

Sumter City-County Board of Zoning Appeals

July 9, 2014

BOA-14-07, 1081 Alice Drive (City)

The applicant is requesting a variance of 10 feet from the required 10 foot front yard setback for relocation of a freestanding business sign per Article 8, Section H, Sign Regulations and per Exhibit 8-5 due to the Alice Drive Widening Project.



Appeals - Variance - Special Exception ¹

Sumter City-County Zoning Board of Appeals

July 9, 2014

BOA-14-07, 1081 Alice Dr. (City)

I. THE REQUEST

Applicant: John Brabham

Status of the Applicant: Property owner

Request: The applicant is requesting a variance from the required 10 ft. setback for a freestanding sign on Alice Drive.

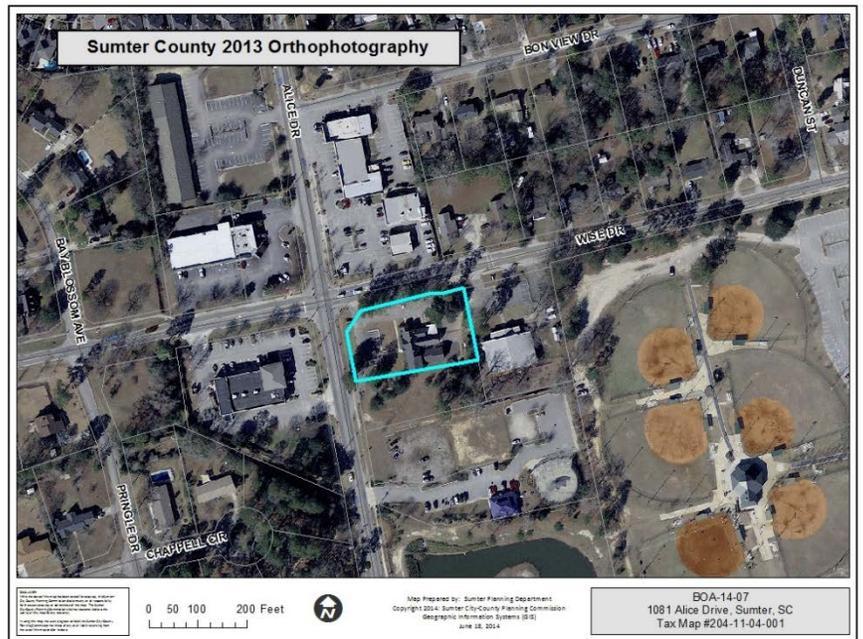
Location: 1081 Alice Dr.

Present Use/Zoning: Real Estate Office / PO (Professional Office)

Tax Map Reference: 204-11-04-001

II. BACKGROUND

1081 Alice Dr., shown in the orthophoto to the right, is located at the intersection of Alice Drive and Wise Drive and is being directly impacted by the Alice Drive Widening Project. In anticipation of the work taking place as part of this infrastructure project, Planning Staff reached out to identify property and business owners within the corridor that will/are experiencing direct impacts on parking, signage and other site development elements. This proactive step has been in order to help mitigate impacts on these sites while preserving property owner and business owner's rights to continue using the sites as they have been used in the past. This



application is the first in what is anticipated to be several such requests as construction and property acquisition move forward for the Alice Drive Widening Project.

The Applicant is requesting a 10 ft. variance from the required 10 ft. setback in order to move the existing freestanding signage for the established business at 1081 Alice Dr. The parcel is at the corner of Alice Dr. and Wise Dr. The property is being impacted significantly by the current phase of the Alice Drive Widening Project due to its proximity to the intersection.

In fact, after right of way acquisition, the existing sign now sits +/-11 feet beyond the property line entirely in the DOT right of way as shown in on the attached survey. The following photograph shows the sign as it is today, within the right of way.



Freestanding signs in the Professional Office (PO) district are required to abide by the regulations outlined in **Article 8, Section H** and **Exhibit 8-5**. Based on Exhibit 8-5 the Property is limited to a maximum of one (1) freestanding sign per street frontage with a maximum combined area of 50 sq. ft., a maximum height of 15 ft., and 10 ft. front and side setbacks. Additionally, all freestanding signs erected within a parking lot or vehicular maneuvering area must comply with Section 8.h.11.b.

