

MAYOR
Barbara Jo Blain-Bellamy

MAYOR PRO TEM
Justin D. Jordan



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

PLANNING & DEVELOPMENT

BOARD OF ZONING APPEALS MEETING THURSDAY, AUGUST 24, 2023 | 5:30 P.M. PLANNING & DEVELOPMENT DEPARTMENT 196 LAUREL STREET (*SIDE ENTRANCE*)

I. CALL TO ORDER

II. APPROVAL OF JULY 27, 2023 MINUTES

III. CRITERIA

IV. OLD BUSINESS

- A. *Previously Deferred....* Keith Skinner, owner, request a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO), Article 6 – Design Standards and Article 5, Section 5.2 – Accessory Uses & Structures*, for the property located at **1003 & 1005 Creel Street**. (PIN 369-05-02-0005 and -0006)

V. PUBLIC HEARINGS

A. VARIANCE REQUESTS

1. Trademark Home Exteriors, agent for the property owner, requests a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO), Article 6, Table 6.1 – Dimensional Requirements*, regarding rear setback requirements, for the property located at **1358 Midtown Village Drive**. (PIN 325-16-03-0022)
2. Mel Miller, agent for Waccamaw Hotel LP (dba Fairfield Inn & Suites), requests a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO), Article 11, Section 11.4.1 – Wall Signage*, for the property located at **2061 E Highway 501**. (PIN 383-07-01-0008)
3. 401 Main Street Realty LLC, property owner, requests a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO), Section 6.5.2 – Gateway Corridor Overlay (GCO)*, and *Article 9 – Landscaping & Buffering*, for the property located at **1311 Thirteenth Avenue**. (PIN 338-14-01-0027)
4. Orit Deverell, property owner, requests a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO), Article 6, Table 6.2 – Non-Residential Design Standards*, for the property located at the corner of **Elm Street and Laurel Street**. (PIN 367-01-04-0042)

VI. ADJOURN

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, JULY 27, 2023
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET**

Present: Blake Hendrick, Lesley Hill, Jay Sellers, Sandra James
Absent: Paul Lawson, Charles Byrd, Catherine Dingle
Staff: Kym Wilkerson, Zoning Administrator; Vicki Stone, Zoning Officer; Anne Bessant, Planning Assistant; Charlie Crosby, IT
Others: David Schwerd, Dylan Andrew, Jamie Steele, Randy Mulkey, Shaunette Gathers, Kenneth Gathers, Randy Broughman, Melanie Hayden, Johnathan Hayden, Luciano Echeuerri, Shekeia Wallace, Mark Ilunga, Stephanie Ilunga, Scott Shelley, David Nye, Bruno Semon, & others

I. CALL TO ORDER

Board member Sellers called the meeting to order at approximately 5:32 p.m.

II. APPROVAL OF MINUTES

Hill made a motion, seconded by James to approve the June 22, 2023 minutes as written. The vote in favor was unanimous and the motion carried.

Sellers swore in the applicants and staff.

III. CRITERIA

Sellers 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. *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)

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 Hendrick recused himself from this agenda item.

David Schwerd, Diamond Shores was present and further explained the request.

Randy Broughman spoke in opposition of this request during public input.

The board discussed the request in length.

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

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)

Wilkerson stated that 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.

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.

Keith Skinner, owner was present and further explained the request.

Randy Mulkey spoke during public input with concerns regarding the property owner using this structure as a party venue instead of an accessory structure for a daycare facility.

After much discussion, Hill made a motion to table the variance until the next meeting to give the applicant time to revise the site plan to include the cover shelter incorporated with the proposed daycare. Sellers seconded the motion and the motion carried unanimously.

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)

Wilkerson stated that 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.

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.

Johnathan Hayden, owner was present and further explained the request.

There was no public input.

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

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)

Wilkerson stated that 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 utilize 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.

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

Mark Ilunga, Pastor was present and further explained the request.

There was no public input.

James made a motion to take staff's suggestion to seek the route of rezoning the property and deny the variance request. Hill seconded the motion and the motion carried unanimously.

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)

Wilkerson stated that 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.

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 Hendrick recused himself from this agenda item.

David Schwerd, Diamond Shores was present and further explained the request.

There was no public input.

Sellers made a motion to grant the variance as requested. James 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 6:32p.m.

Approved and signed this _____ day of _____, 2023.

Paul Lawson, Chairman

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.

If the Board chooses to grant the requested variance, staff recommends 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.
- Failure to adhere to the aforementioned conditions is a violation of City Ordinance, a misdemeanor offense, and violators are subject to being cited and receiving a notice to appear in Municipal Court.



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 requirements 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

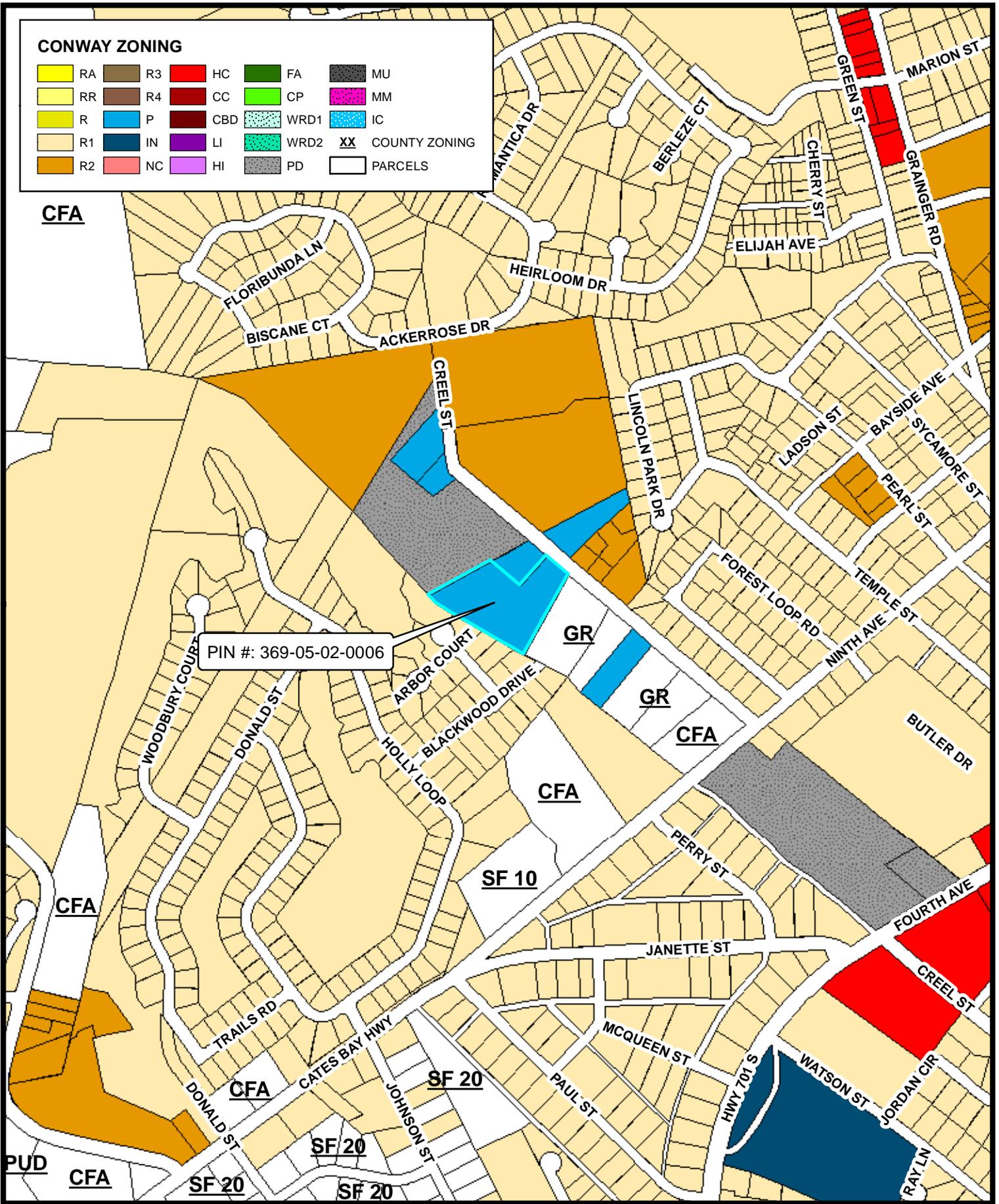
4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:
Not at all, both properties are owned by the same intity

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 usagee 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: [Signature] Date: 17 May 2023
Print name legibly: Keith O Skinner

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 #: 369-05-02-0006



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)



Legend

▭ PARCELS

PIN #: 369-05-02-0006



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: August 24, 2023

AGENDA ITEM: V.A.

ISSUE:

Trademark Home Exteriors, agent for Robert Burnham, owner, requests a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO), Section 6.2 Residential Dimensional Requirements for Residential Zoning Districts, Table 6.1*, for the property located at **1358 Midtown Village Dr.** (PIN 325-16-03-0022)

BACKGROUND:

The parcel is zoned R-3 (High Density Residential) and is located on Midtown Village Dr. within the Midtown Village Ph 2 Subdivision located off of Medlen Parkway. The minimum lot size for R-3 is 5,000 sq. ft. The agent applied for a 15' x 19' sunroom addition to the rear of home. A portion of that sunroom, approximately 9'3" would be located within the 20-ft setback of the property.

Per **Table 6.1 under Section 6.2 – Residential Dimensional Requirements, Dwelling Types, and Design Standards, City of Conway's Unified Development Ordinance (UDO)**, the required rear yard setback in the R-3 district is **20-ft.**

Per **Article 2 – Definitions**, of the *City of Conway's Unified Development Ordinance (UDO)*, **Setback** is defined as: The required minimum distance between the foundation of the structure and the nearest property line or portion thereof. **Rear yard setback** is the required undeveloped yard area between the principal structure and the rear property line.

Variance(s) requested:

UDO Section(s):
6.2, Table 6.1: Dimensional Requirements for Residential Zoning Districts
Required Rear Yard Setback (R3 district): 20'
Requested Rear Yard Setback: 10.5'
Variance of: 9.5'

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

1. With a 20-ft setback in the rear of the home it restricts the homeowner from adding any decent sized structure.
2. 20-ft rear setback is extensive for rear of property.
3. The setback is prohibiting and restricting the use of the property. With only approximately 10' 7" feet of building space in the rear.
4. We do not believe the addition of a sunroom on Mr. Burnham's home would negatively affect adjacent properties in the area or the public good. On the contrary, we believe it will enhance his home and the homes around him.

5. The variance has been initiated because the homeowner would like to utilize the rear of his property to enjoy his yard and an outdoor sunroom space due to the size of the buildable space it prevents him from building.

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: 1358 Midtown Village Dr	Meeting date:	Pin #: 32516030022
Property Owner: Robert Burnham	Daytime phone: 8434882367	
Agent: Trademark Home Exteriors of the Grand Strand	Daytime phone:	
Agent's mailing address: 1018 3rd Ave		
City: Conway	State: SC	Zip Code: 29526
Agent's e-mail address: Permit.trademark@gmail.com		
Zoning District: 110		

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:
Homeowner would like to build 15x19 sunroom on rear of home. A portion of that sunroom, approx 9.3' would be located in the 20' setback. We are requesting a variance with regards to the rear setback.

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1. rear setback 20'	changing rear setback from 20' to 10' (9.3')
2.	
3.	
4.	

Application Requirements:
<input type="checkbox"/> Completed BZA application <input type="checkbox"/> A filing fee of one hundred dollars (\$100.00) <input type="checkbox"/> A completed application including required signatures. Incomplete applications will not be processed. <input 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:
With a 20' setback in the rear of the home it restricts the homeowner from adding any decent sized structure.

Blank lines for answer to question 1

2. Are the conditions described above particular to your piece of property? Explain.
20' rear setback is extensive for rear of property.

Blank lines for answer to question 2

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

The setback is prohibiting and restricting the use of the property. With only approx 10.7' feet of buildable space in the rear.

