



**BOARD OF ZONING APPEALS MEETING MINUTES
TOWN OF SURFSIDE BEACH
TOWN COUNCIL CHAMBERS
APRIL 26, 2018 ♦ 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, and Taylor. Vice-Chairman Watson and Members Dougherty and Lauer were absent. A quorum was present. Others present: Town Clerk Herrmann; Planning, Building & Zoning Director Morris, and Permit Technician Mazzo.

2. PLEDGE OF ALLEGIANCE.

Chairman Willm led the Pledge of Allegiance.

3. AGENDA APPROVAL.

Mr. Taylor moved to approve the agenda. Mr. Lanham second. All voted in favor. **MOTION CARRIED.**

4. MINUTES APPROVAL. Approval of minutes was deferred.

5. PUBLIC COMMENT ON BUSINESS ITEM.

Mr. Keith Hope, Juniper Drive: So I live across the street from the proposed variance on 710 Juniper Drive. I don't have a problem with a structure be put there, it's just why do we have a zone, the zoning ordinances if we're not gonna follow them? Seems to me their basic argument is well, everybody else around there does not follow the zoning, so why can't we and it's the best use of their property. My property is the exact same size. I built a single-family house. I can follow the ordinance, and so I'm just wondering if the purpose of the zoning is for the fire, rescue, police, etc. why wouldn't that apply to this as well as everybody else you want to live within this ordinance. So I just, I don't know all the background. Just a little bit that's on the paperwork. So, you know, if that can be dismissed, the concerns about fire, rescue, etc., then let it go. Thank you.

6. Business.

a. Appeal No. ZA2018-03 by Scott Rudolph of the Bar-B-Que House Restaurant requesting a variance from Article IX, Section 17-908 of the Architectural Design Standards of the Town Zoning Ordinance.

Chairman Willm: Who would like to present their case? I need to get your name, swear you in since this is a judicial...

Mr. Rudolph: My name is Scott Rudolph.

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

Mr. Rudolph: I do, yes, sir.

Chairman Willm: Proceed.

Mr. Rudolph: First, I want to thank you for your time and consideration. We appreciate that just. Just thought I'd read the zoning law that, I guess, that is in question here, the zoning ordinance. It's Number 20, it reads and I quote, "highly tinted or mirrored glass shall not be permitted." So, I wonder what highly tinted meant, or mirrored, so I Googled (*searched the internet*) highly tinted and nothing came up. So I guess it's a matter of, somewhat of a matter of opinion. And mirrored, well mirrored is very specific. It's a mirror and they are all products

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52 that allow you to mirror something and create mirror, and so I went to the tint that we have, and looked at their spec
53 sheets that I've included for you, ladies and gentlemen, as well. And there's nothing here that says it's highly tinted.
54 There's nothing here that says it is a mirrored surface. So, I would like to just state that for the record, and thank you
55 for that. Moving on to the variance form, I know you say there question 2A to state the extraordinary and
56 exceptional conditions pertaining this particular piece of property, and there are very, very real extraordinary
57 exceptions, exceptional conditions to the property for the Bar-B-Que House. We're a restaurant. The root word for
58 restaurant, I've heard, is from a French word which is the meaning of rejuvenate. You go to a restaurant to
59 rejuvenate your soul; to restore; to rest, and in order to do that you have to be able to be in a comfortable
60 environment, a comfortable place. In other stores, if you're going into convenience store, or a retail store, a bank or
61 whatnot, you don't need to be able to sit down and be comfortable for an extended period. You have 30 minutes, 45
62 minutes, an hour, while you're restoring yourself with food at a restaurant. So we do have some very exceptional
63 conditions that apply to us. Other restaurants in the area, something, something like that, a lot of the breakfast
64 restaurants, they're not open in the afternoon and the afternoons is when we have that specific direct sun beating
65 through the windows, and it does cause a real problem for our customers. They cannot be comfortable. Before we
66 had; when we first moved in there nearly 10 years ago, there was just the windows there and the position of the
67 property the afternoon sun beats right through those windows. The restaurant is surrounded by windows and
68 customers would point blank complain. They'd be sitting there squinting. The sun bearing in; sweating. Very
69 uncomfortable. They would asked to move to the other side of the restaurant where it would still be hot because the
70 AC system had trouble keeping up. We had many customers who just finish up and leave, and say you guys have a
71 real problem, we're just not comfortable. Unless you can get this fixed, we don't; we love the food. We love the
72 service. We're not comfortable. We don't want to come back, because they can't relax and enjoy the environment.
73 We tried multiple things to stop that. We installed blinds. That did not solve the problem. Still, the heat still came
74 through and then the gaps in the blinds the sun still would come through and be blinding. So we researched it and
75 we, we found out Santee Cooper recommended this tint as a minimum for their 'Reduce the Use' campaign. They
76 were, Santee Cooper was offering even rebate; partial rebate, because they were encouraging us to do this. This is
77 the bare minimum tint to qualify for the rebate. So we went with that and it really did solve the problem. Customers
78 could relax and enjoy the environment. Going to B, the conditions do not apply to other properties in the city. I kind
79 of wonder that. People at our business they need to be able to be comfortable and sit for an extended period of time.
80 Bank, other retail, grabbing something off the rack, T-shirt shop, whatnot, they don't have to spend so much time in
81 the direct sunlight. And our building design utilizes the large windows. Going on to 2C, how do they impact this
82 particular piece of property? And it does prohibit or unreasonably restrict us being able to utilize half the dining
83 room, and even to some extent, the rest of the dining room, because as I said, it's, it's sends so much heat into the
84 building the AC has difficulty in even keeping, keeping that cool. Going on to 2D, how will we, would not be a
85 detriment to other businesses. You know, the tint is commercial grade. It's professionally installed. Installed comes
86 with a lifetime warranty against cracking, and bubbling. So it will always have a nice clean appearance. You know,
87 we're committed to keeping a nice clean restaurant. We want people to be able to go there; be comfortable and
88 relax; rejuvenate and restore. And this exact tint is used by many, many companies and agencies, including the

