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PLANNING & DEVELOPMENT

BOARD OF ZONING APPEALS MEETING THURSDAY, SEPTEMBER 28, 2023 | 5:30 P.M. PLANNING & DEVELOPMENT DEPARTMENT 196 LAUREL STREET (*SIDE ENTRANCE*)

I. CALL TO ORDER

II. APPROVAL OF AUGUST 24, 2023 MINUTES

III. CRITERIA

IV. OLD BUSINESS – VARIANCE REQUESTS

- A. *Previously Deferred*.... 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), Article 8-Off-Street Parking & Loading and Article 9-Landscaping & Buffering*, for the property located at **1311 Thirteenth Avenue**. (PIN 338-14-01-0027)

V. PUBLIC HEARINGS - VARIANCE REQUESTS

- A. Joe Burch, agent for Horry County Board of Education, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 6.5.3-Village Corridor Overlay (VCO) and Article 11-Signage*, for the property located at **500 El Bethel Road**. (PIN 337-00-00-0014)
- B. Horry County Disabilities & Special Needs, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 5.2.1-Accessory Structures*, for the property located at **250 Victory Lane**. (PIN 383-10-01-0023)
- C. Diamond Shores, agent for the property owner, Twin Terra Properties LLC, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 5.2.3-Fences & Walls and Article 9-Landscaping & Buffering*, for the property located at **1909 Sessions Street**. (PIN 338-06-02-0037)
- D. Johnathan Guiles, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), *Section 5.1.7-Day Care Facilities*, for the property located at **1931 Fulmer Street**. (PIN 338-06-02-0042)

VI. ADJOURN

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, AUGUST 24, 2023
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET**

Present: Paul Lawson, Charles Byrd, Catherine Dingle, Jay Sellers, Sandra James, Lesley Hill
Absent: Blake Hendrick
Staff: Jessica Hucks, Planning Director; Vicki Stone, Zoning Officer; Katie Dennis, Planning Concierge; Anne Bessant, Planning Assistant; Charlie Crosby, IT
Others: Keith Skinner, Cathy Goldma, Brantley Green, Susan Stevens, Mel Miller, Bob Burnham, Orit Deverell, Bruno Semon, Felice Semon, Tommie Lovett, Susan Carr, Yosi Benezra & others

I. CALL TO ORDER

Chairman Lawson called the meeting to order at approximately 5:31 p.m.

II. APPROVAL OF MINUTES

Dingle made a motion, seconded by Hill to approve the July 27, 2023 minutes as written. The vote in favor was unanimous and the motion carried.

Lawson swore in the applicants and staff.

III. CRITERIA

Lawson read the following four criteria required to be met in order for the Board to grant a variance:

Extraordinary conditions: There are extraordinary and exceptional conditions pertaining to the particular piece of property;

Other Property: The extraordinary and exceptional conditions do not generally apply to other property in the vicinity;

Utilization: Because of the extraordinary or exceptional conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

Detriment: The authorization of a variance will not be of substantial detriment to the adjacent property or the public good and the character of the district will not be harmed by granting a variance.

IV. 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 Section 5.2 – Accessory Uses & Structures, for the property located at **1003 & 1005 Creel Street**. (PIN 369-05-02-0005 and 0006)

Hucks 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.

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.

Keith Skinner, owner was present to answer any questions.

There was no public input.

The board, staff and the applicant discussed the request in length.

Seller made a motion to deny the variance request. Lawson seconded the motion and the motion carried unanimously.

V. VARIANCE REQUESTS/PUBLIC INPUT

- A.** Trademark Home Exteriors, agent for the property owner, request a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO)*, Article 6, Table 6.1-Dimensional Requirements, pertaining to the rear setback, for the property located at **1358 Midtown Village Drive**. (PIN 325-16-03-0022)

Hucks stated 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 requested:

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.

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.

Brantley Green, agent for applicant was present and further explained the request.

Tommy Lovett spoke during public input to ask the contractor to provide them with more details to get approval from their ARC board.

The board, applicant, and owner discussed the request in length.

Lawson made a motion to deny the variance request. Dingle seconded the motion and the motion carried unanimously.

B. Mel Miller, agent for Waccamaw Hotel LP (dba Fairfield Inn & Suites), request 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)

Hucks stated that 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:

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.

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:

UDO Section(s)

11.4.1 (wall signs)

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

Variance of: 2 additional wall signs.

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 cannot 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.

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.

Mel Miller, agent for owner was present and further explained the request.

There was no public input.

The board discussed the request in length.

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

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

Hucks stated that the applicant requested to defer to the September 28th meeting.

- D. Orit Deverell, property owner, request 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)

Hucks stated 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. **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 cannot 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.

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.

Yosi Benezra was present and further explained the request.

Susan Stevens spoke during public input regarding the view that she currently has would be gone.

The board, applicant, and staff discussed the request in length.

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

VI. 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

Board of Zoning Appeals
8/24/23

adjourned at 6:22p.m.

Approved and signed this _____ day of _____, 2023.

Paul Lawson, Chairman

DATE: September 28, 2023

AGENDA ITEM: IV.A

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:

Previously Deferred.....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 had been completed. Shortly thereafter, staff received reports of landscaping being removed that had been required per the City of Conway's Unified Development Ordinance. Upon inspection staff found that required landscaping beds and parking layouts had been altered.

The applicant has stated that there is not enough parking onsite to accommodate his lessees. The City of Conway's Unified Development Ordinance, **Table 8.3-Parking Requirements** for Professional & Business Offices requires a minimum of 1 space per 300 sq ft of gross floor area & a maximum of 1 space per 187.5 sq ft of gross floor area. At the time the plans were approved, May 1, 2020, the site met the minimum requirement of 24 parks. The maximum number of parks allowed for this site based on the UDO is 38 parks. The applicant is proposing 32 parks with the revised site plan.

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.*

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

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

- A variance to allow more than 12 consecutive parking spaces in a row to be permitted without a landscape island or peninsula.
- A variance to allow the northern row of parking spaces to be adjacent an Access Lane instead of the required landscape island or perimeter landscaping.

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

1. We are unable to provide sufficient handicap standard parking space along with adequate access for dry pond, rear swale maintenance and rear emergency access due to existing landscaping restrictions in the City of Conway ordinance requirement for plantings within the interior parking.
2. Existing landscape islands hindered the location of an additional handicap parking central to the office buildings. Landscaping located on the end of the parking at Unit A was removed because of need to access the rear of the buildings for maintenance and emergencies.
3. We will be unable to meet the City of Conway's Landscape Buffer requirements or plantings within interior parking while still providing adequate handicap and standard parking space, pond maintenance, rear swale access for City maintenance and emergency access to the rear.
4. Because the adjacent property owners are sufficiently screened from our property due to existing bushes, canopy & understory trees, as well as additional landscaping along the property, we would not harm the adjacent property, the character of the area or the public good. Letters from current tenants and neighbors in support of the changes have been provided.
5. The variance request is initiated because of a hardship and is not to increase the profitability of the property.

CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO) & ANALYSIS

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

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

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

Variance: 1311 Thirteenth Ave

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 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: josh@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 (J1) Non-Residential Front Buffer. Section 9.3.4 (D) Landscape Requirements for the Interior Parking Areas to reduce the required end of row buffers and (C) Maximum of 12 consecutive parking spaces.

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1. 6.5.2 (J1) Gateway Corridor Overlay	6.5.2 (I.a) Gateway Corridor Overlay-Reduced Buffer
2. 9.3.4 (D) Landscape Requirements for Interior Parking	9.3.4 (D) Landscape for Interior Parking-Reduced Planting
3. 9.3.4 (C) Landscape Requirements for Interior Parking	9.3.4 (C) Landscape for Interior Parking-Reduced Planting
4.	

Application Requirements:

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



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only

Received: _____
BS&A #: _____

1. Describe the extraordinary conditions pertaining to your particular piece of property:
We are unable to provide sufficient handicap-standard parking space along with adequate access for dry pond, rear swale maintenance, and rear emergency access due to existing landscaping restrictions in the City of Conway Ordinance requirements for exterior buffers & plantings within interior parking. The roadway buffer is also hindered due to an existing swale that fills the ROW and extends over the property line which forced the required sidewalk to be located in the landscape buffer on the subject property when originally constructed. The existing large protected trees in the road buffer also limit options for placement of the sidewalk outside of the buffer.

2. Are the conditions described above particular to your piece of property? Explain.
Yes, the large protected trees and swale at the property line adjacent to 13th Ave. forced the placement of the required sidewalk in the landscape buffer. Existing landscape islands hindered the location of an additional handicap parking central to the office buildings. Landscaping located on the end of the parking at Unit A was removed needed access to to the rear of the buildings for maintenance and emergencies.

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. We will be unable to meet The City of Conway's Landscape Buffer Requirements or plantings within interior parking while still providing adequate handicap & standard parking space, pond maintenance, rear swale access for City maintenance, and emergency access to the rear.

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 bushes, canopy and understory trees, as well as additional landscaping along the property, we would not harm the adjacent property, the character of the area, or the public good.
Letter(s) from current tenants and neighbor(s) in support of the changes have been provided.

