CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, JANUARY 25, 2018
CITY HALL CONFERENCE ROOM – 229 MAIN STREET – 5:30 P.M.

Present: Travis Dannelly, Charles Byrd, George Ulrich, Blake Hewitt, James Shelley

Absent: N/A

Staff: Jessica Hucks, Zoning Officer; Barbara Tessier, Secretary

Others: Brantley Green, Danny Fergus, Brett Hayes, Paul and Michelle Richard, Amber Wall, Dale Todd, Dylan Vaught, Ed R (Woodcreek), Jennifer Vaught, Elizabeth Lane, Ken Haynes, Ballery Skipper

I. CALL TO ORDER

Chairman Dannelly called the meeting to order at 5:30 p.m.

II. APPROVAL OF DECEMBER 14, 2017 MINUTES

Hewitt made a motion, seconded by Shelley, to approve the December 14, 2017 minutes as written. The vote in favor was unanimous. The motion carried.

III. ELECTION OF OFFICERS

Hewitt made a motion, seconded by Ulrich, to elect Dannelly as Chairman. The vote in favor was unanimous. The motion carried.

Dannelly made a motion, seconded by Shelley, to elect Hewitt as Vice Chairman. The vote in favor was unanimous. The motion carried.

IV. VARIANCE REQUESTS

Dannelly announced that agenda number C had been withdrawn and anyone present for that was welcome to leave if they wished.

A. Midtown Village, Phase 2: Wall Engineering, applicant, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Section 6.2 – Residential Building Types & Design Standards; Table 6.1: Dimensional Requirements for Residential Zoning Districts (including Section 6.1.10(a) – setbacks for lots fronting cul-de-sacs) for proposed lots within Midtown Village, Phase 2, located on the corner of Medlen Pkwy & Oak Street (TMS: 122-20-01-290 / PIN: 32515030031).
Prior to any discussion, Hucks read the four criteria that the Board had to follow in order to grant a variance. They are:

1. *Extraordinary conditions* pertaining to this particular property.
2. *Other Property* – these conditions to not apply to any other property in the vicinity.
3. *Utilization* – because of the extraordinary conditions, the application of the ordinance would effectively prohibit or unreasonably restrict the use 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.

Hucks said the applicant wishes to develop a parcel at the corner of Medlen Pkwy & Oak Street that would be part of Phase II, Midtown Village. The property in question was approved for a 49-unit townhome development in 2007, and infrastructure for the project had been partially installed. The economy at the time went south and the townhome development never came to fruition. The new developer wishes to create a single-family development consisting of 20 lots, taking into account the already installed road layout, pond, water, sewer and stormwater utilities. In order to make the proposed layout work, the developer states they would need a 40-ft lot road frontage/lot width at the right of way line instead of the required 50-ft.

Hucks said lot width and lot frontage is measured at the right-of-way line and in the R-3 zoning district (High-density Residential); the minimum lot width is 50-ft. However, per Section 6.1.10 (a) of the UDO, in instances where lots front on a curved street, such lots must have at least 50-ft of frontage on a public right-of-way but the minimum lot width may be measured at the front setback line.

Hucks said in the case of this proposed development, there are several lots proposed that fall short of the 50-ft frontage requirement, including ones that do not appear to fall on a curved street. The development vacated in 2007 was a multi-family (townhome) development, not a single-family development, and the previously approved plans showed such. Staff has concerns about the existing water & sewer utility locations, and how any water/sewer pipes may impact some of the individual lots, as a 15-ft easement (7.5-ft each side of pipe) is required where the water/sewer pipes are located.

Hucks said the applicant was asking for a variance to allow the minimum frontage on lots fronting on a curved street to be 40-ft width instead of the required 50-ft.

Hewitt asked what infrastructure was in. Hucks said she believed it was water, sewer, and stormwater, but the engineer, Amber Wall, could confirm.

Wall said that those were in as well as the pond being dug and the road layout.
Hewitt made a motion, seconded by Shelley to approve the variance request based on the four (4) criteria having been met. The vote in favor was unanimous. The motion carried.

Dale Todd asked about the stormwater. He said he did not see how they could rubber stamp something that was approved 10 years ago. Hucks told Todd that before they could begin any developing, the stormwater would be reviewed again. Wall told Todd that they would have to get a new stormwater permit.

