1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. OFFICER ELECTION
   a. Chairperson
   b. Vice-Chair

4. AGENDA APPROVAL

5. MINUTES APPROVAL – January 25, 2018, March 22, 2018, April 26, 2018 & May 24, 2018

6. PUBLIC COMMENT ON BUSINESS ITEM

7. BUSINESS
   
   Appeal No. ZA2018-06 by KMK of Myrtle Beach requesting a variance from the strict interpretation of Section 17-396.5(g) Upper Story Dwellings specifically the requirement for on-site parking to be provided in the rear of the same property at (1) space per bedroom.

8. PUBLIC COMMENTS – General Comments.

9. BOARD COMMENTS

10. ADJOURNMENT
1. CALL TO ORDER. Chairman Willm called the meeting to order at 6:30 p.m. Members present: Chairman Willm, Vice-Chairman Watson, and Members Dougherty, Lanham, Lauer, Murdock and Taylor. A quorum was present. Others present: Town Clerk Herrmann; Building Official Farria, and Permit Technician Mazzo.

Chairman Willm welcomed everyone to the meeting, saying that it was nice to have so many people attend. The board members and staff introduced themselves. Ms. Watson read the Board of Zoning Appeals Mission Statement:

The mission of the Surfside Beach Zoning Board of Appeals is to listen to property owners and citizens who wish to appeal rulings made by the building and zoning department or are seeking variances from Surfside Beach Zoning Ordinances due to the irregularities or peculiarities of their property, which cause them a hardship in meeting the zoning setbacks. We are an independent board, and we are not influenced by town officials, councilmen, or any other individuals. We will strive to render fair and equitable decisions that are best for the individual, the town, and its citizens. All decisions are final and can only be appealed to the Circuit Court.

2. Pledge of Allegiance. Chairman Willm led the Pledge.

3. Officer Election
   i. Chairman. Mr. Lanham moved to elect Mr. Willm to serve as chairman. Ms. Watson second. All voted in favor. MOTION CARRIED.

   ii. Vice Chairman. Mr. Taylor moved to elect Ms. Watson to serve as vice chairman. Ms. Lauer second. All voted in favor. MOTION CARRIED.

4. Agenda Approval.

   Mr. Taylor moved to adopt the agenda as presented. Mr. Lanham second. All voted in favor. MOTION CARRIED.

5. Public Comments on Business Items.

   Mr. Randle Stevens, 1st Avenue North: I’m just curious. I’m looking at this and on the application it said appeal of a decision of administrative official, and then there’s a letter that says from the two ASL signs, which says the requesting a variance. Which one is it? I wondered if I could get a clarification on that. Chairman Willm: It is my understanding that this is a variance to the sign ordinance. Mr. Stevens: Okay, because I have a copy of the application and it said appeal the decision, but another letter said a variance. Chairman Willm: The actual application is an appeal to the decision of an administrative official as indicated on page four of this application. Mr. Stevens: Okay, so it is the appeal the application. Okay. Chairman Willm: Application for a new sign. Mr. Stevens: Alright, thank you.

6. Business Item

   Appeal No. ZA2017-04 by First Baptist Church of Surfside requesting a variance from Section 17-630(10) of the Zoning Ordinance prohibiting off premise signs. The property is located at 811 16th Avenue North, TMS#191-12-03-001.
Chairman Willm cited the appeal and sworn in Mr. Farria: Do you swear to tell the truth, the whole truth and nothing but the truth?

Mr. Farria: Yes, I do.

Chairman Willm: Proceed.

Mr. Farria: Thank you, Mr. Chairman. Basically the church, First Baptist Church Surfside, basically wants to, they have an existing sign right now at the corner of 16th Avenue North and 17th North, and, which they want to replace with a new sign. Basically, the understanding is, is that that location where the existing sign is now, where the new sign is going to be, what they want to put is basically, I think it's a mobile home park property, and it is owned by basically the church itself. (Unknown speaker: on a different property) Mr. Farria: But it is on a different property than the church's property. So basically that's what the, the issue is right now that they want to put the sign where the new sign where existing sign is, but which is located on the mobile home park, which is owned by the church, but is not on the church's property itself, if that makes sense.

Chairman Willm: And the zoning ordinance that prohibits that; that it has to be on the same piece of property?

Mr. Farria: Right. Basically, if you look at prohibited signs, which is Section 17-630, item 10, off premise signs, outdoor advertising signs, and billboards. So, this would be basically classified as an off premise sign, even though the church does own that property. It is not the on the property of the church itself, and the sign is for the church. If you look on the definitions where it says off site sign, it says off site signs shall mean a sign that advertises goods, products, services, or facilities which are located, not which are located on premises other than those where the sign is located.

Chairman Willm: Currently the sign that is there is a legal nonconforming sign?

Mr. Farria: It's been in existence sign. It's been there for as long as I can remember.

Chairman Willm: Prior to this zoning.

Mr. Farria: I'm assuming so, yes, sir. It's been there for as long as I can remember. I go back 13 years ago.

Chairman Willm: I go back about 45, and it's been there as long as I can remember.

Mr. Farria: Yep, right.

Ms. Watson: It says in the paperwork here that the sign was originally approved back in 2015 and the church need to procure funds to buy their new sign. Can you tell me what happened between 2015 and now? Did the ordinance change? (**unknown speaker not clear)

Mr. Farria: The ordinance didn't change, but we didn't have any record of approval at all.

Ms. Mazzo: (not sworn-in) I think it might have been approval (**) but, I'm not 100 percent sure. I know we have no documentation is here (**).

Ms. Watson: Okay, and you've looked at the adjacent property, and it is titled in, the mobile home park does belong to the church, the property, the mobile home property does belong to the church.

Ms. Mazzo: It's two different LLCs. The same people own the two LLCs, but they are different LLCs.

Ms. Watson: So both properties are controlled by the same party?

Ms. Mazzo: Yes.
Mr. Farria: The church, that’s correct.

Ms. Watson: Both properties are controlled by the same person.

Mr. Farria: Right. I think the understanding is that the church property, of course, is a nonprofit LLC.

Where, of course, the mobile home park is a different LLC, but is still owned by the church itself.

Ms. Watson: Okay, so in your opinion, is the control of both properties under the control of the First Baptist Church of Surfside?

Mr. Farria: In my opinion, yes.

Ms. Watson: And is anything on this proposed sign have any type of commercial advertising or any type of service other than community services going to be advertised that you know of?

Mr. Farria: I can refer to you the statement from the Mr. Nicholas at ASL. He might be able to explain more on that. But if you look at the second paragraph, it will be a full-color LED message board allowing the church to bring in new members, provide updates to future events such as Bible Study, Vacation Bible School, and regarding meals for the homeless and persons in need of help. Basically, everything I see here I don’t see anywhere or any evidence that they’re gonna use it for commercial advertising at all. And, I’m not sure if any, if there’s a, I know ASL is here. I’m not sure if there’s any member from the church here, also. They can maybe also answer that question, if need be.

Ms. Watson: Okay, so in your opinion, this would be a noncommercial sign?

Mr. Farria: (***) Yes, ma’am, based on what I’m seeing here, yes.

Ms. Watson: Okay, thank you.

Mr. Lanham: If I looked at these two signs, what difference would I see, meaning size, color, whatever.

What’s the difference in the two signs?

Mr. Farria: If you look at the packet again, it’s in your packet there, you can see the sign that been applied for. And then there are also if you look in the pictures of what’s existing now, it also shows the existing sign.

Unknown speaker: It’s a lot smaller.

Mr. Farria: So that existing sign is lots, lot smaller, of course.

Mr. Lanham: Okay.

Mr. Farria: The new sign, if you look at the proposal, will be higher up in the air, as you can see. It will be, I guess the sign itself will be also larger than what the existing sign is. You can see the existing site is basically, looks like it’s only about two or three feet off the ground.

Mr. Lanham: So these pictures here, this would be the sign that is going to be up. It won’t be changed after; that’s the exact sign.

Ms. Mazzo: That’s what they’re looking at now.

Mr. Farria: That’s what they’re wanting.

Mr. Lanham: That’s what I was wondering about. Exactly the same sign.

Chairman Willm: Other than the location of the sign, the sign is in compliance with all other requirements of the sign ordinance?

Mr. Farria: Yes.
Ms. Lauer: I have a question. It's going to be a flashing and moving sign. A movement of an LED message is going across.

Mr. Farria: Based on again, and again, ASL might be able to answer that little bit more, but if you look at the, again, the statement from Mr. Nicholas there it says it will be a full-color LED message board, and it will be giving different events, you know, of the church.

Ms. Lauer: How about the light intensity; the brightness of the sign. How will that affect …

Mr. Farria: Okay, that would be question that …

Chairman Willm: Excuse me a minute. Let me go ahead and let Mr. Nicholas present for Baptist Church and then we'll come back and we can ask questions from both sides so we can get a full picture. Do you swear to tell the truth, the whole truth and nothing but the truth?

Mr. Nicholas, ASL Signs: Yes, I do.

Chairman Willm: Thank you, sir.

Mr. Nicholas: The sign that exists is roughly like they said about 5½ feet tall. It does light up, and it sits low, because of the (**) The sign that we're proposing, like they said, it's gonna be 7 feet taller than the existing sign, and it will have, and it will be a lit sign. And the colors, and the logo, and what's on the sign itself is specifically to bring people to the church. It's not abrasive. It's not something that's gonna be like a billboard in your face type sign. It's a real contemporary classic sign that's in; goes along with church. The LED board on the sign is solely for the, for the church's use. Nothing commercial is gonna be on it. Now what the church is gonna, what it's gonna, the whole purposes to draw people to the church, whether it be the Bible study or an event going on at church, but more importantly, if it brings one person off, off the street to the church, even saves the person's life bringing him to God, that sign has done its part for the church. It's not intended to advertise any other company or anything like that. It's not gonna be flashing, again, it's gonna be within the church's standards. And as far as the brightness that can all be controlled. It has during the day it's gonna be one brightness. Then at night it will be bright, but it, but it tones down. And also on their sign, if a hurricane comes through, it's designed to have Amber Alerts or if you see, God forbid, somebody's kidnapped or what have you, it has the Amber Alert. It has that ability. It's like the sign that we have it at ASL signs. Anytime severe weather comes in; hurricane, it switches right over to the weather, and any types of Amber Alerts.

Chairman Willm: Anybody have any questions for him?

Mr. Taylor: No, not for him.

Mr. Nicholas: Just so you know, it's controlled solely by the church. Nobody else will have access to it, to what goes on it. Nobody can get into it, and again, it's all controlled by the church.

Chairman Willm: Any further questions for either …

Mr. Lanham: I have a question for … If this sign was the same size as the sign that's there now, would it still be in variance? If you change the sign, just put a new sign in, but the same size? It'd still be a variance?

Mr. Farria: Based on the prohibited signs, it's off premises, yes, that's correct.

Mr. Nicholas: One thing, too, keep in mind the church, the parcels are owned by the church. But the church is tucked back over seventy feet off the road. So, again, it bring people to worship.
Mr. Taylor: I have a question for the staff. If this sign were deemed to be on premise, would the sign be meet code and be approved? (Mr. Farria nodded his head in agreement.) Mr. Taylor: Okay.

Mr. Murdock: Mr. Chairman, is somebody from the church here, or do we know? Okay.

Mr. Nicholas: That whole crew behind me. (Laughter)

Chairman Willm: Come up and give your name. We’ll swear you in and let you, let us ask some questions.

Do you swear to tell the truth, the whole truth and nothing but the truth?

Mr. Roger Reese: I do.

Mr. Murdock: My question is this FBCSBRE, LLC who owns that LLC? Does the church itself?

Mr. Reese: It’s Greenbrier Trailer Park, LLC and we, we do own that property.

Mr. Murdock: Okay and when you say we, the church. The church owns it.

Mr. Reese: Yes.

Mr. Murdock: So the church that owns the property that the church sits on is the same entity of ownership of this LLC? The membership interest is the same.

Mr. Reese: Yes.

Mr. Murdock: Okay.

Mr. Reese: In fact, I have drawings showing future plans to encompass that property all the way to 17, money providing.

Mr. Murdock: Got ‘cha. Like I said, I make that distinction so that even though the LLC is its own entity, the owners of the LLC is the church. Okay.

Chairman Willm: Was the intent on having, allowing the people that are there stay there until a certain amount of time before y’all plan on making that your full campus?

Mr. Reese: There is a provision that we have to give them, I think it’s 12 month’s notice before we attempt to do anything.

Chairman Willm: How long have y’all owned the trailer park?

Mr. Reese: It’s been about five years ago. (Unknown speaker: It’s actually six.)

Mr. Lanham: This may be a little bit off the wall, but why couldn’t you just select small piece of property and deed it over to the church, and then you would be in, you wouldn’t be out of variance. I know that doesn’t sound practical, but it’d get you out of this whole mess.

Mr. Reese: Well, quite honestly, I didn’t realize we were really in a big mess. (Laughter) You know, we’re trying to replace the sign that’s an eyesore with a very nice sign.

Mr. Lanham: No, I don’t have a problem with the sign, it’s just the ordinance, you know, is what it is, and it’s not … I don’t know.

Mr. Reese: I don’t know how the sign that’s there got there.

Mr. Lanham: Before my time.

Ms. Lauer: Yes, way before our time.

Ms. Watson: Sir, can you tell me when the First Baptist Church of Surfside started?

Mr. Reese: Fifty years, 52 years ago.
Ms. Watson: Okay.

Chairman Willm: Same year I moved to Surfside.

Mr. Reese: It started right down here on Ms. Molly Owen's front porch.

Chairman Willm: Any other questions?

Ms. Lauer: I'm just worried a little bit about the brightness of the sign. How it will affect the owners of the manufactured houses with a light shining in their bedroom with the privacy issue. I mean, that's a high light, bright light.

Mr. Reese: There is [sic] trees between the sign and the mobile homes.

Ms. Lauer: So none of the trees are being removed? They're going to stay there?

Mr. Reese: No, ma'am.

Mr. Nicholas: Remember, too, the sign is no facing; the sign is gonna project light this way and this way (referring to a picture), north and south. It's not gonna project sideways.

Ms. Watson: There's no window there.

Ms. Lauer: Well, I just don't want to create a nuisance with the ordinance trying to avoid a nuisance for the people that are living there. We're all concerned about that. I mean I'm sure all of wouldn't want a bright light shining in our bedrooms.

Mr. Reese: There are tenants, so we would be concerned, also.

Chairman Willm: It does appear from the picture that there is no window on the backside of that closest premise. Any other questions or discussion of the board?

Mr. Taylor: I have a comment. This entire thing centers around the definition of on premise or off premise. You know, as the operator of the 235 acre golf course that consists of about 14 different plats, some of them owned by other people, I'm inclined to believe that in my mind this meets the definition of an on premise sign versus an off premise. The fact that they have the same ownership and it's contiguous to the other piece of property, it's not separated from the property. Kind of like if they wanted to put the sign across the street where the parking lot is. It's, it's a separate piece of property owned by the same people, but it's on premise. So I'm, I'm inclined to say this is really an on premise signs, and I would be inclined to vote in favor of the variance.

Ms. Watson: Are we done with the appellant?

Chairman Willm: No, you can ask them a question, if you want.

Ms. Watson: No questions.

Chairman Willm: If nobody has any more questions for them, you may sit down, and we can entertain a motion or more discussion amongst the board.

