

MAYOR
Barbara Jo Blain-Bellamy

MAYOR PRO TEM
Larry A. White



COUNCIL MEMBERS
Amanda Butler
William M. Goldfinch IV
Julie Hardwick
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Justin D. Jordan

PLANNING & DEVELOPMENT

BOARD OF ZONING APPEALS MEETING THURSDAY, FEBRUARY 22, 2024 | 5:30 P.M. PLANNING & DEVELOPMENT DEPARTMENT 196 LAUREL STREET (*SIDE ENTRANCE*)

- I. CALL TO ORDER
- II. APPROVAL OF JANUARY 25, 2024 MINUTES
- III. CRITERIA
- IV. PUBLIC HEARINGS - VARIANCE REQUESTS

- A. Ms. Tracy Williams, property owner, request five variances from the strict application of the City of Conway Unified Development Ordinance (UDO), including *Section 6.5.2-Gateway Corridor Overlay, Article 9-Landscaping & Buffering Requirements, Section 7.2-Access Management and Section 8.2-Parking Design Standards*, for the property located at **603 Church Street**. (PIN 368-03-01-0025)
- B. RDC Conway LLC (Mr. Michael Ziegler), 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 **2197, 2199 & 2201 Church Street**. (PIN 338-09-02-0011, -0010, -0009, -0008, 0007 & -0014)

- V. ADJOURN

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, JANUARY 25, 2024
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET**

Present: Paul Lawson, Lesley Hill, Sandra James, Catherine Dingle, Jay Sellers
Absent: Blake Hendrick
Staff: Kym Wilkerson, Zoning Administrator; Anne Bessant, Planning Assistant; Jeff Leveille, IT
Others: Megan Newbold, Terry Buchmann, Jorome Simiyon, Jon Michael Williamson, Rein Mungo, Lloyd R. Dunn, Betty Grissett, Marc Monley, Charles Rietman, Nobi Rietman, Van Davenport, Kenneth Williams

I. CALL TO ORDER

Chairman Lawson called the meeting to order at approximately 5:31 p.m.

II. ELECTION OF OFFICERS

James made a motion to elect Lawson as the Chairman of the Board of Zoning Appeals for 2024. Dingle seconded the motion and the motion carried unanimously.

James made a motion to elect Dingle as the Vice-Chairperson of the Board of Zoning Appeals for 2024. Hill seconded the motion and the motion carried unanimously.

III. APPROVAL OF MINUTES

Hill made a motion, seconded by Lawson to approve the December 14, 2023 minutes as written. The vote in favor was unanimous and the motion carried.

Lawson swore in the applicants and staff.

IV. 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.

V. VARIANCE REQUESTS/PUBLIC INPUT

- A. Betty Grissett, agent for her husband, Mark Onley, 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 **604 McCray Alley**. (PIN 368-03-01-0038)

Wilkerson stated that the applicant's home, located at 604 McCray Alley, suffered fire damage. The applicant's originally intended to renovate what is left of the structure; however, the Building Department posted the structure as "unsafe" due to damage from the fire.

Per the Building Inspector, the home suffered major damage including rafters and roof damage. The house will need to be rewired and plumbed due to the fire. Additionally, the foundation needs support added in several areas and exterior wall studs/supports show evidence of termite damage.

The applicants have chosen to build a new home and have building plans ready to submit for a permit; however, they were advised to apply for the variance first.

The parcel is zoned R1 and is considered "*legal non-conforming*" since the width of the lot at the ROW does not meet the current UDO standards of 75-ft. The lot is only 34.76-ft wide. The only dwelling type permitted in the R1 zoning district is single family detached. The setbacks in the R1 zoning district are 20-ft Front, 20-ft Rear and 10-ft Sides. The applicant is requesting a 5-ft variance on both side setback requirements from 10-ft to 5-ft in order to build a single family detached home.

The applicant is seeking a variance from:

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

The applicant requests a variance of 5-ft on the side setback allowing for a 5-ft side setback on both sides 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.

The applicant was present to answer any questions.

There was no public input.

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

- B. Megan Newbold, AIA, with Garvin Design Group and agent for Coastal Carolina University, 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 **Highway 544 and University Boulevard**. (PIN 382-00-00-0039)

Wilkerson stated the applicant currently has plans in review for a new CCU Indoor Practice Facility. The parcel is zoned Institutional (IN) and is within the Gateway Corridor Overlay (GCO). The initial submittal made the applicant aware that the facility must meet the requirements of the Gateway Corridor Overlay (GCO).

Per **Section 6.3.1-Nonresidential Architectural Design Standards** of the UDO:

D: *P, NC, HC, CC, CBD, GCO, and VCO: Properties that are located outside of the HDRDs shall be reviewed and approved by the Planning Department and shall meet the following architectural design standards:*

9: *“No portion of a building constructed of unadorned concrete masonry units or corrugated metal, sheet metal, exposed metal, and / or manufactured panelized metal wall systems shall be visible in any manner from adjoining developed properties, from existing public rights-of-way, or from adjoining properties which are eligible for future development.”*

Though staff can appreciate that the structure is aesthetically appealing, our role is to enforce the UDO as written.

The applicant is seeking a variance from:

- **Section 6.3.1-Nonresidential Architectural Design Standards**

The applicant requests a variance from D-9 of the above section in order to allow exposed metal as part of the façade of the new CCU Indoor Practice Facility.

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.

Rein Mungo, agent for owners, was present and further explained the request.

Charles Rietman spoke during public input.

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

- C. Matthew Norris with DN Engineering and T. Van Davenport, agents for Shannon Burchett, 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 **2206 Church Street**. (PIN 338-08-04-0001)

Wilkerson stated the parcel is zoned Highway Commercial (HC) and was annexed into the City of Conway as Highway Commercial in 2006. The applicant is proposing a Commercial Strip Center on this parcel.

The City of Conway's Technical Review Committee (TRC) has reviewed a one-page sketch plan which triggered a comment concerning the dumpster location.

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.*

The parcel is a corner lot with Highway 501 (Church Street) as the front yard and Village Street as the corner front yard. If the dumpster is placed on the parcel meeting the UDO requirements, it will be against the residential parcels that abut this parcel in the rear and on the side. Reggie Jenerette, Sanitation Director, has approved the location along Village Street for the purposes of sanitation trucks entering and exiting with the condition that the applicant follow the City of Conway's Double Dumpster Specs. (*attached*)

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

- **C-2: Screening.** *The Appropriate screening includes: A wall OR opaque fence (excluding chain-link), a minimum of six (6) feet in height and constructed of materials approved by TRC. **Shrubs, earth berm, and/or understory trees may be required in conjunction with a fence/wall to further obscure such facilities.***

Staff has not seen a landscaping plan yet but should the variance be granted, staff would like the board to consider adding a condition that additional landscaping be utilized in conjunction with the wall or fence to further obscure the dumpster facility.

The applicant is seeking a variance from:

- **Section 6.6.2 – Mechanical Equipment, Dumpster, Recycling, and Trash Handling**
A variance to allow the dumpster facility to be located in the corner front yard along Village Street with the condition that the dumpster facility be screened by the required wall or fence as well as additional landscaping to further obscure the facility from the public right-of-way and adjacent properties.

Van Davenport, owner was present to answer any questions.

Lloyd Randall Dunn and Kenneth Williams expressed concerns during public input about the lack of an effective sound barrier between the dumpster and their residence when it is emptied early in the mornings.

Lawson made a motion to grant the variance with the condition that the dumpster facility be screened by the required wall or fence, as well as additional landscaping to further obscure the facility from the public right-of-way and adjacent properties. Dingle seconded the motion and the motion carried unanimously.

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 6:07p.m.

Approved and signed this _____ day of _____, 2024.

