



**BOARD OF ZONING APPEALS MEETING MINUTES
TOWN OF SURFSIDE BEACH
TOWN COUNCIL CHAMBERS
NOVEMBER 02, 2017 ♦ 6:30 p.m.**

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 Lanham, McKeen, Murdock and Taylor. Ms. Lauer was absent. A quorum was present. Others present: Town Clerk Herrmann and Deputy Administrator Harrah.

2. PLEDGE OF ALLEGIANCE.

Chairman Willm led the Pledge of Allegiance.

3. AGENDA APPROVAL.

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

4. MINUTES APPROVAL.

Ms. Watson moved to approve the minutes of the May 4, 2017 meeting as presented. Mr. Taylor second. All voted in favor. **MOTION CARRIED.**

Mr. Murdock moved to approve the May 25, 2017 minutes as submitted. Mr. Lanham second. Ms. Watson noted a correction on page 4, line 188, and said that should state "To me, that's an unusual circumstance." Ms. Herrmann said that would be corrected as a scrivener's error. All voted in favor. **MOTION CARRIED.**

5. PUBLIC COMMENT ON BUSINESS ITEM.

There were no public comments.

6. Business. Appeal No. ZA2017-03 by June W. Scroggs requesting a variance from Section 14-402 of the Zoning Ordinance specifically the side yard setback for corner lot requirement of 7.5'. The applicant would like a variance to encroach 3 ft. into the side yard setback. The property is located at 1110 Dogwood Drive South, TMN#195-07-10-005.

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

Mr. Harrah: I do. Mr. Chairman, Board Members, good evening. Citizens, we're going to give you a little bit of the background on this zoning variance here. On April the 3rd, 2017 Inlet Custom Builders obtained a building permit for a new accessory single-family residence at 1110 Dogwood Drive South. At the time of the approval, the survey submitted with the building plans met all the requirements of the R3 Zoning District, including the setback requirements of 20 feet on the front, and 7½ on the corner lot side, and 15 on the rear. Because the requirements were met, the permit was approved and issued. During the construction process, it was appeared [sic] that the entrance to the home was placed behind the setback requirements approved by staff during the permitting process. It was during the inspection that the contractor was notified that the steps would appear to be encroaching into the setbacks. It is approximately a foot eight inches from the setback to the structure where it sets currently. The original submitted drawings does not show the front porch or the stairs. So, the revised drawings that were submitted to the BZA shows the porch and stairs, of which the structure of the porch or stairs were encroaching to the setback. These

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51 plans have not been approved by the building, zoning, and planning department, yet. You'll see in your packet
52 there's attachments for several items: the application variance; supporting documents; Section 17-04 of the zoning
53 ordinance; a copy of the proposed structural location survey; the approved construction plans; the construction plans
54 for the addition of the porch; and an existing picture of the site. Letters were sent out to surrounding properties on
55 10/11/2017 [with] the application for the variance. In Section 17-14 corner lots, the minimum width of the south lot
56 along the intersecting street shall be 50% greater than the minimum side yards of the district in which it is located.
57 It's a 5 foot, so half of that is 2½, give us a 7½ setback. This is the current survey that was submitted. As you can
58 see in the bottom right-hand corner blown up where the proposed front door is the property setback line is
59 approximately that one foot eight out. No steps showing. No indication of any exit stairways. The submitted
60 drawings, the ground-floor level entry of the door as you can see still doesn't show anything that was approved
61 during the permitted process. These are the permitted drawings for the front elevations. As you see, there is a front
62 elevation that shows a set of stairs. But neither side elevations picked that showing it up on either side left or right.
63 The proposed, the plot plan that was presented showing the attachment to the existing property, no indication of the
64 stairs, and then the construction plans as they presented to the board showing the front porch and the steps coming
65 off the front. And this is the picture of the existing house. The plywood is covering up the door area where you
66 would actually come out. So I put this kind of together to kind of give you an idea, because we don't have an actual
67 drawing that shows it on a plot plan. So this is just a rough out approximately. As you can see that where the
68 proposed where they want to encroach in the stairs comes in 3 foot off the house with the steps coming down off the
69 left side the porch and then steps coming off front, which is gonna leave it approximately three foot eight from the
70 property line. Mr. Chairman, that's all I have to present for you. If you have any questions or if I can help or answer.

