



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS  
November 26, 2007, 6:00 o'clock p.m.

ZONING BOARD OF APPEALS  
MEETING MINUTES

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7 **1. CALL TO ORDER**

8 Chairman Hanson called the meeting to order at 6:00 p.m. and welcomed those in  
9 attendance. Commission Members Willm, Ott, Childs, Blair and Dodge were present.  
10 Vice-Chair Livesay arrived late; it was at approximately 6:30 p.m. A quorum was  
11 present. Staff present: Clerk Pinnell; Building/Zoning Director Donevant and  
12 Building/Zoning Administrator Michelle Grandell.  
13

14 **2. PLEDGE OF ALLEGIANCE**

15 Chairman Hanson led the Pledge of Allegiance. Chairman Hanson introduced the  
16 members of the Zoning Board of Appeals to the audience stating that everyone on the  
17 board is a volunteer. Mr. Hanson stated that the board has all been through the State  
18 training program and are all certified in Zoning Appeals and Planning and Zoning. Mr.  
19 Hanson stated that they would be following the Roberts Rules of Orders 10<sup>th</sup> edition,  
20 newly revised and because this is a legal proceeding, everyone who offers testimony will  
21 be sworn to tell the truth. Mr. Hanson stated that the board's job is to evaluate the  
22 situation, determine if it is a hardship and then either chose to grant a variance or not.  
23

24 **3. AGENDA APPROVAL**

25 Mr. Ott moved to approve the agenda as submitted. Ms. Dodge seconded. Mr. Willm  
26 made a motion to move the elections to the bottom of the agenda. Mr. Blair seconded the  
27 motion. **All members present voted in favor. MOTION CARRIED.**  
28

29 **4. MINUTES APPROVAL**

30 Ms. Dodge moved to approve the May 17, 2007 meeting minutes. Mr. Willm seconded.  
31 **All members present voted in favor. MOTION CARRIED.**  
32

33 **5. PUBLIC HEARING**

34 Ms. Grandell stated that the applicant ZBA 8, Betsy Wishert injured her knee and was  
35 unable to make the meeting. It was the recommendation of staff to move this applicant to  
36 the next Zoning Board of Appeals meeting. It was agreed by consensus of the committee  
37 that the next date for the Zoning Board of Appeals meeting would be Monday, December  
38 10<sup>th</sup> at 6:00PM and applicant ZBA 9, Betsy Wishert would be moved to that date. Ms.  
39 Grandell announced this information to the audience to notify them of the change. Ms.  
40 Grandell stated that this would be carried without prejudice and there will be no re-notice  
41 or republication required; this announcement would serve as notification.  
42

43 ZBA9: George and Sherrell Todd/ 211 Cedar Drive North/ TMS 191-16-53-002

44 Ms. Grandell was sworn in to tell the truth regarding this matter. Ms. Grandell stated that  
45 the applicants are seeking a rear and side yard setback variance to construct a garage  
46 addition and a sunroom addition. The garage addition will result in a second variance  
47 request of a waiver from the maximum garage square footage allowable by the town  
48 ordinances. It was verified that they are permitted to have 789 square feet; the calculation  
49 is in ordinance #17-269 item 3. It is allowable for a garage to have 50 percent of the

50 square footage of the footprint of the existing home up to 850 square feet. The current  
51 footprint only allows them to have 789 square feet and they are requesting 840 square  
52 feet. Ms. Grandell then reported that the rear yard setback is for the addition of a  
53 sunroom and it would extend approximately 5 to 6 feet into the setback. Ms. Grandell  
54 stated that there is currently an attached breezeway/garage and it was noted by applicant  
55 that they would be removing this breezeway to make it into a detached garage, which  
56 means that the side yard variance is not necessary. It was verified that the applicants  
57 were currently asking for two variances.  
58

59 *Applicant Sherrell Todd and contractor and President of Rebuilders, Inc. of Myrtle*  
60 *Beach, Ray Floyd presented the request; both were sworn in.*

