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PLANNING & DEVELOPMENT

**BOARD OF ZONING APPEALS MEETING
THURSDAY, JUNE 27, 2024 | 5:30 P.M.
PLANNING & DEVELOPMENT DEPARTMENT
196 LAUREL STREET (*SIDE ENTRANCE*)**

- I. CALL TO ORDER**
- II. APPROVAL OF MAY 23, 2024 MINUTES**
- III. CRITERIA**
- IV. PUBLIC HEARINGS - VARIANCE REQUESTS**

A. Joseph Brennand of Seaboard Signs, agent for The Theatre of the Republic, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Article 11-Signage*, for the property located at **331/335 Main Street**. (PIN 368-04-02-0085)

- V. ADJOURN**

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, MAY 23, 2024
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET**

Present: Sandra James, Lesley Hill, Donna Baxley, Catherine Dingle

Absent: Blake Hendrick, Jay Sellers, Paul Lawson

Staff: Kym Wilkerson, Zoning Administrator; Anne Bessant, Planning Assistant; Marcus Cohen, IT; Hayley Carter, IT Intern

Others: Kallyon Montgomery, Amber Barnhill, Samuel Vazquez, Larry Fullwood, Mark Stanley, Lynne Stanley, Joe King, Mary Childress, Bryan Childress Angela Springer, Allen Springer, Lonnie Fleming, Bill Taylor, & others

I. CALL TO ORDER

Vice-Chairperson Dingle called the meeting to order at approximately 5:30 p.m.

II. APPROVAL OF MINUTES

Hill made a motion, seconded by James to approve the April 25, 2024 minutes as written. The vote in favor was unanimous and the motion carried.

Dingle swore in the applicants and staff.

III. CRITERIA

Dingle 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. Samuel Vazquez, 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 **3424 Longwood Lane**. (PIN 368-16-04-0033)

Wilkerson stated that the property owner has applied for an “Accessory Structure Permit” to install a 20-ft x 12.5-ft wooden detached carport on his property at 3424 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.*”

The applicant’s lot is considered “***Legal Nonconforming***” since it is a nonconforming lot of record. Double Front lots are not allowed to be created per the current UDO. **Table 9.1** of the UDO states: “*Residential developments containing lots with double frontage shall adhere to the Type B Landscape Buffer Requirements, or install a berm, as specified in Section 9.3.1, J. Buffer / berm must be located behind the lots that would otherwise have double frontage and be platted separately as a landscape buffer / berm, to be owned and maintained by the HOA/POA.*”

The applicant currently has two (2) Existing Accessory Structures in his yard and per **Section 5.2.1-Accessory Structure**, would only be allowed to permit one (1) additional structure.

Per **Section 5.2.1 – Accessory Structures** of the UDO:

1. Location: Shall be located in the rear yard only.

Variances requested (*per site plan*):

Section 5.2.1 – Accessory Structures:

- A variance to allow an Accessory Structure to be permitted 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.

Samuel Vazquez, owner, was present and further explained the request.

The board and applicant discussed the request at length.

Joe King and Lonnie Fleming spoke during public input.

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

- B. Joe Burch, agent for Horry County Board of Education, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Article 11-Signage*, for the property located at **1101 Snowhill Drive**. (PIN 338-00-00-0029)

Wilkerson stated the Horry County Department of Education has applied for a “Sign Permit” to install an EMC Monument Sign at Conway Elementary School. The parcel is zoned **R1 (Low/Medium Density Residential)**.

Per **Section 11.3.1 (C)-Signs in Residential Zoning Districts** of the UDO:

Religious Institutions, Educational Facilities, Cemeteries, Country Clubs, Parks, and Similar Recreational Uses:

- Shall be permitted one (1) wall sign or one (1) freestanding sign per street frontage. This shall not exceed a cumulative **sign surface area of fifty (50) square feet**. The freestanding sign shall be a monument or freestanding post type and **shall not exceed six (6) feet in height**.
- Such signs may be illuminated by any means consistent with Section 11.1.8-Illumination. If signs with EMC’s/LED’s and/or digital display is desired, such signs shall comply with Section 11.4.9- Electronic Message Centers (EMC’s) / Light Emitting Diodes (L.E.D.) Signs with Digital / Animated Display.
- Such signs shall be **located a minimum of ten (10) feet from any adjoining property boundary**.