Paul Lawson, Chairman

DATE: February 22, 2024

AGENDA ITEM: IV.A

ISSUE:

Ms. Tracy Williams, property owner, request five (5) variances from the strict application of the City of Conway Unified Development Ordinance (UDO), including Section 6.5.2-Gateway Corridor Overlay, Article 9-Landscaping & Buffering Requirements, Section 7.2-Access Management and Section 8.2-Parking Design Standards, for the property located at **603 Church Street**. (PIN 368-03-01-0025)

BACKGROUND:

Staff originally heard from Ms. Williams in **January, 2022** regarding 603 Church Street. She was informed that this commercial site is non-conforming and has not had an active Business License in over 180-days. Per the City of Conway's Unified Development Ordinance (UDO), this triggers the site to come into compliance with the current regulations. Ms. Williams was advised at the time to submit a sketch plan for review by all City departments. This would allow her to have a better understanding of what the UDO would require of the site as well as what variances she would need to apply for prior to a Business License being issued. Staff was excited about the potential of new life being brought to this location.

Ms. Williams purchased the property in **June, 2022** and staff received the sketch plan for review in **July, 2022**. A resubmittal was received in **March, 2023** and the last submittal was received in **November, 2023**.

In **June, 2023**, the Building Inspector placed a "Stop Work Order" on the property for construction of an unpermitted deck (approximately 17-ft x 24-ft and between 18-in & 36-in from grade).

Ms. Williams applied for the necessary variances on January 22, 2024. Based on staff's review of the site plan, the following variances are being requested by Ms. Williams:

- **Section 6.5.2 – Gateway Corridor Overlay**

The applicant requests a variance from the Non-Residential Front Landscape Buffer required in the Gateway Corridor Overlay (GCO) **with the condition that:**

- The current island where the pole sign was originally will be landscaped.
- One original parking space removed and landscaping installed up to the front property line.

- **Table 9.1 – Required Landscaping Type**

The applicant requests variances from the required perimeter landscaping.

- A variance from the Type A 5-ft Landscape Buffer against PIN# 368-03-01-0026 zoned Highway Commercial (HC) with the condition that a Type A 3-ft Landscape Buffer be installed where there is no existing paving.
- A variance from the Type B 15-ft Landscape Buffer against PIN# 368-03-01-0027 and PIN# 368-03-01-0062, both zoned Low/Medium Density Residential (R1) with the condition that a Type B 10-ft Landscape Buffer be installed against the Rear R1 zoned parcel and a Type A 5-ft Landscape Buffer be installed against the Side R1 zoned parcel.

- **Section 8.2.12 - Table 8.3 – Parking Requirements**

The applicant requests a variance from the parking requirements of 1 space per 200 square feet of gross floor area.

- A variance of 5 parks from the 22 required parks leaving a total of 17 parks with the condition that no site improvements will impede or damage the Live Oaks in the rear.

- **Section 7.2.1 – Access Management / Section 12.1.4 – Nonconforming Sites**

The applicant requests a variance from the “curb cut” requirements.

- A variance to allow the “curb cut” to remain more than 40-ft in width with the condition that an encroachment permit be provided to staff from SCDOT.

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.

MAYOR
Barbara Jo Blain-Bellamy

MAYOR PRO TEM
Justin D. Jordan



COUNCIL MEMBERS
K. Autrey Benton
Amanda Butler
William M. Goldfinch IV
Beth Helms
Larry A. White

PLANNING & DEVELOPMENT DEPARTMENT

December 4, 2023

TM Studios - 603 Church Street (S3)

PIN# 36803010025 (**P22-0154**)

ATTN: Tracy Williams tracy56@gmail.com Gerry Wallace gc3arch@gmail.com

Dear Applicant(s):

The **Technical Review Committee** (TRC) has reviewed your submittal for the above project and the following comments apply:

PLANNING DEPARTMENT – Kym Wilkerson (843) 488-7618:

1. Parking lots **up to 30,000 sq ft** require a **front landscape buffer of 10-ft** along corridor rights-of-way.
Required per 100 linear feet of frontage along Church Street:
 - 2 canopy trees: 2.5-in caliper & 12 to 14-ft in height at time of planting;
 - 2 understory trees: 1-in caliper & 6 to 8-ft in height at time of planting;
 - 18 shrubs: 1.5-ft in height & 3-gallon min. at time of planting.
 - You may apply for a variance on this requirement.
2. **Type A Landscape Buffer** required on the **side** (adjacent the convenience store) of **5-ft** minimum.
Required per 100 linear feet:
 - 2 understory trees: 1-in caliper & 6 to 8-ft in height at time of planting;
 - 18 “Tall” shrubs: 3-ft in height & 3-gallon min. at time of planting.
 - You may apply for a variance on this requirement.
3. **Type B Landscape Buffer** required on the **rear and sides** of **15-ft** minimum. The **5-ft fence** will reduce the buffer width **from 15-ft to 10-ft**.
Required per 100 linear feet:
 - 2 canopy trees: 3-in caliper & 12 to 14-ft in height at time of planting;
 - 3 understory trees: 1-in caliper & 6 to 8-ft in height at time of planting;
 - 20 “Tall” shrubs: 3-ft in height & 3-gallon min. at time of planting.
 - You may apply for a variance on this requirement.
4. **Landscape Plans** must illustrate & label all proposed vegetation, **including a legend**.
Please provide a legend labeling the landscaping to ensure it meets the requirements.

5. All **mechanical equipment**, including HVAC units and other mechanical equipment, and trash-handling facilities must be completely screened from the public rights-of-way and adjacent properties. Detail must be provided. Specs must be added to the plans. What kind of fence?
6. **Irrigation Plan** required.
7. **Encroachment Permit** from SCDOT will be required prior to civil plan approval. You are required to apply for an Encroachment Permit from SCDOT.
8. The **Curb Cut** at Church Street must be revised to be no more than **40-ft wide**. Per Section 7.2.1 Access Management, the width of the curb cut can be no more than 40-ft wide. Also, **Section 12.1.4 Nonconforming Sites** requires the elimination of multiple curb cuts.
You may apply for a variance on this requirement but be aware that the Exxon across the street came into compliance.



9. A variance will be needed for the number of parks required based on the use (Section 8.2.12).
10. The application & meeting schedule for the **Board of Zoning Appeals (BZA)** is attached.

ARBORIST – Wanda Lilly (843) 488-9888

If there are any **Landmark or Protected Trees** to be removed, we will need a Tree Table indicating Species, Location, Size in Diameter at Breast Height. **If not**, a note must be added to the Landscape Plan stating ***“No Landmark or Protected Trees to be removed”***.

PUBLIC UTILITIES – Johnny Lewis (843) 248-1770

Will need more info:

1. Will they be using existing meter or require more?
2. What will they be serving?
3. Grease trap?

GIS – Stephen Williams (843) 488-9888:

We will need recalculate the storm water bill by adding the new impervious area before C\O is issued but as sketched in Plan it would be 13743 SQF, 6 ERU's, for a monthly storm water bill of \$46.20

Changes made to the preliminary/civil plan set as a result of comments made by the City's Technical Review Committee (TRC), or other factors not related to TRC review, may result in additional comments being made to future submittals that are not included in the comments contained herein.

Please give our office a call if you have any questions.

Sincerely,

City of Conway Planning & Development



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
www.cityofconway.com

Pin#: 36803010025	Zoning District: 110-Conway	Meeting Date: 2/22/2024
Property Address: 603 Church Street		
Property Owner: Panda Enterprise LLC		Daytime phone:
Agent: Tracy Williams		Daytime phone: (919) 749-2469
Agent's E-Mail Address: Tracy56@gmail.com		
Number of Variances Requested: 5		

Requested Action:



I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **To my knowledge there are no Deed Restrictions on this property that would prohibit or conflict with my variance request.** 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:

I have a unique older property which cannot conform to certain UDO requirements. See below and attached for more details.

