

*MAYOR*  
Barbara Jo Blain-Bellamy

*MAYOR PRO TEM*  
Justin D. Jordan



*COUNCIL MEMBERS*  
K. Autry Benton, Jr  
Amanda Butler  
William M. Goldfinch IV  
Beth Helms  
Larry A. White

## PLANNING & DEVELOPMENT

### BOARD OF ZONING APPEALS MEETING THURSDAY, NOVEMBER 16, 2023 | 5:30 P.M. PLANNING & DEVELOPMENT DEPARTMENT 196 LAUREL STREET (*SIDE ENTRANCE*)

#### I. CALL TO ORDER

#### II. APPROVAL OF OCTOBER 26, 2023 MINUTES

#### III. CRITERIA

#### IV. PUBLIC HEARINGS - VARIANCE REQUESTS

- A. Pete and Julie Hearn, property owners, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 5.2.3-Fences & Walls*, for the property located at **700 Elm Street**. (PIN 338-13-04-0054)
- B. Ryan Harvey, PE, agent for Burroughs Brothers Properties Inc., property owners, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 6.6.2-Mechanical Equipment, Dumpster, Recycling, and Trash Handling* as well as *Section 5.1.33-Parking as a Stand-Alone Use*, for the properties located at **University Plaza Drive**. (PIN 383-14-01-0008, 383-14-01-0019 and 383-14-01-0020)
- C. Patricia and Warren Ochs, property owners, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 5.2.3-Fences & Walls*, for the property located at **1000 Dunraven Court**. (PIN 369-11-03-0007)
- D. Ken Emery, agent for Yahnis Real Estate Holdings LLC, property owner, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 5.2.3-Fences & Walls*, for the properties located at **Daytona Street**. (PIN 383-02-04-0014, 383-02-04-0013, and 383-02-04-0027)

#### V. 2024 MEETING SCHEDULE

#### VI. ADJOURN

CITY OF CONWAY

**2024 Board of Zoning Appeals - 5:30 pm**

Deadline	Meeting Date
December 27, 2023	January 25, 2024
January 24, 2024	February 22, 2024
February 28, 2024	March 28, 2024
March 27, 2024	April 25, 2024
April 24, 2024	May 23, 2024
May 29, 2024	June 27, 2024
June 26, 2024	July 25, 2024
July 24, 2024	August 22, 2024
August 28, 2024	September 26, 2024
September 25, 2024	October 24, 2024
October 23, 2024	November 21, 2024
November 20, 2024	December 19, 2024

**CITY OF CONWAY  
BOARD OF ZONING APPEALS MEETING  
THURSDAY, OCTOBER 26, 2023  
BUILDING & PLANNING DEPARTMENT  
196 LAUREL STREET**

Present: Paul Lawson, Charles Byrd, Jay Sellers, Blake Hendrick  
Absent: Catherine Dingle, Sandra James, Lesley Hill  
Staff: Kym Wilkerson, Zoning Administrator; Anne Bessant, Planning Assistant; Marcus Cohen, IT  
Others: Steven Strickland, Karen Lowery, Donna St. Jean, Joe Teifer, Lareefa Livingston, Anothony Green, John Tat, Jeff Enslid, Cynthia Bell, & others

**I. CALL TO ORDER**

Chairman Lawson called the meeting to order at approximately 5:33 p.m.

**II. APPROVAL OF MINUTES**

Byrd made a motion, seconded by Sellers to approve the September 28, 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. VARIANCE REQUESTS/PUBLIC INPUT

- A. Mark Donevant of Earthworks Group, agent for Palmetto Properties of Conway LLC, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 6.6.2-Mechanical Equipment, Dumpster, Recycling, and Trash Handling*, for the property located at **Hwy 378 and Belladora Road**. (PIN 368-01-01-0009 and 368-01-01-0013)

Wilkerson stated that both parcels are zoned R2 and both front Belladora Road. The parcels are being developed as an In-Common Townhome project named Mills Pointe. The parcels are not located within an overlay district. Per plat book 239-347, PIN# 368-01-01-0009 is encumbered by a 150-ft SCPSA ROW along the front of the parcel.

Per Section 6.6.2 – Mechanical Equipment, Dumpster, Recycling, and Trash Handling, of the UDO:

- **B: Location.** The location of all utilities and trash handling facilities shall be in the rear or side yards. No such facilities shall be located in any yard adjacent to a public street.
- **C: Screening.** All ground level mechanical equipment (including HVAC units, generators, and other mechanical equipment) and trash-handling facilities shall be completely screened from the public right-of-way and adjacent properties.

Though the applicants have done a fantastic job at screening the dumpster facilities, staff feels that being an In-Common project, both dumpster facilities can be interpreted as being located in a yard adjacent to a public street.

#### **Variances requested (per site plan):**

#### **Section 6.6.2 – Mechanical Equipment, Dumpster, Recycling, and Trash Handling:**

- A variance to allow the dumpster facilities to be located in any yard adjacent to a public street with the condition that the facilities remain completely screened from the public right-of-way and adjacent properties.

**The applicant cites the following reasons for which a variance should be granted:** 1) The site is intersected by Belladora Road and has a 150-ft wide Santee Cooper transmission and distribution line easement across the property. This existing easement renders 2.36 acres of the property undevelopable. On the east side the Santee Cooper Easement and pole location force the buildings to be 50-ft away from all power poles; therefore, the parking and dumpster will be located forward of the buildings. 2) No other townhome projects are proposed in this area. 3) The strict application of the Zoning Ordinance would only further encumber an already heavily burdened site. 4) The dumpsters will be adequately screened and landscaping will be provided around them. People driving along the road would not be able to distinguish them as being dumpsters. 5) If not for the large easement, we would have more than enough room to accommodate the dumpsters.

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 variances requested, staff recommend that it be only those which were requested via

10/26/23

the application provided, and that the applicant come into compliance with the remaining items, or request a separate variance to be heard at a future BZA meeting, once proper public notice has been provided.

Steve Strickland, agent, was present and further explained the request.

Cynthia Bell, Donna St. Jean, Anthony Green, Karen Lowery, Lareefa Livingston, John Tat, and Jeffery Enslid spoke during public input.

The board and applicant discussed the request at length.

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

- B. Sellers Construction LLC, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 6.5.2-Gateway Corridor Overlay (GCO)*, for the property located at **Hwy 378 and Westridge Blvd.** (PIN 337-13-03-0056)

Wilkerson stated that the parcel is zoned R2 and fronts Westridge Boulevard. The parcel is being developed as an In-Common Townhome project named Westridge Townhomes. The parcel is partially located within the Gateway Corridor Overlay (GCO) and lies directly across the street from the Housing Authority of Conway.

Per Section 6.5.2 – Gateway Corridor Overlay (GCO), of the UDO: Per Section 5.2.1 – Accessory Structures, of the UDO:

- **B: Applicability.** Any property or building that has any portion within the 500-foot overlay boundary shall comply with these regulations. Construction or renovation of any buildings located beyond the 500-foot overlay boundary shall be required if visible from the corridor. Parcels zoned CC and single-family developments (less than 5 homes) are exempt from the overlay district standards.
- **J3: Residential Front Buffers.** A fifty (50') feet buffer shall be provided along the frontage of any new single-family residential development (over five new units) or multi-family development across the street from any use or zoning other than single-family residential. The fifty (50) feet front buffer shall contain the following minimum planting per one hundred (100) linear feet when existing vegetation is not sufficient:
  - a. Eight (8) canopy trees two and one-half (2 1/2) inches caliper minimum.
  - b. Twelve (12) understory trees six (6) – eight (8) feet minimum.
  - c. Fifty (50) shrubs, three (3) gallon minimum.

Under the same Section 6.5.2, a Non-Residential Front Buffer is only required to be 10-ft in width and contain the following minimum ornamental plantings per one hundred (100) linear feet of frontage:

- i. Two (2) canopy trees two and one-half (2 1/2) inches caliper minimum.
- ii. Two (2) understory trees six (6) --eight (8) feet height minimum.
- iii. Eighteen (18) shrubs, three (3) gallon minimum.

Based on the size of the site, the applicants are requesting the following:

**Variances requested** (per site plan):

**Section 6.5.2 – Gateway Corridor Overlay (GCO):**

- A variance of 40-ft from the 50-ft required Residential Front Buffer to allow for a 10-ft Non-Residential Front Buffer.

**The applicant cites the following reasons for which a variance should be granted:** **1)** The Gateway Corridor Overlay encroaches onto the parcel. This overlay requires a 50-ft wide landscape buffer along the front; however, this parcel has no frontage along Hwy 378. The frontage of the parcel is along Westridge Blvd. **2)** The condition is unique to this parcel as the GCO encroaches onto the parcel and a multifamily development is on the opposite side of Westridge Blvd. **3)** Due to the size of this parcel the 50-ft buffer will restrict the use of this parcel. The 50-ft buffer alone will utilize approximately 22% of the property's depth and 22% (0.35 acres) of the total parcel area (1.6 acres). **4)** No harm will come to adjacent properties as the intended use of the property will be the same as the properties across the street that do not have the landscape buffer. **5)** The variance request is initiated because of a hardship and not to increase the profitability.

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 variances requested, staff recommend that it be only those which were requested via the application provided, and that the applicant come into compliance with the remaining items, or request a separate variance to be heard at a future BZA meeting, once proper public notice has been provided.

Paul Lawson and Jay Sellers recused themselves from this agenda item.

The applicant was present to answer any questions.

There was no public input.

The board discussed the request at length.

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

**V. 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 adjourned at 6:16p.m.

Approved and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Paul Lawson, Chairman

DATE: November 16, 2023

AGENDA ITEM: IV.A

**ISSUE:**

Pete and Julie Hearn, property owners, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Section 5.2.3-Fences & Walls, for the property located at 700 Elm Street. (PIN 338-13-04-0054)

**BACKGROUND:**

The applicants applied for a permit to replace the existing four (4) foot wrought iron fence with a six (6) foot brick fence to match the existing brick columns at the driveway entrance as well as the brick fence around the pool. The applicants parcel is located on the corner of Elm Street and Seventh Avenue. The UDO defines the location of this parcel as a “*Corner Lot*”. Corner Lots must meet the four (4) foot height requirement unless a ten (10) foot setback is met and then a six (6) foot fence would be permitted.

Per **Section 5.2.3 – Fences & Walls** of the UDO

**A. Commercial & Residential:**

1. Front yards - 4 feet
2. Corner front yards - 6 feet (*provided it meets a 10-foot setback from the property line*)
3. Side yards - 6 feet
4. Rear yards - 8 feet

**C. Corner Lots:** A fence or wall located on a corner lot may be up to six (6) feet in height provided it meets a mandatory ten (10) foot setback from the property line. Furthermore, fences and walls installed on corner lots must remain clear of all sight triangles, in accordance with Section 7.1.8.

Per the applicant, the driveway entrance is more than fifty (50) feet from the corner of Seventh Avenue and Elm Street and therefore would remain clear of all sight triangles. The UDO’s definition of “Yards” (*on the following page*), prohibits staff from being able to approve a six (6) foot fence at the location proposed.

Please keep in mind that the ***City of Conway’s Unified Development Ordinance*** was adopted on **December 12, 2011**; therefore, any existing fences and/or walls that do not meet the current ordinance are considered “***legal non-conforming***”. Should a legal non-conforming fence and/or wall need to be changed, it would then have to come into compliance with the current ordinance.

**Variances requested** (*per site plan*):

**Section 5.2.3 – Fences & Walls:**

- A variance to allow a six (6) foot brick fence in the corner front yard.

*The applicant cites the following reasons for which a variance should be granted:*

1. 5.2.3-C refers to fences extending to corner of lots. Purpose is to keep fence from impeding view of traffic at intersection. Not applicable here because proposed fencing does not extend to the corner of the lot.
2. This variance request is consistent with 5.2.3 A3 which provides side yard fencing at six (6) feet in height. This variance is on the side yard and does not extend to the corner. The house on the corner of Seventh and Elm across the street is a corner lot and has six (6) foot fence with does not extend to the corner.
3. Seventh Avenue and Elm Street have an extraordinary amount of pedestrian and vehicular traffic. A brick security fence will protect us from exposure to vandalism, theft, and other crime. Our bedroom sits about twenty (20) feet from Seventh Avenue.
4. Granting the variance will enhance the character of the area and adjacent property by adding a matching brick fence to the existing brick fence on the back side of the property.
5. The hardship is security or lack of security with the existing four (4) foot metal fence.