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89 United States Department of Energy. I mentioned the Santee Cooper. I do very much appreciate your time and
90 consideration. Having this tint is a big deal for us, and for our customers, and our ability to function effectively. We
91 have right now 10 employees that are working. We want to be able to continue to grow and provide opportunity for,
92 for, for many people and be a big part of the community. Thank you very much for your time.

93 Chairman Willm: Would y'all like to ask questions now or wait till the end, so Sabrina can give her stuff?
94 (**) Okay. You can have seat and we'll call you back in a minute. Thank you. Would the town like to present their
95 case?

96 Ms. Mazzo: My name is Tina Mazzo.

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

98 Ms. Mazzo: Yes, sir.

99 Chairman Willm: Thank you, ma'am. Proceed.

100 Ms. Mazzo: Okay, the town's code enforcement official received a complaint regarding the mirrored
101 tinting at the Bar-B-Que House Restaurant. Back in 2013, Town Council approved a design overlay, which stated
102 that the highly tinted or mirrored glass shall be prohibited. The code enforcement official notified the property
103 owner of the violation and requested that the tint be removed, which we have done on three other previous
104 businesses, as well. We've seen them have the mirrored tint and we asked them to remove it. The owner stated that
105 it was done before the ordinance passed and after further investigation by our code enforcement official we found
106 Google images showing that the tint was not in place in 2015, so our code enforcement official also explained that
107 not only is the anything place for aesthetic reasons, but also safety reasons. The town encourages and promotes
108 crime prevention through environmental design, and this concept is based on the belief that crime can be influenced
109 by the proper design and effective use of the man-made environment. It is also defined at the proper design and
110 effective use of the building, of the built environment that can lead to a reduction in the fear and incidence of crime
111 and improvement in the quality of life by not allowing mirrored or heavy tinting on glass windows the police,
112 general public, or potential customers can see inside the building. If a crime is happening in the building, it can be
113 reported by a passerby and action can be taken immediately. It is intended to make intruders or criminals easily
114 observable by promoting features that maximize visibility of people, parking area, and entrances. Customers also
115 feel more [sic] safe knowing natural surveillance is, is all around. Blinds and curtains may be used under the current
116 ordinance. Both can be opened by customers wanting the natural surveillance and by allowing mirrored or heavy
117 tinting, you're removing the options from the customers and the guests.

118 Chairman Willm: Okay. Thank you very much. Does the board have any questions?

119 Mr. Taylor: I have a question for Mr. Rudolph.

120 Chairman Willm: Come back up here please.

121 Mr. Taylor: Do you have any confirmation or documentation from Santee Cooper recommending this?

122 Mr. Rudolph: I do not; not on me. We worked with the tint shop, and they, that's what they do. They told
123 us about it. We did submit the paperwork; actually, the tint shop submitted the paperwork for us and we did receive
124 the rebate check. Leaning on memory, I believe was about 25, maybe it was about 25% of the purchase price that
125 they rebated.

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126 Mr. Taylor: Okay, and when exactly was this installed?