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

UDO Section and Requirement:	Proposed Instead:
1. Parking lots upto 30,000sf require a front landsc	No 10 ft. landscaping buffer along Church St.: a. The current island where pole sign was originally will be landscaped
2. Type A Landscape Buffer required on the side	No landscaping buffer between the property and the convenience store to the left side. Both properties use a shared ramp onto the



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:
My particular property is almost a 95 year old small building that is not the typical larger building and the required parking space. Thus the original property lost much of its parking. The property also contains two very large live oak trees at the rear of property which make

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

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.
Yes trying to meet all the buffer and parking space requirements would limit the already viable business to operate.

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:
No, none of the above. The adjacent property is under the same ownership therefore any type of approved variances are assured.

and; "Is the variance request initiated because of hardship and not to increase the profitability of the property?"
No.

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)

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 of 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: Tracy Williams Date: 1/17/2024
Print name legibly: Tracy Williams - Panda Enterprise LLC



City of Conway
Board of Zoning Appeals
VARIANCE/APEAL REQUEST

Staff Use Only

BS&A #: _____

1. Describe the extraordinary conditions pertaining to your particular piece of property:
My particular property is almost a 95 year old small building that is not the typical larger building and the required parking space. Thus the original property lost much of its parking. The property also contains two very large live oak trees at the rear of property which make

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

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.
Yes trying to meet all the buffer and parking space requirements would limit the already viable business to operate.

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:
No, none of the above. The adjacent property is under the same ownership therefore any type of approved variances are assured.

and; "Is the variance request initiated because of hardship and **not** to increase the profitability of the property?"
No.

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)

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 of 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:** 1/17/2024

Print name legibly: Tracy Williams - Panda Enterprise LLC

TM Studios - 603 Church Street

PIN# 36803010025 (P22-0154)

ATTN: Tracy Williams | tracy56@gmail.com

UDO Section and Requirement:	Proposed Instead:
1. Parking lots up to 30,000 sq ft require a front landscape buffer of 10-ft along corridor rights-of-way.	No 10 ft. landscaping buffer along Church St.: a. The current island where pole sign was originally will be landscaped. b. One original parking space removed and landscaping installed up to front property line. c. 17 parking spaces total instead of 22 based on use
2. Type A Landscape Buffer required on the side (adjacent the convenience store) of 5-ft minimum.	No landscaping buffer between the property and the convenience store to the left side. a. Both properties use a shared ramp onto the street b. The convenience store uses the existing pavement for dumpster truck access. c. A 5 ft. buffer reduces the one way drive to rear parking to less than the required 12 ft. width.
3. Type B Landscape Buffer required on the rear and sides of 15-ft minimum. The 5-ft fence will reduce the buffer width from 15-ft to 10-ft .	Reduce buffer requirements: a. On the left side, a narrower buffer to allow better access to the rear parking. b. On the right side, reduce the required 10 ft. buffer to 5 ft, as building placement already reduces the available space to less than 8 ft.

4. Section 8.2.12 Number of parks required based on the use.	Reduce parking requirement cause no matter the use of space the limited lot size will not allow for enough spaces (i.e. 22). Max we can get is 17. Saving the live oaks on the rear property excludes many new parking spaces.
5. Curb Cut at Church Street must be revised to be no more than 40-ft wide . Per Section 7.2.1 Access Management , the width of the curb cut can be no more than 40-ft wide. Also, Section 12.1.4 Nonconforming Sites requires the elimination of multiple curb cuts.	<p>This is a non-conforming site & for it to be used as a viable business need some concessions.</p> <p>No changes to be made. The ramps and curb in place have been there since Church Street was widened into US501 Bypass.</p>

4. Landscape Plans

- a) Legend labeling the landscaping added.
 - b) Arborist - note added to the plan stating **“No Landmark or Protected Trees to be removed”**.
5. **Mechanical equipment** , including HVAC units and other mechanical equipment, and trash- handling facilities must be completely screened from the public rights-of-way and adjacent properties. *Specs & details added to the plans.*

What kind of fence? *wood*

7.Encroachment Permit from SCDOT will be required prior to civil plan approval. *Will apply for an Encroachment Permit from SCDOT.*

PUBLIC UTILITIES – Johnny Lewis

Will need more info:

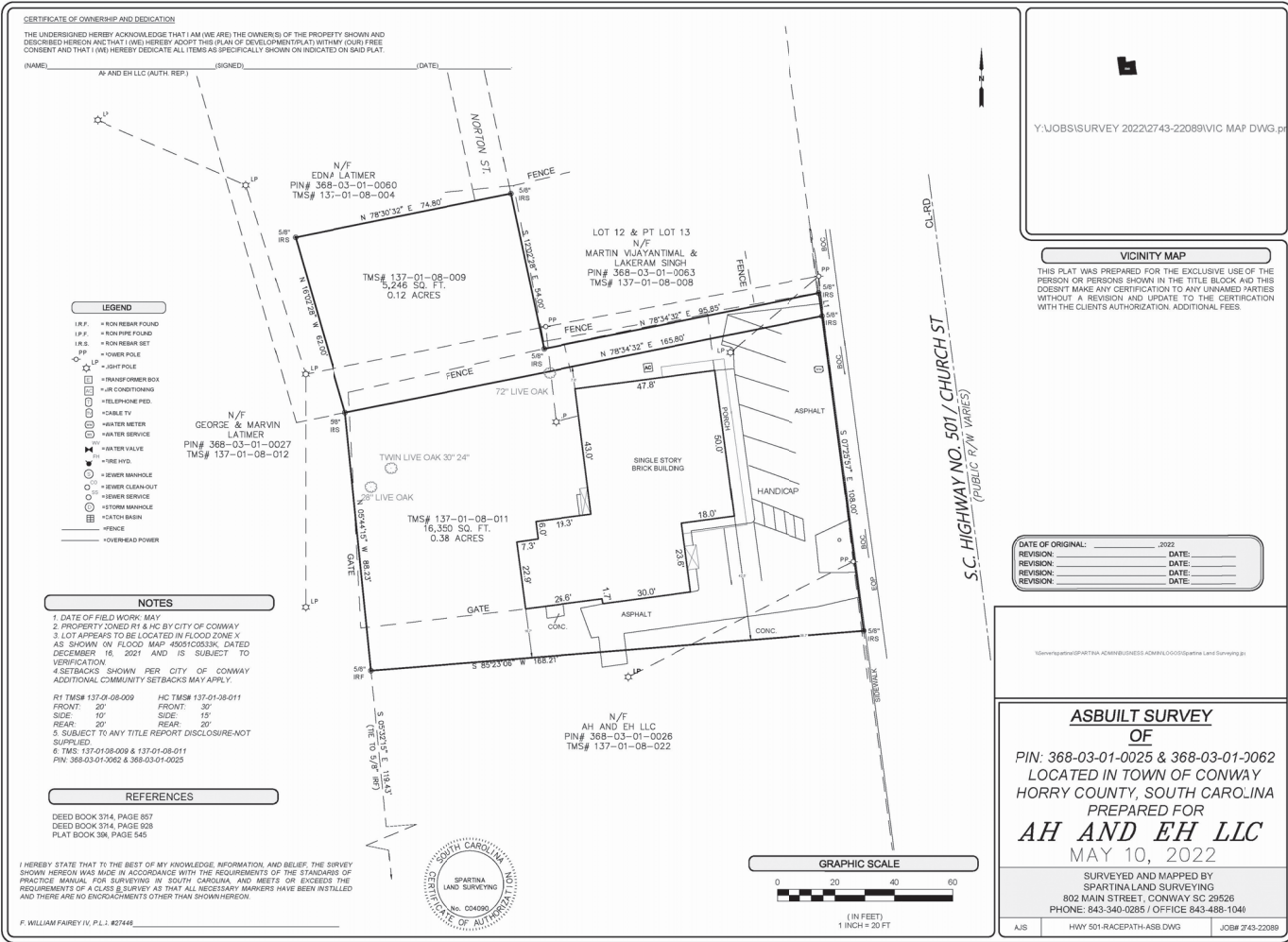
6. Will they be using existing meter or require more? *Existing meter*
7. What will they be serving? *Kitchenette will hold countertop hot plate cooking classes teaching community members how to juice drinks and prepare simple vegan meals.*
8. Grease trap? *Not necessary as kitchenette will not produce large amounts of FOG daily.*

