



Town of Surfside Beach
Planning, Building & Zoning Department
115 US Hwy. 17 North, Surfside Beach, SC 29575
(843)913-6341

**CONSTRUCTION BOARD OF APPEALS
TOWN COUNCIL CHAMBERS
Thursday, September 6, 2018 6:30 PM**

1. CALL TO ORDER
2. MINUTES APPROVAL - January 22, 2018
3. RECITAL OF APPEAL #CBA2018-02
4. APPELLANT RECITALS
5. REBUTTALS AND/OR EXHIBITS
 - i. Town of Surfside Beach
 - ii. Appellant
6. QUESTIONS TO APPELLANT AND/OR TOWN
7. DELIBERATION AND DECISION OF THE CONSTRUCTION BOARD OF APPEALS
8. BOARD COMMENTS
9. ADJOURNMENT



Town of Surfside Beach Construction Board of Appeals
Council Chambers, 115 US Highway 17 North, Surfside Beach, SC 29575
843.913.6111 – www.surfsidebeach.org

January 20, 2017

1. Call to Order. Chairman Arteaga called the meeting to order at 6:30 p.m. Chairman Arteaga and Members O'Brien, Oslin, and Stewart were present. Member O'Quinn was absent. Two Seats are vacant. A quorum was present. Also present: Town Clerk Herrmann, Deputy Town Administrator Harrah, and Code Enforcement Officer Henrick.

2. Officer Election for 2018.

i. Chairman. Mr. Stewart moved to elect Mr. Arteaga to serve as chairman. Mr. O'Brien second. All voted in favor. **MOTION CARRIED.**

ii. Vice Chairman. Mr. Stewart moved to elect Mr. O'Brien to serve as vice chairman. Chairman Arteaga second. All voted in favor. **MOTION CARRIED.**

3. Minutes Approval. April 26, 2017. The minutes of the April 26, 2017 meeting were approved by acclamation.

4. Recital of Appeal #CBA2018-01. Chairman Arteaga explained the appeal was because fill dirt was moved to 1514 South Ocean Boulevard without a permit.

Ms. Beth Kohlmann said, "I did the appeal, because I feel that they [the town staff] were negligent in their application of these ordinances," and presented her appeal (a copy of which is on file) for about 45 minutes, during which several questions were asked and answered. She explained that because she was unsuccessful getting information from staff, that she did her own research. The ordinances state that a development permit is required before any kind of work is done, plus the fact that code states specific requirements for fill. The key comments were:

1. Interpretation of Chapter: In the interpretation and application of this chapter all provisions shall be considered as minimum requirements liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state law. This chapter is not intended to repeal, abrogate or impair any existing easements, conveyance, or deed restrictions. However, where this chapter or another conflict or overlap, which imposes the more stringent restrictions shall prevail. The more stringent of the ordinances prevail. FEMA's model ordinance also states the more stringent code prevails.

2. Foundation for Appeal: The fact that fill dirt was deposited and leveled without proper permits at 1514 South Ocean Boulevard.

3. Clarification: Multiple meetings were held with town staff, although none of them resulted in satisfactory explanations. (12/1/17; 12/4/17; 12/6 to 1/19/2018, several emails; 12/8/2017; 12/13/2017)

3. Development Permit: Staff had no knowledge of "development permit;" however, Section 14-5 establishes same: A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.

4. Demolition Permit: Staff issued a demolition permit for subject property, but that only allowed destruction and removal of existing structure. No other work should have been done.

5. Stormwater Plan: Fill dirt was leveled without submission of stormwater plan. Section 14-49 sets forth the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by the State Statute. In addition if site characteristics indicate that complying with these minimum requirements will not provide adequate designs of protection for local property or residents, it is the designer's responsibility to exceed the minimum requirements as necessary. Town of Surfside Beach officials shall be

responsible for the coordination and enforcement for the coordination and enforcement of the provisions of this article. Section 14-60 sets out the design requirements and responsibilities of the application for a stormwater plan.

6. *Variance Forms*: Staff had no knowledge of the 'no fee' flood variance/appeal form that was adopted by Town Council.

