

# Sumter City-County Board of Zoning Appeals

November 12, 2014

**BOA-14-15, 1057 Broad Street (City)**

The applicant is requesting a variance from the maximum 350 sq. ft. sign face allowance for shopping center freestanding signs per Article 8, Exhibit 8-5 Note #4 Maximum Total Sign Area Regulations in order to replace a reader board entrance mall sign



Appeals - Variance - Special Exception 1

# Sumter City-County Zoning Board of Appeals

November 12, 2014

## BOA-14-15, 1057 Broad St. (City)

### I. THE REQUEST

**Applicant:** John Mulherin

**Status of the Applicant:** Agent for Hull Storey Gibson Companies, LLC

**Request:** The applicant is requesting a variance from the maximum 350 sq. ft. sign face allowance for shopping center freestanding signs.

**Location:** 1057 Broad Street

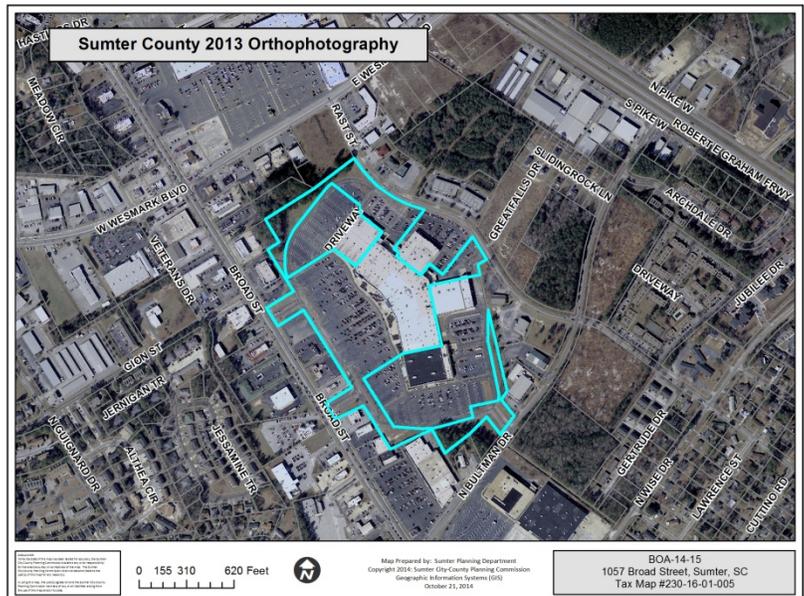
**Present Use/Zoning:** Sumter Mall / GC (General Commercial)/HCPD (Highway Corridor Protection District)

**Tax Map Reference:** 230-16-01-005

### II. BACKGROUND

The Sumter Mall shown in the ortho photo to the right is undergoing renovations which include a major exterior upgrade. As part of this renovation, a distinct sign branding initiative will be implemented. As per the Applicant's submission, the Sumter Mall has two outdated electronic reader boards at its main entrances on Broad Street. Each sign is 346.67 sq. ft. in size.

The mall ownership proposes to replace one of the reader boards with upgraded technology, while replacing the second electronic readerboard sign with a smaller monument sign that does not include a reader board element. The manufacturer



no longer produces an electronic reader board of similar size to the existing signage. The proposed replacement reader board sign is 529.17 sq. ft., while the other sign is to be replaced with an 81.33 sq. ft. monument sign. The photographs and renderings below show the existing and proposed signage.

