

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
VIRTUAL BOARD OF ZONING APPEALS MEETING
Thursday, May 14, 2020
5:00 P.M.**

MINUTES

Dan Moore, Chairman
Cynthia Lover, Absent for roll call
Ricky Martin, Absent
William McGonigal
Roger Quinn
Trey Skidmore
Andy Thomas, Absent

City Staff:
Paul Blust
Ben Caldwell
Chris Noury
Jim Wood
Allison K. Galbreath, City Clerk

- 1. CALL TO ORDER & ROLL CALL:** Chairman Moore called the virtual meeting to order at 5:02 P.M.
- 2. APPROVAL OF MEETING MINUTES:** Chairman Moore called for a motion to approve the minutes of the April 9, 2020 meeting. Mr. McGonigal asked to table the approval of the minutes to the next meeting, June 11, 2020, in order to have more time to review. The motion was made by Mr. McGonigal and seconded by Mr. Skidmore. The motion to table the minutes passed 4-0.
- 3. COMMUNICATIONS:** None
- 4. OLD BUSINESS:** None
- 5. NEW BUSINESS:**
 - A. SWEAR IN THOSE PERSONS TO SPEAK:** Mrs. Galbreath swore in persons to speak as they presented their case.
 - B. VARIANCE #V07-20:** Mr. Tim Dunkin had made an application for a variance to remove a tree in excess of the 24-inch caliper measurement that is protected by the ordinance at 225 1st Avenue North. Mr. Dunkin stated there is an older home on this location, which will need to be torn down. In order to rebuild, there is a tree located approximately 35 feet off one property line and 30-32 feet off the other property line. He requested to remove this tree and be replaced with another perimeter tree. Chairman Moore clarified that the tree would be located in the proposed building footprint. Mr. Dunkin confirmed this was the case. The Staff recommended the Board review the variance application and hear the evidence presented. Mr. Caldwell stated the tree was 26 caliper inches. Mr. Dunkin stated he believed the tree was an oak, but was not certain. Mr. McGonigal stated he went by and looked at the tree. He asked if Mr. Caldwell had seen the proposed house footprint plans. Mr. Caldwell stated he had not seen the new plans. Mr. Dunkin stated the setbacks were 10 feet and the tree was located 35 feet within the developable lot. The canopy would render the area to be built blocked. Mr. McGonigal stated he would like to see a footprint of the house, to make sure the tree would indeed be in the footprint.

Ms. Lover echoed her desire to see a footprint of the house and where it would be situated on the lot in relation to the tree. Mr. Dunkin stated he would be building resort commercial zoning, not a regular house or narrow footprint. The property would contain either townhomes or larger duplex units. Mr. Quinn stated it would be helpful to have a plan to view. Mr. McGonigal stated the Board does not want to stop Mr. Dunkin from utilizing the property, however the Board would like to see plans. He stated the Board would like to save the tree, but would work with Mr. Dunkin. Mr. Dunkin agreed to bring two sets of plans before the Board at the next meeting. Chairman Moore asked for an overlay of the proposed development with the setback, showing where the tree was situated. Mr. Dunkin stated he would get both plans from the architect and have Harry Bruton, his surveyor, do a simple site plan. Mr. Dunkin stated the present home does not have existing setbacks and was built on the property line.

Having no further questions or discussion, Chairman Moore called for a motion. Mr. McGonigal motioned to table Variance #V07-20 to the June 11, 2020 meeting and seconded by Mr. Quinn. The motion passed 5-0.