BUILDING RENOVATION

603 Church Street

Conway, SC

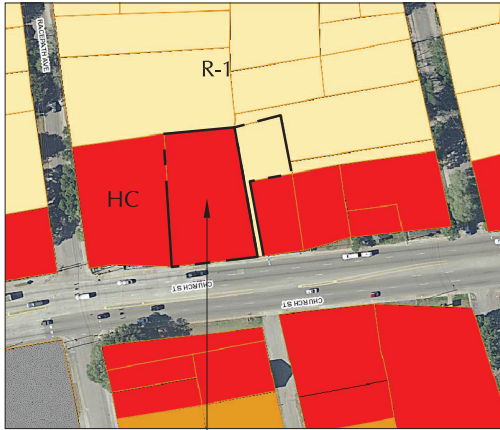
- 1 EXISTING PLAT
- 2 EXISTING ZONING/BUILDING PHOTOS
- 3 EXISTING FLOOR PLAN
- 4 PROPOSED SITE PLAN
- 5 PROPOSED FLOOR PLAN
- 6 PROPOSED EXTERIORS
- 7 PROPOSED EXTERIORS



NOTE:
SURVEY REPRODUCED AT HALF SCALE (1" = 40FT.)

BUILDING RENOVATION
603 Church Street
Conway, SC

Sheet Title
EXISTING SURVEY
Sheet
1
of 7
Date 10.15.2023



SUBJECT PROPERTY

EXISTING ZONING



VIEW OF PROPERTY FACING CHURCH STREET (FRONT)



VIEW OF REAR OF PROPERTY



VIEW OF RIGHT SIDE OF PROPERTY



VIEW OF LEFT SIDE OF PROPERTY

BUILDING RENOVATION
603 Church Street
Conway, SC

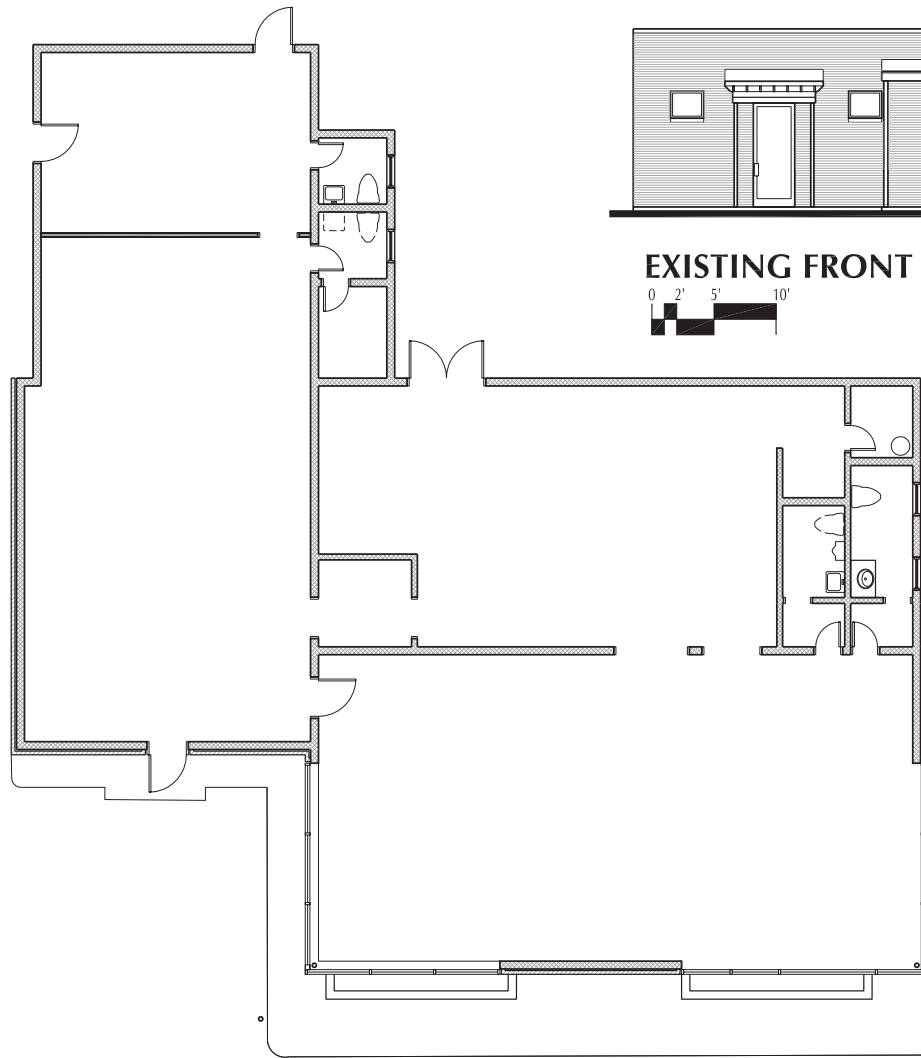
Sheet Title
**EXISTING ZONING
 AND PHOTOS**

Sheet

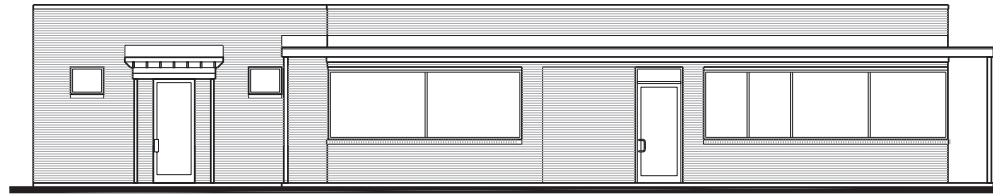
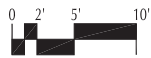
2

