



Town of Surfside Beach  
Planning, Building & Zoning Department  
115 US Hwy. 17 North,  
Surfside Beach, SC 29575  
(843)913-6341

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All questions & comments need to be emailed to [tmazzo@surfsidebeach.org](mailto:tmazzo@surfsidebeach.org) by 4:00 day of meeting

**BOARD OF ZONING APPEALS  
TOWN COUNCIL CHAMBERS/TELECONFERENCE  
Thursday, December 17, 2020 6:30 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. AGENDA APPROVAL
4. MINUTES APPROVAL - September 24, 2020
5. PUBLIC COMMENTS ON BUSINESS ITEM
6. BUSINESS ITEM

Appeal No. ZA2020-05 by Steven D Brittain requesting approval to build a front porch within the required front yard setback requirements. The property is located at 344 Melody Lane. TMS: 195-07-03-016/PIN: 462-12-03-0062

7. PUBLIC COMMENTS - General Comments
8. BOARD COMMENTS
9. ADJOURNMENT

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**BOARD OF ZONING APPEALS MINUTES  
TOWN COUNCIL CHAMBERS/TELECONFERENCE  
Thursday, September 24, 2020, 6:30 pm**

**CALL TO ORDER** Chairman Willm called the meeting to order at 6:30 pm Members present: Chairman Willm, Members Dougherty, Lanham, Lauer, Murdock, and Taylor. Members Absent: Members Belanger, and. A quorum was present. Others present, Carroll Coleman, WRCOG Local Planning Services Director.

**PLEDGE OF ALLEGIANCE** Chairman Willm led in the Pledge of Allegiance

**AGENDA APPROVAL** Mr. Taylor moved to approve the minutes. Mrs. Lanham second. All voted in favor.  
**MOTION CARRIED.**

**MINUTES APPROVAL** – July 23, 2020, Mr. Taylor moved to approve the minutes. Mrs. Lanham second. All voted in favor. **MOTION CARRIED.**

**PUBLIC COMMENTS ON BUSINESS ITEM** – None

**BUSINESS ITEM**

**Appeal No. ZA2020-05 by Steven D Brittain requesting approval to build a front porch within the required front yard setback requirements. The property is located at 344 Melody Lane. TMS: 195-07-03-016/PIN: 462-12-03-0062**

Ms. Carol Coleman stated that the applicant came because he wished to give an orientation to their home. After all, it's a corner lot, and the front of the home, even though the door is on the side of the front of the home, it's not visible from the street. So from the street view, you can see the bay window along the front. The actual front door is on the right side of the home. He's trying to create curb appeal. The front door is actually on the ocean side. And you can see the stairs when you get up towards the house, but from the street, they blend in, because they're dropped back a bit. Usually, when you see a house like that, the driveway might be on the same side. But, again, on the other front, you can see the carport is on the other side of the house. So they're trying to create something where people could come up at the front of the house and intuitively know, this is the way to go in.

So the required setback is 25 feet per the zoning ordinance in R2 District. They meet the setback, so any addition to the front of the house would be an encroachment. And what he was asking for is to put a front porch along the front of the house, under the Bay Window, to lead around to the door. If someone came in off the driveway, they would see where to walk up the porch and be naturally guided towards the door. The front setbacks 25 feet, the rear is 20 feet, and the corner side setback is 15.

They meet the minimum area for the district, which is a minimum of 6000 square feet. I tried to see if there was any possible way in the zoning ordinance to allow any relief, but there was nothing in there. And again, the house was built to the setback line.

The house is currently 24.82 feet on the shortest distance, from the street. The proposed porch addition would reduce that to 13 feet because I want to build a 12-foot porch. And the house is about 50 feet from the pavement.

I researched to find out if there were any plans in the future to make any improvements along Melody Lane because there is an excessive amount of right away that appears to be the front yard. But you can see in the photographs where that ends and where the yard begins. If they did make any improvements, they may put a turn lane, make a third lane down the road. But they didn't even envision doing that with the current traffic load that

62 they were carrying. So, at most, the right of way, width could be pushed 7.5 feet, closer to the house. They'd still  
63 be 43 feet give or take from the pavement even if they make improvements to Melody lane.

64  
65 So if you look at the survey, the steps are on the right side of the house, and the door is actually to the left of  
66 those steps. You don't go straight up and go into the door. You go straight up and turn the door is on the side of  
67 the house, not on the front of the house. So it's not very visible from the front. Then you have a carport, there's  
68 nothing there, but a huge bay window.

69  
70 Steven Brittain, owner, stated, what I would like to do is build a covered porch to meet the actual house itself, a  
71 framed out and around to meet that door. Currently, there's no driveway. There are no plans to change the front  
72 door. What I would like to do is take that window out and put some doors there.

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74 Mr. Taylor stated It seemed like a pretty large front porch. Are you going to take the window out  
75 and put a door there? Mr. Brittain stated, yes.

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77 Mr. Lanham asked if the carport was added to the home later. Mr. Brittain stated it was there when he bought it.

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79 Ms. Coleman suggests different ideas, such as building steps that will be located in front of the new doors and add  
80 an overhang.

