

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, AUGUST 24, 2023
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET**

Present: Paul Lawson, Charles Byrd, Catherine Dingle, Jay Sellers, Sandra James, Lesley Hill
Absent: Blake Hendrick
Staff: Jessica Hucks, Planning Director; Vicki Stone, Zoning Officer; Katie Dennis, Planning Concierge; Anne Bessant, Planning Assistant; Charlie Crosby, IT
Others: Keith Skinner, Cathy Goldma, Brantley Green, Susan Stevens, Mel Miller, Bob Burnham, Orit Deverell, Bruno Semon, Felice Semon, Tommie Lovett, Susan Carr, Yosi Benezra & others

I. CALL TO ORDER

Chairman Lawson called the meeting to order at approximately 5:31 p.m.

II. APPROVAL OF MINUTES

Dingle made a motion, seconded by Hill to approve the July 27, 2023 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. OLD BUSINESS

- A. *Previously deferred...* Keith Skinner, owner, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Article 6-Design Standards and Section 5.2 – Accessory Uses & Structures, for the property located at **1003 & 1005 Creel Street**. (PIN 369-05-02-0005 and 0006)

Hucks stated that Mr. Skinner owns the residential home at 1005 Creel Street as well as the vacant parcel at 1003 Creel Street. In September of 2022, staff was made aware of a structure that was built behind the residential home without a permit. This structure does not meet the requirements for a Residential Accessory Structure per Section 5.2.1 of the UDO. The size of a residential accessory structure shall not exceed 50% of the primary structure on the same lot. Based on the minor plat that Mr. Skinner submitted for review, the unpermitted accessory structure is approximately 2,400 sq. ft and the primary structure (house) is 1,300 sq. ft.

Upon notification via email of this violation, Mr. Skinner requested a meeting with staff. At the January 5, 2023 meeting, Mr. Skinner made staff aware of his proposal for a commercial project on the vacant parcel at 1003 Creel Street. In this meeting, he also explained that he planned to add the unpermitted accessory structure to the commercial parcel via a platting action. This unpermitted accessory structure would be a “childcare covered shelter” for use in conjunction with the daycare.

Mr. Skinner has submitted a commercial sketch plan for review by the Technical Review Committee (TRC) as well as a minor plat adding the unpermitted accessory structure to the vacant parcel for future commercial use.

Staff explained to Mr. Skinner that variances would be required since the accessory structure would not meet setbacks from the new property line and per Section 5.2.1 of the UDO, non-residential accessory structures may be located in the rear and side yards only. Also, the “Childcare Covered Shelter” can only be permitted as an accessory to a principle use. Based on the commercial sketch plan submitted, the “Childcare Covered Shelter” is forward of the “Proposed Childcare Annex Building” and is therefore in the front yard. Furthermore, the accessory structure would not have a principle structure until the project is completed.

Both parcels are zoned Professional (P). Professional has the same setbacks for residential and commercial. Setbacks are 20-ft Front, 15-ft Rear and 10-ft Sides.

Based on the review of the minor plat and the commercial sketch plan, Mr. Skinner is requesting the following variances:

- Table 6.2 – A variance of 6.2-ft from the side setback of 10-ft for the unpermitted accessory structure on the commercial parcel.
- Table 6.1 – A variance of 11.2-ft from the rear setback of 15-ft for the existing accessory structures on Parcel B shown on the minor plat.
- Section 5.2.1 – A variance to allow the “Childcare Covered Shelter” to be located in the Front Yard.
- Section 5.2.1 – A variance to allow an accessory structure to be located on a parcel without a principle structure.

The applicant cites the following reasons for which a variance should be granted: 1) The gazebo was built on the property and it does not meet the UDO requirements because of its size. The area

will be an addition to the new phase of the up and coming YNCDC II in the near future. 2) The conditions describe above are particular to my piece of property. 3) The strict application of the Zoning Ordinance would not prohibit or unreasonable restrict the use of my property. 4) Granting the variance would not harm adjacent property since both properties are owned by the same entity. 5) The hardship is that the structure was built without proper permit and is not in regulation with the dwelling on the current plot. The structure will be a part of the new daycare for inclement weather usage and outdoor activities.

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.

If the Board chooses to grant the requested variance, staff recommends the following conditions be placed on the board order:

- A deadline be established for the project's completion of the childcare facility in order for the accessory structure aka "Childcare Covered Shelter" to remain without a principal structure, to include a stipulation that allows the applicant to request additional time for unforeseen issues;
- A requirement that all necessary building permits, inspections and fees for the "Childcare Covered Shelter" be brought into compliance within 30-days of this meeting date; and
- That the "Childcare Covered Shelter" be used as an accessory structure in conjunction with the childcare center only. Any other activity/use for the "Childcare Covered Shelter" must obtain all necessary approvals prior to such use or activity taking place, including, but not limited to: any use that is not directly related to the childcare facility and/or which may require a Special Event Permit, in accordance with Sec. 3-1-36 – Special Event Permit, of the City of Conway's Code of Ordinances.
- Failure to adhere to the aforementioned conditions is a violation of City Ordinance, a misdemeanor offense, and violators are subject to being cited and receiving a notice to appear in Municipal Court.