71 Mr. McKeen: I'm just blown away that somebody could have made this drawing and left off the stairway,
72 and to compound that further, I don't know how whoever approved the permit could have overlooked that fact, too.
73 Who approved the permit?

74 Mr. Harrah: This was done back in April, so it would've been one of the code, one of the building
75 inspectors.

76 Mr. McKeen: So there's no one who signed?

77 Mr. Harrah: Well, the building official reviews drawings, and signs off on 'em as they approved by, to
78 code [sic]. Not everything; you know, this is an incident where it was missed on, on staff's part.

79 Mr. McKeen: Yeah, well, a lot of people missed it. To me it makes me think it may have been missed on
80 purpose.

81 Mr. Harrah: I can't speak on that, unfortunately.

82 Mr. McKeen: It's just a concern I have. I can't imagine the owners, the people who planned the house, and
83 everyone happened to miss it. Someone had to see it.

84 Chairman Willm: It was on the original plan at the face ...

85 Mr. Harrah: Front elevation is the only indication that shows those steps. It didn't have an attached roof
86 system with it on the front elevation, only on the revised drawings they're attaching that front porch roof.

87 Ms. Watson: When did you get the revised drawing, Exhibit #5?

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88 Mr. Harrah: On the date of the application. So when we got this, when we got the application in is when
89 we actually got those drawings.

90 Ms. Watson: Application for what?

91 Mr. Harrah: For the variance.

92 Ms. Watson: Oh. So they took this design, and they added a, you know, they added a window to it. They
93 added the little roof structure over the steps, and so that was just done in the field?

94 Mr. Harrah: To your answer, those plans that they submitted to you, to the board, have not been approved
95 by us in the department. They have not been reviewed. They came in for review and be presented to you guys for ...

96 Mr. Taylor: It's kind of hard to really decipher the smaller original plans, but it appears that there was no
97 intention of an entrance at that location. It shows a sidewalk going around to, to the steps and the side decking area,
98 and there's two other entrances to the house. So, is it your opinion that this was a change to the plan after approval?

99 Mr. Harrah: Honestly, I can't speak on, on the intention of the homeowner or the contractor after the facts.
100 I can only go by what was submitted on the original drawings, and you know, the intention of the original drawings
101 does show a door there in place when they submitted it.

102 Mr. Taylor: Okay, it's hard to see that on these. (**two speaking at once) I'll take your word for it.

103 Mr. Harrah: If you'd like, (**two speaking at once).

104 Ms. Watson: So the original drawing has a door, but no steps?

105 Mr. Harrah: Exactly.

106 Mr. McKeen: You know, it looks like (**several speaking at once) in the concrete sidewalk at that point.

107 Mr. Murdock: Now this, this ties into the existing structure that that's already there, correct?

108 Mr. Harrah: It's separated by a deck.

109 Mr. Murdock: Right, but it is, but it's only allowed as an extension of the, of the residence, correct?

110 (**several speaking at once.)

111 Mr. Harrah: An accessory.

112 Mr. Murdock: So, is there access through that deck to this property?

113 Chairman Willm: No.

114 Mr. Murdock: So, it's an accessory building in which the primary building has no access as it's drawn to
115 the accessory building.

116 Mr. Harrah: Yes, sir. It's an accessory dwelling.

117 Mr. Lanham: Could I ask exactly what is the definition of an accessory dwelling?

118 Mr. Harrah: It has 850 square feet defines an accessory dwelling. Anything under that.

119 Mr. Lanham: Anything under that.

120 Mr. Harrah: Yeah, 850 is the maximum before it becomes a primary structure.

121 Chairman Willm: This is less than 850?

122 Mr. Harrah: It's 850 exact.

123 Mr. Lanham: Because I wondering how, how the address of this had to be, could be Dogwood Drive, when
124 actually it's facing the other street. I guess that's the answer; it's connected, so to speak.

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125 Mr. Harrah: Yes, sir. It's 800, and if I'm not mistaken, it's 850 per square foot, per floor is allowed.

126 Mr. Lanham: Per floor.

127 Mr. Harrah: Um, huh.

128 Chairman Willm: There's two entrances onto the side? On the right side?

129 Mr. Harrah: There is only the back, the back where the rear of the building going out, and then that front

130 door coming off the side of the property.