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

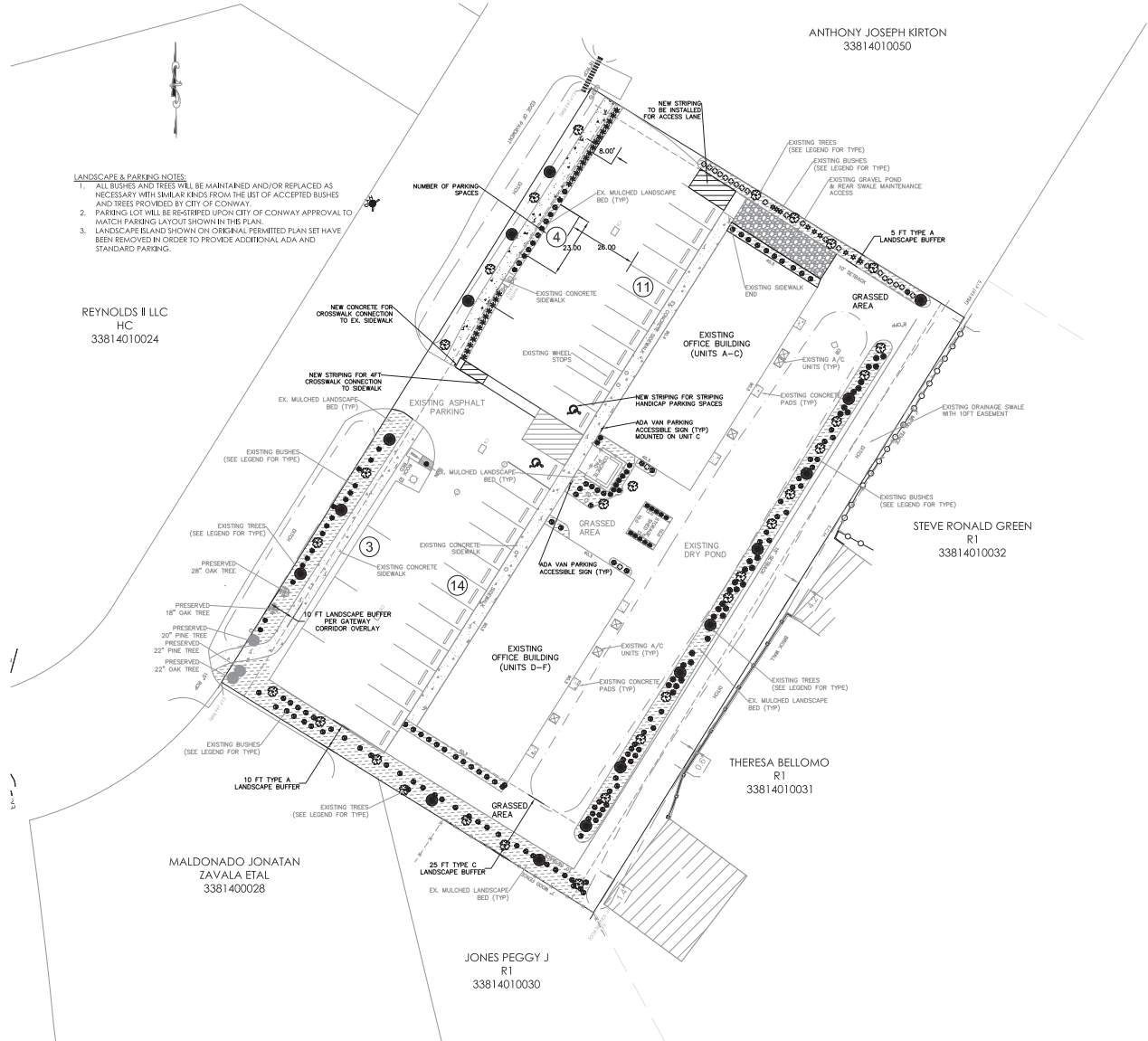
Yes, the Variance request is initiated because of hardship, and is not to increase the profitability of the property.

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 Date: 09.8.2023

Print name legibly: Bruno Semon



- LANDSCAPE & PARKING 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.
 2. PARKING LOT WILL BE RESTRIPTED UPON CITY OF CONWAY APPROVAL TO MATCH PARKING LAYOUT SHOWN IN THE PLAN.
 3. LANDSCAPE ISLAND SHOWN ON ORIGINAL PERMITTED PLAN SET HAVE BEEN REMOVED IN ORDER TO PROVIDE ADDITIONAL ADA AND STANDARD PARKING.

REYNOLDS II LLC
HC
33814010024

MALDONADO JONATAN
ZAVALA ETAL
3381400028

JONES PEGGY J
R1
33814010030

THERESA BELLOMO
R1
33814010031

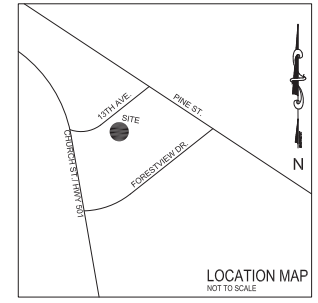
STEVE RONALD GREEN
R1
33814010032

ANTHONY JOSEPH KIRTON
33814010050

LANDSCAPE NOTES:
DESIGN REQUIRED TOTAL TREES = 56
DESIGN REQUIRED TOTAL BUSHES = 256
PARKING NOTES:
DESIGN REQUIRED PARKING = 24 SPACES

ASBUILT TOTAL TREES = 52
ASBUILT TOTAL BUSHES = 256
ASBUILT TOTAL SPACES = 32

PINE STREET COMPLEX - LANDSCAPE LAYOUT		
QUANTITY	SYMBOL	COMMON NAME
CANOPY TREES		
16		RED MAPLE
30		GRAPE MYRTLE
3		PINE TREE
2		OAK TREE
1		MAGNOLIA TREE
SHRUBS		
9		OLEANDERS
11		CHINESE SILVER GRASS
121		CHINESE FRINGE FLOWERS
32		YALUPON HOLLY
23		PINEAPPLE GUAVA
28		BOX CORNUTA BURFORD HOLLY
32		PODOCARPUS YEW



1311 13th Ave NE, Suite 100, Conway, SC 29526
wallengineering.com • 843-688-4180

THE DRAWING IS THE PROPERTY OF WALL ENGINEERING, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND LOCATION IDENTIFIED HEREON.

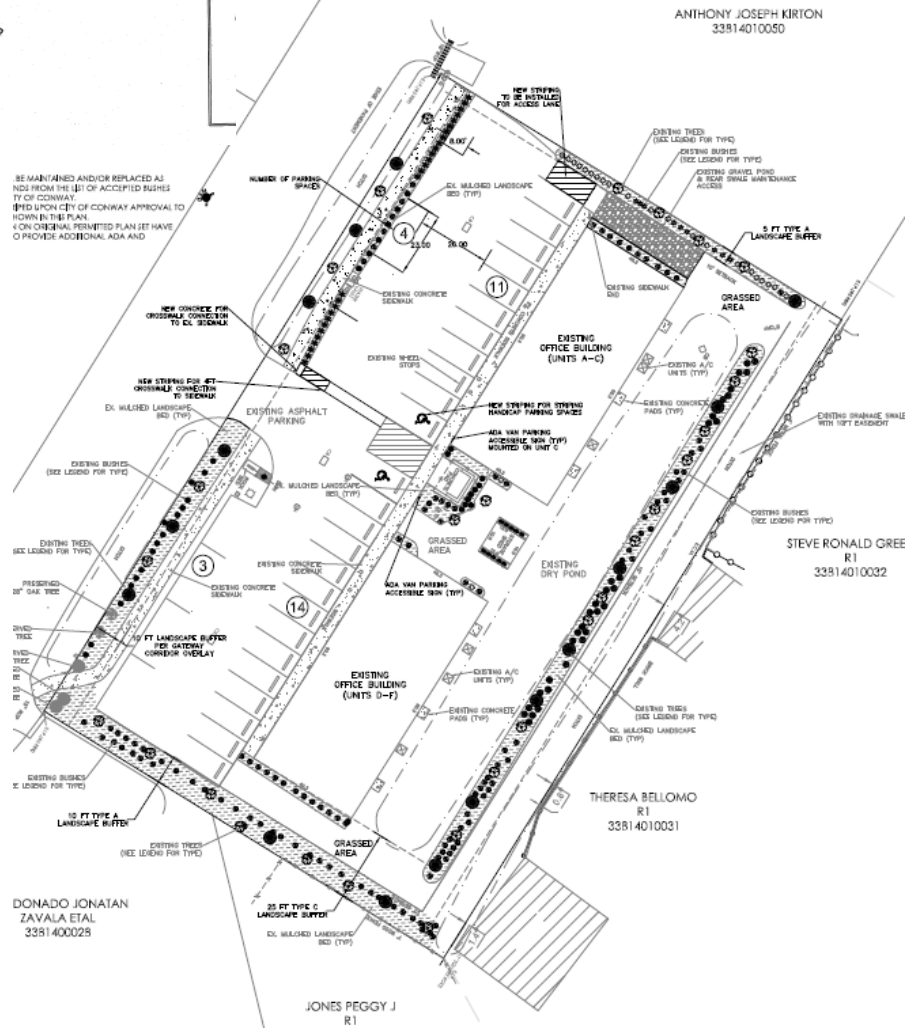
DATE:	DESIGNED:	DATE:	NO. OF SHEETS:
SEPTEMBER 6, 2023	ANTHONY JOSEPH KIRTON	SEPTEMBER 6, 2023	1
DRAWN BY:	REVIEWED BY:	DATE:	NO. OF SHEETS:
WALL	WALL	SEPTEMBER 6, 2023	1
PROJECT NO.:	PROJECT NAME:	PROJECT LOCATION:	PROJECT DESCRIPTION:
338-1401-0027	PINE STREET COMPLEX	CONWAY, SC	LANDSCAPE & PARKING VARIANCE PLAN
JOB NO.:	JOB NAME:	JOB LOCATION:	JOB DESCRIPTION:
75-209	PINE STREET COMPLEX	CONWAY, SC	LANDSCAPE & PARKING VARIANCE PLAN

GRAPHIC SCALE
1" = 20' H.
1" = 20' V.

PINE STREET COMPLEX
Horry County, South Carolina
PREPARED FOR
401 MAIN ST. REALTY, LLC



Original Approved Plans





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 dark ink, appearing to read 'Kristina Sawyer', is written over a light blue horizontal line.

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, with the first name "Marlene" being more prominent than the last name "Woodyard".

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, appearing to read 'Kristina Sawyer', is written over a horizontal line.

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"

2768 King Farm Road • Aynor, South Carolina 29511 • (843) 369-0610 • Mobile: (843) 458-7441 or (843) 458-7438

DATE: September 28, 2023

AGENDA ITEM: V.A

ISSUE:

Joe Burch, agent for Horry County Board of Education, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Section 6.5.3-Village Corridor Overlay (VCO), for the property located at 500 El Bethel Road. (PIN 337-00-00-0014)

BACKGROUND:

Whittemore Park Middle School is currently under construction on 39 acres off El Bethel Road. The parcel is zoned Institutional (IN) and is within the Village Corridor Overlay (VCO). The new facility will be approximately 155,000 square feet in size.

Horry County Schools is planning for a monument sign with an electronic message center similar to several of the schools throughout Horry County.

The City of Conway's Unified Development Ordinance defines **Section 6.5.3-Village Corridor Overlay (VCO)** as established to provide standards to promote compact, pedestrian-scale development with residential, neighborhood commercial, professional, and office uses. The overlay is established to provide unified development that promotes a sense of place and provides opportunities to develop projects engineered to be compatible with the carrying capacity of minor arterials and collector streets.

