CITY OF CONWAY
BOARD OF ZONING APPEALS
THURSDAY, FEBRUARY 27, 2014
CITY HALL CONFERENCE ROOM – 5:30 P.M.

Present - Georgia Johnson, Alex Hyman, Blake Hewitt, Rebecca Lovelace, Byron David
Absent - N/A
Staff: Michael Leinwand, Planning Director; Barbara Tessier, Secretary
Others: Timothy Harlow; W.H. Long

I. CALL TO ORDER
Chairman Hyman called the meeting to order at 5:30 p.m.

II. APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN
Hyman made a motion to elect Blake Hewitt as chairman. Lovelace seconded the motion. The vote in favor was unanimous. The motion carried.

Johnson made a motion to elect Alex Hyman as vice chairman. Lovelace seconded the motion. The vote in favor was unanimous. The motion carried.

Hewitt then took over as chairman.

III. APPROVAL OF MINUTES
Lovelace made a motion, seconded by Johnson, to approve the December 12, 2013 minutes as written. The vote in favor was unanimous. The motion carried.

IV. VARIANCE REQUEST
A. Rachel and Timothy Harlow request a variance from Section 5.2.3 of the City of Conway Unified Development Ordinance (UDO) for the property located at 1303 Church Street relating to fence requirements. (TMS# 137-01-21-002)

Leinwand told the board in January 2014 staff issued a violation for the installation of a wooden fence at the front of this residential property. He said the fence had been installed without a building permit and without zoning approval.
Leinwand said according to Section 5.2.3 of the City of Conway Unified Development Ordinance (UDO) fences located in front yards of residential properties shall be no taller than four feet. He said in addition, if one side of the fence appears to be more finished than the other side, the more finished side must face the perimeter or outside of the property. The fence at 1303 Church Street is approximately 6 feet tall, and the finished side faces the interior of the property.

Leinwand said the applicant was willing to alter the fence so the finished side faced Church Street. He said the variance request was to keep the fence height as it was. Leinwand said the applicant explained the height of the fence provided a buffer to the street noise along Church Street, and provided an additional privacy and protection for his children who play in the front yard.

Leinwand provided information about the Church Street area from the Grand Strand Area Transportation Study (GSATS) 2014 Congestion Management Process. He said Church Street was classified as a principal arterial. The 2013 level of service had a rating of C, which meant stable traffic flow, fair signage progression, significant number of vehicles stop at signals. He said the Average Annual Daily Traffic (AADT) for 2012 was 30,400. He said the 2012 capacity was 33,600.

Leinwand said staff recommended approving the request based on the criteria to grant a variance.

Going through the criteria, Leinwand said staff felt there were extraordinary and exceptional conditions pertaining to the particular piece of property. He said the property fronted Church Street, a highly traveled thoroughfare and is considered a principal arterial.

Leinwand said the extraordinary and exceptional conditions did not generally apply to other properties in the vicinity because most properties along Church Street were zoned Highway Commercial and were not residential uses.

Leinwand said because of the extraordinary and exceptional conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property. He said to use this property for a residential use, a tall fence along Church Street would provide visual and noise protection.

For the final criteria, Leinwand said the authorization of a variance would not be of substantial detriment to the adjacent property or the public good, and the character of the district would not be harmed by granting a variance. Leinwand said staff had received three phone calls about the request, and no opposition was reported.

William Long spoke. He said he didn’t know the ordinance, but he would like to see more uniformity.
Harlow spoke saying he had no problem with switching the pickets so they faced the correct direction. Lovelace asked Harlow if he had installed the fence. Harlow said he had not. She asked how long the fence had been in place. Leinwand said sometime between 2012 and when the Harlow's purchase the property. He said he got this information from looking at Google maps.

Hyman said Church Street used to be more residential, but it was mostly Highway Commercial now. Johnson agreed. She said they needed a buffer from the street noise and from pedestrians. Hyman noted again that Harlow had not installed the fence either.

Lovelace asked what brought the fence to the attention to staff. Leinwand said staff had received a complaint. Lovelace asked if other residential properties between Sixteenth Avenue and Ninth Avenue be permitted to have the same type of fence. Leinwand said they would have to show hardship. Lovelace felt they probably could show a hardship in the same way. Leinwand said there were only two interior lots that would be considered the same.

There was discussion about no curbing, the noise, the sidewalk being so close to Highway 501. Harlow said he had no issue fixing the direction of the finished side of the fence, but he did need the fence to stay six feet high.

Hyman made a motion, seconded by Lovelace, stating the board felt the four criteria had been met. They would approve the fence to remain at six feet tall, but the finished side of the fence must be reversed to face toward Church Street. The vote in favor was unanimous. The motion carried.

V. PUBLIC INPUT

There was no public input.

VI. ADJOURN

There being no further business to come before the board, David made a motion, seconded by Hyman to adjourn the meeting. The vote in favor was unanimous. The motion carried. The meeting adjourned at 5:50 p.m.

Approved and signed this 27th day of May, 2014.

\[Signature\]

Blake Hewitt, Chairman