BZA
April 26, 2018

CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, APRIL 26, 2018
CITY HALL CONFERENCE ROOM – 229 MAIN STREET – 5:30 P.M.

Present: Travis Dannelly, James Shelley, Catherine Dingle, Charles Byrd
Absent: George Ulrich, Blake Hewitt, Davis Inabnit
Staff: Jessica Hucks, Zoning Officer, Barbara Tessier, Secretary
Others: Chris Guidera, Margaret Small, Bonner Guidera

I. CALL TO ORDER

Chairman Dannelly called the meeting to order at 5:25 p.m. as all parties were present.

II. APPROVAL OF MINUTES

Shelley made a motion, seconded by Dingle, to approve the March 22, 2018 minutes as written. The vote in favor was unanimous. The motion carried.

III. VARIANCE REQUESTS

A. Joseph Guidera, Soriano Holdings, LLC, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), from Article 5 Section 5.2.1 (B) – Accessory Structures and Article 6, Section 6.3.1 (C) – Non-Residential Architectural Design Standards, for a proposed building on property at 165 Hwy 905 (TMS: 137-00-01-001 / PIN: 33916040002).

Huck said the applicant proposed to erect a new accessory structure on his property at 165 Hwy 905 for the purpose of storage. The size of the proposed building is 40' x 60' x 16' and will be located behind the existing building. The current building is a metal building that once served as a fire station for over 20 years.

Hucks said Staff denied the permit for the building on the basis that the zoning of the property (Neighborhood Commercial – NC) does not permit metal buildings, per the Design Standards stated in Section 6.3.1 of the UDO, and the accessory structures ordinance, Section 5.2.1 (B), prohibits accessory structures in non-residential districts from being constructed of corrugated metal, sheet metal, and/or exposed metal.
Hucks said while the existing principal building is metal, it is considered legal nonconforming. Any new structures shall comply with the current requirements, thus the reason for applying for a variance.

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

1. The property is surrounded by a swamp on two sides and the train depot on a third side.
2. No other buildings are built next to the current one on the property. The closest house is over half a mile away in one direction and one mile in the other direction.
3. Granting the variance would not harm adjacent property, the character of the area or the public good, as the train depot is the only neighbor there is no existing residential properties nearby.
4. The variance is initiated out of hardship, not to increase profitability.

**Variance(s) requested:**

**UDO Section:**

5.2.1 (B) – Accessory Structures (non-residential property)
6.3.1 – Non-Residential Architectural Design Standards (C.13)

**Requirement:**

- 5.2.1 (B): Accessory Structures shall not be constructed of corrugated metal, sheet metal and/or exposed metal and shall be required to use stucco, tabby, wood siding, fiber cement siding or other material with similar texture.
- 6.3.1 (C.13): No portion of a building constructed of unadorned concrete masonry units or corrugated metal, sheet metal, exposed metal, and/or manufactured panelized metal wall systems shall be visible in any manner from adjoining developed properties, existing public rights-of-way, or from adjoining properties which are eligible for future development.

**Proposed:**

- A metal building (accessory structure)

Dingle asked if it would be behind the existing building and wouldn’t be seen. Hucks said the requirements was not no portion of the metal building shall be seen from the right-of-way or adjoining properties whether or not the adjoining property is developed.

Byrd asked if there were any elevations for this building. Hucks said there were not. Guidera said the slab would be slightly raised from the existing pad. Dannelly asked what was to the southwest. He asked if it was a radio tower. Guidera said it was not there anymore. Byrd said they could not build to the left because of the railroad and the only possible place was behind it.

Hucks said this property was Neighborhood Commercial and was surrounded by anything but Neighborhood Commercial. Guidera when they first went to occupy the building it was zoned residential, he said it was rezoned to Neighborhood
Commercial because it was the easiest zoning since no other one worked. He said they did not know at that time they would need an accessory structure.

Dingle asked if there was a buffer. Hucks said there was. Hucks said she did not think there was any plans for the railroad depot to be changed. She said there had been a question at one time as to whether or not the railroad depot was in the City or the County. It turned out that it is not even a parcel, but a railroad right-of-way, in the city limits.

Dannelly asked Guidera if they owned the property behind them. Guidera said Hal Holmes property abutted it.

Shelley asked Guidera if the new building would be comparable to the existing building. Guidera said it would.

Byrd made a motion, seconded by Shelley, to approve the variance request as presented. The vote in favor us unanimous. The motion carried.

B. Marvin Lane, on behalf of S.C. Public Service Authority, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), from Article 5, Section 5.2.1 (B) – Accessory Structures, for a proposed building on property at 305-A Gardner Lacy Rd (TMS: 151-00-04-015 / PIN: 38400000171).

Hucks said Santee Cooper proposes to add an additional metal building on property located on Gardner Lacy Rd, zoned Light Industrial (LI), which permits buildings of any construction. However, the ordinance regarding accessory structures prohibits buildings considered “accessory” structures from being constructed of any types of metal. Additionally, the ordinance limits the number of accessory structures on a single parcel to three (3). This property currently exceeds three (3) accessory structures. As such, staff is unable to permit an additional accessory structure without a variance being granted.

Hucks said the building is proposed to be used for storage, per the applicant’s submittal. The size proposed is 60’ x 30’. All required setbacks for accessory structures are shown to be met. See below:

- Section 5.2.1 – Accessory Structures (B.4), Number: Shall be limited to three (3).
- Section 5.2.1 – Accessory Structures (B.6), Design: Shall not be constructed with any corrugated metal, sheet metal, and/or exposed metal and shall be required to use stucco, tabby, wood siding, brick, fiber cement siding or other material with similar texture. Accessory structures visible from public or private roads shall architecturally compliment the primary structure in exterior finish.

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

1. The strict application of the ordinance would unreasonably restrict or prohibit the use of the property in that Santee Cooper would not be able to add the additional building.
2. Granting the variance would not hard adjacent property, the character of the area or the public good, as the property is isolated.
3. The approval of the variance request would allow Santee Cooper to utilize the property to construct a building that is needed for their operation.

Ms. Smalls was present for Santee Cooper. She said they were closing three offices, the one in Conway, North Myrtle Beach, and Garden City and needed storage for the things they would be removing from those offices.

Hucks said she had received one letter in opposition from a property owner from Kiskadee Loop.

Byrd asked Small if they would be clearing the entire lot. She said they would not be.

Shelley made a motion, seconded by Byrd, to approve the variance as requested. The vote in favor was unanimous. The motion carried.

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, Dingle made a motion, seconded by Byrd, to adjourn the meeting. The vote in favor was unanimous. The motion carried.

Approved and signed this 24th day of May, 2018.

[Signature]

Travis Dannelly, Chairman