81  
82 Mr. Taylor stated it seems like when you go 12 feet into an ordinance, almost 50% into an ordinance is just a little  
83 bit too much.

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85 Chairman Willm stated the one concern I do have is one of the four criteria. And one of my concerns is how you  
86 answered Number 3, and this will deny the request. And we have to go by these four criteria.  
87 And they are difficult, too. But the fact that, in your requests, that says if the town applied as regular zoning  
88 requirements to your property, which they're doing, your use of the land would be restricted or effectively  
89 prohibited, and you answered, no? It may mean that you couldn't use your property unreasonably restricting that  
90 you couldn't use it, but it gives you some kind of unreasonable restriction or prohibits you from use.

91  
92 After a short discussion, Ms. Coleman suggested tabling this application so the applicant can speak with a  
93 contractor to see if there is a better plan for the deck.

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95 Mr. Murphy made a motion to table the application. Mr. Taylor, second. All voted in favor. **Motion Carried.**

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97 **PUBLIC COMMENTS – None**

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99 **BOARD COMMENTS – None**

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01 **ADJOURNMENT – Chairman Willm adjourned the meeting at 7:03 pm.**

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03 Prepared and submitted by,

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06 \_\_\_\_\_  
07 Sheri L Medina, Town Clerk

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09 Approved: \_\_\_\_\_, 20\_\_\_\_

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13 Darrell Willm, Chairman

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16 Steve Taylor, Vice Chairman

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16 Jon Dougherty, Board Member

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18 Terri Belanger, Board Member

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18 Terri Lauer, Board Member

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20 Guy Lanham, Board Member

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20 Phil Murdock, Board Member

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22 Clerk's Note: Be advised that these minutes represent a summary of items with a verbatim transcript of the hearing section  
23 insofar as can be determined by the recording thereof and are not intended to represent a full transcript of the meeting. The

18 audio recording of the meeting is available upon request; please provide a flash drive on which to copy the audio file. In  
19 accordance with FOIA §30-4-80 (A) and (E), meeting notice and the agenda packet were distributed to local media and  
20 interested parties via the town's email subscription list. Meeting notice was also posted on the town website at  
21 [www.surfsidebeach.org](http://www.surfsidebeach.org) and the marquee.  
22

# ISSUE PAPER FOR ZONING BOARD OF APPEALS CONSIDERATION

**Meeting Date:** December 17, 2020

**Prepared by:** Carol Coleman, TAWRCoG

**Agenda Item:**

**Subject:** Appeal No. ZA2020-05 by Steven Brittain requesting approval to build a front porch within the required setback. The owner requests the porch encroach 12' into the required 25' front setback, resulting in the addition being within 13 ft. of the front property line. The property is located at 344 Melody Lane. TMS# 195-07-03-016.

**BACKGROUND:**

Property owner wishes to add a front porch which will encroach into the required front yard setback. Currently, what is structurally considered the front of the house (per the existing zoning ordinance definition in Section 17-402 below in **bold**) is recognized as the side yard of the house as it was constructed. The lot is a corner lot and is addressed off Melody Lane, but the front door is on the right side of the house and the owner states people don't realize that is the front due to the driveway location. Zoned R2, the setbacks are as follows: Front setback is 25'; rear yard setback is 20'; and, side yard setback is 10' (corner side is 15'). The lot meets the minimum area for the district (6,000 sf) as well as the minimum lot width (60') as it is +/- 7,412 sf and is 67 - 68' wide. The owner states he is attempting to improve curb appeal by making Melody Lane recognizable as the front of the house. The home currently sits 24.82' from the front property line and the proposed porch addition will reduce that to 13' resulting from a 12' encroachment. *At the September 24, 2020 ZBA meeting, staff suggested a continuance or a deferral to allow the applicant to reconsider his request. He has submitted a new sketch plan for review. The proposed porch is shown as 8' deep, which is a reduction of 4' from the original request. The variance, as proposed, would result in an encroachment of 8' and a setback of 16.82'.*

**Sec. 17-201. - Exceptions and modifications.**

e. *Nonconforming building enlargement.* Where the principal building on a lot contains a conforming use and is nonconforming solely as a result of a setback encroachment, additions to the principal building can be allowed provided the new addition does not project into the setback. If a proposed addition would encroach into the same setback that already has been encroached upon, the addition can be allowed, provided that it projects no further into the setback than the existing building and in no way extends past the wall line of the existing building. This provision does not apply to a nonresidential use that adjoins a residential district on the side of the lot having the setback nonconformity. Neither shall this provision be applied to allow a building to be extended closer than five (5) feet from any property line nor allow a building to be extended closer than fifteen (15) feet from any publicly maintained right-of-way.

**Sec. 17-503. - Nonconforming structures.**

b. *Expansion.* A nonconforming structure shall not be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity (See also subsection [17-201\(e\)](#)).

