

Sumter City-County Zoning Board of Appeals

March 12, 2025

BOA-25-03, 7 N. Guignard Dr. (City)

The applicant (Market Place Spirits #2) is requesting Special Exception approval in accordance with *Article 3, Exhibit 3-5: Permitted Uses in All Zoning Districts; Article 5.b.2: Enumeration of Certain Hazardous and/or Potential Disruptive Land Development Activities; and Article 5.b.3.m: Liquor Stores (NAICS 7224)* of the City of Sumter Zoning & Development Standards Ordinance in order to establish a Liquor Store Use on the property. The applicant (Market Place Spirits #2) is also requesting variance approval from the liquor store special design criteria outlined in *Article 5.b.3.m.*, and any other variances as maybe required, to establish a liquor store use closer than 300 ft. from a residential use and to allow for the use of existing landscaping to meet the 6 ft. screening fence requirement. The property is located at 7 N. Guignard Dr. is zoned General Commercial (GC), and is represented by TMS# 228-10-04-016



Appeals - Variance - Special Exception

Sumter City-County Zoning Board of Appeals

March 12, 2025

BOA-25-03, 7 N. Guignard Dr. (City)

I. THE REQUEST

Applicant: Market Place Spirits #2

Status of the Applicant: Authorized Agent

Request: The applicant is requesting Special Exception approval in order to establish a Liquor Store Use on the property. The applicant is also requesting variance approval from the liquor store special design criteria to establish a liquor store use closer than 300 ft. from a residential use and to allow for the use of existing landscaping to meet the 6 ft. screening fence requirement.

City Council Ward Ward 4

Location: 7 N. Guignard Dr.

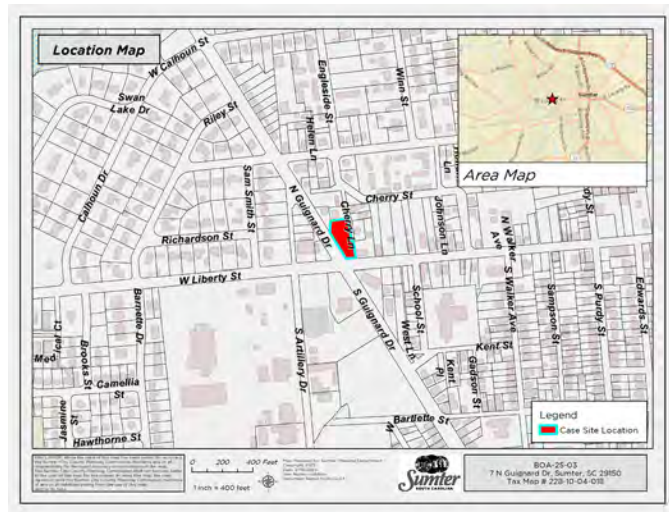
Present Use/Zoning: Vacant Commercial Building / General Commercial (GC)

Tax Map Reference: 228-10-04-016

II. BACKGROUND

The applicant is requesting special exception approval to establish a liquor store use (NAICS 44532) on property located at 7 N. Guignard Dr.

The applicant is also requesting variance approval from the liquor store special design criteria to establish a liquor store use closer than 300 ft. from a residential use and to allow for the use of existing landscaping to meet the 6 ft. screening fence requirement.