Blank lines for answer to question 3

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

We do not believe the addition of a sunroom on Mr. Burnham's home would negatively affect adjacent properties the area or the public good. On the contrary, we believe it will enhance his home and the homes around him

Blank lines for answer to question 4

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

The variance has been initiated because the homeowner would like to utilize the rear of his property to enjoy his yard and an outdoor sunroom space due to the size of the buildable space it prevents him from buliding

Blank lines for answer to question 4

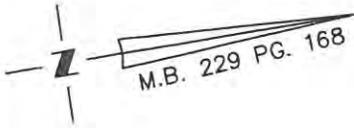
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be inspected, and that all required material will be submitted to the City 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: [Signature] Date: 06/28/2023

Print name legibly: Brantley Green

VICINITY MAP
Not To Scale



PHASE 1-B
OPEN SPACE "F"
TMS# 122-20-01-031



5-foot wide sidewalks and canopy tree(s) required inside right-of-way

AE 6/14/16



#1358 MIDTOWN VILLAGE DRIVE

50' PUBLIC R/W

NOTE:

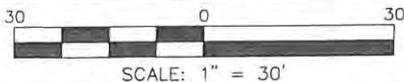
1. BUILDER ASSUMES RESPONSIBILITY FOR GRADING LOT AND/OR DESIGNING STEPS, PORCHES, DECKS, ETC. AS NECESSARY TO PREVENT ENCROACHMENT INTO SETBACKS.
 2. HOUSE DIMENSIONS AND OPTIONS SHOULD BE VERIFIED WITH CONTRACTOR PRIOR TO CONSTRUCTION.
 3. SETBACKS/ EASEMENTS SHOULD BE VERIFIED WITH DEVELOPER AND LOCAL OFFICIALS PRIOR TO CONSTRUCTION.
 4. THIS IS A CONCEPTUAL DRAWING AND CONTENTS SHOWN HEREON ARE SUBJECT TO CHANGE UPON FINAL CONSTRUCTION.
- THIS PROPERTY MAY BE SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, RIGHT-OF-WAY, UTILITIES AND RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD OR IMPLIED

FLOOD NOTE:

THIS AREA IS LOCATED IN FLOOD ZONE X AS SHOWN ON PANEL NO. 45051C 0502 H DATED AUG. 23, 1999. NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP.

THIS DRAWING DOES NOT REFLECT AS-BUILT INFORMATION

PRELIMINARY PLAT
NOT FOR RECORDATION, CONVEYANCES, OR SALES.



HOUSE LOCATION PLOT PLAN

FOR
LOT 68, MIDTOWN VILLAGE PHASE 2

City of Conway, Horry County, South Carolina

PROPERTY OF: D.R HORTON
MAP BOOK 229 PAGE 168 DEED REFERENCE _____

DRAWN BY: JKM

DATE: JUNE 6, 2016

RLA ASSOCIATES, PA

14323 OCEAN HIGHWAY, SUITE 4139
PAWLEY'S ISLAND, SC 29585
PHONE (843) 839-9093
FAX (843) 839-9093

55

67 32516030021

73

1 in = 20 feet

O/S E
32516030015

55

68 32516030022

55

MIDTOWN VILLAGE DR

110

78

55

110

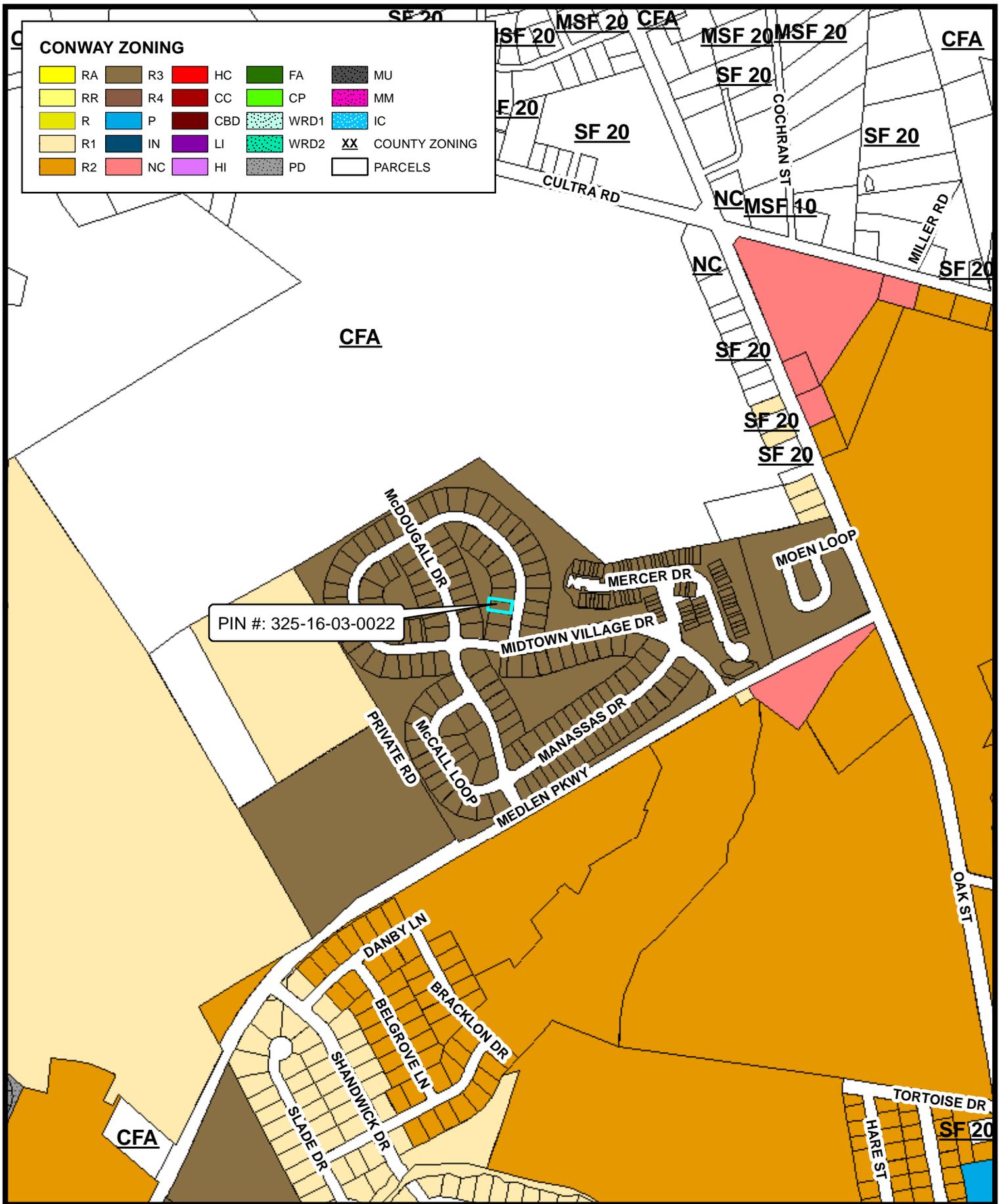
55

69 32516030023

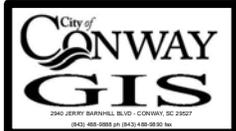
55

BURBANK

The Data is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, and fitness for or the appropriateness for use rests solely on the user. Horry County makes no warranties, express or implied, as to the use of the Data. There are no implied warranties or warranties of fitness for a particular purpose or merchantability, and Horry County shall have no liability for actual or consequential losses arising from use of the data. The GIS data and mapping application represent the parcel fabric as used for taxing purposes and not for survey purposes.



PIN #: 325-16-03-0022



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.

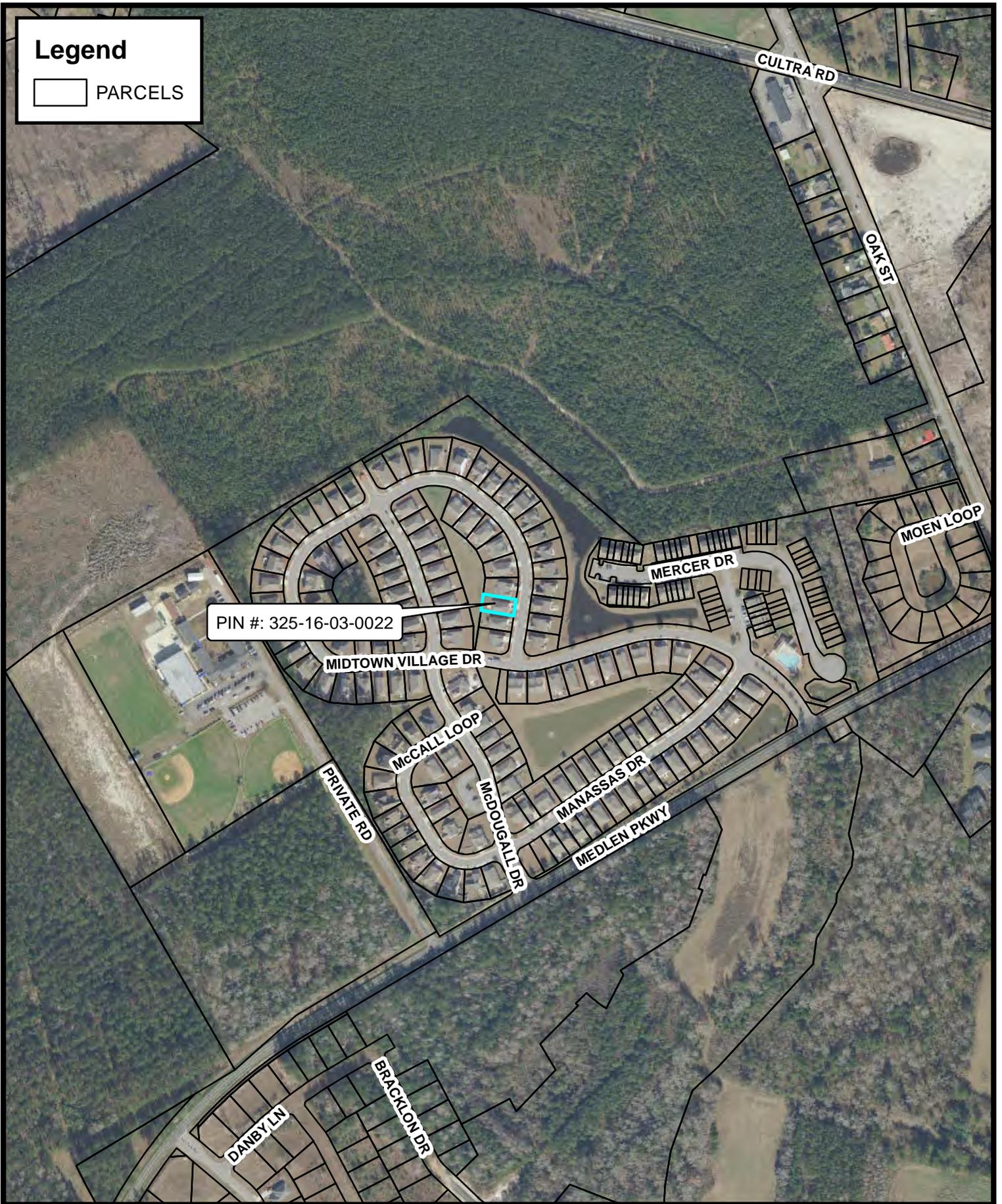


PIN #: 325-16-03-0022
 TMS #: 122-20-01-188
 1358 MIDTOWN VILLAGE DR
 (P23-0200)



Legend

▭ PARCELS



PIN #: 325-16-03-0022

MIDTOWN VILLAGE DR

McCALL LOOP

McDOUGALL DR

MANASSAS DR

MEDLEN PKWY

PRIVATE RD

DANBY LN

BRACKLON DR

MERCER DR

OAK ST

MOEN LOOP

CULTRA RD



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

PIN #: 325-16-03-0022
TMS #: 122-20-01-188
1358 MIDTOWN VILLAGE DR
(P23-0200)



DATE: August 24, 2023

AGENDA ITEM: V. B

ISSUE:

Mel Miller, agent for Waccamaw Hotel, LP, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Article 11 – Signage, for the property located at **2061 E Hwy 501**. (PIN 338-07-01-0008)

BACKGROUND:

The property owner, Waccamaw Hotel LP has completed their construction for the Fairfield Inn located at 2061 Hwy 501 E. The sign package for Fairfield was submitted by ASL Signs for review and approved on 3/30/2023 for allowed signage.

Per the City of Conway’s Unified Development Ordinance (UDO), ***Section 11.4.1-Wall Signs:***

- A. **Location and Number Permitted:** Only one wall sign per tenant will be allowed and shall be located at the Public Entrance. A second wall sign will be allowed if the building is located on a corner lot, installed on another facade or if there is a second public entrance. The maximum number of wall signs permitted is two (2) per tenant.
- B. **Size:** Wall signs may be a maximum of 15% of the building face where the sign is attached.

