

MAYOR
Barbara Jo Blain

MAYOR PRO TEM
Larry A. White



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

PLANNING & DEVELOPMENT

BOARD OF ZONING APPEALS MEETING THURSDAY, MARCH 28, 2024 | 5:30 P.M. PLANNING & DEVELOPMENT DEPARTMENT 196 LAUREL STREET (*SIDE ENTRANCE*)

- I. CALL TO ORDER
- II. APPROVAL OF FEBRUARY 22, 2024 MINUTES
- III. CRITERIA
- IV. PUBLIC HEARINGS - VARIANCE REQUESTS

- A. Andrew Welch, Mr. Fence It, agent for property owner, requests 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 **3412 Longwood Lane**. (PIN 368-16-04-0039)
- B. The Rock, Conway's Community Church, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 8.2.12- Parking Requirements for Specific Uses*, for the property located at **1408 Mill Pond Road**. (PIN 338-10-01-0010)
- C. Oscar Anderson, property owner, requests 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 **1001 Cadbury Court**. (PIN 369-11-03-0050)

- V. ADJOURN

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, FEBRUARY 22, 2024
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET**

Present: Paul Lawson, Blake Hendrick, Sandra James, Catherine Dingle
Absent: Lesley Hill, Jay Sellers
Staff: Kym Wilkerson, Zoning Administrator; Anne Bessant, Planning Assistant; Charlie Crosby, IT
Others: Tracy Williams, Pansy Williams, Mike Ziegler, George Ulrich, Fred Faconbury, Kimberly Dewitt

I. CALL TO ORDER

Chairman Lawson called the meeting to order at approximately 5:50 p.m.

II. APPROVAL OF MINUTES

Dingle made a motion, seconded by Lawson to approve the January 25, 2024 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. 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)

Wilkerson stated that 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.

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.

Tracy Williams, owner, was present and further explained the request.

There was no public input.

Lawson made a motion to grant the variance as requested for the parking requirements. Hendrick seconded the motion and the motion carried unanimously.

Lawson made a motion to grant the variances as requested for the landscape buffer requirements. James seconded the motion and the motion carried unanimously.

Lawson made a motion to grant the variance as requested for the access management requirements. James seconded the motion and the motion carried unanimously.

- 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)

Wilkerson stated 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.

For informational purposes, **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).

2/22/24

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.

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.

Mike Ziegler, owner, was present and further explained the request.

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. 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 6:22p.m.

Approved and signed this _____ day of _____, 2024.

Paul Lawson, Chairman

MARCH 28, 2024

VARIANCE

REQUESTS

ISSUE:

Andrew Welch, Mr. Fence It, agent for property owner, requests 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 **3412 Longwood Lane**. (PIN 368-16-04-0039)

BACKGROUND:

The property owner hired the applicant to apply for a fence permit to remove an existing 6-foot wooden fence and install a 6-foot white vinyl fence at 3412 Longwood Lane. The rear of the applicant's house is adjacent to Highway 701 South 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."*

Due to the road widening project along Highway 701 South, SCDOT is requiring the homeowner to remove the existing 6-foot wooden fence. The existing fence is considered **"Legal Non-Conforming"** and a change to the fence would require the regulations of **Section 5.2.3-Fences & Walls** of the UDO be met which would only allow for a 4-foot fence in the Double Front Yard.

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

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 two (2) feet to allow a six (6) foot fence in the double Front Yard (adjacent to Highway 701 South).

Variance: 3412 Longwood Lane

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.

