CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, FEBRUARY 22, 2018
CITY HALL CONFERENCE ROOM – 229 MAIN STREET – 5:30 P.M.

Present: Travis Dannelly, Blake Hewitt, Charles Byrd, Davis Inabnit, Catherine Dingle
Absent: George Ulrich, James Shelley
Staff: Jessica Hucks, Zoning Officer; Barbara Tessier, Secretary
Others: John Steeves, Ida Bumback, Lee Stegall, James Hucks, Gary Blake, Sandy Davis, Kyle Edney, Josh Bell, Christian Beschalt

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

II. APPROVAL OF JANUARY 25, 2018 MINUTES
Hewitt made a motion, seconded by Byrd to approve the January 25, 2018 minutes as written. The vote in favor was unanimous. The motion carried.

Dannelly welcomed Dingle and Inabnit to the Board.

Dannelly explained to the public how the meeting was run. He asked Hucks to read the four criteria that had to be met in order for a variance to be granted. Hucks read the following:

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.

III. VARIANCE REQUESTS

A. **1641 Church St (Big Lots):** Masstar Signs, applicant, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Sec. 11.4.1 (B) – Size, for a proposed wall sign on the building (for Big Lots) located at 1641 Church St (TMS: 123-13-05-036 / PIN: 33810040002).
Hucks said the applicant is proposing to replace the Big Lots wall sign with another wall sign; similar in size and shape to what is existing. The current wall sign well exceeds 100 sq. ft., but has been on the building since before the adoption of the current sign ordinance.

Hucks said the proposed wall sign measures 30' (w) x 5' (h), totaling 150 sq. ft., which is 50 sq. ft. over the maximum sign area permitted for a wall sign; regardless of the size of the building face. Per Sec. 11.4.1, B (Wall Signs) of the UDO, “wall signs may be a maximum of 100 sq. ft. or 15% of the building face where the sign is attached, whichever is less. The wall façade of the Big Lots tenant space is approx. 1700 sq. ft., which allows a max sign area of 100 sq. ft. since 15% would put the wall sign allowance well over the 100 sq. ft. max.

Hucks said the maximum square footage of signage allowed in the HC zoning district, per tenant space, is 200 sq. ft. and a maximum number of four (4) signs per tenant space is allowed (per Sec. 11.3.1, Table 11.1: Sign Standards by District).

Hucks said the applicants cited the following reasons for which a variance should be granted.

1) The Big Lots building is located 355-ft off of the street and entrance to the store. Currently the building front letters are 5-ft tall and visible from the street entrance.
2) The conditions described above are particular to the property, as the distance from the road creates a hardship due to the distance of the building from the road.
3) The application of the ordinance would unreasonably restrict the use of the property due to the distance the building is located from the road, prohibiting the need for the 5-ft tall set of letters that would help visibility.
4) Granting the variance would not hard adjacent property and the character of the area will not be harmed because the current wall sign has 5-ft letters on the building face.
5) The variance is initiated because of hardship, not to increase profitability. Not granting a variance could have the adverse effect in relation to profitability, in that less visibility equals less store traffic, which could lead to less sales/profitability.

Dannely said this was similar to the Bay Village plaza where the stores were set back off Church Street. Hucks said the sign area permitted would be reduced significantly without receiving a variance.

Dannely swore in Stegall. Stegall said they wanted to keep the 5-ft. letters. Hewitt asked if the signage was a requirement of their corporate office. Stegall said it was.

Hewitt made a motion, seconded by Inabnit, to approve the request as presented. The vote in favor was unanimous. The motion carried.

B. **673 Century Circle (Project Brite):** R. Dean Bingham, applicant, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Article 9 – Landscaping and Buffer Requirements, for a
proposed building located at 673 Century Circle (TMS: 151-00-04-174 / PIN: 38305040021).

Hucks told the Board that the property is located within the Atlantic Center Business Park. She said while most properties within the Atlantic Center are in Horry County’s jurisdiction, there are two parcels immediately adjacent to this one in the City limits. She said the property was annexed City last year. Other parcels within the Atlantic Center within the City of Conway include three parcels closer to Hwy 501 & Honeywell Trail (zoned LI), another located at the corner of Hwy 501 & Allied Dr. (zoned HC) and the other directly behind that parcel on Allied Dr. (zoned IN).

Hucks said according to the applicant, adjacent parcel owners within the Atlantic Center adhere to landscaping requirements within their Protective Covenants & Easements, recorded in 1989, and the landscaping they proposed to install would exceed that which is required for other parcels per the Protective Covenants.

Hucks said the City’s Technical Review Committee (TRC) gave approval of the project in December 2017, with the understanding that they could apply for a variance from the landscaping plan approved by TRC. However, the Certificate of Occupancy (CO) would not be issued until the required landscaping was installed or the Board of Zoning Appeals granted a variance on landscaping requirements.

