

**CITY OF CONWAY  
BOARD OF ZONING APPEALS MEETING  
THURSDAY, OCTOBER 27, 2022  
BUILDING & PLANNING DEPARTMENT  
196 LAUREL STREET**

Present: James Shelley, Lesley Hill, Paul Lawson, Jay Sellers  
Absent: Charles Byrd, Sandra James, Catherine Dingle  
Staff: Kym Wilkerson, Zoning Administrator; Anne Bessant, Planning Assistant; Jeff Leveille,  
IT  
Others: Missi Collins, Sydni Pitts, Tim Nicholas, Amanda Bouly

**I. CALL TO ORDER**

Chairman Lawson called the meeting to order at approximately 5:30 p.m.

**II. APPROVAL OF MINUTES**

Hill made a motion, seconded by Lawson to approve the September 22, 2022 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**

A. Henry Atkins Jr., agent for 561 Lowcountry 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 **1615 Church Street**. (PIN 383-10-03-0011

Wilkerson stated that the location of the old Bojangles site, 1615 Church Street, is being renovated as a Starbucks. The signage package for Starbucks was submitted for review and denied based on not meeting the requirements of the City of Conway's UDO.

Section 11.4.1-Wall Signs states "*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.*"

The current UDO was adopted in 2011. There is signage in the area that is considered "Legal Non-Conforming" (ex. McDonalds est. 2000 and Chick-Fil-A est. 2005).

Section 12.1.6 (D)-Non-Conforming Signs states "*Nonconforming business or identification signs shall be allowed to continue provided as follows:*

- 1. Signs which are nonconforming with respect to size or illumination requirements may be repaired and/or repainted or re-lettered provided the nonconformance (e.g. area) is not increased.*
- 2. Signs which are nonconforming with respect to location or number permitted shall not be altered in any way except to make such sign comply with the provisions of this Article.*

Therefore, should one of these establishments change, the "Legal Non-Conforming" signs would be required to comply with the current UDO.

**The applicant requests a variance to allow for two (2) additional wall signs in addition to the two (2) allowed per the ordinance.**

The applicant cites the following reasons for which a variance should be granted: 1) The location is going on a highly trafficked road with numerous other restaurants that do currently have more signage and higher free-standing signs than we are being allowed. With this busy area the extra wall signage will allow Starbucks to be more visible next to all these other businesses. 2) This location will be particular to this lot because it is set in with a lot of other restaurants and could potentially be overlooked due to the fact that many businesses around this area have more signs and larger free-standing signs. 3) The strict application of the Zoning Ordinance would prohibit this location from being allowed to be seen from all sides of Church Street and not be overlooked due to the larger signage that the neighboring restaurants have. 4) Allowing two extra wall signs will not do any harm to this area of the public good. This will just be allowing this business to be better seen. 5) This is being initiated due to the hardship of the new code not allowing the same signage as the neighboring restaurants that have more wall signage and larger freestanding signs.

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.

Tim Nicholas, agent for applicant was present and further explained the request.

The board and applicant discussed the request in length.

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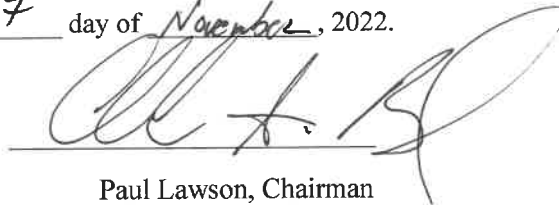
There was no public input.

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

**V. ADJOURN**

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 5:44 p.m.

Approved and signed this 17 day of November, 2022.

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

Paul Lawson, Chairman