



**BOARD OF ZONING APPEALS MEETING MINUTES
TOWN OF SURFSIDE BEACH
TOWN COUNCIL CHAMBERS
MAY 24, 2018 ♦ 6:30 p.m.**

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7 **1. CALL TO ORDER.** Chairman Willm called the meeting to order at 6:30 p.m. Members present:
8 Chairman Willm, Vice Chairman Watson, and Members Murdock and Taylor. Members Dougherty, Lanham, and
9 Lauer were absent. A quorum was present. Others present: Town Clerk Herrmann, and Permit Technician Mazzo.

10 **2. PLEDGE OF ALLEGIANCE.** Chairman Willm led the Pledge of Allegiance.

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12 **3. AGENDA APPROVAL.** Ms. Watson moved to approve the agenda. Mr. Taylor second. All voted in
13 favor. **MOTION CARRIED.**

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15 **4. MINUTES APPROVAL.** Mr. Taylor moved to approve the November 2, 2017 minutes. Ms. Watson
16 second. All voted in favor. **MOTION CARRIED.** Mr. Taylor moved to approve the December 28, 2017 minutes.
17 Mr. Murdock second. All voted in favor. **MOTION CARRIED.**

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20 **5. PUBLIC COMMENT ON BUSINESS ITEM.**

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22 Mr. Joe Martin, 8th Avenue South: I'd like to explain; I'll be real brief, but I'd like to explain why I was
23 interested enough to come to this meeting. I happened to be driving along the highway and saw the new sign for the
24 Baptist Church, and it shocked me. It was so bright, and so distracting from the highway, I thought what happened
25 here, and I thought that sign was illegal and just grandfathered. So when the new sign showed up, I said what is the
26 story? So I went back and listened to the audio to the meeting where it was approved. Now, I understand why that
27 happened, because it was continuous from the church. The church owns the property that it's on. So, I understand
28 that. But, it heightened my sensitivity to the digital signs that are on the highway, and then I heard in the council
29 meeting on Tuesday that the Methodist Church wants to add a new digital sign to the highway, and wants to put it
30 closer to the highway than the ordinance allows. I thought, okay. So, I went and I looked at the application, and I
31 looked at the drawings, and I looked at the size of the sign, and all of that, and the sign is pretty large. It's 11 feet
32 high, so it's higher than this ceiling, and 11 feet wide, and the digital part of it is 4 feet by 8 feet. The size of a piece
33 of plywood. A full-size piece of plywood. Pretty big digital sign. So, the argument is it should be 2 feet closer to the
34 road than the ordinance allows. I have a lot of trouble believing that that sign is not gonna be visible from the road if
35 it's moved two feet back. It's just, I just, I think it's, it's a terrible precedent for the town. I have nothing at all against
36 the Methodist Church. I'm happy that they're gonna get a new sign, if they would just move it two feet back and
37 comply with the ordinance of the town. It would be in the town's best interest to not change that ordinance, because
38 if the church can do it, everybody else can do it. You're gonna have a terrible time telling someone else for a
39 business along there they can do it. So I think were essentially changing the ordinance by allowing this. So, that's
40 what my concerns. Thank you.

41
42 Mr. Bruce French, petitioner for Surfside United Methodist Church and we'll be perfectly happy to put the
43 new sign in the exact same position as the current sign is now, which happens to be 30 inches off the property line at
44 the top and 36 inches at the base, I believe. We had the, Culler (Surveying) come out and put the stakes out so we
45 could verify the property line or re-verify it. I think y'all have drawings of the sign. It'll be a good, new sign, but
46 digital signs, message boards, the whole purpose of investing that much in a message board is to have it readable, so
47 we would, we would appreciate your approval, and keep, being able to use the same pedestal, the same, same
48 location as the current sign is. Actually, the sign, the new sign will be narrower than the old sign and a little bit
49 taller. It's 1 foot 8 inches narrower than the current sign and 1 foot 3 inches taller than the current sign. It does have
50 the same square feet.