Ms. Watson: I have discussion. I've been looking into something called the Merger Doctrine, okay, and, but for a technicality, these two pieces are merged together. They're absolutely the same ownership, and I also went back to 14th Century meaning of the Diocese, and I know we use that in the Catholic terms, but this is a Christian organization. And a Diocese is a district under the control and pastoral care of a bishop or a pastor. It is a jurisdiction, a province, a parish, or a territory that is under the control of a religious pastor, and so I feel like premises as a definition also is a house or building together with its, all of its land and outbuildings, occupied and
considered in an official context. Also, I would like to remind the board of the constitutionality of signs, and I picked this up out of some cases that I was studying about the sign ordinances of other places. The constitutionality of signs, the language of the United States Constitution regarding speech is well known. Congress shall make no law abridging the Freedom of Speech. Early in the last century this fundamental rule was extended to the states. So what is it mean to abridge the Freedom of Speech when it comes to signs? The First Circuit Court of Appeals held in 1996 that the combined effect of the Massachusetts statute and a local sign ordinance, which together permitted on-site noncommercial billboards but prohibited such billboards off-site violated the First Amendment. The court pointed out that while the prohibition against off-site noncommercial billboards was not on its face based on the billboards content its practical effect was to penalize noncommercial rather than commercial billboards. Since most billboards expressing ideas or advocating policies like ‘Stop the War’ or ‘Smith for Mayor’ are by their very nature located off-site. In 2009 the US District Court for Rhode Island applied these principles to a suit based not on a local sign ordinance, but on the Rhode Island Outdoor Advertising Act. It boils down to this: there was an owner of a small business with the rooftop outdoor advertising sign that was visible from Interstate 95. He used the sign to both advertise his own products made on the premises and other products and services for both commercial and noncommercial entities. So when the DOT wanted to have his sign removed, he sued. [He] claimed that he had a constitutional right to maintain the sign. The court acknowledged that prohibitions of off-premise commercial advertising may be constitutional, but it held the statute to be unconstitutional, content-based restriction on free speech because it allowed on premises noncommercial advertising but prohibited such advertising off premises. These cases make it clear that sign ordinances cannot broadly prohibit off-premises signs, unless all noncommercial signs are exempt. In other words, anyone anywhere can post or carry a sign promoting religious, political, or other kinds of ideas. So it doesn’t mean that we can’t reasonably regulate signs in locations and dimensions, but we have to be real careful about religious free speech, and I believe that’s what we have here, and I vote to approve this sign. Chairman Willm: We don’t have a motion yet. But, thank you very much. Any other comments or questions from the board for discussion? Would somebody like to make a motion to approve the appeal of the decision of the administrative decision on the sign or a motion to not approve the appeal or any, as a reminded to the board, we can put any stipulations on our approvals or denials.

Ms. Watson: I make a motion we approve the appeal.

Mr. Taylor: Second.

Chairman Willm: Any further discussion?

Mr. Murdock: And approving the appeal is simply to grant this sign as submitted?

Chairman Willm: That wasn’t the motion on the table.

Ms. Watson: Yes.

Mr. Murdock: That’s why I want to know is what was the appeal exactly?

Ms. Lauer: I’m with him. What are we approving?

Chairman Willm: Allowing First Baptist Church to put a sign on … actually, what we’re approving whether this is …

Ms. Watson: We find it is not an off-premise sign.
Chairman Will: So we’re not really doing the sign, we’re just determining whether is on site or off site premise. So, the motion is that we approve the appeal and rule in favor of First Baptist Church on this appeal, and the decision that is on ...

Mr. Lanham: And, again, that based that it’s all one piece of property.

Chairman Willm: Correct.

Mr. Murdock: Or common, commonality of ownership.

Ms. Lauer: That’s better.

Chairman Will: Any other discussion or questions?

Mr. Murdock: Just from a discussion standpoint, I will tell you that you as an attorney, if I was going to argue premises liability for something that happened on the trailer park, I would go after the church under the diocese argument that [Ms. Watson] just made, you, because I think that is, I would argue that is the same premises even though you’re separated into two separate legal entities.

Mr. Reese: We’re so insured.

Mr. Murdock: Yeah, good.

Chairman Willm: Another good point. Any further discussion? We have a motion and a second. All in favor say aye. (All members voted aye.) Any disagree? (No responses were made.) The motion passes to approve the appeal unanimously. (Applause)

Appeal No. ZA2017-05 by June W. Scroggs requesting a variance from Section 17-402 of the Zoning Ordinance specifically the side yard setback for corner lot requirement of 7.5”. The applicant would like a variance to encroach 3'6” into the side yard setback. The property is located at 1110-B Dogwood Drive South, TMS #195-07-10-005.

Chairman Willm cited the appeal and reminded Mr. Farria that he is under oath.

Mr. Farria: Thank you, Mr. Chairman. Basically the variance is the being requested is being allowed to have steps and landing leading to the door, front door, which will be, which is facing 11th Avenue.

Unknown speaker: 11th Avenue South.

Mr. Farria: 11th Avenue South itself. Basically, just to meet the code, which code requires that any egress door has a landing on each side of the door, and of course, then steps would be leading out from there running back towards Dogwood, which the steps would not go any further out, if the basically landing and the stairs would be basically the same with going, going along 11th Avenue itself.

(Comments from audience, inaudible.)

Mr. Murdock: Mr. Chairman, point of order. I, I, we've already, we've already made a determination on this, this exact case, previously, I do believe. I believe that that; so I'm wondering is this an appeal of our determination, because I don't think that you can do that.

Ms. Watsons: You can't do that. You have to go to the Circuit Court.

Mr. Murdock: Yeah, that's got to go to Circuit Court.

Chairman Willm: Well, the first case, I understand that was a set, a different variance.

Mr. Murdock: Right, okay.
Chairman Willm: I mean a different...
Unknown speaker: A different size.
Chairman Willm: In size; it wasn’t the exact variance, but it’s pretty close modification of the previous.
Mr. Murdock: Okay, thank you, Mr. Chairman.
Mr. Taylor: In the original the first time we reviewed this we had a copy of the original approved design of the home when it was, when it was originally permitted for construction. Where was the entrance?
Mr. Farria: The entrance is at the same. It was at the same...
Mr. Taylor: So when it was originally improved approved for construction there was an entrance located there and we approved construction?
Mr. Farria: We did approve it. We basically, we did not realize that landing itself was encroaching until basically through the inspection process.
Chairman Willm: If I remember right, it was the frontal picture of it showed a door there, but the side pictures didn’t have any indication that there was an opening.
Mr. Farria: Right.
Mr. Taylor: So we approved construction knowing that there was a front door there, so this is basically just adding the stoop.
Mr. Farria: That’s correct, and the code does requires in the 2015 South Carolina Residential Code that you have to have a landing on both sides of the door, and of course, with the with the built, with the door being high up, you know, you can’t have just steps coming down. You have to have a landing, and then with steps.
Mr. Taylor: Okay.
Ms. Lauer: So, I...
Mr. Lanham: We approved, I mean the town, not this group...
Mr. Farria: The department; the department.
Mr. Lanham: The department, yeah.
Mr. Farria: The building department.
Ms. Lauer: So I’m reading that they can’t get into front of house without steps. There’s no way to get into your house right now.
Mr. Scroggs: Unless you jump.
Ms. Lauer: And the front of your house, is it on Hollywood or 11th Avenue South?
Ms. Herrmann: Mr. Chairman, excuse me, we’re hearing testimony and they have not been sworn.
Ms. Lauer: So sorry.
Mr. Scroggs: I’m Wes Scroggs. I’m June Scroggs’ son.
Chairman Willm: Do you swear to tell the truth, the whole truth and nothing but the truth?
Mr. Scroggs: Yes, sir.
Chairman Willm: Now, you may ask him questions, if you’d like to.
Ms. Lauer: Yes.
Mr. Scroggs: I’m the builder.
Ms. Lauer: Okay. I just wanted to know your house is on, the front of your house is 11th Avenue South or Hollywood?

Mr. Scroggs: Dogwood.

Ms. Lauer: Dogwood, I’m sorry.

Mr. Scroggs: The front of the house actually faces 11th Avenue South.

Chairman Willm: Point of clarification, I believe when we heard this, this wasn’t a house. This was a …

Unknown Speakers: Accessory building.

Chairman Willm: Accessory dwelling to a house.

Mr. Scroggs: Yes, sir.

Mr. Murdock: So the house as it exists there, just to follow up on what the chairman is saying it actually does face South Dogwood. This is accessory building to the house that faces South Dogwood; is that correct.

Mr. Scroggs: Yes.

Mr. Murdock: Okay.

Ms. Lauer: This is a one family dwelling?

Chairman Willm: I’m sorry. This faces 11th South. The assessor side faces; one faces 11th South and the other faces towards the ocean.

Mr. Scroggs: It was …

Unknown Speakers: (**)

Ms. Lauer: And this is a one family house dwelling?

Mr. Farria: Single family.


Chairman Willm: In R3?

Mr. Farria: R3.

Mr. Lanham: To be honest with you, I’m a little bit confused about this whole thing. When I; I’ve looked at it several times. The addresses in on Dogwood, which we’ve already said, but the thing, I don’t know what, if you can say it faces 11th, at least one side of it’s on 11th, and then there’s a connection between that and the other house. Is that permanent?

Mr. Scroggs: Yes, sir. That deck, yes.

Mr. Lanham: So we’re talking about one house, not two houses.

Mr. Farria: No, you have the house, you have the deck and you have the accessory dwelling.

Mr. Lanham: And they’re allowed to be connected?

Mr. Farria: Well, they’re connected by the, I guess, by the deck. They’re not connected by the structure, as far as the house. You have the house, and you have the deck, and you have (**).

Mr. Lanham: Some time ago, if I remember correctly, and it may not have even be in this area, but there was putting two houses on one lot, and they were connecting them with one step and they changed that ordinance. Does anybody know anything about that so that they couldn’t do that? I’m probably not explaining it correctly.
Mr. Murdock: I think they were, I think they were in that situation creating two single-family residences, but because of the setback requirements, they had to conjoin those so that you had two single-family residence with a common wall.

Mr. Lanham: And that's what they change the ordinance so you couldn't do that, I think.

Mr. Murdock: I think you still can do that, but I think that it depends on the square footage of a lot; it depends on your setbacks, and, and all that stuff. But that's not what this is. This is an accessory building, correct?

Several Speakers: Accessory dwelling.

Mr. Murdock: Accessory dwelling.

Chairman Willm: Does an assessor dwelling have to have that opening there? It's not a (**), I mean if you have an opening, you have to have the steps. I understand it. You have to have the opening.

Mr. Farria: As far as what, do you mean the door?

Chairman Willm: Yeah, considering it's an accessory; I mean you've gotta have somebody [sic] in and out the house.

Mr. Farria: (** That's where the code comes in, okay, and the code requires that you have to have at least one main egress, okay. Now, to be honest, they do have egress which will go out if you're, and I'm gonna have to show you this floor plan, but it would be basically going out on the south side, okay, which is where they have a carport and everything. This would be coming onto, basically, the public way right on 11th Avenue itself. So, you know, basically, the, the advantages of it is you give yourself an (**), you give the dwellers another way out in case of an emergency, and also it's easy access for emergency personnel to be able to go into the building, if need be.

Chairman Willm: What was the intent of the building? I think this is like a full apartment.

Mr. Scroggs: It's gonna be a family; we're calling it our family go to. Mom's 89, and at the time, Dad 95, and we were putting in an elevator in this part of the house so that we can keep them coming as long as we could, the thing is accessibility.

Ms. Watson: Well, don't we, don't we have a way; this thing in the middle is a deck, you're saying. Well, isn't there any access to the deck to get out? I mean...

Mr. Farria: Not from the accessory dwelling unit, no.

Mr. Lanham: Is that because they just designed it that way or could they put a door in?

Mr. Farria: I don't know if they could put a door right there, because of the stories and everything that's involved in it. So I don't think they would be able to. (**)

Chairman Willm: This is what, 850 square feet accessory?

Mr. Farria: Floor area.

Mr. Taylor: This appears to once again be a case where we missed it up front during the initial approval process of the structure. I've been over there to look at building. I don't think, I mean certainly putting steps out there is not gonna be unsightly or dangerous, but it will encroach into the setback.

Mr. Farria: Just to be clear, also, it's basically will have a roof, it will have a roof, of course. The roof won't encroach any further. It will be a covered landing.
Mr. Taylor: But it's only coming out 3.6 feet?
Mr. Farria: It'd have to be, that's correct.
Ms. Lauer: So it's a turn staircase?
Mr. Farria: Basically, if you come out the door which would be facing 11th, you come out to the landing and then you will turn to the right which will be heading towards Dogwood itself towards the east. So, of course, the stairs won't be going any further into the setbacks itself. The stairs will be flush with the landing itself.
Ms. Lauer: And the two dwellings still's a single-family dwelling that we're...
Chairman Willm: I believe the rule is as long as it's less than 850 square feet or less, it can be considered a (several speaking at once **).
Mr. Lanham: So they can't count, can't count the doorways in the other house.
Mr. Farria: As a means of egress (**).
Mr. Lanham: Since it's one.
(**)
Mr. LaBrie: I'm Ron LaBrie with Inlet Custom Builders.
Chairman Willm: Do you swear to tell the truth, the whole truth, and nothing but the truth?
Mr. LaBrie: Yes, sir. I think what the confusion is here is there is no access from the original house into this house without going outside and going in the front door of the new house. It's the only way; you can't access one from the other, if that helps anything. You can't just go jump from this one into that one. You have to actually go out from one front door to one house and get into the other one.
Ms. Lauer: So it's two dwellings.
Mr. LaBrie: Two dwellings, yes. They're just attached; the back of the original house is attached to the side of the new accessory dwelling by the 7 foot deck in between 'em.
Mr. Taylor: Is the interior of the house complete?
Mr. LaBrie: It's dry walled and the trimmed out and everything. So, it's just about.
Mr. Taylor: So you couldn't realigning that particular area of the house to make the entrance...
Mr. LaBrie: No, right there, that front door as soon as you walk in there's a bathroom right there and then on the other side is obviously is the garage, so.
Chairman Willm: The house itself is a permanent residence?
Mr. Scroggs: Yes. A permanent residence, no. No, it's rental.
Chairman Willm: It's a rental property.
Mr. Scroggs: Yes, the front property, it's a rental property, yes.
Chairman Willm: What about the attachment?
Mr. Scroggs: It's gonna be a family go to.
Mr. Murdock: So, we're gonna have two families?
Chairman Willm: It's not gonna be rented?
Mr. Scroggs: The back part, no.
Mr. Murdock: The new part.
Mr. Scroggs: Yep.

Mr. Murdock: But the front part would be rented.

Mr. Scroggs: It has been for, since 1974.

Mr. Murdock: Right.

Unknown Speaker: So, it's not single.

Mr. Murdock: Well, that, that's not the purpose of an accessory building. It's not, not to turn a single-family into a, into a two family. An accessory building is meant to service as the primary building. That's why it's called accessory. It's not, not meant to be a separate, separate two family, I mean that, that doesn't work. Of course, I guess the other problem I have with it though is, or concern I have with it is, if you had set it back, and it does look like it was possible assuming this drawing is anywhere near to scale, you could've slid the property, you could've slid the property southward and you would've had room without having any issues. But, the fact is that you're in front of us, because you do have an issue, because you didn't slide it back. So...

Ms. Watson: Is this a two-story? Has it got a crawl space? What is it?

Mr. LaBrie: It's three stories.

Chairman Willm: Yeah, three stories; the attachment or the original house.

Mr. LaBrie: The original is a single story.

Chairman Willm: On stilts.

