



**BOARD OF ZONING APPEALS MEETING MINUTES
TOWN COUNCIL CHAMBERS
NOVEMBER 20, 2014 ♦ 6:30 p.m.**

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6 **1. CALL TO ORDER.** Chairman Ott called the meeting to order at 6:30 p.m. Members present:
7 Chairman Ott, Vice-Chairman Willm, and members Courtney, Lauer, Lanham, and Watson. Member Davis was
8 absent. A quorum was present. Others present: Planning Director Morris and Town Clerk Herrmann.
9

10 Chairman Ott welcomed newly appointed member, Mr. Timothy Courtney.

11
12 **2. PLEDGE OF ALLEGIANCE.** Chairman Ott led the Pledge of Allegiance.

13
14 **3. AGENDA APPROVAL.** Mr. Lanham moved to approve the agenda. Mr. Willm seconded. All voted
15 in favor. **MOTION CARRIED.**

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17 **4. MINUTES APPROVAL.** Mr. Lanham moved to approve the March 28, 2013 meeting minutes as
18 presented. Ms. Lauer seconded. All voted in favor. **MOTION CARRIED.**
19

20 **5. BUSINESS.** Appeal No. 2014-03 by Benton Blakely for a variance from Section 17-330(1) of the
21 Zoning Ordinance to allow property at 414 Ocean Boulevard North (TMP #191-16-12-003) to encroach into
22 the front yard setback.
23

24 **HEARING:** Chairman Ott opened the hearing at 6:32 p.m. and invited Mr. Blakely to come forward if he
25 wished to address the board, asking him to say and spell his name for the record.
26

27 Mr. Blakely: "Benton Blakely, B-e-n-t-o-n B-l-a-k-e-l-y."

28 Chairman Ott: "Would you raise your right hand? Do you swear to tell the truth, the whole truth, and
29 nothing but the truth, so help you God?"

30 Mr. Blakely, hand raised: "I do."

31 Chairman Ott: "Thank you."
32

33 Mr. Blakely: "I've been a Surfside person for many years. I have two homes here. One over at the corner
34 of Willow and Maple behind the little ball field. I bought it in '72, and lived there for, well, not permanent, but
35 during the summer down here a lot. Bought this other home that that I want the variance on about 12-, 13-years ago.
36 And, and, so as the person before me that I bought it from, he had started having grandchildren. It was too small, so
37 he sold it, and I purchased it. At the time, I didn't need any more room. But, now, I have two grandchildren that
38 live down this way, and we come down quite often and, and we need more room. And, I'm not asking for much.
39 We, as Ms. Sabrina knows, we've talked about this before. What I want to do it's, it's, the house was built, I think,
40 back in '82, 3, somewhere in that time frame, and since then, y'all've changed the lines and I'm kind a encroaching
41 now; part of one corner of the house, and the angle shoots, you know, towards the road or whatever, and all
42 I'm asking for is a, is a, it's a small area to put a deck on. The deck is the only thing that would encroach, I think,
43 maybe start out about three or four feet and then kind a go down to nothing is the plan, and we've got the plans here,
44 and, and the only way to make the house look decent is, it's a, it's a crazy type house. It's a [sic] octagon shaped
45 house, and to make it work, you've got to be real peculiar, and I've been working on the plan probably for a year
46 trying to figure out what I want to do. And, I told the guy, I said it's got to look like a shoe, a boot. We made it
47 look that way, and it looks good, and it'll probably just about double the size of the home. Probably end up about
48 1,700 square feet. And, it would be more taxes and it would beautify it and make it look a whole lot better. It's
49 right there on, between 4th and 5th Avenue [sic.] In fact, I'm on that, the runoff, the little; what do you call that,
50 storm drain? [It] comes right by my house, and this past year, well, I started 10 or 12 years ago, I improve it every
51 time I come down here. I walk around and mash and check; if there's a hole, I always fill it with concrete or
52 something, you know, to make it so it won't wash away. I've been working on that the whole time I've been here.
53 This past summer, I went in on my own, because I went to town hall, and they said there's no money to do anything,
54 and right at the bridge where the road goes through there, 4th Avenue, that whole section was falling in when I first
55 bought the home. But, there was no money to fix it. You can go there now, and look at the other side, and it's, it's
56 getting in real bad shape. But, I fixed my side. I got down in there and fixed it; put the timbers in, and took care of

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57 it. And, this past summer, I went in there, spent about \$8,000 reinforcing; didn't need to, but if you look across
58 from me that seawall is getting in bad shape, and I think they're gonna do something about it. But, I went in and put
59 about 20 16-foot timbers, 6 x 6s, in the ground to reinforce, not needing it, but to reinforce, preventive maintenance
60 for the future. So, I'm in great shape with the seawall, and, and since I've done all that, and I want to stay there, but
61 I need just a little bit of help from y'all to, to do what I need to do to improve it and get a little more room there. I
62 don't know if there's anything else. That's, and talking to people, you know, and I, I would assume this could be
63 grandfathered in, since I'm asking for so little, and, and Ms. Sabrina can show you what, what we're asking for
64 there, and it's just, the only thing is just a little bit of deck space. It's nothing out of the way of anything, and, so
65 that's all I need to, to make my little dream house. So, I don't know...y'all have any questions or anything?"

