

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, SEPTEMBER 23, 2021
PUBLIC SAFETY FACILITY, 1600 NINTH AVENUE**

Present: James Shelley, Sandra James, Jay Sellers, Paul Lawson, Catherine Dingle
Absent: Lesley Hill, Charles Byrd
Staff: Kym Wilkerson, Zoning Administrator; Allison Hardin, Planning Director; Jessica Hucks, Planner; Anne Bessant, Planning Assistant
Others: Robert Turner

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 James to approve the June 24, 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. SR Individual Lots LLC, requests a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO)*, Table 6.1-Dimensional**

Requirements for Residential Zoning Districts, for the property located at 2601 Ninth Avenue. (PIN 368-08-02-0094)

Wilkerson stated that this parcel is zoned Low/Medium Density Residential (R-1) with setbacks of 20-ft on the front, 20-ft on the corner side, 10-ft on the side and 20-ft in the rear. The parcel has two large oak trees that span a majority of the site. The City of Conway Arborist has visited the site and suggested that the house be built as far from the oak trees as possible in order to have minimal impact on the tree's root system. To avoid damage to the oak trees, the applicant is requesting a variance from the front and corner side setbacks. The applicant is seeking a variance from Section 6.2, Table 6.1 – Dimensional Requirement for Residential Zoning Districts. The applicant is seeking a variance of 1-ft from the front setback and 4-ft from the corner side setback.

Applicant was not present.

There was no public input.

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

B. 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.

Jessica Hucks further explained staff’s position per the City of Conway’s Unified Development Ordinance.


There were several options discussed between the board and the applicant.

Shelley made a motion to defer the variance and allow the applicant to provide more information about the empty spacing between the existing trees. James 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 6:00 p.m.

Approved and signed this 18 day of November, 2021.


Paul Lawson, Chairman