

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, OCTOBER 28, 2021
PUBLIC SAFETY FACILITY, 1600 NINTH AVENUE**

Present: Jay Sellers, Paul Lawson, Lesley Hill, Charles Byrd
Absent: Sandra James, Catherine Dingle, James Shelley
Staff: Kym Wilkerson, Zoning Administrator; Allison Hardin, Planning Director; Jessica Hucks, Planner; Anne Bessant, Planning Assistant
Others: Robert Turner, Paula Draper, David Laporte, Jerry Hollingsworth, Vicky Hollingsworth, Joseph Guidera, Jessica Wise, Eddy Lindner, Chris Grubb, Angelica Grubb, Bengy Cook, Steve Powell

I. CALL TO ORDER

Chairman Lawson called the meeting to order at approximately 5:34 p.m.

II. APPROVAL OF MINUTES

Byrd made a motion, seconded by Sellers to approve the September 23, 2021 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:

1. *Extraordinary conditions*: There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. *Other Property*: The extraordinary and exceptional conditions do not generally apply to other property in the vicinity;
3. *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;
4. *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. Previously *Deferred*....Robert Turner, agent for Hot Mix Inc., requests a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO)*, Article 9-Landscaping and Buffer Requirements, for the property located at El Bethel Road. (PIN**

337-00-00-0036)

Wilkerson stated this parcel is zoned High Density Residential (R-3) with setbacks of 15-ft on the front, 5-ft on the sides and 20-ft in the rear. This parcel is located in the Village Corridor Overlay and abuts Medium Density Residential (R-2) on one side, Horry County Residential (CFA) in the rear and Low/Medium Density Residential (R-1) Cemetery on the other side.

The parcel was originally reviewed as The Village at Crabtree with 94 single family lots and received conditional approval on 12.2.2020. Now named Spring Oaks Subdivision, the project is in the process finalizing requirements in order to move forward with a final plat. Currently, a revised landscape plan as well as a sidewalk/street tree plan are required for approval. A revised landscape plan was submitted on 7.28.21 and comments were returned on 8.16.21.

Per the *Unified Development Ordinance*, Table 9.1, states “Where a proposed development adjacent to a developed single-family detached dwelling, two-family dwelling or semi-attached dwelling, the required planting area shall be more strict and increased by one letter (Ex: from A to B).” Though a Type C (25- ft) Landscape Buffer is required, staff has made concessions to allow a Type B Landscape Buffer behind Lots 19-59. The Type B Landscape Buffer is required to be 15-ft wide and contain per 100 linear feet, 2 canopy trees, 3 understory trees and 20 “tall” shrubs. The buffer may further be reduced to 10-ft in width with the installation of a privacy fence. The revised landscape plan submitted on 7.28.21 called out this area behind Lots 19-59 as a “15-ft Undisturbed Natural Buffer”.

Upon site inspection and review of the tree survey submitted by the applicant, the City of Conway Arborist determined that existing trees may be used to satisfy *some* of the canopy tree buffer requirements. The applicant would therefore, be responsible for any additional canopy trees, the understory trees as well as the “tall” shrub requirements. Staff also noted that there are a few lots where there are no existing trees or shrubs that meet the requirements, and therefore could not approve the existing plant and tree materials as-is to meet the buffer requirements. Furthermore, the *Unified Development Ordinance*, Section 9.4.5, states “All required landscape areas shall be required to have an in ground irrigation system that provides coverage to all plant materials.” Variance: El Bethel Road (Spring Oaks SD)

The applicant is seeking a variance from Section 9.2, 9.2.1 (3) – Landscaping Requirements: Required Planting Areas – Side and Rear Yards (Referred to as Type A, B, C and D Landscaping) The applicant request a waiver from the rear and side landscape buffer (east and south property lines) as well as irrigation requirements of Article 9 and be permitted to plat the 15-ft Undisturbed Natural Buffer, dedicated to the HOA, in lieu of the requirements of the Unified Development Ordinance.

Robert Turner, agent explained his request.

There was no public input.

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

B. Steve Powell, agent for Pastor Eddy Linder, requests a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO)*, Article 7- Streets and Circulation, for the property located at Elizabeth Street. (PIN 338-10-02-0019)

The parcel is zoned Highway Commercial (HC) and currently receives access via a private drive named Elizabeth Street that is owned by Gator Coastal Shopping Center LLC.