127 Mr. Rudolph: 2016.

128 Mr. Taylor: Okay.

129 Chairman Willm: Was awning not an option?

130 Mr. Rudolph: We have an awning, but the positioning of the property, the awning does not provide shade
131 to the windows. Just that afternoon sun; when you sit on 17 it just blares right through the windows. The awning
132 does not provide any protection to windows. We don't have any trees there; there's no trees. Some, some buildings
133 benefit. The church right next to us has the trees that provide shade, and once again, someone even in the church,
134 they don't typically sit right by the window for an extended period of time. I go to church, and I sit (**.)

135 Chairman Willm: By the back door.

136 Mr. Rudolph: No, not there either. *(Laughter)*

137 Chairman Willm: Any other questions.

138 Mr. Murdock: I have one for the town. Do we have do we have any definition somewhere of what very
139 highly tinted or mirrored glass?

140 Ms. Morris: We do not.

141 Mr. Murdock: It's kind of waffled? I assume by citing the business owner that by your estimation it is
142 meets that definition.

143 Ms. Morris: Yes, that's correct, and again, we've required at least three. More have been notified, but three
144 met the same criteria as the Bar-B-Que House, and those were removed.

145 Chairman Willm: Are you prepared to say which ones they were?

146 Ms. Morris: They were on the south end; I don't have the name of the businesses, but it was in the strip
147 center where the doctor's office, the chiropractor or doctor near 10th Avenue North [sic].

148 Chairman Willm: That was one of my questions, Doctor Rathburn's office there, his seems to be the same
149 case now.

150 Ms. Morris: He has blinds.

151 Chairman Willm: Those are blinds.

152 Ms. Morris: M huh.

153 Chairman Willm: There are some others, some of these, they were done prior to this ordinan [sic], overlay?

154 Ms. Morris: Then they're grandfathered.

155 Chairman Willm: So, that's what I couldn't tell. I saw a lot of them. Valentino's is the same way.

156 Ms. Morris: Right, and also, if they change ownership, if they change in ownership or they change use,
157 they have to take it down, as well.

158 Mr. Taylor: Can you share with us the complaint?

159 Ms. Morris: They didn't; it was; and actually our code enforcement officer has left the town, so, but it was,
160 he said it was anonymous, but that's how we get our complaints. That's how we get three down on south end.

161 Mr. Murdock: Kind of follow-up my question, because I am familiar with matika [sic] films, I actually just
162 went to their website under this this Sun Guard Architectural, which is their; I guess their commercial line, they have

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163 various sundry products. They have a 70, a 55, a 35, a 20, a 35 [sic,] a 20 [sic,] you know, and it looks like this is a
164 15, if I'm reading and understand this correctly that's, that's the amount of visible light that is transmitted. I say that
165 from personal knowledge of what the, what the automotive is. I think 35 is, is the minimum that you can have, you
166 know, for automotive glass. But, my question is would, would you say 45 might be allowed where 15 is not, you
167 know, under the standard of highly tinted or mirrored, or 70 might be allowed versus 15?

168 Ms. Morris: Honestly, we'd have to see it. I can tell you that the last tinting that we approved was on
169 Graham's Golf Cart, because you can see inside as well as outside.

170 Mr. Murdock: Got cha. So, in a sense it, it, in a sense, if we were to, if we were to apply a standard, the 35
171 standard that, that, that is used by the sheriff department for being able to see into cars, might be a reasonable
172 standard to apply.

173 Ms. Morris: I would agree with that because you can see inside and out. That's the, the intent of the
174 ordinance, again, is for security purposes. They can see; they can certainly see once their inside and they can see out,
175 but you can't see in.

176 Mr. Murdock: Okay.

177 Mr. Rudolph: Can I make a statement on the crime aspect? We are very committed to a safe workplace
178 environment. Without safety, you know, that's the foundation of anyone. It's extremely important to the employees
179 and customers. We want an absolutely safe; we do a lot of things to secure, and make sure it's safe. We have a 16
180 camera system inside and out. You see cameras everywhere when you go in, and I understand, like you said, if the
181 blinds are closed, you can't see through them, number one. There's other restaurants that have, basically, plantation
182 shutters. You can't see through 'em. I've seen police departments with plantation shutters on the buildings to reflect
183 the heat and you can't see in their windows. But, the police department doesn't want you to see in their windows.
184 But, there's other things that will restrict views other than tint, and once again, based on Google definitions, based
185 on the definition of the website, I don't believe this is a highly tinted or mirrored. Thank you.

186 Chairman Willm: I've got a question for the town. The new hibachi over there, it has like awnings almost
187 down; (responding to unknown speaker) those aren't windows at all? (**comments made from audience.)

188 Mr. Lanham: Question for the town. The ordinance has been discussed here seems a little bit subjective. I
189 was just wondering have you ever actually had the police department go out and look at these specific locations and
190 say, your know, this one is not too bad or this one (**).

