BOARD OF ZONING APPEALS
TOWN COUNCIL CHAMBERS
JULY 18, 2019 • 6:30 P.M.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. AGENDA APPROVAL

4. MINUTES APPROVAL – To be approved at next meeting (By-Laws must be amended prior to approval).

5. PUBLIC COMMENT ON BUSINESS ITEM

6. BUSINESS
   
a. Appeal No. ZA2019-02 for David and Kimberly Dunlap requesting approval to install a screen lanai within the required setback requirements. Mr. Dunlap request the approval to have the lanai within 5 ft. of the rear property line in order to cover the existing pool.

   b. Appeal No. ZA2019-03 David Reid request a variance from Article VII Section 17-725.5 of the zoning ordinance. Specifically requesting the removal of a landmark tree (47" Live Oak) to build a home.

8. PUBLIC COMMENTS – General Comments.

9. BOARD COMMENTS

10. ADJOURNMENT
ISSUE PAPER FOR ZONING BOARD OF APPEALS CONSIDERATION

Meeting Date: July 18, 2019  Prepared by: Sabrina Morris, PBZ Director

Agenda Item:

Subject: Appeal No. ZA2019-02 for David and Kimberly Dunlap requesting approval to install a screen lanai within the required setback requirements. Mr. Dunlap request the approval to have the lanai within 5 ft. of the rear property line in order to cover the existing pool.

BACKGROUND:

Carolina Home Interiors applied for the installation of a screen lanai to surround an existing pool at 723 Cypress Drive. The pool was permitted on July 21, 2006.

Section 17-408 of the Town’s Zoning Ordinance addresses accessory structures and does allow for certain accessory structures to meet a five (5) foot setback. These structures are allowed when meeting the following standards:

Accessory buildings in residential districts must be no greater than fifteen (15) feet in height when located less than ten (10) feet from the property line. Accessory buildings shall not exceed a maximum height of twenty-five (25) feet when located a minimum of ten (10) feet from the property line.

There are exceptions to this requirement:

(1) Satellite dishes less than thirty-nine (39) inches in diameter may be located on the structure and shall be exempt from this section provided all required setbacks are met.

(2) Swimming pools may be located in side yards and not closer than five (5) feet to any property line. Residential pools do not count toward lot coverage for zoning purposes.

(3) Private garages are permitted provided they observe the minimum yard setbacks for the district (see section 17-303) and they are located no closer to the front yard setback line than the principal structure. The garage is not to exceed eight hundred fifty (850) square feet or fifty (50) percent of the footprint of the principal residence. A garage area of four hundred (400) square feet is permitted regardless of the living area of the principal residence.

The proposed screened lanai as planned is over 15 feet in height and would not fall into the exceptions. Staff has denied the permit and the applicant is seeking relief of the ordinance from the board of zoning appeals.

ATTACHMENTS

Application for variance and applicants supporting documents
Section 17-408 & §17-303 of the zoning ordinance
Picture of proposed structure
Elevation of proposed structure
Site plan
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 23 Cypress Drive Surfside Beach, SC 29575
Pin #: 01 090 000 0000
Property Owner DAVID & KIMBERLY DUNlap
Daytime Phone 803-753-0213
Applicant MIKE Kinsey Carolina Home Exteriors
Daytime Phone 843-607-8187
Applicant’s Mailing Address 1176 Osprey Court Garden City SC 29576
E-Mail Address mike@carolinahomeexteriors.com

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

Zoning of Property ____________________________ ☐ Commercial ☐ Residential ☒ Residential ☐ Planned Development

Information required with application: (Check information submitted)

☒ Scaled plan(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 North, 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 if owner is not applicant]:

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

X Owner Signature

Date 4/29/19

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.

X Owners Signature

Date 4/29/19

Authorized Agent 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: Build a Screen Lanai. Beyond Set Back

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: Build a Screen Lanai over the existing Pool with Vinyl Four Track Windows + Poly Carbonate Roof

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: This particular property has severe insect infestation that
      prohibits disabled clients from exercising in existing pool

   b. These conditions do not generally apply to other property in the vicinity as shown by:
      Generally, this property appears to have excessive amounts of insect infestation.

   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:
      Clients cannot exercise/swim in existing pool due to insects + UV rays

   d. The authorization of the variance will not be of substantial detriment to the adjacent property(ies) or the the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: Will have no adverse affect on any neighbors + will be visually attractive.

3. The following documents are submitted and attached in support of this application:

    Survey/CAD/Aerial Photo/Pictures/Engineering
    Contract/Block Map

    Signature of Applicant/Owner  Date

MRS. DUNLAP HAS MULTIPLE MYELOMA (INCURABLE CANCER) AND HAS BEEN DISABLED FOR TEN YEARS. SHE IS IN CONSTANT PAIN AND NEEDS THE POOL AS THERAPY. MR. DUNLAP IS 70% DISABLED BY THE VA DUE TO ARTHRITIS.
ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS

section, the lot line having the shorter dimension along the street line shall be considered the front of the
lot.

