

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

### **\*\*REVISED AGENDA\*\***

#### BOARD OF ZONING APPEALS MEETING

THURSDAY, APRIL 25, 2024 | 5:30 P.M.

#### PLANNING & DEVELOPMENT DEPARTMENT

196 LAUREL STREET (*SIDE ENTRANCE*)

- I. CALL TO ORDER
- II. APPROVAL OF MARCH 28, 2024 MINUTES
- III. CRITERIA
- IV. PUBLIC HEARINGS - VARIANCE REQUESTS

- A. Lori Posey, 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 **904 Oglethorpe Drive**. (PIN 336-05-02-0024)
- B. Edmilson Vicente, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 5.2.1 Accessory Structures*, for the property located at **1700 Horry Street**. (PIN 368-01-02-0043)
- C. A1 Signs, agent for the property owner, Palmetto Real Estate of Conway LLC, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Article 11-Signage*, for the property located at **1122 Fourth Avenue**. (368-04-02-0010).....**WITHDRAWN BY STAFF.**

- V. ADJOURN

**CITY OF CONWAY  
BOARD OF ZONING APPEALS MEETING  
THURSDAY, MARCH 28, 2024  
BUILDING & PLANNING DEPARTMENT  
196 LAUREL STREET**

Present: Paul Lawson, Catherine Dingle, Lesley Hill, Jay Sellers  
Absent: Blake Hendrick, Sandra James  
Staff: Kym Wilkerson, Zoning Administrator; Anne Bessant, Planning Assistant; Charlie Crosby, IT  
Others: Bernice Anderson, Oscar Anderson, Ryan Ammons, Timmy Tyner, Ola Wicks, Gwendolyn Sarvis, Gletha Brown, & others

**I. CALL TO ORDER**

Chairman Lawson called the meeting to order at approximately 5:32 p.m.

**II. APPROVAL OF MINUTES**

Dingle made a motion, seconded by Hill to approve the February 22, 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. 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)

Wilkerson stated that the he 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).

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.

Ryan Ammons, Mr. Fence It, agent, was present and further explained the request.

There was no public input.

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

- 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)

Wilkerson stated 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.

Per the applicant, the Main Auditorium seats 550 people.

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.

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.

Timmy Tyner, The Rock Church, was present and further explained the request.

There was no public input.

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

- 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)

Wilkerson stated 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).

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.

Oscar and Bernice Anderson, owners, were present and further explained the request.

There was no public input.

Lawson made a motion to grant the variance as requested. Hill 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 5:49p.m.

Approved and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Paul Lawson, Chairman

**ISSUE:**

Mike Higgins, agent for the property owner, Lori Posey, 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 **904 Oglethorpe Drive**. (PIN 336-05-02-0024)

**BACKGROUND:**

The applicant hired a contractor to apply for a fence permit to install a 6-foot vinyl fence at 904 Oglethorpe Drive. The rear of the applicant's house is adjacent to a "Public Alley" 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."*

Per **Section 5.2.3 – Fences & Walls** of the UDO, Front Yard Fences cannot be higher than four (4) feet, measured from the natural grade at which the fence occurs.

**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

**The applicant is seeking the following variance(s):**

**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 the Public Alley*) with the condition that the fence meets a two (2) foot setback from the property line along the "Public Alley".

Variance: 904 Oglethorpe Drive

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

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

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

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

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

1. **Extraordinary Conditions:** There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. **Other Property:** The extraordinary and exceptional conditions do not generally apply to other property in the vicinity.
3. **Utilization:** Because of the extraordinary or exceptional conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
4. **Detriment:** The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by granting a variance.

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### **RECOMMENDATION:**

Staff recommends that the BZA conduct a thorough review of the request and determine if a legal hardship exists and if the best interests of the City of Conway would be served by granting the request.





City of Conway  
Board of Zoning Appeals  
VARIANCE/APPEAL REQUEST

Staff Use Only

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

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

City of Conway Planning Department  
196 Laurel Street, 29526

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

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

Pin#:	Zoning District:	Meeting Date:
Property Address: <u>904 Oglethorpe Dr.</u>		
Property Owner: <u>Lori A. Posey</u>		Daytime phone: <u>304 488-5674</u>
Agent:		Daytime phone: <u>SAME</u>
Agent's E-Mail Address: <u>loriposey222@yahoo.com</u>		
Number of Variances Requested:		

**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 want to install a 6ft privacy fence containing the whole backyard to the property line within 2ft of alley. The developer of the development had planned to continue building & went bankrupt. The road behind our yard is strictly used to access 2 driveways past ours and deadends and 3 prior to ours.

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

UDO Section and Requirement:	Proposed Instead:
1.	6 ft. fence instead of Allowed 4 ft
2.	to allow a 2ft. setback instead of required 10ft.



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:

II Our property has 2 fronts which restricts me from the allowed 6ft fence to use the back yard

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

~~No~~ No, it affect several properties on this Alley.

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

yes, we have 2 dogs that need to be fenced. Because of Alley causing our property to have a double front

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

No, the fence would be 2ft off road onto our property to maintain visibility.

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

yes just want to use backyard.

**Application Requirements:**

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

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

I also acknowledge that once my property is posted, the signs can only be removed by an agent 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: 3/11/24

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: Mike Higgins

Address: 904 Oglethorpe Dr.

