

MAYOR
Barbara Jo Blain-Bellamy

MAYOR PRO TEAM
B. Alex Hyman



PLANNING DEPARTMENT

COUNCIL MEMBERS
Amanda Butler
William M. Goldfinch IV
Beth Helms
Justin D. Jordan
Larry A. White

**BOARD OF ZONING APPEALS MEETING
THURSDAY, AUGUST 25, 2022 | 5:30 P.M.
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET (SIDE ENTRANCE)**

I. CALL TO ORDER

II. APPROVAL OF JULY 28, 2022 MINUTES

III. CRITERIA

IV. VARIANCE REQUESTS

- A.** Denise McQueen, owner, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Table 6.1-Dimensional Requirements for Residential Zoning Districts, for the property located on the corner of **Racepath Avenue** and **Thompson Street**. (PIN 368-02-02-0005)
- B.** Garrett Murray, agent, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Table 6.2-Non-Residential Zoning Districts, for the property located on **Millpond Road**. (PIN 338-00-00-0008)
- C.** Jackie Taylor, owner, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Table 5.2.3-Fences & Walls, for the property located at **1304 Ninth Avenue**. (PIN 338-14-02-0063)
- D.** Carl Griffith Jr., owner, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Table 5.2.3-Fences & Walls, for the property located at **1008 Whimbrel Court**. (PIN 383-04-03-0060)
- E.** Thomas Martel, owner, request a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Article 5.2.1-Accessory Structures, for the property located at **706 Sweetbriar Lane**. (PIN 338-12-03-0013)
- F.** Clairette Mathis, owner, request a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Article 5.2.1-Accessory Structures, for the property located at **610 Laurel Street**. (PIN 338-13-03-0041 & 338-13-03-0033)

V. ADJOURN

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, JULY 28, 2022
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET**

Present: Sandra James, James Shelley, Charles Byrd, Lesley Hill
Absent: Paul Lawson, Jay Sellers, Catherine Dingle
Staff: Kym Wilkerson, Zoning Administrator; Katie Dennis, Planning Concierge
Others: Simona Neacsu, Ioan Purcarea, Ana Purcarea, Harold Snyder, Monica Snyder, Kayla Smith, Lydia Anderson, Denise Ford

I. CALL TO ORDER

Vice Chairman Byrd called the meeting to order at approximately 5:36 p.m.

II. APPROVAL OF MINUTES

Shelley made a motion, seconded by Hill to approve the June 23, 2022 minutes as written. The vote in favor was unanimous and the motion carried.

Byrd swore in the applicants and staff.

III. CRITERIA

Sellers read the following four criteria required to be met in order for the Board to grant a variance:

Extraordinary conditions: There are extraordinary and exceptional conditions pertaining to the particular piece of property;

Other Property: The extraordinary and exceptional conditions do not generally apply to other property in the vicinity;

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;

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.

IV. VARIANCE REQUESTS

- A. *Previously deferred*.....Ana Purcarea, owner, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Section 5.2.1-Accessory Structures, for the property located at **2501 Berleze Court**. (PIN 368-01-04-0078)

Wilkerson stated that the parcel is zoned R-1 (Low/Medium Density Residential) and is located within the Rosehaven subdivision. The applicant has three (3) existing Accessory Structures that were not permitted, two (2) of which do not meet the City of Conway’s Unified Development Ordinance (UDO) requirements. There is a 10-ft x 12-ft “unpermitted” Greenhouse and a 8.5-ft x 10.5-ft “unpermitted” Storage Shed that both require variances to remain in their current locations.

There is also an “unpermitted” Gazebo (garden structure) that requires a permit only.

The applicant is requesting a variance on the setback requirements for the Existing Greenhouse and Existing Storage Shed.

Per Section 5.2.1-Accessory Structures of the City of Conway’s Unified Development Ordinance (UDO), Setbacks: Shall be located a minimum of five (5) feet from all property lines. Exempting garden structures, accessory structures shall be a minimum of five (5) feet from other accessory structures, and the principal structure.

The request was Tabled at the June 23rd meeting to allow the applicant a chance to provide approval from the HOA, time to apply for permits on all unpermitted structures and to obtain a translator to ensure the applicant understands the final decision from the board.

The applicant is seeking a variance from: Section 5.2.1-Accessory Structures (A-2): To allow for a 2.5-ft separation between structures and a 2-ft setback from the property line.

The applicant cites the following reasons for which a variance should be granted: 1) The 10x12 Greenhouse is for hobby and the 8x10 Shed is for storage. 2) Both structures are universal & not particular to my piece of property. 3) The strict application of the Zoning Ordinance would not prohibit or unreasonable restrict the use of my property because there is no interference. 4) Granting the variance would not harm adjacent property, the character of the area or the public good. 5) This is not to increase profitability; the greenhouse is portable and the shed is not attached to the home.

Staff recommends that the BZA conduct a thorough review of the request and determine if a legal hardship exists and if the best interests of the City of Conway would be served by granting the request.

Claudia & Ana Purcarea, owners were present and further explained the request. Simona Neacsu translated for the Purcarea’s.

Hill made a motion to approve the variance as requested with the condition to get HOA approval. James seconded the motion and the motion carried with Shelley voting no.

- B.** Lydia D. Anderson, agent, requests a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO)*, Section 8.2.12, Table 8.3-Parking Requirements, for the property located at **1520 Racepath Avenue**. (PIN 368-03-02-0122)

Wilkerson stated that the applicant applied for and received a “use” variance on March 24, 2022 to allow a Child Day Care Facility to re-establish at 1520 Racepath Avenue, zoned R2. The variance was granted with the condition that the site come into compliance with the current regulations of the City of Conway’s Unified Development Ordinance (UDO). Also, the applicant was made aware that the church fencing and playground equipment encroaches onto the adjacent parcel. Prior to a business license being approved, all encroachments must be removed from PIN# 368-03-02-0132.

Per Section 5.1.7-Day Care Facilities of the UDO, Parking Requirements: Parking requirements for day care facilities can be found in Article 8, Table 8.3.

Table 8.3 list the minimum parking required for a Day Care Center as 1 space per 500 sq. ft. of gross floor area. The Horry County Assessor’s website notes the structure to be 4,482 sq. ft.; therefore, nine (9) parks would be required, one of which must be ADA.

Based on the GIS map, there is currently space for approximately two (2) onsite parks. There is additional parking available in the ROW and on the churches adjacent parcel. Per Section 8.2.8-Off-Premises Parking of the UDO, a minimum of 75% of all required parking spaces must be located on the premises for which the use is located.

The applicant is seeking a variance from: Section 8.2.12-Parking Requirements for Specific Uses: To allow for two (2) parks instead of the nine (9) parks required for a Day Care Center.

The applicant cites the following reasons for which a variance should be granted: 1) As of now it’s only four parking spaces. 2) The property belongs to the daycare. 3) The new ordinance would require many parking spaces and I can’t meet the requirement. 4) It would not harm the public good. 5) The last two daycares used the same parking and it didn’t cause any problems. It would cause me hardship if I didn’t get the variance.

Staff recommends that the BZA conduct a thorough review of the request and determine if a legal hardship exists and if the best interests of the City of Conway would be served by granting the request.

Lydia Anderson, agent was present and further explained the request

James made a motion to grant the variance as requested. Dingle seconded the motion and the motion carried unanimously.

- C. Harold Ralph Snyder, owner, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Section 5.2.3-Fences & Walls, for the property located at **1801 Wood Stork Drive**. (PIN 384-01-03-0053)

Wilkerson stated that the parcel is located in Wild Wing Plantation and is zoned Planned Development (PD). There is an existing 20-ft Public Drainage Easement that straddles the northern property line per plat book 231-264.

The applicant applied for a Seawall/Bulkhead permit on March 7, 2022 with a site plan illustrating the bulkhead outside of the public drainage easement, meeting the requirements of the UDO. The permit was issued on March 22, 2022. The applicant has since requested a variance to encroach into the public drainage easement because of ongoing erosion of the backyard as well as safety concerns.

Per Section 5.2.3-Fences & Walls of the UDO, Fences and/or Walls of any construction shall not be permitted to be installed within any public drainage easements owned and maintained by the City of Conway.

Brandon Harrelson, Public Works Director, has spoken with the applicant and visited the site. Brandon has sent an email for the board stating “Allowing the homeowners to install the bulkhead located at 1801 Wood Stork Dr. would assist the Public Works Dept. in helping with erosion control. While the City does not maintain the pond, we do maintain the outfall area. This area is prone to erosion issues and requires the department to address frequently. I fully support the installation of the bulkhead within the easement.”

The applicant is seeking a variance from: Section 5.2.3-Fences & Walls: To allow for the construction of a bulkhead within the Public Drainage Easement.

The applicant cites the following reasons for which a variance should be granted: 1) The land is eroding into the lake presenting an increased hazard. The land is situated at the end of the lake and the normal current, lapping of water from the wind, and boat wake are causing the sandy under-soil to erode. It is estimated the yard has decreased 6-8 inches in the past year alone. The erosion is also causing an ever steepening of the bank which makes it increasingly dangerous in maintaining the grass. During a recent cutting of the grass with a gas mower, the owner slipped on the slope & fell. His foot nearly went into the running mower which would have been catastrophic. 2) The neighboring property is only affected to the extent we share the drain pipe; construction will not affect their property. I can only speculate others have erosion issues. This request is not directed at the erosion in general as we have been approved to install a bulkhead. This request is specifically to address the extension of the bulkhead/return to the edge of the drainage pipe. If approved, the erosion and safety issues will be resolved; if not approved the 10-ft drainage easement will leave 10-ft to the same erosion and safety concerns. To further clarify, in granting this easement, there will be no cost to the city as we will bear all costs. 3) The strict application of the Zoning Ordinance will unreasonable restrict the use of the property. We will still have access but the continued erosion and safety concerns will only worsen over time. The back of the property is approximately 55-ft across and without this variance, 10-ft or roughly 18% will become unusable. 4) The granting of the variance will in no way harm adjacent property. The pipe is situated on the property line and the continuation of the bulkhead/return to near the line/pipe will provide a uniform appearance as well as the functionality of the property. The pipe

7/28/22

is approximately 2-ft below the water surface and extends approximately 13-ft into the water beyond the bulkhead/return. 5) We looked long and hard to find our perfect retirement home. We love and participate in all that Wild Wing and Conway have to offer and have no desire to move. That is why we are investing in our property so we will have many years to safely enjoy our surroundings. We take great pride in our home but we are not getting any younger and would like to ensure our future safety and security.

Staff recommends that the BZA conduct a thorough review of the request and determine if a legal hardship exists and if the best interests of the City of Conway would be served by granting the request.

Harold and Monica Snyder, owners were present and further explained the request.

Shelley made a motion to grant the variance as requested. Hill seconded the motion and the motion carried unanimously.

V. ADJOURN

There being no further business to come before the Board, a motion was made and seconded to adjourn the meeting. The vote in favor was unanimous. The motion carried and the meeting was adjourned at 6:15 p.m.

Approved and signed this _____ day of _____, 2022.

Paul Lawson, Chairman

DATE: August 25, 2022

AGENDA ITEM: IV.A

ISSUE:

Denise McQueen, owner, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Table 6.1-Dimensional Requirements for Residential Zoning Districts, for the property located on the corner of **Racepath Avenue** and **Thompson Street**. (PIN 368-02-02-0005)

BACKGROUND:

The parcel is an existing lot of record per Plat Book 43, Page 76. The applicant proposes to build a single-family residence on the parcel, located on the corner of Racepath Avenue and Thompson Street.

The parcel is zoned R-1 (Low/Medium Density Residential) and must meet the setback requirements of Table 6.1 which are 20-ft front, 20-ft rear, 10-ft side and 20-ft corner side.

The applicant is seeking a variance from:

- **Section 6.2, Table 6.1 – Dimensional Requirements for Residential Zoning Districts:**
The applicant requests a variance of 8-ft from the Corner Side Setback requirement.

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

1. The parcel is narrow for a single-family home.
2. I wish to build on family land and not sell for profit.

CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO) & ANALYSIS

In *Section 14.2.1* of the *UDO*, the duties and powers of the Board of Zoning Appeals reflect *Section 6-29-800* of the South Carolina Code of Laws.

According to *Section 14.1035*, the Board of Zoning Appeals duties are “to hear and decide appeals for variances in specific cases when a strict application of the zoning ordinance would cause an unnecessary hardship, and approval of such variance would not be contrary to public interest or undermine the spirit of the zoning ordinance. The fact that property may be used more profitably if a variance is granted is not grounds for a variance. The Board may attach conditions to a variance that address location, character, or other features of a proposed building, structure, or use, in order to protect the established property values in the surrounding area or to promote the public health, safety, or general welfare of the community. The Board may grant a variance for an unnecessary hardship if it makes and explains in writing all of the following findings.

Variance: Racepath Avenue & Thompson Street

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.

RECOMMENDATION:

Staff recommends that the BZA conduct a thorough review of the request and determine if a legal hardship exists and if the best interests of the City of Conway would be served by granting the request.