SECTION 17-403. DOUBLE FRONTAGE LOTS

On lots having frontage on more than one (1) street but not located on a corner, the minimum front yard
requirements for the district within which the lot is located shall be applicable for each street on which the
lot fronts. On lots fronting on more than two (2) streets, the minimum front yard shall be provided in at
least two (2) streets. The remaining frontage or frontages will be considered side yards and comply with
the provisions set forth in section 17-402. For purposes other than yard requirements discussed in this
section, the official street address will be considered the front of the lot for each lot that fronts two (2) or
more streets.

SECTION 17-404. ONE PRINCIPAL BUILDING ON A LOT

Except in the R-3 district and as is otherwise excluded by section 17-201, only one (1) principal building
and its customary accessory buildings may hereafter be erected on any lot.

SECTION 17-405. REDUCTION OF LOT SIZE

No lot shall be reduced in area so that yards, lot area per dwelling unit, lot width, building area, or other
provisions of this chapter shall not be maintained. This section shall not apply when a portion of a lot is
acquired for a public purpose.

SECTION 17-406. [RESERVED]

SECTION 17-407. STREET ACCESS TO LOTS

No building permit shall be issued for and no building shall be erected on any lot within the town unless
the street giving access to the lot upon which the building is proposed to be placed shall have been
accepted or opened as a public street (or a private street for a planned development) prior to that time, or
unless such street corresponds in its location and lines with a street shown on a subdivision plat approved
by the planning commission and such approval is entered in writing on the plat by the chairman of the
commission.

SECTION 17-408. ACCESSORY BUILDINGS AND USES IN RESIDENTIAL
DISTRICTS

Customary residential accessory buildings and uses shall include but not be limited to the following:

1. Shed or tool room, including prefabricated structures. Shipping containers, tractor-trailer
containers, and other structures that have an original intended purpose other than as a residential
storage structure are not allowed as an accessory use.
2. Children's playhouse and play equipment.
3. Private kennel for not more than three (3) dogs, four (4) months of age or older.
4. Private bathhouse, cabana, or tennis courts for tenants of principal buildings.
5. Noncommercial greenhouse not over eight (8) feet in height.
6. Laundromats in multifamily development for the exclusive use of the tenants.
7. Accessory dwelling units or garage apartments in designated districts only.

TOWN OF SURFSIDE BEACH ZONING ORDINANCE

4-2
ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS

Customary accessory buildings and uses in residential districts are permitted provided they are located in rear yards and not closer than five (5) feet to any property line, as measured from the closest point of the structure. Accessory buildings and uses shall also comply with the setback from the intersecting street and not cover more than twenty (20) percent of any required rear yard.

Accessory buildings in residential districts must be no greater than fifteen (15) feet in height when located less than ten (10) feet from the property line. Accessory buildings shall not exceed a maximum height of twenty-five (25) feet when located a minimum of ten (10) feet from the property line.

Exceptions:

(1) Satellite dishes less than thirty-nine (39) inches in diameter may be located on the structure and shall be exempt from this section provided all required setbacks are met.

(2) Swimming pools may be located in side yards and not closer than five (5) feet to any property line. Residential pools do not count toward lot coverage for zoning purposes.

(3) Private garages are permitted provided they observe the minimum yard setbacks for the district (see section 17-303) and they are located no closer to the front yard setback line than the principal structure. The garage is not to exceed eight hundred fifty (850) square feet or fifty (50) percent of the footprint of the principal residence. A garage area of four hundred (400) square feet is permitted regardless of the living area of the principal residence.

SECTION 17-409. FENCES AND HEDGES (amended 10/27/15)

Fences and hedges are permitted in all districts subject to the following standards:

A. General Standards applying to all fences within the town limits

(1) A permit must be obtained for the construction of any fence.
(2) Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material. Where the ground elevation differs from one side of the fence to the other, the height of the fence shall be measured from the side with the lowest natural grade.
(3) All parts of the fence (residential or non-residential), including the footings, shall be constructed on private property. In no instance shall a fence or hedge be located within a right-of-way, easement or town property.
(4) No fence or hedge (residential or non-residential) shall be placed or maintained in a manner as to obstruct vision at the intersection of a street in violation of section 17-400 of this article.
(5) No fence shall obstruct free access to any fire hydrant.
(6) Barbed tape, razor wire, barbed wire or similar materials are prohibited within the town except for use by the police department.
(7) No above ground electrical fence shall be permitted within the town limits.
(8) Solid walls (excluding retaining walls as required for stormwater drainage) shall be prohibited.
(9) Fences required for pools (residential or non-residential) shall meet all requirements set forth in the current edition of the building code.
(10) All fences shall be maintained free from dilapidated or dangerous conditions. No fence shall be allowed to become or remain in a condition of disrepair including but not limited to noticeable leaning, missing slats, broken supports, and overgrowth of weeds or vines.

TOWN OF SURFSDIE BEACH ZONING ORDINANCE

4-3
ARTICLE III. DISTRICT AND USE REGULATIONS

(6) All questions involving district boundaries, as illustrated on the official map, shall be submitted to the code enforcement official for a determination. Any appeal of a determination by the code enforcement official is made to the board of zoning appeals as provided by this chapter.