Telephone: 843-907-6149 Email: papaof4higgins@aol.com

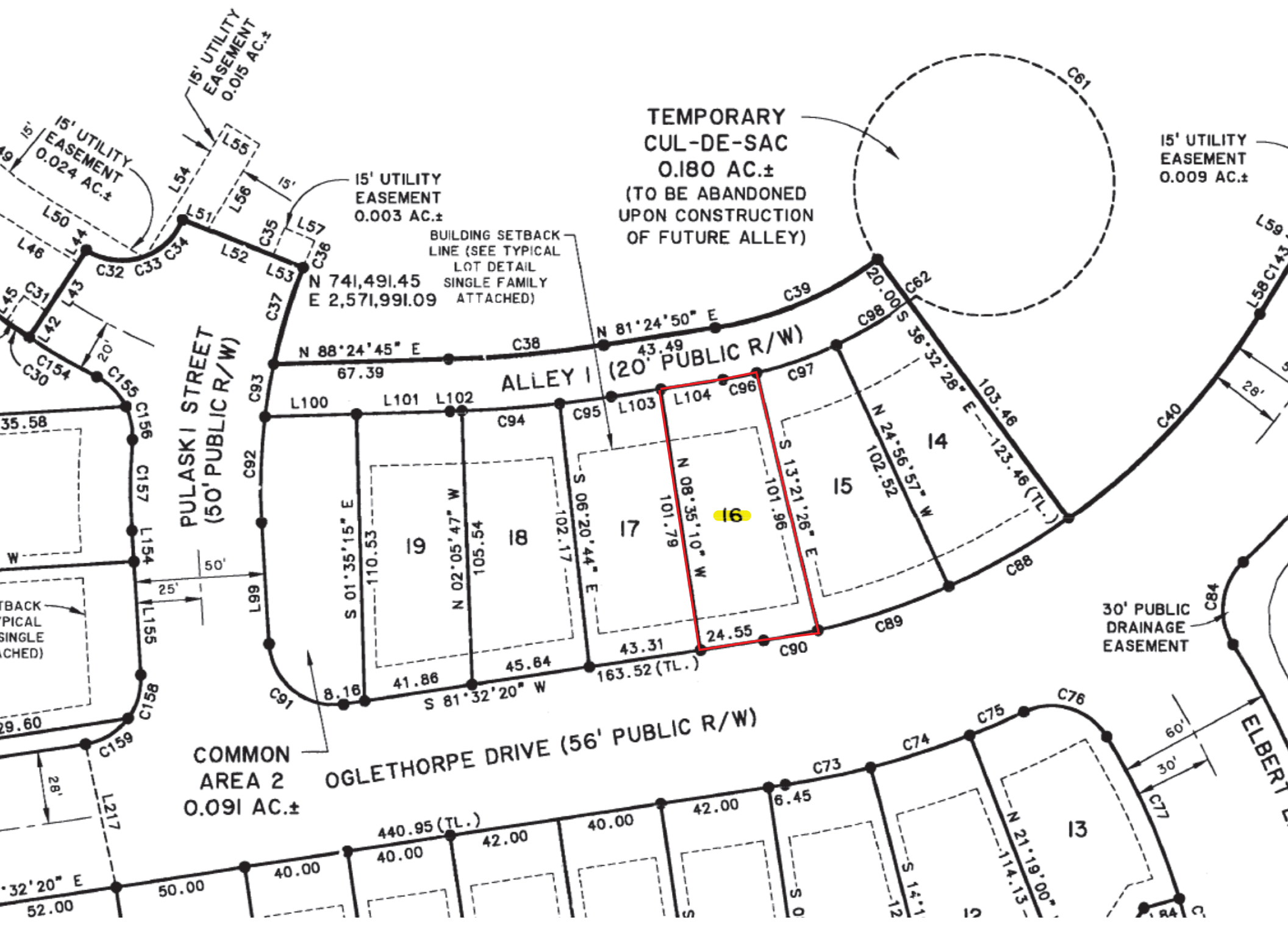
I hereby appoint the person(s) listed above as agent to act on my behalf for the purpose of filing such application for a variance/rezoning request as he/she shall deem necessary and proper.

Lori A. Posey  
PROPERTY OWNER(S) NAME (PRINT)

Lori A. Posey  
PROPERTY OWNER SIGNATURE

4/19/24  
DATE





Alley 1

46 54' Fence  
\* 2 3' gates

2 ft off Alley  
property line

Oglethorpe Dr.





provided such accessory structures are located a minimum of ten (10) feet from any property line.

