

Sumter City-County Board of Zoning Appeals

November 12, 2014

BOA-14-24, 385 W. Wesmark Blvd. (City)

The applicant is requesting a variance from the Article 8, Exhibit 8-5 for a 9 foot decrease from the required 10 foot front yard setback to allow placement of a freestanding business sign on the property. Property is located at 385 W. Wesmark Blvd., represented by Tax Map 203-14-01-033 and is zoned Planned Development.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

November 12, 2014

BOA-14-24, 385 W. Wesmark Blvd. (City)

I. THE REQUEST

Applicant: Kelli McGregor, Marketing Director for Colonial Healthcare

Status of the Applicant: Agent for Colonial Family Practice, LLC

Request: The applicant is requesting a 9 ft. variance from the required 10 ft. front setback requirement for a freestanding sign in order to reduce the front setback to 1 ft.

Location: 385 W. Wesmark Blvd.

Present Use/Zoning: Medical Offices / Planned Development (PD with General Commercial underlying development standards) / HCPD (Highway Corridor Protection District)

Tax Map Reference: 203-14-01-033

II. BACKGROUND

385 W. Wesmark Blvd., shown in the ortho photo to the right, was recently acquired by Colonial Family Practice to expand their services. In May of this year, MSP-14-19 was approved for renovations and parking lot additions at this former single-tenant retail structure. As part of the site plan approval, the structure was converted into medical office space to accommodate four (4) separate users. The site was non-conforming with respect to landscaping. As part of the



site plan approval, incremental upgrades were made to parking lot landscaping in the areas of new parking lot development on the west side of the building, however; minimal changes were made to the established street front landscaping.

Prior to acquisition, the site had a small monument style sign to advertise the individual retail tenant, however, as part of this renovation, a new multi-tenant freestanding sign has been proposed. As per the Applicant's submission, the new sign would be placed on-site in the location indicated in the graphic below and pictures on the following page.

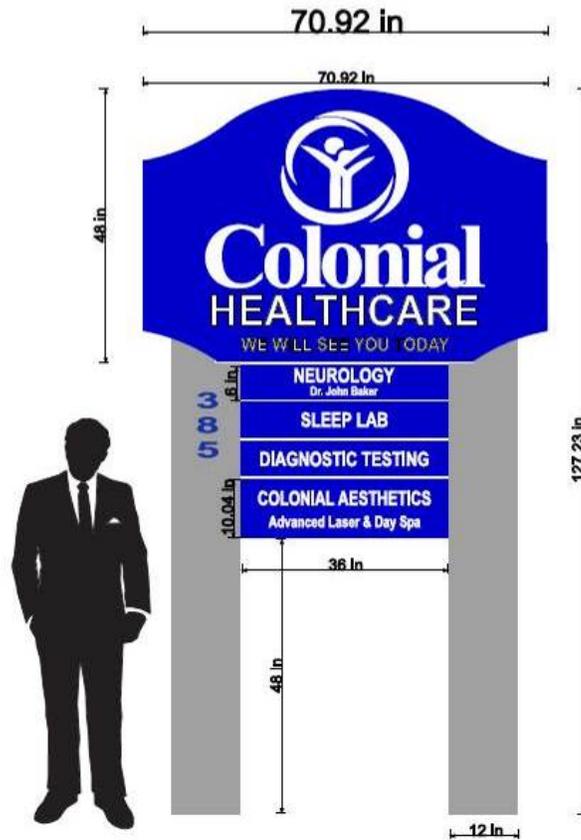


Above: The stars indicate existing freestanding signs that are closer than 10 ft. to the front property lines of their prospective parcels. *Pictured Below:* 385 W. Wesmark frontage traveling east. The red line indicates the approximate location of the property line. The yellow box indicates approximate sign location.