SECTION 17-303. DISTRICTS SUBJECT TO DIMENSIONAL AND DENSITY STANDARDS

Parcels within the zoning districts created by this chapter are subject to dimensional and density standards including, but not limited to: lot size, lot width, setbacks and required yards, building height, coverage maximums, and limitations on the number of dwelling units per lot or acre. These dimensional and density standards are set out in the text of this chapter and are provided in summary form in Table 17-303 below:

<table>
<thead>
<tr>
<th></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>MU</th>
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<td><strong>STANDARDS</strong></td>
<td><strong>DISTS</strong></td>
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<tr>
<td>Minimum Lot Area (in square feet)</td>
<td><strong>DISTS</strong></td>
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<tr>
<td>Single Family (detached)</td>
<td>9,000</td>
<td>6,000</td>
<td>3,600</td>
<td>3,600 / 10,000 (4)</td>
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<td>5,000</td>
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<td>Single Family (semi-detached)</td>
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<td>6,000</td>
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<td>3,000 / 10,000 (4)</td>
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<tr>
<td>Single Family (attached)</td>
<td>N/A</td>
<td>N/A</td>
<td>3,000</td>
<td>3,000 / 10,000 (4)</td>
<td>N/A</td>
<td>3,000</td>
<td>3,000</td>
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<td>Two-Family (Duplex) or Single Family (detached) with Accessory Unit</td>
<td>N/A</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000 / 10,000 (4)</td>
<td>N/A</td>
<td>6,000</td>
<td>6,000</td>
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<tr>
<td>Multi-Family</td>
<td>N/A</td>
<td>N/A</td>
<td>See §17-332</td>
<td>See §§17-332 &amp; 17-396.32</td>
<td>N/A</td>
<td>See §17-332 &amp; 17-396.32</td>
<td>See §17-332</td>
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<td>Dwelling Group</td>
<td>N/A</td>
<td>N/A</td>
<td>7,200 per lot/ 3,600 per unit (2)</td>
<td>7,200 per lot/ 3,600 per unit (2)</td>
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<td>7,200 per lot/ 3,600 per unit (2)</td>
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<tr>
<td>Nonresidential Lots or Uses</td>
<td>9,000</td>
<td>6,000</td>
<td>6,000</td>
<td>5,000 / 10,000 (4)</td>
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<td>5,000</td>
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<td>Minimum Lot Width (in feet)</td>
<td>75</td>
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<td>30</td>
<td>50 / 75 (4)</td>
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<tr>
<td>Minimum Yard Setback (in feet)</td>
<td><strong>DISTS</strong></td>
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<td>Front Yard</td>
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<td>25 / 75 (4)</td>
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<td>Rear Yard</td>
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TOWN OF SURFSIDE BEACH ZONING ORDINANCE

3-2
### Table 17-303 (Continued)
#### District Dimensional Standards

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<th>STANDARDS</th>
<th>DISTRICTS</th>
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<td>Minimum Yard Setback (in feet)</td>
<td>R-1</td>
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<td>R-2</td>
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<td>C-3</td>
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<td></td>
<td>MU</td>
</tr>
<tr>
<td>Side Yard</td>
<td>10</td>
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<tr>
<td>Maximum Building Height (in feet)</td>
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<td></td>
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<td></td>
<td>5/10</td>
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<td></td>
<td>10</td>
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<tr>
<td>Maximum Impervious Coverage</td>
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<td>(in percent)</td>
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<td>N/A</td>
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<tr>
<td>Maximum Building Coverage</td>
<td>30</td>
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<tr>
<td>(in percent)</td>
<td>30</td>
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<td></td>
<td>40</td>
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<tr>
<td>Maximum Floor Area Ratio</td>
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</tbody>
</table>

**Table Notes:**

1. The dimensional standards illustrated in Table 17-303 are the minimum standards for the above districts. Where the text of this chapter provides more restrictive dimensional standards than those summarized above, the more restrictive standard shall apply.

2. Dwelling groups in the R-3, C-1, and C-3 district are subject to the conditional-use standards of §17-396.20.

3. The side yard setback is five (5) feet for single family detached buildings up to fifty-five feet (55) high and ten (10) feet for all other uses.

4. The greater area and yard requirements apply to those lots fronting on the U.S. 17 Highway Corridor (including frontage roads). Access to the rear of buildings for fire and garbage trucks by a drive aisle or an unobstructed side yard setback of at least twenty (20) feet shall be provided in the C-1 highway commercial district except where the property is strictly developed for single-family and two-family buildings. The code enforcement official may reduce the side yard requirement to ten (10) feet when a combined unobstructed side yard of (20) feet is provided by two abutting property owners.

5. Corner and double frontage lots are subject to the special setback standards of §§ 17-402 and 17-403. Semi-detached single-family dwelling units are exempt from one (1) side yard setback. Attached single family dwelling units are exempt from side yard setbacks subject to the provisions of § 17-396.36.

6. Maximum floor area ratio requirements apply only to two-family residential dwelling units (duplex) in the R-2 district.

7. The side yard setback is five (5) feet for single family detached buildings and ten (10) feet for all other uses.

8. The PD and MH districts are subject to the dimensional standards required by Divisions 9 and 10 of this article, respectively.
Pool enclosures offer the best means of maximizing the usability of a swimming pool. With many different styles, materials, colors and custom designs to select from, one can add a distinct individual style to the pool, patio or open-air kitchen that will enhance the focal point of your outdoor living area.