Per **Section 6.5.3 – Village Corridor Overlay-Signs**, of the UDO:

- 6.5.3 (K-3): Size. *The maximum sign face area shall be twenty-four (24) square feet for a single-tenant.*
- 6.5.3 (K-4): Height. *The maximum sign height shall be eight (8) feet for a single-tenant.*

Per **Section 2.2.2 – Sign Related Definitions**, of the UDO:

- **Sign Face**: *The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color, and direct or self-illumination used that differentiates that sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no identifying/advertising message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure, whether structurally necessary or not. In the case of signs designed with integral sign face and sign structure, the blank (support) area equivalent to a maximum of 50% of the allowable sign area shall be exempt from computations of sign area.*
- **Sign Height**: *The vertical distance measured from the lowest adjacent street crown grade to the top of the sign face or sign structure, whichever is greater.*

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

Section 6.5.3 – Village Corridor Overlay, of the UDO:

- **6.5.3 (K-3):** An 83 square feet variance on the maximum sign face area requirement of 24 square feet in order to allow a 107 square feet sign face.
- **6.5.3 (K-4):** A 1'1" variance on the maximum sign height requirement of 8 feet in order to allow for a 9'1" sign height.

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

1. HCS is replacing the current Whittemore Park Middle with a 155,000 SF facility on 39 acres on El Bethel Road. This school is designed for 1,200 students and will be a major hub for middle school students, parents and community members. HCS and the school need to advertise special events/parent-student notices/key dates and items of interest to the WPM and Conway community. A monument sign with an EMC that is large enough to communicate key information to the community is needed.
2. This is a public school and as such is a major community centerpiece of activity with the need to communicate to the public.
3. Because of the strict application of the Zoning Ordinance, we would be unable to provide a sign and message center that can effectively communicate important information.
4. Granting the variance will not harm adjacent property or the character of the area. It will enhance the public good by communicating information from HCS, the school and other information of interest to the Conway community in a timely way. On the west side of El Bethel Road, the majority of property from Crabtree Swamp to Hwy 378 is owned by HCS and McLeod Seacoast. Ultimately, the west side of El Bethel Road will be predominantly institutional use. HCS would abide by all lighting restrictions on the EMC to minimize any adverse light spill to any residential uses such as the subdivision on the other side of El Bethel Road.
5. The hardship is that we are a public institution and only want to provide effective signage and communication to the public.

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 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: 500 El Bethel Rd	Meeting date: 9-28-23	Pin #: 33700000014
Property Owner: Horry County Schools	Daytime phone: 843-488-6712	
Agent: Joe Burch	Daytime phone: Same	
Agent's mailing address: 1160 E. Hwy 501		
City: Conway	State: SC	Zip Code: 29526
Agent's e-mail address: jburch@horrycountyschools.net		
Zoning District: IN/VCO		

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:
HCS is building a replacement middle school facility for Whittemore Park Middle School on a 39 acre tract on El Bethel Rd.
The monument sign size limitation of 24 SF in the Village Corridor Overlay district is severely limiting for a public school sign with an electronic message center.
HCS is requesting a variance from the VCO sign requirement to allow us to install the attached proposed monument sign with EMC.
This sign design is typical to numerous other signs we have installed district-wide. (see attached photos)

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1. VCO Sign Size of 24 SF	
2.	
3.	
4.	

Application Requirements:

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



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only

Received: _____
BS&A #: _____

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

HCS is replacing the current Whittemore Park Middle with a 155,000 SF facility on 39 acres on El Bethel Rd.

This school is designed for 1,200 students and will be a major hub for middle school students, parents and community members.

HCS and the school need to advertise special events/parent-student notices/key dates/and items of interest to the WPM and Conway community.

A monument sign with an EMC that is large enough to communicate key information to the community is needed.

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

Yes. This is public school and as such is a major community centerpiece of activity with the need to communicate to the public.

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

Yes. We would be unable to provide a sign and message center that can effectively communicate important information.

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

No. It will enhance the public good by communicating information from HCS, the school and other information of interest to the Conway community in a timely way.

On the west side of El Bethel Rd, the majority of property from Crabtree Swamp to Hwy 378 is owned by HCS and McLeod Seacoast.

Ultimately, the west side of El Bethel Rd will be predominantly institutional use.

HCS would abide by all lighting restrictions on the ECM to minimize any adverse light spill to any residential uses such as the subdivision on the other side of El Bethel Rd.

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

Yes. We are a public institution and only want to provide effective signage and communication to the public.

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

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

Applicant's Signature: _____

Date: 8/11/23

Print name legibly: _____

JOE BURCH

Examples of Monument Signs with EMC's at HCS Facilities

All schools in Horry County, with the exception of 3 Conway area schools, now have monument signs with EMC's throughout Horry County. Below are examples of typical, new monument signs with EMC's that are specified at new facilities or retrofit replacements of old, outdated signs.





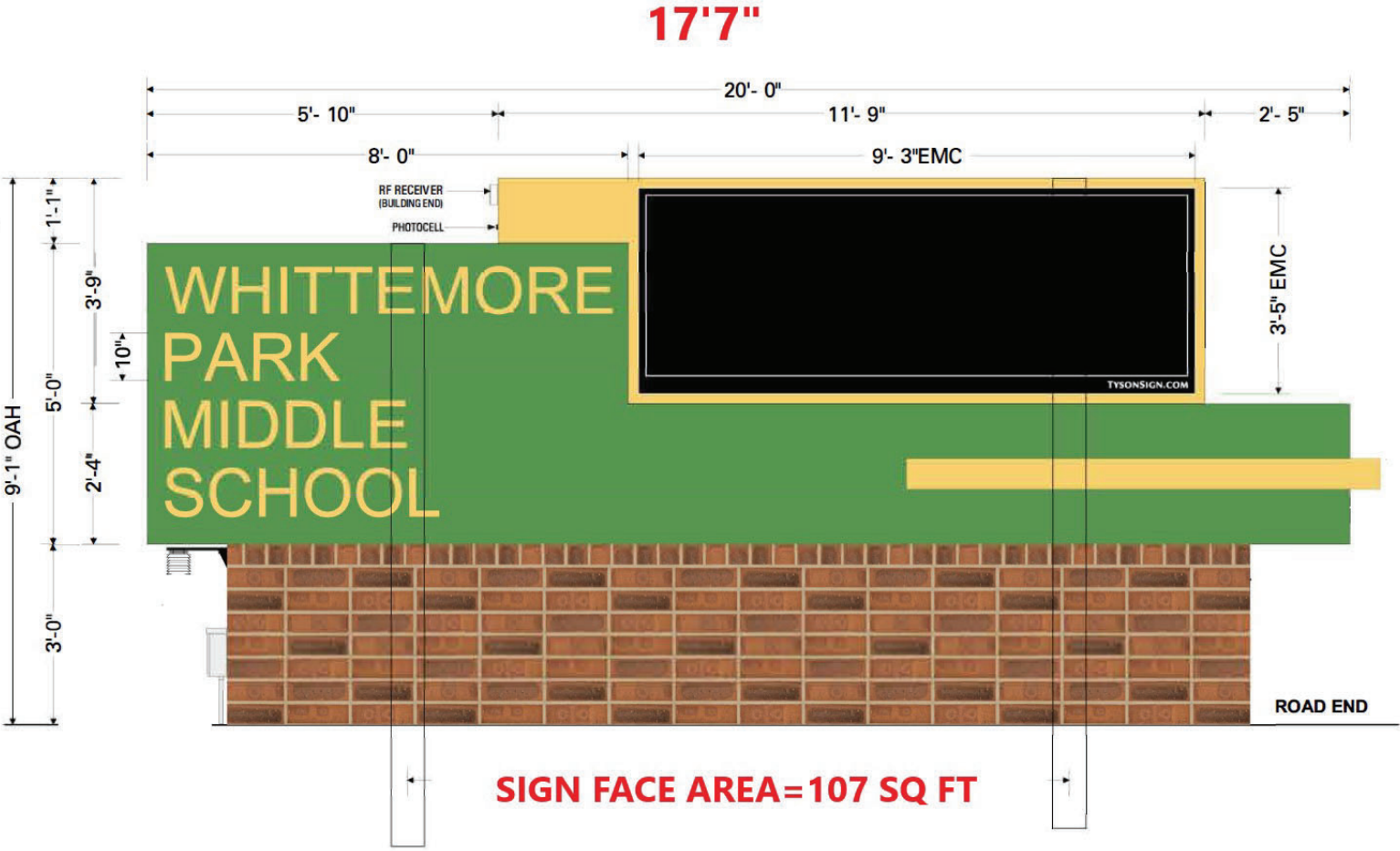




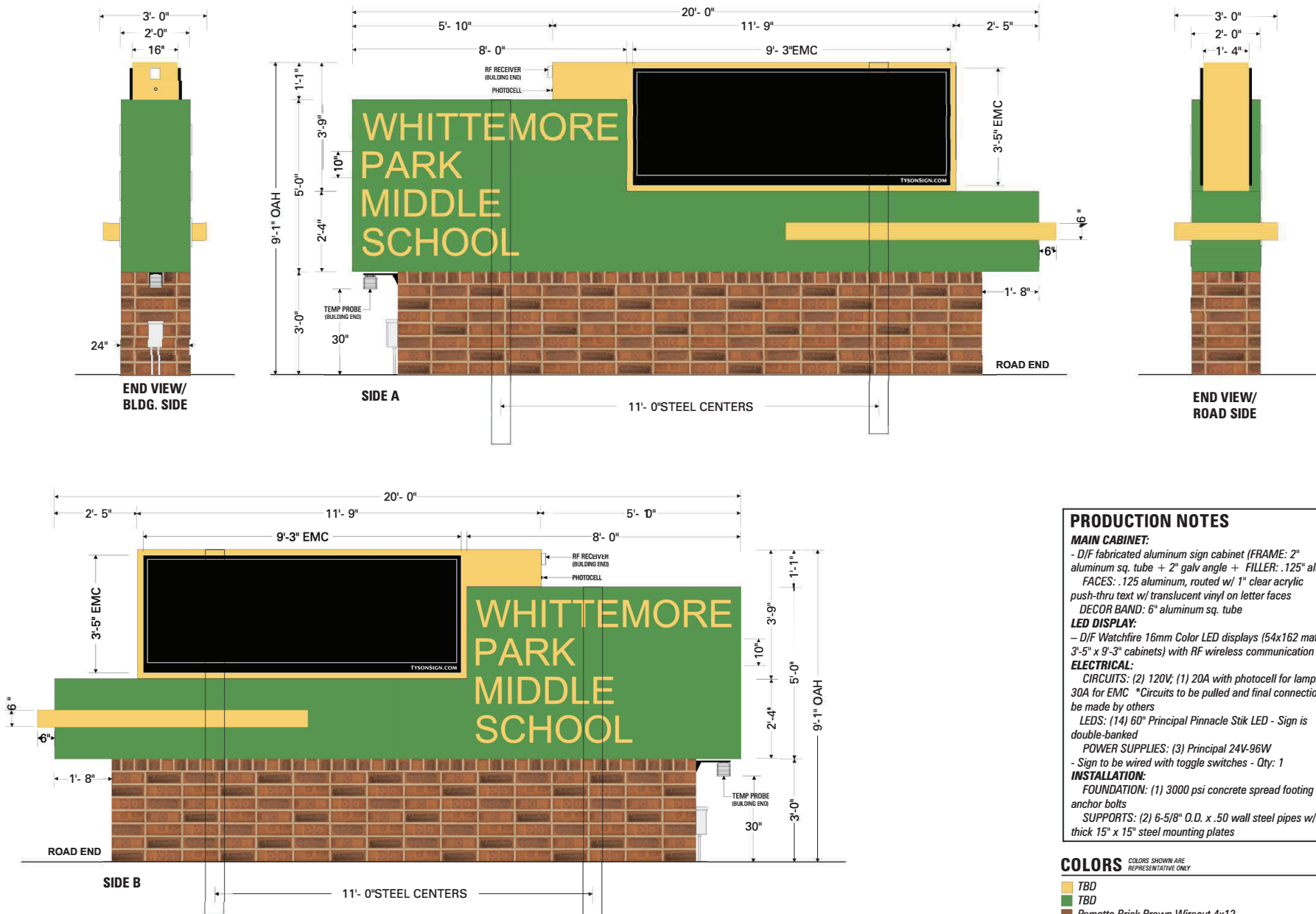
HEIGHT 9'1"

