

Sumter City-County Zoning Board of Appeals

January 8, 2025

BOA-24-43, 667-675 W. Liberty St. (City)

The applicant (SJD Holdings, 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 (the "Ordinance") and variances from the free standing sign setback requirements outlined in *Article 8.h.2.f.: General Provisions* and *Article 8, Exhibit 8-8: Permanent Sign Development Standards* of the Zoning Ordinance, and any other variances as may be required in order to allow for the establishment/expansion of a restaurant/eating place and full range of retail uses on a nonconforming site and to allow for significant improvements or reestablishment of the existing free-standing sign in its current location. The property is located at 667, 669, 671, 673, & 675 w. Liberty St., is zoned General Commercial (GC), and is represented by TMS#s 228-10-02-055 & 228-10-02-056.



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

January 8, 2025

BOA-24-43, 667-675 W. Liberty St. (City)

I. THE REQUEST

Applicant: SJD Holdings, LLC

Status of the Applicant: Authorized Agent

Request: Variances from minimum off-street parking and free-standing sign setback requirements.

City Council Ward: Ward 4

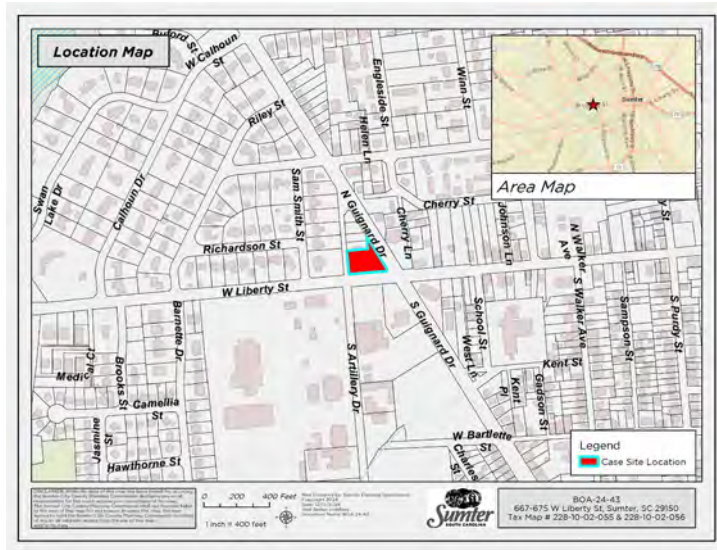
Location: 667-675 W. Liberty St.

Present Use/Zoning: Commercial / General Commercial (GC)

Tax Map Reference: 228-10-02-055 & 228-10-02-056

II. BACKGROUND

The applicant is requesting variances to minimum off-street parking standards and free-standing sign setback requirements in order to allow for the establishment/expansion of a restaurant/eating place use at 667 W. Liberty St., to allow for a full range of retail uses to be established at 669-675 W. Liberty St., and to allow for significant improvements to, or reestablishment of, an existing free-standing sign located at the corner of N. Guignard Dr. and W. Liberty St.



The property is located at the northwest corner of W. Liberty St. and N. Guignard, has tertiary frontage on S. Artillery St., and is shown in red on the location map above. The property consists of 2 separate parcels, TMS# 228-10-02-055 and TMS# 228-10-02-056, and is reflected best on the plat prepared by Lindler Surveying, Inc., dated March 3, 2022 that is recorded in Plat Book:

2022, Page: 101 at the Sumter County Register of Deeds. This plat is enclosed with this report as Exhibit 1.

The applicant obtained the property at TMS# 228-10-02-055 in May 2022 and the property at TMS# 228-10-02-056 in September 2022. While constituting 2 separate lots of record, the property now functions as a cohesive multi-tenant development with shared parking in accordance with minor restriping and improvements made by the applicant. The applicant is seeking to increase the long-term marketability of the property by addressing certain historic non-conforming features, including parking and signage.

TMS# 228-10-02-055 (669-675 W. Liberty St.) has 24 existing parking spaces. TMS# 228-10-02-056 (667 W. Liberty St.) has 14 existing parking spaces. In total, there are 38 existing parking spaces on the combined subject property.

The applicant desires to fully use the building addressed as 667 W. Liberty St. as a restaurant. Only a portion of this building retains non-conformity protections under *Article 6* for a restaurant use. The full use of the building as a restaurant triggers full compliance with current parking standards, which is not possible under existing conditions. Further, the applicant desires to market the building addressed as 669-675 W. Liberty St. for a full range of retail uses that have off-street parking standards equal to or less than 1 space per 250 sq. ft. of Gross Floor Area (GFA) as outlined in *Article 8, Exhibit 8-12*. Currently, the building contains a mix of general retail, specialty retail, and office uses. A portion of the uses currently occupying the building require less parking than a general retail use would. New general retail uses coming into tenant spaces previously occupied by uses with less intensive parking requirements will eventually trigger full compliance with parking standards, which again cannot be accommodated for on the property under existing conditions. The table below outlines the off-street parking shortfalls for each parcel and the property as a whole:

Figure 1: Required Off-Street Parking for Desired End Use

	Existing Spaces	Required Spaces For Desired Use	Off-Street Parking Shortfall
TMS# 228-10-02-055 General Retail (Entire Building Area)	24	39	15
TMS# 228-10-02-056 Restaurant	14	19	5
Combined Property	38	58	20

Additionally, the applicant is planning to make significant modifications to the existing monopole free-standing sign located at the corner of N. Guignard Dr. and W. Liberty. This sign is non-conforming to the current 10 ft. free-standing sign setback requirement. The amount of modification proposed triggers full compliance with Ordinance requirement, pursuant to *Article 8.h.2.f*. Modifications include replacing the existing sign cabinet only, while keeping the existing pole intact. No further encroachment in the required setback area is proposed, and the proposed

new cabinet will have small area than that of the existing sign. A description of the proposed sign improvements are enclosed in this report as Exhibit 2.