Byrd said 49 townhouses would most likely have more impact on stormwater than 20 houses.

Hewitt made a motion, seconded by Shelley, to grant the variance based on the four criteria. The vote in favor was unanimous. The motion carried.

B. **2469 Hwy 501 E (Ekklesia Christian Church):** Green Design & Consultants, Inc., applicant, requests a variance from the strict application of the following sections of the City of Conway Unified Development Ordinance (UDO): **Section 6.5.2 (I.7) – Fencing Materials,** in the Gateway Corridor Overlay (GCO), **Section 6.6.2 (B) – Mechanical Equipment, Dumpster, Recycling & Trash Handling** and **Section 9.3.4 (G) – Landscape Requirements for the Interior of Parking Areas,** for property located at 2469 Hwy 501 E (TMS: 151-00-03-020 / PIN: 38311030005).

Hucks said Ekklesia Christian Church is currently undergoing Technical Review for a new church proposed for the property located at 2469 Hwy 501 E. The property was rezoned to a Planned Development (PD), as required for churches proposed on property greater than three (3) acres in size.

Hucks said in response to the Planning Dept.’s comments for the project, the applicant is seeking a variance to address those comments. They include:

- Variance from **Section 9.3.4, G (Landscape Requirements for the Interior of Parking Areas),** which requires every third group of rows of parking spaces to be separated from one another by a 6-ft landscape island that extends the entire length of the row of parking spaces. Such landscape island shall contain one (1) canopy tree and 10 shrubs per 100 linear feet.
- Variance from **Section 6.6.2 (B – Location), Mechanical Equipment, Dumpster, Recycling & Trash Handling,** which requires that the location of all utilities and trash handling facilities shall be in rear or side yards. The applicant would like to locate the dumpster facility in the front yard, as shown on site plan.
- Variance from **Section 6.5.2 (I.7), Gateway Corridor Overlay (GCO), Fencing Materials,** which prohibits chain link fencing, with or without barbed wire. In the far rear portion of this property, a GSWSA pump station is proposed that requires chain link fencing. Per the applicant, they have no say as to what type of fencing will be installed as part of the pump station being installed by GSWSA. Although the area in which the chain link fencing will be installed sits outside the 500-ft perimeter of the GCO (given the depth of the property), the applicability of the GCO states that if
a portion of the property falls within the GCO, the entire parcel is subject
to the requirements of the GCO. Therefore, a variance is needed in order
for a chain link fence to be used for the pump station area.

Byrd asked what was behind the church. Green said there was a pond. Green
said that the church complex would be built in 3 phases. He said there would be
the sanctuary, a fellowship hall and an activity field.

Hucks asked Green if Public Works had looked at the proposed dumpster site.
Green said Public Works had been out and liked the location, and they said it
would be easier for the trash trucks to maneuver. Hucks also noted that the
plans stated the enclosure around the dumpster pad would be 6’, but the UDO
required the enclosure to be 8’ in height.

Green went on to say that they could not afford to lose parking spaces by having
the walkway and the landscaping island. He said they were saving 237 trees that
were over 4" in diameter. He said they were saving trees around the pond and
felt they were making a good effort to meet the landscaping requirements.

Dannelly asked Hucks if one overlay trumped the other in terms of requirements.
Hucks said there was only one overlay, the Gateway Corridor Overlay, but that
the overlay requirements were in addition to what the underlying zoning required
and would take precedent if the overlay requirements were more restrictive.

Green commented that the sidewalk was more important than the landscape
island required, as it provides access from the road through the parking area.

Hewitt made a motion, seconded by Byrd to approve the three (3) requested
variances (detailed above) based on meeting the four criteria. The vote in favor
was unanimous. The motion carried.

C. WITHDRAWN (as of January 18th) 2704 Bluebell Lane (Woodcreek Est., Ph.
2): Wellons Inc. of Myrtle Beach, applicant, requests a variance from the strict
application of the City of Conway Unified Development Ordinance (UDO),
Section 6.2 – Residential Building Types & Design Standards; Table 6.1:
Dimensional Requirements for Residential Zoning Districts, for property located
at 2704 Bluebell Lane (TMS: 122-18-01-172 / PIN: 33701030004).