VARIANCE OF
1'1" FOR SIGN
HEIGHT

6'1"



VARIANCE OF 83 SQ FT FOR SIGN FACE AREA



PRODUCTION NOTES

MAIN CABINET:
 - D/F fabricated aluminum sign cabinet (FRAME: 2" aluminum sq. tube + 2" galv angle + FILLER: .125" alum)
 - DECOR BAND: 6" aluminum sq. tube

FACES: .125 aluminum, routed w/ 1" clear acrylic push-thru text w/ translucent vinyl on letter faces

LED DISPLAY:
 - D/F Watchfire 16mm Color LED displays (54x162 matrix, 3'-5" x 9'-3" cabinets) with RF wireless communication

ELECTRICAL:
 - CIRCUITS: (2) 120V; (1) 20A with photocell for lamps, (1) 30A for EMC *Circuits to be pulled and final connection to be made by others
 - LEDS: (14) 60" Principal Pinnacle Stik LED - Sign is double-banked
 - POWER SUPPLIES: (3) Principal 24V-96W
 - Sign to be wired with toggle switches - Qty: 1

INSTALLATION:
 - FOUNDATION: (1) 3000 psi concrete spread footing w/ anchor bolts
 - SUPPORTS: (2) 6-5/8" O.D. x .50 wall steel pipes w/ 1" thick 15" x 15" steel mounting plates

- COLORS** COLORS SHOWN ARE REPRESENTATIVE ONLY
- TBD
 - TBD
 - Pametto Brick Brown Wirecut 4x12
 - Satin Black (Match to EMC factory finish)

Qty. (1) Double-face Illuminated Primary ID Sign

Whittemore Park Middle School

Conway, SC

DATE

3-AUG-23

CUSTOMER

Whittemore Park M.S.

PROJECT

Whittemore Park M.S.

LOCATION

1808 Rhue Ave.

DESCRIPTION

Primary ID Sign

SALES

D. Jenkins

DESIGNER

J. Daley

SCALE

3/8" = 1' - 0"

DRAWING

61818-a1

REVISIONS

REV	DATE	BY	NOTE

CUSTOMER APPROVAL

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This design and illustration is the original and unpublished work of Tyson Sign Company, Inc., and it may not be reproduced, copied or exhibited in any fashion without written consent from an authorized officer of our company.

TYSON SIGN COMPANY

Putting Your Business Out Front!

CONTACT INFO

1-843-448-5168

Fax: 843-448-0535

Mail: P.O. Box 50580

Myrtle Beach, SC 29579

www.tysonsign.com

UL LISTED

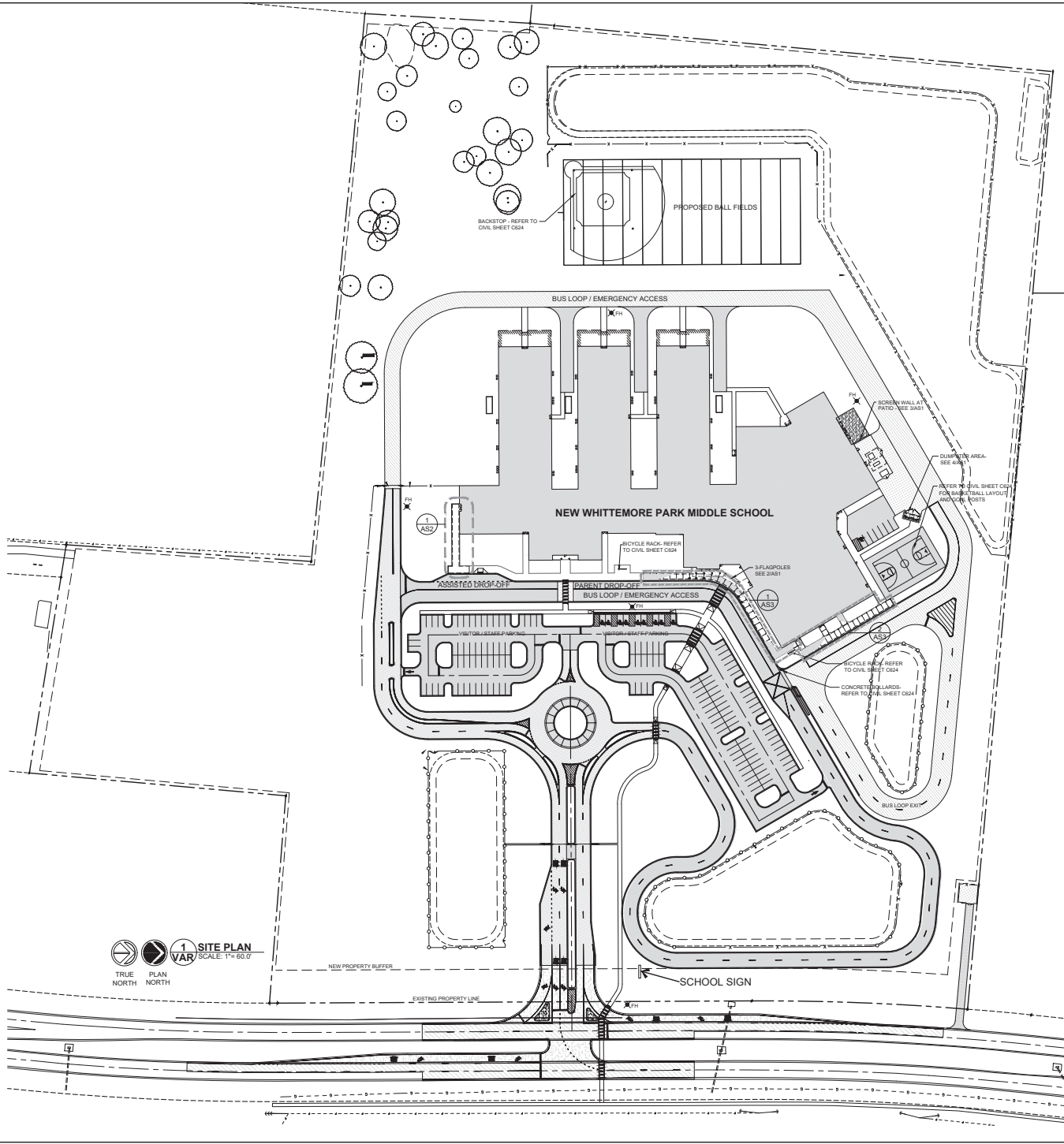
ELECTRIC SIGN MUST BE INSTALLED IN ACCORDANCE WITH ARTICLE 610 OF THE NEC (NATIONAL ELECTRIC CODES)

member of

SESA

International Sign Association

THESE DRAWINGS ARE THE PROPERTY OF PIKE McFARLAND & HALL ASSOCIATES, INC. ARCHITECTS & PLANNERS AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT PRIOR WRITTEN APPROVAL OF THE ARCHITECT AND ANY INFRINGEMENT IS SUBJECT TO LEGAL ACTION



PIKE McFARLAND & HALL
ASSOCIATES, INC.
ARCHITECTS & PLANNERS



PROJECT

A REPLACEMENT SCHOOL FOR:
**WHITTEMORE PARK
MIDDLE SCHOOL**
CONWAY, SOUTH CAROLINA



SIGN
VARIANCE
SUBMITTAL

COMM: 21042
FILE:
DRAWN BY: DP
PLOT: 1
DATE: 08-11-2023

SHEET
VAR

PIKE McFARLAND & HALL ASSOCIATES, INC. 1300 PROFESSIONAL DRIVE, SUITE 201, MYRTLE BEACH, SOUTH CAROLINA 29577 PHONE: (843) 497-0272 FAX: (843) 497-0271 PMH@PMHARCHITECTS.COM

DATE: September 28, 2023

AGENDA ITEM: V.B

ISSUE:

Joseph Heyd, agent for Horry County Disabilities & Special Needs, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Section 5.2.1-Accessory Structures, for the property located at 250 Victory Lane. (PIN 383-10-01-0023)

BACKGROUND:

The property owner recently had a survey done of the parcel with the plan of constructing a greenhouse facility for use by individuals with disabilities and special needs. The Greenhouse Facility would include a central “head house” and two adjoining greenhouse wings. Additionally, the facility will include open planter beds and paver brick sidewalks.

The parcel is 2.68 acres located at the end of Victory Lane near Horry Georgetown Technical College and is zoned Institutional (IN). The parcel is also surrounded on three sides by ROW. Horry Georgetown Blvd on two sides and Victory Lane on an additional side.

There are existing Accessory Structures on the parcel; however, per **Section 5.2.1 – Accessory Structures**, of the UDO, 5.2.1 (B-4): **Number**. *Shall be limited to three (3). Book exchange boxes shall not contribute to this number.*

- a) Exempting parcels zoned CP, FA, **IN**, LI and HI that are **a minimum of one (1) acre in size**, or parcels that contain education, medical, or public recreation facilities.*

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

- 5.2.1 (B-1): **Location**. *Shall be located in the rear yard and side yard only.*

Variance requested (*per the site plan submitted*):

Section 5.2.1 – Accessory Structures, of the UDO:

- **5.2.1 (B-1):** A variance to allow an Accessory Structure (Greenhouse) to be located in one of three front yards.

