

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, MARCH 23, 2023
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET**

Present: Paul Lawson, Blake Hendrick, Jay Sellers, Lesley Hill, Catherine Dingle
Absent: Charles Byrd, Sandra James
Staff: Kym Wilkerson, Zoning Administrator
Others: Keith Powell, Alan Todd

I. CALL TO ORDER

Chairman Lawson called the meeting to order at approximately 5:30 p.m.

II. APPROVAL OF MINUTES

Hill made a motion, seconded by Lawson to approve the February 23, 2023 minutes as written. The vote in favor was unanimous and the motion carried.

Lawson swore in the applicants and staff.

III. CRITERIA

Lawson read the following four criteria required to be met in order for the Board to grant a variance:

Extraordinary conditions: There are extraordinary and exceptional conditions pertaining to the particular piece of property;

Other Property: The extraordinary and exceptional conditions do not generally apply to other property in the vicinity;

Utilization: Because of the extraordinary or exceptional conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

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

IV. VARIANCE REQUESTS

- ~~A. *Previously Deferred*.....Morgan Ward, agent for Dock Hardee, request a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO)*, Section 6.3 Non Residential Design Standards and Section 9.2.2 Landscaping Determination, for the property located on Hwy 501 (between Sioux Swamp Rd and Hwy 548). (PIN 326 15 04 0002) ****Applicant requested April 27th BZA meeting.**~~
- B. Cheryl Adamsom, agent for the owner, requests a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO)*, Section 5.2.1 Accessory Structures, for the property located at **1821 Racepath Avenue**. (PIN 368-03-01-0004)

Wilkerson stated the parcel is zoned R1 and is currently vacant with the exception of a community garden. Residential gardens are not regulated by the UDO.

The property owner would like to add a High Tunnel for the community's use as well. Zoning would consider a High Tunnel an "Accessory Structure". Per the UDO, Section 5.2.1-Accessory Structures, "Single-family detached dwelling, single-family semi-detached dwelling, and two-family dwelling uses shall be permitted to construct and utilize structures which are accessory to the principal use of the property." Since the property is vacant, there is not a principal use.

The applicant is seeking a variance from: Section 5.2.1 – Accessory Structures - The applicant requests a variance to allow an accessory structure to be permitted without a principal structure on site and to allow said structure to be located where best suited on the parcel with the condition that setbacks for the R1 zoning district are met.

Staff would also like the following condition put on the variance should it be granted: With the condition that any damage to the High Tunnel be repaired as soon as feasibly possible and that the parcel remain well-kept and in good order.

The applicant cites the following reasons for which a variance should be granted: 1) This property has been used for as a Community Garden for the last 10 years and now I would like to build a High Tunnel Green House. 2) The property is being used as a Community Garden. There is not a residence on the property. 3) The strict application of the Zoning Ordinance would restrict the creation of a year-round environment to grow crops. 4) The High Tunnel will bring much needed fruits & vegetables to the area. 5) There is no profitability to this variance request, only a benefit to the residents in that area.

Staff recommends that the BZA conduct a thorough review of the request and determine if a legal hardship exists and if the best interests of the City of Conway would be served by granting the request.

Alan Todd, agent for Larry White was present and further explained the request.

The board and applicant discussed the request in length.

Lawson ask how long the garden has been on the property. Agent for applicant, Mr. Alan Todd, Professor at Coastal Carolina University, stated that the garden has been on the parcel for the neighborhood's use since 2013. Mr. Todd further explained how involved CCU students have become with the garden as well as the potential of a High Tunnel. Dingle ask if there has been any input from the public concerning the variance to which Wilkerson stated none at all.

There was no public input.

Lawson made a motion to grant the variance as requested. Hill seconded the motion and the motion carried unanimously.

- C. Keith Powell, applicant, requests a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO)*, Article 11 Signage, for the property located at **1101 Fourth Avenue**. (PIN 368-04-02-0096)

Wilkerson stated that the parcel is zoned CBD (Central Business District) and is subject to the requirements of the Community Appearance Board (CAB). The applicant was granted a "Certificate of Appropriateness (COA)" from the CAB for his signage package on 2.8.23; however, per the UDO, the CAB could only approve one of the two canopy/awning signs. The COA allowed for signage on the canopy/awning facing Fourth Avenue.

Section 11.4.3 Awning Signs of the UDO limits the number of canopy/awning signs to one per tenant space, regardless of being a corner lot. There will be only one tenant at this location; therefore, before the CAB can consider a second canopy/awning sign, the applicant must be granted a variance from the Board of Zoning Appeals (BZA).

The applicant is seeking a variance from: Section 11.4.3 – Awning Signs - The applicant requests a variance to allow for a second canopy/awning sign facing Laurel Street to match the one facing Fourth Avenue that has been approved by CAB.

The applicant cites the following reasons for which a variance should be granted: 1) We are a corner lot on 4th and Laurel Street. The building was an original gas station and has 2 drive under canopies. 2) The conditions are particular to our piece of property as being a corner lot and a prior gas station, we have 2 canopies that both are store fronts. 3) We feel that the strict application of the Zoning Ordinance would restrict our business' visibility to those coming from Laurel Street side. The canopy sign would place our signage approximately 28-ft toward Laurel Street providing much better visibility from further down Laurel Street. The adjacent building on Laurel Street block the wall signage down Laurel Street and you could not see it until you were almost to set foot on the property. 4) Granting the variance will not harm any adjacent properties and actually looks more natural and flowing. It will also match the canopy sign located on the 4th Avenue elevation. 5) Our variance request is 2-fold, to create a natural aesthetically flowing signage and to increase the visibility for our Laurel Street side.

Staff recommends that the BZA conduct a thorough review of the request and determine if a legal hardship exists and if the best interests of the City of Conway would be served by granting the request.

Keith Powell, owner, was present and further explained the request.

The board and applicant discussed the request in length.

Lawson stated that he understood Mr. Powell's request for the signage to be on the canopy facing Laurel Street to mimic the signage facing Fourth Avenue.

The Board liked the idea of using the old gas station as an ice cream shop instead of it sitting vacant. Sellers commented that the signage on the canopy looked nice.

Hill stated that the wall sign facing Laurel Street didn't look as good as the canopy signage.

The Board ask Mr. Powell when he planned to be open for business.

There was no public input.

Dingle made a motion to grant the variance as requested. Lawson seconded the motion and the motion carried unanimously.

V. AJOURN

There being no further business to come before the Board, a motion was made and seconded to adjourn the meeting. The vote in favor was unanimous. The motion carried and the meeting was adjourned at 5:44 p.m.

Approved and signed this 27 day of April, 2023.


Paul Lawson, Chairman