The building was approved for two (2) wall signs; one (1) channel letter sign on the front of the building facing Hwy 501 and a second (2nd) channel letter wall sign on the left side of the building facing the west side of Hwy 501 “Conway side” and one (1) monument sign.

The applicant is requesting a variance to allow for an additional wall sign on the east side of Hwy 501 “Myrtle Beach side” of the building facing as well as a variance for a wall sign “Brand Sign” on the driveway entrance wall.

Variance(s) requested:

<p>UDO Section(s) <i>11.4.1 (wall signs)</i></p> <ul style="list-style-type: none">• One wall sign permitted per tenant, installed at public entrance. A 2nd wall sign is allowed if on a corner lot, or if there is a 2nd public entrance.• Number of “wall” signs proposed: 4 (including the small marker on the porte cochere)• Number of wall signs permitted: 1• <i>Variance of: 2 additional wall signs.</i>
--

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

1. This property is surrounded by Coastal Carolina Campus property and frontage is aligned with Highway 501 with two prominent facades facing both North and South bound traffic. The rear property is bordered by the train tracks, a drainage ditch and industrial parcels of the colleges welding program as well as broadcast antenna and satellite dishes for the news station.

2. We believe since the hotel building is surrounded by campus it would be reasonable for out of town visitors to mistake the hotel for a campus building.
3. The brand standards typically require a building sign in the direction of major traffic flow to prevent guest from having difficulty locating the property. Due to the heavy volume of traffic on 501 we are concerned it is difficult to find the building when traveling northbound at the posted 55 mph speed. It has been noted by visitors that the small monument sign at the 501 entry can not be seen in time to prepare for the turn.
4. We believe the additional sign increases visibility and would aid in public safety preparing guest for arrival in time to avoid evasive / reactive driving maneuvers or U-turns required to return to the missed property entrance. The sign is attractive and proudly illustrates the character of the world class brand that Marriott represents.
5. The interest is in properly clarifying the location of the hotel to people traveling northbound. The building sign facing south will match the north sign and will cover only 1.8% of the side façade. We feel the best way to promote health and safety of the general public is to be easily visible to travelers.

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: 2061 Highway 501	Meeting date:	Pin #:
Property Owner: Waccamaw Hotel, LP	Daytime phone: 520-275-3540	
Agent: Mel Miller	Daytime phone: 520-275-3540	
Agent's mailing address: 8891 Tam O Shanter Rd		
City: Pensacola	State: FL	Zip Code: 32514
Agent's e-mail address: mel@venture.realestate		
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:
Property is a four story hotel located on Highway 501. Due to the high volume of traffic, building signage facing both directions of approach would assist travelers. We have a NW sign and a Front sign, would like to have a sign for people traveling northbound on the 501 towards Conway to increase wayfinding to assist people coming from the airport at Myrtle Beach.

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1. 11.4.1 Wall Signs A. Max two (2) per tenant space	Building has 3 public entrances, would like 3 building signs and one Brand sign at driveway decorative "chimney"
2.	
3.	
4.	

<p>Application Requirements:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Completed BZA application <input type="checkbox"/> A filing fee of two hundred and fifty dollars (\$250.00) <input type="checkbox"/> A completed application including required signatures. Incomplete applications will not be processed. <input 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:
This property is surrounded by Coastal Carolina Campus property and frontage is aligned with Highway 501 with two prominent facades facing both North and South bound traffic. The rear property is bordered by the train tracks, a drainage ditch and industrial parcels of the colleges welding program as well as broadcast antenna and satellite dishes for the news station.

2. Are the conditions described above particular to your piece of property? Explain.
We believe since the hotel building is surrounded by campus it would be reasonable for out of town visitors to mistake the hotel for a campus building.

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

The brand standards typically require a building sign in the direction of major traffic flow to prevent guest from having difficulty locating the property. Due to the heavy volume of traffic on 501 we are concerned it is difficult to find the building when traveling northbound at the posted 55 mph speed. It has been noted by visitors that the small monument sign at the 501 entry can not be seen in time to prepare for the turn.

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

We believe the additional sign increases visibility and would aid in public safety preparing guests for arrival in time to avoid evasive / reactive driving maneuvers or u-turns required to return to the missed property entrance. The sign is attractive and proudly illustrates the character of the world class brand that Marriott represents.

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

Correct, the interest is in properly clarifying the location of the hotel to people traveling northbound. The building sign facing south will match the north sign and will cover only 1.8% of the side facade. We feel the best way to promote health and safety of the general public is to be easily visible to travelers.

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:

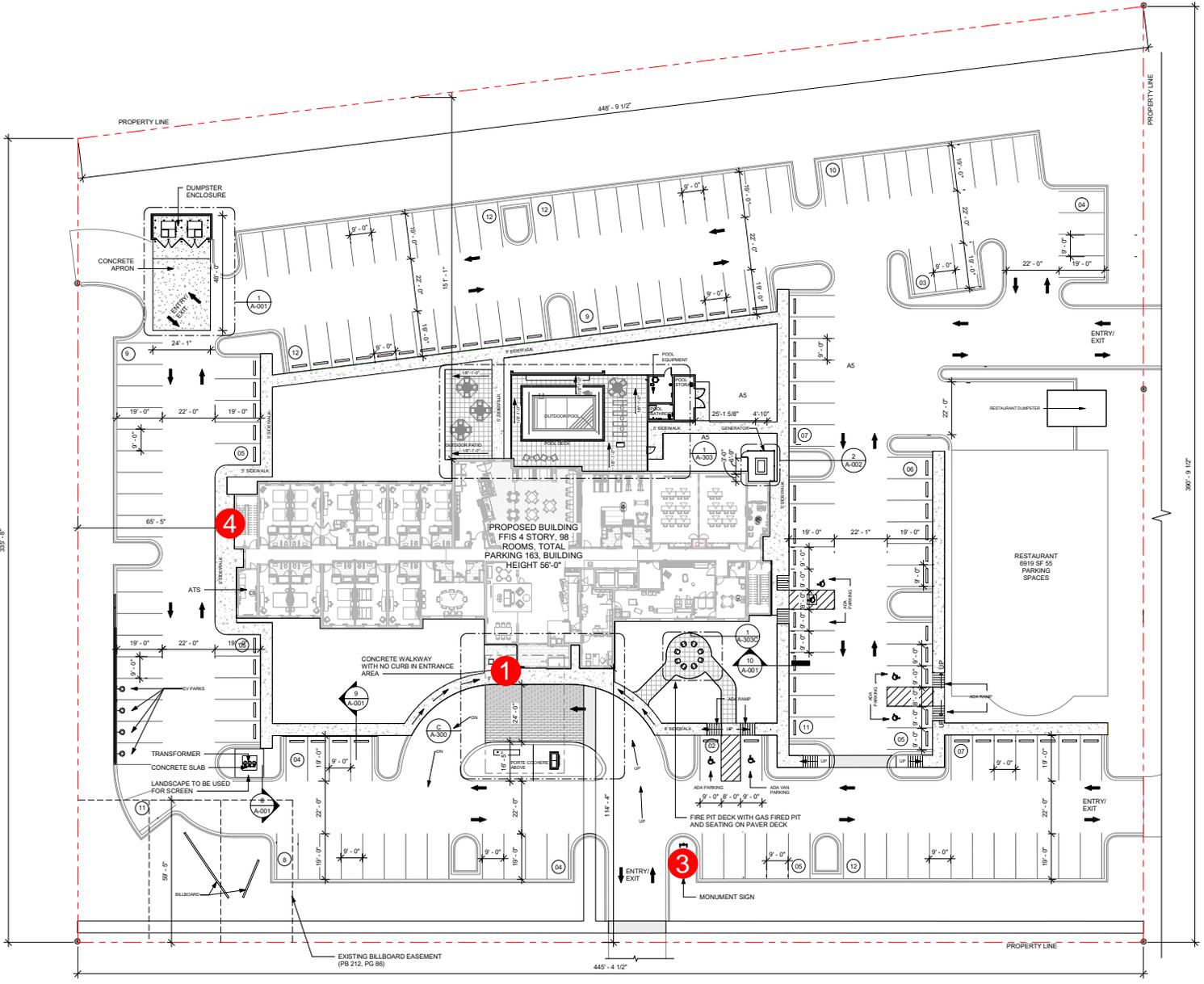
[Handwritten signature of Mel Miller]

Date: 7/17/2023

Print name legibly: Mel Miller

INN CODE:

FAIRFIELD
2061 E US HWY 501
CONWAY, SC



PROPOSED SIGNS:

- 1 36" CHANNEL LETTERS
- 2 36" CHANNEL LETTERS
- 3 4'-10" X 8'-5 7/8" MONUMENT
- 4 36" CHANNEL LETTERS
- 5 12" PIN LETTERS

DELETED FROM PROJECT SCOPE

APPROVAL BOX - PLEASE INITIAL		
CUSTOMER APPROVAL		Date

Customer:
FAIRFIELD

Location:
CONWAY, SC

Date:
12/23/22

Prepared By:
PG

File Name:
389557 - R1 - CONWAY, SC

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.



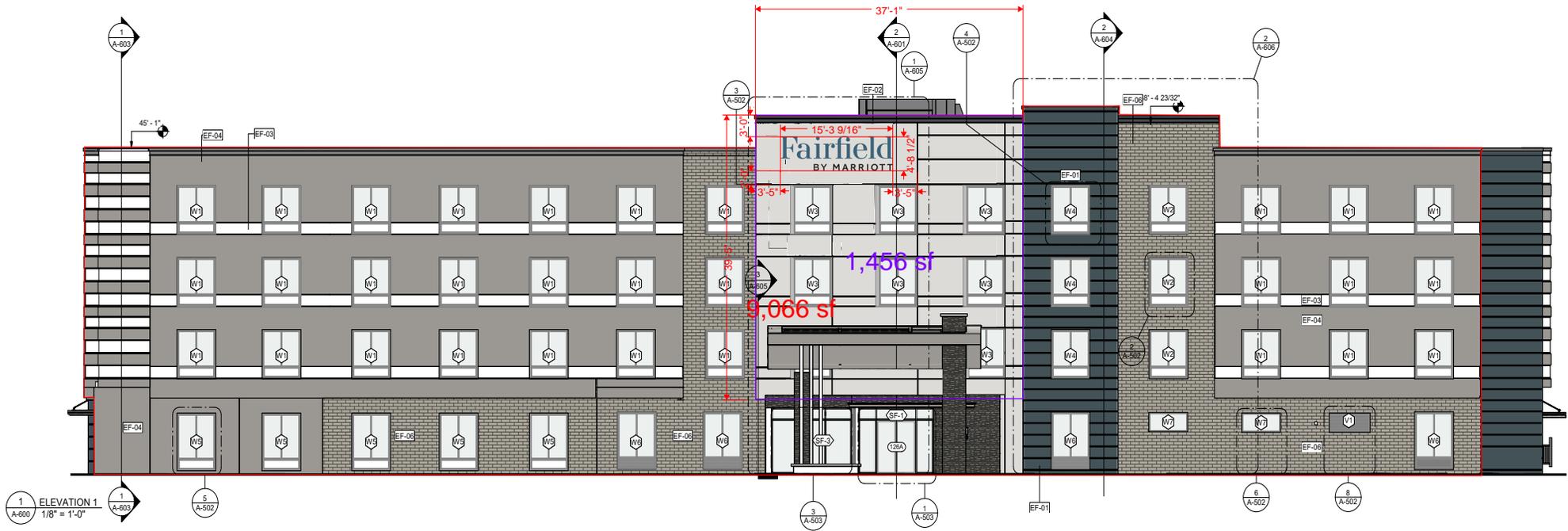
Persona Signs, LLC
700 21st Street Southwest
PO Box 210
Watertown, SD 57201-0210
1.800.843.9888 • www.personasigns.com

1

FRONT ELEVATION

SCALE: 1:275

CHANNEL LETTERS SHOWN ON EXISTING WALL COLOR OR AS NOTED ON ELEVATIONS.
CUSTOMER TO VERIFY WALL COLOR PRIOR TO PRODUCTION



GRAPHIC DETAIL
SCALE: 1/4" = 1'-0"