- C. APPEAL #D3-20:** Mr. Mike Todd had filed an appeal of the decision of the Zoning Administrator that an RV (Recreational Vehicle) parked in the front yard at 502 35th Avenue South is not grandfathered and thus allowed to remain parked at residence. Mr. Kirk Truslow, attorney for applicant, represented Mr. Todd. Mr. Truslow asked for this appeal to be tabled, because he would be more comfortable at an in-person meeting. Mr. Truslow stated he had pictures to show to the Board and was unsure how to share them via Zoom. Mr. Todd was unable to attend the virtual meeting, because his caregiver was out of town and therefore, did not have transportation. Mr. Truslow stated he would not be comfortable transporting Mr. Todd and bring him to his home for the Zoom meeting. Mr. Truslow stated he wanted Mr. Todd to be able to join the meeting. Chairman Moore stated he would like applicants to have the opportunity to present all of the information, if possible. Mr. Noury, City Attorney, stated the City opposed tabling this appeal. Mr. Noury stated this item has been before the Board of Zoning Appeals numerous times in the past and Mr. Truslow and the applicant were aware of the date of the Zoom meeting. Mr. Truslow should have made arrangements to have his client present via Zoom. Mr. Noury stated Mr. Truslow sent him a file which contained aerial photographs and information which referenced the vehicle in question. The City was prepared to make the information available via Zoom. Mr. Truslow asked if Mr. Noury would pick up Mr. Todd for the meeting. Mr. Noury stated this agenda item could wait to the end, if Mr. Truslow would contact Mr. Todd in order for him to join the meeting via Zoom. Mr. Truslow stated this would not be possible and he would continue with the meeting without Mr. Todd, if the Board chose not to table it to the next meeting. Mr. Noury stated he spoke with Mr. Truslow a few days before and was under the impression he would be prepared and ready for this meeting. Mr. Truslow stated he was unaware the appeal was on the agenda for several times. Chairman Moore stated it was on the agenda last month and Ms. Lover stated it had been at least three times, due to a conflict with a court date and tabling the item last month. Chairman Moore asked Mr. Truslow if he was prepared to go forward with his case. Mr. Truslow stated he was able to move forward today. Mr. Noury asked Mr. Truslow if Ms. Amy McCaskill was going to be called as a witness and he stated no. Chairman Moore asked Ms. McCaskill if she wanted to speak towards this appeal. Ms. McCaskill stated not at this time.

Mr. Truslow presented Mr. Todd's case. Mr. Truslow stated he did not want to come across as being difficult. There were two issues in this case. Mr. Todd had a large motorhome parked in front of his house on 35th Avenue South, North Myrtle Beach. The motorhome

had been parked in front of his home for more than 33 years. On the original application for variance paperwork, Mr. Truslow stated his client appealed the decision based on the grounds that the legal principle of grandfathering permitted him to continue the lawful use of his land and store the motorhome as he had for over 33 years and the vested rights of his client. He stated Mr. Noury presented him, prior to the meeting, with an ordinance that goes back prior to the ordinance in this case, 1988. Mr. Truslow stated he received a photocopy of an Ordinance Zoning Booklet dated 1977. He stated if this ordinance was authenticated, he would move to the variance issue. For the record, Mr. Truslow stated whether he is grandfathered in or not, when it comes to that issue, there was something called a vested right on how you use your property. Along those same lines, he has had a motorhome on that property for 33 years. That's a long time to be overlooked and not brought up. Mr. Truslow stated his client had become accustomed to that and set everything in his life around where it was kept. This is a significant financial investment and when he purchased it, he had no knowledge he could not keep it where he did and has had it there for over 33 years. Mr. Todd had openly and actively used that property in that way. The ordinances may have been pulled together, organized, and published in 1988, which are what we look at now. The motorhome had to be behind the building, closest to the road, on the side of his house.

Mr. Noury asked Mr. Truslow if he was abandoning the issue that the motorhome was grandfathered. Mr. Truslow stated he was not abandoning the issue and he believed the City would need to authenticate the documents that were in existence in the 1970's. Mr. Truslow stated the ticket Mr. Todd received was cited under the ordinance from 1988 and there was no reference to a prior ordinance. Mr. Noury asked if there was any more evidence Mr. Truslow would like to present. Mr. Truslow stated prior to 1988, Mr. Todd was lawfully using his property and was in compliance with the law. He would have had his motorhome in position for a number of years prior to 1988. He went another 22 years, after the 1988 ordinance, keeping his motorhome in the exact same location. Mr. Truslow stated he was in lawful use prior to the ordinance of 1988 and should be able to continue the same identical lawful use.