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

1. The property is considered double front property and greatly limits use of additional land.
2. Most properties would not be considered double front properties and therefore, this makes the conditions particular to this piece of property.
3. The strict application of the Zoning Ordinance would restrict the organization’s use of approximately 20% of available land and reduce the opportunity of people with disabilities to find gainful employment.
4. The project would be inline with the current agriculture and landscaping activities of HGTC that is immediately adjacent to the land.

5. The availability of land and organizational requirements of the project would not allow for the project to be pursued outside of the current property.

CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO) & ANALYSIS

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

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

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

RECOMMENDATION:

Staff recommends that the BZA conduct a thorough review of the request and determine if a legal hardship exists and if the best interests of the City of Conway would be served by granting the request. If the Board chooses to grant the variances requested, staff recommend that it be only those which were requested via 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: 250 Victory Lane	Meeting date: 09/26/23	Pin #: 383-10-01-0023
Property Owner: Horry County Disabilities and Special Needs	Daytime phone: 843.347.3010	
Agent: Joseph Heyd	Daytime phone: 843.902.5113	
Agent's mailing address: 250 Victory Lane		
City: Conway	State: SC	Zip Code: 29526
Agent's e-mail address: Jheyd@hcdsn.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:
HCDSN proposes to clear the eastern most portion of property and construct a greenhouse facility for use by individuals with disabilities and special needs. This greenhouse facility would include a central "head house" and two adjoined greenhouse wings. Additionally the facility will include open planter beds and paver brick side walks.

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1. 5.2.1.B.1 - Accessory buildings placed to side or rear	Double front, allow for facility to be built on front
2.	
3.	
4.	

Application Requirements:

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



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only

Received: _____
BS&A #: _____

1. Describe the extraordinary conditions pertaining to your particular piece of property:
The property is considered a double front property and greatly limits use of additional land.

2. Are the conditions described above particular to your piece of property? Explain.
Most properties would not be considered double front properties, and therefore, this makes the conditions particular to this piece of property.

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.
It would restrict the organization's use of approximately 20% of available land and reduce the opportunity of people with disabilities to find gainful employment.

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:
The project would be inline with the current agriculture and landscaping activities of HGTC that is immediately adjacent to the land.

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

The availability of land and organizational requirements of the project would not allow for the project to be pursued outside of the current 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: Susan L. John / Ex. Director

Date: 9.6.23

Print name legibly: Susan L. John - Executive Director

LEGEND

I.R.F. = IRON REBAR FOUND
 I.P.F. = IRON PIPE FOUND
 I.R.S. = IRON REBAR SET
 PP = POWER POLE
 LP = LIGHT POLE
 T = TRANSFORMER BOX
 AC = AIR CONDITIONING
 T = TELEPHONE PED.
 C = CABLE TV
 W = WATER METER
 W = WATER SERVICE
 W = WATER VALVE
 F = FIRE HYD.
 S = SEWER MANHOLE
 C = SEWER CLEAN-OUT
 S = SEWER SERVICE
 S = STORM MANHOLE
 C = CATCH BASIN
 X = FENCE
 PP = OVERHEAD POWER

CERTIFICATE OF OWNERSHIP AND DEDICATION

THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF DEVELOPMENT (PLAN) WITH MY (OUR) FREE CONSENT AND THAT I (WE) HEREBY DEDICATE ALL ITEMS AS SPECIFICALLY SHOWN AND INDICATED ON SAID PLAN.

(NAME) Jessie Hays (SIGNED) [Signature] (DATE) 9/6/23
 Horry County Disabilities & Special Needs (AUTH. REP.)

NF Horry-Georgetown
 CONWAY FOR TOWN EDC
 PIN: 383-10-02-037
 TMS: 151-02-02-127

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	125.18'	94.95'	N 56°28'38" W	143°26'30"
LINE	BEARING	DISTANCE			
L1	S 38°11'43" E	1.00'			



VICINITY MAP

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR PERSONS SHOWN IN THE TITLE BLOCK AND THIS DOESN'T MAKE ANY CERTIFICATION TO ANY UNNAMED PARTIES WITHOUT A REVISION AND UPDATE TO THE CERTIFICATION WITH THE CLIENT'S AUTHORIZATION. ADDITIONAL FEES.

NOTES

- DATE OF FIELD WORK: JULY 2023
- LOT APPEARS TO BE LOCATED IN FLOOD ZONE "X" AS SHOWN ON FLOOD MAP 4505100542K, DATED DECEMBER 16, 2023
- AND IS SUBJECT TO VERIFICATION
- SUBJECT TO ANY TITLE REPORT DISCLOSURE-NOT SUPPLIED
- PER THE TREE PRESERVATION ORDINANCE, NO PROTECTED OR LANDMARK TREES SHALL BE REMOVED WITHOUT THE WRITTEN APPROVAL OF THE CITY ARBORIST AND THE ISSUANCE OF A TREE REMOVAL PERMIT BY THE CITY OF CONWAY.
- TMS: 151-02-02-067
PIN: 383-10-01-0023

REFERENCES

DEED BOOK: 3317	PAGE: 364
DEED BOOK: 3983	PAGE: 2568
DEED BOOK: 4083	PAGE: 1
DEED BOOK: 4463	PAGE: 1830
DEED BOOK: 4490	PAGE: 527
PLAT BOOK: 57	PAGE: 84
PLAT BOOK: 100	PAGE: 5
PLAT BOOK: 107	PAGE: 193
PLAT BOOK: 252	PAGE: 21

DATE OF ORIGINAL:	JULY 18, 2023
REVISION: ADDING TREES AND TOPO	DATE: JULY 18, 2023
REVISION: REVISING PER COUNTY COMMENTS	DATE: SEPT. 5, 2023
REVISION:	DATE:
REVISION:	DATE:



Spartina Surveying
BOLTON & MENK, INC.

AS-BUILT SURVEY OF

TMS: 151-00-02-067
 LOCATED IN CITY OF CONWAY
 Horry County, South Carolina
 PREPARED FOR
 Horry County
 DISABILITIES
 SEPTEMBER 5, 2023

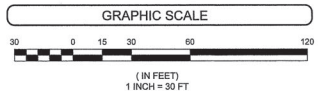
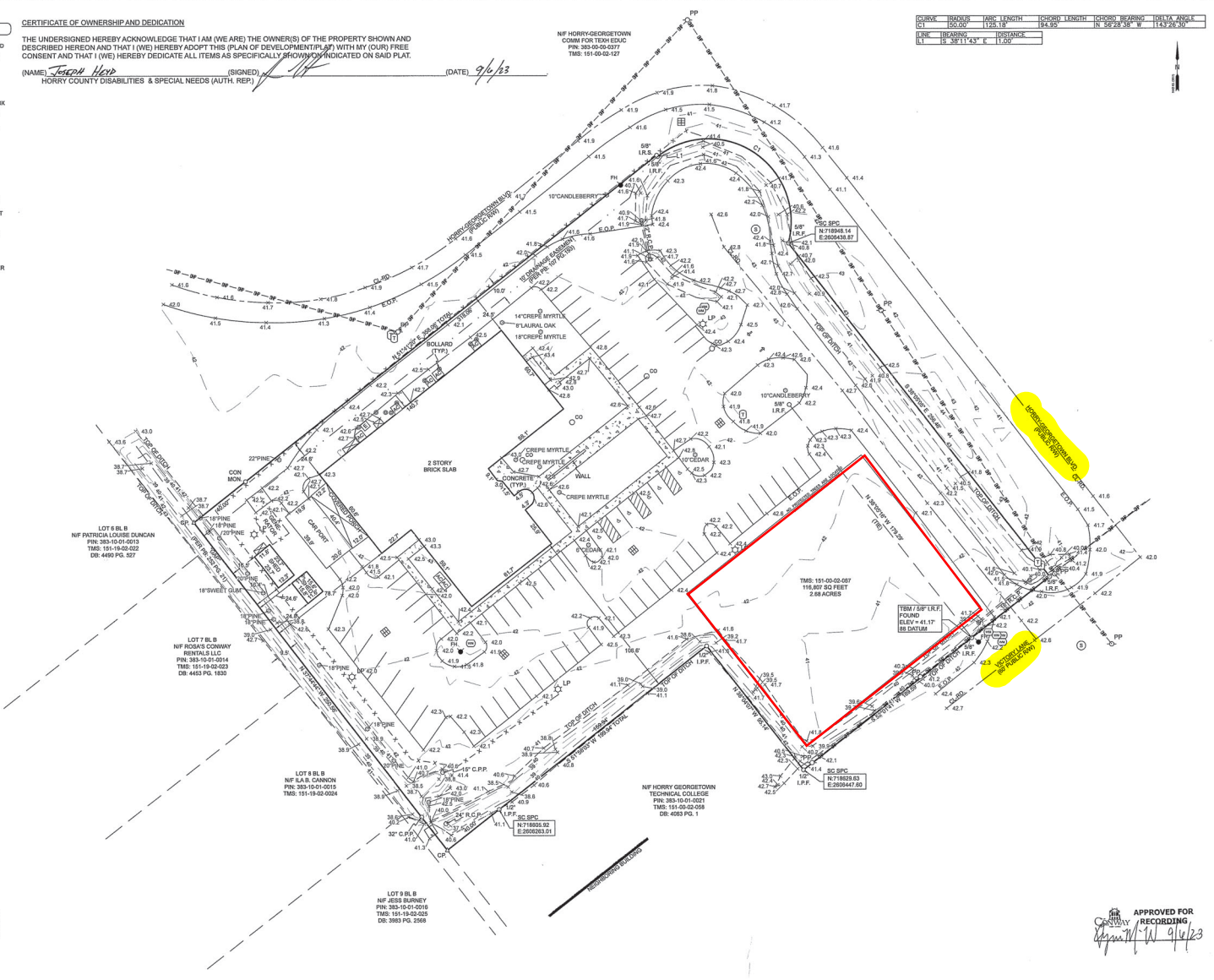
SURVEYED AND MAPPED BY
 SPARTINA LAND SURVEYING
 802 MAIN STREET, CONWAY SC 29526
 PHONE: 843-340-0285 / OFFICE 843-488-1040

LIB	Horry County Disabilities PARCEL ASB.DWG	JOB# 2992-23183
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I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS OF A CLASS B SURVEY AS THAT ALL NECESSARY MARKERS HAVE BEEN INSTALLED AND THERE ARE NO ENCROACHMENTS OTHER THAN SHOWN HEREON.