3. Permanent playground and / or recreational structures shall meet the required setbacks of the zoning district for any yard, exempting children's playhouses on lots which contain single-family dwellings. *[Amended 10-15-18 ZA2018-10-15 (D)]*
4. Raised flooring/decking and physical barriers for Parklets shall be permitted per requirements set forth in Section 5.1.23.C. *[Amended 2-19-18 ZA2018-02-19 (E)]*
5. Garden structures are exempt from separation requirements with the approval of the Building Official and / or per applicable building code(s). *[Amended 10-15-18 ZA2018-10-15 (D)]*

## 5.2.2 Accessory Dwelling Units (ADUs)

See **Section 6.2.2 (G)**

## 5.2.3 Fences & Walls

A fence or wall, constructed of wood, vinyl, brick, stone, ornamental (iron / aluminum), chain link (where permitted) and other similar materials approved by the Zoning Administrator (or their designee), may project into or enclose required yards (but not over any boundary) in all zones providing that a maximum height, measured from the natural grade at which the fence or wall occurs, does not exceed the following:

*[Amended ZA2018-10-15 (E); ZA2020-09-21 (B); ZA2021-07-19(C)]*

### A. Commercial and Residential:

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

### B. Industrial Zoning Districts:

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

### C. Corner Lots: A fence or wall located on a corner lot may be up to six (6) feet in height provided it meets a mandatory ten (10) foot setback from the property line. Furthermore, fences and walls installed on corner lots must remain clear of all sight triangles, in accordance with Section 7.1.8. *[Amended 10-15-18 ZA2018-10-15 (E)]*

### D. Design: Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (i.e. one side has visible support framing and the other does not), then the more "finished" side of the fence shall face the perimeter or outside of the lot, rather than facing the interior of the lot. This design provision shall also be mandatory for fences and walls required for buffering and screening purposes. Decorative or ornamental wood, brick, stone or stucco piers, built as a structural component of a fence, wall, or gate may be located in all required yards.

### E. Maintenance: The structural and aesthetic integrity shall be maintained for all new and existing fences and walls. Any fence or wall provided to meet buffering and screening requirements may be exempted from the height and location standards as necessary to meet the requirements of that section. All fences and walls must meet the requirements of Article 9 (Landscaping & Buffering).

1. Posts, supports, rails, boards, panels, etc. that are considered to be in a dilapidated state, shall be repaired or replaced as reasonably required toward the purpose of maintaining the structural and aesthetic integrity of the fence.
  - a. A fence in a dilapidated state is considered as any section of a fence that is visibly out of vertical alignment or that has multiple pickets or other structural components that are damaged, missing, rotted or destroyed.
  - b. Violations of this section are considered a misdemeanor offense.
- F. Spite Fences, widely regarded as fences (or walls) built to annoy neighbors or with malice, are prohibited. Such fences include, but are not limited to, those which do not comply with the permitted construction (material) types, height limitations, or those which fail to be properly maintained, as provided herein. Fences (or walls) that are obnoxious in appearance, or which causes injury to adjacent property owners, may also be considered a spite fence; however, deprivation of light, air, or view from adjacent properties is not (by itself) necessarily grounds to deem a fence (or wall) a spite fence.
- G. Chain Link fencing (with or without barbed wire) shall not be permitted on properties zoned CBD, or as specified throughout this UDO.  
Exception: Utility substations which require the use of chain link fencing, if no other practical alternative is available. *[Amended #ZA2020-09-21 (B)]*
- H. Fences and/or Walls of any construction shall not be permitted to be installed within any public drainage easements owned and maintained by the City of Conway without approval from the Public Works Director as well as a recorded Disclosure Statement and HOA approval, if applicable. *[Amended #ZA2021-07-19(C)]*  
*[Amended #ZA2022-11-21(B)]*

#### 5.2.4 Home-Based Business

A gainful occupation conducted in an office within a residential structure, by a resident of the home, with no outward appearances of a business within the premise. Services of the business that are not office-related are conducted off-premises.

- A. Home-based businesses shall be subject to the following requirements:
  1. No retail sales shall be permitted;
  2. No visible indication the residence is being used as a business location shall be permitted;
  3. No stock or equipment shall be stored at the residence except in a vehicle used in conjunction with the business;
  4. Such business shall employ only the business owner and members of the immediate family currently residing at the business address;
  5. No clients or customers of such business shall be permitted to receive services at the business location;
  6. No accessory structure shall be used in conjunction with the business and only ten percent (10%) or one (1) room of the residence shall be used in conjunction with the business;
  7. No deliveries shall be permitted other than by regular mail or overnight mail services;
  8. No tractor trailers shall be permitted in conjunction with home-based businesses;
  9. All signage shall be subject to the requirements set forth in Article 11.



# CONWAY ZONING

RA	R3	HC	FA	MU
RR	R4	CC	CP	MM
R	P	CBD	WRD1	IC
R1	IN	LI	WRD2	XX COUNTY ZONING
R2	NC	HI	PD	PARCELS

**CFA**

PIN #: 336-05-02-0024

**CFA**

**CFA**

**CFA**

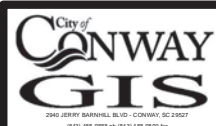
**SF 40**

**CFA**

**MSF 20**

**SF 40**

**SF 40**



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 #: 336-05-02-0024  
TMS #: 122-21-01-084  
904 OGLETHORPE DR  
(P24-0055)





## Legend

 PARCELS

ALLEY 1

PIN #: 336-05-02-0024

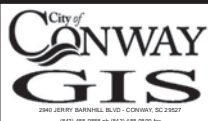
PULASKI ST

OGLETHORPE DR

ELBERT LN

DUNN SHORTCUT RD

KERSHAW RD



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 #: 336-05-02-0024  
TMS #: 122-21-01-084  
904 OGLETHORPE DR  
(P24-0055)





**ISSUE:**

Edmilson Vicente, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 5.2.1-Accessory Structures*, for the property located at **1700 Horry Street**. (PIN 368-01-02-0043)