61 Mr. Floyd stated that Mr. Todd is currently in the hospital and unable to attend the  
62 meeting this evening. Mr. Floyd stated that he was contacted a few months ago about  
63 building some additions to the Todd's home. They have recently moved here from  
64 Monroe, North Carolina and they are currently in need of some additional space. The  
65 Todd's purchased the home a few years ago and when they originally purchased the  
66 home the setbacks were different than what they are today. Both the Todd's and Mr.  
67 Floyd were unaware of these changes. Mr. Floyd was given a survey, which the Todd's  
68 received with the property purchase and it showed the old setback requirements. Mr.  
69 Floyd stated that Mr. Todd had contacted someone from the town regarding moving some  
70 trees and told them what his plans were; someone from the town came by to look at the  
71 trees and told him which trees would have to be removed and there was no indication  
72 made to Mr. Todd, at that time, from the town that the setbacks had been changed. Mr.  
73 Floyd used the old survey to develop a set of plans, which conformed with what he  
74 thought were the setbacks as shown on the survey. The plans were then submitted to the  
75 town and after a week of being in review, the town relayed to him that the plans did not  
76 conform with the new setback requirements. Mr. Floyd stated that the main setback  
77 requirements, which they are requesting to be adjusted, is for the sunroom addition where  
78 a patio currently lies and takes up about one third of where the proposed new sunroom  
79 area would be. Mr. Hanson noted that the south side of the house does extend further out  
80 from the patio and asked if the addition would extend beyond where the window is. It  
81 was confirmed by Mr. Floyd that the sunroom would not extend beyond where the  
82 current garage is. Mr. Floyd stated that another hardship is that the Todd's had already  
83 paid a deposit and windows and doors for the addition were already ordered and  
84 delivered. Mr. Floyd stated that the existing home is only 1,170 heated square feet and  
85 currently has 3 individuals living there and they really need the extra space. It was  
86 confirmed that the garage would be a 4-car garage and Mrs. Todd stated that a 3-car  
87 garage would be acceptable if they could not be allowed the 4 but they are requesting for  
88 a 4-car garage. Mr. Floyd stated that Mr. Todd collects and works on antique cars and  
89 needs the room to work on these cars and to store them. Mr. Hanson asked if a 3-car  
90 garage would fit in the 789 square foot required and it was confirmed that it could. Mrs.  
91 Todd stated that approximately 2 years ago her husband broke his leg, hip and elbow on  
92 his left side, he then had surgery on a rotator cuff and then he fell and broke his right  
93 knee and had a few surgeries on this knee; their previous home had steps and they  
94 decided to sell that home and move to their home in Surfside where there were less stairs  
95 that would enable her husband to get around easier. Mr. Floyd stated that with the new  
96 setback there is only 25 to 30 percent of the footprint that you are able to build on; there  
97 is not much to work with. Mrs. Todd stated that it would be a \$170,000 addition and they  
98 also plan on making the home look as nice as they can. (Lynn Livesay arrived and Mr.  
99 Hanson filled her in briefly as to where they were in application request). Mr. Blair

100 stated that there was a neighborhood petition circulated and the neighbors agreed to the  
101 addition. This petition is on file.

102  
103 There was no one in the audience to speak for or against this request. Mr. Hanson closed  
104 the public hearing on this application and opened the business portion of this meeting.

105  
106 Ms. Grandell stated that a member had contacted her today to inquire about setback  
107 changes in the R-1 district; she did not think that there were any but after some research  
108 she found that they were changed in November 2004, which was after the home was  
109 constructed. The home was constructed to previous setback requirements so it is a legal  
110 non-conforming structure sitting on this lot. Mr. Willm asked if the 50 percent garage  
111 requirement rule has been changed. Ms. Grandell stated that the garage would be  
112 considered new construction and addition, which would have to adhere to current  
113 ordinance standards.