of 7

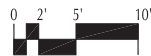
Date 10.15.2023



EXISTING FLOOR PLAN



EXISTING FRONT ELEVATION



BUILDING RENOVATION
603 Church Street
Conway, SC

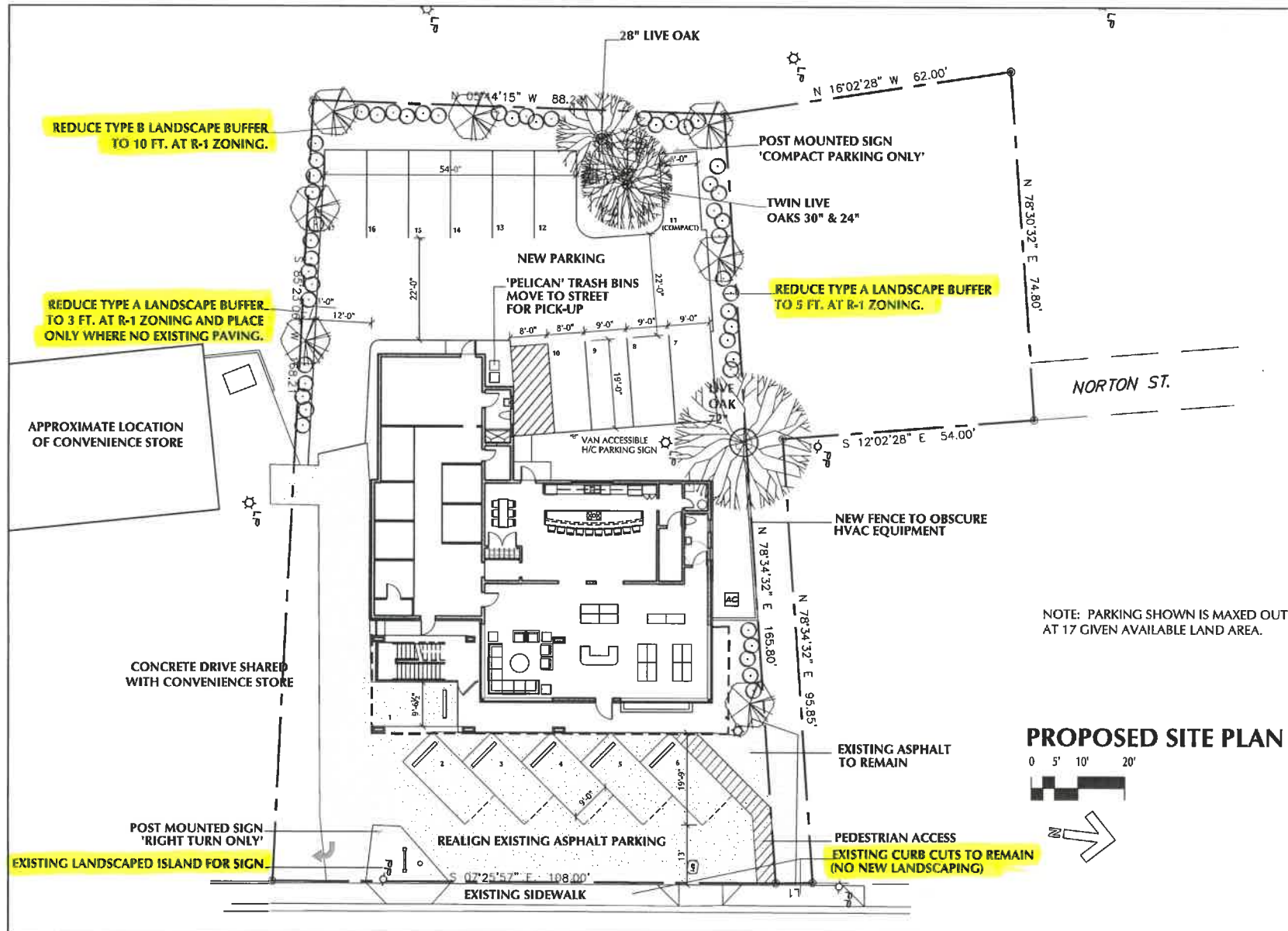
Sheet Title
EXISTING PLAN

Sheet

3

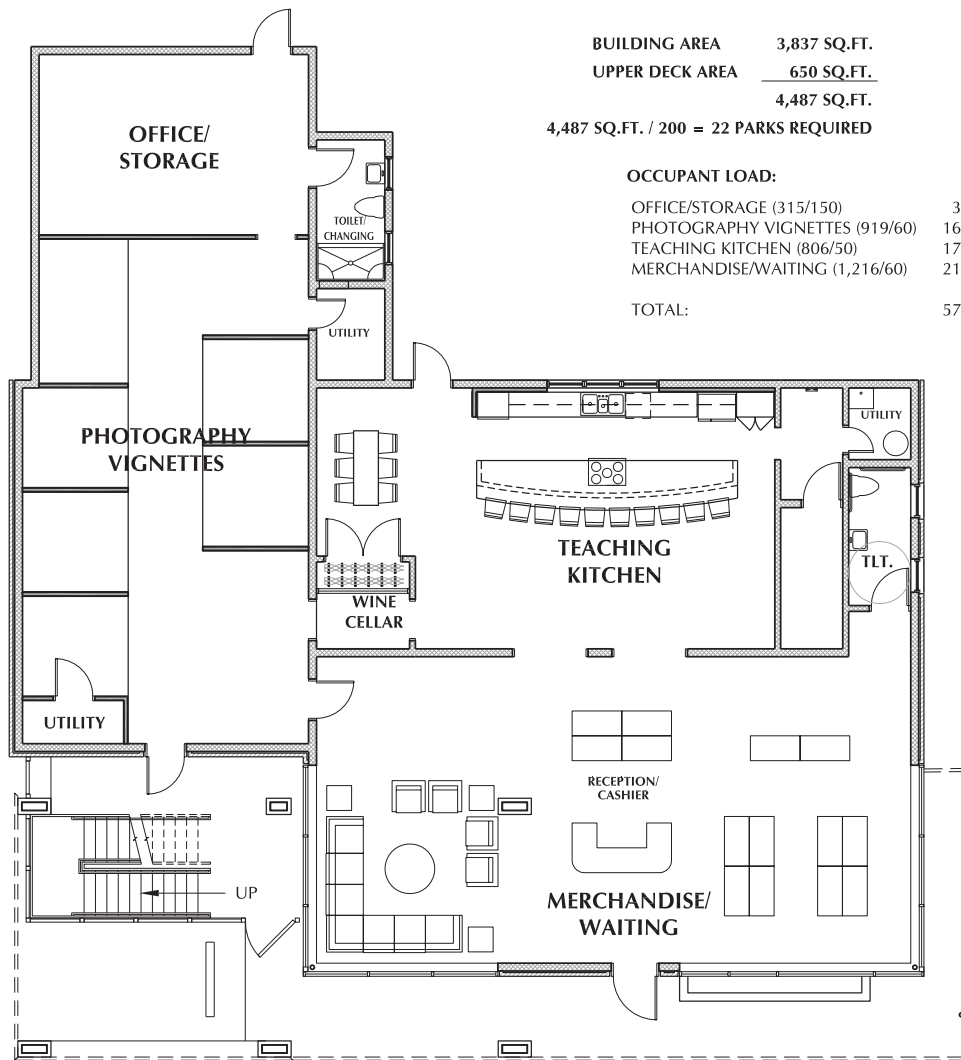
of 7

Date 10.15.2023



BUILDING RENOVATION
603 Church Street
Conway, SC

Sheet Title	PROPOSED SITE
Sheet	4
of 7	
Date	10.15.2023



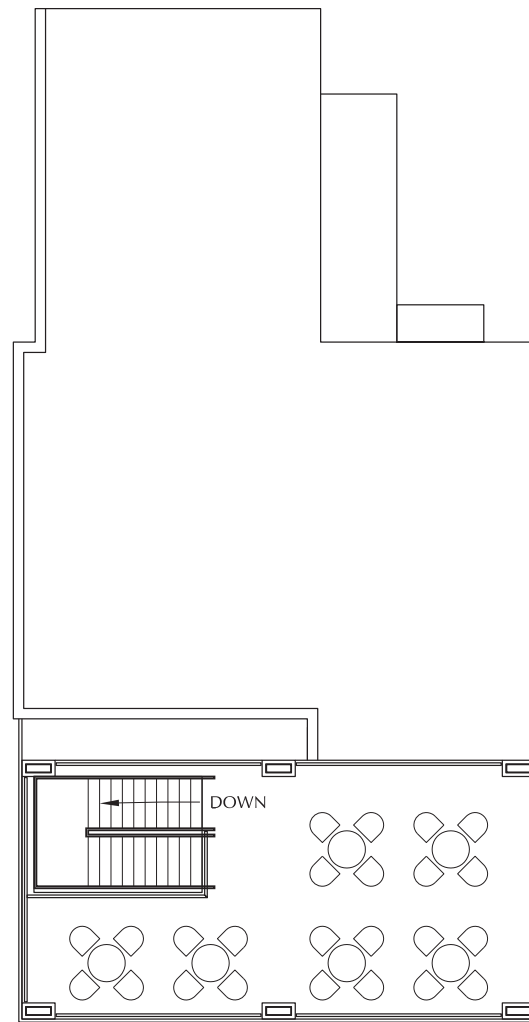
PROPOSED FLOOR PLAN



BUILDING AREA 3,837 SQ.FT.
 UPPER DECK AREA 650 SQ.FT.
 4,487 SQ.FT.
 4,487 SQ.FT. / 200 = 22 PARKS REQUIRED

OCCUPANT LOAD:

OFFICE/STORAGE (315/150)	3
PHOTOGRAPHY VIGNETTES (919/60)	16
TEACHING KITCHEN (806/50)	17
MERCHANDISE/WAITING (1,216/60)	21
TOTAL:	57



UPPER DECK



BUILDING RENOVATION
603 Church Street
Conway, SC

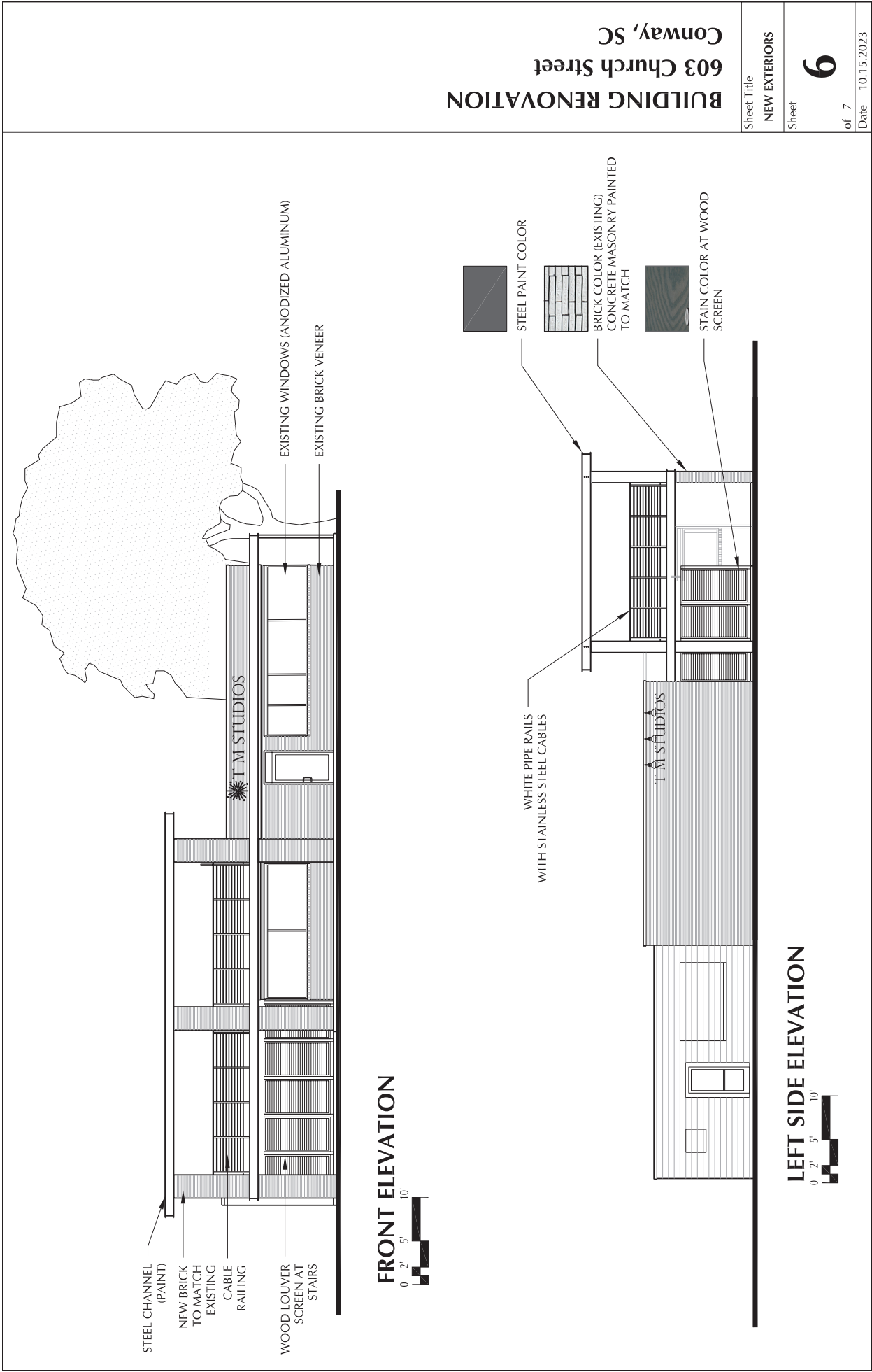
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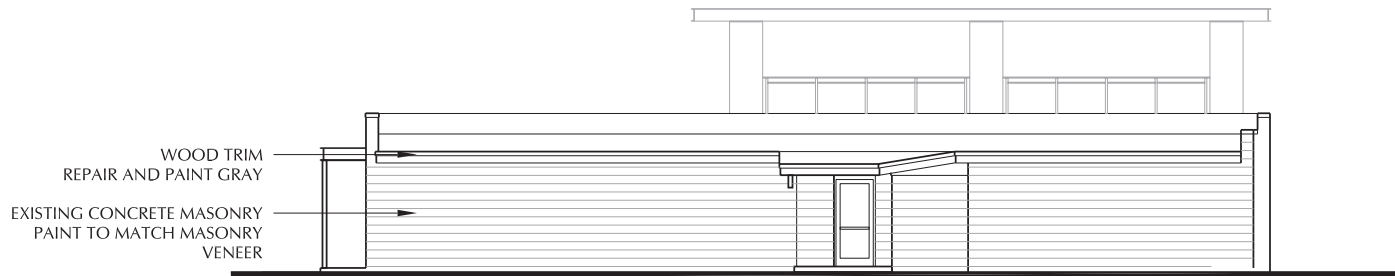
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5

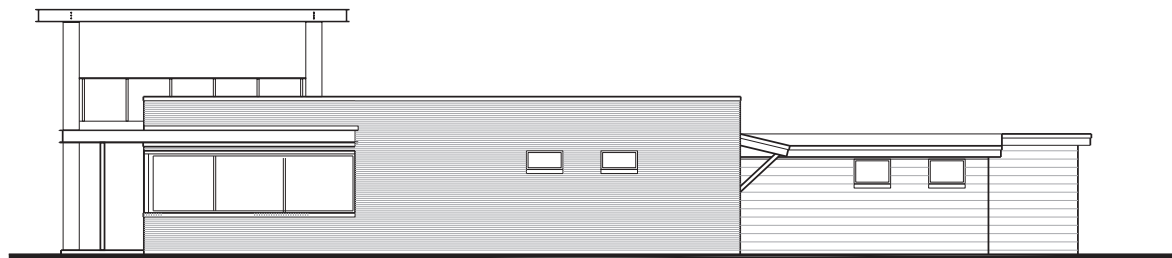
of 7

Date 10.15.2023





REAR ELEVATION



RIGHT SIDE ELEVATION



BUILDING RENOVATION
603 Church Street
Conway, SC

Sheet Title
NEW EXTERIORS

Sheet
7

of 7
Date 10.15.2023

603 Church Street



From: [Kym Wilkerson](#)
To: "Tracy"; [Allison Hardin](#)
Cc: [Anne Bessant](#); [Jessica Hucks](#); [Wanda Lilly](#)
Subject: RE: 603 Church Street - PIN# 36803010025
Date: Thursday, April 21, 2022 3:32:00 PM
Attachments: [Tracy-SITE.pdf](#)

Hi Tracy – Allison is not in the office today, but I will be the commercial reviewer on this project so to answer your questions.....

Yes, **20 spaces** is the correct number for the square feet provided (3,854 sqft). Any less than 20 would require a **variance** being granted by the **Board of Zoning Appeals (BZA)**.

Also, **gravel parking** would not be permitted. The back parking area must be ***paved with asphalt, concrete, brick pavers, or alternative paving surfaces.***

There are **drive aisle dimensional requirements** as well as **parking stall & ADA dimensional requirements**.

The site plan attached is to scale; however, it does not meet the parking dimensional requirements.

You will also have **landscape buffer requirements** that must be considered.

Submitting a **sketch plan** for review so that you will have an idea of what variances will be needed is suggested.

