

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, MAY 23, 2024
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET**

Present: Sandra James, Lesley Hill, Donna Baxley, Catherine Dingle
Absent: Blake Hendrick, Jay Sellers, Paul Lawson
Staff: Kym Wilkerson, Zoning Administrator; Anne Bessant, Planning Assistant; Marcus Cohen, IT; Hayley Carter, IT Intern
Others: Kallyon Montgomery, Amber Barnhill, Samuel Vazquez, Larry Fullwood, Mark Stanley, Lynne Stanley, Joe King, Mary Childress, Bryan Childress Angela Springer, Allen Springer, Lonnie Fleming, Bill Taylor, & others

I. CALL TO ORDER

Vice-Chairperson Dingle called the meeting to order at approximately 5:30 p.m.

II. APPROVAL OF MINUTES

Hill made a motion, seconded by James to approve the April 25, 2024 minutes as written. The vote in favor was unanimous and the motion carried.

Dingle swore in the applicants and staff.

III. CRITERIA

Dingle 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. Samuel Vazquez, 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 **3424 Longwood Lane**. (PIN 368-16-04-0033)

Wilkerson stated that the property owner has applied for an "Accessory Structure Permit" to install a 20-ft x 12.5-ft wooden detached carport on his property at 3424 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.*"

The applicant's lot is considered "**Legal Nonconforming**" since it is a nonconforming lot of record. Double Front lots are not allowed to be created per the current UDO. **Table 9.1** of the UDO states: "*Residential developments containing lots with double frontage shall adhere to the Type B Landscape Buffer Requirements, or install a berm, as specified in Section 9.3.1, J. Buffer / berm must be located behind the lots that would otherwise have double frontage and be platted separately as a landscape buffer / berm, to be owned and maintained by the HOA/POA.*"

The applicant currently has two (2) Existing Accessory Structures in his yard and per **Section 5.2.1- Accessory Structure**, would only be allowed to permit one (1) additional structure.

Per **Section 5.2.1 – Accessory Structures** of the UDO:

1. Location: Shall be located in the rear yard only.

Variations requested (*per site plan*):

Section 5.2.1 – Accessory Structures:

- A variance to allow an Accessory Structure to be permitted 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.

Samuel Vazquez, owner, was present and further explained the request.

The board and applicant discussed the request at length.

Joe King and Lonnie Fleming spoke during public input.

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

- B. Joe Burch, agent for Horry County Board of Education, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Article 11-Signage*, for the property located at **1101 Snowhill Drive**. (PIN 338-00-00-0029)

Wilkerson stated the Horry County Department of Education has applied for a "Sign Permit" to install an EMC Monument Sign at Conway Elementary School. The parcel is zoned **R1 (Low/Medium Density Residential)**.

Per **Section 11.3.1 (C)-Signs in Residential Zoning Districts** of the UDO:

Religious Institutions, Educational Facilities, Cemeteries, Country Clubs, Parks, and Similar Recreational Uses:

- Shall be permitted one (1) wall sign or one (1) freestanding sign per street frontage. This shall not exceed a cumulative **sign surface area of fifty (50) square feet**. The freestanding sign shall be a monument or freestanding post type and **shall not exceed six (6) feet in height**.
- Such signs may be illuminated by any means consistent with Section 11.1.8-Illumination. If signs with EMC's/LED's and/or digital display is desired, such signs shall comply with Section 11.4.9-Electronic Message Centers (EMC's) / Light Emitting Diodes (L.E.D.) Signs with Digital / Animated Display.
- Such signs shall be **located a minimum of ten (10) feet from any adjoining property boundary**.

The applicant is proposing an EMC Monument Sign at Conway Elementary School which is allowed per the above section of the UDO. The EMC Monument Sign proposed would have a sign surface of 4.75-feet x 9.25-feet equaling a total sign surface area of **44-square feet** and a **height of 8-feet**.

Variations requested:

Section 11.3.1 (C)-Signs in Residential Zoning Districts:

- A variance of 2-feet to allow the proposed EMC Monument Sign to be 8-feet in height.

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.

Amber Barnhill, agent, was present and further explained the request.

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Mary Childress, Allen Springer Brian Childress, Mark Stanley, Angela Springer, Bill Taylor, and Larry Fullwood spoke during public input.

The board, applicant, and staff discussed the request at length.

James made a motion to deny the variance request. Hill seconded the motion and the motion carried unanimously.

- C. Joe Burch, agent for Horry County Board of Education, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Article 11-Signage*, for the property located at **1104 Elm Street**. (PIN 338-13-01-0045)

Wilkerson stated that Horry County Department of Education has applied for a "Sign Permit" to install an EMC Monument Sign at Conway Middle School. The parcel is zoned **R1 (Low/Medium Density Residential)**.

