CAB
October 23, 2019

CITY OF CONWAY
COMMUNITY APPEARANCE BOARD MEETING
WEDNESDAY, OCTOBER 23, 2019
CITY HALL CONFERENCE ROOM – 229 MAIN STREET – 4:00 P.M.

Present: Matt Richardson, Duc Watts, Heather Whitley, Jamie McLain

Absent: Troy Roehm, Brenda Ivester

Staff: Jessica Hucks, Planner; Alicia Shelley, Planning Assistant; Vicki Stone, Planning Inspector

Other: Orrie West, Justin Ferraro, Joe Sutherland

I. CALL TO ORDER

Chairperson Whitley called the meeting to order at approximately 4:00 p.m.

II. APPROVAL OF MINUTES

McLain made a motion to accept the minutes as written and it was seconded by Watts to approve the October 9, 2019 minutes. The vote in favor was unanimous. The motion carried.

III. CERTIFICATE OF APPROPRIATENESS

A. 900 Fourth Avenue: The applicant, Orrie West, requests approval to replace the windows on a building located at 900 Fourth Ave (TMS: 137-02-06-015 | PIN: 339-16-04-0011).

Hucks stated that the applicant proposes to replace 13 windows in the building at 900 Fourth Avenue with hurricane resistant windows. The window brand is “Mezzo”. Section A, Chapter 2 of the HDRD Guidelines, Approval Matrix, (39) Windows, requires full review by CAB before issuance of a certificate of appropriateness (COA) if the windows being replaced are with new material, if non-historic materials are being removed, if installing new units with change in appearance, style or fit within openings, or if creating a new opening, change in size of openings, or new material is proposed.

Orrie West, the applicant said that the windows will be white vinyl.

Richardson made a motion to approve the request to replace the windows as presented. Watts seconded the motion and the motion carried unanimously.
B. Re/Max Southern Shores – 1013 Third Ave: The applicant, Justin Ferraro, requests final review of the awnings installed on the front and rear of the building for Re/Max Southern Shores, located at 1013 Third Ave (TMS: 137-02-20-005 | PIN: 367-01-01-0014).

Hucks said that the applicant has finished the awnings that the board requested to be in compliance with the original approval. She presented pictures of the awnings to the board.

Watts made a motion to approve the request. Richardson seconded the motion and the motion carried unanimously.

C. Joey’s River Walk Grille – 5 Laurel Street: The applicant, Joe Sutherland, requests approval to install a deck addition on the left side of the building located at 5 Laurel Street for Joey’s River Walk Grille (TMS: 137-06-20-004 | PIN: 367-01-04-0003).

Hucks stated that the applicant proposes to extend the existing deck to the Laurel Street side of the building. The proposed addition measures 10’ (w) x 31.42’ (l), totaling approx. 314 sq. ft. According to the elevations submitted, the deck addition will be uncovered and will match the materials and appearance of the existing deck.

Hucks asked the applicant Joey Sutherland, if there would be outside dining. He said yes, he would have tables, chairs and umbrellas. Hucks then said that it would need to be reviewed by Public Utilities.

McLain asked about landscaping. Sutherland said it would be moved to the outside of the deck addition

Watts made a motion to approve the request. Richardson seconded the motion and the motion carried unanimously.

IV. VARIANCE REQUESTS

A. Joey’s River Walk Grille: The applicant, Joe Sutherland, requests a variance in accordance with Section 14.1.3 – Historic Design Review and Community Appearance Requirements, (J) Variances for Undue Hardship, #2, for a previously considered COA request regarding the re-facing of two (2) freestanding post signs, for Joey’s River Walk Grille, located at 5 Laurel Street (TMS: 137-06-02-004 | PIN: 367-01-04-0003).

Hucks informed the board that this item was considered at the September 11, 2019 CAB meeting. This board unanimously granted the applicants request to re-face the existing freestanding post signs; however, the motion required that the food choices be removed, dimension be added as originally proposed and for the graphics to be reentered on the sign panels. The applicant was not present during the meeting. Staff informed the applicant of the board’s decision on September 13th. Following the next CAB meeting (on Sept. 25), staff physically visited the establishment to issue
a notice of violation (warning only). The applicant followed up with an application to apply for a variance from the HDRD Guidelines, as he would like to leave the sign faces as originally proposed.