I have copied **Wanda Lilly**, the **City of Conway Arborist** on this email also. Her number is **843-455-8563**.

You may want to make an appointment with her to do a site visit to determine the best way to preserve & protect the oak trees.

We would definitely like to see this building occupied & will work with you as much as we can.

Please let me know if you have any questions.

Have a great day!

Kym Wilkerson | Zoning Administrator
City of Conway
196 Laurel Street, Conway, SC 29526
Phone: 843-488-7618

Use the following link to access the
City of Conway's Unified Development Ordinance
<https://www.cityofconway.com/UDO%20Updated%208.16.2021.pdf>

From: Tracy <tracy56@gmail.com>
Sent: Thursday, April 21, 2022 2:04 PM
To: Allison Hardin <ahardin@cityofconway.com>
Cc: Kym Wilkerson <kwilkerson@cityofconway.com>
Subject: Re: 603 Church Street - PIN# 36803010025

CAUTION-External Email: This email originated from outside of the City of Conway. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Allison,

Hi thanks for speaking with me a few weeks ago about the HC zoned commercial building I'm purchasing at 603 Church St. I'm now trying to figure out how many parking spaces will be required for this retail business which me & my architect have roughly calculated to be 20 spaces based on the building square footage. Can you please verify?

We know there are limited parking spaces in the front of building, but the issue is that I want to put more parking spaces in the rear where there's more land space (see attachment) but I have some very large live oak trees that partially block areas for parking. Do you think I can get a reduction in the number of parking spaces that are required by City due to these tree(s) obstructions?

Regards,

Tracy Williams
(919) 749-2469 cell

On Fri, Mar 25, 2022 at 12:54 PM Tracy <tracy56@gmail.com> wrote:

Thanks Kym & Allison for all the info on the preliminary stages. Look forward to working with you all after closing.

Best regards,

Tracy Williams
FatBoys Kitchen, LLC (919) 900-7674
NEW RESTAURANT OPEN NOW!! 4511 New Bern Ave. #100 Raleigh, NC
27610

FIND OUR DAILY LOCATIONS www.fatboysnc.com

FOLLOW US [@fatboysNC](https://www.instagram.com/fatboysNC) [INSTAGRAM](#)

On Fri, Mar 25, 2022 at 11:01 AM Kym Wilkerson <kwilkerson@cityofconway.com> wrote:

Hi – per our phone conversation concerning the above address, please use the link below to get more information on a license to serve alcohol.

We will need a copy of the license prior to approving your City of Conway business license.
(once the site/building are approved)

<https://dor.sc.gov/tax/abl>

Also, you may want to reach out to the **Building Dept Official, Robert Cooper**, on what will be required to bring the building up to code. **(843-602-7163)**

Please email me a site plan at your convenience to be reviewed by all city departments.

The link to our Unified Development Ordinance is below.

Should you have any questions, give me a call on my direct line below.

Thanks & have a great day!!

Please make note our our new address...

Kym Wilkerson | Zoning Administrator

City of Conway

~~206 Laurel Street~~ 196 Laurel Street, Conway, SC 29526

Phone: 843-488-7618

Use the following link to access the

City of Conway's Unified Development Ordinance

<https://www.cityofconway.com/UDO%20Updated%208.16.2021.pdf>

Legend

PARCELS

HILAND AVE

PIN #: 368-03-01-0025

CHURCH ST

SIXTH AVE

RACEPATH AVE

CHURCH ST

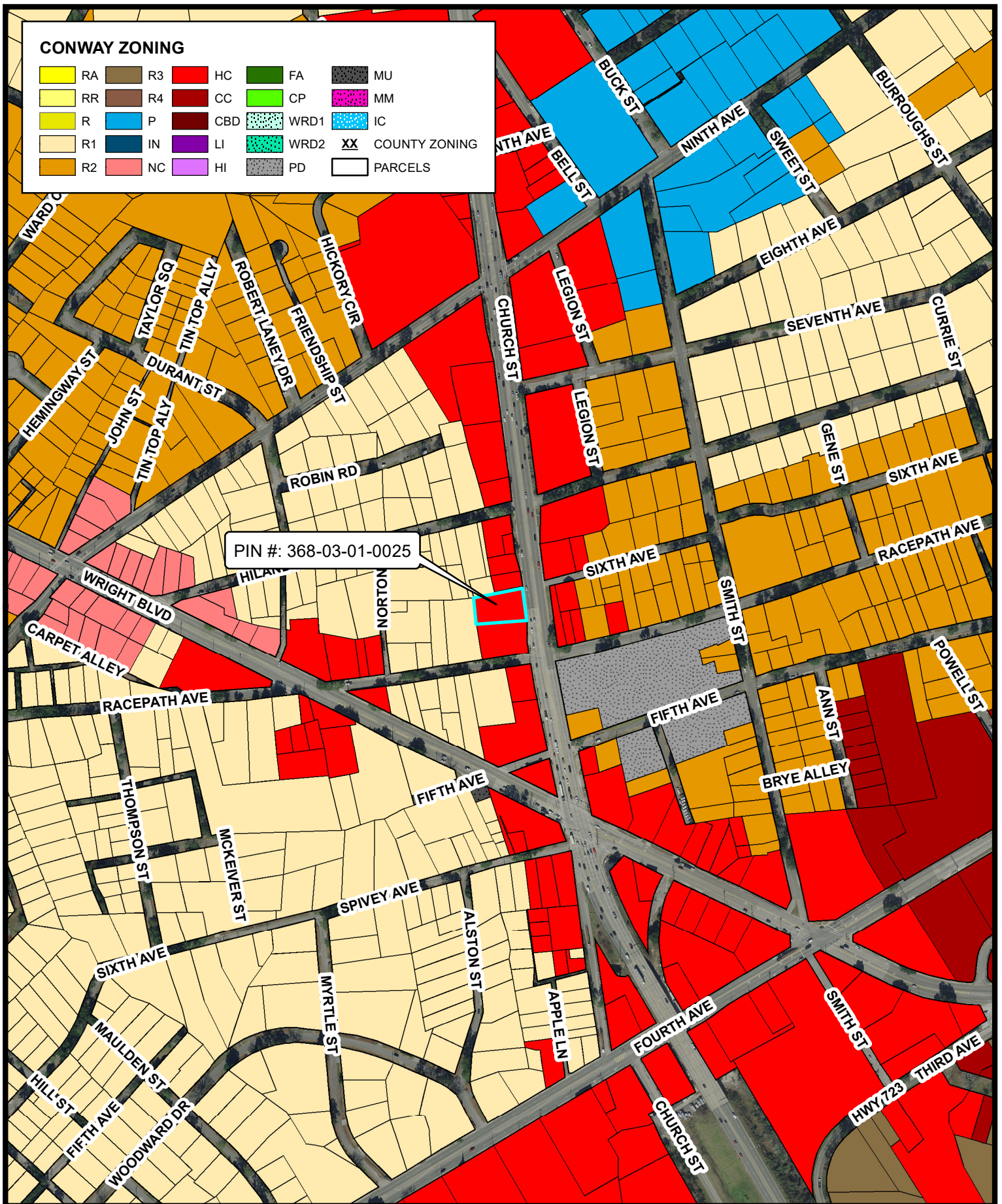


Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.



PIN #: 368-03-01-0025
TMS #: 137-01-08-011
603 CHURCH ST





DATE: February 22, 2024

AGENDA ITEM: IV.B

ISSUE:

RDC Conway LLC (Mr. Michael Ziegler), 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 2197, 2199 & 2201 Church Street. (PIN 338-09-02-0011, -0010, -0009, -0008, 0007 & -0014)

BACKGROUND:

The above parcels were purchased by Mr. Michael Ziegler and annexed into the City of Conway for development on August 21, 2023. The front part of the parcels are zoned Highway Commercial (HC) and are located within the Gateway Corridor Overlay (GCO). The rear of the parcels are zoned Conservation Preservation per text amendment approve by City Council in early 2023.