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#### **CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO) & ANALYSIS**

In *Section 14.2.1* of the *UDO*, the duties and powers of the Board of Zoning Appeals reflect *Section 6-29-800* of the South Carolina Code of Laws.

According to *Section 14.1035*, the Board of Zoning Appeals duties are “to hear and decide appeals for variances in specific cases when a strict application of the zoning ordinance would cause an unnecessary hardship, and approval of such variance would not be contrary to public interest or undermine the spirit of the zoning ordinance. The fact that property may be used more profitably if a variance is granted is not grounds for a variance. The Board may attach conditions to a variance that address location, character, or other features of a proposed building, structure, or use, in order to protect the established property values in the surrounding area or to promote the public health, safety, or general welfare of the community. The Board may grant a variance for an unnecessary hardship if it makes and explains in writing all of the following findings.

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 adjacent property or the public good, and the character of the district will not be harmed by granting a variance.

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#### **RECOMMENDATION:**

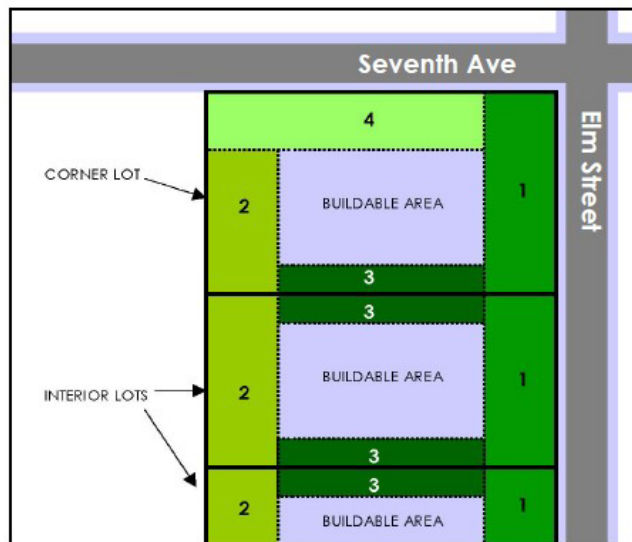
Staff recommends that the BZA conduct a thorough review of the request and determine if a legal hardship exists and if the best interests of the City of Conway would be served by granting the request. If the Board chooses to grant the variances requested, staff recommend that it be only those which were requested via the application



provided, and that the applicant come into compliance with the remaining items, or request a separate variance to be heard at a future BZA meeting, once proper public notice has been provided.

**Yard:** A required undeveloped area of a property that lies between the principal building or buildings and the nearest lot line.

- **Front Yard (1):** A space extending the full width of the lot between any building and the front lot line. For corner lots, both yards lying between the primary structure and the intersecting streets shall be considered front yards; however, the front lot line shall be designated by the shorter of the two property lines adjacent to the street. The other front yard at the side property line shall be known as a **Corner Front Yard (4)**.



- **Rear Yard (2):** A space extending across the full width of the lot between the principal building and the rear lot line. For corner lots, the rear yard shall be that yard on the opposite side of the building from the front lot line.
- **Side Yard (3):** A space extending from the front yard to the rear yard between the principal building and the side lot line. (See Figure)



City of Conway  
Board of Zoning Appeals  
VARIANCE/APPEAL REQUEST

Staff Use Only

Received: \_\_\_\_\_

BS&A #: \_\_\_\_\_

City of Conway Planning Department  
196 Laurel Street, 29526

Phone: (843) 488-9888  
Conway, South Carolina

[planning@cityofconway.com](mailto:planning@cityofconway.com)  
[www.cityofconway.com](http://www.cityofconway.com)

Pin#: 33813040054	Zoning District: R1	Meeting Date: November 16, 2023
Property Address: 700 Elm Street		
Property Owner: PETE AND JULIE HEARN	Daytime phone: (843) 907-3176	
Agent: N/A	Daytime phone:	
Agent Address:		
City, State & Zip:		
Agent's E-Mail Address:		
Number of Variances Requested: ONE		

**Requested Action:**

- ☒ I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **Please continue to the following section.**
- ☐ I am requesting an administrative **appeal** of the action or decision of the Zoning Administrator, which I believe to be contrary to the meaning of the Conway Unified Development Ordinance (UDO). **Please continue to page three.**

**VARIANCE REQUESTS:**

Please demonstrate how you satisfy the following **CRITERIA FOR VARIANCE** (see § 14.2.1 of the Conway Unified Development Ordinance).

Please describe your proposal in detail:
REPLACE EXISTING FOUR FOOT METAL FENCE WITH SIX FOOT BRICK FENCE MATCHING EXISTING BACKYARD BRICK FENCE. BRICK FENCING WOULD EXTEND TO EXISTING <del>BACK YARD</del> BRICK <del>FENCING</del> COLUMNS AT DRIVEWAY ENTRANCE. DRIVEWAY ENTRANCE IS MORE THAN FIFTY FEET FROM THE CORNER OF SEVENTH AVENUE AND ELM STREET. FRONT YARD IS ON ELM STREET

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1. 5.2.3 C <u>CORNER LOTS</u>	BRICK SECURITY FENCE SIX FEET IN HEIGHT WHICH DOES NOT EXTEND TO CORNER
2.	



City of Conway  
Board of Zoning Appeals  
VARIANCE/APPEAL REQUEST

Staff Use Only

BS&A #: \_\_\_\_\_

1. Describe the extraordinary conditions pertaining to your particular piece of property:

5.2.3 C REFERS TO FENCES EXTENDING TO CORNER OF LOTS. PURPOSE IS TO KEEP FENCE FROM IMPEDING VIEW OF TRAFFIC AT INTERSECTION. NOT APPLICABLE HERE BECAUSE PROPOSED FENCING DOES NOT EXTEND TO THE CORNER OF THE LOT.

2. Are the conditions described above particular to your piece of property? Explain.

YES. THIS VARIANCE REQUEST IS CONSISTENT WITH 5.2.3 A3 WHICH PROVIDES SIDE YARD FENCING AT SIX FEET. THIS VARIANCE IS ON THE SIDE YARD AND DOES NOT EXTEND TO THE CORNER. HOUSE ON THE CORNER OF SEVENTH AND ELM ACROSS THE STREET IS A CORNER LOT AND HAS A SIX FOOT FENCE WHICH DOES NOT EXTEND TO CORNER.

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.

SEVENTH AVENUE AND ELM STREET HAVE AN EXTRAORDINARY AMOUNT OF PEDESTRIAN AND VEHICULAR TRAFFIC. A BRICK SECURITY FENCE WILL PROTECT US FROM EXPOSURE TO VANDALISM THEFT, AND OTHER CRIME. OUR BEDROOM SITS ABOUT TWENTY FEET FROM SEVENTH AVENUE.

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:

NO. IN FACT, IT WILL ENHANCE THE CHARACTER OF THE AREA AND ADJACENT PROPERTY BY ADDING A MATCHING BRICK FENCE TO THE EXISTING BRICK FENCE ON THE BACK SIDE OF THE PROPERTY.

and; "Is the variance request initiated because of hardship and not to increase the profitability of the property?"

YES. THE HARDSHIP IS SECURITY OR LACK OF SECURITY WITH EXISTING FOUR FOOT METAL FENCE.

**Application Requirements:**

- A completed BZA application including required signatures (incomplete applications will not be accepted)
- A filing fee of two hundred and fifty dollars (\$250.00)
- A digital site plan illustrating property lines, existing structures, proposed structures and any other relevant site information. (may be emailed to [planning@cityofconway.com](mailto:planning@cityofconway.com))

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be inspected, and that all required material will be submitted to the City of Conway Planning Department no later than thirty (30) days prior to the meeting date. Board of Zoning Appeals meets the 4th Thursday of each month (except November) at 5:30PM at the Planning & Building Dept., 196 Laurel Street. (unless otherwise posted). I understand that it is my responsibility to obtain all necessary approvals from other city departments.

I also acknowledge that once my property is posted, the signs can only be removed by an agent for the City of Conway & are to remain in place until retrieved.

**A REPRESENTATIVE MUST BE PRESENT AT THE MEETING TO HAVE YOUR REQUEST HEARD.**

Applicant's Signature:

*Peter L. Hearn, Sr.*

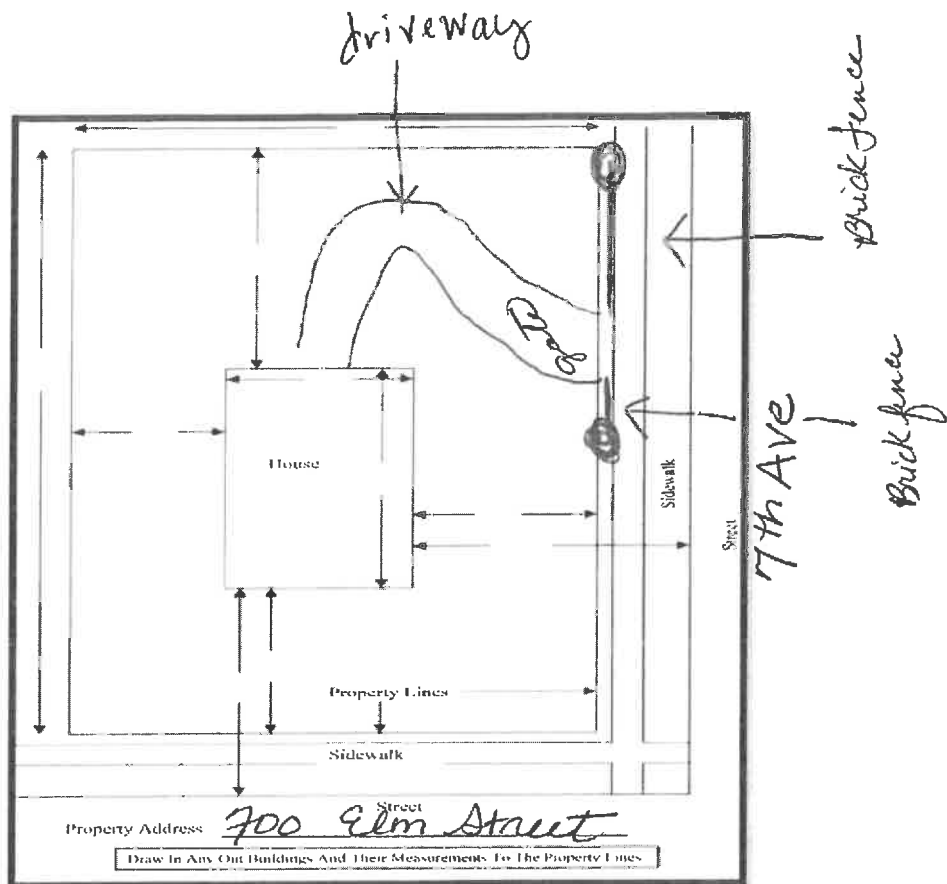
Date: *October 2023*

Print name legibly:

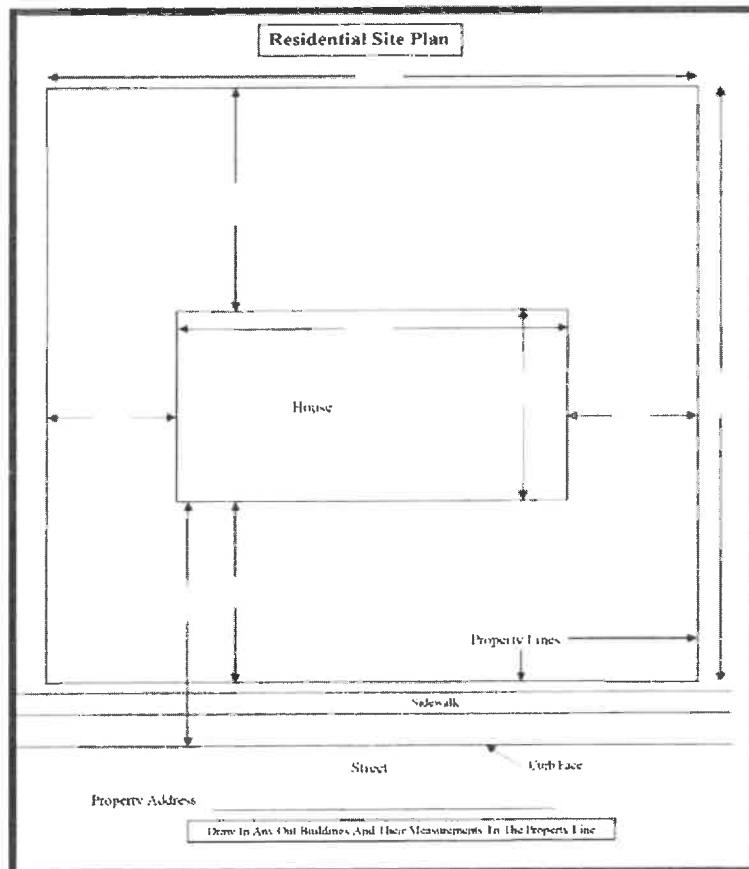
*PETER L. HEARN, SR.*

*JULIE N. HEARN*

Corner Lot

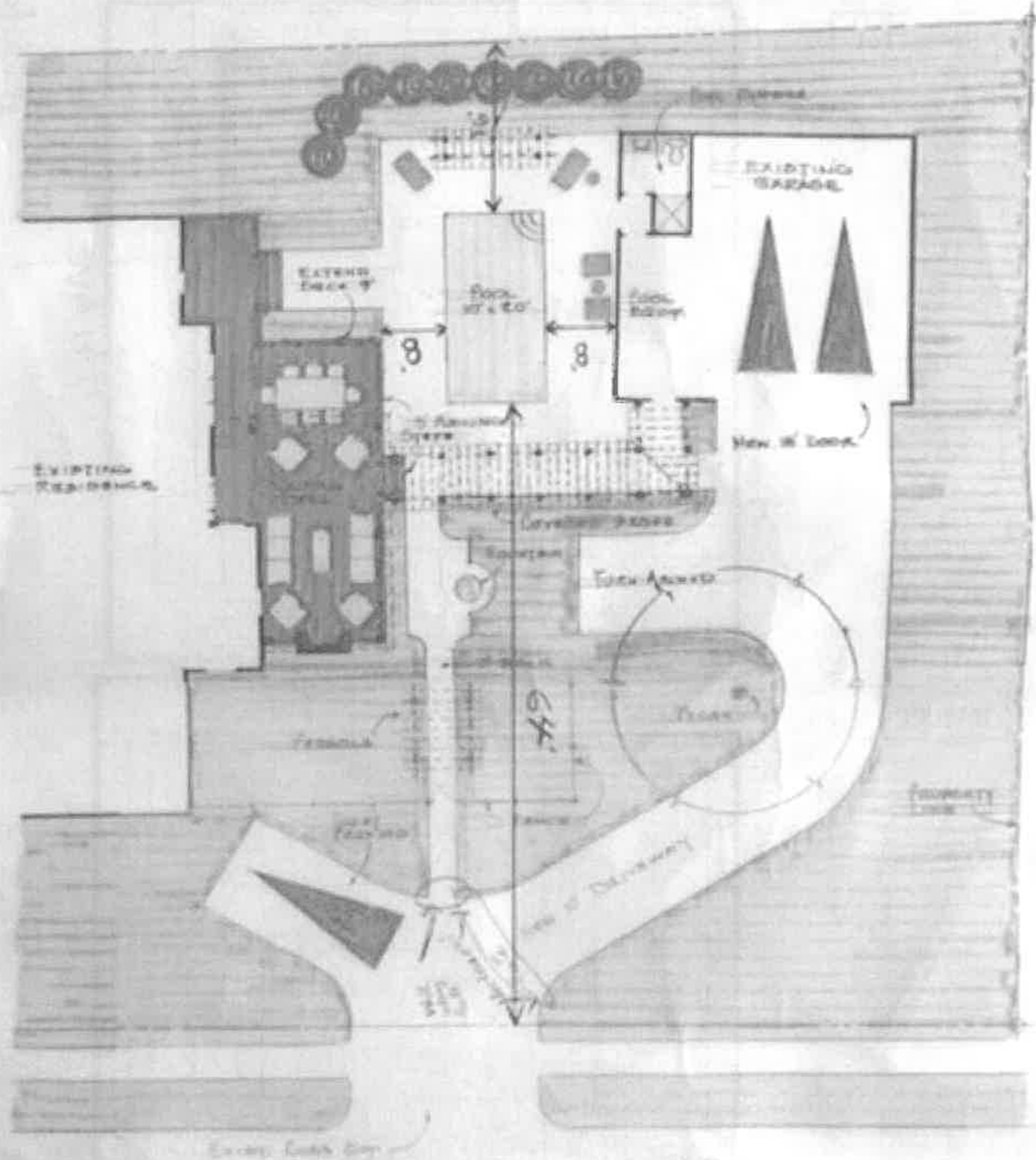


Interior Lot



BE SURE TO CALL 8-1-1 BEFORE YOU DIG

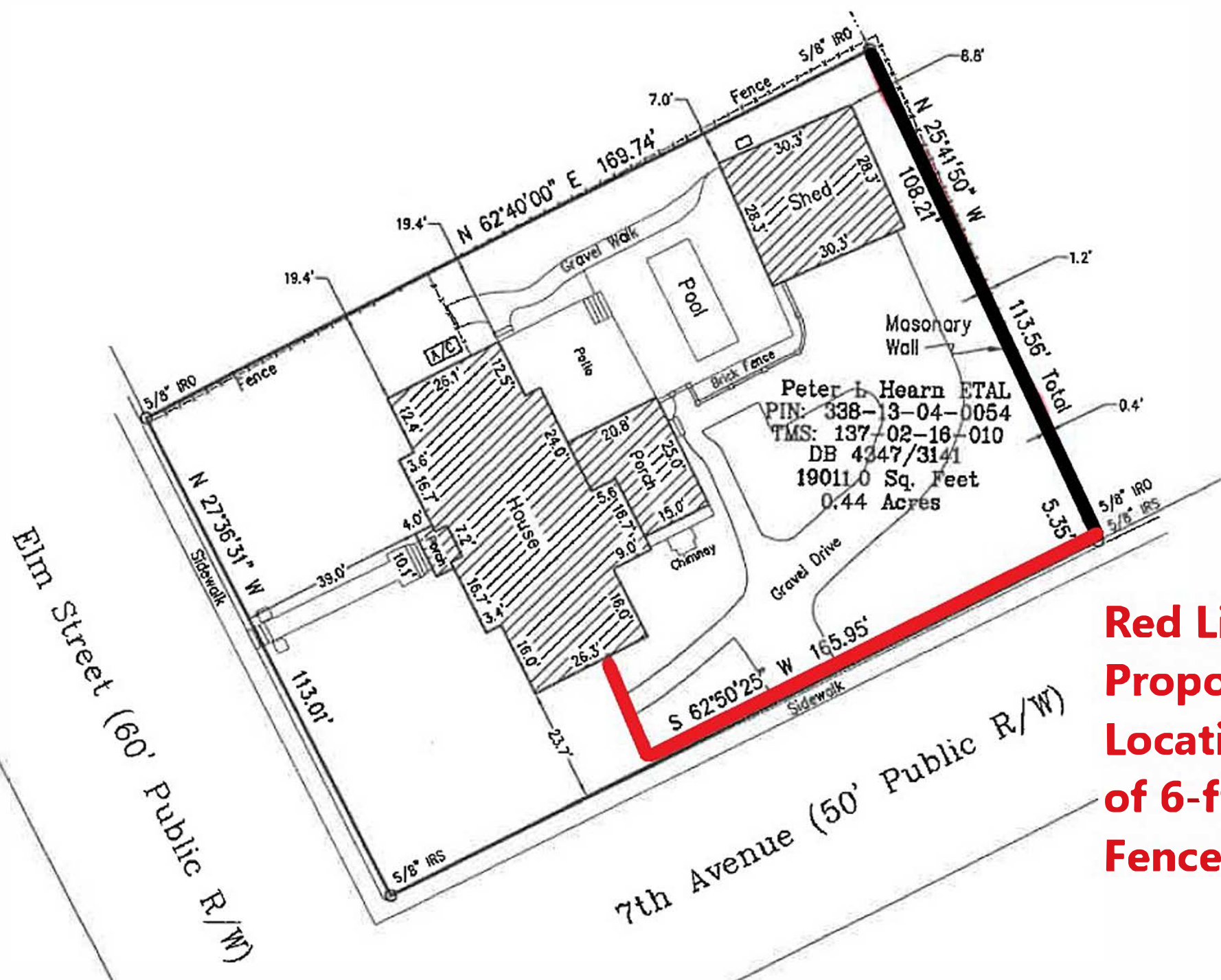




SEVENTH AVE

SCHWAB # 31

REAR YARD DEVELOPMENT FOR MR. & MRS. PETER REARD		
Scale: 1" = 10'	Approved by:	Drawn by: [Signature]
Date: Oct. 24, 50		
SITE PLAN		
700 Elm St.	CONWAY, SC	DSG 2 of 2



Peter L Hearn ETAL  
PIN: 338-13-04-0054  
TMS: 137-02-16-010  
DB 4347/3141  
19011.0 Sq. Feet  
0.44 Acres

**Red Line is  
Proposed  
Location  
of 6-ft Brick  
Fence**



# 700 ELM STREET

## PRE-BRICK FENCE



DATE: November 16, 2023

AGENDA ITEM: IV.B

**ISSUE:**

Ryan Harvey, PE, agent for Burroughs Brothers Properties Inc., property owners, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Section 6.6.2-Mechanical Equipment, Dumpster, Recycling, and Trash Handling as well as Section 5.1.33-Parking as a Stand-Alone Use, for the properties located at University Plaza Drive. (PIN 383-14-01-0008, 383-14-01-0019 and 383-14-01-0020)

**BACKGROUND:**

The applicant currently has two (2) projects at University Plaza Drive in review with the City of Conway's Technical Review Committee (TRC). One is a **Medical Building** on PIN# 383-14-01-0008 and the other is a **Restaurant** on PIN# 383-14-01-0019 with a proposed separate parking lot on PIN# 383-14-01-0020. The application for a variance request includes three (3) separate request.

Per **Section 6.6.2 – Mechanical Equipment, Dumpster, Recycling, and Trash Handling**, of the UDO:

- **B: Location.** *The location of all utilities and trash handling facilities shall be in the rear or side yards. No such facilities shall be located in any yard adjacent to a public street.*

Based on the size of PIN# 383-14-01-0008 & PIN# 383-14-01-0019 and fact that both parcels are corner lots (*University Plaza Drive and Waccamaw Medical Park Drive*), the applicant is requesting a variance for both commercial projects to allow the dumpster facilities (*with approved screening*) to be located in the corner front yards along Waccamaw Medical Park Drive. The Sanitation Director, Reggie Jenerette, has approved the locations based on the initial review. Also, Waccamaw Medical Park Drive is a county-maintained right-of-way and the applicant is aware that an encroachment permit from Horry County Engineering will be required prior to plan approval.

**Variances requested** (*per site plan for PIN# 383-14-01-0008 and PIN# 383-14-01-0019*):

**Section 6.6.2 – Mechanical Equipment, Dumpster, Recycling, and Trash Handling:**

- A variance to allow the location of the trash handling facilities to be located in a yard adjacent to a public street with the condition that it is properly screened. (Waccamaw Medical Park Drive)

The proposed separate parking lot for PIN# 383-14-01-0020 must meet the requirements of **Section 5.1.33 Parking as a Stand-Alone Use**. This ordinance was passed by City Council in June of 2021. The ordinance reads that *"The design of any stand-alone parking shall be heightened to offset the potential for traffic and aesthetic disruption to neighboring parcels."* All neighboring parcels are zoned Highway Commercial (HC) and a stand-alone parking lot is a permitted use in the Highway Commercial Zoning District.



