special exception **does** - **does not** comply with all other applicable development standards contained elsewhere in the Sumter City Zoning Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements based on the following findings of fact:
 - a. The property owner is not required to upgrade the site or submit a site plan as the location is in an occupied shopping center;
 - b. There is adequate access to the parcel from a major thoroughfare, and the parking lot is large enough to accommodate the additional number of parking spaces that will be generated by the proposed use;

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 separation criteria set by the ordinance is met, and the proposed use is compatible with the existing adjacent uses;

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. This district includes adjacent commercial, retail and restaurant uses that are compatible with the proposed billiard hall;

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