CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, JUNE 28, 2016

Present: George Ulrich, Catherine Dingle, Davis Inabnit, James Shelley, Blake Hewitt
Absent: Travis Dannelly, Charles Byrd
Staff: Jessica Hucks, Zoning Administrator; Barbara Tessier, Secretary
Others: Nicole Clemons, Joseph Guidera, Thomas Fox, Steve Powell

I. CALL TO ORDER

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

II. APPROVAL OF MAY 24, 2018 MINUTES

Ulrich made a motion, seconded by Inabnit, to approve the May 24, 2018 minutes as written. The vote in favor was unanimous. The motion carried.

Prior to reviewing the requests, Hucks put on the screen the four criteria that must be met for the board to grant a variance for everyone to see.

III. VARIANCE REQUESTS

A. 170 Jackson Bluff Road (GSWSA): The applicant, Matt Minor, on behalf of Grand Strand Water & Sewer 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 located at 170 Jackson Bluff Road (TMS: 150-00-06-161 / PIN: 38200000023).

Hucks said the applicant proposes to construct a steel structure for storage and protection of equipment, trailers, materials, etc., at the main facility located on Jackson Bluff Rd, zoned LI (Light Industrial). The proposed structure will match the materials and colors of other existing structures located on the same parcel. Currently, the property has approximately 11 “accessory” structures (sheds) located on the same parcel. Per Section 5.2.1 (B) of the UDO (Accessory Structures, #4 – Number), a maximum of three (3) accessory structures are permitted per parcel which has a principal structure (located on the same lot). GSWSA proposes to remove four (4) of these existing accessory structures (sheds). With the addition of the proposed building, this would reduce the overall number of accessory structures from 11 to eight (8). However, because the property already exceeds the maximum number of accessory structures permitted on a single parcel with a principal structure, staff is unable to approve the applicants request.
Hucks said the proposed building is 120’ wide and 60’ deep, totaling approx. 7,200 sq. ft. Should the variance be granted, the applicant will be required to submit engineered drawings for the proposed structure prior to any permits being issued. Any additions to the structure will require additional review. Changes in use of the structure will also require review.

Hucks said staff is currently in the process of drafting a text amendment that would exempt parcels zoned LI, HI, CP and FA from having to comply with some of the requirements listed in Section 5.2.1 (B) regarding Accessory Structures, as this is an issue that has been before this Board in recent months and could be an issue that keeps getting revisited without any amendment to the UDO.

Clemens was asked about there being offices in the structure. She said perhaps in a couple of years. Hucks said offices would require parking and other requirements to be met.

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

B. 1514 Churchill Drive: Venture Engineering, Inc., agent for Thomas & Lynn Fox, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), from Article 6, Section 6.2 – Residential Building Types and Design Standards, Table 6.1: Dimensional Requirements for Residential Zoning Districts, for property located at 1514 Churchill Drive (TMS: 137-01-39-004 / PIN: 33815020007).

Hucks said Mr. & Mrs. Fox submitted plans in March, 2018, for a garage and shed addition to the existing single-family dwelling, located at 1514 Churchill Dr. The home was constructed approximately 30 years ago, before the adoption of the current Unified Development Ordinance (UDO), and does not meet the (current) required setbacks for the zoning district (R-1), which requires a 20-ft front (from Churchill), 20-ft corner front yard (from Forest View Rd), 20-ft rear and 10-ft on the side. The home is considered “legal nonconforming”, however per Section 12.1.2 – Nonconforming uses, General Provisions, “a nonconforming use, structure or site shall not be extended, enlarged, or intensified except in conformity with provisions set forth in this section...”. Section 12.1.2 goes on to say that only “nonconforming uses” may be extended throughout any part of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Article, but no such use shall be extended to occupy any land outside that building. Because the proposed addition has extended to land outside the confines of the existing structure, the “new” addition is subject to current setback requirements. The house is currently 16.7-ft from the rear lot line (at the closest point).