Figure 2: Site Layout Graphic



Above: Picture of 667 W. Liberty St. Building



Above: Picture of 669-675 W. Liberty St. Building



Above: Picture of non-conforming monopole free-standing sign

Ordinance Requirements:

Article 8.h.2: General Provisions

- f. Require all on-premise non-conforming signs on a zoned lot to come into compliance with the Sign Ordinance when abandoned or when the costs of repairs or replacement of any such signs are beyond 50% of their replacement costs, regardless of any other provisions established elsewhere for amortization;

Article 8, Exhibit 8-8: Permanent Sign Development Standards By Zoning District

Zoning District	Max. Area of Free-Standing Sign	Height	Front/Side Setbacks	Percentage of Wall Area Maximum
General Commercial (GC)	1 sq. ft. per linear foot of street frontage Not to Exceed 200 sq. ft.	30 ft.	10 ft.	10%

Article 8, Exhibit 8-12: Off-Street Parking Requirements For Non-Residential Land Uses

Eating Places (Restaurants)	1.2 spaces per 100 sq. ft. of GFA
General Retail Uses	1 space per 250 sq. ft. of GFA

The Request:

The applicant (SJD Holdings, 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 (the “Zoning Ordinance”) and variances from the free standing sign setback requirements outlined in *Article 8.h.2.f.: General Provisions* and *Article 8, Exhibit 8-8: Permanent Sign Development Standards* of the Zoning Ordinance, and any other variances as may be required in order to allow for the establishment of a restaurant/eating place and full range of retail uses on a nonconforming site and to allow for significant improvements or reestablishment of the existing free-standing sign in its current location.

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 property was originally developed from the mid 1960’s to the early 1970’s based on available county tax records. As such, it is non-conforming to city development standards. Both parcels were developed separately from one another but share a connected internal parking area. It is noted that previous owners striped in parking spaces and placed concrete curb stops to block vehicular access across property lines.

The applicant, who has control over both parcels, is making parking area improvements so that the property functions as a cohesive site, to the extent possible. This includes allowing shared parking and removing the prior parking space striping and curb stops that were blocking access across both parcels. There is limited space for the provision of additional off-street parking and limited space for adjusting the location of the free-standing sign to meet a 10 ft. setback requirement without impacting parking and internal access movements.

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

While non-conforming commercial sites exist in other places throughout the City, the size of the property, the multi-tenant nature of the property, and the fact that it has frontage on 3 separate streets are unique characteristics.

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 conditions prevent the applicant from 1) using the full area of the building at 667 W. Liberty St. for a restaurant use, 2) using the full area of the building at 669-675 W. Liberty St. for general retail use, and 3) and improving an existing non-conforming sign.

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.*

The property itself will facilitate safer and efficient travel when treated as a consolidated site. Currently, there are multiple ingress-egress points for the property on both N. Guignard Dr. and W. Liberty St. Efforts to address this matter should be considered when allowing for uses that may induce additional traffic impact. In this regard, it is not anticipated that the authorization of the requested minimum off-street parking variance will result in substantial determinant to adjacent property, substantial detriment to the public good, or harm to the character of the district provided the applicant is willing to work with Planning Staff and SCDOT to establish a consolidated access plan for both properties to be implemented as part of separate near term transportation improvement projects scheduled for the W. Liberty St. and N. Guignard Dr. corridors. Further, it is anticipated that parking demands for potential future uses will be offset by differing peak operation hours and the allowance of shared parking across both parcels.

It is not anticipated that the authorization of the requested minimum free-standing sign setback variance will result in substantial determinant to adjacent property, substantial detriment to the public good, or harm to the character of the district. The proposed new sign cabinet will be smaller than the combined sign cabinet area that currently exists. Further, compliance with the required free-standing sign setback has the potential to impact parking and internal site access movements.

IV. STAFF RECOMMENDATION

Staff recommends that the following conditions be placed upon an approval of the requested variances, *if* the Board finds that all necessary criteria have been met.

1. The applicant shall work with Planning Staff and SCDOT to establish a consolidated site access plan as part of programmed transportation improvement projects along the W. Liberty St. corridor and at the intersection of W. Liberty St. and N. Guignard Dr.

2. No uses the require more parking than 1 space per 250 sq. ft. of Gross Floor Area (GFA) shall be permitted within the building on TMS# 229-10-02-055.
3. The new free-standing sign cabinet shall not encroach any further into the setback area than the current sign and shall not encroach into any area of street right-of-way.