114  
115 Mr. Hanson read the four conditions that must be met to grant a variance. He read State  
116 law 6-29-800 Conditions necessary to grant a variance: unnecessary hardship; a variance  
117 may be granted in an individual case of unnecessary hardship if the board makes and  
118 explains, in writing, the following findings: 1. there are extraordinary and exceptional  
119 conditions pertaining to the particular piece of property 2. these conditions do not apply  
120 to other property in the vicinity 3. because of these conditions the application of the  
121 ordinance to the particular piece of property would effectively prohibit or unreasonably  
122 restrict utilization of the property 4. the authorization of a variance will not be a  
123 substantial detriment to adjacent property or to the public good and the character of the  
124 district will not be harmed by the granting of the variance and the additional item the  
125 board needs to consider is the fact that the property may be utilized more profitably if a  
126 variance is granted may not be considered grounds for a variance.

127  
128 The Public Hearing section was closed and business discussion was opened. Mr. Hanson  
129 stated that since there are two variance requests with this application, the board would  
130 vote on one at a time. The first variance they would consider is the sunroom addition,  
131 which extends 5 to 6 feet into the new setback. Mr. Ott stated that he never saw a public  
132 notice sign posted and Ms. Grandell stated that a sign was posted on all 3 properties, they  
133 have been stolen on previous occasions, so she would not be surprised if any of them  
134 disappeared. Mr. Ott asked the board if they saw the signs and Mr. Hanson answered that  
135 he had not seen a sign either. Mr. Ott was concerned that the neighbors are unaware of  
136 this notification and Ms. Grandell stated that all of the neighbors were mailed a  
137 notification and a legal notice was published in the newspaper as per State law. Ms.  
138 Dodge asked how much room would be left between the sunroom and the fence along the  
139 back of the yard. It was confirmed that it was 10 feet 8 inches and this was equal to the  
140 original setback. Mr. Hanson stated that he appreciated Mrs. Todd and Mr. Floyd for  
141 bringing this request to the Zoning Board of Appeals stating that this particular change  
142 was made November 4<sup>th</sup>, which changed R-1 and R-2 and Mr. Hanson himself counted  
143 over 200 lots, which this change made non-conforming in R-1. Mr. Hanson stated that  
144 his son owns one of these lots and as Mr. Floyd stated, the widest house he can build and  
145 conform to with these new setbacks would be 15 feet but it could be built 35 feet high, so,  
146 he has a personal interest in this as well. Mr. Hanson stated that State law says that if  
147 there are a lot of requests like these then it should be taken back to the P&Z Commission  
148 and have them re-evaluate the setbacks. Mr. Hanson stated that when this ordinance was  
149 passed 2 of the members of this council rendered their own properties non-conforming so

150 he is not sure that a lot of research was done on this particular ordinance; one is a house  
151 and one is a vacant lot. Mr. Hanson stated that the setbacks would allow for a 25 foot  
152 house on a vacant lot, which is not a very wide house, so he wanted to thank them again  
153 for bringing this to the attention of the board. Mr. Hanson stated that one of his concerns  
154 he voiced to various councilmembers was, what if we were to have a hurricane and these  
155 homes were wiped out, the homeowners would not be able to rebuild their homes to the  
156 original footprint because it would not be conforming and he was given the response that  
157 they would more than likely have to pass an ordinance to give everyone an opportunity to  
158 rebuild their homes to the original footprint. Mr. Hanson stressed that this was just a side  
159 remark made by a councilman that this was what would more than likely have to be done.  
160 Ms. Dodge moved to approve the request for the sunroom addition as per Exhibit A  
161 which is the plat showing the setback. Mr. Ott seconded the motion. Mr. Willm stated  
162 that the reason he believes that it should be approved is that the zoning has been changed  
163 since the applicants purchased the home and if they purchased the property after the fact  
164 then it is up to the buyer to find out what the ordinances are and what they can and cannot  
165 build. Mr. Willm stated that this boards purpose is to deal with certain circumstances like  
166 these. Ms. Dodge voted for it stating that it is because of the change in the setbacks and  
167 also that most people who purchase properties do not think to inquire about these things;  
168 she would like to give leeway in this instance. Ms. Childs voted for it stating that she  
169 believes that it meets the 4 criteria. Mr. Blair voted for it stating that it is not over-  
170 exceeding the original setbacks. Ms. Livesay voted for it stating that she believes that it  
171 is an unusual situation; shape of the lot and because of the change in the zoning. Mr. Ott  
172 voted for it stating that there are extraordinary exceptional conditions pertaining to the  
173 piece of property and these conditions do not apply to the other properties in the vicinity  
174 and will not be detrimental to the rest of the neighborhood. Mr. Willm stated that he  
175 votes for it for all of the reasons stated. Mr. Hanson stated that the chairman does not  
176 vote unless there is reason to make a tie or break a tie and in this situation there are 6  
177 votes in favor. **Majority voted in favor. Mr. and Mrs. Todd were granted the**  
178 **variance to build the sunroom as outlined in Exhibit A.**  
179