Per **Section 11.3.1 (C)-Signs in Residential Zoning Districts** of the UDO:

Religious Institutions, Educational Facilities, Cemeteries, Country Clubs, Parks, and Similar Recreational Uses:

- Shall be permitted one (1) wall sign or one (1) freestanding sign per street frontage. This shall not exceed a cumulative **sign surface area of fifty (50) square feet**. The freestanding sign shall be a monument or freestanding post type and **shall not exceed six (6) feet in height**.
- Such signs may be illuminated by any means consistent with Section 11.1.8-Illumination. If signs with EMC's/LED's and/or digital display is desired, such signs shall comply with Section 11.4.9-Electronic Message Centers (EMC's) / Light Emitting Diodes (L.E.D.) Signs with Digital / Animated Display.
- Such signs shall be **located a minimum of ten (10) feet from any adjoining property boundary**.

The applicant is proposing an EMC Monument Sign at Conway Middle School which is allowed per the above section of the UDO. The EMC Monument Sign proposed would have a sign surface of 4.75-feet x 9.25-feet equaling a total sign surface area of **44-square feet** and a **height of 8-feet**.

Variations requested:

Section 11.3.1 (C)-Signs in Residential Zoning Districts:

- A variance of 2-feet to allow the proposed EMC Monument Sign to be 8-feet in height.

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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.

Amber Barnhill, agent, was present and further explained the request.

Same public input from previous request.

The board, applicant, and staff discussed the request at length.

Hill made a motion to deny the variance request. James seconded the motion and the motion carried unanimously.

- D. Joe Burch, agent for Horry County Board of Education, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Article 11-Signage*, for the property located at **108 N Clemson Circle**. (PIN 325-00-00-0036)

Wilkerson stated that Horry County Department of Education has applied for a "Sign Permit" to install an EMC Monument Sign at Homewood Elementary School. The parcel is zoned **R1 (Low/Medium Density Residential)**.

Per **Section 11.3.1 (C)-Signs in Residential Zoning Districts** of the UDO:

Religious Institutions, Educational Facilities, Cemeteries, Country Clubs, Parks, and Similar Recreational Uses:

- Shall be permitted one (1) wall sign or one (1) freestanding sign per street frontage. This shall not exceed a cumulative **sign surface area of fifty (50) square feet**. The freestanding sign shall be a **monument or freestanding post type** and **shall not exceed six (6) feet in height**.
- Such signs may be illuminated by any means consistent with Section 11.1.8-Illumination. If signs with EMC's/LED's and/or digital display is desired, such signs shall comply with Section 11.4.9-Electronic Message Centers (EMC's) / Light Emitting Diodes (L.E.D.) Signs with Digital / Animated Display.
- Such signs shall be **located a minimum of ten (10) feet from any adjoining property boundary**.

The applicant is proposing an EMC Monument Sign at Homewood Elementary School which is allowed per the above section of the UDO. The EMC Monument Sign proposed would have a sign surface of 4.75-feet x 9.25-feet equaling a total sign surface area of **44-square feet** and a **height of 8-feet**.

Variations requested:

Section 11.3.1 (C)-Signs in Residential Zoning Districts:

- A variance of 2-feet to allow the proposed EMC Monument Sign to be 8-feet in height.

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.

Amber Barnhill, agent, was present and further explained the request.

There was no public input.

Hill made a motion to approve the variance as requested. Baxley seconded the motion and the motion carried unanimously.

- E. Kallyon and Ashlyn Montgomery, property owners, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 6.2-Residential Dimensional Requirements, Dwelling Types & Design Standards*, for the property located at **456-A Court Drive**. (PIN 368-02-02-0003)

Wilkerson stated that the property owners have applied for a permit to remodel/renovate the single-family home located at 456-A Court Drive. The parcel is zoned R1 (Low/Medium Density Residential).

The structure and site are considered "**Legal Nonconforming**" since they do not meet the dimensional or setback requirements of the current UDO. Table 6.1-Dimensional Requirements for Residential Zoning Districts list the building setbacks as 20-ft Front, 20-ft Rear and 10-ft Sides.

The home was built in 1940 per Horry County Land Records. Because of its age, the rear of the house did not have proper footings. The necessary renovations could not be completed without part of the house being removed and new footings installed. This in turn will cause the footprint of the home to change. Therefore, the applicants are seeking a variance on side setbacks requirements for the R1 zoning district.

Variations requested (per site plan):

Table 6.1 – Dimensional Requirements for Residential Zoning Districts:

- A 5-ft variance from the 10-ft side setback requirement in the R1 zoning district.

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.

Ashlyn Montgomery, owner, was present and further explained the request.

There was no public input.

Dingle made a motion to approve the variance as requested. Hill 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 6:31 p.m.

Approved and signed this 27th day of June, 2024.



Paul Lawson, Chairman