TOWN OF SURFSIDE BEACH
115 US Highway 17 North, Surfside Beach, SC 29575
www.surfsidebeach.org
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BOARD OF ZONING APPEALS
TOWN COUNCIL CHAMBERS
OCTOBER 27, 2016 ◆ 6:30 P.M.

1. **CALL TO ORDER** – Chair Wilm

2. **PLEDGE OF ALLEGIANCE**

3. **AGENDA APPROVAL**

4. **MINUTES APPROVAL** – July 28, 2016

5. **PRESENTATION OF VARIANCE REQUEST - STAFF**

6. **PUBLIC COMMENT ON BUSINESS ITEM**

7. **BUSINESS**

   Appeal No, ZA2016-07 by Alton Cherney, for Famous Hamburger Joes requesting a variance from Section 17-641(a)(1) of the Zoning Ordinance to allow a freestanding sign to be located closer than 10' from the street or public right of way.

8. **PUBLIC COMMENTS –** General Comments.

9. **BOARD COMMENTS**

10. **ADJOURNMENT**

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

1. CALL TO ORDER.

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

2. PLEDGE OF ALLEGIANCE.

Vice Chairman Willm led the Pledge of Allegiance.

3. AGENDA APPROVAL.

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

4. MINUTES APPROVAL.

Mr. Lanham moved to approve the minutes of the April 28, 2016 meeting as submitted. Ms. Watson second. All voted in favor. **MOTION CARRIED.**

5. ELECTION OF OFFICERS.

Chairman: Ms. Watson moved to elect Mr. Willm chairman. Ms. Lauer second.

Mr. Murdock moved to close nominations. Ms. Watson second. All voted in favor. **MOTION CARRIED.**

All voted in favor to elect Mr. Willm chairman. **MOTION CARRIED.**

Vice Chairman: Mr. Lanham moved to elect Ms. Watson vice-chairman. Mr. Murdock second. All voted in favor. **MOTION CARRIED.**

RECUSAL: Ms. Lauer recused from the business portion of the meeting; the original recusal statement is attached to these minutes.

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

Appeal No. ZA2016-06 Matthew & Judie Brown at 145 Harbor Lights Drive request a variance from Section 17-310 of the Zoning Ordinance regarding rear setback requirements in the R1 Zoning District. The Browns request a variance to encroach 6 feet into the rear 20 foot setback requirement.

Chairman Willm opened the public hearing at 6:03 p.m. Any speakers must be sworn in. Chairman Willm: Do you swear to the truth, and nothing but the truth?

Ms. Brown: I swear to tell the truth, the whole truth. I am Judie Brown and I'm asking for a variance to have a solarium added to my; I'm just doing six feet added on to my screened-in porch. My porch is of no use to me without it. I can't talk on the phone. I have roly polies by the bags full, and 17 is right behind me. So, there's nobody who sees it, except me. I request that you grant that. Do you have any questions for me?

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Chairman Will: We do that now, right? Or, do we do that later. We'll do it after, okay. We have to go ahead and open it up for public comments. When we're at the business section, we'll bring you back up and ask you questions.

Ms. Brown: Oh, okay.

Chairman Willm: It's not that easy, is it? State your name. Mr. Trapp: My name is Bill Trapp. Chairman Willm: Do you swear to the truth, and nothing but the truth?

Mr. Trapp: I swear to tell the truth, the whole truth. I live across from Mrs. Brown on 148 Harbor Lights Drive and I have; I want to state for the record that I have no objection to what she wants to do. Thank you.

Chairman Willm: Wonderful. Thank you sir. Yes, sir. Please state your name for the record. Do you swear to the truth, and nothing but the truth?

Mr. Causey: Charlie Causey, I swear to tell the truth, so help me, God. I also live across the street from Mr. and Mrs. Brown at 136, and I would encourage the board to approve the variance. I have no objection.

Chairman Willm: Thank you, sir.

Ms. Magliette: Patti Magliette, 104 Harbor Lights Drive. I swear to tell the truth, the whole truth, nothing but the truth. I'm a neighbor of Judie's and I am fully in favor of this. It would be nice if you would be able to sit back there and talk on your phone, and cut back some of the 17 noise, and I think it will look pretty when it's done. Thank you very much.

Chairman Willm: Thank you. Any other public comments to be having tonight? Yes, ma'am.

Ms. Spannuth: Wanda Spannuth. I swear to tell the truth, the whole truth and nothing but the truth. I hadn't planned on doing this, but I also am a neighbor, and I don't see that it's going to interfere with anything in the development as it backs up onto Highway 17. Thank you.

