

MAYOR
Barbara Jo Blain-Bellamy

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Justin D. Jordan



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Autry Benton
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Larry A. White

PLANNING & DEVELOPMENT

BOARD OF ZONING APPEALS MEETING THURSDAY, JULY 27, 2023 | 5:30 P.M. BUILDING & PLANNING DEPARTMENT 196 LAUREL STREET (*SIDE ENTRANCE*)

I. CALL TO ORDER

II. APPROVAL OF JUNE 22, 2023 MINUTES

III. CRITERIA

IV. VARIANCE REQUESTS

- A. *Previously Deferred*.....David Schwerd with Diamond Shores, agent for 600 Main Street LLC, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Article 6-Design Standards and Article 9-Landscaping & Buffer Requirements, for the property located at **600 Main Street**. (PIN 338-13-03-0005)
- B. Keith Skinner, owner, request a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Article 6-Design Standards and Section 5.2 – Accessory Uses & Structures, for the property located at **1003 & 1005 Creel Street**. (PIN 369-05-02-0005 and 0006)
- C. Johnathan Hayden, owner, request a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Section 5.2.3-Fences & Walls, for the property located at **1016 Oglethorpe Drive**. (PIN 336-05-01-0035)
- D. Lawrence Williams, agent for Faith Temple COGIC, request a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Article 11-Signage, for the property located at **1520 Grainger Road**. (PIN 368-01-02-0027)
- E. Todd Grinolds with Diamond Shores, agent for MR Investment Group LLC, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Article 9-Landscaping & Buffer Requirements and Section 6.3.6-Core Commercial District, for the property located at **1312 Second Avenue**. (PIN 368-04-03-0021)

V. ADJOURN

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, JUNE 22, 2023
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET**

Present: Blake Hendrick, Charles Byrd, Lesley Hill, Jay Sellers
Absent: Paul Lawson, Sandra James, Catherine Dingle
Staff: Kym Wilkerson, Zoning Administrator; Vicki Stone, Zoning Officer; Anne Bessant, Planning Assistant; Marcus Cohen, IT
Others: Jamie Steele, Pablo Batista, Scott Shelby, Tara Little Broughman, Axelrod, Miriam Little, Randy Broughman, David Nye, Jr. Truett

I. CALL TO ORDER

Vice-Chairman Byrd called the meeting to order at approximately 5:30 p.m.

II. APPROVAL OF MINUTES

Hill made a motion, seconded by Hendrick to approve the May 25, 2023 minutes as written. The vote in favor was unanimous and the motion carried.

Byrd swore in the applicants and staff.

III. CRITERIA

Byrd 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

- A. David Schwerd with Diamond Shores, agent for 600 Main Street LLC, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Article 6-Design Standards and Article 9-Landscaping & Buffer Requirements, for the property located at **600 Main Street**. (PIN 338-13-03-0005)

Wilkerson stated that the property owner, 600 Main Street, is proposing to renovate the building that was previously Barkers Service Center and reopen it as a convenience store. The parcel is zoned Neighborhood Commercial and is located within the Main Street Corridor Historic Design Review District (HDRD). The zoning district, NC, allows for convenience stores as a permitted use. The exterior renovations for the building and gas canopy were approved by the Community Appearance Board (CAB). CAB must also approve the signage, lighting and landscaping once presented to that board.

Based on Article 12 of the UDO, this site is non-conforming with regard to landscape requirements. Per Section 9.3.4 of the UDO, landscape requirements for the interior of parking areas consist of the following:

- A minimum of one (1) canopy tree and 10 shrubs for every 3,000 sq. ft. of vehicular use area or one (1) canopy tree and 10 shrubs for every 10 parking spaces, whichever is greater (9.3.4, B).
- Each end of each row of parking spaces require a landscape island unless the end of such row of parking spaces is adjacent to a perimeter landscape screen or border as required in Section 9.2.3 (9.3.4, D).
- The minimum width of a landscape island/peninsula is the same as a parking space – 9' x 19' and shall contain a minimum of one (1) canopy tree and five (5) shrubs (9.3.4, E).
- Parking spaces adjacent to a landscape island shall have a 2-ft distance between the parking space and curb/gutter (9.3.4, F).

Section 6.6.2-Mechanical Equipment, Dumpster, Recycling and Trash Handling states the following with regard to the dumpster location:

- Trash handling facilities shall be in the rear or side yards. No such facilities shall be located in any yard adjacent to a public street.

This parcel is on a corner lot and therefore has double frontage. The applicant proposes installing the dumpster pad and screening along Sixth Avenue which would be the corner front.

The applicant is requesting a variance from:

- Section 9.3.4 - Landscaping Requirements for the Interior of Parking Areas to prevent the property owner from having to tear up existing asphalt and to allow for adequate traffic flow.
- Section 6.6.2 - Mechanical Equipment, Dumpster, Recycling and Trash Handling to allow the dumpster pad and screening in the corner front yard since a large portion of the site perimeter is street front which does not allow enough space to put the dumpster in the rear.

The applicant cites the following reasons for which a variance should be granted: **1)** This is an existing gas station which limits the amount of available space for landscaping and potential places to install dumpsters. **2)** The conditions above are particular to this piece of property as most parcels do not have an existing gas station on them. **3)** The strict application of the zoning ordinance would

unreasonable restrict the use of this property and even potentially prohibit its use all together. The existing pavement precludes being able to install landscape islands and limits the space available to put a dumpster, hence this variance application. **4)** The granting of this application will not harm the adjacent properties, character of the area, or the public good as this project is actually installing perimeter landscaping and adding a dumpster. **5)** This variance is initiated because of hardship and not to increase the profitability of the property.

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

Blake Hendick recused himself from this agenda item.

Jamie Steele, Diamond Shores was present to answer any questions.

Jr. Truett, Axelrod, Tara Little Broughman, Scott Shelley, David Nye & Randy Broughman spoke in opposition of the variance request during public input.

After much discussion, Sellers made a motion to table the variance request in order to give the applicant additional time to provide a more detailed landscaping plan. 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 6:01 p.m.

Approved and signed this _____ day of _____, 2023.

Paul Lawson, Chairman

DATE: July 27, 2023

AGENDA ITEM: IV.A

ISSUE:

David Schwerd with Diamond Shores, agent for 600 Main Street LLC, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Article 6-Design Standards and Article 9-Landscaping & Buffer Requirements, for the property located at **600 Main Street**.

(PIN 338-13-03-0005)

BACKGROUND:

The property owner, 600 Main Street, is proposing to renovate the building that was previously Barkers Service Center and reopen it as a convenience store. The parcel is zoned Neighborhood Commercial and is located within the Main Street Corridor Historic Design Review District (HDRD). The zoning district, NC, allows for convenience stores as a permitted use. The exterior renovations for the building and gas canopy were approved by the Community Appearance Board (CAB). CAB must also approve the signage, lighting and landscaping once presented to that board.

Based on Article 12 of the UDO, this site is non-conforming with regard to landscape requirements. Per Section 9.3.4 of the UDO, landscape requirements for the interior of parking areas consist of the following:

- A minimum of one (1) canopy tree and 10 shrubs for every 3,000 sq. ft. of vehicular use area or one (1) canopy tree and 10 shrubs for every 10 parking spaces, whichever is greater (9.3.4, B).
- Each end of each row of parking spaces require a landscape island unless the end of such row of parking spaces is adjacent to a perimeter landscape screen or border as required in *Section 9.2.3* (9.3.4, D).
- The minimum width of a landscape island/peninsula is the same as a parking space – 9' x 19' and shall contain a minimum of one (1) canopy tree and five (5) shrubs (9.3.4, E).
- Parking spaces adjacent to a landscape island shall have a 2-ft distance between the parking space and curb/gutter (9.3.4, F).

Section 6.6.2-Mechanical Equipment, Dumpster, Recycling and Trash Handling states the following with regard to the dumpster location:

- Trash handling facilities shall be in the rear or side yards. No such facilities shall be located in any yard adjacent to a public street.

This parcel is on a corner lot and therefore has double frontage. The applicant proposes installing the dumpster pad and screening along Sixth Avenue which would be the corner front.

The applicant is requesting a variance from:

- **Section 9.3.4 – Landscaping Requirements for the Interior of Parking Areas** to prevent the property owner from having to tear up existing asphalt and to allow for adequate traffic flow.
- **Section 6.6.2 – Mechanical Equipment, Dumpster, Recycling and Trash Handling** to allow the dumpster pad and screening in the corner front yard since a large portion of the site perimeter is street front which does not allow enough space to put the dumpster in the rear.

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

1. This is an existing gas station which limits the amount of available space for landscaping and potential places to install dumpsters.
2. The conditions above are particular to this piece of property as most parcels do not have an existing gas station on them.
3. The strict application of the zoning ordinance would unreasonable restrict the use of this property and even potentially prohibit its use all together. The existing pavement precludes being able to install landscape islands and limits the space available to put a dumpster, hence this variance application.
4. The granting of this application will not harm the adjacent properties, character of the area, or the public good as this project is actually installing perimeter landscaping and adding a dumpster.
5. This variance is initiated because of hardship and not to increase the profitability of the property.

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

www.cityofconway.com

Property Address: 600 Main Street	Meeting date: 6/22/23	Pin #: 33813030005
Property Owner: 600 Main Street LLC	Daytime phone:	
Agent: David Schwerd	Daytime phone: 843-488-2900	
Agent's mailing address: 315 Main Street		
City: Conway	State: SC	Zip Code: 29526
Agent's e-mail address: David@DiamondShores.net		
Zoning District: Neighborhood Commercial		

Requested Action:

- ☒ I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **Please continue to the following section.**
- ☐ I am requesting an administrative **appeal** of the action or decision of the Zoning Administrator, which I believe to be contrary to the meaning of the *Conway Unified Development Ordinance (UDO)*. **Please continue to page three.**

VARIANCE REQUESTS:

Please demonstrate how you satisfy the following **CRITERIA FOR VARIANCE** (see §14.2.1 of the *Conway Unified Development Ordinance*).

Please describe your proposal in detail:
We are requesting variance to have the dumpster in the corner front yard as a large portion of the site perimeter is street front, not allowing enough space to put the dumpster in the rear. This project also needs a variance for relief from vehicular use landscaping as it would require the property owner to tear up existing asphalt and prevent adequate traffic flow.

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1. Section 9.3.4	Perimeter landscaping in lieu of landscape islands
2. Section 9.4.2	Dumpster to be located in corner front yard
3.	
4.	

Application Requirements:
<input checked="" type="checkbox"/> Completed BZA application
<input checked="" type="checkbox"/> A filing fee of one hundred dollars (\$100.00)
<input checked="" type="checkbox"/> A completed application including required signatures. Incomplete applications will not be processed.
<input checked="" type="checkbox"/> A digital site plan drawn illustrating all property lines, existing structures, proposed structures and any other relevant site information can be emailed to planning@cityofconway.com



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only

Received: _____
BS&A #: _____

1. Describe the extra ordinary conditions pertaining to your particular piece of property:
This is an existing gas station which limits the amount of available space for landscaping and potential places to install dumpsters.

2. Are the conditions described above particular to your piece of property? Explain.
The conditions above are particular to this piece of property as most parcels do not have an existing gas station on them.

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.
Yes, the strict application of the zoning ordinance would unreasonably restrict the use of this property and even potentially prohibit its use all together. The existing pavement precludes being able to install landscape islands and limits the space available to put a dumpster, hence this variance application.

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:
The granting of this application will not harm the adjacent properties, character of the area, or the public good as this project is actually installing perimeter landscaping and adding a dumpster.

