

Sumter City-County Board of Zoning Appeals

July 8, 2015

BOA-15-06, 34 N. Main St. (City)

The applicant is requesting Special Exception approval for a Drinking Place as required per Article 3, Section 3.j.4.a. *Drinking Places (SIC Code 5813)*, Article 3, Exhibit 3-5 and Article 5, Section 5.b.3.1. Special Design Review Criteria.



Appeals - Variance - Special Exception

Sumter City-County Board of Appeals

July 8, 2015

BOA-15-06, Drinking Place – 34 N. Main St. (City)

I. THE REQUEST

Applicant: Scott Bell, RS Bell Architects

Status of the Applicant: Architect for the Owner

Request: Special Exception approval for a Drinking Place, under SIC Code 5813.

Location: 34 N. Main St.

Present Use/Zoning: Existing Commercial Building/CBD

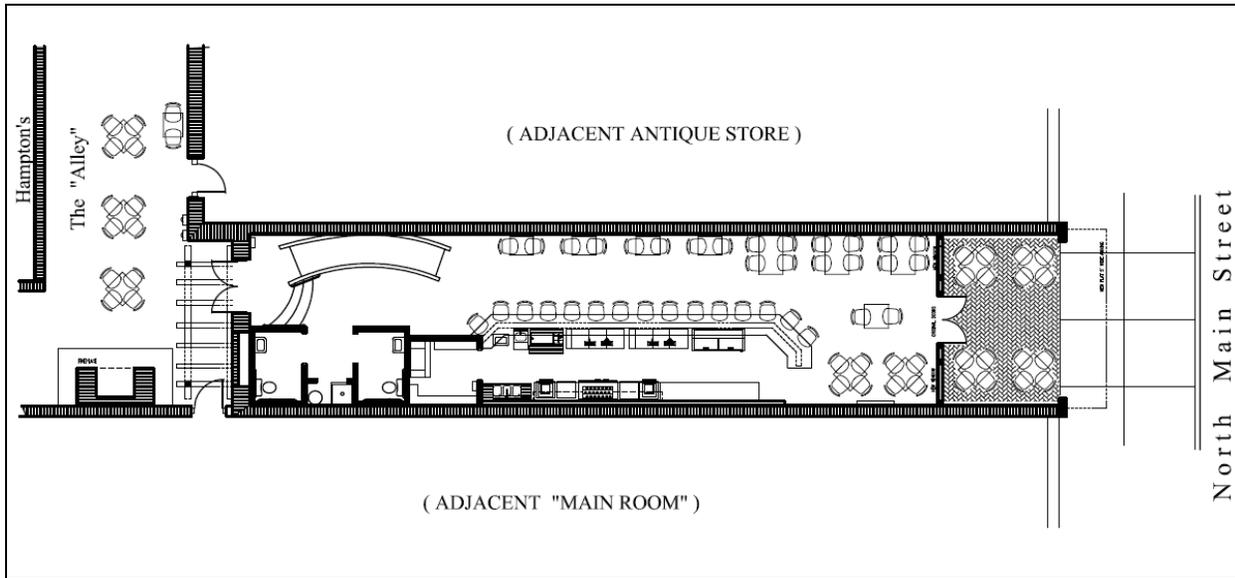
Tax Map Reference: 228-12-04-038

II. BACKGROUND

The applicant seeks approval for a drinking place to be located at 34 N. Main St. As proposed, the facility is an expansion of the existing Hamptons restaurant outdoor lounge area known as the “Alley”. Currently the Alley operates in conjunction with the Hamptons however, as designed, this expansion could permit the facility to operate as an independent drinking place. As such, the applicant is seeking special exception approval from the Board of Zoning Appeals.

Historically, this location was used as a retail store. The property owners are proposing façade changes at the street level to create outdoor seating on N. Main St. while providing a through-connection to the Alley, as shown in the floor plan on the following page. The design for the proposed establishment has received approval from the Historic Preservation Design Review Committee (HP-15-11).





