

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, JANUARY 25, 2024
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET**

Present: Paul Lawson, Lesley Hill, Sandra James, Catherine Dingle, Jay Sellers
Absent: Blake Hendrick
Staff: Kym Wilkerson, Zoning Administrator; Anne Bessant, Planning Assistant; Jeff Leveille, IT
Others: Megan Newbold, Terry Buchmann, Jorome Simiyon, Jon Michael Williamson, Rein Mungo, Lloyd R. Dunn, Betty Grissett, Marc Monley, Charles Rietman, Nobli Rietman, Van Davenport, Kenneth Williams

I. CALL TO ORDER

Chairman Lawson called the meeting to order at approximately 5:31 p.m.

II. ELECTION OF OFFICERS

James made a motion to elect Lawson as the Chairman of the Board of Zoning Appeals for 2024. Dingle seconded the motion and the motion carried unanimously.

James made a motion to elect Dingle as the Vice-Chairperson of the Board of Zoning Appeals for 2024. Hill seconded the motion and the motion carried unanimously.

III. APPROVAL OF MINUTES

Hill made a motion, seconded by Lawson to approve the December 14, 2023 minutes as written. The vote in favor was unanimous and the motion carried.

Lawson swore in the applicants and staff.

IV. 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.

V. VARIANCE REQUESTS/PUBLIC INPUT

- A. Betty Grissett, agent for her husband, Mark Onley, property owner, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Article 6-Design Standards*, for the property located at **604 McCray Alley**. (PIN 368-03-01-0038)

Wilkerson stated that the applicant's home, located at 604 McCray Alley, suffered fire damage. The applicant's originally intended to renovate what is left of the structure; however, the Building Department posted the structure as "unsafe" due to damage from the fire.

Per the Building Inspector, the home suffered major damage including rafters and roof damage. The house will need to be rewired and plumbed due to the fire. Additionally, the foundation needs support added in several areas and exterior wall studs/supports show evidence of termite damage.

The applicants have chosen to build a new home and have building plans ready to submit for a permit; however, they were advised to apply for the variance first.

The parcel is zoned R1 and is considered "*legal non-conforming*" since the width of the lot at the ROW does not meet the current UDO standards of 75-ft. The lot is only 34.76-ft wide. The only dwelling type permitted in the R1 zoning district is single family detached. The setbacks in the R1 zoning district are 20-ft Front, 20-ft Rear and 10-ft Sides. The applicant is requesting a 5-ft variance on both side setback requirements from 10-ft to 5-ft in order to build a single family detached home.

The applicant is seeking a variance from:

- **Table 6.1: Dimensional Requirements for Residential Zoning Districts**

The applicant requests a variance of 5-ft on the side setback allowing for a 5-ft side setback on both sides of the property.

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.

The applicant was present to answer any questions.

There was no public input.

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

- B. Megan Newbold, AIA, with Garvin Design Group and agent for Coastal Carolina University, property owner, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Article 6-Design Standards*, for the property located at **Highway 544 and University Boulevard**. (PIN 382-00-00-0039)

Wilkerson stated the applicant currently has plans in review for a new CCU Indoor Practice Facility. The parcel is zoned Institutional (IN) and is within the Gateway Corridor Overlay (GCO). The initial submittal made the applicant aware that the facility must meet the requirements of the Gateway Corridor Overlay (GCO).

Per **Section 6.3.1-Nonresidential Architectural Design Standards** of the UDO:

D: *P, NC, HC, CC, CBD, GCO, and VCO: Properties that are located outside of the HDRDs shall be reviewed and approved by the Planning Department and shall meet the following architectural design standards:*

9: *“No portion of a building constructed of unadorned concrete masonry units or corrugated metal, sheet metal, exposed metal, and / or manufactured panelized metal wall systems shall be visible in any manner from adjoining developed properties, from existing public rights-of-way, or from adjoining properties which are eligible for future development.”*

Though staff can appreciate that the structure is aesthetically appealing, our role is to enforce the UDO as written.

The applicant is seeking a variance from:

- **Section 6.3.1-Nonresidential Architectural Design Standards**

The applicant requests a variance from D-9 of the above section in order to allow exposed metal as part of the façade of the new CCU Indoor Practice Facility.

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.

Rein Mungo, agent for owners, was present and further explained the request.

Charles Rietman spoke during public input.

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

- C. Matthew Norris with DN Engineering and T. Van Davenport, agents for Shannon Burchett, property owner, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Article 6-Design Standards*, for the property located at **2206 Church Street**. (PIN 338-08-04-0001)

Wilkerson stated the parcel is zoned Highway Commercial (HC) and was annexed into the City of Conway as Highway Commercial in 2006. The applicant is proposing a Commercial Strip Center on this parcel.

The City of Conway's Technical Review Committee (TRC) has reviewed a one-page sketch plan which triggered a comment concerning the dumpster location.

Per **Section 6.6.2 – Mechanical Equipment, Dumpster, Recycling, and Trash Handling**, of the UDO:

- **B: Location.** *The location of all utilities and trash handling facilities shall be in the rear or side yards. No such facilities shall be located in any yard adjacent to a public street.*

The parcel is a corner lot with Highway 501 (Church Street) as the front yard and Village Street as the corner front yard. If the dumpster is placed on the parcel meeting the UDO requirements, it will be against the residential parcels that abut this parcel in the rear and on the side. Reggie Jenerette, Sanitation Director, has approved the location along Village Street for the purposes of sanitation trucks entering and exiting with the condition that the applicant follow the City of Conway's Double Dumpster Specs. (*attached*)

Section 6.6.2 – Mechanical Equipment, Dumpster, Recycling, and Trash Handling, of the UDO also states:

- **C-2: Screening.** *The Appropriate screening includes: A wall OR opaque fence (excluding chain-link), a minimum of six (6) feet in height and constructed of materials approved by TRC. Shrubs, earth berm, and/or understory trees may be required in conjunction with a fence/wall to further obscure such facilities.*

Staff has not seen a landscaping plan yet but should the variance be granted, staff would like the board to consider adding a condition that additional landscaping be utilized in conjunction with the wall or fence to further obscure the dumpster facility.

The applicant is seeking a variance from:

- **Section 6.6.2 – Mechanical Equipment, Dumpster, Recycling, and Trash Handling**
A variance to allow the dumpster facility to be located in the corner front yard along Village Street with the condition that the dumpster facility be screened by the required wall or fence as well as additional landscaping to further obscure the facility from the public right-of-way and

adjacent properties.

Van Davenport, owner was present to answer any questions.

Lloyd Randall Dunn and Kenneth Williams expressed concerns during public input about the lack of an effective sound barrier between the dumpster and their residence when it is emptied early in the mornings.

Lawson made a motion to grant the variance with the condition that the dumpster facility be screened by the required wall or fence, as well as additional landscaping to further obscure the facility from the public right-of-way and adjacent properties. Dingle seconded the motion and the motion carried unanimously.

VI. 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 6:07p.m.

Approved and signed this 22 day of Feb, 2024.


Paul Lawson, Chairman