CITY OF CONWAY
BOARD OF ZONING APPEALS SPECIAL MEETING
THURSDAY, March 28, 2019
CITY HALL COUNCIL CHAMBERS – 229 MAIN STREET – 5:30 P.M.

Present: Davis Inabnit, Travis Dannelly, James Shelley, George Ulrich, Catherine Dingle, Lindsay Wallace

Absent: Charles Byrd

Staff: Jessica Hucks, Zoning Administrator; Alicia Shelley, Secretary

Others: Ron Miller

I. CALL TO ORDER

Chairman Inabnit called the meeting to order at 5:33 p.m. Everyone introduced themselves while welcoming the new board member, Lindsay Wallace.

II. APPROVAL OF JANUARY 24, 2019 MINUTES

Dannelly made a motion, seconded by Dingle, to approve the January 24, 2019 minutes as written. The vote in favor was unanimous. The motion carried.

III. CRITERIA

Inabnit read the four criteria required to be met in order for the Board to grant a variance. They are:

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 the adjacent property or the public good and the character of the district will not be harmed by granting a variance.
IV. VARIANCE REQUESTS

Inabnit stated that Dingle would be recusing herself from this request.

A. 826 W Cox Ferry Road: The applicant, Palmetto Academy, agent for Conway Charter, LLC, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Article 5, Section 5.2.7 – Portable Storage Units and Section 5.2.1 – Accessory Structures (B), regarding storage containers proposed to be located on property at 826 W. Cox Ferry Rd (TMS: 150-00-02-021 | PIN: 38200000008).

Hucks stated that the applicants are proposing to install two (2) metal shipping containers on the property located at 826 W. Cox Ferry Rd. The property is currently zoned R-1 (Low-Density Residential) and there is currently a school located on the property, which is permitted in the R-1 zoning district. Each unit is 8’ x 40’ in size (320 sq. ft.).

Hucks then said that staff considers these to be “portable” storage units, subject to the provisions in Section 5.2.7 of the UDO. If there is an interest to use these units as permanent storage buildings, additional requirements must be adhered to if the property qualifies to have these structures on a permanent basis. These requirements include those found in Section 5.2.1 – Accessory Structures. However, because this property is not being used residually, and because there are specific requirements regarding “portable” storage units in Section 5.2.7 of the UDO, staff determined that before the structures can be treated as “permanent” accessory structures, the board would need to grant a variance to permit them as such. If granted, these units will be subject to the accessory structure requirements for non-residential properties/uses; however, due to recent text amendments of the accessory structure ordinance, it would be permitted.

Hucks further stated that portable storage units are allowed in HC, LI and HI subject to several conditions such as being placed in an area not seen from public street ROWs and not allowed in the front yard.

Hucks told the board that there are two ways the board can approach the request, should the board choose to grant a variance: permit the containers to stay onsite permanently as portable storage units, subject to the requirements of Section 5.2.7 (A), even though the property is not located within one of the permitted zoning districts, or permit the units as a permanent accessory structure, subject to the requirements of the Accessory Structures Ordinance, Section 5.2.1 (B) for non-residential properties.

Miller stated that welding class supplies would be stored in the containers. He said that you cannot see the containers from the roadway as they will be placed in the rear of the property. He then stated that there is a berm on the right side of the property.

Dannelly made a motion to grant the variance request to allow the metal storage containers as permanent accessory structures in the rear yard. The motion was seconded by Ulrich. The vote was unanimous and the motion carried.

V. PUBLIC INPUT

None.
Board of Zoning Appeals  
March 28, 2019

VI. BOARD INPUT
None.

VII. STAFF INPUT
None.

VIII. ADJOURN
There being no further business to come before the Board, Dannelly made a motion, seconded by Ulrich, to adjourn the meeting at approximately 5:43 p.m. The vote in favor was unanimous. The motion carried.

Approved and signed this __25__ day of __April__, 2019.

Davis Inabnit, Chairman