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only
Received: *[Signature]* 7/7
BS&A #: 122-0144

City of Conway Planning Department Phone: (843) 488-9888
196 Laurel Street, 29526 Conway, South Carolina

www.cityofconway.com

Property Address: Thompson/Racepath		Meeting date: 8.25.22	Pin #: 368-02-02-0005
Property Owner: McQueen Denise Etal (Shawn)		Daytime phone: 804.898.9735	
Agent: <i>Denise McQueen</i>		Daytime phone: <i>Same</i>	
Agent's mailing address: <i>8500 Ashfield Hills Terrace, Richmond, VA.</i>			
City: <i>Conway</i>		State: <i>SC</i>	Zip Code: <i>29527</i>
Agent's e-mail address:			
Zoning District: R-1			

Requested Action:

- I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **Please continue to the following section.**
- I am requesting an administrative **appeal** of the action or decision of the Zoning Administrator, which I believe to be contrary to the meaning of the Conway Unified Development Ordinance (UDO). **Please continue to page three.**

VARIANCE REQUESTS:

Please demonstrate how you satisfy the following **CRITERIA FOR VARIANCE** (see §14.2.1 of the Conway Unified Development Ordinance).

Please describe your proposal in detail:

would like to build a home on land left to me from my family. The home is designed and meets the variance on multiple sides with the exception of the west side of Thompson Street.

This proposal does not conform to the Unified Development Ordinance in the following way:

UDO Section and Requirement:	Proposed Instead:
1. <i>Table 6.1 R1 setbacks</i>	
2.	
3.	
4.	

Application Requirements:

- Completed BZA application
- A filing fee of one hundred dollars (\$100.00)
- A completed application including required signatures. Incomplete applications will not be processed.
- A digital site plan drawn illustrating all property lines, existing structures, proposed structures and any other relevant site information can be emailed to kwilkerson@cityofconway.com or abessant@cityofconway.com



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only
Received: _____
BS&A #: _____

1. Describe the extraordinary conditions pertaining to your particular piece of property:

I currently own property at the corner of Racepath and Thompson Street that's a little narrow and I want to build and meet the set back requirements or get approval for a variance.

2. Are the conditions described above particular to your piece of property? Explain.

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.

NO

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:

NO

and; "Is the variance request initiated because of hardship and **not** to increase the profitability of the property?"

Correct, I only want to build and NOT sell.

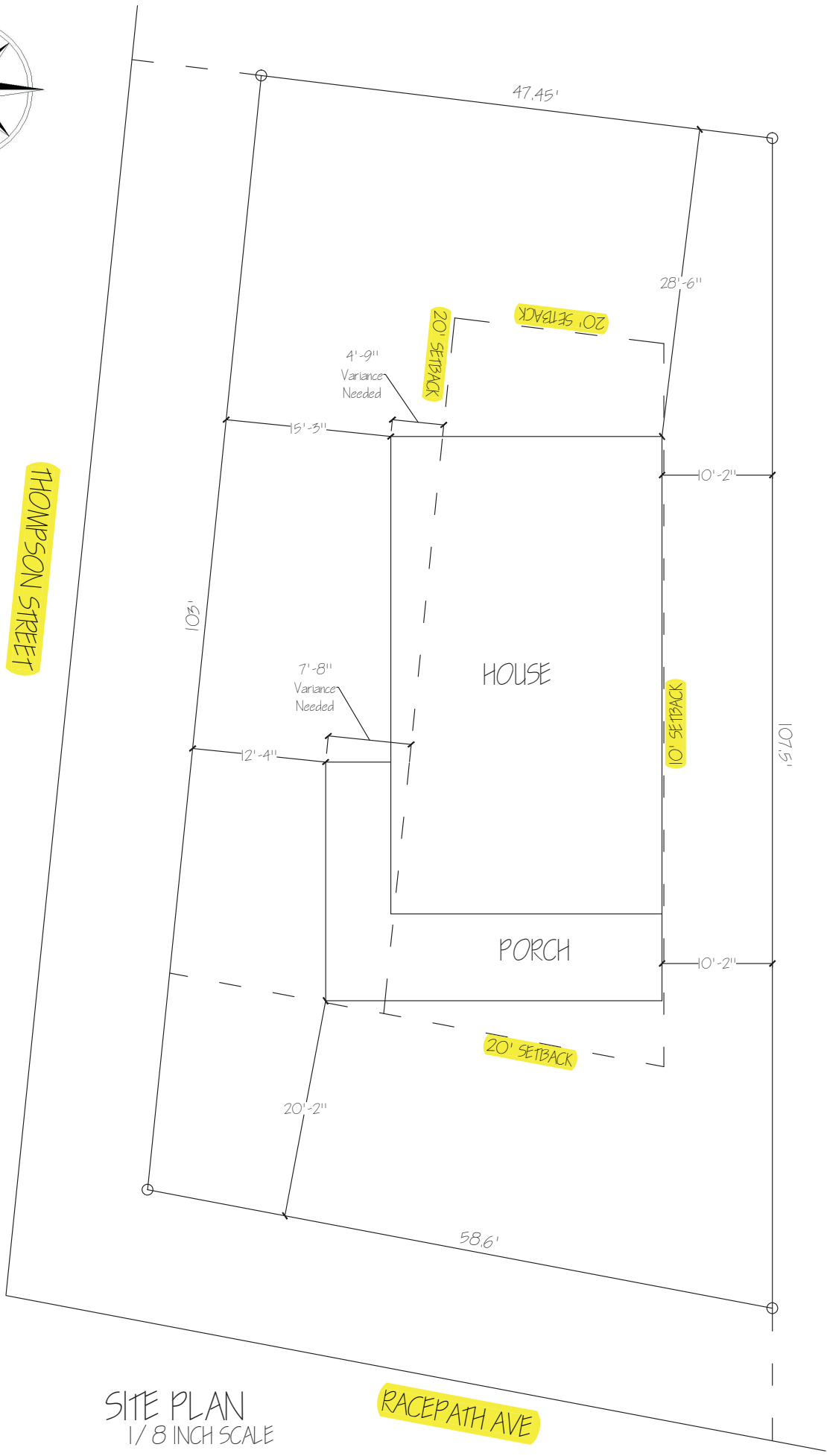
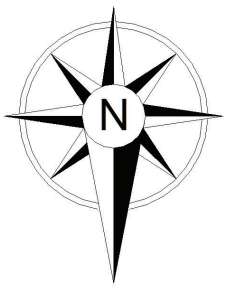
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be inspected, and that all required material will be submitted to the City of Conway Planning Department no later than thirty (30) days prior to the meeting date. Board of Zoning Appeals meets the fourth Thursday of each month at 5:30 P.M. at the Public Safety Facility, 1600 Ninth Ave. (unless otherwise posted).

I understand that it is my responsibility to obtain all necessary approvals from other city departments.

A REPRESENTATIVE MUST BE PRESENT AT THE MEETING TO HAVE YOUR REQUEST HEARD.

Applicant's Signature: Denise McQueen Date: 7/1/2022

Print name legibly: DENISE McQUEEN



THOMPSON STREET

20' SETBACK

20' SETBACK

4'-9"
Variance
Needed

15'-3"

10'-2"

103'

7'-8"
Variance
Needed

12'-4"

HOUSE

10' SETBACK

107.5'

PORCH

10'-2"

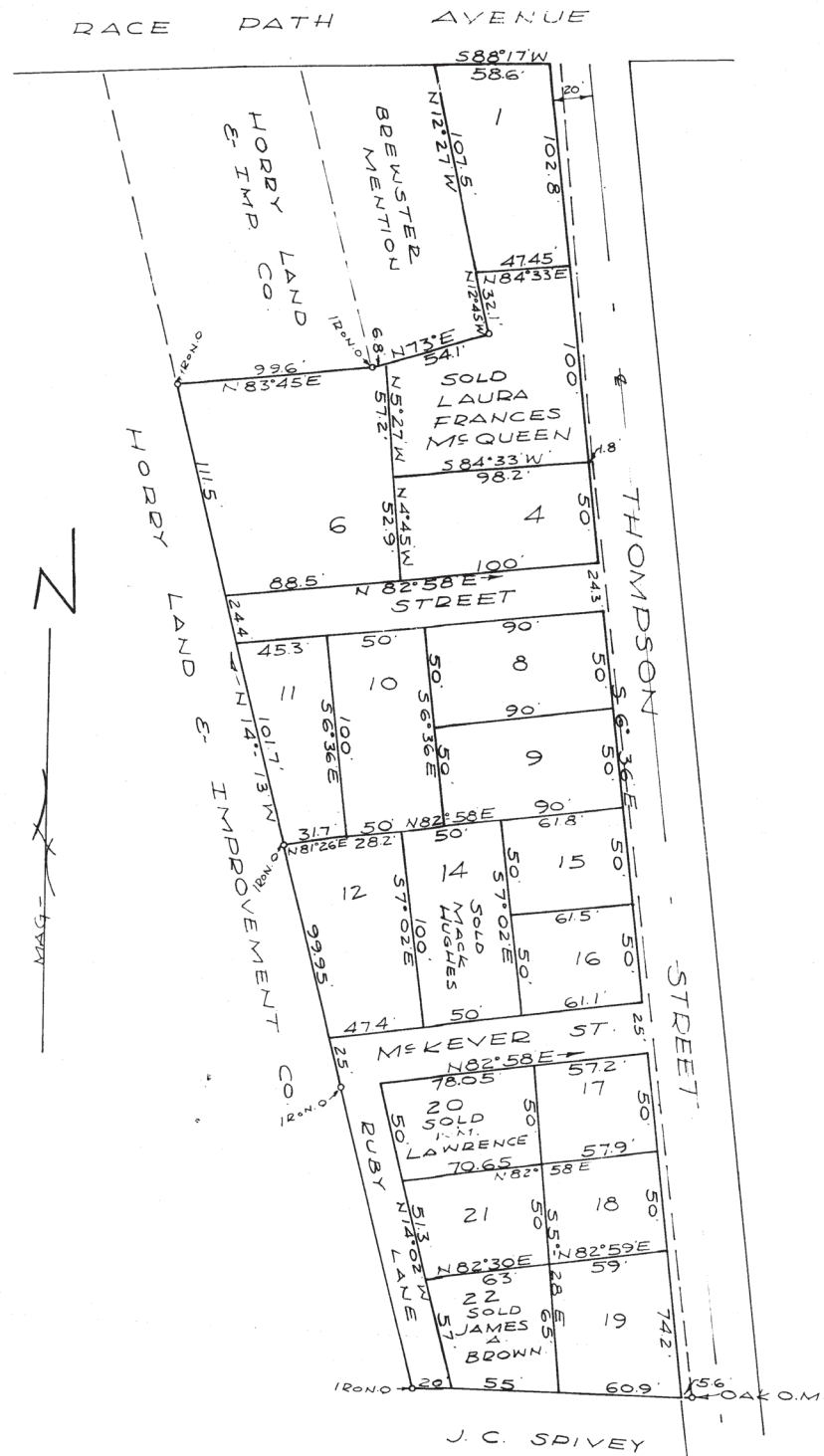
20' SETBACK

20'-2"

58.6'

RACEPATH AVE

SITE PLAN
1/8 INCH SCALE



MAP
 OF
 "THOMPSON TOWN SUBDIVISION"
 PROPERTY OF
 MRS. L. A. WEST
 IN CITY OF CONWAY, HORRY
 COUNTY, S.C.
 SURVEYS JAN 22, 1963
 MAY 27, 1964 SCALE 1"=50'
 J. F. THOMAS, R.L.S.

DATE: August 25, 2022

AGENDA ITEM: IV.B

ISSUE:

Garrett Murray, agent, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Table 6.2-Non-Residential Zoning Districts, for the property located on **Millpond Road**. (PIN 338-00-00-0008)

BACKGROUND:

The parcel, originally 39.45 acres, was rezoned on June 20, 2022 from Low-Medium Density Residential (R-1) to Conservation Preservation (CP) to allow for a Gymnasium use.

A minor plat was submitted and approved on August 15, 2022 to subdivide 11.76 acres from the parent parcel for the development of Thomas Gymnastics.

The setback requirements per Table 6.2 for the CP zoning district are 100-ft front, 100-ft rear and 100-ft sides.

The applicant is seeking a variance from:

- **Section 6.3, Table 6.2 – Non-Residential Zoning Districts:**

The applicant requests a variance on the setback requirements for the CP zoning district to align with setbacks for the Highway Commercial (HC) zoning district of 30-ft front, 20-ft rear and 15-ft sides.

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

1. The property behind ours is all wetlands and not buildable. The shape of our property is unique with a large drainage easement and wetlands that splits part of our property. There is also nothing but wetlands behind our property and is unbuildable.
2. The conditions from #1 and the variance requested will only affect our property.
3. Under current setback requirements for CP, with the layout of our property lines, it would be hard for any business to build on this property. Due to equipment requirements for gymnastics events with the recommended space around the events for safety, we are needing to ask for a variance on the setback requirements to be the same as HC zoning. The HC setbacks will allow us to build the appropriate facility without disturbing properties around us due to the unbuildable wetlands behind us.
4. We are bringing a very well known and respected business to Conway that will be positive for the community and families within Conway. Granting this variance will not harm any adjacent properties as there is nothing but wetlands behind us and a big utilities easement immediately beside us deeming that piece of property as unbuildable as well.

5. The variance is initiated because of a hardship because under the current setback requirements and due to the wetlands and shape of the property, it would be hard for any business to build on this property. We would like to build a facility that provides a fun and safe environment for the kids and families of Conway.

CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO) & ANALYSIS

In *Section 14.2.1* of the *UDO*, the duties and powers of the Board of Zoning Appeals reflect *Section 6-29-800* of the South Carolina Code of Laws.

According to *Section 14.1035*, the Board of Zoning Appeals duties are “to hear and decide appeals for variances in specific cases when a strict application of the zoning ordinance would cause an unnecessary hardship, and approval of such variance would not be contrary to public interest or undermine the spirit of the zoning ordinance. The fact that property may be used more profitably if a variance is granted is not grounds for a variance. The Board may attach conditions to a variance that address location, character, or other features of a proposed building, structure, or use, in order to protect the established property values in the surrounding area or to promote the public health, safety, or general welfare of the community. The Board may grant a variance for an unnecessary hardship if it makes and explains 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.

RECOMMENDATION:

Staff recommends that the BZA conduct a thorough review of the request and determine if a legal hardship exists and if the best interests of the City of Conway would be served by granting the request.



City of Conway Board of Zoning Appeals

VARIANCE/ APPEAL REQUEST

Staff Use Only
Received: _____
BS&A #: _____

City of Conway Planning Department
196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Property Address: Mill Pond Rd.	Meeting date:	Pin #: 33800000008
Property Owner: Jenkins Properties of Conway II LLC	Daytime phone: 803-230-4024	
Agent: Garrett Murray	Daytime phone: 803-230-4024	
Agent's mailing address: 112 Surgeons Dr.		
City: Myrtle Beach	State: SC	Zip Code: 29579
Agent's e-mail address: garrett@thomasgymnastics.com		
Zoning District: Conservation Preservation		

Requested Action:

- I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **Please continue to the following section.**
- I am requesting an administrative **appeal** of the action or decision of the Zoning Administrator, which I believe to be contrary to the meaning of the *Conway Unified Development Ordinance (UDO)*. **Please continue to page three.**

VARIANCE REQUESTS:

Please demonstrate how you satisfy the following **CRITERIA FOR VARIANCE** (see §14.2.1 of the *Conway Unified Development Ordinance*).

Please describe your proposal in detail:
We are requesting to get a variance on the required set backs that the Conservation Preservation zoning requires.
We are requesting to be able to follow Highway Commercial set back requirements due to the uniqueness of our property.

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1. 100' setbacks on all sides of the property	HC setback requirements (Front: 30', Back: 20', and Sides: 15')
2.	
3.	
4.	

Application Requirements:
<input checked="" type="checkbox"/> Completed BZA application
<input checked="" type="checkbox"/> A filing fee of one hundred dollars (\$100.00)
<input checked="" type="checkbox"/> A completed application including required signatures. Incomplete applications will not be processed.
<input checked="" type="checkbox"/> A digital site plan drawn illustrating all property lines, existing structures, proposed structures and any other relevant site information can be emailed to kwilkerson@cityofconway.com or abessant@cityofconway.com



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only
Received:
BS&A #:

1. Describe the extraordinary conditions pertaining to your particular piece of property:
The property behind ours is all wetlands and not buildable. The shape of our property is unique with a large drainage easement and wetlands that splits part of the property. There are also nothing but wetlands behind our property and is unbuildable.

2. Are the conditions described above particular to your piece of property? Explain.
Yes, the conditions above and the variance requested will only affect our property

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.

Under the current setback requirements for CP, with the layout of our property lines it would be hard for any business to build on this property. Due to equipment requirements for gymnastics events with the recommended space around the events for safety we are needing to ask for a variance on the setback requirements to be the same as HC zoning. The HC setbacks will allow us to build the appropriate facility without disturbing properties around us due to the unbuildable wetlands behind us.

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:

We are bringing a very well known and respected business to Conway that will be positive for the community and families within Conway. Granting this variance will not harm any adjoining properties as there is nothing but wetlands behind us and a big utilities easement immediately beside us deeming that piece of property as unbuildable as well.

and; "Is the variance request initiated because of hardship and not to increase the profitability of the property?"

Yes because under the current setback requirements and due to the wetlands and shape of the property, it would be hard for any business to build on this property. We would like to build a facility that provides a fun and safe environment for the kids and families of Conway.

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be inspected, and that all required material will be submitted to the City of Conway Planning Department no later than thirty (30) days prior to the meeting date. Board of Zoning Appeals meets the fourth Thursday of each month at 5:30 P.M. at the Public Safety Facility, 1600 Ninth Ave. (unless otherwise posted). I understand that it is my responsibility to obtain all necessary approvals from other city departments.

A REPRESENTATIVE MUST BE PRESENT AT THE MEETING TO HAVE YOUR REQUEST HEARD.

Applicant's Signature: [Signature] Date: 7/12/2022

Print name legibly: Garrett Murray



N/F
**JENKINS PROPERTIES
 OF CONWAY II LLC**
 TAX# 122-00-05-027
 PIN# 338-00-00-0008
 TOTAL AREA
 1,718,054 SQ. FT.
 39.44 ACRES
 REMAINING AREA
 1,205,820 SQ. FT.
 27.68 ACRES

N/F
**THE ROCK CONWAYS
 COMMUNITY CHURCH**
 TAX# 122-16-01-011

VICINITY MAP - NTS
 THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR PERSONS SHOWN IN THE TITLE BLOCK AND THIS DOESN'T MAKE ANY CERTIFICATION TO ANY UNNAMED PARTIES WITHOUT A REVISION AND UPDATE TO THE CERTIFICATION WITH THE CLIENT'S AUTHORIZATION. ADDITIONAL FEES.

- LEGEND**
- 1/8" = IRON REBAR FOUND
 - 1/4" = IRON PIPE FOUND
 - 1/2" = IRON REBAR SET
 - PP = POWER POLE
 - LP = LIGHT POLE
 - TR = TRANSFORMER BOX
 - OR = ORIGINATING
 - TE = TELEPHONE PE
 - CB = CABLE TV
 - WH = WATER HEADER
 - WS = WATER SERVICE
 - WV = WATER VALVE
 - FW = FIRE WTB
 - FW = FIRE WTB
 - SW = SEWER HANDLE
 - SC = SEWER CLEAN-OUT
 - SS = SEWER SERVICE
 - ST = STORM HANDLE
 - DB = DATCH BASIN
 - FR = FENCE
 - OP = OVERHEAD POWER

N/F
**JOHN QUINCY HARRISON TR
 ETAL**
 TAX# 122-00-05-102

**NEW AREA
 512,234 SQ. FT.
 11.76 ACRES**

N/F
**EDDIE THOMAS HARRISON III
 ETAL**
 TAX# 136-00-01-050

NOTES

1. DATE OF FIELD WORK: JULY 2022
2. LOT APPEARS TO BE LOCATED IN FLOOD ZONE X & ZONE X-500 & AE 15 AS SHOWN ON FLOOD MAP 450510057K, DATED DECEMBER 16, 2021 AND IS SUBJECT TO VERIFICATION.
3. SUBJECT TO ANY TITLE REPORT DISCLOSURE-NOT SUPPLIED.
4. TMS: 122-00-05-027
 PIN: 338-00-00-0008

SURVEY	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
1	137.50'	128.14'	177.50'	S 10°22'36" W	109°02'29"

REFERENCES

DEED BOOK 3216, PAGE 1244
 PLAT BOOK 220, PAGE 242
 PLAT BOOK 278, PAGE 43

CERTIFICATE OF OWNERSHIP AND DEDICATION

THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS (PLAN OF DEVELOPMENT/PLAT) WITH MY (OUR) FREE CONSENT AND THAT I (WE) HEREBY DEDICATE ALL ITEMS AS SPECIFICALLY SHOWN ON INDICATED ON SAID PLAT.
 (NAME) JENKINS PROPERTIES OF CONWAY II LLC (SIGNED) William Harrison III (DATE) 8/19/22
 REPRESENTATIVE

LINE	BEARING	DISTANCE
L1	N 89°00'06" E	132.30'
L2	N 89°00'06" E	132.30'
L3	N 89°00'06" E	132.30'
L4	N 89°00'06" E	132.30'
L5	N 89°00'06" E	132.30'
L6	N 89°00'06" E	132.30'
L7	N 89°00'06" E	132.30'
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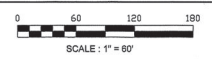
SUBDIVISION SURVEY

PREPARED FOR
THOMAS GYMNASTICS
 OF PIN# 338-00-00-0008 LOCATED IN CITY OF CONWAY
 HORRY COUNTY, SOUTH CAROLINA
 AUGUST 8, 2022

NO.	DATE	REVISION	BY
1	8-8-2022	UPDATE	BRD

SHEET

1 OF 1



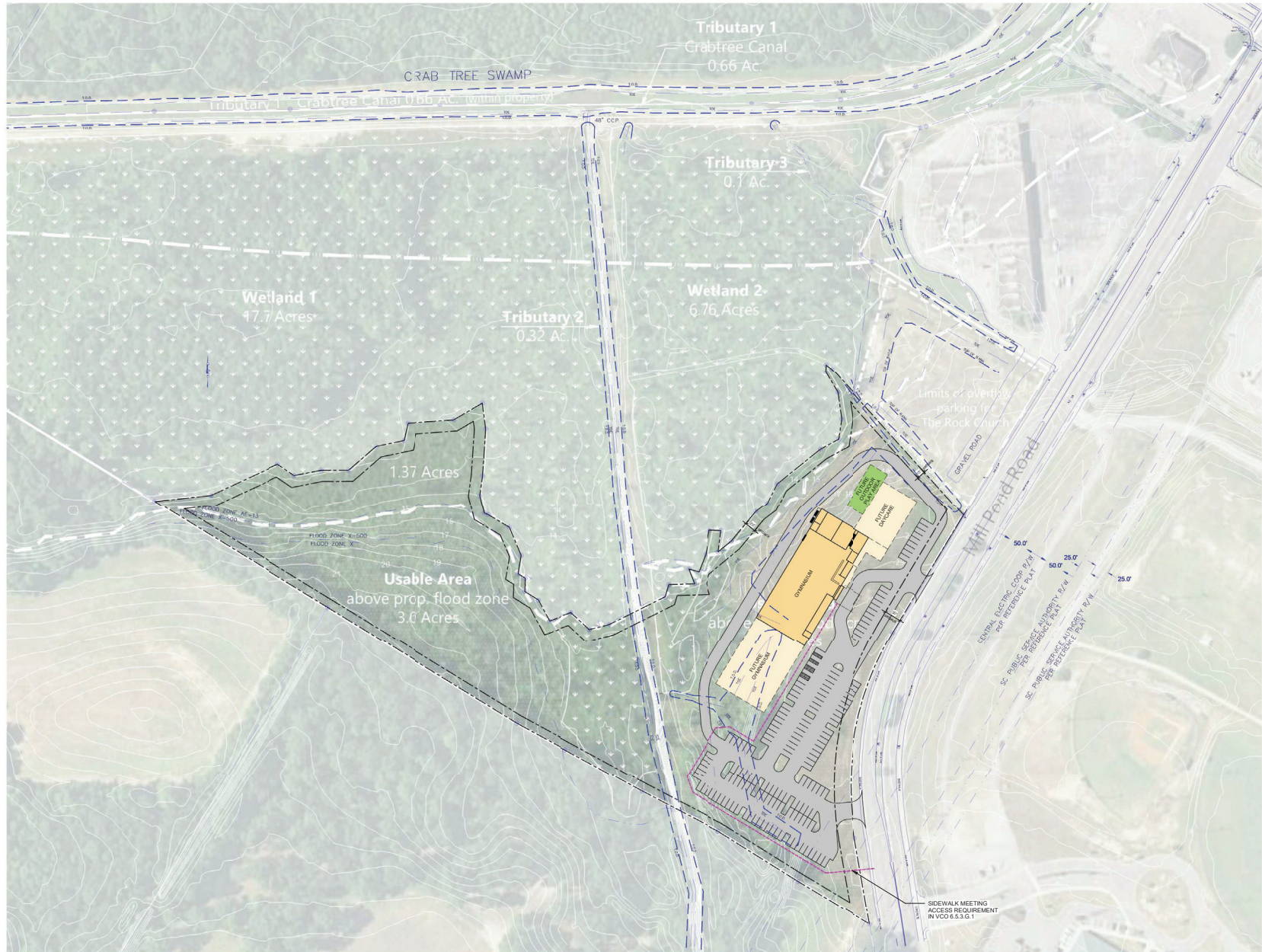
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS OF A CLASS B SURVEY AS THAT ALL NECESSARY MARKERS HAVE BEEN INSTALLED AND THERE ARE NO REVISIONS OTHER THAN SHOWN HEREON.

F. WILLIAM FAIREY IV, P.L.S. #27446



SURVEYED AND MAPPED BY
 SPARTINA LAND SURVEYING
 802 MAIN STREET, CONWAY, SC 29628
 PHONE: 843-340-0285 / OFFICE 843-488-1040
 AJS JENKINS 2022 SUB USE.DWG JOB# 2614-22242

APPROVED FOR RECORDING
 [Signature] 8/15/22





**Wetland Assessment of
Jenkins - Mill Pond Road Property**

Conway Township,
Horry County, South Carolina
Tax Map Number 122-00-05-027

Area Summary:	
Wetland	24.46
Waters/Tributary	1.18
Critical Area Wetlands/Section 10	0.00
Uplands	15.56
Total	41.2

- Notes**
1. Potential wetland/non-wetland areas depicted here on have not been verified by the US Army Corps of Engineers. Areas depicted as wetlands were identified using the 1987 Wetland Delineation Manual in conjunction with the Atlantic and Gulf Coastal Plain Region Supplement. Prior to any land disturbing activities, a final jurisdictional determination should be obtained from the US Army Corps of Engineers.
 2. Boundary information taken from Horry County GIS/Tax Parcel information.
 3. Onsite inspection was conducted on 3-09-12.

