



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS  
May 17, 2007, 6:00 o'clock p.m.

ZONING BOARD OF APPEALS  
MEETING MINUTES

1  
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6  
7 **1. CALL TO ORDER**

8 Vice-Chairwoman Livesay called the meeting to order at 6:02 p.m. and welcomed those  
9 in attendance. Commission Members Willm, Livesay, Ott, Childs, Blair and Dodge were  
10 present. Chairman Hanson was absent. A quorum was present. Staff present: Clerk  
11 Pinnell; Building/Zoning Director Donevant and Building/Zoning Administrator  
12 Michelle Grandell.

13  
14 **2. PLEDGE OF ALLEGIANCE**

15 Vice-Chairwoman Livesay led the Pledge of Allegiance.

16  
17 **3. AGENDA APPROVAL**

18 A change was made on the agenda. Jamin' Leather has withdrawn from agenda. Mr. Ott  
19 moved to remove Jamin' Leather from the agenda. Mr. Willm seconded. **All members**  
20 **present voted in favor. MOTION CARRIED.**

21  
22 **4. MINUTES APPROVAL**

23 Mr. Ott moved to approve the February 15, 2007 meeting minutes. Mr. Blair seconded.  
24 **All members present voted in favor. MOTION CARRIED.**

25  
26 **5. PUBLIC HEARING**

27 Director Donevant was asked by Vice-Chairwoman Livesay to state the details of the  
28 variance request being presented. The public would then be granted time to speak  
29 regarding this request and then the applicant would have time to present their request.

30  
31 ZBA5: Floyd, 116 Oak Drive North

32 Ms. Donevant stated that Robert and Rebecca Floyd were seeking a rear yard setback  
33 variance of 8.91 feet to construct an addition to an existing home.

34  
35 There were no public comments from those in attendance. Vice-Chairwoman Livesay  
36 stated for the record that the Board had received a letter concerning this matter.

37  
38 Mr. Floyd: "I'm Burt Floyd. This is my wife Becky, and we're from Aynor. We've  
39 owned this little house on 116 on North Oak since 1980. I tell everybody that whoever  
40 coined the phrase "beach cottage" had our house in mind. It's a little, small, two  
41 bedroom, one bath house that, since 1980, when school got out, we'd close our house up  
42 in the country in Aynor and we'd move to Surfside and we spent all summer. The house  
43 has never been rented. Always the perfect little summer beach house getaway. Well,  
44 thank the good Lord, the children are gone and Becky and I are spending more and more  
45 time down here and we'd like to turn the little beach cottage into a beach home. We have  
46 some modest additions that we'd like to do. She said not to tell you all this, but we don't  
47 have enough room for a close dryer, so, since 1980, she's been using solar close-line, but  
48 we've got a problem, the reason we're here, we've got these two oak trees in the front  
49 yard and I hope you all have had a chance to look at them. I tell most folks that they're  
50 Brookgreen Garden type oak trees. I mean, they're beautiful, so, we're limited in what we  
51 can do. We can't go out front because of the oak trees. If we go up we destroy the cavity

52 and we don't want to do that, so we can go out on the side within a setback without any  
53 problem but we do need a variance to go out in back. All we want to do is add a bedroom  
54 and a bathroom and a closet on the side, which we have room to do and in the back we're  
55 going to have a closet and a pantry for a washer and dryer. We also, along that same area  
56 is going to be a little smaller garage. Not for a car but it will be big enough for a golf cart  
57 and we, I told my wife I'm more excited about doing landscaping to tell you the truth  
58 than I am actually remodeling the house because we're going to do some extensive  
59 landscaping. I'd like to think it's going to be one of the prettiest places in Surfside when  
60 we're finished, with landscape architects and what we're going to plan on doing but in  
61 the back, we'll certainly have a fenced area, because it will be, honestly, closer to the  
62 highway than normal. We do have an existing elevated deck in the back that would be  
63 removed, so even with our addition, to tell you the truth, we're going to have more green  
64 space in the back than we actually have now, so, I'd be glad to answer any questions you  
65 have."