FRONT BUILDING FACE 9,066 SF
FRONT SIGN AREA 73 SF
PERCENT COVERAGE 0.81%

ATTACHED SIGN FACE 1,456 SF
FRONT SIGN AREA 73 SF
PERCENT COVERAGE 5.01%

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

Date

Customer:
FAIRFIELD

Date:
12/15/22

Prepared By:
PG

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

Location:
CONWAY, SC

File Name:
389557 - R1 - CONWAY, SC

Eng:
-

persona
SIGNS | LIGHTING | IMAGE

Persona Signs, LLC
700 21st Street Southwest
PO Box 210
Watertown, SD 57201-0210
1.800.843.9888 • www.personasigns.com



GRAPHIC DETAIL
SCALE: 1/2" = 1'-0"

APPROVAL BOX - PLEASE INITIAL		
CUSTOMER APPROVAL		Date

Customer: FAIRFIELD
Location: CONWAY, SC

Date: 12/15/22
File Name: 389557 - R1 - CONWAY, SC

Prepared By: PG
389557 - R1 - CONWAY, SC

<small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>
Eng: -

persona
SIGNS | LIGHTING | IMAGE

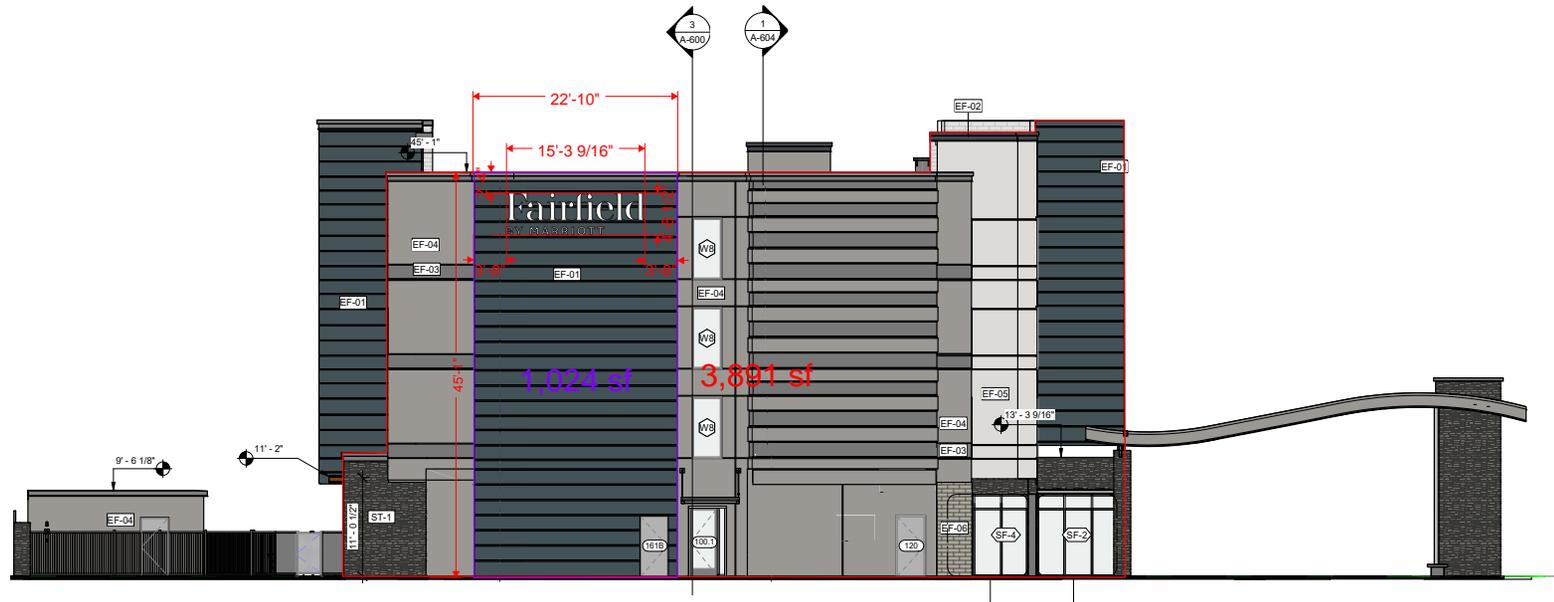
Persona Signs, LLC
700 21st Street Southwest
PO Box 210
Watertown, SD 57201-0210
1.800.843.9888 • www.personasigns.com

4 5

SIDE ELEVATION

SCALE: 3/64" = 1'-0"

CHANNEL LETTERS SHOWN ON EXISTING WALL COLOR OR AS NOTED ON ELEVATIONS.
CUSTOMER TO VERIFY WALL COLOR PRIOR TO PRODUCTION



GRAPHIC DETAIL
SCALE: 1/4" = 1'-0"

4

WEST BUILDING FACE 3,891 SF
SIDE SIGN AREA 73 SF
PERCENT COVERAGE 1.88%

ATTACHED SIGN FACE 1,024 SF
SIDE SIGN AREA 73 SF
PERCENT COVERAGE 7.13%

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

Date

Customer:
FAIRFIELD

Date:
12/23/22

Prepared By:
PG

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

Location:
CONWAY, SC

File Name:
389557 - R1 - CONWAY, SC

Eng:
-

persona
SIGNS | LIGHTING | IMAGE

Persona Signs, LLC
700 21st Street Southwest
PO Box 210
Watertown, SD 57201-0210
1.800.843.9888 • www.personasigns.com



Rendering of sign
Note: the sign only reads
Fairfield
by Marriott



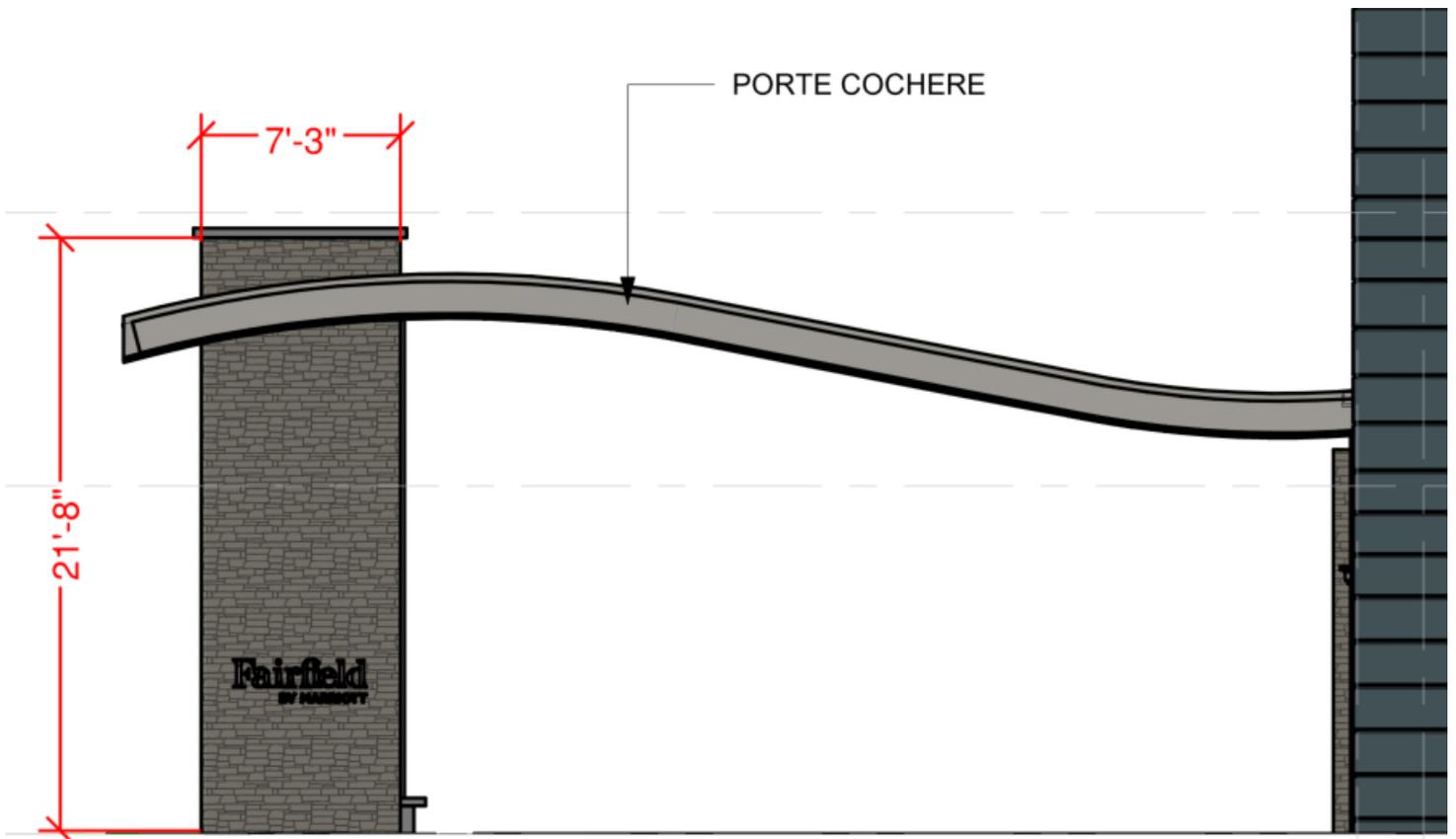
Southbound facade

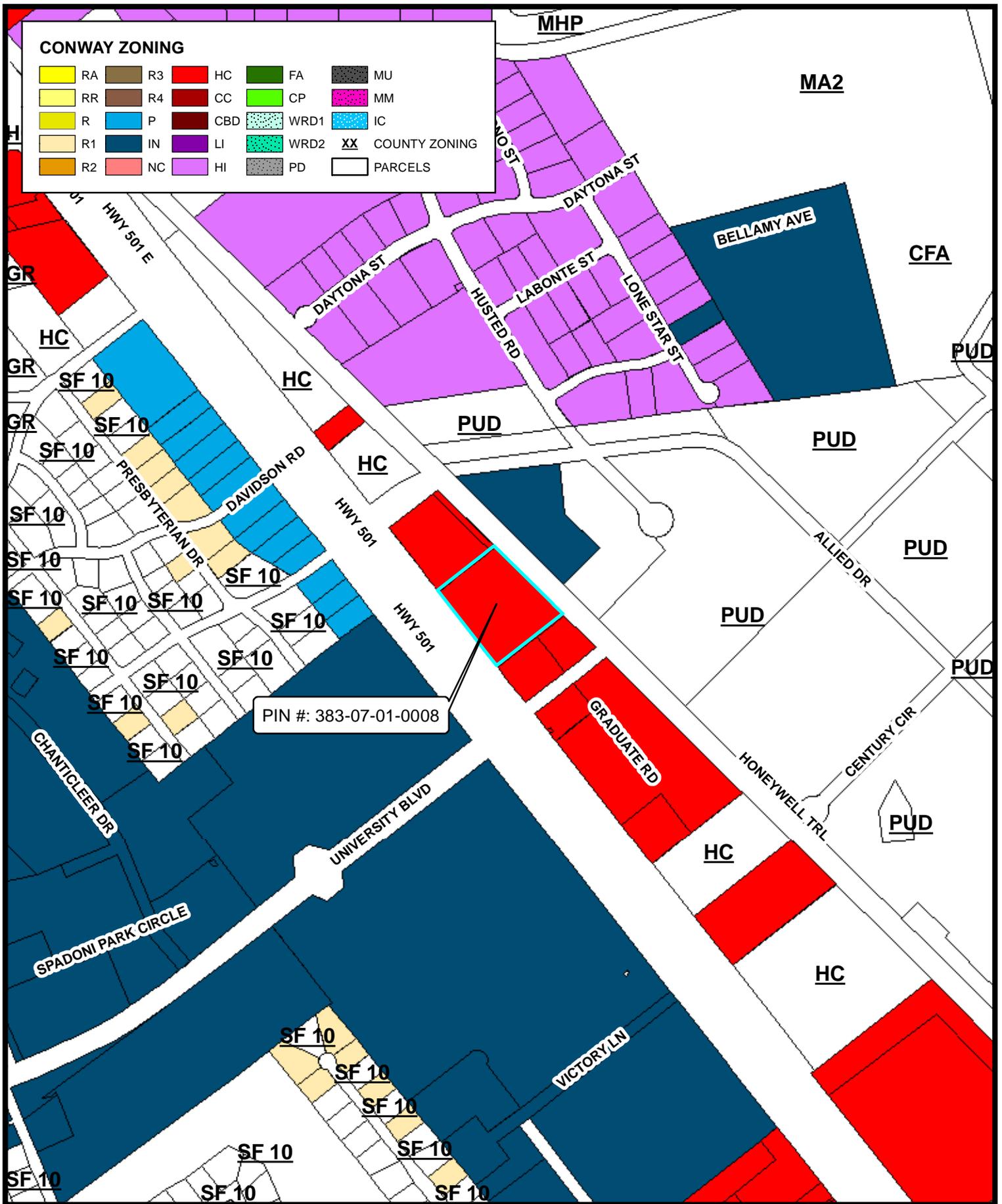


Photograph of 501 facade
and red mark on
Northbound facade
showing location of
Proposed 3rd building sign



Photograph of proposed sign installed at our Crestview, Florida location. Sign is NOT internally illuminated.