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

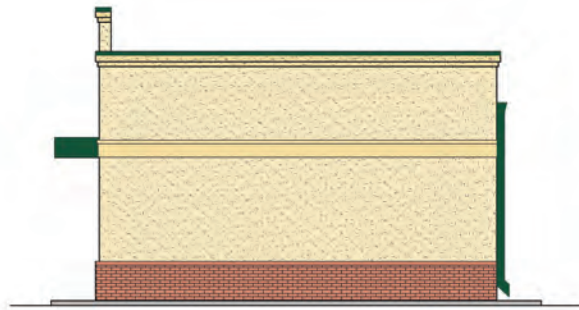
This variance is initiated because of hardship and not to increase the profitability of the property.

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

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

Applicant's Signature: Wael Rozek Date: _____

Print name legibly: Wael Rozek

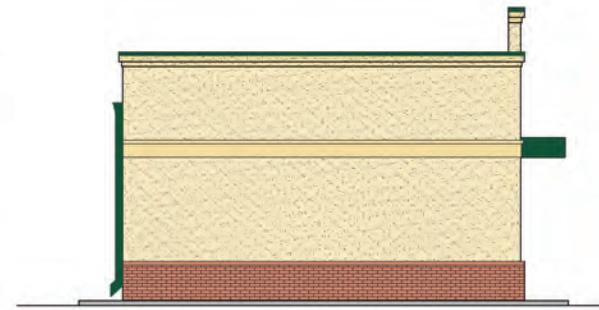


RIGHT ELEVATION

1/4" = 1'-0"

COLOR LEGEND

- PARAPET CAP / COMPOSITE TRIM -
MATCH SHERWIN WILLIAMS
0016 BILLIARD GREEN
- METAL CANOPY / GUTTERS /
DOWNSPOUTS, REAR DOOR
SHERWIN WILLIAMS # 0016
BILLIARD GREEN
- STUCCO TRIM /
MASTERWALL #500 EGG
- STUCCO MAIN BODY
MASTERWALL #500 EGG @ 30%
LIGHTER THEN STANDARD
- BRICK
PALMETTO BRICK
COLOR - OAK GROVE QUEENSIZ
MORTAR - IVORY BUFF
- STOREFRONT FRAME, DOORS
Bright Clear - Anodized or Powder Coat



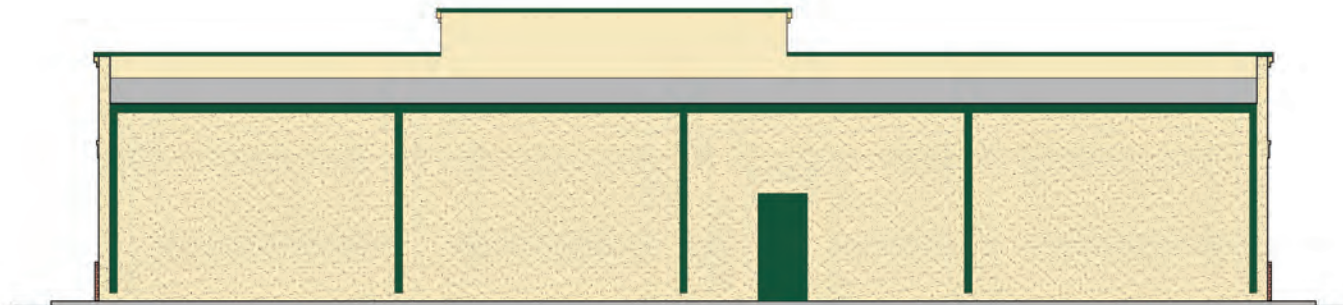
LEFT ELEVATION

1/4" = 1'-0"



FRONT ELEVATION

1/4" = 1'-0"



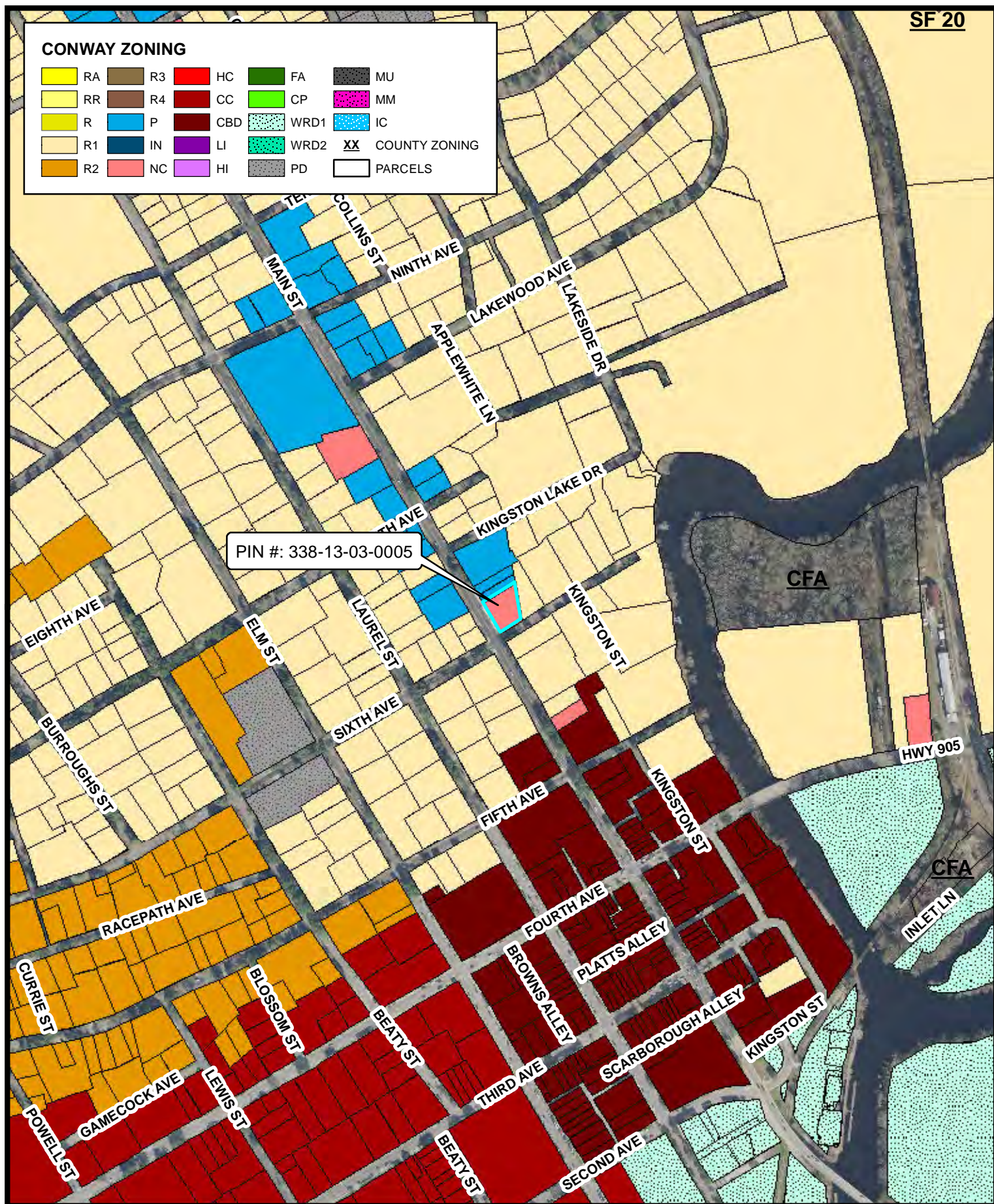
REAR ELEVATION

1/4" = 1'-0"

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

PIN #: 338-13-03-0005





Legend

 PARCELS

DATE: July 27, 2023

AGENDA ITEM: IV.B

ISSUE:

Keith Skinner, owner, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Article 6-Design Standards and Section 5.2 – Accessory Uses & Structures, for the property located at 1003 & 1005 Creel Street. (PIN 369-05-02-0005 and 0006)

BACKGROUND:

Mr. Skinner owns the residential home at 1005 Creel Street as well as the vacant parcel at 1003 Creel Street. In September of 2022, staff was made aware of a structure that was built behind the residential home without a permit. This structure does not meet the requirements for a Residential Accessory Structure per Section 5.2.1 of the UDO. The size of a residential accessory structure shall not exceed 50% of the primary structure on the same lot. Based on the minor plat that Mr. Skinner submitted for review, the unpermitted accessory structure is approximately 2,400 sq ft and the primary structure (house) is 1,300 sq ft.

Upon notification via email of this violation, Mr. Skinner requested a meeting with staff. At the January 5, 2023 meeting, Mr. Skinner made staff aware of his proposal for a commercial project on the vacant parcel at 1003 Creel Street. In this meeting, he also explained that he planned to add the unpermitted accessory structure to the commercial parcel via a platting action. This unpermitted accessory structure would be a “childcare covered shelter” for use in conjunction with the daycare.

Mr. Skinner has submitted a commercial sketch plan for review by the Technical Review Committee (TRC) as well as a minor plat adding the unpermitted accessory structure to the vacant parcel for future commercial use.

Staff explained to Mr. Skinner that variances would be required since the accessory structure would not meet setbacks from the new property line and per Section 5.2.1 of the UDO, non-residential accessory structures may be located in the rear and side yards only. Also, the “Childcare Covered Shelter” can only be permitted as an accessory to a principle use. Based on the commercial sketch plan submitted, the “Childcare Covered Shelter” is forward of the “Proposed Childcare Annex Building” and is therefore in the front yard. Furthermore, the accessory structure would not have a principle structure until the project is completed.

Both parcels are zoned Professional (P). Professional has the same setbacks for residential and commercial. Setbacks are 20-ft Front, 15-ft Rear and 10-ft Sides.

Based on the review of the minor plat and the commercial sketch plan, Mr. Skinner is requesting the following variances:

- **Table 6.2** – A variance of 6.2-ft from the side setback of 10-ft for the unpermitted accessory structure on the commercial parcel.
- **Table 6.1** – A variance of 11.2-ft from the rear setback of 15-ft for the existing accessory structures on Parcel B shown on the minor plat.
- **Section 5.2.1** – A variance to allow the “Childcare Covered Shelter” to be located in the Front Yard.
- **Section 5.2.1** – A variance to allow an accessory structure to be located on a parcel without a principle structure.

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

1. The gazebo was built on the property and it does not meet the UDO requirements because of its size. The area will be an addition to the new phase of the up and coming YNCDC II in the near future.
2. The conditions describe above are particular to my piece of property.
3. The strict application of the Zoning Ordinance would not prohibit or unreasonable restrict the use of my property.
4. Granting the variance would not harm adjacent property since both properties are owned by the same entity.
5. The hardship is that the structure was built without proper permit and is not in regulation with the dwelling on the current plot. The structure will be a part of the new daycare for inclement weather usage and outdoor activities.

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. Staff also recommends that should the variance requests be granted; the following conditions be placed on the board order:

- A deadline be established for the project's completion of the childcare facility in order for the accessory structure aka "Childcare Covered Shelter" to remain without a principal structure, to include a stipulation that allows the applicant to request additional time for unforeseen issues;
- A requirement that all necessary building permits, inspections and fees for the "Childcare Covered Shelter" be brought into compliance within 30-days of this meeting date; and
- That the "Childcare Covered Shelter" be used as an accessory structure in conjunction with the childcare center only. Any other activity/use for the "Childcare Covered Shelter" must obtain all necessary approvals prior to such use or activity taking place, including, but not limited to: any use that is not directly related to the childcare facility and/or which may require a Special Event Permit, in accordance with Sec. 3-1-36 – Special Event Permit, of the City of Conway's Code of Ordinances.