7. *Proposed amendments to the Flood Ordinance*. A challenge was issued to the proposed changes to the flood ordinance, which in her opinion did not comply with the DNR Community Assistance Visit Report, a copy of which was submitted in her package.

8. *Coastal High Hazard Areas*. The Coastal A Zone is a flood zone that has specific restrictions with regard to fill dirt. Certification from a registered professional engineer separate from submitted plans. Section 14-22, #6, states there shall not be fill material used as structural support. Noncompliant fill may be used around the perimeter of the building for landscaping, aesthetic purposes, provided the fill will wash out from storm surge.

9. *Development Permit and Certification Requirements*. Section 14-14 states application for development permit shall be made on forms furnished by the town prior to any development activities. In particular, a certified survey is required that shows all areas to be cleared, cut or graded, and a complete stormwater plan as set forth in Chapter 14, Article III, Stormwater Management Ordinance.

10. *Standards*. Section 14-18 requires that any unauthorized construction inconsistent with plans approved by the town will be required to return the area to its original condition. This requirement includes existing properties. Section 7 of 14-18 refers to fill. Fill and raised slab construction is discouraged because storage capacities removed from floodplains; elevating buildings by other methods should be utilized.

Ms. Kohlmann believed staffs' failure to adhere to and enforce these codes was an insult not only to the members of the CRS committee, stormwater committee and the planning and zoning commission, who all worked hard for the town to get the best rating possible, but also to all town residents. She talked at length about requirements for fill dirt; provisions covering infiltration tests; license geotechnical professionals that certify soil to be used; drainage and storage, and cited the DHEC statutes for Stormwater Management and Sediment Reduction Regulations; in addition to how the situation should be remediated. Ms. Kohlmann had two audio recordings that were not accepted into evidence, because there was no way to listen to them. In closing, she reminded the board that when codes conflict, the more stringent rule applies.

6. REBUTTALS AND/OR EXHIBITS.

i. Town of Surfside Beach.

Mr. Harrah had several comments regarding the validity of the complaint: the complaint submitted is not on the form that was provided by the town in Exhibit 1 on January 8, 2018 at 11:06 a.m.; several email messages were read regarding specific requests to clarify what type appeal was correct; the attorney's opinion that the Construction Board of Adjustment and Appeals should hear Ms. Kohlmann's appeal, and finally, that any person aggrieved by the decision of this board or any taxpayer may appeal the decision to the court. The attorney directed staff as to which form should be sent to Ms. Kohlmann. Exhibit 2. The contractor obtain a permit on 10/31/2017 to demo the structure, which does not expire until 4/28 2018, and on 11/06/2017 a survey was submitted for subdivision of the lot that was approved by me on 11/13. Mr. Henrick met with the applicant and provided our interpretation of the codes. On 12/22/2017 the plans and stormwater engineering was submitted. The expiration date of the appeal decision of the local administrator is 12/23/2017 per 14-17(h) 10 days. The meeting date that was on 12/13. On 12/27/2017 the stormwater engineering was approved. Mr. Harrah continued outlining the dates of specific actions up to this hearing date, including that the driveway encroachment was approved by public works, and corrections needed to the plans and the structural plans were approved. Ms. Kohlmann's appeal was submitted 1/11/2018, which was 29 days after the meeting date of 12/13/2017. The structure was moved and the contractor excavated the foundation in the footer leaving a bowl and ponding in the area. The contractor put four loads of beach compatible sand from the lot on the same side of Ocean Boulevard, which was issued a permit on 11/28/2017. You do not have the issue of 11/28 where the permit was issued. Mr. Farria's affidavit states in paragraph 3 that the dirt can be put there in the existing foundation area would need to be remain the same. There are conflicts within this ordinance, and the understanding of the definition of fill as it pertains as the rise of the lot to raise the building above the base

flood elevation. Exhibit 3 is the Town of Surfside Beach Ordinance 14-17(6), line 144-149, states that no commercial development located in the X, VE, or AE zone shall have the average great base of adjacent lots. A foundation current survey shall be provided prior to the foundation being poured or any piers to be filled, etc. to stating, this requirement shall not apply to Coastal A Zones, V, VE zones as no fill shall be placed in in special flood hazard areas. Mr. Harrah continued his recital with various code sections that justified staffs' the actions and interpretation of the code. Citing various codes and FEMA bulletins, Mr. Harrah said there is no compelling reasons to restrict the placement of compatible nonstructural fill beneath the building, if it will prevent ponding or as long as other drainage requirements of grade or slope can be satisfied. However, fill may not be used for structural support of any building. In this case the developer put compatible fill from a neighboring lot to level the lot to prevent ponding, and in his opinion, it complied with code requirements. Based on those assertions, he asked the board to deny the appeal.

ii. Appellant.

