

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA**  
**NORTH MYRTLE BEACH CITY HALL**  
**BOARD OF ZONING APPEALS MEETING**  
**Thursday, September 10, 2020**  
**5:00 PM**

**MINUTES**

Dan Moore, Chairman, Absent  
Cynthia Lover  
William McGonigal  
Roger Quinn  
Trey Skidmore  
Andy Thomas  
Wyman Wise, Absent

City Staff:  
Ben Caldwell  
Chris Noury  
Allison K. Galbreath, City Clerk

- 1. CALL TO ORDER & ROLL CALL:** Vice-Chairman McGonigal called the meeting to order at 5:07 PM.
- 2. SWEAR IN THOSE PERSONS TO SPEAK:** Mrs. Galbreath swore in persons to speak.
- 3. APPROVAL OF MEETING MINUTES:** Vice-Chairman McGonigal called for a motion to approve the minutes of the July 9, 2020 meeting. The motion was made by Mr. Thomas and seconded by Ms. Lover. The motion passed 5-0.
- 4. COMMUNICATIONS:** Ben Caldwell, Interim Zoning Administrator, stated William McGonigal and Cynthia Lover's seats on the Board of Zoning Appeals were up for reappointments. Both Mr. McGonigal and Ms. Lover affirmed they would like to continue as members of the Board of Zoning Appeals.
- 5. OLD BUSINESS:** None
- 6. NEW BUSINESS:**

Mr. and Mrs. David Lucas at 4502 Surf Street requested their variance to be reheard based upon new information not previously presented. Mr. and Mrs. Lucas were not in attendance. Mr. Caldwell stated his case was heard over a year ago and he did not need to request to be reheard. The case would be on next month's agenda.

Mr. James Griffith at 700 17<sup>th</sup> Avenue South requested his application to be reheard. Previously, Mr. Griffith had requested a five-foot variance and upon further review, he was now requesting a three-foot variance. Mr. Griffith was not in attendance. Mr. Caldwell explained the case and asked for his case to be reheard. Ms. Lover asked when he was first heard. Mr. Caldwell stated it had been close to six months ago. Ms. Lover stated according to the Rules of the Board of Zoning Appeals, the applicant had to submit the information in writing and must be present to ask for a rehearing. Chris Noury, City Attorney, stated if it was

a new filing, they would not need to be in attendance at the meeting. Mr. Caldwell stated now that everyone was aware of the Board of Zoning Appeals rules, a rehearing would require paperwork to be submitted in writing, as well as the applicant appear before the Board to request a rehearing.

**A. SWEAR IN THOSE PERSONS TO SPEAK:** Mrs. Galbreath swore in persons to speak at the beginning of the meeting.

**B. VARIANCE #V24-20:** Ms. Jodi Curry made an application for a variance to reduce the required rear yard project setback for a proposed carport at 601 26<sup>th</sup> Avenue South zoned Medium Density Residential, R-2 District. Ms. Curry stated she had a patio home and would like to put a carport with storage at the back. Ms. Curry stated the hardship of her situation was the nature of needing more security for her things (i.e., bike and grill) to be locked up and not out for someone to steal. She would also like to own a generator, which she preferred not to be located outside. She needed additional storage for these items. Ms. Lover stated she went by her house and met with Ms. Curry. On the Hillside side of the street, she asked what Ms. Curry would like to put there. Ms. Curry stated the carport would be facing Hillside. Ms. Lover stated normally applicants submitted a sketch of what they would want to build and where it would be placed on the property. Ms. Curry stated she thought she would get the variance first and then have a builder tell her what she would have room to build. Ms. Curry stated the cement, beside the house would be under cover and at the back would be a type of storage unit built. Ms. Lover asked where she wanted to build the storage. She stated she would like the carport attached to the house and storage structure look like a unit, not separated. She stated the storage would be in place of the fence. Ms. Lover clarified the fence would be removed and the storage would take its place. Ms. Curry affirmed it would be.

Mr. Skidmore stated he did not understand or visualize the areas she asked for in the application. Mr. Caldwell asked the proposed dimensions of the carport. Ms. Curry stated the builder told her to get it approved first. Ms. Lover stated the Board would need to know exactly what she wanted to build in order to grant a variance or not. Mr. Quinn stated she would need the dimensions of the plot and the addition she would like to build, so the Board could have a visual concept of what she was requesting. The drawing needed to show the property lines, too. Mr. Caldwell stated the drawing could be hand drawn, as long as it had the dimensions of what she wanted compared to the property and building lines. Mr. McGonigal stated she would need to meet the requirements of the deed restrictions that existed on the property, too. Ms. Curry stated she was unaware of a deed restriction until Ms. Lover told her of them. She called a law office and they went back 40 years and could not find a deed restriction and asked for a copy of it, which Mr. Caldwell gave her. Ms. Lover stated the Board would need something in front of them in order to be able to rule on it. Mr. McGonigal stated they had to work within the parameters of the rules. Ms. Curry asked what she needed to do next. Ms. Lover stated the Board would be able to grant a contingency. She told Ms. Curry she would need to have a drawing with the dimensions to bring back to the Board. Mr. Noury told Ms. Curry she would need more information to demonstrate to the Board how far the variance would go into the current setback, as well as demonstrate a hardship, as it related to the land, not a hardship as it related to a person. If she did not demonstrate a hardship to the land, the Board may not