The applicant is proposing an EMC Monument Sign at Conway Elementary School which is allowed per the above section of the UDO. The EMC Monument Sign proposed would have a sign surface of 4.75-feet x 9.25-feet equaling a total sign surface area of **44-square feet** and a **height of 8-feet**.

Variances requested:

Section 11.3.1 (C)-Signs in Residential Zoning Districts:

- A variance of 2-feet to allow the proposed EMC Monument Sign to be 8-feet in height.

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.

Amber Barnhill, agent, was present and further explained the request.

Mary Childress, Allen Springer Brian Childress, Mark Stanley, Angela Springer, Bill Taylor, and Larry Fullwood spoke during public input. The board, applicant, and staff discussed the request at length.

James made a motion to deny the variance request. Hill seconded the motion and the motion carried unanimously.

- C. Joe Burch, agent for Horry County Board of Education, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Article 11-Signage*, for the property located at **1104 Elm Street**. (PIN 338-13-01-0045)

Wilkerson stated that Horry County Department of Education has applied for a “Sign Permit” to install an EMC Monument Sign at Conway Middle School. The parcel is zoned **R1 (Low/Medium Density Residential)**.

Per **Section 11.3.1 (C)-Signs in Residential Zoning Districts** of the UDO:

Religious Institutions, Educational Facilities, Cemeteries, Country Clubs, Parks, and Similar Recreational Uses:

- Shall be permitted one (1) wall sign or one (1) freestanding sign per street frontage. This shall not exceed a cumulative **sign surface area of fifty (50) square feet**. The freestanding sign shall be a monument or freestanding post type and **shall not exceed six (6) feet in height**.
- Such signs may be illuminated by any means consistent with Section 11.1.8-Illumination. If signs with EMC’s/LED’s and/or digital display is desired, such signs shall comply with Section 11.4.9- Electronic Message Centers (EMC’s) / Light Emitting Diodes (L.E.D.) Signs with Digital / Animated Display.
- Such signs shall be **located a minimum of ten (10) feet from any adjoining property boundary**.

The applicant is proposing an EMC Monument Sign at Conway Middle School which is allowed per the above section of the UDO. The EMC Monument Sign proposed would have a sign surface of 4.75-feet x 9.25-feet equaling a total sign surface area of **44-square feet** and a **height of 8-feet**.

Variances requested:

Section 11.3.1 (C)-Signs in Residential Zoning Districts:

- A variance of 2-feet to allow the proposed EMC Monument Sign to be 8-feet in height.

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.

Amber Barnhill, agent, was present and further explained the request.

Same public input from previous request. The board, applicant, and staff discussed the request at length.

Hill made a motion to deny the variance request. James seconded the motion and the motion carried unanimously.

- D. Joe Burch, agent for Horry County Board of Education, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Article 11-Signage*, for the property located at **108 N Clemson Circle**. (PIN 325-00-00-0036)

Wilkerson stated that Horry County Department of Education has applied for a “Sign Permit” to install an EMC Monument Sign at Homewood Elementary School. The parcel is zoned **R1 (Low/Medium Density Residential)**.

Per **Section 11.3.1 (C)-Signs in Residential Zoning Districts** of the UDO:

Religious Institutions, Educational Facilities, Cemeteries, Country Clubs, Parks, and Similar Recreational Uses:

- Shall be permitted one (1) wall sign or one (1) freestanding sign per street frontage. This shall not exceed a cumulative **sign surface area of fifty (50) square feet**. The freestanding sign shall be a monument or freestanding post type and **shall not exceed six (6) feet in height**.
- Such signs may be illuminated by any means consistent with Section 11.1.8-Illumination. If signs with EMC’s/LED’s and/or digital display is desired, such signs shall comply with Section 11.4.9- Electronic Message Centers (EMC’s) / Light Emitting Diodes (L.E.D.) Signs with Digital / Animated Display.
- Such signs shall be **located a minimum of ten (10) feet from any adjoining property boundary**.

