



Town of Surfside Beach
Planning, Building & Zoning Department
210 Highway 17 South,
Surfside Beach, SC 29575
(843)913-6341

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/290985077>

You can also dial in using your phone.

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(646\) 749-3129](tel:+16467493129)

Access Code: 290-985-077

All questions & comments need to be emailed to sadair@surfsidebeach.org by 4:00 day of meeting

**BOARD OF ZONING APPEALS
TOWN COUNCIL CHAMBERS/TELECONFERENCE
829 Pine Drive, Surfside Beach, SC 29575
Thursday, January 20, 2022 6:30 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. AGENDA APPROVAL
4. MINUTES APPROVAL - December 16, 2021 - to be approved at a later date
5. ELECTIONS - CHAIR & VICE-CHAIR
6. PUBLIC COMMENTS ON BUSINESS ITEM
7. BUSINESS ITEM

Appeal No. ZA2022-01 by Jeffery Wells requesting approval to build an addition within the required side yard setback. The owner request an 8' encroachment in the required 15' side yard setback. The property is located at 415A 5th Avenue South, Surfside Beach, SC PIN#46108030036

8. PUBLIC COMMENTS - General Comments
9. BOARD COMMENTS
10. ADJOURNMENT

ISSUE PAPER FOR ZONING BOARD OF APPEALS CONSIDERATION

Meeting Date: January 20, 2022

Prepared by: Sabrina Adair, Director, PB&Z

Agenda Item: 7

Subject: Appeal No. ZA2022-01 by Jeffery Wells requesting approval to build an addition within the required side yard setback. The owner request an 8' encroachment in the required 15' side yard setback. The property is located at 415A 5th Avenue South, Surfside Beach, SC PIN#46108030036

BACKGROUND:

The Applicant applied for a permit to add a 17'9" x 12' living room extension and an 18'x15'7" bedroom to the existing home. Prior to applying for the permit the applicant performed his due diligence by visiting the Planning, Building & Zoning Department and meeting with staff to discuss the addition. The applicant inquired about plans, flood requirements, setbacks and stormwater requirements, etc. A town staff member agreed to meet the applicant on site, along with the applicant's contractor to make sure there would be no concerns with setback requirements. The staff member took measurements of the property and informed the applicant he would have no problems with the request. He insisted the applicant could build out up to 18 ft. and still meet required setback requirements of 15 ft.. To reassure the property owners, the staff member visited the site more than once assuring no problems with setbacks.

The applicant then proceeded to have engineered plans drawn for submittal, had the stormwater requirements fulfilled and hired a surveyor to have a new survey drawn to show proposed addition. When the stormwater engineer reviewed the proposal he informed the applicant there was a problem with the side yard setback. According to the survey, the engineer explained the applicant could not build more than 6' in some areas and only 5' in others; not the 18' that staff had assured the applicant of having. The applicant then had another survey done to double check the location of the home and the existing setbacks. That survey also showed the proposed addition encroaching.

A mistake was made by staff while Mr. Wells was doing his due diligence to ensure he could build his addition at the size he requested. The owner relied on staff and their information prior to investing in engineered plans and multiple surveys.

Current staff did seek advice of the Town Attorney on this matter. It was recommended the applicant seek a variance.

Attached you will find a survey showing the property has an unusual shape with the right of way being much wider that other streets in town.

Other properties in the surrounding area do not have the irregular shape of this particular lot.

The property owner spent months designing and having the addition engineered based on his due diligence.

The property owner has notified the surrounding property owners and has indicated none have objected to the addition. The town has received no objections to the addition or the request for a variance.

ATTACHMENTS

Application for variance and applicants supporting documents
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
Plat of property and plat with dimensions for proposed addition drawn in.

VARIANCE APPLICATION

Date Received: 12/07/2021

Case # Z-A 2022-01

Please use additional paper if necessary, to elaborate on your responses to the questions about the request. You may handwrite your responses or type them.