180 Mr. Hanson asked for discussion on the next item, which was to build a 4-car garage.  
181 Ms. Childs asked what the dimensions of the garage would be if it were built to fit the  
182 789 allowed feet. It was re-confirmed that the 789 feet is the allowed and 840 is being  
183 requested; the applicant is asking for 51 additional square feet to build a 4-car garage.  
184 Mr. Ott asked the applicant to again explain why they needed a 4-car garage. Mrs. Todd  
185 stated that her husband works on antique cars and they currently own 3 cars, her son will  
186 need a car in a few years and her husband has a lot of tools he uses and needs to store.  
187 Mrs. Todd stated that they also had a 4-car garage at their previous home. Mr. Ott was  
188 asked if the cars would be resold; he was concerned about the applicants running a  
189 business out of the garage. Mrs. Todd stated that they would not be resold. Mrs. Todd  
190 stated that her husband is currently 61 years old and the doctor told him that he has the  
191 bones of an 80 year old woman and his bones break very easily so it would not surprise  
192 her if her husband would not even be able to go out and tinker with the cars. There was  
193 inquiry as to the height of the garage and it was stated by Mr. Floyd that the height of the  
194 garage would be approximately 13 to 14 feet high. Ms. Donevant stated that prior to  
195 2002 the ordinance read that the size of a garage could be 50 percent of the square  
196 footage of the entire house, which also included a second story if there was one and it  
197 was changed to 50 percent of the footprint of the house in 2004 or 2005 to avoid  
198 oversized garages. Mr. Ott stated that we are now then looking at a different perimeter  
199 footprint of the house since the sunroom addition was just added. It was determined that

200 the new footprint of the house would allow for the square footage of the garage being  
201 requested and there was no longer a need for a request for a variance. The variance  
202 request was withdrawn.

203  
204 ZBA10: Thomas and Anna Dodge/1415 Poplar Drive North/ TMS 191-12-13-001  
205 Board member Ms. Dodge recused herself since she is part owner of the property in  
206 question. Mr. Hanson excused her and instructed her to sit in the audience and told her  
207 that if she wished to speak on this issue that she could.

208  
209 Ms. Grandell presented ZBA 10 stating that the applicants were seeking a side yard  
210 setback variance that will leave remaining, a 7 foot side yard setback, to construct a  
211 garage addition to an existing home. This refers to Section 17-92 of the town code of  
212 ordinances. Ms. Gradnell reported that legal notices were sent to all property owners  
213 within 150 feet and a legal public notice was published in the Sun News on November  
214 11<sup>th</sup> ; the house was also staked with a posted sign. Ms. Grandell stated that the current  
215 ordinance stipulates a 15-foot side yard setback and the addition proposed is for the side  
216 portion of the property and the variance is requested to save a live oak tree. Ms.  
217 Grandell stated that the bylaws give permission to grant a variance for the saving of a live  
218 oak tree. Ms. Donevant stated that the variance request is just for a corner of the garage  
219 and not the entire garage.

