## Sumter City-County Zoning Board of Appeals

January 8, 2025

## BOA-24-45, 1045 Pocalla Rd. (County)

The applicant (Scott Bell, RS Bell Architects) is requesting a variance from building setback requirements applicable to properties with frontage on multiple roads, as outlined in *Article 4.f.4.b.: Front Yards* of the Sumter County Zoning & Development Standards Ordinance (the "Zoning Ordinance"), variances from the landscaping requirements outlined in Article 8.d.6: Street Trees and Article 8.d.7: Buffering of the Zoning Ordinance to establish a new commercial structure +/- 20 ft. from the property line fronting Roosevelt Cir. right-of-way and to establish less buffer width and less street tree plantings than required by the Zoning Ordinance. The Zoning Ordinance requires a 35 ft. setback along the property line fronting Roosevelt Cir. right-of-way, requires 10 ft. of buffer width where abutting less intensive uses, and generally requires canopy tree placement along all street frontages at a rate of 1 tree per 40 ft. The property is located at 1045 Pocalla Rd., is zoned General Commercial (GC), and is identified as TMS# 251-08-02-002.



Appeals - Variance - Special Exception

# **Sumter City-County Zoning Board of Appeals**

**January 8, 2025** 

#### **BOA-24-45, 1045 Pocalla Rd. (County)**

#### I. THE REQUEST

**Applicant:** Scott Bell, RS Bell Architects

**Status of the Applicant:** Authorized Agent

**Request:** Variance to reduce building setbacks on a lot with multiple

street frontages and variances to reduce landscaping

width/planting requirements.

**County Council District:** District 6

**Location:** 1045 Pocalla Rd.

**Present Use/Zoning:** Asphalt Parking Area / General Commercial (GC)

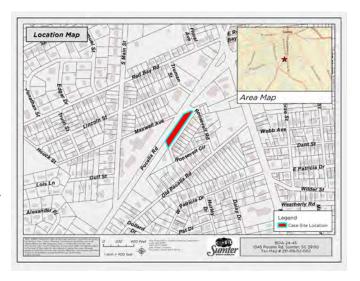
**Tax Map Reference:** 251-08-02-002

#### II. BACKGROUND

The applicant is requesting a variance to building setback requirements applicable to lots with multiple street frontages and variances to landscaping requirements related to buffer widths and planting requirements to facilitate the establishment of an automobile sales use on the property.

The property is shown in red on the location map to the right and is located on the east side of Pocalla Rd. near the intersections of Pocalla Rd./Maxwell Ave. and Pocalla Rd./Roosevelt Rd.

The dimensions of the property, with over



500 ft. of length and only +/- 85 ft. of depth, are atypical. Further, the site has multiple street frontages with the front facing Pocalla Rd., one side facing Roosevelt Rd., and the rear facing Roosevelt Circle.

Existing asphalt pavement covers most of the property, and historic aerial imagery suggests that the property was used to conduct automobile sales in the past. The property is served by one existing access that is located on Pocalla Rd. directly across from Maxwell Ave.

A minor site plan has been submitted for review that shows the establishment of a new +/- 1,300 sq. ft. sales office with attached 2-bay garage and other associated site improvements. *Article 4.f.4.* requires that front setback requirements are applicable for frontages on nonintersecting streets, or 2 intersecting streets forming an angle of 60 degrees or less. As such, this restricts the applicant's ability to place the structure in the location desired.

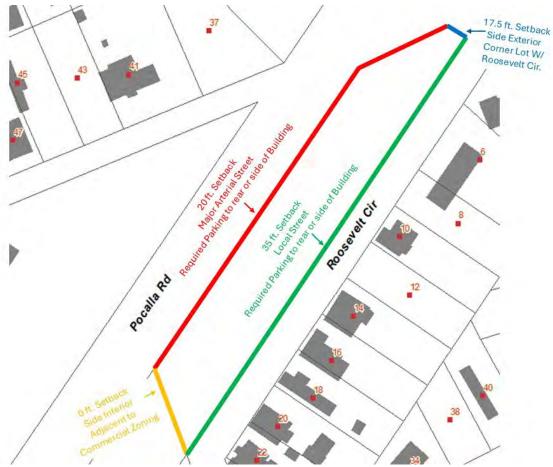


Figure 1: Applicable Building Setbacks for Property

The applicant is proposing to construct the sales office building approximately 21 ft. from the Roosevelt Cir. right-of-way (ROW) line on the north side of the access point for gated vehicle display in the area south of the access point and for front load access to the 2-bay garage with the intent of reducing potential impacts to residential property located on the opposite side of

Roosevelt Cir. Graphics for the overall site plan and building area detail are on page 4 of this report. The submitted plan sheets are also enclosed with this report as <u>Exhibit 1</u> and <u>Exhibit 2</u>.

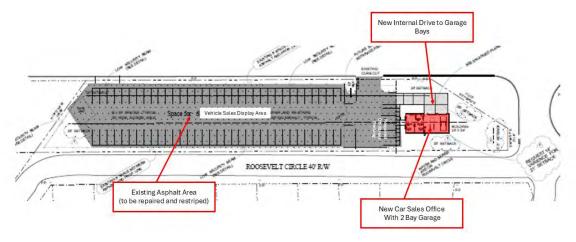


Figure 2: Overall Site Plan Graphic

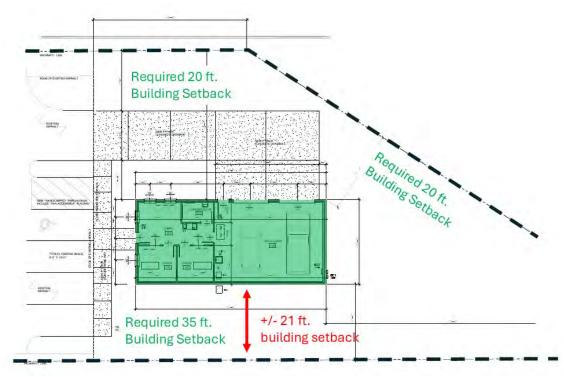


Figure 3: Building Detail Plan Graphic

County landscaping standards require street buffers to have 10 ft. wide undisturbed area with canopy tree plantings every 40 ft. at minimum. Further, more intensive landscaping is required where abutting residential uses. The applicant is seeking a variance from street tree planting requirements along Pocalla Rd., a variance from undisturbed buffer width requirements along all street frontages, and variances from more intensive landscaping standards where abutting

residential uses (across Roosevelt Cir.). See below landscape plan graphic. The landscaping plan sheet submitted is also enclosed in this report as <u>Exhibit 3</u>.

