



BOARD OF ZONING APPEALS MEETING MINUTES
TOWN OF SURFSIDE BEACH
TOWN COUNCIL CHAMBERS
May 25, 2017 ♦ 6:30 p.m.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

1. CALL TO ORDER. Chairman Willm called the meeting to order at 6:30 p.m. Members present: Chairman Willm, Vice-Chairman Watson, and members McKeen, Murdock, and Taylor. Members Lauer and Lanham were absent. A quorum was present. Others present: Town Clerk Herrmann and Building, Planning & Zoning Director Morris.

2. PLEDGE OF ALLEGIANCE. Chairman Willm led the Pledge of Allegiance.

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

4. MINUTES APPROVAL. Chairman Willm said that minutes from the May 4th meeting will be presented for approval at the next meeting.

5. PUBLIC COMMENTS ON BUSINESS ITEMS. There were no public comments.

6. BUSINESS. Appeal No. ZA2017-02 by Tom and Marsha Evans requesting a variance from Section 17-320(1) of the Zoning Ordinance to allow for encroachment into the front yard setback of property located at 316 Melody Lane, Surfside Beach, SC (TMP#195-07-03-033).

Mr. Evans: My name is Tom Evans.

Chairman Willm: I need to swear you in. Do you promise to tell the truth, the whole truth, and nothing but the truth?

Mr. Evans: I do. My wife's name is Marsha. I'm not sure how that's spelled it on there.

Ms. Herrmann: It's spelled 'Laura' on the documents.

Mr. Evans: It's Marsha, M-a-r-s-h-a. We purchased the residence at 316 Melody Lane last September. We liked it, because it is old and it was on the ground; not steps. When we looked at it, we really didn't realize, even though it had a survey that the setback would not allow for front porch. I was thinking that I would probably have at least 10 feet. After the survey, it looks like we were at 28.9 to the setback instead of at least 35. So, anyway that was the; that was looking at there. But, the real reason or one of the real reasons is the residence does not have a natural front door. The house was built in the 60s. It had been added on previously, and had a kitchen added on, and there is a door down the side. But it didn't have a natural front door. The way the furniture is arranged in the house now, you have to go through the kitchen to get into the house. That was one of the big deals. Aesthetically, I think it looks more appealing, more curb appeal, if we could have had a front door. Of course, we like to be outside. We like the porch. It does have a side screened porch. But nothing like a natural front porch. The other thing is we were having some roof work done on the back of the house previously. It had part of a flat roof. We had that replaced and we're having new tin put on, and I'd like to have it all done at the same time. So that was why we came here in for the variance at this time. I'd be glad to ask, answer any questions, if I can. I think I did provide a picture of what the proposed porch was supposed to look like. That's a picture that we had. With tin, it won't be gable, it will like a semi-shed roof. We'll not have railings, because it will be right on the ground. We do have like a 7 foot picture window across the front of the house now that will be underneath the [porch roof] and the door, if you're facing the house, will be to the left of that picture window. That is the proposed variance. The depth of the porch would be 9 feet, so we would be actually [asking for] a variance of five feet towards the road. It would be about 18 feet wide. So, we'd be open. It doesn't obstruct the view. We have two sisters that live in Bethune, South Carolina, on the left side of house. They own the house. Their other sister is passed away. They inherited

Board of Zoning Appeals
May 25, 2017

54 it. Ms. Ruby Milligan is on the right side of us. Neither one of those people does it obstructs any of their
55 view as far as the porch, because it is an open porch. Most of the people on the block that were on, on
56 Melody Lane all have porches, and they have front doors. A lot of those were built after we were. Some
57 of 'em. I'm not sure when the zoning changed as far as the setbacks. I know the setback on Melody is
58 different because of the right-of-way of the main street. I know the setback for different for the 200
59 block, because that is rental property down there. But, anyways, there are people on the 300 block of
60 Melody that are closer to the road than we are.

61
62 Chairman Willm: Mr. Heleine, would you like to present for the town.