V. DRAFT MOTIONS FOR BOA-24-45

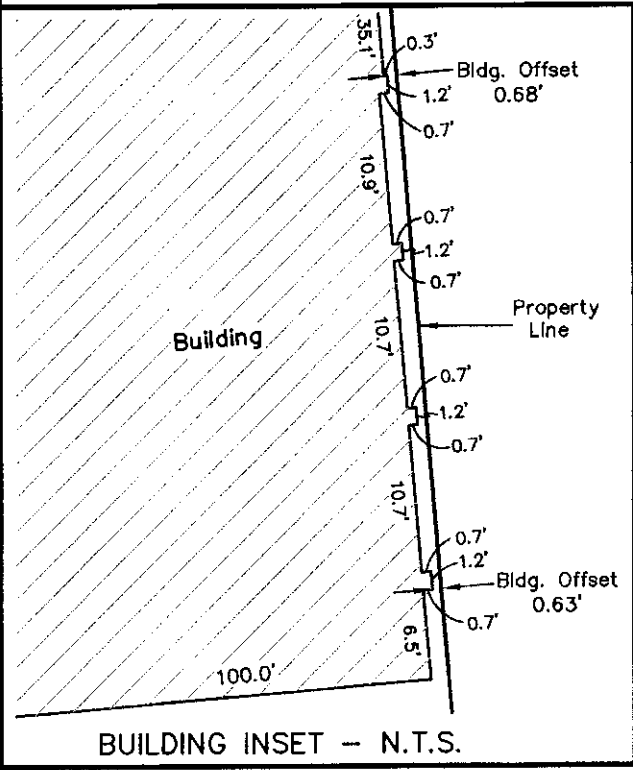
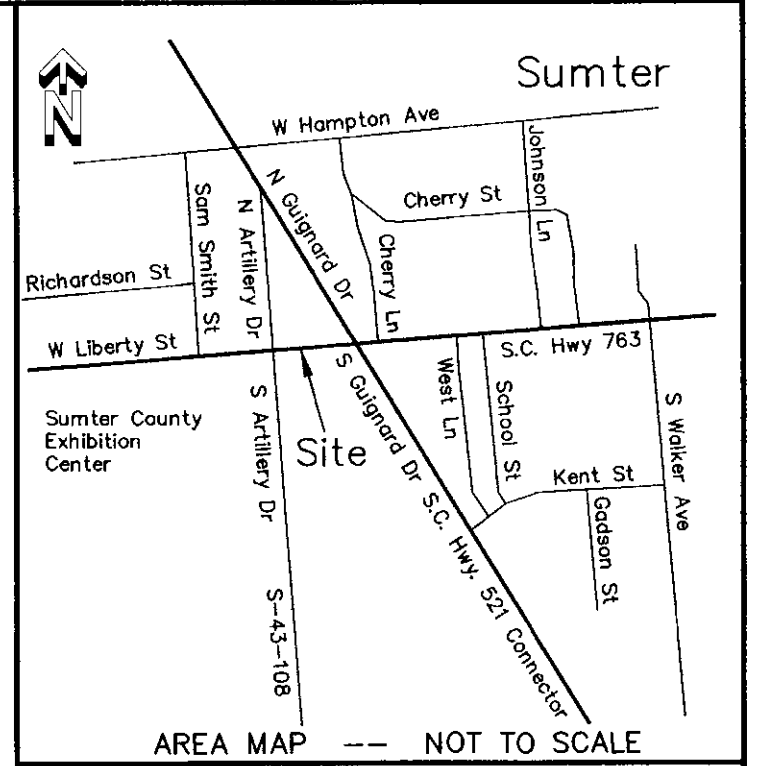
1. I move the Zoning Board of Appeals **approved** BOA-24-45, subject to the findings of fact and conclusions developed by the BZA and so stated:
2. I move the Zoning Board of Appeals **deny** BOA-24-45, subject to the following findings of fact and conclusions:
3. I move the Zoning Board of Appeals enter an alternative motion for BOA-24-45.

VI. BOARD OF APPEALS – January 8, 2025

Exhibit 1

NOTES:
 1) THIS DOCUMENT PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
 2) HORIZONTAL DATUM TIED TO S.C. STATE PLANE COORDINATE SYSTEM NAD83(2011) BY GPS & SCRTN.
 ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES.
 3) IPS INDICATES A #5 IRON REBAR SET AT CORNER.

BOOK: PB2022
 PGS: 101 - 101
 PL: May 4, 2022 12:52:20 PM
 Rec: \$25.00 Total: \$25.00
 VICKI M. MCCARTHY - REGISTER OF DEEDS SUMTER COUNTY
 BY: RBC



CITY OF SUMTER
 TM# 228-10-02-052
 DB. 1245 PG. 727
 'VACANT LOT' &
 'RESIDENCE LOT'
 PB. Z-8 PG. 82
 (LS File No. 19032)

HEIRS OF LILLIE LEVY
 TM# 228-10-02-053
 DB. 767 PG. 1674
 DB. 755 PG. 1154
 PB. Z-9 PG. 40

HEIRS OF LILLIE LEVY
 TM# 228-10-02-054
 PB. Z-9 PG. 40

SC STATE PLANE COORDINATE
 TIE POINT - NAD83(2011)
 IPF 1/2" PIPE
 N: 759,963.44'
 E: 2,193,861.75'

PB. 97 PG. 251

N. ARTILLERY DRIVE
 N 05°03'31" W 99.97'

S-43-108 30' R/W

NORTH GUIGNARD DRIVE
 REFERENCE: S.C.D.O.T. PLANS FOR U.S. HWY. 15/521 - DOCKET No. 43-579 - PROJECT No. M-5370(13) - SHEET No. 15