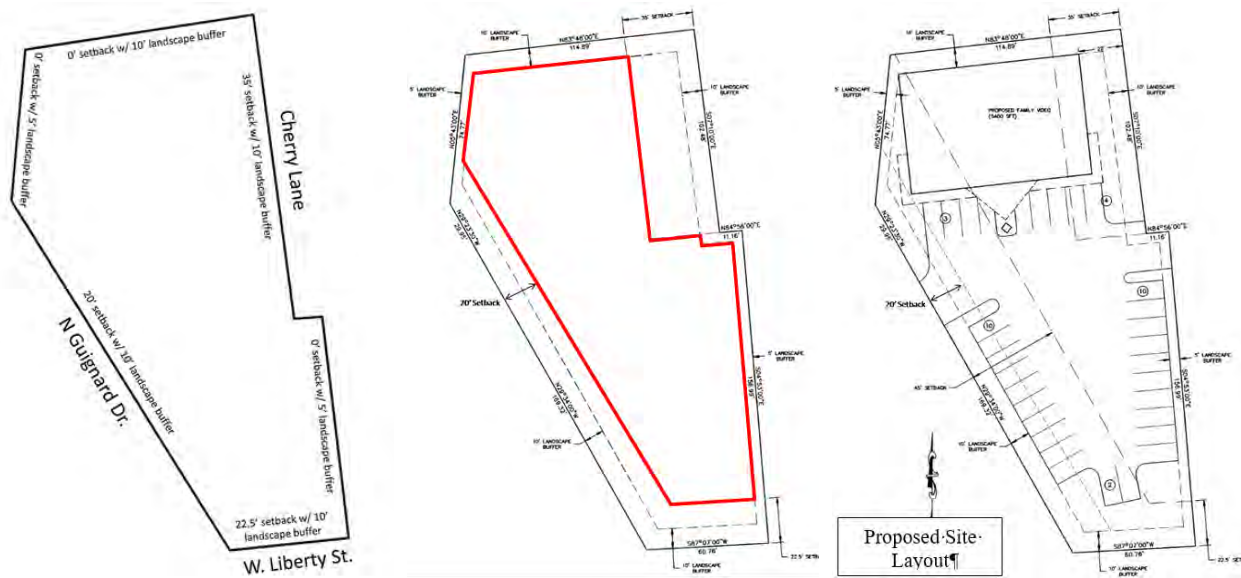


The subject property is located at the intersection of Guignard Dr. and W. Liberty St., and is marked in red on the map on the first page of this report.

The applicant is proposing to utilize an existing retail space that was last used as a video rental store for a liquor store use. The existing building footprint serves as the boundary for determining compliance with required separation standards.

In 2008, just prior to redevelopment of the site that resulted in the current conditions, a 13 ft. setback variance was requested via *BOA-08-24* to reduce the Cherry Ln. setback from 35 ft. to 22 ft. The purpose of the request was to allow the construction of the 5,400 sq. ft. commercial structure that subsequently housed a movie rental business and associated parking, landscaping and buffering.

The presence of Cherry Ln. effectively makes this 0.66 acre tract of land a triple frontage lot. The graphic below that was developed for *BOA-08-24* shows the setbacks and buffer yard requirements for this tract of land which would have been required for this property to be developed in accordance with the zoning regulations at that time.



Above: Graphics Excerpted from *BOA-08-24* Staff Report
(Setback Variance Requested and Approved)