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only

Received: _____
BS&A #: _____

City of Conway Planning Department
196 Laurel Street, 29526

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

www.cityofconway.com

Property Address: 1003 Creel ST	Meeting date: 22 June 23	Pin #: 36905020006
Property Owner: YNCDC LLC	Daytime phone: 843-647-8913	
Agent: Keith O Skinner	Daytime phone: 843-248-0560	
Agent's mailing address: 1100 Creel St		
City: Conway	State: SC	Zip Code: 29527
Agent's e-mail address: kskin6@hotmail.com		
Zoning District:		

Requested Action:

- ☒ I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **Please continue to the following section.**
- ☐ I am requesting an administrative **appeal** of the action or decision of the Zoning Administrator, which I believe to be contrary to the meaning of the Conway Unified Development Ordinance (UDO). **Please continue to page three.**

VARIANCE REQUESTS:

Please demonstrate how you satisfy the following **CRITERIA FOR VARIANCE** (see §14.2.1 of the Conway Unified Development Ordinance).

Please describe your proposal in detail:
Variance request for the property list to meet the required off set stated in the UDO

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1. Having the proper off set in the front of the property	To have the stand off waived
2.	
3.	
4.	

Application Requirements:	
<input checked="" type="checkbox"/>	Completed BZA application
<input checked="" type="checkbox"/>	A filing fee of one hundred dollars (\$100.00)
<input checked="" type="checkbox"/>	A completed application including required signatures. Incomplete applications will not be processed.
<input checked="" type="checkbox"/>	A digital site plan drawn illustrating all property lines, existing structures, proposed structures and any other relevant site information can be emailed to planning@cityofconway.com



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only

Received: _____
BS&A #: _____

1. Describe the extraordinary conditions pertaining to your particular piece of property:
The gazebo was built on the property and it does not meet the UDO requirments because of its size.
The area will be an addition to the new phase of the up and coming YNCDC II in the nar future.

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

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.
No

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:
Not at all, both properties are owned by the same intity

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

For hardship due to the sturcture was built with out proper permit and is not in regulation with the dwelling on the current plot. The structure will be apart of the new Daycare for inclement weather useage and outdoor activities.

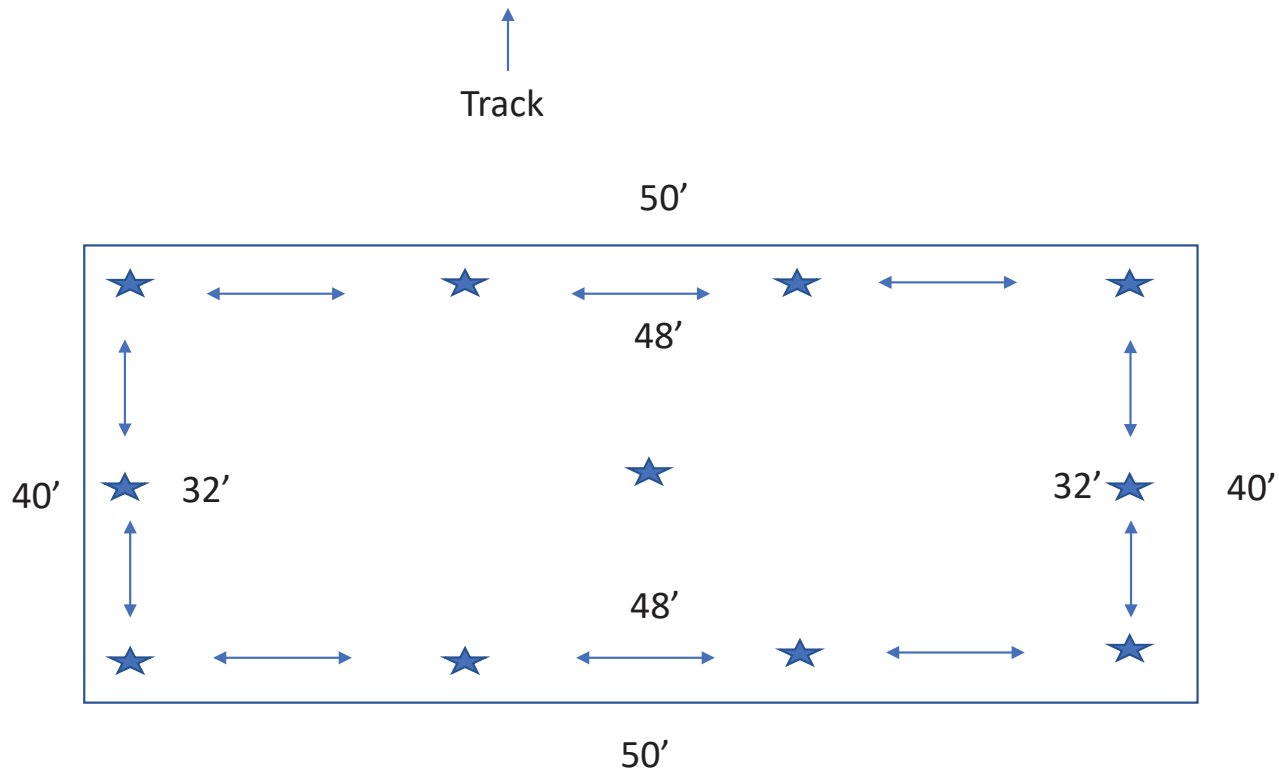
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be inspected, and that all required material will be submitted to the City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

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

Applicant's Signature: _____

Date: 17 May 2023

Print name legibly: Keith O Skinner



★ = These are the 6 x 6 polls with a 4' inset all the way around. With ribar

↕ = These are the 2 x 6 x 16 boards top support boards

Web Comment



Reason for Denial: Mr. Skinner – after looking at the illustration titled "Gazebo", this permit will not be approved by Planning.

Per the City of Conway's Unified Development Ordinance (UDO), a residential accessory structure can not be larger than 50% of the primary structure.

See #5 of Section 5.2.1-Accessory Structures in the application that you attached.

The Horry County Land Records site has the primary structure as being 950 sqft so the gazebo can not be larger than 475 sqft.

The illustration shows it as 2,000 sqft.

The structure must be reduced in size.

Any structure 400 square feet or larger must be engineered.



OK

KEITH SKINNER
SKINNER LAUNDRY
RETAIL CENTER
CREEL STREET, CONWAY, SC 29527

SHEET REVISIONS:
NO. DATE DESCRIPTION BY
1 01/04/23 ISSUE FOR REVIEW

PRINCIPAL IN CHARGE:
PROJECT ARCHITECT:
DRAWN BY: Author

SHEET TITLE:
PROPOSED SITE PLAN

SHEET NO. 01/04/23

A000

SITE INFORMATION

PROPOSED DEVELOPMENT NAME: CONWAY LAUDROMAT
OWNER: YOUR NEIGHBORHOOD CHILD DEVELOPMENT CENTER
1908 RACEPATH STREET
CONWAY, SC 29527

TOTAL SITE: 3.87 ACRES
TAX MAP: 136-08-35-001
ZONING: GC
SEWER: CITY OF CONWAY
WATER: CITY OF CONWAY
TOTAL PARKING SPACES: 25 SPACES
TOTAL REQUIRED PARKING: 25 SPACES (1 PER 300 SQ-FT)
2 ADA SPACES

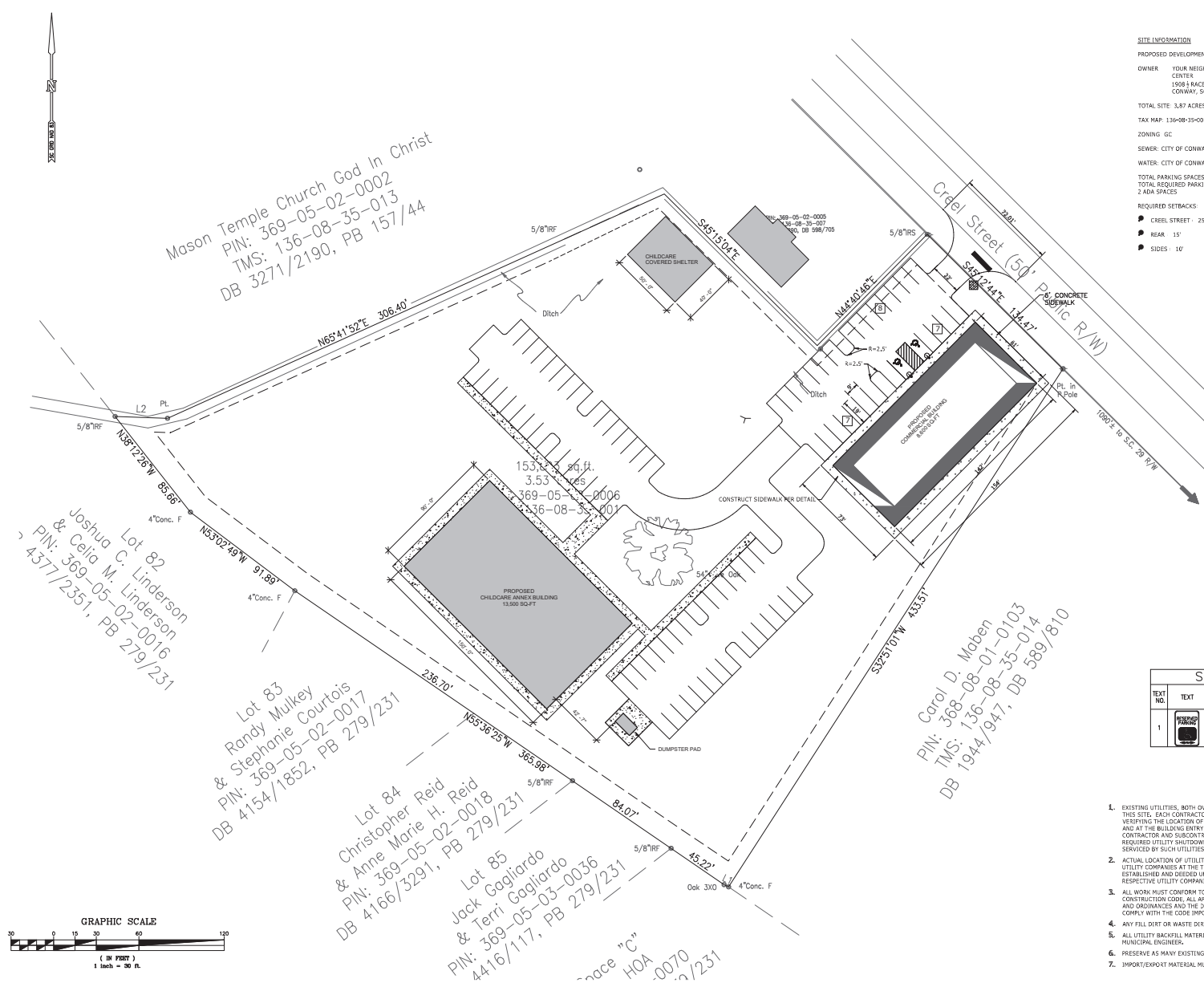
REQUIRED SETBACKS:

- CREEL STREET: 25'
- REAR: 15'
- SIDES: 10'

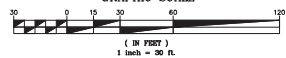
SIGN DATA TABLE					
TEXT NO.	TEXT	GREENVILLE STANDARD SIGN NO.	SIZE	COLOR BACK-GROUND	COLOR TYPE OF MOUNT
1	NO PARKING	14-08	12"x18" 1.5"PT	WHY	POLE MTD GROUND MTD

GENERAL NOTES

- EXISTING UTILITIES, BOTH OVERHEAD AND UNDERGROUND, EXIST ON AND ADJACENT TO THIS SITE. EACH CONTRACTOR AND SUBCONTRACTOR IS TOTALLY RESPONSIBLE FOR VERIFYING THE LOCATION OF SUCH UTILITIES, BOTH ON AND ADJACENT TO THE SITE AND AT THE BUILDING ENTRY POINTS PRIOR TO PROCEEDING WITH HIS WORK. EACH CONTRACTOR AND SUBCONTRACTOR IS FURTHER RESPONSIBLE FOR COORDINATING REQUIRED UTILITY SHUTDOWNS OR INTERRUPTIONS WITH BUILDING TENANTS BEING SERVICED BY SUCH UTILITIES.
- ACTUAL LOCATION OF UTILITIES ARE TO BE DETERMINED BY EACH OF THE RESPECTIVE UTILITY COMPANIES AT THE TIME OF THEIR APPROVAL. UTILITY EASEMENTS WILL BE ESTABLISHED AND DECIDED UPON FINAL APPROVAL OF PROPOSED UTILITY LOCATIONS RESPECTIVE UTILITY COMPANIES.
- ALL WORK MUST CONFORM TO THE LATEST EDITION OF THE SOUTH CAROLINA CONSTRUCTION CODE, ALL APPLICABLE REGULATIONS, ALL APPLICABLE LOCAL CODES AND ORDINANCES AND THE DRAWINGS AND SPECIFICATIONS. IN CASE OF CONFLICT COMPLY WITH THE CODE IMPOSING THE MOST STRINGENT REQUIREMENTS.
- ANY FILL DIRT OR WASTE DIRT MUST BE FROM OR TO A PERMITTED SITE.
- ALL UTILITY BACKFILL MATERIALS ARE SUBJECT TO REVIEW AND APPROVAL OF THE MUNICIPAL ENGINEER.
- PRESERVE AS MANY EXISTING TREES AS POSSIBLE DURING CONSTRUCTION.
- IMPORT/EXPORT MATERIAL MUST GO TO/COME FROM A PERMITTED SITE.