66
67 Chairman Ott: "We're gonna, we're gonna bring you when we go into the business section. We're gonna
68 bring you back and the board will ask you questions at that time."
69

70 Mr. Blakely: "I'm familiar with a lot of this stuff. I'm on County Council in Clarendon County. We have
71 the Santee Lakes over there, and we have the same situation as y'all do down here with the ocean, and so I, I've
72 never went before the board, but I have to take all these calls after a decision is made, you know, kind a like y'all
73 have to do. But I appreciate any help you can give us, cause [sic] I think it would be a big improvement, you know,
74 for the area. You know, the looks and everything. So, appreciate it. Thank you."
75

76 Chairman Ott: "Thank you, Mr. Blakely. Now I'll ask Ms. Morris, if she would present for the Town of
77 Surfside Beach." Chairman Ott asked Ms. Morris to raise her right hand. Chairman Ott: "Do you swear to tell the
78 truth, the whole truth, and nothing but the truth, so help you God?" Ms. Morris, hand raised: "I do."
79

80 Ms. Morris: "The structure is located at 414 Ocean Boulevard North. It was constructed prior to the 20-
81 front setback enactment, and it is an existing non-conforming. The property is currently zoned R-3. The setbacks
82 for R-3 is front is 20; sides 5, and rear 15. He has no problems with the sides and the rear. Again the structure is not
83 [sic]; is existing, non-conforming. The existing front deck is actually 5-foot 8-inches from the front property line
84 already. The existing structure is 12-feet from the front property line at the closest point. This pretty much shows
85 the 5-8 is just the existing deck (*referring to photo*) to the property line, and where the arrow is there's a red line. I
86 don't know if you can see it, but it goes all the way back to the octagon house. That is the area that he's requesting a
87 variance, and he is correct, at the point of the structure is 4-feet. So, he needs 4-foot variance from the front
88 property, I mean front setback to be able to build what he is, the proposed addition. We did post the lot and
89 advertised in the newspaper as required by law. We did get several phone calls regarding the variance request. But,
90 only one opposed, and I gave you that tonight, because I received it last night. But, if you have any questions, I'll be
91 glad to answer those at this time."
92

93 Mr. Willm asked if this was the front setback only. Ms. Morris showed the specific area on the map that
94 was requiring a variance. She showed a map from GIS (Geographical Information System) showing how the house
95 was positioned on the property. The red line at the front is the property line, so the house is pretty close to the
96 property line now. The deck is less than 6-feet away from the property line. But, the house was built before the
97 setbacks were adopted, and is grandfathered. She showed over-lay maps showing the house was closer to the street
98 than its southern neighbors, but lined up with the multifamily unit to the north side. A side view of the proposed
99 construction was shown.
100

101 Mr. Lanham asked for clarification if the 5-foot 8-inch setback was supposed to be a 20-foot setback. Ms.
102 Morris said yes, but that was existing. Mr. Lanham said there was already about a 14-foot variance. Ms. Morris
103 said the request is not to extend the deck out that far; just to go around the side of the building to provide ample
104 walking area.
105

106 Discussion ensued about the desired plan and possible options. Mr. Lanham moved to close the public
107 hearing at 6:45 p.m. Ms. Lauer seconded. All voted in favor. **MOTION CARRIED.**
108

109 **BUSINESS**
110

111 Additional discussion was held to make sure the commission understood the variance request. Ms. Watson,
112 who is a contractor, suggested that the existing deck be utilized, which would provide adequate walking room to

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113 access the new portion without requiring a variance. Mr. Blakely was amenable to the suggestion and said he and
114 his contractor would meet with Ms. Morris to redraw the plan.
115

116 Mr. Willm moved to deny the appeal based on the third criteria not being answered by the appellant on the
117 written request, and failure to answer the question during the hearing. Ms. Watson seconded. All voted in favor.

118 **MOTION TO DENY CARRIED.**
119

120 Chairman Ott said that board member Mr. Davis had only attended on meeting since his appointment in
121 October 2011, even though he has consistently said he would be present. Mr. Davis also has not complied with the
122 state mandated annual training. Therefore, he called for motion to recommend to Town Council to declare the seat
123 vacant. After discussion, Ms. Watson moved to recommend to Town Council to declare the seat vacant. Mr.
124 Lanham seconded. All voted in favor. **MOTION CARRIED.**
125

126 **6. BOARD COMMENTS.**
127

128 Mr. Willm thanked everyone for attending the meeting.
129

130 Chairman Ott asked Ms. Morris to schedule training for after the first of the year. Ms. Morris said the
131 American Planning Association had advised her that staff should not make recommendations for approval or denial
132 of an appeal. She will give the board that information when training was scheduled, and the January 30, 2014, and
133 these minutes could be approved at that meeting.
134

135 **7. ADJOURNMENT.**
136

137 Mr. Willm moved to adjourn at 7:12 p.m. Ms. Watson seconded. All voted in favor. **MOTION**
138 **CARRIED.**
139

140 Prepared and submitted by,
141

142 Approved:

Debra E. Herrmann, CMC, Town Clerk

Ron Ott, Chairman

Darrell Willm, Vice Chairman

Timothy Courtney, Board Member

Blake Davis, Board Member

Terri Lauer, Board Member

Guy Lanham, Board Member

Holly Watson, Board Member

157 Note: Be advised that these minutes represent a summary of items with a verbatim transcript of the hearing
158 testimony insofar as can be determined by the recording thereof and are not intended to represent a full transcript of
159 the meeting. The audio recording is available upon request, bring a flash drive to the town clerk. The agenda was
160 made available to persons, organizations and local news media as requested. The agenda gives the date, time and
161 place of the meeting as well as the order of business. This disclosure is in compliance with the SC Code of Laws
162 1976, §30-4-80(e).