F. WILLIAM FAIRLEY IV, P.L.S. #27446



115'0"

BUILDING SET BACK

MINIMUM 6' WALKWAYS

600 GAL
UNDER-
GROUND TANK

WELL

600 GAL
UNDER-
GROUND TANK

GREEN HOUSE
(20' X 55')

HEAD HOUSE
(20' X 30')

GREEN HOUSE
(20' X 55')

FLOWER PLOT
(30' X 16')

FLOWER PLOT
(30' X 16')

VEGETABLE PLOT
(30' X 22')

VEGETABLE PLOT
(30' X 22')

BUILDING SET BACK

130'0"

DATE: September 28, 2023

AGENDA ITEM: V.C

ISSUE:

Diamond Shores, agent for the property owner, Twin Terra Properties LLC, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Section 5.2.3-Fences & Walls and Article 9-Landscaping & Buffering, for the property located at 1909 Sessions Street. (PIN 338-06-02-0037)

BACKGROUND:

The property owner purchased this property in 2021 and rezoned it from R1 (Low Density Residential) to HC (Highway Commercial). The property owner was made aware at that time, if the rezoning was approved, a site plan would be required in order to bring the site into compliance with the current Unified Development Ordinance (UDO). It was explained to the property owner that this would entail parking lot stripping, ADA spaces, landscaping and an irrigation plan. Staff also advised that all site improvements would need to be approved and implemented prior to a business license being approved at this location.

Diamond Shores is working on a site plan for the property owner to meet the current UDO requirements. At the rear of the building, the parcel is adjacent PIN# 33806020038 which is zoned R1.

Per **Table 9.1-Required Landscaping Type** and **Table 9.2-Landscaping Rate Chart**, of the UDO:

- **Type B Landscape Buffer** is required between **R1** and **HC** zoning districts.
 - *Type B Landscape Buffer is required to be 15-ft in width and include per 100-linear feet;*
 - *2 canopy trees, 3 understory trees and 20 tall shrubs;*
 - *A wall/fence, a minimum of 5-ft in height may be used to reduce the landscaping by 5-ft in Type B and Type C Landscaping Buffer.*

Based on where the existing building is located on the parcel, the landscape requirement cannot be met. The applicant is proposing a **5-ft Landscape Buffer** with a **5-ft Privacy Fence** along the adjacent property line at the rear of the building, adjacent the R1 zoned parcel. A **5-ft Landscape Buffer** would be a **Type A Landscape Buffer** and include per 100-linear feet, 2 understory trees and 18 tall shrubs.

Per **Section 5.2.3 – Fences and Walls**, of the UDO,

- 5.2.3 (A): **Commercial/Residential**. *a maximum height, measured from the natural grade at which the fence or wall occurs, does not exceed 4-ft in the Front Yard or 6-ft in the Corner Front Yard (provided it meets a 10-ft setback from the property line).*

From the rear corner of the building closest to Fulmer Street, the 5-ft privacy fence running adjacent PIN# 33806020038 would have to drop to 4-ft or stay 10-ft off the property line at Fulmer Street, based on the UDO.

Variances requested:

Table 9.1-Required Landscaping Type, of the UDO:

- A variance from the required Type B Landscape Buffer between R1 and HC zoning districts.

Table 9.2-Landscaping Rate Chart, of the UDO:

- A variance to allow for a Type A Landscape Buffer and a 5-ft Privacy Fence instead of the required Type B Landscape Buffer.

Section 5.2.3-Fences & Walls, of the UDO:

- A variance to allow for a 5-ft Privacy Fence in the corner front yard, from the rear corner of the building to Fulmer Street, instead of meeting a 10-ft setback or dropping to 4-ft.

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

1. Per code, a 15-ft Landscape buffer is required along the rear of the building along the adjacent tract with PIN: 338-06-02-0038. There is little to no space to currently work with at this location as shown on the site plan.
2. The current property of the parcel we are seeking the variance for is the same property owner of the adjacent property (PIN: 338-06-02-0038) in which the landscape buffer would be required.
3. If the property owner chooses to develop the adjacent tract, a privacy fence would help provide a barrier between the adjacent lot and the rear of the building.
4. Granting of the variance will not harm the adjacent property. Same property owner and aesthetically it will provide privacy if the owner decides to develop that lot behind the 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. If the Board chooses to grant the variances requested, staff recommend that it be only those which were requested via 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: 1909 Sessions Street	Meeting date: 9/28/23	Pin #: 338-06-02-0037
Property Owner: Twin Terra Properties LLC	Daytime phone: 843-241-2151	
Agent: Diamond Shores LLC	Daytime phone: 843-488-2900	
Agent's mailing address: 315 Main Street Suite 11		
City: Conway	State: SC	Zip Code: 29526
Agent's e-mail address: jamie@diamondshores.net		
Zoning District: HC - Highway Commercial		

Requested Action:

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

VARIANCE REQUESTS:

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

Please describe your proposal in detail:

Applicant chooses to obtain a variance on the fence height to install a 5-foot privacy fence in lieu of the 4-ft requirement that is allowed since it is considered a "corner front". Rear corner of the building over to Fulmer Street is consider "corner front".

The applicant also chooses to obtain a variance for a 5-ft landscape buffer in lieu of the required 15-foot landscape buffer between R1 and HC because of the space that is available to work with in that location of the rear of the building along the adjacent property line.

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1.	
2.	
3.	
4.	

Application Requirements:

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



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only

Received: _____
BS&A #: _____

1. Describe the extraordinary conditions pertaining to your particular piece of property:
Per code, a 15-ft Landscape buffer is required along the rear of the building along the adjacent
tract with PIN: 338-06-02-0038. There is little to no space to currently work with at this location as shown
on the site plan.

2. Are the conditions described above particular to your piece of property? Explain.
The current prpperty of the parcel we are seeking the variance for is the same property owner of the
adjacent property (PIN: 338-06-02-0038) in which the landscape buffer would be required.

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict
the use of your property? Explain.
If the property owner chooses to develop the adjacent tract, a privacy fence would help provide a barrier
between the adjacent lot and the rear of the building.

4. Will the granting of the variance harm adjacent property, the character of the area
or the public good? Explain:
No, granting of the variance will not harm the adjacent property. Same property owner and aesthetically
it will provide privacy if the owner decides to develop that lot behind the building.

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

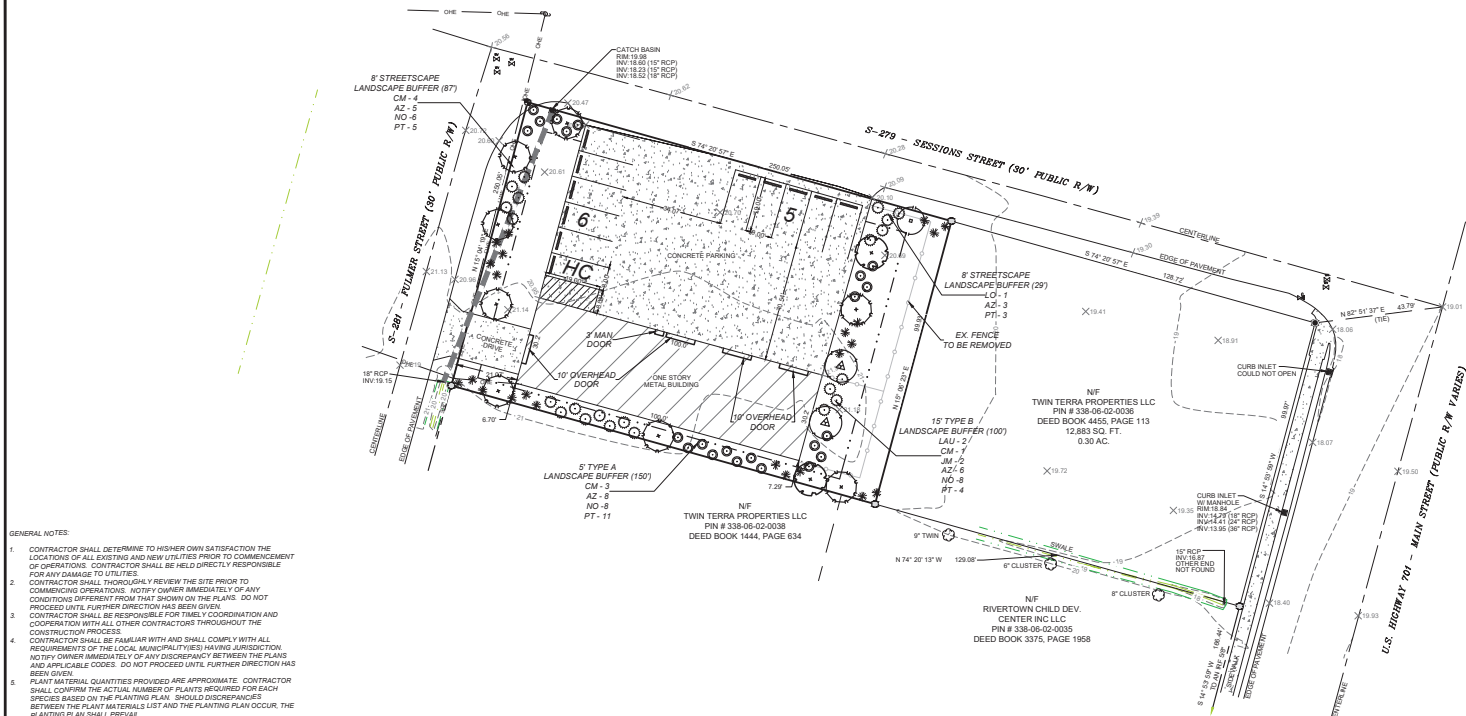
No

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.

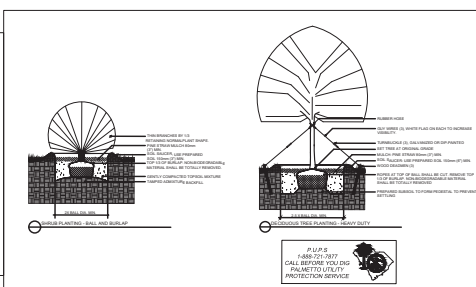
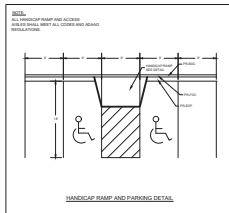
A REPRESENTATIVE MUST BE PRESENT AT THE MEETING TO HAVE YOUR REQUEST HEARD.