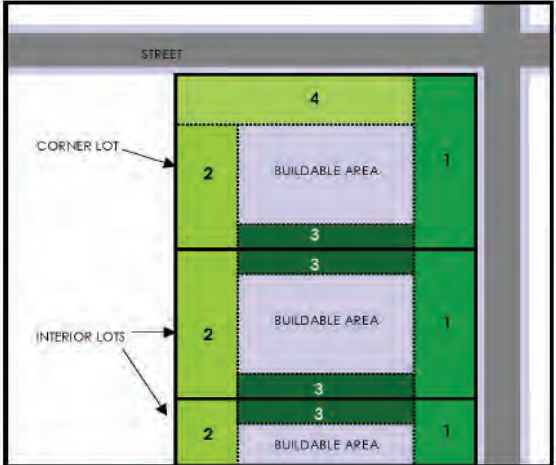
**BACKGROUND:**

The applicant applied for an “*Accessory Structure*” Building Permit to construct a 23-ft x 13-ft pool house on the parcel. The parcel is located on the corner of Horry Street and Maple Avenue. The location of the “*Accessory Structure*”, based on the site plan provided, is the **Corner Front Yard**.

**Article 2-Definitions** of the UDO defines “Yard”, “Front Yard” and “Corner Front Yard” as follows:

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

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



Per **Section 5.2.1-Accessory Structures** the location of an “*Accessory Structure*” shall be in the **rear yard only**.

Per **Section 6.1.9-Side Yard Setbacks** for Corner Lots of the UDO, “*In the case of any lot that adjoins two or more streets, yards abutting streets shall be treated as front yards*”.

On January 26, 2023, the applicant was granted a variance on the fence height of the front yard and the corner front yard; therefore, the applicant was aware of the conditions that exist for corner lots.

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

**Section 5.2.1 – Accessory Structures:**

- A variance to allow an “*Accessory Structure*” in the corner front yard along Maple Avenue.

Variance: 1700 Horry Street

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

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

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

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

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

1. **Extraordinary Conditions:** There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. **Other Property:** The extraordinary and exceptional conditions do not generally apply to other property in the vicinity.
3. **Utilization:** Because of the extraordinary or exceptional conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
4. **Detriment:** The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by granting a variance.

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### **RECOMMENDATION:**

Staff recommends that the BZA conduct a thorough review of the request and determine if a legal hardship exists and if the best interests of the City of Conway would be served by granting the request.



City of Conway  
Board of Zoning Appeals  
VARIANCE/APPEAL REQUEST

Staff Use Only

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

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

City of Conway Planning Department  
196 Laurel Street, 29526

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

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

Pin#: 368-01-02-0043	Zoning District: R-1	Meeting Date:
Property Address: 1700 Harry St. Conway SC 29527		
Property Owner: EDDY Vicent	Daytime phone: 843-457-0111	
Agent:	Daytime phone:	
Agent's E-Mail Address: eddyvicent77@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:
Build Pool house further away from house structure while staying within set-backs.

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1. 5.2.1 located in rear yard	Corner front
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:

It would be more conducive to have the pool house built further away from the structure of my home so that I can enjoy my backyard with furniture and not step out of back door right into the pool house.

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

Yes - these conditions will make my back-yard space more useful.

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

Yes - as soon as I step out of the back door I will be walking right into the pool house.

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

No, the pool house will be with-in the set-backs inside of a gate.

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

Yes the variance is being requested because of hardship not to increase the profitability.

**Application Requirements:**

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

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

I also acknowledge that once my property is posted, the signs can only be removed by an agent 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: 3-26-24