63 Mr. Heleine: Yes, sir.

64 Chairman Willm: Do you swear to tell the truth, the whole truth, nothing but the truth?

65 Mr. Heleine: Yes, sir. I'm gonna set up a slide show to go through. Mr. and Mrs. Evans would
66 like to add a front door and subsequently a front porch. The home currently has no front door. You enter
67 from the side. They would like add a more aesthetically pleasing entrance to help blend the home into
68 the neighborhood. The proposed porch would encroach 5 feet into the front setback. *(Several photos*
69 *displayed)* See here that they're sitting at 28.87 feet from the setbacks. Their setback in that zone is 25
70 feet from the front, 10 from the sides and 20 from the rear. This is what home currently sits and looks
71 like. This is an example of the front porch. The picture that is in the packet. It would go in this area here;
72 approximately 19 feet x 9. Any questions?

73
74 Mr. Murdock: Could you go back to that first slide? So currently it's a 28.87, so they put a 9,
75 they put a 9 foot porch on it, it's actually gonna be sitting at just under 20 feet? Is that right?

76 Mr. Heleine: They'll be in the setback 5 feet, yes, sir.

77 Mr. Murdock: Okay. I thought I saw a drawing here. Okay, so I'm sorry. I misunderstood the 17
78 on this drawing is actually; must be the width.

79 Mr. Heleine: The width.

80 Mr. Murdock: And the 25 foot is particular to Melody, is that?

81 Mr. Heleine: That's the zone R2.

82 Mr. Murdock: Zone R2.

83 Mr. Heleine: Zone R2, a residential 2, and has a 25 foot setback from the front.

84
85 Chairman Willm: Do you know when these zones [were established?]

86 Mr. Heleine: When these zones were established? No, sir, I do not.

87 Chairman Willm: As it stands now this house currently is in compliance?

88 Mr. Heleine: Currently as it sits, yes, sir.

89
90 Mr. McKeen: There is a house towards the beach, may two or three houses closer than they are
91 that are quite a bit further front forward compared to all the houses along that stretch. You know how far
92 that house goes into the ...

93 Mr. Heleine: No, sir.

94
95 Mr. Murdock: Do you know about when this house was built?

96 Mr. Evans: 1960 is what the tax records show. The previous buyer bought it in the earlier mid-
97 90s. He didn't have any (**), so I'm not sure when that side addition was added. You know, we've tried
98 to find some pictures. There's a couple of other houses that are around Surfside that are concrete block
99 houses. But it looks like most of them were designed; most of those houses were designed without a
100 front door it appears. Looks like most of them had side entries for whatever reason. It looks like a lot of
101 those might've initially had like an open carport down the side and they just put one door, because this
102 house didn't have a rear door. It had one in the kitchen, and that was it.

103
104 Ms. Watson: I have a question. Are they going to raise the roof, because, I don't see how you're
105 gonna put a porch on unless you increase the height of the roof?

106 Mr. Heleine: The current; the way the design is, it will become the peak of the; this is this is the

Board of Zoning Appeals
May 25, 2017

107 new addition of the shed to the roof; to the front of the house. The shed roof will peak to the original the
108 original height of house.

109 Ms. Watson: You won't be any higher.

110 Mr. Heleine: You won't get any higher. It'll be metal and pitch out a little farther.

111 Mr. Evans: So instead of having a gable like most front porches, it actually has more of a shed
112 roof and runs back with the same pitch of the original roof, so it doesn't obstruct any view, even if there
113 was somebody to the left or the right. The way the porch is designed, you would still be able to see over
114 that roof.

115
116 Chairman Willm: Any other questions? I'll entertain a motion.

117 Ms. Watson: Mr. Chairman, I make a motion that we approve the zoning variance. I find that it
118 meets all the criteria; it would be a substantial improvement to what is there now. And as long as they
119 are replacing the metal roof, they would just continue it on to this new porch. I've ridden that whole
120 block and you have houses that are encroaching further forward than this one, even with the porch. So
121 you have several that are ...

122 Chairman Willm: So, we've got a motion on the table. Is there a second to that motion?

123 Mr. Murdock: Mr. Chairman, I have a soft spot for properties that were built prior to zoning, so I
124 second that motion with the understanding that it's not to exceed 20 feet, so the setback would be 20
125 foot.