Ms. Kohlmann reiterated that the more stringent of the restrictions applies, and a FEMA bulletin is not an ordinance. My appeal cites ordinances that were violated. I don't understand why permits were not made available to me, and the form I used was given to town council while I served.

7. Questions to Appellant and/or Town.

Chairman Arteaga asked Ms. Kohlmann what she wanted done to remedy the situation. Ms. Kohlmann said I did this to bring it to light, because he is attempting in the future to change our flood ordinance, which will affect everybody in this town. Now that we are here, all of sudden staff has all this information that was not available when I asked for it. Communication [is lacking.] This is not a game. A resident has never challenged staff on anything like this, but I really feel strongly that the board is not getting the whole picture, especially when you haven't listened to the audio.

Ms. Patti Magliette, Harbor Lights Drive, addressed the board regarding work done by the CRS committee to ensure the town had the best flood insurance rates and to make the town more flood proof than surrounding areas. I do not want your decision today to chip away at the flood ordinances that the town adopted which are more stringent than what FEMA requires.

Mr. Harrah suggested having the fill tested for compatibility by an engineer to minimize expenses to the developer and to resolve the questions, because the fill is from four block away and it is compatible. The town has no reason to chip away at ordinances, but uses the FEMA bulletins as all professionals do to have the most current information and resources upon which to make interpretations.

Ms. Janet Gambino, Hollywood Drive South, said the only solution so we will not mess with our flood insurance is to this is to have the fill dirt removed, as Mr. Johnson said he would. Let him remove it and bring in certified fill.

Ms. Lynn Livesay, 10th Avenue South, said the board is heading in the right direction. They don't want to chip away; but why are we making the man remove soil that could be approved and bring in other soil? It's costing too much money. I know it's the principle. But it's not chipping away at anything, because we're sending the message that although there have been errors, corrections are being made. We're not setting a precedence here. We're setting a standard that's in writing. I am quite sure staff won't let this happen again. Thank you to the board for tolerance and deliberating the matter instead of responding to the negativity.

Mr. Harry Kohlmann, South Ocean Boulevard, said I know you have ordinances. They weren't followed. Norm said he made a mistake and he was willing to fix it. That's fine. But, when you make mistakes, sometimes you gotta pay. The town told him it's okay and he could spread it out. The town should pay for it. It's a slippery slope to do a soil analysis, because we all know the rogue contractors that work at nights and on weekends. There are laws; staff is supposed to enforce them. In his opinion, Mr. Harrah was the cause of the situation and he should pay out of own pocket to correct it.

Mr. Tom Dodge, 8th Avenue South, said the town writes ordinances. I, a citizen of the town, is expected to follow those ordinances. I, the citizen, want the town to follow the ordinances. They're not doing it.

8. Deliberation and Decision of the Construction Board of Appeals.

Chairman Arteaga believed the board understood that the fill dirt is an issue for most people. Trying to stick to the complaint and using the letter of the law, it does state that a permit is required whether it's a developer, zoning, or building permit. That's subject to interpretation, and again, we can probably argue these all night long. The question is, who is responsible for paying to remove the fill. I don't think it's going to come out of Mr. Harrah's pocket because he acted on behalf of the town, so the town will have to pay for it. So basically, this is money that is going to come out your taxes. *(Several comments from the audience.)* After a lengthy discussion about options and various procedures and codes, the board began deliberations at 9:04 p.m.

