

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

Present: Paul Lawson, Sandra James, Lesley Hill, Donna Baxley
Absent: Blake Hendrick, Catherine Dingle, Jay Sellers
Staff: Kym Wilkerson, Zoning Administrator; Anne Bessant, Planning Assistant; Marcus Cohen, IT
Others: Edmilson Vicente, Mike Higgins, Lori Posey, Harold Johnson, Bridjeet Moore, & others

I. CALL TO ORDER

Chairman Lawson called the meeting to order at approximately 5:28 p.m.

II. APPROVAL OF MINUTES

Hill made a motion, seconded by James to approve the March 28, 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. Lori Posey, 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 **904 Oglethorpe Drive**. (PIN 336-05-02-0024)

Wilkerson stated that the applicant hired a contractor to apply for a fence permit to install a 6-foot vinyl fence at 904 Oglethorpe Drive. The rear of the applicant’s house is adjacent to a “Public Alley” 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.*”

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

The applicant is seeking the following variance(s):

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 the Public Alley*) with the condition that the fence meets a two (2) foot setback from the property line along the “Public Alley”.

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.

Lori Posey, owner, was present and further explained the request.

The board and applicant discussed the request at length.

There was no public input.

Lawson made a motion to grant the variance as requested with the condition the fence meet a 5-foot setback. Hill seconded the motion and the motion carried unanimously.

- B. Edmilson Vicente, property 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 **1700 Horry Street**. (PIN 368-01-02-0043)

Wilkerson stated the applicant applied for an “*Accessory Structure*” Building Permit to construct a 23-ft x 13-ft pool house on the parcel. The parcel is located on the corner of Horry Street and Maple Avenue. The location of the “*Accessory Structure*”, based on the site plan provided, is the **Corner Front Yard**.

Per **Section 5.2.1-Accessory Structures** the location of an “*Accessory Structure*” shall be in the **rear yard only**.

Per **Section 6.1.9-Side Yard Setbacks** for Corner Lots of the UDO, “*In the case of any lot that adjoins two or more streets, yards abutting streets shall be treated as front yards*”.

On January 26, 2023, the applicant was granted a variance on the fence height of the front yard and the corner front yard; therefore, the applicant was aware of the conditions that exist for corner lots.

Variations requested (per site plan):

Section 5.2.1 – Accessory Structures:

- A variance to allow an “*Accessory Structure*” in the corner front yard along Maple Avenue.

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.

Edmilson Vicente was present and further explained the request.

Bridjeet Moore and Harold Johnson spoke during public input.

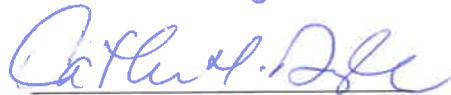
Lawson made a motion to deny the variance as requested. James seconded the motion and the motion carried unanimously.

- C. A1 Signs, agent for the property owner, Palmetto Real Estate of Conway LLC, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Article 11-Signage*, for the property located at **1122 Fourth Avenue. (368-04-02-0010).....WITHDRAWN BY STAFF.**

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 6:08 p.m.

Approved and signed this 23 day of May, 2024.



~~Paul Lawson, Chairman~~

Catherine Dingle, Vice Chair