grant the variance. Ms. Curry stated that she had a tree that took up most of her property and that was a hardship.

Vice-Chairman McGonigal called for a motion. Ms. Lover motioned for a continuance to be heard another day and for the applicant to provide more information for the variance requested and was seconded by Mr. Quinn. The motion passed 5-0.

**C. VARIANCE #V25-20:** Mr. Bill Hudson made an application to reduce the front yard setback for a proposed addition at 1028 Mount Vernon Drive zoned Medium Density Residential, R-2 District. Keith Bean, owner of the property, stated Bill Hudson was his contractor and submitted the application on his behalf. He asked the Board for a variance to build a front porch on their property. The variance was requested due to the curvature of the road and the positioning of the home, making it necessary to have a variance to build a front porch. The Board, Mr. Caldwell, Mr. Bean, and Mr. Hudson discussed how much a variance would actually be needed or if a smaller porch could be built that would not require a variance. Mr. Hudson stated the setback was 25', he would add an 8' porch addition and the variance would only be 4'2". Mr. Caldwell stated if they requested exactly 4'2" and it was granted, there would be no room for error. If they requested a 5' variance, there could be some more room to work. Mr. Hudson stated they spoke with the HOA and they were okay with the request to put a porch on their home. On either side of his property, both were granted variances for porches. It would be a neighborhood improvement. Ms. Lover stated without a variance, the porch would be 2', too small for a front porch. Ms. Lover inquired what his hardship was. Mr. Hudson stated due to the curvature of the road and where the house was located within that curvature. The builder had to set the house a little further toward the road. The other homes were able to be set back from the road. Ms. Lover stated odd lot sizes and weird angles were considered when making determinations. However, she viewed this as different, because a developer tried to put as many houses on a property as possible. They probably went before the Planning Commission and the Council and these homes were approved. Almost all of the lots in this development were odd sized. If the developer could have put on porches, he would have. They were approved, as is. Ms. Lover stated when Mr. Bean bought the home, he bought into that deal. Mr. Bean stated this was not a onetime variance request in the neighborhood. There were several others in the neighborhood that had been granted the exact same variance. Ms. Lover pointed out that they could not make determinations based upon a previous variance that was granted.

Mr. Caldwell read the description of the request and recommended to hear the variance. Vice-Chairman McGonigal called for a motion. Ms. Lover motioned to deny Variance #V25-20 based on the grounds the applicant did not demonstrate a hardship to the property and the Board could not consider previous variances that had been granted when making a decision. Granting the variance would give a benefit to the applicant, which was not contemplated when the whole development was approved. Mr. Quinn seconded the motion. The motion to deny failed 3-2. Mr. Thomas and Mr. Skidmore voted nay. Mr. Thomas motioned to table Variance #V25-20 to the next meeting and was seconded by Mr. Quinn. The motion to table passed 4-1. Ms. Lover voted nay.

**D. DISCUSSION AND ADOPTION OF THE RULES AND REGULATIONS OF THE BOARD OF ZONING APPEALS:**

Mr. Caldwell explained this was a clean-up of the procedures the Board currently follows. Ms. Lover stated she would like to have some input into the form the applicants fill out on line. She stated if it was more detailed and asked for certain items to be presented before the Board, it could prevent some of the questions and lack of information the Board received. Mr. Quinn stated the definition of a hardship should be given to the applicant and maybe a brochure should be made. Ms. Lover agreed with having this more readily available to applicants and making the ordinances available to them. The Board discussed items to have on the application form.

Mr. Caldwell stated the Chairman, Dan Moore, had resigned. Mrs. Galbreath mentioned Mr. Moore had served 40 years on various committees for the city and would be recognized by the City Council at the October 5, 2020 meeting. The Board would need to vote for a Chairman at a future meeting. Mr. McGonigal was the current Vice-Chairman.

Vice-Chairman McGonigal asked for a motion to adjourn. Mr. Quinn motioned to adjourn and was seconded by Mr. Skidmore. The motion passed 5-0. The meeting adjourned at 6:06 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.