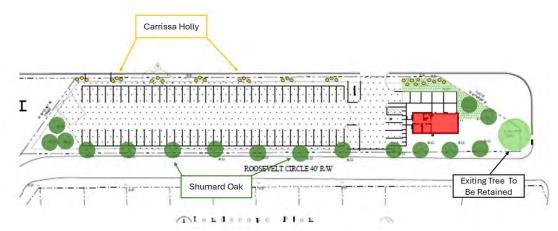


Figure 4: Landscaping Plan Graphic

#### **Ordinance Requirements:**

#### Article 4.f.4. - Front Yards

b. Where a lot fronts on two or more nonintersecting streets, or two intersecting streets forming an angle of 60 degrees or less, front yards shall be provided on both streets.

#### Article 8.d.6. - Street Trees

- a. Location: The Sumter City-County Planning Commission may require street trees when an adequate number of trees do not exist on a lot. Where street trees are installed they shall normally be on both sides of streets in accordance with the approved landscape plan as set forth in Article 8.d.1.a. Trees shall be spaced evenly along the street with spacing dependent on species and tree size. However, when spacing intervals exceed 40 ft., small ornamentals (e.g., Crepe Myrtle) may be required between the larger trees as under-story trees. Street trees shall be planted not to interfere with utilities, roadways, sidewalks, or streetlights. Tree location, landscaping design, and spacing plan shall be approved by the Sumter City-County Planning Commission as part of the overall landscaping plan as set forth in Article 8.d.1.a
- b. Tree Type: The principal street tree chosen for a development shall be selected from known canopy trees species. However within this requirement, street tree type may vary depending on the overall effect desired. All trees on a particular street shall be of the same kind.

c. Planting Specifications: All street trees shall have a caliper of 2 inches and be of substantially uniform size and shape, and have straight trunks. Street trees shall be properly planted and staked and provisions shall be made by the developer or owner for regular watering and maintenance until the street trees are established. Dead and/or dying street trees shall be replaced by the applicant during the next planting season, or at the end of the Maintenance Guarantee period, whichever is longer.

#### Article 8.d.7.c - Amount Required (Buffering)

- 1. Where more-intensive land uses or zoning districts abut less-intensive land uses or zoning districts, a buffer strip 10 ft. in width shall be required;
- 2. Parking lots, garbage collection and utility areas, and loading and unloading areas shall be screened around their perimeter by a buffer strip a minimum of 5 ft. wide

Article 8.d.7.e – Planting Specifications: Plant materials shall be sufficiently large and planted in such a fashion that a year-round screen at least 6 ft. in height shall be produced within 3 growing seasons. All planting shall be installed according to acceptable horticultural standards.

#### The Request:

The applicant (Scott Bell, RS Bell Architects) is requesting a variance from building setback requirements applicable to properties with frontage on multiple roads, as outlined in *Article 4.f.4.b.: Front Yards* of the Sumter County Zoning & Development Standards Ordinance (the "Zoning Ordinance"), variances from the landscaping requirements outlined in *Article 8.d.6: Street Trees* and *Article 8.d.7: Buffering* of the Zoning Ordinance to establish a new commercial structure +/- 20 ft. from the property line fronting Roosevelt Cir. right-of-way and to establish less buffer width and less street tree plantings than required by the Zoning Ordinance. The Zoning Ordinance requires a 35 ft. setback along the property line fronting Roosevelt Cir. right-of-way, requires 10 ft. of buffer width where abutting less intensive uses, and generally requires canopy tree placement along all street frontages at a rate of 1 tree per 40 ft.

#### III. FOUR PART TEST

In order to grant the requested variance, the request must meet all parts of a State-mandated fourpart 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 has direct frontage on 3 different streets. As such, more restrictive setbacks are applied compared to a typical lot with a single street frontage or a typical corner lot property with two street frontages. \_Additionally, the property has an irregular shape with more than 500 ft. of length and only +/- 85 ft. of depth. \_The property has been previously improved with asphalt pavement that covers a large majority of available area and extends well into required buffer areas. Historic aerial imagery indicates that this property contained an automobile sales use at some point in the past.

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

The above stated conditions are somewhat unique compared to other property in the vicinity.

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 Ordinance prevents the applicant from improving the site in the manner desired. Due to the multiple street frontages and the applicable building setbacks from those frontages, the building would have to be placed to the south of the existing access point, unnecessarily breaking up vehicle display, parking, and security features of the proposed commercial use.

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.

Existing development standards regarding building setbacks along non-intersecting and certain intersecting streets are more restrictive than typical lots with one street frontage or typical corner lots with two street frontages. The purpose of regulating building setbacks is a combination of general guidelines regarding accessibility of property for purposes including emergency services, an effort to prevent negative impacts to adjacent property, and regulatory structure to ensure that intended density of development in suburban areas is followed.

In this instance, setbacks are impacted due to unique factors of the property and an attempt by the applicant to lay out the site in the most efficient manner possible for the end user.

The purpose of county landscaping standards is to preserve and enhance the particular identity of a site, create a pleasing site character, and ensure that adverse impacts from new development are minimized and that high aesthetic standards are adhered to.

The applicant is proposing to install a compliant amount of street buffer plantings along the Roosevelt Cir. street frontage, within the space available. The applicant is proposing to install ornamental shrub plantings along the Pocalla Rd. frontage. It is noted that overhead power lines exist along the Pocalla Rd. frontage.

In the past, the more restrictive landscaping standards required when\_a parcel abuts a residential use have not been applied when the abutting uses is on the opposite side of the street. A potential conflict exists with the Ordinance definition of "Abutting" that should be separately\_addressed via the Ordinance Text Amendment process.

Overall, the proposed landscaping plan will result in an improved site identity and character, with more intensive landscaping applied along the Roosevelt Circle frontage.