131 Chairman Willm: The thing out to the right, that's the garage?

132 Mr. Harrah: Yes, sir, a single car garage.

133 Chairman Willm: So there's an entrance through there.

134 Mr. Harrah: Yes, sir, but you can't use that door as your primary entrance into a dwelling by code.

135 Chairman Willm: Is this considered a dwelling or a ...

136 Mr. Harrah: Yes, an accessory dwelling.

137 Chairman Willm: An accessory dwelling, so it has to have, this has to have this front door?

138 Mr. Harrah: Yes, sir.

139 Mr. Murdock: Does the property currently have a stop work order on it? I noticed that there's been not a

140 whole lot of work done on it. Of course, it wasn't proceeding with a great deal of velocity before that, but ...

141 Mr. Harrah: I can't speak for the contractor, but I think he stopped waiting until this occurrence had ...

142 Ms. Watson: Mr. Harrah, on Exhibit 4 your steps on the front door are leading to the left, and on Exhibit 5,

143 which has not been approved, your steps are coming forward.

144 Mr. Harrah: They actually, on the Exhibit 5, on what they propose, they have 'em going on both forward

145 and to the left.

146 Ms. Watson: Is there any way to downsize that so that it will be in compliance, if you go to the left? How

147 much of a landing do you have to have?

148 Mr. Harrah: You have to maintain a minimum of three foot in front of the door. So, you still have to have at

149 least a three foot landing out front and then you can exit off the side of the steps off to the left.

150 Ms. Watson: So that wouldn't put 'em in compliance, either?

151 Mr. Harrah: No, ma'am, because they've only got one foot eight from the building to setback line.

152 Chairman Willm: What about going into the side of the building where they've got those steps?

153 Mr. Harrah: That's what I'm saying. If you go to the side, you're only, you're encroaching one and a half

154 foot in.

155 Chairman Willm: I mean not change the entrance to this side, the left side of the house. The step where

156 that connection steps are. I'm looking for if we don't approve this what's there other options.

157 Mr. Harrah: Well, if you look at Exhibit 6 the current construction, the picture ...

158 Chairman Willm: Yes, sir.

159 Mr. Harrah: ... you couldn't go to the left because that deck is up above that entry floor to the main of that

160 part of this accessory structure.

161 Chairman Willm: That deck is for the primary, for the primary part of the house.

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162 Mr. Harrah: Yes, sir.

163 Chairman Willm: It's a pickle.

164 Mr. Harrah: And you have, excuse me, you have a bathroom on that side, as well, a powder bath that abuts
165 that wall where that deck is. So, redesign as possible, but they're already, as you see they're already up in the
166 roughing stages of construction.

167 Chairman Willm: I know you can't speak for them, but do you know that the owners chose not to come or
168 were you expecting them here?

169 Mr. Harrah: I was, I have no ... (**two speaking at once)

170 Chairman Willm: (**two speaking at once) I'd like to give them a chance to speak, but ...

171 Mr. Harrah: I have no idea, sir. We sent them letters. We send the contractor letters, as well.

172 Mr. Murdock: If, if the primary building, which I'm gonna call the existing, if the existing structure was
173 occupied, could you rent this back accessory building? I know it's in the R3 area, but, because then it would be two
174 separate dwellings in my mind.

175 Mr. Harrah: You're actually correct.

176 Mr. Murdock: Yeah, and I'm wondering if that's the intention of that second entrance.

177 Mr. Harrah: Again, I can't speak on the, on that.

178 Chairman Willm: That's why I wish they were here. We can't speak on it either, but that's, by looking at it
179 that looks like they're trying to build another house on the backside of their property; they built another house on the
180 backside of their property, and you guys are talking about powder bathrooms, something, what did you call it?

181 Mr. Harrah: There's, if you look at the floor plan, you'll see that the second floor has a kitchen; third floor
182 has a living room and two bedrooms. So it's an accessory dwelling by our ordinance standards. It's got 850 square
183 feet per floor, which is allowed.

184 Mr. Murdock: Mr. Chairman, unless anybody has any of other questions, I'm ready to make a motion to
185 deny.

186 Ms. Watson: I second it.

187 Chairman Willm: We have a motion on the table to deny the variance and a second. Any discussion? So,
188 I'll call for a vote.

189 Mr. McKeen: No, denied.

190 Mr. Murdock: Denied.

191 Ms. Watson: Denied.

192 Mr. Taylor: Denied.

193 Mr. Lanham: Denied.

194 Chairman Willm: And I voted denied, also, due to it not meeting the four stated criteria to recommend the
195 variance. **Motion [to deny] was carried.**

196 **7. Public Comments – General Comments.** There were no public comments.

