

VARIANCE APPLICATION
TOWN OF CLOVER
Board of Zoning Appeals

Date Filed: 02/14/2022 Permit Application #: _____ Appeal #: _____

I. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal of the following provisions of the Zoning Ordinance:
Fred Caldwell Tractors is asking permission to erect a Mahindra sign at 961 Bethel Street

so that a zoning permit may be issued to allow use of the property in manner shown on the attached plot plan, described as follows:

The property is located behind Bojangles and O'Reillys. The property will be used for tractor sales and display

for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited sections(s) of the Zoning Ordinance.

II. The application of the ordinance will result in unnecessary hardship and the standards for a variance set by State law and the ordinance are met by the following facts.

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: The property is zoned B-2 with access between Bojangles and O'Reillys and needs a sign

b. These conditions do not generally apply to other property in the vicinity as shown by: Other properties have signs of this type

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: A sign is needed for customer use and advertisement to the public

d. The authorization of the 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 for the following reasons: Both adjacent businesses have signs and this one would be similar and would not interfere with existing signs

e. The effect of the variance does not allow the establishment of a use not otherwise permitted in the zoning district, does not extend physically a nonconforming use of land, and does not change the zoning district boundaries shown on the official Zoning Map. Correct

III. The following documents are submitted in support of this application:

Site plan and proposed sign


Applicant Signature

2/14/2022

Date

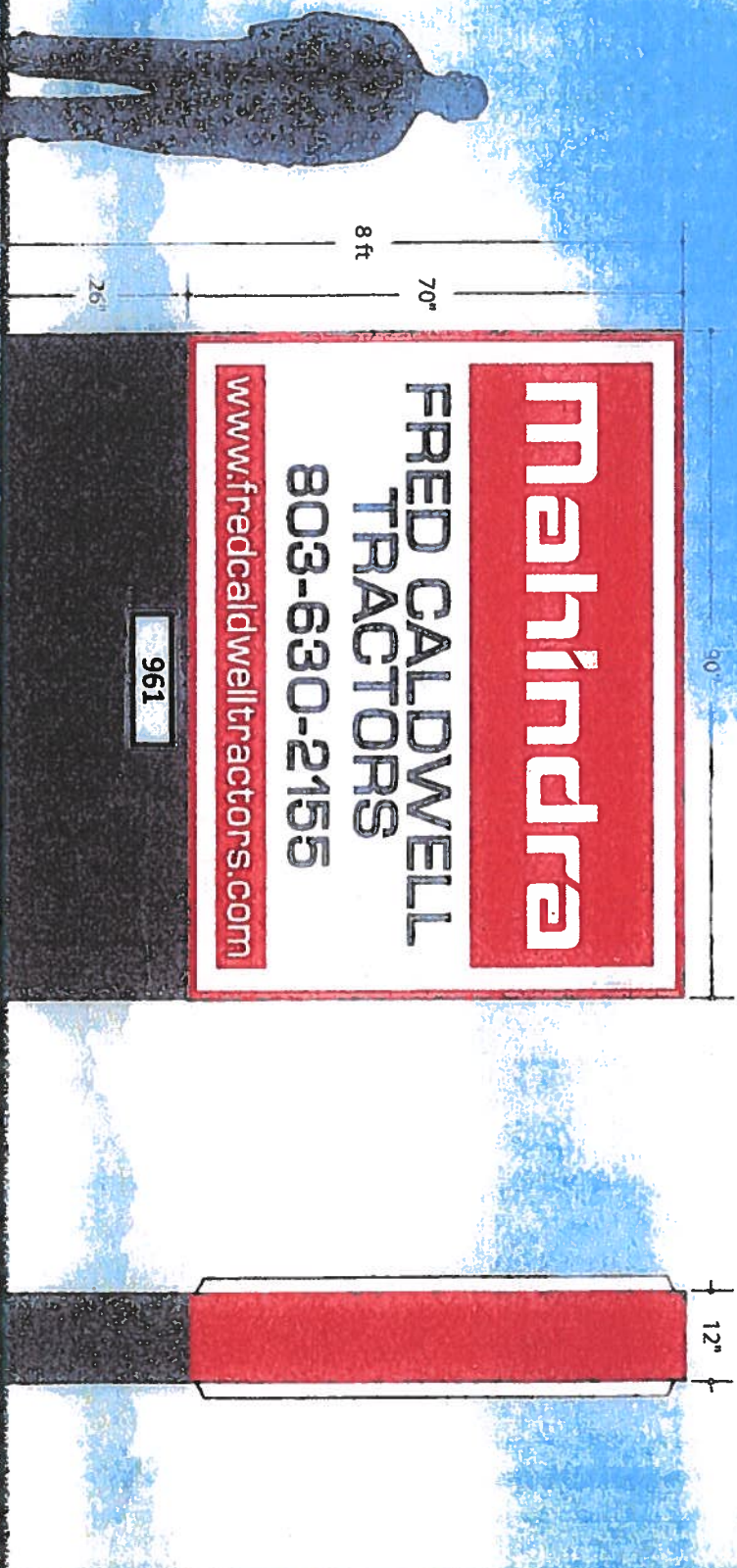
Eight (8) copies of a site plan must be attached to this application. Also, it is recommended that the property be physically staked out.