#### IV. STAFF RECOMMENDATION

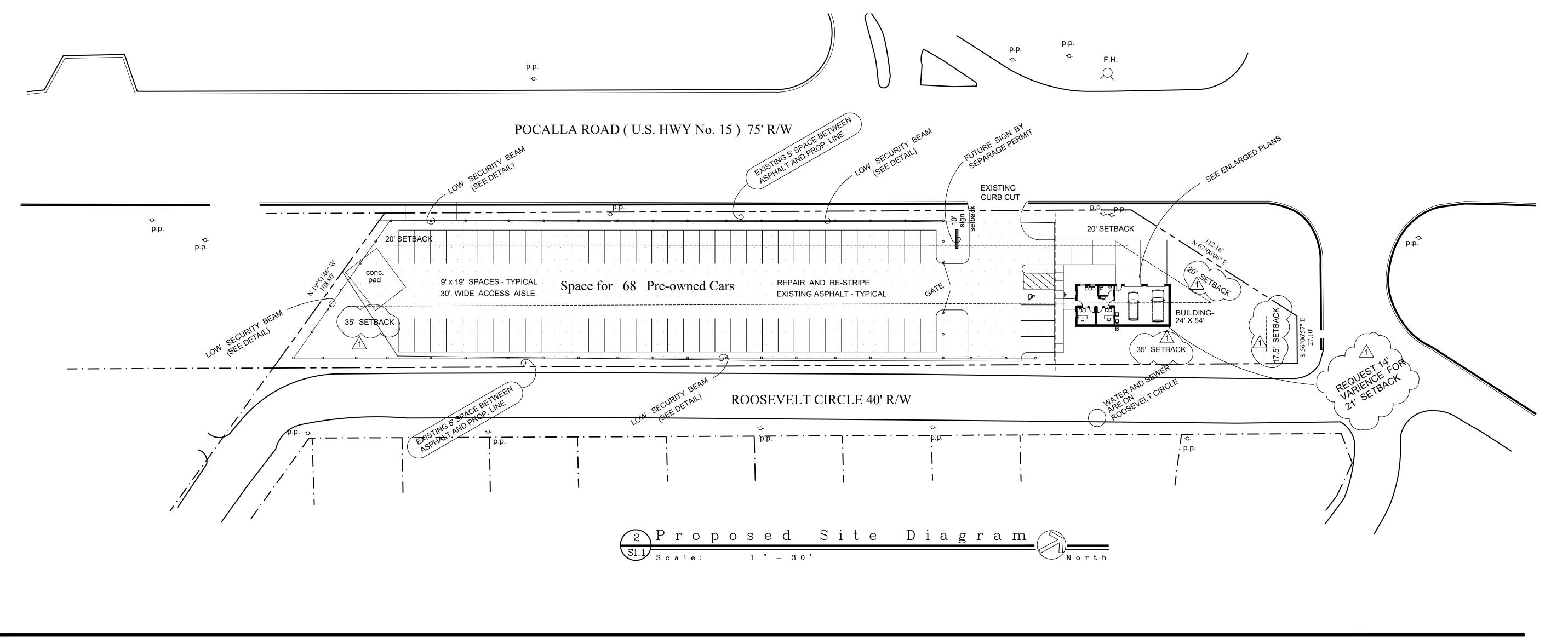
Regulating building setbacks is a combination of general guidelines regarding accessibility to property for purposes including emergency services, an effort to prevent negative impacts to adjacent property, and a regulatory structure to ensure that intended density of development in suburban areas is followed. County landscaping standards are intended to preserve and enhance the particular identity of a site, creating a pleasing site character, and to ensure that adverse impacts from new development are being minimized and that high aesthetic standards are being adhered to. Variances to both building setbacks and variances requirements should be carefully weighed.

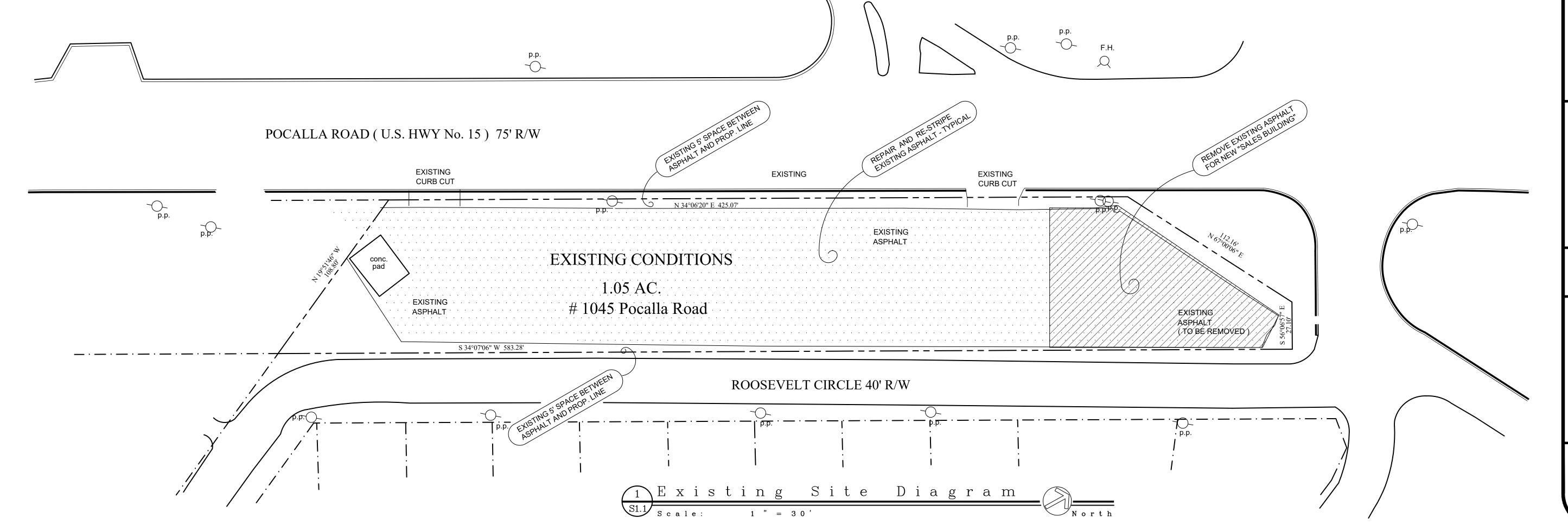
Staff recommends no additional approval conditions <u>if</u> the Zoning Board of Appeals makes all the findings necessary to approve this request.

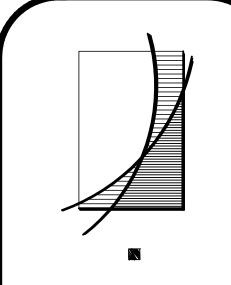
#### V. DRAFT MOTIONS FOR BOA-24-45

- 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 <u>deny</u> 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







RS Bell ARCHITECT LLC

134 N. Main Street Sumter, South Carolina 803 774-3025

Date:

-November 15, 2024

December 17, 2024

RS Bell

Architects, LLC

Sumter, S.C.