51
52 Ms. Lynn Livesay, 10th Avenue South: I'm here to speak on behalf of allowing the church, the Surfside
53 United Methodist Church, to put up their new sign. That sign has been there a very long time. The new sanctuary
54 was built, and we have a columbarium now, which is even more recent than that sanctuary in the 90s. There's a berm
55 there. There is a lot of landscaping involved, if we have to change it. The idea is to put the sign exactly where the
56 one exists now, and not to infringe backwards or forwards and it's not going to be a plastic neon sign. It's only a

57 message board that were trying to achieve. So, that church held its first service in 1963. You know that has nothing
58 to do with the ordinances, but we are requesting a variance of really only a few feet due to visibility from the south
59 side coming up. We want to work within the DOT. We know that that's gonna be happening. We've worked really
60 hard to make our campus look really pretty, and that has to do with the overlay that is being proposed and probably
61 will pass in Surfside, and we're just trying to keep it real and keep it beautiful. So, we really would like to have the
62 new sign right where it is, and it's gonna be a monument sign. It won't be much different. Thank you.

63
64 **6. Old Business. Appeal No. ZA2018-03 by Scott Rudolph of the Bar-B-Que House Restaurant**
65 **requesting a variance from Article IX, Section 17-908 Architectural Design Standards of the town's Zoning**
66 **Ordinance.**

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68 Chairman Willm: I believe we just have an update from the town on some questions that were proposed
69 during that last time. Say your name. Ms. Mazzo: Tina Mazzo. Chairman Willm: Do you swear to tell the truth,
70 the whole truth and nothing but the truth?

71 Ms. Mazzo: Yes, sir. At the last meeting we were trying to get some clarification on if there's some way to
72 measure the tint, so we reached out to the police department to see if we could borrow what they use to measure the
73 windows on cars. But, unfortunately, they use what's called a saddle. So you have to kind of roll down the window
74 and then the device sits on top, which obviously we can't do with the Bar-B-Que House. But, they did provide us
75 what they used as their definition and guidelines, which we enclosed and they also, that on 'B' of the law, 59,
76 Article 59, Article 56, it says that the sunscreen device must be non-reflective and may not be red, yellow, or amber
77 in color. A sunscreen device may be used only along the top of the windshield, and may not extend downward
78 beyond the AS1 line. If the AS1 line is not visible, no sunscreen device may be applied to the windshield. Sabrina
79 was recommending that this is what we would go with until we get back to the planning commission looks at it for
80 further clarification on the non-reflective, highly tinted section of the ordinance.

81 Chairman Willm: Does the board have any questions? No questions being heard, we will move on to new
82 business.

83 **7. New Business: Appeal No. ZA2018-05 by Bruce French representing this Surfside United**
84 **Methodist Church requesting a variance from Article VI, Section 17-623(b) of the zoning ordinance.**
85 **Specifically requesting approval to place a new monument sign less than 5 feet away from the front property**
86 **line at 800 13th Avenue North.**

87
88 Chairman Willm: I was told prior to the meeting that Sabrina Mills [sic] was contacted and would like to
89 change the request from a 3 foot variance to a zero foot variance. They want to put it right at the property lines. Is
90 that correct? Unknown speakers: (** comments from audience.) ...fine with us to leave it exactly where it is now,
91 so go with what you've got. Chairman Willm: Okay, so correction. We will stick with the variance request for 3
92 feet; a variance of 2 feet basically, because it will be 3 feet setback. The ordinance requires a 5 foot setback, so the
93 request is for a variance of 2 feet to replace the existing sign. Would you like to present, sir? Well, you did your
94 public comment, you're public, so I let you do public comment. Now you are representing the United Methodist
95 Church requests for this variance. State your name. Mr. French: Bruce French, is my name, and I'm a member of
96 Surfside United Methodist Church. I live in Southwood. Chairman Willm: Do you swear to tell the truth, the whole
97 truth, and nothing but the truth? Mr. French: I do, sir. Chairman Willm: Thank you, sir. You may proceed.