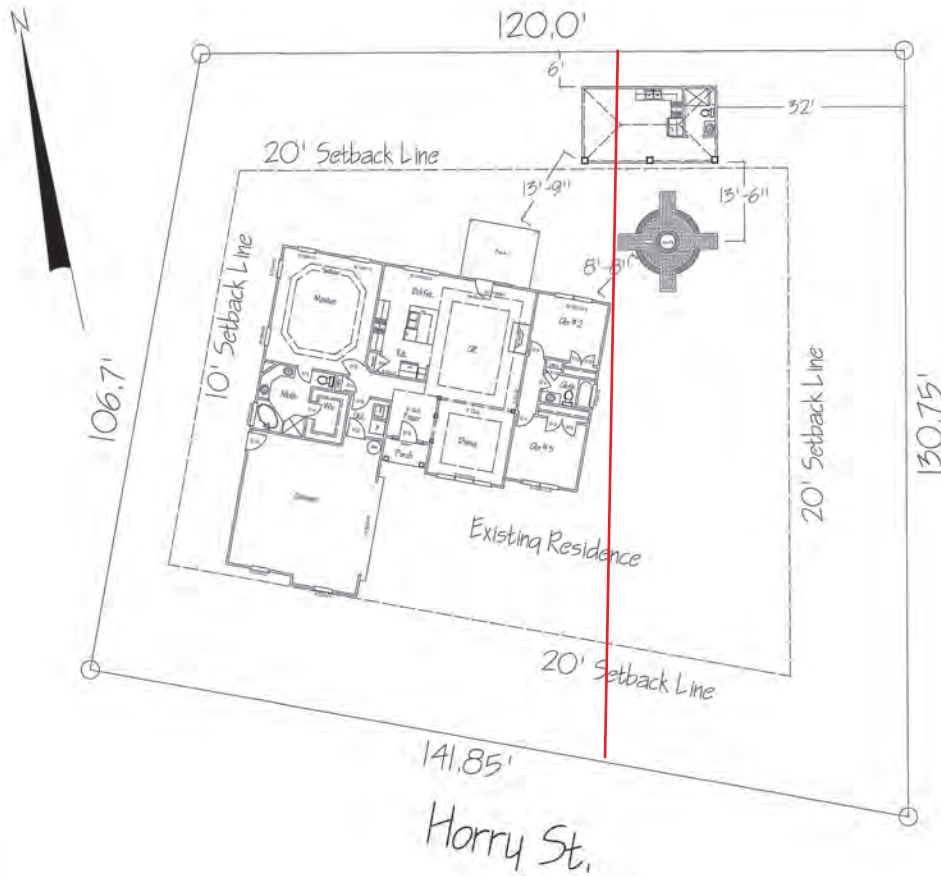
Print name legibly: \_\_\_\_\_

EDMILSON VICENTE

# Site Plan

0.35 Acres

1" = 10' Scale



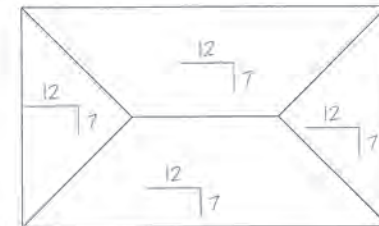
## NOTE:

CONTRACTOR TO LOCATE INTERIOR LOAD POINTS AND DESIGN FOOTINGS ACCORDINGLY



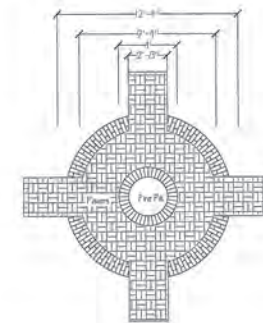
## FOUNDATION

1/4 INCH SCALE



## ROOF

1/4 INCH SCALE



**DISCLAIMER**  
The Engineer of these plans warrants and acknowledges that the drawings are not intended to be used for any purpose other than that for which they were prepared and that the user assumes all liability for any use of these drawings for any purpose other than that for which they were prepared.

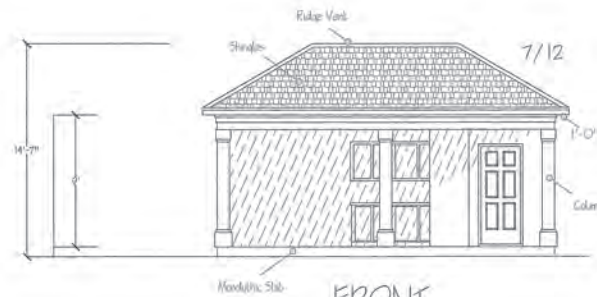
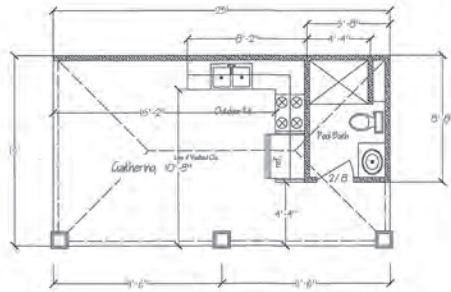
drawn for: Edmilson Vincente  
Lot # 6, Blk. D Whittemore Park, Conway, SC.  
SCALE AS LABELED

ASI HOME PLANS  
842-358-1018  
P.O. BOX 247 ANCOR, SC. 29511

# Floor Plan

299 Sq. Ft. Podhouse

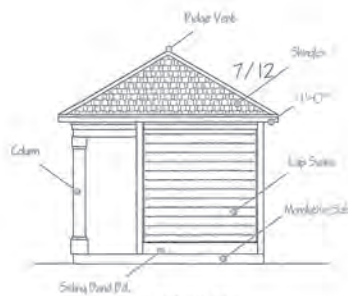
1/4 INCH SCALE



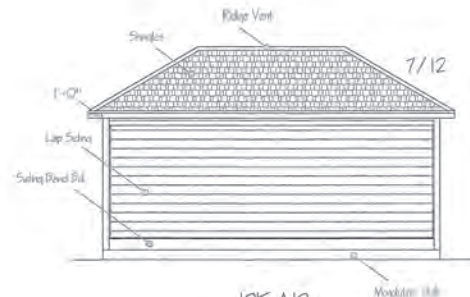
FRONT  
1/4 INCH SCALE



LEFT  
1/4 INCH SCALE



RIGHT  
1/4 INCH SCALE



REAR  
1/4 INCH SCALE

## NOTE:

IF THIS DISCLAIMER IS NOT RED IN COLOR AND SIGNED BY GREG JOHANSON ----- THEN IT IS NOT AN ORIGINAL SET OF PLANS, HAS NOT BEEN REVIEWED, IS NOT RELEASED FOR PERMIT OR CONSTRUCTION, IS SUBJECT TO THE APPROPRIATE COPYRIGHT LAWS AND ALL ASSOCIATED WIND AND STRUCTURAL DESIGN IS NULL AND VOID. NO BUILDING PERMIT SHOULD BE ISSUED FOR THESE PLANS.

*Greg Johanson*  
AGGREGATE SERVICES INC.

