CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, MARCH 24, 2016
CITY HALL CONFERENCE ROOM – 229 MAIN STREET – 5:30 P.M.

Present: Travis Dannelly, Georgia Johnson, Blake Hewitt, James Shelley
Absent: Byron David, Alex Hyman, James Battle
Staff: Adam Emrick, Planning Director; Barbara Tessier, Secretary
Others: Jerry Johnson, Sam Herin, Creola Harrelson

I. CALL TO ORDER

Chairman Hewitt called the meeting to order at 5:49 p.m.

II. APPROVAL OF THE SEPTEMBER 24, 2015 MEETING MINUTES

Johnson made a motion, seconded by Shelley, to approve the September 24, 2015 minutes as written. The vote in favor was unanimous. The motion carried.

III. ELECTION OF OFFICERS

Hewitt said it was time to elect new officers. Dannelly made a motion, seconded by Johnson, to defer the vote to the next meeting when more of the board would be present.

IV. VARIANCE REQUEST

Emrick began by explaining to the applicants that in order for the Board to grant a variance for unnecessary hardship they would have to make and explain in writing all of the following findings:

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.

**A. A-1 Signs as Graphics request a variance from Section11.4.1.A.**
Wall Signs, Location and Number Permitted of the *City of Conway
Unified Development Ordinance (UDO)* for the property located at
2246 Highway 501 East (TMS# 151-00-02-083) to allow for additional
wall signage.

Emrick said that staff had noticed a sign erected on the rear of the building
in January and did not recall any permits being requested or approved for
it. Staff contacted the owner of the store who confirmed that he had
erected the signage without a permit. Staff informed the owner that the
signage must be removed immediately or a citation would be issued.

Emrick said on February 18, 2016, A1 Signs and Graphics submitted a
permit requesting approval for the sign on the rear of the building. Staff
denied the signage based on UDO Ordinance 11.4.1A Wall Signs –
Location and Number Permitted. It reads that wall signs must be located
on a building face that has a public entrance. Only one wall sign per side
of a façade per tenant would be allowed. A second wall sign will be
allowed on another façade if the building is located on a corner lot or if
there is a public entrance.

Emrick said this storefront was not located on a corner and the requested
signage was to be located on a façade without a public entrance.

Emrick said on February 16, Johnson filed a request for a variance on
behalf of University Shoppes Holdings, LLC stating that the location had
only one entrance, however the way the building was situated, east bound
traffic would not see the front façade signage unless a sign was permitted
on the back of the building. He also said the location was perpendicular to
the other shops and had limited exposure making this storefront harder to
lease and harder on the shopkeepers by means of less exposure.

Emrick said the applicant was requesting that the rear façade signage be
permitted to remain and were basing their hardship on the UDO not
allowing for visible signage on the rear of buildings.

Emrick said there were three tenants that did have rear façade signage that
had been permitted prior to the new ordinance being adopted.

Emrick said it was staff's recommend for the Board to make a thorough
review of the request and determine if a hardship existed and if the best
interests of the City of Conway would be served by granting the variance request.

Georgia Johnson asked if the rear of the building was just for deliveries. Emrick said that was correct. Dannelly asked if the signage had to be the store name and not a description of what they were. Emrick said the business name was not required for signage.

Georgia Johnson asked what the City's recommendation was. Emrick said the ordinance was clear on what was permitted.

Jerry Johnson said A1 Signs had not installed this signage. He said it was built for another location.

Shelley said he thought the ordinance should be maintained and the variance request denied. Georgia Johnson said based on the criteria of the findings, she agreed.

Hewitt said most of the time the Board tried to find ways to grant a variance, but in this case, they knew there were other businesses at this location without rear signage and it did not seem to restrict business because all the storefronts were occupied.

Dannelly said the Board has always been pro-business when it can be.

Dannelly made a motion, seconded by Johnson, to deny the variance request based upon the findings. The vote in favor was unanimous. The motion carried.

B. Stubbs Muldrow Herin Architects request a variance from Section 6.5.2.K Gateway Corridor Overlay (GCO) Height Requirements of the City of Conway Unified Development Ordinance (UDO) for a property located at 915 One Landon Loop. (TMS #151-00-07-152 / PIN 38212020002)

Hewitt recused himself from this item because his wife works for CCU. Dannelly recused himself from this item because his father works for CCU.

Emrick said this was a variance request from the Gateway Corridor Overlay Height Requirement. He said the UDO permits building height to be fifty (50) feet above base floor elevations.

The applicant is proposing to construct an addition to Brooks Stadium making the total structure 81 feet in height. This addition would be for stadium seating because CCU had been invited to the Sunbelt Conference and needed the extra seating. He said the stadium could not be moved
and the only other nearby properties were Hillcrest Cemetery and other CCU land holdings.

