Sumter City-County Board of Zoning Appeals

May 8, 2024

BOA-24-12, 4672 Broad St. (County)

The applicant (Sunny Wise) is requesting a variance from the minimum off-street parking requirements outlined in Article 8, *Exhibit 23: Off-Street Parking Requirements for Non-Residential Uses* of the Sumter County Zoning & Development Standards Ordinance and any other variances required to establish a hookah lounge (with no on-site consumption of alcoholic beverages) within existing tenant space of the multi-tenant commercial building on the property. The property is located at 4672 Broad St., is zoned General Commercial (GC), and is represented by TMS# 155-08-02-003.

Sumter
SOUTH CAROLINA

Appeals - Variance - Special Exception

Sumter City-County
Zoning Board of Appeals

May 8, 2024

BOA-24-12, 4672 Broad St. (County)

I. THE REQUEST

Applicant: Suny Wise

Status of the Applicant: Authorized Agent

Request: The applicant (Sunny Wise) is requesting a variance from the minimum off-street parking requirements outlined in and any other variances required to establish a hookah lounge (with no on-site consumption of alcoholic beverages) within existing tenant space of the multi-tenant commercial building.

County Council District: District 1

Location: 4672 Broad St.

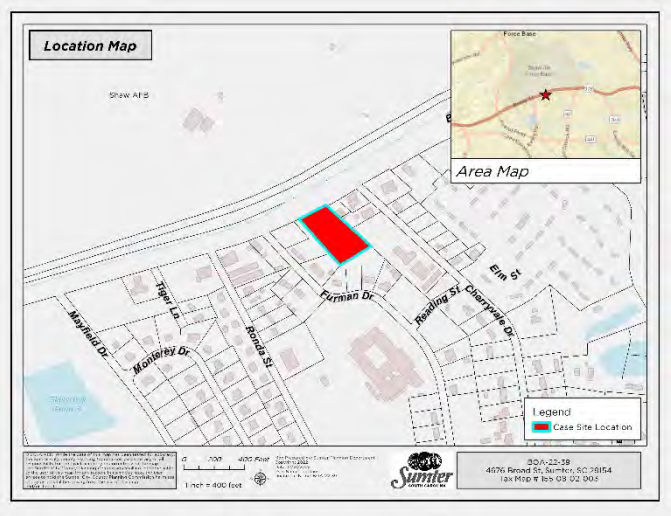
Present Use/Zoning: General Commercial (GC) and General Residential (GR) / Commercial Multi-Tenant Building

Tax Map Reference: 155-08-02-003

II. BACKGROUND

The applicant is requesting a variance to minimum off-street parking requirements in order to allow for the establishment of a hookah lounge (with no on-site consumption of alcoholic beverages) within a +/- 1,200 sq. ft. tenant space of a larger multi-tenant commercial building.

The property is located on the southside of Broad St. between Cherryvale Dr. and Furman Dr. and is shown in red on the location map to the right.



The property currently does not conform to minimum off-street parking requirements, and the requested use of this specific space will increase the degree of nonconformity. As such, an approval of a variance to minimum off-street parking requirements is required.

Above: 2024 Aerial Map

The multi-tenant building consists of +/- 10,650 sq. ft. of total floor area. The current business mix consists of existing restaurants, various beauty salon uses, a lessor of trucks, a car detailing business, and a real estate management office. This commercial property contains +/- 38 off-street parking spaces, as adjusted to account for U-Haul rental truck parking. Based on the current tenant mix, not including the proposed use, the required amount minimum off-street parking is **49 spaces**. Based on the tenant mix, including the proposed use, the required amount minimum off-street parking is **59 spaces**. These parking space numbers take into account the following:

- Previous variance approved under BOA-22-39 reducing the required amount of off-street parking by 14 spaces.

- The closure and apparent change of use for +/- 1,950 sq. ft. of tenant space previously used as a café, grill, and comedy lounge. It appears this space is now used by the U-Haul business and for "Put it Down, LLC" business management operations. Both uses require significantly less minimum off-street parking than compared to a café, grill, and comedy lounge.