Just for your information, **Section 6.1.14 Split Zoning of Parcels** states:

- A. In general, split-zoning of parcels shall not be permitted. The following exceptions apply:
1. Annexation and/or Rezoning of Property:
 - a. Parcels seeking annexation – if the Future Land Use Map for the City of Conway, per the latest Comprehensive Plan, identifies the property, or a portion of, as being zoned Conservation Preservation (CP), the Planning Commission may recommend to City Council that such property, or portion of, identified as CP on the Future Land Use Map, be zoned as such if such areas of property contains environmentally sensitive areas, such as wetlands or flood zones (as identified on the most current adopted FIRM maps).

The applicant's engineer submitted a full submittal on 10.19.23 and received comments back from the Technical Review Committee (TRC). One of these comments included submitting a minor plat combining the parcels. Mr. Zeigler would like to keep each commercial business on its own parcel, so though a plat will be submitted reconfiguring the current lots, Mr. Zeigler is requesting variance on the side setback requirement for one of the two commercial lots.

Setbacks in the Highway Commercial (HC) zoning district are 30-ft Front, 20-ft Rear and 15-ft Sides.

The applicant is requesting the following variance:

- **Table 6.2 – Non-Residential Zoning Districts**

The applicant requests a variance of 10-ft from the 15-ft northwest side property line of Parcel #2 only allowing the one side of Parcel #2 to meet a 5-ft side setback instead of a 15-ft side setback.

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.



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
www.cityofconway.com

Pin#: 1224601001, 1224601002, 1224501003, 1224501004, 1224501005, 1220005015	Zoning District: HC - Highway Commercial	Meeting Date: Feb 22, 2024
Property Address: 2197 SC Hwy 501		
Property Owner: RDC Conway, LLC		Daytime phone: (703) 662-1192
Agent: Michael P. Ziegler		Daytime phone: (703) 662-1192
Agent's E-Mail Address: mike.ziegler@eagledevgroup.com		
Number of Variances Requested: 1		

Requested Action:

- ☒ I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **To my knowledge there are no Deed Restrictions on this property that would prohibit or conflict with my variance request. 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:

This variance request is for the proposed commercial development located at 2197 SC Hwy 501. The proposed development includes two fast casual dining restaurants with associated drive-thrus. While both restaurants will be developed by RDC Conway, LLC, the properties will remain two separate lots to allow each structure to remain on its own parcel. In addition to the UDO's building setbacks, the project must meet the UDO's buffer yard requirements of 5' width (Section 9.2.2, Table 9.1). Due to the configuration of the drive-thru lanes, in order to meet the buffer yard requirements, the shared property line is shifted closer to the Parcel #2 building resulting in a reduced building setback. While we need the variance to meet the UDO, 15' will be provided from the Parcel #2 building to the Parcel #1 curb line and a full 10' of landscape buffer (5' each side of shared property line) will be provided.

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

UDO Section and Requirement:	Proposed Instead:
1. UDO Section 6.3, Table 6.2 - A 15' side setback is required	Utilize 5' setback on the proposed 2,269 square foot building (Parcel #2) only applying to the proposed northwest property line that is shared with another proposed fast food restaurant by the same developer.
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:

Due to the limited width of the property, we are not able to meet both the building setback and landscape buffer requirements.

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

Due to the limited width, the site is negatively impacted by the 15' building setback requirement.

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

The strict application of the zoning ordinance would prevent the construction of the two restaurants as designed, meeting the operators needs.

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

Granting of the variance will not harm adjacent property, the character of the area or the public good. The developer requesting the variance owns the adjacent parcel next to the reduced setback. The full landscape buffer will be provided between the properties ensuring the character of the area is maintained.

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

Due to the limited width, sewer easements running through the property and the large portion of the property to be reserved for environmental protection, the build-able area is decreased.

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)

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 of the City of Conway are to remain in place until retrieved.

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

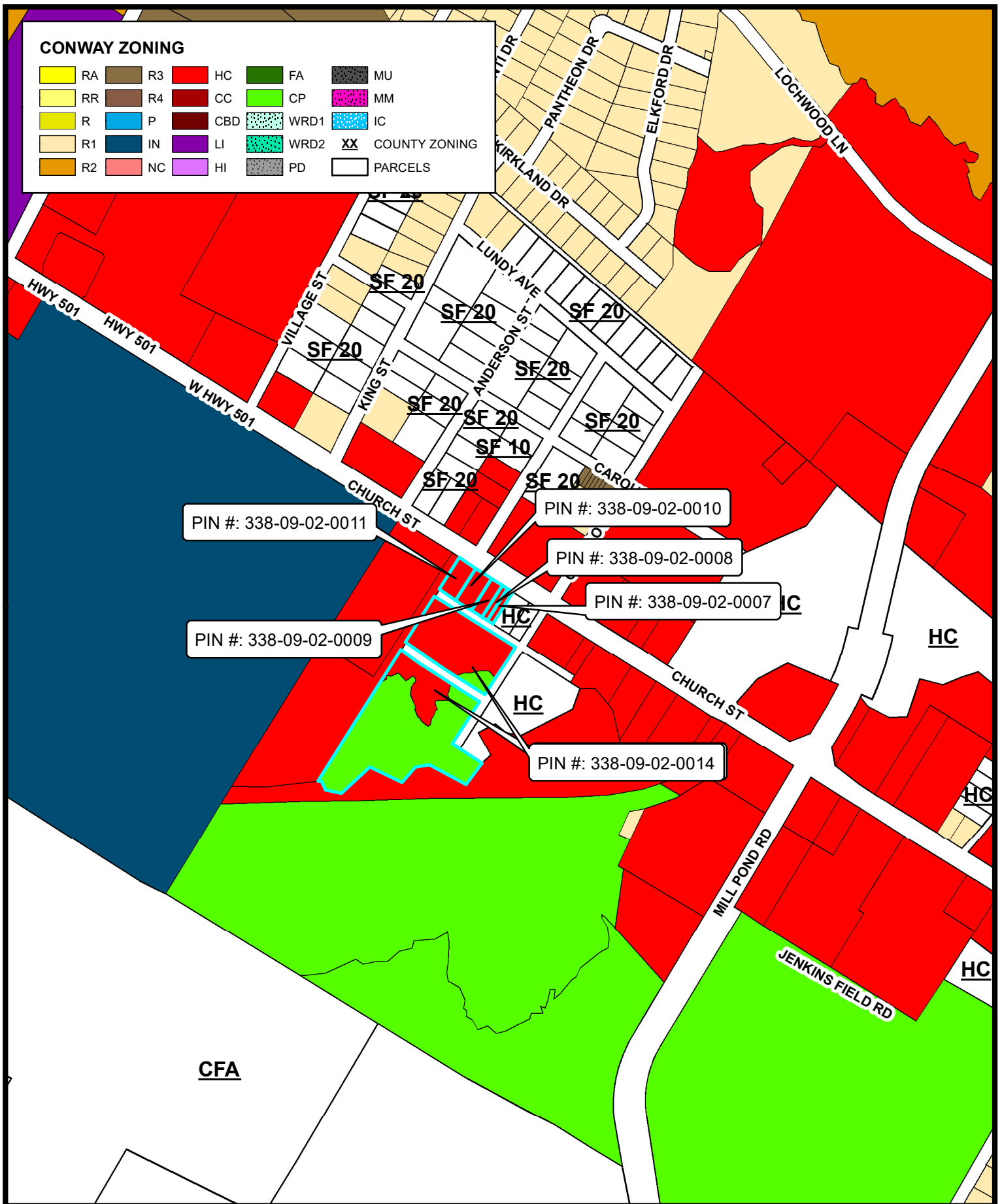
Applicant's Signature: _____

Date: 1/22/24

Print name legibly: _____

Michael Fiegler Sr. for RDC Conway, LLC





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