100266



Improvements to:

1045 Pocalla Rd.

for Vehicle Sales Business

Waynick Holdings, LLC

1045 Pocalla Road Sumter, South Carolina

Site Plans

Scale: 1" = 30'

Project No.: 23-033 File No.: 68-979904

Revisions:

1 December 17, 2024

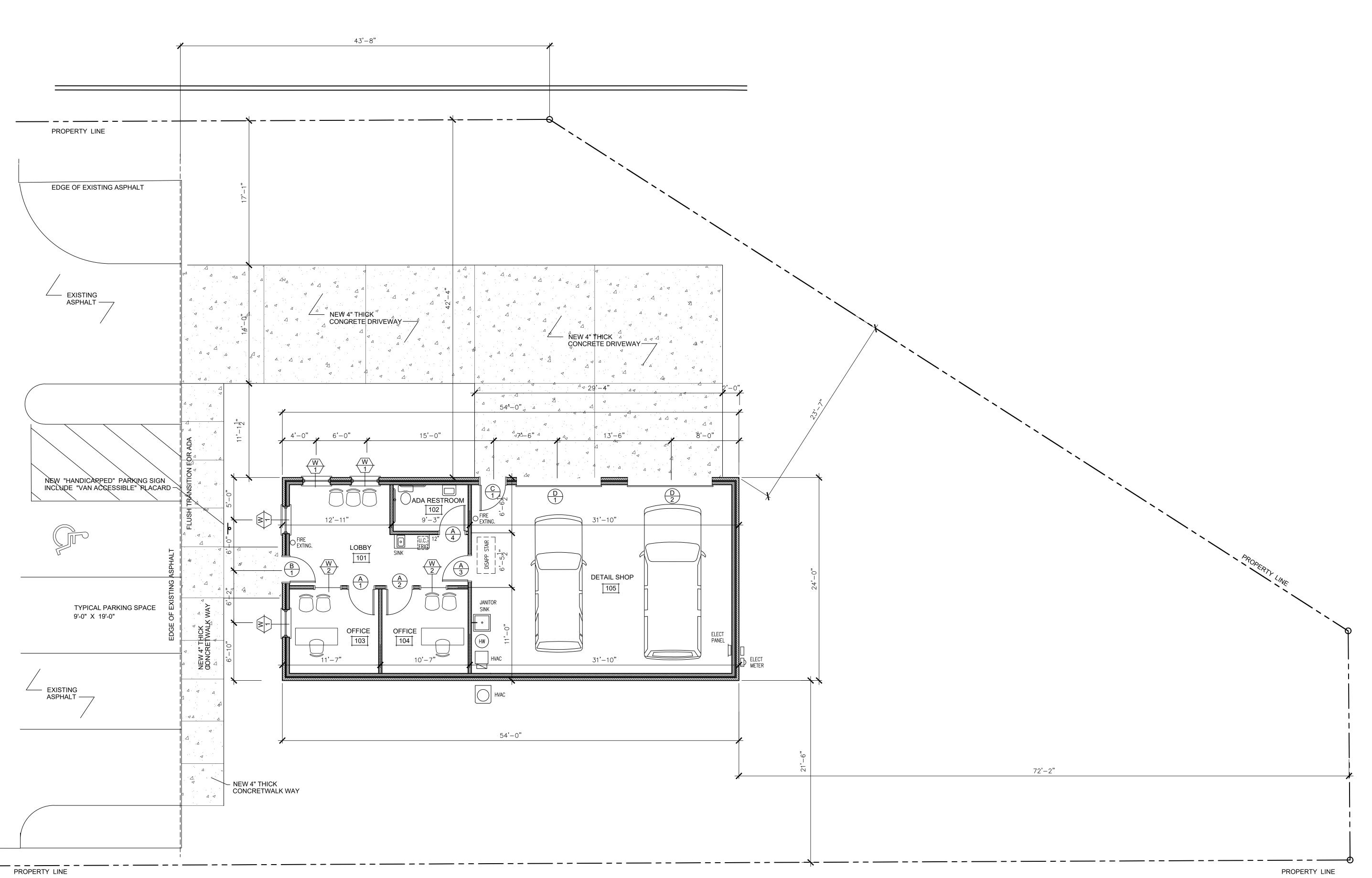
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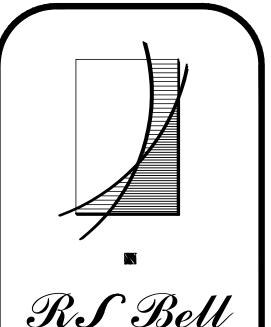
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GRAPHIC SCALE: 1" = 30'-0"

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S 1.



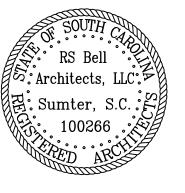


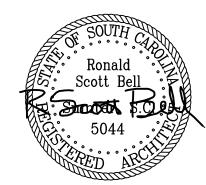
134 N. Main Street Sumter, South Carolina 803 774-3025

L L C

Date:

November 15, 2024





Improvements to: 1045 Pocalla Rd.

for Vehicle Sales Business

Waynick Holdings, LLC

1045 Pocalla Road Sumter, South Carolina

Floor Plan

Scale: 3/16" - 1'-0"

Project No. : 23-033 File No. : 68-979904

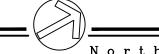
Revisions:

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GRAPHIC SCALE: 3/16" = 1'-0"

Sheet:

A 1.1



### LANDSCAPE / PLANTING NOTES

- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR VERIFYING PROJECT SITE CONDITIONS AND ALL QUANTITIES INDICATED ON THESE PLANS, BEFORE PRICING WORK.
- PLANTS SHALL BE SOUND, HEALTHY AND VIGOROUS, WELL BRANCHED AND DENSELY FOLIATED WHEN IN LEAF. THEY SHALL BE FREE OF DISEASE, INSECTS, EGGS OR LARVAE AND SHALL HAVE HEALTHY, WELL DEVELOPED ROOT SYSTEMS.. THEY SHALL BE FREE FROM PHYSICAL DAMAGE OR ADVERSE CONDITIONS THAT WOULD PREVENT THRIVING
- ALL SHRUBS MUST BE CONTAINER GROWN AND CONFORM TO THE VARIETIES INDICATED IN THE PLANT LIST.
- SUBSTITUTION OF PLANT MATERIALS WILL NOT BE PERMITTED UNLESS AUTHORIZED IN WRITING BY THE ARCHITECT IF PROOF IS SUBMITTED THAT ANY PLANT SPECIFIED IN NOT OBTAINABLE, A PROPOSAL WILL BE CONSIDERED FOR USE OF THE NEAREST EQUIVALENT SIZE OR VARIETY WITH CORRESPONDING ADJUSTMENT OF
- PLANT MATERIAL LOCATIONS AND BED OUTLINES SHALL BE STOKED OR FLAGGED ON SITE BY THE CONTRACTOR AND SHALL BE ADJUSTED IF REQUIRE TO FIT ACTUAL AS-BUILT CONDITIONS ON SITE AND APPROVED BY THE ARCHITECT
- ALL PROPOSED TREE PLANTING LOCATIONS SHALL BE STAKED OR FLAGGED BEFORE INSTALLATION AND APPROVED BY THE ARCHITECT OR OWNER'S REPRESENTATIVE.
- THE CONTRACTOR SHALL EXCAVATE PLANT PITS, ACCORDING TO THE DRAWINGS, UNLESS OTHERWISE DIRECTED.
- 8. ALL CONTAINER GROWN ROOTBALLS SHALL BE CAREFULLY SCORED BEFORE SETTING PLANT PITS.
- ALL BACKFILL AROUND PLANT MATERIAL SHALL BE WORKED FIRMLY, TAMPED AND WATERED IN UNDER AND AROUND THE ROOTBALL TO FILL ALL VOIDS.
- 10. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL FINE GRADING PREPARATION FOR PLANTING.
- 11. LANDSCAPE CONTRACTOR SHALL BEAR FINAL RESPONSIBILITY FOR PROPER SURFACE DRAINAGE OF PLANTED AREAS. ANY DISCREPANCY IN THE DRAWINGS, OBSTRUCTION ON THE SITE, OR PRIOR TO WORK DONE BY ANY OTHER PARTY, WHICH THE LANDSCAPE CONTRACTOR FEELS PRECLUDES ESTABLISHING PROPER DRAINAGE SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER FOR CORRECTION PRIOR TO COMMENCEMENT OF WORK.
- 12. PLANTING BEDS SHALL BE CUT OR EDGED TO FORM A UNIFORM CLEAN LINE BETWEEN BEDS AND LAWN AREAS.
- 13. AFTER ALL PLANT MATERIAL IN A PLANT BED AREA HAS BEEN INSTALLED AND APPROVED, THE AREAS BETWEEN PLANTS SHALL BE RAKED TO AN EVEN GRADE TO CONFORM TO PREMULCHING FINISH GRADES. ALL PLANTING BEDS AN PLANT SAUCERS SHALL THEN BE UNIFORMLY COVERED WITH A MINIMUM THREE INCH LAYER PINE STRAW
- 14. ALL PLANTING BED AREAS WITH ACCEPTABLE TOPSOIL SHALL BE TOP DRESSED WITH 50% ORGANIC 6-6-6 COMMERCIAL FERTILIZER AT A RATE OF NINE POUNDS PER 1000 SQUARE FEET AND TILLED TO A MINIMUM DEPTH OF THREE INCHES.
- 15. PLANT MATERIAL BACKFILL MIXTURE SHALL BE THOROUGHLY MIXED IN THE FOLLOWING PREPARATIONS: 50% EXISTING CLEAN TOPSOIL 50% SOIL MIX SOIL MIX SHALL BE 1/3 TOPSOIL 1/3 PEAT 1/3 COW MANURE
- 16. ROUGH GRADES WILL BE ESTABLISHED BY THE OWNERS GENERAL CONTRACTOR AT APPROXIMATELY 3 INCHES BELOW CURBS, SIDEWALKS, HARDSCAPE AMENITIES, MOWING STRIPS AND ABUTMENTS.
- 17. CONTRACTOR SHALL COORDINATE CONSTRUCTION OF PLANTING AREAS WITH INSTALLATION OF IRRIGATION SYSTEM.
- 18. WHERE SEEDING MAY BE REQUIRED ON THE PLANS, GERMINATION RATE SHALL BE THE MAXIMUM PERCENTAGE REQUIRED FOR THE VARIETY SPECIFIED AT THE RATE OF APPLICATION SPECIFIED.
- 19. SOD AREAS SHALL BE SPECIFIED GRASS. GRASS FOR SODDING SHALL BE FRESHLY CUT IN SQUARES ONE FOOT WIDE BY TWO FEET LONG. SOD SHALL BE HEALTHY, FREE OF INSECTS, IN NATURALLY FLOURISHING CONDITIONS. DRY, BROWN AND UN-FRESH SOD WILL BE REJECTED.
- 20. SOD SHALL BE LAID END TO END AND SIDE TO SIDE IN A STAGGERED LINE TO FORM A UNIFORM LAYER. ALL UNEVEN EDGES SHALL BE SQUARELY TRIMMED TO ALLOW CLOSE AND FIRM FITTING OF EACH PIECE.
- 21. AFTER SODDING IS COMPLETED, THE ENTIRE SOD AREAS SHALL BE WATERED BY HAND OR IRRIGATION SYSTEM EACH DAY FOR TWO WEEKS. SODDED AREAS SHALL THEN BE TOP DRESSED WITH A COMMERCIAL FERTILIZER AS DIRECTED HEREIN AT THE RATE OF 12 POUNDS PER 1000 SQUARE FEET OF AREA IN AN EVENLY BROAD CASE
- 22. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAIN ALL PLANT MATERIAL ON SITE DURING AND BEFORE PLANTING, UNTIL THE WORK IN ACCEPTED THE THE OWNER.
- 23. ALL PLANTS SHALL BE GUARANTEED BY THE LANDSCAPE CONTRACTOR TO BE HEALTHY PLANTS AND IN FLOURISHING CONDITION OF ACTIVE GROWTH AT FINAL INSPECTION AND ACCEPTANCE. ALL PLANTS TREES SHALL BE GUARANTEED AN ADDITIONAL ONE-YEAR FROM FINAL INSPECTION AND ACCEPTANCE
- 24. THE ARCHITECT OR OWNERS REPRESENTATIVE SHALL HAVE THE RIGHT TO REJECT ANY AND ALL WORK WHICH IN HIS
- 25. IN GENERAL, THE WORK SHALL PROCEED AS RAPIDLY AS THE SITE BECOMES AVAILABLE. KEEP ALL AREAS OF WORK CLEAN, NEAT, AND ORDERLY AT ALL TIMES.