126 Chairman Willm: We have a second. Okay, we're open for discussion.

127
128 Mr. Taylor: Mr. Chairman, if I could, there's no question in my mind that this would enhance the
129 neighborhood, and it, it would add to the aesthetics and value of your house, but having to live within
130 the rules that were given that the setback the 25 foot existed when he bought the house. You're at 28
131 feet now, which would give you room to put a front door in and a stepped porch, not a, not a covered
132 porch. I just can't in my mind get around that this is a hardship. You know, it existed when you
133 purchased the home. I understand and suspect that, you know, none of us really look into what setbacks
134 are and what the rules are when we buy house. But, unfortunately, we have some rules that we have to
135 abide by as the board of zoning appeals. I just don't see a hardship here. So, I really, personally, cannot
136 vote to approve the variance.

137 Ms. Evans: But aesthetically, don't you think it would look better than just a stoop?

138 Mr. Taylor: Well, there's no question that it would be better aesthetically, but, unfortunately, we
139 have; we are a legal entity that has to abide by rules that, whether we agree with them or not, you
140 know, I may not agree with the 25 foot setback, personally, but that's what I'm dealt, and that's what I
141 have to rule based on.

142 Ms. Evans: Yes, sir.

143 Mr. Evans: Well, when I think about 25 foot setback, I would think it would be more applicable
144 to living area. Not a porch, because, you know, if worse comes to worse, and, and you had to tear down,
145 we're talking about a porch. We're not talking about livable areas.

146 Mr. Taylor: I would refer that to our code enforcement.

147 Chairman Willm: As we said, I have to echo that this is a judicial thing and we're basically, we
148 are stuck with; not stuck with, we were given the four criteria to go with. Like I said, anything decision
149 for or against any appeal can be appealed to the Circuit Court. So we have to follow these as we interpret
150 them ourselves. I kind of agree with what was previously said that it's; the zoning hadn't changed.
151 Sometimes, if the zoning has changed after you bought the house with other plans that was to me that's
152 unreasonably restricted. In my case, I kind of have to agree that this is with a house in usable; we don't
153 set the law or what zoning is. A further extension of the house, whether it's the roof or whatever it is
154 outside the house is what the zoning states.

155
156 Mr. McKeen: I have a question for Mr. Heleine. In that setback would they be allowed to put a,
157 like an inter-locking brick patio in there? Would that be allowed to encroach into the setback?

158 Mr. Heleine: Typically nothing is allowed to encroach in the setback, unless approved otherwise.
159 So be it a floating wood deck or a brick foundation, nothing is allowed to encroach the setbacks.

Board of Zoning Appeals
May 25, 2017

160 Mr. McKeen: Okay, how about a retractable awning that is just, can be lowered and withdrawn?
161 Would that be permitted?

162 Mr. Heleine: I can see how that would be permitted, yes, sir.

163 Mr. McKeen: See, I'm caught in between here with the comments of the chairman who said we
164 have to follow these, these legal, this legal guidance, and my colleague here to the right who has a soft
165 spot for, for especially older homes, and my personal view would be that I'm a real proponent of
166 homeowners' rights. But, you know, we have laws we have to follow here, and even though I personally
167 think people should be able to do with their property what they would like to do, the laws won't let me
168 vote in that way and right now, I'm on the fence. Either way here, I'm not sure which way I'm gonna go.
169 I'm hoping my colleagues will have some further discussion that will swing me either way.

170 Mr. Murdock: I guess I would, I just would weigh in that obviously, if the law was the law, and
171 there was no countenance for any variation in the law there would be no such thing as a variance. I look
172 at this more along the lines of there is legal precedent that we must follow, but really a variance is
173 working equity, and is there is equity here. That's where I have a soft spot for a house that was built
174 prior to the imposition of, you know, the imposition of zoning. Now, we did have a similar situation back
175 a number of years ago. I think when I first came on, and I think I took that same position. In that
176 particular case, the homeowner in question actually owned the property, I think through that time period
177 before the imposition of zoning. And this board at that time actually did not approve it, even though both
178 the property was built before, and the ownership existed before. I think I was the sole person who voted
179 against that or voted for that at that time. So, certainly there is precedence in this board against the
180 matter. So, I'm saying that for full disclosure.