Chairman Willm: Thank you, ma'am. We still have room for anybody else that would like to speak. Yes, ma'am.

Ms. Patchette: I swear to tell the truth, the whole truth. Tina Patchette, 129 Harbor Lights. I'm a neighbor and I can tell you I could not live in that back part of her house, because the noise is unbelievable. I mean she really needs this. So, hopefully, you will agree.

Chairman Willm: Anybody else? Going once, going twice? I make a motion to close the public comments. Ms. Herrmann: Not necessary for a motion. Just declare it closed. Chairman Willm: Not necessary; we'll move on. I close the public comment section (6:08 p.m.) and open the business section.

7. BUSINESS.

Appeal No. ZA2016-06 Matthew & Judie Brown at 145 Harbor Lights Drive request a variance from Section 17-310 of the Zoning Ordinance regarding rear setback requirements in the R1 Zoning District. The Browns request a variance to encroach 6 feet into the rear 20 foot setback requirement.

Ms. Morris after being duly sworn presented the town's information, a copy of which is on file. She explained that the property owner requested a six foot encroachment to the rear setback to build a solarium. The property backs up to a berm that fronts on Highway 17. The property is zoned R1 with a rear setback of 20 feet. Brick pavers are currently at the rear of the property that encroach about six feet,

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but the pavers are pervious, which allow rain to pass through to the ground. The request is basically to enclose the brick pavers with a solarium. If a solarium is built, the area would not be pervious. The plat shows that the 20 foot setback is also a drainage easement. Harbor Lights development is large and has a many drainage easements. The public works director objects to the variance because no encroachments are allowed to be built in drainage easement areas. Granting the variance would allow encroachment into the stormwater drainage easement. These actions could be taken, if the variance is approved: 1. Require the homeowner's association to redesign this section stormwater plan; or 2. Have the property owner submit a stormwater plan. Generally, owners in this subdivision are not required to have individual plans, unless the property is on the water.

Chairman Willm asked if the berm was part of the setback. Ms. Morris said it is.

Mr. Lanham asked for clarification about the property location and situation. Ms. Morris approached the on map display and gave the explanation. Mr. Lanham said if this was permitted, then the other homes could also request a variance. Ms. Morris said yes, because the property directly beside this house also backs onto Highway 17.

Ms. Watson asked if a topography map was available. Ms. Morris said not of the subject property; there may be one of the development. Ms. Watson asked how much of the 20 foot setback the berm filled; how many feet was it from the edge of the brick pavers to the edge of the berm. Ms. Morris said the house sits on the 20 foot setback line, which is allowed. Most of the rear yard is the berm. Ms. Watson asked how much drainage swale was normally in a subdivision. Ms. Morris said the minimum is 15 feet according to the stormwater ordinance. Larger subdivisions, like Harbor Lights, require 20 feet. Ms. Watson said most of the 20 feet is taken up with the berm; the house sits on the 20 foot line, and the pavers encroach into the 20 feet required. Ms. Morris said yes.

Chairman Willm asked Ms. Morris to discuss the two options mentioned. Ms. Morris said if this is approved, staff would either have the homeowner's association look at redesigning the stormwater requirements for this section of this subdivision, which would take the easement and move it back; or give the public works director options on that easement. Or, the homeowner's association may require that the homeowner have a stormwater plan created to redirect the water flow from behind their home. The town has to ensure that if the variance is approved, that stormwater will not be backed up. One or the other stormwater plan would be required before a building permit was issued. That is done for every other property in town, except for Harbor Lights, because Harbor Lights has a master stormwater plan.

Ms. Watson asked when the rerouting of the water plan was done whether it would be carried all the way through, because it appeared to her that the flow went around the bend and down towards the lake. That involves quite a bit of engineering; some grade shots and things like that will need to be done. The water should not be ponding at the edge of the pavers, because that will draw bugs and mosquitoes, and be swampy. The property would have to be regraded around the pavers to reroute the water. Ms. Morris reiterated that the existing pavers are pervious, and that Ms. Watson was right. Runoff plans have to be designed to have either buried piping or swales on both sides. In this case, we have to wait and see what is planned. Approval would affect much more than this one property.

Mr. Murdock referred to the survey and said that at the top it states #1 proposed pond post development, and asked what that is. Does the US Highway 17 right-of-way go to the back of the property line or is there open space between the right-of-way for 17 and the property line. Ms. Morris said just the state right-of-way, which is 17 to the ditch. Mr. Murdock asked if the open space was not actually (**). Ms. Morris said not on that property; she believed the pond was put in, but it was not on Ms. Brown's property. It is part of the development's stormwater plan. Mr. Murdock asked if it was part of the homeowner's association property. Ms. Morris said it is. Mr. Murdock asked if the homeowner's association had restrictive covenants. Ms. Morris said it does. Mr. Murdock asked Ms. Brown if the homeowner's association had approved the change in the setbacks for the development.