98
99 Mr. French: Okay, fine. You know, we're, the new sign is going to be very attractive. I think you have a
100 photograph of what the rendering is there, but the most important thing to us is that we'll be able to communicate
101 with the community and the people that go by how they can be involved in the church and how the church reaches
102 out to the community. It's gonna be a communications space, and that's very important to us. We're, we want to be

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103 very connected with the community, and we think that will help us go a long way. We're not looking to put up
104 birthdays, and time and temperature, and all that kind of stuff. That's done enough around here. But, Pastor Scarlett
105 will have to sign off on every message that goes out there, and so we're excited about the chance to do this. The
106 current sign, like I said, my previous comment, the current sign is 30 inches from the property line. We can live with
107 that. A representative the sign company was out there and met with me yesterday morning. He said they can work
108 with that as far as installation and the whole thing, so, we'd really appreciate if you could grant that variance. Thank
109 you.

110 Chairman Willm: Would you like to present the town? State your name, please. You already have, never
111 mind. Go ahead.

112 Ms. Mazzo: The church is requesting a variance from the strict interpretation of Section 17-623(b) of the
113 Zoning Ordinance. The church is located at 800 13th Avenue North. They're requesting to place a new monument
114 sign 3 feet off the property line just exactly where the new [sic] sign is. The request is to allow for better visibility of
115 the new LED sign for the Church, because they're concerned about the poor visibility and lack of the ability to read
116 the sign if it's set back further. The code prior to the 4/11/17 amendments required that freestanding signs be a
117 minimum of 10 feet from the property line, and their existing sign hasn't been in place prior to any ordinance that
118 we can find regarding sign setbacks. The property was posted with signage notifying the public of the request for a
119 variance and letters were sent to the surrounding property owners.

120 Chairman Willm: Okay, I'll open it up to the board for any questions; discussion on this variance.

121 Mr. Taylor: I have a question for Tina. If they simply modify the existing sign, would they require a
122 permit?

123 Ms. Mazzo: It depends. I think if they take it all down, I don't think there's a way to, because it's brick,
124 because we looked into that before they applied for the variance to see if they could keep the frame and kind of
125 somehow get the LED in so the structure itself would be the same. But I think it just wasn't possible to redo the sign
126 that way structurally. If they can keep the structure, and they're just changing, you know, a section of it, then it
127 would be able to stay. But, I just don't think that when we looked into it (***) to do it structurally without having to
128 remove the frame. We did look at that option for them.

129 Mr. Taylor: So the answer is no. They're going to have to replace the sign, so it will be a...

130 Ms. Mazzo: For what they want to do, yes.

131 Mr. Taylor: Okay.

132 Ms. Mazzo: (***) the whole sign.

133 Chairman Willm: Any other questions:

134 Mr. Murdock: And Tina the sign if I understood your presentation correctly, the sign as it sits was put into
135 place and it was noncompliant when it was first put into place?

136 Ms. Mazzo: Well, it's been in place before we could find any kind of regulation, any ordinance regulating
137 sign setbacks.

138 Mr. Murdock: Okay.

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139 Ms. Mazzo: It's been there since before that and they haven't done anything to it. It was allowed to stay as
140 a nonconforming sign.

141 Mr. Murdock: And the proposal is to replace it in place exactly as it is, except for the new sign?

142 Ms. Mazzo: Yes.

143 Mr. Murdock: Which would now put it 2 feet too close, okay.

144 Mr. Taylor: I wasn't sure understood the 10 foot and the 5 foot.

145 Ms. Mazzo: Well, originally before the ordinance was changed in 2017, freestanding signs had to be 10
146 feet, and with the new ordinance they did allow them to move a little closer to the 5 feet from the property line, so
147 they did allow for signs to move closer.

148 Mr. Taylor: Okay.

149 Chairman Willm: Any more questions? Several members responded 'no.'

150 Mr. Murdock: I think I've got it now, thank you.

151 Chairman Willm: I call for a motion on this variance.

152 Mr. Taylor: I've driven north and south, probably 10,000 times, but in the last week, quite a number of
153 times, and I don't see where two feet is gonna make any difference one way or the other on the amount of time that
154 the sign is visible to the traffic. There is one power pole that kind of gets in your way when you're coming south. I
155 would make a motion that we deny the variance and stick with the 5 foot easement. I don't see that it meets the
156 criteria, the hardship, on the part of the applicant.