Mr. LaBrie: Yeah, on stilts.

Ms. Watson: So it's up on stilts, right?

Mr. Farria: No, it's not on stilts. It's actually called a raised slab.

Ms. Watson: Okay.

Chairman Willm: That was allowed because it was an attachment?

Mr. Farria: It's allowed because, basically, it's above the flood zone, and meets all the flood zone requirements and everything.

Mr. LaBrie: We're up about three feet.

Mr. Farria: We're up about three feet high.

Mr. Murdock: If memory serves when I saw the last, and I think this was, this is where you guys were going over there a minute ago, when the first permit was secured there was no landing showed [sic]. There was a door, but there was no landing showed [sic]; is that correct?

Mr. LaBrie: Yeah, I don't think there's any, I don't think there was any landing there. (**several speaking at once.) That's honestly probably why it got missed, and when we had the surveyors go out and plot the corners of the house for us, because we knew it was a tight area, we went by the survey stakes, and nobody caught the whole stair thing until it was too late, basically. So, we were already up three stories framed up, dried in, and...

Chairman Willm: The town had come out for an inspection and...

Mr. LaBrie: That's when we noticed it. Him [sic] and I both had long discussions about it. That's what brought us here.
Mr. Taylor: When I read the definition about accessory buildings in our code, we, I mean we're way out of line all the way around with this structure, it seems to me. I mean it says accessory buildings in residential districts must be no greater than 15 feet in height when located less than 10 feet from the property. Accessory building shall not exceed a maximum height of 25 feet when located a minimum of 10 feet from the property line.

Mr. Farria: You're talking, basically, that's the definition of like a storage building or something.

Mr. Taylor: It's accessory buildings in residential areas. We're calling this an accessory building.

Ms. Mazzo: It's considered an accessory dwelling unit.

Mr. Taylor: Accessory dwelling, and where would I find the definition of an accessory dwelling?

Ms. Mazzo: Accessory dwelling unit shall mean a dwelling unit not exceeding 850 square feet in floor area that has been added to or created within a single family detached structure or is located on a lot containing a single family detached structure. This definition includes garage apartment and guesthouses.

Mr. Taylor: Okay.

Mr. Murdock: Right, but understand that that a guesthouse doesn't mean renters. Guesthouse means a guest of the owner, not, and, and I don't mean the main use for.

Mr. LaBrie: The original part that is already there, they've been renting that since 1975 before whenever.

Mr. Murdock: It doesn't matter. This is, this building is attendant to the primary structure. The primary structure, if that's a rental property, then we have a single-family that is residing in that that's a renter. Then we have this accessory dwelling that's behind it that has another single-family in there.

Mr. LaBrie: I think you're thinking; it's not a long term rental. It's a people in it this week; new people next week kind of renting.

Mr. Murdock: Sure, because it's in R3.

Mr. LaBrie: Right.

Mr. Murdock: I got that.

Mr. Scroggs: And it's not 12 months out of the year; six, seven months. (**)

Unknown Speaker: 13 weeks of summer.

Ms. Watson: I would like to see the builders take the steps and go into the house structure with them instead of constantly going over the setback. I mean, I've seen houses everywhere that actually have entrances that lead into the houses and they don't interfere with the setbacks. I mean, so you lose a few feet; you lose...

Mr. LaBrie: We thought about doing that, but in this case it's impossible.

Ms. Watson: Impossible.

Mr. LaBrie: I mean, the way the house designed, it's just...

Ms. Watson: But, you said it's just got the sheet rock up now. I know it's designed, but they designed it. Whoever drew this left off the steps, so I mean, it can be moved, if you've only got sheet rock up, can't it? I mean I would take it back to this person who drew this and tell 'em to do something different.

Chairman Willm: Any other questions or discussion? Can we entertain a motion to approve or to deny this variance for a 3.6 foot setback?
Board of Zoning Appeals  
January 25, 2018

Mr. LaBrie: And another thing I’d like to say, too, remember what Mike said about the code being accessible, you know, if this thing was flat on the ground, we wouldn’t even be here, because we could just pour concrete on the ground and be able to walk out the door. But, since it is up three feet off the ground, we’re probably gonna need two, maybe three steps to get into this building, plus the landing for the front door.

Mr. Lanham: Let’s start; I’ll make a motion to deny.

Chairman Willm: Do we have a second?

Mr. Murdock: I’ll second that.

Chairman Willm: Any further discussion?

Mr. Murdock: I would just stipulate, I don’t think the application of the ordinance, and I’m looking at number “C”, the application of the ordinance to the particular piece of property would effectively prohibit and unreasonably restrict utilization of the property. The property is already a single-family residence. I don’t think that the fact that they can’t get into an accessory dwelling built after the fact does not otherwise restrict what they’re already using the single-family residence on the front for. So I’ve, I’m not on board.

Chairman Willm: Okay, we have a motion to deny it and a second based on not meeting item “C”, because of the conditions, application of the ordinance of this particular piece of property will effectively prohibit or unreasonably restrict the utilization of this property as follows. All in favor, aye.

All members: Aye.

Chairman Willm: Anybody opposed? (There was no opposition.) So, the appeal has not been granted. The appeal has been denied. Thank you very much.

7. Public Comments.

Mr. Randle Stevens, 1st Avenue North: I just want to say I haven’t been to the board of zoning appeals meeting in probably 10 years. I, I am very impressed. Y’all are the most professional group, bunch of people I’ve ever seen up here. Y’all really handled yourself very well. Council can take a lesson from you. Thank you for serving and y’all are really doing a great job. I’m really impressed. Thank you.

8. Board Comments

Mr. Murdock: I would say first of all, I sincerely apologize to the board for having missed the last meeting.

The great thing about iPhones is that they’re fantastic. It reminded me when you actually put something into the calendar to remind you of, so that was entirely my fault. Second thing is with all the fun that seems to be going on in the small town, I would like to say thank you to Tina and Mike and Debra and all of the people who work here in the city of Surfside that actually keep the lights on and keep things moving. I know it’s got to be; it’s distressing, I think when from a citizen’s perspective to see some of the things that have gone on, and I think internally when you feel like their bombs going off over your head and you’re in the middle of no man’s land caught between strong personalities, it’s got to be; it’s got to add a tremendous amount of stress in a job that’s already not particularly stress-free. So, I appreciate very much the job that you guys do, and the tone deafness you take sometimes that some of the clutter that goes on around. So, thank you to all of you guys, particular Debra, because I think you get…you can’t escape it.

Chairman Willm: I’ll echo those comments, and extend that out to our police department, fire department and the rest of our staff in Surfside Beach. I think they all do a fantastic job.

Ms. Lauer: Actually, all the heads of the departments, thank you very much, because I know this is all on you, and I know the town and the people appreciate it.
9. Adjournment. Mr. Taylor moved to adjourn the meeting at 7:28 p.m. Ms. Watson 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.
1. CALL TO ORDER.

Chairman Willm called the meeting to order at 6:30 p.m. Members present: Chairman Willm, Vice-Chairman Watson, and Members Dougherty, Lanham, Lauer, and Taylor. Member Murdock was absent. A quorum was present. Others present: Town Clerk Herrmann; Building Official Farria, and Permit Technician Mazzo.

2. PLEDGE OF ALLEGIANCE.

Chairman Willm led the Pledge of Allegiance.

3. AGENDA APPROVAL.

Mr. Taylor moved to approve the agenda. Ms. Lauer second. All voted in favor. MOTION CARRIED.

4. MINUTES APPROVAL. Approval of minutes was deferred.

5. PUBLIC COMMENT ON BUSINESS ITEM.

Mr. Jack Houston, Harbor Lights Drive: Good evening, committee members and neighbors. I've been a resident for a few years and I love this town. I have to remember to say it's a town, not a city. Okay, so I'm attending this evening on behalf of my friends and neighbors, Pat and Ed Vaughan, and to inform myself on this town's variance request procedure. My general understanding of variance request procedure is that this an instrument put in place to address coded zoning that impose hardships on property owners. My experience in persons [sic] constructions was that a variance request was used to facilitate by and large commercial construction equipment to take care of business problems. On the residential; to facilitate business that's why they would request a variance for some reason or another. They would need to help their business out, like access or parking, and they would request a variance. On the residential side the variance request was for projects that the residents had determined would alleviate hardships and/or correct inherent initial designs and enhance their enjoyment of their home. Most the time not as tangible as lost or anticipated business revenues, but nonetheless important to the homeowner. Harbor Lights consists of predominantly multiple edition home designs that have been placed on lots by the developer to maximize, maximize their marketability. That's business. However, the realization of the homeowner after living in their home is that there might've been better foresight and planning regarding codes and zoning. The establishment of the variance request procedure should provide them some recourse action within reason. Harbor Lights architectural committee has approved of this proposed improvement, as well as a good number of the neighbors. I and the neighbors in agreement hope that our town chooses to the grant the Vaughan's variance request so as they may fully enjoy the new home here in Surfside Beach.

Ms. Joann Meccia, Harbor Lights Drive: My understanding is that, well in the first, where my house is, I'm directly behind the Vaughan's house, but there's the retention pond in the middle, and some HOA property. It's my understanding that, you know, you don't want your neighbor's house to be too close to your house, so if there was a fence in the yards above it, the 20 feet, that'd be 40 feet between the houses. We have multiples of that in this situation, because there's the retention pond. If you'd like, I have a picture on my phone that I took from my patio of their house to get some idea of the distance that's there. So I just question that that really would apply that we could not allow that. I would like to see the variance allowed, because it's certainly not going to encroach upon anything that I would do, and being able to utilize my property. Thank you.

Mr. Chuck Gottschall, North Poplar Drive: I live directly across from them on North Poplar Drive. I see no reason why the Vaughans shouldn't be permitted this variance. Appearance wise, it wouldn't be a problem. Thank you.
6. Business. Appeal No. ZA2018 by Patricia Vaughan requesting a variance from Section 17-310 of the Zoning Ordinance to allow for encroachment into the rear yard setback of property located at 910 Poplar Drive North, Surfside Beach, SC (TMP#191-12-30-035).

Ms. Lauer recused from this action. The completed recusal statement is filed herewith.

Chairman Willm: I had a question on the application itself to just make sure that we know what we’re; everybody knows what we’re talking about. In the issue paper, it states that it’s allowable to have a 4 foot addition; the owner is requesting a 6 foot addition, and the plot says 12 foot addition, which would make it an eight foot variance, if I’m interpreting it right, and the final thing is on the letter to the property owners, it stated that applicant would like a variance to encroach nine feet into the front yard setback. So we all clear I want to make sure that we are all on the same page before we; so we’re looking at that eight foot encroachment, they’re allowed 4, and they’re looking for 12? (** comments from audience)

Ms. Mazzo: They can square, if you look at the plat at the back of the house is not completely square. So, if they go out 4 feet and across the 12 foot is where the 12 comes in. They want to go across 12. They can square that off. That is allowable because it’s not going beyond the existing footprint of the house. So they wanted to do an additional 6 feet out of that 4 feet. So that’s where the 6 foot comes, and so it’s gonna be a total of a 10 x 12. So, they want to go out the 4 that they’re allowed, which they’re allowed to do, so they want to go out another 6 feet.

Chairman Willm: This plot says 12 x 16.8, am I reading this correct? The actual plot. (***) It’s okay, we can accommodate whichever, we just need to know what were actually looking at here. (***) side discussion regarding plats)

Ms. Mazzo: Okay, I think that’s where she’s counting. She was counting 6 feet from the furthest point, and you’re counting 6 feet from the short point, right?

Ms. Vaughan: We’re counting 12 from here (referring to plat); 12 out this way, 8.5 this way, because this is further, and then 16.5 across. (** side discussion). This is 12 from this point (***) from the short point, and this is where the bedroom comes out already, which is part of the 20 foot that goes back from the property line to this point. So from here to where we want to go is 8.5 feet, and from here to here is 12, so it’s a 9, we were told it’s a 9 foot encroachment.

Ms. Mazzo: So, that letter’s right, the 9 feet.

Ms. Vaughan: It’s 9 feet.

Ms. Mazzo: It’s wrong on the discussion paper. Because 9 feet is what the letter says.

Ms. Vaughan: She ended up rounding it, because it was 8.5 foot from the longest point, so she rounded it from 8.5 to 9 foot.

Ms. Mazzo: So, I just wonder if she hit just a wrong key when she typed it, you know, with the 6 foot.

Ms. Vaughan: I wasn’t aware of that. I was just going by…

Ms. Mazzo: Yeah.

Chairman Willm: So, to be clear we want a 9 foot variance, and the letter to the property owners should’ve been back, it just said backyard, not front yard, and the issue paper should say 9 feet, not 6 six. Madam Secretary, should I take a motion to approve those changes in this appeal, or how do I have this handled?

Ms. Herrmann: However you desire, Mr. Chairman. You can do it my motion or concurrence that you agree that these are the measurements to be considered; either way.
Chairman Willm: Everybody in concurrence that we’re looking at a 9 foot setback on the back?

Mr. Taylor: Do we need concurrence by the homeowner, as well, just for the record?

Ms. Vaughan: Absolutely, yes.

There were no objections stated by members to the corrections.

Chairman Willm: So we will start with the business section, and do you promise to tell the truth, the whole truth, and nothing but the truth?

Ms. Mazzo: Yes, sir. The Vaughans would like to add on the back in their property a lanai that is gonna go out an existing 9 feet from their setback, which their property is currently zoned an R1, which allows for rear setback of 20 feet. We sent the letter to the surrounding properties, and that the property was also advertised in the local paper as required by law, and the property was also posted as required by law.

Chairman Willm: Okay. So, we’ll let the appellants state their case. (**from audience) You’re appealing in the zoning, you’re appealing the zoning decision of the zoning board [sic]. So, I need you to state your name and promise to tell the truth, the whole truth and nothing but the truth.

Ms. Vaughan: My name is Patricia Vaughan. I promise to tell the truth, and nothing but the truth. This is my husband.

Mr. Vaughan: My name is Edward Vaughan. I promise to tell the truth and nothing but the truth.

Chairman Willm: Thank you very much. Proceed.

Ms. Vaughan: Well, to begin, I’d like to thank you all for your time tonight, first of all. We’ve already introduced ourselves. We’ve discussed requesting a variance to encroach 9 feet into the rear yard setback for the proposed lanai. It’s looking to build a 12 foot x 16.5 foot lanai in the rear. I think the pictures that you’ve been provided, if you can open up to those pictures, please. If you look at the one that has the arrows and you see, yes, those arrows actually point to two wood stakes. We have two Crepe Myrtles in the back that have, were planted there previously, and those arrows point out the distance from the furthest point, which is the bedroom that is the furthest to the end of the midpoint here in the home that shows how far it would go out relationally to where the pond is. So if you do look at the layout, you can see that it would not impact anybody in the rear as Joanne Meccia pointed out. So, I just wanted to show relationally, and then in the next, next picture actually just shows the stakes a little better to show the distance or the depth of what the lanai would be. I just wanted to have you see what that would look like. I don’t believe that a picture was provided for what we’re proposing to build.

