

# Sumter City-County Board of Zoning Appeals

September 9, 2015

**BOA-15-12, 389 Rast Street (City)**

The applicant is requesting a variance from Article 8, Exhibit 8-5 for an additional 48 square feet of wall signage from the maximum wall signage. Property is located at 389 Rast St. represented by Tax Map 230-16-03-020 and is zoned General Commercial.



Appeals - Variance - Special Exception

# Sumter City-County Zoning Board of Appeals

September 9, 2015

## BOA-15-12, 389 Rast Street (City)

### I. THE REQUEST

**Applicant:** Robert G. Beatson, Jr.

**Status of the Applicant:** Property Owner

**Request:** The applicant is requesting a variance to allow for 48 sq. ft. of additional wall signage for his business, Allstate Insurance, from the maximum 37.8 sq. ft. wall signage allowed.

**Location:** 389 Rast Street (Strip Retail Center behind the Sumter Mall)

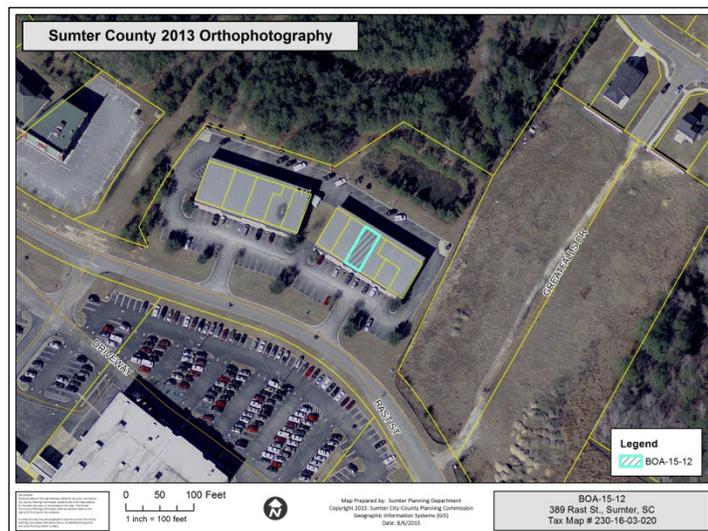
**Present Use/Zoning:** Insurance Office / General Commercial

**Tax Map Reference:** 230-16-03-020

### II. BACKGROUND

389 Rast St., shown in the ortho photo to the right, is one of the tenant spaces in this retail/professional Carolina Center and is occupied by Allstate Insurance.

As per the Applicant's application submission, the reason for the request for additional signage is due to a contractual obligation to stay in compliance with Allstate's Corporate requirements. A country wide program has been implemented to upgrade all Allstate Agencies' signage with brand new signage. Applicant received a sign permit from the Planning Office for the main wall signage on the front building upper façade wall of 36 sq. ft. The locations indicated in the graphic below show the location of the one permitted sign and the additional signage being requested on the following page.