CONTRACTOR TO VERIFY ALL  
DIMENSIONS AND LOCAL  
BUILDING CODE COMPLIANCE

## DISCLAIMER

This plan was prepared by Greg Johanson, a professional architect, and is intended to be used as a guide only. It is not intended to be used as a final design or construction document. It is the responsibility of the contractor to verify all dimensions and local building code compliance.

drawn for: Edmilson Vincente  
Lot # 6, Blk. D, Whitmore Park, Conway, S.C.  
SCALE AS LABELLED

ASI HOME PLANS  
843-358-1018  
P.O. BOX 247 ANDOR, S.C. 29511

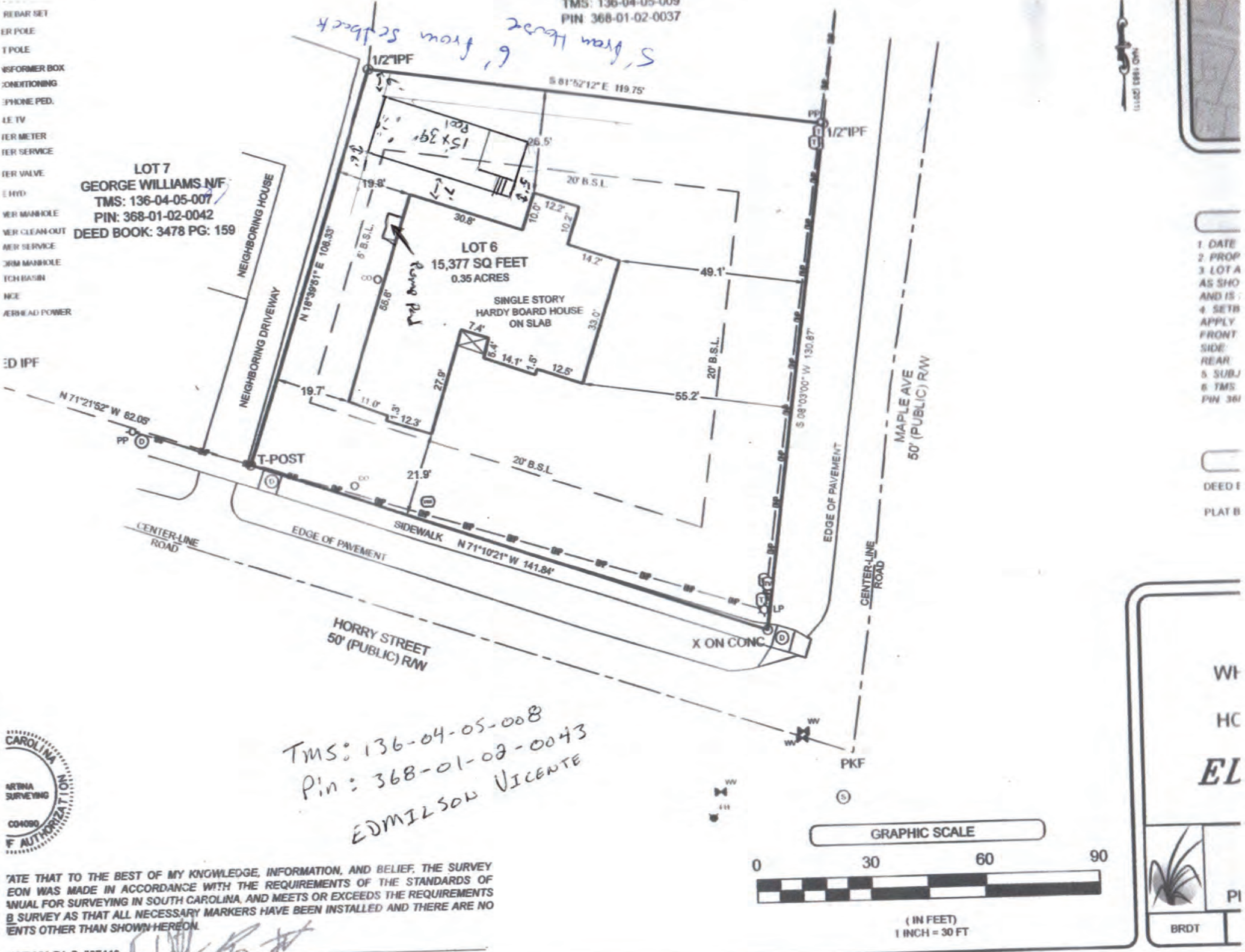


REAR SET  
 ER POLE  
 T POLE  
 WFORMER BOX  
 ONITIONING  
 PHONE PED.  
 LE TV  
 IER METER  
 IER SERVICE  
 IER VALVE  
 E HYD  
 VER MANHOLE  
 VER CLEAN-OUT  
 MER SERVICE  
 DRM MANHOLE  
 TCH BASIN  
 NCE  
 AERHEAD POWER

LOT 7  
 GEORGE WILLIAMS N/F  
 TMS: 136-04-05-007  
 PIN: 368-01-02-0042  
 DEED BOOK: 3478 PG: 159

TMS: 136-04-05-007  
 PIN: 368-01-02-0037

*4' from S.C. block*  
*2' from House*  
*5' from S.C. block*



1. DATE
2. PROP
3. LOT A
- AS SHO
- AND IS
4. SETB
- APPLY
- FRONT
- SIDE
- REAR
5. SUBJ
6. TMS
- PIN 368

DEED E  
 PLAT B

WH  
 HC  
 EL



(IN FEET)  
 1 INCH = 30 FT



STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY  
 EON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF  
 ANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS  
 B SURVEY AS THAT ALL NECESSARY MARKERS HAVE BEEN INSTALLED AND THERE ARE NO  
 EMENTS OTHER THAN SHOWN HEREON.