Legend



PARCELS

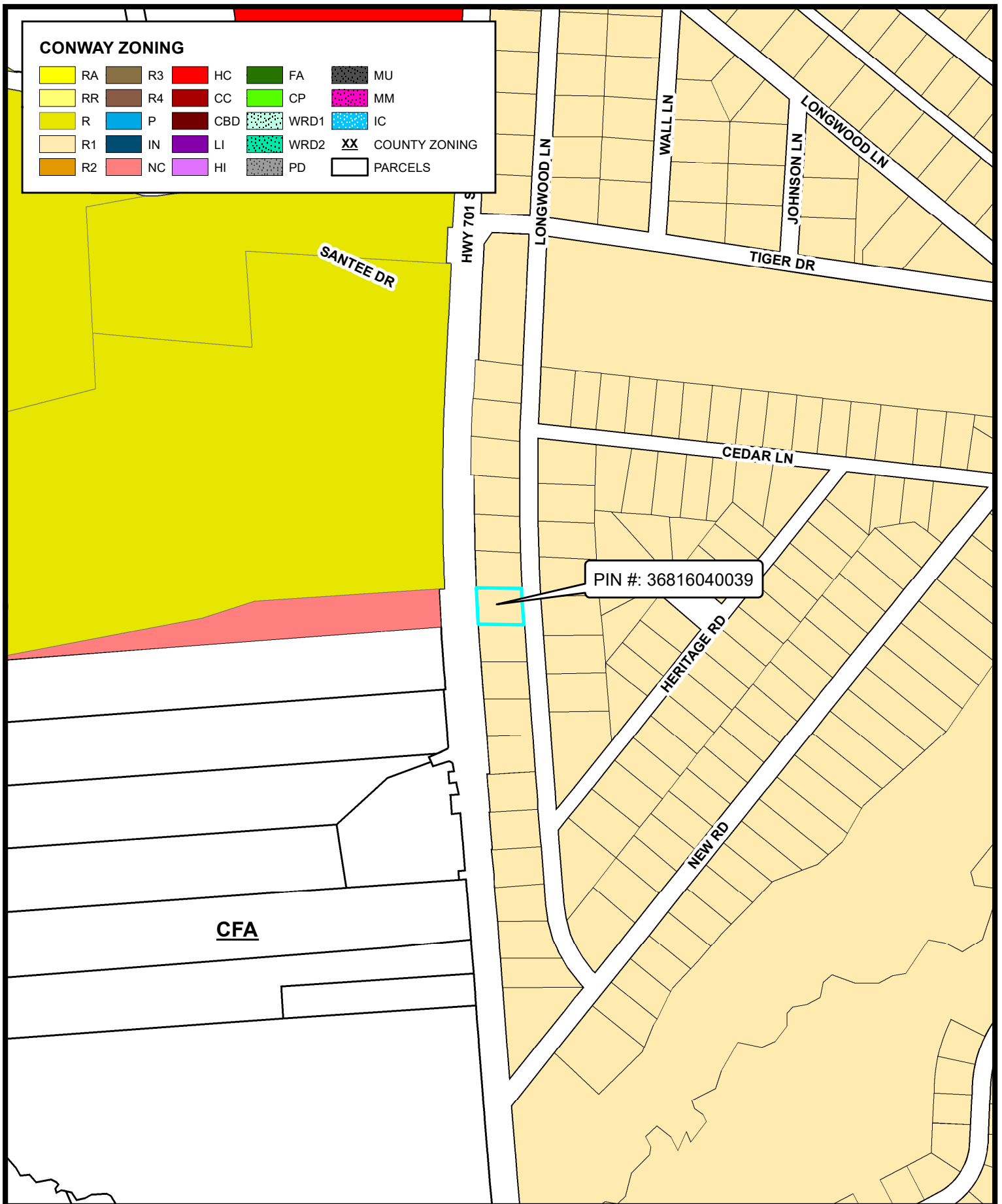


Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.



PIN #: 36816040039
TMS #: 1361602007
3412 LONGWOOD LANE







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#: 136-16-02-007	Zoning District:	Meeting Date: 3/28/2024
Property Address: 3412 Longwood Land		
Property Owner: Gwendolyn Sarvis		Daytime phone: 843-344-3523
Agent: Mr. Fence It, Inc.- Andrew Welch		Daytime phone: 843-344-3523
Agent's E-Mail Address: Mrfenceitordering@gmail.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:

Due to the construction on 70th, the homeowner is required to remove the existing 6' wood privacy fence on her back property line. The homeowner wishes to install 6' vinyl privacy fencing 12' off the property line in accordance with the city's requirement due to the construction.

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

UDO Section and Requirement:	Proposed Instead:
1. Fencing along road frontage cannot exceed 4' height	6' fencing on backyard frontage (like existing fencing)
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:

The back property line is adjacent to highway 707 where construction has required the homeowner to remove existing fence and replace. She is asking to replace with commensurate fencing.

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

No. It affects several properties along highway 707.

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

Changing from 6' to 4' fencing will deteriorate the privacy in the backyard significantly and not be sufficient for animals housed on the property.

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

It will not harm adjacent property

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

Yes. This request has nothing to do with profitability. It is for safety.

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 and are to remain in place until retrieved.

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

Applicant's Signature: _____

Andrew G. Welch

Date: _____

2/14/24

Print name legibly: _____



PLANNING DEPARTMENT

196 LAUREL STREET

CONWAY, SOUTH CAROLINA 29526

843-488-9888

WWW.CITYOFCONWAY.COM

DESIGNATION OF AGENT

(If the Property Owner Wishes To Appoint an Agent to Represent Him or Herself)

Agents Name: Mr. Fence It, Inc. by Andrew Welch (Owner, CEO)
Address: 3412 Longwood Ln, Conway, SC 29527
Telephone: 843-344-0350 Email: mr.fenceitordering@gmail.com
843-344-3523 opt 3

I hereby appoint the person(s) listed above as agent to act on my behalf for the purpose of filing such application for a variance/rezoning request as he/she shall deem necessary and proper.

X GWENDOLYN SARVIS
PROPERTY OWNER(S) NAME (PRINT)

X Gwendolyn Sarvis
PROPERTY OWNER SIGNATURE

02/15/2024
DATE

Mr Fence It, Inc.
301 Sea Turtle Dr.
Myrtle Beach, SC 29578



Residential Permit Application

Accessory Structure ~ Fence ~ Swimming Pool

Staff Use Only

Received: _____

Staff: _____

Inspected: _____

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

Phone: (843) 488-9888

www.cityofconway.com

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

APPLICANT: Mr. Fence It, Inc. Gwendolyn Sarvis	PIN#: 136-16-02-007	
APPLICANT ADDRESS: 3412 Longwood Lane	CITY, STATE & ZIP: Conway, SC 29527	
EMAIL ADDRESS: Mrfenceitordering@gmail.co	PHONE: 843-344-3523	
PROPERTY OWNER (IF DIFFERENT FROM APPLICANT) AND ADDRESS:		
CITY: Conway	STATE: SC	ZIP: 29526

TYPE OF STRUCTURE:

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

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

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

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

**WAIVER AND DISCLAIMER
CONSTRUCTION IN EASEMENTS**

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

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

AFFIDAVIT – Structure setbacks / offset:

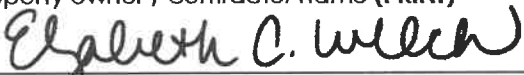
 As the owner / contractor of the property located at: 3412 Longwood Lane

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

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

Elizabeth Welch

Property owner / contractor name (PRINT)



Property owner / contractor signature

843-344-3523

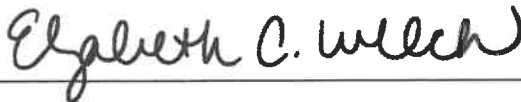
Phone Number

1/23/24

Date

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

Signature of Applicant:



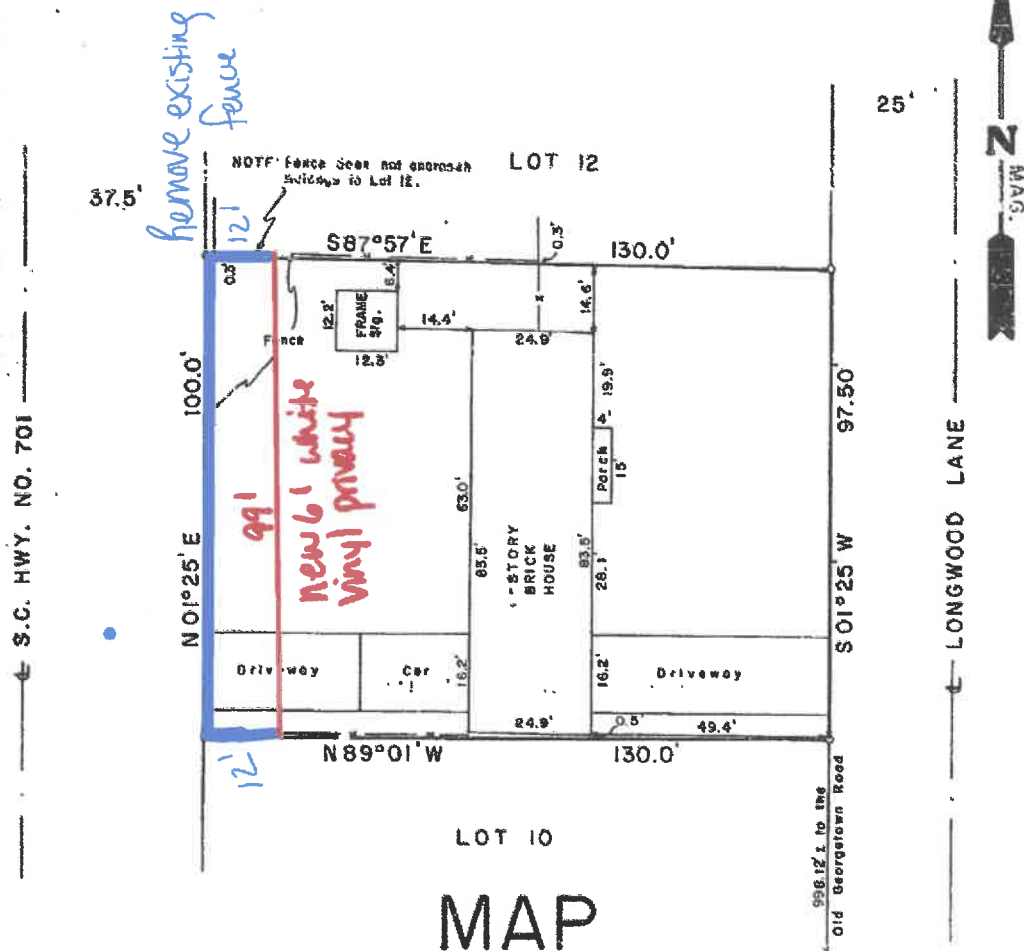
Date 1/23/24

Printed Name:

Elizabeth Welch

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

NOTE: THIS LOT IS IN FLOOD ZONE C.
IRONS AT ALL CORNERS.





ISSUE:

The Rock, Conway's Community Church, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 8.2.12- Parking Requirements for Specific Uses*, for the property located at **1408 Mill Pond Road**. (PIN 338-10-01-0010)

BACKGROUND:

The Rock Church is seeking to expand the parking lot on their existing parcel. This would be a paved parking lot with curb and gutter as well as the required landscape islands and required landscape buffers.

There are Flood Zones located on the property; however, there are no restrictions for this "type of use" within a Flood Zone at this time.

Per **Article 8** of the UDO:

8.2.12 Parking Requirements for Specific Uses

Off-street vehicle parking areas shall be provided for every use here after established. The following table sets forth the use classifications and the minimum number of spaces required for each classification.

Table 8.3: Parking Requirements

Type of Use	Minimum Parking Required	Maximum Parking Allowed
Public – Institutional Uses		
Religious Institutions	1 space per 6 seats in main assembly area	1 space per 3 seats in main assembly area

Per the applicant, the Main Auditorium seats 550 people.

Minimum Parking Required	Maximum Parking Allowed
1 space per 6 seats in main assembly area	1 space per 3 seats in main assembly area
92 parks minimum	183 parks maximum

The Church also has three (3) smaller auditoriums for overflow seating and a kid's environment. There are currently 111 paved parking spaces on site and the Church is requesting an additional 141 paved parking spaces bringing the total paved parking spaces to 252.

Variances requested (*per site plan*):

Table 8.3: Parking Requirements

- A variance to allow 69 parking spaces above the maximum parking allowed per the UDO for a Religious Institution with 550 seats in the Main Auditorium.

Variance: 1408 Millpond Road

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.