The applicant has submitted a sketch plan for review proposing apartments (multi-family use) for women and families as well as a vocational, trade school use area and a retail area.

Per the Unified Development Ordinance (UDO), Section 10.5.2-Street Improvements: “Any existing street segment that has not been accepted for maintenance by either the City of Conway, Horry County or the South Carolina Department of Transportation, and that is to serve as the required frontage for one or more lots created pursuant to these regulations, shall be improved and dedicated to the public, as provided for above, in such a way that the street segment meets the standards of these regulations for the particular classification of street, including right-of-way width. Such street segment shall be directly connected to the existing public street system by way of at least one public street accepted for maintenance by either the City of Conway, Horry County or the South Carolina Department of Transportation.”

The UDO’s Table 7.1: Design Standards by Street Type requires Local Streets to have a minimum right of way of 50-feet. The width of Elizabeth Street from 16th Avenue is 20-feet; therefore, the applicant is requesting a 30-ft variance on the right of way width requirement.

The Technical Review Committee (TRC) comments for the sketch plan submittal made the applicant aware that per Table 4.2 of the UDO, multi-family use is not a permitted use in the Highway Commercial zoning district. Furthermore, per the Horry County Assessor’s Office, the parcel appears to be 2.93 acres in size. Section 6.1.4 of the UDO states, “no tract(s) of land shall hereafter be rezoned for a zoning classification different from that of the surrounding properties unless such tract(s) is a minimum of three (3) acres in area.”

A commercial use and not a residential use for the property would allow for a system of joint use driveways and cross access easements, not requiring the 50-ft right of way that the residential use requires.

The applicant is seeking a variance from: Table 7.1: Design Standards by Street Type

The applicant requests a 30-ft variance to allow for a 20-ft Right of Way.

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.

Steve Powell, agent explained his request.

Paula Draper, David Laporte, Jerry Hollingsworth, Vicky Hollingsworth, Chris Grubb, Angelica Grubb and Bengy Cook, neighbors stated they had many concerns of flooding issues to their properties from the Crabtree canal. Stated their properties on a downhill and the trees from that property help with the water flow. Also, they did not want to lose the green space from that property to a commercial development.

Lawson and Wilkerson further explain that this meeting was only for the board to grant or deny a variance for the driveway. The board could not deny the owners right to develop on this property.

The board discussed the criteria required.

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

C. Joseph Guidera, owner, requests a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO)*, Section 5.2.3-Fences and Walls, for the property located at 165 Highway 905. (PIN 339-16-04-0002)

The parcel is zoned Neighborhood Commercial (HC) and is within the Gateway Corridor Overlay (GCO). Because of ongoing vandalism and theft, the applicant proposes a 6-foot chain link fence around the perimeter of the parcel. Per Section 5.2.3-Fences and Walls of the Unified Development Ordinance (UDO), commercial parcels are not allowed to exceed a 4-ft fence height in the front yard. In addition, Section 6.5.2-Gateway Corridor Overlay prohibits the use of chain link fencing in the overlay.

The applicant is seeking a variance from: • Section 5.2.3-Fences and Walls. The applicant requests a 2-ft variance to allow for a 6-ft fence in the front yard. • Section 6.5.2-Gateway Corridor Overlay. The applicant requests a variance to allow for chain link fencing in the Gateway Corridor Overlay.

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.

Joseph Guidera, owner explained his request.

There was no public input.

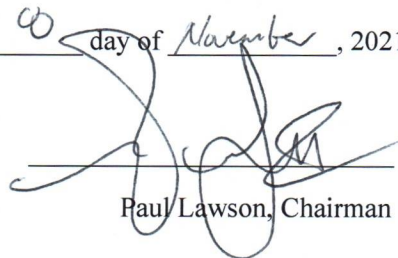
The board had a few concerns about trucks with trailers coming on the property with the location of the fence for the front. There were several options discussed between the board and applicant.

Lawson made a motion to table the variance as requested for the next meeting and allow the applicant to provide more information for the location and look of the fence. Byrd 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 6:29p.m.

Approved and signed this 1st day of November, 2021.



Paul Lawson, Chairman