



**BOARD OF ZONING APPEALS MEETING MINUTES  
TOWN OF SURFSIDE BEACH  
SURFSIDE BEACH FIRE STATION  
MARCH 29, 2016 ♦ 6:30 p.m.**

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7 **1. CALL TO ORDER.** Chairman Ott called the meeting to order at 6:30 p.m. Members present:  
8 Chairman Ott, Vice Chairman Willm, and members Courtney, Lauer, Lanham, Murdock and Watson. A  
9 quorum was present. Others present: Town Clerk Herrmann and Building, Planning & Zoning Director  
10 Morris.

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12 **2. PLEDGE OF ALLEGIANCE.** Chairman Ott led the Pledge of Allegiance.

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14 **3. AGENDA APPROVAL.** Mr. Lanham moved to approve the agenda. Ms. Watson second. All  
15 voted in favor. **MOTION CARRIED.**

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17 **4. MINUTES APPROVAL – November 30, 2015.** Mr. Courtney moved to approve the November  
18 30, 2015 minutes. Ms. Lauer second. All voted in favor. **MOTION FAILED.**

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20 **5. ELECTION OF OFFICERS.**

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22 Ms. Watson moved to elect Mr. Ott chairman. Mr. Lanham second. All voted in favor. **MOTION**  
23 **CARRIED.**

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25 Mr. Lanham moved to elect Mr. Willm vice-chairman. Mr. Ott second. All voted in favor.  
26 **MOTION CARRIED.**

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28 **6. HEARING APPEAL. (This portion verbatim.)**

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30 Appeal No. ZA2016-01 Ms. Wanda Todd requests a variance from Section 17-408 (for an existing  
31 carport) to allow for the carport to be moved 5' closer to the side property line in order to save a landmark  
32 Oak Tree. Chairman Ott opened the hearing at 6:31 p.m.

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34 **A. Appellant Recitals.**

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36 Chairman Ott speaking to Ms. Todd: Do you promise to tell the truth, the whole truth and nothing  
37 but the truth, so help you God? Ms. Todd: I do.

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39 Ms. Todd: I have a carport on my property, a metal carport that I've had, and I have a landmark  
40 tree, an oak, that's pressing against it, and pushing it. It's already dented it in and it's pushing it. All I  
41 want to do is just move the carport over like two or three feet to get it off the tree. I'd like to save the tree.  
42 I don't want the tree damaged.

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44 **B. Staff Recitals.**

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46 Ms. Morris: I hope most of you got to go by the property. Actually, I went to Ms. Todd's house,  
47 because she had another tree, not protected, in the rear of her property that really needed to be removed.  
48 While we were there, we were talking about it, I saw the problem with the existing carport and the  
49 protected tree. Actually had an arborist go look at it; just to drive by and look at it. He said the tree is well  
50 over 30-inches in diameter. It's a very old tree. He said between 150 and 200 years old. It is a landmark  
51 tree in the town. It's a Laurel Oak, and there are other trees around it, but they're not protected like this  
52 one. The tree, if you get closer to it, you can see that the carport is right up against the tree itself, which  
53 is messing with the bark, which could certainly cause ants, and any other kind of insect to get into the  
54 tree, and cause damage to that tree. When I spoke to Ms. Todd, she had, she did not want to go all the  
55 way over, although the neighbor did say she was fine with it going over. She only wanted, and on the  
56 agenda it says 5-feet, she actually, and correct me if I'm wrong, Ms. Todd, she actually just wants to go

57 over just past this (*indicating post on photograph*) and go up a little bit. So, you're looking at about 3-feet  
58 as opposed to 5-feet. You still have 8-feet on the side with the (\*\*) property owner. I know the ordinance  
59 does, it allows for a garage, you have to, a carport or a garage generally would not be allowed in the front  
60 yard unless it's attached. This one is attached. It would have to be 10-feet from the property line on the  
61 side, so we're asking for a variance to save that tree of 3-feet to go over. So, if you have any questions,  
62 I'll be glad to answer them.

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64 **C. Q&A with Sworn Individuals.**

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66 Chairman Ott: Were all the people in the immediate area notified?

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68 Ms. Morris: They were notified, and a sign was posted. You can see the sign at the bottom of  
69 the photograph, and we haven't heard from anybody.

70  
71 Mr. Lanham: What species?

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73 Ms. Morris: It's a Laurel Oak.

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75 Mr. Courtney: Was a permit on it, on the carport?

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77 Ms. Morris: Yes. The permit for the carport was issued in November 1995, so it's been there  
78 quite a while.

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80 Ms. Watson: [Ms. Morris,] what happens to that spot on the tree where that carport is touching,  
81 once the carport is moved? Do they put tar on it? What do they do with it?

82  
83 Ms. Morris: To be honest with you, our arborist, the arborist that I spoke to said he'd like to see it  
84 and then he can tell her what to do, because for some reason they don't recommend tar anymore. But,  
85 there is something that would protect the tree after she moves it.