Applicant's Signature: Paul Harmer Date: 8/23/2023

Print name legibly: Paul Harmer



- GENERAL NOTES:
- CONTRACTOR SHALL DETERMINE TO HIS/HER OWN SATISFACTION THE LOCATIONS OF ALL EXISTING AND NEW UTILITIES PRIOR TO COMMENCEMENT OF OPERATIONS. CONTRACTOR SHALL BE HELD OBJECTLY RESPONSIBLE FOR ANY DAMAGE TO UTILITIES.
 - CONTRACTOR SHALL THOROUGHLY REVIEW THE SITE PRIOR TO COMMENCING OPERATIONS. NOTIFY OWNER IMMEDIATELY OF ANY CONDITIONS DIFFERENT FROM THAT SHOWN ON THE PLANS. DO NOT PROCEED UNTIL FURTHER DIRECTION HAS BEEN GIVEN.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR TIMELY COORDINATION AND COOPERATION WITH ALL OTHER CONTRACTORS THROUGHOUT THE CONSTRUCTION PROCESS.
 - CONTRACTOR SHALL BE FAMILIAR WITH AND SHALL COMPLY WITH ALL REQUIREMENTS OF THE LOCAL MUNICIPALITIES HAVING JURISDICTION. NOTIFY OWNER IMMEDIATELY OF ANY DISCREPANCY BETWEEN THE PLANS AND APPLICABLE CODES. DO NOT PROCEED UNTIL FURTHER DIRECTION HAS BEEN GIVEN.
 - PLANT MATERIAL QUANTITIES PROVIDED ARE APPROXIMATE. CONTRACTOR SHALL CONFIRM THE ACTUAL NUMBER OF PLANTS REQUIRED FOR EACH SPECIES BASED ON THE PLANTING PLAN. SHOULD DISCREPANCIES BETWEEN THE PLANT MATERIALS LIST AND THE PLANTING PLAN OCCUR, THE PLANTING PLAN SHALL PREVAIL.
 - PLANT MATERIAL, SIZE LISTED SHALL BE CONSIDERED MINIMUM INSTALLATION SIZE.
 - ALL PLANT MATERIAL SHALL MEET THE STANDARDS OF THE AMERICAN NURSERYMEN ASSOCIATION.
 - PLANTS LISTED AS B&B MAY BE SUPPLIED IN CONTAINERS, SO LONG AS SPECIFIED SIZES ARE PROVIDED AND PLANTS HAVE BEEN CONTINUOUSLY CULTIVATED IN CONTAINERS.
 - UNLESS OTHERWISE NOTED ON THE PLANS, PLANT LOCATIONS SHALL BE DETERMINED BY SCALING DRAWINGS. DESIGN INTENT SHALL BE MAINTAINED AT ALL TIMES.
 - CONTRACTOR SHALL AVOID PLANTING PLANTS IN THE BOTTOM OF SWALES. SHIFT LOCATIONS SLIGHTLY AND UNIFORM TO AVOID PLACEMENT IN SWALES AND AS REQUIRED TO AVOID UTILITIES, LIGHTING AND OTHER STRUCTURES.
 - START OUT ALL TREES, AND THE OUTLINE OF ALL SHRUB, GROUND COVER AND FLOWER BEDS PRIOR TO COMMENCING INSTALLATION. OBTAIN APPROVAL OF OWNER BEFORE COMMENCING INSTALLATION.
 - ORIENT PLANT MATERIALS WITH THE BEST SIDE OF PLANT TO THE MOST PROMINENT VIEW.
 - PRIOR TO MULCHING, APPLY COMMERCIAL PRE-EMERGENT HERBICIDE TO ALL PLANT BEDS PER MANUFACTURER RECOMMENDATIONS.
 - SHRUB BEDS SHALL BE MULCHED IN THEIR ENTIRETY, TO THE DEPTH SPECIFIED FOR THE INDIVIDUAL SHRUB.
 - SOIL SHALL BE CENTIPEDE GRASS.
 - EXISTING TREES TO REMAIN SHALL BE PROTECTED DURING CONSTRUCTION.
 - CONTRACTOR SHALL INSURE THAT ALL BERMING AND GRADING OPERATIONS ARE COMPLETE PRIOR TO INSTALLATION OF PLANT MATERIAL. MAINTAIN POSITIVE DRAINAGE AT ALL TIMES.
 - CONTRACTOR IS TO PROVIDE THE OWNER A MAINTENANCE SCHEDULE DESCRIBING ALL REQUIRED MAINTENANCE PROCEDURES FOR A ONE YEAR PERIOD.
 - ALL PLANT MATERIAL (NEW AND TRANSPLANTED) SHALL BE GUARANTEED FOR A ONE YEAR PERIOD FOLLOWING ACCEPTANCE BY THE OWNER. ALL REPLACEMENTS SHALL ALSO RECEIVE THIS GUARANTEE.
 - ALL QUESTIONS AND CHANGES SHALL BE DIRECTED TO THE LANDSCAPE ARCHITECT FOR A RESOLUTION.
 - THIS PLAN HAS BEEN REVIEWED AND APPROVED BY THE OWNER.
 - PROVIDE IRRIGATION SYSTEM FOR ALL SEED, SOIL, AND SUPPLEMENTAL PLANTING. IRRIGATION SYSTEM SHALL BE COMPLETELY INSTALLED AND OPERATIONAL PRIOR TO PLANT MATERIAL INSTALLATION.
 - SUBSTITUTIONS SHALL REQUIRE APPROVAL BY Horry County PLANNING.
 - MULCH TYPE SHALL BE PINE STRAW.
 - HEIGHT & CALIPER SUPERCEDE GALLON SIZE AT THE TIME OF PLANTING.



PLANT MATERIALS LIST				
TREES				
SYMBOL	QUANTITY	BOTANICAL/COMMON NAME	SIZE/ CALIPER	SPACING / ROOT CONDITION COMMENTS
	2	Quercus laurifolia LAUREL OAK	12" HT 3"	AS SHOWN B & B LAU CANOPY EVERGREEN
	1	Quercus Virginia LIVE OAK	12" HT 3"	AS SHOWN B & B LO CANOPY EVERGREEN
	8	Lagerflora rosea "Coralbell" CREPE MYRTLE	8" HT 1"	AS SHOWN B & B CM UNDERSTORY DECIDUOUS
	2	ACER PALMATUM JAPANESE MAPLE	8" HT 1"	AS SHOWN B & B JM UNDERSTORY DECIDUOUS

PLANT MATERIALS LIST				
SHRUBS				
SYMBOL	QUANTITY	BOTANICAL/COMMON NAME	SIZE/ CALIPER	SPACING / ROOT CONDITION COMMENTS
	22	Azalea indica 'Formosa' EVERGREEN AZALEA	18" HT 3 GAL	3 FT OC CONTAINER EVERGREEN AZ
	22	Chandora NEURUM OLANDER	18" HT 3 GAL	3 FT OC CONTAINER NO EVERGREEN
	23	Philadelphus Tobia JAPANESE HYDRANGEA	18" HT 3 GAL	7 FT OC CONTAINER PT EVERGREEN

SITE DATA TABLE	
PIN	33806020037
MUNICIPALITY	CITY OF CONWAY
PROPERTY OWNER	TWIN TERRA PROPERTIES LLC
OWNER ADDRESS	3809 LONG AVE EXT. CONWAY, SC 29526
TOTAL AC	0.34 AC
CURRENT ZONING	HIGHWAY COMMERCIAL
PROPOSED SETBACKS	F-30, S-15, R-20'
MAX BUILDING HEIGHT	50'
EXISTING BUILDING SIZE	3,020 SF
PROPOSED USE	AUTO REPAIR
REQUIRED PARKING (AUTO REPAIR)	1 SPACE / 300 SF = 10 SPACES
PROVIDED PARKING (AUTO REPAIR)	11 SPACES

PROJECT:	22198	REVISIONS:
DATE:	01/05/2023	
SCALE:	1" = 20'	
DESIGNED BY:	DWT	
DRAWN BY:	DWT	
CHECKED BY:	DAS	

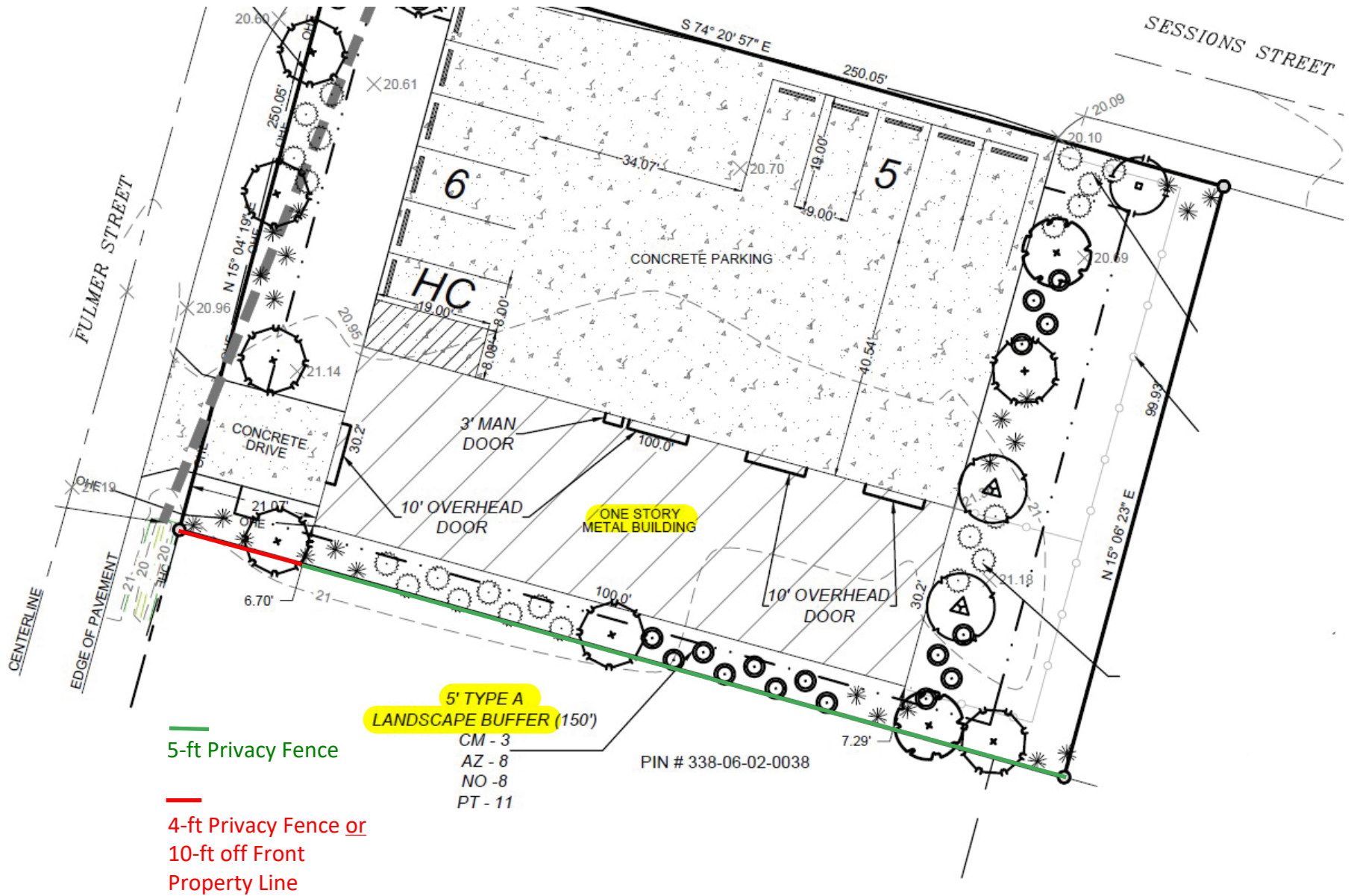
SITE PLAN
OF
PIN# 33806020037
0.34 AC.
CONWAY, HORRY COUNTY, SOUTH CAROLINA
PREPARED FOR
TWIN TERRA PROPERTIES LLC