Per **Section 5.1.33 – Parking as a Stand-Alone Use**, of the UDO:

- a. A brick wall, a minimum of 36" high shall be constructed along a minimum of 50% of all road frontage. This wall shall be setback a minimum of 10' from the sidewalk or public right of way whichever is greater. The brick wall shall be decorative and contain a finished cap along the top of the wall.
- b. Between the brick wall and the sidewalk or right of way shall be planted a landscaping buffer consisting of the following:
  - i. One canopy tree every 40' of linear frontage, but in no case less than 3 per frontage. Canopy trees shall be a minimum of 12' in height at planting.
  - ii. One understory tree every 20' of linear frontage, but in no case less than 5 per frontage. Understory trees shall be a minimum of 8' in height at planting.
  - iii. 1 bush or shrub every 3' of for both width and depth of entire frontage. Bushes or shrubs shall be a minimum of 7 gallon and 3' in height at planting and shall be of an evergreen species.
  - iv. All landscaping areas shall be irrigated, using a separate irrigation meter. An irrigation plan shall be submitted at the time of the request for the development of the parking lot.
- c. Non-street frontages shall be planted with a Type B buffer; however, all required landscaping materials shall be doubled from the requirements stated in Article 9 of the UDO.

Based on the location of this stand-alone parking lot and the size of the parcel, the applicant is requesting a variance from **Section 5.1.33** requirements.

**Variances requested** (*per site plan for PIN# 383-14-01-0020*):

**Section 5.1.33 – Parking as a Stand-Alone Use:**

- A variance to allow a Type A Landscape Buffer around the perimeter of the property, eliminating the requirements from Section 5.1.33.

Staff feels that if the variance is granted, eliminating the requirements of Section 5.1.33, a condition should be put on the variance stating that the **Front Landscape Buffer must still meet the requirements of the Gateway Corridor Overlay (GCO)**. This would consist of a 10-ft Landscape Buffer at the front property line, along the corridor ROW.

*The applicant cites the following reasons for which a variance should be granted:*

1. For Medical office, the existing building location and small depth of the site makes it impossible to put the dumpster in the rear yard. Both side yards are street side yards and thus ineligible. The proposed location also allows for the dump truck to circulate through the entire parking lot after picking up the trash, eliminating the need to back out onto the street. A similar situation applies to Restaurant. Both side yards are street side yards and the rear yard is very far away from any proposed parking. The dedicated driveway to the dumpster on Waccamaw Medical Park Drive allows for easy access to the dumpster without having to intrude on the customer parking area. The off-site parking parcel is non-wide enough to accommodate 2-way parking and the required landscape buffers.

2. Our parcels are uniquely challenging in that for dumpster placement, our options have been significantly limited due to the fact that side yards are not eligible for dumpster placement due to them being street side yards. This leaves only the rear yard available, which for the medical office is practically unusable, and for the restaurant would require paving through a pond. The off-site parking parcel is also uniquely challenging in the fact that it is extremely small in width.
3. For the medical office, without the use of the variance there is no place the dumpster could reasonable go. If it were placed in the rear yard, the dump truck would have to make extremely difficult and dangerous maneuvers just to get to it. For the restaurant, in order to place the dumpster in the rear yard and not have driveway off either side street, a road would have to be paved over an existing pond. For the off-site parking, a full 15-ft Type B Landscape Buffer or even a 10-ft reduced with Type B Landscape Buffer with a fence would only allow for 1-way parking, which given the surrounding area, would likely create confusing and dangerous traffic patterns.
4. The dumpster locations on both sites will not harm any adjacent properties as the variance for the locations of the dumpster allows for easy and safe access of the dump trucks to the dumpster and eliminates excess paved area. The dumpster on medical office property is also shielded from view by an existing and a proposed Type A Landscape Buffer, as well as the required screening for the dumpster itself. The reduced width buffers will not be of harm to any surrounding property as to the NW, there is a drive-thru and to the SE there is a parking lot for a Wendy's that already has some landscaped area buffering it from our property.
5. The variance request is because of a hardship. All variance requested are because of the constraining factors on the sites. Safety for dump truck drivers and customers will be increased by these variances.

---

#### **CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO) & ANALYSIS**

In *Section 14.2.1* of the *UDO*, the duties and powers of the Board of Zoning Appeals reflect *Section 6-29-800* of the South Carolina Code of Laws.

According to *Section 14.1035*, the Board of Zoning Appeals duties are "to hear and decide appeals for variances in specific cases when a strict application of the zoning ordinance would cause an unnecessary hardship, and approval of such variance would not be contrary to public interest or undermine the spirit of the zoning ordinance. The fact that property may be used more profitably if a variance is granted is not grounds for a variance. The Board may attach conditions to a variance that address location, character, or other features of a proposed building, structure, or use, in order to protect the established property values in the surrounding area or to promote the public health, safety, or general welfare of the community. The Board may grant a variance for an unnecessary hardship if it makes and explains in writing all of the following findings.

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.

Variance: University Plaza Drive

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 adjacent property or the public good, and the character of the district will not be harmed by granting a variance.
- 

**RECOMMENDATION:**

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 variances requested, staff recommend that it be only those which were requested via the application provided, and that the applicant come into compliance with the remaining items, or request a separate variance to be heard at a future BZA meeting, once proper public notice has been provided.



City of Conway  
Board of Zoning Appeals  
VARIANCE/APPEAL REQUEST

Staff Use Only

Received: \_\_\_\_\_

BS&A #: \_\_\_\_\_

City of Conway Planning Department  
196 Laurel Street, 29526

Phone: (843) 488-9888  
Conway, South Carolina

[planning@cityofconway.com](mailto:planning@cityofconway.com)  
[www.cityofconway.com](http://www.cityofconway.com)

Pin #: 383-14-01-008, 383-14-01-0019, 383-14-01-0020	Zoning District: HC	Meeting Date: November 16, 2023
Property Address: 220 University Plaza Dr, 107 University Plaza Dr		
Property Owner: Burroughs Brothers Properties Inc., Cheryl Wingard	Daytime phone: 843-234-9800	
Agent: ROWE PSC, Ryan E. Harvey, PE	Daytime phone: 843-685-9454	
Agent Address: 6009 N. Kings Hwy		
City, State & Zip: Myrtle Beach, SC 29577		
Agent's E-Mail Address: rharvey@rowepsc.com		
Number of Variances Requested: 3		

**Requested Action:**

- ☒ I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **Please continue to the following section.**
- ☐ I am requesting an administrative **appeal** of the action or decision of the Zoning Administrator, which I believe to be contrary to the meaning of the Conway Unified Development Ordinance (UDO). **Please continue to page three.**

**VARIANCE REQUESTS:**

Please demonstrate how you satisfy the following **CRITERIA FOR VARIANCE** (see § 14.2.1 of the Conway Unified Development Ordinance).

**Please describe your proposal in detail:**

We are asking for 3 different variances for two sites. On PIN 383-14-01-008, we are asking for a variance for the location of the dumpster for our proposed new medical building, as the site is very small in depth and cannot reasonably fit a dumpster in the rear yard.

PINs 383-14-01-0019 and 383-14-01-0020 together will be developed for the use of a new restaurant. PIN 383-14-01-0019 is the property the restaurant building will actually be on and PIN 383-14-01-0020 will be used for additional parking. On the restaurant building's property, we again are asking for a variance in the dumpster location as the most effective place to put it is off of Waccamaw Medical Park Drive, as this allows for the easiest access. On the off-site parking lot, we are asking for a variance in the landscape buffer, as the buffers required would make it so that the parking lot would have to be one-way only. This would create issues for the existing billboard and access easement as well as traffic concerns. This landscape buffer would also significantly reduce the parking being provided.

**This proposal does not conform to the Unified Development Ordinance in the following way:**

UDO Section and Requirement:	Proposed Instead:
1. Medical Building Dumpster - 6.6.2B - Location	Dumpster is located in street side yard.
2. Restaurant Dumpster - 6.6.2B - Location Restaurant Off-Site Parking - 6.6.2B - Section 5.1.33 - Landscape Buffer	Dumpster is located in street side yard. Type A buffer along entire property.



City of Conway  
Board of Zoning Appeals  
VARIANCE/APPEAL REQUEST

Staff Use Only

BS&A #: \_\_\_\_\_

1. Describe the extraordinary conditions pertaining to your particular piece of property:

For Medical office, the existing building location and small depth of the site makes it impossible to put the dumpster in rear yard. Both side yards are street side yards and thus ineligible. The proposed location also allows for the dump truck to circulate through the entire parking lot after picking up the trash, eliminating the need to back out onto the street. A similar situation applies to restaurant. Both side yards are street side yards, and the rear yard is very far away from any proposed parking. The dedicated driveway to the dumpster on Waccamaw Medical Park Dr allows for easy access to the dumpster without having to intrude on the customer parking area. The off-site parking parcel is non wide enough to accommodate 2-way parking and the required landscape buffers.

2. Are the conditions described above particular to your piece of property? Explain.

Our parcels are uniquely challenging in that for dumpster placement, our options have been significantly limited due to the fact that side yards are not eligible for dumpster placement due to them being street side yards. This leaves only the rear yard available, which for the medical office is practically unusable, and for the restaurant would require paving through a pond. The off-site parking parcel is also uniquely challenging in the fact that it is extremely small in width.

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.

For the medical office, without the use of the variance, there is no place the dumpster could reasonable go. If it were placed in the rear yard, the dump truck would have to make extremely difficult and dangerous maneuvers just to get to it. For the restaurant, in order to place the dumpster in the rear yard and not have driveway off either side street, a road would have to be paved over an existing pond. For the off-site parking, a full 15' type B buffer or even a 10' reduced width type B buffer with fence would only allow for 1-way parking, which given the surrounding area, would likely created confusing and dangerous traffic patterns.

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:

The dumpster locations on both sites will not harm any adjacent properties as the variance for the locations of the dumpster allows for easy and safe access of the dump trucks to the dumpster and eliminates excess paved area. The dumpster on medical office property is also shielded from view by an existing fence and a proposed type A buffer, as well as the required screening for the dumpster itself. The reduced width buffers will not be of harm to any surrounding property, as to the NW there is a drive through lane and to the SE there is a parking lot for a Wendy's that already has some landscaped area buffering it from our property.

**and; "Is the variance request initiated because of hardship and not to increase the profitability of the property?"**

Yes, the variance is because of hardship. All variance requested are because of the constraining factors on the site.  
Safety for dump truck drivers and customers will be increased by these variances.

**Application Requirements:**

- A completed BZA application including required signatures (incomplete applications will not be accepted)
- A filing fee of two hundred and fifty dollars (\$250.00)
- A digital site plan illustrating property lines, existing structures, proposed structures and any other relevant site information. (may be emailed to [planning@cityofconway.com](mailto:planning@cityofconway.com))

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be inspected, and that all required material will be submitted to the City of Conway Planning Department no later than thirty (30) days prior to the meeting date. Board of Zoning Appeals meets the 4th Thursday of each month (except November) at 5:30PM at the Planning & Building Dept., 196 Laurel Street. (unless otherwise posted). I understand that it is my responsibility to obtain all necessary approvals from other city departments.