Ms. Brown replied from the audience that the homeowner's association has approved the change.

Mr. Lanham asked if this variance was approved, who would be responsible for paying for the new stormwater plan. Ms. Morris said the property owner. Mr. Lanham asked if this was in a flood zone. Ms. Morris said no.

Ms. Brown said she was here during the big storm last October. The water set on the other side of the lot. There is a pipe, but she did not know where the drainage goes. There was no water sitting around her house; it all drained out. Ms. Morris said it was built to drain so it won't settle. It runs to the drainage pipes. Once a building is put there, that may change. Ms. Brown said it would not go any lower than where the pavers are, and we don't have gutters, so the water isn't (**). If it's glass, it will just run off.

Chairman Willm asked if all four of the properties had the berm behind them. Ms. Morris said yes. Chairman Willm said a neighboring house looked further into the setback area; was that correct? Ms. Morris said yes, it was a smaller home and closer to Harbor Lights Drive.

Ms. Brown said she did not know how her house was placed so close to the line. Ms. Morris said the house was right on the setback line, but it does meet the setback.

Chairman Willm said he was trying to determine the uniqueness of the property. The board has to address and validate the four questions that Ms. Brown answered. The hardest question is "because of these conditions the application of the ordinance to this particular piece of property effectively prohibits or unreasonably restricts the utilization of the property as follows." He said Ms. Brown's answer was "extra square footage and entertainment." He asked Ms. Brown to elaborate.

Ms. Brown said I can't use the back porch. You can't hear. I have bugs from the berm. I'm telling you, and they stink. I swept up a bag full of roly polies and started to bring them with me. They stink. Do you know what roly polies are?

Chairman Willm said we have them and know what they are.

Ms. Brown continued saying she had ruined a sweeper cleaning them up back there. They even come into her house, because she is so close to the berm. That's a problem. You can't hear. It's really loud during the bike weeks. There were several comments about fireworks sounds rebounding from the berm; enjoying the lights and hurricane evacuation. *(Laughter.)* A down payment was already paid for the solarium; it will look good, and be good. She did not think there would be a problem with the drainage, because there isn't now.

Ms. Morris said no one knows that there would be. An engineer has to inspect the system, because it was designed to the current structure. Ms. Brown thought that was already done when the second permit request was submitted. Ms. Morris said as long as the solarium was built to meet the setbacks, you would not need it. Since the structure will encroach into the drainage easement if a variance is approved, a stormwater plan is required.

Chairman Willm asked how far the structure would encroach. Ms. Morris said six feet.

Ms. Brown explained when the property was first purchased, the contractor had to grade the berm, because it was up to the edge of her house. Chairman Willm said the berm is designed to cut noise from the highway.

Mr. Lanham asked if the solarium would fit exactly with the bricks. Ms. Brown said yes, it would replace the screen and go out as far as the pavers. Mr. Lanham asked how Ms. Brown knew that would stop the roly polies from going into the house. Ms. Brown said it would be sealed. Mr. Lanham said he also gets them at his house. He knew exactly what she was talking about.

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Ms. Watson asked why Ms. Brown didn't just glass the screen porch. What would be the difference? Ms. Brown said because she is special and she wanted something special. It was what she wanted, but it was strictly up to the board.

Ms. Watson moved to deny the variance request because there is no evidence that denying the request will unreasonably restrict the utilization of the property; there are no extraordinary conditions, and there is no answer for 'D' as to how this would affect the adjoining properties. Mr. Murdock second.

Ms. Watson explained that the board did not have a topography map to show where the water drained; there are no engineering drawings or other engineer's data showing where the water will run after the structure is built, and this is a huge housing development. It's not like the house was standing alone. The development was engineered professionally and any inches of grade that are disturbed, no matter how minor, can affect the adjoining property. All we have is a homeowner's statement that the construction won't affect drainage. She also had a problem because the home can be used; not granting the variance will not disturb her use of the home. This is a fairly new subdivision. The owner purchased the house as built.

Mr. Murdock concurred with Ms. Watson and said even though he thought all of the board members would love to approve the variance request, it does not meet the statutory requirements that the board is bound to follow. It seems to him there might be some redress with the homeowner's association. Maybe Ms. Brown could work with them to change the lines, because she was talking about six feet. There may be some room on the other side that could be used to mitigate. But, that would not help during this appeal.