The Zoning Administrator has determined that hookah lounges not classified as "Drinking Places" or "Bottle Clubs" via the definitions outlined in Article 10 still must comply with the minimum off-street parking requirements of these use types. As such, 1.2 spaces per 100 sq. ft. of gross floor area (GFA) is required.

The space proposed for the hookah lounge is currently licensed for a use requiring 1 space per 250 sq. ft. of GFA. Thus, an additional 10 spaces are required for the hookah lounge. This is the amount of variance being requested by the applicant. If approved, the total amount of relief provided to minimum off-street parking requirements would be 24 spaces taking into account the previous variance approval.

Staff notes that the following approval conditions were attached to previous variance approval under BOA-22-39:

1. No new businesses that have a required minimum off-street parking ratio of greater than space per 250 sq. ft. of GFA may locate on the property (TMS# 155-08-02-003), except were permitted by Article 6 of the Sumter County Zoning & Development Standards Ordinance.

2. The tenant space at 4676 Broad St. may not be expanded to accommodate a business that has a required minimum off-street parking ratio of greater than 1 space per 250 sq. ft. of GFA.

Staff is proposing modifications to these conditions due to the change in tenant mix, if the BOA makes the findings necessary for approval.

Ordinance Requirements:

Exhibit 23 – Off Street Parking Requirements for Non-Residential Land Uses

Non-Residential Land Uses	Required Off Street Parking Spaces Per Indicated Area
Eating Places, Drinking Places, Bottle Clubs, Night Clubs[1]	1.2 spaces per 100 sq. ft. of GFA

The Request:
The applicant is requesting a variance from the minimum off-street parking requirements outlined in *Article 8, Exhibit 23: Off Street Parking Requirements for Non-Residential Land Uses* of the Sumter

[1] The Zoning Administrator has determined that the proposed hookah lounge (with no on-site consumption of alcoholic beverages) falls within this grouping uses for determining the required amount of minimum off-street parking.

County Zoning & Development Standards Ordinance (the Ordinance) in order to permit +/- 1,200 of tenant space within the muti-tenant building on the property to be converted to a hookah lounge use.

III. FOUR PART TEST

In order to grant the requested variance, the request must meet all parts of a State-mandated four-part test. When reviewing a variance request, the Board may not grant a variance that would do the following:

- Allow the establishment of a use not otherwise permitted in a zoning district;
- Extend physically a nonconforming use of land;
- Change zoning district boundaries shown on the Sumter City-County Official Zoning Map.

The fact a property may be utilized more profitably should a variance be granted shall not be considered grounds for approving a variance request. In granting a variance, the Board may attach to it such conditions regarding location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to promote the public health, safety, or general welfare.

Staff Review:

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

   The commercial multi-tenant building and associated site improvements were constructed circa 1986, prior to the adoption of the current Ordinance.

   Based on the layout of the building in comparison to the side property boundaries, establishing additional parking at the rear of the building is not practical. Additionally, the property falls within two separate zoning districts, and in the event that demolition of a portion of the building was carried out to allow for access to the rear, rezoning the back portion of the property to a commercial district would be required.

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

   Multi-tenant commercial sites do not conform with current minimum off-street parking requirements and are fairly common in this area of Sumter County. However, most sites do have the land availability to construct some additional parking areas.

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 application of the Ordinance prohibits the applicant from locating a hookah lounge in their desired location.

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.* A non-conforming situation is already present on the property concerning minimum off-street parking. This situation is allowed to continue per Article 6 of the Ordinance. This request will increase the degree of non-conformity by 10 additional spaces.

   Staff notes that based on available street imagery and preliminary site research, there is not typically a high demand for parking on this property. The parking area typically functions at around ½ capacity during normal operating hours.

IV. STAFF RECOMMENDATION

If the Board of Zoning Appeals finds that criteria for approving this variance request have been satisfied, then staff recommends any approval be subject to the following conditions:

- No more than 3,900 sq. ft. of space within the multitenant building on the property may be used for uses that require more off-street parking than 1 space per 250 sq. ft. of gross floor area (GFA) under applicable requirements in place now or in the future.

- Previous BOA conditions pertaining as applied under BOA-23-29 are null and void.