CONCEPT

QTY 1 - DF

Internally Illuminated Main ID, Pan Formed Acrylic Faces w Premium Vinyl Graphics 1st Surface

SCALE - NTS



- Color Specifications:**
- (C1) Mahindra Brand Red - Pantone 186C
 - (C2) White Acrylic Faces
 - (C3) Black Cabinet Base & Premium Vinyl
- PRINTED COLORS ARE FOR CONCEPTUAL USE ONLY. ACTUAL

Designed By: J. Owen

STOP PLEASE NOTE

This Drawing shall be reviewed, signed & approved by your client and the sign contractor. The contractor shall be responsible for errors of any kind. Please inspect this drawing against your contract and bear the ultimate in accuracy and correctness.

MARK OF EXCELLENCE
AWARD WINNER



H. Fred Caldwell, Jr.
President
803-222-4581
caldwellfred@hotmail.com

FRED CALDWELL CHEVROLET
974 Bethel Street, PO Box 1000
Clover-Lake Wylie, SC 29710

cell 704-718-5300
home 704-824-0019
fax 803-222-0479

DIVERSIFIED SIGNS GRAPHICS

www.diversifiedsigns.com

1123 James Harvey Rd.
P.O. Box 1087
York, SC 29745
Phone : 803.628.1121
Fax : 803.628.1109

8/23/2021

Fred Caldwell
Tractors
MAIN ID

Fred Caldwell
Brian Lawton

Conceptual
Revisions
Final Production

PLEASE NOTE

This drawing shall be reviewed, signed & approved by your client and the sign contractor. The contractor shall be responsible for errors of any kind. Please inspect this drawing against your contract and bear the ultimate in accuracy and correctness.

Installation Instructions Included on Drawing

UL International
Listed
ULTRA
ELECTRIC SIGN

SEVERAL SIGNIFICANT RISKS ARE ASSOCIATED WITH THE PRODUCTION AND INSTALLATION OF THIS SIGN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER DESIGN, CONSTRUCTION, AND INSTALLATION OF THIS SIGN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER DESIGN, CONSTRUCTION, AND INSTALLATION OF THIS SIGN.

