Sumter City-County Board of Zoning Appeals

September 11, 2024

BOA-24-33, 1029 Broad St. (City)

The applicant (Alameda 216 Investment, LLC) is requesting a variance from the minimum off-street parking requirements outlined in *Article 8, Exhibit 8-12: Off-Street Parking Requirements For Non-Residential Land Uses of the City of Sumter Zoning & Development Standards Ordinance* and any other variances as may be required in order to expand the footprint of a restaurant/eating place use within the existing building on the property. There are +/- 44 existing off-street parking spaces and 51 off-street parking spaces are required to accommodate the proposed expansion of restaurant/eating place space within the existing building. The property is located at 1029 Broad St., is zoned General Commercial (GC), and is represented by TMS# 229-01-01-002.

Sumter
SOUTH CAROLINA

Appeals - Variance - Special Exception

Sumter City-County
Zoning Board of Appeals

September 11, 2024

BOA-24-33, 1029 Broad St. (City)

I. THE REQUEST

Applicant: Alameda 216 Investment, LLC

Status of the Applicant: Property Owners

Request: Variance from the minimum off-street parking requirements in order to expand the footprint of a restaurant/eating place use within the existing building on the property.

City Council Ward: Ward 6

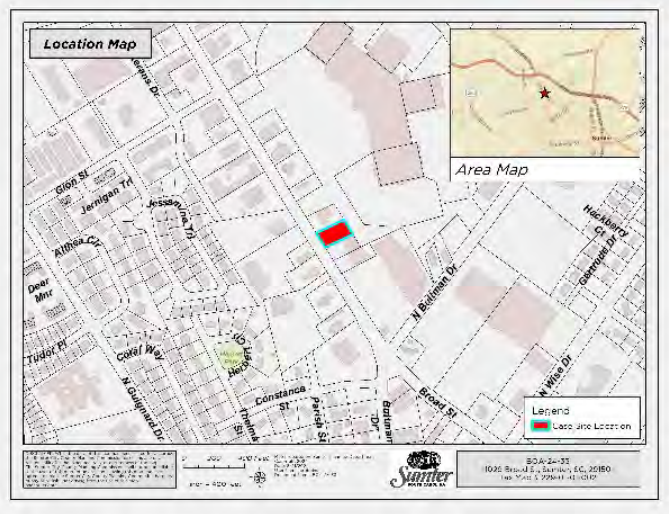
Location: 1029 Broad St.

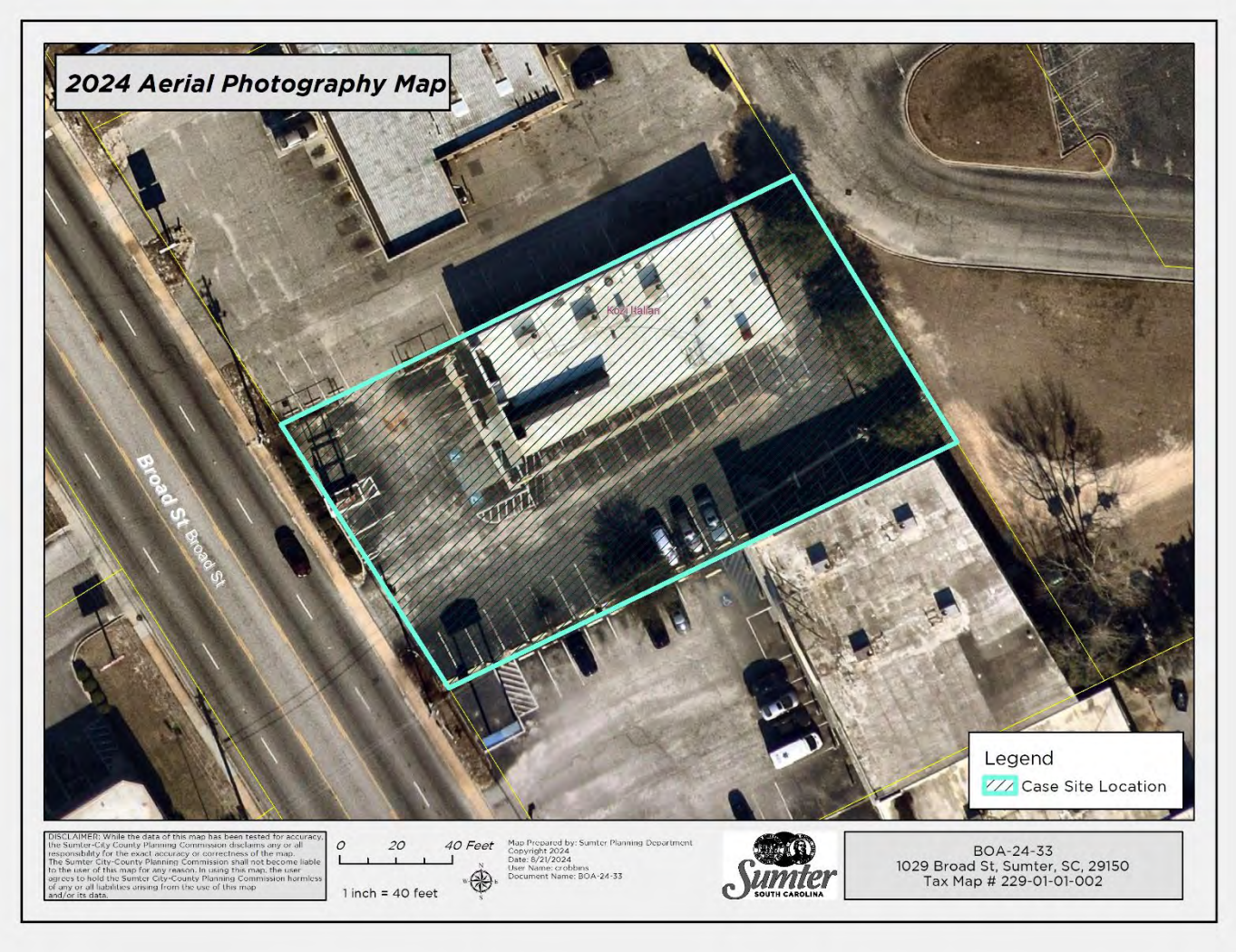
Present Use/Zoning: Restaurant, Vacant / General Commercial (GC)