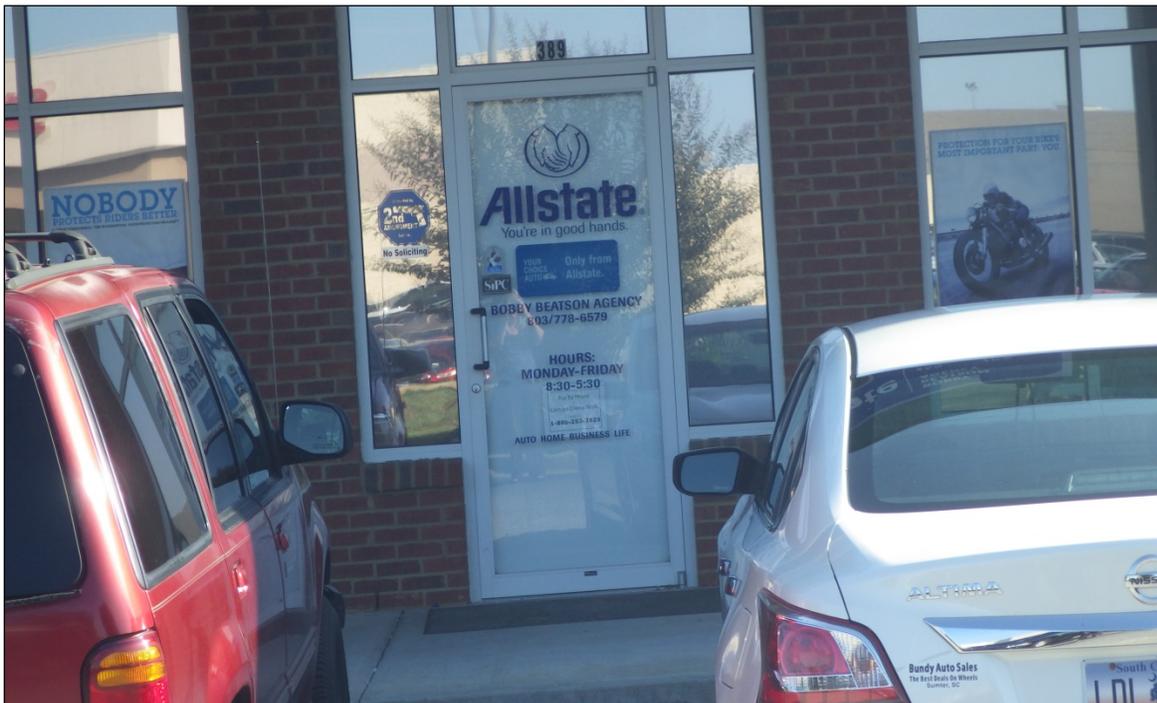


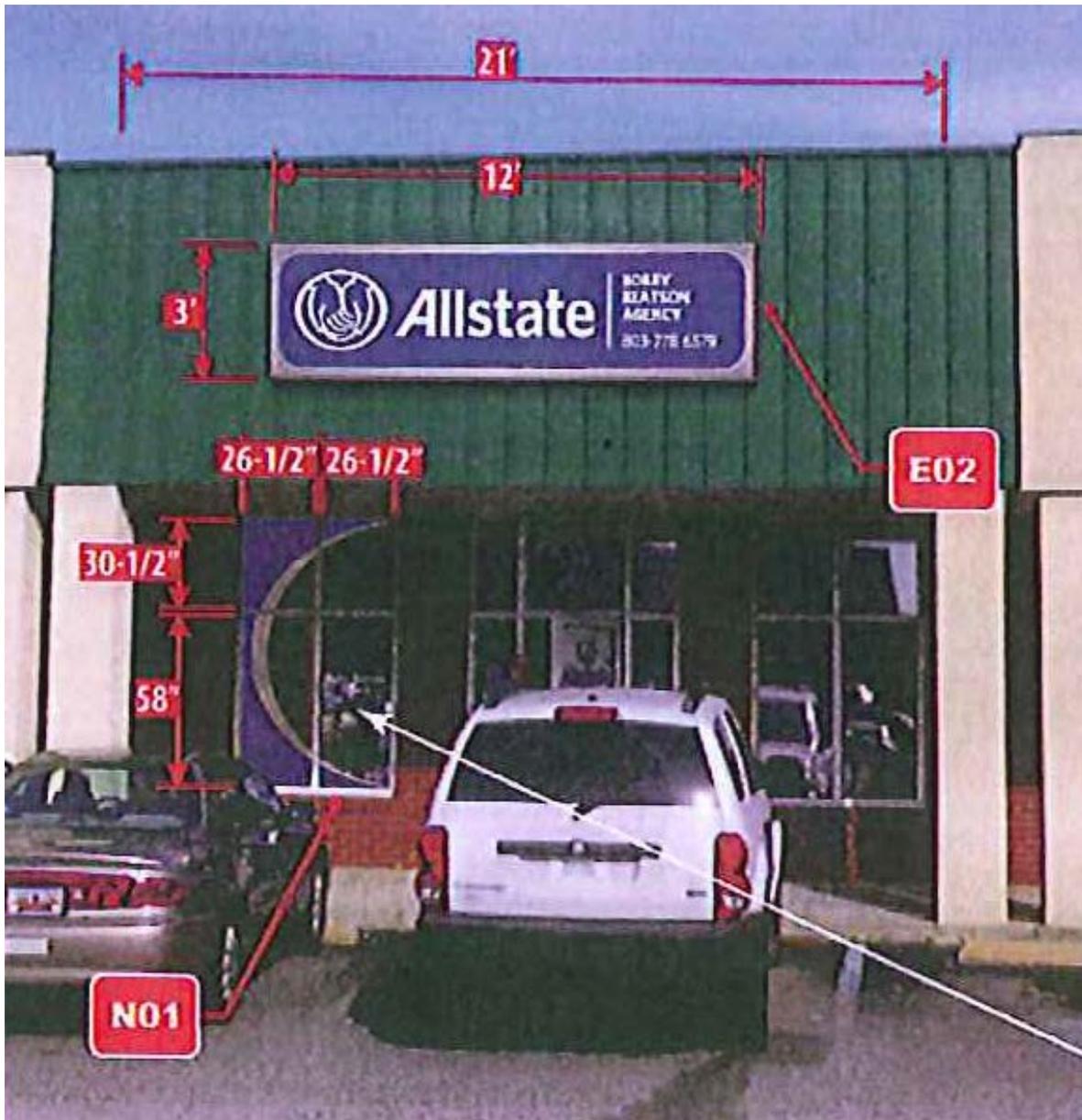


*Above: The Business Location*

*The Proposed Signage, which has already been installed on the Building, is shown below.*

*Pictured Below: Front Door with Tinted Film inside and Letters Placed on Outside of Door (16.6sqft)*





*Pictured Above: Top Main Sign (36sqft) already been approved and permitted.. The Red NO 1 BOX is a 32.24 Vinyl Window Swoosh Flag.*

The General Commercial (GC) zoning district signage regulations are outlined in **Article 8, Section H** and **Exhibit 8-5**. As per Exhibit 8-5, the maximum wall signage is 10% of the front wall area. This tenant space is allowed 37.8 sq. ft. of wall signage. The upper main Allstate Sign has been permitted (36 sq. ft.). This leaves this business with 1.8 sq. ft. of wall signage. The applicant is requesting to allow the front door signage (16sq.ft.) and the Swoosh flag on the window (32 sq. ft.) for a total of 48 sq. ft. Therefore, the applicant is requesting an additional 48 sq. ft. of wall signage over the 37.8 maximum allowed for his business.

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

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

*This property has no extraordinary or exceptional conditions. This business is located in a commercial strip retail/professional center. These are all over the City in different locations. Property and tenant space is consistent with other retail/office commercial strip centers.*

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

*These conditions and regulations apply across the City Limits to every commercial strip center like this one. All General Commercial zoned properties are restricted to 10% of their front wall area. They are all required to meet the same sign regulations in the City's Zoning Ordinance.*

- 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.***

*The City Sign Ordinance does not prohibit the use of signs on the walls of this business; it just restricts the combined size of them. There is still sufficient sign square footage for this business. The Corporate sign requirements have to comply with local sign regulations.*

- 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 properties, but it could possibly harm the character of the district. There are established sign regulations restricting the size of signs businesses can have for the purpose of maintaining and enhancing the aesthetics of the community. This could be setting a precedence for other businesses to request the same.*