Chairman Willm: There was a drawing, and…

Ms. Vaughan: Okay, that, that drawing that you do have, there’s been a change or a modification since. We were actually going to follow the same roof line instead of having it down below, so it would make it appear more in keeping with the home itself. So that black mark, marker line that you see that follows the inside of that roof line is incorrect. Yes. So it’ll actually mirror or will extend the current roof line out. Not that that really makes a difference. But, I just wanted to clarify, since you did have that picture. The reason we want this lanai is, or we’re asking for the variance, rather, is utilize the backyard of our home. The sun shines into the rear of our house in the afternoon and the intensity of that sun precludes us from using the back of the home. When putting together our thoughts for
presenting our request to you, I thought it would be helpful if we discussed each of the 4 point criteria that are used
to approve a variance here in the town of Surfside. First and foremost, there is extraordinary and exceptional
conditions pertaining to our property. The topography of our lot is different, because the lot is curved. It's not
square, and so the home was built lot line to lot line. So if you look at the survey, if you’ll pull, pull out a copy of the
survey, please, you can see that it's curved, and by having be built lot line to lot line of placed on an angle, it leaves
no room for expansion in the back. So we are limited in the rear lot by a pond, and we don't have an adjoining
neighbor in the back. So it's actually the lot itself that's unique, because it is curved. It's not squared and the builder
is the one who actually placed the home on the lot. Second of all, these conditions generally don't apply to other
property in the vicinity, as other properties are squared, whereas ours is the abnormally curved shape. So due to the
placement of our home on that lot, any expansion is restricted. You can see where the 20 foot setback is on from the
solid line back, which is our property line to both points on the home is 20 feet, so it precludes us from any
expansion. Third, because of these conditions, the application of the ordinance to the property would effectively
prohibit the util [sic], prohibit the utilization of our property. In other words, we’re not able to add anything to the
rear of the home. Fourth, the authorization of the variance will not be of substantial detriment to adjacent properties
or the public good. We’ve surveyed our neighbors. Please see letters signed by them showing their support. I
actually have copies if the committee would like to see. I have like a dozen letters that... (***) In addition to those
signed letters, I also spoke with any other neighbors. For example, one of our neighbors is out of town in Ohio, and I
touched base with him to see how he felt about it, and he showed his support. So you can see that the neighbors are
in generally in support. I didn't come across anyone that had any negative comments. Our nearest neighbors behind
us are across the pond, and have also given their support. Joanne would be probably the one directly across from us
would be most impacted. The lanai will be built in keeping with our HOA's architectural control committee. I think
you have a copy of the HOA approval letter in your packet.

Chairman Willm: Yes, ma'am.

Ms. Vaughan: Okay, and it will, in fact, look as if it was part of the original structure of the home once
built and completed. The lanai does not effectively; lake maintenance easement. If you look at the survey, there's a
12 foot lake maintenance easement 6 foot on one side of the property line and 6 foot on our side of the property line,
and that lanai would not affect that easement. So maintenance would still have access to the pond, but more
importantly, there's no effect on the drainage system or the runoff, if we were to build this lanai. To sum it up, the
shelter that would be provided by this lanai is essential to the utilization of our property, because of the position of
the sun in the afternoon and evening hours, we are forced to do our grilling and socializing in our driveway
(laughter.) Our neighbors, not that that I can say this, but you know, with a hint of humor, I’m not sure how much
they enjoy seeing us grilling; sit in our front driveway in the afternoon and evenings. But, we ask that you give our
requests strong consideration, and thank you again for your time.

Chairman Willm: Yes, ma’am. At the time, if you want to stay there a moment, does the board have any
questions for Ms. Vaughan or Mr. Vaughan?

Mr. Taylor: Are you the original homeowners? (Appellants indicated yes.) So it was a new home when
you moved in.
Ms. Vaughan: Yes, we purchased the home back in 2012, but we didn't move in permanently until we
retired just about a year ago. So we used it may be a couple weeks a year while we were still working.

Mr. Taylor: Okay. So, I noticed that there currently is a 10 foot screened porch. So if you add the lanai, the
room will be 22 feet. Is that correct?

Ms. Vaughan: Yes.

Mr. Taylor: That's my only question.

Mr. Lanham: Just to be clear, this is a 9 foot variance.

Ms. Vaughan: Yes, and that 9 foot, I believe, based upon my conversations and dialogue with Sabrina, was
based upon the furthermost point on the survey, which if you look on the, where it juts on the far right in the rear,
from that point out to where the prop [sic], the edge of the lanai would be is just about 8.5 feet and so she rounded to
9 feet; that's my understanding.

Chairman Willm: And that was the recent change in the zoning after a few of our appeals is that they can
even outside for the furthest point they can bring it out at least to there, even if it's nonconforming. They've got 4
feet, because of that extension of the bedroom, I think it is.

Mr. Lanham: But the total variance is…

Chairman Willm: Is for 9 feet; to go an additional nine more feet or thereabouts.

Ms. Vaughan: Right, and my understanding of that 9 feet, if you look, unfortunately, I don't have a picture
that shows the layout of the pond and the properties around the pond, if you were to see that drawing, I think you'd
see that our property line, the solid line on the survey here, there is additional land and our grass even that that we
mow and maintain, in addition to where the pond actually meets, and I think it was, what, 11 feet or so, 11 or 12 feet
beyond our property line in addition to what you see here. So relationally when you saw the other photo, our
property line doesn't even, doesn't go to the pond itself. So there's additional room so that the 12 foot out that we
would go, there is still additional room. I'm not saying that concisely. I'm sorry.

Mr. Taylor: We understand.

Chairman Willm: Any other questions?

Ms. Watson: I see where you have a 12 foot lake maintenance easement in the back of your property. Who
maintains that?

Ms. Vaughan: We do. We, not we, I'm sorry, I misspoke. He (indicating Mr. Vaughan) mows and weed
whacks and he does all that. So, I think each of the neighbors around the pond maintain the land that's in addition to
what we have. (**)

Chairman Willm: Does anybody have any questions of the zoning board or zoning department? Any
discussion from the board?

Mr. Taylor: I just thought there would be a lot of discussion. I don't know. I'm; the 9 feet as an issue for
me. We are, our body is, is a legally appointed body. The next level of appeal is the Appeals Court, and we take an
oath to enforce the ordinance as it's written, and you know the four variances and it has to meet all four. And I'm
just having a hard time getting to the 9 feet. We've had similar requests actually in Harbor Lights where that we have
denied in the past. I'm just having a hard time with it, with the amount of the variance. You know, I'm not, I agree
totally. I think it would be a great addition to your home, and if it was me, personally, I would want the same thing.

But, I'm sitting here in this capacity looking at the zoning ordinance and it's, it's a large variance. It's not a 1 or 2 foot variance; it's a 9 foot variance in a 20 foot easement. That's a lot. Each time we do something like this, we have to evaluate each case on its own merit, and that's what I'm trying to do.

Mr. Lanham: Just to add to what he said about the four criteria that have to be passed, the first one, as you read it, extraordinary and exceptional conditions, that's true. But, it also says it's impossible for the applicant's land to yield a reasonable return without a variance. I don't see where that passes; passes metal there.

Ms. Vaughan: I don't think I understand what you mean by yield a reasonable return.

Mr. Lanham: Well, you purchased the house. You paid whatever for it. If you wanted to sell the house, I don't know what the market it, but there's nothing that says you couldn't get a reasonable cost out of your house; price out of your house with it being like it is, because you bought it like that. You know, so that, that's, that one is my hang up.

Chairman Willm: Guy's correct. I mean the original, the intent of that is to give a good example, is if you were trying to build a; if the lot size was so restricted that according to these setbacks you couldn't even put a facil [sic] building on that piece of property, then that means that the lot is extraordinary and exceptional, because your lot, if you bought a lot, laws have changed, zoning has changed, and now you have to build a house so large, a certain size, you can't build little small houses according to the zoning, but if you were to build a house according to the zone, and it was impossible to build that house because the setbacks, that would be an extraordinary exception to the rule. I mean, I mean a lot of these are interpretation. I think we've all taken classes and this has been discussed. Just to give you an example, let's say there is a little bit more detailed into what the extent of it was, but that's really the problem, and it goes; like I say, all these can be somewhat up to interpretation, and the one that really that usually we have the hardest time with is "C", because these conditions in the application the ordinance of a particular piece of property will effectively prohibit or unreasonably restrict the utilization of the property and the property is; you've got a house. You have a beautiful house on the lot, and it's not; there is inconveniences, but that the zoning is not really the; our appeal, our role, is not really able to take that kind thing into the account. Now if it's a zoning issue, as far as that you feel there's more room back there, that's more of a zoning board [sic] changing their setbacks and stuff. Our jurisdiction here is to see if they have fairly applied the zoning laws to your request, and if you feel like they didn't, then that's why we're here today. So, personally to me, that's the hardest one, because it doesn't; you have a house that you can utilize. The inconvenience during certain of the year with the sun being where it is and having cookouts that's when we start opening up to those kind of variances, it puts us in the, it kind of takes us out of what he's saying; we here by judicial law. We have to follow these four criteria. That's how we were trained to interpret 'em, so. That would be one of my concerns, also.

Ms. Vaughan: Well, I apologize if I appeared a little flip.

Chairman Willm: You don't need to apologize.

Ms. Vaughan: Well, no, if I appeared a little flip in terms of when I mentioned the grilling and sitting in the front yard. I didn't mean to portray that in a glib manner.

Chairman Willm: And I didn't mean to minimize it. (**two speaking at once)
Ms. Vaughan: I think I, you know, for my husband and I, we have a grandson that we take care of a couple
days during the week. He’s 17 months, and so we like to be outside and do stuff outside and in the screened-in area
that that small screened-in area we have, it’s so ungodly hot that you can’t be outside in the screened area. So what
ends up happening is we’re forced to either be inside, which a 17 month little boy doesn’t really want to be inside,
but so it’s not; I didn’t mean to be glib in terms of the barbecuing, and this…(** two speaking at once)
Chairman Willm: I understand, and I’m not trying to minimize that. I’m just saying then that whole arena
there is not really what we’re; that’s not really our jurisdiction from my point of view.
Ms. Vaughan: But in terms of utilizing our property in the most effective way, we can’t use the backyard
because we can’t do anything in the backyard. That was the point I was trying to make. I wasn’t being facetious. I’m
sorry.
Chairman Willm: No, I wasn’t taking it that way. Not at all. If I came across like that, like I thought like
that wasn’t the case. It goes back to effectively prohibit and unreasonably restrict is what we follow by, go by. Any
other comments or questions or discussion?
Ms. Vaughan: Could I ask a question?
Chairman Willm: Certainly.
Ms. Vaughan: With regard to the other variances that were requested in Harbor Lights, were the denials
based upon something similar to ours, or were there other factors involved?
Chairman Willm: I don’t know that we’re really at liberty; all our minutes are online to be reviewed, but I
don’t know that we’re really at liberty to…
Ms. Vaughan: Because I didn’t see anything for Harbor Lights in there online.
Chairman Willm: There’s, we’ve had; it’s been several years, but we have had appeals from Harbor Lights.
Any more discussion or questions?
Mr. Taylor: I would just comment that I, you know, I understand completely the sun and how your house
sits and all that, but without sounding insensitive that’s how it was. That’s how it was built. I wish, I wish I could
approve this, though, but I can’t. I’ll make a motion to deny the requested based on, based on that the conditions do
not generally apply to other property in the vicinity. All the, all the homes that face that direction experience the
same hardship, the same setting sun, and heat until the trees grow, and the shade comes.
Chairman Willm: Okay, we have a motion on the table. Second?
Mr. Lanham: Second.
Chairman Willm: Okay, Guy seconds. All in favor the motion say aye. (All members said aye.) It looks
unanimous. The motion has approved, and the appeal has been denied. Thank you and we will close the business
section.
Ms. Vaughan: Thank you.

7. Public Comments – General Comments. There were no comments.

8. Board Comments:
Mr. Taylor: No, I’m gonna pass this time.
Chairman Willm: Okay, I’ll just make a comment. These are the hardest things. We try to do the right thing by the town. We are appointed by the town to follow these ordinances. We try to follow the 4 things. These are some of the kinds of the variances that we have a hard time with, like I say, when you pull at our heartstrings and do what we want to do. We have an issue that we have to be fair about everybody and follow the same criteria by everybody. It’s not always the easiest job. We’re all volunteers but we try to do the best job we can to try to interpret it. I think this is one comment: I think why your screened-in porch is how it is now is because the builder couldn’t get that done to begin with. That’s why it’s kind of level with the house, and that’s the way it was. It’s not buyer beware, but that, like I said, that’s how the house was built and it was built to code. As you see, I think board didn’t see a reason to go outside, and you do have all alternative remedies, as far as our decision can be appealed to the Judicial Courts and the other thing as far as the setbacks and variances and all that, I think that’s done through the zoning department and apply that. That is basically a Town Council decision whether they are going to change the setbacks. Setbacks are there for a reason. I mean it doesn’t always seem equitable to every person, but I think the town try to do the best with the zoning laws, and we try to do our best with what were handed.

9. Adjournment. Ms. Watson moved to adjourn the meeting at 7:05 p.m. Mr. Lanham second. All voted in favor. MOTION CARRIED.

Prepared and submitted by,

Debra E. Herrmann, CMC, Town Clerk

Approved: 2019

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.
BOARD OF ZONING APPEALS MEETING MINUTES
TOWN OF SURFSIDE BEACH
TOWN COUNCIL CHAMBERS
APRIL 26, 2018 * 6:30 p.m.

1. CALL TO ORDER.

Chairman Willm called the meeting to order at 6:30 p.m. Members present: Chairman Willm, and Members Lanham, Lauer, and Taylor. Vice-Chairman Watson and Members Dougherty and Lauer were absent. A quorum was present. Others present: Town Clerk Hermann; Planning, Building & Zoning Director Morris, and Permit Technician Mazzo.

2. PLEDGE OF ALLEGIANCE.

Chairman Willm led the Pledge of Allegiance.

3. AGENDA APPROVAL.

Mr. Taylor moved to approve the agenda. Mr. Lanham second. All voted in favor. MOTION CARRIED.

4. MINUTES APPROVAL. Approval of minutes was deferred.

5. PUBLIC COMMENT ON BUSINESS ITEM.

Mr. Keith Hope, Juniper Drive: So I live across the street from the proposed variance on 710 Juniper Drive. I don't have a problem with a structure be put there, it's just why do we have a zone, the zoning ordinances if we’re not gonna follow them? Seems to me, their basic argument is well, everybody else around there does not follow the zoning, so why can't we and it's the best use of their property. My property is the exact same size. I built a single-family house. I can follow the ordinance, and so I'm just wondering if the purpose of the zoning is for the fire, rescue, police, etc. why wouldn't that apply to this as well as everybody else you want to live within this ordinance. So I just, I don't know all the background. Just a little bit that's on the paperwork. So, you know, if that can be dismissed, the concerns about fire, rescue, etc., then let it go. Thank you.


Chairman Willm: Who would like to present their case? I need to get your name, swear you in since this is a judicial...

Mr. Rudolph: My name is Scott Rudolph.

Chairman Willm: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Rudolph: I do, yes, sir.

Chairman Willm: Proceed.