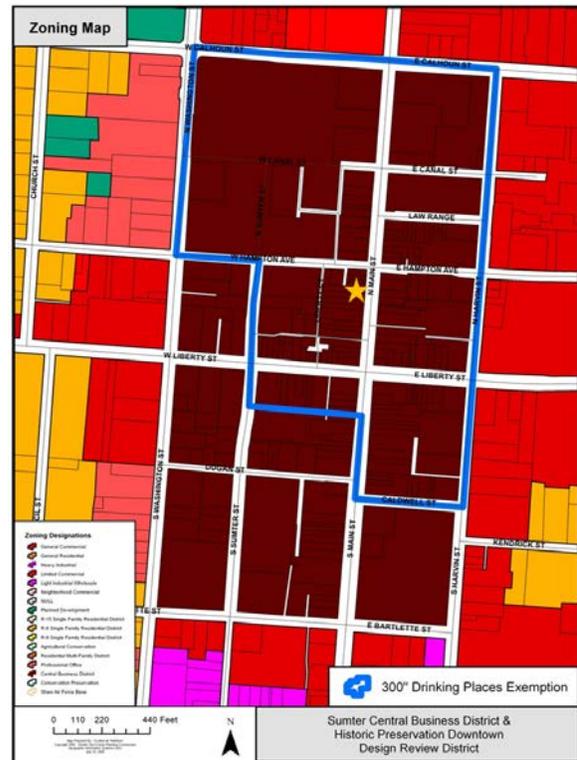
Drinking Places (SIC Code 5813) are required to be reviewed and approved as a Special Exception. Special Exceptions are to be evaluated in accordance with Article 1, Section 1.h.4.c and Article 3, Section 3.j.4.a. and in accordance with Article 5, Section 5.b.3.1 in the City of Sumter Zoning & Development Standards Ordinance.

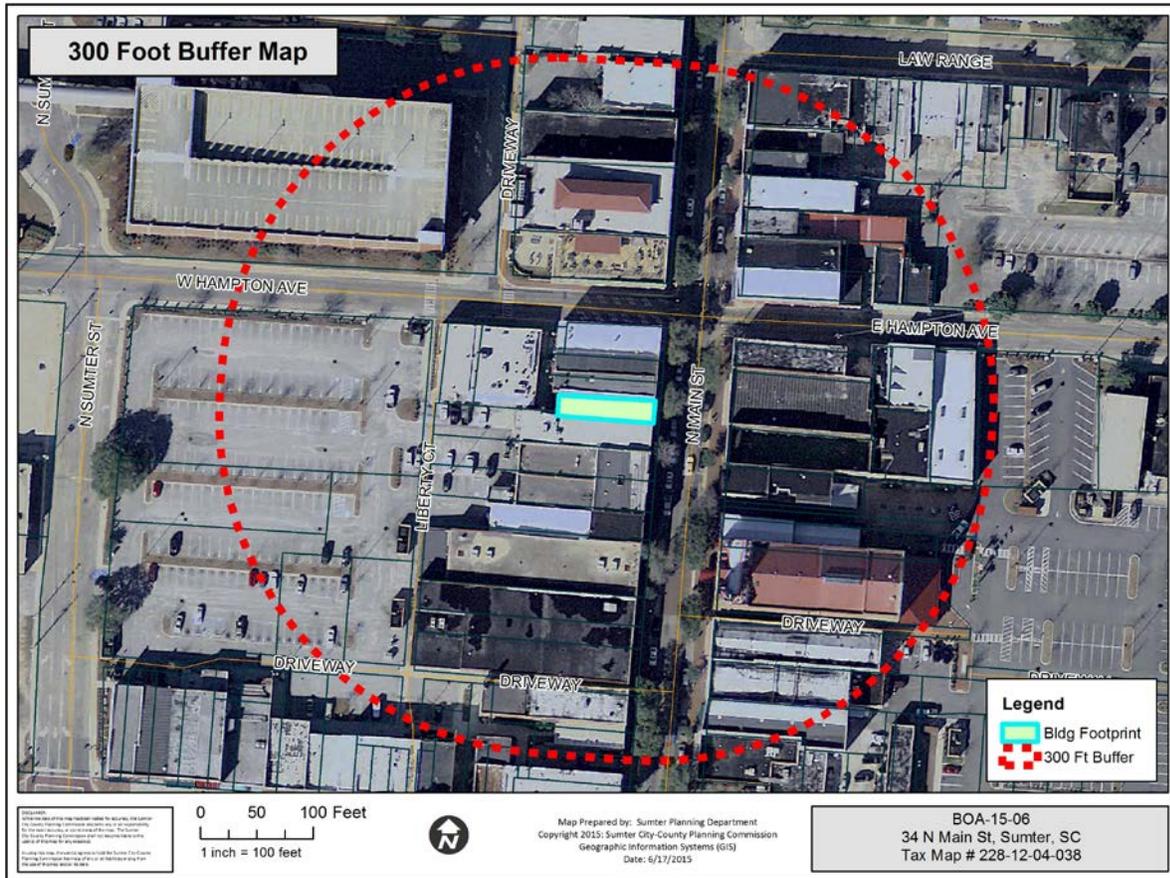
Article 5, Section 5.b.3.1. Drinking Places (SIC 5813):

