

*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, DECEMBER 14, 2023 | 5:30 P.M.  
PLANNING & DEVELOPMENT DEPARTMENT  
196 LAUREL STREET (*SIDE ENTRANCE*)**

- I. CALL TO ORDER**
- II. APPROVAL OF NOVEMBER 16, 2023 MINUTES**
- III. CRITERIA**
- IV. PUBLIC HEARINGS - VARIANCE REQUESTS**
  - A. Diamond Shores, agent for Stan Svischchev, property owner, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Article 6-Design Standards*, for the property located at **Hemingway Street & Hwy 378**. (PIN 368-02-02-0084)
  - B. Coastal Foods Inc. (Zaxby's), agent for TSJ 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 property located at **1623 Church Street** (PIN 338-10-03-0017)
- V. ADJOURN**

**CITY OF CONWAY  
BOARD OF ZONING APPEALS MEETING  
THURSDAY, NOVEMBER 16, 2023  
BUILDING & PLANNING DEPARTMENT  
196 LAUREL STREET**

Present: Paul Lawson, Blake Hendrick, Catherine Dingle, Lesley Hill  
Absent: Sandra James, Charles Byrd, Jay Sellers  
Staff: Kym Wilkerson, Zoning Administrator; Anne Bessant, Planning Assistant; Marcus Cohen, IT  
Others: Pete Hearn, Julie Hearn, Ryan Harvey, Ken Emery, Warren Ochs, Patricia Ochs, James Clement, Bill Ervin, James Ervin, Sharon Clement, & others

**I. CALL TO ORDER**

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

**II. APPROVAL OF MINUTES**

Dingle made a motion, seconded by Hendrick to approve the October 26, 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. 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)

Wilkerson stated that 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

##### **Commercial & Residential:**

Front yards - 4 feet

Corner front yards - 6 feet (provided it meets a 10-foot setback from the property line)

Side yards - 6 feet

Rear yards - 8 feet

**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

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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.

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.

Pete Hearn, owner, was present and further explained the request.

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

- 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)

Wilkerson stated that 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.

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.

Ryan Harvey, agent for owners, was present to answer any questions.

The board and applicant discussed the request at length.

There was no public input.

Hill made a motion to grant the variance for the two **Trash Handling Facilities** for PIN #'s 383-14-01-0008 & -0019 as requested. Lawson seconded the motion and the motion carried unanimously.

Lawson made a motion to grant the variance for the **Parking as a Stand-Alone Use** for PIN #383-14-01-0020 with staff's recommendations for the buffer. Dingle seconded the motion and the motion carried unanimously.

- 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)

Wilkerson stated that 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."*

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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.

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.

Warren Ochs, owner, was present to answer any questions.

The board and applicant discussed the request at length.

There was no public input.

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

**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)

Wilkerson stated that 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. 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.

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



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items, or request a separate variance to be heard at a future BZA meeting, once proper public notice has been provided.

Ken Emery, agent for owners, was present to answer any questions.

There was no public input.

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

**V. 2024 MEETING SCHEDULE**

Lawson made a motion, seconded by Hill to approve the 2024 meeting schedule as presented. The vote in favor was unanimous and the motion carried

**VI. 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 6:03p.m.

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

\_\_\_\_\_  
Paul Lawson, Chairman

DATE: December 14, 2023

AGENDA ITEM: IV.A

**ISSUE:**

Diamond Shores, agent for Stan Svishchev, property owner, request a variance from the strict application of the ***City of Conway Unified Development Ordinance*** (UDO), Article 6-Design Standards, for the property located at Hemingway Street & Hwy 378. (PIN 368-02-02-0084)

**BACKGROUND:**

A minor subdivision plat was submitted in April of this year to subdivide PIN 368-02-02-0084 into two parcels. The parent parcel is zoned Medium Density Residential (R2). R2 allows for single family, duplex, townhomes and multi-family uses provided the dimensional requirements of **Table 6.1** of the UDO are met.

Per the application submitted by the owner's agent, the owner is proposing a single family detached home on each new lot. This requires a 6,000 sq ft minimum lot size as well as a 50-ft minimum lot width, which is shown on the plat; however, the proposed lots do not meet the additional requirements in order to approve the subdivision plat.

Per **Table 6.1**: R2-Single Family Detached minimum lot depth is a minimum of 120-ft. Neither proposed lot meets this requirement.

Also, proposed Lot 1 is a corner lot and per **Section 6.1.9** of the UDO, ***"the front lot line shall be designated by the shorter of the two property lines adjacent to the street."***

**Variances requested (per plat):**

**Section 6.1.9-Side Yard Setbacks for Corner Lots:**

- A variance to allow the front lot line for proposed Lot 1 to be designated by the "longer" of the two property lines adjacent to Hemingway Street.

**Table 6.1-Dimension Requirements for Residential Zoning Districts:**

- A variance of 70-ft for Lot 1 in order to allow a lot depth of 50-ft and a variance of 50.85-ft for Lot 2 in order to allow a lot depth of 69.15-ft.

If all variances are granted, the **setbacks** for the single family detached homes will be 15-ft Front (Hemingway Street), 20-ft Rear, 7.5-ft Sides and for Lot 1 20-ft Corner Front (Highway 378).

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

***\*\*See attached application.***

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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.