Hucks said the applicant cited the following reasons for which a variance should be granted:

1) Current landscape requirements, per the City of Conway Unified Development Ordinance (UDO), do not reflect comparable requirements to any other manufacturing or industrial property owners located in the Atlantic Center Business Park. Adjacent parcel owners appear to be adhering to Section 3.7 (Landscaping) of the Protective Covenants & Easements for the Atlantic Center (recorded 5/22/1989), which the proposed landscaping would exceed.

2) The conditions described above are particular to this piece of property in that the landscaping requirements applied to the property do not reflect existing conditions of surrounding parcels. The parcel in question was recently annexed into the City of Conway and is the only parcel in the park within the City subject to the city’s landscaping requirements.

3) The strict application of the ordinance would not restrict the "use" of the property; however, it will cause an ongoing hardship to the tenant, Teknoware, as it relates to landscape maintenance. Teknoware is a manufacturer that has committed to creating 45 jobs and investing $6M in Horry County, and will be producing product for the mass transit industry. There will be no retail component to this project as their products are shipped all over the world.

4) The granting of the variance will not hard adjacent property, nor the character of the area or public good, as the landscape plan that accompanies this variance will exceed that of the adjacent property owners and surrounding tenants.

5) The variance is requested on behalf of Teknoware to ensure they are not being singled out and forced to adhere to standards that are not comparable with other industries in the Atlantic Center.
Hucks said that Wild Wing had open space that consisted of a thick buffer at the back of this property, but it did not count toward this property's landscaping requirements.

Dannelly said there appeared to be some landscaping on other properties. Hucks said there was nothing else adjacent that were required to meet City requirements. She said the other parcels were landscaping according to the Atlantic Center requirements.

Edney said there would not be retail traffic in this area. He said they had a 10-year lease and wanted to be good stewards.

Hewitt asked if there were other parcels that had been annexed. Hucks said there were a few other parcels within the business park that were in the city limits.

Inabnit asked if what they were proposing was similar to what the other properties had. Hucks said it was hard to tell since other properties were already developed or in the county. However, after reviewing the covenants for the Atlantic Center, she noticed that one of the requirements was that they have a 5-ft. landscape buffer on any sides that were developed or proposed for development and any drives/parking areas, which this project did not show on their desired landscape plan.

Byrd asked if the other properties did not have what the city required. Hucks said they were not in the city. She said the city parcels were scattered throughout the Atlantic Center, but most were not annexed, and added that this parcel did not meet city or the Atlantic Center requirements, as submitted.

Hewitt said he thought this was an unusual circumstance, it was not in the Gateway Corridor Overlay (GCO), and it would not be detrimental to the public or the adjacent properties.

Hewitt made a motion, based on the four criteria and seconded by Inabnit, to approve the requested variance from City of Conway landscape requirements, but would still have to meet the Atlantic Center requirements. The vote in favor was unanimous. The motion carried.

C. **2201 Ninth Ave**: Gary Blake, applicant, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Sec. 6.2 – Residential Building Types & Design Standards; Table 6.1: Dimensional Requirements for Residential Zoning Districts, for property located at 2201 Ninth Ave (TMS: 136-08-09-001 / PIN: 36802040003).

Hucks said the applicant has purchased a lot on Ninth Ave, zoned R-1 (Low-Density Residential). The property, identified as lot 9 on the attached survey of the property, is a corner lot. Corner lots, per Sec. 6.1.9 (Side Yard Setbacks for Corner Lots), states that "for corner lots, both yards lying between the primary structure and the intersecting streets shall be considered front yards; however, the front lot line shall be designated by the shorter of the two property lines
adjacent to the street. The other front yard at the side property line shall be known as a Corner Front Yard (4)."

Hucks said the R-1 Zoning District requires the following setbacks for residential structures (per Table 6.1: Dimensional Requirements for Residential Zoning Districts):

- Front, minimum: 20-ft (from property line)
- Sides, minimum: 10-ft (from property line)
- Side yard fronts on local street(s): 20-ft (from property line)
- Side yard fronts on arterial street(s): 30-ft (from property line)

Hucks said because the “Corner Front Yard” (also a side yard) is adjacent to what is considered a local street (Melson St.), the 20-ft setback applies to this side. R-1 requires a standard lot width of 75-ft (minimum) at the right-of-way or lot line. This property is considered a substandard lot of record, similar to several other lots within the area, although most are not considered to be corner lots. Currently, the widest point of any residential structure that could be built with the required setbacks is approx. 20-ft wide. The house will need to face Ninth Ave, not Melson St., which could make it difficult to construct and meet the city’s general design standards.

Hucks said this lot was only 53.1-ft wide and 75 ft. was required. The house had to face Ninth Ave, which only allowed him to build approx. a 20-ft wide house. Hucks also said it could be difficult to meet the minimum required 6:12 roof pitch on a 20 ft. wide house.

Blake stated that even with granting a variance to have a 10’ side yard setback, the house would still be 20’ from the road.