Mr. Noury clarified Mr. Todd had the motorhome on the property around 1986 or 1987 and not prior to these dates. Mr. Truslow confirmed this was true, to his knowledge. Ms. Lover referenced a case from the City of Beaufort, SC which stated the use of the property was for a residence. Keeping the motorhome on the property was an activity, not a use. Mr. Truslow agreed, however, Mr. Truslow stated Mr. Todd was in compliance prior to the ordinance of 1988, then the law was changed.

Mr. Noury presented three exhibits to authenticate the ordinances in question. City's Exhibit 1 was presented by Mr. Noury and he asked if Mr. Blust recognized this document. Mr. Blust read the ordinance and stated he did recognize it and this was the ordinance the department follows. He stated a motorhome has to be behind the front line of the building and the numbers in the parentheses at the bottom of the ordinance was the ordinance number and date it was adopted. Mr. Blust read this exhibit was a certification of record by Allison Galbreath, City Clerk stating the document, Section 23-113-Parking, storage, or use of a major recreational vehicle, Ordinance 88-35, 11-1-88, was maintained by the City of North Myrtle Beach City Clerk and the records are true, accurate, and complete as kept in the normal course of business. Mr. Noury asked to enter this exhibit into evidence. Chairman Moore called for a motion. Ms. Lover motioned to enter the City's Exhibit 1, Sec. 23-113-Parking, storage or use of major recreational equipment into the record and was seconded by Mr. McGonigal. Having no discussion or objection, the motion passed 5-0.

Mr. Noury asked Mr. Blust if he recognized City's Exhibit 2. Mr. Blust stated he recognized the document as an ordinance that describes where you can put a major recreational vehicle, essentially behind the front line of a house. Mr. Noury asked if this was the same language as City's Exhibit 1. Mr. Blust stated it was the same language and it was adopted on 5-3-77. Mr. Noury stated from current time to 1988 and from 1988 to 1977, the same ordinance was in effect. Mr. Blust stated it appeared like it was. Mr. Noury asked Mr. Blust to read the certification. This exhibit was a certification of record by Allison Galbreath, City Clerk stating the document, Sec. 23-80, was maintained by the City of North Myrtle Beach City Clerk and the records are true, accurate, and complete as kept in the normal course of business. Chairman Moore called for a motion. Mr. Quinn motioned to enter the City's Exhibit 2, Sec. 23-80-Parking, storage or use of major recreational equipment into the record and was seconded by Mr. Skidmore. Having no discussion or objection, the motion passed 5-0.

Mr. Noury asked Mr. Blust if he recognized City's Exhibit 3. Mr. Blust stated he recognized the front of an old Zoning Ordinance document from 1977. On page 67, Section 1006, Mr. Noury asked Mr. Blust if this ordinance was in effect in 1977. Mr. Blust stated he assumed it was in effect. He was not with the City in 1977, but had seen this document. Mr. Noury inquired when he came to be employed by the City. Mr. Blust stated 1984. Mr. Noury asked if this ordinance from 1977 was in effect in 1984. Mr. Blust stated yes. This ordinance regulated recreational equipment and where they can be parked. Mr. Noury asked if this was the same language as the ordinance in 1988. Mr. Blust stated he believed it was, but would not be sure without having the documents side by side. Mr. Noury asked where the recreational vehicle could be parked. Mr. Blust stated it was the same language, behind the frontline of a house, in a carport, or enclosed building. Mr. Noury asked Mr. Blust to read the certification. This exhibit was a certification of record by Allison Galbreath, City Clerk stating the document, 1006-Parking, Storage, or Use of Major Recreational Equipment, was maintained by the City of North Myrtle Beach City Clerk and the records are true, accurate, and complete as kept in the normal course of business. Chairman Moore called for a motion. Mr. Skidmore motioned to enter the City's Exhibit 3, 1006-Parking, Storage or Use of Major Recreational Equipment into the record and was seconded by Ms. Lover. Having no discussion or objection, the motion passed 5-0.