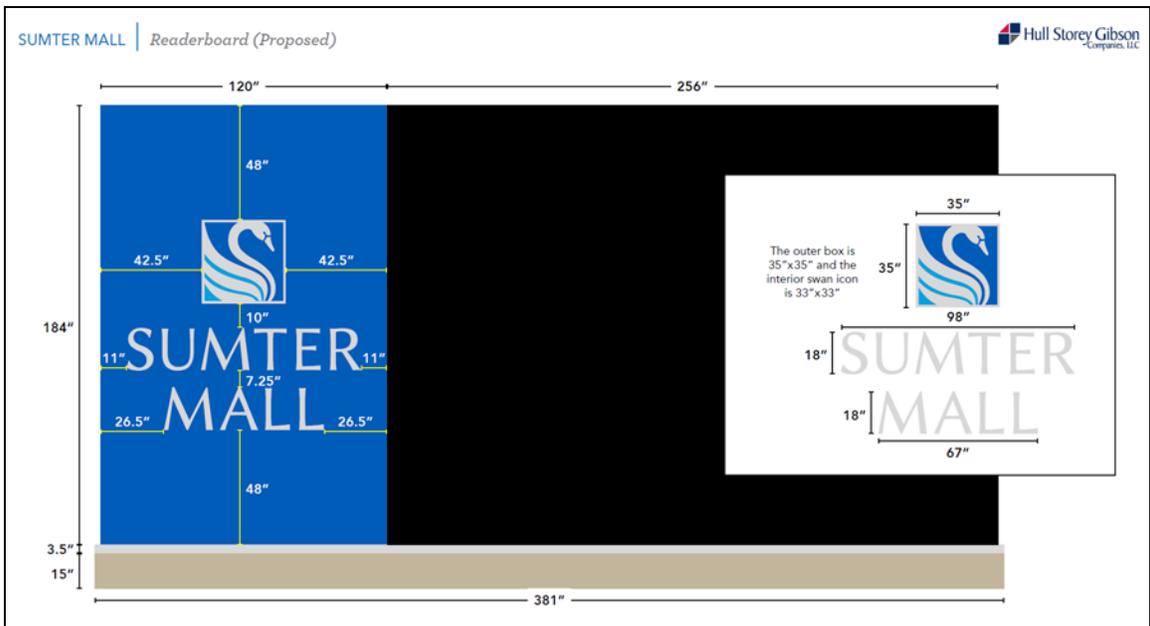


***Pictured Above:*** Existing 346.67 sq. ft. electronic readerboard monument sign at the signalized entrance to Sumter Mall. ***Pictured Below:*** Rendering of the proposed 81.33 sq. ft. monument sign that will replace the electronic readerboard shown above.





***Pictured Above:** Existing 346.67 sq. ft. electronic readerboard monument sign at the entrance adjacent to Rite Aid. **Pictured Below:** Rendering of the proposed 529.17 sq. ft. digital electronic readerboard that is proposed to replace the electronic readerboard shown above.*



Freestanding signs in the General Commercial (GC) zoning district are required to abide by the regulations outlined in **Article 8, Section H** and **Exhibit 8-5**. Additionally, shopping centers are permitted additional signage in accordance with Note #4 in Exhibit 8-5 as follows:

4. *Shopping Center Rules: Shopping Centers shall be allowed two (2) signs per street front; provided that the buildings which comprise the center contain at least 50,000 square feet, and the street fronting earning the second sign be at least 200 feet long along the abutting street. Each freestanding sign shall not exceed 350 square feet...*

Additionally signage must comply with Article 4, Section H Visual Clearance At Intersections

**4.h.1. General:** *On any corner lot in any district except in the Central Business District (CBD) no plantings shall be placed or maintained and no fence, building, wall or structure shall be constructed or erected after December 30, 1991, if such planting or structure thereby obstructs vision at any point between a height of three and a half (3 ½ ft.) feet and ten (10 ft.) feet above upper face of the nearest curb or street center line (if no curb exists). This requirement is established within the sight triangle area bounded on two sides by the street rights-of-way lines, and on the third side by a straight line connecting points on the two street rights-of-way lines as required by the illustration shown herein.*

By Ordinance, the Sumter Mall site is entitled to two 350 sq. ft. freestanding signs along Broad St. In order to erect the 529.17 sq. ft. sign, the applicant is requesting a sign face variance of 179.17 sq. ft. for the new freestanding electronic readerboard monument sign. In order to replace and upgrade the existing reader board signage, a variance must be granted for the larger of the two signs.