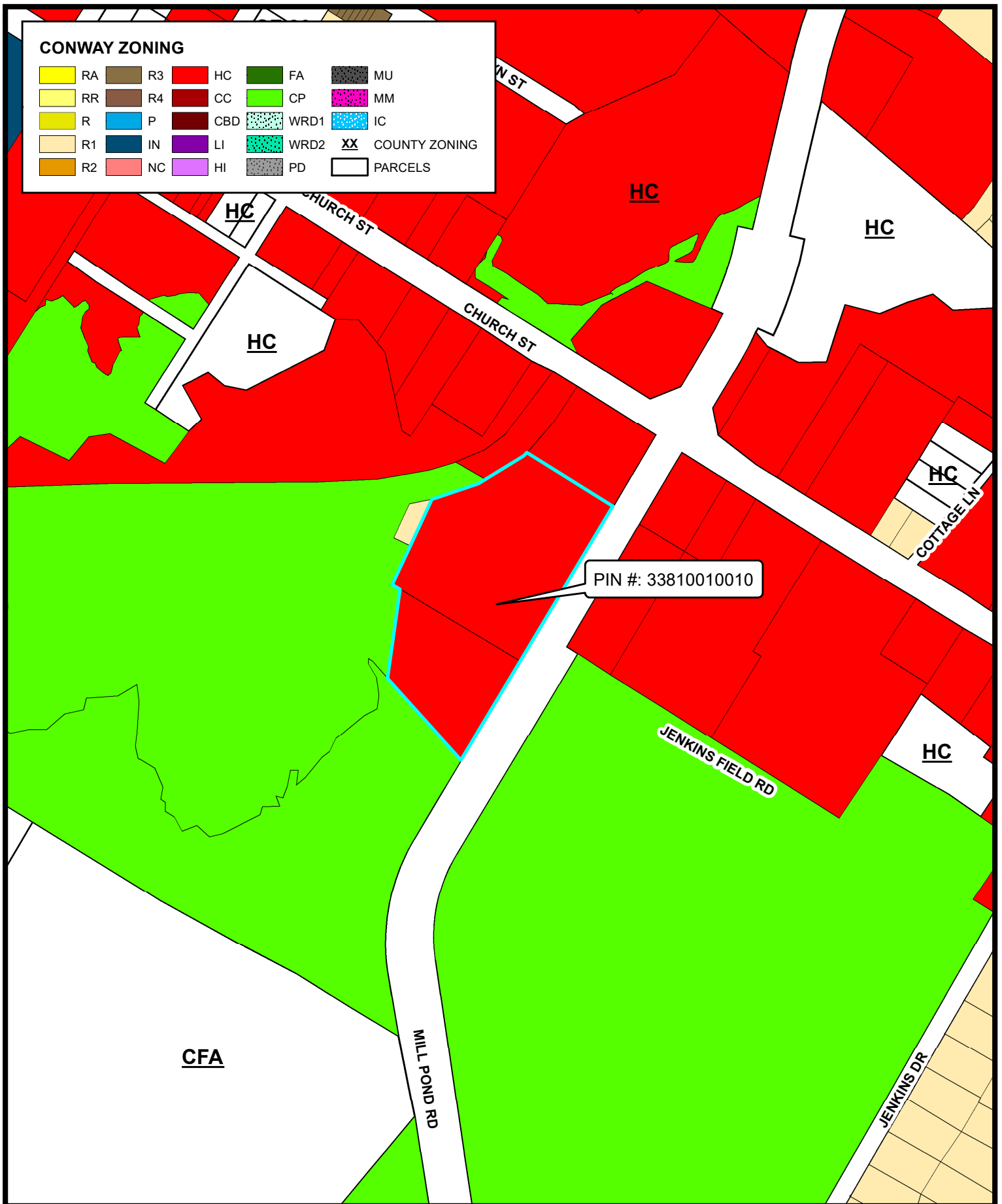
Legend

PARCELS



PIN #: 33810010010







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#: 33810010010	Zoning District: HC	Meeting Date: March 28th, 2024
Property Address: 1408 Mill Pond Rd Conway, SC		
Property Owner: The Rock, Conway's Community Church		Daytime phone: 843-421-1448
Agent: Timmy Tyner		Daytime phone: 843-488-1195
Agent's E-Mail Address: timmy@rockc3.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:

We are seeking to expand our parking lot. Our Auditorium alone seats 550 people. Which does not account for the three other smaller auditoriums that we use for overflow and kids environments. We currently have 111 paved parking spaces on our property and we are requesting to add an additional 141 spaces. Our total attendance at our largest service in January was 720 people.

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

UDO Section and Requirement:	Proposed Instead:
1. Section 8.2.12- Max of 1 space per 6 seats in main assembly and min of 1 space per 3 seats in main assembly	We are requesting that the total attendance to be considered for the ratio vs. just Main auditorium.
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:

We are a church, not a business or retail establishment. Currently growing to the point that we hold multiple services back to back on Sunday mornings, each service also being fully staffed, and flowing in and out of the current parking lot simultaneously leading to overcrowding to the point that people are already parking in the area in which we are trying to obtain the variance to build the new lot.

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

The conditions are particular to our property in that we are filling our parking lot, and our building to capacity, then emptying it, then re-filling it, multiple times simultaneously and in a condensed time frame, as opposed to a retail establishment in which individual customers/vehicles are entering up and exiting the property on their own and randomly scattered over extended periods of time.

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

While there are other activities, meetings and events happening at the church throughout the week, we emphasize that the focal point of church is Sunday worship

and our goal is to reach as many people as possible and get them to church on Sunday and anything that makes it dangerous (such as running across Mill Pond Rd), more difficult or just less convenient discourages people from attending.

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

It would do no harm to adjacent vacant property and would improve the character of the area as it would be a well laid out, paved area as opposed to a grassy, muddy field.

Anything that aids a vibrant, growing church also benefits the public good rather than harming it.

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

It this request was denied, it limits the growth of our congregation as well as places them in harm by not having a safe

place to park.

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 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: _____

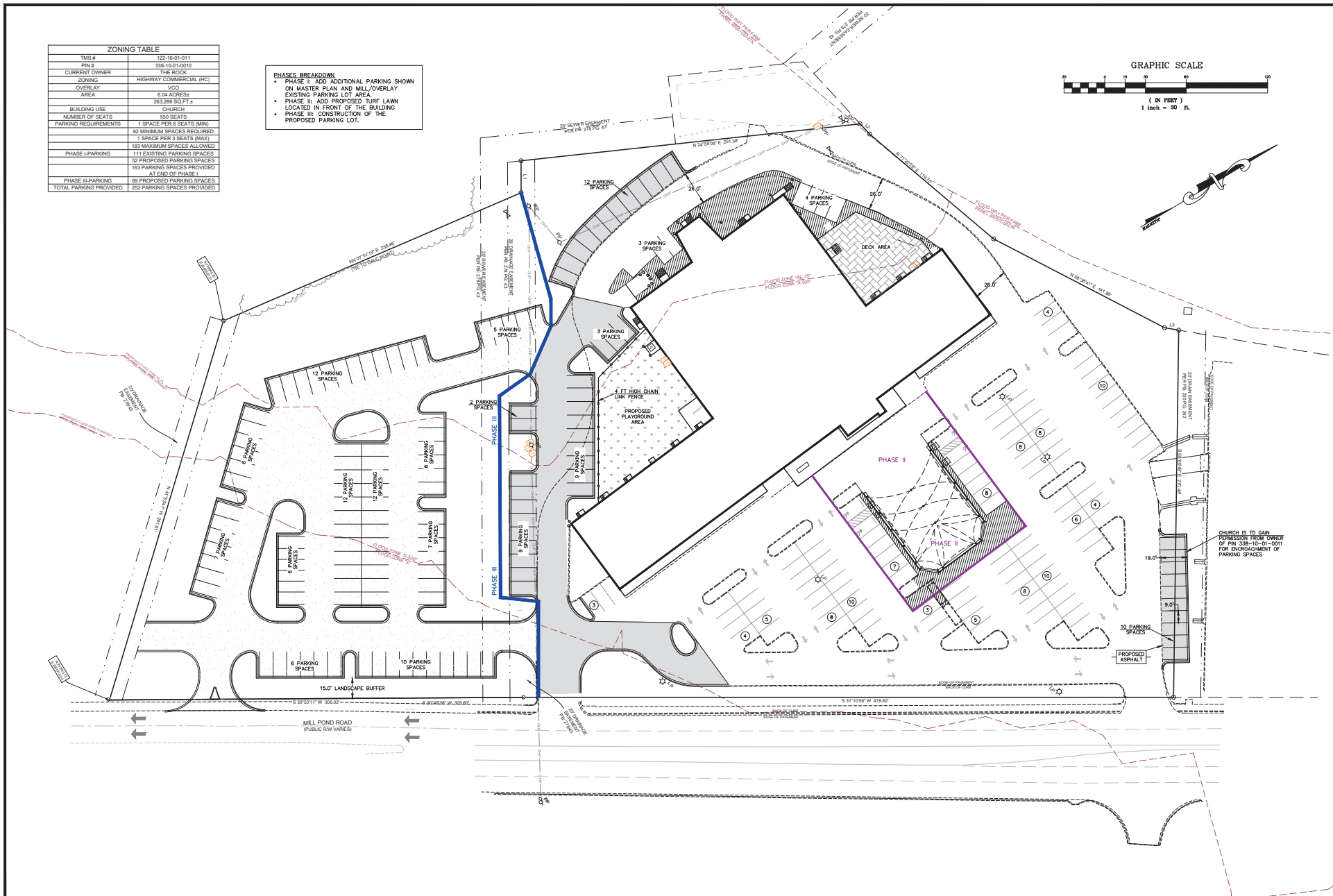
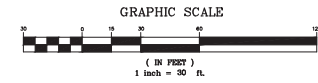
Date: 2-22-2024

