CITY OF CONWAY
BOARD OF ZONING APPEALS SPECIAL MEETING
THURSDAY, NOVEMBER 1, 2018
CITY HALL CONFERENCE ROOM – 229 MAIN STREET – 4:00 P.M.

Present: Travis Dannelly, James Shelley, Charles Byrd, Davis Inabnit, George Ulrich, Catherine Dingle
Absent: Blake Hewitt
Staff: Jessica Hucks, Zoning Administrator; Alicia Shelley, Secretary

I. CALL TO ORDER
Chairman Dannelly called the meeting to order at 4:03 p.m.

II. APPROVAL OF AUGUST 23, 2018 MINUTES
Shelley made a motion, seconded by Ulrich, to approve the August 23, 2018 minutes as written. The vote in favor was unanimous. The motion carried.

III. CRITERIA
Hucks 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
A. 420 Sellers Road: The applicant, Evan Branton, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), from Article 6, Section 6.2 Residential Building Types & Design Standards, Table 6.1: Dimensional Requirements for Residential Zoning Districts regarding the minimum lot width requirement for property located at 420 Sellers Rd (PIN: 339-06-02-0019).
Hucks stated that the applicant submitted a set of house plans in August of this year for a lot, which was recently reconfigured with adjoining lots in the development (Langston Heights). Upon review of the house plans, staff noticed that the minimum lot width where the house was proposed to be constructed did not comply with the minimum lot width requirements for the R-1 zoning district. The lot has been configured and the plat recorded, and while the lot overall will meet the minimum lot width, it will not meet the minimum lot width at the proposed building site.

In addition to Section 6.2 – Residential Building Types & Design Standards, Table 6.1: Dimensional Requirements for Residential Zoning Districts, Section 6.1.10 – Setbacks for Lots Fronting Cul-de-sacs (A) states that lots which front on a curved street must have at least 50 feet of frontage on a public right-of-way but the minimum lot width may be measured at the front setback line.

The front setback line for the R-1 zoning district is 20 feet. The minimum lot width on this lot at the 20-ft front yard setback line is approx. 68 feet. The proposed house is shown to be 35 feet from the front property line. The lot width at this point is 72.7-ft. If the ordinance is strictly applied to this parcel, the proposed home would have to sit back approx. 60-75 feet from the front property line. Other homes within the development are built approx. 30-40 feet from the front property line.

Hucks said that the required minimum lot width at the front setback line is 75 feet and the applicants are requesting a variance for the minimum lot width of 72.7 feet at building site, which is 35 feet from the front property line.

Hucks stated that most of the subdivision is still in Horry County, which has a larger lot size requirement and are now starting to annex into the City.

Chairman Dannelly swore in Evan Branton, applicant who further explained the request.

Chairman Dannelly swore in Richard and Louise Jordan, neighbors. Ms. Jordan said that she had concerns with the 4 lots that were supposed to be on the cul-de-sac.

Hucks said that those lots were annexed into the City and that the owners submitted a plat to get rid of the cul-de-sac and it was approved as it met all the requirements.

Mrs. Jordan then asked if the owners had gotten written consent of the majority of the property owners.

Hucks said that deed restrictions could prohibit such but that was a civil matter.

Chairman Dannelly said that the variance request was what was before us today and that this board had no control over civil issues.

Byrd asked if this was a spec house. Branton said initially it was but was now for sale.

Dingle stated that esthetically it would look better with the home in line with the others in the subdivision.

J. Shelley made a motion, seconded by Byrd, to grant the request as it met all the required criteria. The vote in favor was unanimous. The motion carried.
Hucks explained what the Unified Development Ordinance (UDO) is.

B. 416 Sellers Road: The applicant, Evan Branton, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), from Article 6, Section 6.2 Residential Building Types & Design Standards, Table 6.1: Dimensional Requirements for Residential Zoning Districts regarding the minimum lot width requirement for property located at 416 Sellers Rd (PIN: 339-06-02-0020).

Chairman Dannelly said that this variance request, 416 Sellers Road was located to the right of 420 Sellers Road and was identical.

Chairman Dannelly asked if there was any public input.

Chairman Dannelly swore in Karen Ellis.