ADVANTAGES & BENEFITS OF POOL ENCLOSURES

ELIMINATES PESKY INSECTS AND CRITTERS
Enclosures are the best way to keep mosquitoes, flies, beetles, bees, frogs, spiders, water bugs, snakes, lizards, mice and even larger animals like raccoons, squirrels, foxes, cats and dogs from finding their way into residential pools.

ENHANCES SAFETY AND SECURITY
Enclosures protect against unnecessary accidents of children and pets falling into water and are designed with lockable doors and audible alarms to announce entry or exit, in addition screens increase privacy and protect against flying golf balls.

OFFERS MORE SHADE AND SUN PROTECTION
Enclosures allow sunlight in but provide a degree of shade which makes time by the pool more bearable and less threatening from the sun’s harmful UV rays while reducing the frequency of reapplying sunscreen.
ADVANTAGES & BENEFITS OF POOL ENCLOSURES

KEEPS DEBRIS AND LITTER OUT
Enclosures include side walls and a roof so falling debris, leaves, flowers, buds, grass clippings, pine needles, pine cones, dirt, mulch and windblown litter is kept out of pool and patio area.

LOWERS POOL MAINTENANCE EXPENSE
Enclosures guard against debris entering pool water which reduces water treatment chemical use, lowers maintenance costs while providing time savings allows the cleaning system to generate cleaner and clearer water for longer periods of time.

INCREASE PROPERTY HOME VALUE
Enclosures provide a great return on investment and enhance the resale value of residential homes by extending the amount of inhabitable living space for longer periods of the year while providing day and night comfort against natures elements.

MANY STYLES TO CHOOSE FROM OR HAVE ONE CUSTOM BUILT
Choose a standard design or work with a design consultant to customize your enclosure with options of; stucco, poly carbonate roof panels, multiple roof choices, screening choices, framing color and lighting options.
June 24, 2019

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, July 18, 2019 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. ZA2019-02** for David and Kimberly Dunlap requesting approval to install a screen lanai within the required setback requirements. The owner request the screened lanai be within 5 ft. of the setback in the rear and cover the existing pool.

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 829 Pine Drive, Surfside Beach, SC 29575. You may contact the Building and Zoning Department if you should have any questions at 843-913-6341.

Sincerely,

Sabrina Morris
Planning, Building & Zoning Director
Irma G. Wolfe
721 Cypress Drive S
Surfside Beach, SC 29575

Clinton Lee Clark
720 Maple Dr.
Surfside Beach, SC 29575

Daniel & Jefferson Davis
724 Maple Dr S
Surfside Beach, SC 59575

Susan A. Gray
725 Cypress Dr
Surfside Beach, SC 29575

First Rodeo, LLC
724 Cypress Dr. S
Surfside Beach, SC 29575

James Hair
722 Cypress Dr.
Surfside Beach, SC 29575

Charles R. Mull
720 Cypress Dr.
Surfside Beach, SC 29575
ISSUE PAPER FOR ZONING BOARD OF APPEALS CONSIDERATION

Meeting Date: July 18, 2019
Prepared by: Sabrina Morris
Agenda Item: 6
Subject: Appeal No. ZA2019-03 by David Reid request a variance from Article VII Section 17-725.5 of the zoning ordinance. Specifically requesting approval to remove landmark tree (47” Live Oak) to build house.

BACKGROUND:

David Reid is requesting a variance from Article VII Section 17-725.5 of the zoning ordinance. The property is located at 512 11th Ave N request approval to remove a landmark tree (47” Live Oak) in order to build a new house.

On September 5, 2017 the previous owner of the property went in front of the Planning Commission requesting the lot be subdivided into 2 lots and they would convert the existing barn to a single family residence. After discussion among the Commission members they granted the request with the stipulation that the final as built survey of a residence must be filed with Horry County Register of Deeds no later than 18 months form that date or lot subdivision shall be rescinded. The lot was since sold to Mr. Reid on December 11, 2018 according to Horry County records.

Prospective buyers for the property have stopped into the Planning, Building & Zoning department with questions regarding the lot before purchasing. After research it was brought to the department’s attention the stipulation with regards to the time frame to have a residence on the lot which has pasted. We reached out to the Town’s attorney since the property no longer belongs to the original owner on the legal aspect. We are still awaiting her response.

It was also brought to the department’s attention that there was a landmark tree on the lot and we advised the prospective buyers that they would need to build a house in the rear section of the lot in order to save the landmark tree. Mr. Reid has submitted 2 proposed site plans (exhibits A & B) for proposed homes. It was the Zoning department’s determination that proposed house #2 (exhibit B) would fit on the lot and save the landmark tree with the removal of the barn and possible variance on setbacks. The ordinance does not require a residence have an accessory structure.

ATTACHMENTS

Application and attachments
Article VII Section 17-725.5
September 5, 2017 PC minutes
Instructions – Submit this application, along with the required information to the Planning, Building & Zoning Department at 829 Pine Drive, Surfside Beach, SC 29575. Applications are due at least 30 days prior to the meeting date and must be complete with all required information before the request will be placed on the agenda. There is no fee for a tree removal variance/appeal request.