GRAPHIC SCALE



LINE	BEARING	DISTANCE
1	N65°55'00"E	15.64'

Certificate of Ownership and Declaration

The undersigned hereby certify that I am (we are) the owner(s) of the property shown and described here on and that (we) have made this (this) map of development (this) map of development with me (we) free and clear and that I (we) never divide all lands in this (these) shown or indicated on this plan.

Date: _____, 20____

Owner: _____

Owner: _____

Owner: _____

Certificate of Accuracy

I, Terry M. Watson, hereby state that to the best of my professional knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class B survey as specified therein; that the ratio of precision on calculated means or exceeds a maximum allowable error of 1/7500; and that the monuments as shown hereon have been placed in accordance with the law and the standards of practice. Witness my original signature, registration and seal this 31st day of January, A.D., 2023.

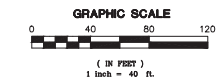
Terry M. Watson, P.L.S. No. 7165
January 31, 2023

TERRY M. WATSON, P.L.S.
Surveyors & Land Planners
545 Main St. S.E., 3rd Fl.
(843) 852-5796 • terry@terrym.com

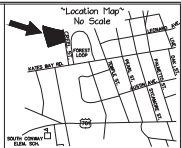
TMW-1154

Revisions	No.	Date	Description	By	Appr.
	1	01/31/2023	Final	T.M.W.	T.M.W.
	2				
	3				
	4				
	5				
	6				
	7				
	8				
	9				
	10				

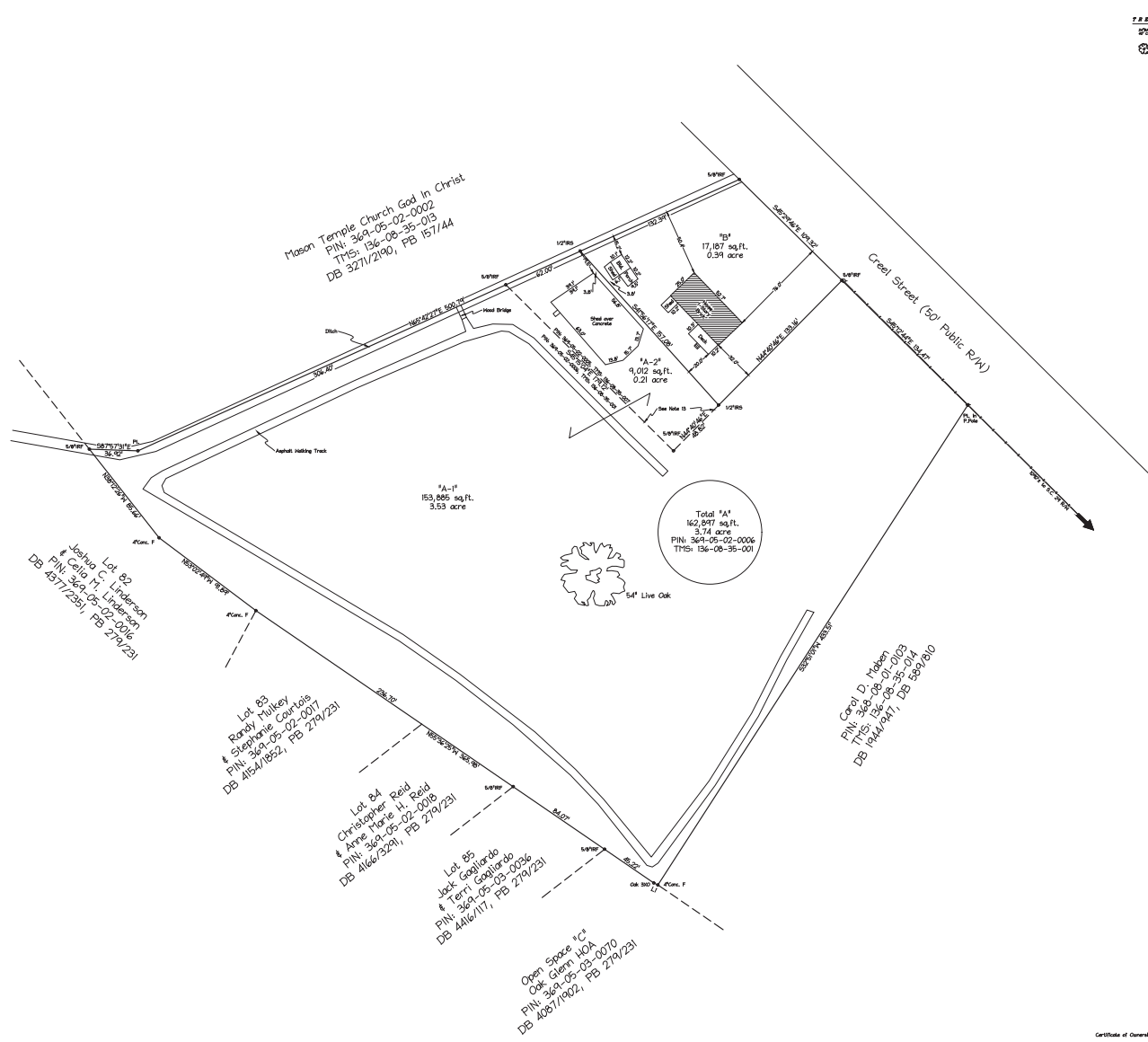
Parcel Split/Combination of Parcels Survey
of parcels containing
PIN: 364-05-02-0006, 153-06-35-001 & 007
PIN: 364-05-02-0006, 153-06-35-001 & 007
Prepared for:
**Your Neighborhood
Child Development Center**



- Notes:
1. PIN 364-05-02-0006 & 0006, TMS 153-06-35-001 & 007
 2. Owner of record: Your Neighborhood Child Development Center
POB 1/2 Rosepath Street
Conway, SC 29627
 3. The 100-Year Flood Boundary was obtained directly from FEMA Flood Map 4606222A (effective date August 18, 2019). This property is located in Flood Zone X-04. Flood Zone locations are shown on FEMA Flood Maps. Flood maps vary from 1"=500' to 1"=2000' and are noted as being approximate. The surveyor does not warrant the accuracy of the flood zone line. This does not constitute a Flood Zone determination or Flood Zone related issues.
 4. Declaration is made to original purchaser of the Survey.
 5. It is not transferred to additional institutions or subsequent owners.
 6. No attempt has been made as a part of this Boundary Survey to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility or Municipal/Public Service Facility. For information regarding these utilities please contact the appropriate agencies.
 7. Surveyor has made no investigation or independent search for assessments of record, encroachments, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose.
 8. This property is subject to all assessments or restrictions of record.
 9. This is a survey of parcel described in Deed Book 4441 at Page 2758 and Deed Book 401 at Page 1505.
 10. A portion of this property may be subject to Corps of Engineers National Jurisdiction.
 11. This property is not located within 2000' of the two required horizontal State Plane Monuments.
 12. All bearings are based upon Magnetic North. All distances shown are horizontal and not grid distances.
 13. Parcel "A-2" to be combined with Parcel "A-1" to make Parcel "A". The dashed lines shown as S46°55'04"E TPL12' and N44°40'46"E 46.82' to be abandoned.



- Legend
- 1 Cable Box
 - 2 Catch Basin
 - 3 Fire Hydrant
 - 4 Manhole
 - 5 Power Pole
 - 6 Property Corner
 - 7 Sewer Cleanout
 - 8 Sewer Manhole
 - 9 Tel. Pole/duct
 - 10 Transformer
 - 11 Water Meter
 - 12 Water Valve



Legend

PARCELS

PIN #: 369-05-02-0006

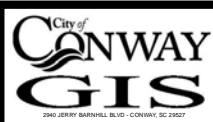
CREEL ST

ARBOR COURT

BAYTREE COURT

HOLLY LOOP

BLACKWOOD DRIVE



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 #: 369-05-02-0006
TMS #: 136-08-35-001
1003 CREEL ST
(P23-0149)



DATE: July 27, 2023

AGENDA ITEM: IV.C

ISSUE:

Johnathan Hayden, owner, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Section 5.2.3-Fences & Walls, for the property located at 1016 Oglethorpe Drive. (PIN 336-05-01-0035)

BACKGROUND:

Mr. Hayden has applied for a fence permit at 1016 Oglethorpe Drive. He proposes to install a 6-ft white vinyl fence to the rear of his home. After reviewing the submittal, staff had to deny the request based on Section 5.2.3-Fences & Walls of the UDO since the parcel has double frontage.

The parcel is Lot 57 of the Forest Glen Phase 1 subdivision and is located between Oglethorpe Drive and Public Alley 2. The subdivision is zoned PD (Planned District). Prior to submitting for the fence permit, Mr. Hayden received HOA approval.

Based on the City of Conway's Unified Development Ordinance (UDO), Section 5.2.3-Fences & Walls, front yards shall have a fence height maximum of 4-ft. The UDO would allow for a 6-ft fence provided a mandatory 10-ft setback is met from the property line.

Mr. Hayden is requesting the following variance:

- **Section 5.2.3-Fences & Walls:** A variance to allow a 6-ft fence instead of a 4-ft fence on the property line adjacent the public alley, to the rear of the home.

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

1. The extraordinary conditions pertaining to the piece of property is double front yard.
 2. The double front yard is not a normal condition and is particular to this piece of property.
 3. The strict application of the Zoning Ordinance would unreasonable restrict the use of the property since a 4-ft fence will not hold the neighbor's dogs in and the dogs will potentially hurt our dog.
 4. Granting the variance will not harm adjacent property. The HOA is aware and has completely approved the fence.
 5. The variance request is a hardship. We are not worried about property values as far as the fence is concerned.
-

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 #: _____

P23-0177

City of Conway Planning Department
196 Laurel Street, 29526

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

www.cityofconway.com

Property Address: 1016 oglethorpe Dr 300 Twelfth Ave		Meeting date: 7/27	Pin #: 1339-09-01-0003
Property Owner: Johnathan Hayden		Daytime phone: 720 988 9501	
Agent: TRAVIS oceanside fence		Daytime phone: 336 242 6611	
Agent's mailing address:			
City: Conway		State: S.C.	Zip Code: 29527
Agent's e-mail address: jhayden089@gmail.com Owners email			
Zoning District: R1			

Requested Action:

- ☒ I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **Please continue to the following section.**
- ☐ I am requesting an administrative **appeal** of the action or decision of the Zoning Administrator, which I believe to be contrary to the meaning of the Conway Unified Development Ordinance (UDO). **Please continue to page three.**

VARIANCE REQUESTS:

Please demonstrate how you satisfy the following **CRITERIA FOR VARIANCE** (see §14.2.1 of the Conway Unified Development Ordinance).