DIAMOND SHORES SURVEYING LLC  
TRANSMITTAL LETTER



DSS JOB NO: 23051  
PROJECT NAME: HEMINGWAY STREET/Hwy 378

DATE: Nov. 3RD 2023  
SUBMISSION TO: CITY OF CONWAY PLANNING

REASON FOR SUBMISSION VARIANCE REQUEST

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

EMAIL: \_\_\_\_\_

PHONE: \_\_\_\_\_ WORK \_\_\_\_\_ CELL \_\_\_\_\_ OTHER \_\_\_\_\_

ATTN TO: PLANNING DEPT.

TITLE: \_\_\_\_\_

ITEMS SUBMITTED:	NUMBER OF COPIES	NOTES OR DESCRIPTION:
<u>CHECK No. 3086</u>	<u>1</u>	<u>VARIANCE REQUEST FEE</u>
<u>BZA APPLICATION</u>	<u>1</u>	<u>VARIANCE REQUEST</u>
<u>BUILDABLE AREA EXHIBIT</u>	<u>1</u>	<u>VARIANCE</u>
<u>MINOR SUBDIVISION SURVEY</u>	<u>1</u>	<u>VARIANCE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

SIGNED BY: Jan Sten

DATE: 11/3/23

MISC. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# 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: Intersection of Hemingway St & Hwy 378		Meeting date: 12/14/23	Pin #: 368-02-02-0084
Property Owner: Stan Svischchev		Daytime phone: 843-997-3690	
Agent: Diamond Shores		Daytime phone: 843-488-2900	
Agent's mailing address: 315 Main Street Suite 1			
City: Conway		State: S.C.	Zip Code: 29526
Agent's e-mail address: jamie@diamondshores.net			
Zoning District: R1 R-2			

## 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:** REQUEST VARIANCE FOR LOT DEPTH ON TWO SINGLE FAMILY HOMES; SECTION 6.2 (TABLE 6.1 DIMENSIONAL REQUIREMENTS) CITY CONWAY U.D.O. LOT 1 AND LOT 2 AS SHOWN ON THE SUBDIVISION SURVEY.  
REQUEST VARIANCE FOR BUILDING ORIENTATION TOWARDS HEMINGWAY STREET. SECTION 6.1.9 CITY CONWAY U.D.O. - FRONT LINE SHOULD BE DESIGNATED BY THE SHORTER OF THE TWO PROPERTY LINES ADJACENT TO THE STREET.

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

UDO Section and Requirement:	Proposed Instead:
1.	
2. SECTION 6.2 - LOT DEPTH 70-FT MINIMUM	68.5 FEET SHOWN CURRENTLY
3.	
4. SECTION 6.1.9 FRONT LOT LINE	FRONT FACING HEMINGWAY STREET

### Application Requirements:

- ☐ Completed BZA application
- ☐ A filing fee of one hundred dollars (\$100.00)
- ☐ 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:  
CURRENT PROPERTY DIMENSIONS AND TOPOGRAPHICAL CONSTRAINTS RESTRICT  
THE USAGE OF THIS LOT TO IT'S FULL POTENTIAL BASED UPON THE MINIMUM  
REQUIREMENTS OF THE U.D.O.

2. Are the conditions described above particular to your piece of property? Explain.  
CORNER LOT AT THE INTERSECTION OF HIGHWAY 378 AND HEMINGWAY STREET.  
DIMENSIONS OF THE CURRENT PROPERTY LIMIT THE FULL POTENTIAL BASED  
UPON MINIMUM REQUIREMENTS OF THE U.D.O.

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict  
the use of your property? Explain.  
-LOT DEPTH WOULD NOT MEET THE MINIMUM REQUIREMENTS OF SECTION 6.2  
(TABLE 6.1 - DIMENSIONAL REQUIREMENTS)

-SECTION 6.1.9 STATES FRONT LOT LINE SHALL BE DESIGNATED BY THE SHORTER  
OF THE TWO PROPERTY LINES ADJACENT TO STREET. WE WOULD BE REQUIRED  
TO FACE HWY 378 CURRENTLY PER U.D.O. CODE.

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

THIS WOULD NOT HARM ADJACENT PROPERTY SINCE THE PROPERTY TO THE NORTHEAST IS  
UNDEVELOPED AND TO THE SOUTHEAST THE EXISTING FENCE & BUILDING STRUCTURES ARE CURRENTLY  
OVER ON THE PROPERTY OWNER'S SIDE OF HIS PROPERTY LINE. NEW DEVELOPMENT WOULD HELP THE  
CHARACTER AND AESTHETICS OF THE AREA, WHILE NOT HARMING THE PUBLIC GOOD.

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

HARDSHIP INITIATED THIS VARIANCE REQUEST SINCE CURRENT TOPOGRAPHICAL  
CONSTRAINTS AND LOT DIMENSIONS LIMIT THE PROPERTY OWNER TO PLACE TWO SINGLE  
FAMILY HOMES ON THE PROPERTY. INCREASE IN PROFITABILITY OF THE PROPERTY IS NOT  
AN INCENTIVE OF HIS

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.