V. DRAFT MOTIONS FOR BOA-24-12

1. I move the Zoning Board of Appeals **approve** BOA-24-12, subject to the findings of fact and conclusions developed by the BZA and so stated:

2. I move the Zoning Board of Appeals **deny** BOA-24-12, subject to the following findings of fact and conclusions:

3. I move the Zoning Board of Appeals enter an alternative motion for BOA-24-12.

VI. BOARD OF APPEALS – May 8, 2024

Location Map

Area Map

Tiger Ln
Furman Dr
Elm St
Reading St
Cherryvale Dr
Mayfield Dr
Monterey Dr
Ronda St
Glasscock Pond 3

Legend
Case Site Location

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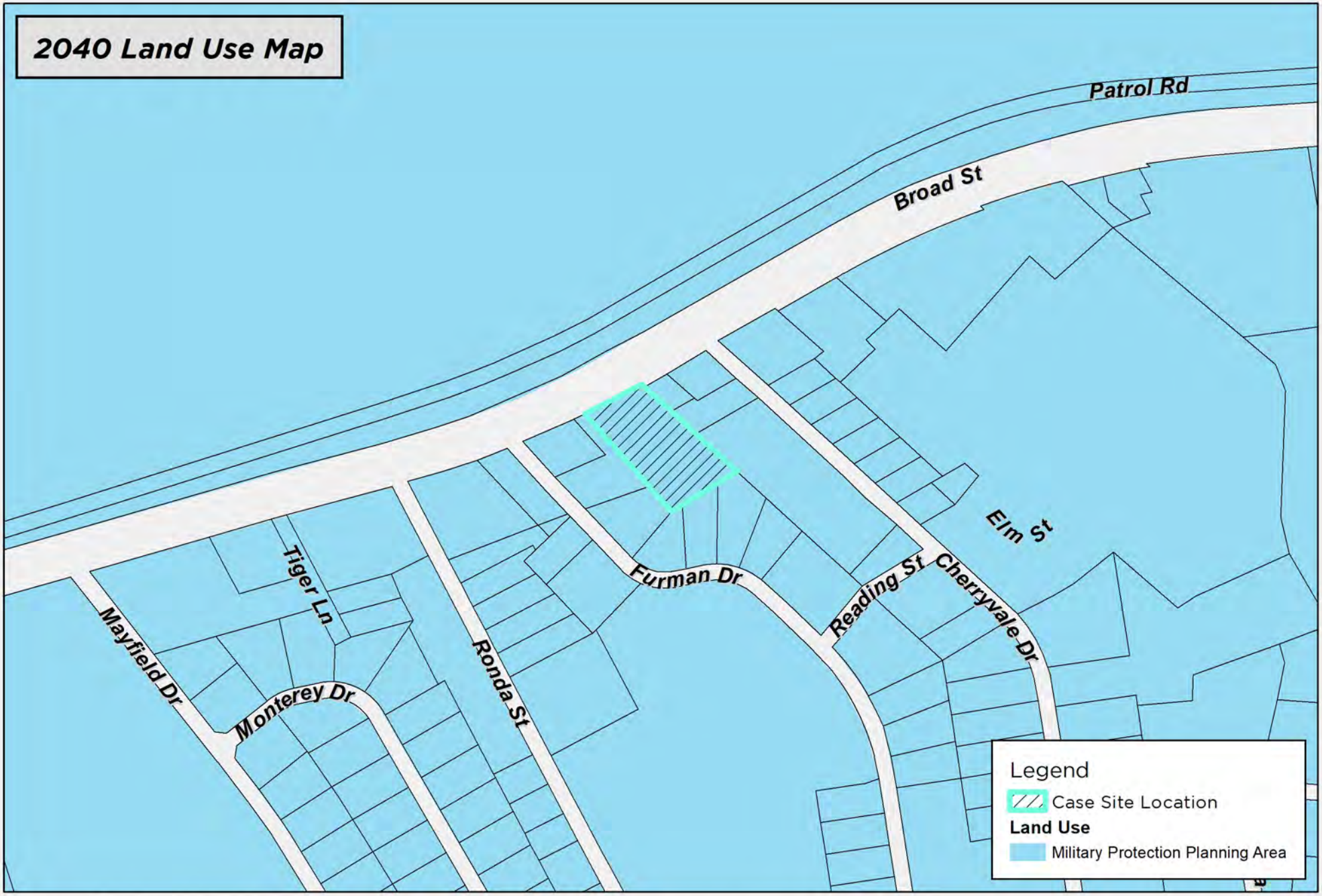
Document Name: BOA-24-12