Mr. Truslow asked Mr. Blust if the 1977, Section 1006 document was prior to the 23-80 ordinance. Mr. Blust explained he believed in 1985 the City was not using a municipal code corporation. The 1006 number was adopted in 1977 or before. When the City started using municipal codes, they gave new section numbers. Mr. Truslow asked where the yellow, 1977 Zoning Ordinance came from in the ordinary course of business. Mr. Noury stated the document was retrieved by Dawn Snider, Planner, from the Library and Archives area of the Planning and Development Department, as part of the City's records. Mr. Noury stated it was the City's position the regulation of parking recreational vehicles had been regulated since 1977. The grandfather clause was defeated because the ordinance and regulation had been in effect since 1977. Chairman Moore asked if Mr. Truslow had any rebuttle. Mr. Truslow stated he did not. Mr. Skidmore clarified he had the same motorhome for 33 years.

Mr. Truslow stated to make it simple, because of the evidence and authentication of these documents, he would like to withdrawal this issue and the Board would not need to vote on it. Mr. Noury stated the Board would need to vote on the formal withdrawal. Ms. Lover inquired if the Board did not rule on the appeal, would Mr. Truslow be able to come back next month with the same appeal, if he changed his mind. Mr. Noury suggested the Board act on an approval or denial of the grandfather issue, instead of the withdrawal.

Chairman Moore called for a motion. Ms. Lover motioned to deny the Appeal #D3-20 on the grounds that as a factual matter, the City had established that Code Section 23-80, which may have also be known as Code Section 1006, was in effect prior to 1987 and therefore, the use of the vehicle on the property cannot be grandfathered in. Mr. McGonigal seconded the motion. Having no further discussion, the motion to deny passed 5-0.

Ms. Lover also motioned to deny the Appeal #D3-20 on the grounds the vehicle on the property is not a use of property, but an activity. As a matter of fact, the vehicle is mischaracterized and the appeal should be denied. Mr. Truslow asked if the ordinances dealt with activity or the use of property. Mr. Noury showed the current ordinance. Ms. Lover withdrew this motion because the last sentence in the ordinance stated, "No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use."

Mr. Noury stated before moving to the Variance issue, Mr. Truslow had language in the appeal regarding vested rights. Mr. Noury asked Mr. Truslow if he had any more information to present on vested rights. Mr. Truslow stated he had covered his position. Mr. Noury stated it was the City's position that vested rights were not applicable for this Board to vote upon or consider. Chairman Moore clarified this Board would not vote on vested rights. The City was not attempting to change the zoning on Mr. Todd's land. Mr. Noury stated a motion would need to be made on the incapability of the Board to vote on the vested rights portion of the application, because it would not be appropriate for this Board to do so. Mr. Truslow stated the form he filled out from Mr. Blust was for the Variance issue. The document he filed in the petition brought up this issue, which Mr. Truslow stated he was in agreement and was not an issue anymore. Mr. Noury asked the Board to refer to their packet documents and the petition Mr. Truslow filed. On the second page, under Grounds, Number 2, Mr. Truslow stated, "Petitioner alleges that he has a vested right to continue the lawful use of his land to park and store the RV as he has for 33 years." Mr. Noury stated this may be an appellant matter, if Mr. Truslow choses to appeal. Mr. Noury recommended to the Board to act on each issue of the petition.

Ms. Lover motioned based on the evidence presented by the City Attorney, vested rights were not applicable to a variance request, instead a term to be applied to a change in zoning not a change of activity on a land. Therefore, the motion was to deny the appeal of Grounds, Number 2 in the petition. Mr. Skidmore seconded the motion. Having no further discussion, the motion to deny passed 5-0.

D. VARIANCE #V09-20: Mr. Mike Todd had made an application for a variance to park an RV (Recreational Vehicle) parked in the front yard in the R-1 (Single-Family Residential) district where an RV may only be parked behind the front line of the house or in a carport or garage at 502 35th Avenue South. Mr. Kirk Truslow, attorney for applicant, presented Mr. Todd's variance application. Mr. Truslow stated he was an elderly gentleman who purchased a motorhome in the mid-80's to transport his art work and go to various art shows, making a living. He had parked it in front of his home for over 33 years. Mr. Truslow asked Mr. Noury to show two pictures as an exhibit. Mr. Truslow asked the Board to consider giving Mr. Todd a variance to continue to allow him to park his motorhome in front of his home on 35th Avenue. Mr. Truslow stated not many people see this Airstream and it was not an eyesore. The avenue does not go down to Ocean Boulevard, so traffic was light. Mr. Todd has had the motorhome for so long, the only place he would be able to park the vehicle contains big trees that would need to be cut down to reclaim the side of his house. He has no other place to put his motorhome. No one has had a problem with it for three decades. The photos of the front of the home were not enclosed in the