Legend

Line Legend	
Boundary (surveyed)	
Boundary (not surveyed)	
Proposed FEMA Floodzone	
Current FEMA Floodzone	
Tributary	
Non-Aquatic Feature	
Dirt Road	
Bulkhead	

Hatch Legend

Wetland	
Usable Area Above Proposed Floodzone	
Critical Area/Section 10	

Symbol Legend

Data Point	
Photo Point	
Property Corner	

Prepared For	Jenkins Properties
Job #	00851-11039
Date	3-28-17



the
BRIGMAN
COMPANY

wetland consulting - forest management - land surveying

P.O. Box 1532 - Conway, SC 29528 - p(843) 248-9388 f(843) 248-9596

DATE: August 25, 2022

AGENDA ITEM: IV.C

ISSUE:

Jackie Taylor, owner, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Table 5.2.3-Fences & Walls, for the property located at **1304 Ninth Avenue**. (PIN 338-14-02-0063)

BACKGROUND:

The applicant applied for and received a fence permit September 23, 2021. The permit was for a privacy fence along the parcels double front at Tenth Avenue.

Per Section 5.2.3-Fences & Walls of the UDO, corner front yards have a 6-ft maximum height requirement. This requirement was printed on the Zoning Compliance that was signed by the applicant. An offset inspection was done to verify the placement of the fence; however, final inspections are very rarely done because the fence company nor applicants request final inspections once the fence is erected.

Staff recently received a complaint on the fence height and upon site inspection found the fence to be approximately 7.5-ft in height. The applicant was notified by email that the fence height is in violation of the City of Conway's Unified Development Ordinance (UDO) and that it must be adjusted to meet the requirements of the ordinance. The applicant chose to submit a variance application for the fence height.

The applicant is seeking a variance from:

- **Section 5.2.3 – Fences & Walls:**

The applicant requests a variance on the height of the existing corner front yard fence from 6-ft to 7.5-ft.

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

1. This property is unusual in two ways. First and unlike the surrounding properties, it is large and L-shaped rather than rectangular. Second, and as a result of its L-shape, it has three sides that either completely or partially abut streets. It is thus deemed a “corner lot” even though a layperson would likely deem one end to obviously be the “rear” and the corner portion to be a “side”.
2. The shape of the property is unique when compared to the surrounding properties.
3. The maximum fence permitted by the UDO is important to protect my family's privacy. This area is on the edge of the Historic District and the more commercial area of Highway 501. Some of the streets are heavily trafficked, both by vehicles and with foot traffic. There are multi-story apartment complexes on Pine Street. I built the fence for the purpose of obstructing views into by backyard from vehicle traffic, foot traffic and from the apartments. I am a single mother and

my elderly mother lives with my young daughter and I in this house. We spend a great deal of time in the backyard and recently installed a pool. A 6-ft fence would admittedly provide a good deal of privacy, but we would prefer the maximum privacy permitted under the UDO. I believe this request is faithful to the UDO given that this lot is not shaped like a usual lot and that a layman would understand the fence to be located in the “rear” lot; I believe that same reasoning led the city to grant me a permit for my pool, which the UDO requires be located in the rear. The fence is on the same side as the pool.

4. I do not believe there will be any harm to adjacent property. The fence does not extend to the “corner” portion of the lot.
5. The variance is requested to protect our privacy and, in an effort, to avoid the expense of modifying the fence. It is not an effort to increase the property’s profitability.

CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO) & ANALYSIS

In *Section 14.2.1* of the *UDO*, the duties and powers of the Board of Zoning Appeals reflect *Section 6-29-800* of the South Carolina Code of Laws.

According to *Section 14.1035*, the Board of Zoning Appeals duties are “to hear and decide appeals for variances in specific cases when a strict application of the zoning ordinance would cause an unnecessary hardship, and approval of such variance would not be contrary to public interest or undermine the spirit of the zoning ordinance. The fact that property may be used more profitably if a variance is granted is not grounds for a variance. The Board may attach conditions to a variance that address location, character, or other features of a proposed building, structure, or use, in order to protect the established property values in the surrounding area or to promote the public health, safety, or general welfare of the community. The Board may grant a variance for an unnecessary hardship if it makes and explains 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.

RECOMMENDATION:

Staff recommends that the BZA conduct a thorough review of the request and determine if a legal hardship exists and if the best interests of the City of Conway would be served by granting the request.



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only
Received: 7/25
BS&A #: P22-0158

City of Conway Planning Department
196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Property Address: 1304 9th Ave	Meeting date:	Pin #: 33814020063
Property Owner: Patricia and Jackie Taylor	Daytime phone: 843-421-0228	
Agent: Jackie Taylor	Daytime phone:	
Agent's mailing address: 1304 9th Ave		
City: Conway	State: SC	Zip Code: 29526
Agent's e-mail address: jackie@bhhsmyrtlebeach.com		
Zoning District: Historic District		

Requested Action:

- I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **Please continue to the following section.**
- I am requesting an administrative **appeal** of the action or decision of the Zoning Administrator, which I believe to be contrary to the meaning of the *Conway Unified Development Ordinance (UDO)*. **Please continue to page three.**

VARIANCE REQUESTS:

Please demonstrate how you satisfy the following **CRITERIA FOR VARIANCE** (see §14.2.1 of the *Conway Unified Development Ordinance*).

Please describe your proposal in detail:
Applicant requests a variance to maintain the 8ft; fence presently on property.

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1. Section 5.2.3C — Fences and Walls. Corner L	8ft fence instead of 6ft in rear of corner lot
2.	
3.	
4.	

Application Requirements:
<input checked="" type="checkbox"/> Completed BZA application
<input checked="" type="checkbox"/> A filing fee of one hundred dollars (\$100.00)
<input checked="" type="checkbox"/> A completed application including required signatures. Incomplete applications will not be processed.
<input checked="" type="checkbox"/> A digital site plan drawn illustrating all property lines, existing structures, proposed structures and any other relevant site information can be emailed to kwilkerson@cityofconway.com or abessant@cityofconway.com



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only
Received:
BS&A #:

1. Describe the extraordinary conditions pertaining to your particular piece of property:
This property is unusual in two ways. First, and unlike the surrounding properties, it is large and L-shaped rather than rectangular. Second, and as a result of its L-shape, it has three sides that either completely or partially abut streets. It is thus deemed a "corner lot"; even though a layperson would likely deem one end to obviously be the "rear"; and the corner portion to be a "side"

2. Are the conditions described above particular to your piece of property? Explain.
Yes. As noted above, the shape of this property is unique when compared to the surrounding properties.

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.
I believe it would, as I believe the maximum fence permitted by the UDO is important to protect my family's privacy. This area is on the edge of the Historic District and the more commercial area of Highway 501. Some of the streets are heavily trafficked, both by vehicles and with foot traffic. There are multi story apartment complexes on Pine Street.
Continued- please see attached ...

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:
I do not believe there will be any harm to adjacent property. The fence does not extend to the "corner"; portion of the lot.

and; "Is the variance request initiated because of hardship and not to increase the profitability of the property?"
The variance is requested to protect our privacy and in an effort to avoid the expense of modifying the expense.
It is not an effort to increase the property's profitability.

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be inspected, and that all required material will be submitted to the City of Conway Planning Department no later than thirty (30) days prior to the meeting date. Board of Zoning Appeals meets the fourth Thursday of each month at 5:30 P.M. at the Public Safety Facility, 1600 Ninth Ave. (unless otherwise posted).
I understand that it is my responsibility to obtain all necessary approvals from other city departments.
A REPRESENTATIVE MUST BE PRESENT AT THE MEETING TO HAVE YOUR REQUEST HEARD.
Applicant's Signature: [Signature] Date: 7/25/22
Print name legibly: Jacquelyn Taylor

Taylor Variance Request
1304 9th Ave, Conway
Continued from page 2 #3

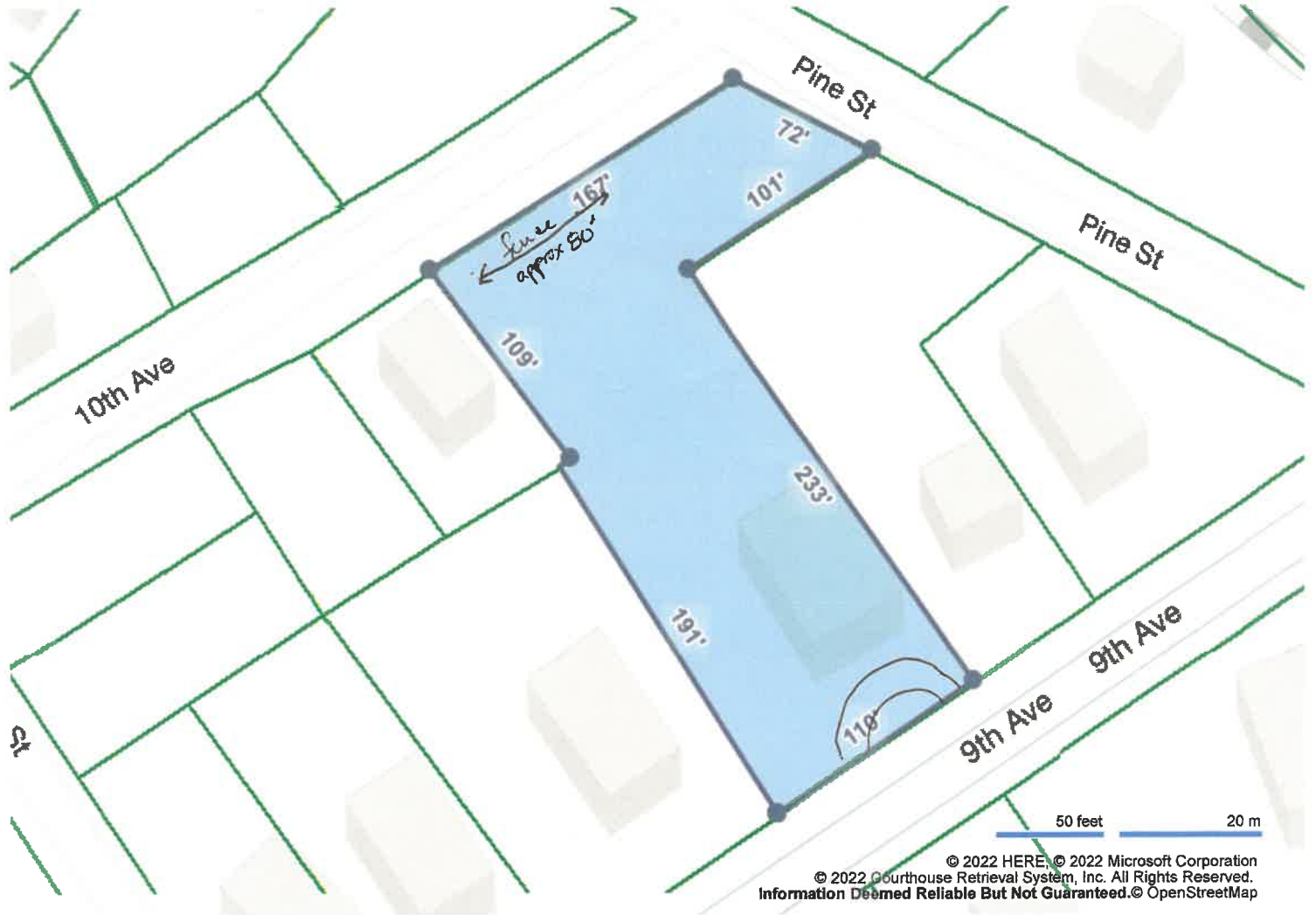
I built the fence for the purpose of obstructing views into my backyard from vehicle traffic, foot traffic, and from the apartments. I am a single mother, and my elderly mother lives with my young daughter and I in this house. We spend a great deal of time in the backyard and recently installed a pool. A six foot fence would admittedly provide a good deal of privacy, but we would prefer the maximum privacy permitted under the UDO. I believe this request is faithful to the UDO given that this lot is not shaped like a usual "corner" lot and that a layman would understand the fence to be located in the "rear" lot; I believe that same reasoning led the city to grant me a permit for my pool, which the UDO requires be located in the rear. The fence is on the same side as the pool.



Jackie Taylor
Berkshire Hathaway HomeServices
(843) 421-0228
jackie@bhhsmyrtlebeach.com
Tailored for all your real estate needs!



Map for Parcel Address: 1304 9th Ave Conway, SC 29526-3416 Parcel ID: 33814020063



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Information Deemed Reliable But Not Guaranteed.