181 Chairman Willm: And to clarify what I said before, as far as zoning changes at the time the
182 house was built, there was no zoning rule. But, from the time the house was purchased, these rules were
183 in place, and kind of, and part of what we do, though, we don't we don't set precedents. So, each case
184 we look at is on its own merits. So, regardless of how we ruled on previous things that's not taken into
185 account for each of these appeals. We take them all on their own merits and their own case.

186
187 Ms. Watson: Mr. Chairman, I'd like to make a note that this home does not right now have a
188 proper ingress or egress. They have no front door. To me, that's an unusual circumstance. That prohibits,
189 it restricts the utilization of the property for proper ingress and egress. They have no front door. So that
190 would meet, I believe criteria number 'C', and these conditions don't apply to other homes. Other homes
191 have a proper front door facing the street at the end of their driveway or somewhere near to it. So, I
192 think it's a hardship. They have no proper front door. They have no way to get into their home except by
193 leaving their driveway and walking around to the side or whatever.

194 Chairman Willm: This house only has one door? One entrance now?

195 Mr. Evans: Two on the side.

196 Chairman Willm: Two on the same side?

197 Mr. Evans: Yes, there's a screened in porch; there's a door that goes in there. Then there's one
198 that comes in there at the back where that trailer's at. You've got a double door and a side door there.
199 My question, I reckon, is why is there a difference in variance and setback in the 200 block in the 300
200 block? I realized the 200 block is rental units, but what makes their property; what makes you give them
201 a different variance as far setback? We're on the same street.

202 Chairman Willm: Well, to be honest, that's not in our purview to (**two speaking at once).

203 Mr. Evans: Well, I mean I understand. But, it is a zoning issue and their property is allowed to
204 be closer to that main street than I am. So there has to be a reasoning. Either that value; they value that
205 property more than they do on ours and they are willing to give them more flexibility on that property
206 than they are on the people that live there full-time.

207 Mr. Murdock: Actually, I think I can answer that for you. It's, if you actually look, we have we
208 have three primary residential zonings, R-1, R-2, and R-3. They literally stand for low density, medium
209 density, and high density. So the high density becomes higher density because your setbacks allow for;
210 the setbacks don't extend as far into the property, which allows more buildable space on the property.
211 That and the coverage areas also different, because you can only cover like 30-percent in R-1; 40-
212 percent, 50-percent in R3. It's that, that the higher density is allowed closer to the ocean, which

Board of Zoning Appeals
May 25, 2017

213 corresponds with the rental area.

214 Chairman Willm: We had to cut off ...

215 Mr. Evans: Right.

216

217 Mr. McKeen: The, the other thing I think, now that I've heard some more discussion, is maybe
218 something you've overlooked that I think is really important is that as you said, that door opens into your
219 kitchen from your screened porch. If you have a kitchen fire, you really don't have a way out of that
220 house, except through the windows.

221 Mr. Evans: Correct. Where we are putting in a backdoor, well, it's still right there at the kitchen.
222 We still don't have anything; if you are in the bedroom and you have a fire in the living room area toward
223 that way, you're stuck. Now we did put windows out that you could get through the windows, but there
224 is no door to access from the left side of the house.

225 Mr. McKeen: I'm inclined to think that increasing safety, fire safety is another mitigating factor
226 for this.

227 Mr. Evans: And the gentleman on the left, I realize what you're saying. There's room for a door
228 in and basically you've got a 3 foot stoop. That gives me a front door, but that really doesn't serve the
229 purpose, not really. I think it takes away from the looks of the house. It does, it gives me a front door.
230 That doesn't, it gives me a front door, but that's it. It doesn't add to the value the house. It doesn't add
231 to the aesthetics of the house, and it really does not provide me anything other than a front door.

232

233 Chairman Willm: Aesthetics is something in consideration, but the property value, we can't do;
234 we can't make a decision for or against to increase or to decrease value.