220  
221 Mr. Tom Dodge was sworn in to tell the truth. Mr. Dodge stated that he and his wife own  
222 a house on the corner of 15<sup>th</sup> and Poplar Drive North; it was purchased in April of 2005.  
223 Mr. Dodge stated that the house is positioned diagonally on the lot, which severely limits  
224 any addition they may want to make onto the home. It was stated that the only side they  
225 could possibly put an addition on is the east side of the house and this is where they  
226 would like to add the attached 2-car garage. Mr. Dodge stated that there is a large oak  
227 tree, which is 92 inches in circumference and it is very close in proximity to where they  
228 would like to put the garage. Mr. Dodge stated that if they had to move the garage  
229 further south they would have to cut the tree down. Mr. Dodge stated that the reason they  
230 want to build the garage is because they had some damage done to their car during a  
231 windstorm this past July; a large limb from a hickory tree fell onto their brand new 2007  
232 Toyota Camry and the damage totaled \$2,420.00. Mr. Dodge stated that there are 26  
233 trees on their lot, many of them are oak and hickory, they enjoy the trees but do not want  
234 to have their vehicles damaged again by fallen limbs and this is why they desire to build a  
235 garage. Mr. Dodge stated that they would like to build an attached 2-car garage on the  
236 east side of the house which would be framed with vinyl siding on both the inside and  
237 outside. The garage would be approximately 24 by 24 feet and as shown on the plot plan  
238 they are requesting for only a small triangle protruding 8 feet into the setback and not the  
239 entire 24 feet of the building. Mr. Dodge stated that they plan on landscaping as well to  
240 make it as nice as the rest of the house. Mr. Dodge stated that he has spoken to most of  
241 their neighbors, Mr. and Mrs. Williamson, Mr. and Mrs. Bayer, Mr. and Mrs. Houck and  
242 Mr. Alan Bennett and they have no problem with them building into the setback.

243  
244 Ms. Alice Williamson stated that she is a next-door neighbor of the Dodges and has no  
245 opposition to this addition.

246  
247 Ms. Donevant added that there is a right away located in this proposed area; the garage  
248 would not be right on the street; there is approximately 30 feet of right away there.

249

250 Mr. Willm stated that he would like to thank our forefathers who put this exception into  
251 the bylaws since this is a hard spot to be in because when you look at the 4 criteria it  
252 really does not fit but it does with the oak tree exception.  
253

254 The Public Hearing section was closed and business discussion was opened. Mr. Blair  
255 stated that his house is on the next corner in back and sits the same way and he very  
256 much sympathizes with the position that the Dodges are in. Mr. Ott made a motion to  
257 approve the variance on Exhibit B, to build a garage to extend 8 feet into the side setback.  
258 Ms. Childs seconded the motion. Mr. Willm stated that there were some issues with the 4  
259 criteria but it met the oak exception so he agrees to approve this. Mr. Ott voted for the  
260 approval stating that there are extraordinary and exceptional conditions pertaining to this  
261 piece of property and that would be the oak tree. Ms. Livesay approved it due to saving  
262 the specimen tree. Mr. Blair approved it for what he originally stated and he believes that  
263 there is an exception because of the tree. Ms. Childs voted for it because of the tree and  
264 also that it does not impede any neighbors. **Majority voted in favor. Chairman**  
265 **Hanson declared the variance is granted and the garage as drawn in Exhibit B can**  
266 **be built.**  
267