1304
9th Ave
Cantler
fence



Horry County Government GIS, State of North Carolina



MAYOR
Barbara Blain-Bellamy

MAYOR PRO TEM
Jean M. Timbes



PLANNING DEPARTMENT

COUNCIL MEMBERS
William M. Goldfinch IV
Shane Hubbard
B. Alex Hyman
Justin D. Jordan
Larry A. White

APPLICATION AND CERTIFICATE OF ZONING COMPLIANCE

DATE OF APPLICATION: 08/23/2021

PIN: 33814020063 | PB21-0774

ADDRESS OF WORK PROPOSED: 1304 Ninth Ave. Parcel A

ZONING DISTRICT: R1 (Low/Medium Density-Residential)
FRONT SETBACK: NA
SIDE SETBACK: NA
REAR SETBACK: 10' (must be 10' off rear property line-corner front)
PROPOSED STRUCTURE(S): 6' wood fence along rear of property (corner front) -as per site plan. Property boundaries must be marked to ensure fence is completely contained within property boundaries.

FENCE MUST BE COMPLETELY CONTAINED WITHIN PROPERTY BOUNDARIES. FINISHED SIDE OF FENCE SHALL FACE THE PERIMETER OR OUTSIDE OF LOT, RATHER THAN FACINING THE INTERIOR OF LOT.

PROPOSED STRUCTURE(S) MAY ONLY BE ERCTED ON THE PROPERTY OF THE APPLICANT. THE CITY MAY NOT ISSUE A PERMIT FOR ANY STRUCTURE(S) THAT CROSS PROPERTY LINES. IF THE APPLICANT BUILDS/ERECTS A STRUCTURE THAT CROSSES A PROPERTY LINE, THEY SHALL BE REQUIRED TO REMOVE THE STRUCTURE(S) AT THEIR OWN EXPENSE.

The use of the building(s) and/or land as shown above conforms to the requirements of the City of Conway Unified Development Ordinance (UDO). This is subject to the following conditions, restrictions and limitations:

- Fences & Walls:** A fence or wall, constructed of wood, vinyl, brick, stone, ornamental (iron/aluminum), chain link (where permitted) and other similar materials approved by the Zoning Administrator (or their designee), may project into or enclose required yards (but not over any boundary) in all zones providing that a maximum height, measured from the natural grade at which the fence or wall occurs, does not exceed the following:
 - Front yards--4 feet,
 - Side yards--6 feet, (fences & walls on corner lots, may be up to 6-ft in height, provided they meet a 10-ft. setback from the lot line.)
 - Rear yards--8 feet,
- Design:** Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other, then the more "finished" side of the fence shall face the outside of the lot, rather than facing the interior of the lot.
- Maintenance:** The structural and aesthetic integrity shall be maintained for all new and existing fences and walls.
- Spite Fences:** Fences widely regarded as fence (or walls) built to annoy neighbors or with malice, are prohibited.
- Fences and/or Walls:** Fences and/or walls of any construction shall not be permitted to be installed within any public drainage easements owned and maintained by the City of Conway.
- Fencing must be completely contained within property boundaries.**
- A waiver and disclaimer for construction in easements must be signed.**
- Pre-inspection required prior to installation & post inspection upon completion.**
- Applicant/Property Owner's responsibility to ensure HOA approval and/or there are no conflicts with any Covenants and Restrictions on the parcel before installation of fence.**
- The City Arborist before removal must approve all Proposed Tree Removals.**

I hereby make application for a Zoning Compliance Certificate for this property to be used as shown above. All statements are true and have been verified by me. I understand that it is my responsibility to verify all existing easements on site and accurately depict those easements on the site plan. In accordance with SC Code Section 6-29-114, Determining existence of restrictive covenant, I also acknowledge that the tract or parcel of land is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the above requested activity. By submitting a site plan drawn to scale but not prepared by a surveyor, I accept that is my responsibility, and not that of the City of Conway, to verify and accurately depict all existing structures and easements on the site.

Owner/Applicant: [Signature] Date 9/20/21

This Certificate is subject to cancellation if any misrepresentations have been made or if any changes are made which violate any provisions of the UDO. This Certificate is based on the above application.

Zoning Officer: [Signature] Date: 9-22-2021

From: [Kym Wilkerson](#)
To: jackie@bhhsmyrtlebeach.com
Cc: [Vicki Stone](#); [Allison Hardin](#); [Anne Bessant](#)
Subject: 1304 9th Ave - PIN# 33814020063 - Fence
Date: Friday, July 8, 2022 9:07:49 AM
Attachments: [PB21-0774 Permit App \(8.23.21\).pdf](#)
[PB21-0774 Zoning Compliance \(8.23.21\).pdf](#)
[5.2.3 Fences & Walls.pdf](#)
[20220615_165220.jpg](#)

Good Morning – we have received several complaints about the **height of the fence** permitted at the above address.

Per the **permit application** & the **signed zoning compliance** (*both attached*), the fence should **not** exceed **6-ft (72-in) in height**.

After a site visit, staff determined the fence to be **7.5-ft (90-in) in height**. This does not meet the **City of Conway's Unified Development Ordinance** (UDO) requirements for fences (**Section 5.2.3 attached**).

Violation of the **UDO** or failure to comply with any requirements shall be a **misdemeanor**.

The fence will need to be reduced in height to 6-ft or a **citation** to appear in **Municipal Court** will be issued to the property owner.

The deadline for coming into compliance is **August 1, 2022**. Please advise this office once the fence height is reduced so that we may do a site inspection.

Please do not hesitate to call me on my number below should you have any questions.

Thanks

Kym Wilkerson | Zoning Administrator
City of Conway
196 Laurel Street, Conway, SC 29526
Phone: 843-488-7618

Use the following link to access the

City of Conway's Unified Development Ordinance

[https://www.cityofconway.com/UDO%20Updated6.9.22\(last%20amended%206.9.22\).pdf](https://www.cityofconway.com/UDO%20Updated6.9.22(last%20amended%206.9.22).pdf)

From: [L brown](#)
To: [Anne Bessant](#)
Subject: 1304 9th Ave fence
Date: Thursday, August 18, 2022 11:19:15 AM

CAUTION-External Email: This email originated from outside of the City of Conway. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

We live across 9th avenue from Ms Taylor. We like the fence and she should be allowed to keep it as is. Our children play together in her back yard and do not need people watching them as they play. There have been several issues with people that live behind Ms Taylor and kids do not need to see that at all.

Thank you
Laura Hunnicutt
1305 9th Ave
843-283-9772

Sent from my iPhone

DATE: August 25, 2022

AGENDA ITEM: IV.D

ISSUE:

Carl Griffith Jr., owner, requests a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Table 5.2.3-Fences & Walls, for the property located at **1008 Whimbrel Court**. (PIN 383-04-03-0060)

BACKGROUND:

The parcel is zoned PD (Planned Development) and is within Wild Wing Plantation. The setbacks are established by the Wild Wing Plantation Architectural Review Board (ARB). The applicant has a home on Lot 438 in Phase 2 of the development.

The applicant would like to install a fence along his property line; however, he was informed that there is an existing 20-ft drainage easement that runs the length of the eastern property line. The drainage easement is 10-ft on each side of the property line per plat book 225 page 300.

Section 5.2.3-Fences & Walls of the UDO was amended on July 19, 2021 by City Council to eliminate the placement of fences and/or walls within public drainage easements. Prior to this amendment, the zoning compliances for fences stated “*any fence that is required to be removed from a drainage easement will be at the expense of the owner*”. This has caused issues for City staff when the easements need maintenance, in that City staff has to notify the property owner in advance of upcoming maintenance and many times, has to remove the fencing before the scheduled maintenance can occur and then re-install it. In the process of updating the Stormwater Ordinance, Public Works has also addressed this issue in order to maintain consistency throughout the City’s ordinances. Section 3-6-9 (11-C) of the City of Conway’s General Ordinances states “*Restriction on easements shall include prohibiting all fences and structures, which would interfere with access to the easement areas and/or the maintenance function of the drainage system*”

The applicant is seeking a variance from:

- **Section 5.2.3 (H) – Fences & Walls:**

The applicant requests a variance to allow a fence to be installed within the existing public drainage easement running along the eastern property line.

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

1. The extraordinary condition is that my property has a public drain line running along the east side of my lot that would prohibit me from placing my backyard fence on my property line and effectively alienate 900 sq ft of my backyard.

2. The conditions are particular to my property as they effectively work to single out a group of homes that happen to have a public drain line on their property.
 3. The application of the zoning ordinance would unreasonably prohibit the use of approximately 900 sq ft of my backyard, therefore limiting the recreational use of my backyard and creating an unsightly area of space between my neighbor and I.
 4. The granting of the variance would not harm the adjacent property, and would greatly improve the character of the particular area as well as conform to the majority of pre-existing fences in the development that are on a public drain line. I have already spoken with my neighbor at the adjacent property and he has no issues with me placing my fence on my property line, as his is. He also agrees that moving it in 10-ft would create an unsightly space between our homes.
 5. The variance request is based on the clear hardship of losing the ability to fully utilize 900 sq ft of recreational space on my property. My wife and I have two dogs, a two-year-old son and a child on the way. We built this house to raise our family in and we would like to have the ability to fully utilize the space in our yard.
-

CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO) & ANALYSIS

In *Section 14.2.1* of the *UDO*, the duties and powers of the Board of Zoning Appeals reflect *Section 6-29-800* of the South Carolina Code of Laws.

According to *Section 14.1035*, the Board of Zoning Appeals duties are “to hear and decide appeals for variances in specific cases when a strict application of the zoning ordinance would cause an unnecessary hardship, and approval of such variance would not be contrary to public interest or undermine the spirit of the zoning ordinance. The fact that property may be used more profitably if a variance is granted is not grounds for a variance. The Board may attach conditions to a variance that address location, character, or other features of a proposed building, structure, or use, in order to protect the established property values in the surrounding area or to promote the public health, safety, or general welfare of the community. The Board may grant a variance for an unnecessary hardship if it makes and explains 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.
-

Variance: 1008 Whimbrel Court

RECOMMENDATION:

Staff recommends that the BZA conduct a thorough review of the request and determine if a legal hardship exists and if the best interests of the City of Conway would be served by granting the request.



City of Conway Board of Zoning Appeals

VARIANCE/ APPEAL REQUEST

Staff Use Only
 Received: 7.28.22
 BS&A #: P22-0162

City of Conway Planning Department
 196 Laurel Street, 29526

Phone: (843) 488-9888
 Conway, South Carolina

www.cityofconway.com

Property Address:	Meeting date:	Pin #:
Property Owner:	Daytime phone:	
Agent:	Daytime phone:	
Agent's mailing address:		
City:	State:	Zip Code:
Agent's e-mail address:		
Zoning District:		

Requested Action:

- I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **Please continue to the following section.**

- I am requesting an administrative **appeal** of the action or decision of the Zoning Administrator, which I believe to be contrary to the meaning of the *Conway Unified Development Ordinance (UDO)*. **Please continue to page three.**

VARIANCE REQUESTS:

Please demonstrate how you satisfy the following **CRITERIA FOR VARIANCE** (see §14.2.1 of the *Conway Unified Development Ordinance*).

Please describe your proposal in detail:

This proposal does not conform to the Unified Development Ordinance in the following way:

UDO Section and Requirement:	Proposed Instead:
1.	
2.	
3.	
4.	

Application Requirements:

- Completed BZA application
- A filing fee of one hundred dollars (\$100.00)
- A completed application including required signatures. Incomplete applications will not be processed.
- A digital site plan drawn illustrating all property lines, existing structures, proposed structures and any other relevant site information can be emailed to kwilkerson@cityofconway.com or abessant@cityofconway.com



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only
Received: _____
BS&A #: _____

1. Describe the extraordinary conditions pertaining to your particular piece of property:

Four horizontal lines for text entry.

2. Are the conditions described above particular to your piece of property? Explain.

Four horizontal lines for text entry.

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.

Four horizontal lines for text entry.

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:

Four horizontal lines for text entry.

and; "Is the variance request initiated because of hardship and not to increase the profitability of the property?"

Four horizontal lines for text entry.

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be inspected, and that all required material will be submitted to the City of Conway Planning Department no later than thirty (30) days prior to the meeting date. Board of Zoning Appeals meets the fourth Thursday of each month at 5:30 P.M. at the Public Safety Facility, 1600 Ninth Ave. (unless otherwise posted).

I understand that it is my responsibility to obtain all necessary approvals from other city departments.

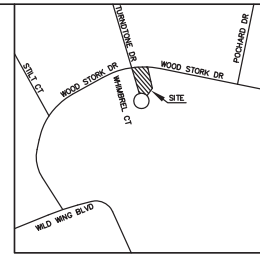
A REPRESENTATIVE MUST BE PRESENT AT THE MEETING TO HAVE YOUR REQUEST HEARD.