### FOLD BACK BURLAP FROM TOP BACKFILL WITH TOPSOIL AND PEAT MOSS 3:1 RATIO BY VOLUME IN 9" LAYERS. WATER EACH LAYER UNTIL SETTLED PARKING / STRIPING NOTES ALL PARKING SPACES IN THE AREAS THAT RECEIVE

NEW ASPHALT ARE TO BE "STRIPED"

USE "HANDICAPPED BLUE FOR ALL DESIGNATED H/C SPACES AND SYMBOLS

ALL PARKING SPACES TO BE 9' X 19'

1'-0"

**RESERVED** 

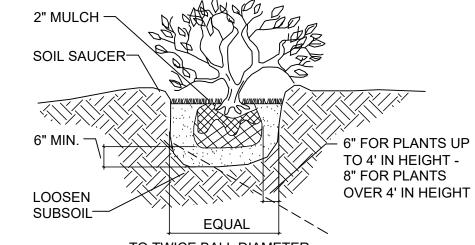
PARKING

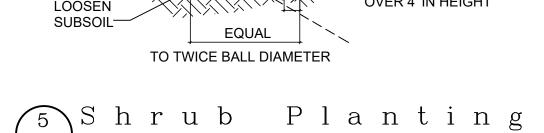
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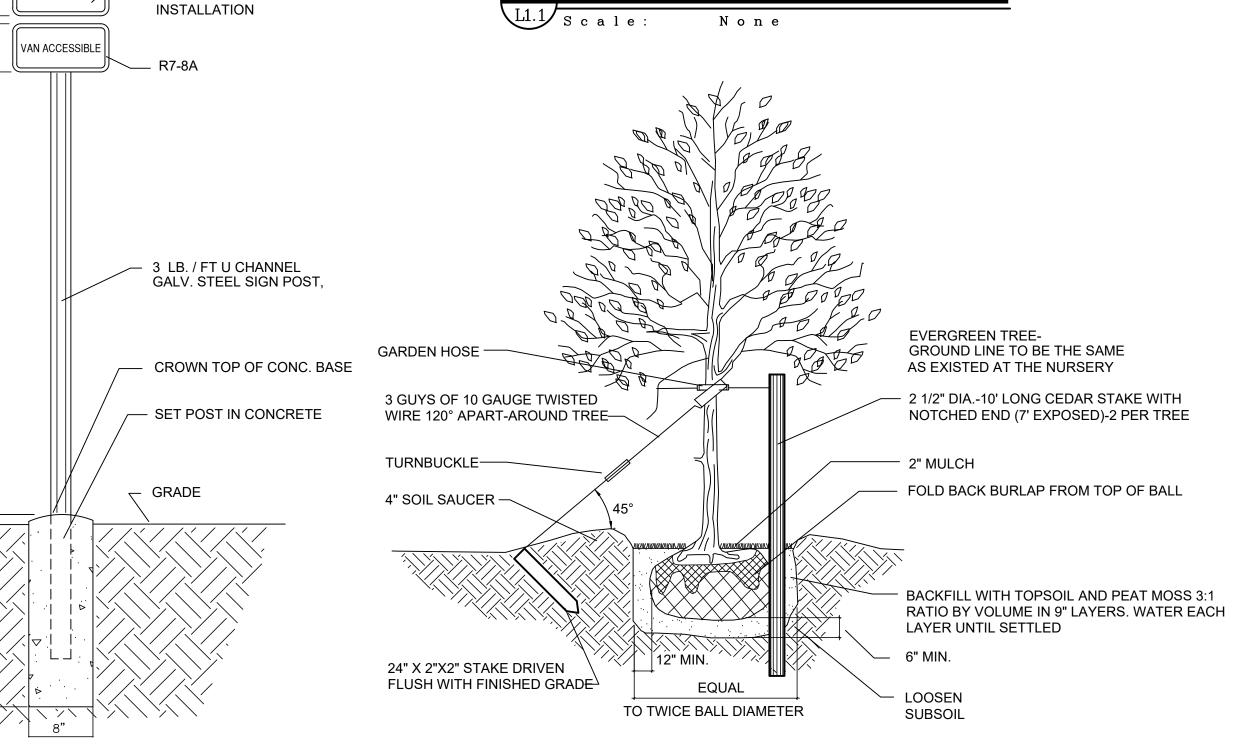
DEFORM THREADS AFTER

ADA Parking Signage

SIGN WITH GALV. STOVE BOLTS.







#### PLANTING SCHEDULE SIZE AT TIME OF **HEIGHT AT TIME** QUANTIT' ITEM | COMMON NAME **BOTANICAL NAME** PLANTING OF PLANTING SHUMARD OAK 2" CALIPER - MIN. APPROX. 8'-10' 16 QUERCUS SHUMARDII ILEX CORNUTA 'CARISSA' CARRISSA HOLLY 3 GALLON MIN. 15" 43

## IRRIGATION / GRASSING NOTES ALL OTHER AREAS DISTURBED BY CONSTRUCTION BUT NOT COVERED WITH LANDSCAPING BEDS OR SOLID CENTIPEDE

COVER. THIS IS IN ADDITION TO THE IMMEDIATE STABILIZATION MIX. PLANTING BEDS ARE TO RECEIVE COMPLETE COVER OF PINE

STRAW MULCH.

WITH A BERMUDA / CENTIPEDE MIX

THAT WILL ESTABLISH A PERMANENT

SOD SHALL BE HYDRO-SEEDED

PER SUMTER ZONING STANDARDS: ALL LANDSCAPE AREAS SHALL BE REQUIRED TO HAVE AN IRRIGATION SYSTEM THAT PROVIDES COVERAGE TO ALL PLANT MATERIAL. ALL COMPONENTS OF THE IRRIGATION SYSTEMS SHALL BE MAINTAINED IN WORKING ORDER.

COORDINATE SLEEVES BELOW ASPHALT AND CONCRETE WALKWAYS AS REQUIRED WITH PARKING AND SITEWORK LAYOUT AND SCHEDULING.