~~I also acknowledge that once my property is posted, the signs can only be removed by an agent for the City of Conway & are to remain in place until retrieved~~

**A REPRESENTATIVE MUST BE PRESENT AT THE MEETING TO HAVE YOUR REQUEST HEARD.**

Applicant's Signature: Ryan E. Harvey Date: 10/9/2023

Print name legibly: Ryan E. Harvey, PE

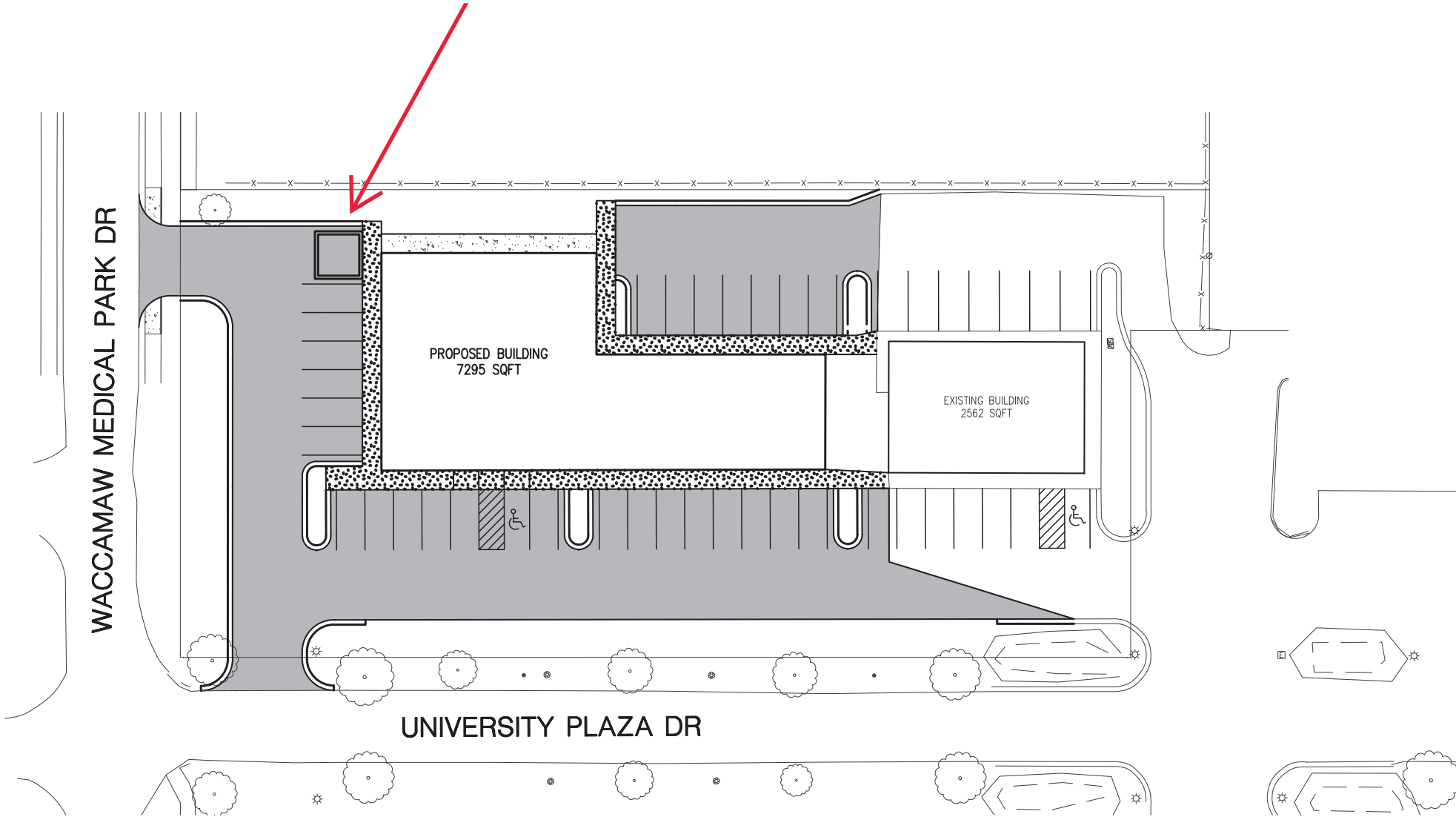
**DUMPSTER LOCATION**

WACCAMAW MEDICAL PARK DR

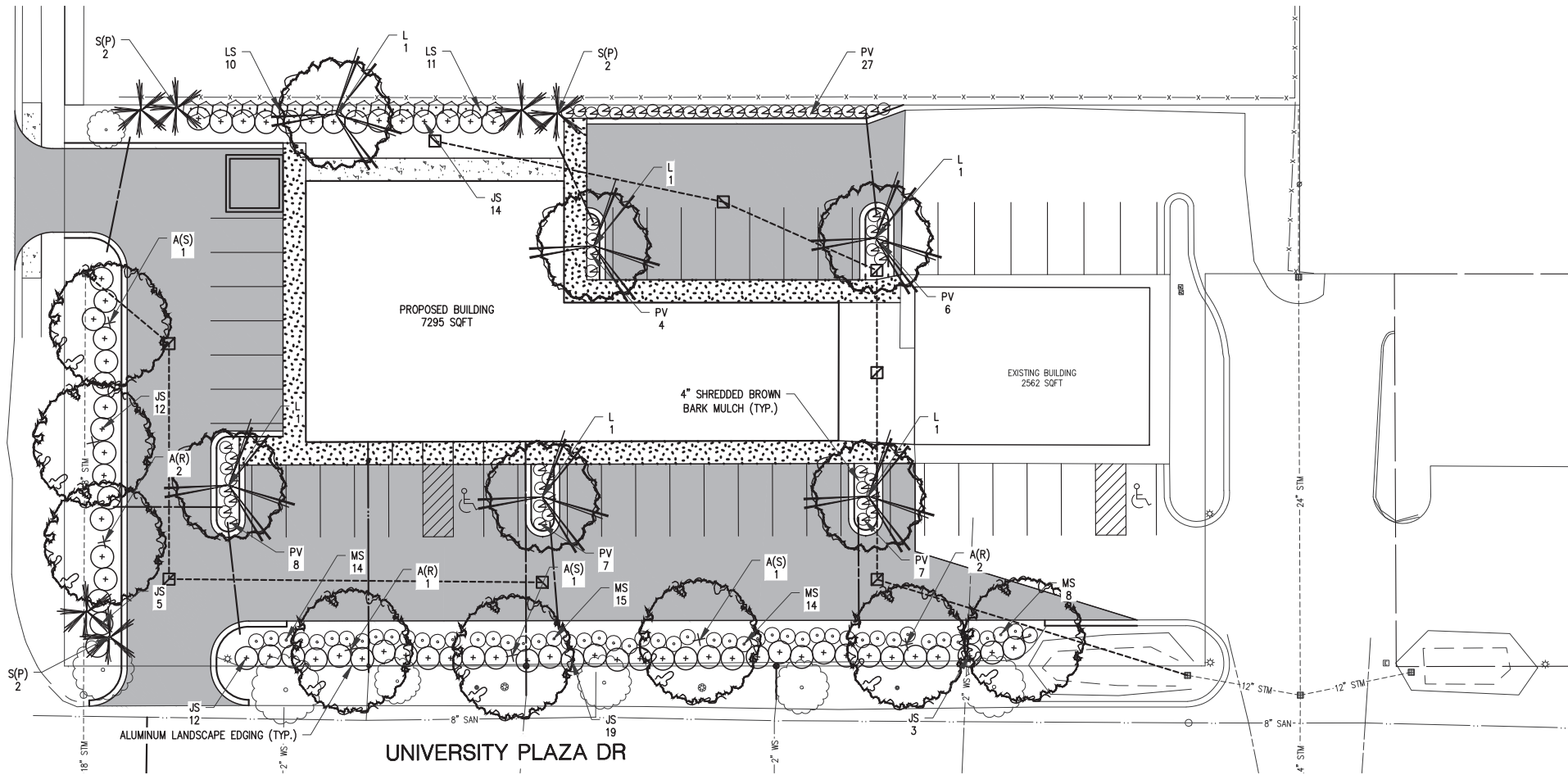
PROPOSED BUILDING  
7295 SQFT

EXISTING BUILDING  
2562 SQFT

UNIVERSITY PLAZA DR



WACCAMAW MEDICAL PARK DR

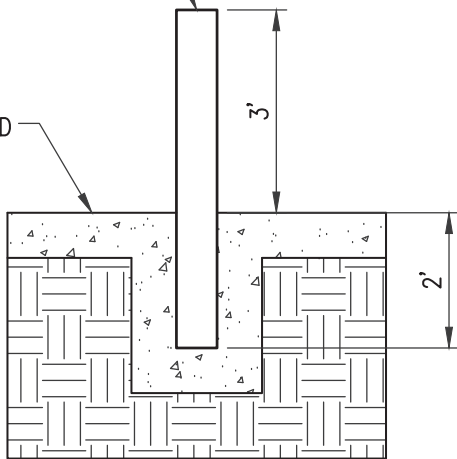


NOTES:

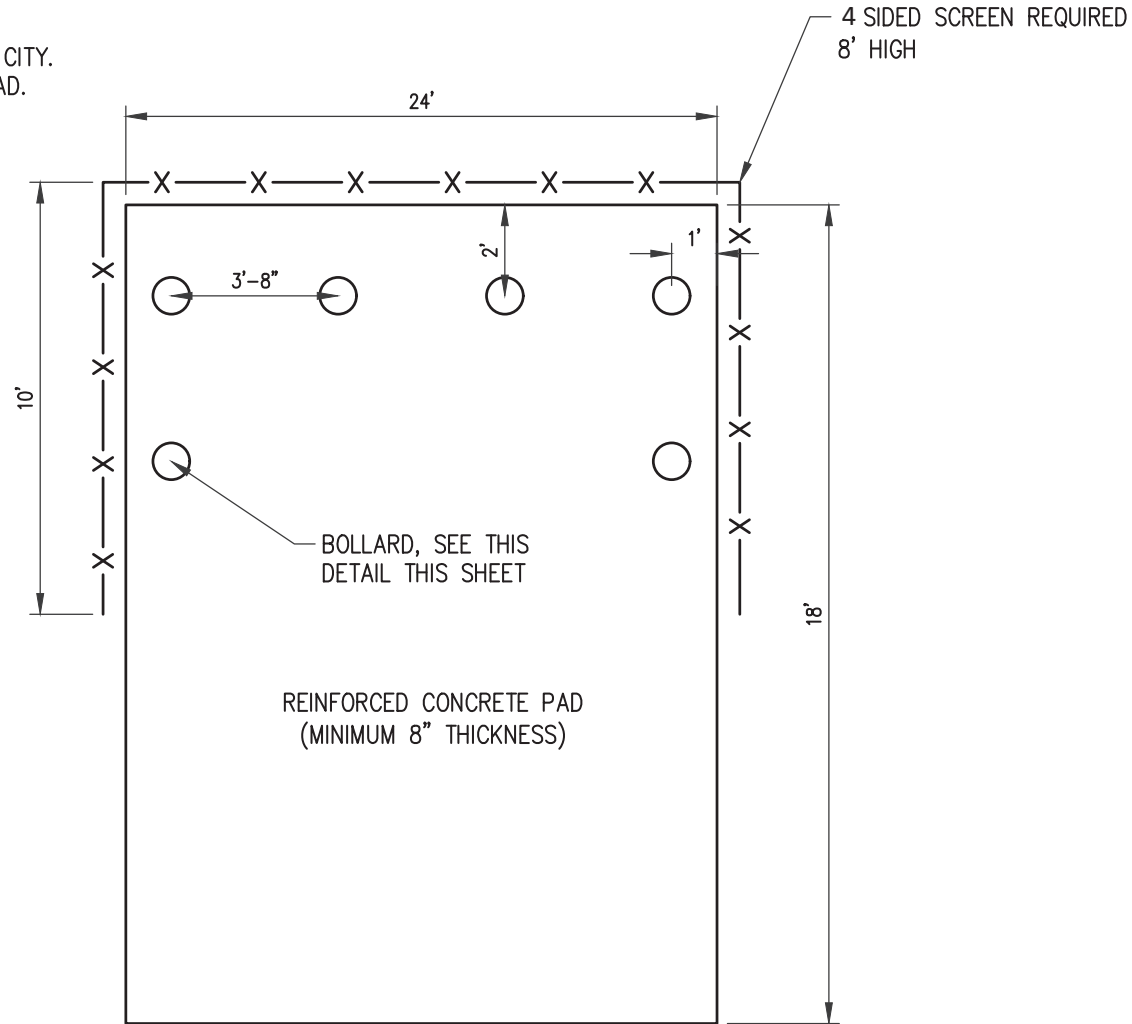
1. A CLEARANCE OF 24" ABOVE THE DUMPSTER IS NECESSARY.
2. NO ELECTRICAL LINES OR CABLE LINES ARE PERMITTED IN THE AREA.
3. ALL COLLECTION WITHIN THE CITY OF CONWAY MUST BE PROVIDED BY THE CITY.
4. A TURN AROUND AREA IS REQUIRED WITHIN 50 FEET OF THE DUMPSTER PAD.