THE APPLICANT HEREBY REQUESTS:

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

Property Address 512 11th Ave. N.        PIN# 459/503/0074

Property Owner David P. Reid Daytime Phone 843-652-7027

Applicant David Reid Daytime Phone

Applicant’s Mailing Address P.O. Box 15226 Surfside Beach SC 29575 E-Mail Address beachreide@gmail.com

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

Zoning of Property B-1 ☐ Commercial ☒ Residential ☐ Planned Development

Information required with application: (Check information submitted)

☒ Survey (to scale) of the property showing all structures, proposed improvements and or structures and location, size and specimen of all tree(s).
☒ Completed application with all information to be presented to the board for consideration. (Include pictures)

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.

Owner Signature

Date Owners Signature

OWNER APPLICANT: I hereby certify that the information on this application and any attachments is correct 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 further grant town staff and board members permission to enter the property to inspect the tree(s) in which I am requesting the variance or appeal.

Date

Owners / Authorized Agent Signature
VARIANCE REQUEST FORM

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application of the ordinances applicable to the property described on page 1 of this document of the following provisions of the Landscape and Tree Ordinance:

   I do not believe a variance is required as ordinance 17-325.5(4b)
   allows for the tree to be removed,
   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: to construct a single family residence.

   For which a permit has been denied by the Planning, Building & Zoning Director, or designee on the grounds that the proposal would be in violation of the cited section(s) of the Landscape and Tree Ordinance.

2. Criteria the board shall consider in determining whether removal of the landmark/protected tree is warranted shall be described below. All criteria that apply to your request must be explained in detail and include pictures. Additional pages may be added if needed:

   a. Size, and health of the tree:
      4" tree, on 6/22/19 an Arborist stated the tree is healthy except for some internal issue, they are not threat the tree.

   b. Constraints for reasonable development of the site including location of primary structure and vehicle use areas, proposed grade changes, surface water drainage and utility installations:
      the tree will be in the footprint of a primary residence.

   c. Whether a hazard is presented to pedestrians or vehicle traffic:

   d. Overall tree coverage and landscaping of the site (is it probable the trees roots will cause damage to the primary structure in time:
      According to the Arborist the roots spread out
      quite far, he does not recommend building any closer than 20' from the tree or the tree will cause damage to the house.

   e. Whether a hazard is presented to buildings or utility lines:

   f. Whether a tree is damaged, diseased, dying or dead.
      the tree is not damaged or diseased

3. The following documents are submitted and attached in support of this application:

   survey, plot plan, pictures, ordinance 17-325.5 (4)

   ________________________________  ________________________________
   Signature of Applicant/Owner      Date

   David P. Brown

   5/28/19
APPEAL OF A DECISION OF THE ADMINISTRATIVE OFFICIAL FORM

This form is to be used to appeal a decision of the Administrative Official which the appellant believes to be contrary to the meaning of the Zoning Ordinance, specifically Article VII Landscaping and Tree Protection.

It is the power of the Board of Zoning Appeals to hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance.

Explain Appeal:

Decision of the Zoning Administrator in which you are appealing (Include Section of Zoning Ordinance):

I own a building lot with a barn on it. I had a purchaser that wanted to remove the barn and a landmark tree that would be in the footprint of the house. He was told he would have to get approval from the Z.B.A. to remove the tree before a building permit would be issued. He did not want to get involved so I released him from the contract. I would like to sell the lot or build on it. Either way the tree will be in the footprint of a house. I request the Z.B.A. to make a decision on the tree so I know which way to proceed with this lot.

If you are requesting multiple appeals you must file each appeal separately.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the Administrative Official erred in an order, requirement, decision, or determination rest with the applicant.

Signature of Applicant/Owner

Date 5/28/19
11TH AVENUE NORTH (60° R/W)

SYMBOL TABLE

- = POWER POLE
DWG. = AERIAL UTILITIES
LM = LIGHT POLE
TF = TRANSFORMER BOX
TP = TELEPHONE Packed
WD = WATER METER
W = WATER VALVE
FHP = FUEL HYD.
TV = CABLE TV
SH = SEWER MANHOLE
SG = SEWER CLEAN-OUT

CERTIFICATE OF OWNERSHIP AND ELECTION

The undersigned hereby acknowledge that I am (we are) the owner(s) of the property shown and described herewith and that I/we hereby assent to the zone of development/potential with my/our true consent and that I/we hereby dedicate all items as specifically shown or indicated on plan. Dated 12/3/2018

Michael S. Culler, III
MSS
TMS. 191-12-16-009
S.L. Registration No

RE SUBDIVISION OF
LOTS 9 & 10, BLOCK 9, DOOWOOD LAKE EXTENSION, IN THE TOWN OF SURFside BEACH, Horry County, South Carolina
PREPARED FOR
DAVID REID

CULLER LAND SURVEYING III, INC.
(843) 388-3333
P.O. BOX 14537
SURFside BEACH SC 29587

SURVEY DATE: NOV. 27, 2018
SCALE: 1" = 30'