191 Ms. Morris: We actually have done that before. We have not, we did not do this on this particular case. I
192 will tell you we have two certified CPTED (Crime Prevention through Environmental Design) professionals in town
193 that went to several hours of training and passed a pretty stringent exam, and that would be the police chief and
194 myself, and this is exactly what they were trying to detour [sic] is when you, if you, what their definition is, if you
195 drive by anywhere, or you're walking by, and you can see yourself, but you can't see inside the building, that's too
196 much tint.

197 Chairman Willm: In your opinion there's some tint out there that would satisfy both parties?

198 Ms. Morris: Oh, yes. Absolutely. They actually have it in town now, and we could certainly direct it if
199 need be. But, back to the blinds, and the curtains, I completely agree with him. They're allowed. We had that

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200 argument before, but the argument, and we argued that with the prof [sic], the consultant with the CPTED design.
201 His argument was you could pull back the curtain, or you could pull up the blind, and the shutters that he's talking
202 about, certainly open, as well. So, you can; it's up to, to the individual whether they want to offer the, I mean to have
203 the surveillance or not, and with the tint that he has now, it doesn't offer that at all for the customers.

204 Mr. Taylor: I have a question. When I look at the design overlay district standards, there were some very
205 specific, it says the requirements of this ordinance shall apply in any of the following circumstances, and reading
206 these circumstances nowhere does it say an existing business. So...

207 Ms. Morris: You have the full; no, you only have that section.

208 Mr. Taylor: No, I have the whole book that you gave me, and it says new construction, which is, this is not
209 the case; it says addition or enlargement of an existing building. This is not the case. It says change of use, which is
210 not the case. Redevelopment of parking lots, not the case. Dwellings are converting to commercial business. This is
211 not the case. When renovations to an existing building exceed 20%. That's not the case in this case, and when a
212 building or 50% of a strip center has been vacant. So, I'm questioning, you know, why the design overlay standard is
213 being applied to this specific business, when I know for a fact there are other businesses in town that do have
214 mirrored...

215 Ms. Morris: And we are addressing those. I can't answer that...

216 Mr. Taylor: But, I'm not exactly sure why.

217 Ms. Morris: ...because the enforcement officer addressed this section. He felt it was appropriate, and there
218 was [sic] renovations on this building.

219 Mr. Taylor: But not, not as applies to the windows.

220 Ms. Morris: No, they didn't get a permit for that.

221 Mr. Taylor: I couldn't find anywhere else in the code that addresses windows other than that one line.

222 Ms. Morris: This is the only one. That's the only one.

223 Mr. Taylor: And, yet we have let that, the genie was let out of that bottle 25 years ago. If you drive up and
224 down in Business 17, and look at the windows and the in the storefronts, and whatnot, we have probably 30 or 40%
225 of the businesses that you cannot see the inside of the business, because of displays, because of posters, for, because
226 of blinds; the Doctor Rathburn's; you know for all these other reasons. So I am having a real hard time with the
227 safety issue, because if it was really a safety issue, we would be out there citing every one of these businesses to
228 allow passers-by to see inside their business, and we don't do that.

229 Ms. Morris: We have addressed the mirror.

230 Mr. Taylor: Only the mirror. But that's...

231 Ms. Morris: That's because that's the only thing in the ordinance. You know, we're only allowed and we
232 don't have, we don't have the luxury of deciding who gets it and who doesn't. If it doesn't meet the ordinance, we
233 have to notify everyone that's in violation of this ordinance. Shades are not a violation.

234 Mr. Taylor: That brings me back to where I'm at. I would like to see the board defer action on this request
235 and send a recommendation back to planning and zoning that they re-look at the whole issue regarding windows,
236 storefronts, safety, whatever, and that that we recommend the council that they ask staff to at least suspend or delay

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237 any citations until planning and zoning and council can give us something more definitive than what we have right
238 now.

239 Ms. Morris: If I could just throw something out; we, the council, excuse me, the planning commission just
240 submitted a brand-new overlay design that mirrors the, no pun intended, mirrors the county, and this, the wording is
241 in the exact same thing in the county and it's in the new ordinance. So, it's up for second reading. If you want, if the
242 board decides that they want to do that I just to make sure you; I would certainly ask that they hold off on second
243 reading until this is re-evaluated by the planning commission.

244 Mr. Taylor: Well, I'm kind of coming at this as a small business owner myself with similar issues with
245 sunlight and windows and all those other things. And we are purportedly a business friendly community, and I think
246 the last thing that a small business needs is some other regulation that's either going to cost them money or restrict
247 the ability of their business to do what their business is. So I am just having a hard time with the selective
248 application of the ordinance from an anonymous complaint. Had we not received an anonymous, anonymous
249 complaint we wouldn't be sitting here.