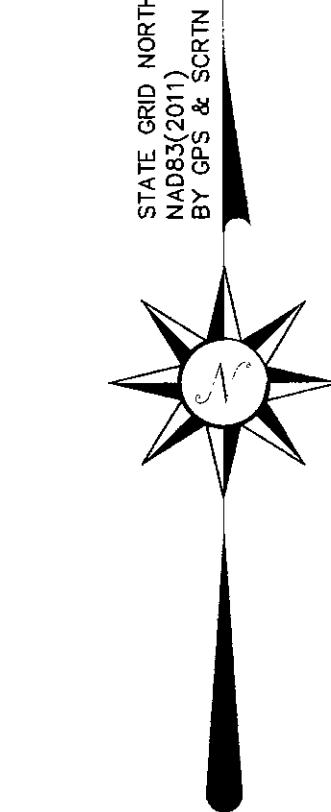
U.S. HWY. No. 521
 80' R/W

Single Story
 Masonry Commercial
 Building
 (#669, 671, 673 &
 675 W. Liberty St.)

0.51 Acre

LARRY L. BAKER
 TM# 228-10-02-056
 DB. 715 PG. 918
 PARCEL 'A'
 PB. Z-23 PG. 78

W. LIBERTY STREET
 S.C. HWY. No. 763
 REFERENCE: S.C.D.O.T. PLANS FOR S.C. HWY. 763 - DOCKET No. 43-579 - PROJECT No. M-5310(13) - SHEET No. 37 & DOCKET No. 379 - SHEET No. 11.



APPROVED
 SUMTER CITY-COUNTY
 PLANNING COMMISSION
 DATE: 5-3-22

(See LS File No. 16006)

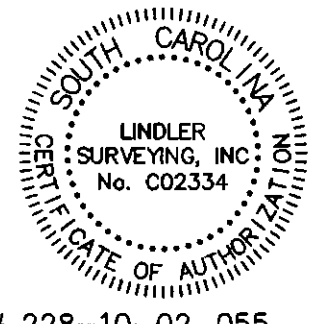
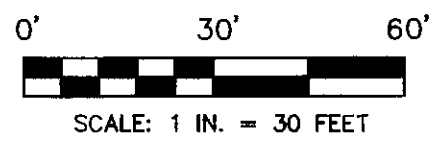
'Closing Survey'

SOUTH CAROLINA : SUMTER COUNTY : CITY OF SUMTER
 PLAT OF THE COMBINATION OF THE 'WILLIAM CAUTHEN LOT' & THE 'MARTHA W. GRAHAM LOT' SHOWN ON PLAT BY F. H. MURRAY DATED (4/7/1949) RECORDED IN PB. Z-8 PG. 82 AND PARCEL 'B' SHOWN ON PLAT BY H. S. WILLSON DATED (2/12/1966) RECORDED IN PB. Z-23 PG. 78. REFERENCE: DB. 1241 PG. 1531 - (PARCEL THREE), DEED FOR 'MARTHA W. GRAHAM LOT' NOT DISCOVERED THIS DATE, PB. Z-9 PG. 40

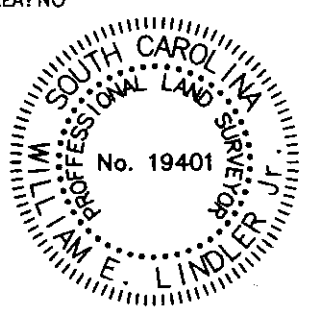
SURVEYED FOR
SJD HOLDINGS, LLC

MARCH 3, 2022

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'B' SURVEY AS SPECIFIED THEREIN ; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
 IS THIS PROPERTY IN AN F.E.M.A. DESIGNATED 100 YEAR FLOOD HAZARD AREA? NO
 FIRM MAP NUMBER : 45085C0311D DATED (2/16/2007).



LINDLER SURVEYING, INC.
 1990 BOYKIN ROAD
 REMBERT, SOUTH CAROLINA 29128
 (803) 499-7711
 (803) 425-0703
 lindlersurveying@aol.com



- LEGEND:
- IPF - IRON PIN FOUND
 - IPS - IRON PIN SET
 - PKS - PK NAIL SET
 - CATV - CABLE TV PEDESTAL
 - PP - POWER POLE
 - LP - POWER POLE
 - PH - TELEPHONE PEDESTAL
 - WM - WATER METER

TM# 228-10-02-055
 NB L35/16 by JS

NOT A VALID DOCUMENT WITHOUT AN ORIGINAL SIGNATURE & IMPRESSION SEAL

FILE: 22018

Exhibit 2



Plaza signage plan and pricing breakdown:

Road sign, single cabinet, double sided, 36" x 96" (3 x 8) internally

lit: (includes materials, labor and taxes)

Building signs:

Single cabinets at each store front, non illuminated (metal face panels)

(3) @ 3 x 8

(2) @ 2.5 x 8

(includes materials, labor and taxes)