Mr. Rudolph: First, I want to thank you for your time and consideration. We appreciate that just. Just thought I'd read the zoning law that I guess, that is in question here, the zoning ordinance. It's Number 20, it reads and I quote, "highly tinted or mirrored glass shall not be permitted." So, I wonder what highly tinted meant, or mirrored, so I Googled (searched the internet) highly tinted and nothing came up. So I guess it's a matter of, somewhat of a matter of opinion. And mirrored, well mirrored is very specific. It's a mirror and they are all products...
that allow you to mirror something and create mirror, and so I went to the tint that we have, and looked at their spec
sheets that I’ve included for you, ladies and gentlemen, as well. And there’s nothing here that says it's highly tinted.
There’s nothing here that says it is a mirrored surface. So, I would like to just state that for the record, and thank you
for that. Moving on to the variance form, I know you say there question 2A to state the extraordinary and
exceptional conditions pertaining this particular piece of property, and there are very, very real extraordinary
exceptions, exceptional conditions to the property for the Bar-B-Que House. We’re a restaurant. The root word for
restaurant, I’ve heard, is from a French word which is the meaning of rejuvenate. You go to a restaurant to
rejuvenate your soul; to restore; to rest, and in order to do that you have to be able to be in a comfortable
environment, a comfortable place. In other stores, if you’re going into convenience store, or a retail store, a bank or
whatnot, you don’t need to be able to sit down and be comfortable for an extended period. You have 30 minutes, 45
minutes, an hour, while you’re restoring yourself with food at a restaurant. So we do have some very exceptional
conditions that apply to us. Other restaurants in the area, something, something like that, a lot of the breakfast
restaurants, they’re not open in the afternoon and the afternoons is when we have that specific direct sun beating
through the windows, and it does cause a real problem for our customers. They cannot be comfortable. Before we
had; when we first moved in there nearly 10 years ago, there was just the windows there and the position of the
property the afternoon sun beats right through those windows. The restaurant is surrounded by windows and
customers would point blank complain. They’d be sitting there squinting. The sun bearing in; sweating. Very
uncomfortable. They would asked to move to the other side of the restaurant where it would still be hot because the
AC system had trouble keeping up. We had many customers who just finish up and leave, and say you guys have a
real problem, we’re just not comfortable. Unless you can get this fixed, we don’t; we love the food. We love the
service. We’re not comfortable. We don’t want to come back, because they can’t relax and enjoy the environment.
We tried multiple things to stop that. We installed blinds. That did not solve the problem. Still, the heat still came
through and then the gaps in the blinds the sun still would come through and be blinding. So we researched it and
we, we found out Santee Cooper recommended this tint as a minimum for their ‘Reduce the Use’ campaign. They
were, Santee Cooper was offering even rebate; partial rebate, because they were encouraging us to do this. This is
the bare minimum tint to qualify for the rebate. So we went with that and it really did solve the problem. Customers
could relax and enjoy the environment. Going to B, the conditions do not apply to other properties in the city. I kind
of wonder that. People at our business they need to be able to be comfortable and sit for an extended period of time.
Bank, other retail, grabbing something off the rack, T-shirt shop, whatnot, they don’t have to spend so much time in
the direct sunlight. And our building design utilizes the large windows. Going on to 2C, how do they impact this
particular piece of property? And it does prohibit or unreasonably restrict us being able to utilize half the dining
room, and even to some extent, the rest of the dining room, because as I said, it's, it's sends so much heat into the
building the AC has difficulty in even keeping, keeping that cool. Going on to 2D, how will we, would not be a
detriment to other businesses. You know, the tint is commercial grade. It’s professionally installed. Installed comes
with a lifetime warranty against cracking, and bubbling. So it will always have a nice clean appearance. You know,
we’re committed to keeping a nice clean restaurant. We want people to be able to go there; be comfortable and
relax; rejuvenate and restore. And this exact tint is used by many, many companies and agencies, including the
United States Department of Energy. I mentioned the Santee Cooper. I do very much appreciate your time and
consideration. Having this tint is a big deal for us, and for our customers, and our ability to function effectively. We
have right now 10 employees that are working. We want to be able to continue to grow and provide opportunity for,
for, for many people and be a big part of the community. Thank you very much for your time.

Chairman Willm: Would y’all like to ask questions now or wait till the end, so Sabrina can give her stuff?
(**) Okay. You can have seat and we’ll call you back in a minute. Thank you. Would the town like to present their
case?

Ms. Mazzo: My name is Tina Mazzo.
Chairman Willm: Do you swear to tell the truth, the whole truth and nothing but the truth?
Ms. Mazzo: Yes, sir.
Chairman Willm: Thank you, ma’am. Proceed.
Ms. Mazzo: Okay, the town’s code enforcement official received a complaint regarding the mirrored
tinting at the Bar-B-Que House Restaurant. Back in 2013, Town Council approved a design overlay, which stated
that the highly tinted or mirrored glass shall be prohibited. The code enforcement official notified the property
owner of the violation and requested that the tint be removed, which we have done on three other previous
businesses, as well. We’ve seen them have the mirrored tint and we asked them to remove it. The owner stated that
it was done before the ordinance passed and after further investigation by our code enforcement official we found
Google images showing that the tent was not in place in 2015, so our code enforcement official also explained that
not only is the anything place for aesthetic reasons, but also safety reasons. The town encourages and promotes
crime prevention through environmental design, and this concept is based on the belief that crime can be influenced
by the proper design and effective use of the man-made environment. It is also defined at the proper design and
effective use of the building, of the built environment that can lead to a reduction in the fear and incidence of crime
and improvement in the quality of life by not allowing mirrored or heavy tinting on glass windows the police,
general public, or potential customers can see inside the building. If a crime is happening in the building, it can be
reported by a passerby and action can be taken immediately. It is intended to make intruders or criminals easily
observable by promoting features that maximize visibility of people, parking area, and entrances. Customers also
feel more [sic] safe knowing natural surveillance is, is all around. Blinds and curtains may be used under the current
ordinance. Both can be opened by customers wanting the natural surveillance and by allowing mirrored or heavy
tinting, you’re removing the options from the customers and the guests.

Chairman Willm: Okay. Thank you very much. Does the board have any questions?

Mr. Taylor: I have a question for Mr. Rudolph.
Chairman Willm: Come back up here please.

Mr. Taylor: Do you have any confirmation or documentation from Santee Cooper recommending this?
Mr. Rudolph: I do not; not on me. We worked with the tint shop, and they, that’s what they do. They told
us about it. We did submit the paperwork; actually, the tint shop submitted the paperwork for us and we did receive
the rebate check. Leaning on memory, I believe was about 25, maybe it was about 25% of the purchase price that
they rebated.
Mr. Taylor: Okay, and when exactly was this installed?
Mr. Rudolph: 2016.
Mr. Taylor: Okay.
Chairman Willm: Was awning not an option?
Mr. Rudolph: We have an awning, but the positioning of the property, the awning does not provide shade
to the windows. Just that afternoon sun; when you sit on 17 it just blares right through the windows. The awning
does not provide any protection to windows. We don’t have any trees there; there’s no trees. Some, some buildings
benefit. The church right next to us has the trees that provide shade, and once again, someone even in the church,
they don’t typically sit right by the window for an extended period of time. I go to church, and I sit (**.)
Chairman Willm: By the back door.
Mr. Rudolph: No, not there either. (Laughter)
Chairman Willm: Any other questions.
Mr. Murdock: I have one for the town. Do we have do we have any definition somewhere of what very
highly tinted or mirrored glass?
Ms. Morris: We do not.
Mr. Murdock: It’s kind of waffled? I assume by citing the business owner that by your estimation it is
meets that definition.
Ms. Morris: Yes, that’s correct, and again, we’ve required at least three. More have been notified, but three
met the same criteria as the Bar-B-Que House, and those were removed.
Chairman Willm: Are you prepared to say which ones they were?
Ms. Morris: They were on the south end; I don’t have the name of the businesses, but it was in the strip
center where the doctor’s office, the chiropractor or doctor near 10th Avenue North [sic].
Chairman Willm: That was one of my questions, Doctor Rathburn’s office there, his seems to be the same
case now.
Ms. Morris: He has blinds.
Chairman Willm: Those are blinds.
Ms. Morris: M huh.
Chairman Willm: There are some others, some of these, they were done prior to this ordinance [sic], overlay?
Ms. Morris: Then they’re grandfathered.
Chairman Willm: So, that’s what I couldn’t tell. I saw a lot of them. Valentino’s is the same way.
Ms. Morris: Right, and also, if they change ownership, if they change in ownership or they change use,
they have to take it down, as well.
Mr. Taylor: Can you share with us the complaint?
Ms. Morris: They didn’t; it was; and actually our code enforcement officer has left the town, so, but it was,
he said it was anonymous, but that’s how we get our complaints. That’s how we get three down on south end.
Mr. Murdock: Kind of follow-up my question, because I am familiar with matika [sic] films, I actually just
went to their website under this this Sun Guard Architectural, which is their; I guess their commercial line, they have
various sundry products. They have a 70, a 55, a 35, a 20, a 35 [sic], a 20 [sic], you know, and it looks like this is a
15, if I'm reading and understand this correctly that's, that's the amount of visible light that is transmitted. I say that
from personal knowledge of what the, what the automotive is. I think 35 is, is the minimum that you can have, you
know, for automotive glass. But, my question is, would you say 45 might be allowed where 15 is not, you
know, under the standard of highly tinted or mirrored, or 70 might be allowed versus 15?
Ms. Morris: Honestly, we'd have to see it. I can tell you that the last tinting that we approved was on
Graham's Golf Cart, because you can see inside as well as outside.
Mr. Murdock: Got cha. So, in a sense it, it, in a sense, if we were to, if we were to apply a standard, the 35
standard that, that, that is used by the sheriff department for being able to see into cars, might be a reasonable
standard to apply.
Ms. Morris: I would agree with that because you can see inside and out. That's the, the intent of the
ordinance, again, is for security purposes. They can see; they can certainly see once their inside and they can see out,
but you can't see in.
Mr. Murdock: Okay.
Mr. Rudolph: Can I make a statement on the crime aspect? We are very committed to a safe workplace
environment. Without safety, you know, that's the foundation of anyone. It's extremely important to the employees
and customers. We want an absolutely safe; we do a lot of things to secure, and make sure it's safe. We have a 16
camera system inside and out. You see cameras everywhere when you go in, and I understand, like you said, if the
blinds are closed, you can't see through them, number one. There's other restaurants that have, basically, plantation
shutters. You can't see through 'em. I've seen police departments with plantation shutters on the buildings to reflect
the heat and you can't see in their windows. But, the police department doesn't want you to see in their windows.
But, there's other things that will restrict views other than tint, and once again, based on Google definitions, based
on the definition of the website, I don't believe this is a highly tinted or mirrored. Thank you.
Chairman Willm: I've got a question for the town. The new hibachi over there, it has like awnings almost
down; (responding to unknown speaker) those aren't windows at all? (**comments made from audience.)
Mr. Lanham: Question for the town. The ordinance has been discussed here seems a little bit subjective. I
was just wondering have you ever actually had the police department go out and look at these specific locations and
say, your know, this one is not too bad or this one (**).
Ms. Morris: We actually have done that before. We have not, we did not do this on this particular case. I
will tell you we have two certified CPTED (Crime Prevention through Environmental Design) professionals in town
that went to several hours of training and passed a pretty stringent exam, and that would be the police chief and
myself, and this is exactly what they were trying to detour [sic] is when you, if you, what their definition is, if you
drive by anywhere, or you're walking by, and you can see yourself, but you can't see inside the building, that's too
much tint.
Chairman Willm: In your opinion there's some tint out there that would satisfy both parties?
Ms. Morris: Oh, yes. Absolutely. They actually have it in town now, and we could certainly direct it if
need be. But, back to the blinds, and the curtains, I completely agree with him. They're allowed. We had that
argument before, but the argument, and we argued that with the prof [sic], the consultant with the CPTED design.

His argument was you could pull back the curtain, or you could pull up the blind, and the shutters that he’s talking about, certainly open, as well. So, you can; it's up to, to the individual whether they want to offer the, I mean to have the surveillance or not, and with the tint that he has now, it doesn’t offer that at all for the customers.

Mr. Taylor: I have a question. When I look at the design overlay district standards, there were some very specific, it says the requirements of this ordinance shall apply in any of the following circumstances, and reading these circumstances nowhere does it say an existing business. So...

Ms. Morris: You have the full; no, you only have that section.

Mr. Taylor: No, I have the whole book that you gave me, and it says new construction, which is, this is not the case; it says addition or enlargement of an existing building. This is not the case. It says change of use, which is not the case. Redevelopment of parking lots, not the case. Dwellings are converting to commercial business. This is not the case. When renovations to an existing building exceed 20%. That's not the case in this case, and when a building or 50% of a strip center has been vacant. So, I'm questioning, you know, why the design overlay standard is being applied to this specific business, when I know for a fact there are other businesses in town that do have mirrored...

Ms. Morris: And we are addressing those. I can’t answer that...

Mr. Taylor: But, I’m not exactly sure why.

Ms. Morris: ...because the enforcement officer addressed this section. He felt it was appropriate, and there was [sic] renovations on this building.

Mr. Taylor: But not, not as applies to the windows.

Ms. Morris: No, they didn’t get a permit for that.

Mr. Taylor: I couldn't find anywhere else in the code that addresses windows other than that one line.

Ms. Morris: This is the only one. That's the only one.

Mr. Taylor: And, yet we have let that, the genie was let out of that bottle 25 years ago. If you drive up and down in Business 17, and look at the windows and the in the storefronts, and whatnot, we have probably 30 or 40% of the businesses that you cannot see the inside of the business, because of displays, because of posters, for, because of blinds; the Doctor Rathburn’s; you know for all these other reasons. So I am having a real hard time with the safety issue, because if it was really a safety issue, we would be out there citing every one of these businesses to allow passers-by to see inside their business, and we don’t do that.

Ms. Morris: We have addressed the mirror.

Mr. Taylor: Only the mirror. But that’s...

Ms. Morris: That's because that's the only thing in the ordinance. You know, we’re only allowed and we don't have, we don't have the luxury of deciding who gets it and who doesn’t. If it doesn’t meet the ordinance, we have to notify everyone that’s in violation of this ordinance. Shades are not a violation.

Mr. Taylor: That brings me back to where I’m at. I would like to see the board defer action on this request and send a recommendation back to planning and zoning that they re-look at the whole issue regarding windows, storefronts, safety, whatever, and that that we recommend the council that they ask staff to at least suspend or delay
Board of Zoning Appeals  
April 26, 2018  

any citations until planning and zoning and council can give us something more definitive than what we have right now.

Ms. Morris: If I could just throw something out; we, the council, excuse me, the planning commission just submitted a brand-new overlay design that mirrors the, no pun intended, mirrors the county, and this, the wording is in the exact same thing in the county and it's in the new ordinance. So, it's up for second reading. If you want, if the board decides that they want to do that I just to make sure you; I would certainly ask that they hold off on second reading until this is re-evaluated by the planning commission.

Mr. Taylor: Well, I'm kind of coming at this as a small business owner myself with similar issues with sunlight and windows and all those other things. And we are purportedly a business friendly community, and I think the last thing that a small business needs is some other regulation that's either going to cost them money or restrict the ability of their business to do what their business is. So I am just having a hard time with the selective application of the ordinance from an anonymous complaint. Had we not received an anonymous, anonymous complaint we wouldn't be sitting here.

Ms. Morris: But, the law does not require you to give a name and we never (**)

Mr. Taylor: I understand that. I understand that.

Ms. Morris: Yeah, and I mean it's a legitimate complaint, because it, it does meet that require or that violation efforts.

Mr. Taylor: Just telling you how I feel.

Ms. Morris: I understand. I was just defending the ordinance.

Chairman Willm: Any other questions?

Mr. Lanham: Another comment. Following up on what he said, the blinds, shades are, they're okay? But, from a safety standpoint, if the blinds and shades are down, and somebody was in there creating mayhem, the police wouldn't be able to see there, through them either. So, it's...

Ms. Morris: I agree with that completely.

Chairman Willm: I agree with that comment. It's kind of a false sense of security, because if somebody's in there trying to rob 'em, they're not gonna let you...oh, you have the right to open that blind (laughter.)