86  
87 Ms. Todd: The tree on the other side of it (\*\*). [Hurricane] Hugo cut it off, and it bent it over and  
88 so it's got a limb that goes all the way over that probably about this big around (*indicated size with*  
89 *hands*). But, then the tree came straight up from that limb, and so we wanted to save it, because it's  
90 really unique, and so it got diseased, and so when my husband was alive he contacted somebody about  
91 it. They gave him some foam that is like flesh-colored that was put in the diseased part. He cleaned it  
92 out and put it in there, and that was years ago and it's still, the foam is still there, and it's still, the tree is  
93 still growing.

94  
95 Ms. Morris: Well, we would certainly have the arborist look at it again once, if it is approved and  
96 it's moved.

97  
98 Mr. Lanham: So the neighbors on the other side don't have a problem with it only three feet.

99  
100 Ms. Morris: No, sir.

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102 Ms. Lauer: Now I notice when looking at the picture there's a pole. Are we going as far over, is  
103 that the end of her property line?

104  
105 Ms. Morris: Yes, we're not going that far. From the, and I wish you had, actually the picture that  
106 you have is better than mine. But from this side that you're talking about, there are only, it's ten feet from  
107 that side to the property line. They are only wanting to go over three feet.

108  
109 Ms. Lauer: Right, and they are moving it up next to the house?

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111 Ms. Morris: Right, they are gonna move it back this way, and then move it up a few feet so she  
112 can get out of her car and actually get in the house without getting wet.

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Mr. Lanham: So there's no variance to move forward?

Ms. Morris: No, just the side.

Mr. Courtney: So the setback is 10-feet on each side of the property?

Ms. Morris: Yes.

Ms. Lauer: And it would still remain 10-feet when she moves it?

Ms. Morris: It will be 8-feet, so she's asking for the (\*\*).

Ms. Lauer: Do you have one car or two?

Ms. Todd: Two.

Chairman Ott: I'm gonna open the floor to anybody in our audience that would like to speak on behalf of or against the moving of this carport. Is there anybody? No, I don't see anybody. No hands are raised.

Ms. Lauer: I just have one question. I'm not familiar with carports like this. Are they anchored into the ground in cement, or are they (\*\*).

Ms. Todd: They are metal. They've got metal strips. The posts are connected to the metal and it's submerged in the concrete.

Ms. Lauer: Okay, thank you.

Chairman Ott closed the hearing at 6:41 p.m.

**ii. Business – Motion on Appeal #ZA2016-01.** Mr. Murdock said the code was amended to give the board of zoning appeals the specific power to grant a variance to save a landmark tree, and moved to grant the variance as requested. Ms. Watson and Mr. Courtney second. After discussion, Mr. Lanham moved to have the carport moved back to its original location if the tree was removed. Mr. Murdock accepted the friendly amendment. After additional discussion, Ms. Watson objected to the amendment saying it would place an onerous burden on the homeowner. Members Courtney, Lauer, and Willm also objected. Mr. Murdock rejected the amendment citing it was "unfriendly."

Chairman Ott called for a separate vote on the amendment to require the carport to be moved back to the original location in the event the tree was removed. Mr. Lanham was concerned about how the variance would affect future landowners. Ms. Herrmann explained that the variance would become a matter of public record and run with the land transferring to any future owners. All voted against the amendment. **MOTION TO AMEND FAILED.**

Chairman Ott called for a vote on the original motion to approve the three foot variance as requested. All voted in favor. **MOTION CARRIED. Variance granted.**

**7. PUBLIC COMMENTS.** There were no public comments.

**8. BOARD COMMENTS.**

Mr. Murdock said he was looking forward to a tour of the firehouse.

Mr. Courtney told Ms. Todd he was very happy they could help her today. The oak tree is a very nice tree.

Board of Zoning Appeals  
March 29, 2016

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Ms. Lauer thanked everyone for coming.

Mr. Willm apologized for being a few minutes late. He wished the three board members running for town council good luck.

Ms. Watson told Mr. Willm he was elected vice chairman before he arrived. *(Laughter.)*

Chairman Ott thanked everyone for attending.

**8. ADJOURNMENT.** Mr. Lanham moved to adjourn at 6:50 p.m. Mr. Courtney seconded. All voted in favor. **MOTION CARRIED.**

Prepared and submitted by,

\_\_\_\_\_  
Debra E. Herrmann, CMC, Town Clerk

Approved: \_\_\_\_\_

\_\_\_\_\_  
Ron Ott, Chairman

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Darrell Willm, Vice Chairman

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Timothy Courtney, Board Member

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Terri Lauer, Board Member

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Guy Lanham, Board Member

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Phil Murdock, Board Member

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Holly Watson, Board Member

Note: Be advised that these minutes represent a summary of items with a verbatim transcript of the hearing section insofar as can be determined by the recording thereof and are not intended to represent a full transcript of the meeting. The audio recording of the meeting is available upon request; please provide a flash drive on which to copy the audio file. An agenda of this meeting was published pursuant to FOIA §30-4-80(a) including publishing on the town website; sent to the town's email subscription service, and the agenda was posted outside the Surfside Beach Fire Station. Meeting notice was also posted on the town marquee.