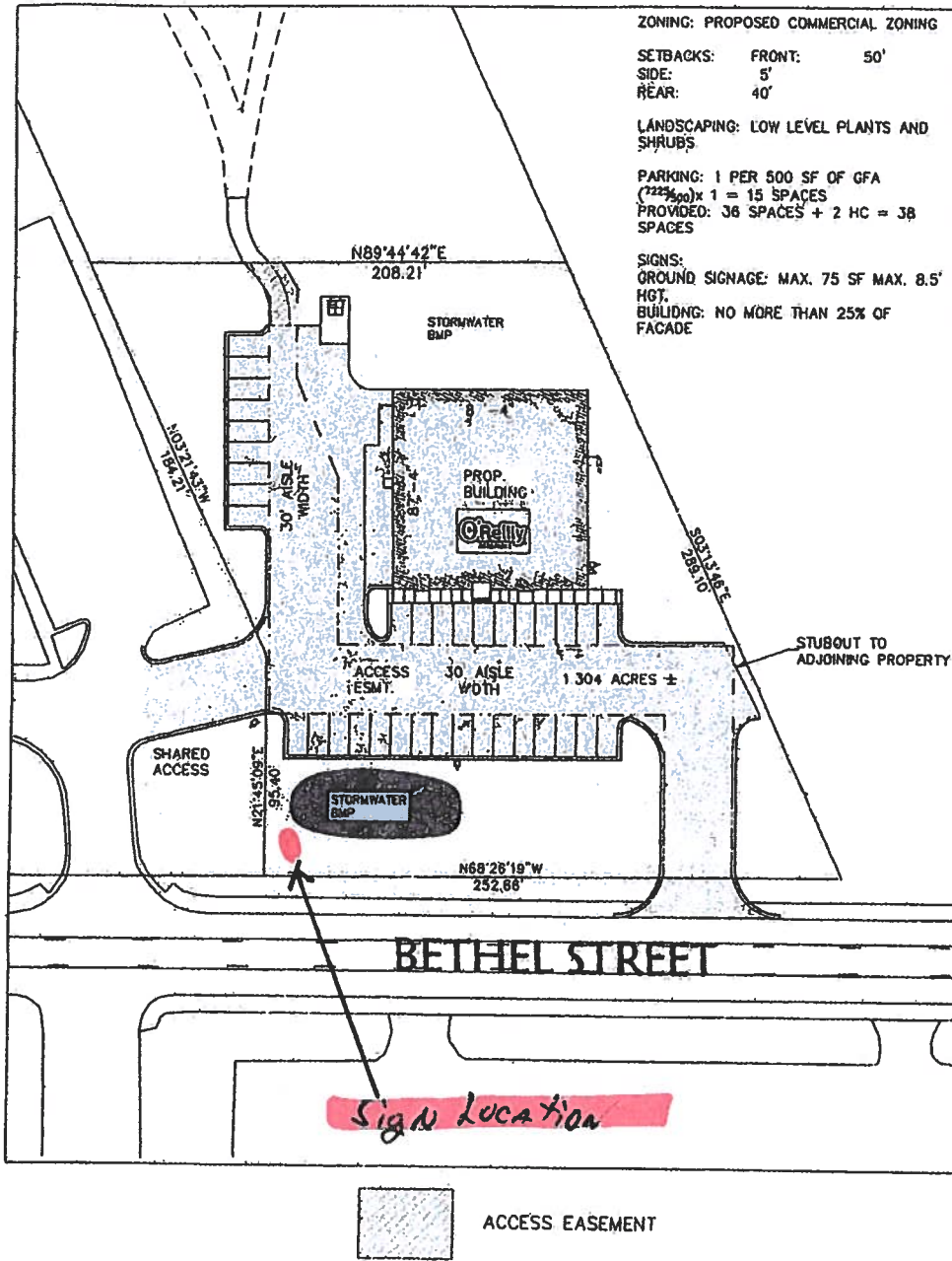
This sign is considered to be suitable for the following applications:

By _____

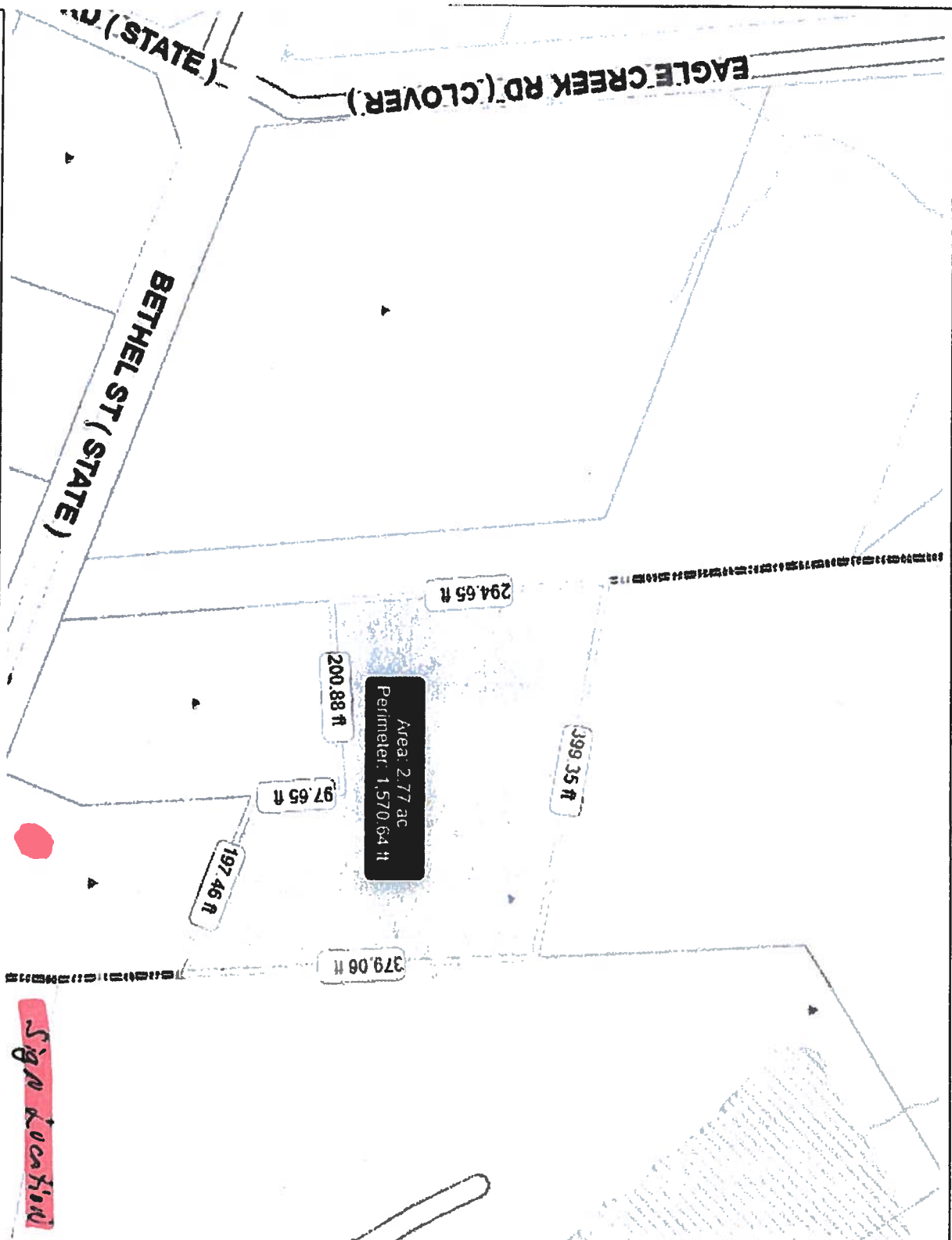
REPRODUCING THIS DRAWING IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF DIVERSIFIED SIGNS GRAPHICS IS PROHIBITED. ALL RIGHTS RESERVED.