8.h.11.b. *The vehicle area clearance of a sign where vehicles travel or are parked, shall have the bottom of a sign at least fourteen (14 ft.) feet above the ground. Vehicle areas include driveways, alleys, parking lots, loading and maneuvering areas.*

The applicant has commissioned a designer to redesign the site parking and access based upon the new lot configuration and change the site access. A copy of the proposed plant titled, "Conceptual Site Development Plan (Existing Demo Items Shown)," prepared by

Ben McIver, Registered Landscape Architect, dated June 6, 2012 has been attached to this report. In order to meet the required 10 ft. setback, new signage would have to be placed inside of the vehicle circulation area. Based on the requirements of **Section 8.h.11.b.** said sign faces must be a minimum of 14 ft. off the ground, the current business sign is a monument sign and is not able to meet this requirement.

In order to move the existing sign onto the property and place it within the street front buffer area, a variance must be granted.

III. FOUR PART TEST

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

This is lot on the southwest corner of the intersection of Alice and Wise Drives. Due to the Alice Drive Widening Project, the northwest corner of the parcel where the current sign is located, as well as a +/-7 ft. strip of land running the length of both street frontages has been acquired by SCDOT. Due to the existing parking lot configuration and changes in site access, placement of a freestanding sign that meets the 10 ft. setback would be within the vehicular maneuvering/drive area.

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

The other three commercial parcels at this intersection will also be impacted by the widening project, however; given the lot configurations and parking lot layouts on the adjacent commercial tracts, and differing zoning regulations there are more options for sign placement beyond that present on this parcel.

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.*

Due to the right of way acquisition for the road project, there is not sufficient area to place the monument sign outside of the parking lot/vehicle maneuvering area and still meet 10 ft. setbacks.

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 will not be detrimental to the adjacent properties. In addition, authorization of the variance will allow the existing sign to be placed on the parcel in a location that will not create a safety hazard for on-site traffic.

IV. STAFF RECOMMENDATION

Staff recommends approval of this request.

V. DRAFT MOTIONS FOR BOA-14-07

- A. I move that the Zoning Board of Appeals approve BOA-14-07, subject to the findings of fact and conclusions contained in the draft order, dated July 9, 2014 attached as Exhibit 1.
- B. I move that the Zoning Board of Appeals deny BOA-14-07, subject to the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-14-07.

VI. BOARD OF ZONING APPEALS – JULY 9, 2014

The Sumter City-County Board of Appeals at its meeting on Wednesday, July 9, 2014, voted to approve this request subject to the findings of fact and conclusions contained in the draft order, dated July 9, 2014.

Exhibit 1
Order on Variance Application
Board of Zoning Appeals

BOA-14-07, 1081 Alice Dr. (City)
July 9, 2014

Date Filed: July 9, 2014

Permit Case No. BOA-14-07

The Board of Zoning Appeals held a public hearing on Wednesday, July 9, 2014 to consider the appeal of John Brabham, 1081 Alice Dr., Sumter, SC 29150 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 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:

The lot is on the southwest corner of the intersection of Alice and Wise Drives. Due to the Alice Drive Widening Project, the northwest corner of the parcel where the current sign is located, as well as a +/-7 ft. strip of land running the length of both street frontages has been acquired by SCDOT. Due to the existing parking lot configuration and changes in site access, placement of a freestanding sign that meets the 10 ft. setback would be within the vehicular maneuvering/drive area.

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 three commercial parcels at this intersection are also being impacted by the widening project, however; given the lot configurations and parking lot layouts on the adjacent commercial tracts, and differing zoning regulations there are more options for sign placement on the adjacent parcels that are not feasible for the sign under review.

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 unreasonably restrict the utilization of the property based on the following findings of fact:

Due to the right of way acquisition for the road project, there is not sufficient area to place the monument sign outside of the parking lot/vehicle maneuvering area and still meet 10 ft. setbacks.

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 be detrimental to the adjacent properties. In addition, authorization of the variance will allow the existing sign to be placed on the parcel in a location that will not create a safety hazard for on-site traffic.

THE BOARD, THEREFORE, ORDERS that the variance 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.