250 Ms. Morris: But, the law does not require you to give a name and we never (**)

251 Mr. Taylor: I understand that. I understand that.

252 Ms. Morris: Yeah, and I mean it's a legitimate complaint, because it, it does meet that require or that
253 violation efforts.

254 Mr. Taylor: Just telling you how I feel.

255 Ms. Morris: I understand. I was just defending the ordinance.

256 Chairman Willm: Any other questions?

257 Mr. Lanham: Another comment. Following up on what he said, the blinds, shades are, they're okay? But,
258 from a safety standpoint, if the blinds and shades are down, and somebody was in there creating mayhem, the police
259 wouldn't be able to see there, through them either. So, it's...

260 Ms. Morris: I agree with that completely.

261 Chairman Willm: I agree with that comment. It's kind of a false sense of security, because if somebody's
262 in there trying to rob 'em, they're not gonna let you...oh, you have the right to open that blind (*laughter.*)

263 Mr. Taylor: So, it sounds to me like what we have is a situation where we have an anonymous complaint
264 and a code enforcement officer that no longer works for the city decided to apply the design overlay ordinance to
265 this particular instance.

266 Mr. Murdock: I don't think he decided. I think the ordinance dictates its own enforcement. I think if he
267 decided anything, he would've decided not to enforce it, and that would've been its own issue. I guess the concern I
268 have, I have waffle language there is always a problem. In my mind, the applicable standard ought to attach to
269 something and that probably should be the standard of what law enforcement gives for, you know, if that's the
270 purpose of it, that law enforcement gives for being to see inside the vehicle, and there are certainly tint meters that
271 do that. It seems to me like it's should say highly tinted is 35% or 40% or whatever that is, because certainly we
272 have a measurement standard; we have a quantifiable standard to apply. In absence of that, I still would probably
273 knowing the intent of it was still probably attached to that standard, and say that if I was to make a determination at

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274 this point, you know, because when you apply something to the glass it could come out different. It might be listed
275 as a 15 and maybe 15 means something a little different in the residential standard than it does for the car standard.
276 You know, but I would put a meter on it, and if it doesn't meet the standard that's allowed for vehicles, and I would
277 apply that standard to it. So, I don't feel like I got enough information here, because it seems entirely subjective. So,
278 I would table it and ask that somebody put a meter on it and let's see what it actually does, and if it meets that the
279 car standard. That would be my suggestion. I don't know if that's, that means anything to anybody or not. But that
280 would be where I would weigh in on it.

281 (**several speaking at once.)

282 Mr. Taylor: I think that's a reasonable approach.

283 Chairman Willm: Like when, for yours, I think how the ordinance was written, I don't think it matters
284 whether it's new or old. You can't tint your windows. So, you're tinting them now and that doesn't come into play
285 whether it's old or new. You can't, after this ordinance, you can't tint the windows. But, on the other hand, I also
286 agree with you that this is very subjective, and I think ordinance does need to be a lot more objective and have a
287 measurement so we can't say one person doesn't, the other person does, and there's probably some cleanup to do
288 along with the curtains and the other issues like that. Would somebody like to discuss this some more or make a
289 motion?

290 Mr. Taylor: I'd like to move that we defer action and ask the town to go back and measure the tint, and
291 come up with a standard that we can apply to everybody.

292 Chairman Willm: I think that would require a change in the actual ordinance itself to put that in, or I guess
293 you could do a...

294 Mr. Murdock: Well, if we had the number, then again if it's going to be subjective, then we can apply that
295 subjectivity to...

296 Chairman Willm: To everybody.

297 Mr. Murdock: Yeah, but with a measurement so we know what it actually is, and if it is actually 15 as
298 applied and 15 is less than 35, then I would be disinclined to agree that it's okay. If as applied it was 30, I might be a
299 little bit more inclined to agree that maybe it is okay, and probably if it was 35, 36, something like that I'd say I
300 don't have a problem with it. So I would like that measurement.

301 Chairman Willm: Would you like to restate your motion; we'll have our discussion after that.

302 Mr. Taylor: Now, I'm confused. I will move that we defer action on this request and send it back to
303 planning and zoning to come up with a measurable definition of tinted or highly tempted windows that we can
304 apply. Does that make sense?

305 Mr. Murdock: Yeah, and a measurement in this case.

306 Mr. Taylor: Right.

307 Mr. Murdock: Okay, I would second that.

308 Chairman Willm: Any discussion?

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309 Mr. Rudolph: I appreciate; I was only given when this happened these two pages here. Section 17-908 and
310 you read the intro to that and the whole book where that applied, and based on your reading and what you said that
311 this wouldn't even apply to us anyway.