Applicant's Signature: [Handwritten Signature] Date: _____
Print name legibly: _____



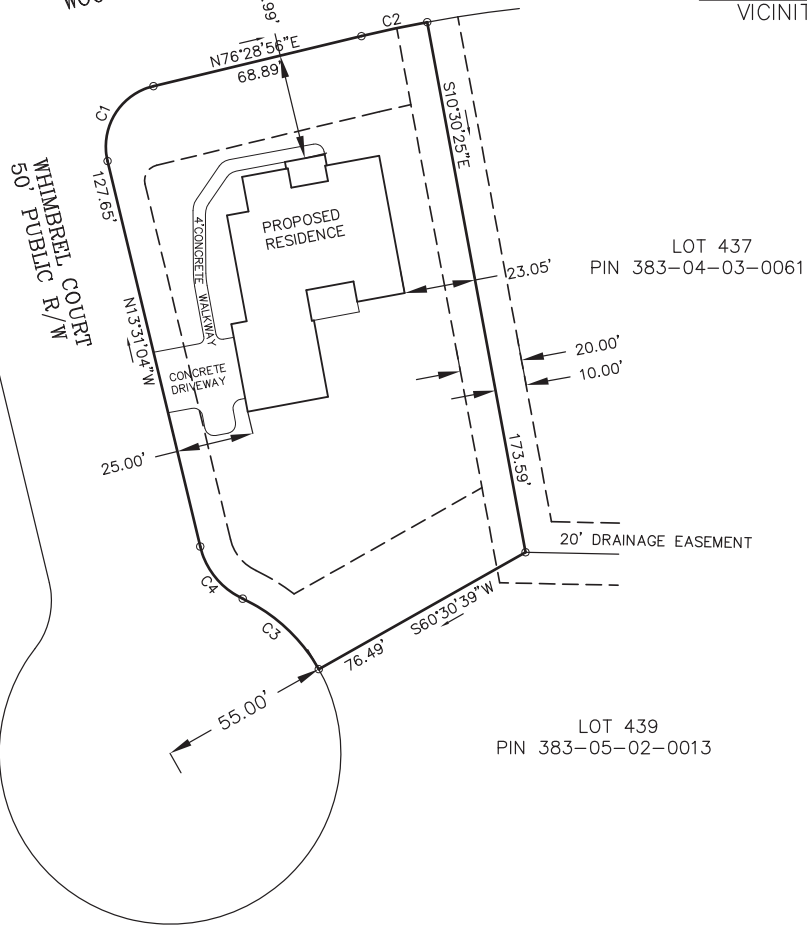
TURNSTONE DRIVE
50' PUBLIC R/W

WOOD STORK DRIVE 56' PUBLIC R/W



VICINITY MAP

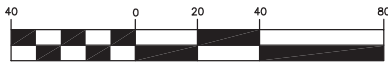
CURVE	BEARING	ARC	DIST.
C1	N31°28'56"E	31.42'	28.28'
C2	N77°59'16"E	21.65'	21.65'
C3	N47°09'45"W	33.93'	33.39'
C4	N39°10'36"W	22.39'	21.65'



LOT 437
PIN 383-04-03-0061

LOT 439
PIN 383-05-02-0013

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

STATE OF SOUTH CAROLINA
DATE: DECEMBER 23, 2021
FILE NO. 2021-53

PLAT OF

COUNTY OF HORRY
SCALE: 1" = 40'
PIN NO. 384-04-03-0060

I HEREBY STATE THAT TO THE BEST OF MY
KNOWLEDGE AND IN MY PROFESSIONAL OPINION,
THE REFERENCE PROPERTY LIES IN
ZONE "X" OUT AS SHOWN ON
MAP 45051GD 565K, DATED 12/16/21.

PROPOSED RESIDENCE ON LOT 438 WILD WING PLANTATION SUBDIVISION PHASE II AS SHOWN
ON A PLAT FOR WILD WING COMPANY, LLC DATED MAY 3, 2007 AND RECORDED IN PLAT
BOOK 225 PAGE 299 SAID LOT CONTAINS 0.44 ACRES (19,073 SQ. FT.)

SURVEYED FOR
GASQUE CUSTOM HOMES

JAMES B. GODFREY III PLS

WILLIAM M. JONES JR. PLS

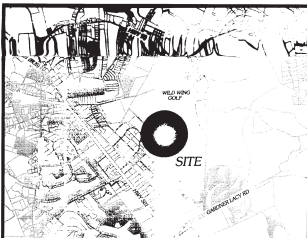


JONES/GODFREY AND ASSOCIATES INC.
P. O. BOX 6891
FLORENCE, S.C. 29502

Proposed Fence Placement

Schematic Landscape Plan





LEGEND
 ○ PROPERTY CORNER
 □ POINT

- REFERENCE MAPS:
- MAP FOR INTERNATIONAL PAPER CO. BY SURV. TECH. INC. DATED SEPTEMBER 18, 1996, AND RECORDED IN PLAT BOOK 186, AT PAGE 186.
 - MAP OF THE HEAVY VEGETATION AT WILD WING PLANTATION BY SOUTH STAR SURVEYING, INC. DATED JULY 1, 1996.
 - MAP OF THE SANCTUARY AT WILD WING PLANTATION BY SURVEY TECHNOLOGY, INC. DATED SEPT 6, 1999, AND RECORDED IN PLAT BOOK 146, AT PAGE 146.
 - MAP OF THE SANCTUARY PHASE B AT WILD WING PLANTATION BY CHORAS HUTTON ENGINEERING CO., DATED APRIL 1, 2005.
 - MAP FOR WILD WING PLANTATION 2011 AC AND 5.8 ± AC BY SURVEY TECHNOLOGY, INC. DATED MARCH 26, 1996.
 - MAP FOR INTERNATIONAL PAPER REALTY CORPORATION BY SURVEY TECHNOLOGY, INC. DATED SEPTEMBER 18, 1996.
 - MAP FOR WILD WING GOLF PLANTATION BY SURVEY TECHNOLOGY, INC. DATED FEBRUARY 1, 2004, AND RECORDED IN PLAT BOOK 146, AT PAGE 132.
 - MAP OF WILD WING INDUSTRIAL PARK BY SURVEY TECHNOLOGY, INC. DATED AUGUST 10, 1999, AND RECORDED IN PLAT BOOK 146, AT PAGE 129.
 - BOUNDARY PLAT OF WILD WING PLANTATION BY ATLANTIC LAND SURVEYING COMPANY, DATED JUNE 13, 2006.
 - WETLAND SHOWN BASED ON PLAT BY JOSHUA M. WILLIAMS DATED JAN. 22, 2006 AND REFERENCED TO C.O. LETTER SAC 2006-08-14. A PORTION OF THE GOLF COURSE PROPERTY MAY BE SUBJECT TO BUFFERS PER PLATS FILED IN PLAT BOOK 154, AT PAGE 153.
 - FINAL PLAT OF WILD WING PHASE ONE, BY ASSOCIATED LAND SURVEYORS, DATED SEPTEMBER 18, 2006, AND RECORDED IN PLAT BOOK 217, AT PAGE 55.

- NOTES:
- TMS 151-00-04-019
 - OWNER/DEVELOPER OF RECORD: WILD WING COMPANY, LLC
 25300 S.W. 11th Street
 COMWAY S.C. 29526
 D.B. 2662, PG. 80
 - THIS PROPERTY IS LOCATED IN FLOOD ZONE X AND A SPECIAL FLOOD HAZARD ZONE (SPECIAL FLOOD HAZARD AREA #400000000) DATED AUGUST 28, 1999.
 - DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUCCESSOR OWNERS.
 - SURVEY IS MADE ONLY OF PROFIT HAS ORIGINAL SIGN AND SIGNATURE OF SURVEYOR.
 - NO ADVEYMENT HAS BEEN MADE AS A PART OF THIS BOUNDARY SURVEY TO DETERMINE DATA CONCERNING EXISTENCE, SIZE, DEPTH, LOCATION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES PLEASE CONTACT THE APPROPRIATE AGENCIES.
 - SURVEYOR HAS MADE NO INVESTIGATION OR INSPECTION SEARCH FOR CONDITIONS OF MINING, ENCUMBRANCES, EASEMENTS, RIGHTS OF WAY, OR OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH WOULD REVEAL.
 - SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF ENDEMIC OR HARMFUL ORGANISMS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT. THIS SURVEY IS NOT THE BASIS FOR WETLAND DETERMINATIONS.
 - THIS PROPERTY IS SUBJECT TO ALL EASEMENTS OR RESTRICTIONS OF RECORD.
 - THIS PROPERTY IS LOCATED WITHIN THE BOUNDARY OF TWO REGISTERED METROPOLITAN STATE PLANS, MONUMENTS, OR BOUNDARIES SET AT ALL CORNERS UNLESS NOTED OTHERWISE.
 - ALL BOUNDARIES ARE BASED UPON THE SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM AND ASSUMED ALL DISTANCES SHOWN ARE HORIZONTAL AND OBSTACLES.
 - WATER SERVICES TO THIS PROPERTY PROVIDED BY THE CITY OF COMWAY. SEWER SERVICES TO THIS PROPERTY PROVIDED BY COMESA.
 - THE BOUNDARY AND EASEMENTS IN THIS SUBDIVISION ARE INTENDED TO BE PUBLIC AND HEREBY BY THE CITY OF COMWAY.
 - DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY IT IS NOT TRANSFERABLE TO ADDITIONAL OR SUCCESSOR OWNERS.
 - ALL UTILITIES SHALL BE LOCATED UNDERGROUND.
 - AREA SUMMARY: TOTAL AREA = 52.46 ACRES
 TOTAL NO. LOTS = 106
 DENSITY = 1.07 LOTS PER ACRE
 ROAD R/W = 6.8 ACRES
 LENGTH OF NEW ROAD = 4443 FT.
 PHASE 2 OPEN SPACE/COMMON AREA = 10.41 ACRES
 PHASE 1 LAKE AREA = 11.49 ACRES
 - WETLAND SHOWN BASED ON PLAT BY JOSHUA M. WILLIAMS DATED JAN. 22, 2006 AND REFERENCED TO C.O. LETTER SAC 2006-08-14. A PORTION OF THE GOLF COURSE PROPERTY MAY BE SUBJECT TO BUFFERS PER PLATS FILED IN PLAT BOOK 154, AT PAGE 153.
 - PROPOSED LAKE SHOWN PER DESIGN DRAWINGS, AND MAY NOT REFLECT ACTUAL LOCATION OF LAKE.

CERTIFICATE OF REQUIRED IMPROVEMENTS

I hereby certify that all public improvements required by the City of Conway Land Development Ordinance have been installed in an acceptable manner and in accordance with the specifications as shown in the approved Construction Plans or the Financial Guarantees required by the City of Conway Land Development Ordinance has been provided to the City of Conway to guarantee the installation of all public improvements required by the Land Development Ordinance as shown on the approved Construction Plans.

Date: 05-24-07
 Signature: [Signature]
 License # and Exp: SC 20964

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, the undersigned, do hereby certify that I am the owner of the property above and described herein, and that I hereby agree to the plat of subdivision with respect to the correct and true boundary, and to dedicate all streets, alleys, walks, parks and other open spaces to public or private as stated.

Date: 05-24-07
 Signature: [Signature]

CERTIFICATE OF APPROVAL FOR PUBLIC WATER SYSTEMS

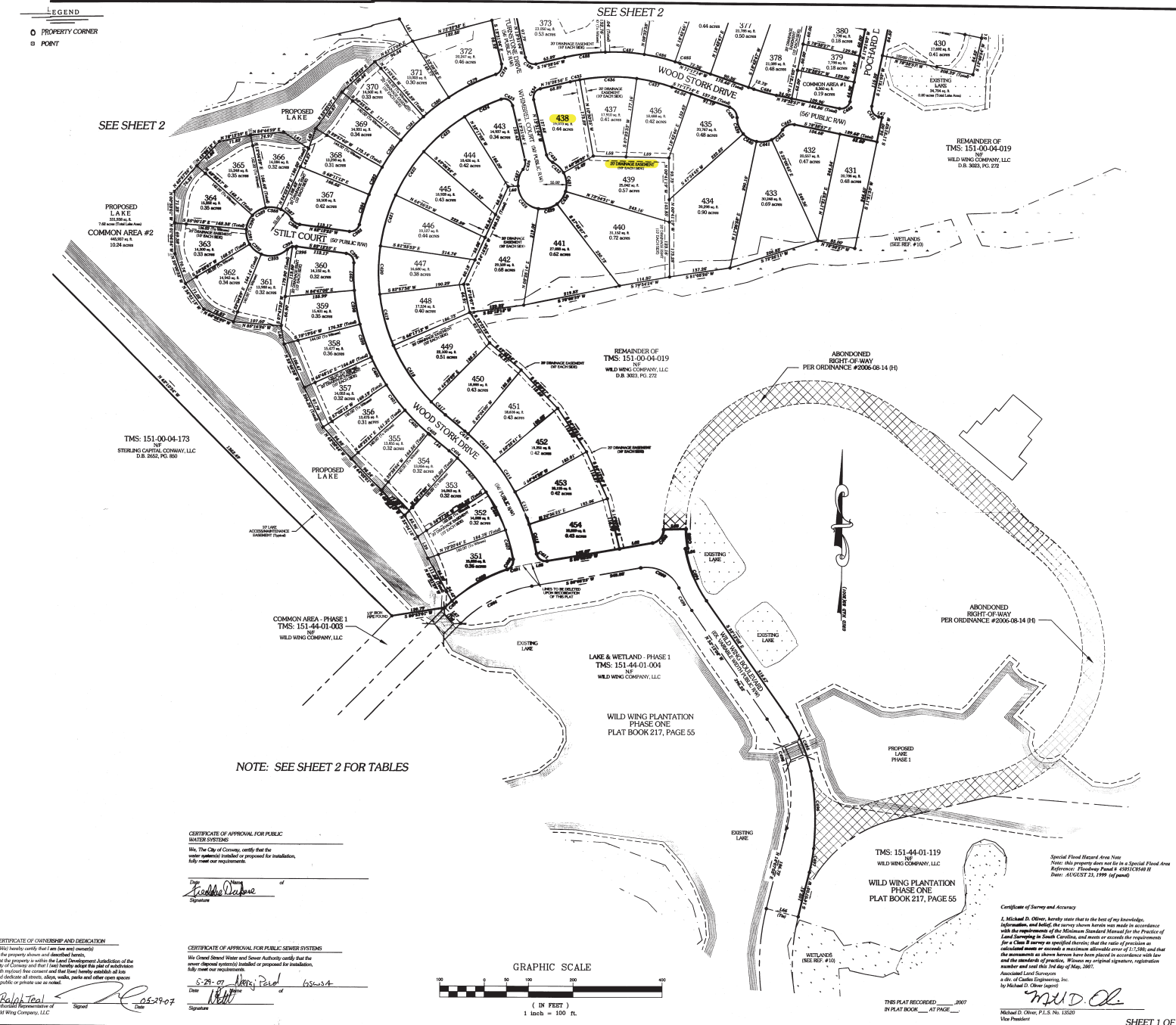
We, The City of Conway, certify that the water system installed or proposed for installation, fully meet our requirements.