Sumter SOUTH CAROLINA

BOA-24-12
4672 Broad St, Sumter, SC 29154
Tax Map # 155-08-02-003

2040 Land Use Map



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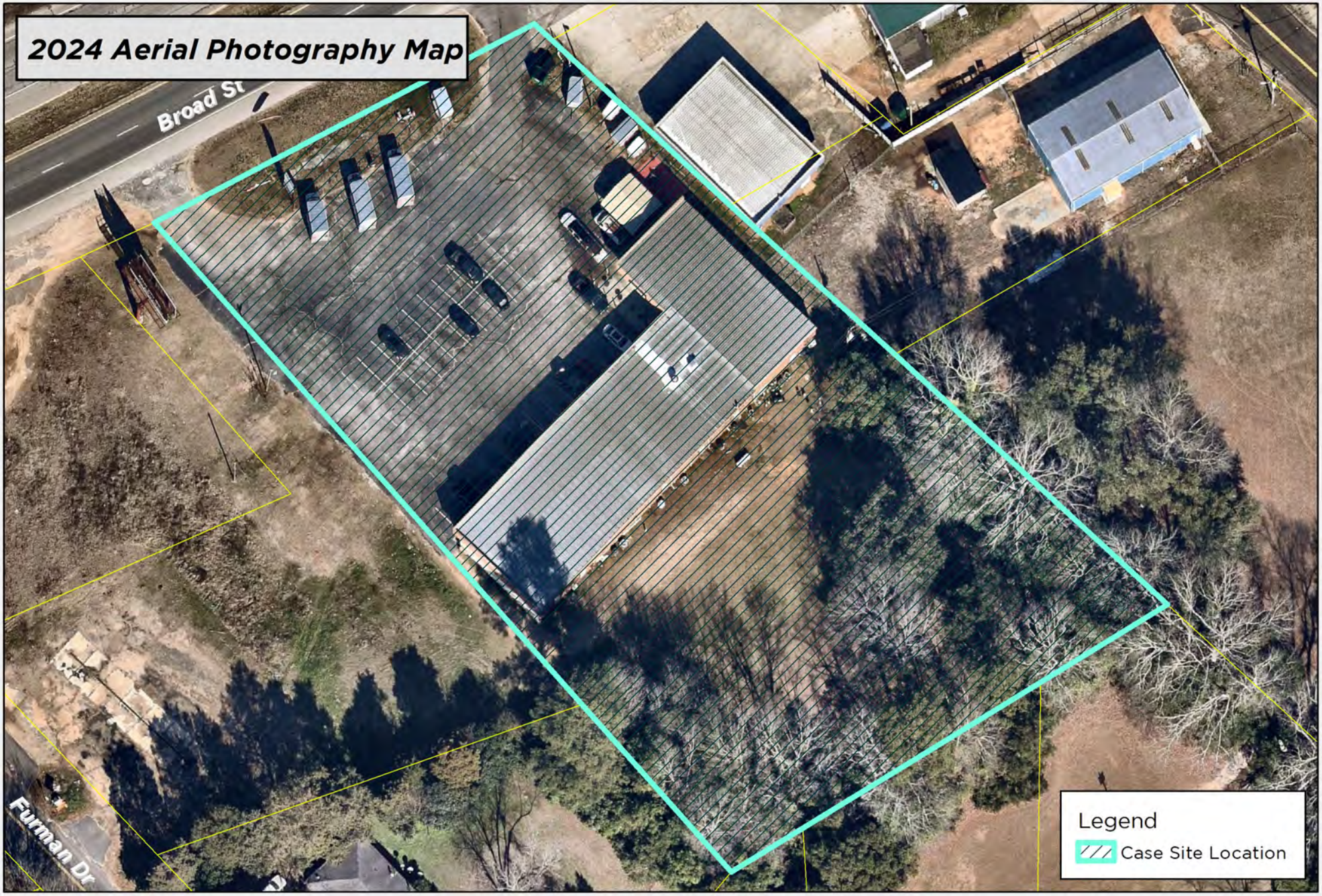
2024 Aerial Photography Map