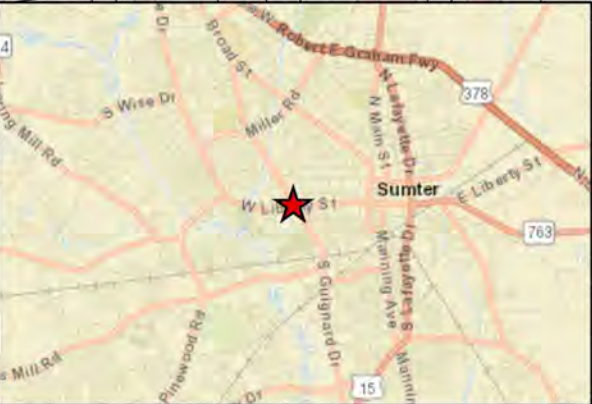
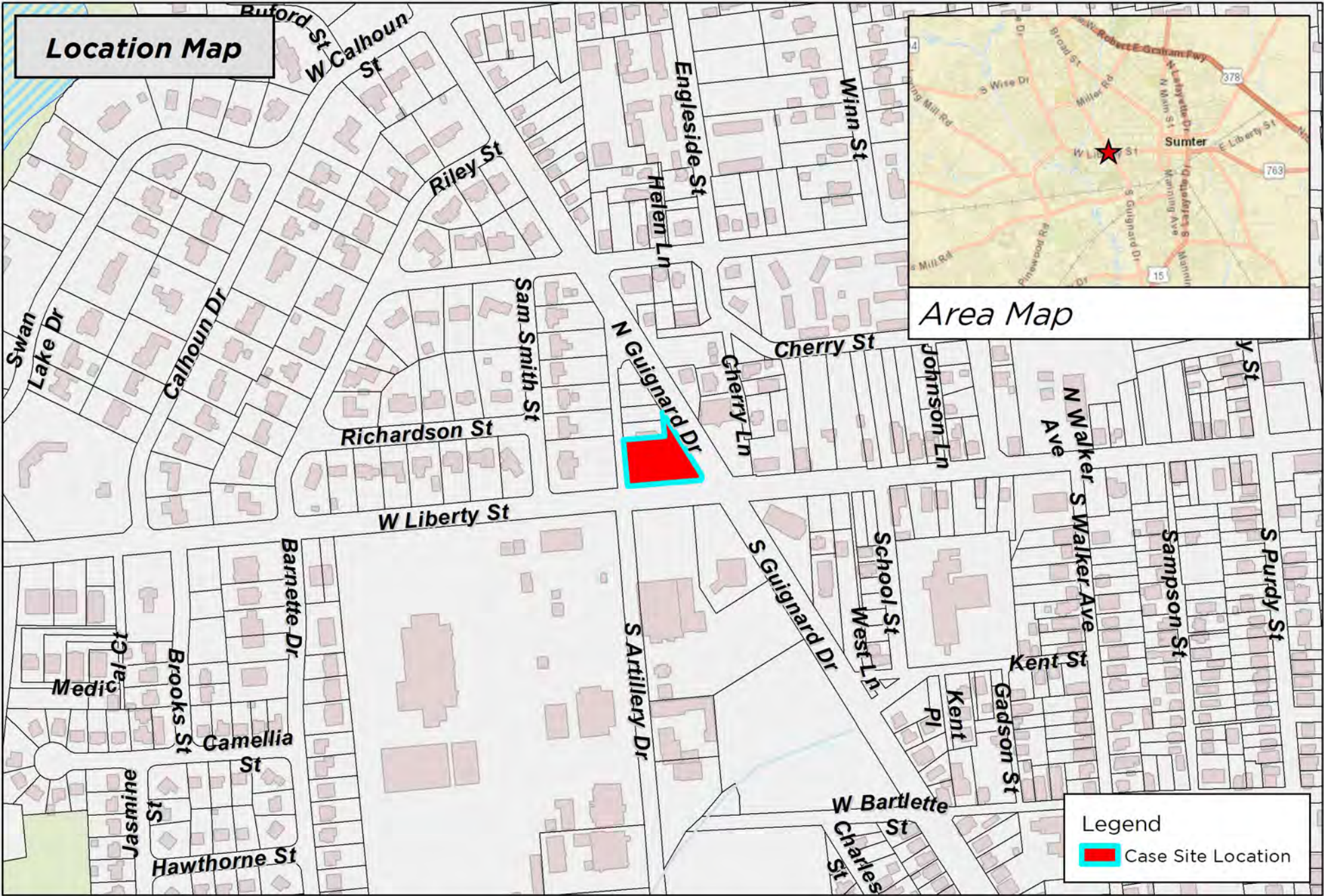
thanks