At 9:23 p.m., Chairman Arteaga said looking at the affidavit of facts stated by the certified building official, I understand this as he wanted to have enough direct to fill the void, and any excess dirt must be removed. Based on the circumstances, Chairman Arteaga moved that the dirt be removed off-site; the equivalent of the four fills of dirt as determined by the town engineer, and then immediately right after that, bring in an approved, suitable, tested soil to fill the void and not to create any more hazardous or flood conditions. Chairman Arteaga, and Members Stewart and O'Brien voted in favor. Member Oslin voted against. **MOTION CARRIED.**

9. Board Comments. There were no comments by the board.

10. Adjournment. Chairman Arteaga adjourned the meeting at 9:25 p.m.

Prepared by submitted by,

Approved: _____

Debra E. Herrmann, CMC, Town Clerk

Orlando Arteaga, Chairman

Danny Oslin, Board Member

Shane Stewart, Board Member

Jon O'Brien, Board Member

absent
Jack O'Quinn, Board Member

Vacant

Vacant

Clerk's Note: This document constitutes action minutes of the meeting. In accordance with FOIA §30-4-80 (A) and (E) meeting notice and the agenda were distributed to local media and subscribers on the town's email subscription list. Please bring a new, unopened flash drive to receive a free copy of the audio recording from the town clerk. The meeting was posted on the town website calendar, the entry door at Town Council Chambers, also on the Town marquee.



**Town of Surfside Beach
Construction Board of Appeals
Application for Appeal of Building Official Decision**

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

OFFICE USE ONLY
Application #: 312925
Date Filed: 8/1/18
Appeal No.: 2018-03
Meeting Date: 9/6/18

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 public hearing will be conducted by the Construction Board of Appeals.

THE APPLICANT HEREBY REQUESTS:

An Appeal of a decision of the Building Official and/or Code Enforcement Official

Property Address 115-B 8th AVE NORTH TMP# 481-03-04-0245
 Property Owner Karl Pittz Daytime Phone 919 451 5229
 Applicant Karl Pittz Daytime Phone 919 451 5229
 Applicant's Mailing Address 115 B 8th Ave North Surfside Beach S.C. 29575
 E-Mail Address PittzKarlA@JohnDeere.com

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

Zoning of Property R-3 Commercial Residential Planned Development

Information required with application: (Check information submitted)

- Survey of lot, including locations of existing structures
- Filing fee of \$175.00

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.

Karl A Pittz
Owner Signature

8/1/18
Date

Owners Signature

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.

8/1/18
Date

Karl A Pittz
Owners / Authorized Agent Signature

APPEAL OF A DECISION OF THE BUILDING AND/OR CODE OFFICIAL

This form is to be used to appeal a decision of the Certified Building Official which the appellant believes to be contrary to the meaning of the International Building Code.

Applicants appealing the decision of the Building Official or Code Enforcement Official where it is alleged there was an error in any order, requirement, decision, or determination made must submit the following information with the Application and fee to the Planning, Building and Zoning Department at 115 Hwy. 17 N. Surfside Beach, SC 29575.

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

Explain Appeal:

Decision of the Building Official and/or Code Official in which you are appealing (Include Section of Zoning Ordinance): TABLE 6104-3 PAGE 438 INTERNATIONAL
FILE CODE

Please explain the reasons you feel the decision is contrary to the meaning of the Building Code.

I AM LOOKING FOR SOME RELIEF OF THE SETBACKS
OF BEARING A LP TANK. THE SETBACKS ARE 10' I AM
ASKING FOR 7' I HAVE NO OTHER PLACES TO INSTALL IT
THERE IS NO OTHER PLACE TO PUT THE TANK ON THE 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 Building Official or Code Enforcement Official erred in an order, requirement, decision, or determination rest with the applicant.

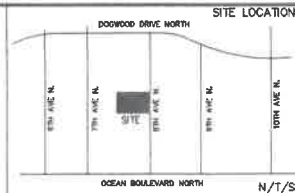
Signature of Applicant/Owner

Date

AS-BUILT SURVEY of

LOT 5-B, BLOCK 18-B, LAKEWOOD SECTION OF
SURFSIDE BEACH, Horry County, SOUTH CAROLINA

SURVEY & MAP PREPARED FOR
RICHARDS INVESTMENT GROUP LLC



TOWN OF SURFSIDE BEACH "GRID INFORMATION"

