



**BOARD OF ZONING APPEALS MEETING MINUTES
TOWN OF SURFSIDE BEACH
TOWN COUNCIL CHAMBERS
MAY 28, 2015 ♦ 6:30 p.m.**

1. CALL TO ORDER.

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

2. PLEDGE OF ALLEGIANCE.

Chairman Ott led the Pledge of Allegiance.

3. AGENDA APPROVAL.

Ms. Lauer moved to approve the agenda. Mr. Willm seconded. All voted in favor. **MOTION CARRIED.**

4. ELECTION OF OFFICERS.

Mr. Lanham moved to elect Mr. Ott chairman. Mr. Willm seconded. All voted in favor. **MOTION CARRIED.**

Chairman Ott moved to elect Mr. Willm vice-chairman. Mr. Lanham seconded. All voted in favor. **MOTION CARRIED.**

5. HEARING APPEAL. (*This portion verbatim.*)

Appeal No. ZA2015-01 by ASL Signs, agent for Wyndham Vacation Rentals for a variance from Section 17-266(c) of the zoning ordinance to allow property at 213 Surfside Drive (TMP#195-04-09-020) to allow for the encroachment of a freestanding sign within 10 feet of the front property line. Chairman Ott opened the hearing at 6:31 p.m.

Ms. Leggio: My name is Kristin. I'm president of ASL Signs, along with my husband, and we are here to talk about Wyndham Vacation Rentals.

Chairman Ott: Would you mind raising your right hand, this is a hearing. (Clerk Herrmann asked for the speaker's full name.)

Ms. Leggio: Kristin Leggio, L-e-g-g-i-o.

Chairman Ott: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Ms. Leggio: Yes, sir. So, I have, my client is Wyndham Vacation Rentals. They have taken over the location at 213 Surfside Drive. We are proposing to have a free standing monument sign to be installed in the location of an existing sign that used to locate there previously. Of course, it is out of ordinances for the new, the new ordinances, so we are requesting for a variance to be done, and see if we can have approval to have the sign located there. It is a prime location for both traffic going, you know, east and west on Surfside Drive. It's most visible to the area and it is a prime location for the sign. It also has electrical there, so it's going to be an illuminated sign,

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56 and for our customer's location and the location of the building, it is the absolute best place for a
57 sign at this time.

58
59 Chairman Ott: Do you have anything else at this time?

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61 Ms. Leggio: I don't know if there's any other, you know, photos, I have photos, if there's different
62 views you'd like to see of the property.

63
64 Chairman Ott: Okay.

65
66 Ms. Leggio: (Distributed photographs.) That's the sign we are proposing to put in that spot and
67 these are all the different, you know, views. So, as you can see, based on the, the property
68 location, if we were to put it anywhere else, it would take up parking lot spaces or would be
69 hidden behind the building, and would not really have as optimal viewing.

70
71 Chairman Ott: This is the hearing section. In a minute, I'm gonna close that and we'll open up
72 the business section, and the board will probably have some questions for you. If you have no
73 other statements at this time, I'll ask the town to present, Director Morris. You are finished, right?

74
75 Ms. Leggio: Yes, I'm finished.

76
77 Chairman Ott: Do you swear to tell the truth, the whole truth and nothing but the truth, so help
78 you God?

79
80 Direct Morris: I do. As the sign, the representatives stated, they are proposing a new free
81 standing sign on the side of the property. It's actually where the old sign once was. This is the
82 area (referring to a photographs in a PowerPoint); it's actually on the two corners, Oak Street and
83 Pinewood Street, Surfside Drive. This is the front of the building coming from the ocean side.
84 This is where the old sign was, and it was actually parallel with the building. It was a wooden
85 sign. They removed it and up-lighted, it was being up-lighted from the bottom of the landscape
86 island. You can see here it was actually parallel. This sign is a little, it's larger. It's solid. It's a
87 monument style sign, and they want it to be perpendicular to their, the street. We've had some
88 concerns and we have those put in your packets tonight. Since this is the public hearing section,
89 I'll go ahead and share those with you, and most were in writing.