Please describe your proposal in detail:
I want a 6ft fence. Ordinance 5.2.3 won't allow it.

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 & Walls	a 6ft fence in a double front yard "back yard"
2. Front Yard - 4ft / Corner Front Yard - 6ft (provided it	
3. meets a 10-ft setback from the property line)	
4.	

Application Requirements:

- ☐ Completed BZA application
- ☐ A filing fee of one hundred dollars (\$100.00)
- ☐ A completed application including required signatures. Incomplete applications will not be processed.
- ☐ A digital site plan drawn illustrating all property lines, existing structures, proposed structures and any other relevant site information can be emailed to planning@cityofconway.com



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only

Received: _____
BS&A #: _____

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

Double front yard

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

double front yard not normal

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

yes cause I want a 6 ft fence
neighbor has a 4 ft fence and their dogs can get
over fence. HOA said no barking. Neighbors dog will
be barking and potentially can hurt our dog

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

Definitely no harm. HOA is
aware and completely approved. I attached approval from
HOA.

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

yes. Not worried about property
values as far the fence is concerned

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

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

Applicant's Signature: _____

Date: June 02 2023

Print name legibly: _____

Jonathan Hayden

FOREST GLEN

Architectural Review/HOA Approval - Home Exterior Changes (Interior Lot)

Applicant Johnathan Hayden Lot # _____ (Homeowner signature required below)
Please Print

Address 1016 Oblethorpe Drive Conway, SC 29527 Lot 57

Home Exterior Changes – All exterior changes including, but not limited to, fencing, small storage buildings, garages, screened rear porches, inground pools, driveway extensions, and roof replacements, etc., must be aesthetically tasteful and must be approved by the Architectural Review Board/Home Owners Association (HOA) and the City of Conway prior to construction and/or installation. Please check below the change you intend to make:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Fencing | <input type="checkbox"/> Driveway Extension (Dimensions _____ X _____) |
| <input type="checkbox"/> Storage Building (See note below) | <input type="checkbox"/> Roof Replacement |
| <input type="checkbox"/> Screened Rear Porch | <input type="checkbox"/> Exterior Door Painting/Color Change |
| <input type="checkbox"/> Inground Swimming Pool | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Pool Building | |

Please show on a drawing, the general location of your structure in reference to your house. This drawing must accompany your application. Other notes about your requested change _____

- ❖ **Fencing** - Should be a white composite material (wooden fencing not allowed) * 6 ft fence o/c. [Signature]

City Approval Obtained - _____ (Copy/Permit Attached)
Date

- ❖ **Buildings:** Exterior Color Schemes must be identical to your home: This would also apply to screened porches.

Building Size: _____ (e.g. 10 X 12 – 120 Sq. Ft.)
Building Roof Pitch: _____ (metal roofs are prohibited)
Siding Color: _____ Shutter Color: _____
Shingle Color: _____ Trim Color: _____

City Approval Obtained - _____ (Copy/Permit Attached)
Date

Note: All storage buildings must be City approved and must conform to all city requirements for setbacks and property line requirements

- ❖ **Swimming Pools** – Must conform to City of Conway setback requirements and must be located to the rear of the main dwelling and shall not project with their coping more than two (2) feet above the established lot grade. Please show the general location of your swimming pool in reference to your house. This drawing must accompany your application.

City Approval Obtained - _____ (Copy/Permit Attached)
Date

Signature [Signature] Date 05/21/2023

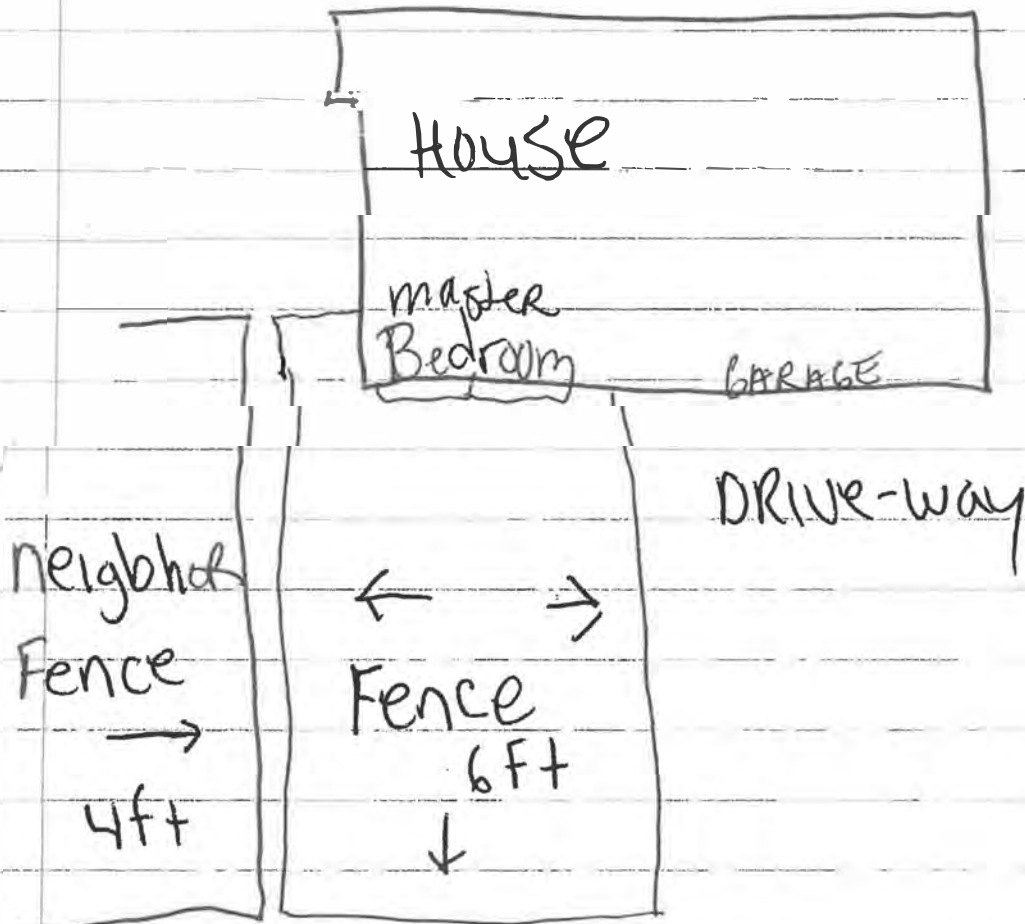
HOA Board Approval	<u>Carla L. Thabbold</u>	Date	<u>5/23/23</u>
HOA Board Approval	<u>[Signature]</u>	Date	<u>5/23/23</u>
HOA Board Approval	<u>[Signature]</u>	Date	<u>5/25/23</u>
HOA Board Approval	<u>[Signature]</u>	Date	<u>5/25/23</u>



Oglethorpe Drive

street

sidewalk



1014

1016

Alley 2

street/alley

1016 Oglethorpe Drive



From: [Deborah Sarni](#)
To: [Anne Bessant](#)
Subject: 1016 Oglethorpe Dr Variance Request
Date: Thursday, July 13, 2023 9:51:53 PM

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

I as owner of 1014 Oglethorpe Dr am replying to your letter of June 5, 2023. I want the Conway Board of Zoning to know that I can not be at their hearing July 27, 2023, however I fully approve of Jonathan Hayden's application for a fence variance on 1016 Oglethorpe drive.