Tax Map Reference: 229-01-01-002

II. BACKGROUND

The applicant (Alameda 216 Investment, LLC) is requesting a variance from the minimum off-street parking requirements outlined in *Article 8, Exhibit 8-12: Off-Street Parking Requirements for Non-Residential Land Uses* of the City of Sumter – Zoning & Development Standards Ordinance in order to expand the footprint of a restaurant/eating place use within the existing building on the property. The property is located on the north side of Broad St., just east of the Sumter Mall main entrance.





Above: *Aerial map*

The building located on the subject property is +/- 4,300 sq. ft. in size and is divided into two (2) separate tenant spaces. One (1) of the spaces is the location of a restaurant use, and the other space is vacant with last use of the space being a financial office. The applicant is proposing to expand the restaurant use into the vacant tenant space in order dedicate the entirety of the building for restaurant use. The existing site has +/- 44[1] spaces. This number is accounting for recent spaces added at the rear of the site. Based on the area dedicated to restaurant use, 51 parking spaces are required. A variance is required as the site does not have enough parking stalls to meet minimum requirements.

Property & Case History

The site was developed in 1972, prior to the current development standards. At that time, the entire structure served as a restaurant. In the early 2000s the site became vacant and remained so until approximately 2009. Because the site was nonconforming, subject to a discontinuance,

[1] BOA legal ad mistakenly referenced +/- 46 existing parking spaces.

Prior to re-occupancy in 2009, parking and landscaping variances were granted for the site so that it could reopen as another restaurant use (BOA-09-26). Ultimately the end user receiving variance approval did not reoccupy the building.

By 2014, the building owner acquired permits and split the building into two tenant spaces, making the parking variances granted in 2009 moot as the division of the building decreased the parking requirement for the entire structure, bringing it into alignment with ordinance standards. This new parking variance request is being brought forward because the owners seek to convert the entire structure back into a single restaurant space.

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[2]	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 8-12: Off-Street Parking Requirements for Non-Residential Land Uses* of the City of Sumter Zoning & Development Standards Ordinance in order to expand the footprint of a restaurant/eating place use within the existing building on the property. There are +/- 44 existing off-street parking spaces and 51 off-street parking spaces are required to accommodate the proposed expansion of restaurant/eating place space within the existing building.

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 public health, safety, or general welfare.

Staff Review:

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

   The structure and site development date back to 1972, prior to adoption of the current Ordinance. As such, the site is nonconforming with respect to site development standards. Historically the entire site was used as a restaurant, however changes in the 2010s converted the structure into two tenant spaces. The owners seek to reestablish the historic use of the entire building.