- 90
91
- 92 • First said the policemen that the sign perpendicular in the requested area has risen
93 concerns for the property owners. They're concerned with the size of the signage
94 and the location causing line-of-sight issues when turning off of, from Oak Street, Oak
95 Drive, excuse me, to Surfside Drive.

96
97 Director Morris: And actually, because of that complaint, this is our vehicle (referring to
98 photograph). This is the stop sign here, and the sign would actually be this way. This is the right-
99 of-way, so it would be here.

- 100
- 101 • Objection to the size and the style of the sign. They say that the sign is too large,
102 commercial, industrial sign, back lit with LED, made of laser cut aluminum;
 - 103 • Stated the sign will be out of place and overwhelming in a residential neighborhood;
 - 104 • They requested the board require a new place, a new, excuse me, a new and more
105 appropriate design, which is smaller, less commercial looking, and lighted from the
106 ground lighting as was the last sign. They say that this would preserve the residential
107 integrity of the area;
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- We received one phone call received requesting the board deny the variance stating the ordinances are in place for reasons of line-of-sight and allowing one variance could allow for many additional requests, and
- Another stated that if the variance is approved for the requested location, she would request that the board limit the size of the sign and be a much smaller [sign] than what is requested.

Director Morris: I will add that if it, they do, they are required to meet the sign requirements; they would lose this parking space, so they would have to bring it back here. They have 11 parking spaces on the property now. Losing one would not make the building nonconforming. So they could still operate. They could also by ordinance have a wall sign on the front.

Mr. Willm: Either or?

Director Morris: They can have both. Once the hearing is over, I'll be glad to answer any questions you may have.

Chairman Ott: At this time I'll open the hearing to the public. Anybody here like to speak about this request for variance? Nobody? We do have time rebuttal from the applicant.

Ms. Leggio: I have photos from the last sign that was there. It actually was not perpendicular, or excuse me, parallel. There were additional posts that were removed prior to those photos and the posts actually did hold the sign that way. Now, it wasn't illuminated, you know, like ours would be, internally. It was illuminated from the ground up. However, our sign is only going to be roughly five foot tall, and these sign posts are eight foot tall from the existing sign. So, what once, once there, ours would actually be smaller.

Chairman Ott: Do you have those with you?

Ms. Leggio: I do.

Chairman Ott: Would you like to pass those to the board? Thank you.

Ms. Leggio: As far as the look to the sign, you know, we've tried to accommodate a classy, you know, a classy look to the sign. The entire sign does not illuminate. Only the necessary portions such as the name and vacation rentals. So, it's not going to be, you know, a huge commercial, typical looking sign. We've tried to keep it lower to the ground. Classy looking, as I said, and still trying to meet our customer's requests, of course. But, you know, it's not going to be a big, bright illuminated in the way sign, as much as possible. That's all. Thank you.

Chairman Ott: Do you have any rebuttal?

Director Morris: Well, I apologize, I was told, it was before my time they had the sign up there. I was told it was parallel, not perpendicular. The concerns of it being it is a solid sign. There is another location that the sign could go, although they would lose a sign, a parking space. There are other alternatives. Also, they could put a sign, again, on the building that would be visible. I just would request you consider all of that and the four point criteria required by State Law, before you make a decision.

Chairman Ott: There's no other questions, no other, any other rebuttal to this?

Ms. Leggio: (** Speaking from audience.)

Chairman Ott: You have to speak into the microphone. We're recording verbatim.

166 Ms. Leggio: Alright, sorry. Just a comment towards the parking space. We were trying to
167 eliminate having to move the sign there for, you know, for reasons of moving, moving power,
168 digging up the concrete, you know, of course, things like that. But, also because it will then be
169 further behind the building and you would lose its visibility from, you know, one direction of
170 Surfside Drive. So we were trying to, you know, do our best for our customer to try and be able to
171 maximize the visibility of the sign. Thank you.

172
173 Chairman Ott: Director Morris?

174
175 Director Morris: No, I have nothing.

176
177 Chairman Ott call for a motion to close the public hearing at 6:43 p.m. Ms. Lauer so moved; Mr.
178 Lanham seconded. All voted in favor. **MOTION CARRIED.**

179
180 **6. BUSINESS.** Appeal No. 2015-01 by ASL Signs, agent for Wyndham Vacation Rentals for a
181 variance from Section 17-266(c) of the zoning ordinance to allow property at 213 Surfside Drive
182 (TMP#195-04-09-020).