Print name legibly: _____

Timothy Tyner

ZONING TABLE	
TMS #	122-16-01-011
PN #	338-10-01-0010
CURRENT OWNER	THE ROCK
ZONING	HIGHWAY COMMERCIAL (HC)
OVERLAY	VCO
AREA	6.06 ACRES ±
	263,286 SQ FT ±
BUILDING USE	CHURCH
NUMBER OF SEATS	500 SEATS
PARKING REQUIREMENTS	1 SPACE PER 6 SEATS (MIN)
	82 MINIMUM SPACES REQUIRED
	1 SPACE PER 3 SEATS (MAX)
	163 MAXIMUM SPACES ALLOWED
PHASE I PARKING	111 EXISTING PARKING SPACES
	52 PROPOSED PARKING SPACES
	163 PARKING SPACES PROVIDED
PHASE II PARKING	AT END OF PHASE I
	89 PROPOSED PARKING SPACES
TOTAL PARKING PROVIDED	252 PARKING SPACES PROVIDED

- PHASES BREAKDOWN**
- PHASE I: ADD ADDITIONAL PARKING SHOWN ON MASTER PLAN AND MILL/OVERLAY EXISTING PARKING LOT AREA.
 - PHASE II: ADD PROPOSED TURF LAWN LOCATED IN FRONT OF THE BUILDING
 - PHASE III: CONSTRUCTION OF THE PROPOSED PARKING LOT.



DN ENGINEERING INC.

4664 DOCK ROAD

CONWAY, SC 29526

PHONE: 843-365-0187

EMAIL: DNORRIS@DNENGINEERING.COM

MASTER SITE PLAN

THE ROCK CONWAYS COMMUNITY CHURCH

PARKING EXPANSION/IMPROVEMENTS

ADDRESS: 1408 MILL POND RD, CONWAY, SC 29526

PREPARED FOR: THE ROCK CHURCH

SCALE: SEE PLAN

JOB NO. ROCK.DWG

DESIGNED BY: M.NORRIS

DRAWN BY: M.NORRIS

CHECKED BY: D.NORRIS

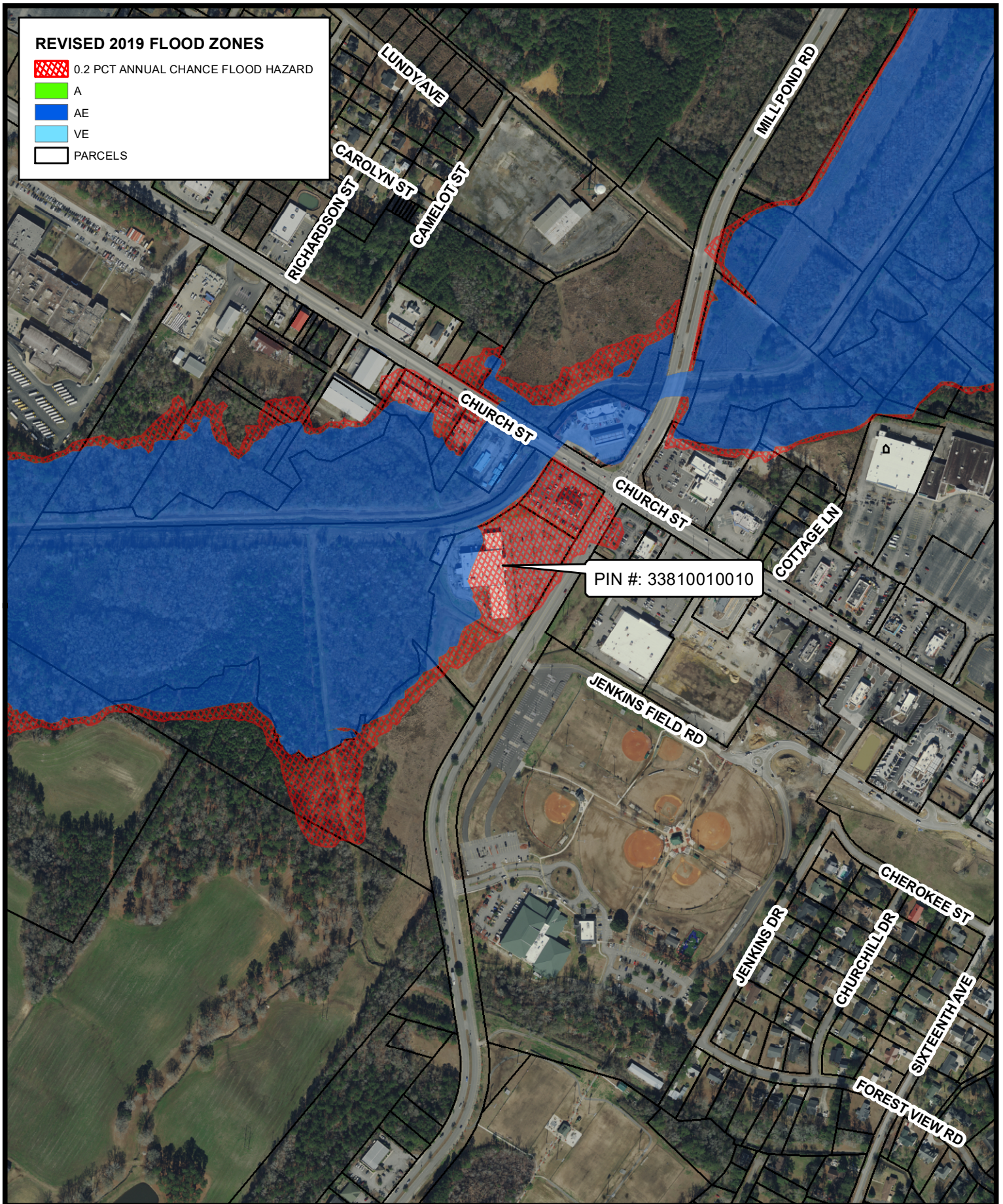
DATE: FEB. 26, 2024

REVISION:

SHEET NUMBER:

C1

1 of 1





The Rock Church



ISSUE:

Oscar Anderson, property owner, requests 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 **1001 Cadbury Court**. (PIN 369-11-03-0050)

BACKGROUND:

The applicants hired a contractor to apply for a fence permit to remove an existing 6-foot wooden fence and install a 6-foot white vinyl fence at 1001 Cadbury Court. The rear of the applicant's house is adjacent to Cates Bay Highway 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."*

The existing 6-foot wooden fence is in disrepair, so the applicants are seeking to replace it with a 6-foot white vinyl fence. The existing fence is considered ***"Legal Non-Conforming"*** and a change to the fence would require the regulations of **Section 5.2.3-Fences & Walls** of the UDO be met which would only allow for a 4-foot fence in the Double Front Yard.

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

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 two (2) feet to allow a six (6) foot fence in the double Front Yard (adjacent to Cates Bay Highway).

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

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

CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO) & ANALYSIS

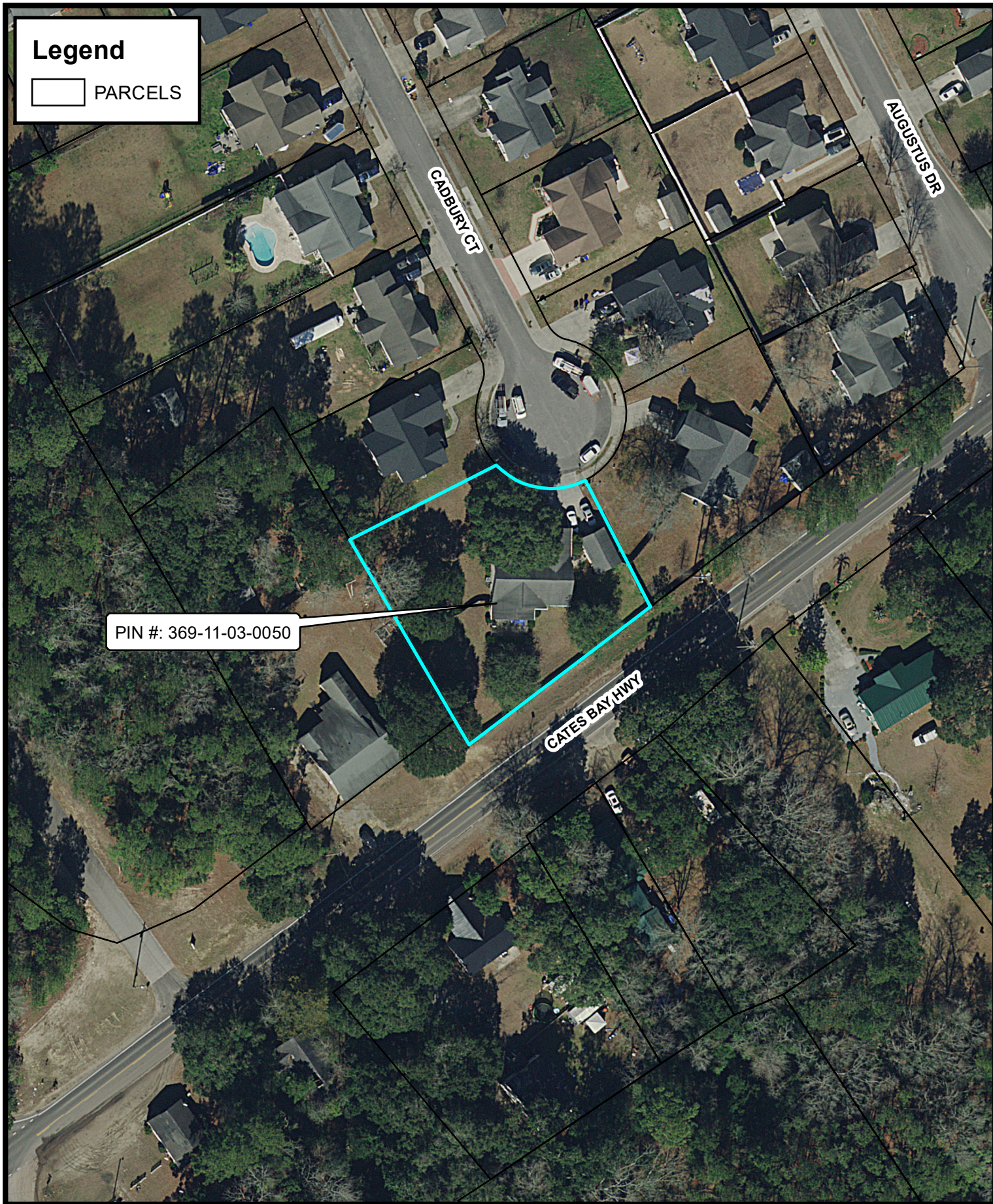
In *Section 14.2.1* of the *UDO*, the duties and powers of the Board of Zoning Appeals reflect *Section 6-29-800* of the South Carolina Code of Laws.