   The site is similar to many other locations in the immediate area, many of which predate the current standards, however; it is the only one that was historically used as an eating place. Like many lots on Broad Street, this lot is narrow, and the building takes up a substantial proportion of the property. Because of existing adjacent development and uses, there is nowhere available to provide the additional 7 parking spaces required by the current ordinance.

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

   Other properties in the vicinity are likewise impacted by the current development standards as they are also nonconforming with respect to site development standards. However, the adjacent properties are used for retail purposes, which have a significantly smaller parking requirement than that of an eating place.

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.*

   There is no space available to provide the 7 required spaces needed to convert the entire structure back into an eating place. Without a variance, the number of available parking spaces significantly limits the utility of the building without complete site demolition and rebuild. Even if the site were to be demolished and redeveloped, it is likely that site development variances would be necessary due to the parcel size and shape.

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.*

   Significant sections of the Broad Street corridor are nonconforming to current development standards. As those sites change ownership and uses, sites are constantly evaluated for conformance with the development standards. In situations such as these, where it is

physically impossible to comply with the development standards, Article 6 addresses how to handle these nonconforming sites of record. It is the intent of Article 6 to have the Board of Appeals evaluate these variances and to review and evaluate the impacts of the request.

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:

- Previous BOA conditions pertaining as applied under BOA 09-12 and all revisions are null and void.

V. DRAFT MOTIONS for BOA-24-33

1. I move the Zoning Board of Appeals **approve** BOA-24-33 based on the following findings of fact and conclusions:

2. I move the Zoning Board of Appeals **deny** BOA-24-33 based on the following findings of fact and conclusions:

3. I move the Zoning Board of Appeals enter an alternative motion for BOA-24-33.

VI. ZONING BOARD OF APPEALS – September 11, 2024

Location Map

Area Map

DISCLAIMER: While the data of this map has been tested for accuracy, the Sumter-City County Planning Commission disclaims any or all responsibility for the exact accuracy or correctness of the map. The Sumter City-County Planning Commission shall not become liable to the user of this map for any reason. In using this map, the user agrees to hold the Sumter City-County Planning Commission harmless of any or all liabilities arising from the use of this map and/or its data.

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1 inch = 400 feet

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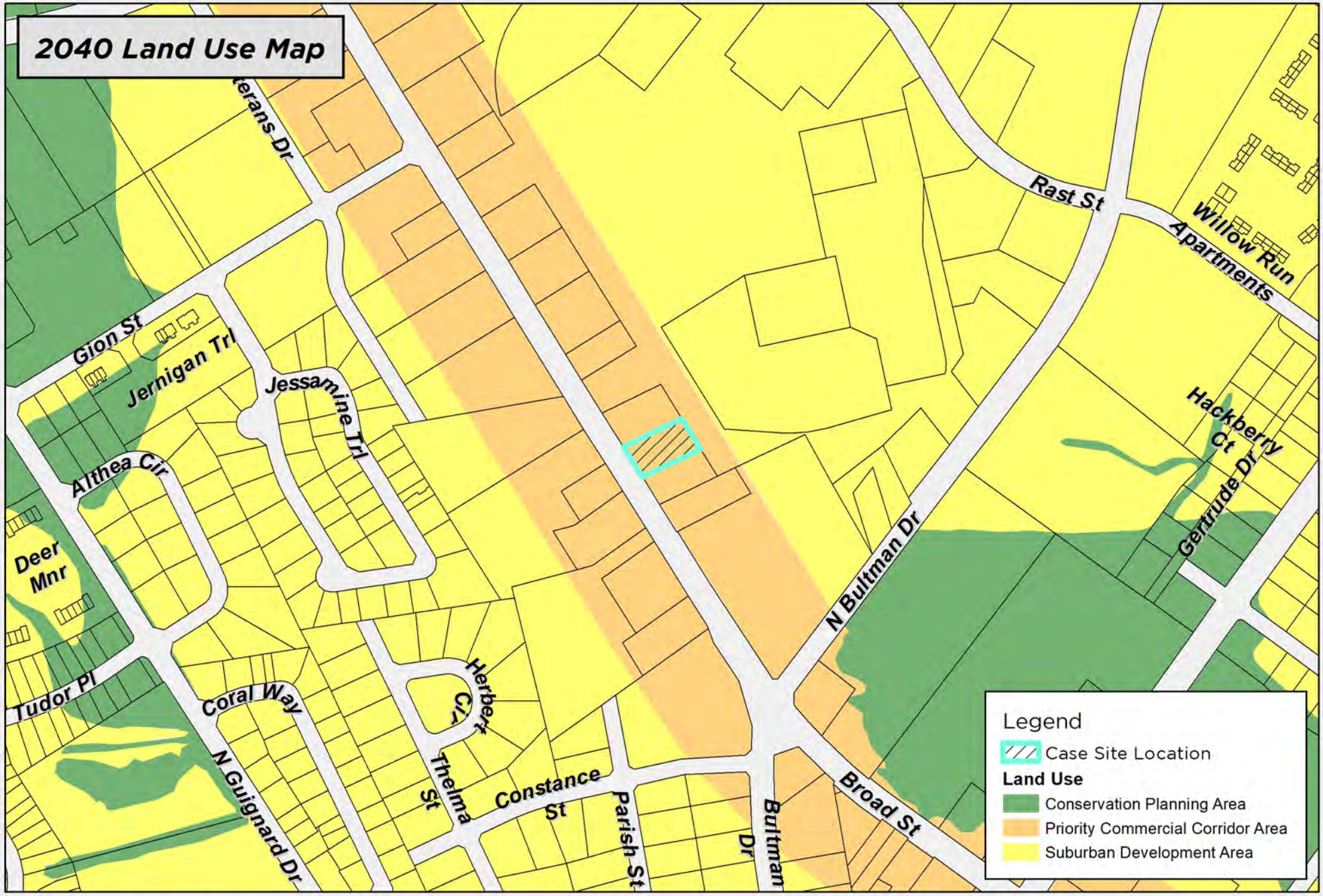
Sumter SOUTH CAROLINA