66  
67 Mr. Willm: "The tree in the back, that's staying?"

68  
69 Mr. Floyd: "That's staying. As a matter of fact, I'll tell you what we thought about.  
70 We're probably going to spend a way lot more money than we should, my wife said  
71 (SIC) but we love the neighborhood, we love that little beach house and we thought about  
72 just moving it, moving the house, and building a new one but we'd have to cut the trees  
73 down and we don't want to have to do that, so we are limited in what we can do."

74  
75 Mr. Ott: "The 10 foot side yards, they're going to be maintained? The 10 foot side  
76 yards, they're staying, you're not intruding in. . ?

77  
78 Mr. Floyd: "No, sir. We're not asking for a variance on either side"

79  
80 Mr. Ott: "OK. Just in the rear."

81  
82 Mr. Floyd: "See, because where the oak trees are, when they built the original house the  
83 back of the house is all but sitting on the setback now. That's right, my back doorsteps  
84 are actually on the encroachment now, see, and it's all because of the oak trees, which is  
85 a good thing. My wife says, that she's afraid, that I cover them too much, but they make  
86 the place, you know."

87  
88 Mr. Willm: "The plan is not to come past, you're not planning on coming past where  
89 your deck is now?"

90  
91 Mr. Floyd: "No, we won't go out as far as the deck, the existing deck is now. We're  
92 going to remove that deck. That deck is about, I have staked it off, it's about twelve feet,  
93 so we're actually going to be about 3 or 4 feet closer to the house than, what the deck is."

94  
95 Mr. Blair: "What do you mean by it's non-conforming now?"

96  
97 Ms. Donevant: "It's over the setbacks. The deck is over the existing, you know, yeah. ."

98  
99 Mr. Blair: "So he'll actually be moving back away from . . "

101 Ms. Donevant: "Right, he won't be further than that."  
102

103 Ms. Livesay: "Are there any other questions for Mr. Floyd?"  
104

105 There were no other questions.

106 Ms. Livesay: "Thank you."  
107

108 Mr. Floyd: "Thank you, ma'am."  
109

110 Ms. Livesay: "I guess we're ready to entertain a motion right now, if there are no other  
111 questions."  
112

113 Mr. Willm moved to grant a variance on minimum yard setbacks to save the specimen  
114 trees when feasible. Mr. Blair seconded. Ms. Livesay stated that it met the variance test.  
115 **All present voted in favor. MOTION CARRIED.**  
116

117 ZBA7: Thomas H. Adams, 718 9<sup>th</sup> Avenue S.

118 Ms. Donevant stated that the applicant Thomas Adams is seeking a variance to exceed  
119 the maximum square footage allowable in the addition of a garage on his property.  
120 According to the ordinance, Mr. Thomas is allowed to construct a detached garage up to  
121 50 percent of the footprint of the existing house. His existing house square footage is  
122 1388 so he would be allowed to construct a garage 694 square feet. Mr. Thomas is  
123 asking for a variance to construct an 840 square foot garage.  
124

125 Public Comments:

126 Jerry Zlamal 722 9<sup>th</sup> Avenue South: "I've been there since 1989. That's an awful big  
127 building going in back of that house. The house isn't much bigger than that. Why can't  
128 he just have a regular sized garage if he needs to put a garage up? and I hear it's going to  
129 be constructed metal, why can't he just have it built like the house? I think it's going to  
130 look terrible for the people in back of him on 8<sup>th</sup> Avenue, I don't know if any of them are  
131 here or not, and I mean, a lot of people said they didn't even get a letter or know about  
132 the meeting. I think it's just going to look like really awful. If you're going to build  
133 something that big, the house isn't, I bet the house isn't a thousand square feet and you're  
134 going to build a garage, are you going to have a shop in it? Going to have, it's not just to  
135 store lawn mowers and a car. That's what I'm worried about; they're going to have a  
136 little workshop and doing some work in it. That's all I have to say."  
137