Hucks then read that Section 14.1.3 – Historic Design Review and Community Appearance Requirements, (J) Variances for undue hardship, allows applicants to request a variance on the denial of a Certificate of Appropriateness. In accordance with this section, the applicant shall have an opportunity to demonstrate undue hardship if the CAB approves a request with additional conditions and additional work to be provided.

➢ Section 14.1.3 (J) Variances for Undue Hardship:
  - (2) Within 60 days after receiving written notification from the CAB of the denial of a certificate of appropriateness for a proposed alteration of construction, an applicant may seek relief on the ground of hardship pursuant to this section. In order to prove the existence of hardship, the applicant shall establish that the property, without the owner’s proposed alteration, is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible. The applicant shall have an opportunity to demonstrate undue hardship if the CAB approves a request with additional conditions and additional work to be provided.
  - (3) An application for a Certificate of Appropriateness (COA) on the grounds of hardship shall include:
    - (a) a verifiable estimate of the cost of the proposed construction or alteration and an estimate of any additional cost that would be incurred to comply with the recommendations of the CAB for changes necessary for the issuance of a COA.
    - (b) an estimate of the market value of the property in its current condition; and after completion of the proposed construction or alteration and after renovation of the existing property for continued use.
    - (c) any listing(s) of the property for sale or rent, price asked and offers received, if any, within the previous two years (if applicable).
    - (d) the assessed value of the property according to the two most recent Horry County assessments, and
    - (e) an indication of the form of ownership or operation of the property (i.e. sole proprietorship, for-profit or not-for-profit, limited partnership, joint venture, or other).
    - (f) any other information the CAB needs in order to make its hardship decision.
  - (4) The CAB shall act on the hardship application at a public meeting of the CAB, at which time an opportunity will be provided for proponents and opponents of the application to present their views.
  - (5) The applicant shall consult in good faith with the CAB, local preservation groups, and interested parties in a diligent effort to seen an alternative that will result in preservation of the property.
• (6) All decisions of the CAB should be within 45 days of the submission to the CAB of the completed application and shall be in writing. A copy of any CAB decision shall be sent to the applicant by mail, with a copy forwarded to the Planning Director. The CAB’s decision shall state the reasons for granting or denying the hardship application. If the CAB does not act on the application within 45 days, the hardship application shall be deemed denied.

• (7) No exterior building permit or demolition permit shall be issued while the hardship application is pending. The CAB shall make a determination on whether a hardship exists. Building and demolition permits shall be issued in accordance with that determination but for only such work as is necessary to alleviate the hardship.

• (8) A person who may have substantial interest in any decision of the CAB or any officer or agent thereof may appeal to the circuit court in Horry County, SC (filed within 30 days after the decision of the CAB), which is referenced in SC Code 6-29-900.

Whitley stated that she isn’t sure that there is a hardship and that this would set a precedence, plus the sign was put up before approval.

Sutherland said that he isn’t sure that hardship is the right word but that this location has been through a lot and he thinks it is important to let people know what they have. He said that the letters are to be applied over what is there and they will have dimension.

Hucks stated that the primary sign should only be the business name, logo or business type but that vinyl graphics are allowed on the windows.

After discussing the graphics on the windows, Whitley recommended taking the food choices off and putting lunch, dinner, catering in its place on the bottom of the sign since there is no room on the windows for graphics.

Watts asked what the letters were made of. Sutherland said they were made of wood and would be painted cooper color with black that will match what is there.

Watts made a motion to deny the variance as presented. McLain seconded the motion and the motion carried unanimously.

Whitley made a motion to approve the sign with the food choices removed and adding lunch, dinner, catering in its place on the bottom and adding dimension on Joeys River Walk Grill. The applicant is to submit conceptual approval showing the new layout for next meeting that will be held on November 20, 2019. Richardson seconded the approval and the motion carried unanimously.

V. PUBLIC INPUT

None
VI. BOARD INPUT

None

VII. STAFF INPUT

None

VIII. ADJOURN

There being no further business to come before the Board, a motion was made by Richardson and seconded by McLain to adjourn the meeting at 4:29 p.m. The vote in favor was unanimous and the motion carried.

Approved and signed this 20th day of November, 2019.

[Signature]
Heather Whitley, Chairperson