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 #: 383-07-01-0008



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 #: 383-07-01-0008
 TMS #: 151-00-03-067
 FAIRFIELD INN
 (P23-0217)



Legend

▭ PARCELS



PIN #: 383-07-01-0008



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 #: 383-07-01-0008
TMS #: 151-00-03-067
FAIRFIELD INN
(P23-0217)



DATE: August 24, 2023

AGENDA ITEM: V.C

ISSUE:

401 Main Street Realty LLC, property owner, request a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO), Article 6, Section 6.5.2 – Gateway Corridor Overlay (GCO)* and *Article 9 – Landscaping & Buffering*, for the property located at **1311 Thirteenth Avenue**. (PIN 338-14-01-0027)

BACKGROUND:

The property, 1311 Thirteenth Ave is zoned Professional (P) and is located within the Gateway Corridor Overlay (GCO). The owner purchased the property in December of 2021 after the development of the property was complete. Shortly thereafter, staff received reports of landscaping being removed that had required per the City’s landscaping and buffer requirements. Upon inspection staff found that required landscaping beds, and parking layouts had been altered.

Per the application, the applicant is requesting a variance from the landscaping requirements per the Gateway Corridor Overlay, and a reduction in planting requirements per *Section 9.3.4 (D), Landscaping Requirements for the interior of parking areas*, in order to improve the parking areas and for maintenance of the dry pond.

Per Article 6, Section 6.5.2 (I), of the UDO, parking lots up to 30,000 square feet within the Gateway Corridor Overlay are required to have a 10’ minimum width landscape buffer and contain the following plantings per 100 linear feet of frontage:

- 2 canopy trees, 2.5-inches in caliper min. (12-14’ in height);
- 2 understory trees, 6-8’ in height min. (and 1-inch in caliper min.);
- 18 shrubs, 3-gallon min.

Per Article 9, Section 9.2.2, Table 9.1: Required Landscaping Type, the following buffer types apply to this property for sides and rear:

- Professional (P) abutting Professional (P): Type A buffer (5’ min. width)
- Professional (P) abutting R-1 (low/medium-density residential) that is also developed: Type C buffer (25’ min. width) (increased from a Type B buffer due to adjacent residential dwellings)
 - Per *Table 9.1, Note #2*: Where a proposed development is adjacent to a developed single-family detached dwelling, two-family dwelling, or semi-attached dwelling, the required planting area shall be more strict and increased by one letter (*Ex. A to B*). This width can be reduced by 5’ if an opaque privacy fence is installed (a min. of 5’ in height), to bring the total width required to 20’.
 - **Note:** the approved plans show that a 5’ fence is installed in order to reduce buffer width.

Per Article 9, Section 9.2.2, Table 9.2: Landscaping Rate Chart, the following plantings apply to sides and rear:

- Sides: Type A buffer (5' min. width). Shall contain 2 understory trees and 18 "tall" shrubs per 100 linear feet.
- Rear: Type C buffer (25' min. width). Shall contain 3 canopy trees, 5 understory trees, and 25 "tall" shrubs per 100 linear feet.
 - Canopy trees outside of the GCO are required to be 3" in caliper min. and 12-14' in height.
 - "Tall" shrubs, where required, must be a min. of 3' in height.

Per Section 9.3.4 – Landscape Requirements for the Interior of Parking Areas, of the UDO:

- 9.3.4 (C): a maximum of 12 consecutive parking spaces in a row shall be permitted without a landscape island or peninsula.
- 9.3.4 (D): each end of each row of parking spaces shall 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 (E): the minimum width for a landscape island or peninsula that is parallel to a parking space shall be 9' and the minimum length shall be 19'. Each island or peninsula shall contain 1 canopy tree and 5 shrubs. TRC may consider reducing the width of a landscape island and the amount of plant materials if there are extraordinary circumstances.
- 9.3.4 (F): for parking spaces adjacent to a landscape island, a 2' distance is required between the parking space and curb/gutter.
 - **Note:** *there is no curb and gutter installed on this site.*

Variations requested (*per application provided*):

UDO Section:

6.5.2 (I.a): Reduction in Landscape Buffer Width and Required Plantings in GCO;

9.2.3 (incl. Sec. 9.2.2, Table 9.2: Landscaping Rate Chart), A and C: reduction in landscaping requirements in Type A and Type C buffers;

9.3.4 (D): Reduction in required planting areas, i.e. omit the required landscape islands and permit more than the 12 maximum consecutive parking spaces allowed without a landscape island/peninsula.

Proposed:

Refer to site plan submitted. Staff is unclear as to the specific requests, i.e. the amount of reduction the applicant is looking for relief on.

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

1. We are unable to provide sufficient parking space and adequate dry pond maintenance for this property due to landscaping restrictions within the Gateway Corridor Overlay (GCO), Type A and

Type C Buffers, and the City of Conway Ordinance requirements for planting within the interior parking.

2. By adding sufficient parking, we are unable to meet the City of Conway's Landscape planting criteria for landscaping buffers or plants within the interior parking.
3. The strict application of the zoning ordinance prohibits or unreasonably restricts our property's use. It appears that we will be unable to meet the City of Conway's landscape buffer requirements or plantings within the interior parking while still providing adequate parking spaces and dry pond maintenance.
4. Because the adjacent owners are sufficiently screened from our property due to existing canopies, understory trees, and the existing fence, as well as additional landscaping along the property, we would not harm the adjacent property, the character of the area, or the public good by reducing the amount of plantings.
5. This variance request is initiated because of hardship, not to increase the profitability of the property.

STAFF ANALYSIS OF REQUEST(S):

Per a site plan provided by the applicant with their application for a variance, staff has noticed other items that are not consistent with the approved set of plans, such as:

- **Parking:**

- At least 2 of the parallel parking spaces shown on the revised site plan do not meet the depth requirements for parallel parking spaces, per *Section 8.2.4, B.1 – Two-Way Traffic Flow, Parallel*, which requires a **minimum depth of 23'** and a min. width of 8'.
- One space is shown as being **20.82' in depth**.
- One other space (right side of property) is only **19.4' in depth**, and it is located within an area identified as a required landscape buffer.
- The approved civil plans show only 3 parallel parking spaces on only one (1) side. Now, one side has 4 spaces and the other shows 5 spaces.
- ADA parking has been relocated without staff review or approval. Further review is necessary to determine if the proposed location and dimensions, including ramp/access, is compliant with ADA standards. Additionally:
 - Per *Section 502.4.1, Location*, of ICC (international code council) *A117.1-2017 – Accessible and Usable Buildings and Facilities*: Access aisles shall adjoin an accessible route. Two parking spaces shall be permitted to share a common access aisle. Access aisles shall not overlap with the vehicular way. Parking spaces shall be permitted to have access aisles place on either side of the car or van parking space. Van parking spaces that are angles shall have access aisles located on the passenger side of the parking space.
 - The aforementioned standard is not something that can be granted a variance.

- Additional compact parking space added adj. to side landscape buffer (already installed). This space is also located within a driveway labeled “emergency safety access for first responders and pond maintenance”. There is also an existing gravel access road installed along the same side, which was not shown on the approved plans.
- **Pedestrian walkway.** In the approved plan set, there was a 5’ grade-separated pedestrian walkway provided in accordance with *Section 6.5.2 (G.2)* of the UDO, which states that “grade-separated walkways must provide a direct connection from the street to the main entrance, and to abutting properties. A min. 5’ wide sidewalk connection shall be provided from public rights-of-way to the entrances of buildings.”
 - Per County GIS arials and pictures provided, this connection has been removed.

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. If the Board chooses to grant the variances requested, staff recommend that it be only those which were requested via

Variance: 1311 Thirteenth Ave

the application provided, and that the applicant come into compliance with the remaining items, or request a separate variance to be heard at a future BZA meeting, once proper public notice has been provided.



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: 13th Ave & Pine Street	Meeting date: Aug. 24th	Pin #: 338-1401-0027
Property Owner: 401 Main Street Realty, LLC		Daytime phone: (631) 276-9474
Agent: Wall Engineering, LLC		Daytime phone: (843) 421-6176
Agent's mailing address: 1311 13th Ave Unit F.		
City: Conway	State: SC	Zip Code: 29526
Agent's e-mail address: amanda@walleng.com		
Zoning District: (P) Professional		

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:
To amend section 6.5.2 (I.a) Gateway Corridor Overlay, Section 9.2.3 Type A and Type C Landscaping requirements, and Section 9.3.4 (D) Landscape Requirements for the Interior of Parking Areas to reduce the required buffer plantings along the front, sides, and back of property for improvement of parking and maintenance to the dry pond.

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1. 6.5.2 (I.a) Gateway Corridor Overlay	6.5.2 (I.a) Gateway Corridor Overlay-Reduced Plantings
2. 9.2.3 (A) Type A Landscaping	9.2.3 (A) Type A Landscaping-Reduced Plantings
3. 9.2.3 (C) Type C Landscaping	9.2.3 (C) Type C Landscaping -Reduced Plantings
4. 9.3.4 (D) Landscape Requirements for Interior Parking	9.3.4 (D) Landscape for Interior Parking-Reduced Plantings

<p>Application Requirements:</p> <p><input checked="" type="checkbox"/> Completed BZA application</p> <p><input checked="" type="checkbox"/> A filing fee of one hundred dollars (\$100.00)</p> <p><input checked="" type="checkbox"/> A completed application including required signatures. Incomplete applications will not be processed.</p> <p><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</p>



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 unable to provide sufficient parking space and adequate dry pond maintenance for this property due to landscaping restrictions within the Gateway Corridor Overlay District, Type A and Type C Buffers, and the City of Conway Ordinance requirements for plantings within interior parking.

2. Are the conditions described above particular to your piece of property? Explain.
Yes by adding sufficient parking we are unable to meet the City of Conway's Landscape planting criteria for landscaping buffers or plantings within interior parking.

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 prohibits or unreasonably restricts our property's use. It appears that we will be unable to meet The City of Conway's Landscape Buffer Requirements or plantings within interior parking while still providing adequate parking space and dry pond maintenance.

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:
Because the adjacent owners are sufficiently screened from our property due to existing canopies, understory trees, and the existing fence, as well as additional landscaping along the property, we would not harm the adjacent property, the character of the area, or the public good by reducing the amount of plantings.