CRD = S-12750

LOT 4
N/F WALSH GENEICE ETAL
TMS 191-12-16-012
PIN 459-15-03-0073
DB. 3728 PG. 2223

LOT 3
N/F REID DAVID P
TMS 191-12-16-0040
PIN 459-15-03-0002
DB. 3884 PG. 1431

LOT 2
N/F NURSE ROBERT K
TMS 191-12-16-002
PIN 459-15-03-0001
DB. 4005 PG. 815

LOT 11
N/F GENDRON JAMES B ETAL
TMS 191-12-16-010
PIN 459-15-03-0010
DB. 3867 PG. 1057

LOT 9
N/F CROUCH RONALD E
TMS 191-12-16-009
PIN 459-15-03-0009
DB. 3708 PG. 3083

LOT 10
13408 Sq. Feet
0.31 Acres

Location Map

NOTES:
2. FLOOD ZONE LINES ARE SCALLED FROM CURRENT FLOOD PLANE MAPS, SCALES VARY FROM 1"=20' TO 1"=30', AND ARE NOTED AS BEING APPROXIMATE ON SAID MAPS.
3. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
4. REFERENCE A DEED FOR LOTS 10 & 11 DATED JULY 12, 2010 RECORDED IN DEED BOOK 3499 PAGE 1011.
5. REFERENCE A COMBINATION PLAT OF LOTS 9 & 10 BLOCK 9 DOOWOOD LAKE EXTENSION, BY THIS OFFICE, DATED OCT. 22, 2014 AND RECORDED IN PLAN BOOK 864 PAGE 86.

Exhibit B

Certificate of Accuracy

I hereby state that in the best of my professional knowledge, information and belief, the survey shown herein was made in accordance with the requirements of the Standards Practice Manual for Surveying in South Carolina, and omit or exceed the requirements for a Class A. survey as specified therein. Also that there are no valuable encumbrances or prejudices other than shown. This statement is made by the undersigned surveyor or entity named herein, and must contain the original signature and seal of seal to be valid.

12/3/2018

Michael S. Culler, III
MSS
TMS. 191-12-16-009
S.L. Registration No.
Sec. 17-725.5. - Guidelines for pruning or removal of landmark trees for vacant, redevelopment, or major addition (residential or commercial.)

(a) **Vacant property not for development.** Trimming or pruning. With the approval of the code enforcement official landmark tree limbs over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) inches from the trunk may be removed if one (1) or more of the following conditions exist:

1. Limb(s) poses a safety hazard to pedestrians or vehicle traffic;
2. Limb(s) poses or can be expected to pose a hazard to utilities; or
3. The limb is diseased, dead or weakened by age, storm, fire or other injury which is a source of hazard to people.

**Removal.** Prior to the removal of a landmark tree a letter from an ISA certified arborist, South Carolina registered forester, landscape architect, architect or engineer must be submitted to the planning, building and zoning department stating one or more of the reasons listed below that require the tree(s) be removed.

1. Tree(s) poses a safety hazard to pedestrians or vehicle traffic;
2. Tree(s) poses or can be expected to pose a hazard to utilities, or
3. The tree is diseased, dead or weakened by age, storm, fire or other injury which is a source of hazard to people.

(b) **Development, redevelopment, major addition, pool.** Trimming or pruning. With the approval of the code enforcement official and issuance of a no-fee permit, landmark tree limbs over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) inches from the trunk may be removed if one (1) or more of the following conditions exist:

1. Limb(s) poses a safety hazard to pedestrians or vehicle traffic;
2. Limb(s) poses or can be expected to pose a hazard to utilities; or
3. The limb is diseased, dead or weakened by age, storm, fire or other injury, which is a source of hazard to people, buildings or other improvements on a lot.

**Removal.** Removal of trees for development purposes, including redevelopment, major addition or pool requires a tree protection plan. A building permit must be issued prior to the removal of any tree located on a lot to be developed, redeveloped, adding a major addition or installation of a pool.

Prior to the removal of a landmark tree a letter from an ISA certified arborist, South Carolina registered forester, landscape architect, architect or engineer must be submitted to the planning, building and zoning department stating one (1) or more of the reasons listed below that require the tree(s) be removed:

1. Tree(s) poses a safety hazard to pedestrians or vehicle traffic;
2. Tree(s) poses or can be expected to pose a hazard to utilities, or
3. The tree is diseased, dead or weakened by age, storm, fire or other injury which is a
source of hazard to people, buildings or other improvements on a lot.

(4) If it is determined by a South Carolina licensed surveyor or a South Carolina licensed engineer that the following condition are present and these conditions are presented to the director of planning, building and zoning as documented:

a. Tree being protected or landmark tree cannot in anyway escape the building footprint of a residential or commercial building by movement of the building in any direction.

b. The landmark tree would prevent the land from being used either residentially or commercially by the owner, builder or contractor then the following would take place:

   i. The director of planning, building and zoning and the building official shall verify that the survey data by the South Carolina licensed surveyor or the South Carolina licensed engineer is factual.

   ii. The owner, builder or contractor shall not be required to appear before the board of zoning appeals and the director of planning, building and zoning and code enforcement shall issue a release excusing the owner, builder or contractor from the board of zoning appeals hearing.

   iii. The owner, builder or contractor shall plant a minimum of four (4) trees with at least two (2) being of the same species as the landmark tree removed. The trees planted as replacement trees shall meet the guidelines set forth in section 17-750. Tree replacement for permitted tree removal shall be planted prior to final inspection and certificate of occupancy is issued.