- OWNER/APPLICANT: RICHARDS INVESTMENT GROUP, LLC
- SUBJECT PROPERTY IS KNOWN AS BLOCK 18-B LOT 5-B
- COMMON ADDRESS: 115-B 8th AVENUE NORTH
- SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE AE-18 BUILDING ZONE R-3
- BUILDING ZONE R-3 REQUIREMENTS:

	REQUIRED	EXISTING
LOT AREA (SF)	3,600 SQ. FT.	3,752 SQ. FT.
WIDTH (FT)	30.00'	30.00'
DEPTH (FT)	124.81'	124.81'
SETBACKS		
FRONT (FT)	20.00'	20.50'
REAR (FT)	15.00'	24.30'
SIDE (FT)	5.00'	5.15'
ACCESSORY BUILDING SETBACKS		
REAR (FT)	NO ACCESSORY BLDG.	
SIDE (FT)		

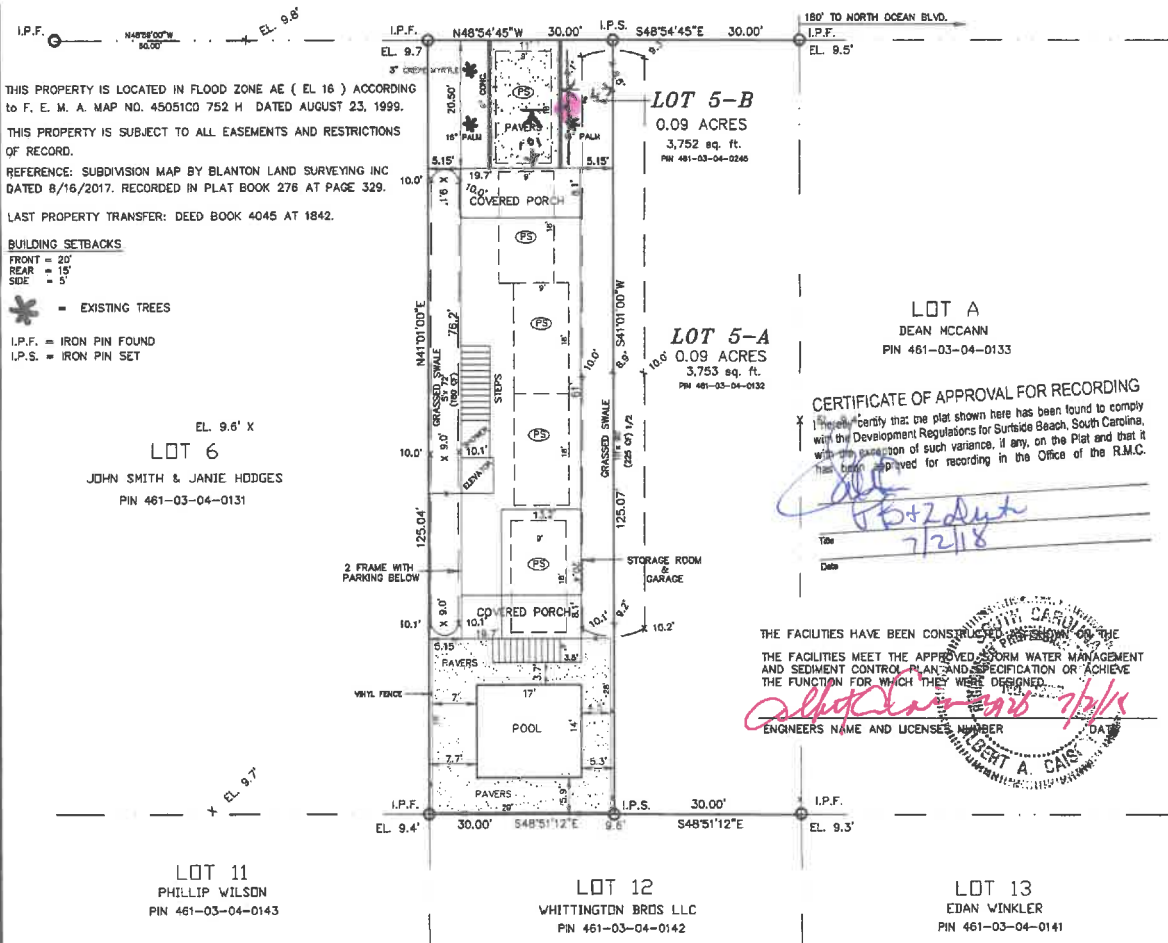
	REQUIRED	EXISTING
TOTAL LOT COVERAGE (%)	40%	40%
TOTAL IMPERVIOUS COVERAGE (%)	50%	40.5%
BUILDING HEIGHT (FT AND STORY)	55'	35.0' 2 STORY
OFF STREET PARKING SPACES	3	3
TREES	3 (30 dbh)	3 (35 dbh)
LANDSCAPE TOTAL (SF)	751 SQ. FT.	1,163 SQ. FT.
FRONT (FT)	300 SQ. FT.	360 SQ. FT.
REAR (FT)	N/R	38 SQ. FT.
SIDE (FT)	N/R	785 SQ. FT.
POOL (DIMENSION/FT)	14' X 17'	