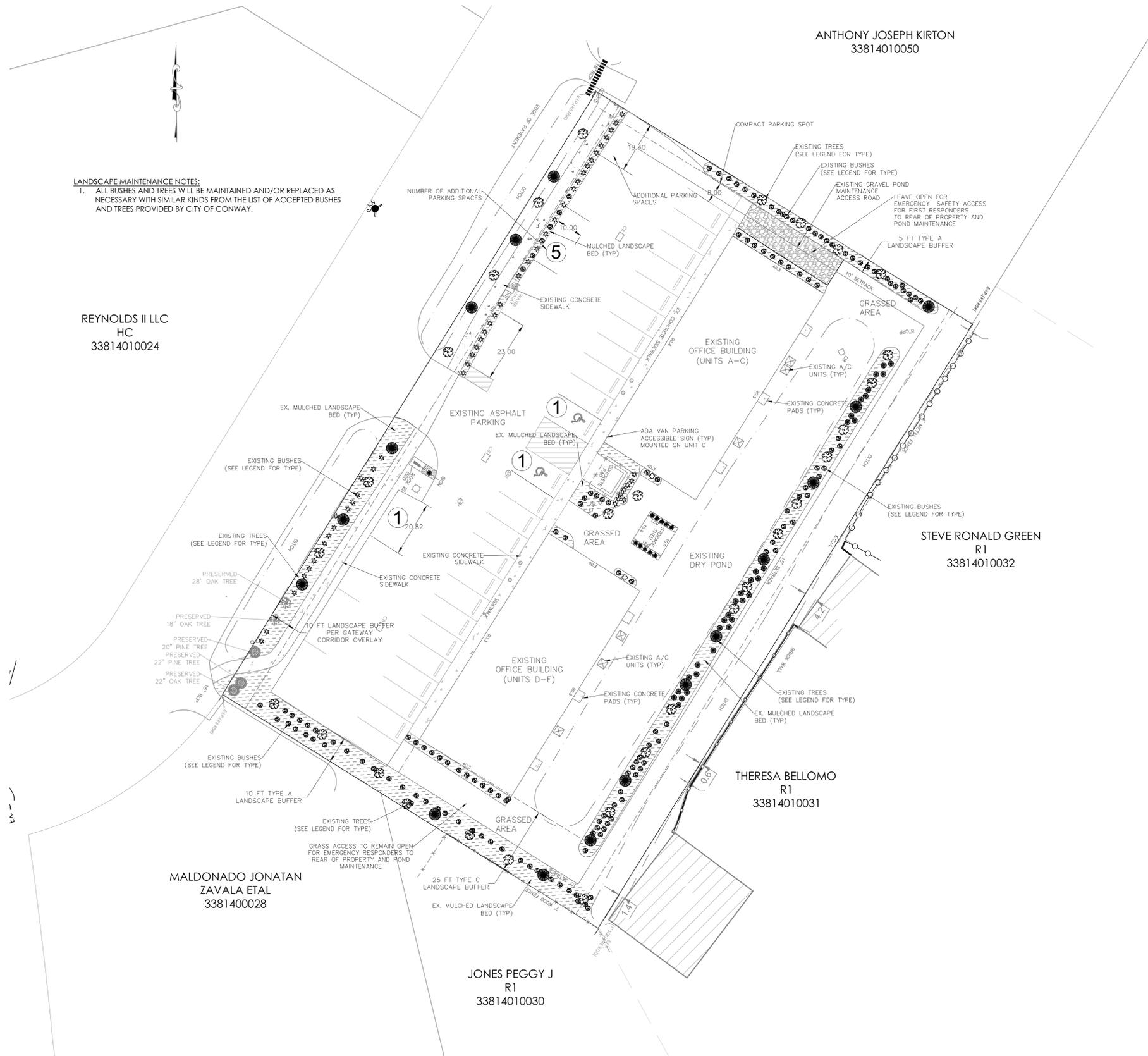
and: "Is the variance request initiated because of hardship and not to increase the profitability of the property?"
The Variance request in initiated because of hardship, not to increase the profitability of the property.

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: Bruno Semon Member Date: 07.21.2023

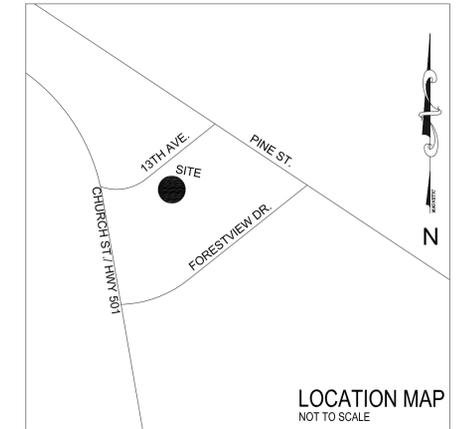
Print name legibly: Bruno Semon



LANDSCAPE MAINTENANCE NOTES:
 1. ALL BUSHES AND TREES WILL BE MAINTAINED AND/OR REPLACED AS NECESSARY WITH SIMILAR KINDS FROM THE LIST OF ACCEPTED BUSHES AND TREES PROVIDED BY CITY OF CONWAY.

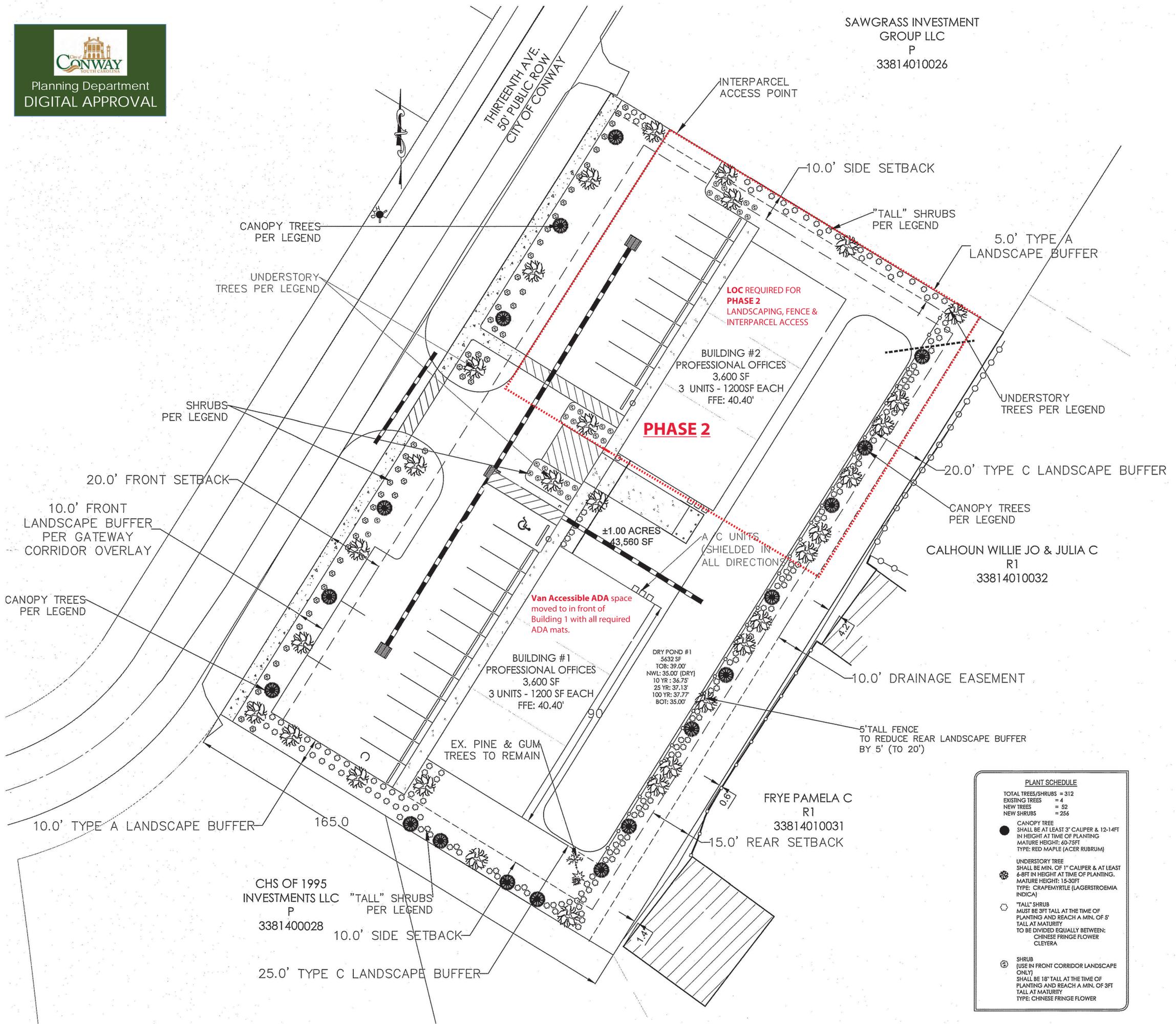
LANDSCAPE NOTES:
 DESIGN REQUIRED TOTAL TREES = 56 ASBUILT TOTAL TREES = 52
 DESIGN REQUIRED TOTAL BUSHES = 256 ASBUILT TOTAL BUSHES = 245
PARKING NOTES:
 DESIGN REQUIRED PARKING = 24 SPACES ASBUILT TOTAL SPACES = 35

PINE STREET COMPLEX - LANDSCAPE LAYOUT		
QUANTITY	SYMBOL	COMMON NAME
CANOPY TREES		
16		RED MAPLE
30		CRAPE MYRTLE
3		PINE TREE
2		OAK TREE
1		MAGNOLIA TREE
SHRUBS		
50		OLEANDERS
11		CHINESE SILVER GRASS
150		CHINESE FRINGE FLOWERS
32		YAUAPON HOLLY
2		PINEAPPLE GUAVA





SAWGRASS INVESTMENT
GROUP LLC
P
33814010026



PLANT SCHEDULE	
TOTAL TREES/SHRUBS	= 312
EXISTING TREES	= 4
NEW TREES	= 52
NEW SHRUBS	= 256
CANOPY TREE SHALL BE AT LEAST 3" CALIPER & 12-14FT IN HEIGHT AT TIME OF PLANTING. MATURE HEIGHT: 40-75FT. TYPE: RED MAPLE (ACER RUBRUM)	
UNDERSTORY TREE SHALL BE MIN. OF 1" CALIPER & AT LEAST 6-8FT IN HEIGHT AT TIME OF PLANTING. MATURE HEIGHT: 15-30FT. TYPE: CRAPEMYRTLE (LAGERSTROEMIA INDICA)	
"TALL" SHRUB MUST BE 3FT TALL AT THE TIME OF PLANTING AND REACH A MIN. OF 5' TALL AT MATURITY. TO BE DIVIDED EQUALLY BETWEEN: CHINESE FRINGE FLOWER CLEYERA	
SHRUB (USE IN FRONT CORRIDOR LANDSCAPE ONLY) SHALL BE 18" TALL AT THE TIME OF PLANTING AND REACH A MIN. OF 3FT TALL AT MATURITY. TYPE: CHINESE FRINGE FLOWER	

PINE STREET COMMERCIAL COMPLEX
PIN# 338-14-01-0027
PHASING PLAN

401 Main Street Realty LLC.
1311 13th Avenue Property

NE Street View



NW Street View



Curb Cut Entrance Street View of A, B & C Units



Curb Cut Entrance Street View of D, E & F Units



SE Rear View



NE Rear View



Side View F Unit



Front Center View

Side View A Unit



Rear Center View



Carolina Utilities & Sitework, LLC

1311 Thirteenth Ave Unit E
Conway SC 29526
843-488-2021

Monday, August 14, 2023

Paul Lawson, Chairman
City of Conway Board of Zoning Appeals
196 Laurel Street
Conway, SC 29526

RE: Variance for Landscape/Parking Changes at the property known as 1311 13th Avenue
PIN#: 338-1401-0027

Dear Chairman Lawson:

We ask that you please consider placing this letter in the file and reading it into the records for the above application.

We currently lease a business unit with 401 Main Street Realty LLC, located at 1311 13th Avenue (13th Ave & Pine Street), Our business office is in Unit E at this location with an annual lease in place.

The changes made by the Owner in the landscape and parking at the site have improved access and added more MUCH needed onsite parking. We feel the original design was very poorly done and provided an inadequate amount of parking for multiple businesses in one location. As a construction company, most of our employees drive large trucks which made it are nearly impossible to maneuver in such a small area the way it was originally laid out. The lack of parking also presents issues when a customer or any visitor attempts to visit our location and their only parking options are inconvenient and are usually at another business' location. This then restricts other business owner's parking eben further. I should also note that the original design didn't even include one single handicap parking spot. We appreciate the initiative taken by the owners of 401 Main Street Realty to try and remedy this situation.

The landscape changes also tremendously cleaned up the site and will allow emergency access to the rear of the building should it ever be needed. We feel the office complex functions well in comparison to the original design. We fully support and appreciate the efforts made by 401 Main Street Realty regarding all the Landscape Parking changes that have been completed and proposed by the owner. We ask that you please consider granting the Zoning Variance for the Owner as requested.

Thank you,

A handwritten signature in cursive script that reads "Kristina Sawyer".

Kristina Sawyer
Manager, Carolina Sitework & Utilities



"Correct, Hold, Heal!"

August 2, 2023

Paul Lawson, Chairman
City of Conway Board of Zoning Appeals
196 Laurel Street
Conway, SC 29526

RE: Variance for Landscape/Parking Changes at the property known as 1311 13th Avenue
PIN#: 338-1401-0027

Dear Chairman Lawson:

We ask that you please consider placing this letter in the file and reading it into the records for the above application.

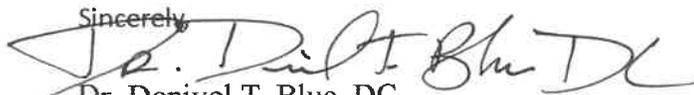
This letter is about the property known as 1311 13th Avenue (13th Ave & Pine Street) and owned by 401 Main Street Realty LLC. We currently have our business office in Unit #C at this location and have a lease in place.

