



**SURFSIDE BEACH PLANNING & ZONING COMMISSION  
TOWN COUNCIL CHAMBERS  
OCTOBER 4, 2016 ♦ 6:00 P.M.**

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**1. CALL TO ORDER.** Vice Chairman Abrams called the Planning & Zoning Commission meeting to order at 6:00 p.m. Commission members present: Vice Chairman Abrams and members Elliott, Gambino, Johnson, Lauer, Lowery, and Seibold. A quorum was present. Others present: Town Clerk Herrmann and Planning Director Morris.

**2. PLEDGE OF ALLEGIANCE.** Chairman Abrams led the Pledge of Allegiance.

**3. BOARD MEMBERS OATH OF OFFICE.** Ms. Herrmann swore in the commission members, all of whom swore to uphold the code and to perform their duties to the best of their ability. The signed oath is on file in the town clerk's office.

**4. AGENDA APPROVAL.** Ms. Johnson moved to approve the agenda with an amendment to allow public comments on agenda items immediately prior to the discussion items, and to delete discussion item 6.A. sign ordinance. Ms. Lowery second. All voted in favor. **MOTION CARRIED.**

**5. MINUTES APPROVAL.** Mr. Lauer moved to approve the August 2, 2016 meeting minutes with one correction to state that Ms. Gambino was present. Ms. Johnson second. All voted in favor. **MOTION CARRIED.**

**PUBLIC COMMENTS- Agenda Items.** There were no comments on agenda items.

**6. BUSINESS.**

**A. Proposed amendment to the sign ordinance (by Business Committee.)** Deleted by approved motion, see Item 4, Agenda Approval.

**B. Annual Rentals in R1 and R2 Zoning Districts – (Defining long term rentals.)** Ms. Morris explained that property located in the R3 district is for short term transient rentals, defined in the ordinance as a dwelling or other accommodation used as a dwelling or other place for human habitation with sleeping accommodations which is rented, leased, or subleased for periods less than a calendar month. The C1 district does not allow residential uses now. The ordinance does not have a definition for annual rentals; the interpretation has always been that if the use is not transient, then it is annual. Staff was challenged a few months ago, because transient is less than 30 days, so it could be interpreted as anything more than 30 days is allowed in R1 and R2. Staff does not believe that R1 and R2, which are established residential, long term occupancy neighborhoods are classified as annual use. The matter is brought to the commission for a recommendation. After discussion, the commission **CONCURRED** to recommend that R1 and R2 shall be allowed to have a long term rentals of six months or longer. Ms. Morris will bring a proposed ordinance for consideration at the next meeting.

**C. Relaxing of 35 ft. height limits on properties located in the Special Flood Hazard Areas that are located in R1 and R2 to allow the structure to extend no more than 3 ft. above the maximum height requirement.** Ms. Morris said a contractor recently told Town Council that building a three story house could not be constructed with meeting the 35-height limit. Each zoning district has height limits that have been established for over 20 years. Building height is defined as the highest vertical distance measured from the lowest finished grade at the ground level within one foot of the structure at the highest point of the roof. Over 30 home permits, most of which were in the R1 and R2 districts, were issued in the last few months. Many of the homes had two livable stories and parking underneath the home, which is three stories that meet the 35 height limit required. She did not know

54 why this particular contractor said it cannot be done. Three story homes are being built all over town  
55 now. Ms. Morris said only one home had to be redesign to meet the 35 foot limit; the roof peak was  
56 altered to meet the height limitation. Myrtle Beach was contacted and it has a three foot exception for  
57 structures in a special flood hazard area. Perhaps that is where this comment came from. The Myrtle  
58 Beach ordinance states "for any structure which is elevated no less than three feet above the base flood  
59 elevation (BFE,) the maximum building height requirement for the district where the structure is located  
60 as found elsewhere in the ordinance shall be relaxed so that the structure makes them no more than  
61 three feet above the maximum requirement. Such permission shall be within the authority of the zoning  
62 administrator, and shall not require the property owner to request a variance from the board of zoning  
63 appeals." This was done because of the FEMA requirements and stringent CRS requirements that require  
64 three feet above base flood elevations to save on flood insurance, the City of Myrtle Beach felt it was  
65 taking away the three feet, so they gave it back. Ms. Morris said her staff checked records the past five  
66 years, and every one of the homes in a flood zone in R1, R2, and R3 were already building to the three  
67 foot above the required BFE. Staff did not believe anything was being taken away. The lots are so small  
68 the homes have to be built up. After discussion including the fact that three story homes are being  
69 constructed with the 35 foot height limitation; the town has many older homes that will eventually be  
70 redeveloped, and changing the height would change the town's character, the commission **CONCURRED**  
71 that there was no interest in amending the height limits. Ms. Morris said an ordinance would be prepared  
72 for consideration at the next meeting for a recommendation to Town Council. She explained that height  
73 limits keep coming before the commission; once Town Council acts on a recommendation, the discussion  
74 cannot be brought forward again for a year.  
75