138 Ms. Livesay: "Thank you."  
139

140 Mark Johnson 9<sup>th</sup> Avenue South: "800 plus square feet. You're talking, what, 26, 27 feet  
141 by 26, 27 feet. That's a big building. That's a very big building. Unfortunately, we have  
142 had problems with big buildings in Surfside Beach, before. All you have to do is look on  
143 15<sup>th</sup> Avenue North, there's a big metal workshop building on the lot, now granted, the  
144 property on the North end is larger than the property on the South end, however, when  
145 you look at the dimensions of the lot and the building, you're going to have the same  
146 thing on the South end, an eyesore, a detriment, a metal building, intruding on your  
147 neighbors, you know, just say no, just say no. This building is almost as big as some of  
148 the houses on the South end. I own a two bedroom, one bath home in an R-2 zone that is  
149 only 900 square feet. Please say no. Thank you."

150 Alan Wahler 713 9<sup>th</sup> Avenue South: "I'm not far from the home in question. I'm  
151 opposed to the building of this large garage and the tearing down of all of the trees. The  
152 property currently appears to be very un-kept and has been for a long time. I've been  
153 there for 13 years and the residence is rarely occupied and my wife and I both would like  
154 to not have our neighborhood rezoned. Thank you."  
155

156 Gary Steele 719 8<sup>th</sup> Avenue South: "This is directly behind the property that's in  
157 question. First, my understanding is that there's a variance of about, what is it, 150  
158 square feet? Something like that? So basically, we're talking about 3 rows on the back  
159 of this (referring to seating area in chambers), which would be about 150 square feet. 10  
160 by 15. I am in support of this; I have lived there since 1975. We have had people that  
161 have rented the house in the past we now have somebody that owns it and plans to be  
162 living there. All, for the 150 square feet, I think it would be quite appropriate to, ask for  
163 it. I see no reason not to, and if anyone has any real, would have any real objections, I  
164 think I would be the one because it's in my backyard and I don't have a problem with it.  
165 I would certainly encourage you to vote yes for the amendment on the variance."  
166

167 Ms. Livesay: "Are there any other comments from the public?"  
168

169 There were no other comments from the public.  
170

171 Ms. Livesay: "Let it be known that there were two letters received and the board has  
172 copies of them. At this time we close the public hearing and we're going to open the  
173 business portion. The person who is appealing to have the variance is here to represent,  
174 OK."  
175

176 Tom Adams: "First of all I appreciate everybody coming out, yay or nay, at least they've  
177 shown some concern for the neighborhood. I'm a state trooper in Massachusetts. I've  
178 been on the job for 21 years up there, I have 4 more years to go before I come down here  
179 and I don't have to shovel snow anymore. The house will not be rented in the meantime.  
180 It's my home. I'm trying to get ahead of the curve here and buy while I still can afford to  
181 buy down here. I do have a small problem in that the house is very small, 1400 square  
182 feet or thereabouts, and as I had mentioned to Michelle, I thought (SIC) taking out the  
183 permits, it's a u-shaped house and the front needs to be closed off anyway to make it a  
184 square house with perhaps a little bit more room inside. Which would almost cover the  
185 square footage that I would need for the ratio for the garage in the back. The garage is  
186 not going on either side of the house; I have 13 feet on either side of my house. The  
187 garage is going to be more or less a storage area, it's not going to be workshop, I don't  
188 have plans on making any kind of a workshop out there, it's completely for storage. I  
189 have a small boat and a trailer, which, would, I need almost to 28 feet deep to fit inside  
190 and completely close the door for the trailer. I have an antique car, and a car that I keep  
191 here anyway. That would all be enclosed. It would be secure. I don't have, there's no  
192 other sheds on the property for lawnmowers or garden equipment or anything. I bought  
193 the house in August so I can't vouch for the fact that it looks un-kept for the last, how  
194 many years, it's, we're trying to get done what I can get done but, (sic) the garage will be  
195 in the back and it won't be an every day garage, it will just be when I come down, bring  
196 stuff out, put stuff away, keep stuff under lock and key back there. It's not a monstrosity,  
197 it is a metal building, the metal building is built by Package Deal Industries, which is an  
198 outfit in Massachusetts, it's basically the Cadillac of steel buildings. You can purchase

