

West Columbia Zoning Board of Appeals

Case Evaluation for a Variance

Case Number: ZBA 20-12

Tax Map Number: 005742-02-015

Property Address: 1618 Charleston Highway

Current Zoning: C-2 (General Commercial)

Applicant: Christine LaCount/Concept Unlimited, Inc.

Variance Requested: Nonconforming use approval for maximum display area of signs under Section 907.3(3).

Use of property: Vacant Commercial Space (Previous tenant was Rite-Aid)

Reason for Request: Section 907.3(3) of the Zoning Ordinance describes maximum display surface area of signs for properties zoned C-2 as:

The lesser of 150 square feet or three square feet for each one foot of lot frontage.

The applicant has submitted the signage plans for the new business – Octapharma Plasma – that will be located at this property. The plans indicate that signs will be affixed to 3 sides of the building – at the main entrance, facing Airport Blvd, and facing Charleston Highway (equaling 274 ft² according to the application).

Section 1101.2 gives the Zoning Board of Appeals the authority

To hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains the following findings:

- (a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (b) these conditions do not generally apply to other property in the vicinity;
- (c) 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;
- (d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
 - (i) The board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

(ii) In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety or general welfare.

Character of Area: The property is located at the apex of the Charleston Hwy and Airport Blvd intersection, sandwiched between the two highways. As result of its proximity to the 5-point intersection, the subject property is nearly encircled by road frontage, save for its southern boundary. Most of the nearby properties along this corridor are also zoned C-2, except for the Maurice's Piggie Park parcel – east of the subject property – which is zoned LM (Light Manufacturing). In 2019, the SCDOT measured AADT values of 12,100 vehicles for Airport Blvd and 10,700 vehicles for Charleston Hwy.

Analysis: Under the Zoning Ordinance, Octapharma Pharmacy is permitted up to 150 ft² for signs with an additional 50 ft² for a secondary freestanding sign. The existing nonconforming freestanding signs total 346.8 ft². The panels in the freestanding signs can be replaced, however, since the freestanding signs exceed the maximum display area, permits for new signs on the building cannot be issued. Their request is for a total of 274 ft² for signs on the building, bringing the total on the property to 620.85 ft².

To grant the variance, the ZBA must determine that the request meets all the findings of fact.