Mr. Taylor: So, it sounds to me like what we have is a situation where we have an anonymous complaint and a code enforcement officer that no longer works for the city decided to apply the design overlay ordinance to this particular instance.

Mr. Murdock: I don't think he decided. I think the ordinance dictates its own enforcement. I think if he decided anything, he would've decided not to enforce it, and that would've been its own issue. I guess the concern I have, I have waffle language there is always a problem. In my mind, the applicable standard ought to attach to something and that probably should be the standard of what law enforcement gives for, you know, if that's the purpose of it, that law enforcement gives for being to see inside the vehicle, and there are certainly tint meters that do that. It seems to me like it's should say highly tinted is 35% or 40% or whatever that is, because certainly we have a measurement standard; we have a quantifiable standard to apply. In absence of that, I still would probably knowing the intent of it was still probably attached to that standard, and say that if I was to make a determination at
this point, you know, because when you apply something to the glass it could come out different. It might be listed as a 15 and maybe 15 means something a little different in the residential standard than it does for the car standard. You know, but I would put a meter on it, and if it doesn’t meet the standard that’s allowed for vehicles, and I would apply that standard to it. So, I don’t feel like I got enough information here, because it seems entirely subjective. So, I would table it and ask that somebody put a meter on it and let’s see what it actually does, and if it meets that the car standard. That would be my suggestion. I don’t know if that’s, that means anything to anybody or not. But that would be where I would weigh in on it.

(**several speaking at once.)

Mr. Taylor: I think that’s a reasonable approach.

Chairman Willm: Like when, for yours, I think how the ordinance was written, I don’t think it matters whether it’s new or old. You can’t tint your windows. So, you’re tinting them now and that doesn’t come into play whether it’s old or new. You can’t, after this ordinance, you can’t tint the windows. But, on the other hand, I also agree with you that this is very subjective, and I think ordinance does need to be a lot more objective and have a measurement so we can’t say one person doesn’t, the other person does, and there’s probably some cleanup to do along with the curtains and the other issues like that. Would somebody like to discuss this some more or make a motion?

Mr. Taylor: I’d like to move that we defer action and ask the town to go back and measure the tint, and come up with a standard that we can apply to everybody.

Chairman Willm: I think that would require a change in the actual ordinance itself to put that in, or I guess you could do a…

Mr. Murdock: Well, if we had the number, then again if it’s going to be subjective, then we can apply that subjectivity to…

Chairman Willm: To everybody.

Mr. Murdock: Yeah, but with a measurement so we know what it actually is, and if it is actually 15 as applied and 15 is less than 35, then I would be disinclined to agree that it’s okay. If as applied it was 30, I might be a little bit more inclined to agree that maybe it is okay, and probably if it was 35, 36, something like that I’d say I don’t have a problem with it. So I would like that measurement.

Chairman Willm: Would you like to restate your motion; we’ll have our discussion after that.

Mr. Taylor: Now, I’m confused. I will move that we defer action on this request and send it back to planning and zoning to come up with a measurable definition of tinted or highly tempted windows that we can apply. Does that make sense?

Mr. Murdock: Yeah, and a measurement in this case.

Mr. Taylor: Right.

Mr. Murdock: Okay, I would second that.

Chairman Willm: Any discussion?
Board of Zoning Appeals
April 26, 2018

Mr. Rudolph: I appreciate; I was only given when this happened these two pages here. Section 17-908 and you read the intro to that and the whole book where that applied, and based on your reading and what you said that this wouldn’t even apply to us anyway.

Chairman Willm: I think the board thinks it certainly does apply. But, we just need better direction. Do we have a second?

Mr. Murdock: Yes, I second.

Chairman Willm: Any discussion amongst the board? I want to say something, but I’m not sure what. (Laughter.) It’s like I said, I don’t know whether the ordinance needs to go back and actually be rewritten or basically a standard is being used by the zoning department when they bring these things to us. This is what we’re using as a standard, what you’re saying is through a reflective meter, whatever the police, and I also had the police come by and have their opinion put into it before. I think whether it’s rewritten in zoning ordinance or not the zoning department should have a basic standard and not, you know, you went to class and that kind of stuff. You should be easy to come up with. All in favor the motion to defer back? All members voted aye. That motion favored, so more to come.

Mr. Rudolph: Thank you.

Chairman Willm: So will this have to be resubmitted?

Ms. Morris: We’ll just reschedule and use the same application so that way it’s no fees.

Chairman Willm: No fees, okay.

Appeal No. ZA2018-04 by Dave Mastrianni at 710 Juniper Drive requesting a variance from Article IV Section 17-402 Corner Lots of the Town’s Zoning Ordinance.

Chairman Willm: Who’s gonna speak? Both?

Mr. Mastrianni: Yeah, both of us. David Mastrianni.

Mr. Moselsky: I’m Jerry Moselsky.

Chairman Willm: Do y’all both swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Mastrianni and Mr. Moselsky both responded: Yes.

Chairman Willm: Proceed.

Mr. Mastrianni: What we’re trying to do is we bought a duplex lot over on the corner of Cedar and Juniper, and we’re trying to construct a duplex similar to, we brought a poster board of…

Mr. Moselsky: Shall I approach you, or…

Chairman Willm: Yes, sir.

Mr. Mastrianni: Similar to all those in the area, and we’re not doing it for rental reasons. We’re doing it, this is, we’re trying to make this our retirement home. He wants to live on one side and I’m gonna live on the other. We grew up together, and kind of want to retire together. We just don’t understand, we actually don’t understand the ordinance. They’re saying that front doors need to face Juniper. None of those face the small side of the street so we just really don’t understand. What are they forcing us to do? We’d like to work; you see us, we want to work with you, and we’d like to live here, so it’s just we don’t know what we can do to make it right.
Board of Zoning Appeals
April 26, 2018

Mr. Moselsky: We haven't been able to find ordinances from our looking around. We're not sure where that ordinance is or what it states, because we haven't been able to find that.

Mr. Mastrianni: Where it states that our two front doors need to face Juniper or the small side of the street.

Chairman Willm: Okay, is that it? We'll find out shortly.

Mr. Mastrianni: I think so.

Chairman Willm: And we'll ask you, just have a seat and we'll bring you back in a minute for questions.

Mr. Mastrianni and Mr. Moselsky: Okay. Okay.

Chairman Willm: We'll let the town give us that information. Yes, ma'am, and your name is?

Ms. Morris: Good evening. Sabrina Morris.

Chairman Willm: Do you swear to tell the truth, the whole truth and nothing but the truth?

Ms. Morris: I do.

Chairman Willm: Thank you, ma'am. Proceed.

Ms. Morris: Okay, actually, we, this started out when the, when the surveyor in the town came to meet with myself, and showed me the survey that he was proposing, which you have in your packets tonight, and he had read the ordinance and he felt that there was some issues with it, so before he finished or before he notified the property owner, he wanted to make sure that the town's interpretation and his interpretation were about the same.

First, I like say the owner that just spoke and said that there's a several houses that are addressed on one lot, and you have owners on... that is exactly the truth, and that is why the ordinance changed in 2011. I did not write this, and I wasn't even in the town when this happened. But, I did the research, and I found the old files and read them, and that's why that it does give you a background here. When they submitted it, the ordinance on Section 17-402 states for the purpose of this section, the lot line having the shorter dimension along the street line shall be considered the front of the lot. We have had, and I'm not exaggerating when I say, we have had at least a dozen property owners that want to build on corner lots and they would like their front to face the longer side of the property, and have their address as it's written here for the front of the lot. The ordinance says that's the front of the lot, which means that's where your home should be facing. Once we tell them that, we have never had an issue. They don't like it, but they build it to meet; to the small; the front side is the front. That means the front setback; that means the front door.

When I did the research it did say that the reason they were changing is 911 and the fire department, and police department and the ambulance service had issues looking for the addresses. They would drive down the street and the address would say, whatever, 711 Juniper, but they would not think that was the home, because that's the side of the home and the front, which was the egress and ingress of the home, was located on another property, I mean on the other side of the lot. When I, when we explained this to the others who were building the property, they certainly complied. We have two under construction right now meeting the same requirement. I mean meeting same the same that wanted it the other way and decided to do it front facing, facing the front. The other reason for the change was the setback requirements. Corner lots having a shorter dimension would automatically be the front. If the longer property line was considered the front, the home would be unable to meet setback requirements. The front setback is 25 feet; side is 10, and then with the street is 15, and the rear is 20, and if you look at the survey that we provided tonight, which is the owners' survey, the lot width is only 60 feet on Juniper, and you could just get a home there,
but it would be a rather small home. The front, which is the Juniper, is 25 feet and the way the surveyor has it drawn
out now both of these duplexes face Cedar, and when we met with the owner and we met with the surveyor, we
asked that they design the homes to have both the entrances on Juniper as we have required in the past since 2011,
Mr. Taylor: They could have like the garage entrances on Cedar, as long as the front is on...
Ms. Morris: Yes, as long as they have the two front doors, yes, exactly right, yes, sir.
Chairman Willm: Any other questions?
Mr. Taylor: The way, the way that this plan looks, they would not, it if it was allowed, the front to be on
Cedar they couldn't meet the front setback.
Ms. Morris: As it is drawn now, you're exactly right. Right. They understand that, and when we met with
the surveyor, we asked if they could somehow design the duplex to have front door here and maybe the actual wall
and a door here. The owner said that he did not see that as being feasible.
Mr. Taylor: Right.
Chairman Willm: So, he's not asking for two different addresses, Juniper and Cedar? He's wanting both to
be on Cedar?
Ms. Morris: Right, and we feel that it's necessary both to follow the ordinance and for a safety standpoint
that it be on Juniper. It does allow for duplex. It does not guarantee a duplex.
Unknown speaker: Not unreasonably restricted.
Chairman Willm: Any other questions by the board.
Mr. Lanham: I'd like to ask the appellant.
Chairman Willm: Sir, can you come back up for a minute?
Mr. Lanham: The ordinance seems pretty specific in this case. I was wondering if you had another
architect drawing to try to get the front of it on Juniper?
Mr. Mastrianni: Well, it's what you want to call or consider the front. I don't mind having a Juniper
address. The address doesn't matter. But both front doors being on Juniper is kind of difficult. We did come up with
an alternative plan. We put it on piers, and then both front doors would face Juniper, if that's acceptable.
Chairman Willm: It seems like under the current plan you have here you're not, it's not gonna fly anyway,
because it's not gonna hit the setback, front setbacks, Do you understand that part?
Mr. Mastrianni: If you called Cedar the front, you'd never meet the setbacks, no.
Chairman Willm: So you want to make it facing Cedar, but call it Juniper. I'm not following this part.
Mr. Mastrianni: Have our address Juniper. I'd put one front door on Juniper. The other door would be off
of Cedar, but that's not acceptable.
Chairman Willm: I'll tell you from a house that I have currently, a duplex that has two different addresses,
you don't want that. It's an insurance, it's a financial banking and all kind of issues, because they'll actually try to
issue you two different insurance policies, because you've got two different addresses. I know. Any other questions?
Mr. Lanham: Yeah, your comment about putting it on piers, and having the front on Juniper...
Mr. Mastrianni: Yes.
Mr Lanham: Both fronts would be on Juniper?
Mr. Mastrianni: Yes. They would be underneath.

Mr. Lanham: Is there a problem with that?

Ms. Morris: As long as it meets the setbacks and both the duplex front doors front on Juniper.

Chairman Willm: Just asking, how are the other three places you’re talking about complying with this?

Ms. Morris: They built single families, and they front on the smaller end of front, they complied.

Mr. Lanham: You know if you have piers you have more parking.

Mr. Mastrianni: Yes, I do. We realize that afterwards, yes. *(Laughter.)*

Mr. Murdock: I have a question. When did you purchase the property?

Mr. Mastrianni: August.

Mr. Murdock: Okay, so you about it after this was in effect then.

Mr. Mastrianni: Correct. But, we were instructed, and we, as a matter of fact, we did make a phone call and asked the question. The only answer we got was, and it was partially our fault for not pushing it, and investigating further, is that our address would have to be Juniper. I said I don’t have a problem with the address being Juniper as long as we can do a duplex house. Like I said, we both kind of wanted to retire same place. That was the whole goal. So, I mean, we were not willing to, I mean we’re not, not unwilling to modify or that’s why I said we would, we would do the pier, pier stilt house or whatever and put both of our front doors facing Juniper. If that’s acceptable, we’ll just change the plan. I mean, it still meets our goal as far as wanting to do a duplex there.

Chairman Willm: Any other questions?

Mr. Lanham: The only point I’d like to make is I don’t think we should let these gentlemen leave thinking they can build a pier house there and then go back and no, you can’t do that either.

Ms. Morris: Right, and I will tell you, I haven’t seen the plans. We can’t approve or deny. I’d have to see it on the plan. But from speaking with the surveyor, and I think the owner was there at the time…

Mr. Mastrianni: He was supposed to come here today. I don’t know what happened. He couldn’t make it.

Ms. Morris: I mean, according to him and they had tried everything and could not face the two on Juniper.

So, we’d have to see the plan. I agree with you, I hate say it’s up in the air, but until we see that it meets the setbacks and has both front doors facing Juniper, we couldn’t, we couldn’t approve it.

Mr. Mastrianni: Well, it’ll essentially be the same shape house. It’d be within the setbacks. We’ll keep it within the setbacks. Just put it up on piers and have both doors in the garage facing Juniper.

Mr. Lanham: I guess our decision here has to be made on this, and (**). Mr. Mastrianni: I mean this isn’t what we originally wanted to go this way, but…

Chairman Willm: Any other questions? Entertain a motion.

Mr. Lanham: I think we ought to deny it. I make a motion to deny it.

Mr. Murdock: I second that.

Chairman Willm: Any discussion?

Mr. Murdock: I know, I know these things can be mystifying and it makes you wonder why in the world…

Mr. Mastrianni: I’ve been building houses for 30 years. So it’s like…
Mr. Murdock: Yeah, it's, you, you've got, you've got hoops you have to jump through everywhere, and this unfortunately, is just one of those hoops. You know, but it is it is the requirement, so.

Mr. Mastrianni: Can I just?

Chairman Willm: No, no. We're already done. We're into the board's discussion.

Mr. Murdock: But, we haven't voted, yet.

Chairman Willm: But we're in board discussion. Any more discussion? All in favor of the motion to deny?

All members: Aye.

Chairman Willm: And, the motion passes.

7. Public Comments – General Comments. There were no comments.

8. Board Comments:

Chairman Willm: I appreciate the board that serves and the people who come out to watch, and I think as you can see through all our meetings that the board takes everything very seriously, looks in depth in it, puts their time in it, and gives it thoughtful consideration before they make their opinion. I appreciate y'all coming.

9. Adjournment. Ms. Taylor moved to adjourn the meeting at 7:19 p.m. Mr. Lanham 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.
BOARD OF ZONING APPEALS MEETING MINUTES
TOWN OF SURFSIDE BEACH
TOWN COUNCIL CHAMBERS
MAY 24, 2018 * 6:30 p.m.