199 any steel building anywhere and you get a thin grade of metal and the coating they put  
200 on, the buildings look rusty after ten years. I've owned one of these buildings for fifteen  
201 years in Massachusetts and it looks just like the day it came out. I've got some pictures  
202 of the type of buildings they build, I've got pictures of the property here, if you'd like to  
203 see them."

204  
205 Ms. Livesay asked Mr. Adams to pass them to the Committee.

206  
207 Mr. Adams presented the photos and explained them to the Committee.

208  
209 Mr. Adams: "The type of building that is being proposed, there's one picture there that  
210 I've drawn with a magic marker, it shows basically the size of the building. It can only  
211 be twelve feet high in the front to accommodate the five foot boundary in the back, it's  
212 manger shaped, so to speak, it's higher in the front where the garage doors are, it slopes  
213 down to about nine and a half feet in the back. It's not a whale of a building. It's a nice  
214 beige color, it's got a darker trim on the side and in the back corner of this lot, Gary's  
215 house is in the back, he's got a shed back there, there's a shed on the diagonal, there a  
216 shed over on this side. It's completely overgrown back there; you can't see back there  
217 anyway, or from anybody else's view. From the street, I have a thirteen foot clearing  
218 from my fence to my house where you can see in the back but that is over, that's fairly  
219 overgrown and that's about the only are where you could even catch a hint of this  
220 building even being back there."

221  
222 Ms. Livesay stated that the Board is not an appearance Board; they are just to consider  
223 the variance of giving extra square footage. Ms. Livesay stated they are, however,  
224 interested in the impact of foliage and the impact that it will have on the neighborhood.  
225 Ms. Livesay stated that he is currently in an R-1, a single-family residence zone.

226  
227 Mr. Adams: "It is a single family, I'm the only one that's going to be there. I guess,  
228 from what I understand, I could rent it long-term for six months or a year at a time or  
229 something, is that my understanding? I don't intend to, but this may make a difference  
230 because no one's going to be renting. It's just going to be my property."

231  
232 Mr. Willm stated that the Board is bound by the State if South Carolina to answer four set  
233 criteria statements which show exceptional cause. Mr. Willm stated that he does not see  
234 this request as meeting any of these.

235  
236 Mr. Adams: "The shape of my lot is fine, for the most part, I won't be taking down any,  
237 there's no trees to be taken down, the foliage stays the way it is. Unfortunately the two  
238 times I've gone into the zoning aspect of what I needed to do to put up this building,  
239 apparently I didn't get all the information, or I didn't completely understand what's going  
240 on. The ground coverage, you can only have 40 percent ground coverage of something  
241 on the lot, I checked into that; the building can only be so high, I made sure that was  
242 okay, I was in from the boundaries and I ordered the building. Unfortunately, I now own  
243 the building and then I found out about the ratio to the house. I would like, in the future,  
244 to put an addition on the house anyway, which would certainly make up the difference.  
245 My neighbor Joe, next door, his house is bigger than my house, he wouldn't even have to  
246 be going through this, he can just put that same size garage up in his backyard."

247

248 Mr. Ott asked if the builders building this garage could shorten it.

249  
250 Mr. Adams: "It's possible, at this point to perhaps, put up the entire outside structure  
251 with the roof and move the back wall in so you more or less have like a five or six foot  
252 overhang in the back instead of it being enclosed, totally, in the back. That would be able  
253 to be moved in, I would say six feet would be safe, which I suppose I could get away  
254 with. I mean, obviously, I wouldn't be able to put the boat all the way into the garage or  
255 whatever, but it would certainly handle a car or two and you know the garden tractor or  
256 lawn tractor I have there and the lawn mower and the lawn furniture and it may hold me  
257 off."