6" BOLLARD SEAMLESS  
TUBING (ID STEEL PIPE)

8" CONCRETE PAD

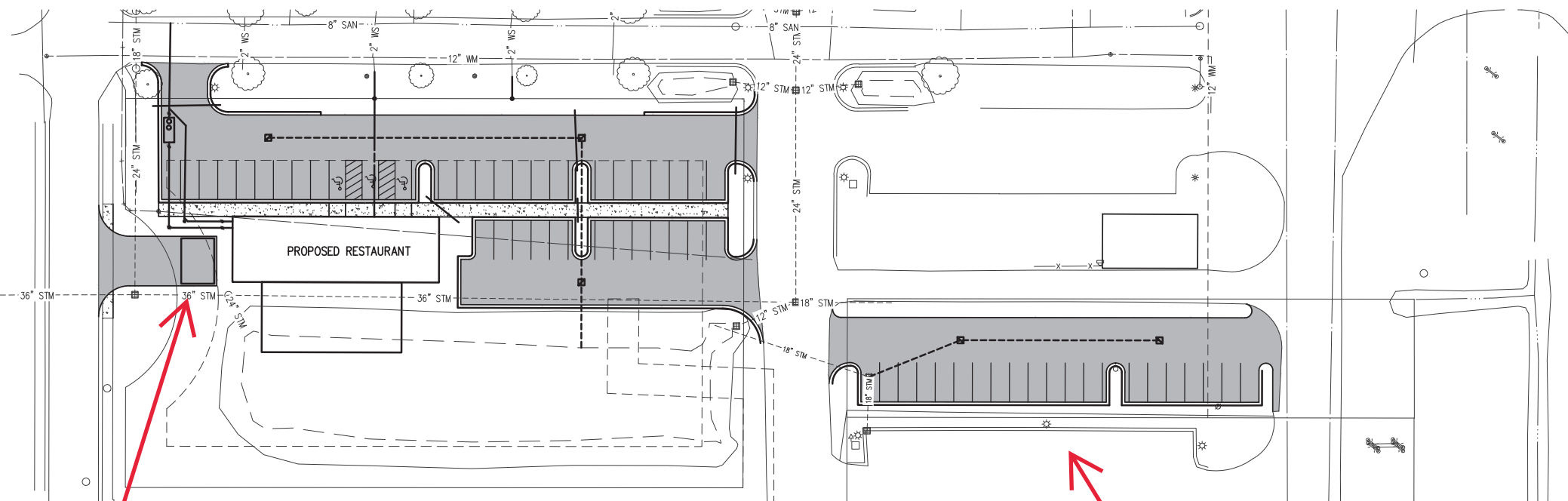


**BOLLARD**  
NOT TO SCALE



**DUMPSTER ENCLOSURE**  
NOT TO SCALE





**DUMPSTER LOCATION**

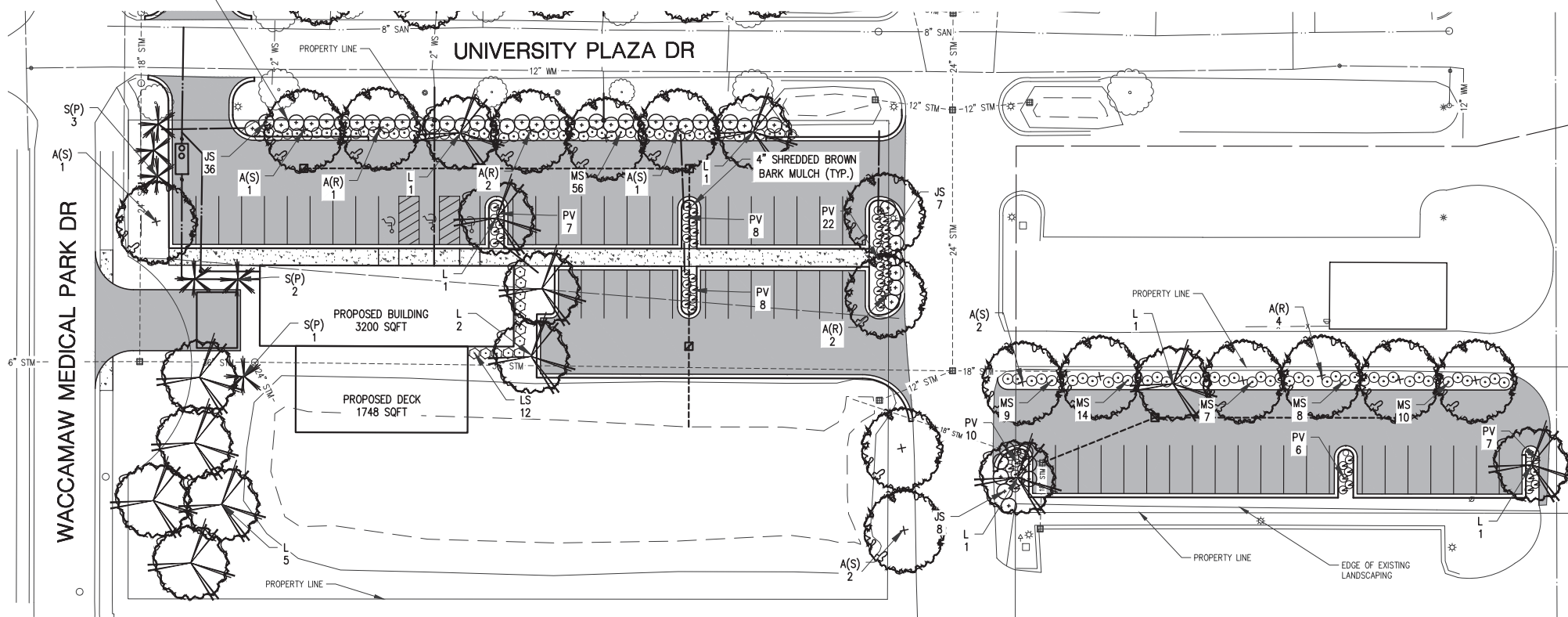
**STAND ALONE  
PARKING LOT**

E. G. NYLON  
WIRE

ALUMINUM LANDSCAPE EDGING (TYP.)

UNIVERSITY PLAZA DR

WACCAMAW MEDICAL PARK DR

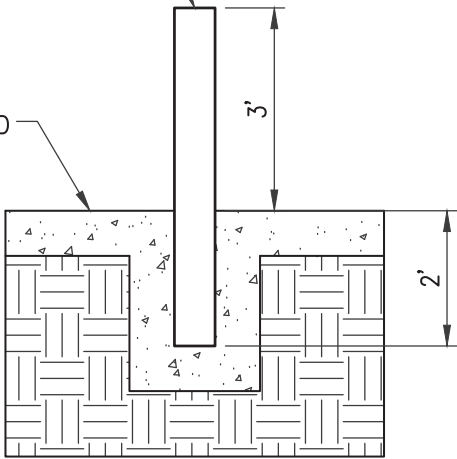


NOTES:

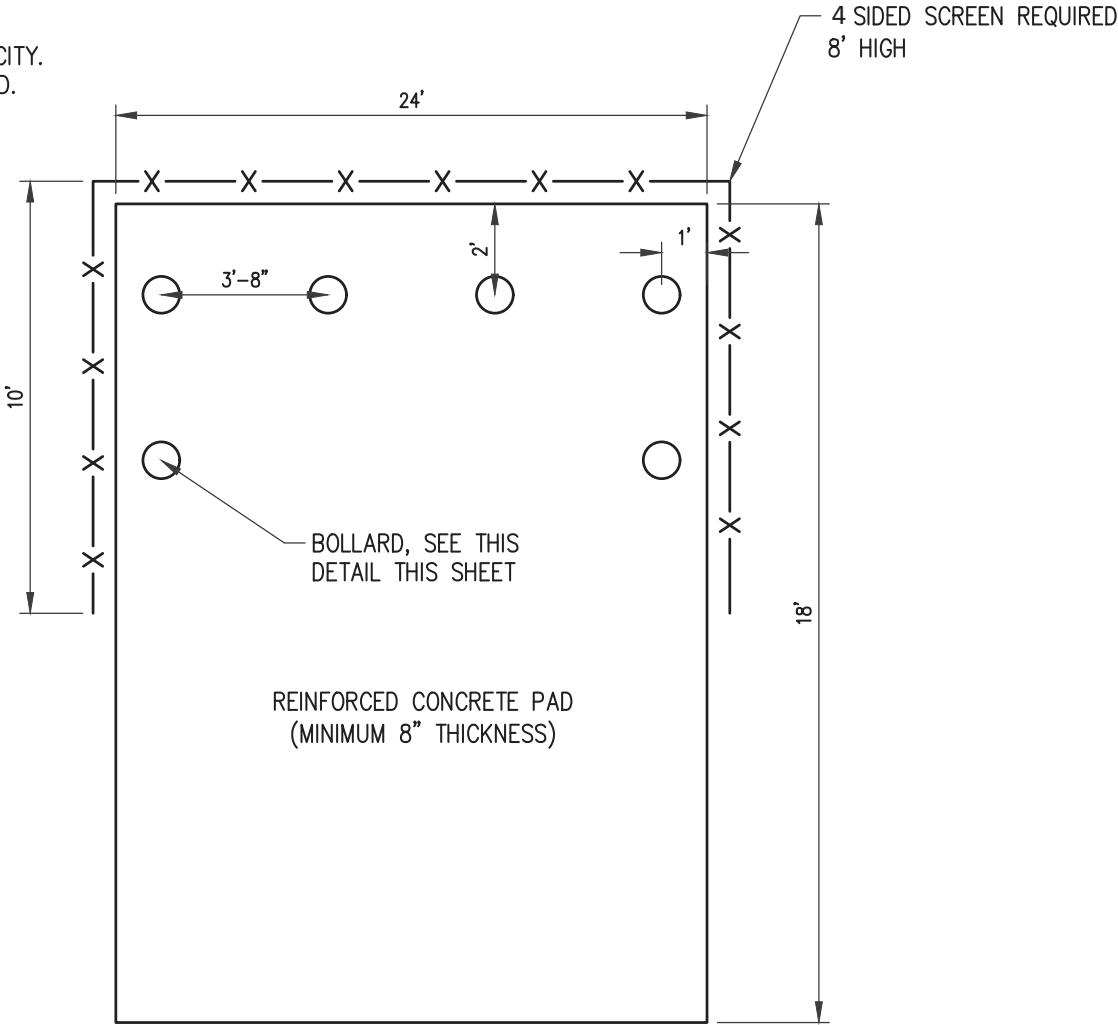
- 1. A CLEARANCE OF 24" ABOVE THE DUMPSTER IS NECESSARY.
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6" BOLLARD SEAMLESS  
TUBING (ID STEEL PIPE)

8" CONCRETE PAD



**BOLLARD**  
NOT TO SCALE



**DUMPSTER ENCLOSURE**  
NOT TO SCALE

DATE: November 16, 2023

AGENDA ITEM: IV.C

**ISSUE:**

Patricia and Warren Ochs, property owners, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Section 5.2.3-Fences & Walls, for the property located at 1000 Dunraven Court. (PIN 369-11-03-0007)

**BACKGROUND:**

The applicants applied for a permit to install an 8-foot white vinyl fence over the existing wooden fence at 1000 Dunhaven Court. The rear of the applicant's house faces Cates Bay Road which is considered a ***"Double Front"***.

Per **Section 6.1.9** of the UDO: *"In the case of any lot that adjoins two or more streets, yards abutting streets shall be treated as front yards."*

This is an older subdivision and the developer was allowed at the time to install 6-foot privacy fence in the double front yards of the lots adjacent Cates Bay Road. These fences are now considered ***"Legal Non-Conforming"*** and any change to the fences would require that they meet the current regulations of the UDO.

Per **Section 12.1-Nonconforming Uses**: *"A nonconforming use, structure or site shall not be extended, enlarged, or intensified except in conformity."*

Based on the current UDO, a change to the existing fence would require the regulations of **Section 5.2.3** to be met which would only allow for a 4-foot fence in the **Double Front Yard**.