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

2. PLEDGE OF ALLEGIANCE. Chairman Wilim led the Pledge of Allegiance.

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

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

5. PUBLIC COMMENT ON BUSINESS ITEM.

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 interested enough to come to this meeting. I happened to be driving along the highway and saw the new sign for the Baptist Church, and it shocked me. It was so bright, and so distracting from the highway, I thought what happened here, and I thought that sign was illegal and just grandfathered. So when the new sign showed up, I said what is the story? So I went back and listened to the audio to the meeting where it was approved. Now, I understand why that happened, because it was continuous from the church. The church owns the property that it’s on. So, I understand that. But, it heightened my sensitivity to the digital signs that are on the highway, and then I heard in the council meeting on Tuesday that the Methodist Church wants to add a new digital sign to the highway, and wants to put it closer to the highway than the ordinance allows. I thought, okay. So, I went and I looked at the application, and I 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 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 of plywood. A full-size piece of plywood. Pretty big digital sign. So, the argument is it should be 2 feet closer to the road than the ordinance allows. I have a lot of trouble believing that that sign is not gonna be visible from the road if 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 the Methodist Church. I’m happy that they’re gonna get a new sign, if they would just move it two feet back and comply with the ordinance of the town. It would be in the town’s best interest to not change that ordinance, because if the church can do it, everybody else can do it. You’re gonna have a terrible time telling someone else for a business along there they can do it. So I think were essentially changing the ordinance by allowing this. So, that’s what my concerns. Thank you.

Mr. Bruce French, petitioner for Surfside United Methodist Church and we’ll be perfectly happy to put the new sign in the exact same position as the current sign is now, which happens to be 30 inches off the property line at the top and 36 inches at the base, I believe. We had the, Culler (Surveying) come out and put the stakes out so we 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 digital signs, message boards, the whole purpose of investing that much in a message board is to have it readable, so we would, we would appreciate your approval, and keep, being able to use the same pedestal, the same, same location as the current sign is. Actually, the sign, the new sign will be narrower than the old sign and a little bit 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 the same square feet.

Ms. Lynn Livesay, 10th Avenue South: I’m here to speak on behalf of allowing the church, the Surfside United Methodist Church, to put up their new sign. That sign has been there a very long time. The new sanctuary was built, and we have a columbarium now, which is even more recent than that sanctuary in the 90s. There’s a berm there. There is a lot of landscaping involved, if we have to change it. The idea is to put the sign exactly where the 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
message board that were trying to achieve. So, that church held its first service in 1963. You know that has nothing
to do with the ordinances, but we are requesting a variance of really only a few feet due to visibility from the south
side coming up. We want to work within the DOT. We know that that's gonna be happening. We've worked really
hard to make our campus look really pretty, and that has to do with the overlay that is being proposed and probably
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
new sign right where it is, and it's gonna be a monument sign. It won't be much different. Thank you.

requesting a variance from Article IX, Section 17-908 Architectural Design Standards of the town's Zoning
Ordinance.

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

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

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

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

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

Mr. French: Okay, fine. You know, we're, the new sign is going to be very attractive. I think you have a
photograph of what the rendering is there, but the most important thing to us is that we'll be able to communicate
with the community and the people that go by how they can be involved in the church and how the church reaches
out to the community. It's gonna be a communications space, and that's very important to us. We're, we want to be
Board of Zoning Appeals  
May 24, 2018

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

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

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

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

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

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,
because we looked into that before they applied for the variance to see if they could keep the frame and kind of
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
that way structurally. If they can keep the structure, and they’re just changing, you know, a section of it, then it
would be able to stay. But, I just don’t think that when we looked into it (***) to do it structurally without having to
remove the frame. We did look at that option for them.

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

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

Mr. Taylor: Okay.

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

Chairman Willm: Any other questions:

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

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

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

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

Ms. Mazzo: Yes.

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

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

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

Mr. Taylor: Okay.

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

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

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

Mr. Taylor: I've driven north and south, probably 10,000 times, but in the last week, quite a number of 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 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 would make a motion that we deny the variance and stick with the 5 foot easement. I don't see that it meets the criteria, the hardship, on the part of the applicant.

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

Mr. Murdock: Yeah, I'll second that. As much as is as much as I would like to approve it, if there was a way 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 to have to, if it's gonna be brand-new it's gonna have to be in compliance. So, I will second that.

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

Mr. Taylor: Aye.

Ms. Watson: Aye.

Chairman Willm: I am abstaining.

Mr. Murdock: Aye on the no.

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

Mr. French: Can I ask a question?

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

8. Public Comments.

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

Meeting Date: January 24, 2019  Prepared by: Sabrina Morris, PBZ Director

Agenda Item: 7

Subject: Appeal No. ZA2018-06 by KMK of Myrtle Beach requesting a variance from the strict interpretation of Section 17-396.5(g) Upper Story Dwellings specifically the requirement for on-site parking to be provided in the rear of the same property at (1) space per bedroom.

BACKGROUND:

Town Council approved final reading of ordinance # 16-0820 on February 9, 2016. The ordinance approved allowed for upper dwelling units in the C-2 district with certain conditions. One condition was to provide for onsite parking, in the rear of the building. One space for every bedroom.

The applicant is seeking to build a new commercial restaurant on the corner of S. Poplar Drive and Surfside Drive. The proposed structure would have a restaurant on the bottom portion of the building and proposing two (2) apartments on the upper floor. The proposed apartments have two (2) bedrooms per unit. Per code each bedroom is required to have an onsite parking space in the rear of the building. The applicant has submitted preliminary drawings. The drawings show two (2) onsite parking spaces in the rear and request a variance to allow for only half of the required amount be allowed and a waiver of the remaining two (2) spaces required. If the upstairs rentals have more than one (1) vehicle, they applicant request the remaining vehicle(s) be permitted to park on the street or in the nearby parking lot.

There is currently no upper floor residential in the Central Business District (C-2). This would be the first applicant to apply.

The surrounding area to the west of this property consist of commercial businesses. Commercial establishments in this district does not require onsite parking. To the east of the proposed building is residential zoning requiring one (1) onsite parking space per bedroom.

The Central Business District (C-2) portion of Surfside Drive currently has 26 parking spaces (4 spaces being handicap).

There is no legal parking between S. Poplar Drive and 3rd Ave. South. Harrison Park (corner of Poplar Drive and Surfside Dr.) has sixteen (16) parking spaces. The number of parking spaces on 3rd Ave. S. when renovations are completed (scheduled for early 2019) will be thirty-nine (39).

Surfside Drive from Hollywood towards the ocean has approx. 62 parallel parking spaces.

ATTACHMENTS

Application for variance and applicants supporting documents
Section 17-395 & §17-396.5 of the zoning ordinance
Arial views of property and surrounding area
Agendas and minutes pertaining to council approving the upper floor dwellings
Letter sent to surrounding properties and list of property owners
Property was advertised in the local paper as required by law
Property was posted as required by law
Town of Surfside Beach Board of Zoning Appeals
Application for Variance, Special Exception or Appeal of Administrative Official Decision

843-913-6341(Phone) 843-839-0057(Fax)

Instructions – Submit this application, along with the required information and fee, to the Planning, Building & Zoning Department at 115 Hwy. 17 North, Surfside Beach, SC 29575. Applications are due 30 days prior to the scheduled meeting date and must be complete to be accepted and placed on the agenda. A sign will be posted on the property, and the public hearing will be conducted by the Board of Zoning Appeals.

THE APPLICANT HEREBY REQUESTS:

☐ A Variance as indicated on page 2 of this application (complete pages 1 & 2 only)
☐ A Special Exception as indicated on page 3 of this application (complete pages 1 & 3 only)
☐ An Appeal of a decision of the administrative official as indicated on page 4 of this application (complete pages 1 & 4 only)

Property Address  Corner of Surfside Dr. & Poplar Dr.  TMP#: 191-15-12-006

Property Owner  KMK of Myrtle Beach  Daytime Phone

Applicant  e3 studio llc  Daytime Phone  (843) 267-4150

Applicant's Mailing Address  7223 N. Kings Hwy. Suite 4 Myrtle Beach, SC 29572

E-Mail Address  eblalock@e3-studio.com

Relationship of applicant to owner (same, representative, prospective buyer, other)  Architect

Zoning of Property  C2 Commercial  Residential  Planned Development

Information required with application: (Check information submitted)

☐ Scaled plan(s)s or plat(s), including elevations of structures and locations of structures (proposed and existing) showing the variance(s) or special exception(s) being requested

☐ Stamped envelopes addressed to property owners within 150 ft. of the property requesting the variance or special exception. The return address of all the envelopes should be labeled as: Planning, Building & Zoning Dept. 115 Hwy. 17 N. Surfside Beach, SC 29575

☐ A list of same property owners on a separate piece of paper for the Planning, Building and Zoning Department file.

☐ Filing fee of $200.00

DESIGNATION OF AGENT [Complete only of owner is not applicant]:

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

[Signature]

Date 10-23-10

I hereby certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there is any, and that I am the owner of the subject property or the authorized agent of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

[Signature]

Date 10. 25. 18

[Signature]
VARIANCE FORM

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application of the ordinance applicable to the property described on page 1 of this document of the following provisions of the Zoning Ordinance: Sec. 17-396.5 Upper Story Dwellings Letter g - On-site parking shall be provided in the rear of the same property at (1) space per bedroom.

so that a zoning permit may be issued to allow use of the property in a manner shown on the attached scaled plan or plat, described as follows: (1) parking space per unit

For which a permit has been denied by the Development Administrator on the grounds that the proposal would be in violation of the cited section(s) of the Zoning Ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State Law and the ordinance are met by the following facts:

   a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: Limited property area does not allow for the number of required parking spaces relative to usable commercial area. Also, if 4 spaces are provided on the site the configuration will eliminate public street parking.

   b. These conditions do not generally apply to other property in the vicinity as shown by: The existing adjacent properties are of commercial use which does not require parking spaces.

   c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: Would limit the amount of commercial space for the owner's use. And, would eliminate public street parking.

   d. The authorization of the variance will not be of substantial detriment to the adjacent property(ies) or the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: Because ample parking is available at adjacent on-street parking and there is ample vicinity parking for patrons.

3. The following documents are submitted and attached in support of this application:
   Proposed site plan, upper level with residential units, conceptual renderings

Signature of Applicant/Owner

Date 10-23-18
ARTICLE III. DISTRICT AND USE REGULATIONS

may be imposed by the board of zoning appeals in the granting of a special exception permit. A cross-reference to the use-specific conditions can be found in the “Special Standards” column of Table 17-395.

(4) □ USES NOT ALLOWED. A blank cell in the zoning district column of Table 17-395 indicates that a use is not allowed in the respective zoning district, unless said use is otherwise expressly allowed by other provisions within this chapter.

SECTION 17-395. USE TABLE

Uses are allowed by right, may be allowed as a conditional use or special exception, or are prohibited within the zoning districts of this chapter in accordance with Table 17-395 “Use Chart”.

<table>
<thead>
<tr>
<th>USE CLASSIFICATION</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
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<th>MP</th>
<th>SPECIAL STANDARDS</th>
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<tr>
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<tr>
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<td>Residential Related Uses</td>
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<td>P</td>
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<td>P</td>
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<td>P</td>
<td>P</td>
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</tbody>
</table>

TOWN OF SURFSIDE BEACH ZONING ORDINANCE

3-19
ARTICLE III. DISTRICT AND USE REGULATIONS

noise or air pollution be associated with the use, and that facilities do not create any safety hazards or nuisances as a result of their operation.

Sec. 17-396.2 Animal hospitals, veterinarian clinics, pet boarding facilities, retail pet shops.

Retail pet shop, pet boarding facilities, animal hospitals, and veterinary clinics are allowed in the C-1 district provided all boarding arrangements are maintained within a building or courtyard and no noise connected with the operation of the facility is discernible beyond the premises. Retail pet shops, pet grooming, pet training permitted in C2 district with rear courtyard. No noise connected to the operation of the facility shall be discernible beyond the premises. (amended 4/28/15 Ordinance #15-0800)

Sec. 17-396.3 Auto service station.

Automobile service stations are allowed in the C-1 district provided that:

a. All fuel pumps and/or roof coverings for fuel pumps shall be set back a minimum of at least twenty-five (25) feet from the right-of-way of any street;

b. No part of the principal building or pumps is located within one hundred fifty (150) feet of any residential district;

c. No more than five vehicles may be stored within one hundred fifty (150) feet of any residential district;

d. All vehicles stored overnight in open view of public streets and/or adjoining properties are currently licensed, in operable condition; and

c. All wrecked or disabled vehicles awaiting body or fender repair or legal disposition following an accident are currently licensed, except those waiting for legal disposition, and are stored in an area separated from adjoining properties and public streets by a planting screen, a fence with staves, or a wall at least six (6) feet, but not to exceed eight (8) feet, in height to effectively block the public view.

Sec. 17-396.4 RESERVED

Sec.17-396.5 Upper Story Dwellings

Upper story dwellings are allowed in the C-2 district provided that:

a. Permitted on the 2nd story or above; in no instance shall residential be allowed in the 1st floor;

b. Non-residential uses shall not be permitted above a residential use on the same lot;

c. Utility equipment (electrical boxes, communication equipment and all other mechanical or utility equipment) shall be located on the side or rear of building and not visible on the front façade.

d. Shall provide complete, independent living facilities for one or more persons, which include provisions for living, sleeping, eating, cooking and sanitation.

e. Shall provide a separate entrance to the residential unit.
f. All upper story dwelling units shall be a minimum of six hundred (600) square feet in gross floor area.

g. On-site parking shall be provided in the rear of same property at one (1) space per bedroom.

Sec. 17-396.6 through 17-396.10 RESERVED

Sec. 17-396.11 Body Piercing.

Body piercing is allowed as a conditional use, subject to the following standards:

The Town of Surfside Beach declares that it is unlawful to perform body piercing on persons under the age of eighteen (18) years without the in person consent of a parent or legal guardian. Body piercing involves an invasive procedure by which the human body is penetrated creating the opportunity for the transmission of infection and disease. The premises upon which body piercing is performed and the equipment to be used must, in the interest of the health and welfare of the public, be maintained in a sanitary and sterile condition to prevent the spread of infection and disease. The conduct of body piercing as an accessory use to most common commercial businesses is not consistent with the emphasis on sanitary and sterile conditions which appears to be necessary to address the health, safety and welfare of the public.

a. Body piercing shall not be permitted as a principal use only as provided in this ordinance. Notwithstanding any conflicting provisions of this ordinance any business performing body piercing which was lawfully performing such services in the town immediately before the effective date of this ordinance that is thereafter in violation of this section shall be deemed a nonconforming use. Any such business that is lawfully performing such services in Horry County immediately before it is annexed into the town and is thereafter in violation of this ordinance shall also be deemed a nonconforming use. Any use found to be nonconforming by application of this ordinance shall be permitted to continue for a period not to exceed six (6) months from the initial date of nonconformity.

b. Body piercing shall be permitted as an accessory use only inside state licensed health care establishments engaged in the science and art of preventing, curing or alleviating disease, including medical, surgical, psychiatric, chiropractic and osteopathic, and dental hospitals, clinics and offices; but excluding gymnasiums, health clubs, veterinary clinics, and associated uses.

Sec. 17-396.12 Churches and other religious uses.

In the town’s residential districts, churches, synagogues, mosques, convents, monasteries, and similar religious uses are allowed provided that any structure connected therewith shall be placed no closer than seventy-five (75) feet from any residential property line. This requirement does not apply to church-related activities as defined by § 6-29-715 of the State of South Carolina Code of Laws.

Sec. 17-396.13 Communications towers.