Shane

299 N. Bultman Dr. • P.O. Box 383 • Sumter, SC 29151

(803) 773-3607 • Fax (803) 773-4223

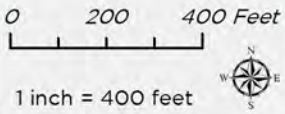
Location Map



Area Map

Legend
 Case Site Location

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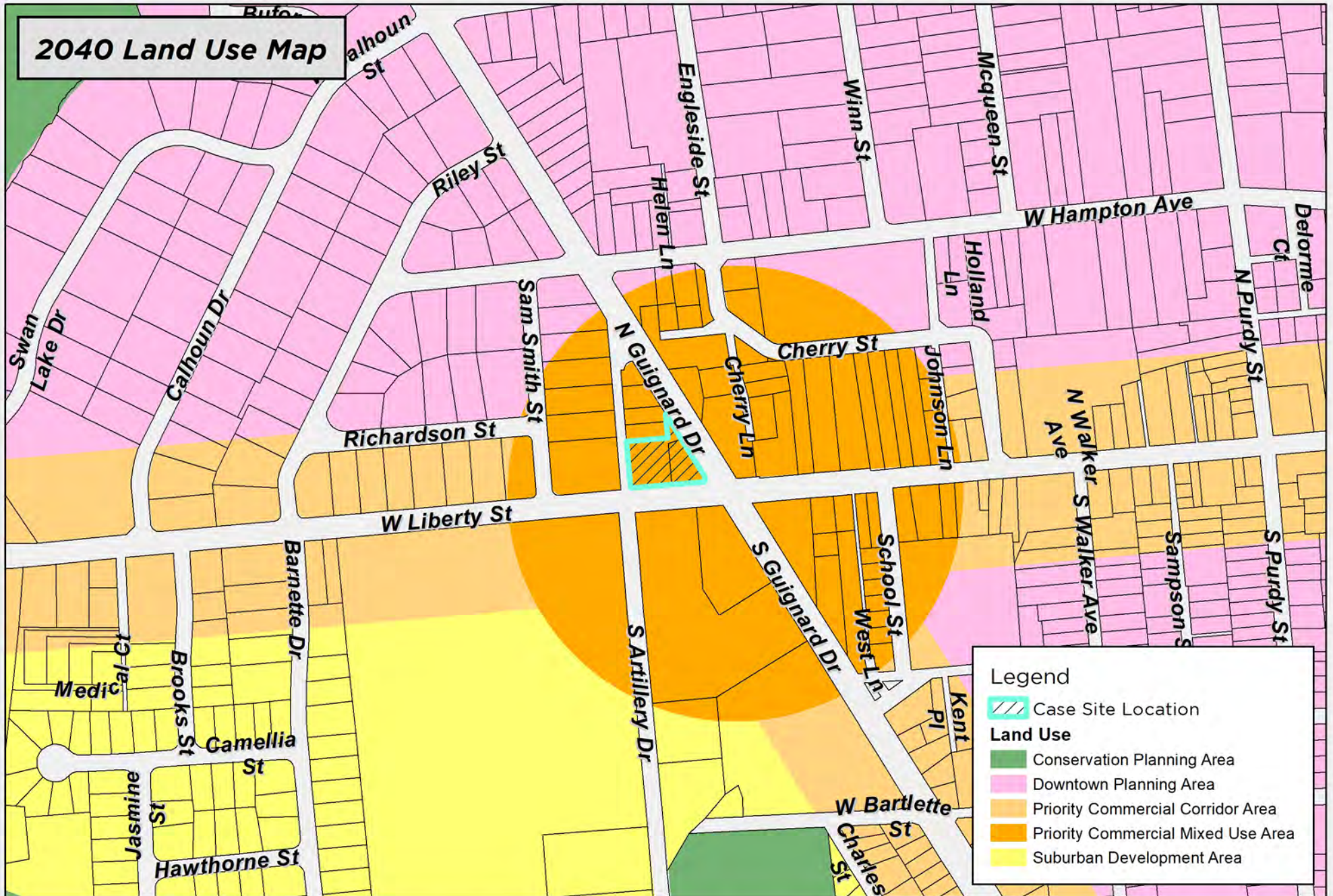


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Document Name: BOA-24-43



BOA-24-43
667-675 W Liberty St, Sumter, SC 29150
Tax Map # 228-10-02-055 & 228-10-02-056

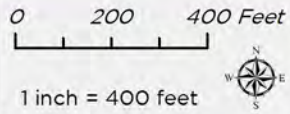
2040 Land Use Map



Legend

- Case Site Location
- Land Use**
- Conservation Planning Area
- Downtown Planning Area
- Priority Commercial Corridor Area
- Priority Commercial Mixed Use Area
- Suburban Development Area

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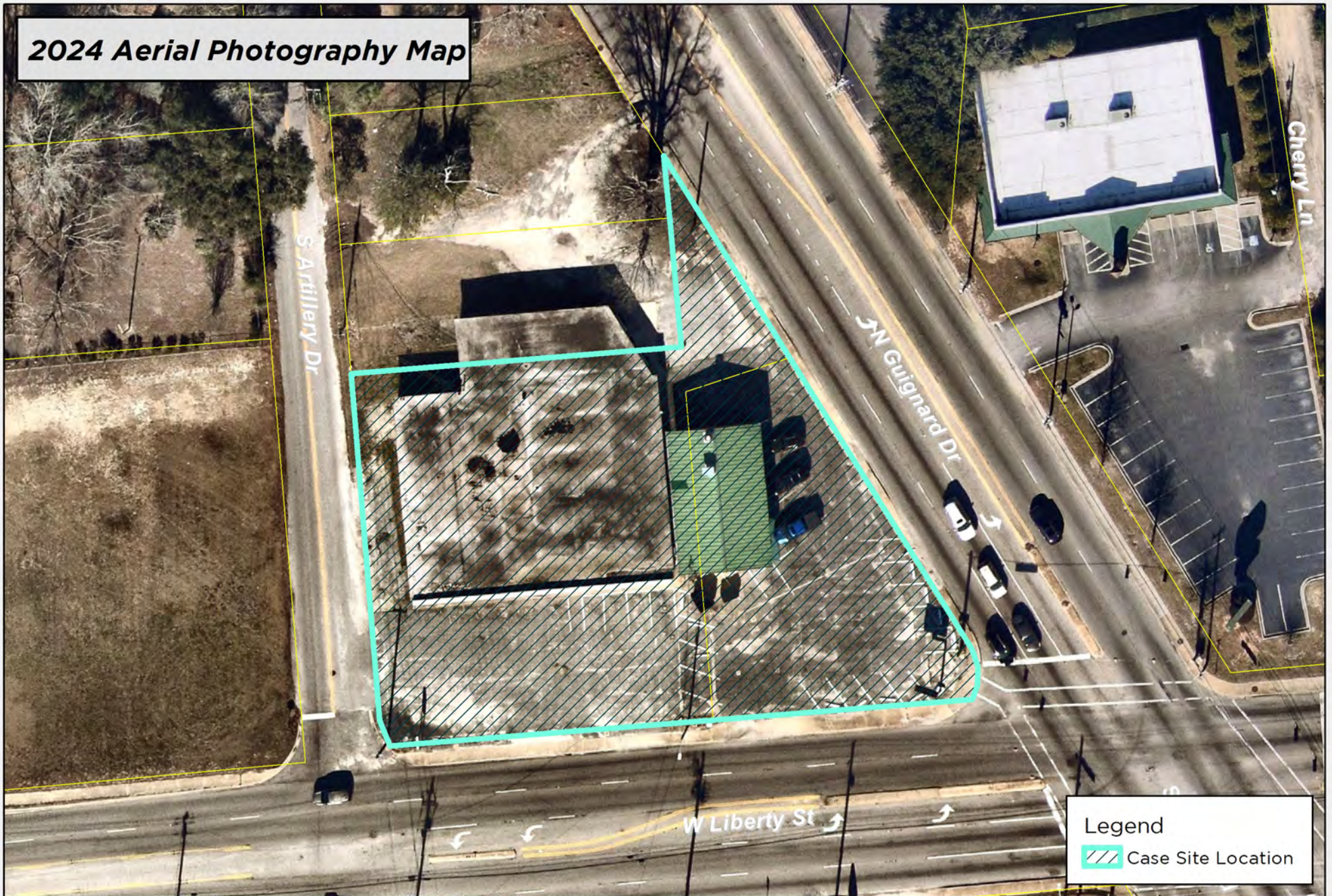