PROPERTY INFORMATION

Street address of subject property: 415A 5th Avenue South, Surfside Beach, SC 29575

PIN number of subject property: 46108030036

Property restrictions

Do any recorded deed restrictions or restrictive covenants apply to this property that would prohibit, conflict with, or be contrary to the activity you are requesting? For example, does your homeowner's association or property owners association prohibit the activity or need to approve it first? Yes No X

If yes, please describe the requirements:

APPLICANT/PROPERTY OWNER INFORMATION

Table with 4 columns: Applicant's name, Mailing address, Phone number, Email address. Row 1: Jeff Wells, 415A 5th Avenue South Surfside Beach, SC 29575, 704-902-6952

Are you the owner of the subject property? [X] Yes [] No

If you are not the owner of the subject property, what is your relationship to it (e.g., have it under contract to purchase, tenant, contractor, real estate agent)

I certify that I have completely read this application and instructions, that I understand the requirements, and that the information in the application and the attached forms is correct.

Signature: [Handwritten Signature] Date: 12-10-2021

If you are not the owner of the subject property, the property owner must complete this box.

Form box for property owner information including fields for Name of property owner, relationship, permission statement, signature, date, preferred phone number, email address, and mailing address.

INFORMATION ABOUT REQUEST

General description of your request

Requesting a variance to allow for an encroachment of 8 feet into the side yard setback requirement of 15 ft.

Findings of fact

Under state law, in order to grant a variance, the Board of Zoning Appeals must find that **all four** of the following statements are true about your request. Please explain why you believe your request is true regarding these four statements.

1. Your land has extraordinary and exceptional conditions that pertain to it.

The property ha an irregular shape and the home is considered "existing non-conforming". The zoning ordinance has been amended since our home was built placing the front in what is now considered the side yard. 5th Ave South has a greater right of way than most side streets in the town and what was through to be our property has now turned out to be the right of way.

2. Other property in the vicinity of your land does not generally have those same extraordinary and exceptional conditions.

The property is a duplex and because of the odd shape of the parcel and the zoning amendment making our home non-conforming other properties in the area do not have this problem which makes my request extraordinary and and exceptional hardship.

3. If the Town applied its regular zoning requirements to your property, your use of the land would be unreasonably restricted or effectively prohibited.

I did my due diligence in finding out all steps I needed to take prior to adding the additional square footage to my home. I sought information from the Planning and Zoning department. A former town staff member came to my property twice to measure my property and to ensure I could do what I was proposing. Each time I was told "yes, you will have no problem". The town employee went on to say I could add up to 18' towards 5th Ave. South and still meet the required setback requirements. I had my plans prepared and proceeded. Once I had submitted my plans soon after I was told I did not meet the setback. Thats when I was also made aware that my home was "existing non-conforming" I relied on the knowledge of the town staff that came to my home and assured me that I would receive approval before I invested in multiple sets of building plans and surveys.

4. If the Zoning Board of Appeals grants the variance request, it will not harm adjacent land or the public good.

The surrounding properties will not be impacted at all of the variance is granted. It will be constructed in good taste and not be a monstrosity but will be at a normal scale addition to my bedroom and living room.

Exhibits

Please list any documents that you are submitting in support of this application. The ones listed below are suggested, but you may provide others that you believe would be helpful, and in some cases, staff or the Zoning Board of Appeals may request other exhibits as well.

- ⇒ Site plan
- ⇒ Photos of the area of the property that is the subject of the request

Town Hall
210 US Highway 17 South
Surfside Beach, SC 29575-6097



Telephone: 843.913.6111
Facsimile: 843.839-3769
Email: Town@surfsidebeach.org
Web: www.surfsidebeach.org

Town of Surfside Beach
"The Family Beach"

December 28, 2021

Dear Property Owner,

The Board of Zoning Appeals of the Town of Surfside Beach, SC will hold a Public Hearing at 6:30PM on Thursday, January 20, 2022 in the Dick M. Johnson building located at 829 Pine Drive, Surfside Beach, SC 29575. The purpose of the hearing will be the following variance request:

Appeal # ZA2022-01 by Jeffery Wells requesting approval to build an addition within the required side yard setback. The owners requesting an 8' encroachment into the required 15' side yard setback. The property is located at 415A 5th Ave. South, Surfside Beach, SC 29575

You are being notified by letter of the public notice hearing because you own property that lies within 150 ft. from 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 by email to sadair@surfsidebeach.org.