Shelley said CCU was the jewel of the community and he did not see any negative impacts on the other properties, and that given the arguments of the applicants, the four conditions were met.

Shelley made a motion, seconded by Johnson, to approve the variance request. The vote in favor was unanimous with Hewitt and Dannelly having recused themselves. The motion carried.

C. Harrelson Properties IV, LLC requests a variance from Section 6.1.6 Minimum Required Yards and Setbacks of the City of Conway Unified Development Ordinance (UDO) for the property located at 1510 Oak Street. (TMS # 123-14-25-025 / PIN 33812010007)

Shelley recused himself from this agenda item.

Emrick said that in February 2016, Howell Homes, Inc. had submitted a building permit and plans to construct an addition to an existing multi-family development at 1510 Oak Street. He said the existing building was a four unit building which is situated on a lot that runs between Oak Street and Canal Terrace. This building faces north, perpendicular to the street frontage. A parking lot is located on this lot, providing parking for the tenants.

Emrick said under the City of Conway’s Unified Development Ordinance Section 6.2, Table 6.1: Dimensional Requirements for Residential Zoning Districts, the setbacks for the R-2 Zoning District are:

- Front: 15 Feet
- Rear: 20 Feet
- Side: 7.5 Feet

Section 6.1.9 sets forth the standards for Side Yard Setbacks for Corner Lots. “In the case of any lot that adjoins two or more streets, yards abutting streets shall be treated as front yards.” While the lot in question is not a corner lot, it does have two sides abutting streets, the Canal Terrace Side and the Oak Street Side. As such, both of these frontages have a 15’ setback for building. The building faces northwest on the lot, and does not face either Oak or Canal Terrace.

Emrick said the existing building configuration was considered to have a side setback on the side the building actually faces, and the opposite side was considered to be the rear of the building and lot with a 20’ setback. The rear of the existing building meets the 20’ required setback, as well as all other setbacks.
Emrick said the applicant proposed to add to the existing structure by extending the building toward Canal Terrace. The applicant has also proposed extending the building footprint toward the rear of the building to a distance of 7'9" from the rear parcel lines.

Emrick said staff denied the building permit for the construction due to the building not meeting setbacks on February 25, 2016. Creola Harrelson, on behalf of Harrelson Properties IV, LLC, filed this application requesting a variance of the Unified Development Ordinance Section 6.1.6 Minimum Required Yards and Setbacks on February 29, 2016.

Emrick said the applicant was proposing to construct a four unit addition to the existing four unit multi-family development. He said the applicant was requesting a variance of the 20' required rear setback to allow for a 7'9" rear setback.

Emrick said the applicant's request on behalf of Harrelson Properties IV, LLC asked for a variance from the strict application of the UDO for the following reasons:

1. The reduced setbacks are the only way to place one bedroom, one floor units.
2. Other buildings on the property are done in the same way except that they are bigger and require two floors for space and more bedrooms.
3. The market for these future units is for older adults on one level.
4. The new construction will be like the existing building but improved as the parking will be closer.
5. The intent is to join the existing units and not create a new look.

The Applicant is requesting a variance to allow the following:

1. A reduced setback of 7'9" on the rear of the lot instead of the 20' required rear setback.

Hewitt said that in order for the Board to grant a variance for unnecessary hardship was if they could make and explain in writing all of the following findings:

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.

Hewitt said he had a property with an unusual shape, and that most properties did not have two fronts and one side, so that did strike him as unusual, and it appeared it was the only parcel like this in the immediate vicinity. He said that the issue would be to find the property unable to be utilized. Dannelly said he thought findings 1, 2 and 4 were straightforward.

Hewitt asked Emrick how far from the rear setbacks the existing building was. Emrick said it met the current setbacks.

Hewitt said the issue with the utilization criteria was that the applicant could make the addition a two-story one and the UDO requirements would be met. Harrelson said she could not afford to do a two-story building.

Dannelly asked if the existing building setbacks were the same as they are now. Emrick said they were. He asked if the new addition could be considered part of the original building. Hewitt said the roof lines would be substantially different.

Hewitt said based on the utilization criteria, he said he was inclined to recommend denial or to defer this item to another meeting. Emrick said he could research the former ordinance.

Hewitt made a motion, seconded by Dannelly, to carry this agenda item over to the next regular meeting to allow for time to each Board member to consider the findings and for staff to have time to research the former ordinance. The vote in favor was unanimous with Shelley recusing himself. The motion carried.

V. **PUBLIC INPUT**

There was none.

VI. **ADJOURN**

There being no further business to come before the Board, Dannelly made a motion, seconded by Johnson, to adjourn the meeting. The vote in favor was unanimous. The motion carried. The meeting adjourned at 6:29 p.m.

Approved and signed this _____________ day of _______________, 2016.
BZA
March 24, 2016

[Signature]

Blake Hewitt, Chairman