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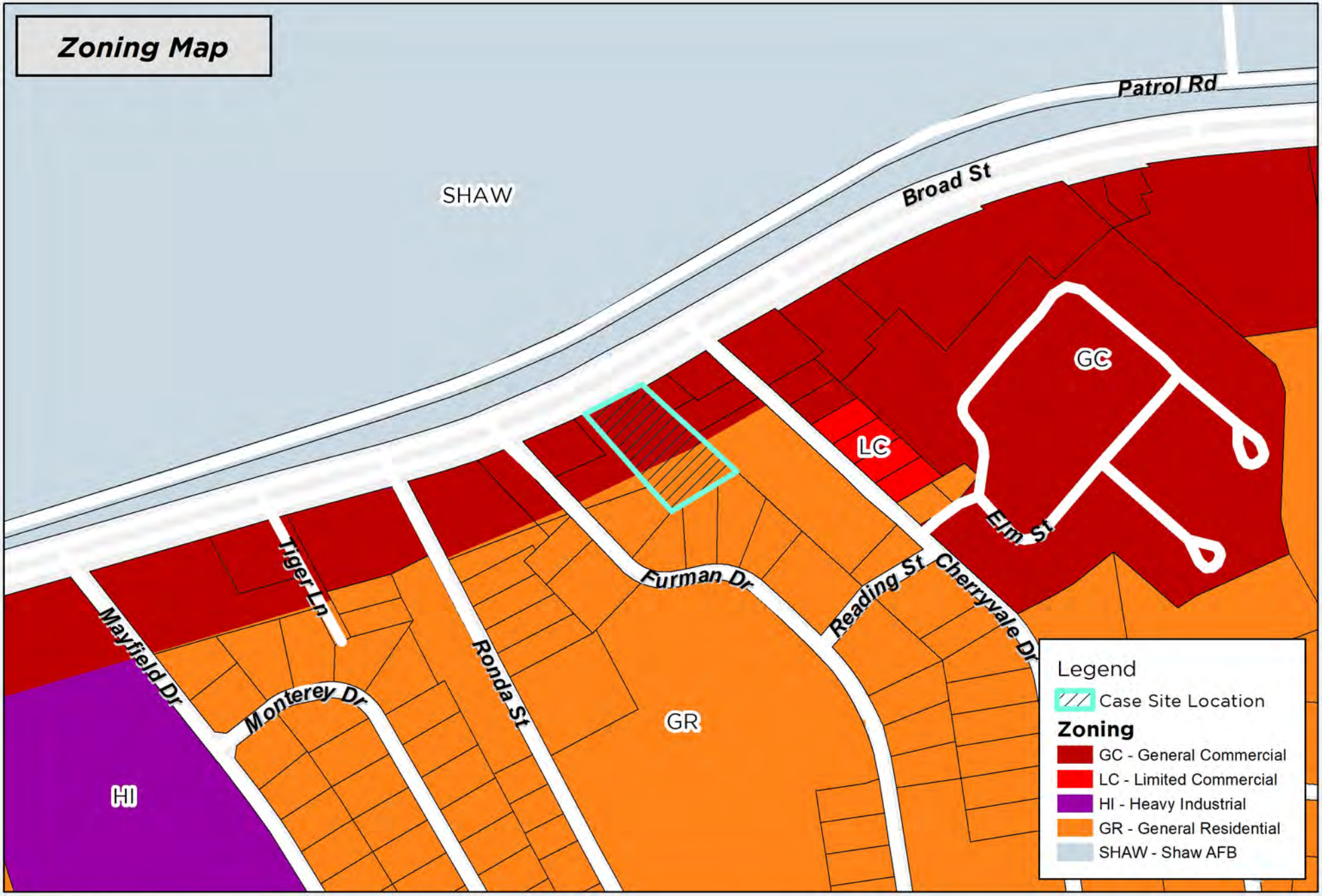