Documents relating to the variance request are available for public inspection in the Planning, Building and Zoning Department at 210 Highway 17 South, Surfside Beach, SC 29575. You may contact the Planning, Building & Zoning Department if you should have any questions at 843-913-6341.

Sincerely,

A handwritten signature in blue ink that reads "Sabrina Adair".

Sabrina Adair
Director of Planning, Building & Zoning

Dedicated people providing quality and responsive service to our community.
210 US Highway 17 South – Surfside Beach, SC 29575-6097
www.surfsidebeach.org – town@surfsidebeach.org
843.913.6111 phone – 843.839-0057 fax

IZZO MARY ANN D
313 S MYRTLE DR
SURFSIDE BEACH , SC 29575

PICKETT CAROL A ETAL
315 MYRTLE DR
SURFSIDE BEACH , SC 29575

ROBINSON RICHARD SCHUYLER &
615 7TH AVE S
SURFSIDE BEACH , SC 29575

AMOS BARRY L ETAL
14601 SKYBIRD RD
CHESTERFIELD , VA 23838

YOUNG-COLLARI SARAH T ETAL
19 DEBRA LN
FRAMINGHAM , MA 01701

WELLS JEFFREY PAUL ETAL
415 5TH AVE S
SURFSIDE BEACH , SC 29575

OWENS H TOMMY
3301 CHERRYWOOD RD
FLORENCE , SC 29501

RAYMER JAMES B JR ETA
5432 VALLEY FORGE RD
CHARLOTTE , NC 28210

CLINE EUGENE JOSEPH & LORNA L
33 OAKRIDGE DR
BINGHAMTON , NY 13903

BARTON DANIEL
409 5TH AVE S
SURFSIDE BEACH , SC 29575

MADERT JOSEPH G JR ETAL
4910 PINE LAKES DR
MYRTLE BEACH , SC 29577

BISHOP BEACH HOUSE LLC
106 COLEY WAY
GREENVILLE , SC 29615

PISEGNA LILIANE TR ETAL
700 JULIANN WAY
MORGAN HILL , CA 95037

MELETES STEVE C JR & WENDY
320 S WILLOW DR
SURFSIDE BEACH , SC 29575

GRAY PAMELA TINDALL
316 S WILLOW DR
SURFSIDE BEACH , SC 29575

GLASS WILLIAM H ETAL
3011 GONEAWAY RD
CHARLOTTE , NC 28210

YOUNG DANNY R
312 S MYRTLE DR
SURFSIDE BEACH , SC 29575

SWEENEY BRADLEY D ETAL
PO BOX 14673
MYRTLE BEACH , SC 29587

PRICE WENDELL THOMAS JR &
MELINDA W
510 5TH AVE S
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GRIFFIN WAYNE T ETAL
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LAMBERT DOROTHY L
216 S MYRTLE DR
SURFSIDE BEACH , SC 29575