Date: [Signature]

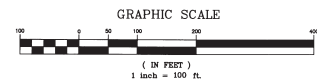
CERTIFICATE OF APPROVAL FOR PUBLIC SEWER SYSTEMS

We, Grand Strand Water and Sewer Authority, certify that the sewer system installed or proposed for installation, fully meet our requirements.

Date: [Signature]



NOTE: SEE SHEET 2 FOR TABLES



DATE: MAY 27, 2007	DATE: MAY 27, 2007
REVISION: REVISED PER CITY COMMENTS	REVISION: REVISED PER CITY COMMENTS
JOB No.:	JOB No.:
DATE: MAY 3, 2007	DATE: MAY 3, 2007
DRAWN BY: M.L.T.	DRAWN BY: M.L.T.
CHECKED BY: M.B.O.	CHECKED BY: M.B.O.
SCALE: 1" = 100'	SCALE: 1" = 100'
FILE: Wildwing Ph2-Final.dwg	FILE: Wildwing Ph2-Final.dwg

FINAL PLAT OF WILD WING PLANTATION PHASE TWO

CITY OF COMWAY, SOUTH CAROLINA

WILD WING COMPANY, LLC

ASSOCIATED LAND SURVEYORS

Michael D. Oliver, P.L.S. No. 15328
 Wild Wing Plantation
 Plat Book 217, Page 55

CERTIFICATE OF SURVEY AND ACCURACY

I, Michael D. Oliver, hereby state that to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Minimum Standard Manual for the Practice of Land Surveying in South Carolina, and that I am a duly licensed and registered Professional Land Surveyor in the State of South Carolina. I have read and understand the instrument as shown herein and have placed in accordance with law and the standards of practice. Witness my original signature, registration number and seal this 3rd day of May, 2007.

Associated Land Surveyors
 a division of Collier Engineering, Inc.
 by Michael D. Oliver (signed)

THIS PLAT RECORDED _____ 2007
 IN PLAT BOOK _____ AT PAGE _____

Michael D. Oliver, P.L.S. No. 15328
 Wild Wing Plantation

SHEET 1 OF 2

DATE: August 25, 2022

AGENDA ITEM: IV.E

ISSUE:

Thomas Martel, owner, request a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Article 5.2.1-Accessory Structures, for the property located at **706 Sweetbriar Lane**. (PIN 338-12-03-0013)

BACKGROUND:

The parcel is zoned PD (Planned Development) and is located between Sweetbriar Lane and Twelfth Avenue. The applicant has applied for a building permit (PB22-0764) for a 12-ft x 20-ft stick built shed with vinyl siding, shutters and one door, all to match the house. He was informed that his parcel has double frontage.

Per **Section 6.1.9-Side Yard Setbacks for Corner Lots** of the *City of Conway's Unified Development Ordinance* (UDO), in the case of any lot that adjoins two or more streets, yards abutting streets shall be treated as front yards.

Per **Article 2-Definitions** of the *City of Conway's Unified Development Ordinance* (UDO), **Yard:** A required undeveloped area of a property that lies between the principal building or buildings and the nearest lot line.

Per **Section 5.2.1-Accessory Structures** of the *City of Conway's Unified Development Ordinance* (UDO), **Location:** Shall be located in the **rear yard only**.

The applicant is seeking a variance from:

- **Section 5.2.1-Accessory Structures (A-1):**

The applicant requests a variance to allow an Accessory Structure in the double front yard along Twelfth Avenue.

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

1. Property has double frontage.
 2. The condition is particular to all four houses on my street.
 3. The double frontage would prohibit or restrict the use of my property.
 4. Granting the variance will not harm adjacent property. I am going to build the structure with like material and design as my home.
 5. Hardship is I need a way to store my belongings.
-

CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO) & ANALYSIS

In *Section 14.2.1* of the *UDO*, the duties and powers of the Board of Zoning Appeals reflect *Section 6-29-800* of the South Carolina Code of Laws.

According to *Section 14.1035*, the Board of Zoning Appeals duties are “to hear and decide appeals for variances in specific cases when a strict application of the zoning ordinance would cause an unnecessary hardship, and approval of such variance would not be contrary to public interest or undermine the spirit of the zoning ordinance. The fact that property may be used more profitably if a variance is granted is not grounds for a variance. The Board may attach conditions to a variance that address location, character, or other features of a proposed building, structure, or use, in order to protect the established property values in the surrounding area or to promote the public health, safety, or general welfare of the community. The Board may grant a variance for an unnecessary hardship if it makes and explains 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.

RECOMMENDATION:

Staff recommends that the BZA conduct a thorough review of the request and determine if a legal hardship exists and if the best interests of the City of Conway would be served by granting the request.



City of Conway

Board of Zoning Appeals

VARIANCE/ APPEAL REQUEST

Staff Use Only
Received: _____
BS&A #: _____

City of Conway Planning Department Phone: (843) 488-9888
 196 Laurel Street, 29526 Conway, South Carolina

www.cityofconway.com

Property Address: 706 SWEETBRIAR LANE	Meeting date:	Pin #:
Property Owner: THOMAS MARTEL	Daytime phone: 740 513 8440	
Agent:	Daytime phone:	
Agent's mailing address:		
City: CONWAY	State: SC	Zip Code: 29526
Agent's e-mail address: TOMMARTEL@1@gmail.com		
Zoning District:		

Requested Action:

- I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **Please continue to the following section.**
- I am requesting an administrative **appeal** of the action or decision of the Zoning Administrator, which I believe to be contrary to the meaning of the Conway Unified Development Ordinance (UDO). **Please continue to page three.**

VARIANCE REQUESTS:

Please demonstrate how you satisfy the following **CRITERIA FOR VARIANCE** (see §14.2.1 of the Conway Unified Development Ordinance).

Please describe your proposal in detail:

I WOULD LIKE TO PUT A SHED/STORAGE BUILDING IN MY BACK YARD. IT WILL BE CONSTRUCTED OF LIKE/SAME MATERIALS MY HOME IS CONSTRUCTED FROM.

This proposal does not conform to the Unified Development Ordinance in the following way:

UDO Section and Requirement:	Proposed Instead:
1.	
2.	
3.	
4.	

Application Requirements:

- Completed BZA application
- A filing fee of one hundred dollars (\$100.00)
- A completed application including required signatures. Incomplete applications will not be processed.
- A digital site plan drawn illustrating all property lines, existing structures, proposed structures and any other relevant site information can be emailed to kwilkerson@cityofconway.com or abessant@cityofconway.com



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only
Received:
BS&A #:

1. Describe the extraordinary conditions pertaining to your particular piece of property:

DOUBLE FRONT YARDS.

2. Are the conditions described above particular to your piece of property? Explain.

THE OTHER 3 HOUSES IN MY HOA ON MY STREET HAVE THE SAME PROBLEM.

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.

YES, BECAUSE I AM UNABLE TO PUT A SHED/BUILDING IN MY FRONT YARD.

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:

NO, I AM GOING TO BUILD WITH LIKE MATERIAL AND DESIGN OF MY HOME

and; "Is the variance request initiated because of hardship and not to increase the profitability of the property?"

YES, IT IS A HARDSHIP, IM ONLY LOOKING FOR A WAY TO STORE ALL OF MY BELONGINGS.

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be inspected, and that all required material will be submitted to the City of Conway Planning Department no later than thirty (30) days prior to the meeting date. Board of Zoning Appeals meets the fourth Thursday of each month at 5:30 P.M. at the Public Safety Facility, 1600 Ninth Ave. (unless otherwise posted).

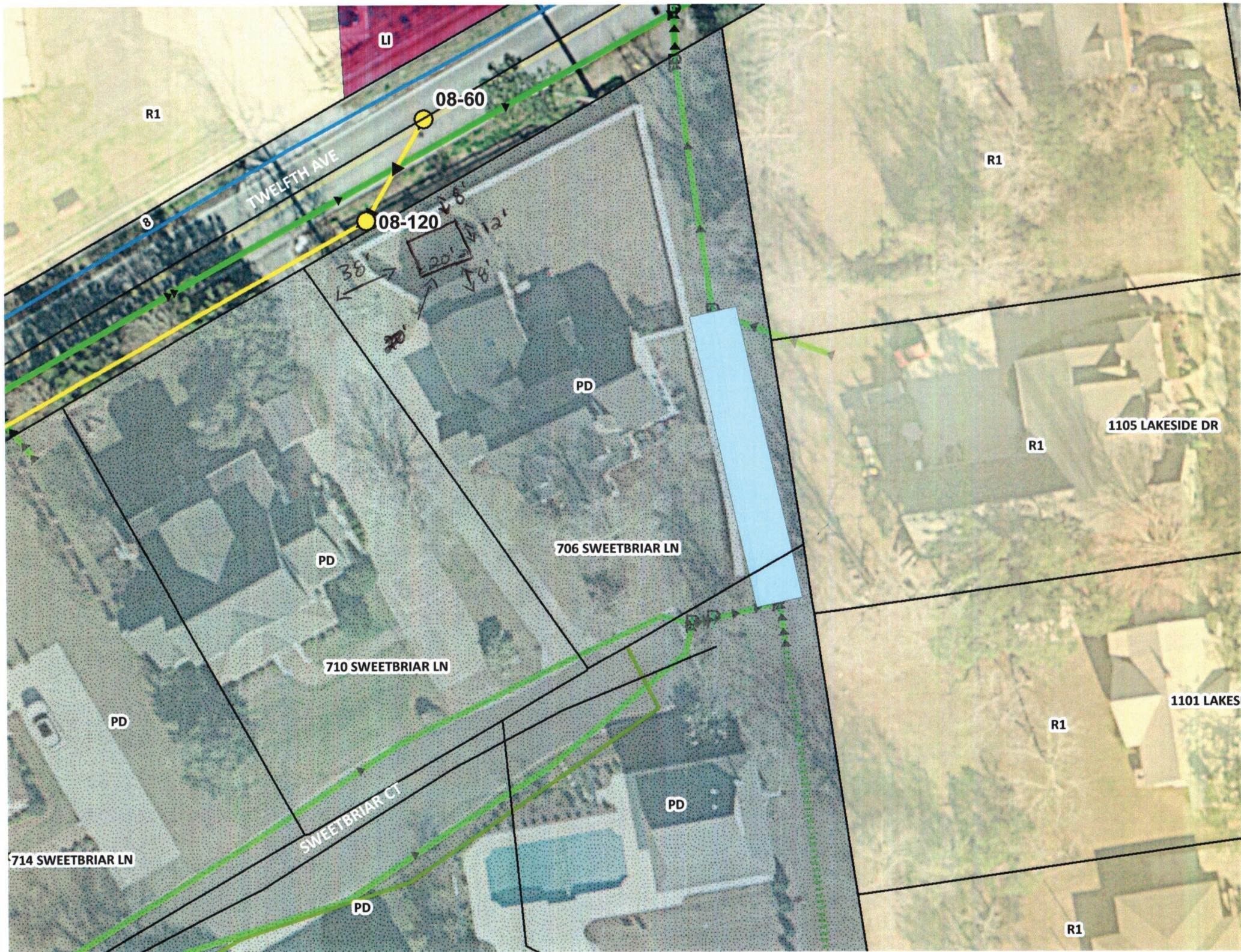
I understand that it is my responsibility to obtain all necessary approvals from other city departments.

A REPRESENTATIVE MUST BE PRESENT AT THE MEETING TO HAVE YOUR REQUEST HEARD.

Applicant's Signature: [Handwritten Signature]

Date: 7/29/22

Print name legibly: THOMAS MARTEL



LI

R1

08-60

TWELFTH AVE

8

08-120

R1

38'

20'

12'

8'

PD

1105 LAKESIDE DR

R1

706 SWEETBRIAR LN

PD

710 SWEETBRIAR LN

PD

SWEETBRIAR CT

PD

1101 LAKESIDE DR

R1

714 SWEETBRIAR LN

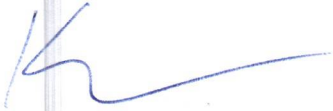
PD

R1

To Whom It May Concern:

The Martel's at 706 Sweetbriar Lane Conway SC have permission from the Pines HOA to put a Shed/Storage building in their back yard. If you have any questions feel free to contact me.

alex.rogers.DC@gmail.com or (843)602-8362.

A handwritten signature in blue ink, appearing to be 'Alex Rogers', written over a vertical line that runs down the page.