### **III. FOUR PART TEST**

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

Sumter Mall is the largest retail location within the City of Sumter. There are no other retail sites similar in size or design. The main structure is set back a significant distance from Broad St., making street-front signage important for way-finding. The existing readerboard signs are outdated and in need of repair or replacement. Electronic readerboard signs that are the size of the existing signage are no longer available. In place of two readerboard monument signs with a total sign area of 693.34 sq. ft., the applicant has proposed one electronic readerboard sign at 529.17 sq. ft. and one non-readerboard sign at 81.33 sq. ft. for a total combined sign area of 615.3 sq. ft.

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

There are no other retail sites along the Broad Street Corridor of the size and type similar to Sumter Mall. Other retail centers are strip developments with each individual store having a visual street presence through wall signage that is clearly visible from the right-of-way. Because Sumter Mall is an enclosed shopping center, with the exception of the four retail anchor tenants that have exterior entrances and exterior wall signage, all other businesses are dependent upon the ability to advertise through the main freestanding sign at the entrance. A single larger electronic readerboard sign along the Broad St. frontage allows flexibility to advertise smaller tenants that do not have exterior wall signage.

- 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.*

In effect, this request reduces sign clutter along the Broad Street Corridor by consolidating two electronic readerboard signs into a singular sign, while replacing the second existing readerboard with a significantly smaller non-readerboard monument sign. Without a variance the proposed signage changes are not possible.

- 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 contrast, replacement and upgrading of the existing signage will enhance the corridor through reduction in sign clutter, enhancing the Highway Corridor.

#### **IV. STAFF RECOMMENDATION**

Staff recommends approval of this request.

#### **V. DRAFT MOTIONS FOR BOA-14-15**

- A. I move that the Zoning Board of Appeals approve BOA-14-15, subject to the findings of fact and conclusions contained in the draft order, dated November 12, 2014 attached as Exhibit 1.
- B. I move that the Zoning Board of Appeals deny BOA-14-15, subject to the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-14-15.

#### **VI. BOARD OF ZONING APPEALS – November 12, 2014**

The Sumter City-County Board of Appeals at its meeting on Wednesday, November 12, 2014, voted to approve this request subject to the findings of fact and conclusions contained in the draft order, dated November 12, 2014.

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

**BOA-14-15, 1057 Broad St. (City)**  
**November 12, 2014**

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Date Filed: November 12, 2014

Permit Case No. BOA-14-15

The Board of Zoning Appeals held a public hearing on Wednesday, November 12, 2014 to consider the appeal of Hull Storey Gibson Companies, LLC at 1190 Interstate Parkway, Augusta, GA. 30909 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:

Sumter Mall is the largest retail location within the City of Sumter. There are no other retail sites similar in size or design. The main structure is set back a significant distance from Broad St., making street-front signage important for way-finding. The existing readerboard signs are outdated and in need of repair or replacement. Electronic readerboard signs that are the size of the existing signage are no longer available. In place of two readerboard monument signs with a total sign area of 693.34 sq. ft. the applicant proposed one electronic readerboard sign at 529.17 sq. ft. and one non-readerboard sign at 81.33 sq. ft. for a total combined sign area of 615.3 sq. ft.

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:

There are no other retail sites along the Broad Street Corridor of the size and type similar to Sumter Mall. Other retail centers are strip developments with each individual store having a visual street presence through wall signage that is clearly visible from the right-of-way. Because Sumter Mall is an enclosed shopping center, with the exception of the four retail anchor tenants that have exterior entrances and exterior wall signage, all other businesses are dependent upon the ability to advertise through the main freestanding sign at the entrance. A single larger electronic readerboard sign along the Broad St. frontage allows flexibility to advertise smaller tenants that do not have exterior wall signage.

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:

The only other size electronic reader board is actually smaller than the existing board and may not provide sufficient advertisement for the internal businesses. In effect, this request reduces sign clutter along the Broad Street Corridor by consolidating two electronic readerboard signs into a singular sign, while replacing the second existing readerboard with a significantly smaller non-readerboard monument 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 authorization of this variance will not be detrimental to the adjacent properties. In contrast, replacement and upgrading of the existing signage will enhance the corridor through reduction in sign clutter, enhancing the Highway Corridor.

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.**

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