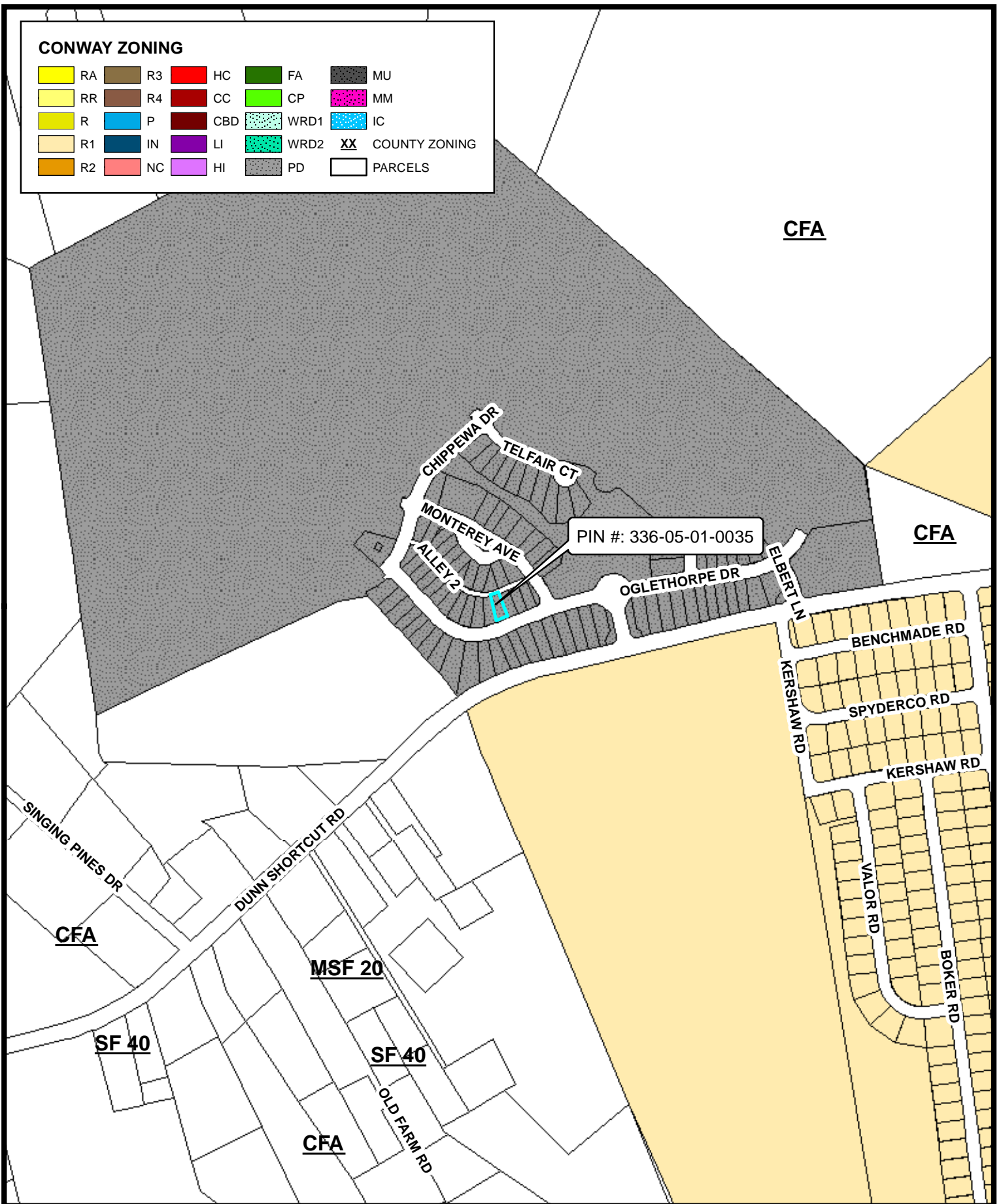
Sincerely,

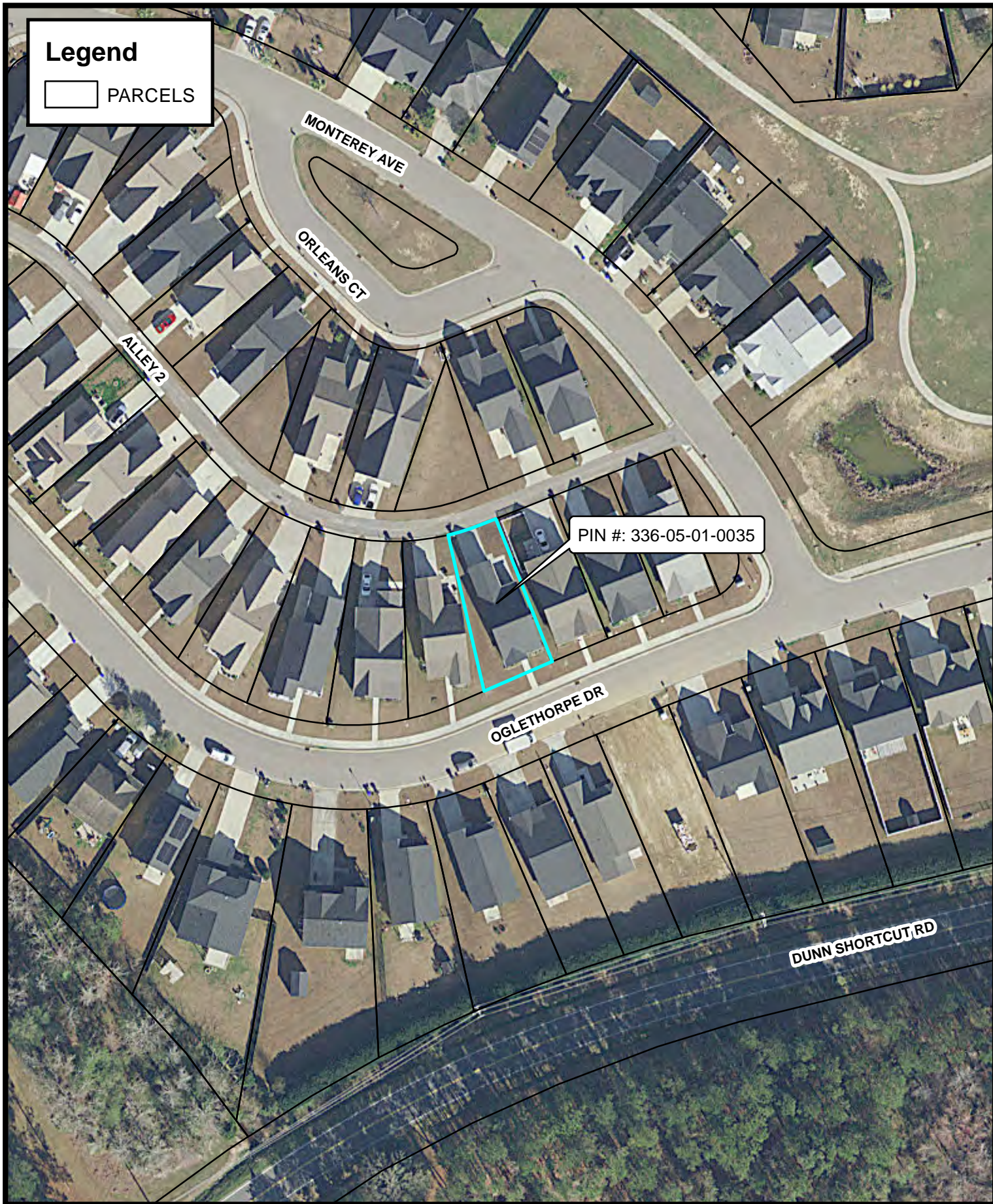
Vincent A Sarni Jr,

Concord Investments, LLC
419-944-3739

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





Legend

 PARCELS

DATE: July 27, 2023

AGENDA ITEM: IV.D

ISSUE:

Lawrence Williams, agent for New Faith Temple COGIC, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Article 11-Signage, for the property located at 1520 Grainger Road. (PIN 368-01-02-0027)

BACKGROUND:

Mr. Jarrett Wallace, member of New Faith Temple COGIC, applied for a variance to allow for an Electronic Message/LED Digital Sign (EMC) for New Faith Temple COGIC. Mr. Lawrence Williams is present as the agent for the variance request. The church is zoned R1 (Low Medium Density Residential).

Skyline Signs submitted for a sign permit on March 17, 2022. At that time, staff made the applicant aware that Electronic Message/LED Digital Signs (EMC) are not permitted in the R1 zoning district. Per the UDO, EMCs/LEDs shall be permitted only in the Institutional (IN) and Institutional Campus (IC) Zoning Districts, and on properties zoned Highway Commercial (HC) that are located on US Highway 501, including all areas of Church Street and Highway 501 Bypass, however, parcels located on Highway 501 Business shall not be eligible for EMC signage.

Based on the Horry County Land Records, the church owns approximately 4.23 acres. Section 5.1.22- Religious Institutions of the UDO states that *“Religious institutions over three (3) acres in size are subject to the review and procedures indicated by the Planned Development District (PD)”*. Rezoning to a PD would allow the church to basically write their own zoning ordinance and include EMC signs as an allowed sign type. The applicant was made aware of the rezoning process to a PD that requires a Master Plan, a PD Narrative and a \$2,500 fee. The proposed PD would have a public hearing at Planning Commission and then Planning Commission will make a recommendation to City Council.

Any person or entity may apply for a variance; however, this particular variance is considered a “use” variance since EMC Signs are permitted in other zoning districts. In order to grant a “use” variance, the following finding must be determined and made part of the record: the use requested can be documented to have been a past use of the property.

The New Faith Temple COGIC is requesting the following variance:

- **Section 11.4.9-Electronic Message Centers/LED Digital Signs:** A variance to allow a “use” of an EMC sign in a zoning district that does not allow for such use.

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

1. We are a church that resides in a zoning district under R1. We fall under the classification of an institution. Because of the zoning we cannot operate a digital sign and would like to have that option so that we can share the gospel every day.
 2. Conditions particular to this piece of property is due to the fact that other churches have digital signs and we would like to utilized the same ability.
 3. The strict zoning prohibits digital signs in the district even though we are considered an institution.
 4. Granting a variance would not harm the adjacent property as to the right of our property is a day care that I am not sure is in operation. Directly across the street from us is a cemetery. I strongly doubt they would have anything to say. To the left of us is one house that is separated by at least an acre of land.
 5. This variance request is strictly because of the hardship. We want to be able to share with the community and let them know about the free programs we offer. WE have been in the community over 50 years and have no intentions on leaving.
-

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.

Variance: 1520 Grainger Road

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 applicant seek to rezone the property to a district that would allow for the Electronic Message Center/LED Digital Sign.



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only

Received:

BS&A #:

6/14/14
P23-0125

City of Conway Planning Department
196 Laurel Street, 29526

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

www.cityofconway.com

Property Address: 1520 Grainger Rd		Meeting date: July 27	Pin #:36801020027
Property Owner: Faith Temple COGIC		Daytime phone: 843-503-1711	
Agent: Jarrett Wallace (Lawrence Williams)		Daytime phone: 843-503-1711	
Agent's mailing address:1520 Grainger Rd			
City: Conway		State: SC	Zip Code:29527
Agent's e-mail address: jdub7581@gmail.com			
Zoning District: R1			

Requested Action:

- ☒ I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **Please continue to the following section.**
- ☐ I am requesting an administrative **appeal** of the action or decision of the Zoning Administrator, which I believe to be contrary to the meaning of the Conway Unified Development Ordinance (UDO). **Please continue to page three.**

VARIANCE REQUESTS:

Please demonstrate how you satisfy the following **CRITERIA FOR VARIANCE** (see §14.2.1 of the Conway Unified Development Ordinance).

Please describe your proposal in detail:

Our church falls under the classification of institutional but the zoning is under R1. This creates a hardship for our church because we would like to install a new digital sign.

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

UDO Section and Requirement:	Proposed Instead:
1. 11.4.9 EMC/LED Digital Signs	EMC in R1 for church
2. -	
3. Zoning Districts TN+IC	
4. -	

Application Requirements:

- ☐ Completed BZA application
- ☐ A filing fee of one hundred dollars (\$100.00)
- ☐ A completed application including required signatures. Incomplete applications will not be processed.
- ☐ A digital site plan drawn illustrating all property lines, existing structures, proposed structures and any other relevant site information can be emailed to planning@cityofconway.com



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only

Received: _____

BS&A #: _____

1. Describe the extraordinary conditions pertaining to your particular piece of property:
We are a church that is resides in a zoning district under R1. We fall under the classification of
an institution. Because of the zoning we can not operate a digital sign and would like to have that option
so that we can share the gospel everyday.

2. Are the conditions described above particular to your piece of property? Explain.
I believe it is due to the fact that other churches have digital signs and we would like to utilize the same
ability.

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.
Yes the strict zoning prohibits digital signs in the district even though we are considered an institution.

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:
Granting a variance would not harm the adjacent property as to the right of our property is a day care
that i'm not sure is in operation. directly across the street from us is cemetery, I strongly doubt they
would have anything to say. To the left of us i one house that is seperated by at least an acre of land.

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

This variance request is strictly because of the hardship. We want to be able to share with the community
and let them know about the free programs we offer. We have been in the community over 50 years and
have no intentions on leaving!

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

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

Applicant's Signature: _____

Date: 6/14/2023

Print name legibly: Jarrett Wallace

DESIGN SPECIFICATIONS			
IBC	2018	with	SC amendments
Including Modifications By State of SC & IBC Ch. 16			
ASCE	7-16	Minimum Design Loads for Buildings & Other Structures	
ACI	318-14	Building Code Requirements for Structural Concrete	
ANSI/AISC	360-16	Specification for Structural Steel Buildings	
DESIGN LOADS			
Wind	V =	142	mph
Exposure	C		
Risk Cat.	II		
Grnd. Snow	Pg =	10	psf