NOT FOR RECORDING



DIAMOND SHORES SURVEYING, LLC
315 MAIN STREET, SUITE 11
CONWAY, SC 29526
843.488.2900
OFFICE@DIAMONDSHORES.NET



From: [Morris Richardson](#)
To: [William Goldfinch](#); [Autry Benton](#); [Mayor](#); [Amanda Butler](#); [Beth Helms](#); [Justin Jordan](#); [Anne Bessant](#)
Subject: [Junk released by Policy action] Zoning appeals meeting September 28
Date: Monday, September 18, 2023 11:55:09 AM

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

I will be at this meeting just wasn't sure if council is present during these so wanted to let you know my stance. 2 pieces of property behind our property are asking for variances . 1st is daycare facilities on 338-06-02-0042 when we purchased our property there was no room for variances on anything and I have to say our property is beautiful and was built per every code as far as landscaping and parking. At the time there was no chance to buy a cheaper property on 2nd or 3rd row because of the unified development ordinance. I feel that there has been a lot of variances given on 701 north and we're heading in the wrong direction. There has been 6 new business s opened on that road in last 5 years and none look like ours with all the buffers and landscaping. If this is approved it will drop our value and be a detriment to our business. As far as 338-06-02-0037 it is an eye sore and is in bad shape, it should be made to adhere to all new ordinances passed since it's inception.

Morris Richardson
1911 main st
Conway sc 29526
Rivertown child development

DATE: September 28, 2023

AGENDA ITEM: V.D

ISSUE:

Johnathan Guiles, property owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Section 5.1.7-Day Care Facilities, for the property located at 1931 Fulmer Street. (PIN 338-06-02-0042)

BACKGROUND:

The property owner purchased this property in May of this year after a successful rezoning from R1 (Low Density Residential) to P (Professional) in order to convert the existing church into a daycare facility. The property owner was made aware at that time, if the rezoning was approved, a site plan would be required in order to bring the site into compliance with the current Unified Development Ordinance (UDO).

Child Day Care Facility is a “Conditional” use the Professional zoning district and must also meet all requirements of Section 5.1.7 of the UDO. (*attached*)

This parcel is surrounded on three sides by ROW (Kenneth Street, Sessions Street and Fulmer Street) so it does not have a rear yard.

Per **Section 5.1.7-Day Care Facilities:**

- **(B-2) Child Day Care Facility - Fencing:** *A fenced area of not less than 1,500 square feet shall be provided and shall be located in the **rear yard**. No fence shall be less than four (4) feet in height or greater than seven (7) feet.*

Based on the parcel being surrounded on three sides by ROW, the applicant is proposing to put the fenced area against the only “side yard” closest to Fulmer Street.

Variance requested:

Section 5.1.7-Day Care Facilities (B2) Child Day Care Facility, of the UDO:

- *A variance to allow the fenced area of the day care facility to be in the side yard and front yard (and not the rear yard) since the parcel has three fronts.*

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

1. 1931 Fulmer Street is cornered by 3 streets thus creating an issue in determining where the rear of the property is.
2. Section 5.1.7 states that a fenced in playground area must be at the rear of the property.
3. Day care facilities are required to have a fenced in area.
4. The adjacent property already has a fence around the property and our property already had public hearings on the property to be used as a day care.
5. Hardship request, yes.

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 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: 8/24/23

BS&A #: P23-0460

City of Conway Planning Department
196 Laurel Street, 29526

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

www.cityofconway.com

Property Address: 1931 Fulmer Street	Meeting date: 9/28/23	Pin #: 33806020042
Property Owner: J&S Guiles Holding Company/Johnathan Guiles	Daytime phone: 843-359-1241	
Agent: Johnathan Guiles	Daytime phone:	
Agent's mailing address: 32 Genesis Drive		
City: Georgetown	State: SC	Zip Code: 29440
Agent's e-mail address: jguiles32@yahoo.com		
Zoning District: P P		

Requested Action:

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

VARIANCE REQUESTS:

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

Please describe your proposal in detail:

we are requesting permission to utilize an existing fenced in area located at 1931 Fulmer Street to be used as a playground for daycare. Repairs are to be made to existing fence to include extending fence approximately 10-15 yds on each side of fence that will connect to building thus creating a needed closed in secured playground area.

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

UDO Section and Requirement:	Proposed Instead:
1.	
2.	
3.	
4.	

Application Requirements:

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



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only

Received: _____
BS&A #: _____

1. Describe the extraordinary conditions pertaining to your particular piece of property:
1931 Fulmer Street is cornered by 3 streets, (Fulmer, Sessions and Kenneth) thus creating an issue
in determining where the rear of the property is.

2. Are the conditions described above particular to your piece of property? Explain.
Yes, Section 5.1.7 states that a fenced in playground area must be at the rear of the property.

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict
the use of your property? Explain.
Yes, Daycare facilities are required to have a fenced in playground area.

4. Will the granting of the variance harm adjacent property, the character of the area
or the public good? Explain:
No, The adjacent property already has a fence around the property and our property already had public
hearings on the property to be used as a daycare.

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

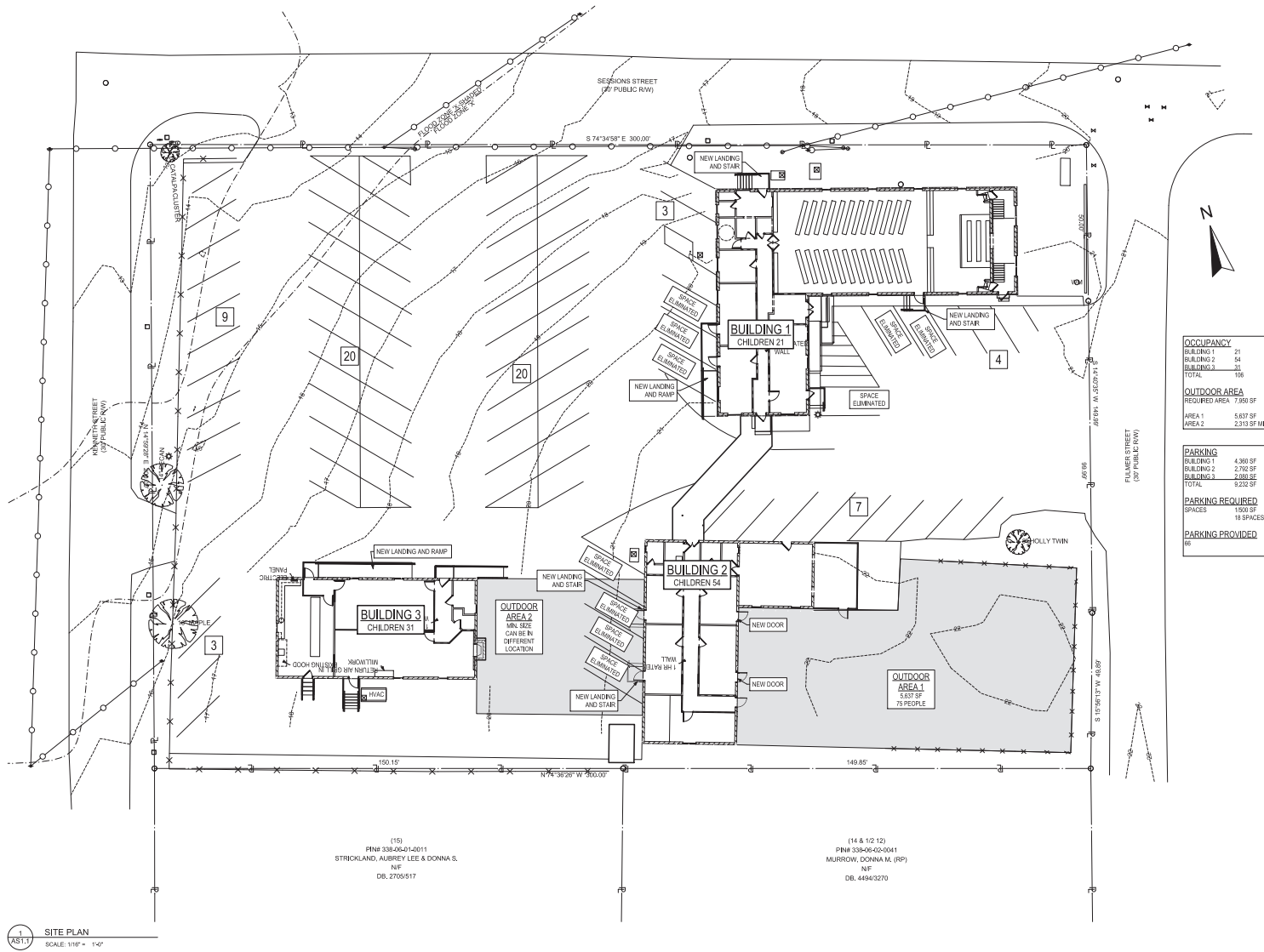
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be inspected, and that all required material will be submitted to the City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

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

Applicant's Signature: _____

Date: 08/28/2023

Print name legibly: Johnathan Guiles



From: [Morris Richardson](#)
To: [William Goldfinch](#); [Autry Benton](#); [Mayor](#); [Amanda Butler](#); [Beth Helms](#); [Justin Jordan](#); [Anne Bessant](#)
Subject: [Junk released by Policy action] Zoning appeals meeting September 28
Date: Monday, September 18, 2023 11:55:09 AM

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CITY OF CONWAY

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

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