



## Staff Report

### Variance Request

**DATES:** June 17, 2024

**TO:** Irmo Board of Zoning Appeals

**FROM:** Douglas Polen, Assistant Town Administrator

**SUBJECT:** Variance Request

**SUBJECT  
PROPERTY:** A 1-acre tract located at 900 Lake Murray Blvd, TMS R03915-01-10

**ACTION  
REQUESTED:** Consider a variance to signage for businesses located on the lot

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### Background

In January, 2024 Staff received a sign application for the subject property, a 96 sf sign featuring two static faces and one LED Screen. A variant without the LED portion measuring 56 sf was also submitted. There are currently two older signs on the property, and the stated plan was to remove the two signs and replace with one new sign.

At the time, the property was zoned Neighborhood Commercial, which allows for a 20 sf sign with a maximum height of 12 feet. Staff advised the applicant that the best course of action was to rezone the property to General Commercial. The GC Zone was more in keeping with the immediate area and would allow for a larger sign – 25' tall and 50 sf per side.

The property owner applied for a rezoning and it was granted on March 19, 2024.

During and following the rezoning the sign company for the property owner sent in sign plans of various sizes, but all featured signs larger than 50 sf per side. During this time Doug Polen, Assistant Town Administrator, communicated with both Dr. Mark Pelletier and a staff member at Premier Aesthetic Dentistry – Pamela – about the sign. On March 27, 2024 Pamela sent Mr. Polen plans for a sign of 66.7 sf, stating that since this was a multi-tenant space, they should qualify for a multi-tenant sign.

The Zoning Ordinance does differentiate between standard freestanding signs and multi-face signs. Standard freestanding signs allow for 25' tall and 50 sf per side. Multi-face signs allow for 25' tall and 65 sf per side. However, the Zoning Ordinance defines a multi-face sign as a "free standing sign advertising more than four businesses located within the same development." The subject property features two businesses, and therefore is permitted only a standard freestanding sign of 50 sf.

The current sign submittal dated May 2, 2024 requested a 62 sf sign and was denied. These sign plans are attached.

## Analysis

When granting a variance, South Carolina State Law (SC Code § 6-29-800) states that "A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing" five findings. These findings are in question form below, with recommended answers proposed as Staff Analysis.

1. *Are there are extraordinary and exceptional conditions pertaining to the particular piece of property?*

No. The property has no substantial extraordinary or exceptional conditions when compared with nearby properties. There are no such conditions that would necessitate a larger sign.

2. *Do these conditions generally apply to other property in the vicinity?*

N/A. There are no extraordinary or exceptional conditions.

3. *Because of these conditions, does the application of the ordinance to the particular piece of property effectively prohibit or unreasonably restrict the utilization of the property?*

No. There are no extraordinary conditions, and the property can and has been effectively and reasonably used for years.

4. *Will the authorization of the variance be of substantial detriment to adjacent property or to the public good, and will the character of the district be harmed by the granting of the variance?*

All nearby businesses follow the Zoning Ordinance active at the time of permit. That having been said, a 62 sf sign would not be a substantial detriment to adjacent property.

5. *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 grounds for a variance. Does the request accompany any of the aforementioned considerations?*

This variance would not establish an otherwise non-permitted use, extend a nonconformity, or change the zoning district boundaries. One could argue that a larger sign would allow the property to be utilized more profitably.

### **Staff Findings**

Staff finds that the variance should be **DENIED**. Per State law, the Board of Zoning Appeals has the power "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." Staff sees no unnecessary hardship as the subject property is no different from surrounding properties, the surrounding properties are following the same code, and the subject property is currently being used successfully. As such, it meets none of the requirements for a variance.