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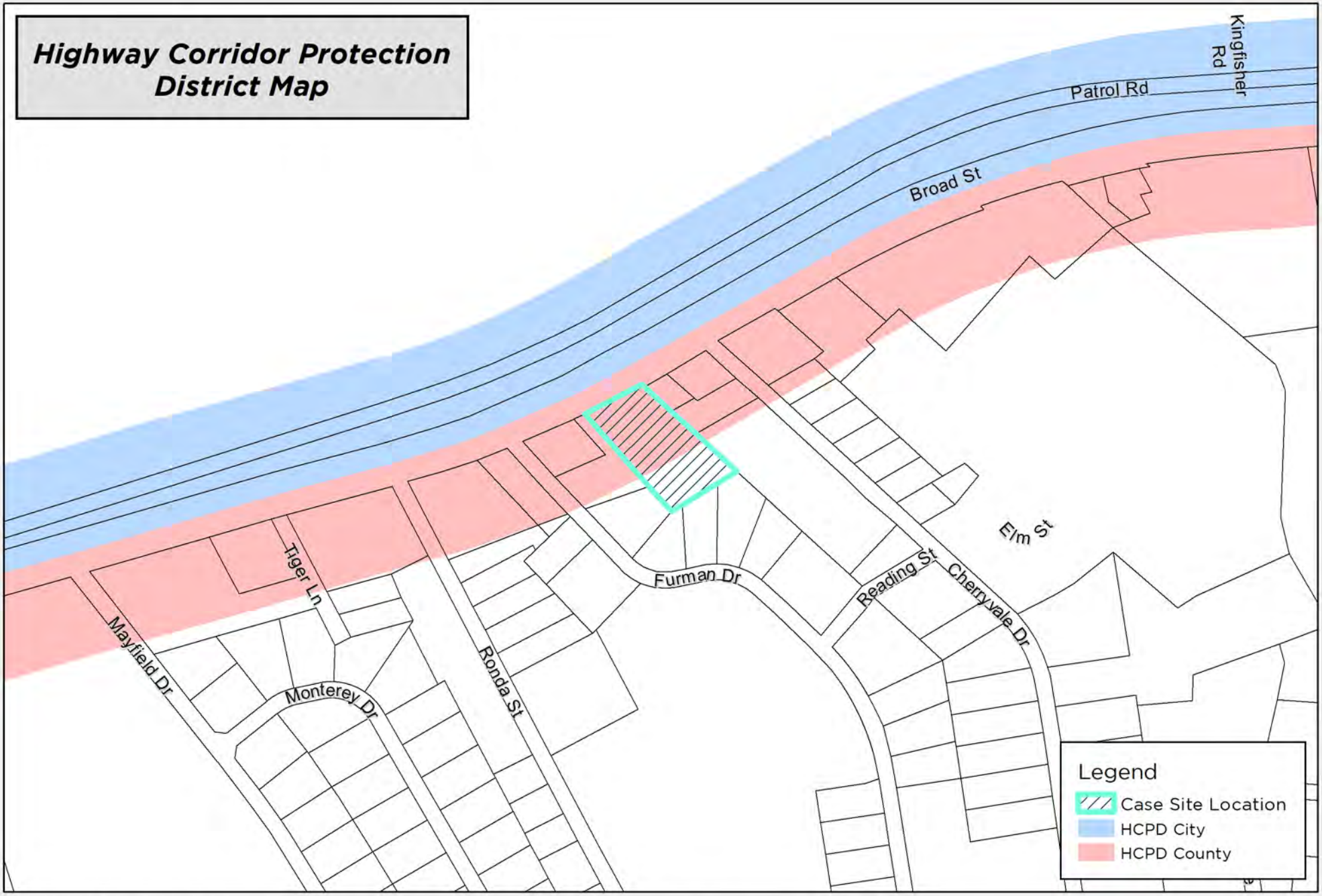
BOA-24-12
4672 Broad St, Sumter, SC 29154
Tax Map # 155-08-02-003

Highway Corridor Protection District Map



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