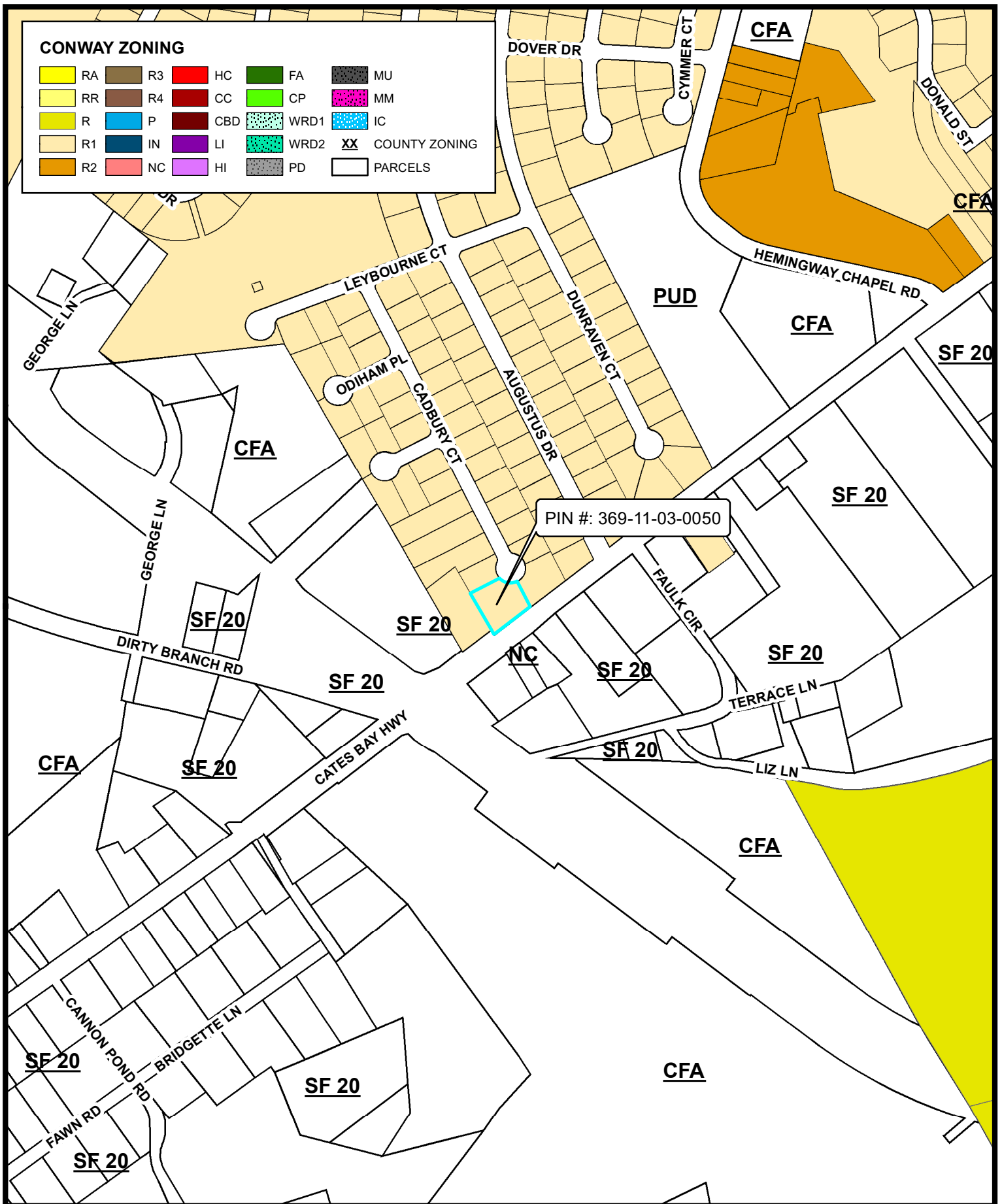
According to *Section 14.1035*, the Board of Zoning Appeals duties are “to hear and decide appeals for variances in specific cases when a strict application of the zoning ordinance would cause an unnecessary hardship, and approval of such variance would not be contrary to public interest or undermine 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.







843-357-6491

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#: 36911030050	Zoning District: R1	Meeting Date: March 28, 2024
Property Address: 1001 Cadbury Court		
Property Owner: Oscar Anderson		Daytime phone: 843-248-1760
Agent: Oscar Anderson, Owner		Daytime phone:
Agent's E-Mail Address: bca360@gmail.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:

Oscar Anderson, owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Table 5.2.3- Fences & Walls, for the property located at 1001 Cadbury Ct. (PIN 36911030050) Anderson stated that the applicant applied for a fence permit to be installed at 1001 Cadbury Court. He is requesting to install a 6-ft privacy fence behind his home. Upon review, it was determined that the parcel had double frontage between Cadbury Court and Cates Bay Highway. Per Section 5.2.3- Fence & Walls of the UDO, front yards have a 4-ft maximum height requirement. The applicant is seeking variance from: Section 5.2.3 (A)- Fences & Walls. The applicant requests 2-ft variance on the height of the fence of the fence allowed in the double front yard in order to install a 6-ft privacy fence to the rear of him home.

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

UDO Section and Requirement:	Proposed Instead:
1. 5.2.3 - Fences and Walls	Install 6' White Vinyl Privacy Fence
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:

The extraordinary condition pertaining to my particular piece of property is a double front yard.

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

The condition is not particular to my piece of property but this is not a normal situation.

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 unreasonably restricts the use of my property because I am not able to have a 6ft-fence in my double front yard since there is a main highway behind my house.

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

Granting the variance will not harm adjacent property, the character of the area or the public good.

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

This is a hardship due to the fact that we have a double frontage yard on a busy highway, due to rezoning.

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 and are to remain in place until retrieved.

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

✓ Applicant's Signature: _____

Date: 2-27-24

Print name legibly: Oscar Anderson

HOA - NO
Permit - YES

NIC



Oscar

ESTIMATE

1203

NAME: Bernice Anderson (WIFE) PHONE: 301-793-1876 DATE: 1/130/24

ADDRESS: 1001 Cadbury Ct Conway SC EMAIL: bca3160@gmail.com

HT: 6'

STYLE: White privacy

LINEAR FT: 324'

- ☐ To Follow Ground
☐ To Be Leveled
☐ 811

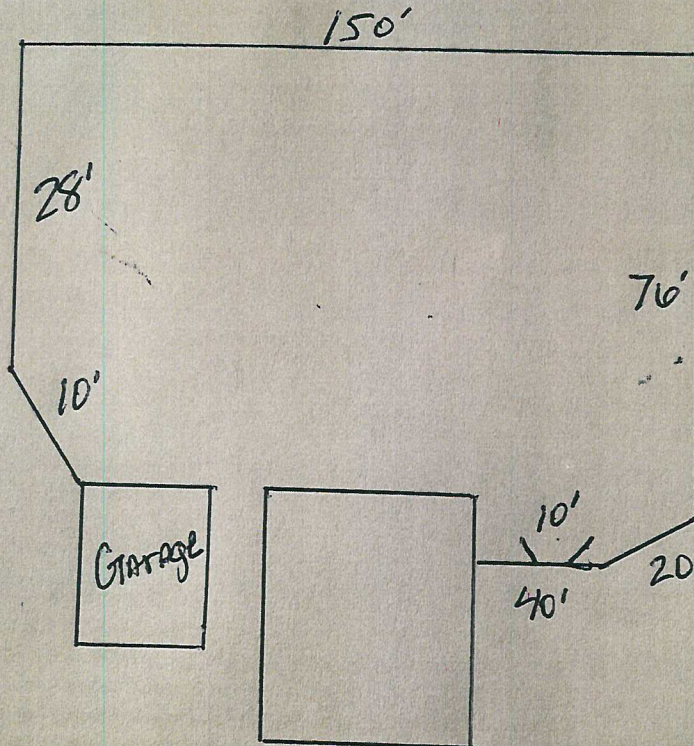
ADDITIONAL NOTES

Demo 324'