*Replacement trees.* If the removal does not maintain the required number of trees only those trees listed in Table 17-750 shall be authorized for planting to replace landmark trees.

*Other requests.* Requests for the removal of a landmark tree in order to place a pool, accessory structure, or any use other than the primary structure shall be required to obtain approval from the board of zoning appeals. The planning, building and zoning department will expedite the appeal process as much as state law allows.

(Ord. No. 17-0839, 8-22-17)
1. CALL TO ORDER. Chairman Abrams called the Planning & Zoning Commission meeting to order at 6:00 p.m. Commission members present: Chairman Abrams, Vice Chairman Seibold, and members Gambino, Johnson, and Lauer. Two seats are vacant. A quorum was present. Others present: Town Administrator Fellner, Town Clerk Hermann and Deputy Director Harrah.

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

3. AGENDA APPROVAL. Mr. Lauer moved to approve the agenda as presented. Ms. Gambino second. All voted in favor. MOTION CARRIED.

4. MINUTES APPROVAL. Mr. Seibold moved to approve the August 1, 2017 meeting minutes as submitted. Ms. Gambino second. All voted in favor. MOTION CARRIED.

5. PUBLIC COMMENTS- Agenda Items.

Ms. Carol Cook, 7th Avenue South said I am vehemently opposed to §17-396.4 that allows beauty and barber shops in the R1 district. Leaving barbershop and beauty shops on the book really reduces this town to two zones: a business zone and a commercial zone. I lived with a beauty shop across the street from my house over a year. Traffic, littering, speeding and parking were constant issues. Strangers repeatedly in and out of my residential R1 neighborhood is unacceptable. I moved into R1 neighborhood so that it would be a neighborhood. The only reason the beauty shop across from me closed was because the woman did not have an LLR license. If she obtained a license, she could reopen tomorrow. We need to look at the home business ordinance. Businesses that have a large walk-in customer base need to be eliminated. Realtors and architects cannot have employees, so they're most likely to have a client an hour. The beauty shop had up to four customers at a time. That's four people parked illegally on the street, in the street, for up to an hour and half at a time. We need to get §17-396.4 off the books. Thank you.

6. DIRECTOR'S REPORT. Ms. Fellner introduced Mr. Harrah, the new deputy administrator. Mr. Harrah said I worked for the City of Myrtle Beach for nine years. My background is building and construction. I hold am a certified building official (CBO), certified floodplain manager and certified fire marshal. I hold a Masters in Public Administration and a Masters in Software Engineering. While in Myrtle Beach, I performed plan reviews, was a building official, worked with the zoning department, and with all the other aspects within the city as well. I look forward to working with you bringing that knowledge here to help Surfside bring a better quality of life for the residents. Chairman Abrams said welcome, we look forward to working with you.

7. Business Item. Request from Mr. Ronald Crouch to subdivide his lot for the purpose of converting an existing barn into a residential structure. (Review of requested legal opinion.) Chairman Abrams said we've all been sent the legal opinion that we requested, because what we were inclined to do was approve this subdivision request, but not without conditions on it. Has everybody read the attorney's opinion, and does anyone have any comments on that opinion or any additional concerns? Mr. Lauer said after reading the attorneys opinion, it seems to go right along with what you discussed at the last meeting. I am certainly willing to support the subdivision with stipulations. Mr. Seibold said the commission discussed a one year limitation at the last meeting. The opinion states two years. I'm assuming we can tighten that up. Chairman Abrams said I took that to mean that the final plat approval was a failsafe. I don't know of any reason why we can't put a year stipulation on it; we have the two-year failsafe anyway. Ms. Johnson said that Ms. Morris was told by the attorney that staff
could actually approve this without the planning commission's approval, so long as permit was issued for
calorictions to a residential structure, and the subdivision recorded immediately after the permit was
issued. I don't know why if staff can do it, why the commission is hearing the matter. Chairman Abrams
said I didn't see that information. Ms. Gambino I feel the same way. If staff can certainly handle it, I
would think ... Chairman Abrams said I think if we check the meeting minutes from the last meeting,
we'll see that she thought the planning commission was the authority to allow Mr. Crouch to be out of
compliance with the zoning ordinance for a certain period of time. Am I the only one who thinks she was
saying that the matter had to be brought to us? Mr. Seibold said it was a change in zoning and that's why
she brought it to us. It probably would have upset the commission, if she approved it on her own. Bring
it to the commission was the right move. Ms. Johnson said that was the legal opinion that she got. I
believe she's already related that to Mr. Crouch and the contractor. Chairman Abrams said I did not see
that opinion. Mr. Lauer said the commission has the matter before it. Chairman Abrams said the
commission has authority to decide and asked if there was a motion. Ms. Gambino said she agreed with
Mr. Seibold to have a year; two years is just; he might not be really serious about it if it's that long. Mr.
Seibold said correct. Chairman Abrams said I was concerned, since we are setting a precedent here. After
much discussion, Mr. Lauer moved to subdivide Lots 9 and 10 as requested, with a stipulation that the
final as built survey of a residence must be filed with the Horry County Register of Deeds no later than 18
months from this date or the lot subdivision shall be rescinded. Mr. Seibold second. All members voted in
favor. MOTION CARRIED.