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EXHIBIT A-2
ACCESS EASEMENT



Enter a Map Title



0.1
0
0.04
0.1 Miles
WGS_1984_Web_Mercator_Auxiliary_Sphere
GIS@YorkCountyGov.com

Printed: 12/27/2021

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- Address
- ▲ Occupied
- ▲ Meter
- ▲ Vacant

1: 2,257



Notes

Enter Map Description



Variance Request Staff Report

Case No. VA 3-22-2022

Meeting Date: March 22, 2022

Applicant	Fred Caldwell 974 Bethel Street Clover, SC 29710
Owner:	Clover Associates LLC PO BOX 350 Aptos, CA 95001
Location:	971 Bethel Street
Tax Map Number:	379-00-00-065
Zoning Districts:	B-2 Highway Commercial COD – Corridor Overlay District
Proposed Use:	Second sign installed on property with an existing monument sign.

Zoning Relief Sought:

The applicant is proposing to place a second sign on the on the O'Reilly Auto Parts Parcel (Tax Parcel # 379-00-00-065) that will serve as an off-premise sign for a future Mahindra Tractor Sales and display area to be located behind the subject parcel.

The applicant is seeking a Variance to the Town of Clover Zoning and Land Development Standards Article 5 Sign Regulations, Table 5, Free Standing Signs Note "C" "One [sign] per developed lot only"; and Corridor Overlay, Section 2.7-5, General Design Standards for Determining Appropriateness, which permits one monument sign per lot.

The applicant indicates that the location of their future tractor sales and display business does not allow them to adequately advertise their business because they do not have direct frontage onto SC 55/Bethel Street. Placement of the sign behind the subject parcel, on their own parcel, would eliminate visibility. The applicant is in the process of purchasing the property behind the O'Reilly Auto Parts store. That parcel (379-00-00-002) is currently occupied by a single-family home.

Authority: [excerpt from ZLDO Section 9.4-6]

The Board of Zoning Appeals shall have the following powers and duties:

- 2) To hear and decide appeals for a variance from the requirements of the Zoning Ordinance when strict application of the provision of the Ordinance would result in unnecessary hardship. A variance may be granted on an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:
 - a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property;**

Applicant's Comment: The property the applicant is acquiring is zoned B-2 and is located behind Bojangles and O'Reilly's

Staff comment: The subject property currently contains an existing monument sign owned by the property owner. The parcel being purchased by the applicant for the future tractor sales and display area, has no direct street frontage and is located behind and accessed through the O'Reilly Auto Parts store site.

b. These conditions do not generally apply to other property in the vicinity;

Applicant's comment: "Other properties have signs of this type."

Staff comment: No other properties in the area have two monument signs. The applicant received a Variance to locate a second monument sign at 978 Bethel Street in 2021, but never installed a sign, and is proposing to relocate their business to another parcel.

