CITY OF CONWAY
ZONING BOARD OF APPEALS MEETING
THURSDAY, SEPTEMBER 24, 2015
CITY HALL CONFERENCE ROOM – 229 MAIN STREET – 5:30 P.M.

Present: Blake Hewitt, Georgia Johnson, Travis Dannelly, James Shelley, James Battle
Absent: Byron David, Alex Hyman
Staff: Jessica Hucks, Zoning Officer; Barbara Tessier, Secretary
Others: Gyozo (Victor) Ujvari, applicant and representative

I. CALL TO ORDER

Chairman Hewitt called the meeting to order at 5:35 p.m.

II. APPROVAL OF MINUTES

Dannelly made a motion, seconded by Johnson, to approve the August 27, 2015 meeting minutes as written. The vote in favor was unanimous. The motion carried.

III. VARIANCE REQUEST

A. Gyozo Ujvari, applicant, requests a variance from Section 11.1.5 Obsolete and Abandoned Signs, Section 11.4.1 Wall Signs and Section 11.4.2 Window Signs of the City of Conway Unified Development Ordinance (UDO) for property located at 907 Church Street. (TMS # 137-01-16-002 / PIN 338140400055).

Hucks told the Board that on August 18, 2015 the Building Department put a stop work order on the property because the tenant had not gotten building permits. At that time, signage had also been installed without permits. On August 19, 2015, Planning staff visited the site and informed the tenant he could not have the signage as it did not conform to the UDO. On August 29, 2015, the applicant filed for a variance of the existing sign regulations to allow for the unpermitted signage to remain and to use the existing sign structure in addition to signs already erected.

Section 11.1.5 “Obsolete and Abandoned Signs” of the city of Conway Unified Development Ordinance, states that “any sign which advertises or pertains to a business, product, service, activity, or purpose which is no longer conducted or has not been in use for sixty (60) or which is longer imminent, or any sign structure that no long displays any copy shall be deemed to be an obsolete or abandoned sign. Mr. Waffles
was the former tenant of the building and the restaurant had ceased operation more than sixty (60) days ago.

Hucks said the freestanding sign was nonconforming as to the height. She said it was 23’ in height and the UDO only permitted a height of 16’.

She said wall signs must be on the side of the building that has a public entrance. A second wall sign is permitted if the building is on a corner lot or if there is a second public entrance. She said the building in question was not on a corner lot and had only one public entrance. She said the signs that were installed wrap two sides of the building façade, despite having only one entrance. She said the applicants wished to be permitted to retain both wall signs on the building.

Hucks said window signage was limited to a maximum of twenty-four (24) square feet. She said window signage was not permitted to be more than 25% of any individual window pane and 50% of glass panes of any door. Hucks said the applicant had installed window signage covering 100% of the window panes. Hucks said the applicants wished to be permitted to keep the current installed window signage, despite exceeding what was permitted.

Hucks said the applicant wished to use the existing Mr. Waffles sign structure (allowing the panel to be replaced for his business), to retain the walls signs on both facades, and to retain the window signage.

Hucks explained if the applicant wanted to keep the freestanding sign, there could be no other signage permitted. She said if they decreased the freestanding sign to the permitted 16’ in height, they could have it, one of the wall signs and window signage that met the 25% requirement.

Hewitt asked if they put in a second entrance if they could have the second wall sign. Hucks said that was correct, provided they decreased the size of the freestanding sign.

Johnson asked if the access between this property and the liquor store qualified as a road. She mentioned that they permitted additional signage on a previous request due to a road behind the building. Hucks said it was not on their property, and it did not qualify as a road. The applicant asked would it work if he rented the parking and road from Bi-Lo. Hucks said the access did not xxxxxxxxx Church Street. She said it was technically not a road.

Johnson asked if the liquor store was on the Bi-Lo lot. Hucks said she did not know. Hucks said Mr. Waffles had rented the parking from the liquor store owner.

Hucks said if this property was on a corner lot, there would be more restrictions to be adhered to as well.
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Shelley asked the applicant if he understood what the UDO was. The applicant said he did.

Hucks said if the Board granted a variance for the freestanding sign, the city would ask that the pole be painted.

Dannelly asked if the freestanding sign went away completely could the applicant have the rest of the signage. Hucks replied that they would still only be permitted to have the one wall sign and the window signage would have to be only 25% of the individual glass panes.

Hucks said the freestanding sign, if permitted to stay in any height, would require landscaping. Dannelly asked if that would take away any parking spaces. Hewitt said he thought they should take the requests in parts.

Hewitt told the applicants of the four (4) conditions that must be considered in the decision about a variance. He said they were whether there were any extraordinary or exceptional conditions pertaining to the particular piece of property, if the extraordinary or exceptional conditions did not apply to other properties in the vicinity, that the application of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property, and whether or not the authorization of a variance would not be of substantial detriment to adjacent property or the public good, and the character of the district would not be harmed by granting a variance.

Shelley asked the applicant if when he approached the city, was he told about the UDO. Hucks said the applicant had not approached the city until a work order had been issued. The applicant said this is what they had in Hungary.

Shelley said it was a great location, but the signage did not reflect the values of what the city was trying to achieve. He said this property was along the main corridor from Conway to the beach. He said in his opinion, these issues did not meet any of the four criteria that had to be considered.

Johnson asked if the people in Hungary would want the freestanding sign. The applicant said he was fine with taking the freestanding sign down and being able to keep the two wall signs. He said he could cut the window signage to regulation. Hucks said if he took down the freestanding sign, he could only have the one wall sign on the side of the building with the public entrance and the reduced size of the window signs.

Hewitt said the Board was sympathetic, but they had to apply the law.

Battle made a motion, seconded by Dannelly, to deny the requested variances. The vote in favor was unanimous. The motion carried.
IV. PUBLIC INPUT

There was none.

V. ADJOURN

Johnson made a motion, seconded by Battle, to adjourn the meeting. The vote in favor was unanimous. The motion carried. The meeting adjourned at 6:09 p.m.

Approved and signed this 24th day of March, 2016.

[Signature]

Blake Hewitt, Chairman