BOA-24-33
1029 Broad St, Sumter, SC, 29150
Tax Map # 229-01-01-002



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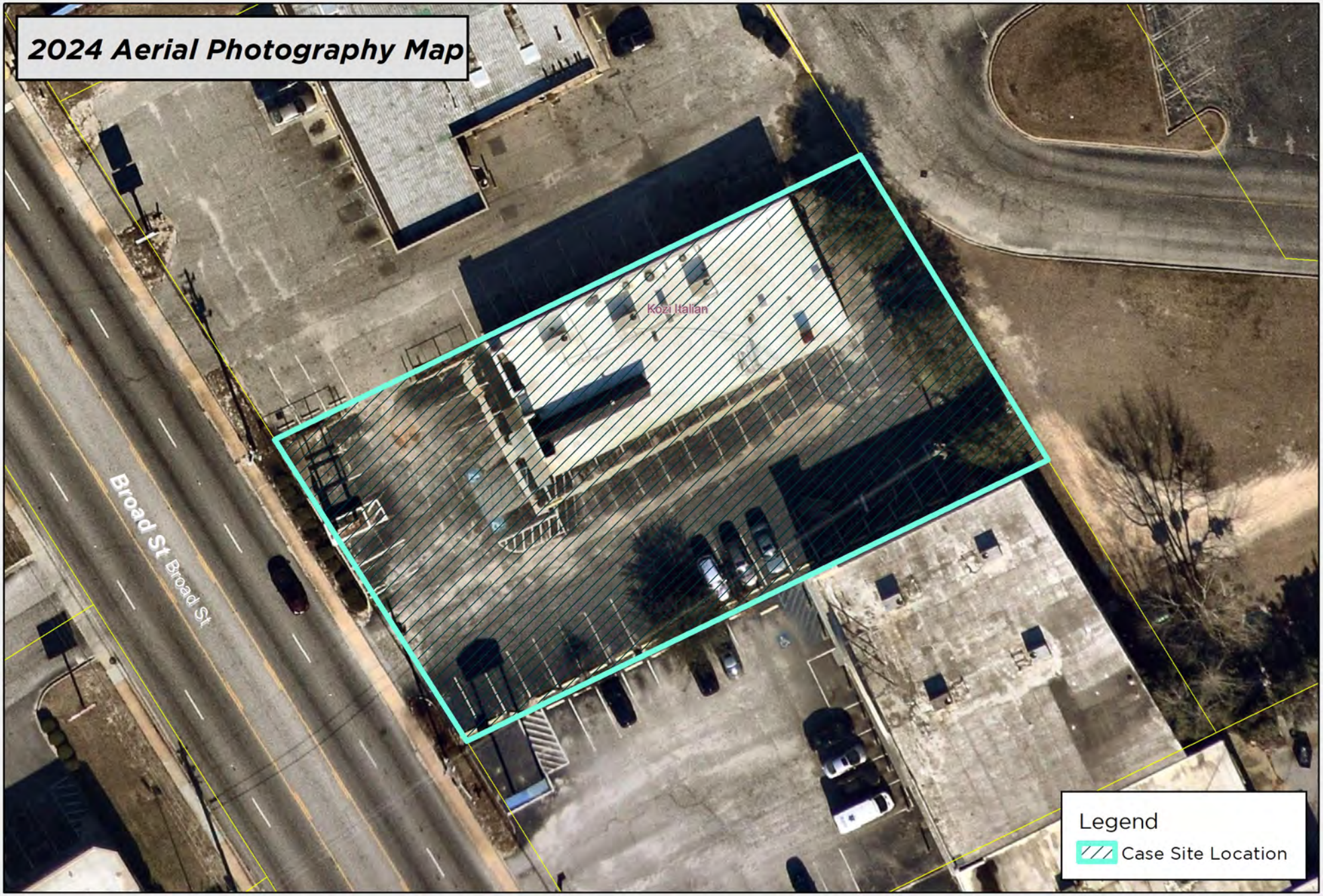
2024 Aerial Photography Map