# 900 Lake Murray Boulevard Variance

Board of Zoning Appeals | June 17, 2024

2024-1-29 Irmo Zoning Map

[Open in Map Viewer Classic](#)

[Sig](#)

## Legend

Richland\_Lexington\_County\_Boundaries

Parcels

Irmo Town Limits

## Richland County Zoning

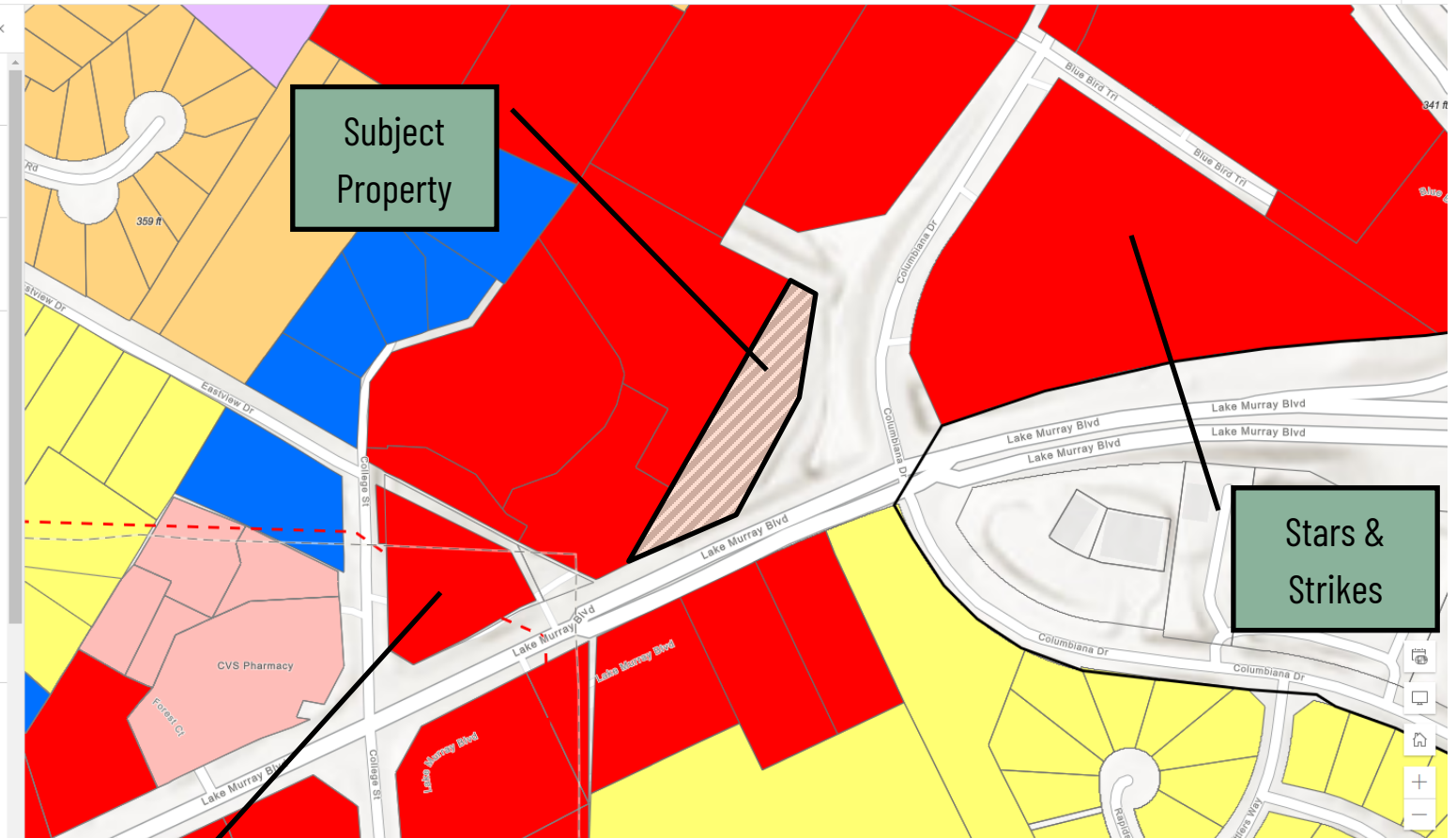
Richland Zoning

- CG
- CN
- CO
- FA
- LM
- MD
- RG
- RS

## Lexington County Zoning

ZONING

- CG
- CN
- CO



# 900 Lake Murray Boulevard Variance

Board of Zoning Appeals | June 17, 2024





900 Lake Murray Blvd June 200

## VARIANCE APPLICATION

Sign Permit #: 22024#104  
Zoning District: C6  
Date Filed: 5/23/24  
Fee: \$100.00 OK