MURDOCH ENGINEERING
SIGN STRUCTURE PROFESSIONALS

2399 A-2 NJ-34
MANAQUAN, NJ 08736
(973) 510-8215 x101

Jerre Murdoch
3/3/2023

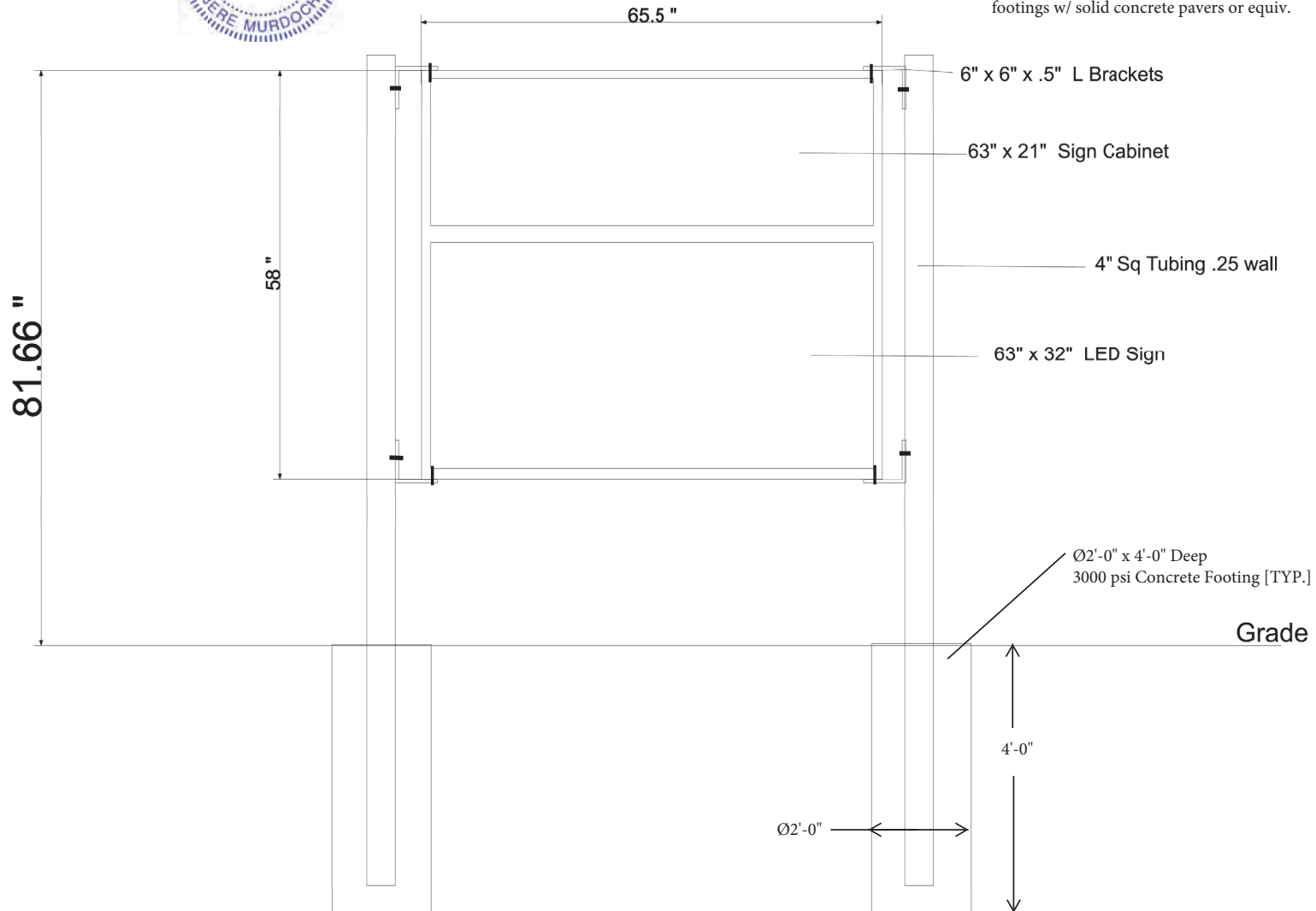
Jerre Murdoch, PE
Professional Engineer
SC/PE Lic. #29254



New Faith Temple 1520 Grainger Rd Conway, SC 295247

Engineer's Note:

- Angle brackets fastened to posts with one [1] 3/8" Tap-Flex Thread Forming Screw per bracket
- Cabinet fastened to bracket with two [2] 1/4" SS Tek Screws through bracket into cabinet
- Maintain 6" clearance from bottom of posts to bottom of footings w/ solid concrete pavers or equiv.



152

New Faith Temple Church of God in Christ



MAYOR
Barbara Blain-Bellamy

MAYOR PRO TEM
B. Alex Hyman



COUNCIL MEMBERS
Amanda Butler
William M. Goldfinch IV
Beth Helms
Justin D. Jordan
Larry A. White

PLANNING & DEVELOPMENT DEPARTMENT

March 21, 2022

Skyline Signs
ATTN: Nick Bruno
Richard@skylinesignsusa.com;nick@skylinesignsusa.com
Re: 1520 Grainger Rd.

Dear Applicant(s):

Planning has reviewed your sign permit for the above project and the following comments apply.

Please submit revised sign renderings addressing the comments via email to me at vstone@cityofconway.com. Thank you.

PLANNING DEPARTMENT – Vicki Stone (843) 488-9888:

1. The parcel is zoned **R1 (Residential)** & is located in the **Gateway Corridor Overlay (GCO)**.
2. **Pylon Sign:** Per Section, 11.2.2 / 2 Prohibited Signs Of the *City of Conway's Unified Development Ordinance (UDO)*
 - Pole signs and Pylon signs are prohibited
3. Per Section 11.4.9. D, *Electronic Message Centers / L.E.D Digital Signs*
 - EMCs / LEDs shall be permitted only in the IN and IC Zoning Districts, and on properties zoned HC that are located on US Highway 501, including all areas of Church Street and Highway 501 Bypass.
4. I need a scaled drawing, including superimposed rendering of sign. (I need to see what the sign will look like on its base.)
5. I need to have a scaled site plan of the property on which the sign is to be located, indicate property lines, all site improvements, location and setbacks from property lines of proposed sign, sight triangles at street/driveway intersections, and any existing signs to remain.

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

There may be items not mentioned in the above comments at this time, which may require revisions. The City reserves the right to add comments that may become germane to the review.

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

Sincerely,

Vicki Stone

Planning Department

From: [Kym Wilkerson](#)
To: ["jdub7581@gmail.com"](mailto:jdub7581@gmail.com)
Cc: [Jessica Hucks](#); [Anne Bessant](#); [Vicki Stone](#)
Bcc: [John Rogers](#)
Subject: 1520 Grainger Road - PIN# 36801020027
Date: Thursday, June 8, 2023 5:50:00 PM
Attachments: [Rezoning Request \(fillable\).pdf](#)
[6.4.2 Planned Development \(PD\).pdf](#)
[PD Trinity \(Jan 2020\).pdf](#)
[PD Jamestown Bap Church \(7.12.2016\).pdf](#)
[PD Ekklesia Church \(7.28.22\).pdf](#)

Hi – per our conversation Monday after City Council, please find attached the following items:

- **Rezoning Application (*partially filled out*)**
- **Section 6.4.2 Planned Development of the UDO**
- **Examples of PD Narratives of various churches**

Please let me know if you have any questions or if we can help you in any way.

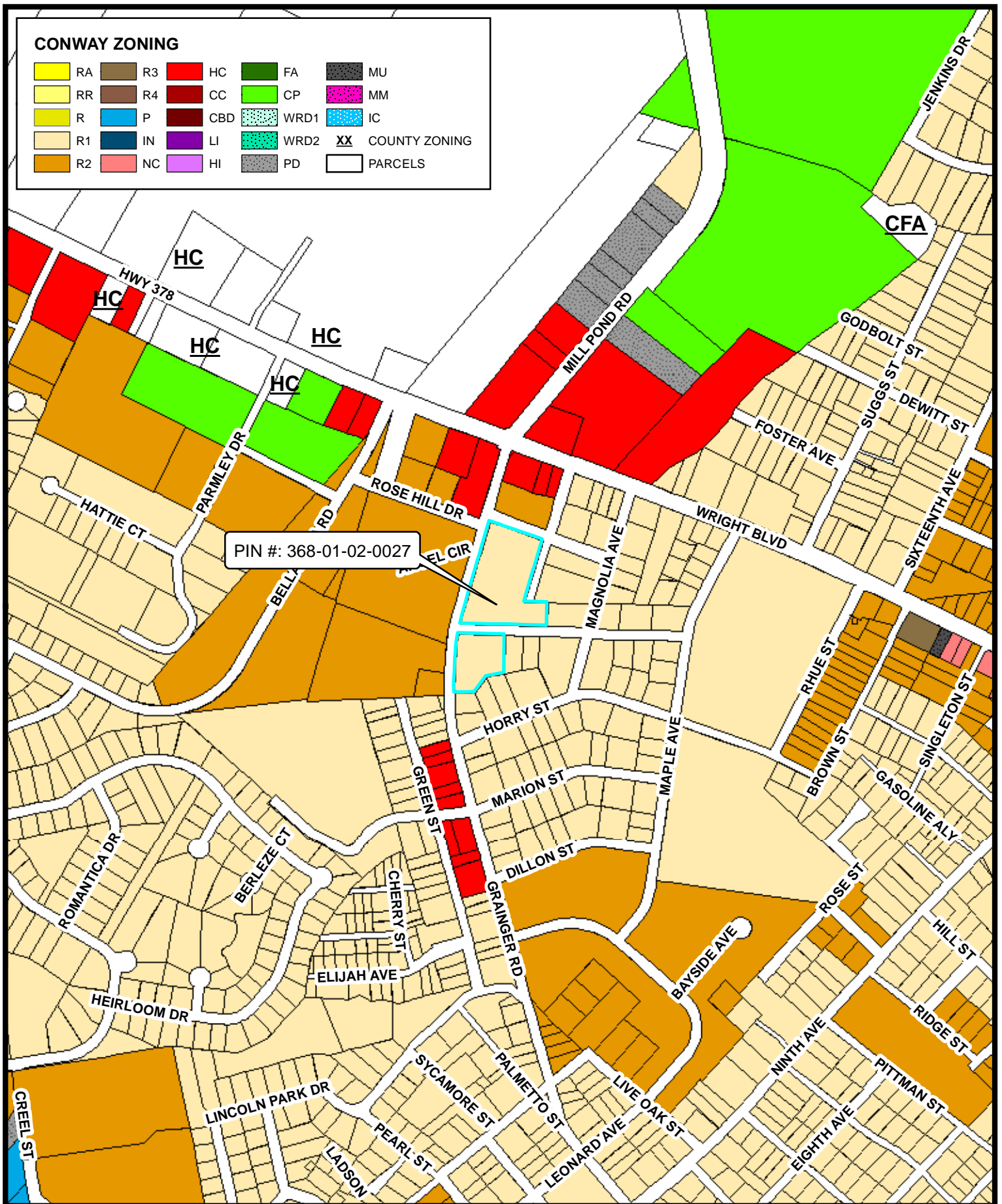
Thanks!

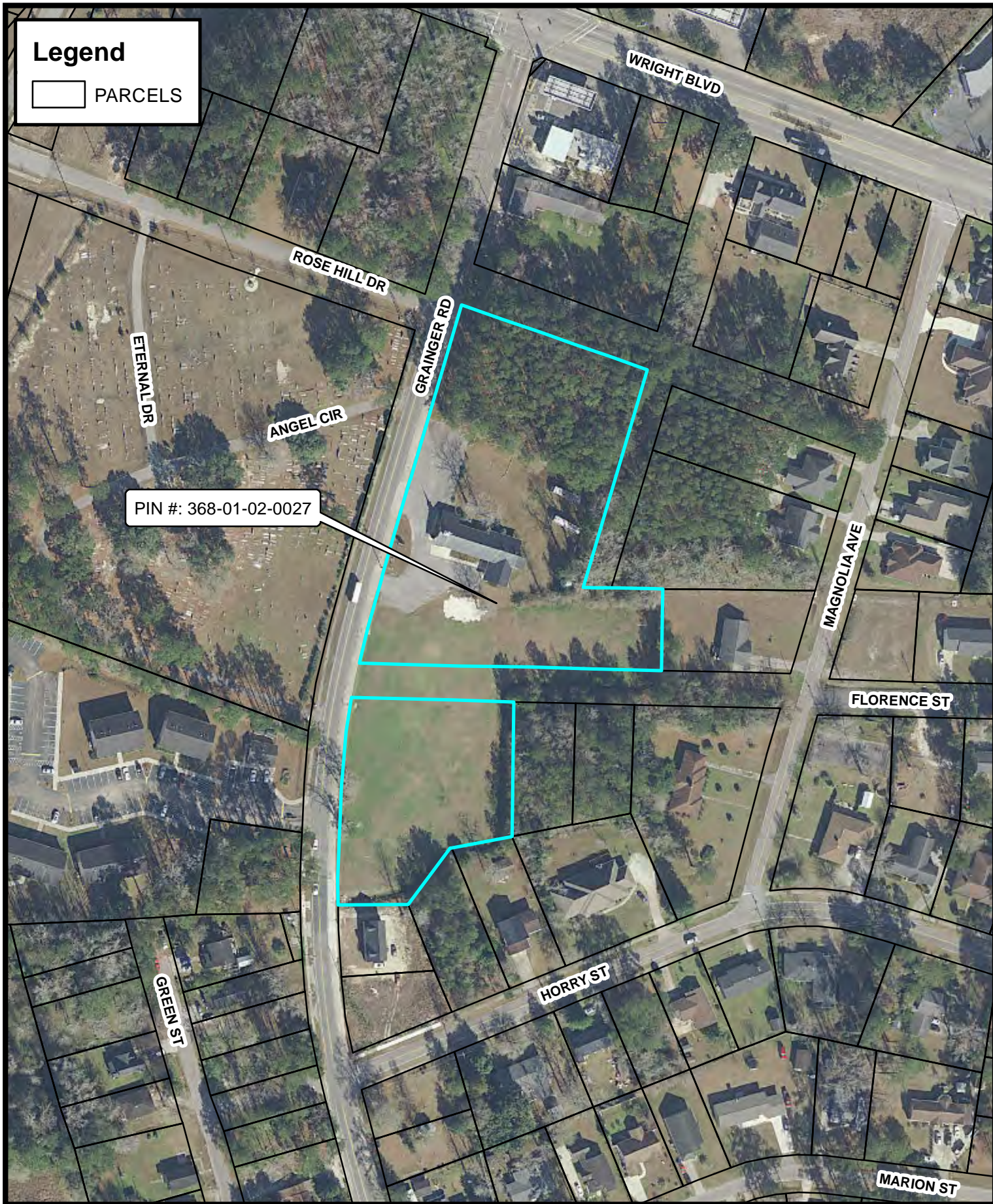
Kym Wilkerson | Zoning Administrator
City of Conway
196 Laurel Street, Conway, SC 29526
Phone: 843-488-7618

