

**CITY OF CONWAY  
BOARD OF ZONING APPEALS MEETING  
THURSDAY, MARCH 28, 2024  
BUILDING & PLANNING DEPARTMENT  
196 LAUREL STREET**

Present: Paul Lawson, Catherine Dingle, Lesley Hill, Jay Sellers  
Absent: Blake Hendrick, Sandra James  
Staff: Kym Wilkerson, Zoning Administrator; Anne Bessant, Planning Assistant; Charlie Crosby, IT  
Others: Bernice Anderson, Oscar Anderson, Ryan Ammons, Timmy Tyner, Ola Wicks, Gwendolyn Sarvis, Gletha Brown, & others

**I. CALL TO ORDER**

Chairman Lawson called the meeting to order at approximately 5:32 p.m.

**II. APPROVAL OF MINUTES**

Dingle made a motion, seconded by Hill to approve the February 22, 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. Andrew Welch, Mr. Fence It, agent for property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section*

5.2.3-Fences & Walls, for the property located at **3412 Longwood Lane**.(PIN 368-16-04-0039)

Wilkerson stated that the property owner hired the applicant to apply for a fence permit to remove an existing 6-foot wooden fence and install a 6-foot white vinyl fence at 3412 Longwood Lane. The rear of the applicant's house is adjacent to Highway 701 South which is considered a "**Double Front**".

Per **Section 6.1.9** of the UDO: "*In the case of any lot that adjoins two or more streets, yards abutting streets shall be treated as front yards.*"

Due to the road widening project along Highway 701 South, SCDOT is requiring the homeowner to remove the existing 6-foot wooden fence. The existing fence is considered "**Legal Non-Conforming**" and a change to the fence would require the regulations of **Section 5.2.3-Fences & Walls** of the UDO be met which would only allow for a 4-foot fence in the Double Front Yard.

Per **Section 12.1-Nonconforming Uses**: "*A nonconforming use, structure or site shall not be extended, enlarged, or intensified except in conformity.*"

Per **Section 5.2.3 – Fences & Walls** of the UDO:

A. **Commercial & Residential:**

1. Front yards - 4 feet
2. Corner front yards - 6 feet (*provided it meets a 10-foot setback from the property line*)
3. Side yards - 6 feet
4. Rear yards - 8 feet

**Variations requested** (*per site plan*):

**Section 5.2.3 – Fences & Walls:**

- A variance of two (2) feet to allow a six (6) foot fence in the double Front Yard (adjacent to Highway 701 South).

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.

Ryan Ammons, Mr. Fence It, agent, was present and further explained the request.

There was no public input.

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

- B. The Rock, Conway's Community Church, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 8.2.12- Parking Requirements for Specific Uses*, for the property located at **1408 Mill Pond Road**. (PIN 338-10-01-0010)

Wilkerson stated the Rock Church is seeking to expand the parking lot on their existing parcel. This would be a paved parking lot with curb and gutter as well as the required landscape islands and required landscape buffers.

There are Flood Zones located on the property; however, there are no restrictions for this "type of use" within a Flood Zone at this time.

Per **Article 8** of the UDO:

**8.2.12 Parking Requirements for Specific Uses**

Off-street vehicle parking areas shall be provided for every use here after established. The following table sets forth the use classifications and the minimum number of spaces required for each classification.

Per the applicant, the Main Auditorium **seats 550 people**.

The Church also has three (3) smaller auditoriums for overflow seating and a kid's environment. There are currently 111 paved parking spaces on site and the Church is requesting an additional 141 paved parking spaces bringing the total paved parking spaces to 252.

**Variations requested** (*per site plan*):

**Table 8.3: Parking Requirements**

- A variance to allow 69 parking spaces above the maximum parking allowed per the UDO for a Religious Institution with 550 seats in the Main Auditorium.

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.

Timmy Tyner, The Rock Church, was present and further explained the request.

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. Oscar Anderson, property owner, requests a variance from the strict application of the

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City of Conway Unified Development Ordinance (UDO), *Section 5.2.3-Fences & Walls*,  
for the property located at **1001 Cadbury Court**. (PIN 369-11-03-0050)

Wilkerson stated the applicants hired a contractor to apply for a fence permit to remove an existing 6-foot wooden fence and install a 6-foot white vinyl fence at 1001 Cadbury Court. The rear of the applicant's house is adjacent to Cates Bay Highway which is considered a "***Double Front***".

Per **Section 6.1.9** of the UDO: "*In the case of any lot that adjoins two or more streets, yards abutting streets shall be treated as front yards.*"

The existing 6-foot wooden fence is in disrepair, so the applicants are seeking to replace it with a 6-foot white vinyl fence. The existing fence is considered "***Legal Non-Conforming***" and a change to the fence would require the regulations of **Section 5.2.3-Fences & Walls** of the UDO be met which would only allow for a 4-foot fence in the Double Front Yard.

Per **Section 12.1-Nonconforming Uses**: "*A nonconforming use, structure or site shall not be extended, enlarged, or intensified except in conformity.*"

Per **Section 5.2.3 – Fences & Walls** of the UDO:

A. **Commercial & Residential:**

1. **Front yards - 4 feet**
2. **Corner front yards - 6 feet** (*provided it meets a 10-foot setback from the property line*)
3. **Side yards - 6 feet**
4. **Rear yards - 8 feet**

**Variations requested** (*per site plan*):

**Section 5.2.3 – Fences & Walls:**

- A variance of two (2) feet to allow a six (6) foot fence in the double Front Yard (adjacent to Cates Bay Highway).

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.

Oscar and Bernice Anderson, owners, were present and further explained the request.

There was no public input.

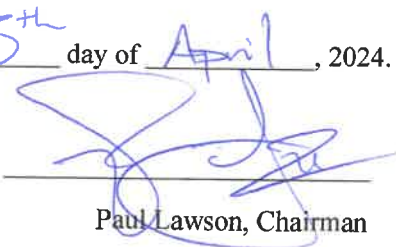
Lawson made a motion to grant the variance as requested. Hill seconded the motion and the motion carried unanimously.

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**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 5:49p.m.

Approved and signed this 25<sup>th</sup> day of April, 2024.



Paul Lawson, Chairman