Legend

Case Site Location

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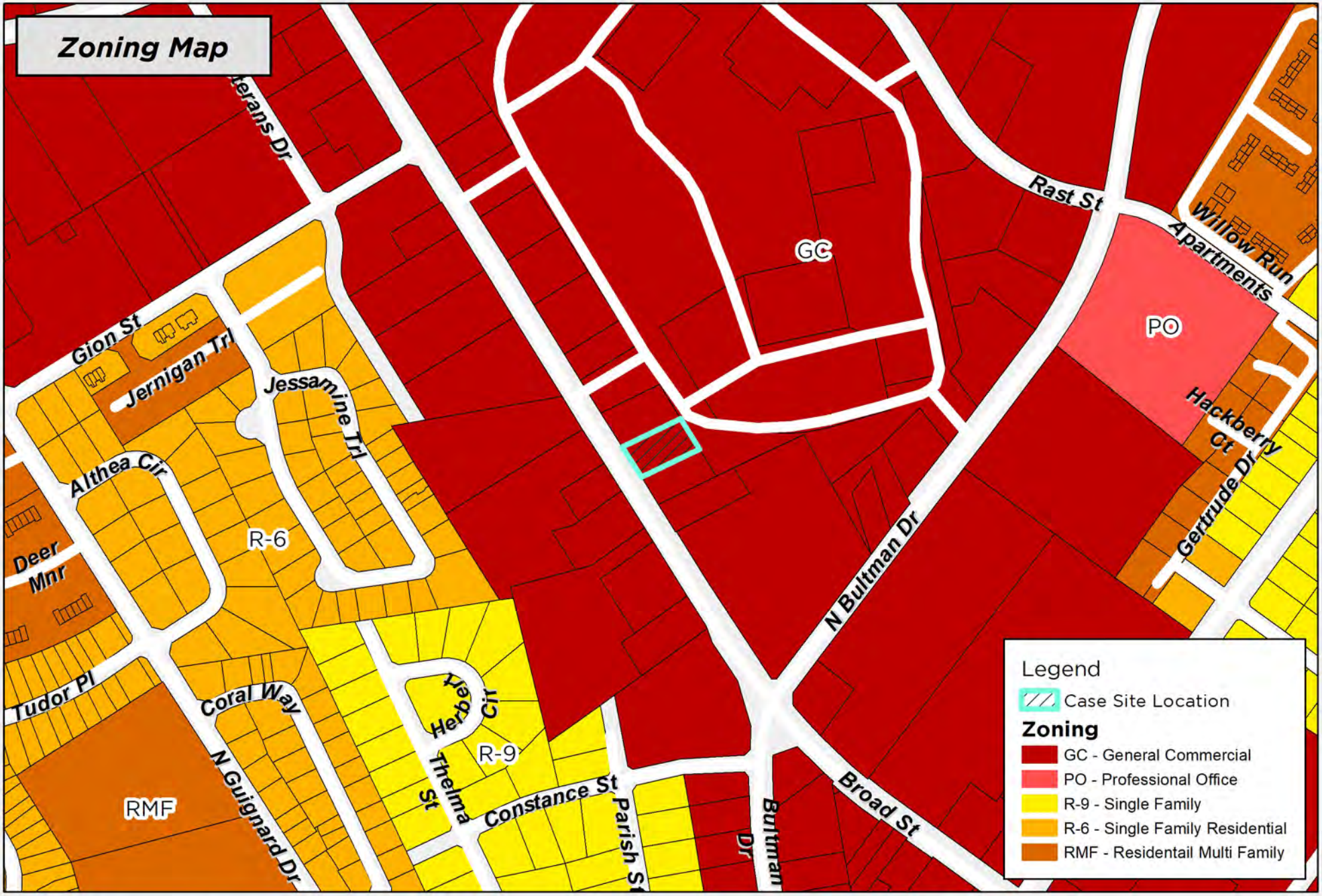