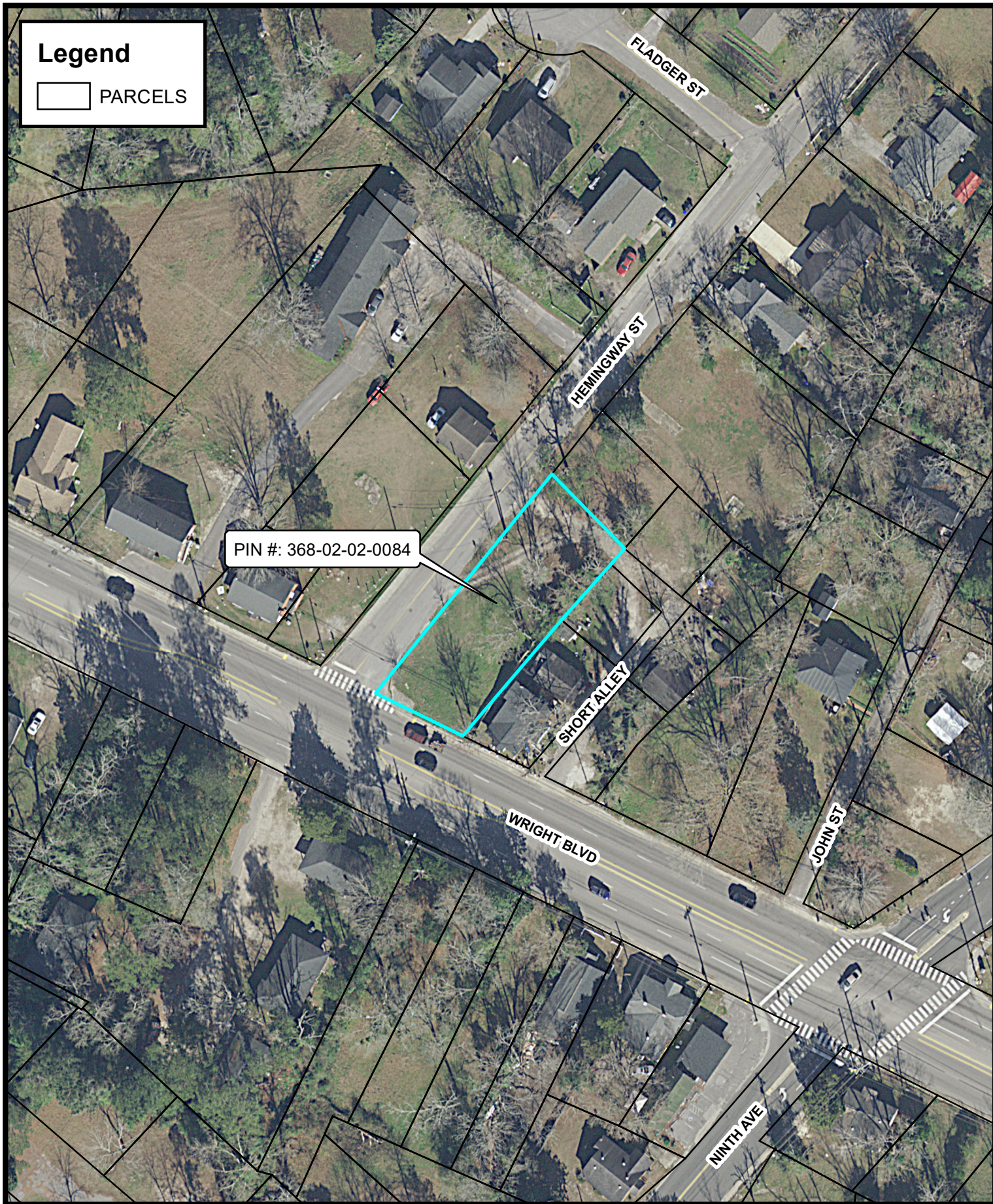
**A REPRESENTATIVE MUST BE PRESENT AT THE MEETING TO HAVE YOUR REQUEST HEARD.**

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

Date: \_\_\_\_\_

Print name legibly: \_\_\_\_\_





## Legend

 PARCELS

PIN #: 368-02-02-0084







**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I (AM (WE ARE)) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS (PLAN OF DEVELOPMENT/PLAT) WITH MY (OUR) FREE CONSENT AND THAT I (WE) HEREBY DEDICATE ALL ITEMS AS SPECIFICALLY SHOWN OR INDICATED ON SAID PLAT.