All voted in favor. **MOTION TO DENY CARRIED.**

8. PUBLIC COMMENTS

Mr. Ron Ott, 7th Avenue North. Sitting in the audience gave me a good view of what was going on. You need to have the agenda where the presentation is done first, because I don't have a packet. I have no idea what it's for. There's a couple of people in here that haven't had a packet, so we couldn't make a statement in your first public comment, because we had no idea what was gonna come down. If you can, you can make sure that you use the presentation of the town and the applicant so we can hear that before public comments are allowed. Thank you.

Ms. Patricia Magliette, Harbor Lights. As I was looking at that neighborhood drawing there, I would say that the house to that empty lot beside of her; that doesn't necessarily gonna have the back of its house sitting on that berm like Judie's is [sic.] As a matter of fact, it was mentioned that well, it's a development and they all have that problem. Well actually, no, they don't all have that problem. I would, from my best recollection, I would say that this is the only house that has that problem. If you look at that picture, the one to that side, that house is gonna be centered differently, and they're not gonna be up to the line, and if you look at the property on that side, that don't [sic] look like they're gonna have the problem either. It just looks like this house, and to me, that seems like it is a hardship. That's what I think. Thank you.

Ms. Judie Brown, Harbor Lights. I applied for a variance and I waited two months. I don't think that that's proper business. They said it was a lack of communication. Sabrina, can you enlighten me on that Sabrina.

Ms. Morris: I don't mind. We have, we had a permit tech that took this in from Ms. Brown. During the process, she left the organization, and she did not submit the application to me. We had no idea she had even applied until she called the town administrator, and then we started the process.

Ms. Brown: And I called you several times, Sabrina. Did you not get any of those messages?

Ms. Morris: No, ma'am. I did call you after you called the administrator. Ms. Brown: I know. That was yesterday. Ms. Morris: No, I'm talking about to tell you that we had gotten. No, actually you had talked to Mike Farria, the building official. Ms. Brown: No, you didn't. Ms. Morris: No, you talked to our building official. Ms. Brown: He told, he told me that if I wanted to be on the agenda. Ms. Morris: Yes. Ms. Brown: That I wanted to be on the agenda. But, that's not exactly, I think you both need to be a little more prompt, and I don't care if somebody quit. She's in your office, right? Are you ever in your office? Ms. Morris: Not, not normally.

Chairman Willm: Ma'am, this is public comments.

Ms. Brown: Well, that's, that's my question. I went for 30 days and went to her office and there was nobody there. I had [sic] the little Spanish girl that quit, and I tried; you don't know the proper procedure, if there's nobody to ask. Okay, that's my statement, and I didn't have anybody to ask. So, okay, thank you.

9. BOARD COMMENTS.

Ms. Watson: Mr. Chairman and public citizens, we sit up here and we have four criteria. We don't answer your four criteria. You have to answer it so that we can take the letter of the law from South Carolina and apply it towards your answer. If we don't answer these four criteria correctly, we cannot; if you don't answer, I'm sorry, we can't allow a variance, because the variances that you're asking us to do are in conflict with our town ordinances, which are made by Town Council according to the planning and zoning commission and the Town Council makes the rules and the regulations. All we do, and all we're allowed to do by law is have a hearing for you to present your case to us answering in your own words how your variance is different from all your surrounding properties and to present all the proof that you have that whatever you want to do is not going to affect adjacent properties. We can't present any evidence for you. We can't subject ourselves to our own imagination as to what you want to do. All we can do is take what you give us, any kind of plats, any kind of drawings, any kind of engineering drawings, any statements from any engineers, any kind of proof that you have that this variance will not be detrimental to your area, your neighbors, or our town, and that's all we're allowed to do is review what evidence you give us, and try and make a determination according to state law that these four items have been answered correctly so that we can give you a variance. If we don't have any answers that to our satisfaction prove that you are due a variance, then we have to vote no. These four questions are statewide. Every board of zoning appeals has the same four criteria that they have to base their judgment on. We're your neighbors. We're not your enemies. We're your neighbors; we live right here in town. We would love to give you the dreams that you have, and we have no problem with what this looks like. It's just that we have these four criteria that we have to go by. I'm very sorry that it didn't turn to be what you expected it to be or what you want it to be. But, we're held accountable. The next step beyond us is court, and we're charged with doing this. It's not a fun job. It's something we do, because somebody's got to do it, and we volunteer. So, I'm sorry it didn't; we weren't able to grant this variance for you. We really are sorry. But, in our opinion, it didn't meet the proof that we needed.

