



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, May 19, 2022 6:30 p.m.

1. **CALL TO ORDER** Chairman Willm called the meeting to order at 6:30 p.m. Members present: Chairman Willm, and Members, Lanham, Lauer, Murdock, Taylor and. Also, present Director Sabrina Adair and Town Clerk Medina. Absent: Belanger and Dougherty.
2. **PLEDGE OF ALLEGIANCE** Chairman Wilm led in the Pledge of Allegiance.
3. **AGENDA APPROVAL** Mr. Taylor made a motion to approve the agenda, and Mrs. Lauer seconded. All voted in favor. Motion Carried.
4. **MINUTES APPROVAL** - March 17, 2022
Mrs. Lauer made a motion to approve the minutes as presented, and Mr. Taylor seconded. All voted in favor. Motion Carried.
5. **PUBLIC COMMENTS ON BUSINESS ITEM** None
6. **BUSINESS ITEM**
 - a. Appeal No. ZA2022-03 by Harry Altman, Trustee for Surfside United Methodist Church, requests approval to remove a Hickory Tree that was denied removal by the Town's Code Enforcement Official at 800 13th Avenue N. Surfside Beach, SC 29575

Chairman Wilm stated I will recuse myself from the vote. I attend the same church as Harry Altman.

Carlton Kuhlmeier, Code Enforcement Officer, stated we got a request to remove 4 Hickory trees at the church. I took a look at the trees, and there was only one that showed visible disease or death. So I authorized that to be removed. That was not the tree in question. The one tree in front of the church is the one they want to remove. They believe the squirrels are getting into the church from that tree. But there is no actual proof that's happening. Based on the code, I didn't find any reason for the tree to be removed. It appeared healthy and is not within 10 feet of the primary structure, and does not seem to pose a hazard to the building, pedestrian or vehicle traffic. So ultimately, I had to deny it.

The application was to remove four trees. That particular one they wanted to be removed in front of the church, that's the one they wanted to be removed. But I did not find anything in the code that would authorize me to allow it to be removed. Especially the Hickories being one of the protective treats. We offered the applicant that they get an arborist to look at it.

Mr. Murdock stated, Carlton, I was over speaking with Director Adair several months ago, and if I understand correctly, this is the new tree ordinance that was adopted. Also, there is a discussion that the tree ordinance will be revised again. Is there anything that would have allowed this tree to be removed?

Mr. Kuhlmeier stated no.

Mr. Taylor made a motion to deny the request based on the information presented that the tree has been determined to be healthy and not within 10 feet of the building. Mr. Lanham second. All voted in favor. **Motion carried.**

Mr. Lanham stated that this is not only a problem for the church. Many have had issues with squirrels.

Mr. Murdock stated he has many concerns with the Tree Ordinance.

- b. Appeal No. 2002-04 by Simon Phillips requesting relief from a fine imposed by the Code Enforcement official for the removal of a protected tree without approval or permit at 319 17th Avenue N. Surfside Beach, SC 29575

Carlton Kuhlmeier, Code Enforcement Officer, stated he was performing an inspection at the vacant lot next to the applicant's property. I remembered the cedar tree when I authorized the previous one because I knew that that was a protected tree. So I made contact with the occupants next door as it was on their property. I asked if they had taken it down or a landscaping company. The homeowner stated he did it himself. I explained that they were most likely going to be receiving a letter and a fine from me. It was a fairly large cedar tree.

I didn't visibly inspect it because it wasn't on the application to be removed, but I did not notice any death, decay, or reason that would've authorized the tree to come down. It was not close to the structure or within 10 feet. It did not appear to pose a hazard to the primary structure or pedestrian-vehicle traffic.

Mr. Taylor asked if the applicant had obtained a permit, would you have allowed it to be removed.

Mr. Kuhlmeier stated upon inspection of the stump; that there did not appear to be any decay.

Mr. Phillips stated my request is to impose a fine for removing a limb over eight inches in diameter in lieu of the penalty for removing a tree. The lot next to my property was a vacant wooded lot. That wooded lot has grown right up next to my cedar tree. As I noted in there, vines covered that side of the tree and just about killed that whole side of the tree. And once we cut the limb off, that's when we notice disease in the tree. It did not look healthy. We we're concerned about the tree falling at that point. We went to get a rope to tie to the tree. We were worried that it could fall into the house if we left the tree standing. So we cut it.

Mr. Lanham asked if a permit is always required to remove a limb or a tree. Mr. Kuhlmeier stated any over 8 inches.

Mr. Taylor asked how far away is the tree from the house. Mr. Simon stated 30 feet.

Mr. Murdock made a motion to deny the application. Mrs. Lauer second.

Mr. Murdock stated this is not a traditional application. Here we are hearing an appeal of a code enforcement decision. I think the decision from the code official is a \$2,500 fine. I don't know that we have a lot of latitude to reduce this fine. I don't think it is within our pervue to address that.

Which, then, could be appealed to us because then that would give us, in terms of flexibility, to read some gray, but, as I'm reading this, they're just not in the gray, and I think that that's a legislative thing I think that needs to be taken care of in the ordinance.

All voted in favor of denying the application. Motion carried.

7. PUBLIC COMMENTS -

a. Simon Phillips asked if he had any further recourse with the penalty.

8. BOARD COMMENTS -

a. Phil Murdock Mr. Murdock stated that I have concerns about the Tree Ordinance. I've had a lot of discussions as a builder and do a lot of building in town. I've had a lot of interaction with citizens of the town regarding the tree ordinance.

Some of the work that happened on the tree ordinance when it was passed was during COVID. I don't think that was maybe the most conducive time period to be working on a significant piece of legislation, especially one that will cause some controversy. I think there needs to be more work done on it.

b. Chairman Wilm stated as far as further recourse, try to go back to the Town Administrator.

9. **ADJOURNMENT** Mr. Lanham made a motion to adjourn at 7:06 p.m. Mr. Taylor second. All voted in favor. Motion carried.

Respectfully submitted

Sheri L Medina