BEESON GILBERT W JR ETAL
1851 TWIN PONDS DR
HICKORY , NC 28602



NOTICE OF PUBLIC HEARING

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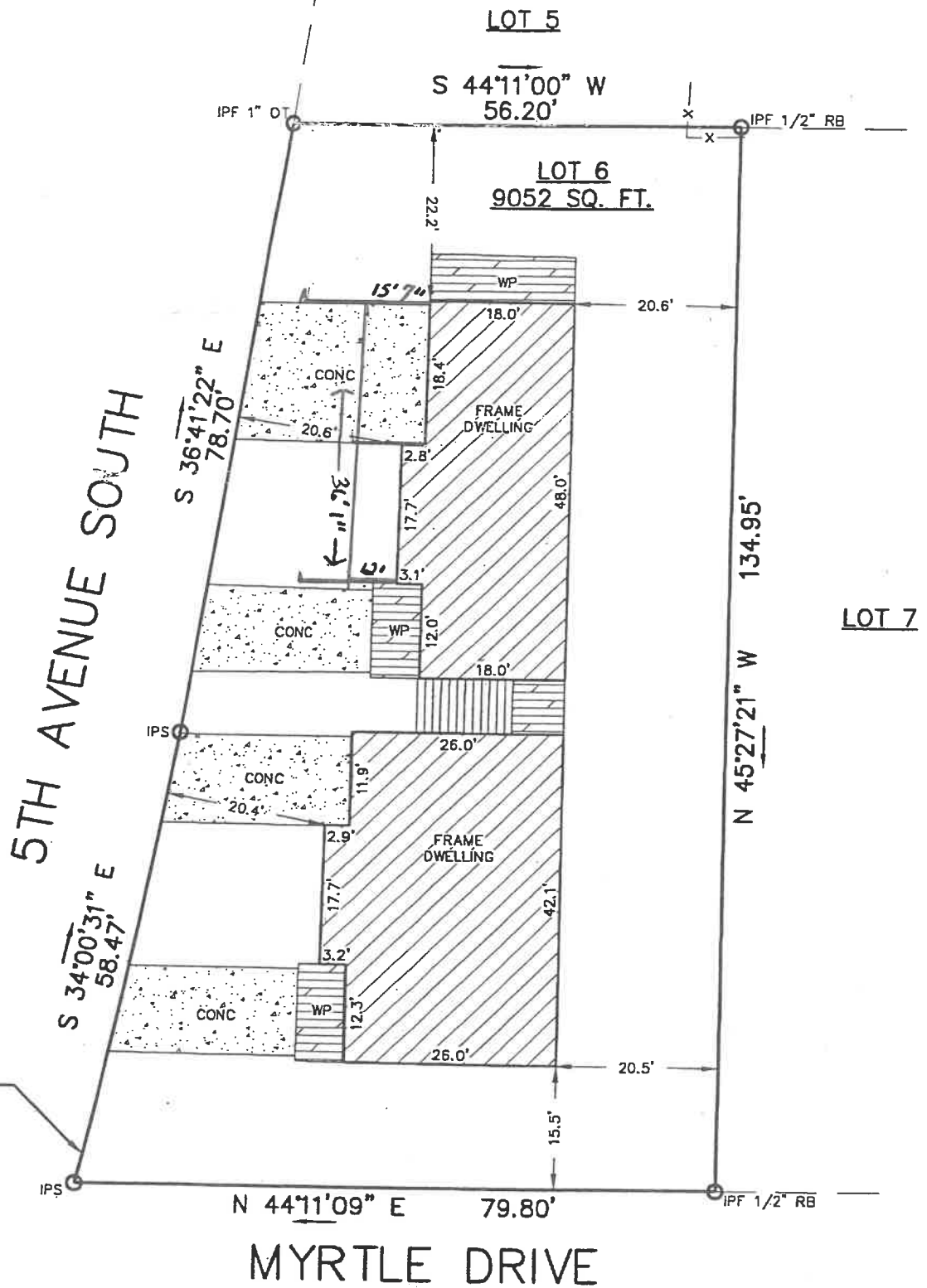
myhorrynews.com

