

**CITY OF CONWAY  
BOARD OF ZONING APPEALS MEETING  
THURSDAY, JUNE 22, 2023  
BUILDING & PLANNING DEPARTMENT  
196 LAUREL STREET**

Present: Blake Hendrick, Charles Byrd, Lesley Hill, Jay Sellers  
Absent: Paul Lawson, Sandra James, Catherine Dingle  
Staff: Kym Wilkerson, Zoning Administrator; Vicki Stone, Zoning Officer; Anne Bessant, Planning Assistant; Marcus Cohen, IT  
Others: Jamie Steele, Pablo Batista, Scott Shelby, Tara Little Broughman, Axelrod, Miriam Little, Randy Broughman, David Nye, Jr. Truett

**I. CALL TO ORDER**

Vice-Chairman Byrd called the meeting to order at approximately 5:30 p.m.

**II. APPROVAL OF MINUTES**

Hill made a motion, seconded by Hendrick to approve the May 25, 2023 minutes as written. The vote in favor was unanimous and the motion carried.

Byrd swore in the applicants and staff.

**III. CRITERIA**

Byrd 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**

Board of Zoning Appeals

6/22/23

- A. David Schwerd with Diamond Shores, agent for 600 Main Street LLC, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Article 6-Design Standards and Article 9-Landscaping & Buffer Requirements, for the property located at **600 Main Street**. (PIN 338-13-03-0005)

Wilkerson stated that the property owner, 600 Main Street, is proposing to renovate the building that was previously Barkers Service Center and reopen it as a convenience store. The parcel is zoned Neighborhood Commercial and is located within the Main Street Corridor Historic Design Review District (HDRD). The zoning district, NC, allows for convenience stores as a permitted use. The exterior renovations for the building and gas canopy were approved by the Community Appearance Board (CAB). CAB must also approve the signage, lighting and landscaping once presented to that board.

Based on Article 12 of the UDO, this site is non-conforming with regard to landscape requirements. Per Section 9.3.4 of the UDO, landscape requirements for the interior of parking areas consist of the following:

- A minimum of one (1) canopy tree and 10 shrubs for every 3,000 sq. ft. of vehicular use area or one (1) canopy tree and 10 shrubs for every 10 parking spaces, whichever is greater (9.3.4, B).
- Each end of each row of parking spaces require a landscape island unless the end of such row of parking spaces is adjacent to a perimeter landscape screen or border as required in Section 9.2.3 (9.3.4, D).
- The minimum width of a landscape island/peninsula is the same as a parking space – 9’ x 19’ and shall contain a minimum of one (1) canopy tree and five (5) shrubs (9.3.4, E).
- Parking spaces adjacent to a landscape island shall have a 2-ft distance between the parking space and curb/gutter (9.3.4, F).

Section 6.6.2-Mechanical Equipment, Dumpster, Recycling and Trash Handling states the following with regard to the dumpster location:

- 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.

This parcel is on a corner lot and therefore has double frontage. The applicant proposes installing the dumpster pad and screening along Sixth Avenue which would be the corner front.

The applicant is requesting a variance from:

- Section 9.3.4 - Landscaping Requirements for the Interior of Parking Areas to prevent the property owner from having to tear up existing asphalt and to allow for adequate traffic flow.
- Section 6.6.2 - Mechanical Equipment, Dumpster, Recycling and Trash Handling to allow the dumpster pad and screening in the corner front yard since a large portion of the site perimeter is street front which does not allow enough space to put the dumpster in the rear.

The applicant cites the following reasons for which a variance should be granted: **1)** This is an existing gas station which limits the amount of available space for landscaping and potential places to install dumpsters. **2)** The conditions above are particular to this piece of property as most parcels do not have an existing gas station on them. **3)** The strict application of the zoning ordinance would

unreasonable restrict the use of this property and even potentially prohibit its use all together. The existing pavement precludes being able to install landscape islands and limits the space available to put a dumpster, hence this variance application. 4) The granting of this application will not harm the adjacent properties, character of the area, or the public good as this project is actually installing perimeter landscaping and adding a dumpster. 5) This variance is initiated because of hardship and not to increase the profitability of the property.

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.

Blake Hendrick recused himself from this agenda item.

Jamie Steele, Diamond Shores was present to answer any questions.

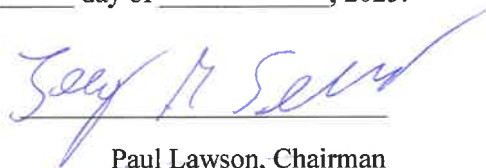
Jr. Truett, Axelrod, Tara Little Broughman, Scott Shelley, David Nye & Randy Broughman spoke in opposition of the variance request during public input.

After much discussion, Sellers made a motion to table the variance request in order to give the applicant additional time to provide a more detailed landscaping plan. 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 6:01 p.m.

Approved and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.



Paul Lawson, Chairman