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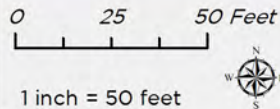


BOA-24-43
 667-675 W Liberty St, Sumter, SC 29150
 Tax Map # 228-10-02-055 & 228-10-02-056

2024 Aerial Photography Map



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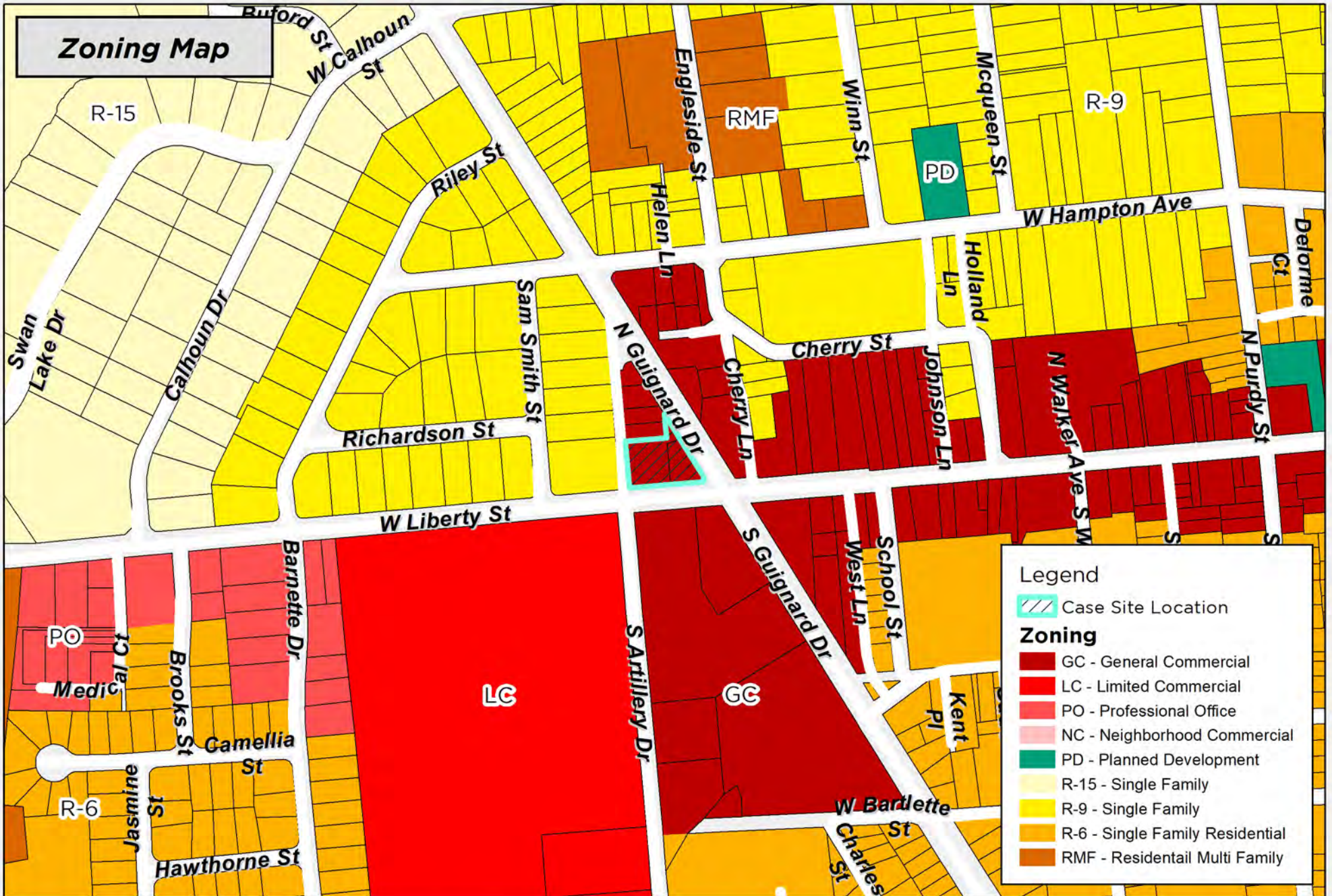