Please print clearly or type responses. Complete and submit the application and attachments. If the applicant is not the owner(s), the owner(s) must complete and sign the *Designation of Agent*. **Staff cannot place this application on the agenda if it is incomplete and/or without the appropriate supporting documentation.** Please use additional paper. Submit a digital and hardcopy site plan, and any additional materials (i.e. photographs, elevation drawing with dimensions, or renderings). Site plans must be no longer than 24" x 36", and show scale, tax map number, property owner/developer information, date, vicinity map, north arrow, property shape and dimensions, landscaping, buffering, and location and size of existing and/or proposed structures, and drives, etc. **The site plan must be designed by a registered land surveyor, landscape architect, or engineer.**

Applicant Name: James "Marion" Duncan  
Phone: 803-794-4207

Address: 108-A White Oak Lane, Lexington, SC 29073  
Email: md@themdcompanies.net

*Designation of Agent:* I/we hereby authorize the person named as Applicant to act on my/our behalf to submit and amend documents, meet with staff, and attend public meetings/hearings. Complete all designated areas.

Mark G. Pelletier  
Owner's Name (print)

[Signature]  
Owner's Signature

5/21/24  
Date

Pamela F. Pelletier  
Witness (print)

[Signature]  
Witness Signature

5/21/24  
Date

Phone: 803-781-7901

Email: PREMIERDENTISTRY@SC.M.COM

Zoning District: CG List pertinent ordinance section: \_\_\_\_\_

Current property use: ☐ Residential ☒ Commercial ☐ Industrial ☐ Vacant Lot Area (sq ft)/acre of propose project: \_\_\_\_\_

1. Describe the proposed project: Remove two existing old signs and needs major repairs (150 Sq Ft)  
Fabricate and install one new sign with 2 tenants. (64 Sq Ft)

2. I/we hereby appeal the zoning official's denial to the Zoning Board of Appeals for a variance from the applicable zoning provision (cite article and section) N/A  
to permit the use of property in the manner shown on the attached scaled plot/site plan and/or above description.

3. The application of the ordinance is believed to result in unnecessary hardship, and the standards for a variance set by SC Code § 6-29-800(A)2 and the ordinance are met by the following facts: Please describe in detail how you meet the below variance criteria.

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: More than 8,000 rental space, multiple tenant space. Multiple is two or more.  
Ordinance defines it as four.

b. These conditions do not generally apply to other property in the vicinity as shown by:

There are neighbors that have one building with two tenants. State Farm & Irmo Drugs two 4 x 8 cabinets. Take 5 is a single building with 2 cabinets about 80 sq ft

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 as follows:

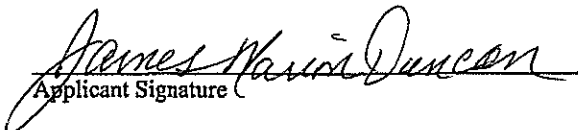
Ordinance requires 4 to be "multiple" tenants. When there is two or three it restricts the tenants to share 50 sq Ft. 3 tenants can only have 16.6 sq ft & 25 Sq ft for two tenants. This Sq Ft. is not adequate signage to reach the traffic affectively in operating a business.

d. The authorization of the variance will not be of substantial detriment to adjacent properties or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:

The removal of two signs and the replacement of one very attractive sign with similiar sizes as others close by.

4. Indicate (check ☒ the applicable) supportive documentation. ☐ plat ☒ scaled site plan (for new improvements) required  
☒ photographs ☒ elevation drawings with dimensions ☒ renderings  
☐ others (please list) \_\_\_\_\_

I attest to the best of my knowledge the information and attachment(s) provided are accurate. The proposed activity does not contradict any restrictions and covenants. I authorize the subject property, if applicable, to be posted with a notice for the Zoning Board of Appeal's public hearing.