## PLANTING LEGEND SHUMARD OAK

CARRISSA CH ( ) HOLLY

SOD

SOLID CENTIPEDE

Improvements to:

1045 Pocalla Rd

L L C

134 N. Main Street

Sumter, South Carolina

803 774-3025

November 15, 2024

December 17, 2024

RS Bell

ን: Architects, LLC:ን

100266

Sumter, S.C.

for Vehicle Sales Business

Waynick Holdings, LLC

1045 Pocalla Road Sumter, South Carolina

Site Plans

Scale: 1'' = 30'

23-033 Project No.: File No.: 68-979904

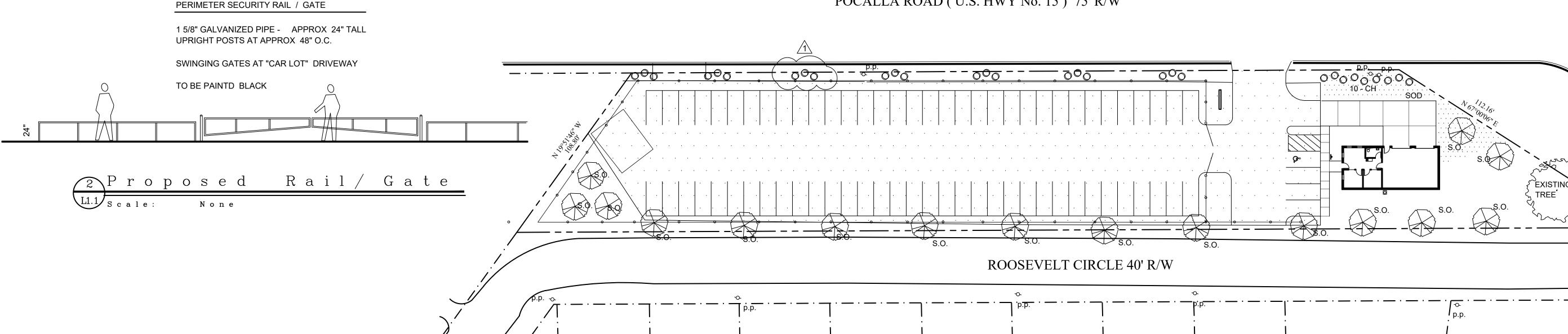
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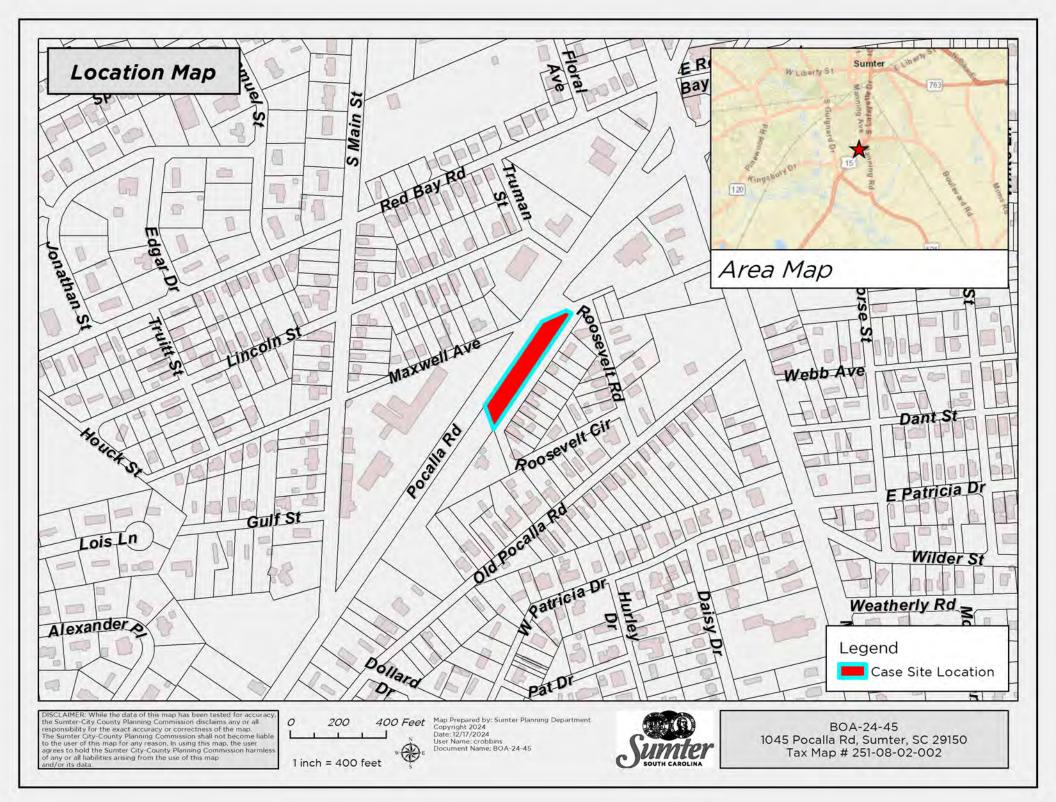
/1\ December 17, 2024 PER SUMTER PLANNING REVIEW