pictures sent, only aerial views. Mr. Truslow stated the motorhome was about 6-7 feet back from the road. On one side of the home was full grown trees and the other side did not have room for the motorhome. It was not an obstacle on the road or close to it. To his knowledge, neighbors have not had a problem with it being parked at this location. It was a significant financial investment. Mr. Truslow asked the Board to consider all the facts. Mr. Todd was on a fixed income and probably could not afford to lease a lot or storage unit to put the motorhome in. Mr. Truslow asked the Board to allow Mr. Todd to keep his motorhome where he had always had it, on his driveway at his home. Mr. Noury stated the only pictures sent were aerial views of the home. Mr. Truslow stated through the Google Earth website, the Board could see how the motorhome was situated on the property. Mr. Noury pulled up the picture of the property via Google Earth. Ms. Lover asked if the vehicle was operable. Mr. Truslow stated the vehicle was not operational at this time, but through an insurance settlement, hoped to repair it. Mr. Truslow showed the house view with the motorhome in front, the trees, and side of the house. He stated the trees get larger as they go down beside the house. A bicycle could not get through this area. Mr. Todd had kept the motorhome clean and not an eye sore. Mr. Truslow stated this was what he had for the Board to review.

Chairman Moore asked to hear from the City. Mr. Caldwell read the description of the request and recommended the Board to review the application and hear the evidence presented. Mr. Truslow stated approving this variance would not open the floodgates of other applications requesting a variance. There were unique points on Mr. Todd's property to justify the variance and he cannot park the motorhome where the ordinance states. Ms. Lover asked if Mr. Truslow was familiar with the ordinance that defines the parameters on how the Board has to make their findings. Mr. Truslow stated he was generally familiar with it. Ms. Lover stated the Board must find proof of unnecessary hardship. Ms. Lover read from the code section the Board was bound by. The hardship cannot be self-created and must be a hardship on the property (land). Mr. Truslow stated trees would have to be cut, which was a hardship/damage to the land and a senior citizen on a fixed income to pay for this to take place was a hardship. Chairman Moore stated this was a self-imposed hardship. Mr. Truslow consented Mr. Todd did purchase the motorhome, but everyone, including the City, went along with this in front of his home for 33 years. Chairman Moore asked if Mr. Truslow had recommended Mr. Todd take his insurance money and use it toward the storage of the vehicle. Mr. Truslow stated Mr. Todd would rather get it fixed. Also, if he started to store the vehicle, the insurance money would eventually run out and wouldn't have the money to repair it. Ms. Lover stated the Board cannot consider other things or people in the neighborhood that had the same problem and what was on their land. The statute stated the granting of the variance requested will not confer on the applicant any special privilege that was denied by this chapter on other land structures in the district. Ms. Lover stated applicants have come before the Board with a 'stuff' issue and wanting variances based on what they had purchased. She stated the purpose of zoning was to have a uniform appearance throughout the City that was pleasant to everyone. Mr. Truslow restated the unique positions of Mr. Todd's situation. Chairman Moore asked if Mr. Truslow had any further information in order to move the case along. Mr. Truslow stated he did not.

Amy McCaskill, cousin of Mr. Todd, asked to speak before the Board. Ms. McCaskill stated she was the reason this all came about on her cousin. She stated a renter down the street was putting their dog mess into Mr. Todd's trash bins. She asked them to stop and the letter from the City came about weeks later. She stated no one had said a word since 1987-1988, when he purchased the vehicle. Ms. McCaskill stated there are over 300 violations of this code around the City, including wealthy individuals and they have not