183
184 Ms. Lauer was concerned with safety. A sign of any height in the location requested would
185 prevent drivers from seeing clearly from the stop line at the stop sign. Not only would sight be limited for
186 cars, it would also be limited for golf carts, bicycles, and pedestrians. She believed placing a sign in the
187 location requested perpendicular to the building would be an accident waiting to happen. She welcomed
188 the business in town, and said knowing that the sign could be placed in the parking space or on both
189 sides of the building would properly promote the business.

190
191 Mr. Courtney asked how far the sign would be from the road. Director Morris said the right-of-
192 way on Surfside Drive is 75-feet from the middle of the road. The landscaping is the property line. The
193 line-of-sight is a 20-foot radius from the stop sign; if the sign is placed in the parking space, it would be
194 just beyond the 20-foot radius. Mr. Courtney was also concerned with safety.

195
196 Mr. Willm asked if the old sign was nonconforming. Director Morris said yes; it was
197 grandfathered.

198
199 Chairman Ott asked if the building was legal nonconforming and if the proposed sign size was
200 allowed. Director Morris said the building was legal nonconforming, and the proposed sign actually met
201 the sign ordinance requirements. Chairman Ott asked if different areas were considered for the sign.
202 Director Morris said there were alternatives. The sign could be placed in the parking space; electrical was
203 available, and the pavement would have to be cut if they want a free standing sign. The option is to
204 eliminate the free standing sign and have wall signs both sides of the building, or a single sign could be
205 placed on the front of the building.

206
207 Mr. Lanham asked if a wall sign could be perpendicular to the building. Director Morris said the
208 sign would have to be smaller and could not intrude into the right-of-way, if the board prefers that instead
209 of a free standing sign.

210
211 Mr. Willm asked where the sign would have to be located to be in compliance. Director Morris
212 said in the parking space. If the sign was placed there, a variance would not be necessary.

213
214 Ms. Lauer asked if the proposed lighting was allowed. Director Morris said the lighting was
215 allowed; and said all the sign components met the ordinance requirements.

216
217 Mr. Willm asked if there were other properties in the area to which this problem might apply.
218 Director Morris said the commercial building directly across to the road. Mr. Willm said that one criteria
219 would prevent granting a variance, because the State Law requires all four criteria to be met.

220

221 After much discussion, Mr. Lanham moved to deny the request because the situation is not
222 particular to the subject property. Mr. Courtney seconded. All voted in favor. **MOTION TO DENY**
223 **CARRIED.**

224
225 **7. BOARD COMMENTS.**

226 Ms. Lauer hoped the business did well, but was concerned with the safety on that corner.

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228
229 Chairman Ott said the board was required by State Law to determine whether the variance met
230 all four of the criteria. In this case the property failed to meet more than one of the criteria.

231
232 Director Morris reminded the members that Waccamaw Regional will be providing annual training
233 in August here at town hall. The information will be sent as soon as the schedule was set.

234
235 **8. ADJOURNMENT.**

236 Mr. Lanham moved to adjourn at 7:16 p.m. Ms. Lauer seconded. All voted in favor. **MOTION**
237 **CARRIED.**

238
239 Prepared and submitted by,

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241 _____
242 Debra E. Herrmann, CMC, Town Clerk

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245 Approved: _____

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248 _____
249 Ron Ott, Chairman

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252 Darrell Willm, Vice Chairman

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255 Timothy Courtney, Board Member

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258 Terri Lauer, Board Member

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261 Guy Lanham, Board Member

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264 Holly Watson, Board Member

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267 Vacant Seat

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269 Note: Be advised that these minutes represent a summary of items with a verbatim transcript of the
270 hearing section insofar as can be determined by the recording thereof of the board of zoning appeals and
271 are not intended to represent a full transcript of the meeting. The audio recording of the meeting is
272 available upon request; please provide a flash drive on which to copy the audio file. An agenda of this
273 meeting was published pursuant to FOIA §30-4-80(a), and made available to all interested parties.
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