The applicant is proposing an EMC Monument Sign at Homewood Elementary School which is allowed per the above section of the UDO. The EMC Monument Sign proposed would have a sign surface of 4.75-feet x 9.25-feet equaling a total sign surface area of **44-square feet** and a **height of 8-feet**.

Variances requested:

Section 11.3.1 (C)-Signs in Residential Zoning Districts:

- A variance of 2-feet to allow the proposed EMC Monument Sign to be 8-feet in height.

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.

Amber Barnhill, agent, was present and further explained the request.

There was no public input.

Hill made a motion to approve the variance as requested. Baxley seconded the motion and the motion carried unanimously.

- E. Kallyon and Ashlyn Montgomery, property owners, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 6.2-Residential Dimensional Requirements, Dwelling Types & Design Standards*, for the property located at **456-A Court Drive**. (PIN 368-02-02-0003)

Wilkerson stated that the property owners have applied for a permit to remodel/renovate the single-family home located at 456-A Court Drive. The parcel is zoned R1 (Low/Medium Density Residential).

The structure and site are considered ***“Legal Nonconforming”*** since they do not meet the dimensional or setback requirements of the current UDO. Table 6.1-Dimensional Requirements for Residential Zoning Districts list the building setbacks as 20-ft Front, 20-ft Rear and 10-ft Sides.

The home was built in 1940 per Horry County Land Records. Because of its age, the rear of the house did not have proper footings. The necessary renovations could not be completed without part of the house being removed and new footings installed. This in turn will cause the footprint of the home to change. Therefore, the applicants are seeking a variance on side setbacks requirements for the R1 zoning district.

Variances requested (*per site plan*):

Table 6.1 – Dimensional Requirements for Residential Zoning Districts:

- A 5-ft variance from the 10-ft side setback requirement in the R1 zoning district.

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.

Ashlyn Montgomery, owner, was present and further explained the request.
There was no public input.

Dingle made a motion to approve 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 6:31 p.m.

Approved and signed this _____ day of _____, 2024.

Paul Lawson, Chairman

ISSUE:

Joseph Brennand of Seaboard Signs, agent for The Theatre of the Republic, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), **Article 11-Signage**, for the property located at **331/335 Main Street**. (PIN 368-04-02-0085)

BACKGROUND:

Seaboard Signs has applied for a "Sign Permit" to install two (2) EMC Sign Faces on the marquee at the Theatre of the Republic. The parcel is zoned **Central Business District (CBD)** and is located within the **Commercial Historic Design Review District (HDRD)**.

Per **Section 11.4.9 - Electronic Message Centers (EMC's) / Light Emitting Diodes (L.E.D.) Signs with Digital / Animated Display** of the UDO:

- A. **Location and Number.** One (1) EMC / LED is permitted per parcel.
- B. **Size.** The size of the EMC / LED shall be no greater than the sign area allotted by the sign type, as provided for in Section 11.4.
- D. **Zoning.** Electronic Message Centers (EMC's) or L.E.D. (Light Emitting Diode) signs with digital or animated displays are permitted as follows:
 - 2. **Theaters.** Theaters, including buildings or structures (i.e. auditorium) that is designed for, permitted, and is intended for such use, and which contains audience seating, one or more screens and/or stage, and a lobby, for the purpose of showing motion pictures, performing live music, live plays, or other performance art(s), that is located outside of an HDRD, shall be permitted one (1) EMC / L.E.D. sign with digital/animated display.
 - a. Theaters must be located on parcels that are zoned for such use.
 - b. Theaters shall not include any adult entertainment uses as outlined in Section 5.1.1.
 - c. **Historic Design Review Districts (HDRD's).** Theaters located on properties within a HDRD shall be reviewed by the Community Appearance Board (CAB) for consideration of the installation of an EMC / L.E.D. digital/animated display.

Per **Section 11.4.1 – Wall Signs** of the UDO:

- B. **Size.** Wall signs may be a maximum of 15% of the building face where the sign is attached.