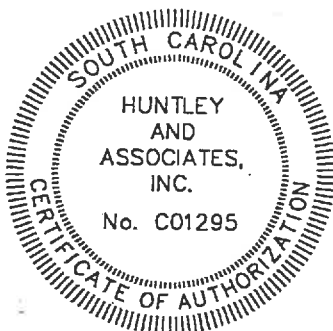
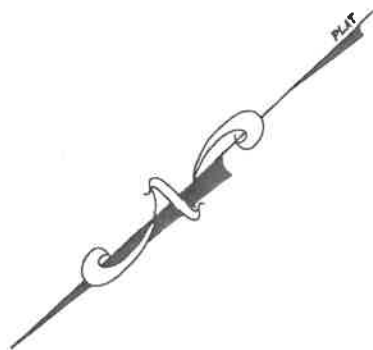
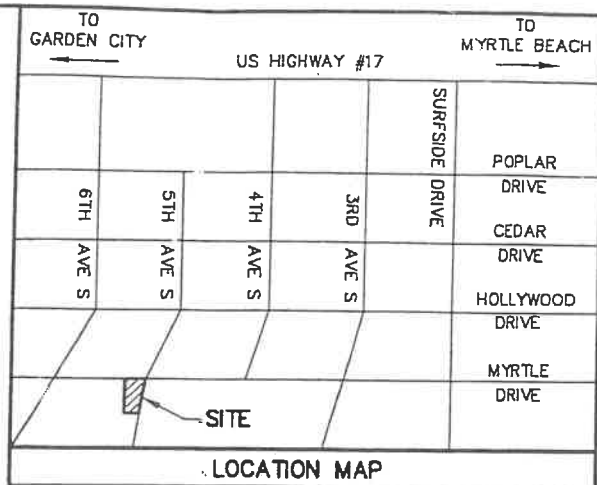
The local leader in community news

Murrtle Beach Herald

12/24/21

- RB = REBAR
- CONC = CONCRETE
- X- = WOOD FENCE
- WP = WOOD PORCH
- OT = OPEN TOP PIPE
- IPF = IRON PIN FOUND
- IPS = IRON PIN SET 1/2" REBAR



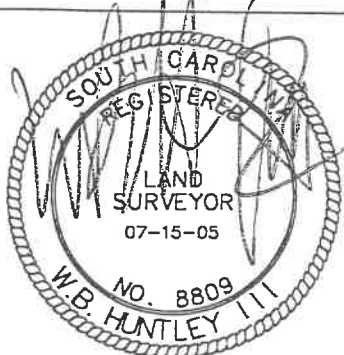


FIRM MAP #: 450111-0751-H
 DATED: 08-23-99 ZONE: "AE"
 ELEVATION: 14.0 (MSL)

NOTE: FLOOD ZONE LOCATIONS ARE SCALED FROM CURRENT FEMA RATE MAPS. SCALES VARY FROM 1"=500 TO 1"=2,000 AND ARE NOTED AS BEING APPROXIMATE ON SAID MAPS. HUNTLEY & ASSOCIATES, INC. DOES NOT CERTIFY TO OR ASSUME RESPONSIBILITY FOR THE ACCURACY OF THE FLOOD ZONE LINES.



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS 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 VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. THIS PROPERTY IS LOCATED IN A DESIGNATED FLOOD HAZARD AREA. NO CERTIFICATION IS MADE TO THE EXISTENCE OR NONEXISTENCE OF WETLANDS. THIS IS A RESURVEY OF A PIECE, PARCEL OR LOT OF LAND PREVIOUSLY RECORDED IN BOOK 17 PAGE 26. ALL DIMENSIONS RELATING TO STRUCTURES ARE TO OUTSIDE WALLS. THIS PLAT IS THE PROPERTY OF HUNTLEY AND ASSOCIATES, INC., IS CERTIFIED ONLY TO THE PERSONS OR ENTITY NAMED HEREIN, AND MUST HAVE AN ORIGINAL SIGNATURE AND RAISED SEAL TO BE VALID.



**STATE OF SOUTH CAROLINA
 HORRY COUNTY**

**OCEAN TERRACE SECTION
 LOT 6 - BLOCK 15**

SURVEY FOR
GLENN L. CRIBB

HUNTLEY
 & ASSOCIATES
 LAND SURVEYOR
 900 SOUTH POPLAR DRIVE
 SURFSIDE BEACH, S.C.
 (843) 238-8745
 FAX (843) 238-0458

REF. PLAT BOOK	17-26
REF. DEED BOOK	
TAX MAP	195-03-40-005
PARTY CHIEF	MLC
DRAWN	PHH
DATE	07-15-05
DWG. NO.	18020

RLS: W.B. HUNTLEY III
 NO: 8809