Per **Section 5.2.3 – Fences & Walls** of the UDO:

**A. Commercial & Residential:**

- 1. Front yards - 4 feet**
2. Corner front yards - 6 feet (*provided it meets a 10-foot setback from the property line*)
3. Side yards - 6 feet
4. Rear yards - 8 feet

**Variances requested** (*per site plan*):

**Section 5.2.3 – Fences & Walls:**

- A variance of four (4) feet to allow an eight (8) foot fence in the double Front Yard (along Cates Bay Road).

*The applicant cites the following reasons for which a variance should be granted:*

1. Our house has a road both Front (Dunraven Court) and Back (Cates Bay Road).
2. Particular to our piece of property, height limits come into play on our back fence.
3. The strict application of the zoning ordinance would prohibit or unreasonably restrict the use of my property by privacy violation from Cates Bay Highway from tall vehicles passing by with an unfair night advance to look over our 6-foot fence into our back yard. An 8-foot fence would avoid that.
4. Granting the variance would not harm adjacent property, the character of the area or public good. It will only strengthen community safety by preventing drive distraction.
5. The variance is initiated because of a hardship and not to increase the profitability of the property.

---

#### **CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO) & ANALYSIS**

In *Section 14.2.1* of the *UDO*, the duties and powers of the Board of Zoning Appeals reflect *Section 6-29-800* of the South Carolina Code of Laws.

According to *Section 14.1035*, the Board of Zoning Appeals duties are “to hear and decide appeals for variances in specific cases when a strict application of the zoning ordinance would cause an unnecessary hardship, and approval of such variance would not be contrary to public interest or undermine the spirit of the zoning ordinance. The fact that property may be used more profitably if a variance is granted is not grounds for a variance. The Board may attach conditions to a variance that address location, character, or other features of a proposed building, structure, or use, in order to protect the established property values in the surrounding area or to promote the public health, safety, or general welfare of the community. The Board may grant a variance for an unnecessary hardship if it makes and explains in writing all of the following findings.

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 adjacent property or the public good, and the character of the district will not be harmed by granting a variance.

---

#### **RECOMMENDATION:**

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 variances requested, staff recommend that it be only those which were requested via the application provided, and that the applicant come into compliance with the remaining items, or request a separate variance to be heard at a future BZA meeting, once proper public notice has been provided.



City of Conway  
Board of Zoning Appeals  
VARIANCE/ APPEAL REQUEST

Staff Use Only

Received: \_\_\_\_\_  
BS&A #: \_\_\_\_\_

City of Conway Planning Department  
196 Laurel Street, 29526

Phone: (843) 488-9888  
Conway, South Carolina

[www.cityofconway.com](http://www.cityofconway.com)

Property Address: <u>1000 DUARKE CT</u>	Meeting date: _____	Pin #: _____
Property Owner: <u>PATRICIA + WARREN OCHS</u>	Daytime phone: <u>917-608-1798</u>	
Agent: <u>N/A</u>	Daytime phone: _____	
Agent's mailing address: <u>N/A</u>		
City: <u>CONWAY</u>	State: <u>SC</u>	Zip Code: <u>29527</u>
Agent's e-mail address: <u>N/A</u>		
Zoning District: R1		

**Requested Action:**

- ☒ I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **Please continue to the following section.**
- ☐ I am requesting an administrative **appeal** of the action or decision of the Zoning Administrator, which I believe to be contrary to the meaning of the Conway Unified Development Ordinance (UDO). **Please continue to page three.**

**VARIANCE REQUESTS:**

Please demonstrate how you satisfy the following **CRITERIA FOR VARIANCE** (see §14.2.1 of the Conway Unified Development Ordinance).

<b>Please describe your proposal in detail:</b>
<u>OUR BACK YARD IS ON CATES BAY HWY MAKING IT OUR SECOND "FRONT LAWN" ACCORDING TO CODE. THE HEIGHT OF OUR BACK FENCE IS LIMITED TO 6 FEET FOR THAT REASON. WE WOULD LIKE TO INCREASE IT TO 8 FEET (A TYPICAL BACK YARD FENCE HEIGHT).</u>

**This proposal does not conform to the Unified Development Ordinance in the following way:**

UDO Section and Requirement:	Proposed Instead:
1. <u>SIDE FENCE 6' / BACK FENCE 6'</u>	<u>SIDE FENCE 6' / BACK FENCE 8'</u>
2. _____	_____
3. _____	_____
4. _____	_____

**Application Requirements:**

- ☐ Completed BZA application
- ☒ A filing fee of two hundred and fifty dollars (\$250.00)
- ☐ A completed application including required signatures. Incomplete applications will not be processed.
- ☐ A digital site plan drawn illustrating all property lines, existing structures, proposed structures and any other relevant site information can be emailed to [planning@cityofconway.com](mailto:planning@cityofconway.com)



City of Conway  
Board of Zoning Appeals  
VARIANCE/ APPEAL REQUEST

Staff Use Only

Received: \_\_\_\_\_  
BS&A #: \_\_\_\_\_

1. Describe the extraordinary conditions pertaining to your particular piece of property:

OUR HOUSE HAS A ROAD BOTH FRONT "DUNRAVEN CT"  
AND BACK "CATES BAY HWY."

2. Are the conditions described above particular to your piece of property? Explain.

YES. NIGHT LIMITS COME INTO PLAY ON OUR BACK  
FENCE

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.

ABSOLUTELY. PRIVACY ISOLATION FROM CATES BAY HWY  
TRAIL VEHICLES PASSING BY WITH AN UNPAID  
NIGHT ADVANCE TO LOOK OVER OUR 6 FOOT FENCE  
INTO OUR BACK YARD. AN 8 FOOT FENCE WOULD AVOID  
THAT

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:

ABSOLUTELY NOT. IT WILL ONLY STRENGTHEN  
COMMUNITY SAFETY PREVENTING DRIVER DISTRACTION.

and; "Is the variance request initiated because of hardship and not to increase the profitability of the property?"

YES

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be inspected, and that all required material will be submitted to the City of Conway Planning Department no later than thirty (30) days prior to the meeting date. Board of Zoning Appeals meets the 4th Thursday of each month (except November) at 5:30PM at the Planning & Building Dept., 196 Laurel Street. (unless otherwise posted). I understand that it is my responsibility to obtain all necessary approvals from other city departments.

**A REPRESENTATIVE MUST BE PRESENT AT THE MEETING TO HAVE YOUR REQUEST HEARD.**

Applicant's Signature: \_\_\_\_\_

Date: 10/16/23

Print name legibly: WARREN OCHS



**DECEMBER 2022**



**MAY 2023**



**OCTOBER 2023**







# Residential Permit Application

## Accessory Structure ~ Fence ~ Swimming Pool

<b>Staff Use Only</b>	
Received:	_____
Staff:	_____
Inspected:	_____

City of Conway Planning Department  
196 Laurel Street, Conway SC 29526

Phone: (843) 488-9888  
[www.cityofconway.com](http://www.cityofconway.com)

**Application must be completed prior to the issuance of a building permit** for the construction, enlargement, or modification to an accessory structure. Separate permits are required for electric, plumbing, gas, and HVAC work as may be authorized under the building permit. When payment has been received and the application has been approved, a building permit will be issued.

APPLICANT: <i>PATRICIA + WARREN OCHS</i>	PIN#:	
APPLICANT ADDRESS: <i>1000 DUNN AVENUE CT</i>	CITY, STATE & ZIP: <i>CONWAY S.C. 29527</i>	
EMAIL ADDRESS: <i>MONTIMAN 103 @ AOL.COM</i>	PHONE: <i>912-608-1798 (WARREN)</i>	
PROPERTY OWNER (IF DIFFERENT FROM APPLICANT) AND ADDRESS: <i>N/A</i>		
CITY:	STATE:	ZIP:

### TYPE OF STRUCTURE:

- ☒ **FENCE:** Proposed height: 7ft 11in Fence Material: VINYL OVER EXISTING WOOD FENCE
- ☐ **POOL / SPA:** In-ground / Above-ground: \_\_\_\_\_  
\*Fencing and/or suitable enclosure device shall be provided, in compliance with applicable building codes, a minimum of 48-inches in height.
- ☐ **NEW GARDEN STRUCTURE (Pergola, Gazebo, Arbor):** \_\_\_\_\_  
Attached to home: YES \_\_\_\_\_ NO \_\_\_\_\_
- ☐ **NEW STORAGE BLDG / SHED:** \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ total sq. ft.  
HEIGHT OF STORAGE BLDG/SHED: \_\_\_\_\_ MATERIAL OF STORAGE BLDG/SHED: \_\_\_\_\_
- ☐ **GARAGE:** Attached or Detached: \_\_\_\_\_ Dimensions: \_\_\_\_\_ sq. ft.
- ☐ **ADDITION TO AN EXISTING ACCESSORY STRUCTURE:** \_\_\_\_\_ Sq. Ft. addition  
\*additions to the principal structure (i.e. home) are not considered "accessory" in nature and are not required to complete this form.
- For detached structures **200' square feet** or greater in size, please note siding material as required by Section 5.2.1 (A.6): \_\_\_\_\_
  - For structures **400' square feet** in size or greater, please note siding material that architecturally compliments the primary structure, per Section 5.2.1 (A.6) \_\_\_\_\_
  - For **detached garages** on **corner lots** please note siding material that architecturally compliments the primary structure (per Section 5.2.1 (A.6)) \_\_\_\_\_

Please include a scaled site plan, or sample plan provided, indicating where the requested accessory structure, pool, or fence is to be placed along with any existing accessory structures on the subject property.

**FENCES MAY ONLY BE ERECTED ON THE PROPERTY OF THE APPLICANT. THE CITY DOES NOT DETERMINE THE LOCATION OF PROPERTY LINES NOR ISSUES PERMITS FOR ANY FENCE THAT CROSSES A PROPERTY LINE. IF AN APPLICANT BUILDS A FENCE THAT CROSSES A PROPERTY LINE, THEY SHALL BE REQUIRED TO REMOVE THE FENCE AT THEIR OWN EXPENSE.**

**BE SURE TO CALL 8-1-1 BEFORE YOU DIG**



**WAIVER AND DISCLAIMER  
CONSTRUCTION IN EASEMENTS**

Generally, no structures shall be permitted to be constructed and/or located within a public easement owned and maintained by the City of Conway.

Fences and/or walls of any construction shall not be permitted to be installed within a public "drainage" easement owned and maintained by the City of Conway without approval from the City of Conway Public Works Department as well as a recorded Disclosure Statement and HOA approval, if applicable.

**AFFIDAVIT – Structure setbacks / offset:**

As the owner / contractor of the property located at: 1000 Dunraven Ct.

I understand that the structure(s) hereby permitted must be constructed to be entirely out of all building setback area(s), in compliance with the City of Conway *Unified Development Ordinance (UDO)*, and in accordance with the *Zoning Compliance* issued in conjunction with the building permit. Further, I agree to schedule a final inspection once all work is completed to ensure that all applicable Code has been complied with and to close the permit out accordingly.

By signing below, I acknowledge that as the property owner/contractor, I have read and understand the requirements stated herein, and doing so shall also constitute as an offset pre-inspection.

WARREN OCHS  
Property owner / contractor name (PRINT)

# 917-608-1798  
Phone Number

[Signature]  
Property owner / contractor signature

7/17/23  
Date

I hereby certify that I have read this application and know the same to be true and correct. I understand that construction will be inspected for compliance with the current adopted International Residential Code, as amended, and other State and City of Conway ordinances governing this work and agree to abide by the same whether specified herein or not. I further understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any State or City ordinance regulating construction or the performance of construction. Issuance of a permit does not imply or represent that proposed construction complies with subdivision or deed restrictions, restrictive covenants, or other conditions which may be applicable to a particular parcel of property, nor does it imply that approval from the HOA/POA is not applicable, and it is my responsibility to obtain these approvals should they be required. I further acknowledge that I am in compliance with these deed restrictions, restrictive covenants, and all regulations within the City of Conway *Unified Development Ordinance (UDO)*, as well as all other applicable City ordinances.

Signature of Applicant: [Signature] Date 7/17/23

Printed Name: WARREN OCHS

**BE SURE TO CALL 8-1-1 BEFORE YOU DIG**



1001 Dunraven Court  
Conway, SC 29527

October 16, 2023

To Whom It May Concern:

Re: Fence Height at 1000 Dunraven Court

My name is Jim Clement and my wife and I live next door to Patricia and Warren Ochs, at the captioned address. Our backyards are virtually attached, in fact, we are the only neighbors adjacent to them in the back.