NAME \_\_\_\_\_ SIGNED \_\_\_\_\_ DATE \_\_\_\_\_  
NAME \_\_\_\_\_ SIGNED \_\_\_\_\_ DATE \_\_\_\_\_



APPROVAL OF RECORDATION

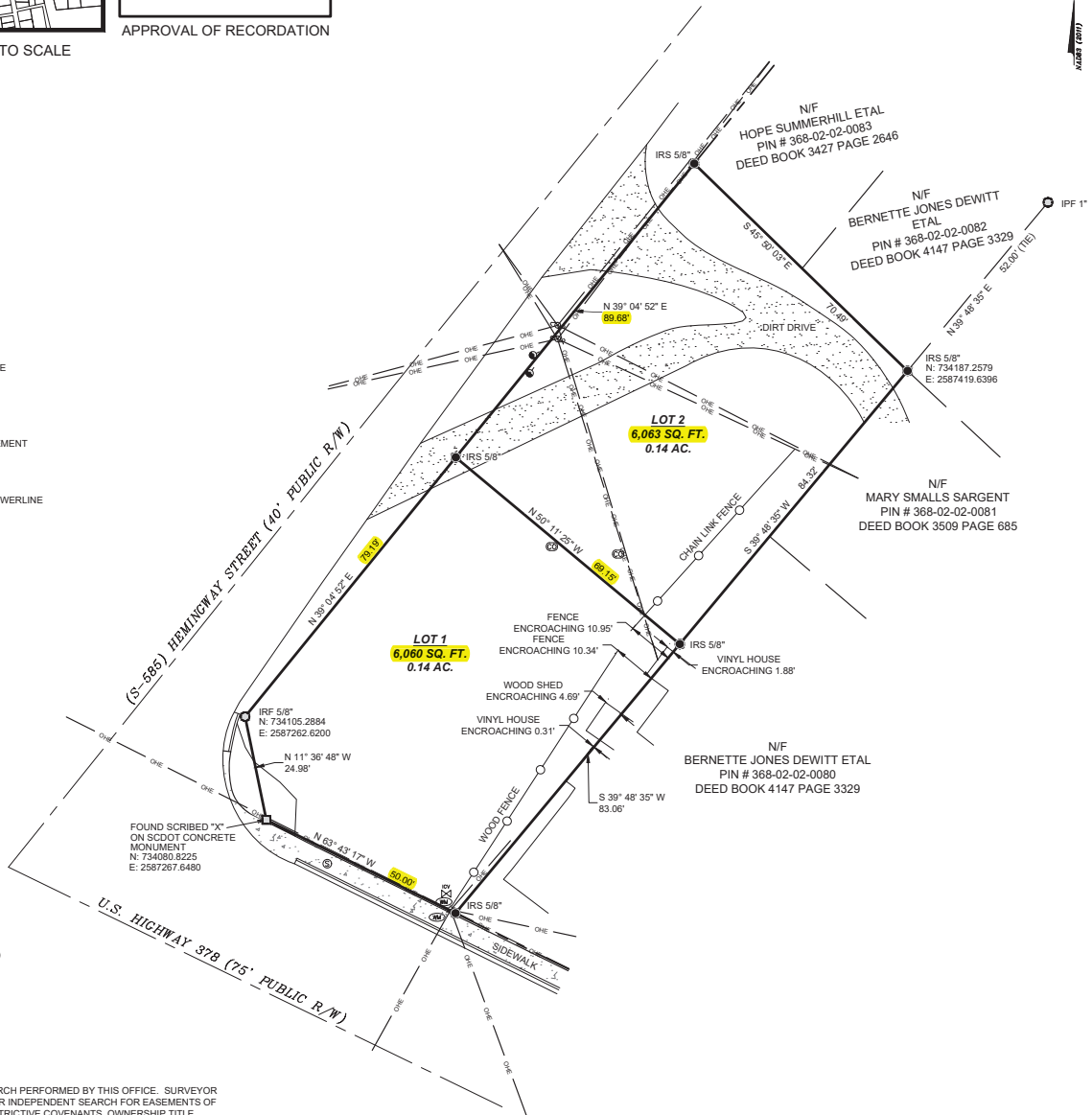
**VICINITY MAP - NOT TO SCALE**

**LEGEND**

- IRON FOUND (NOTED)
- IRON REBAR SET
- CONCRETE MONUMENT
- GUYWIRE
- LIGHT POLE
- POWER POLE
- SEWER MANHOLE
- SEWER CLEANOUT
- WATER METER
- IRRIGATION CONTROL VALVE
- IPF: IRON PIPE FOUND
- IRS: IRON REBAR SET
- IRF: IRON REBAR FOUND

**LINEWORK LEGEND**

- PROPERTY LINE
- ADJOINER
- RIGHT OF WAY
- CENTERLINE
- EDGE OF PAVEMENT
- SIDEWALK
- FENCE
- OHE: OVERHEAD POWERLINE



**REFERENCE:**

- DEED BOOK 693, PAGE 876 (MAP)
- PLAT BOOK 1, PAGE 39A
- PLAT BOOK 1, PAGE 64B
- PLAT BOOK 65, PAGE 123
- PLAT BOOK 68, PAGE 4
- PLAT BOOK 102, PAGE 187
- PLAT BOOK 311, PAGE 184
- SCDOT DOCKET 26.419 (S-585)
- SCDOT DOCKET 26.517 (US 378)

**NOTE:**

- THERE HAS BEEN NO TITLE SEARCH PERFORMED BY THIS OFFICE. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- THIS PROPERTY IS SUBJECT TO ANY EASEMENT OR RESTRICTION OF PUBLIC RECORD.
- THIS PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE "X" AS SCALED FROM FIRM 45051C 0529K DATED 12/16/2021. THIS SURVEY IS NOT THE BASIS FOR FLOOD ZONE DETERMINATION OR FLOOD ZONE RELATED ISSUES.
- NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL/PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES PLEASE CONTACT THE APPROPRIATE AGENCIES.
- SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PARCEL.
- THERE HAS BEEN NO DETERMINATION OF WETLANDS OR HAZARDOUS WASTE ON THIS PROPERTY.
- THIS IS A SURVEY OF A PARCEL DESCRIBED IN DEED BOOK 4643 PAGE 1667.
- PROPERTY LOCATED IN CITY OF CONWAY, HORRY COUNTY, SOUTH CAROLINA. PIN# 368-02-02-0084
- FIELD SURVEY PERFORMED MARCH 2023.
- THIS SURVEY IS ONLY VALID IF PRINT HAS ORIGINAL EMBOSSED SEAL AND COLOR SIGNATURE OF SURVEYOR. THE CERTIFICATION CONTAINED ON THIS DOCUMENT SHALL NOT APPLY TO ANY COPIES.

**SUBJECT PROPERTY**

N/F  
STANISLAV SVISCHCHEV  
& EDMILSON VICENTE  
PIN # 368-02-02-0084  
DEED BOOK 4643 PAGE 1667  
12,123 SQ. FT.  
0.28 AC.



**CERTIFICATE OF ACCURACY**

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.