Mr. Murdock: I want to congratulate Mr. Ott on his election to Town Council. I was out of the country when he was sworn in, so was not able to be here for that. But, I certainly enjoyed your tenure on this board and enjoyed working with you, and look forward to watching you on Town Council, since I'm sure that there'll be lots recorded in the paper. As far as it goes, having worked on probably 200 to 300 neighborhoods in the Charlotte area when I was working up there as an attorney, I do know and have seen issues like this come up many times. Cul-de-sac lots, because of the setbacks change, ends up being a different lot and then a lot that like you pointed out right beside it, you've got a lot more of a footprint to work off of. In fact, when you do these setbacks a rectangle is the perfect lot. That's gonna be the one that gives you the best buildable pad. The cul-de-sac lots are gonna be your hardest lots to build on, and that's the reason why your particular house; they squeezed a lot square footage onto a pie shape is basically what it works out to. But, unfortunately, that goes to valuation of the lot versus some people like cul-de-sac lots; some people like rectangular lots; some people like round lots, I guess. But, everybody's just, you know, it goes to valuation, and unfortunately, valuation doesn't factor into our four point criteria in any way. So, I am truly sorry, because if I had my choice, I would grant probably

everyone who came in here, because I'm a big softie. When it comes to something like this, it's just not within our purview. I'm sorry.

Mr. McKeen: I'm really sympathetic on this. It was a beautiful plan. Being new to the board here I'm kind of learning as we're going. I'm generally inclined to agree with property owners with what they do with their property. But as I said, I'm learning what the state laws are here and maybe there's still a way to get it done. I don't know. I hope you find a way to make the property more useful for you. As Holly suggested, maybe you just enclose your porch; your screened in porch. That might be a compromise that would work for you in the short term.

Chairman Willm: I echo all the board members. I appreciate this volunteer board appointed by the Town Council. This is a very compassionate, thoughtful group and I'm always impressed with how much thought and time they put into these things. It's always a pleasure to serve with you and I appreciate your trust in me being chairman of the board now.

8. ADJOURNMENT.

Ms. Watson moved to adjourn at 7:10 p.m. Mr. Murdock second. All voted in favor. **MOTION CARRIED.**

Prepared and submitted by,

_____
Debra E. Herrmann, CMC, Town Clerk

Approved: _____

_____
Darrell Willm, Chairman

_____ _____
Holly Watson, Vice Chairman Terri Lauer, Board Member

_____ _____
Guy Lanham, Board Member Larry McKeen, Board Member

_____ _____
Phil Murdock, Board Member Vacant Seat

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. An agenda of this meeting was published pursuant to FOIA §30-4-80(a) including publishing on the town website; sent to the town's email subscription service, and the agenda was posted outside Council Chambers. Meeting notice was also posted on the town marquee.

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ISSUE PAPER FOR ZONING BOARD OF APPEALS CONSIDERATION

Meeting Date: October 27, 2016 **Prepared by**: Sabrina Morris

Agenda Item: 7

Subject: Appeal No, ZA2016-07 by Alton Cherney, for Famous Hamburger Joes requesting a variance from Section 17-641(a)(1) of the Zoning Ordinance to allow a freestanding sign to be located closer than 10' from the street or public right of way. (existing sign is non-conforming at 6' from front property line)

BACKGROUND:

The business owner at 1410 Highway 17 South (Famous Hamburger Joe's) request a variance from Section 17-641(a)(1) of the zoning ordinance. The applicant would like to move the existing freestanding sign, which is currently 6' from the right-a-way (non-conforming) and relocated it on the front property line, having no setback.

The owner states potential customers heading south on Hwy. 17 cannot see his sign because of the larger sign located on the next property (Bargain Beachwear). He states the larger sign next door prevents potential customers from stopping at the business since they cannot see the sign and or restaurant until they have passed the entrance.

ATTACHMENTS

Application for variance and applicants supporting documents
Section 17-641(a)(1) of the zoning ordinance
Survey of property showing existing location of freestanding sign
Pictures
Letter sent to surrounding properties and list of property owners

17.64/a(1)

Town of Surfside Beach Board of Zoning Appeals
Application for Variance, Special Exception or Appeal of Administrative Official Decision

843-913-6341(Phone) 843-839-0057(Fax)

OFFICE USE ONLY
Application #:_____
Date Filed:_____
Appeal No.:_____
Meeting Date:_____

Instructions – Submit this application, along with the required information and fee, to the Planning, Building & Zoning Department at 115 Hwy. 17 North, Surfside Beach, SC 29575. Applications are due 30 days prior to the scheduled meeting date and must be complete to be accepted and placed on the agenda. A sign will be posted on the property, and the public hearing will be conducted by the Board of Zoning Appeals.