Hucks said upon review of the proposed addition, staff noticed that the plot plan submitted labeled the rear and side setback requirement (opposite Forest View Rd) as only being 7-ft. The proposed addition would result in the home being only 8.6-ft from the rear lot line and 8.9-ft from the side yard lot line. The garage addition is 416 sq. ft. and the shed addition is 96 sq. ft., totaling 512 sq. ft. The existing driveway is also located on the side in which the addition is proposed (right side).
Powell said he was present to speak for Mr. Thomas, also present. He said when the lot was created 30 years ago, the addition of the garage and shed would have met the setbacks in effect at that time. He added that the UDO did not help with older homes.

Hucks said that staff would normally suggest that the addition be placed on the left side of the property, but that a garage already existed on the right side.

Shelley asked Hucks if there had been any feedback from the neighbors. She said they had not received any feedback.

Inabinit made a motion, seconded by Dingle, to grant the requested variance as presented. The vote in favor was unanimous. The motion carried.

C. 1311 Lakeland Drive: The applicant, Jose Guidera, on behalf of Patrick M Guidera ETAL, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), from Article 6, Section 6.1.9 – Side Yard Setbacks for Corner Lots and Section 6.2 – Residential Building Types and Design Standards, Table 6.1: Dimensional Requirements for Residential Zoning Districts, for property located at 1311 Lakeland Drive (TMS: 123-10-22-004 / PIN: 33908040008).

Inabinit recused himself from this agenda item.

Hucks said the applicant submitted plans in March for review, for a single-family structure at the corner of Lakeland Dr. and Sherwood Dr. At the time of original plan submittal, the applicant proposed to construct an approximate 3,000 sq. ft., two-story single-family dwelling, and to permit the rear portion, labeled “future construction” at a later date. Staff was not aware at the time of original permit review whether the portion labeled “future construction” would be an addition to the single-family dwelling or if it was intended to be an attached accessory dwelling unit to the main residence, which requires additional review and conditions to be met.

Hucks said sometime after the permit was issued, the slab was poured for the entire footprint, not just the portion included on the original permit, however the plot plan submitted with those plans showed that the “future construction” would also comply with the required setbacks for the lot. Because it is a corner lot, it is considered to have two (2) front yards, and must meet a 20-ft setback from Lakeland Dr. as well as Sherwood Dr. Subsequently, the applicant received a post-foundation survey, which then showed the rear corner of the portion labeled “future construction”, adjacent to Sherwood Drive, encroaching into the required 20-ft corner front setback by approximately 3.5-ft. Per the post-foundation survey, the home (slab only) is 16.7-ft from the lot line adjacent to Sherwood Dr. The applicant states that the person who laid out the home erred by leaving 15-ft on the side yard (opposite Sherwood Dr.) instead of the required 10-ft setback for side yards, which shifted the home toward Sherwood Dr. and caused the encroachment into the corner front yard setback.

Guidera said he was about 30' into the setback; however, Hucks said it was actually 36+ inches. Shelley asked if the issue was the accessory structure or the setbacks. Hucks said he needed a zoning compliance for the ADU, which also had to meet the setbacks. Hucks added there had been miscommunication with the Building Department.
Hewitt asked Hucks if the site was inspected for the correct setbacks. Hucks said that was done by the Building Department. Hucks said she did not know when the slab was poured. Hewitt asked if the back portion had been started without a building permit. Hucks said that was correct – the front portion was all that staff was able to confirm that had been approved for construction, however, the entire structure would have been approved from a zoning standpoint if submitted all at once because the plot plan showed the entire structure meeting the required setbacks. Hucks added that in addition to the rear portion not being properly permitted, the foundation had been poured incorrectly, thus causing the encroachment.

Shelley asked if the surveyor laid it out wrong. Guidera said it was not the surveyor, but a mistake by the concrete person. Shelley asked if the concrete man did his own staking. Guidera said that was correct. He said the surveyor just did the corners.

Shelley made a motion, seconded by Dingle to grant the requested variance allow a setback of 16.7’ on the side yard (corner front yard), adjacent to Sherwood Dr. The vote in favor was unanimous, with Inabnit having recused himself. 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, Ulrich 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 26th day of July, 2018,

Blake Hewitt, Vice Chairman