***Pictured Above:** 385 W. Wesmark frontage traveling west. The red line indicates the approximate location of the property line. The yellow box indicates approximate sign location. As is visible in the photograph, required street trees obscure the view of signage on the east side of the access drive. **Below:** Proposed 10 ft. tall multi-tenant sign.*



Although the property is zoned Planned Development (PD), the land was developed with the underlying zoning district of General Commercial (GC). As such, freestanding signs must be developed in accordance with the General Commercial (GC) zoning district

signage regulations outlined in **Article 8, Section H** and **Exhibit 8-5**. As per Exhibit 8-5, freestanding signs are required to meet a 10 ft. front and 10 ft. side setback from the property line.

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.*

In order to install a new multi-tenant freestanding sign, a variance must be granted for the front setback.

III. FOUR PART TEST

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

The property was initially developed under the per-1999 zoning standards and incrementally upgraded in accordance with Article 6 of the Zoning Ordinance. As such, the site does not meet current development standards in terms of front buffer widths, nor does it have the full amount of street front landscaping as required in Article 9 of the Ordinance. Because of the buffer width, parking lot configuration, and placement/maturity of existing landscaping which includes street trees, a sign placed at the 10 ft. setback is not visible from the right of way for west-bound travelers. Removal of trees would make the site more non-conforming with respect to landscaping as street trees are a requirement for commercial development as per Article 9 of the Ordinance.

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

None of the adjacent parcels, which were also developed with General Commercial (GC) zoning as the underlying district, have signage that meets the 10 ft. setback standards. Additionally, the adjacent properties do not have street front landscaping that obscures 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 order to place a sign on the property that is visible from the right of way, some of the established canopy trees, which are required as per Article 9, would have to be removed.

Because the property does not have a 10 ft. wide street front landscaping buffer, there is not sufficient space to replant any removed trees, in a location that does not block signage. The site is already non-conforming with respect to the number of plantings along the street front; removal of existing trees would make the property more non-conforming with respect to the established landscaping standards.

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.

Authorization of this variance will not be of substantial detriment to the adjacent property, nor will it harm the character of the district. There is an established pattern of sign placement along this portion of W. Wesmark Blvd. the proposed sign location will be in alignment with existing freestanding signs on adjacent parcels.

IV. STAFF RECOMMENDATION

Staff recommends approval of this request.

V. DRAFT MOTIONS FOR BOA-14-24

- A. I move that the Zoning Board of Appeals approve BOA-14-24, 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-14-24, subject to the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-14-24.

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-14-24, 385 W. Wesmark Blvd. (City)
November 12, 2014

Date Filed: November 12, 2014

Permit Case No. BOA-14-24

The Board of Zoning Appeals held a public hearing on Wednesday, November 12, 2014 to consider the appeal of Colonial Family Practice, LLC, 325 Broad St., 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 property was initially developed under the per-1999 zoning standards and incrementally upgraded in accordance with Article 6 of the Zoning Ordinance. As such, the site does not meet current development standards in terms of front buffer widths, nor does it have the full amount of street front landscaping as required in Article 9 of the Ordinance. Because of the buffer width, parking lot configuration, and placement/maturity of existing landscaping which includes street trees, a sign placed at the 10 ft. setback is not visible from the right of way for west-bound travelers. Removal of trees would make the site more non-conforming with respect to landscaping as street trees are a requirement for commercial development as per Article 9 of the Ordinance.

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:

None of the adjacent parcels, which were also developed with General Commercial (GC) zoning as the underlying district, have signage that meet the 10 ft. setback standards. Additionally, the adjacent properties do not have street front landscaping that obscures 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:

In order to place a sign on the property that is visible from the right of way, some of the established canopy trees, which are required as per Article 9, would have to be removed. Because the property does not have a 10 ft. wide street front landscaping buffer, there is not sufficient space to replant any removed trees, in a location that does not block signage. The site is already non-conforming with respect to the number of plantings along the street front; removal of existing trees would make the property more non-conforming with respect to the established landscaping standards.

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:

Authorization of this variance will not be of substantial detriment to the adjacent property, nor will it harm the character of the district. There is an established pattern of sign placement along this portion of W. Wesmark Blvd. the propose sign location will be in alignment with existing freestanding signs on adjacent parcels.

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.