

**CITY OF CONWAY**  
**BOARD OF ZONING APPEALS MEETING**  
**THURSDAY, JANUARY 28, 2021**  
**ZOOM VIDEO CONFERENCE | [cityofconway.com](https://cityofconway.com)**

Present: Jay Sellers, Paul Lawson, Catherine Dingle, Lesley Hill, Sandra James  
Absent: Charles Byrd, James Shelley  
Staff: Kym Wilkerson, Zoning Administrator; Alicia Shelley, Planning Assistant  
Others: Craig Marz, Butch Jackson, Pat Patterson

**I. CALL TO ORDER**

Wilkerson called the meeting to order at 5:30 p.m.

**II. ELECTION OF OFFICERS**

Hill made a motion to nominate Paul Lawson as chairman. Dingle seconded the motion and the motion carried unanimously. Dingle made a motion to nominate Charles Byrd as Vice Chairman. Lawson seconded the motion and the motion carried unanimously.

**III. APPROVAL OF DECEMBER 17, 2020 MINUTES**

Dingle made a motion, seconded by James to approve the December 17, 2020 minutes as written. The vote in favor was unanimous and the motion carried.

**IV. 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.

Lawson swore in the applicants and staff.

## V. VARIANCE REQUESTS

- A. Leonardo Barbosa, applicant, requests a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO)*, Article 6, Section 6.2 – *Residential Building Types and Design Standards*; Table 6.1: *Dimensional Requirements for Residential Zoning Districts*, regarding the corner side yard setback, for the property located at 801 Rufus Street. (PIN: 368-07-01-0080).**

Wilkerson stated that this parcel was created in 1939 via Plat Book 2, Page 116. The applicant proposes to build a single-family residence on the parcel, located on the corner of Rufus Street and 8th Avenue. The parcel is zoned R-1 (Low/Medium Density Residential) and must meet the setback requirements of Table 6.1 which are 20-ft front, 20-ft rear, 10-ft side and 20-ft corner side. The applicant is requesting a 6'4" variance from the corner side yard setback requirement. The applicant cites the following reasons for which a variance should be granted: (1) The current setback requirements render the parcel unbuildable; (2) The required setbacks make the buildable area only 25-ft wide; and (3) The variance would not cause harm to adjacent properties.

Wilkerson said that the variance requested is a corner side yard setback of 13' 8."

Craig Marz, applicant further explained the request. He stated that the house would be 22' from the actual road pavement.

Wilkerson ready the opposition letter from Mr. Smith.

Dingle stated that they were not disregarding the opposition but it appeared there was enough room without a visual concern.

Lawson agreed and made a motion to grant the variance request as presented. Dingle seconded the motion and the motion carried unanimously.



**B. Chris Guidera, applicant, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Article 6, Section 6.2 – Residential Building Types and Design Standards; Table 6.1: Dimensional Requirements for Residential Zoning Districts, regarding the front setback, for the property located at 157 Busbee Street. (PIN: 339-08-02-0004).**

Wilkerson stated that this home was affected by the floodwaters and was therefore raised 8 feet to prevent future issues. In doing so, the front landing stairs went from three to fifteen steps. The parcel is zoned R-1 (Low/Medium Density Residential) and must meet the setback requirements of Table 6.1 which are 20-ft front, 20-ft rear, 10-ft side and 20-ft corner side. The applicant is requesting a 2’5” variance from the front setback requirement. The applicant cites the following reasons for which a variance should be granted: (1) Fifteen steps required to reach landing of the raised house; (2) House had to be raised because of flooding; (3) The additional stairs would not fit elsewhere on the raised house; and (4) There would be no harm to adjacent property.

Wilkerson stated that the front setback requested is 17’ 7.”

The applicant was not present.

There was no public input.

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

**C. Tractor Supply, applicant, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Article 11, Section 11.4.1 – Wall Signs, regarding the sign standards by sign type, for the property located at 3353 Church Street. (PIN: 326-09-03-0005).**

Wilkerson stated that Tractor Supply is in the process of adding a covered Garden Center and a Drive-Thru area to be used as a customer pickup area in lieu of having a curbside pickup zone in the parking lot. Tractor Supply has an existing wall sign that measures 6’1”x19’6” equaling approximately 114 square feet. There is also an existing “legal non-conforming” post sign that measures 6’1”x20’ equaling approximately 120 square feet. The parcel is zoned Highway Commercial and is within the Gateway Corridor Overlay (GCO). Per the Unified Development Ordinance, Section 11.4.1-Wall Signs, “A second Wall Sign will be allowed on another facade if the building is located on a corner lot or if there is a second public entrance. The maximum number

of Wall Signs is two (2) per tenant space.” Per the Unified Development Ordinance, Section 11.3.1-Sign Regulations by Zoning District, “Maximum Cumulative Sign Area per Tenant Space = 200 sq ft.” The applicant is requesting a waiver from the maximum wall sign requirement as well as the cumulative sign area requirement in order to install a “Garden Center” sign measuring 17.93 sq ft and a “Drive-Thru” sign measuring 46.6 sq ft. This totals an additional 64.53 sq ft in cumulative sign area. The applicant cites the following reasons for which a variance should be granted: (1) The store sits back from the road approximately 200;” (2) Tractor Supply is an “essential” business as it provides wellness products for animals and garden products so people can be self-sufficient and grow their own food; (3) Without the signage, customers would not know that Tractor Supply has a Garden Center/Drive-Thru on site; and (4) Signs are aesthetically pleasing and match the contours/peaks of the new Garden Center addition.

Wilkerson said that the requested variance is to allow for Three (3) Wall Signs and 298.53 sq ft in Cumulative Sign Area.

Butch Jackson and Pat Patterson, applicants further explained the request. They stated that they are only letting the public know of the service and not advertising for Tractor Supply.

There was no public input.

Dingle said that considering how far the business is from the road and the circumstances with Covid she sees no issues.

Lawson asked if the sign would be approvable otherwise. Wilkerson said yes.

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

## VI. 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 6:04 p.m.

Approved and signed this 25 day of March, 2021.



Paul Lawson, Chairman