DATE: August 25, 2022

AGENDA ITEM: IV.F

ISSUE:

George and Clairette Mathis, owners, request a variance from the strict application of the *City of Conway Unified Development Ordinance* (UDO), Article 5.2.1-Accessory Structures, for the property located at **610 Laurel Street**. (PIN 338-13-03-0041 & 338-13-03-0033)

BACKGROUND:

The parcel is zoned Low-Medium Density Residential (R1) and is located between Laurel Street and Main Street. The applicants applied for a rezoning for the parcel fronting Main Street and were approved by City Council on August 15, 2022. The applicants then had the parcels combined via a platting action which was approved for recording on August 19, 2022. The applicants propose to erect an 8-ft x 20-ft greenhouse at the rear of their garage.

Per **Section 6.1.9-Side Yard Setbacks for Corner Lots** of the *City of Conway's Unified Development Ordinance* (UDO), in the case of any lot that adjoins two or more streets, yards abutting streets shall be treated as front yards.

Per **Article 2-Definitions** of the *City of Conway's Unified Development Ordinance* (UDO), **Yard**: A required undeveloped area of a property that lies between the principal building or buildings and the nearest lot line.

Per **Section 5.2.1-Accessory Structures** of the *City of Conway's Unified Development Ordinance* (UDO), **Location**: Shall be located in the **rear yard only**.

The applicant is seeking a variance from:

- **Section 5.2.1-Accessory Structures (A-1):**

The applicant requests a variance to allow an Accessory Structure in the double front yard along Main Street.

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

1. Property has double frontage.
2. Laurel St and Main St properties are being combined.
3. There is no backyard even though the greenhouse is being put in an area that would be considered the backyard.
4. Granting the variance would enhance the character of the area. The greenhouse will be a lovely structure that will be filled with beautiful flowers that will adorn the inside and outside of the property.

5. The variance request was initiated because there are two front yard and no back yard. It will be for personal use and not profitability.

CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO) & ANALYSIS

In *Section 14.2.1* of the *UDO*, the duties and powers of the Board of Zoning Appeals reflect *Section 6-29-800* of the South Carolina Code of Laws.

According to *Section 14.1035*, the Board of Zoning Appeals duties are “to hear and decide appeals for variances in specific cases when a strict application of the zoning ordinance would cause an unnecessary hardship, and approval of such variance would not be contrary to public interest or undermine the spirit of the zoning ordinance. The fact that property may be used more profitably if a variance is granted is not grounds for a variance. The Board may attach conditions to a variance that address location, character, or other features of a proposed building, structure, or use, in order to protect the established property values in the surrounding area or to promote the public health, safety, or general welfare of the community. The Board may grant a variance for an unnecessary hardship if it makes and explains 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.

RECOMMENDATION:

Staff recommends that the BZA conduct a thorough review of the request and determine if a legal hardship exists and if the best interests of the City of Conway would be served by granting the request.



City of Conway Board of Zoning Appeals

VARIANCE/ APPEAL REQUEST

Staff Use Only
Received: _____
BS&A #: _____

City of Conway Planning Department Phone: (843) 488-9888
196 Laurel Street, 29526 Conway, South Carolina

www.cityofconway.com

Property Address: 610 Laurel St. Conway, SC 29526		Meeting date: 8-25-22	Pin #:
Property Owner: George and Clairette Mathis		Daytime phone: 843-458-6682	
Agent:		Daytime phone: 843-465-5885	
Agent's ^{Owners} mailing address: cmathis52@hotmail.com			
City: Conway		State: SC	Zip Code: 29526
Agent's e-mail address:			
Zoning District: City of Conway			

Requested Action:

- I am requesting a **variance** from the strict application of the Unified Development Ordinance (UDO). **Please continue to the following section.**
- I am requesting an administrative **appeal** of the action or decision of the Zoning Administrator, which I believe to be contrary to the meaning of the Conway Unified Development Ordinance (UDO). **Please continue to page three.**

VARIANCE REQUESTS:

Please demonstrate how you satisfy the following **CRITERIA FOR VARIANCE** (see §14.2.1 of the Conway Unified Development Ordinance).

Please describe your proposal in detail:
We want to build a 8x20 greenhouse on the back of our house on Laurel Street. We own the lot directly behind us. Greenhouse would go behind garage and it would be in the back of Main Street property.

This proposal does not conform to the Unified Development Ordinance in the following way:	
UDO Section and Requirement:	Proposed Instead:
1. 5.2.1 A.1	
2. 6.1.9	
3.	
4.	

Application Requirements:
<input type="checkbox"/> Completed BZA application
<input type="checkbox"/> A filing fee of one hundred dollars (\$100.00)
<input type="checkbox"/> A completed application including required signatures. Incomplete applications will not be processed.
<input type="checkbox"/> A digital site plan drawn illustrating all property lines, existing structures, proposed structures and any other relevant site information can be emailed to kwilkerson@cityofconway.com or abessant@cityofconway.com



City of Conway
Board of Zoning Appeals
VARIANCE/ APPEAL REQUEST

Staff Use Only
Received:
BS&A #:

1. Describe the extraordinary conditions pertaining to your particular piece of property:

Property has two front yards and no back yard.

2. Are the conditions described above particular to your piece of property? Explain.

Conditions are particular to this property because it has two front yards and no back yard. Laurel and Main Street properties will be combined.

3. Would the strict application of the Zoning Ordinance prohibit or unreasonably restrict the use of your property? Explain.

Even though we would be putting greenhouse in what would be considered the backyard of both properties since both sides about a street there is no backyard.

4. Will the granting of the variance harm adjacent property, the character of the area or the public good? Explain:

The granting of variance would enhance the character of the area. The greenhouse will be a lovely structure that will be filled with beautiful flowers that will adorn the inside and outside of property.

and: "Is the variance request initiated because of hardship and not to increase the profitability of the property?"

The variance request was initiated because there are two front yards and no backyard. It will be used for our personal use.

I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be inspected, and that all required material will be submitted to the City of Conway Planning Department no later than thirty (30) days prior to the meeting date. Board of Zoning Appeals meets the fourth Thursday of each month at 5:30 P.M. at the Public Safety Facility, 1600 Ninth Ave. (unless otherwise posted).

I understand that it is my responsibility to obtain all necessary approvals from other city departments.

A REPRESENTATIVE MUST BE PRESENT AT THE MEETING TO HAVE YOUR REQUEST HEARD.

Applicant's Signature: Clairette B Mathis Date: 7-29-2022

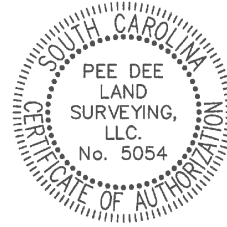
Print name legibly: Clairette B Mathis





ZONING: R1 (FROM COUNTY GIS SYSTEM, SUBJECT TO VERIFICATION BY CITY OF CONWAY PLANNING & ZONING DEPT.)

LEGEND—
 B.S.L. — BUILDING SETBACK LINE
 (#) — LOT NUMBER

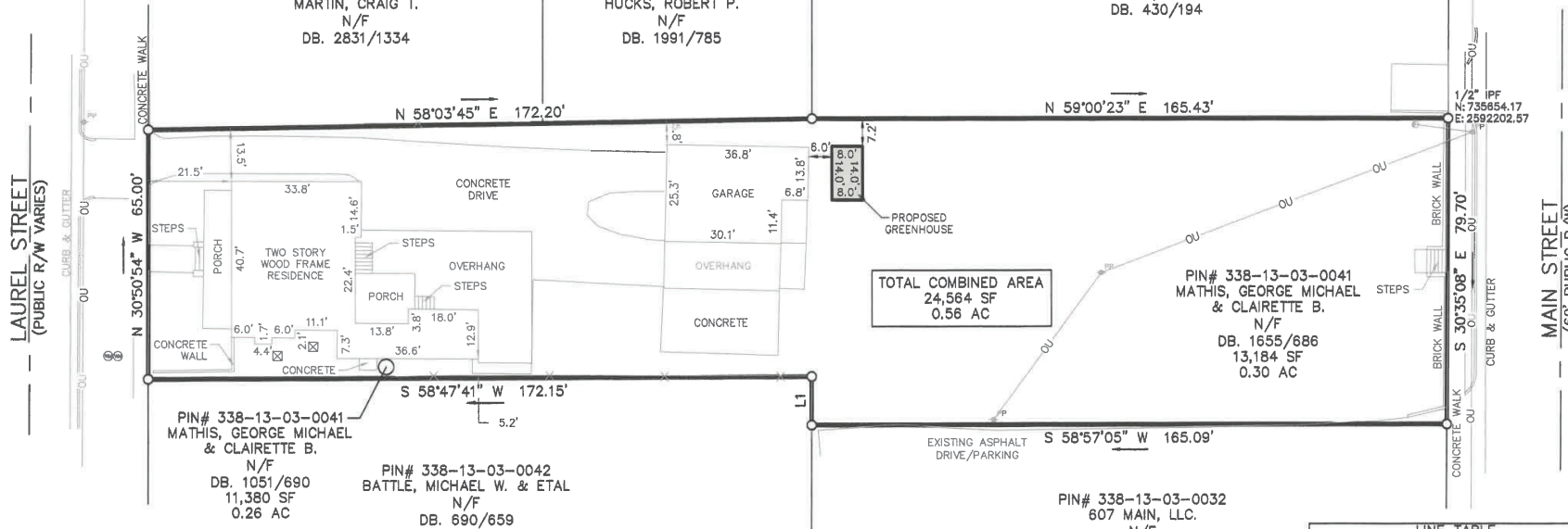


LOCATION MAP

(265-C)
 PIN# 338-13-03-0034
 HORRY FURNITURE COMPANY, INC.
 N/F
 DB. 430/194

PIN# 338-13-03-0039
 MARTIN, CRAIG T.
 N/F
 DB. 2831/1334

PIN# 338-13-03-0040
 HUCKS, ROBERT P.
 N/F
 DB. 1991/785



PIN# 338-13-03-0041
 MATHIS, GEORGE MICHAEL & CLAIRETTE B.
 N/F
 DB. 1051/690
 11,380 SF
 0.26 AC

PIN# 338-13-03-0042
 BATTLE, MICHAEL W. & ETAL
 N/F
 DB. 690/659

PIN# 338-13-03-0041
 MATHIS, GEORGE MICHAEL & CLAIRETTE B.
 N/F
 DB. 1655/686
 13,184 SF
 0.30 AC

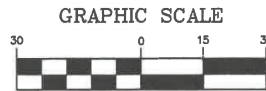
PIN# 338-13-03-0032
 607 MAIN, LLC.
 N/F
 DB. 3721/2260

TOTAL COMBINED AREA
 24,564 SF
 0.56 AC

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 30°50'00" W	12.66'

REFERENCES—

1. SURVEY PLAT BY S.D. COX SURVEYORS, INC. TITLED, "MAP OF LOT IN THE CITY OF CONWAY..." DATED MARCH 29, 1960. RECORDED IN HORRY COUNTY R.M.C. OFFICE IN PLAT BOOK 29 AT PAGE 82.
2. SURVEY PLAT BY S.D. COX SURVEYORS, INC. TITLED, "MAP OF LOT IN THE CITY OF CONWAY..." DATED AUGUST 23, 1973. RECORDED IN HORRY COUNTY R.M.C. OFFICE IN DEED BOOK 498 AT PAGE 189.
3. DEED BOOK 430; PAGE 194.
4. DEED BOOK 1051; PAGE 690.



(IN FEET)
 1 inch = 30 ft.

NOTES—

1. PARCEL IS SUBJECT TO ALL RIGHTS OR RESTRICTIONS OF RECORD.
2. PARCEL IS LOCATED WITHIN FLOOD INSURANCE RATE ZONE 'X' PER FLOOD INSURANCE RATE MAP #45051C0533 K, COMMUNITY #450106, PANEL #0533, SUFFIX 'K', REVISED DECEMBER 16, 2021. FLOOD ZONE INFORMATION SUBJECT TO VERIFICATION BY COMMUNITY FLOOD ZONE MANAGER.

PEE DEE LAND SURVEYING, LLC
Professional Land Surveying & Design
 Office: (843) 365-0283
 Email: mjp@pdlslc.net
 1609 Four Mile Road
 Conway, S.C. 29526

—PLOT PLAN—
 0.56 ACRES OF LAND,
 LAUREL STREET & MAIN STREET
 CITY OF CONWAY,
 HORRY COUNTY, SOUTH CAROLINA
 PREPARED FOR: GEORGE MICHAEL MATHIS

FILE NO. 22-310
 SCALE As Noted
 DATE 08/15/2022
 DRAWN BY MJR
 DWG NO.

1

SHEET 1 OF 1

CITY OF CONWAY

2022 Board of Zoning Appeals - 5:30 p.m.

<u>Deadline</u>	<u>Meeting Date</u>
December 29, 2021	January 27, 2022
January 26, 2022	February 24, 2022
February 23, 2022	March 24, 2022
March 30, 2022	April 28, 2022
April 27, 2022	May 26, 2022
May 25, 2022	June 23, 2022
June 29, 2022	July 28, 2022
July 27, 2022	August 25, 2022
August 24, 2022	September 22, 2022
September 28, 2022	October 27, 2022
October 19, 2022	November 17, 2022
November 16, 2022	December 15, 2022