

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, FEBRUARY 22, 2024
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET**

Present: Paul Lawson, Blake Hendrick, Sandra James, Catherine Dingle
Absent: Lesley Hill, Jay Sellers
Staff: Kym Wilkerson, Zoning Administrator; Anne Bessant, Planning Assistant; Charlie Crosby, IT
Others: Tracy Williams, Pansy Williams, Mike Ziegler, George Ulrich, Fred Faconbury, Kimberly Dewitt

I. CALL TO ORDER

Chairman Lawson called the meeting to order at approximately 5:50 p.m.

II. APPROVAL OF MINUTES

Dingle made a motion, seconded by Lawson to approve the January 25, 2024 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. Ms. Tracy Williams, property owner, request five variances from the strict application of the City of Conway Unified Development Ordinance (UDO), including

Section 6.5.2-Gateway Corridor Overlay, Article 9-Landscaping & Buffering Requirements, Section 7.2-Access Management and Section 8.2-Parking Design Standards, for the property located at 603 Church Street. (PIN 368-03-01-0025)

Wilkerson stated that staff originally heard from Ms. Williams in **January, 2022** regarding 603 Church Street. She was informed that this commercial site is non-conforming and has not had an active Business License in over 180-days. Per the City of Conway's Unified Development Ordinance (UDO), this triggers the site to come into compliance with the current regulations. Ms. Williams was advised at the time to submit a sketch plan for review by all City departments. This would allow her to have a better understanding of what the UDO would require of the site as well as what variances she would need to apply for prior to a Business License being issued. Staff was excited about the potential of new life being brought to this location.

Ms. Williams purchased the property in **June, 2022** and staff received the sketch plan for review in **July, 2022**. A resubmittal was received in **March, 2023** and the last submittal was received in **November, 2023**.

In **June, 2023**, the Building Inspector placed a "Stop Work Order" on the property for construction of an unpermitted deck (approximately 17-ft x 24-ft and between 18-in & 36-in from grade).

Ms. Williams applied for the necessary variances on January 22, 2024. Based on staff's review of the site plan, the following variances are being requested by Ms. Williams:

- **Section 6.5.2 – Gateway Corridor Overlay**

The applicant requests a variance from the Non-Residential Front Landscape Buffer required in the Gateway Corridor Overlay (GCO) with the condition that:

- The current island where the pole sign was originally will be landscaped.
- One original parking space removed and landscaping installed up to the front property line.

- **Table 9.1 – Required Landscaping Type**

The applicant requests variances from the required perimeter landscaping.

- A variance from the Type A 5-ft Landscape Buffer against PIN# 368-03-01-0026 zoned Highway Commercial (HC) with the condition that a Type A 3-ft Landscape Buffer be installed where there is no existing paving.
- A variance from the Type B 15-ft Landscape Buffer against PIN# 368-03-01-0027 and PIN# 368-03-01-0062, both zoned Low/Medium Density Residential (R1) with the condition that a Type B 10-ft Landscape Buffer be installed against the Rear R1 zoned parcel and a Type A 5-ft Landscape Buffer be installed against the Side R1 zoned parcel.

- **Section 8.2.12 - Table 8.3 – Parking Requirements**

The applicant requests a variance from the parking requirements of 1 space per 200 square feet of gross floor area.

- A variance of 5 parks from the 22 required parks leaving a total of 17 parks with the condition that no site improvements will impede or damage the Live Oaks in the rear.
- **Section 7.2.1 – Access Management / Section 12.1.4 – Nonconforming Sites**

The applicant requests a variance from the “curb cut” requirements.

 - A variance to allow the “curb cut” to remain more than 40-ft in width with the condition that an encroachment permit be provided to staff from SCDOT.

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.

Tracy Williams, owner, was present and further explained the request.

There was no public input.

Lawson made a motion to grant the variance as requested for the parking requirements. Hendrick seconded the motion and the motion carried unanimously.

Lawson made a motion to grant the variances as requested for the landscape buffer requirements. James seconded the motion and the motion carried unanimously.

Lawson made a motion to grant the variance as requested for the access management requirements. James seconded the motion and the motion carried unanimously.

- B. RDC Conway LLC (Mr. Michael Ziegler), 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 **2197, 2199 & 2201 Church Street**. (PIN 338-09-02-0011, -0010, -0009, -0008, 0007 & -0014)

Wilkerson stated the above parcels were purchased by Mr. Michael Ziegler and annexed into the City of Conway for development on August 21, 2023. The front part of the parcels are zoned Highway Commercial (HC) and are located within the Gateway Corridor Overlay (GCO). The rear of the parcels are zoned Conservation Preservation per text amendment approve by City Council in early 2023.

For informational purposes, **Section 6.1.14 Split Zoning of Parcels** states:

- A. In general, split-zoning of parcels shall not be permitted. The following exceptions apply:
 - 1. Annexation and/or Rezoning of Property:
 - a. Parcels seeking annexation – if the Future Land Use Map for the City of Conway, per the latest Comprehensive Plan, identifies the property, or a portion of, as being zoned Conservation Preservation (CP), the Planning Commission may recommend to City Council that such property, or portion of, identified as CP on the Future Land Use Map, be zoned as such if such areas of property contains environmentally sensitive areas, such as wetlands or flood zones (as identified on the most current adopted FIRM maps).

The applicant's engineer submitted a full submittal on 10.19.23 and received comments back from the Technical Review Committee (TRC). One of these comments included submitting a minor plat combining the parcels. Mr. Zeigler would like to keep each commercial business on its own parcel, so though a plat will be submitted reconfiguring the current lots, Mr. Zeigler is requesting variance on the side setback requirement for one of the two commercial lots.

Setbacks in the Highway Commercial (HC) zoning district are 30-ft Front, 20-ft Rear and 15-ft Sides.

The applicant is requesting the following variance:

- **Table 6.2 – Non-Residential Zoning Districts**

The applicant requests a variance of 10-ft from the 15-ft northwest side property line of Parcel #2 only allowing the one side of Parcel #2 to meet a 5-ft side setback instead of a 15-ft side setback.

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.

Mike Ziegler, owner, was present and further explained the request.

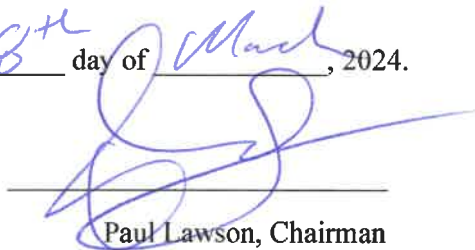
There was no public input.

Lawson made a motion to grant the variance as requested. Dingle 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 6:22p.m.

Approved and signed this 28th day of March, 2024.



Paul Lawson, Chairman