Keith Skinner, owner was present to answer any questions.

There was no public input.

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

Seller made a motion to deny the variance request. Lawson seconded the motion and the motion carried unanimously.

V. VARIANCE REQUESTS/PUBLIC INPUT

- A. Trademark Home Exteriors, agent for the property owner, request a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Article 6, Table 6.1-Dimensional Requirements, pertaining to the rear setback, for the property located at **1358 Midtown Village Drive**. (PIN 325-16-03-0022)

Hucks stated the parcel is zoned R-3 (High Density Residential) and is located on Midtown Village Dr. within the Midtown Village Ph 2 Subdivision located off of Medlen Parkway. The minimum lot size for R-3 is 5,000 sq. ft. The agent applied for a 15' x 19' sunroom addition to the rear of

home. A portion of that sunroom, approximately 9'3" would be located within the 20-ft setback of the property.

Per Table 6.1 under Section 6.2 – Residential Dimensional Requirements, Dwelling Types, and Design Standards, City of Conway's Unified Development Ordinance (UDO), the required rear yard setback in the R-3 district is 20-ft.

Per Article 2 – Definitions, of the City of Conway's Unified Development Ordinance (UDO), Setback is defined as: The required minimum distance between the foundation of the structure and the nearest property line or portion thereof. Rear yard setback is the required undeveloped yard area between the principal structure and the rear property line.

Variance requested:

6.2, Table 6.1: Dimensional Requirements for Residential Zoning Districts Required Rear Yard Setback (R3 district): 20'

Requested Rear Yard Setback: 10.5'

Variance of: 9.5'

The applicant cites the following reasons for which a variance should be granted: **1)** With a 20-ft setback in the rear of the home it restricts the homeowner from adding any decent sized structure. **2)** 20-ft rear setback is extensive for rear of property. **3)** The setback is prohibiting and restricting the use of the property. With only approximately 10' 7" feet of building space in the rear. **4)** We do not believe the addition of a sunroom on Mr. Burnham's home would negatively affect adjacent properties in the area or the public good. On the contrary, we believe it will enhance his home and the homes around him. **5)** The variance has been initiated because the homeowner would like to utilize the rear of his property to enjoy his yard and an outdoor sunroom space due to the size of the buildable space it prevents him from building.

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.

Brantley Green, agent for applicant was present and further explained the request.

Tommy Lovett spoke during public input to ask the contractor to provide them with more details to get approval from their ARC board.

The board, applicant, and owner discussed the request in length.

Lawson made a motion to deny the variance request. Dingle seconded the motion and the motion carried unanimously.

B. Mel Miller, agent for Waccamaw Hotel LP (dba Fairfield Inn & Suites), request a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Article 11, Section 11.4.1-Wall Signage, for the property located

at **2061 E Highway 501**. (PIN 383-07-01-0008)

Hucks stated that the property owner, Waccamaw Hotel LP has completed their construction for the Fairfield Inn located at 2061 Hwy 501 E. The sign package for Fairfield was submitted by ASL Signs for review and approved on 3/30/2023 for allowed signage.

Per the City of Conway’s Unified Development Ordinance (UDO), Section 11.4.1-Wall Signs:

Location and Number Permitted: Only one wall sign per tenant will be allowed and shall be located at the Public Entrance. A second wall sign will be allowed if the building is located on a corner lot, installed on another facade or if there is a second public entrance. The maximum number of wall signs permitted is two (2) per tenant.

Size: Wall signs may be a maximum of 15% of the building face where the sign is attached.

The building was approved for two (2) wall signs; one (1) channel letter sign on the front of the building facing Hwy 501 and a second (2nd) channel letter wall sign on the left side of the building facing the west side of Hwy 501 “Conway side” and one (1) monument sign.

The applicant is requesting a variance to allow for an additional wall sign on the east side of Hwy 501 “Myrtle Beach side: of the building facing as well as a variance for a wall sign “Brand Sign” on the driveway entrance wall.

Variance(s) requested:

UDO Section(s)

11.4.1 (wall signs)

One wall sign permitted per tenant, installed at public entrance. A 2nd wall sign is allowed if on a corner lot, or if there is a 2nd public entrance.

Number of “wall” signs proposed: 4 (including the small marker on the porte cochere)

Number of wall signs permitted: 1

Variance of: 2 additional wall signs.