This letter is being written to advise that my wife and I have no problem with our neighbors having an 8-ft fence in the back of their home which faces Cates Bay Highway. I wish I would have done it.

Yours very truly,

  
Jim Clement



**ISSUE:**

Ken Emery, agent for Yahnis Real Estate Holdings LLC, property owner, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Section 5.2.3-Fences & Walls, for the properties located at Daytona Street. (PIN 383-02-04-0014, 383-02-04-0013, and 383-02-04-0027)

**BACKGROUND:**

The applicants are proposing to combine the above PIN#'s via a platting action, in order to use the two parcels on Daytona Street for Yahnis Facility employee overflow parking and tractor trailer parking.

The parcels are all zoned Heavy Industrial (HI) with setbacks of 50-ft Front, 50-ft Rear and 30-ft Sides.

Per **Section 5.2.3 – Fences & Walls** of the UDO:

**A. Commercial and Residential:**

1. Front yards—4 feet,
2. Corner front yards-6 feet (provided it meets a 10-foot setback from the property line)
3. Side yards--6 feet,
4. Rear yards--8 feet,

**B. Industrial Zoning Districts:**

1. **Front yards--6 feet (*not permitted in any required front setback*),**
2. Side yards--10 feet,
3. Rear yards--10 feet,

Based on **Section 5.2.3 (B-1)** of the UDO, the 6-ft proposed fence at Daytona Street would have to meet a 50-ft setback from the property line. The applicants are proposing a 6-ft fence meeting a 10-ft setback from the front property line at Daytona Street.

**Variances requested** (*per site plan*):

**Section 5.2.3 – Fences & Walls:**

- A variance to allow a 6-ft fence to be placed 10-ft from the front property line instead of remaining out of the 50-ft front setback for the Heavy Industrial zoning district (*once the parcels are combined*).

*The applicant cites the following reasons for which a variance should be granted:*

1. This property will be used for employee parking as well as tractor trailer parking. The tractor trailers will require the full amount of space available to maneuver into the area where their concrete pads will be for their landing gear. The proposed parking lot will be made of stone.
2. The property is adjacent the Yahnis facility. The extra parking is needed to relieve the over-crowding caused by a lack of space around the existing facility.

Variance: Daytona Street (Yahnis)

3. The strict application of the zoning ordinance would greatly limit the number of vehicles able to use the proposed parking lot and therefore limit the area available for expansion around the existing building.
4. The fence will be well-maintained as are the other fences in the area. It will have no impact on adjacent property or the public good.
5. The variance is initiated only to make the property more functional for the Yahnis Company.

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#### **CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO) & ANALYSIS**

In *Section 14.2.1* of the *UDO*, the duties and powers of the Board of Zoning Appeals reflect *Section 6-29-800* of the South Carolina Code of Laws.

According to *Section 14.1035*, the Board of Zoning Appeals duties are “to hear and decide appeals for variances in specific cases when a strict application of the zoning ordinance would cause an unnecessary hardship, and approval of such variance would not be contrary to public interest or undermine the spirit of the zoning ordinance. The fact that property may be used more profitably if a variance is granted is not grounds for a variance. The Board may attach conditions to a variance that address location, character, or other features of a proposed building, structure, or use, in order to protect the established property values in the surrounding area or to promote the public health, safety, or general welfare of the community. The Board may grant a variance for an unnecessary hardship if it makes and explains in writing all of the following findings.

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 adjacent property or the public good, and the character of the district will not be harmed by granting a variance.

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#### **RECOMMENDATION:**

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 variances requested, staff recommend that it be only those which were requested via the application provided, and that the applicant come into compliance with the remaining items, or request a separate variance to be heard at a future BZA meeting, once proper public notice has been provided.



City of Conway  
Board of Zoning Appeals  
VARIANCE/ APPEAL REQUEST

Staff Use Only

Received: \_\_\_\_\_  
BS&A #: \_\_\_\_\_

City of Conway Planning Department  
196 Laurel Street, 29526

Phone: (843) 488-9888  
Conway, South Carolina

[www.cityofconway.com](http://www.cityofconway.com)

Property Address: <b>101 Daytona Street &amp; 109 Daytona Street</b>	Meeting date: <b>11/16/2023</b>	Pin #: <b>38302040027, 38302040013 38302040014</b>
Property Owner: <b>Yahnis Real Estate Holdings, LLC</b>	Daytime phone: <b>843-347-2855</b>	
Agent: <b>Ken Emery</b>	Daytime phone: <b>843-347-2855</b>	
Agent's mailing address: <b>1864 Husted Rd.</b>		
City: <b>Conway</b>	State: <b>SC</b>	Zip Code: <b>29526</b>
Agent's e-mail address: <b>ken.emery@yahnis.com</b>		
Zoning District: <b>R1</b>		

**Requested Action:**

- ☒ I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **Please continue to the following section.**
- ☐ I am requesting an administrative **appeal** of the action or decision of the Zoning Administrator, which I believe to be contrary to the meaning of the Conway Unified Development Ordinance (UDO). **Please continue to page three.**

**VARIANCE REQUESTS:**

Please demonstrate how you satisfy the following **CRITERIA FOR VARIANCE** (see §14.2.1 of the Conway Unified Development Ordinance).

<b>Please describe your proposal in detail:</b>
<b>Variance from Front Yard setback requirement in the Industrial Zoning District for 6-ft front fence</b>

<b>This proposal does not conform to the Unified Development Ordinance in the following way:</b>	
UDO Section and Requirement:	Proposed Instead:
1. <b>5.2.3 - 50' setback for front fence on Daytona Street</b>	<b>6' industrial fence installed 10' from front property line</b>
2.	
3.	
4.	

**Application Requirements:**

- ☒ Completed BZA application
- ☒ A filing fee of two hundred and fifty dollars (\$250.00)
- ☒ A completed application including required signatures. Incomplete applications will not be processed.
- ☒ A digital site plan drawn illustrating all property lines, existing structures, proposed structures and any other relevant site information can be emailed to [planning@cityofconway.com](mailto:planning@cityofconway.com)



City of Conway  
Board of Zoning Appeals  
VARIANCE/ APPEAL REQUEST

Staff Use Only

Received: \_\_\_\_\_  
BS&A #: \_\_\_\_\_

1. Describe the extraordinary conditions pertaining to your particular piece of property:

This property will be used for employee parking as well as tractor trailer parking. The tractor trailers will require the full amount of space available to maneuver into the area where their concrete pads will be for their landing gear. The proposed parking lot will be made of stone.

2. Are the conditions described above particular to your piece of property? Explain.

Yes. This property is adjacent to the Yahnis facility. The extra parking is needed to relieve the over-crowding caused by a lack of space around the existing facility.

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.

Yes. The strict application of the Zoning Ordinance would greatly limit the number of vehicles able to use the the proposed parking lot and therefore limit the area available for expansion around the existing building.

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:

No. The fence will be well-maintained as are the other fences in the area. It will have no impact on adjacent property or the public good.

**and; "Is the variance request initiated because of hardship and not to increase the profitability of the property?"**

The variance request is being initiated only to make the property more functional for The Yahnis Company.

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be inspected, and that all required material will be submitted to the City of Conway Planning Department no later than thirty (30) days prior to the meeting date. Board of Zoning Appeals meets the 4th Thursday of each month (except November) at 5:30PM at the Planning 6' industrial fence installed 10' from front property line. I understand that it is my responsibility to obtain all necessary approvals from other City departments.

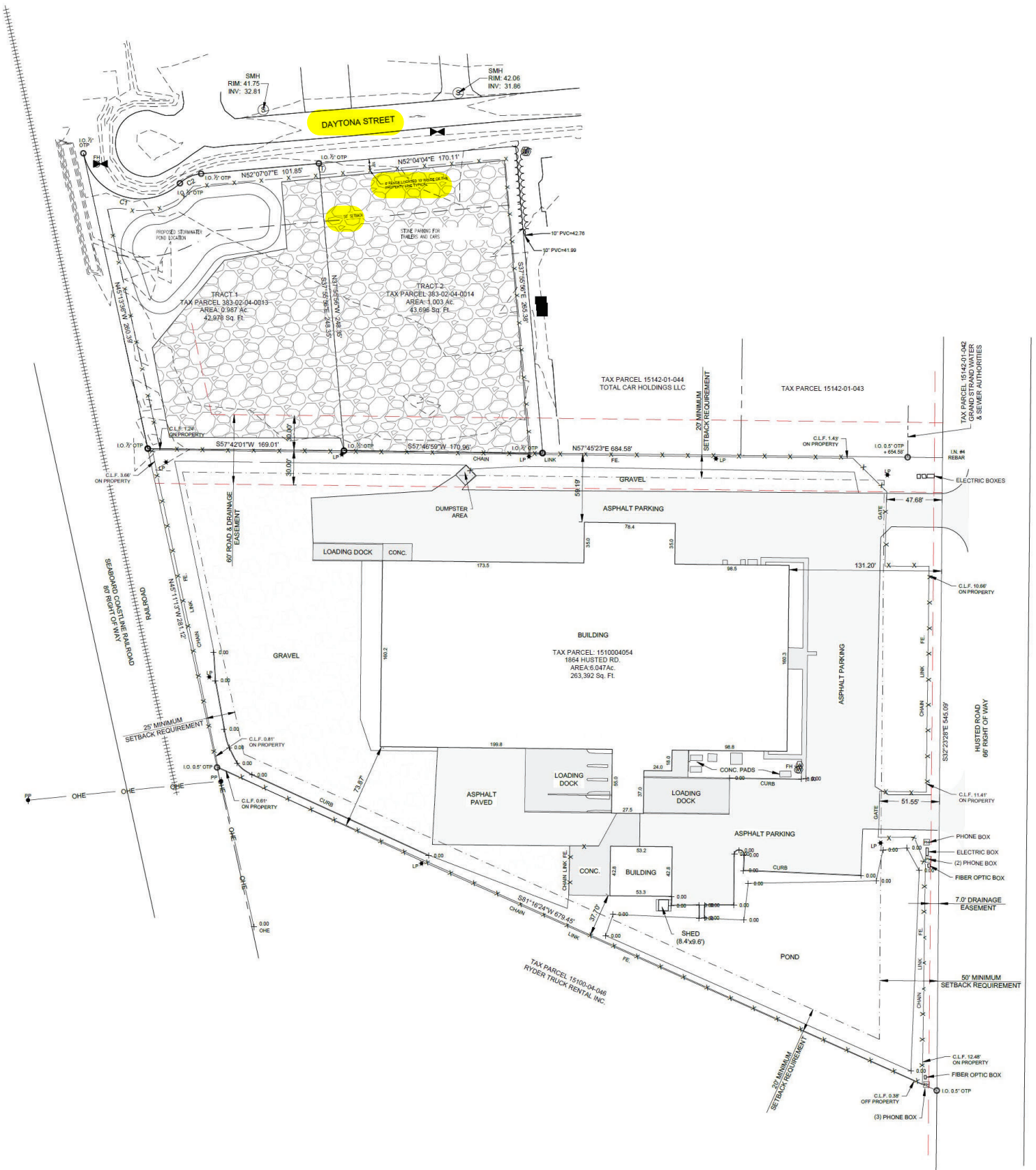
**A REPRESENTATIVE MUST BE PRESENT AT THE MEETING TO HAVE YOUR REQUEST HEARD.**

Applicant's Signature: B m c yahn

Date: 10-17-23

Print name legibly: Byron C Yahnis





## CITY OF CONWAY

### 2023 Board of Zoning Appeals - 5:30 p.m.

<u>Deadline</u>	<u>Meeting Date</u>
December 28, 2022	January 26, 2023
January 24, 2023	February 23, 2023
February 21, 2023	March 23, 2023
March 28, 2023	April 27, 2023
April 25, 2023	May 25, 2023
May 23, 2023	June 22, 2023
June 27, 2023	July 27, 2023
July 25, 2023	August 24, 2023
August 29, 2023	September 28, 2023
September 26, 2023	October 26, 2023
October 17, 2023	November 16, 2023
November 14, 2023	December 14, 2023