The changes made by the Owner in the landscape and parking at the site have improved access and added needed onsite parking. The landscape changes have cleaned up the building site and will allow, if ever required, direct emergency access to the rear of the building. We feel the office complex functions better than the original buildout and is safer.

We support all the Landscape Parking changes that have been completed and proposed by the owner. We ask that you please consider granting the Zoning Variance for the Owner as requested.

Thank you for your consideration.

Sincerely,


Dr. Donivol T. Blue, DC

Conway, SC 29526

(843) 369.1831

Dr. Don Blue, DC
www.bluespinalcare.com



July 27, 2023

Paul Lawson, Chairman
City of Conway Board of Zoning Appeals
196 Laurel Street
Conway SC 29526

RE: Variance for Landscape/Parking Changes at the property known as 1311 13th Ave
Pin: 338-1401-0027

Dear Chairman Lawson,

We ask that you please consider placing this letter in the files and reading it into the records for the above application.

This letter is about the property known as 1311 13th Avenue (13th Ave & Pine St) and owned by 401 Main Street Realty LLC. Our business currently occupies Unit D at this location and has a lease in place.

The changes made by the Owner in the landscape and parking at the site have improved access and added needed onsite parking. The landscape changes have cleaned up the building site and will allow, if ever required, direct emergency access to the rear of the building. We feel the office complex functions better than the original buildout and is safer.

We support all the landscape & parking changes that have been completed and proposed by the owner. We ask that you please consider granting the Zoning Variance for the Owner as requested.

Thank you for your consideration,
Sincerely,

A handwritten signature in dark ink that reads "Marlene Woodyard". The signature is fluid and cursive, written in a professional style.

Marlene Woodyard
Owner
Woodyard Insurance Group, LLC



August 14, 2023

Paul Lawson
City of Conway Board of Zoning Appeals
196 Laurel St
Conway, SC 29526

RE: Variance for Landscape/Parking Changes at the property known as 1311 13th Avenue
PIN#: 338-1401-0027

Chairman Lawson,

I am writing to you today in reference to the request for a variance of landscaping and parking changes at the above-referenced property. We have been tenants of this property since its inception and hold our corporate office in Unit B.

We request that you support the variance presented as the changes were desperately needed to conduct regular business. The parking lot, as designed originally, was woefully undersized and had been problematic since the property was fully stabilized. The landscaping changes have brought a more professional look to the property and additionally allowed the use of the rear of the buildings for emergency and service personnel when/ if needed.

This property has tremendously improved with these changes, and we fully support the modifications. Should you have any questions, please contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Praet", written over a horizontal line.

Chris Praet
President
Progress Carolina, LLC.



Carolina Utilities & Sitework, LLC

1311 Thirteenth Ave Unit E
Conway SC 29526
843-488-2021

Monday, August 14, 2023

Paul Lawson, Chairman
City of Conway Board of Zoning Appeals
196 Laurel Street
Conway, SC 29526

RE: Variance for Landscape/Parking Changes at the property known as 1311 13th Avenue
PIN#: 338-1401-0027

Dear Chairman Lawson:

We ask that you please consider placing this letter in the file and reading it into the records for the above application.

We currently lease a business unit with 401 Main Street Realty LLC, located at 1311 13th Avenue (13th Ave & Pine Street), Our business office is in Unit E at this location with an annual lease in place.

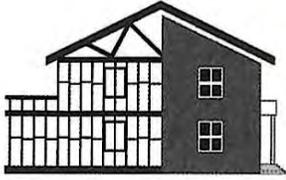
The changes made by the Owner in the landscape and parking at the site have improved access and added more MUCH needed onsite parking. We feel the original design was very poorly done and provided an inadequate amount of parking for multiple businesses in one location. As a construction company, most of our employees drive large trucks which made it are nearly impossible to maneuver in such a small area the way it was originally laid out. The lack of parking also presents issues when a customer or any visitor attempts to visit our location and their only parking options are inconvenient and are usually at another business' location. This then restricts other business owner's parking eben further. I should also note that the original design didn't even include one single handicap parking spot. We appreciate the initiative taken by the owners of 401 Main Street Realty to try and remedy this situation.

The landscape changes also tremendously cleaned up the site and will allow emergency access to the rear of the building should it ever be needed. We feel the office complex functions well in comparison to the original design. We fully support and appreciate the efforts made by 401 Main Street Realty regarding all the Landscape Parking changes that have been completed and proposed by the owner. We ask that you please consider granting the Zoning Variance for the Owner as requested.

Thank you,

A handwritten signature in black ink that reads "Kristina Sawyer". The signature is written in a cursive, flowing style.

Kristina Sawyer
Manager, Carolina Sitework & Utilities



Kirton

H O M E S

August 8, 2023

Paul Lawson, Chairman
City of Conway Board of Zoning Appeals
196 Laurel Street
Conway, SC 29526

RE: Variance for Landscape/Parking Changes at the property known as 1311 13th Avenue
PIN#: 338-1401-0027

Dear Chairman Lawson:

I own the property adjacent to the above referenced address (Joseph Anthony Kirton, PIN#: 338-1401-0050). I am writing to confirm I take no exception with the work that was in process at 1311 13th Avenue. As a neighboring property owner, I have no issue with the improvements the Semon's are proposing to complete on their property.

Best regards,


Joseph Anthony Kirton

Two Generations of Making Houses "Homes"

DATE: August 24, 2023

AGENDA ITEM: V.D

ISSUE:

Orit Deverell, owner, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Article 6-Design Standards, for the property located at the corner of **Elm Street** and **Laurel Street**. (PIN 367-01-04-0042)

BACKGROUND:

The parcel is zoned WRD2 (Waccamaw River District 2) and is within the Historic Design Review District.

The applicant is proposing a new 22 room hotel to be built at this location; however, with the elevation requirements due to the flood zone classification of the property (AE-14) and the height limitation of 35 feet within the WRD2 district the applicant is limited on the design capabilities for this project. The applicant would be required to elevate a minimum of 2 feet above the Base Flood Elevation (BFE) to be compliant with current flood standards.

Article 6-Design Standards of the UDO states “*Building and structure are subject to the height limitation established in Table 6.1 for Residential Uses or Table 6.2 for Non-Residential uses.*” Table 6.2 for Non-Residential Uses allows a maximum building height of 35-feet in Waccamaw Riverfront Districts (WRD 1 and 2). This has caused issues for City staff with the recent desire to expand our waterfront. At the July 17th council meeting, a workshop was held outlining these issues to council. Council was in favor of staff exploring an amendment to the Unified Development Ordinance that would allow for the building height within the WRD districts to be increased to 60 feet. The amendment has been advertised for a public hearing to be held by Planning Commission on September 7th. If Planning Commission provides a recommendation, it will be forwarded to the Community Appearance Board for review at their September 27th meeting and to City Council for first reading at the October 2nd Council meeting. However, there is no guarantee that the text amendment to amend the height limit in the WRD districts will be adopted.

Variance(s) requested:

UDO Section:

6.3, Table 6.2 – Non-Residential Zoning Districts

Maximum Building Height in WRD: 35’

Requested Building Height: 60’

Variance of: 25’

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

1. The Property is located within an AE-14 flood zone requiring a 2-foot freeboard placing the top of the bottom floor at 16 feet above mean sea level minimum. WRD Zoning district max height is 35 feet. Proposing to build a 22-room 3-story hotel beside the existing bed and Breakfast

Variance: Cypress Inn

2. The conditions are particular to my property as they will prevent the height of our proposed development and the topo of the existing lot sits higher which would restrict the height limit even more.
3. The application of the zoning ordinance would unreasonably prohibit the use of the property by eliminating an entire floor of rooms for our proposed hotel, if not more. We have received preliminary CAB review of the structure but the board can not make a final determination until we are compliant with the height limit of the zoning district, either by the granting of the variance (preferred) or the passing of the text amendment.
4. The granting of the variance would not harm the adjacent property, and would greatly improve the character of the particular area as well as allow us to expand our business to provide more opportunities for people to come and stay in our beautiful downtown district.
5. The variance request is based on the clear hardship the elevation requirements coupled with the maximum building height for the zoning district really limits the opportunities for the property to be use in any capacity.

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: <u>7/28</u> BS&A #: <u>23-0227</u>
--

City of Conway Planning Department Phone: (843) 488-9888
 196 Laurel Street, 29526 Conway, South Carolina

www.cityofconway.com

Property Address: Elm Street	Meeting date: 8/24/23	Pin #: 367-01-04-0042
Property Owner: THE CYPRESS INN PROPERTY LLC		Daytime phone: 843-222-4252
Agent: Orit Deverell		Daytime phone:
Agent's mailing address: 1418 St. Thomas Circle		
City: Myrtle Beach	State: SC	Zip Code: 29577
Agent's e-mail address: Oritdeverell@gmail.com		
Zoning District: WRD2 / Waccamaw Riverfront HDRD		

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:
Request a variance on height requirement in the WRD zoning district of 60-ft vs 35-ft.

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1. Table 6.2 - 35-ft height maximum	60-ft
2.	
3.	
4.	

Application Requirements:
<input checked="" type="checkbox"/> Completed BZA application
<input checked="" type="checkbox"/> A filing fee of two hundred and fifty dollars (\$250.00)
<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: Located in AE-14 Flood Zone with a 2-ft elevation requirement placing top of bottom floor at 16-ft above mean sea level minimum. WRD zoning district max height is 35-ft. Proposing to build a 22-room 3 story Hotel beside the existing Bed & Breakfast.

2. Are the conditions described above particular to your piece of property? Explain. Yes because of the Flood Zone Elevation requirements.

Also, topo of existing lot sets higher which would restrict the height limit even more.

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

Yes, the 35-ft max height & flood elevations would ultimately eliminate an entire floor of rooms, if not more.

Have received preliminary CAB review but need variance on height to finalize.

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

No, this will be an excellent addition to the area.

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

Yes....max height of 35-ft limits any development on this parcel.

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: [Signature] Date: 7-28-23

Print name legibly: OAIT Deverell













THIS DRAWING IS THE PROPERTY OF JON L. BOURNE - ARCHITECT AND MAY NOT BE USED, COPIED, OR DUPLICATED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF THE ARCHITECT.

CYPRUS INN - BUILDING #2
RIVERFRONT DISTRICT
CONWAY SC

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

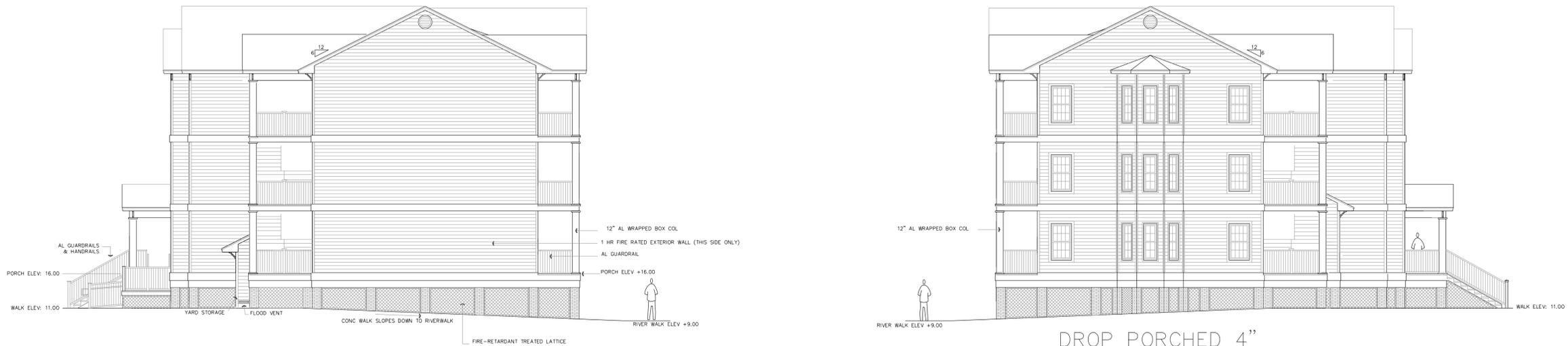
JON L. BOURNE - ARCHITECT
CONWAY SC - 843.347.2902
Email: jlb@jlbarchitect.com



PROJECT NO: 22-1041
DATE: 7-10-2023
REVISED:
FILE:
SHEET

3

OF 3



4 RIGHT SIDE ELEVATION (FACING ORIGINAL BUILDING)
1/8" = 1'-0"

3 LEFT SIDE ELEVATION
1/8" = 1'-0"



2 REAR ELEVATION (FACING MARINA)
1/8" = 1'-0"
DROP PORCHED 4"



ALL MATERIALS BELOW
BFE (BASE FLOOR ELEVATION) +14.0
SHALL BE "FLOOD DAMAGE-RESISTANT"
SEE FEMA TEC BULLETIN 2

1 FRONT ELEVATION (FACING PARKING)
1/8" = 1'-0"

DROP PORCHED 4"



THIS DRAWING IS THE PROPERTY OF JON L. BOURNE-ARCHITECT AND MAY NOT BE USED, COPIED, OR DUPLICATED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF THE ARCHITECT.