D. 1214 Lakeland Drive: 1st Choice Enclosures, LLC, applicant, requests a
variance from the strict application of the City of Conway Unified Development
Ordinance (UDO), Section 6.2 – Residential Building Types & Design Standards,
Table 6.1: Dimensional Requirements for Residential Zoning Districts, for
property located at 1214 Lakeland Drive (TMS: 123-10-31-005 / PIN:
33908040058).

Hucks said the applicant would like to erect a 47' x 52' bronze-aluminum
screened pool enclosure that will be attached to the rear of the home, located at
1214 Lakeland Dr. A permit for an in-ground pool was recently approved for this
location, and per building code, a suitable enclosure is required. 1st Choice
Enclosures applied for a permit to enclose the pool area, but as an accessory
structure. Upon review of this permit application for the screened pool enclosure, staff discovered the proposed accessory structure (enclosure) would not be able to comply with certain conditions of Section 5.2.1 (Accessory Structures) of the UDO. These included the minimum separation requirement of 5-ft from all structures (including the home), as well as height limitations and square footage limitations for a single accessory structure not to exceed 50% of the square footage of the principal structure.

After relaying the information to their client, the applicant opted to attach the structure to the rear of the home. While accessory structures are typically only required to meet a 5-ft setback, additions are treated as part of the principal structure, which must meet the standard setbacks for the zoning district; in this case, R-1 setbacks, which require a rear yard setback of 20-ft. In either scenario, a variance is required for the enclosure. The applicant’s preference was to attach the screened enclosure to the rear of the home, given the location of the pool in relation to the home.

Hucks said the applicant was requesting a 10’ setback instead of the required 20’.

Haynes, who was the contractor, said this was a screen lanai and although it would be attached to the house, it could be taken down. He said it was not a room like a sunroom.

Hewitt left the meeting at 5:56 p.m. Quorum still maintained.

The applicant, Vaught, said that he was not aware of the issues of being attached or detached. He said they wanted it attached to keep the bugs out of the pool area.

Shelley made a motion, seconded by Ulrich, to grant the requested variance based on the four criteria. The vote in favor was unanimous. The motion carried.

E. 1153 Pecan Grove Blvd: Paul & Michelle Richard, applicants, request a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Section 6.2 - Residential Building Types & Design Standards, Table 6.1: Dimensional Requirements for Residential Zoning Districts, for property located at 1153 Pecan Grove Blvd (TMS: 149-23-01-019 / PIN: 38101020034).

Hucks said the applicants wish to erect a wooden pergola on an existing concrete slab in the rear of their home, located in the Sedgefield subdivision, at 1153 Pecan Grove Blvd. The pergola will be attached to their home, versus detached, thus causing the structure to be deemed an addition instead of an accessory structure. Because it will be attached to the home (principal structure), the pergola must meet the standard setbacks for the zoning district; in this case, R-1 setbacks, which require a 20-ft rear yard setback.

Hucks said this particular home was built approx. 20.2-ft from the rear property line, however, there is an additional +/-30-ft from the applicants rear property line
to the pond which is labeled as being common area for the Sedgefield subdivision and owned by the Sedgefield Homeowners Association (HOA). The applicants originally thought their property line went all the way to the edge of the water and it wasn’t until they applied for this permit that they realized their rear yard ended approx. 20-ft from the rear façade of their home. Any additions to the home would encroach into the rear setbacks. The existing concrete patio is not subject to rear setback requirements, as it is uncovered and not required to have a building permit. Now that the concrete patio is proposed to be covered, it is subject to the requirement of a building permit and must meet setback requirements.

Hucks said the proposed pergola is 17’ (w) x 12’, totaling 204 sq. ft. The applicants have received approval from the HOA to construct the pergola.

Shelley asked if the concrete was existing. Hucks replied that it was existing. Hucks said the only calls she had been calls in favor of the variance from the neighbors.

The homeowner said the pergola was attractive, and would be an asset.

Ulrich asked if the HOA had any issues with the pergola. The owner said they had already received the HOA approval.

Ulrich made a motion, seconded by Byrd, to grant the requested variance. The vote in favor was unanimous. The motion carried.

V. PUBLIC INPUT
There was none.

VI. BOARD INPUT
Dannelly welcomed Ulrich and Byrd to the Board. He said the Board was still two members short.

VII. STAFF INPUT
There was none.

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

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

Travis Dannelly, Chairman