The applicant cites the following reasons for which a variance should be granted: **1)** This property is surrounded by Coastal Carolina Campus property and frontage is aligned with Highway 501 with two prominent facades facing both North and South bound traffic. The rear property is bordered by the train tracks, a drainage ditch and industrial parcels of the colleges welding program as well as broadcast antenna and satellite dishes for the news station. **2)** We believe since the hotel building is surrounded by campus it would be reasonable for out of town visitors to mistake the hotel for a campus building. **3)** The brand standards typically require a building sign in the direction of major traffic flow to prevent guest from having difficulty locating the property. Due to the heavy volume of traffic on 501 we are concerned it is difficult to find the building when traveling northbound at the posted 55 mph speed. It has been noted by visitors that the small monument sign at the 501 entry cannot be seen in time to prepare for the turn. **4)** We believe the additional sign increases visibility and would aid in public safety preparing guest for arrival in time to avoid evasive / reactive driving maneuvers or U-turns required to return to the missed property entrance. The sign is attractive and proudly illustrates the character of the world class brand that Marriott represents. **5)** The interest is in properly clarifying the location of the hotel to people traveling northbound.

The building sign facing south will match the north sign and will cover only 1.8% of the side façade. We feel the best way to promote health and safety of the general public is to be easily visible to travelers.

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.

Mel Miller, agent for owner was present and further explained the request.

There was no public input.

The board discussed the request in length.

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

- C. 401 Main Street Realty LLC, property owner, request a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Section 6.5.2- Gateway Corridor Overlay and Article 9-Landscaping and Buffering, for the property located at **1311 Thirteenth Avenue**. (PIN 338-14-01-0027)

Hucks stated that the applicant requested to defer to the September 28th meeting.

- D. Orit Deverell, property owner, request a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Article 6, Table 6.2-Non-Residential Design Standards, for the property located at the corner of **Elm Street** and **Laurel Street**. (PIN 367-01-04-0042)

Hucks stated the parcel is zoned WRD2 (Waccamaw River District 2) and is within the Historic Design Review District.

The applicant is proposing a new 22 room hotel to be built at this location; however, with the elevation requirements due to the flood zone classification of the property (AE-14) and the height limitation of 35 feet within the WRD2 district the applicant is limited on the design capabilities for this project. The applicant would be required to elevate a minimum of 2 feet above the Base Flood Elevation (BFE) to be compliant with current flood standards.

Article 6-Design Standards of the UDO states “Building and structure are subject to the height limitation established in Table 6.1 for Residential Uses or Table 6.2 for Non-Residential uses.” Table 6.2 for Non-Residential Uses allows a maximum building height of 35-feet in Waccamaw Riverfront Districts (WRD 1 and 2). This has caused issues for City staff with the recent desire to expand our waterfront. At the July 17th council meeting, a workshop was held outlining these issues to council. Council was in favor of staff exploring an amendment to the Unified Development Ordinance that would allow for the building height within the WRD districts to be increased to 60 feet. The amendment has been advertised for a public hearing to be held by Planning Commission on September 7th. If Planning Commission provides a recommendation, it will be forwarded to the

Community Appearance Board for review at their September 27th meeting and to City Council for first reading at the October 2nd Council meeting. However, there is no guarantee that the text amendment to amend the height limit in the WRD districts will be adopted.

Variance(s) requested:

UDO Section:

6.3, Table 6.2 – Non-Residential Zoning Districts

Maximum Building Height in WRD: 35’

Requested Building Height: 60’

Variance of: 25’

The applicant cites the following reasons for which a variance should be granted: **1)** The Property is located within an AE-14 flood zone requiring a 2-foot freeboard placing the top of the bottom floor at 16 feet above mean sea level minimum. WRD Zoning district max height is 35 feet. Proposing to build a 22-room 3-story hotel beside the existing bed and Breakfast. **2)** The conditions are particular to my property as they will prevent the height of our proposed development and the top of the existing lot sits higher which would restrict the height limit even more. **3)** The application of the zoning ordinance would unreasonably prohibit the use of the property by eliminating an entire floor of rooms for our proposed hotel, if not more. We have received preliminary CAB review of the structure but the board cannot make a final determination until we are compliant with the height limit of the zoning district, either by the granting of the variance (preferred) or the passing of the text amendment. **4)** The granting of the variance would not harm the adjacent property, and would greatly improve the character of the particular area as well as allow us to expand our business to provide more opportunities for people to come and stay in our beautiful downtown district. **5)** The variance request is based on the clear hardship the elevation requirements coupled with the maximum building height for the zoning district really limits the opportunities for the property to be use in any capacity.

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.

Yosi Benezra was present and further explained the request.

Susan Stevens spoke during public input regarding the view that she currently has would be gone.

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

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

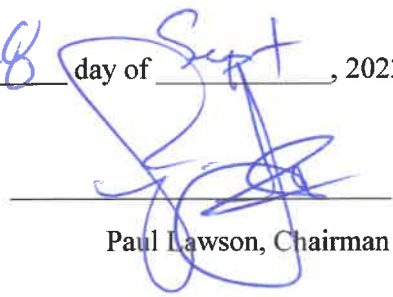
VI. AJOURN

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

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8/24/23

adjourned at 6:22p.m.

Approved and signed this 28 day of Sept, 2023.



A handwritten signature in blue ink, appearing to read "Paul Lawson", is written over a horizontal line. The signature is stylized and somewhat illegible.

Paul Lawson, Chairman