6. ALL CONSTRUCTION TO COMPLY WITH 2015 IRC STANDARDS.
7. DOCUMENT ATTESTED TO BE PREPARED FOR RICHARDS INVESTMENT GROUP LLC ON REAL PROPERTY IN TOWN OF SURFSIDE BEACH, Horry COUNTY, S.C.
PREPARED BY: BLANTON LAND SURVEYING, INC. DATE: 6/30/2018

Instrument#: 201800076842, PLAT BK:
282 PG: 64 DOCTYPE: 061 07/03/2018 at
10:31:05 AM, 1 OF 1 MARION D.
FOXWORTH III, Horry COUNTY, SC
REGISTRAR OF DEEDS

8th AVENUE NORTH
(50' PUBLIC R/W)

A "TOWN OF SURFSIDE BEACH" COVENANTS FOR PERMANENT MAINTENANCE OF STORMWATER SYSTEMS; HAS BEEN RECORDED IN THE Horry COUNTY REGISTER OF DEEDS IN DEED BOOK 4072 PAGE 3111 FOR THIS PARCEL. THE PROPERTY OWNER SHALL PERMANENTLY BE RESPONSIBLE FOR CONTINUED MAINTENANCE OF THE STORMWATER SYSTEM ON PROPERTY.



CERTIFICATE OF APPROVAL FOR RECORDING
I hereby certify that the plat shown here has been found to comply with the Development Regulations for Surfside Beach, South Carolina, with the exception of such variance, if any, on the Plat and that it has been approved for recording in the Office of the R.M.C.
[Signature]
Title
Date 7/2/18

THE FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE APPROVED STORM WATER MANAGEMENT AND SEDIMENT CONTROL PLAN AND SPECIFICATION OR ACHIEVE THE FUNCTION FOR WHICH THEY WERE DESIGNED.
[Signature]
ENGINEERS NAME AND LICENSE NUMBER
ALBERT A. CAIS
DATE

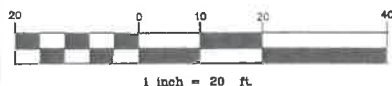
CURRENT OWNER ON RECORD

RICHARDS INVESTMENT GROUP LLC
PO BOX 14176
SURFSIDE BEACH, SC 29587



"I HEREBY STATE TO THE BEST OF KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARD MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN."

BLANTON LAND SURVEYING, INC
2596 RIVERSIDE DRIVE
MYRTEL BEACH, S.C. 29579
PHONE (843) 236-2803 CELL (843) 602-2080



JUNE 30, 2018
[Signature]
JAMES R. BLANTON P.L.S. LIC. NO. 15511

ISSUE PAPER FOR CONSTRUCTION BOARD OF APPEALS CONSIDERATION

Meeting Date: September 6, 2018

Prepared by: Michael Farria

Agenda Item: 1

Subject: Appeal No. 2018-02- Homeowner of 115B 8th Avenue North requesting variance from section/table 6104.3 (Location of LP-Gas Containers) of the 2015 International Fire Code

BACKGROUND:

Applicant has applied for variance to 2015 International Fire Code (IFC) Section/Table 6104.3 Container Location. Per town ordinance 14-17 item 5 any new LP Gas container in flood hazard zone shall be buried below grade and anchored to prevent flotation. Per section/table 6104.3 of the 2015 IFC Mounded or underground LP-gas containers shall meet ten (10') feet separation from buildings, public ways or lot lines of adjoining property that can be built upon. Applicant has applied for a variance of seven (7') feet from the adjoining property line to install the underground tank.