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;

Applicant's comment: "A sign is needed for customer use and advertisement to the public"

Staff comment: Strict enforcement of the sign requirements of Article 5 Sign Regulations, Table 5, Free Standing Signs Note "C" and Corridor Overlay Ordinance, Section 2.7-5 "General Design Standards for Determining Appropriateness" would eliminate the ability to have an off-premise sign on the subject property without a variance under the terms of the proposed application. The applicant has another option to a Variance permitted in the ordinance. They can utilize a shared sign with the O'Reilly's Auto Parts store property. However, this would require a signed agreement between the applicant and the subject property owner. The applicant has not indicated if co-location was explored as an option to another monument sign.

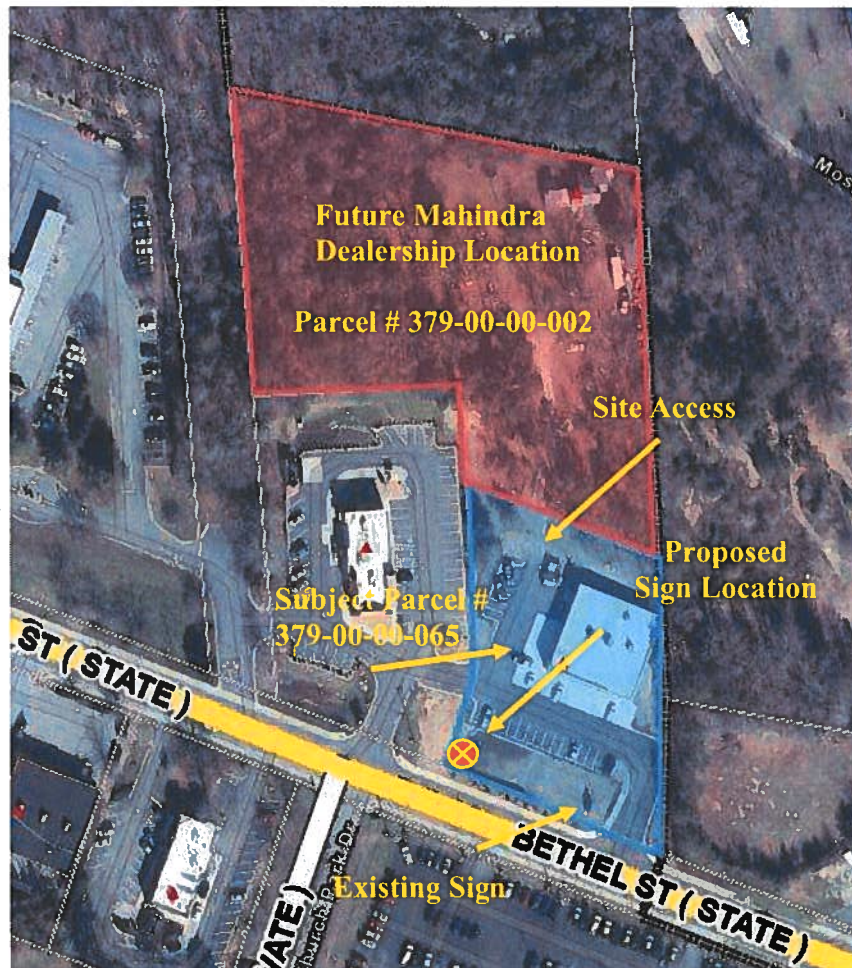
d. The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.

Applicant's comment: "Both adjacent businesses have signs and this one would be similar and would not interfere with existing signs"

Staff comment: The additional sign will need to meet all minimum zoning requirements for placement to ensure that it will not infringe on adjacent property owners or sight visibility of drivers.

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.

Aerial photo of the subject property, existing sign.



Staff Summary:

The applicant is in the process of purchasing parcel 379-00-00-002 shaded in red on the aerial photo, which is a B-2 zoned parcel currently occupied by a single-family home, located behind the subject parcel. The applicant proposes developing the site for a sales and display lot their Mahindra Tractors. It does not appear that the parcel has had past commercial uses that demanded an off-premise sign. However, the zoning on this

property permits commercial uses. To be viable, most commercial uses require the need to advertise in the form on-site signage. Display of on-site signage is not feasible without road frontage for this parcel due to lack of visibility. The applicant has another option to a Variance; they can utilize a shared sign with the O'Reilly Auto Parts store property. However, this would require a signed agreement between the applicant and the subject property owner.

Should the Board approve the variance request, staff recommends the following conditions of the approval be applied:

- The sign area shall be no more than 52 square feet, as required within the Corridor Overlay District.
- The sign is required to be located no closer than 5 feet to any property line.

Google Street View photo of the site.



Attachments:

- Application for variance and application materials.