268 The business section was closed and opened for any comments from the Board.  
269

270 **6. PUBLIC COMMENTS**

271 There were no public comments.  
272

273 **7. BOARD COMMENTS**

274 Ms. Livesay apologized for arriving late to the meeting. Ms. Dodge re-joined the board  
275 at the dais.  
276

277 **8. ELECTIONS**

278 Chairman Hanson stated that the bylaws call for an annual election of a Chairman and a  
279 Vice-Chairman. Mr. Hanson stated that he has been on the Board for 8 years in May and  
280 his term would be running out and although he considers it to be a privilege to serve the  
281 Town of Surfside Beach in this capacity he feels that he should not stay on the board any  
282 longer and would like to give someone else the opportunity to sit on this board. Mr.  
283 Hanson stated that it is a wonderful training place for anyone who wants to volunteer on  
284 other boards or run for Council. Mr. Hanson stated that he does not plan on applying for  
285 additional time on this Board. Mr. Hanson added that he would be out of state from mid-  
286 December to the 1<sup>st</sup> of April so he would not be around to assist. Mr. Hanson then  
287 opened the floor for nomination for position of Chairman. Mr. Willm nominated Ms.  
288 Livesay for the position. Ms. Childs nominated Mr. Ott. Votes were taken and counted  
289 by the Town Clerk. Ms. Livesay was voted in as Chairwoman of the Zoning Board of  
290 Appeals. Nominations were then taken for Vice-Chair position. Mr. Ott nominated Mr.  
291 Willm. There were no other nominations. Mr. Willm was nominated as Vice Chair of  
292 the Zoning Board of Appeals.  
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**9. COMMENTS**

Michelle Grandell stated that the town has eliminated her position effective December 31<sup>st</sup> so this will be her last day. Mr. Hanson stated that she would be missed. Ms. Grandell stated that doing the Planning and Zoning Commission and the Zoning Board of Appeals has been the best part of her job.

Ms. Grandell: "First of all I want to thank each and every one of you for being responsible citizens of Surfside Beach. No one knows what you guys have to deal with and what you have to decide and it takes special people to do the very difficult job that you do. You all take the position very seriously. You research the ordinances, you do on-sight visits, I've seen a lot of boards who couldn't be bothered. I applaud you. You've been avid learners. You're always willing to increase you knowledge for the betterment of the entire board. I have rarely seen that also. Now, I have some requests of you; think of me every time you do this. I urge you to question your councilmembers. All you guys, on this board, are very involved in town; a lot of you know what's going on. Ask questions. Ask why. It might get you in trouble, that question has gotten me in more trouble than you will know, asking why. Always get answers that you can understand. If you can't understand what someone is telling you, ask again. Ask until you understand exactly what's being told to you. I ask you to not let outside pressures, from anyone, to influence the determination and the votes that you take on this board. No one should have the right to mislead you, to second guess your judgment, there are recourses for everyone, if they don't like your decision, they can go to circuit court. Be independent thinkers and uphold the laws of the State of South Carolina. It's been my honor to work with each and every one of you."

The Board thanked Ms. Grandell for her assistance and her service. Mr. Ott stated that Ms. Grandell has always helped him with every question he has ever had and he always got a complete answer.

**9. ADJOURNMENT**

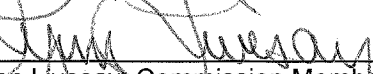
Chairwoman Livesay adjourned the meeting at 7:04 P.M.

  
Sharon Pinnell, Town Clerk


Approved:

  
\_\_\_\_\_

Bob Hanson, Chairman

  
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Lynn Livesay, Commission Member

  
\_\_\_\_\_

Ron Ott, Commission Member

  
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Nancy Childs, Commission Member

  
\_\_\_\_\_

Robert Blair, Commission Member

  
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Darrell Willm, Vice-Chairman

  
\_\_\_\_\_

Ann Dodge, Commission Member

Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. In accordance with FOIA, meeting notice and the agenda were faxed and/or emailed to local media and interested parties. A complete list is on file in the clerk's office. The agenda was posted on bulletin boards outside council chambers and in the town hall reception area. Meeting notice was also posted on the town marquee.