258  
259 Mr. Ott stated that if the Board gave him a variance they would have to give everyone  
260 else in the zoning area a variance and that is why it is not exceptional to itself.

261  
262 Mr. Adams: "Well, I think it's acceptable in the fact that my house is just smaller than  
263 everyone else's there. No one else would have to have a variance because their square  
264 footage, footprint on their house is a little larger."

265  
266 Ms. Livesay stated that Mr. Adams did imply that once he moved down he would  
267 probably make the house larger and suggested that he put the building in storage until he  
268 was ready to do this.

269  
270 Mr. Adams: "Part of the problem is if I'm going to be doing the construction on the  
271 house I would need someplace to put stuff anyway. There's nothing on the property to  
272 enclose anything. There's no shed, there's no, a mean to overhang a carport."

273  
274 Mr. Willm asked how much green space we would lose.

275  
276 Mr. Adams: "You're only losing the foundation of the floor itself, just the footprint of  
277 the garage which conforms to all the other, the driveway, the walkways, the footprint of  
278 the house, it all is under the 60 percent."

279  
280 Ms. Donevant stated that he meets the requirements.

281  
282 There were no other questions from the Board. Mr. Ott made a motion to deny the  
283 variance due to the fact that he could answer any of the four required questions. Ms.  
284 Childs seconded the motion. **All voted in favor to deny the variance. MOTION**  
285 **CARRIED.**

286  
287 Ms. Donevant stated for the record that all of the property owners were sent a notice  
288 regarding this variance request and there was also an ad placed in the Sun News on April  
289 29<sup>th</sup>, 2007. Ms. Donevant stated that she and Ms. Grandell also placed a sign on the  
290 property, which was still up as of this day.

291  
292 **6. PUBLIC COMMENTS**

293 Jerry Zlamal, 9<sup>th</sup> Avenue South: "The sign, you did put up."

294  
295 Ms. Donevant: "Yes, sir."  
296

297 Mr. Zlamal: "No date, no time, no nothing on the sign. All it says, is, that's all it says.  
298 Go down and read it."  
299

300 Ms. Donevant: "It's got a phone number on it to call for information."  
301

302 Mr. Zlamal: "I did, I know. You ever get tired of calling a telephone number and listen  
303 to the recordings? Could dial one for this, I'm not saying it's you, but . . ."  
304

305 Ms. Donevant: "I'm not saying it's me either, but I know an actual live person answers  
306 their phone at Town Hall."  
307

308 Mr. Zlamal: "I think my wife did call up, but you know people on our street that did not  
309 get notices. (sic)"  
310

311 Ms. Donevant stated that residents within 150 feet got notices.  
312

313 **7. BOARD COMMENTS**

314 There were no Board comments. Board Comments section was closed.  
315

316 **8. ADJOURNMENT**


317 There was no other business to discuss. Mr. Ott made motion to adjourn. Mr. Willm  
318 seconded the motion. The meeting adjourned at 6:40 p.m.  
319


320   
321 \_\_\_\_\_  
322 Sharon Pinnell, Town Clerk

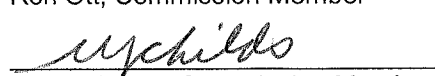
323 Approved:


324 ABSENT

325 \_\_\_\_\_  
326 Bob Hanson, Chairman

327   
328 \_\_\_\_\_  
329 Lynn Livesay, Commission Member

330   
331 \_\_\_\_\_  
332 Ron Ott, Commission Member

333   
334 \_\_\_\_\_  
335 Nancy Childs, Commission Member

336   
337 \_\_\_\_\_  
338 Robert Blair, Commission Member

339   
340 \_\_\_\_\_  
341 Darrell Willm, Vice-Chairman

342   
\_\_\_\_\_ Ann Dodge, Commission Member

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