312 Chairman Willm: I think the board thinks it certainly does apply. But, we just need better direction. Do we
313 have a second?

314 Mr. Murdock: Yes, I second.

315 Chairman Willm: Any discussion amongst the board? I want to say something, but I'm not sure what.
316 *(Laughter.)* It's like I said, I don't know whether the ordinance needs to go back and actually be rewritten or
317 basically a standard is being used by the zoning department when they bring these things to us. This is what we're
318 using as a standard, what you're saying is through a reflective meter; whatever the police, and I also had the police
319 come by and have their opinion put into it before. I think whether it's rewritten in zoning ordinance or not the
320 zoning department should have a basic standard and not, you know, you went to class and that kind of stuff. You
321 should be easy to come up with. All in favor the motion to defer back? All members voted aye. That motion favored,
322 so more to come.

323 Mr. Rudolph: Thank you.

324 Chairman Willm: So will this have to be resubmitted?

325 Ms. Morris: We'll just reschedule and use the same application so that way it's no fees.

326 Chairman Willm: No fees, okay.

327

328 **Appeal No. ZA2018-04 by Dave Mastrianni at 710 Juniper Drive requesting a variance from Article**
329 **IV Section 17-402 Corner Lots of the Town's Zoning Ordinance.**

330

331 Chairman Willm: Who's gonna speak? Both?

332 Mr. Mastrianni: Yeah, both of us. David Mastrianni.

333 Mr. Moselsky: I'm Jerry Moselsky.

334 Chairman Willm: Do y'all both swear to tell the truth, the whole truth, and nothing but the truth?

335 Mr. Mastrianni and Mr. Moselsky both responded: Yes.

336 Chairman Willm: Proceed.

337 Mr. Mastrianni: What we're trying to do is we bought a duplex lot over on the corner of Cedar and Juniper,
338 and we're trying to construct a duplex similar to, we brought a poster board of...

339 Mr. Moselsky: Shall I approach you, or...

340 Chairman Willm: Yes, sir.

341 Mr. Mastrianni: Similar to all those in the area, and we're not doing it for rental reasons. We're doing it,
342 this is, we're trying to make this our retirement home. He wants to live on one side and I'm gonna live on the other.
343 We grew up together, and kind of want to retire together. We just don't understand, we actually don't understand the
344 ordinance. They're saying that front doors need to face Juniper. None of those face the small side of the street so we
345 just really don't understand. What are they forcing us to do? We'd like to work; you see us, we want to work with
346 you, and we'd like to live here, so it's just we don't know what we can do to make it right.

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347 Mr. Moselsky: We haven't been able to find ordinances from our looking around. We're not sure where
348 that ordinance is or what it states, because we haven't been able to find that.

349 Mr. Mastrianni: Where it states that our two front doors need to face Juniper or the small side of the street.

350 Chairman Willm: Okay, is that it? We'll find out shortly.

351 Mr. Mastrianni: I think so.

352 Chairman Willm: And we'll ask you, just have a seat and we'll bring you back in a minute for questions.

353 Mr. Mastrianni and Mr. Moselsky: Okay. Okay.

354 Chairman Willm: We'll let the town give us that information. Yes, ma'am, and your name is?

355 Ms. Morris: Good evening. Sabrina Morris.

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

357 Ms. Morris: I do.

358 Chairman Willm: Thank you, ma'am. Proceed.

359 Ms. Morris: Okay, actually, we, this started out when the, when the surveyor in the town came to meet
360 with myself, and showed me the survey that he was proposing, which you have in your packets tonight, and he had
361 read the ordinance and he felt that there was some issues with it, so before he finished or before he notified the
362 property owner, he wanted to make sure that the town's interpretation and his interpretation were about the same.
363 First, I like say the owner that just spoke and said that there's a several houses that are addressed on one lot, and you
364 have owners on... that is exactly the truth, and that is why the ordinance changed in 2011. I did not write this, and I
365 wasn't even in the town when this happened. But, I did the research, and I found the old files and read them, and
366 that's why that it does give you a background here. When they submitted it, the ordinance on Section 17-402 states
367 for the purpose of this section, the lot line having the shorter dimension along the street line shall be considered the
368 front of the lot. We have had, and I'm not exaggerating when I say, we have had at least a dozen property owners
369 that want to build on corner lots and they would like their front to face the longer side of the property, and have their
370 address as it's written here for the front of the lot. The ordinance says that's the front of the lot, which means that's
371 where your home should be facing. Once we tell them that, we have never had an issue. They don't like it, but they
372 build it to meet; to the small; the front side is the front. That means the front setback; that means the front door.
373 When I did the research it did say that the reason they were changing is 911 and the fire department, and police
374 department and the ambulance service had issues looking for the addresses. They would drive down the street and
375 the address would say, whatever, 711 Juniper, but they would not think that was the home, because that's the side of
376 the home and the front, which was the egress and ingress of the home, was located on another property, I mean on
377 the other side of the lot. When I, when we explained this to the others who were building the property, they certainly
378 complied. We have two under construction right now meeting the same requirement. I mean meeting same the same
379 that wanted it the other way and decided to do it front facing, facing the front. The other reason for the change was
380 the setback requirements. Corner lots having a shorter dimension would automatically be the front. If the longer
381 property line was considered the front, the home would be unable to meet setback requirements. The front setback is
382 25 feet; side is 10, and then with the street is 15, and the rear is 20, and if you look at the survey that we provided
383 tonight, which is the owners' survey, the lot width is only 60 feet on Juniper, and you could just get a home there,