Legend

 Case Site Location

BOA-24-43
667-675 W Liberty St, Sumter, SC 29150
Tax Map # 228-10-02-055 & 228-10-02-056

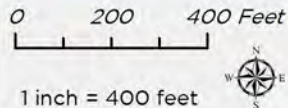
Zoning Map



Legend

- Case Site Location
- Zoning**
- GC - General Commercial
- LC - Limited Commercial
- PO - Professional Office
- NC - Neighborhood Commercial
- PD - Planned Development
- R-15 - Single Family
- R-9 - Single Family
- R-6 - Single Family Residential
- RMF - Residential Multi Family

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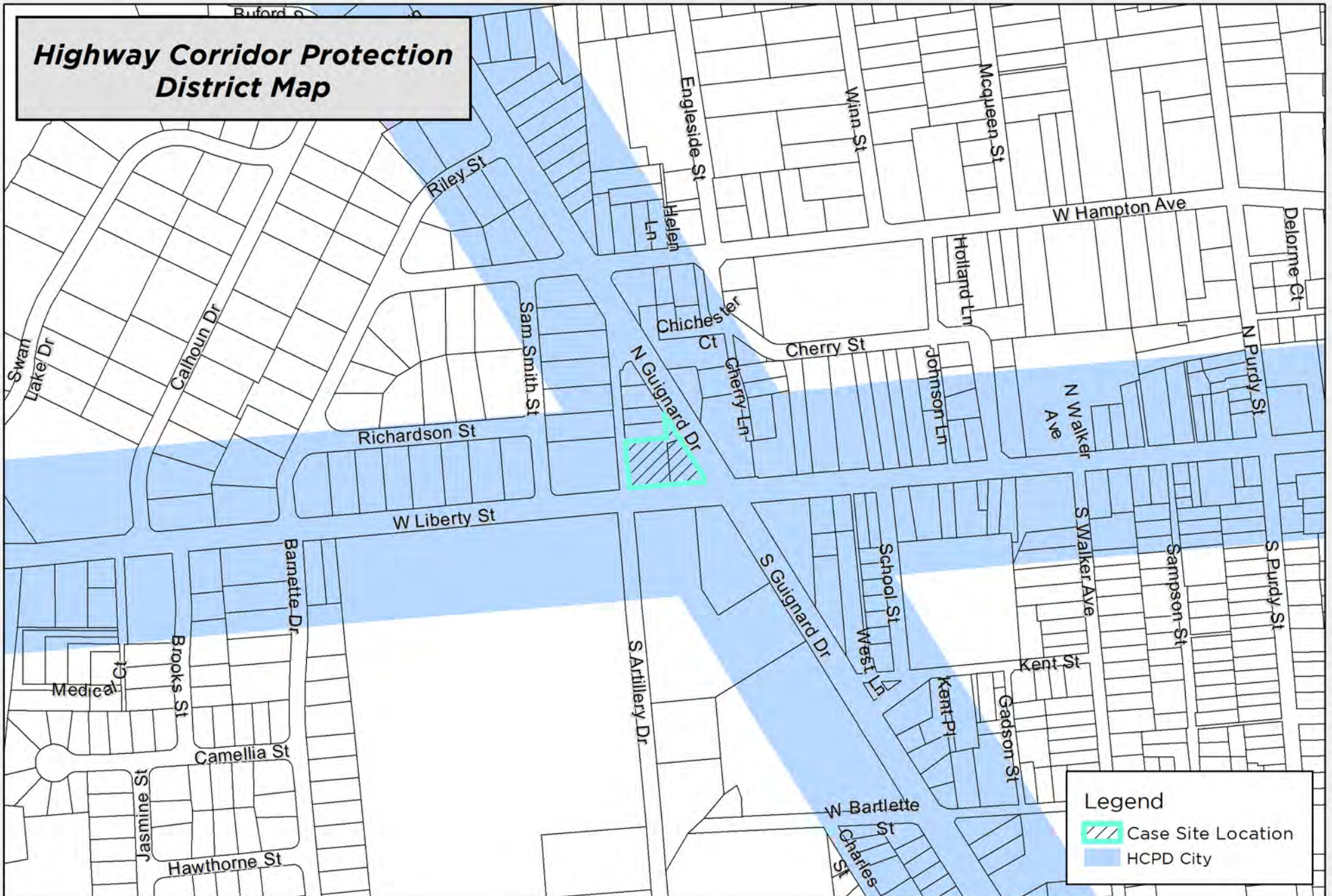


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 Tax Map # 228-10-02-055 & 228-10-02-056

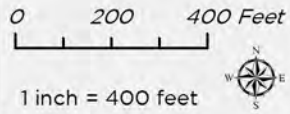
Highway Corridor Protection District Map



Legend

-  Case Site Location
-  HCPD City

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