MARCUS E. CLORE S.C. PLS #23828

PROJECT:	23051
DATE:	04/11/2023
SCALE:	1" = 20'
DESIGNED BY:	
DRAWN BY:	CHA
CHECKED BY:	MEC

**REVISIONS:**



**MINOR SUBDIVISION SURVEY**  
OF  
PIN# 368-02-02-0084  
CREATING TWO LOTS  
CITY OF CONWAY,  
HORRY COUNTY, SOUTH CAROLINA  
PREPARED FOR  
STANISLAV SVISCHCHEV



**DIAMOND SHORES SURVEYING, LLC**  
315 MAIN STREET, SUITE 11  
CONWAY, SC 29526  
843.488.2900  
OFFICE@DIAMONDSHORES.NET



### 6.1.5 Measurement of Minimum Lot Width

The minimum lot width shall be measured at the right-of-way line provided such lot does not front on a cul-de-sac or a curved street.

### 6.1.6 Minimum Required Yards and Setbacks

No building or structure shall hereafter be erected in a manner to have narrower or smaller front yards, side yards, or rear yards than specified for the zoning district in which the property is located, or for the specific use if yards and setback regulations pertain to a specific use as provided in the *UDO*.

In the case where a build-to line is established by or pursuant to the *UDO*, no building shall be erected in a manner to have a different building setback or yard than that established by said build-to line.

### 6.1.7 Modification of Yard Regulations

No yard or lot existing at the time of passage of the *UDO* shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the *UDO* shall meet at least the minimum requirements set forth herein.

### 6.1.8 Building and Structures Not to Share Required Yards

No part of a yard, or other open space required about or in connection with any building for the purpose of complying with provisions set forth herein shall be included as a part of a yard or open space similarly required of any other building or use.

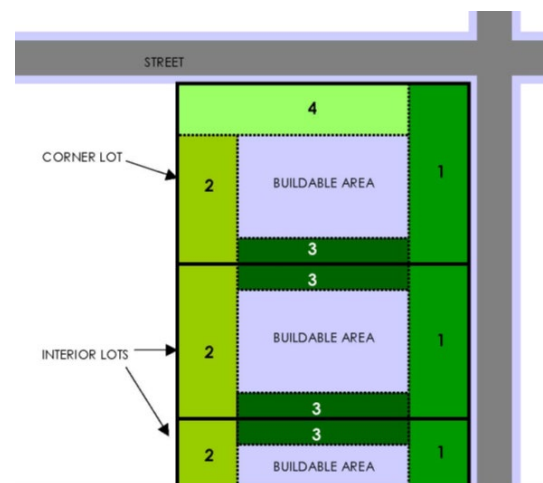
### 6.1.9 Side Yard Setbacks for Corner Lots

In the case of any lot that adjoins two or more streets, yards abutting streets shall be treated as front yards. The side yards with street frontage on corner lots shall be subject to the setback requirements set forth in Table 6.1.

A space extending the full width of the lot between any building and the front lot line is the **Front Yard (1)**. 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)**.

### 6.1.10 Minimum Lot Widths for Lots Fronting Cul-de-sacs or Curved Streets

The minimum lot width shall be measured at the right-of-way line provided such lot does not front on a cul-de-sac or a curved street. If such lot does front on a cul-de-sac or curved street, the minimum lot width shall be measured at the front setback line.



## Section 6.2 – Residential Dimensional Requirements, Dwelling Types &amp; Design Standards

Table 6.1: Dimensional Requirements for Residential Zoning Districts

DIMENSIONAL REQUIREMENT	R	RA	RR	R-1	R-2	R-3	R-4	FA <sub>3</sub>	P <sub>1</sub>
<b>RESIDENTIAL ACREAGE, LOT WIDTH, AND LOT DEPTH REQUIREMENTS</b>									
Minimum lot size, <b>Single-Family Detached</b> (sq. ft.)	10,000	40,000	20,000	7,500	6,000	5,000	5,000	40,000	7,000
Minimum lot size, <b>Duplex</b> (sq. ft.)	N/A	N/A	N/A	N/A	8,400	7,000	N/A	N/A	10,000
Minimum lot size, <b>Duplex Semi-Attached</b> (sq. ft.)	N/A	N/A	N/A	N/A	4,200	3,500	N/A	N/A	7,000
Minimum lot size, Fee-Simple <b>Townhomes</b> (sq. ft.)	N/A	N/A	N/A	N/A	2,160	1,800	1,800	N/A	1,800
Minimum lot size, <b>Multi-Family</b> (sq. ft.)	N/A	N/A	N/A	N/A	6,000	5,000	N/A	N/A	N/A
Minimum lot width, <b>Single-Family Detached</b> (sq. ft.)	100	200	100	75	50	50	50	200	70
Minimum lot width, <b>Duplex</b> (sq. ft.)	N/A	N/A	N/A	N/A	70	70	N/A	N/A	100
Minimum lot width, <b>Duplex Semi-Attached</b> (sq. ft.)	N/A	N/A	N/A	N/A	35	35	N/A	N/A	50
Minimum lot width, Fee-Simple <b>Townhomes</b> (sq. ft.)	N/A	N/A	N/A	N/A	18	18	18	N/A	18
Minimum lot width, <b>Multi-Family</b> (sq. ft.)	N/A	N/A	N/A	N/A	50	50	N/A	N/A	N/A
<b>Lot Depth</b> , min ft	100	200	200	100	120	100	100	200	100
<b>Building Height</b> , max ft	40	40	40	40	40	40/65 <sub>2</sub>	40	40	40
<b>BUILDING SETBACKS, RESIDENCES OR OTHER PERMITTED PRINCIPAL BUILDINGS (minimum feet)</b>									
<b>Front Yard</b>	25	50	30	20	15	15	Build-to-Line	50	20
<b>Rear Yard</b>	25	50	30	20	20	20	15	50	15
<b>Side Yard</b>	10	20	15	10	7.5	5	5	20	10
<b>Corner Front – Local St</b>	25	30	20	20	15	10	10	30	15
<b>Corner Front – Arterial St</b>	25	50	30	20	20	15	15	50	25

