1. **CALL TO ORDER** – Chair Wilm

2. **PLEDGE OF ALLEGIANCE**

3. **AGENDA APPROVAL**

4. **MINUTES APPROVAL** – November 10, 2016

5. **PUBLIC COMMENT ON BUSINESS ITEM**

6. **BUSINESS**

   Appeal No. ZA2017-01 by Randy Ghant, Carolina Design Builders requesting a variance from Section 17-320(1) of the Zoning Ordinance to allow encroachment into the front setback of a property located at 333 13th Ave. South, TMP# 195-07-06-022.

7. **PUBLIC COMMENTS** – General Comments.

8. **BOARD COMMENTS**

9. **ADJOURNMENT**
ISSUE PAPER FOR ZONING BOARD OF APPEALS CONSIDERATION

Meeting Date: May 4, 2017
Prepared by: Sabrina Morris

Agenda Item: 6

Subject: Appeal No. ZA2017-01 by Randy Ghant, Carolina Design Builders requesting a variance from Section 17-320(1) of the Zoning Ordinance to allow encroachment into the front setback of a property located at 333 13th Ave. South, TMP# 195-07-06-022.

BACKGROUND:

In December 2015 Randy Ghant obtained a building permit to build a new single family residence at 333 13th Avenue South. At the time of approval the survey submitted with the building plans met all requirements of the R-2 Zoning district including the setback requirements of:

- Front: 25’
- Sides: 10’
- Rear: 20’

Because all requirements were met the permit was approved and issued.

During the construction process, it appears the rear of the home was placed slightly forward of the placement approved by staff during the permit review process. The proposed survey (see enclosed) shows the right rear of the proposed house being less than a foot from the rear setback. The as built survey shows the right rear of the home is 22’6” from the rear setback of 20’.

Currently the front porch is 7’5” wide, the building code requires a minimum of 3’ width. The porch on the proposed plan shows 8’ wide.

ATTACHMENTS

Application for variance and applicants supporting documents
Section 17-320(1) of the zoning ordinance
Copy of Proposed Structure location survey
Copy of As-built survey
Letter sent to surrounding properties and list of property owners
ARTICLE III. DISTRICT AND USE REGULATIONS

DIVISION 3. R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 17-316. INTENT

The intent of the provisions of this division is to: (1) Provide an area for medium density residential neighborhoods; (2) encourage the use of land for residential purposes; and (3) prohibit any use which would substantially interfere with the development or the construction of residential development.

SECTION 17-317. PERMITTED USES

Uses are allowed by right, are allowed as conditional uses, may be permitted as special exceptions, or are prohibited in the R-2 medium density residential district in accordance with the Use Regulations of Division 11 of this article.

SECTION 17-318. MINIMUM LOT SIZE

The minimum size of lots in the R-2 minimum density residential district is six thousand (6,000) square feet.

SECTION 17-319. MINIMUM LOT WIDTH AT BUILDING LINE

The minimum width of lots at the building line in the R-2 medium density residential district is sixty (60) feet.

SECTION 17-320. YARD SETBACKS

The yard setback requirements in the R-2 medium density residential district are as follows:

1. Front yard setback: Twenty-five (25) feet.
2. Rear yard setback: Twenty (20) feet.
3. Side yard setback: Ten (10) feet.

SECTION 17-321. BUILDING HEIGHT AND ROOF PITCH

The maximum building height in the R-2 minimum density residential district is thirty-five (35) feet. The minimum roof pitch required in the R-2 district shall be 6/12.

SECTION 17-322. MAXIMUM BUILDING AND IMPERVIOUS COVERAGE

On any lot within an R-2 medium density residential district, the area occupied by all buildings including accessory buildings, shall not exceed thirty (30) percent of the total area of such lot. The maximum impervious coverage on any lot within the R-2 medium residential district shall not exceed forty five (45) percent of the total area of such lot.

SECTION 17-323. MAXIMUM FLOOR AREA RATIO

The floor area ratio shall not exceed four-tenths (0.4) for any two-family (duplex) dwelling within the R-2 medium density residential district.

SECTION 17-324 & 17-325. [RESERVED]

TOWN OF SURFSIDE BEACH ZONING ORDINANCE

3-5
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 333 13th Ave South

Property Owner

Applicant

Applicant’s Mailing Address P.O. Box 3546 Rock Hill SC 29732

E-Mail Address

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

Zoning of Property ☑ Residential ☐ Commercial ☐ 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 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.

Owner Signature

Date

Owners Signature

Date

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.

Owners / Authorized Agent Signature

Date
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:  

   SETBACK - FRONT

   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:  

   HOUSE

   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:

   HOUSE ENCROACHES on FRONT SETBACK

   b. These conditions do not generally apply to other property in the vicinity as shown by:

   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:

   CANNOT GET CO FOR HOUSE

   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:  

   HOUSE NEXT DOOR WAS BUILT BEFORE CURRENT SETBACK CODES. THIS HOUSE IS CLOSER TO ROAD THAN MINE.

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

   ____________________________  ____________________________
   Signature of Applicant/Owner   Date

   3-31-2017