76 **D. Removal of Landmark Trees.** Ms. Morris said this topic was under discussion at the last  
77 Town Council meeting. Mr. Pellegrino lives in the R3 district and has seen many landmark trees, which  
78 are Live Oaks, Laurel Oaks, and Cypress trees that are over 24-inches in diameter, removed for  
79 construction. Staff tells permit applicants they should save the trees by getting a variance from the  
80 board of zoning appeals. Contractors do not come to discuss plans; they bring the plans with them when  
81 they apply for permits. A presentation was made showing the types of variances that would allow a  
82 landmark tree to be saved. The code states if an arborist letter states the trees must be removed, they  
83 are allowed to remove them, which is being used by those who simply want to cut trees. Staff should  
84 not have legislative power, and should not make quasi-judicial decisions. After discussion, the  
85 commission **CONCURRED** to consider an ordinance for recommendation to require owners to appear  
86 before the board of zoning appeals (BZA) for a variance when a landmark tree could be saved; the  
87 advertising for the board meeting would run concurrent with the plan review, and BZA would meet as  
88 soon as possible. Ms. Morris said that when the town is trying to save a tree, there is no fee to appear  
89 before BZA, and staff would do everything possible to assist the homeowner, including completing the  
90 form for the BZA explaining why the variance is requested. BZA can place conditions on any variance,  
91 but staff does not make recommendations to the board.  
92

93 **E. Any topic the board wishes to discuss.** After discussion about losing landmark trees  
94 because of arborists' letters stating the tree should be removed because of what could happen, the  
95 commission also **CONCURRED** to discuss at the next meeting arborist letters being accepted based on  
96 *what could happen* to a tree, instead of the actual current condition of the tree. Ms. Morris would send  
97 the code to the commission members for them to consider prior to the meeting.  
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99 **7. PUBLIC COMMENTS - General.** ~~There were no public comments.~~ Scrivener's error. DH  
100

101 Mr. Ron Ott, 7<sup>th</sup> Avenue North, said as a homeowner in town, I appreciate having quality people  
102 that do their jobs here. You can tell that you are looking at what you need to look at. Not just saying  
103 okay, I'll look at that and for ten minutes you put some time into it. The board of zoning appeals is not  
104 just a variance board. Even by its name, it's an appeals board. They do a variance. They also do an  
105 appeal. They can change the decision of the zoning director. That's very important. Ms. Morris did not  
106 realize it when she saw her first one with us. It worked very well. The other thing they have is special

107 exceptions. Maybe if this group of commissions could take a look at that, that's a little more wide open.  
108 I know that Myrtle Beach uses special exceptions to do heritage trees, and so does Horry County. It  
109 gives you a little bit of wiggle room. You may not even have to advertise that long. There are a whole  
110 lot of things; you might be able to get that board in there within seven days to make a decision on that.  
111 So, I'd like to ask Ms. Morris if she could open that up and take a look at that. Right now we don't use  
112 that power of special exceptions at all with the board of zoning appeals. Most of the things that were on  
113 there were erased, and I think the planning commission should look at that, and see what you would like  
114 to add into that. It will help all the citizens in this town to have that third power for those citizens to  
115 make decisions for them. Thank you very much.

116  
117 **8. COMMISSION COMMENTS.**  
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119 Chairman Abrams: I welcome Mr. Seibold back to the planning commission. For those of you  
120 who don't know, he was our former chairman. We are very fortunate to have somebody back who can  
121 hit the ground running. I'm glad you're back.

122  
123 Mr. Seibold: I looked forward to working with all of you. I'm glad to be back; I really am.

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125 Ms. Johnson: I'd like to welcome you, [Mr. Seibold.] I'll just say be safe.

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127 Ms. Elliott: Oh, my (\*\*)! *(Laughter)* I say the same; be safe.

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129 Mr. Lauer: I'm a little concerned about this hurricane. I'm going to try to be safe.

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131 Ms. Gambino: Be safe, too.

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133 Ms. Lowery: I'm just tickled to have Mr. Seibold back. I was a newbie when you were still head  
134 of the commission and had no idea what I had done to myself. It is just nice to have you back. It really  
135 is, and nice to have you guys out there [in the audience,] too.

136  
137 Ms. Abrams: I am just thrilled to death to have a full planning commission, and I think we are  
138 going to be absolutely fantastic. Ms. Morris, if I could ask, I would like maybe on the next agenda for us  
139 to take a look at the BZA special exceptions power. I'm very interested in learning more about that. It is  
140 going to be an interesting few days. I'll say it, too. Everybody stay safe, and we'll see you next month.

141  
142 **9. ADJOURNMENT.** Mr. Lauer moved to adjourn at 6:45 p.m. Ms. Gambino second. All voted  
143 in favor. **MOTION CARRIED.**  
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145 Prepared and submitted by,

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147 \_\_\_\_\_  
148 Debra E. Herrmann, CMC, Town Clerk

149 Approved: November 1, 2015.

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151 \_\_\_\_\_  
152 Mary Ellen Abrams, Vice Chairman

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154 Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded, and not  
155 intended to be a complete transcript. Appointments to hear recordings may be made with the town clerk; a free  
156 copy of the audio will be given to you provided you bring a flash drive. In accordance with FOIA §30-4-80(A) and  
157 (E), meeting notice and the agenda were distributed to local media and interested parties via the town's email  
158 subscription list. The agenda was posted on the entry door at Town Council Chambers. Meeting notice was also  
159 posted on the town website at [www.surfsidebeach.org](http://www.surfsidebeach.org) and the marquee.