ATTACHMENTS

Application for variance and applicants supporting documents
Section of the Building Code related to the appeal or variance request

- 1) Code section/table 6104.3 of the 2015 IFC
- 2) Town Ordinance 14-17 item 5
- 3) Statement from Fire Chief Kevin Otte
- 4) Copy of As-Built Survey

Sec. 14-17. - Flood hazard reduction standards.

Development may not occur in the special flood hazard floodplain where alternative locations exist due to inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures (and additions) cannot be located out of the floodplain and that encroachments onto the floodplain are minimized. In all areas of special flood hazard, the following provisions are required:

- (1) All new construction, additions and/or substantial improvements shall conform to the requirements contained in the latest adopted International Building Code or International Residential Code, whichever is applicable and anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All new construction, additions and/or substantial improvements shall be constructed with flood-resistant materials and utility equipment resistant to flood damage.
- (3) All new construction, additions and/or substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located at least three (3) feet above the required base flood elevation so as to prevent water from entering or accumulating within or on the components during conditions of flooding. This requirement does not preclude the installation of outdoor faucets for shower heads, hoses, etc., as long as cutoff devices and backflow devices are installed to prevent contamination of the service components and thereby minimize any flood damages to a structure and contents.
- (5) New gas containers shall be buried below grade and anchored to prevent flotation; Existing gas tanks, when replaced shall be strapped to prevent movement and flotation.
- (6) Non-commercial developable lots located in the X, X shaded and AE flood zones shall have an average grade of all adjacent lots. A foundation/current conditions survey shall be provided and approved prior to the foundation being poured or piers being filled prior to additional inspections being performed. Adjacent lot grades shall be measured at a minimum of 20 feet into all adjacent lots.

This requirement shall not apply to Designated Coastal A Zones, V, and VE zones as no fill shall be allowed in these Special Flood Hazard Areas (SFHA).
- (7) New and replacement sanitary sewer shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters.
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (9) Any alteration, repair, reconstruction, addition or improvement to a structure which is

**SECTION 6104
LOCATION OF LP-GAS CONTAINERS**

6104.1 General. The storage and handling of LP-gas and the installation and maintenance of related equipment shall comply with NFPA 58 and be subject to the approval of the *fire code official*, except as provided in this chapter.

6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L) (see Section 3 of the Sample Legislation for Adoption of the *International Fire Code* on page xxi).

Exception: In particular installations, this capacity limit shall be determined by the *fire code official*, after consid-

eration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department.

6104.3 Container location. LP-gas containers shall be located with respect to buildings, *public ways* and *lot lines* of adjoining property that can be built upon, in accordance with Table 6104.3.

6104.3.1 Installation on roof prohibited. LP-gas containers used in stationary installations shall not be located on the roofs of buildings.

6104.3.2 Special hazards. LP-gas containers shall be located with respect to special hazards including, but not limited to, above-ground flammable or *combustible liquid*

**TABLE 6104.3
LOCATION OF LP-GAS CONTAINERS**

LP-GAS CONTAINER CAPACITY (water gallons)	MINIMUM SEPARATION BETWEEN LP-GAS CONTAINERS AND BUILDINGS, PUBLIC WAYS OR LOT LINES OF ADJOINING PROPERTY THAT CAN BE BUILT UPON		MINIMUM SEPARATION BETWEEN LP-GAS CONTAINERS ^{b,c} (feet)
	Mounded or underground LP-gas containers ^a (feet)	Above-ground LP-gas containers ^b (feet)	
Less than 125 ^{c,d}	10	5 ^e	None
125 to 250	10	10	None
251 to 500	10	10	3
501 to 2,000	10	25 ^f	3
2,001 to 30,000	50	50	5
30,001 to 70,000	50	75	(0.25 of sum of diameters of adjacent LP-gas containers)
70,001 to 90,000	50	100	
90,001 to 120,000	50	125	

For SI: 1 foot = 304.8 mm, 1 gallon = 3.785 L.