The two (2) proposed EMC Wall Signs do not exceed the 15% maximum allowed for Wall Signs. Also, since this parcel is located within the **Commercial Historic Design Review District (HDRD)**, **Community Appearance Board (CAB)** approval is required prior to any permits being issued.

Variances requested:

Section 11.4.9 (A) - Electronic Message Centers (EMC's):

- A variance to allow two (2) EMC signs on one parcel.

Variance: 331/335 Main Street

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

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

CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO) & ANALYSIS

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

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

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

RECOMMENDATION:

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



City of Conway
Board of Zoning Appeals
VARIANCE/APPEAL REQUEST

Staff Use Only

Received: _____

BS&A #: _____

City of Conway Planning Department
196 Laurel Street, 29526

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

planning@cityofconway.com
www.cityofconway.com

Pin#:	Zoning District:	Meeting Date:
Property Address:		
Property Owner:		Daytime phone:
Agent:		Daytime phone:
Agent's E-Mail Address:		
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:

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1.	
2.	



City of Conway
Board of Zoning Appeals
VARIANCE/APEAL REQUEST

Staff Use Only

BS&A #: _____

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

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

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

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

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

Application Requirements:

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

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

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

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

Applicant's Signature: Joseph Brennand Date: _____

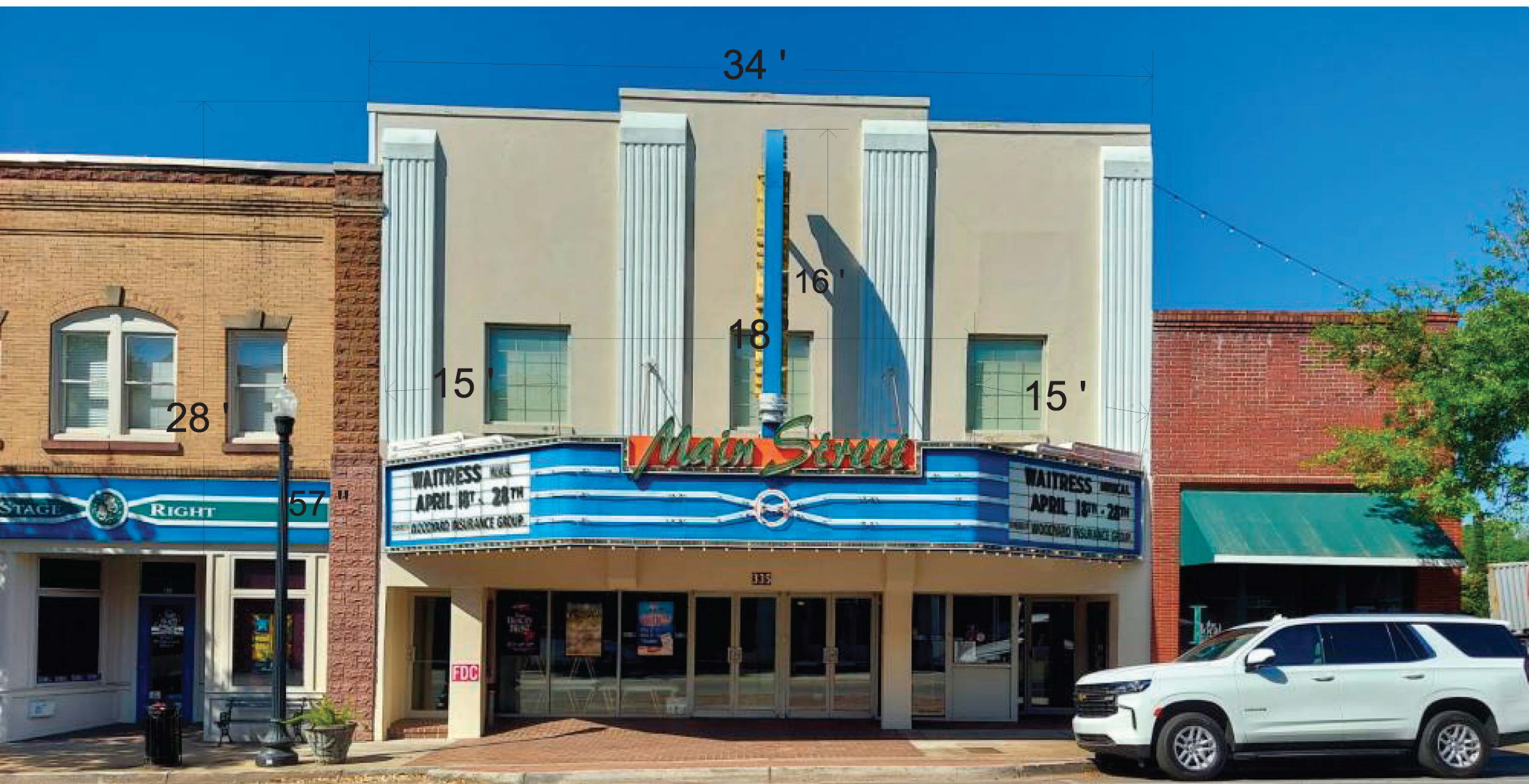
Print name legibly: _____

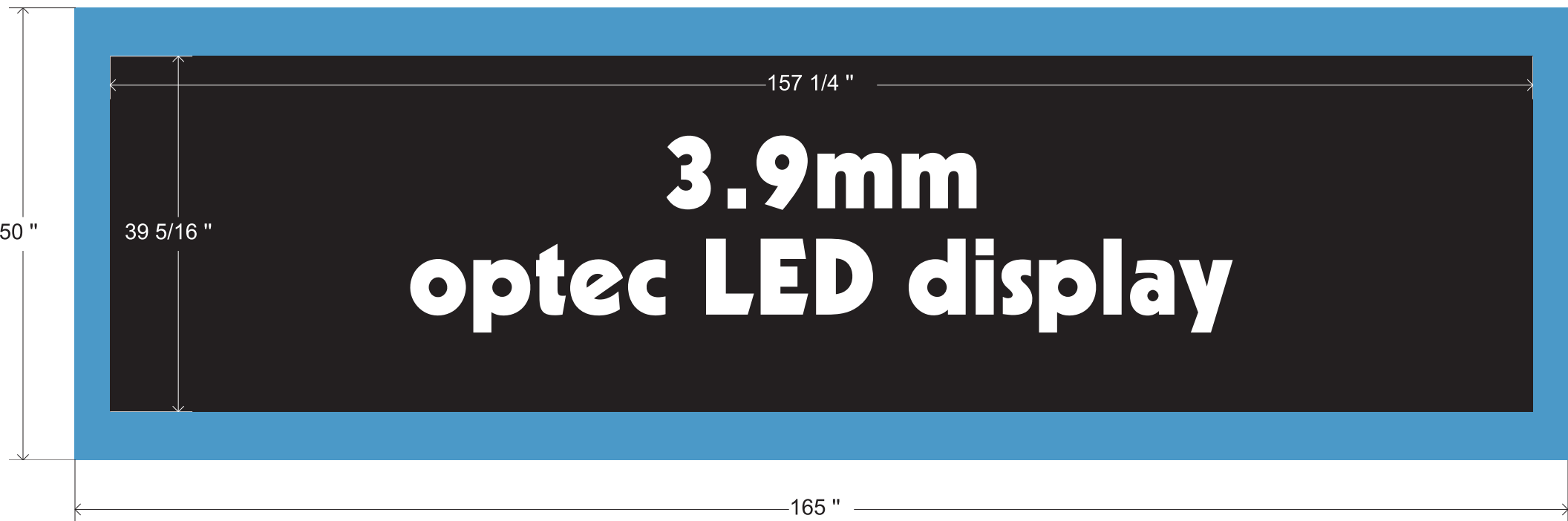
Before



After







28-ft (Height) x 34-ft (Width) = 952 sq ft (Total Building Face)

952 sq ft x 15% (Max Allowed) = **143 sq ft** (Total Wall Sign Size Allowed)

40-in x 158-in (EMC Sign) = 44 sq ft x 2 signs = **88 sq ft (Proposed)**

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