1. *This use shall not be within 300 feet (measured in a straight line from structure to structure) of a residential use (except in the portion of the CBD outlined in blue on the map **Right**), church, school, or public playground on a separately platted parcel.*

The yellow star indicates location of proposed bar. As shown, the location is within the designated portion of CBD where the residential separation criteria does not apply.

As shown in the buffer map on the following page, the proposed location is not within 300 feet of any prohibited uses, as measured from structure to structure.





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 proposed use is in the downtown Central Business District (CBD). Zoning regulations within the CBD exempt businesses from parking and landscaping requirements.

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

Within the CBD, the separation criteria for drinking places omit the residential separation standard found elsewhere in the City. This change was approved in 2006 (OA-06-11) as

part of the Downtown revitalizations strategy. Part of the attraction of a downtown residence is the proximity of arts and entertainment, jobs, and a variety of services including upscale restaurants, taverns, and pubs. Unlike other predominantly residential area of the community, the presence of a drinking place within close proximity to a residence is expected within the CBD; therefore removal of the 300 ft. separation criteria from residential uses makes sense.

This position is further supported by the 2030 Comprehensive Plan which has established policies for the Downtown Planning Area, specifically Policy #1 states, *“The City will support an intentional, integrated mix of uses at urban densities in an effort to encourage an active, lively 24-hour downtown environment.”*

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

The special exception will not discourage or negate the use of surrounding properties for uses permitted by right. The proposed use is an expansion to an existing established business. The adjacent properties are affiliated with and/or owned by the developer of this use. Additionally, the adjacent businesses which are not affiliated with the Hamptons entity primarily have daytime operational hours. It is not anticipated that they will be negatively impacted by the nightlife element brought to the district by the addition of this use.

III. STAFF RECOMMENDATION

Staff recommends approval of this request. The proposed use is more than 300’ from any playgrounds, churches or schools. The addition of uses such as bars contribute to the community’s stated intent to encourage an active, lively, 24-hour downtown environment.

IV. DRAFT MOTIONS

- A. I move that the Sumter Board of Appeals approve BOA-15-06 subject to the findings of fact and conclusions contained in the draft order dated July 8, 2015, attached as Exhibit 1.
- B. I move that the Sumter Board of Appeals deny BOA-15-06 on the following findings of fact and conclusions:

V. BOARD OF APPEALS DECISION – JULY 8, 2015

The Sumter Zoning Board of Appeals at its meeting on Wednesday, July 8, 2015, voted to approve this request subject to the findings of fact and conclusions contained in the draft order dated July 8, 2015.

Exhibit 1
Order on Special Exception Application
Sumter Board of Appeals

BOA-15-06, 34 N. Main St. (City)
July 8, 2015

Date Filed: July 8, 2015

Permit Case No. BOA-15-06

The Board of Zoning Appeals held a public hearing on Wednesday, July 8, 2015 to consider the request of Scott Bell, RS Bell Architects, 3 Law Range, Sumter, SC, 29150 for a special exception which may be permitted by the Board pursuant to Sections Article 1, Section 1.h.4.c and Article 3, Section 3.j.4.a and in accordance with Article 5, Section 5.b.3.1 in 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: Drinking Place (SIC Code 5813).

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.3.1 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 Drinking Place meets the Ordinance separation requirement of 300 ft. from structure to structure from a church, school, or public 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 the CBD, which is exempt from parking and landscaping requirements.
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. This is an expansion to an existing business. Bars and other nighttime uses are a beneficial addition to the downtown and add an element of nightlife to the district. This use is compatible with the downtown district.

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. The proposed use is an expansion to an existing established business. The adjacent properties are affiliated with and/or owned by the developer of this use. Additionally, the adjacent businesses which are not affiliated with the Hamptons entity primarily have daytime operational hours.

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.