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201 **8. Board Comments.**

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203 Mr. Lanham: I have one. I apologize for my phone going off. Nobody ever calls this phone except
204 marketing people (*laughter.*) I apologize. I should've left it in the car. Chairman Willm: It's quite all right.

205
206 Mr. Taylor: I have one, this is for our staff. I've only been on this board for a little over a year, but it seems
207 like each of the cases that come before us at some point during the process something has been overlooked during
208 the initial permitting process, and I hope that we can get past that, and tighten that process up a little bit Mr. Harrah:
209 Yes sir, we actually are looking at our process and implementing a few different checks and balances to prevent
210 things like this from happening. It does happen, but it seem to be happening too much. Mr. Taylor: I would agree
211 with that.

212
213 Ms. Watson: Actually, I'm pretty pleased that we don't meet that many times a year, so something must be
214 going right. (*Laughter*)

215
216 Mr. Murdock: I just wanted to say that I generally like to think of myself probably being about the most
217 liberal person probably on this board as far as, yeah, you would agree with that, but this one is just a mess, and it
218 seems like that whole construction project is been a mess. The accessory building bothers me. I believe if I was
219 looking at these plans originally myself, I would have made the assumption that that this was an attendant structure
220 to the primary structure, which is what accessory probably is supposed to mean. But I don't know that that was the
221 intent here. It seems to me like the intent was they were building a whole second house. And that's the reason I made
222 the motion as quickly as I did, because I don't think that there, I don't believe that this was an oversight necessarily
223 on the planning part. I think this was a deliberate oversight on the submittal part, and unfortunately that is very little
224 we can do about that. I think this is unfortunate from a lot of different levels, but primarily for those property
225 owners, because I think that maybe they've been told some things that they could do by some people that probably
226 wasn't by planning and zoning that that they can't do. So, that's unfortunate, but they're gonna have to deal with that.

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228 Mr. McKeen: I have a comment first on one of our past decisions. The last one on May 25th the Evans
229 were here to ask for a zoning variance for their house at 316 Melody. I walked by there today; it looks fantastic. So
230 we made a really good decision. That house just pops now. A cinderblock house looks really fine in that
231 neighborhood. Second item is unfortunately I have to tender my resignation, because I've been selected for the
232 planning and zoning commission. So, this'll be my last meeting with you. Chairman Willm: We were glad to have
233 you on here. Mr. McKeen: Yeah, it was only for year and four or five months, but that I learned quite bit from you
234 guys.

235
236 Chairman Willm: We hope you make this extension project one of your first projects over there. I think
237 something could be toughened up in the ordinance so that kind of thing is not allowed. I mean we had this one time
238 years ago with the Golden Egg building a storage place and then wanting to rent it out as a second business on one
239 piece of property. So this came up before. I agree, I think this is for all intentions never being connected to the main
240 house, the intention was make this a second house on the property. I don't know if we can do anything with the
241 zoning code to prevent that. Thank everybody. Sorry that the applicants weren't here to give their side of it, but I
242 think we gave them a fair hearing, and thank everybody for showing up tonight.

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244 Ms. Watson: About our training, it's November now and we need to get our three CEUs by the end of the
245 year, right. Mr. Harrah: Yes, there's training coming up in December by the COG that members can attend, and a
246 conference is being held next week. Contact Ms. Mazzo to register.

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248 **9. Adjournment.** Mr. Taylor moved to adjourn the meeting at 6:57 p.m. Mr. Murdock second. All voted in
249 favor. **MOTION CARRIED.**

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251 Prepared and submitted by,

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253 _____
254 Debra E. Herrmann, CMC, Town Clerk

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256 Approved: May 24, 2018

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Darrell Willm, Chairman

Holly Watson, Vice Chairman

Terri Lauer, Board Member

Guy Lanham, Board Member

Larry McKeen, Board Member

Phil Murdock, Board Member

Steve Taylor, Board Member

Clerk's 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. In accordance with FOIA §30-4-80 (A) and (E), meeting notice and the agenda packet were distributed to local media and interested parties via the town's email subscription list. The agenda was posted on the entry door at Town Council Chambers. Meeting notice was also posted on the town website at www.surfsidebeach.org and the marquee.

APPROVED