1 Standards contained in Table 6.1 are applicable only to residential development in the **Professional (P)** district. Refer to Table 6.2 for dimensional requirements for commercial / mixed-use development in the P district. [ZA2020-09-21 (A)]

2 Multifamily developments in **R-3**, proposed to be developed on (or adjacent to) Hwy 501 Bypass, between Lake Busbee and Carolina Forest Blvd, shall be limited to 65-ft above base-floor elevations, subject to applicable fire code(s). [ZA2023-03-20 (F)]

3 Standards contained in Table 6.1 are applicable only to properties zoned **FA** that are proposed to be used for **single-family residential** purposes. [ZA2023-05-15 (B)]

**ISSUE:**

Coastal Foods Inc. (Zaxby's), agent for TSJ 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 property located at 1623 Church Street (PIN 338-10-03-0017)

**BACKGROUND:**

The Property Maintenance Inspector for the Building Department sent a letter to the property owner of the Zaxby's parcel on August 1<sup>st</sup> concerning the need for repair or removal of the damaged fence. The letter stated that ***"these conditions must be corrected by August 14, 2023. Failure to comply may result in the issuance of a court summons."***

On October 24, 2023, the Building Inspector noticed that the fence was being replaced without a permit and had the applicant contact this office for further information.

After speaking with Mr. George Thistle, I can definitely understand how he interpreted the letter from Property Maintenance Inspector as *"fix the fence.....period"*. Property Maintenance has since started adding to their letters the following statement to eliminate any confusion: ***"Please contact our office at (843) 488-9888 to verify Ordinances & Permitting Requirements."***

Per **Section 12.1-Nonconforming Uses** states: *"A nonconforming use, structure, or characteristic of use shall not be changed to any other nonconforming use, structure, or characteristic of use."* (ex. 6-ft privacy fence in the front yard)

Also, **Section 5.2.3-Fences & Walls** states: *"Commercial & Residential: Front Yards-shall not exceed 4-ft in height."*

This section further states: *"Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (i.e. one side has visible support framing and the other does not), then the more "finished" side of the fence shall face the perimeter or outside of the lot, rather than facing the interior of the lot."*

Mr. George Thistle has since applied for a Fence Permit (PB23-1206) and is applying for the following variances in order to leave the new fence as it was installed.

**Variances requested:**

**Section 5.2.3-Fences & Walls:**

- A 2-ft variance to allow a 6-ft fence in the front yard.
- A variance to allow the "finished" side of the new fence to face the interior of the lot.

Variance: 1623 Church Street (Zaxby's)

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

***\*\*See attached application.***

---

### **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

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

Pin#: 33810030017	Zoning District: HC	Meeting Date: 12/14/23
Property Address: 1623 Church Street		
Property Owner: TSJ LLC		Daytime phone:
Agent: Coastal Foods Inc. (Zaxby's)		Daytime phone: (803) 239-7670
Agent Address: 1816 Wall Street		
City, State & Zip: Florence, SC 29501		
Agent's E-Mail Address: gthistle@pmgzax.com		
Number of Variances Requested: 1		

**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:**

Asking for a variance to keep the finished side of a fence facing the inside of the property. The fence has already been installed and is a direct replacement of the previous fence.

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

UDO Section and Requirement:	Proposed Instead:
1. 5.2.3 (Section D)	Keep "finished" side facing the inside of the lot
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:

Our existing privacy fence was in poor condition and needed to be replaced. We also received a notification from the Conway Building Department in August stating the same and gave us a deadline of August 14th to correct it. We already had a quote from a fencing contractor to replace the fence, but no information that a permit or specific ordinance needed to be followed to install a new fence. After the fence was installed, an inspection was done and we were told that we were in compliance. It was over two months after that when we were informed that it did not meet the ordinance standard.

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

The original fence had the pickets facing toward the interior of the lot, we simply replaced what was there previously with no changes.

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

No, it would not prohibit the use of the property.

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

No, it is a visual change many people wouldn't even notice.

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

Yes, the fence has been installed already and would have to be redone.

**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: \_\_\_\_\_

Date: 11/13/23

Print name legibly: \_\_\_\_\_

George Thistle





**Legend**

 PARCELS

PIN #: 338-10-03-0017







**BUILDING DEPARTMENT**

August 1, 2023

TSJ LLC  
289 HIGHWAY 544  
CONWAY, SC 29526

Dear Property Owner:

The city has a strong interest in assuring our residents quiet enjoyment of their homes. We have found when lots are overgrown, have an accumulation of trash and debris or the presence of inoperable vehicles other properties in the neighborhood are compromised. Whether the result becomes increased crime, unsightly appearance or growing rodent populations, all of these take away from the value of the neighborhood properties, the quality of life of nearby residents is hindered, thus becoming a nuisance.