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384 but it would be a rather small home. The front, which is the Juniper, is 25 feet and the way the surveyor has it drawn
385 out now both of these duplexes face Cedar, and when we met with the owner and we met with the surveyor, we
386 asked that they design the homes to have both the entrances on Juniper as we have required in the past since 2011,

387 Mr. Taylor: They could have like the garage entrances on Cedar, as long as the front is on...

388 Ms. Morris: Yes, as long as they have the two front doors, yes, exactly right, yes, sir.

389 Chairman Willm: Any other questions?

390 Mr. Taylor: The way, the way that this plan looks, they would not, if it was allowed, the front to be on
391 Cedar they couldn't meet the front setback.

392 Ms. Morris: As it is drawn now, you're exactly right. Right. They understand that, and when we met with
393 the surveyor, we asked if they could somehow design the duplex to have front door here and maybe the actual wall
394 and a door here. The owner said that he did not see that as being feasible.

395 Mr. Taylor: Right.

396 Chairman Willm: So, he's not asking for two different addresses, Juniper and Cedar? He's wanting both to
397 be on Cedar?

398 Ms. Morris: Right, and we feel that it's necessary both to follow the ordinance and for a safety standpoint
399 that it be on Juniper. It does allow for duplex. It does not guarantee a duplex.

400 Unknown speaker: Not unreasonably restricted.

401 Chairman Willm: Any other questions by the board.

402 Mr. Lanham: I'd like to ask the appellant.

403 Chairman Willm: Sir, can you come back up for a minute?

404 Mr. Lanham: The ordinance seems pretty specific in this case. I was wondering if you had another
405 architect drawing to try to get the front of it on Juniper?

406 Mr. Mastrianni: Well, it's what you want to call or consider the front. I don't mind having a Juniper
407 address. The address doesn't matter. But both front doors being on Juniper is kind of difficult. We did come up with
408 an alternative plan. We put it on piers, and then both front doors would face Juniper, if that's acceptable.

409 Chairman Willm: It seems like under the current plan you have here you're not, it's not gonna fly anyway,
410 because it's not gonna hit the setback, front setbacks, Do you understand that part?

411 Mr. Mastrianni: If you called Cedar the front, you'd never meet the setbacks, no.

412 Chairman Willm: So you want to make it facing Cedar, but call it Juniper. I'm not following this part.

413 Mr. Mastrianni: Have our address Juniper. I'd put one front door on Juniper. The other door would be off
414 of Cedar, but that's not acceptable.

415 Chairman Willm: I'll tell you from a house that I have currently, a duplex that has two different addresses,
416 you don't want that. It's an insurance, it's a financial banking and all kind of issues, because they'll actually try to
417 issue you two different insurance policies, because you've got two different addresses. I know. Any other questions?

418 Mr. Lanham: Yeah, your comment about putting it on piers, and having the front on Juniper...

419 Mr. Mastrianni: Yes.

420 Mr Lanham: Both fronts would be on Juniper?

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421 Mr. Mastrianni: Yes. They would be underneath.