Dannelly made a motion, based on the four criteria, seconded by Hewitt, to approve the variance request as submitted. The vote in favor was unanimous. The motion carried.

D. 1308 Burgundy Lane: John Steeves, applicant, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Sec. 5.2.1 (A) – Accessory Structures, for a proposed storage building, for property located at 1308 Burgundy Ln (TMS: 149-23-01-052 / PIN: 38101040004).

Hucks said Mr. Steeves applied for a building permit on January 10, 2018 for a storage building, proposed to be located on his property (1308 Burgundy Ln), in the Sedgefield SD. Upon review, staff discovered the proposed location was considered a “side” yard and not a “rear” yard, per the UDO.

Hucks said the proposed storage building is 21’ (L) x 11’ (W), totaling approx. 231 sq. ft. It will be vinyl exterior and the color will meet HOA requirements. It will also be within a fenced in area of the yard (a portion of the side and rear yard).

Hucks said the applicants rear property line consists of two different lines, one of which takes a north turn (see attached plat), with the house approx. 27.35-ft
away from the property line. The other property line is adjacent to Hwy 701 South, and includes a 25-ft maintenance easement from the applicant’s rear property line. No structures are permitted within easements. Because of the 25-ft maintenance easement along one rear lot line, and the other rear lot line being 27.35-ft away from his house, there is not ample room in the rear yard to locate the proposed storage building without encroaching into the easement or minimum separation requirements.

Hucks said the applicant states the following reasons for which a variance should be granted:

1) The house & lot are situated in such a way that placing the shed in the back only is restrictive,
2) Two aerials were submitted with the application showing the shape of the lot & location of easement in rear (25-ft from rear lot line),
3) Granting a variance will not harm adjacent property, nor will the character be harmed, as the proposed storage building will be located inside a fenced in area and would be barely visible to neighbors,
4) The variance was initiated due to hardship, not to increase profitability, as there is nowhere in the rear yard to place the storage building (no access between storage building & the house/patio).

Hewitt asked where his back yard was. Hucks said it was anything behind the house. She said there was also an easement in the rear.

Steeves showed a map of his property and where he wanted to place the shed. Hucks said he needed a variance for side placement of the shed.

There was discussion about how this was seemingly a situation that kept coming before them. It was mentioned that houses were being built on parcels that did not have much of a back yard.

Dannelly made a motion, based on the four criteria, and seconded by Inabnit, to approve the variance request as submitted, while still meeting required setbacks. The vote in favor was unanimous. The motion carried.

E. **1515 Mill Pond Rd**: The City of Conway, applicant, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Sec. 5.2.1 (B) – Accessory Structures, for a proposed detached building, on property located at 1515 Mill Pond Rd (Rec Center) (TMS: 122-00-05-211 / PIN: 338000000032).

Hucks said the City of Conway Rec Center would like to add a new accessory structure in close proximity to an existing, legal-nonconforming detached building that is located in the rear yard of the parcel and behind the Rec Center’s main building. The existing detached building is a maintenance shed, used to store small amounts of gas, oil, fertilizer, herbicide and pesticides. The new building will be used to store Christmas decorations and lawn equipment.

Hucks said Article 5, Sec. 5.2.1 (B) of the UDO permits accessory structures for non-residential, multi-family dwellings, single-family attached dwellings,
religious institutions, and governmental uses as an accessory use to the principal use on the property (Rec Center), with certain requirements being met. One of those requirements (setbacks) states that the accessory structure must meet the required setbacks of the zoning district and be a minimum of 5-ft from other accessory structures (5.2.1, B.2). The property is zoned Conservation Preservation (CP), which requires a setback from all property lines of 100-ft. The current maintenance shed, considered legal nonconforming, is approx. 50-ft from the rear property line. The applicant would like to install the building beside the existing structure; however, a variance is required, as it would also be approx. 50-ft from the rear property line. The affected rear property line adjoins another parcel, also owned by the City of Conway.

Hucks said the City was requesting a 50’ rear yard setback instead of the required 100’.

James Hucks from the Parks and Recreation Department said that he could fix the existing building without attaching the new addition to it. He said the additional accessory structure would be for the fabrication of Christmas decorations he had to make and a little bit of storage.

Byrd asked if the existing structure was in compliance. James Hucks said the structure had been for over 30 years. Jessica Hucks said it is considered a legal nonconforming structure.

Inabnit made a motion, seconded by Byrd, to approve the variance for a detached accessory structure.

IV. PUBLIC INPUT

There was none.

V. BOARD INPUT

There was none.

VI. STAFF INPUT

There was none.

VII. ADJOURN

There being no further business to come before the Board, Hewitt made a motion, seconded by Inabnit, to adjourn the meeting. The vote in favor was unanimous. The motion carried. The meeting adjourned at 6:00 p.m.

Approved and signed this 22nd day of March, 2018.

[Signature]
Travis Dannelly, Chairman