### **IV. STAFF RECOMMENDATION**

Staff recommends denial of this request because it does not meet all of the four part hardship criteria as set forth in the City's Zoning Ordinance.

### **V. DRAFT MOTIONS FOR BOA-14-12**

- A. I move that the Zoning Board of Appeals deny BOA-15-12, subject to the findings of fact and conclusions contained in the draft order, dated September 9, 2015 attached as Exhibit 1.

B. I move that the Zoning Board of Appeals approve BOA-15-12, 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 – SEPTEMBER 9, 2015**

The Sumter Board of Zoning Appeals at its meeting on Wednesday, September 9 2015, voted to approve this request subject to the findings of fact and conclusions contained in the draft order dated September 9, 2015.

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

**BOA-15-12, 389 Rast Street (City)**  
**September 9, 2015**

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Date Filed: September 9, 2015

Permit Case No. BOA-15-12

The Board of Zoning Appeals held a public hearing on Wednesday, September 9, 2015 to consider the appeal of Robert G. Beatson, Jr., 389 Rast 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 no extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

*This property has no extraordinary or exceptional conditions. This business is located in a commercial strip retail/professional center. These are all over the City in different locations. Property and tenant space is consistent with other retail/office commercial strip centers.*

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:

*These conditions and regulations apply across the City Limits to every commercial strip center like this one. All General Commercial zoned properties are restricted to 10% of their front wall area. They are all required to meet the same sign regulations in the City's Zoning Ordinance.*

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 City Sign Ordinance does not prohibit the use of signs on the walls of this business; it just restricts the combined size of them. There is still sufficient sign square footage for this business. The Corporate sign requirements have to comply with local sign regulations.*

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 properties, but it could possibly harm the character of the district. There are established sign regulations restricting the size of signs businesses can have for the purpose of maintaining and enhancing the aesthetics of the community. This could be setting a precedence for other businesses to request the same.

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.**