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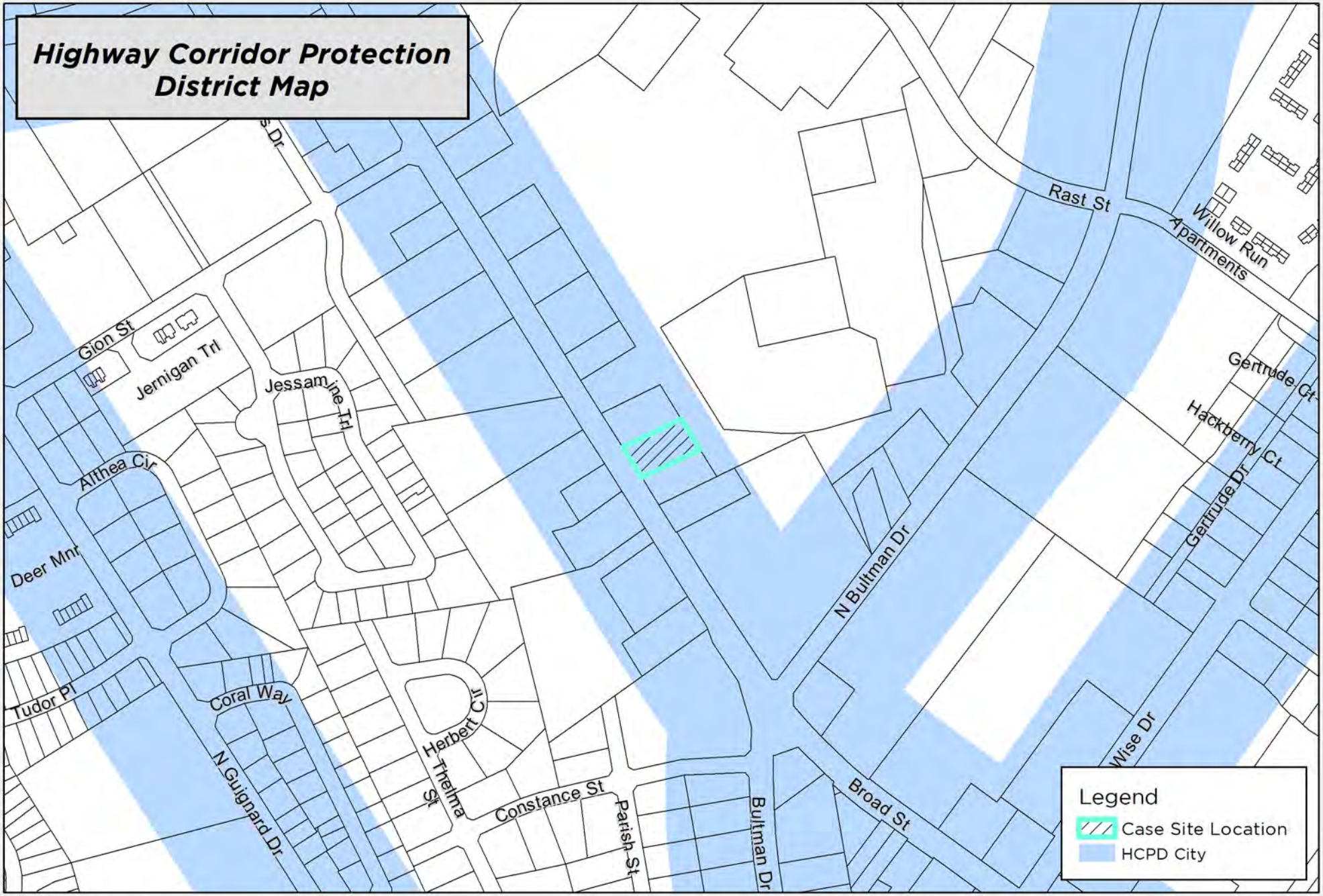
Highway Corridor Protection District Map



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