- a. Minimum distance for underground LP-gas containers shall be measured from the pressure relief device and the filling or liquid-level gauge vent connection at the container, except that all parts of an underground LP-gas container shall be not less than 10 feet from a building or lot line of adjoining property that can be built upon.
- b. For other than installations in which the overhanging structure is 50 feet or more above the relief-valve discharge outlet. In applying the distance between buildings and ASME LP-gas containers with a water capacity of 125 gallons or more, not less than 50 percent of this horizontal distance shall also apply to all portions of the building that project more than 5 feet from the building wall and that are higher than the relief valve discharge outlet. This horizontal distance shall be measured from a point determined by projecting the outside edge of such overhanging structure vertically downward to grade or other level upon which the LP-gas container is installed. Distances to the building wall shall be not less than those prescribed in this table.
- c. Where underground multicontainer installations are composed of individual LP-gas containers having a water capacity of 125 gallons or more, such containers shall be installed so as to provide access at their ends or sides to facilitate working with cranes or hoists.
- d. At a consumer site, if the aggregate water capacity of a multicontainer installation, comprised of individual LP-gas containers having a water capacity of less than 125 gallons, is 500 gallons or more, the minimum distance shall comply with the appropriate portion of Table 6104.3, applying the aggregate capacity rather than the capacity per LP-gas container. If more than one such installation is made, each installation shall be separated from other installations by not less than 25 feet. Minimum distances between LP-gas containers need not be applied.
- e. The following shall apply to above-ground containers installed alongside buildings:
 - 1. LP-gas containers of less than a 125-gallon water capacity are allowed next to the building they serve where in compliance with Items 2, 3 and 4.
 - 2. Department of Transportation (DOTn) specification LP-gas containers shall be located and installed so that the discharge from the container pressure relief device is not less than 3 feet horizontally from building openings below the level of such discharge and shall not be beneath buildings unless the space is well ventilated to the outside and is not enclosed for more than 50 percent of its perimeter. The discharge from LP-gas container pressure relief devices shall be located not less than 5 feet from exterior sources of ignition, openings into direct-vent (sealed combustion system) appliances or mechanical ventilation air intakes.
 - 3. ASME LP-gas containers of less than a 125-gallon water capacity shall be located and installed such that the discharge from pressure relief devices shall not terminate in or beneath buildings and shall be located not less than 5 feet horizontally from building openings below the level of such discharge and not less than 5 feet from exterior sources of ignition, openings into direct vent (sealed combustion system) appliances, or mechanical ventilation air intakes.
 - 4. The filling connection and the vent from liquid-level gauges on either DOTn or ASME LP-gas containers filled at the point of installation shall be not less than 10 feet from exterior sources of ignition, openings into direct vent (sealed combustion system) appliances or mechanical ventilation air intakes.
- f. This distance is allowed to be reduced to not less than 10 feet for a single LP-gas container of 1,200-gallon water capacity or less, provided such container is not less than 25 feet from other LP-gas containers of more than 125-gallon water capacity.

Mike Farria

From: Kevin Otte <kotte@surfsidebeach.org>
Sent: Wednesday, August 15, 2018 8:11 AM
To: 'Mike Farria'
Subject: Installation of underground propane tank

Mike,
Good morning, I have reviewed the as-built survey you provided for Lot 5-B / 115 8th Avenue N B. In NFPA Code 58 the section that deals with Underground or Mounded ASME Containers states that: No part of an underground or mounded ASME container shall be less than 10 feet from a building or line of adjoining property that can be built upon. Since no building can be built in the 5.15 foot setback on each property, the tank is 7 feet from the setback line and with the additional 5.15 foot setback on lot A then the total distance from the building area would be more than 12 feet. I don't feel that this location causes any issue for the Fire Department. Please let me know if I can be of any further assistance.

Kevin L. Otte

Fire Chief/Emergency Manager
Surfside Beach Fire Department
810 1st Avenue North
Surfside Beach, SC 29575

Office: 843-913-6343
Cell: 843-655-6507

