



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

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

1. CALL TO ORDER

- 2. PLEDGE OF ALLEGIANCE** Mr. Lanham moved to approve the agenda. Mr. Dougherty second. All voted in favor. Motion carried.

- 3. AGENDA APPROVAL** Mr. Taylor moved to approve the agenda. Mr. Lanham second. All voted in favor. Motion carried.

Mrs. Lauer made a motion to remove number 5, Elections. Mr. Taylor second. All voted in favor. Motion carried.

- 4. MINUTES APPROVAL** - December 16, 2021, to be approved at a later date.

5. PUBLIC COMMENTS ON BUSINESS ITEM

6. BUSINESS ITEM

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

Mrs. Adair, Planning Director, stated the applicant had previously applied for a permit to add an addition measuring 17'9 x 12, which would extend their living room. Mr. Wells met with staff in the Planning, Zoning and Building department to inquire about the process for the permit.

The staff member went out and did the measurements; he measured from the building out 15 feet and told the property owner that he could actually build out 18 feet. This was an error. The staff member probably did not realize that Mr. Well's property ended at the fence.

Mrs. Adair stated she visited the site to remeasure. This property is actually a duplex connected by a stairwell. The applicant can only build eight feet.

Mister Wells did his due diligence to ensure that you can build this addition, including having multiple surveys done. The error was not found until the Stormwater plan was done.

Mr. Murdock asked if there was a reason that this right of way was so large. Mrs. Adair said she did reach out to the Public Works department, but they did not answer.

Mrs. Adair stated Mr. Wells has all his plans in but cannot be reviewed unless this application is approved. The current staff consulted with the Town Attorney, and her recommendation was to move forward with a variance application.

Mr. Well's, the applicant, stated that he has always tried to do the right thing and follow the process for over a year now. I have \$5,700 invested in this project to this point. Every time something was submitted, I was asked for something else.

Mr. Dougherty made a motion to approve the variance. Mr. Murdock second.

Mr. Lanham commented that the committee would probably not approve this with an 8-foot encroachment in a 15-foot setback. This is a tough situation. But also, the applicant has spent a lot of money so far. I think the least the town could do is refund his money.

Mr. Taylor stated these are two separate issues. The applicant was misinformed, and on the other side, they spent a lot of money. I agree that there should be some remedy for the money he spent. But, with this board, I do not believe it meets the four criteria.

Mr. Murdock stated that since this is such a strange lot, a nonconforming lot with a nonconforming use, this situation would probably not arise again. And should something happen to the structure, it would not be replaced with the current. This would still have to meet all the other criteria for the building permit. I would consider approving this application.

Mr. Dougherty, Mrs. Lauer, Mrs. Belanger, and Mr. Murdock voted favor. Mr. Lanham, Mr. Taylor and Chairman Wilm voted against it. **Motion carried.**

8. PUBLIC COMMENTS - A resident asked why would the stormwater plan not be reviewed before moving forward with the permit process, which would cause the applicant to incur more cost.

Mrs. Adair stated we have an in-house review for stormwater. They have to meet the stormwater requirements. Should the applicant not meet them, he would have to take it back to his engineer for revision.

9. BOARD COMMENTS

Mr. Murdock stated that when we have something in front of this board and only address what's directly in front of us, we have to answer the specific question. It still has to meet all of the criteria, and it still has all of the other things. Whether it be your stormwater, whether it be wind load, you know, all of that stuff, We only have a very small, little corner of the world we're speaking to.

Mr. Taylor stated I'd like to re-iterate and thank the people who have come out, that are interested in these issues. This board takes this very seriously, and we look at every one of these applications very seriously. And we rely on the town and the employees to provide us with the information. Surfside Has a lot of unique lots and situations.

Mr. Lanham spoke about two past applications. In those applications, there was mention of the American Disabilities Act. Mr. Lanham requested more information on that.

10. ADJOURNMENT Chairman Wilm adjourned the meeting at 7:10 p.m.

Respectfully Submitted

Sheri L Medina