Your property, located at, 1623 CHURCH ST (ZAXBY'S) is in violation of the following: The privacy fence needs to be repaired or removed. Panels are missing and falling over. Also trash around the parking lot is a constant problem. Although it's customers who litter, it's the responsibility of the property owner to be sure its cleaned up.

Uncorrected

Unsafe Structure

2021 IPMC Section 108.1.1

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure.

2021 IPMC Section 108.1.3

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the code, or because the location for the structure constitutes a hazard to the occupants of the structure or to the public.

2021 IPMC Section 108.1.4

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.





**BUILDING DEPARTMENT**

**Uncorrected**

**2021 IPMC Disposal of Rubbish or Garbage**

**2021 IPMC Section 308.2**

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

**2021 IPMC Section 308.3**

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

**Accumulation of rubbish or garbage**

**2021 IPMC Section 308.1**

Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

**Garbage Facilities**

**2021 IPMC Section 308.3.1**

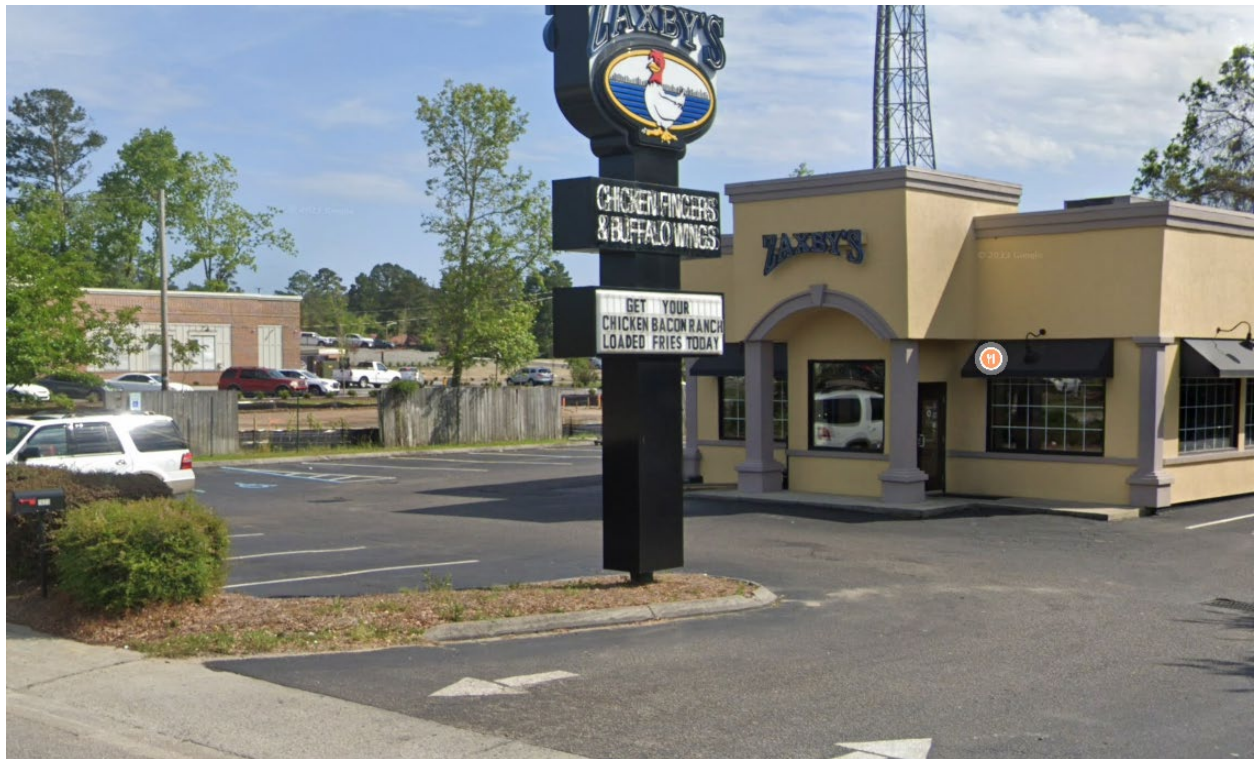
The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak-proof, covered, outside garbage container.

These conditions must be corrected by **August 14, 2023**. Failure to comply may result in the issuance of a court summons. Your cooperation is greatly appreciated. Please feel free to contact our office with any questions at (843) 488-9888.

Sincerely,

Kyle Hardee

Property Maintenance Code Inspector



**5.2.3 Fences & Walls**

A fence or wall, constructed of wood, vinyl, brick, stone, ornamental (iron / aluminum), chain link (where permitted) and other similar materials approved by the Zoning Administrator (or their designee), may project into or enclose required yards (but not over any boundary) in all zones providing that a maximum height, measured from the natural grade at which the fence or wall occurs, does not exceed the following: [ZA2018-10-15 (E); ZA2020-09-21 (B); ZA2021-07-19(C)]

**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

**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. [Amended 10-15-18 ZA2018-10-15 (E)]**D. Design:** Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (i.e. one side has visible support framing and the other does not), then the more "finished" side of the fence shall face the perimeter or outside of the lot, rather than facing the interior of the lot. This design provision shall also be mandatory for fences and walls required for buffering and screening purposes. Decorative or ornamental wood, brick, stone or stucco piers, built as a structural component of a fence, wall, or gate may be located in all required yards.**E. Maintenance:** The structural and aesthetic integrity shall be maintained for all new and existing fences and walls. Any fence or wall provided to meet buffering and screening requirements may be exempted from the height and location standards as necessary to meet the requirements of that section. All fences and walls must meet the requirements of Article 9 (Landscaping & Buffering).