422 Mr. Lanham: Is there a problem with that?

423 Ms. Morris: As long as it meets the setbacks and both the duplex front doors front on Juniper.

424 Chairman Willm: Just asking, how are the other three places you're talking about complying with this?

425 Ms. Morris: They built single families, and they front on the smaller end of front, they complied.

426 Mr. Lanham: You know if you have piers you have more parking.

427 Mr. Mastrianni: Yes, I do. We realize that afterwards, yes. *(Laughter.)*

428 Mr. Murdock: I have a question. When did you purchase the property?

429 Mr. Mastrianni: August.

430 Mr. Murdock: Okay, so you about it after this was in effect then.

431 Mr. Mastrianni: Correct. But, we were instructed, and we, as a matter of fact, we did make a phone call
432 and asked the question. The only answer we got was, and it was partially our fault for not pushing it, and
433 investigating further, is that our address would have to be Juniper. I said I don't have a problem with the address
434 being Juniper as long as we can do a duplex house. Like I said, we both kind of wanted to retire same place. That
435 was the whole goal. So, I mean, we were not willing to, I mean we're not, not unwilling to modify or that's why I
436 said we would, we would do the pier, pier stilt house or whatever and put both of our front doors facing Juniper. If
437 that's acceptable, we'll just change the plan. I mean, it still meets our goal as far as wanting to do a duplex there.

438 Chairman Willm: Any other questions?

439 Mr. Lanham: The only point I'd like to make is I don't think we should let these gentlemen leave thinking
440 they can build a pier house there and then go back and no, you can't do that either.

441 Ms. Morris: Right, and I will tell you, I haven't seen the plans. We can't approve or deny. I'd have to see it
442 on the plan. But from speaking with the surveyor, and I think the owner was there at the time...

443 Mr. Mastrianni: He was supposed to come here today. I don't know what happened. He couldn't make it.

444 Ms. Morris: I mean, according to him and they had tried everything and could not face the two on Juniper.
445 So, we'd have to see the plan. I agree with you, I hate say it's up in the air, but until we see that it meets the setbacks
446 and has both front doors facing Juniper, we couldn't, we couldn't approve it.

447 Mr. Mastrianni: Well, it'll essentially be the same shape house. It'd be within the setbacks. We'll keep it
448 within the setbacks. Just put it up on piers and have both doors in the garage facing Juniper.

449 Mr. Lanham: I guess our decision here has to be made on this, and (**).

450 Mr. Mastrianni: I mean this isn't what we originally wanted to go this way, but...

451 Chairman Willm: Any other questions? Entertain a motion.

452 Mr. Lanham: I think we ought to deny it. I make a motion to deny it.

453 Mr. Murdock: I second that.

454 Chairman Willm: Any discussion?

455 Mr. Murdock: I know, I know these things can be mystifying and it makes you wonder why in the world...

456 Mr. Mastrianni: I've been building houses for 30 years. So it's like...

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457 Mr. Murdock: Yeah, it's, you, you've got, you've got hoops you have to jump through everywhere, and
458 this unfortunately, is just one of those hoops. You know, but it is it is the requirement, so.

459 Mr. Mastrianni: Can I just?

460 Chairman Willm: No, no. We're already done. We're into the board's discussion.

461 Mr. Murdock: But, we haven't voted, yet.

462 Chairman Willm: But we're in board discussion. Any more discussion? All in favor of the motion to
463 deny?

464 All members: Aye.

465 Chairman Willm: And, the motion passes.

466
467 **7. Public Comments – General Comments.** There were no comments.

468
469 **8. Board Comments:**

470
471 Chairman Willm: I appreciate the board that serves and the people who come out to watch, and I think as
472 you can see through all our meetings that the board takes everything very seriously, looks in depth in it, puts their
473 time in it, and gives it thoughtful consideration before they make their opinion. I appreciate y'all coming.

474
475 **9. Adjournment.** Ms. Taylor moved to adjourn the meeting at 7:19 p.m. Mr. Lanham second. All voted in
476 favor. **MOTION CARRIED.**

477
478 Prepared and submitted by,

479
480 _____
481 Debra E. Herrmann, CMC, Town Clerk

482
483 Approved: _____, 20____

484
485 _____
486 Darrell Willm, Chairman

487
488 _____
489 Holly Watson, Vice Chairman

487
488 _____
489 Terri Lauer, Board Member

490
491 _____
492 Guy Lanham, Board Member

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488 _____
489 Jon Dougherty, Board Member

493
494 _____
495 Phil Murdock, Board Member

487
488 _____
489 Steve Taylor, Board Member

496
497 Clerk's Note: Be advised that these minutes represent a summary of items with a verbatim transcript of the hearing
498 section insofar as can be determined by the recording thereof and are not intended to represent a full transcript of the
499 meeting. The audio recording of the meeting is available upon request; please provide a flash drive on which to
500 copy the audio file. In accordance with FOIA §30-4-80 (A) and (E), meeting notice and the agenda packet were
501 distributed to local media and interested parties via the town's email subscription list. The agenda was posted on the
502 entry door at Town Council Chambers. Meeting notice was also posted on the town website at
503 www.surfsidebeach.org and the marquee.