THE APPLICANT HEREBY REQUESTS:

☒ A Variance as indicated on page 2 of this application (complete pages 1 & 2 only)

☐ A Special Exception as indicated on page 3 of this application (complete pages 1 & 3 only)

☐ An Appeal of a decision of the administative official as indicated on page 4 of this application (complete pages 1 & 4 only)

Property Address 1410 Hwy 17 South Surfside Bch, SC 29575 TMP# _____

Property Owner FAMOUS HAMBURGER JOE'S [redacted] / ALTON CHERNEY Daytime Phone 843 446 9605

Applicant ALTON CHERNEY Daytime Phone 843 446 9605

Applicant's Mailing Address 1410 Hwy 17 S., SURFSIDE BCH, SC 29575

E-Mail Address cherneymb@aol.com

Relationship of applicant to owner (same, representative, prospective buyer, other) SAME

Zoning of Property C1 ☒ Commercial ☐ Residential ☐ Planned Development

Information required with application: (Check information submitted)

☐ Scaled plan(s)s or plat(s), including elevations of structures and locations of structures (proposed and existing) showing the variance(s) or special exception(s) being requested

☐ Stamped envelopes addressed to property owners within **150 ft.** of the property requesting the variance or special exception. The return address of all the envelopes should be labled as: Planning, Building & Zoning Dept. 115 Hwy. 17 N. Surfside Beach, SC 29575

☐ A list of same property owners on a separate piece of paper for the Planning, Building and Zoning Department file.

☒ Filing fee of $200.00 CK # 2313 (pd)

DESIGNATION OF AGENT [Complete only of owner is not applicant]:

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

_____
Owner Signature

_____
Date

_____
Owners Signature

I hereby certify that the information on this application and any attachements is correct, that the proposed improvement(s) comply with private neighborhood covenents, if there is any, and that I am the owner of the subject property or the authorized agent of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

SEPT 7, 2016
Date

_____
Owners / Authorized Agent Signature

VARIANCE FORM

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application of the ordinance applicable to the property described on page 1 of this document of the following provisions of the Zoning Ordinance: TO ALLOW HAMBURGER JOE'S MAIN SIGN TO MOVE FROM REQ'D 10ft BACK FROM PROPERTY LINE TO 1 ft BACK FROM PROPERTY LINE. SEE photo #2 so that a zoning permit may be issued to allow use of the property in a manner shown on the attached scaled plan or plat, described as follows: _____

_____

For which a permit has been denied by the Development Administrator on the grounds that the proposal would be in violation of the cited section(s) of the Zoning Ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State Law and the ordinance are met by the following facts:

   a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: H. JOE'S WAS BUILT IN 2005. BARGAIN Bchwear WAS built years LATER. HOWEVER, THIER BARGE WALL SIGN blocked H. Joe's SIGN & INTERANCE

   b. These conditions do not generally apply to other property in the vicinity as shown by: THIS SITUATION'S UNIQUE. BARGAIN SIGN IS 10' Ft CLOSER TO WHITE LIN AT ROAD'S EDGE, & BLOCKS SOUTH BOUND TRAFFIC'S VIEW FOR 100's of yds. (Hwy 17)

   c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: IT GREATLY RESTRICTS NUMBER OF GUESTS EATING SINCE THEY CAN'T SEE H. Joe's MAIN SIGN OR EVEN STORE UNTIL THEY'VE ALMOST PASSED IT. H. Joe's is 53ft back FROM RD, BARGAIN'S IS 43ft back.

   d. The authorization of the variance will not be of substantial detriment to the adjacent property(ies) or the the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: HAMBURGER JOE'S IS ONE OF SURFSIDE'S BEST LOOKING STOREFRONTS. CURRENT SIGN AND/OR ANY SAME NEWER REPLACEMENT WILL BE VERY ATTRACTIVE & ENHANCE ROAD DESIGNED FRONTAGE.