  
Applicant Signature

05/23/2024

Date

THIS SECTION IS FOR USE BY STAFF ONLY

Date Received by the Staff: 5/23/2024

Date Advertised: \_\_\_\_\_

Date property was posted: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

## STANDARDS FOR GRANTING VARIANCES

The applicant must provide sufficient evidence to support an unnecessary hardship. A variance allows the board to modify an otherwise legitimate zoning restriction when, due to unusual conditions, the restriction may be more burdensome than was intended. The variance must not impair the public purpose. To obtain a variance on the ground of “unnecessary hardship,” there must at least be proof that a particular property suffers a singular disadvantage through the operation of a zoning regulation. An owner is not entitled to relief from a self-created or self-inflicted hardship. A claim of unnecessary hardship cannot be based on conditions created by the owner nor can one who purchases property after the enactment of a zoning regulation complain that the nonconforming use would work a hardship upon him.

The board has some discretion when deciding to grant or deny a variance. However, it is not free to make whatever determination appeals to its sense of justice. SC Code § 6-29-800(A)2 state and explains the following variance criteria:

1. **Extraordinary/Exceptional conditions.** There are extraordinary and exceptional conditions pertaining to the particular piece of property. Extraordinary conditions could exist due to size, shape, topography, drainage, street widening, beachfront setback lines, or other conditions that make it difficult or impossible to make an economically feasible use of the property.
2. **Other property.** These conditions do not generally apply to other properties in the vicinity.
3. **Utilization.** 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.
4. **Detriment.** The authorization of a variance will not be of substantial detriment to adjacent property owners to the public good, and the character of the district will not be harmed by granting the variance.

SC Code § 6-29-800(A)(2)d prescribes other factors:

1. **Use variance.** SC Code § 6-29-800(A)(2)(d)(i) states: The board may not grant a variance, the effect of which would 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 if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.
2. **Conditions.** In granting a variance, the board may attach conditions to it. These conditions may affect 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 public health, safety, or general welfare.



## APPROXIMATE SCALE AND PLACEMENT





8" H DIMENSIONAL LETTERING  
STUD MOUNT TO ALUMINUM TOPPER

32"H X 90"W X 18"D  
PAINTED ALUMINUM DETAIL

NEWLY FABRICATED  
47"H x 95"W X 18"D DOUBLE SIDED  
INTERNALLY LIGHTED SIGN CABINET.  
FLAT ACRYLIC FACE TO HAVE APPLIED  
VINYL GRAPHICS. DESIGN AND COLORS TBD

AREA: 31 SQ FT

2" X 90" PAINTED ALUMINUM REVEAL

NEWLY FABRICATED  
47"H x 95"W X 18"D DOUBLE SIDED  
INTERNALLY LIGHTED SIGN CABINET.  
FLAT ACRYLIC FACE TO HAVE APPLIED  
VINYL GRAPHICS. DESIGN AND COLORS TBD

AREA: 31 SQ FT

TOTAL AREA:  
62 SQ FT



6' TALL MAN  
FOR SCALE

60"H X 100"W BRICK BASE (STYLE TBD)

32"H X 90"W X 18"D  
PAINTED ALUMINUM REVEAL

198" OVERALL

90"

900

*Premier*  
Aesthetic Dentistry

MARK G. PELLETER, D.D.S., P.A.

**CENTURY 21.**  
Vanguard

100"

PAINT COLOR  
PMS 4545C

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PHYSICAL ADDRESS

APPROVAL SIGNATURE

FILE: PREMIER DENTISTRY

PROJECT MANAGER: HUNTER MCCOY

DATE: 4-3-2024

E-MAIL: HUNTER@themdcompanies.net

DRAWING SCALE: 3/8" = 1'

CONTACT

WEB PAGE: www.themdcompanies.net

DRAWN BY: Jason Freeman

