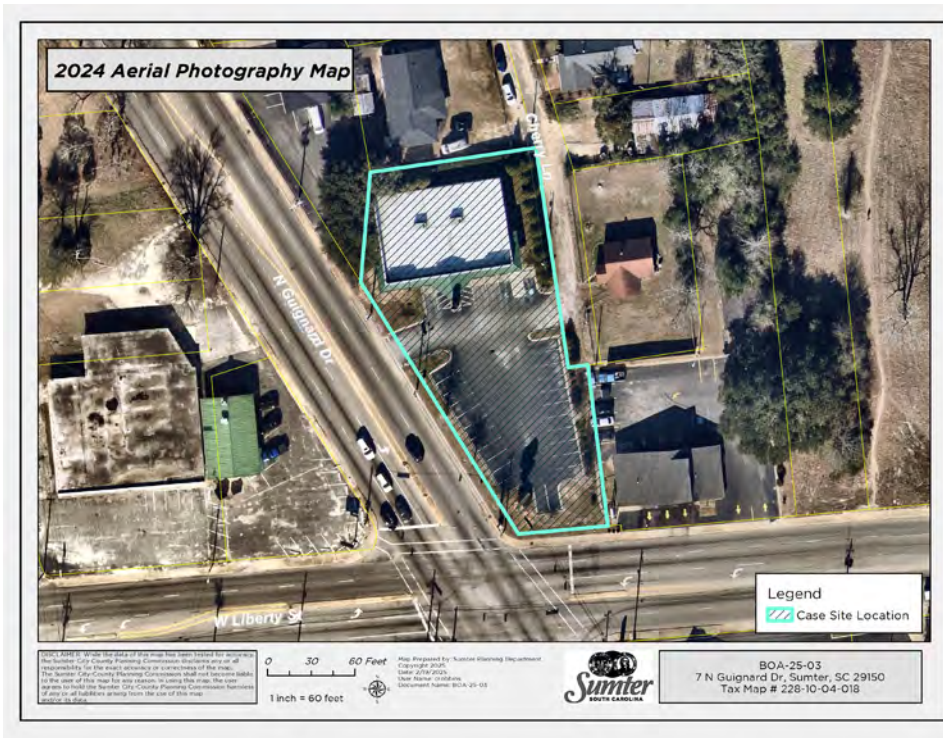


Figure 1: Overall Site Location (aerial imagery)

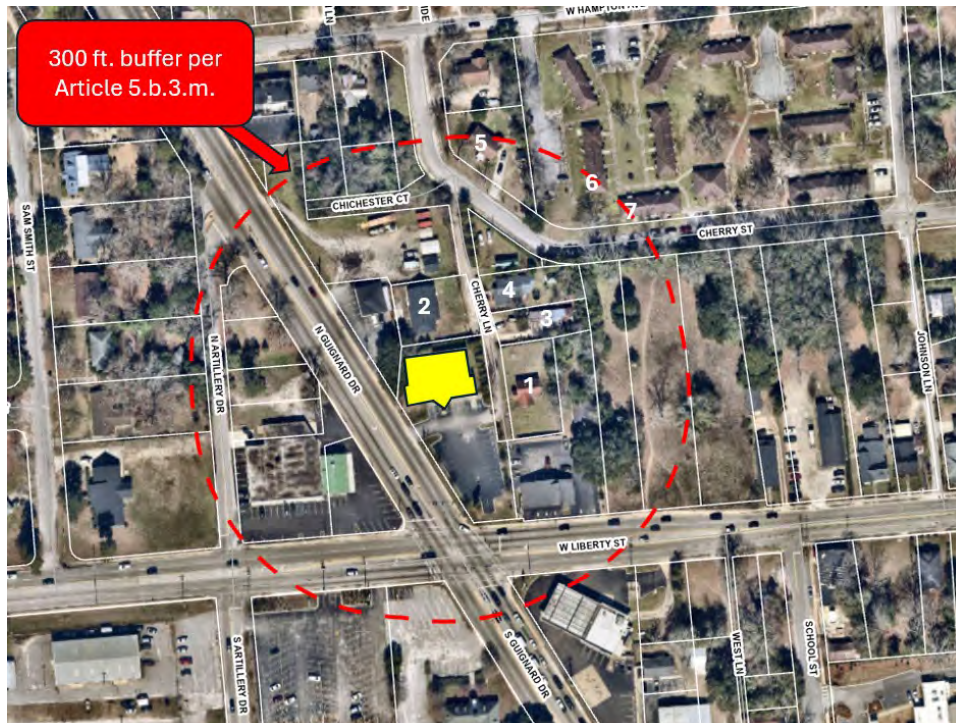


Figure 2: Proposed Liquor Store Location and 300 ft. buffer, with residential structures marked



Figure 3 – Corner of Building as viewed from front parking lot, driveway access to Cherry Lane and adjacent residential structure (#1) shown in background
(Source: Google Streetview, January 2025)



Figure 4 - Existing landscape buffer on side and rear of building proposed for liquor store use
(Source: Google Streetview, January 2025)



Figure 1 - View south on Cherry Lane with commercial building proposed for liquor store use in center background
(Source: Google Streetview, January 2025)



Figure 2 - Rear of subject site with adjacent residential structure (#2) depicted
(Source: Google Streetview, January 2025)