**Sec. 17-402. - Corner lots.**

The minimum width of a side yard along an intersecting street shall be fifty (50) percent greater than the minimum side yard requirements of the district in which the lot is located except in the C-1 highway commercial district where the minimum side yard is five (5) feet for corner lots. ***For the purposes of this section, the lot line having the shorter dimension along the street line shall be considered the front of the lot.***

**ATTACHMENTS      *Revised sketch plan***

Application for variance and applicants supporting documents

Letter sent to surrounding properties and list of property owners

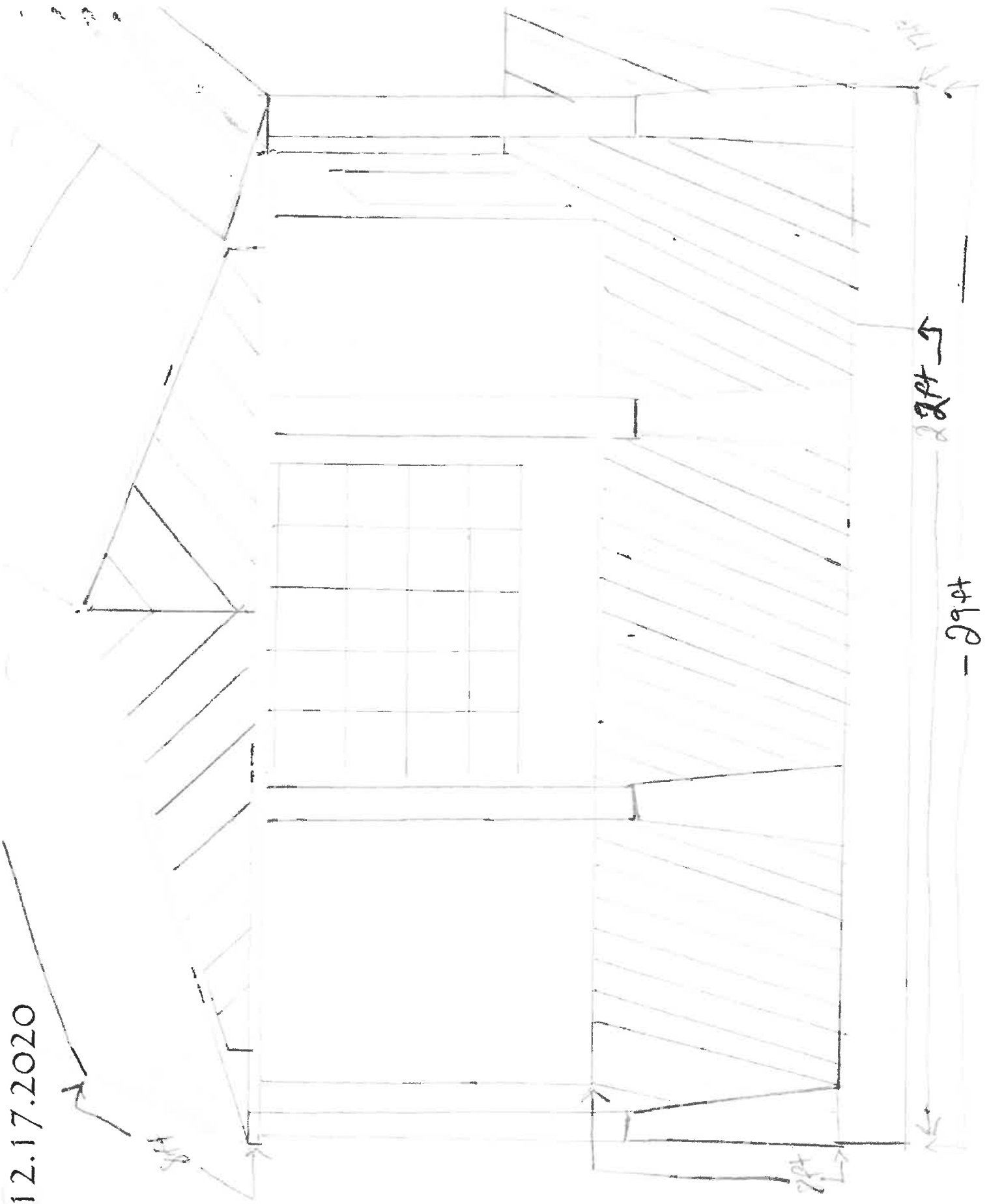
Property was advertised in the local paper as required by law

Property was posted as required by law

Plat of property and plat with dimensions for proposed addition drawn in.



ZBA 12.17.2020



- 29ft

22ft

29ft

29ft



## NOTICE OF PUBLIC HEARING

The Board of Zoning Appeals of the Town of Surferside Beach, SC will hold a Public Hearing at 6:30 PM on Thursday, December 17, 2020 in the Council Chambers of the Surferside Beach Town Hall located at 115 US Highway 17 N, Surferside Beach, SC pending COVID-19 restrictions (possible limited seating) and/or by teleconference. The purpose of the meeting will be to hear the following appeal

Appeal No. ZA2020-05 by Steven D Britain requesting approval to build a front porch within the required front yard setback requirements. The property is located at 344 Melody Lane.  
TMS: 195-07-03-016/PIN: 462-12-03-0062

Documents relating to the appeals are available for public inspection in the Planning, Building and Zoning Department at 115 Highway 17 N, Surferside Beach, SC 29575.

*m.B. Herald  
11/27/2020*