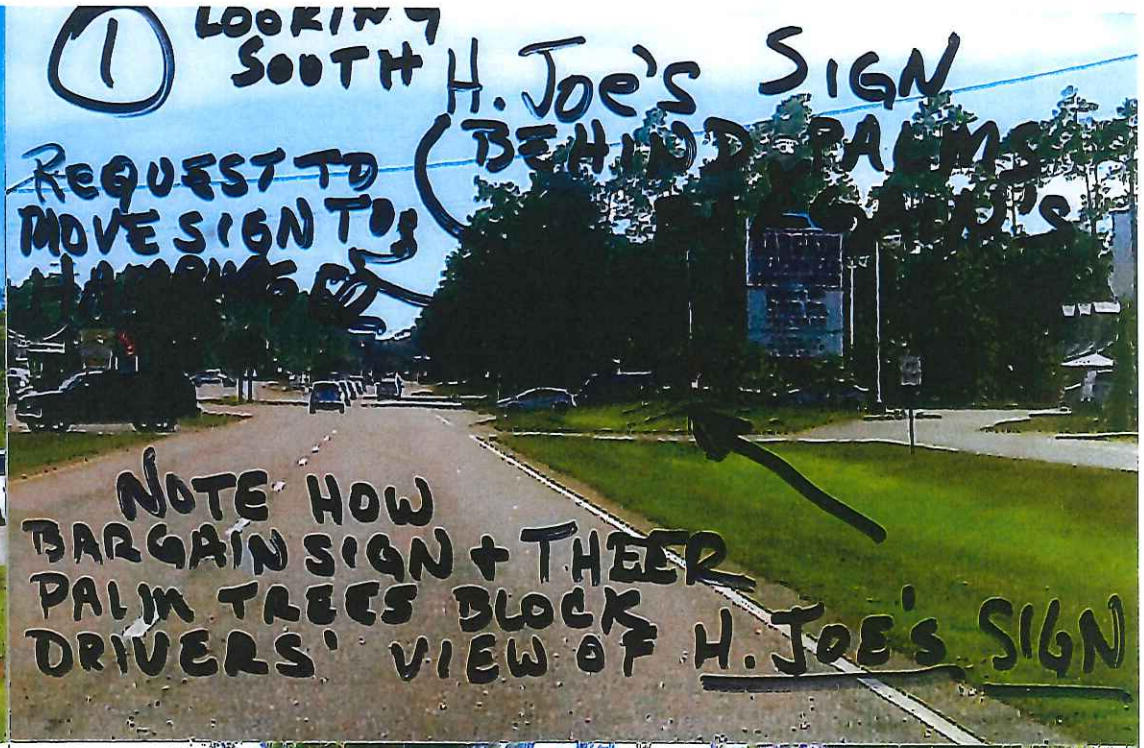
3. The following documents are submitted and attached in support of this application: 4 photos

_____

OWNER — 7 SEPT 2016

Signature of Applicant/Owner — Date

LOOKING NORTH
3
FROGS CRAB
UMBRELLA $5
IKINI 4.99


1
LOOKING SOUTH
H. JOE'S SIGN
BEHIND PALMS
REQUEST TO
MOVE SIGN TO
NOTE HOW
BARGAIN SIGN + THEIR
PALM TREES BLOCK
DRIVERS' VIEW OF H. JOE'S SIGN