been questioned. She stated this had been the first time in 10 years this code had come up before the Board, which she learned from the minutes that were posted on the City website. This ordinance was not enforced until someone made a complaint. She stated Mr. Quinn, in the October meeting, questioned why some many people on 39th Avenue were sited at the same time. She stated this was also a personal issue when someone turned in three people to get back at one person. They got an audience with four city administrators, including Mr. Blust. Mr. Blust came to their home to try figure out how to handle the situation. She stated the letter Mr. Todd received was different than their letter. The violation language was in it, along with the fines. The other letters did not have this included. She stated Mr. Todd had a stroke in 2016 and it had been hard for him to come back. He transported heavy art sculpture with his motorhome. It had broken his heart since he received the letter. She stated again, she caused it because of speaking to the renter down the street. She also stated someone four streets over turned in several people because of an ex relationship. Ms. McCaskill learned this information from conducting several Freedom of Information Act requests. She stated there were over 300 violations of this code and this was selected enforcement. Mr. McGonigal stated the Board comes across these violations and the Board does not make special exceptions. The Board was tasked to follow the rules and parameters set. Ms. McCaskill stated most of the others just have to back up their vehicle to comply. She stated Mr. Todd was instrumental in being an activist for bettering the City and neighborhood around him. Ms. McCaskill stated the Board bends over backwards to help some comply. Mr. McGonigal reiterated the Board followed the parameters and does not bend over backwards. The Board followed those parameters that were set before them.

Mr. Trulow stated his appreciation for hearing Mr. Todd's case. Under the ordinance it states, 'behind the nearest portion of a building to the street.' Mr. Todd does not have what was required this on his property and was a unique issue.

Chairman Moore called for a motion. Ms. Lover motioned to deny Variance #V09-20 based on the fact the applicant and petitioner failed to produce proof of unnecessary hardship and the hardship was self-created and was seconded by Mr. McGonigal. Having no further discussion, the motion to deny passed 5-0.

- E. VARIANCE #V13-20:** Our Lady Star of The Sea Catholic Church had made an application for a variance to erect a second freestanding sign on the property at 1100 8th Avenue North. The second sign was 32 square feet. Mr. Quinn stated he attended Our Lady Star of The Sea Catholic Church, but did not need to recuse himself based on the definition written in the regulations. Mr. Patrick McCloskey stated their school, Holy Trinity Catholic School, located at 1760 Livings Stone Lane, Longs, was flooded and had to move their location to the property of the church. Mr. McCloskey requested to move their sign, 8x4 ft., to the church property. Karen Luzzo, Principal, stated during the walk through of the property, the Fire Marshall requested a sign be placed indicating the school, in case of an emergency. Ms. Luzzo stated she would be able to provide a statement of the request from the Fire Marshall. She stated a sign would allow people to know the new location. Mr. Caldwell read the description and stated the Staff recommended the Board review the application and hear evidence presented. Ms. Lover inquired if the school had a certificate of occupancy. Ms. Luzzo stated she believed they did have one. Ms. Lover inquired if a sign attached to the building would be different from a free-standing sign. Mr. Blust stated it is different, however, the overall signage would have to be considered. Ms. Lover asked if a sign on the building would be sufficient. Ms. Luzzo stated the school desired a sign at the road, because the entrance to the school was set back from the road and cannot be readily seen. Mr. Blust stated he

believed the signage of the church on the buildings were at maximum capacity and they would need a variance to place a sign on the building.

Chairman Moore called for a motion. Mr. Quinn asked if they would postpone until the regulation could be met. Mr. Blust stated there would be no reasonable way to meet the regulation without a variance. Ms. Luzzo stated this particular sign was donated and the school would like to reuse it in lieu of purchasing a new one. Mr. McGonigal asked the Staff if there was any relief for the property. Mr. Blust stated the property was unique in it crosses two zoning districts. If it was a commercial situation and there was more than one principle building on the property with two street frontages, there would be more than one sign according to the City ordinance. Mr. McGonigal motioned to approve Variance #V13-20, based on the conditions it was an exceptional piece of property and crossed multiple zoning districts and was seconded by Mr. Skidmore. Having no further discussion, the motion passed 5-0.

F. VARIANCE #V14-20: Mr. Richard Neff made an application for a variance to remove a tree in excess of the 24-inch caliper measurement that was protected by the ordinance at 4608 South Island Drive. Mr. Neff withdrew his application.