**CYPRUS INN - BUILDING #2
RIVERFRONT DISTRICT
CONWAY SC**

**PRELIMINARY PLANS
NOT FOR CONSTRUCTION**

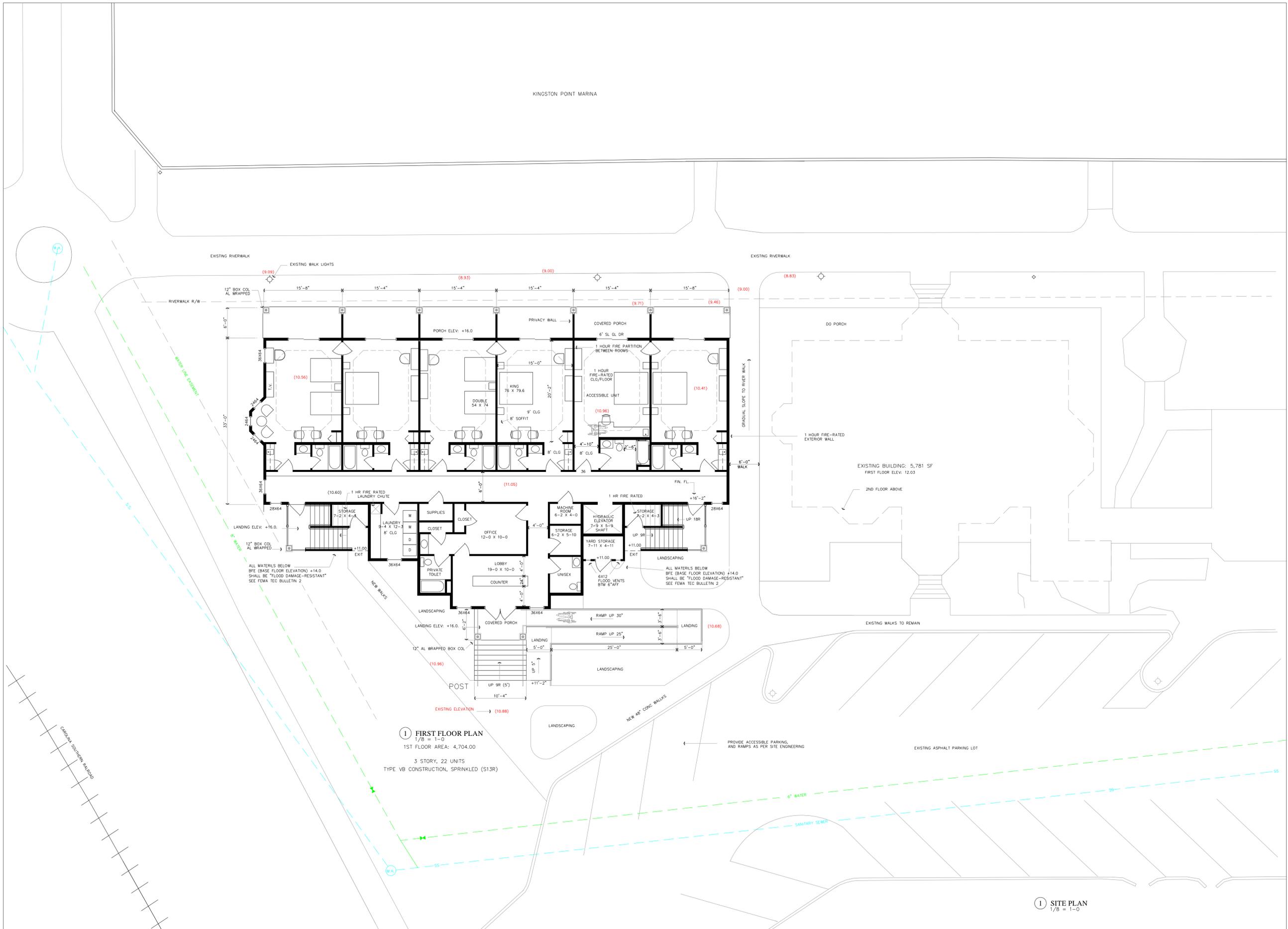
JON L. BOURNE - ARCHITECT
CONWAY SC - 843.347.2902
Email: jlb@jlbca.com



PROJECT NO: 22-1041
DATE: 07-10-2023
REVISED:
FILE:
SHEET

1

OF 3



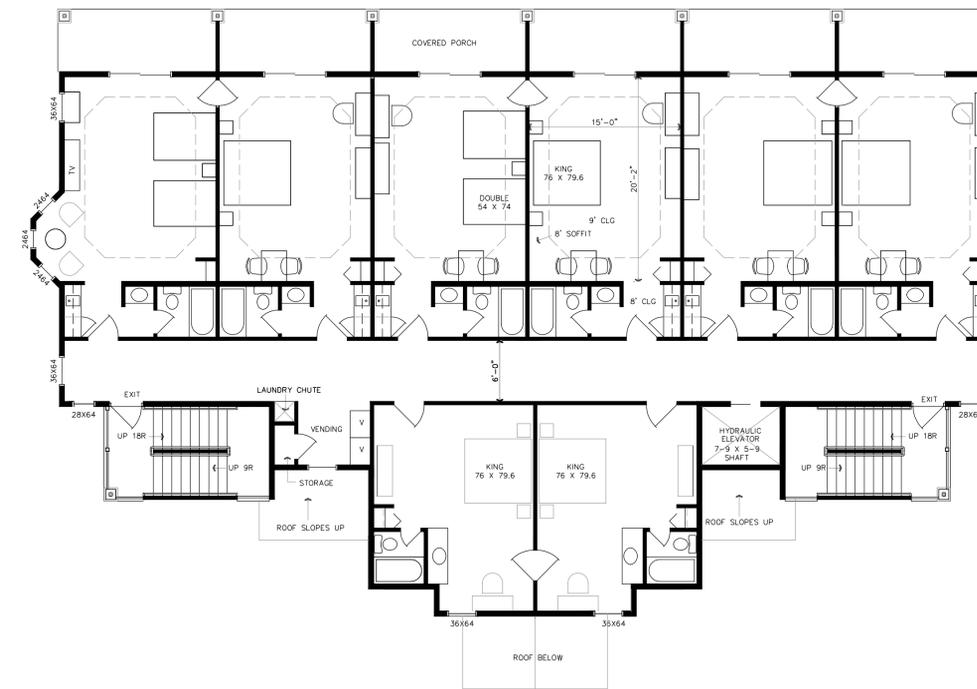
1 FIRST FLOOR PLAN
1/8" = 1'-0"
1ST FLOOR AREA: 4,704.00
3 STORY, 22 UNITS
TYPE VB CONSTRUCTION, SPRINKLED (S13R)

1 SITE PLAN
1/8" = 1'-0"



THIS DRAWING IS THE PROPERTY OF JON L. BOURNE-ARCHITECT AND MAY NOT BE USED, COPIED, OR DUPLICATED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF THE ARCHITECT.

CYPRUS INN - BUILDING #2
RIVERFRONT DISTRICT
CONWAY SC



① SECOND FLOOR PLAN (THIRD FLOOR SIMILAR)
1/8" = 1'-0"
2ND FLOOR AREA: 4,515 SF
INCLUDES PORCHES

PRELIMINARY PLANS
NOT FOR CONSTRUCTION
JON L. BOURNE - ARCHITECT
CONWAY SC - 843.347.2902
Email: jlbarch@ccoast.net

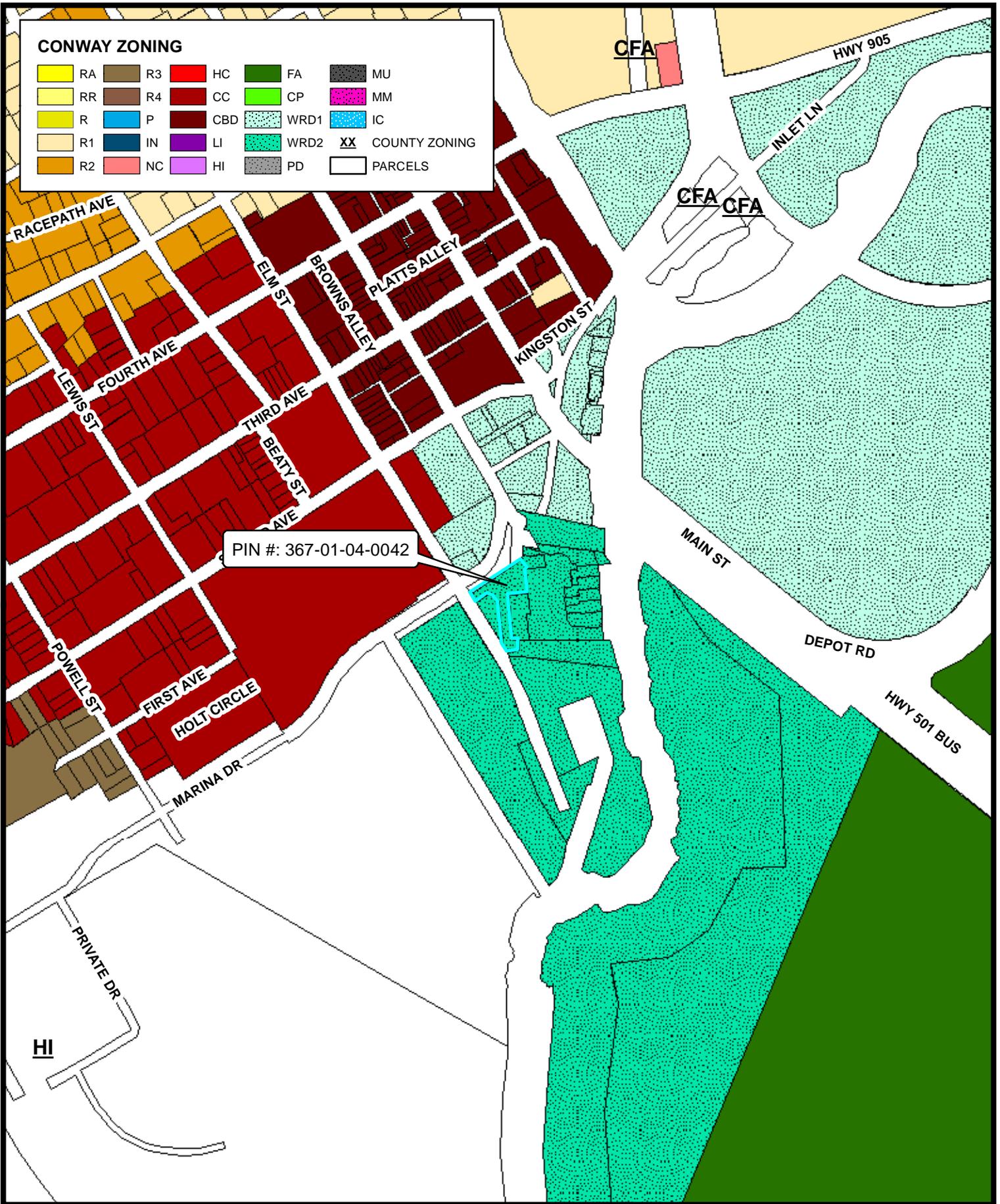


PROJECT NO:	22-1041
DATE:	07-12-2023
REVISED:	
FILE:	

SHEET
2
OF 3

CONWAY ZONING

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



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



PIN #: 367-01-04-0042
CYPRESS INN



Legend

▭ PARCELS



PIN #: 367-01-04-0042



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 #: 367-01-04-0042
CYPRESS INN



Conway Planning Dept.
I got your letter
concerning property
@ Elm & Laurel and
height limits. I
am in favor of
in creating new limits
if this is necessary.

Dr Badgett

P.O. Box 2423
Conway SC 29528