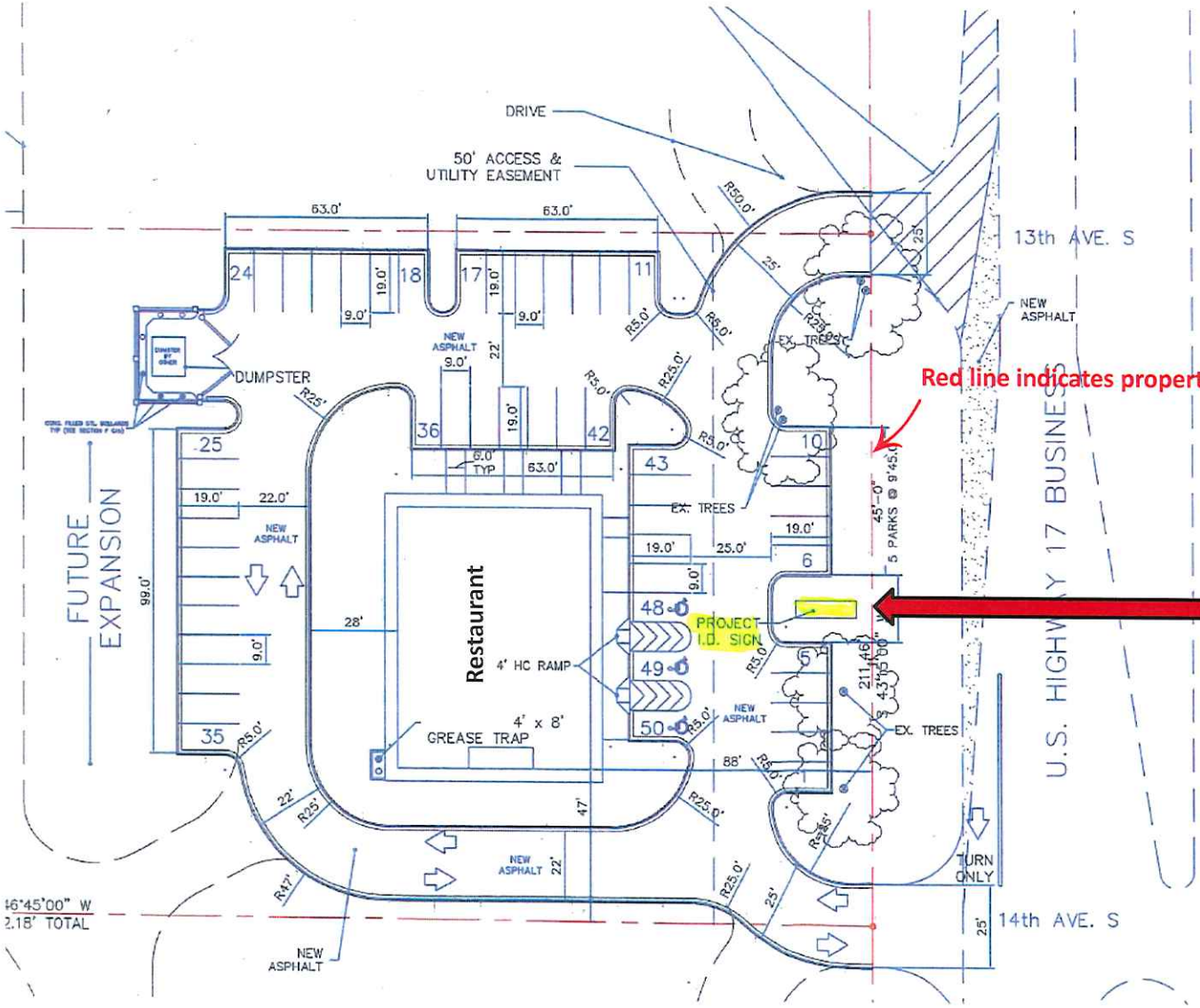
LOOKING SOUTH
BARGAIN
BEACHWEAR
SUPERCENTER
HERSHEY'S 99¢
Ice Cream Scoop
TATTOOS
JOE'S MAIN
SIGN BLOCKED BY PALMS

2
REQUESTED
NEW
SIGN
LOCA
SOUTH
Hamburger
JOE'S
$1.00 PBR DRAFTS
$3 LONG IS. ICE TEAS
COME ON IN!
APPRX. PROP LINE

SECTION 17-641. SIGNS PERMITTED IN COMMERCIAL DISTRICTS

(a) The following types of signs are permitted for nonresidential uses in the commercial zoning districts (C-1, C-2, and C-3):

(1) Each occupied lot shall be allowed one (1) freestanding sign, which may be illuminated. The allowable sign area will be calculated as one (1) square foot of sign area per lineal foot of lot frontage on a public street (lot frontage is determined based upon the location of the principal entrance to the premises), with a maximum sign area of two hundred (200) square feet. The freestanding sign shall not exceed thirty-five (35) feet in height above ground level. In the C-1 and C-3 districts, the freestanding sign must be set back no less than ten (10) feet from any street or public right-of-way.



Existing freestanding sign is currently 6 ft. from front property line.

www.surfsidebeach.org

TOWN OF SURFSIDE BEACH
115 Highway 17 North
Surfside Beach, SC 29575
Tel: 843-913-6341 Fax: 843-839-0057

October 13, 2016

Dear Property Owner,

The Board of Zoning Appeals of the Town of Surfside Beach, SC will hold a Public Hearing at **6:30 PM on Thursday, October 27, 2016** in the Council Chambers of the Surfside Beach Town Hall located at 115 US Highway 17 N. Surfside Beach, SC. The purpose of the meeting will be to hear the following appeal:

- Appeal No. ZA2016-07 by Owner of Hamburger Joe's requesting a variance from Section 17-641(a)(1) of the Zoning Ordinance to allow a freestanding sign to be located closer than 10' from the street or public right of way.

You are being notified by letter of the public hearing because you own property that lies within 150 ft. of the property requesting the variance.

You may attend the meeting and speak to the Board of Zoning Appeals members as a whole in regards to the request. Time will be allotted by the board for each person wanting to speak on the issue. Or, you may send any comments in regards to the request by email to smorris@surfsidebeach.org.

Documents relating to the appeal are available for public inspection in the Building and Zoning Department at 115 Highway 17 North, Surfside Beach, SC 29575. You may contact the Building and Zoning Department if you should have any questions at 843-913-6341.

Sincerely,

Sabrina Morris
Director of Planning, Building & Zoning