VREY IV, P.L.S. #27446

TMS: 136-04-05-008  
 Pin: 368-01-02-0043  
 EDMILSON VICENTE

## Section 5.2 – Accessory Uses & Structures

### 5.2.1 Accessory Structures

- A. Single-family detached dwelling, single-family semi-detached dwelling, and two family dwelling uses shall be permitted to construct and utilize structures which are accessory to the principal use of the property (including but not limited to detached private garages, storage sheds, children's playhouses, private kennels, non-commercial greenhouses, bath houses, cabanas, garden structures (gazebos, arbors, pergolas), book exchange boxes and structures designed and used for purposes of shelter in the event of a man-made or natural catastrophe). They shall meet the following requirements: *[Amended 1-2-18 ZA2018-01-02 (C)] [Amended 10-15-18 ZA2018-10-15 (D)]*
1. **Location:** Shall be located in the rear yard only. Detached garages and garden structures may also be located in the side yard. Book exchange boxes may also be located in any yard provided they do not impede access or circulation, obstruct parking areas, and/or create unsafe conditions. Book exchange boxes may not be located in a right-of-way or sight triangle. *[Amended 1-2-18 ZA2018-01-02 (C)] [Amended 10-15-18 ZA2018-10-15 (D)]*
    - (a) Garden structures may be located in corner front yards. *[Amended 10-15-18 ZA2018-10-15 (D)]*
  2. **Setbacks:** Shall be located a minimum of five (5) feet from all property lines. Exempting garden structures, accessory structures shall be a minimum of five (5) feet from other accessory structures, and the principal structure. Detached garages and garden structures located in the side yard shall meet the setback requirements of the zoning district in which they are located and shall not be located more forward than the front façade of the primary structure. Building codes and buffers, landscaping, and other requirements stated throughout the UDO may require a greater setback. *[Amended 10-15-18 ZA2018-10-15 (D)]*
  3. **Height:** Shall not exceed fifteen (15) feet in height unless it is located entirely in the buildable area of the lot in which it is located. If the accessory structure is more than fifteen (15) feet in height, it will be subject to the maximum height requirements of the zoning district and shall not be higher than the principal structure.
  4. **Number:** Shall be limited to three (3). Book exchange boxes, education facilities, public recreation facilities and children's playhouses shall not contribute to this number. *[Amended 1-2-18 ZA2018-01-02 (C)] [Amended 10-15-18 ZA2018-10-15 (D)]*
  5. **Size:** The total square footage of all accessory structures on a lot shall not exceed fifty (50%) percent of the rear yard. The square footage of one (1) accessory structure shall not exceed 50% of the area of the primary structure on the same lot.
  6. **Design:** The following design standards shall be required:
    - a. Less than two hundred (200) square feet: If the structure exceeds ten (10) feet in height, it shall not be constructed with any corrugated metal, sheet metal, and / or exposed metal and shall be required to use stucco, tabby, wood siding, brick, fiber cement siding, or other material with similar texture.
    - b. Between two hundred (200) and three hundred ninety-nine (399) square feet: Shall not be constructed with any corrugated metal, sheet metal, and / or exposed metal and shall be required to use stucco, tabby, wood siding, brick, fiber cement siding, or other material with similar texture.

- c. Four hundred (400) square feet and greater: Shall not be constructed with any corrugated metal, sheet metal, and / or exposed metal and shall architecturally complement the primary structure in exterior finish and roof pitch.
  - d. Corner lots: In addition to the design standards stated above, the following conditions shall apply to accessory structures located on a corner lot:
    - I. Detached garage: Shall architecturally complement the primary structure in exterior finish and roof pitch.
7. CAB: Any proposed accessory structure that is located in a Historic Design Review District shall be approved by the Community Appearance Board (CAB).





Along Horry Street – Front Yard 4ft Max. Height

## 1700 Horry Street



Along Horry Street – Front Yard 4ft Max. Height



Corner Front Yard (along Maple Ave.)  
6ft Max. & 10ft from Property Line

*MAYOR*  
Barbara Blain-Bellamy

*MAYOR PRO TEM*  
Justin D. Jordan



*COUNCIL MEMBERS*  
Amanda Butler  
William M. Goldfinch IV  
Beth Helms  
B. Alex Hyman  
Larry A. White

## PLANNING DEPARTMENT

January 26, 2023

Mr. Edmilson Vicente  
1700 Horry Street  
Conway, SC 29527

Edmilson Vicente, 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 **1700 Horry Street**. (PIN 368-01-02-0043)

Dear Applicant(s):

After consideration of the evidence and arguments presented at the January 26, 2023 meeting, the Board made the following findings of fact and conclusions:

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.