Use the following link to access:

City of Conway's Unified Development Ordinance

[https://www.cityofconway.com/UDO%20\(last%20amended%2011.21.22\).pdf](https://www.cityofconway.com/UDO%20(last%20amended%2011.21.22).pdf)





DATE: July 27, 2023

AGENDA ITEM: IV.E

ISSUE:

Todd Grinolds with Diamond Shores, agent for MR Investment Group LLC, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Article 9-Landscaping & Buffer Requirements and Section 6.3.6-Core Commercial District, for the property located at 1312 Second Avenue. (PIN 368-04-03-0021)

BACKGROUND:

Mr. Grinolds has submitted a commercial sketch plan for Technical Review Committee (TRC) to get initial comments on the 7-Unit commercial project at 1312 Second Avenue. The parcel is zoned Core Commercial (CC) but is not within the Historic Design Review District (HDRD) and does not require CAB (Community Appearance Board) review.

Per Section 6.3.6-Core Commercial of the UDO, all buildings shall be oriented towards the street, and each building shall have a clearly defined primary entrance that shall front the street, rather than to a courtyard, alleyway, or parking lot. Based on the size and shape of the lot, the applicant proposes to have Unit 1 facing Second Avenue and the other 6 Units will face the parking lot. This will eliminate the side of the building facing Second Avenue.

Per Table 9.1-Required Landscaping, a Type A Landscape Buffer is required along the sides and rear property lines. The applicant is requesting a variance of 2-ft on the eastern property line to provide a 3-ft landscape buffer vs a 5-ft landscape buffer. The applicant proposes to use the same number of plantings required but with a smaller width buffer. Core Commercial does not have a front buffer requirement since the structure is required to be built to or within the build-to-zone (btz). The btz is an area within 3-ft of the public right of way (sidewalk line).

The applicant is requesting the following variances:

- **Section 6.3.6-Core Commercial:** A variance from the Building Orientation & Entrances required in the Core Commercial zoning district to allow the first of seven units in a row to face Second Avenue and the additional six units to face the parking lot.
- **Table 9.1-Required Landscaping:** A variance of 2-ft from the 5-ft required perimeter landscape buffer.

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

1. Based on existing shape & size of the property, we cannot provide the 5-ft landscape strip required along the NW property line. We can provide 3-ft on this side with plantings as required per the code.
2. We are surrounded by development on 3-sides and a road out front. With the drainage easement and existing property width, it limits greatly the buildable area on the site.
3. We are compounded by the existing property size, shape and existing drainage easement. We have a very limited buildable area for development on this parcel.
4. Granting the variance will not harm adjacent property, the character of the area or the public good.
5. This variance request is because of a hardship and not to increase the profitability of the property.

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 #:

223-0192

City of Conway Planning Department
196 Laurel Street, 29526

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

www.cityofconway.com

Property Address: NW Side of 2nd Avenue	Meeting date: 07/27/23	Pin #: 368-04-03-0021
Property Owner: MR Investment Group, LLC.	Daytime phone: 843-385-3877	
Agent: Diamond Shores, LLC.	Daytime phone: 843-422-2900	
Agent's mailing address: 315 Main Street - Suite 11		
City: Conway	State: SC	Zip Code: 29526
Agent's e-mail address: todd@diamondshores.net		
Zoning District: Core Commercial District		

Requested Action:

- ☒ I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **Please continue to the following section.**
- ☐ I am requesting an administrative **appeal** of the action or decision of the Zoning Administrator, which I believe to be contrary to the meaning of the Conway Unified Development Ordinance (UDO). **Please continue to page three.**

VARIANCE REQUESTS:

Please demonstrate how you satisfy the following **CRITERIA FOR VARIANCE** (see §14.2.1 of the Conway Unified Development Ordinance).

Please describe your proposal in detail:
2 variances:
#1 - Reduced width in one of the four required landscape strips. (See below and attached site plan)
#2 - Variance for building orientation as mentioned in the TRC review comments.
(only one of the 6 units proposed will be oriented towards the street)

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1. 5' Landscape Buffer required on all 4 sides.	5' provided on 3 sides. 3' buffer along NW property line
2. All units must be oriented towards the street.	1 of 6 units will be facing street due to lot size/shape.
3.	
4.	

Application Requirements:

- ☒ Completed BZA application
- ☒ A filing fee of one hundred dollars (\$100.00)
- ☒ A completed application including required signatures. Incomplete applications will not be processed.
- ☒ A digital site plan drawn illustrating all property lines, existing structures, proposed structures and any other relevant site information can be emailed to planning@cityofconway.com



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only

Received: _____
BS&A #: _____

1. Describe the extraordinary conditions pertaining to your particular piece of property:
Based on existing shape and size of the property we cannot provide the 5' landscape strip required along the NW property line. We can provide 3' on this side with plantings as required per the code. We can also offer some street trees in the ROW in front of the property.

2. Are the conditions described above particular to your piece of property? Explain.
Yes. We are surrounded by development on 3 sides and a road out front. With the drainage easement & existing property width it limits greatly the buildable area on the site.

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.
Yes. We are compounded by the existing property size, shape and existing drainage easement. We have a very limited buildable area for development on this parcel.

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:
No.

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

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

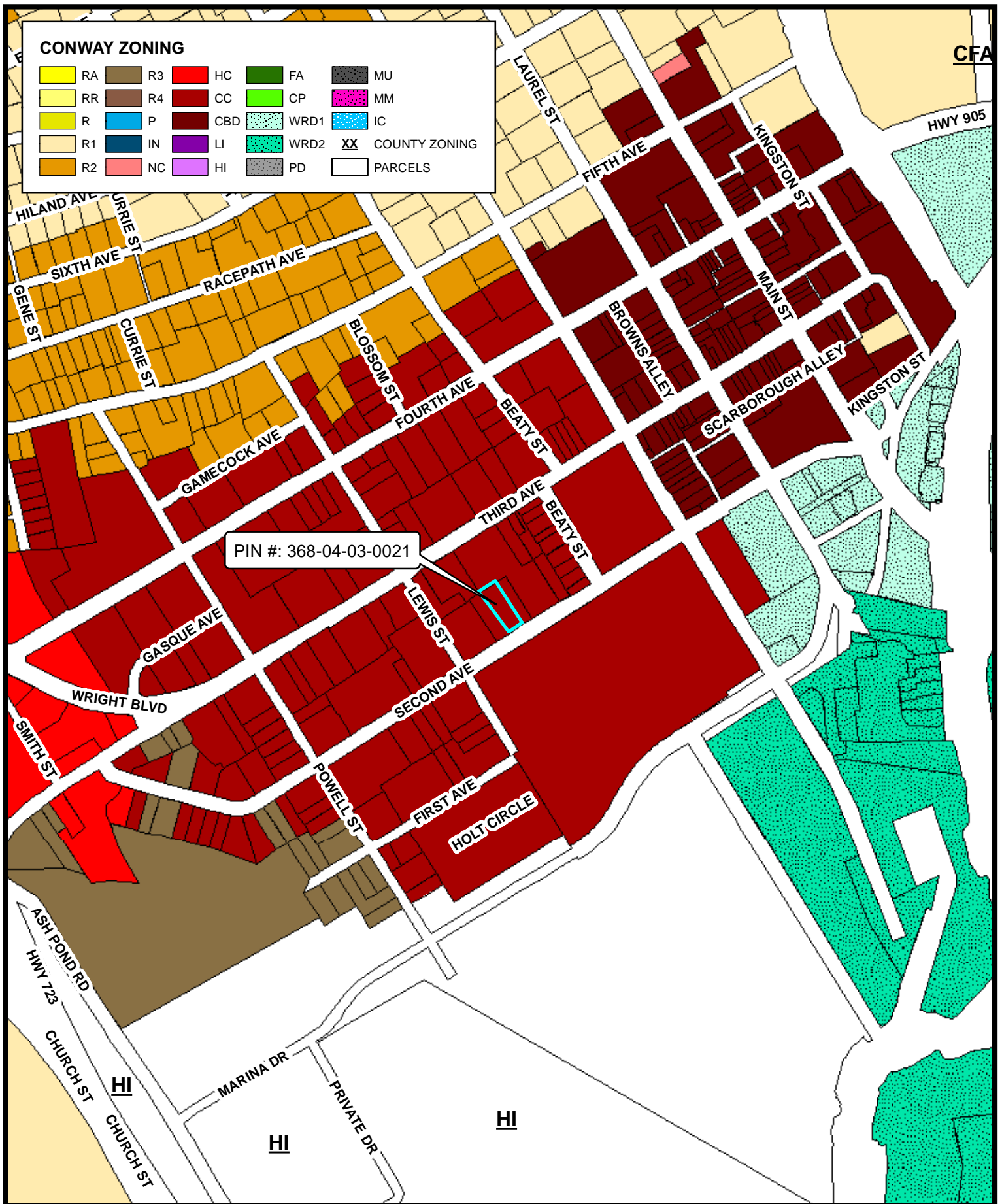
A REPRESENTATIVE MUST BE PRESENT AT THE MEETING TO HAVE YOUR REQUEST HEARD.

Applicant's Signature: _____

Date: 6/27/23

Print name legibly: _____

Marc A Thomas

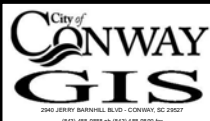




Legend

 PARCELS

PIN #: 368-04-03-0021



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 #: 368-04-03-0021
TMS #: 137-06-14-020
1312 SECOND AVE
(P23-0192)



CITY OF CONWAY

2023 Board of Zoning Appeals - 5:30 p.m.

<u>Deadline</u>	<u>Meeting Date</u>
December 28, 2022	January 26, 2023
January 24, 2023	February 23, 2023
February 21, 2023	March 23, 2023
March 28, 2023	April 27, 2023
April 25, 2023	May 25, 2023
May 23, 2023	June 22, 2023
June 27, 2023	July 27, 2023
July 25, 2023	August 24, 2023
August 29, 2023	September 28, 2023
September 26, 2023	October 26, 2023
October 17, 2023	November 16, 2023
November 14, 2023	December 14, 2023