

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, OCTOBER 26, 2023
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET**

Present: Paul Lawson, Charles Byrd, Jay Sellers, Blake Hendrick
Absent: Catherine Dingle, Sandra James, Lesley Hill
Staff: Kym Wilkerson, Zoning Administrator; Anne Bessant, Planning Assistant; Marcus Cohen, IT
Others: Steven Strickland, Karen Lowery, Donna St. Jean, Joe Teifer, Lareefa Livingston, Anothony Green, John Tat, Jeff Enslid, Cynthia Bell, & others

I. CALL TO ORDER

Chairman Lawson called the meeting to order at approximately 5:33 p.m.

II. APPROVAL OF MINUTES

Byrd made a motion, seconded by Sellers to approve the September 28, 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/PUBLIC INPUT

- A. Mark Donevant of Earthworks Group, agent for Palmetto Properties of Conway LLC, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 6.6.2-Mechanical Equipment, Dumpster, Recycling, and Trash Handling*, for the property located at **Hwy 378 and Belladora Road**. (PIN 368-01-01-0009 and 368-01-01-0013)

Wilkerson stated that both parcels are zoned R2 and both front Belladora Road. The parcels are being developed as an In-Common Townhome project named Mills Pointe. The parcels are not located within an overlay district. Per plat book 239-347, PIN# 368-01-01-0009 is encumbered by a 150-ft SCPSA ROW along the front of the parcel.

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.
- **C: Screening.** All ground level mechanical equipment (including HVAC units, generators, and other mechanical equipment) and trash-handling facilities shall be completely screened from the public right-of-way and adjacent properties.

Though the applicants have done a fantastic job at screening the dumpster facilities, staff feels that being an In-Common project, both dumpster facilities can be interpreted as being located in a yard adjacent to a public street.

Variations requested (per site plan):

Section 6.6.2 – Mechanical Equipment, Dumpster, Recycling, and Trash Handling:

- **A variance to allow the dumpster facilities to be located in any yard adjacent to a public street with the condition that the facilities remain completely screened from the public right-of-way and adjacent properties.**

The applicant cites the following reasons for which a variance should be granted: 1) The site is intersected by Belladora Road and has a 150-ft wide Santee Cooper transmission and distribution line easement across the property. This existing easement renders 2.36 acres of the property undevelopable. On the east side the Santee Cooper Easement and pole location force the buildings to be 50-ft away from all power poles; therefore, the parking and dumpster will be located forward of the buildings. 2) No other townhome projects are proposed in this area. 3) The strict application of the Zoning Ordinance would only further encumber an already heavily burdened site. 4) The dumpsters will be adequately screened and landscaping will be provided around them. People driving along the road would not be able to distinguish them as being dumpsters. 5) If not for the large easement, we would have more than enough room to accommodate the dumpsters.

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. If the Board chooses to grant the variances requested, staff recommend that it be only those which were requested via

the application provided, and that the applicant come into compliance with the remaining items, or request a separate variance to be heard at a future BZA meeting, once proper public notice has been provided.

Steve Strickland, agent, was present and further explained the request.

Cynthia Bell, Donna St. Jean, Anthony Green, Karen Lowery, Lareefa Livingston, John Tat, and Jeffery Enslid spoke during public input.

The board and applicant discussed the request at length.

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

- B. Sellers Construction LLC, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 6.5.2-Gateway Corridor Overlay (GCO)*, for the property located at **Hwy 378 and Westridge Blvd.** (PIN 337-13-03-0056)

Wilkerson stated that the parcel is zoned R2 and fronts Westridge Boulevard. The parcel is being developed as an In-Common Townhome project named Westridge Townhomes. The parcel is partially located within the Gateway Corridor Overlay (GCO) and lies directly across the street from the Housing Authority of Conway.

Per Section 6.5.2 – Gateway Corridor Overlay (GCO), of the UDO: Per Section 5.2.1 – Accessory Structures, of the UDO:

- **B: Applicability.** Any property or building that has any portion within the 500-foot overlay boundary shall comply with these regulations. Construction or renovation of any buildings located beyond the 500-foot overlay boundary shall be required if visible from the corridor. Parcels zoned CC and single-family developments (less than 5 homes) are exempt from the overlay district standards.
- **J3: Residential Front Buffers.** A fifty (50') feet buffer shall be provided along the frontage of any new single-family residential development (over five new units) or multi-family development across the street from any use or zoning other than single-family residential. The fifty (50) feet front buffer shall contain the following minimum planting per one hundred (100) linear feet when existing vegetation is not sufficient:
 - a. Eight (8) canopy trees two and one-half (2 1/2) inches caliper minimum.
 - b. Twelve (12) understory trees six (6) – eight (8) feet minimum.
 - c. Fifty (50) shrubs, three (3) gallon minimum.

Under the same Section 6.5.2, a Non-Residential Front Buffer is only required to be 10-ft in width and contain the following minimum ornamental plantings per one hundred (100) linear feet of frontage:

- i. Two (2) canopy trees two and one-half (2 1/2) inches caliper minimum.
- ii. Two (2) understory trees six (6) --eight (8) feet height minimum.
- iii. Eighteen (18) shrubs, three (3) gallon minimum.

Based on the size of the site, the applicants are requesting the following:

Variations requested (per site plan):

Section 6.5.2 – Gateway Corridor Overlay (GCO):

- A variance of 40-ft from the 50-ft required Residential Front Buffer to allow for a 10-ft Non-Residential Front Buffer.

The applicant cites the following reasons for which a variance should be granted: 1) The Gateway Corridor Overlay encroaches onto the parcel. This overlay requires a 50-ft wide landscape buffer along the front; however, this parcel has no frontage along Hwy 378. The frontage of the parcel is along Westridge Blvd. 2) The condition is unique to this parcel as the GCO encroaches onto the parcel and a multifamily development is on the opposite side of Westridge Blvd. 3) Due to the size of this parcel the 50-ft buffer will restrict the use of this parcel. The 50-ft buffer alone will utilize approximately 22% of the property's depth and 22% (0.35 acres) of the total parcel area (1.6 acres). 4) No harm will come to adjacent properties as the intended use of the property will be the same as the properties across the street that do not have the landscape buffer. 5) The variance request is initiated because of a hardship and not to increase the profitability.

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. If the Board chooses to grant the variations requested, staff recommend that it be only those which were requested via the application provided, and that the applicant come into compliance with the remaining items, or request a separate variance to be heard at a future BZA meeting, once proper public notice has been provided.

Paul Lawson and Jay Sellers recused themselves from this agenda item.

The applicant was present to answer any questions.

There was no public input.

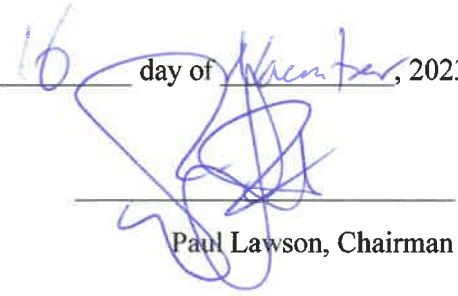
The board discussed the request at length.

Byrd made a motion to grant the variance as requested. Hendrick 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 6:16p.m.

Approved and signed this 10 day of November, 2023.



Paul Lawson, Chairman