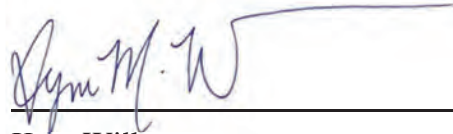
**THE BOARD, THEREFORE, ORDERED** the request for a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Section 5.2.3 Fences & Walls, for the property located at 1700 Horry Street) **was granted as follows:**

- **A 4-ft variance on the height of the front yard fence and 2-ft variance on the height of the corner front yard fence with the condition that the corner front yard fence meet a 10-ft setback from the property line as defined in the City of Conway's Unified Development Ordinance (UDO).**

This order is issued this 26th day of January, 2023.

*Charles Byrd*

Charles Byrd  
Board of Zoning Appeals Vice Chairman



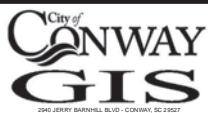
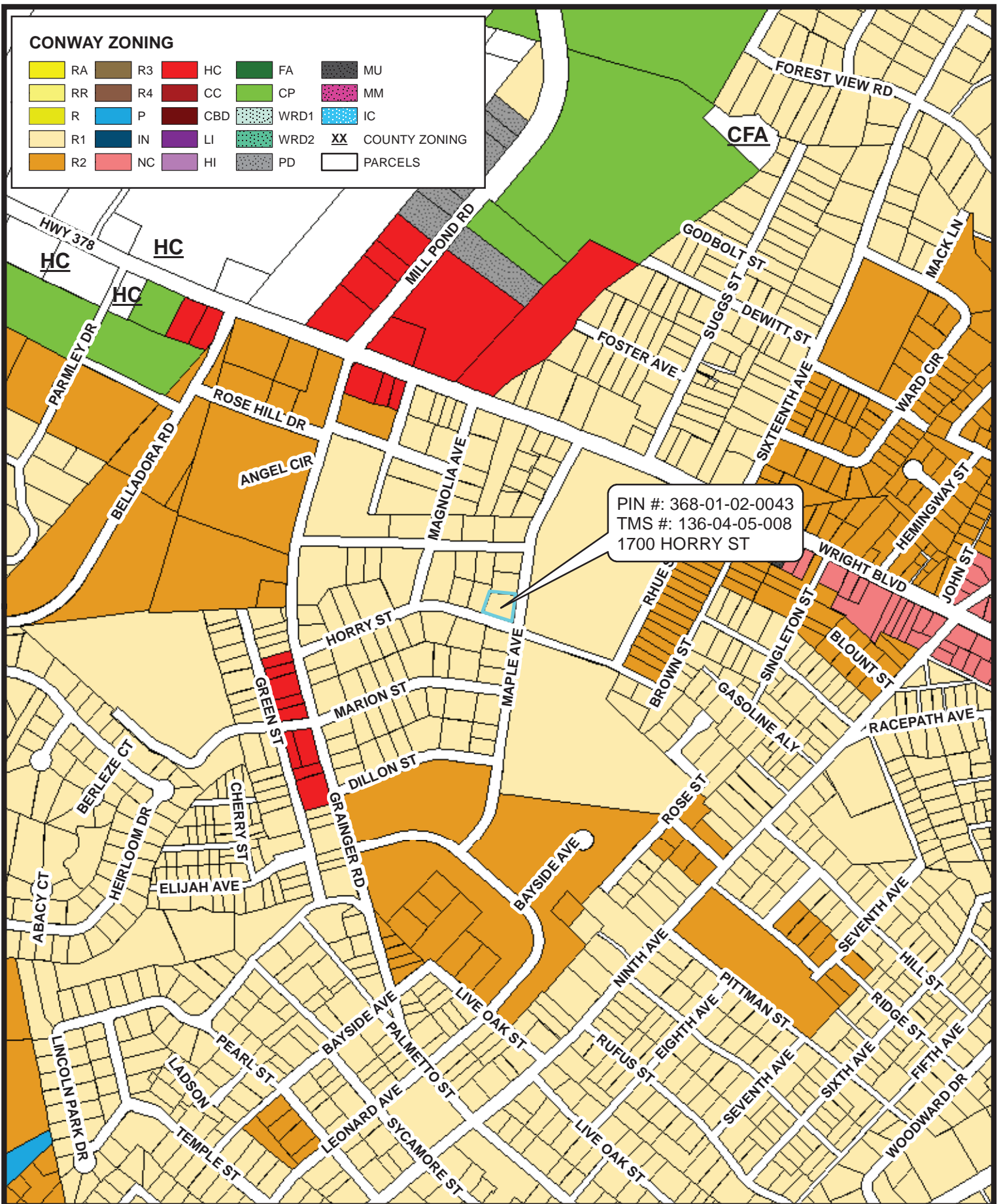
Kym Wilkerson,  
Zoning Administrator

Date mailed to interested parties: \_\_\_\_\_, 2023.



# CONWAY ZONING

RA	R3	HC	FA	MU
RR	R4	CC	CP	MM
R	P	CBD	WRD1	IC
R1	IN	LI	WRD2	XX COUNTY ZONING
R2	NC	HI	PD	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 #: 368-01-02-0043  
TMS #: 136-04-05-008  
1700 Horry ST  
(P22-0288)







### Legend

-  PERIMETER ROAD EL BETHEL EXT
-  PARCELS

PIN #: 368-01-02-0043  
TMS #: 136-04-05-008  
1700 HORRY ST





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