1. Posts, supports, rails, boards, panels, etc. that are considered to be in a dilapidated state, shall be repaired or replaced as reasonably required toward the purpose of maintaining the structural and aesthetic integrity of the fence.
  - a. A fence in a dilapidated state is considered as any section of a fence that is visibly out of vertical alignment or that has multiple pickets or other structural components that are damaged, missing, rotted or destroyed.
  - b. Violations of this section are considered a misdemeanor offense.

**F. Spite Fences,** widely regarded as fences (or walls) built to annoy neighbors or with malice, are prohibited. Such fences include, but are not limited to, those which do not comply with the permitted construction (material) types, height limitations, or those which fail to be properly maintained, as provided herein. Fences (or walls) that are obnoxious in appearance, or which causes injury to adjacent property owners, may also be

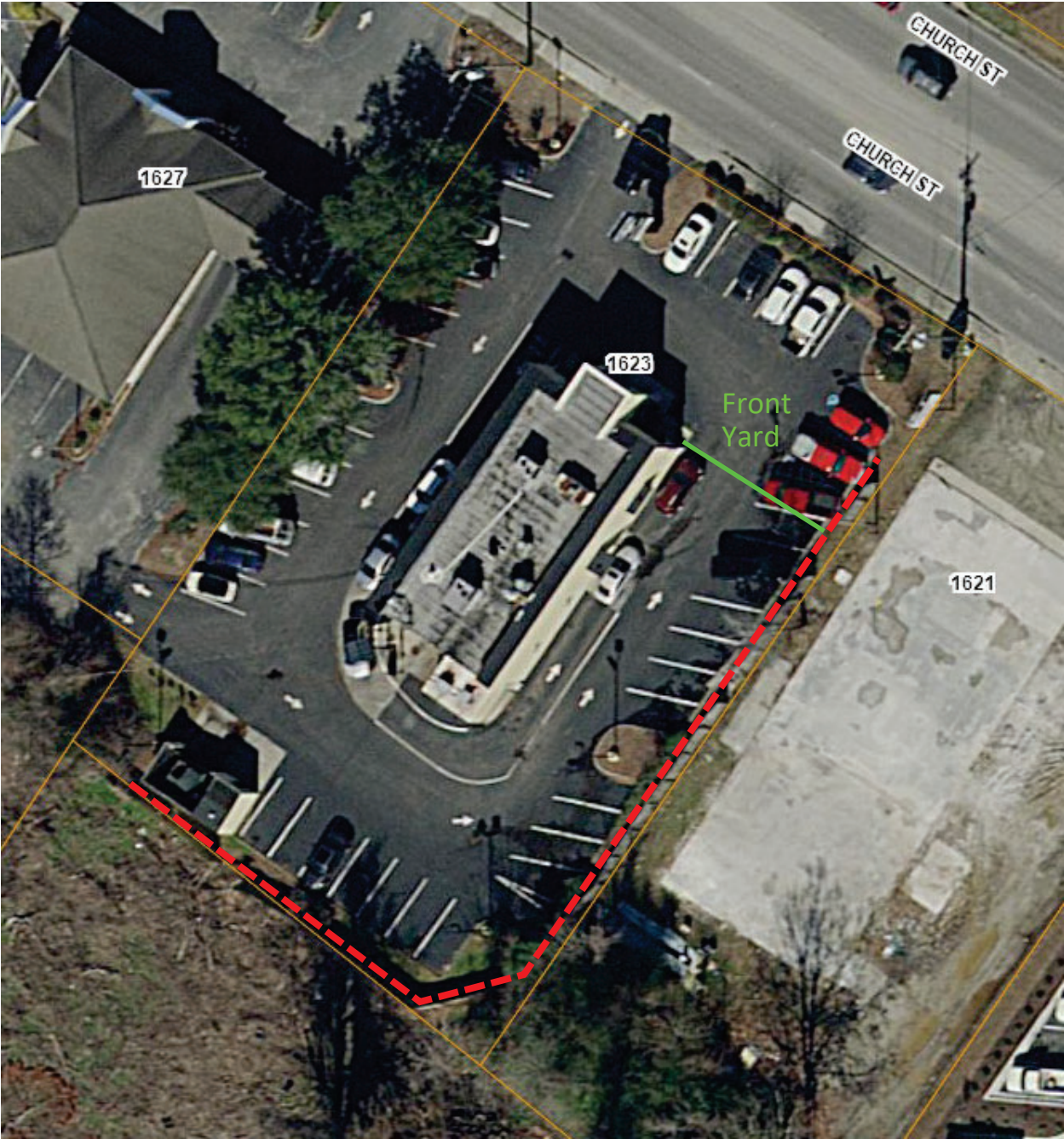


considered a spite fence; however, deprivation of light, air, or view from adjacent properties is not (by itself) necessarily grounds to deem a fence (or wall) a spite fence.

- G.** Chain Link fencing (with or without barbed wire) shall not be permitted on properties zoned CBD, or as specified throughout this UDO.

Exception: Utility substations which require the use of chain link fencing, if no other practical alternative is available. [Amended #ZA2020-09-21 (B)]

- H.** Fences and/or Walls of any construction shall not be permitted to be installed within any public drainage easements owned and maintained by the City of Conway without approval from the Public Works Director as well as a recorded Disclosure Statement and HOA approval, if applicable. [ZA2021-07-19(C); ZA2022-11-21(B)]



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