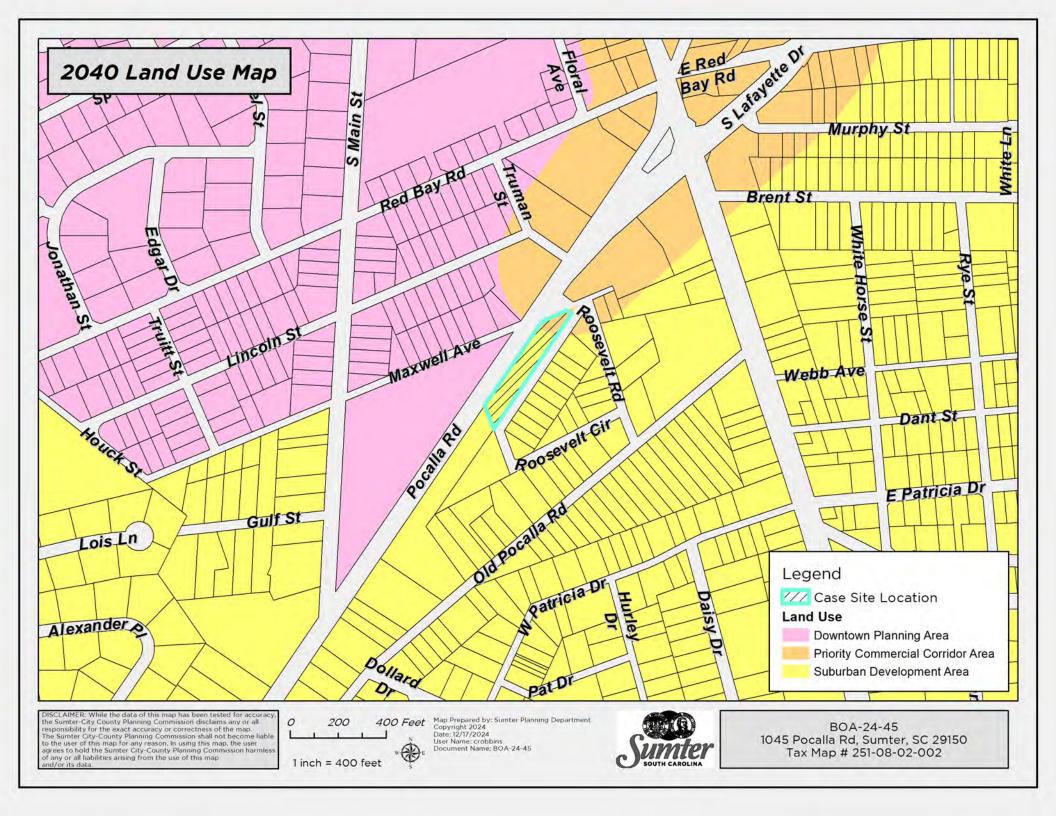
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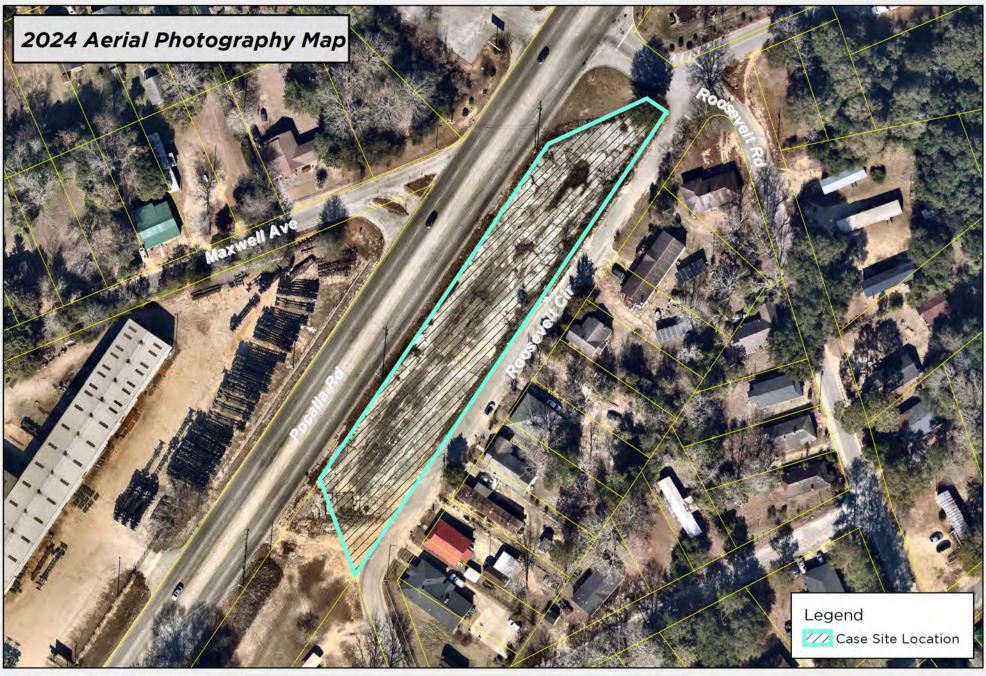


Tree Planting









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.

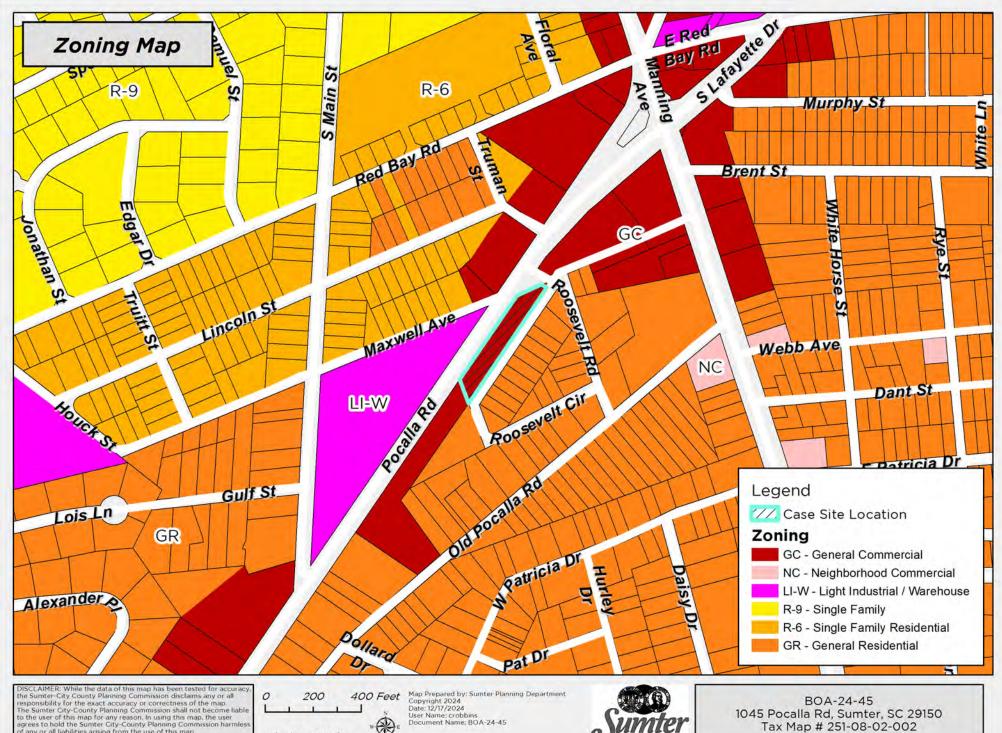
50 100 Feet

1 inch = 100 feet

Map Prepared by: Sumter Planning Department Copyright 2024
Date: 12/17/2024
User Name: crobbins
Document Name: BOA-24-45



BOA-24-45 1045 Pocalla Rd, Sumter, SC 29150 Tax Map # 251-08-02-002



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