Karen Ellis stated that there was not a problem with placing the house where they wanted.

Inabinitt made a motion, seconded by Dingle, to grant the request for the minimum lot width of 73 feet at building site, which is 40 feet from the front property as it met all the required criteria. The vote in favor was unanimous. The motion carried.

C. 1601 Park View Road: Mike Kinsey, applicant, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Article 6, Section 6.2 – Residential Building Types & Design Standards, Table 6.1: Dimensional Requirements for Residential Zoning Districts, regarding the setback requirements for a property located at 1601 Park View Rd (TMS: 123-13-01-009 | PIN: 338-11-01-0007).

Hucks stated that the applicants are requesting a variance on the City’s requirements regarding rear yard setback requirements in the R-1 zoning district for a proposed screened lanai with aluminum framing fences and walls. This property is surrounded by a road on three sides, and is considered a “corner lot.” The proposed lanai will be installed on the Elm Street side of the property, which is considered to be their rear yard. The required rear yard setback is a minimum of 20 feet. The proposed rear yard setback is 15 feet for the screen lanai addition.

Chairman Dannelly swore in the applicant, Mike Kinsey.

Kinsey stated that they were removing the fence and installing a screen lanai that would be located 15 feet from the rear property line.

Hucks stated that we had approximately 3-4 calls but once they were told what it was about, they are not in opposition.

Byrd asked if they were putting a pool in. Kinsey said no pool or fence.

Inabinitt made a motion, seconded by Dingle, to grant the request as it met all the required criteria. The vote in favor was unanimous. The motion carried.
D. **2393 Highway 501 E**: Tyson Sign Company, applicant, requests a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO)*, *Article 11, Sections 11.3.1 – Sign Regulations by Zoning District*, *Table 11.1: Sign Standards by District and 11.4.1 – Wall Signs*, for a property located at 2393 Highway 501 E (TMS: 122-00-05-018 | PIN: 337-00-00-0024).

Hucks stated that Conway Ford is currently undergoing interior and exterior renovations to their existing building. As part of the exterior renovation, the applicant wishes to replace their wall signs with updated signage that will be the same size and shape of the existing wall signs, which existed prior to the adoption of the current ordinance.

*Article 12 – Nonconformities, Section 12.1.6 – Nonconforming Signs (A)*, states that if the size, configuration or use of a parcel *(or building)* is changed, signs on the resulting properties shall be required to conform to the sign regulations applicable to the newly created parcel or parcels *(or buildings)* at the time such change becomes effective. Further, subsection *D.2* states that signs which are nonconforming with respect to location or number permitted shall not be altered in any way except to make such sign comply with the provision of this article.

Hucks said that the following variances were proposed:

Consider allowing 5 signs *(to include the existing freestanding sign structure)* per tenant space.

Consider allowing the proposed sign area in addition to the existing sign area on the freestanding sign.

Consider allowing the wall signs as proposed, with 3 on the front façade and 1 on the side façade.

Chairman Dannelly said that they are required by Ford to do this even though City of Conway regulations do supersede. This is not something that they are doing at their free will.

Chairman Dannelly swore in Matt Ryder of Tyson Signs, who further explained the number of signs.

Chairman Dannelly asked how much more surface area than from the current signs now. Hucks answered approximately 30 more square feet.

Inabnit made a motion, seconded by Ulrich, to grant the request as it met all the required criteria. The vote in favor was unanimous. The motion carried.

V. **2019 MEETING SCHEDULE**

Hucks presented the 2019 Board of Zoning Appeals meeting schedule.

J. Shelley made a motion to accept the schedule as presented and Ulrich seconded. The vote in favor was unanimous. The motion carried.
Chairman Dannelly stated that Thanksgiving next year was on November 21 so he amended the motion to change that date to November 14, 2019. The vote was unanimous and the motion carried.

VI. PUBLIC INPUT
None.

VII. BOARD INPUT
None.

VIII. STAFF INPUT
None.

IX. ADJOURN
There being no further business to come before the Board, Inabnit made a motion, seconded by Ulrich, to adjourn the meeting. The vote in favor was unanimous. The motion carried.

Approved and signed this 13th day of December, 2018.

Travis Dannelly, Chairman