235 Mr. Evans: But, as a taxpayer, that's, and me only, I want to do something that ups the value,
236 not something that takes away, and to me putting a stoop on the front door would just kill the front of
237 the house. To me, it would be worse than what I've got now, so. So, that was the other reason that I
238 bring that up. Not complaining, I'm just trying to express our point of view, and I do realize that we
239 bought the house. We knew what the setback was, because I paid \$600 for the survey. But I did talk to
240 several people in the area, and that's when they said you can come to the board and apply for a
241 variance, if you got a hardship and that's why we're here today.

242 Chairman Willm: So the door would actually go where that window is at, the big window?

243 Mr. Evans: To the left of the window; between those two windows. So it would basically go from
244 right about where that light is to the right side of that window, so that bid window would be covered [by
245 the porch roof.]

246

247 Chairman Willm: Any more discussion? So we have a motion on the table to approve this; any
248 restrictions or any other caveats that you would like to be considered?

249 Mr. Murdock: I think the only thing I specified is that it would not exceed 20 foot; that it would
250 still comply with the 20 foot setback, as I think it will actually be a little bit less than 20 foot the way; that
251 a true nine foot [porch], so it would need to be no more than 20 foot, or your setback would have to be
252 20 foot.

253 Chairman Willm: There is a question on the table to approve the variance stipulated only it
254 would still remain a 20 setback.

255 Mr. Murdock: Yes, that is correct for the purpose of this porch and only for this porch.

256 Mr. McKeen: Do you need a second to that? I would second that.

257 Chairman Willm: Any more discussion on that part? So we'll take a vote.

258 Mr. Taylor: Are we voting on the amendment or on the original.

259 Chairman Willm: We should be voting on the amendment to restrict it to 20 foot.

260 Mr. Taylor: As much as I would like to, I have to vote no.

261 Ms. Watson: Yes.

262 Mr. Murdock: Yes.

263 Mr. McKeen: Yes.

264 Chairman Willm: Yes. The amendment to the original motion has been approved. Now we'll vote
265 on the original motion with the amendment.

Board of Zoning Appeals
May 25, 2017

266 Mr. Taylor: For reasons previously stated, I have to vote no.
267 Ms. Watson: Yes.
268 Chairman Willm: No.
269 Mr. Murdock: Yes.
270 Mr. McKeen: Yes.
271 Chairman Willm: Three to two is a, the variance has been approved.
272 Mr. Evans: Thank y'all.

273
274 **7. PUBLIC COMMENTS.** There were no public comments.
275

276 **8. BOARD COMMENTS.** Chairman Willm: Like I said, these are always difficult for us. Actually,
277 we have to go by the criteria, and it's still an interpretation on our part. That's why we have a board.
278 Usually we have a board of seven, but we have a board of five today. So, these are always difficult to go
279 between what we feel is; we don't want to be too strict by the things, but we also want to try to help out
280 the town people. So, in this case, you get your variance, and you get your front porch. We wish you luck
281 with it.

282
283 There were no other board member comments.
284

285 **9. ADJOURNMENT.** Mr. Taylor moved to adjourn at 6:59 p.m. Ms. Watson second. All voted in
286 favor. **MOTION CARRIED.**

287
288 Prepared and submitted by,
289

290 _____
291 Debra E. Herrmann, CMC, Town Clerk
292

293 Approved: _____
294

295 _____
296 _____
297 Darrell Willm, Chairman
298

299 _____
300 Holly Watson, Vice Chairman

301 _____
302 _____
303 Guy Lanham, Board Member

304 _____
305 _____
306 Phil Murdock, Board Member

307
308 Clerk's Note: Be advised that these minutes represent a summary of items with a verbatim transcript of
309 the business section insofar as can be determined by the recording thereof and are not intended to
310 represent a full transcript of the meeting. The audio recording of the meeting is available upon request;
311 please provide a flash drive on which to copy the audio file. In accordance with FOIA §30-4-80 (A) and
312 (E), meeting notice and the agenda packet were distributed to local media and interested parties via the
313 town's email subscription list. The agenda was posted on the entry door at Town Council Chambers.
314 Meeting notice was also posted on the town website at [www.Surfside Beach.org](http://www.SurfsideBeach.org) and the marquee.