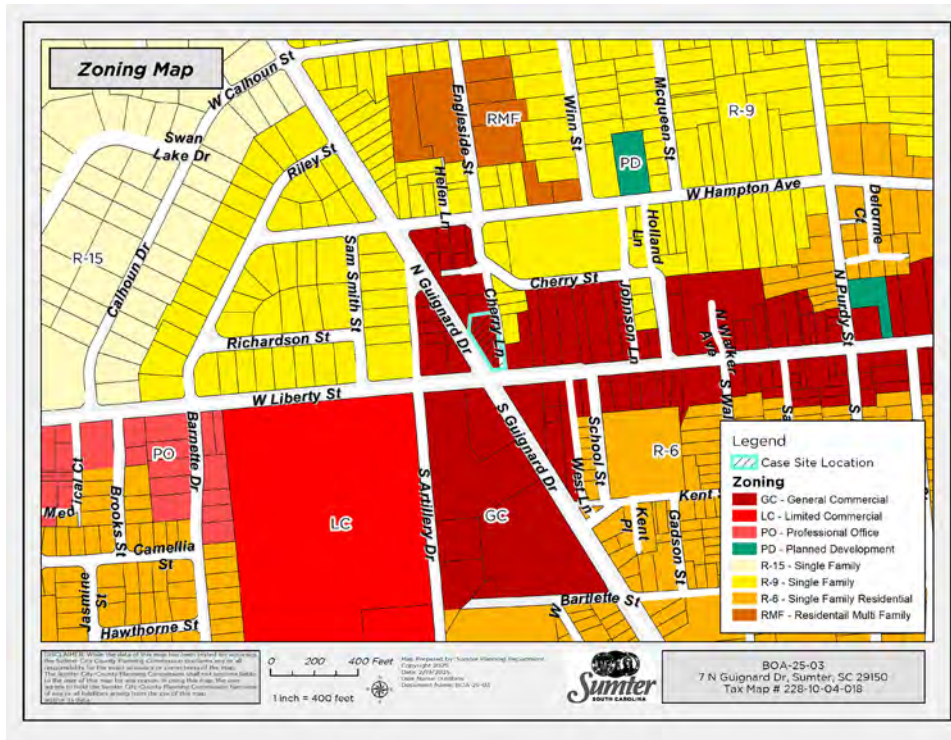


Figure 3: Zoning Map

III. SPECIAL EXCEPTION REVIEW CRITERIA

In the GC zoning district under *Article 3, Exhibit 3-5*, Liquor Stores (NAICS 44532) are special exception uses requiring the review and approval of the BOA. Special exception requests for liquor stores are evaluated in accordance with *Article 1.h.4.c.*, *Article 5.b.2: Enumeration of Certain Hazardous and/or Potential Disruptive Land Development Activities*; and *Article 5.b.3.m: Liquor Stores* as contained in the *City of Sumter Zoning & Development Standards Ordinance*.

Article 1.h.4.c: Special Exceptions

2. *Permits for Special Exceptions shall be evaluated by the Board of Zoning Appeals on the basis of the following criteria:*
 - a. *That the Special Exception complies with all applicable development standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements;*

Staff Review: The proposed liquor store use would be located in an existing commercial building, and no additional site development is proposed. Based on staff evaluation, the site meets minimum development standards applicable to the proposed commercial use, not including the special design criteria in *Article 5.b.3.m*.

- b. *That the special exception will be in substantial harmony with the area in which it is located;*

Staff Review: The property is zoned General Commercial (GC), is located along a roadway corridor intended to support higher intensity commercial uses. However, the commercial uses in the vicinity of the intersection are immediately adjacent to residential neighborhoods to the northwest, northeast, and southeast. Thus, potentially disruptive uses requiring special exceptions must be carefully weighed against the uses allowed in the commercial properties on Guignard Dr. and W. Liberty St.

- c. *That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.*

Staff Review: The property is zoned General Commercial (GC), is located along a roadway corridor designed to support higher intensity commercial uses. However, the proximity of a number of residential uses, combined with the existing driveway and parking lot configuration that provides an outlet for Cherry Ln. via the commercial parcel are factors which must be considered as potentially discouraging use of the surrounding property for residential use.