8. Discussion Items.

A. Customer walk-in businesses in residential districts (TC 08/22/2017). Chairman
Abrams said that Ms. Cook spoke about this at the last council meeting, and addressed it for the second
time before this commission at this meeting. I have found in the ordinance about home occupations
includes things that are causing some of our residents problems. The code does not limit home
occupations to those stated in the ordinance. Town Council has asked the planning commission to review
home businesses to determine what is detrimental to the R1 district as Ms. Cook has described to disrupt
neighborhoods. The definition is all we have. Mr. Lauer said multiple people coming and going
throughout the day causes problems. Maybe there is something that can be added to the things that are
not allowed. Ms. Johnson said any of the businesses listed can create traffic and have multiple people
coming and going. Mr. Lauer believed residential should be just residential. In his opinion it was a
mistake to allow businesses to operate from a home. Chairman Abrams asked about somebody teaching
music; shouldn’t they be allowed to do that? Mr. Lauer we would need to see a list of all the different
kinds of businesses in R1 and go down that list to see whether or not it's acceptable. Chairman Abrams
asked if such a list could be provided for the next meeting. Mr. Harrah said yes, that information would
be provided at the next meeting. Mr. Seibold said that he agreed with Ms. Cook and that something
should be done.

b. Continued review of Design Overlay Ordinance (beginning at Section G). Chairman
Abrams said unless there is a question from a previous section, we are ready to begin in Section G. Mr.
Seibold asked how the percentages of modification were developed. Ms. Fellner said she would find out
from Horry County. After a lengthy discussion about the percentage required to activate the overlay,
Chairman Abrams said the town’s ordinance can state whatever the commission recommends and Town
Council approved. Chairman Abrams explained that the permit technician could not find the draft that
could be updated. Ms. Johnson said it was on Mr. Morris' computer under planning commission folder
with tonight's meeting date, so I'm just curious as to why nobody could find it. Chairman Abrams said
she was not given that information. The commission members were asked to consider the percentages
and compare with Chapter 17 to see what we have in our ordinance. Ms. Gambino said we do need to
tighten up, but I don’t know how they compare, because we don't have a copy. Chairman Abrams said
access management is not addressed in the town's code. If there are no objections, we can use the
county's ordinance. A discussion ensued regarding proposed upgrades to Highway 17 Business being
done by the Department of Transportation, including that some access points would be eliminated.
Chairman Abrams asked if the commission was ready to see a design overlay ordinance with the revisions as a business item once Section G was addressed. Several members said they were not ready to see an ordinance. Chairman Abrams asked Mr. Harrah to review Section G and make a recommendation at the next meeting. Mr. Harrah said absolutely.

Chairman Abrams said at the next meeting, the percentages of modification to trigger the overlay will be discussed, and Mr. Harrah will address Section G, Access Management, other discussion on the overlay ordinance and walk-in businesses in residential districts. Commission CONCURRED.

C. Any other matters of concern or information to be discussed by Planning Commission. There was no other discussion.

10. PUBLIC COMMENTS - General. There were no public comments.

11. COMMISSION COMMENTS.

Ms. Gambino: Just thank everyone for coming. It means a lot, and contributing. Thank you.

Ms. Johnson: Well, as you can see, we've not had a lot of guidance in this meeting, and I think it's a sad day in the Town of Surfside Beach that our planning director was fired, because she did her homework. She always came and could answer about any question that we had. Our meetings usually went a little longer than this, because we kind of knew what we were doing. It's kind of the blind leading the blind now, it seems, and I just think it's a sad time for Surfside Beach, because she was an excellent planning and zoning director. She worked very hard. I do thank you people for coming. We appreciate your comments. God bless you.

Mr. Seibold: Thank you all for coming. Welcome [Mr. Harrah] to Surfside. I look forward to working with you. I do agree with the comments you just made, [Ms. Johnson.]

Mr. Lauer: I agree. I was very sorry to see Ms. Morris go, because she was a very good guide for us. She was able to walk us through a lot of the problems we come up against, like section G. We need somebody show us the road. Thank you all for coming out. We'll get through this.

Chairman Abrams: Thanks everybody for being here tonight. We'll see you again in October.

12. ADJOURNMENT. Ms. Johnson moved to adjourn at 6:48 p.m. Ms. Gambino second. All voted in favor. MOTION CARRIED.

Prepared and submitted by,

Approved: October 3, 2017

Debra E. Herrmann, CMC, Town Clerk

Mary Ellen Abrams, Vice Chairman

Clerk's Note: This document constitutes minutes of the meeting that was digitally recorded, and is not intended to be a complete transcript. Appointments to hear recordings may be made with the town clerk; a free copy of the audio will be given to you provided you bring a flash drive. In accordance with FOIA §30-4-80(E), meeting notice and the agenda 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.