G. VARIANCE #V15-20: Mr. Jeff Kiser had made an application for an 8 inch reduction of the required 5-foot side yard setback in the R-3 (Medium Density Residential) district at 506 Hillside Drive South. Mr. Kiser requested the variance in order to demolition the lean to and make an addition to the house. The addition and overhang would continue the architectural flow of the house. The neighbor was aware and not opposed to the encroachment. The addition would have approximately 11 feet of soffit to be over the 5 foot setback. The foundation would be on the 5 foot setback. Chairman Moore stated it would be 8 inches. Mr. Kiser stated it would be approximately 8-12 inches over. Ms. Lover inquired why the walls would not be able to be built one foot smaller. Mr. Kiser stated they wanted to continue the current roofline with overhang. Mr. McGonigal inquired what the setback was in the rear of the property. Mr. Kiser stated it was 50 feet and there was plenty of room. He stated the foundation was on the setback line. The sides would be seamless. Ms. Lover asked if the house was in compliance. Mr. Kiser stated it was in compliance. Mr. Skidmore stated in looking at the survey, the original footprint of the house was on the property line. The ordinance must have not included overhang. Mr. Caldwell asked when the home was built. Mr. Kiser stated 1953 and was moved from an ocean front location. Mr. Blust stated the front and rear overhang have more lenient in ordinances, but not on the sides. Mr. Blust stated in 1953, there may not have been anyone checking setbacks at the time. Ms. Lover stated Mr. Kiser was not asking for something new, just nicer.

Chairman Moore called for a motion. Ms. Lover motioned to approve Variance #V15-20 on the grounds that the variance requested was something already on the property and was an improvement, not a special benefit on the applicant and was seconded by Mr. Skidmore. Having no further discussion, the motion to approve passed 5-0.

H. VARIANCE #V17-20: Mr. William Shattuck, Jr. had made application for a variance of 4 feet from the required 20-foot rear yard setback in the R-1B (single-Family, Low-Medium Density) district at 1104 Inlet View Drive. Mr. Shattuck stated he was a new homeowner and would like a variance of 4 feet to have a screened in patio. Kenneth Haynes, contractor for Mr. Shattuck, stated he would like to build a screened porch along the existing concrete slab. If the builder built the home 2 ½ feet forward, the

porch would have been able to be built. Mr. Shattuck stated there were no buildings or neighbors behind his property. Chairman Moore asked Mr. Shattuck's hardship. Mr. Shattuck stated he wanted to enjoy sitting on the porch with no bugs. He was told by the builder when he purchased the home, the patio could be screened in. Mr. Haynes stated the houses in the neighborhood had an option for screened in porches, but Mr. Shattuck bought a spec home, which was already built. Ms. Lover stated she visited the property and there was an 8 foot chain fence down the back of the property line, which is heavily wooded. The homes were in alignment down the row. She believed the developer maximized the setbacks, in order to build the biggest houses he could. He could not add a porch without making the house smaller. The house with a porch was built with the porch located within the confines of the house setbacks. Mr. Shattuck stated he checked with neighbors and the HOA approved in February. Ms. Lover stated this was a new development which was built within the confines of the zoning ordinances. Granting a variance would defeat the purpose of zoning ordinances. Mr. McGonigal asked the Staff if there was any construction that might help and allow a porch that would not encroach on the setbacks. Mr. Blust stated he did not know of a structure that would work. Mr. Haynes stated in the City of Myrtle Beach, lanais are considered temporary and allowed. Mr. Blust stated there were not considered temporary structures and the City Council would have to vote to change the ordinance.

Chairman Moore called for a motion. Ms. Lover motioned to deny Variance #V17-20 on the grounds that there was not a hardship on the applicant and was seconded by Mr. Skidmore. Having no further discussion, the motion to deny was passed 5-0.

Having no further business, Chairman Moore asked for a motion to adjourn. Mr. Quinn motioned to adjourn and was seconded by Ms. Lover. The motion passed 5-0. The meeting adjourned at 7:41 PM.

Respectfully submitted,

Allison K. Galbreath
City Clerk

NOTE: BE ADVISED THAT THESE MINUTES REPRESENT A SUMMARY OF THE BOARD OF ZONING APPEALS MEETING AND ARE NOT INTENDED TO REPRESENT A FULL TRANSCRIPT OF THE MEETING.