Where allowed as a conditional use, communication towers shall meet the following requirements:
TOWN COUNCIL MEETING AGENDA

1. CALL TO ORDER – Mayor Douglas F. Samples

2. INVOCATION AND PLEDGE OF ALLEGIANCE
   A. Invocation: Pastor Brent Thompson, LC3 Church
   B. Pledge of Allegiance: Mayor Samples

3. AGENDA APPROVAL

4. MINUTES APPROVAL
   A. Regular Meeting January 12, 2016
   B. Special Meeting January 16, 2016

5. PUBLIC COMMENTS – Agenda Items Only. (3-minutes per speaker)

6. COMMUNICATIONS
   A. Presentations
      i. Blake Lanford, Regional Manager, Waccamaw Marketing Cooperative, 2015 Farmers Market Report
      ii. Employee Anniversary Award – Sabrina Morris, 5-years
   B. Department Reports
      i. Events & Recreation
         November 2015 and December 2015
      ii. Finance
         December 2015
      iii. Fire
         November 2015
      iv. Police
         November 2015
      v. Planning, Building & Zoning
         November 2015 and December 2015
      vi. Public Works
         November 2015 and December 2015
   C. Administrator’s Report

7. BUSINESS
   A. First Reading of Ordinances
      i. #16-0818 to amend §7-12 and §7-25 Summer Sanitation Service in the R-3 and C-3 Districts, Director Adair
      ii. #16-0819 to Repeal §14, ¶(11) requiring Elevation Certificates for all Permits, Director Morris
      iii. #16-0820 to amend §17-395 to allow Upper Story Dwellings in the C2 District, Director Morris
   B. Resolutions
      i. #16-163 Horry County Mitigation Plan Adoption, Chief Otte
      ii. #16-164 Increase Business Committee Membership to Nine, Councilmember Stevens
   C. South Frontage Road Paving Project, Administrator Fellner (Deferred 01/12/2016 Meeting)
   D. Committee Appointment-May be deferred to executive session pursuant to FOIA §30-4-70(a)(1) - Keep Surfside Beach Beautiful Committee (open membership), Jeff Hines, volunteer

8. TOWN COUNCIL DISCUSSION
   A. Business Committee recommendation for joint workshop with Town Council, the Planning Commission, and Staff to discuss and consider possible changes in Commercial Sign Ordinances in C1, C2, C3, and R3 Districts, Councilmember Stevens.
   B. Any matters of concern or information to be discussed by Town Council.

9. PUBLIC COMMENTS – General Comments. (5-minutes per speaker)

10. TOWN COUNCIL COMMENTS

11. ADJOURNMENT
Response: The Town Code in its entirety is available on the website at www.surfsidebeach.org. Citizens may also visit Town Hall and see the town clerk who maintains a printed copy of the town's Code of Ordinances and she will be happy to furnish them with printed copy of the pertinent code. In addition, should any citizen not understand any portion of an ordinance, town staff is more than happy to explain it and answer any questions.

7. BUSINESS

A. First Reading Ordinances.

i. #16-0818 to amend §7-12 and §7-25 Summer Sanitation Service in the R3 and C3 Districts, Director Adair.

Mr. Childs moved to defer Ordinance #16-0818 to a workshop; the time and date to be determined later. Ms. Mabry seconded.

Mayor Samples said this had been discussed since last year, and it would continue to be discussed.

Mr. Childs had what he considered a good substitute amendment, but after speaking with Mr. Adair who had some good information, he believed it would be beneficial to have a workshop with the public.

Mr. Stevens thought councilmembers should speak with the Horry County Councilmembers regarding the Solid Waste Authority's landfill closing time.

Mayor Samples said it would be helpful for the landfill hours to be extended. The Authority has its own board of directors, but County Council appoints the nine members.

Mr. Johnson asked if the workshop date and time could be set now.

Mr. Childs said Ms. Fellner usually contacts councilmembers to determine any conflicts.

Mayor Samples said this particular workshop should probably be held in the evenings or on the weekend so Mr. Johnson could attend.

Mr. Johnson said he would be available on Presidents Day, February 15.

Mayor Samples encouraged councilmembers to work around that constraint.

All voted in favor. MOTION CARRIED.

ii. #16-0819 to repeal §14-14, ¶(11) requiring Elevation Certificates for all Permits, Director Morris.

Ms. Morris presented the decision paper and ordinance, copies of which are on file.

Mr. Johnson moved to adopt first reading of Ordinance #16-0819 to rescind §14-14, ¶(11). Mr. Childs seconded.

Mayor Samples said the ordinance is to rescind the requirement for elevation certificates, except as stated in other portions of the code. Ms. Morris said, “That is correct. New additions and substantial improvements [require a permit.]” All voted in favor. MOTION CARRIED.

iii. #16-0820 to amend §17-395 to allow Upper Story Dwellings in the C2 District, Director Morris.
Ms. Morris presented the decision paper and ordinance, copies of which are on file. She reiterated that the C2 District is that area business district from Poplar Drive to Highway 17, and Pine Drive to 4th Avenue South. Staff was approached by some of the business property owners from that area requesting that upper floor apartments be allowed. They want to live and work there. The planning commission unanimously supports this ordinance, because it would promote walkability, livability, and economic development by work here/live here.

Ms. Mabry moved to adopt first reading of Ordinance #16-0820 to amend §17-395, §17-396.5, and §17-007 to allow upper story dwelling uses with conditions in the C2 Central Business District as presented. Mr. Childs seconded.

Mr. Stevens asked which buildings would qualify; what are long term benefits. Ms. Morris said one building owner wants to add a second story. Another building already has two stories and wants to live upstairs and work downstairs. Both projects would require engineered plans before any conversion. On-site parking is required, so no public parking would be used by the residents. Ms. Morris said according to Planning Magazine, the upper floor development in a mixed use setting offers a development option which can sustain long-term economic stability through strengthening the tax base, job market, and commercial and residential opportunities. There is one vacant lot upon which a building could be built for business with living upstairs. This might also occupancy in some of the vacant buildings. Mr. Stevens asked if a public hearing was held on this topic. Ms. Morris said yes.

Mayor Samples asked for an explanation between conditional versus permitted uses; he asked that Ms. Morris’s comments be included in the record for future reference. Ms. Morris said “Permitted uses are allowed with no conditions. Conditional uses have specific requirements; in this instance, you are being allowed to have an upper floor apartment as long as you have provided a separate entrance to the residential use, the upper floor dwelling shall be a minimum of 600-square feet in gross area, and on-site parking shall be provided in the rear of the same property with one parking space per bedroom, which is the same requirement in all residential districts. We wanted to amend, or we requested amendments to the definition because we wanted in no way there be residential downstairs in this district. So, the dwelling for upper story means a dwelling unit located on the second floor or higher of a building with nonresidential uses located on the street level.” Mayor Samples thought those restrictions and conditions were essential for our town. Ms. Morris agreed. All voted in favor. MOTION CARRIED.

B. Resolutions

i. #16-163 to adopt the 2015 Horry County All-Hazard Mitigation Plan, Fire Chief Otte.

Chief Otte explained that the plan was already in place, and this was an update to the existing plan to include things like cyber terrorism materials, because that type activity is more apt to happen today. Representatives from Surfside Beach attended two of the three planning meetings. There was time allowed for public comments before the plan was adopted by Horry County. Adopting the Town’s portion of the plan would entitle it to Federal Emergency Agency assistance and reimbursements resulting from disasters that might befall the town.

Mr. Johnson moved to approve Resolution #16-163 to adopt the 2015 Horry All-Hazard Mitigation Plan. Ms. Mabry seconded. All voted in favor. MOTION CARRIED.

ii. #16-164 Increase Business Committee Membership to Nine, Councilmember Stevens.

Mayor Samples asked the clerk to read the resolution. Mr. Stevens moved to adopt Resolution #12-118 as presented. Mr. Childs seconded.

Mr. Stevens said for the record, “The business committee was founded primarily, because you remember a few years ago, we had problems with, we had Nibbles’, we were in the paper, we had Jamin’ Leather, and we had Crystal Lite Café, and the fact is that the business community pays somewhere
Note: Click on blue agenda items open the supporting document.

PUBLIC NOTICE: Town Council will meet on Friday, February 12, at 9:00 a.m. at Brookgreen Gardens, 1931 Brookgreen Garden Dr, Murrells Inlet, SC to hold the second part of the Visioning Workshop that was postponed in November 2015.

PUBLIC NOTICE: Town Council will hold a workshop on Monday, February 15, at 10:00 a.m. in Council Chambers to discuss proposed Ordinance #16-018 to amend §7-12 and §7-25 Summer Sanitation in the R3 and C3 Districts.

These notices are published pursuant to the Freedom of Information Act Section 30-4-80(A). The public is invited to attend all meetings and events.

TOWN COUNCIL MEETING AGENDA

1. CALL TO ORDER – Mayor Douglas F. Samples

2. INVOCATION AND PLEDGE OF ALLEGIANCE
   A. Invocation: Rev. Kirk Lawton, Ocean Lakes Campground Ministries
   B. Pledge of Allegiance: Mayor Samples

3. AGENDA APPROVAL

4. MINUTES APPROVAL
   A. Workshop January 21, 2016
   B. Regular Meeting January 26, 2016

5. PUBLIC COMMENTS – Agenda Items Only. (3-minutes per speaker)

6. COMMUNICATIONS - Administrator’s Report

7. BUSINESS
   A. Second Readings of Ordinances, Administrator Fellner
      i. #16-0819 to Repeal §14, ¶(11) requiring Elevation Certificates for all Permits
      ii. #16-0820 to amend §17-395 to allow Upper Story Dwellings in the C2 District
   B. First Reading Ordinance #16-0821 to Codify Bike Weeks Trailer Storage Policy, Councilmembers Childs
   C. Business Committee Autism Friendly Events April 2016, Councilmember Stevens and Ms. Becky Large

8. TOWN COUNCIL DISCUSSION –
   A. Resolution #16-165 to Establish an Anti-Fraud Policy, Administrator Fellner
   B. Any matters of concern or information to be discussed by Town Council.

9. PUBLIC COMMENTS – General Comments. (5-minutes per speaker)

10. TOWN COUNCIL COMMENTS

11. ADJOURNMENT
in the facts, I would encourage anyone with a serious interest in the true details of any situation not protected under executive session legislation to come and meet directly with me in my office."

There were no comments or questions for Ms. Fellner.

7. BUSINESS

A. Second Reading of Ordinances.

i. #16-0819 to Repeal §14, ¶(11) requiring Elevation Certificates for all Permits.

Mayor Samples said the current ordinance requires elevation certificates for any repair like changing air conditioners. Repealing this paragraph would remove the burden for an elevation certificate when "repairs" were necessary. However, the elevation certificates would be required when new construction or major remodeling were performed as stated in other sections of the code. Copies of the decision paper and ordinance are on file.

Mr. Stevens moved to adopt Ordinance #16-0819 to repeal §14-14, ¶(11). Mr. Johnson seconded. All voted in favor. MOTION CARRIED.

ii. #16-0820 to amend §17-395, et seq. to allow Upper Story Dwellings in the C2 District.

Ms. Fellner presented the decision paper and ordinance, copies of which are on file.

Mayor Samples explained that the C2 District began at 4th Avenue South and went to Pine Drive and from Highway 17 Business to Poplar Drive.

Mr. Childs moved to adopt Ordinance #16-0820 to amend §17-395 et seq. to allow Upper Story Dwellings in the C2 District as presented. Ms. Mabry seconded. All voted in favor. MOTION CARRIED.

B. First Reading Ordinance #16-0821 to Codify Bike Weeks Trailer Storage Policy, Councilmember Childs.

Mr. Childs moved to adopt first reading of Ordinance #16-0821 to codify the Bike Weeks Trailer Storage Policy. Mr. Stevens seconded.

Mr. Childs explained that a few years ago Town Council approved allowing free bike trailer parking in the lots at 13th Avenue South and 16th Avenue North during the bike events, but that it had not been codified.

Mayor Samples noted that dates were not specific, but reference was made to the spring and fall bike weeks.

All voted in favor. MOTION CARRIED.

C. Business Committee Autism Friendly Events April 2016, Councilmember Stevens, Business Committee Liaison, and Ms. Becky Large, Business Committee Member.

Ms. Large presented the activities proposed for the April 2016 Autism Event. She noted one addition, which was to "Light It Up Blue" Palm Trees on Surfside Drive. Ms. Large said total cost is $3,000 and respectfully requested that Town Council approve funding. A copy of the amended report is on file.

Mr. Stevens moved to approve the events schedule as presented. Mr. Childs seconded.
Public Hearing

Notice of

[signature]
[Date]
November 27, 2018

Dear Property Owner,

The Board of Zoning Appeals of the Town of Surfside Beach, SC will hold a Public Hearing at 6:30 PM on Thursday, December 20, 2018 in the Council Chambers of the Surfside Beach Town Hall located at 115 US Highway 17 N. Surfside Beach, SC. The purpose of the meeting will be to hear the following appeal:

Appeal No. ZA2018-06 by KMK of Myrtle Beach requesting a variance from the strict interpretation of Section 17-396.5(g) Upper Story Dwellings specifically the requirement for on-site parking to be provided in the rear of the same property at (1) space per bedroom.

You are being notified by letter of the public hearing because you own property that lies within 150 ft. of the property requesting the variance.

You may attend the meeting and speak to the Board of Zoning Appeals members as a whole in regards to the request. Time will be allotted by the board for each person wanting to speak on the issue. Or, you may send any comments in regards to the request to the Town of Surfside Beach Planning, Building & Zoning Department at 115 Hwy. 17 N. Surfside Beach, SC 29575.

Documents relating to the appeal are available for public inspection in the Building and Zoning Department at 115 Highway 17 North, Surfside Beach, SC 29575. You may contact the Building and Zoning Department if you should have any questions at 843-913-6341.

Sincerely,

[Signature]

Sabrina Morris
Planning, Building & Zoning Director
10.25.2018

Town of Surfside Beach
115 Highway 17 N.
Surfside Beach, SC 29575

RE: Application for Zoning Variance, List of Property Owners within 150 of Property Requesting Variance

Project site requesting Variance:
TMS 191-15-12-006
Corner of Surfside Dr. & Poplar Dr.

1. Living The Dream, LLC
   819 Surfside Dr.
   Surfside beach SC 29575

2. ROJO properties LLC
   218-B Melody In
   Surfside beach, SC 29575

3. J&L of Surfside beach LLC
   150 North Myrtle Beach Dr
   Surfside beach, SC 29575

4. Partin Robin Craig Etal
   514 Pine dr
   Surfside beach, SC 29575

5. Jennings Lionel Permenter Family
   P.O. Box 14089
   Surfside beach, SC 29575

6. MLP Holdings LLC
   9923 Largo ct.
   Murrells Inlet, SC 29576

7. Mahaffy Amber Lorraine
   768 Mount Gilead rd
   Murrells Inlet, SC 29576

8. Wiszowaty Zozislaw and Jolanta
   11 Ash st.
   Bridgewater, NJ 08807

9. Town of Surfside Beach
   115 Highway 17 N
   Surfside Beach, SC 29575

10. Mullinax Chista J Etal
    726 3rd Ave south
    Surfside beach, SC 29575

11. Purcell Rosemary M Etal
    519 15th ave north
    Surfside beach, SC 29575

12. Gregg Anne E.
    727 Surfside Dr.
    Surfside beach, SC 29575

13. Rowe Ventures Inc.
    4603 Oleander dr #6
    Myrtle beach, SC 29577

14. High Noon properties Inc
    810 Surfside dr
    Surfside beach, SC 29575

15. High Noon properties Inc

16. Northeastern Investments LLC
    1652 Crooked Pine Dr.
    Surfside beach, SC 29575

17. KMK of Myrtle beach
    1652 Crooked Pine Dr
    Surfside Beach, SC 29575