Article 5.b.3.m. Liquor Stores (NAICS 44532):

1. *This use shall not be within 300 ft. (measured in a straight line from structure to structure) of a residential use, church, school or public playground on a separately platted parcel.*

Staff Review: The proposed liquor store area is within 300 ft. (measured in a straight line from structure to structure) of 7 separate residential structures on separately platted parcels. The closest residence is +/-28 ft from the building, located to the rear of the structure. Another residence is +/- 50 ft. from the side of the building. The existing commercial building on the site has been used to determine the boundary for structure-to-structure measurements.

2. *A six-foot fence that is a visual screen will be installed to separate this use from residential uses.*

Staff Review: There are residential uses directly adjacent to the subject property. As such, a six-foot screening fence is a requirement. The applicant has indicated that they do not intend to construct a fence, and have identified that there is an existing visual screen established by landscaping on the building's rear and side boundaries. An additional factor influencing establishment of a fence is that the commercial driveway and parking lot of the site also serves as an access for the residents of Cherry Ln., and establishing a continuous fence to meet the Ordinance's intent would violate that site development plan.

IV. VARIANCE REVIEW CRITERIA

Ordinance Requirements:

Article 5.b.3.m. Liquor Stores (NAICS 44532):

1. *This use shall not be within 300 ft. (measured in a straight line from structure to structure) of a residential use, church, school or public playground on a separately platted parcel.*
2. *A six-foot fence that is a visual screen will be installed to separate this use from residential uses.*

The Request:

The applicant is requesting variances from the separation criteria from residential uses outlined in *Article 5.b.3.m. of the City of Sumter Zoning & Development Standards Ordinance* (the “Ordinance”) and from the 6-ft. fence requirement also outlined in *Article 5.b.3.m.* in order to establish a new liquor store use on the property.

V. 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.*

This parcel is an abnormally shaped triangular lot with two frontages on arterial streets with a third frontage on a local street. The presence of residential development immediately to the rear of the property is a condition commonly found in commercial corridors in Sumter, which

often have commercial uses along major routes with residential development immediately abutting the commercial property.

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

The presence of residential development immediately to the rear of the property is a condition commonly found in commercial corridors in Sumter, which often have commercial uses along major routes with residential development immediately abutting the commercial property.

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 to the particular property would preclude the applicant from establishing the desired liquor store business on the property via special exception use approval. However, the property may be used for any by-right use allowed in the General Commercial (GC) zoning district, and would also allow consideration of any conditional use subject to *Article 5.b.1.*

Because the liquor store use is identified as an enumerated hazardous and/or potentially disruptive land development activity that requires greater scrutiny under *Article 5.b.2.*, application of the ordinance standards for special exception approval would not be considered an unreasonable restriction on the utilization of the property in general.

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.*

Because liquor store uses are identified as enumerated hazardous and/or potentially disruptive land development activity that requires greater scrutiny under *Article 5.b.2.*, authorization of a variance to the criteria found in *Article 5.b.2.m.* could be considered a detriment to adjacent property, and granting of variances could harm the character of the district.

VI. STAFF RECOMMENDATION

Staff recommends no additional conditions of approval *if* the Board makes the necessary findings to approve this request.