157 Chairman Willm: We have a motion to deny the variance. Is there a second?

158 Mr. Murdock: Yeah, I'll second that. As much as I would like to approve it, if there was a way
159 to salvage any piece of it that's there, then I would shoehorn it into to replacement of as is, but I just I think it's going
160 to have to, if it's gonna be brand-new it's gonna have to be in compliance. So, I will second that.

161 Chairman Willm: Okay. I have a motion to deny and a second. Any more discussion? I'll call for a vote.

162 Mr. Taylor: Aye.

163 Ms. Watson: Aye.

164 Chairman Willm: I am abstaining.

165 Mr. Murdock: Aye on the no.

166 Chairman Willm: Okay, the motion has been approved to deny the variance.

167 Mr. French: Can I ask a question?

168 Chairman Willm: No, sir. I'm sorry, we're closing the business section. We are allowing for public
169 comments.

170 **8. Public Comments.**

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172 Mr. Bruce French, Petitioner for Surfside in the Methodist Church: If we salvage the brick lower part of
173 the sign and build up from that would that comply? Mr. Murdock: You would still have to go, I think... Chairman
174 Willm: That would be a zoning department question. Mr. Murdock: But if it was to come back up in front of me, I
175 would be much more partial to that. Mr. French: Okay.

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9. Board Comments.

Mr. Taylor: I have one. I would like to make a request of staff, I'm not sure if there been any ordinance changes in the last two or three years, since I got my copy [of the zoning code,] but I'd like to get a new copy, just to make sure I'm reviewing the correct ordinances. Chairman Willm: I'd like on, too. Mr. Murdock: I'll take a new one.

Mr. Murdock: A couple things. I guess maybe as even a point of order, but were we supposed to, were we going to take back up the barbecue place for discussion, or was that just we were just receiving clarification? I know that he is not here. Chairman Willm: Just for clarification. Mr. Murdock: Just for clarification. Okay, that's fine. Then I guess two things. First, Tina remember that anybody over 30 isn't gonna know what this is (motioned with hand) when it comes to rolling down a window. *(Laughter.)* In fact, I'm not even sure that my wife would at this point, so that's... The second thing is, I will be out of town for several months starting second week in June, so I'll be back the second week of August. Chairman Willm: Europe again? Mr. Murdock: No, Key West. So we'll be down there a couple of months. But I'll be back and so if you guys want to hold all the business till then, that'd be great. *(Laughter.)*

Chairman Willm: Consider it done. I second that on the windows. My daughter looked at a car one day, and she said, 'What are those?' *(Laughter.)* Anyway, again, I thank the board for their volunterism [sic] and serving on the board, and I thank everybody else for showing up tonight.

9. Adjournment. Mr. Murdock moved to adjourn the meeting at 6:51 p.m. Mr. Taylor second. All voted in favor. **MOTION CARRIED.**

Prepared and submitted by,

Debra E. Herrmann, CMC, Town Clerk

Approved: _____, 20__

Darrell Willm, Chairman

Holly Watson, Vice Chairman

Terri Lauer, Board Member

Guy Lanham, Board Member

Jon Dougherty, Board Member

Phil Murdock, Board Member

Steve Taylor, Board Member

Clerk's Note: Be advised that these minutes represent a summary of items with a verbatim transcript of the hearing section insofar as can be determined by the recording thereof and are not intended to represent a full transcript of the meeting. The audio recording of the meeting is available upon request; please provide a flash drive on which to copy the audio file. In accordance with FOIA §30-4-80 (A) and (E), meeting notice and the agenda packet were distributed to local media and interested parties via the town's email subscription list. The agenda was posted on the entry door at Town Council Chambers. Meeting notice was also posted on the town website at www.surfsidebeach.org and the marquee.