6' dog ear
wood privacy

PARTS WARRANTY

All parts recorded are warranted as per manufacturer specifications.



Item Qty

1- 10' double

2- Standard
Hinge

1- Standard
latch

- ☐ Credit Card
☐ Check

Total:

Deposit:

Tax:

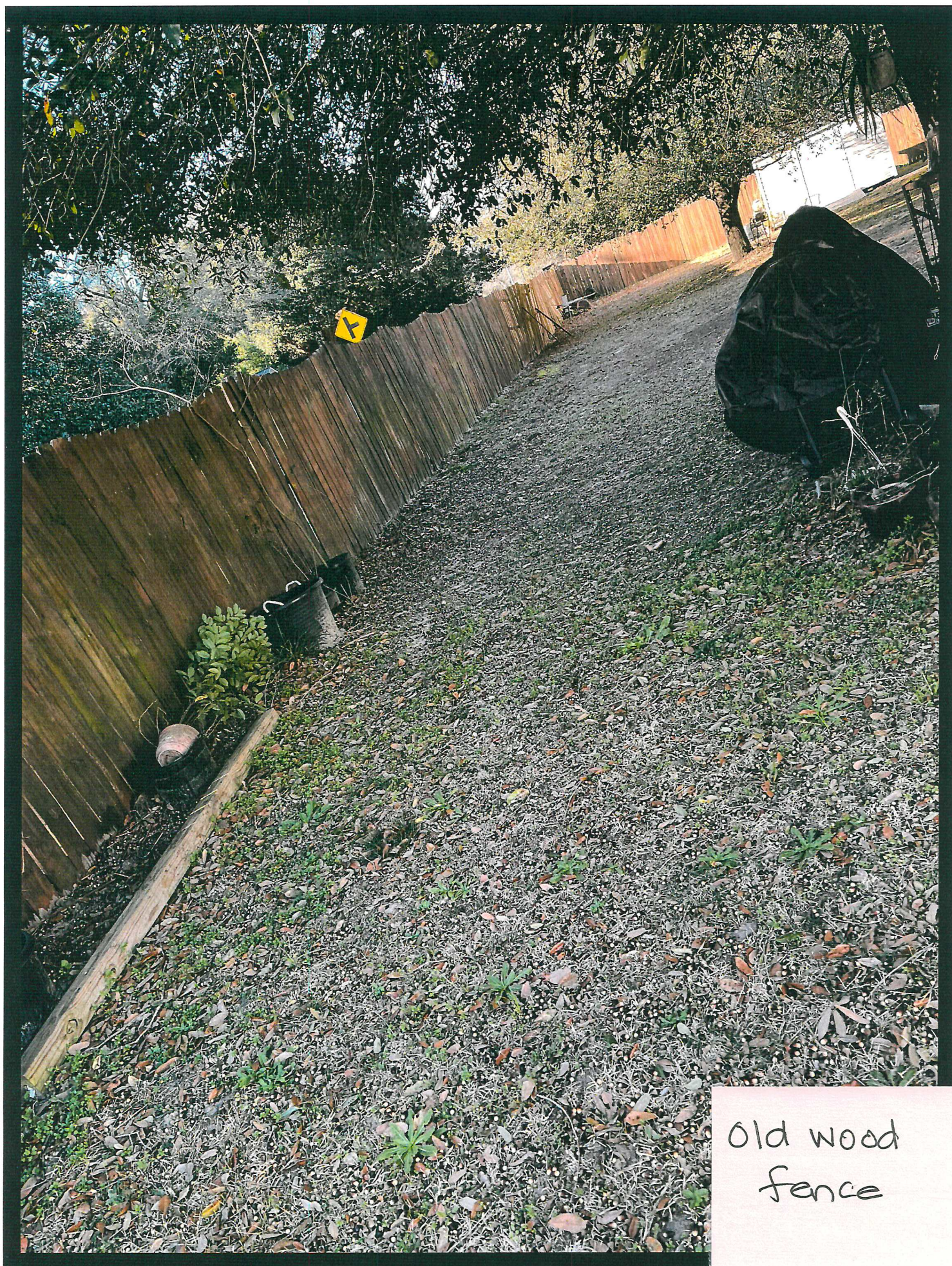
Balance:

I agree to pay the SELLER (above named company) BALANCE (total amount due) of this contract according to the terms specified and upon default thereof, to pay all costs of collection, including reasonable attorney's fee and court costs and waive all rights of exemption under the constitution and laws of this and any other state. The customer hereby assumes full responsibility for location of the line upon which said material is to be installed and agrees to hold the company and installer harmless from all claims arising from question of survey of said property or location of said lines, and from all claims of personal injury, property damage or trespass from or by means of the installation of said fence material.

All accounts over 30 days late are charged 1.5% interest per month with an annual rate of 18%.

HAVE THE AUTHORITY TO ORDER THE ABOVE WORK AND DO SO ORDER AS OUTLINED ABOVE. IT IS AGREED THAT THE SELLER WILL RETAIN TITLE TO ANY MATERIAL FURNISHED UNTIL FINAL AND COMPLETE PAYMENT IS MADE, AND IF SETTLEMENT IS NOT MADE AS AGREED, THE SELLER SHALL HAVE THE RIGHT TO REMOVE SAME AND THE SELLER WILL BE HELD HARMLESS FOR ANY DAMAGE RESULTING FROM THE REMOVAL THEREOF.





Old wood
fence



Old Wood
Fence



Replace with
6' White
Vinyl Privacy





1001 Cadbury Court