VII. DRAFT MOTIONS for BOA-25-03

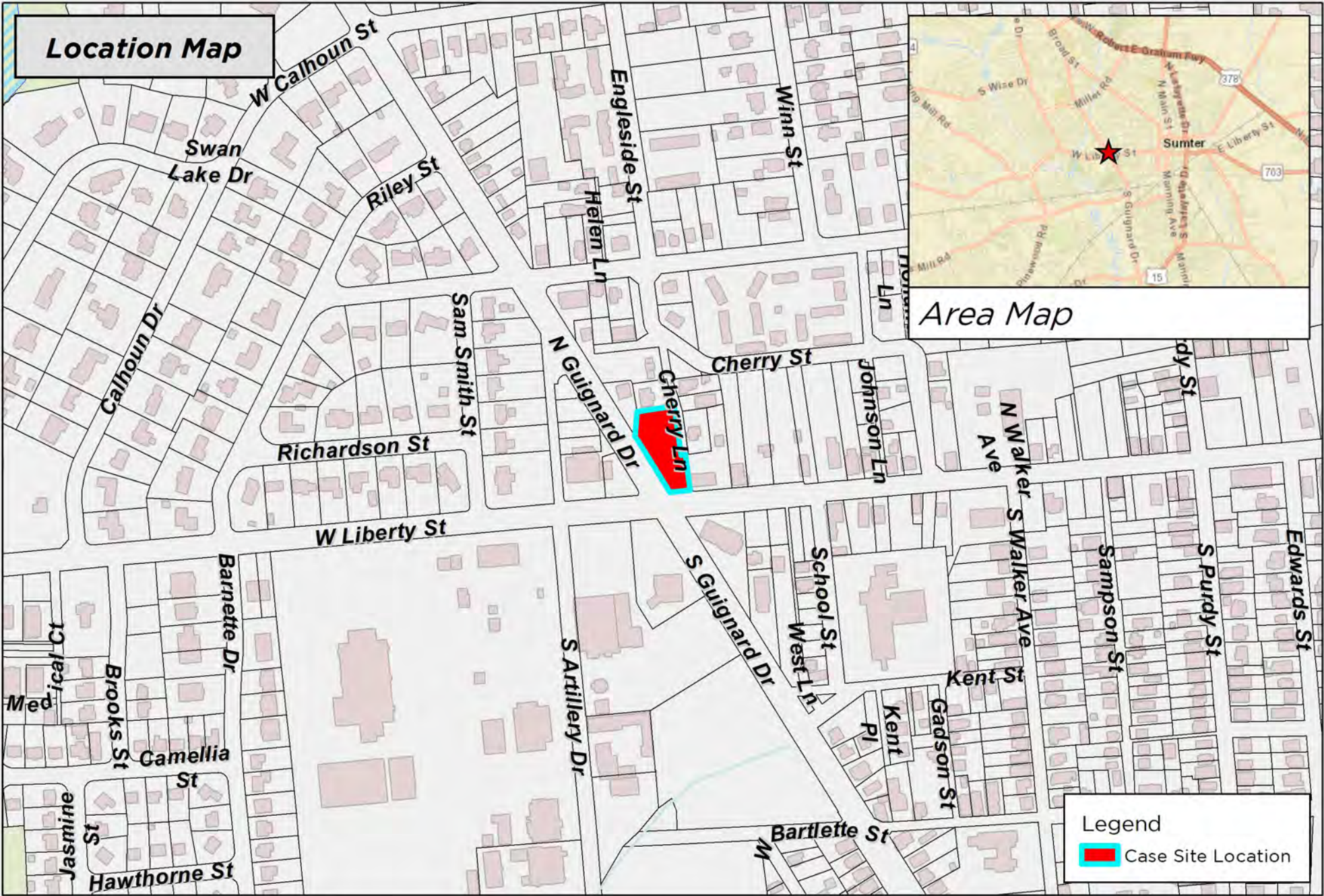
A. I move the Zoning Board of Appeals **approve** BOA-25-03, subject to the findings of fact and conclusions developed by the BZA and so stated:

B. I move the Zoning Board of Appeals **deny** BOA-25-03, subject to the following findings of fact and conclusions:

C. I move the Zoning Board of Appeals enter an alternative motion for BOA-25-03.


VIII. BOARD OF APPEALS – March 12, 2025

Location Map

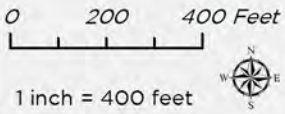


Area Map

Legend

 Case Site Location

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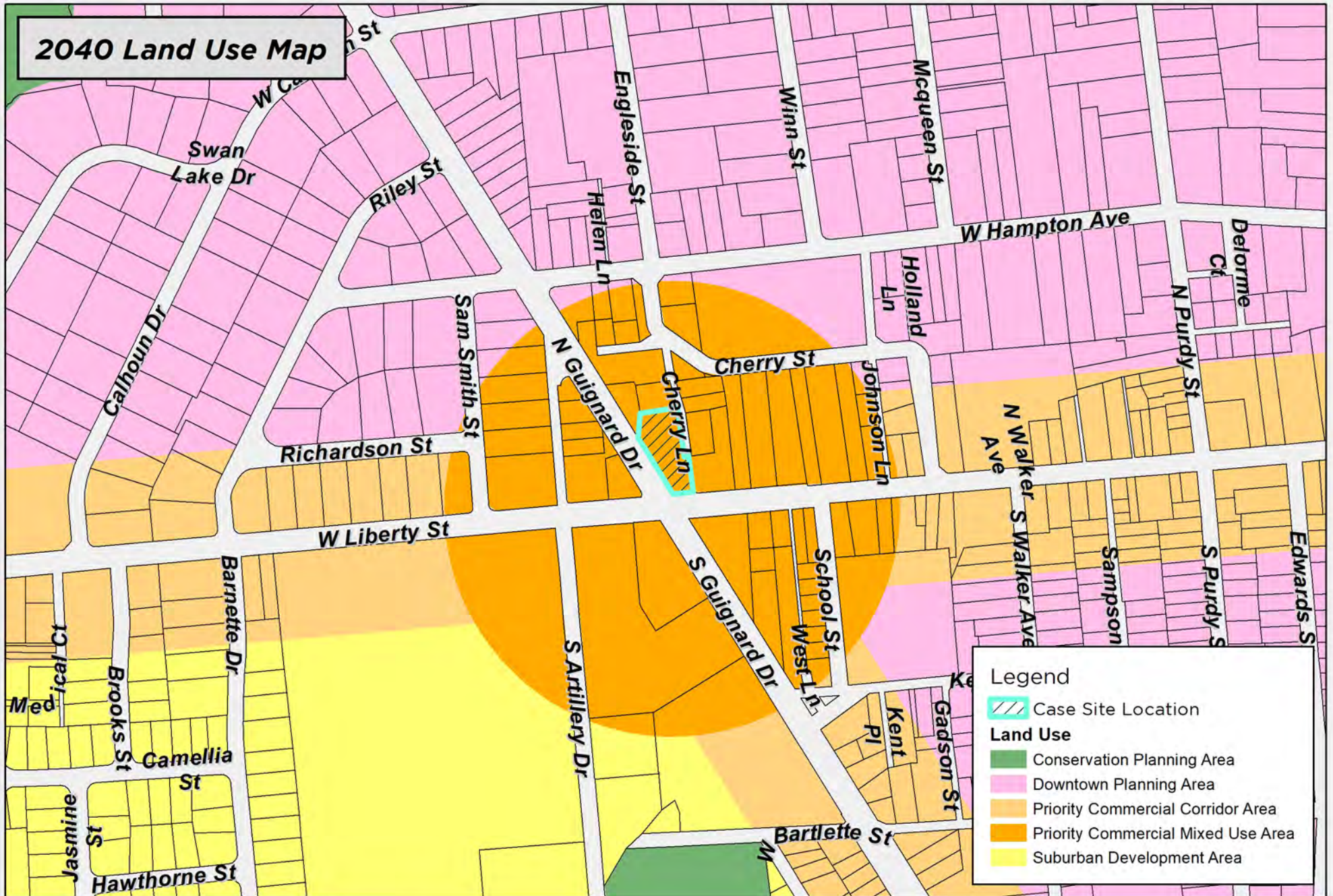


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







BOA-25-03
 7 N Guignard Dr, Sumter, SC 29150
 Tax Map # 228-10-04-018

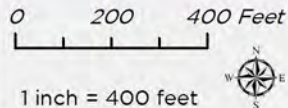
2040 Land Use Map



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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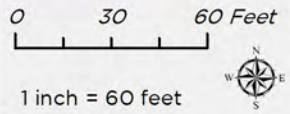
BOA-25-03
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2024 Aerial Photography Map



Legend
 Case Site Location

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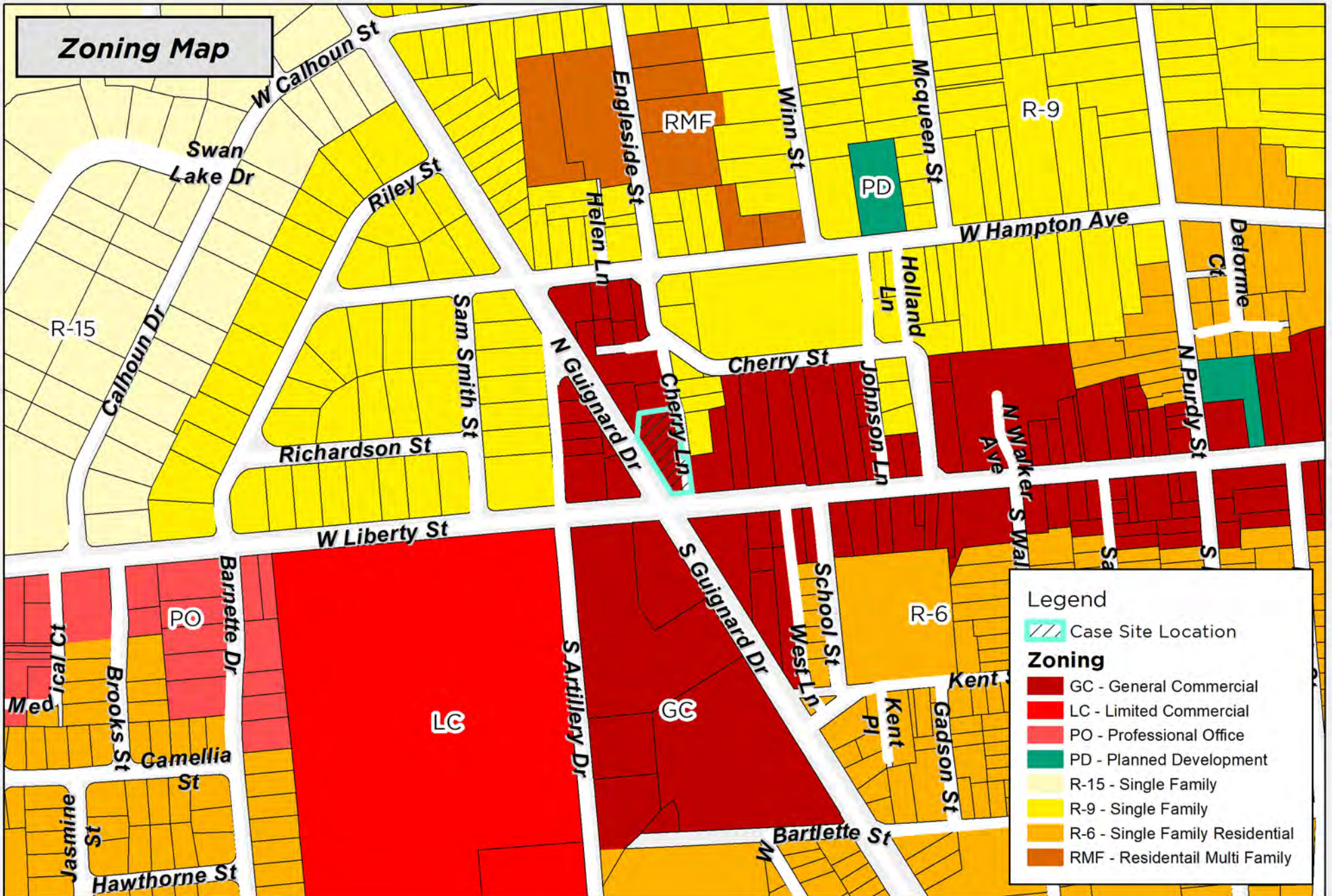


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BOA-25-03
7 N Guignard Dr, Sumter, SC 29150
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Zoning Map



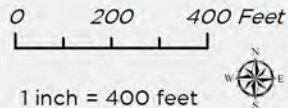
Legend

- Case Site Location

Zoning

- GC - General Commercial
- LC - Limited Commercial
- PO - Professional Office
- PD - Planned Development
- R-15 - Single Family
- R-9 - Single Family
- R-6 - Single Family Residential
- RMF - Residential Multi Family

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