



HORRY COUNTY ZONING BOARD OF APPEALS

Meeting Dates

January 9, 2023
February 13, 2023
March 13, 2023
April 10, 2023
May 8, 2023
June 12, 2023
July 10, 2023
August 14, 2023
September 11, 2023
October 9, 2023
November 13, 2023
December 11, 2023

Members

Drew Parks, Chairman
James Marshall Biddle, Vice Chairman
Jeffrey Miller
Jody Nyers
Robert Page
Kirk Truslow
Neal Hendrick
Blake Arp

Staff

Pam Thompkins, Zoning Administrator
Marnie Leonard, Asst. Zoning Admin.
David P. Jordan, Planning Director
Stewart Miller, County Attorney
Desiree Jackson, Senior Planner
Stevie Brown, Deputy Planning Director
David Gilreath, Asst. County Admin
Brandon Gray, Senior Planner
Taylor Jones, Planning Tech.



HORRY COUNTY ZONING BOARD OF APPEALS
Agenda

February 13, 2023

- I. Call to Order – 5:30 p.m.**

- II. Invocation/Pledge of Allegiance**

- III. Communications**

- IV. Minutes**
 - January 9, 2023– Regular Meeting Minutes 1-18

- V. Old Business**
 - 1. 2022-10-013 - Danny Allen – Reconsideration 19-33**
193 Demo Place, Galivants Ferry (County Council Member Allen)

 - 2. 2022-12-010 – Venture Engineering, agent for Princefield, LLC 34-35**
Located on Hwy 747, Loris (Council Member Causey) **Deferred**

- VI. New Business**
 - Variances**
 - 1. 2023-01-001–Nakita Stevens, agent for Issac Brown Sr. and Issac Brown Jr. ...36-44**
6298 Hwy 66, Loris (Council Member Causey)



2. 2023-01-002–Bertha Georgina Blenis	45-57
3951 Evens Estate Drive, Little River (Council Member Causey)	
3. 2023-01-003–Debbie Jenkins/Tyson Sign Co., agent for Anderson Brothers Bank	58-68
International Drive & McLeod Health Blvd., Myrtle Beach (Council Member Hardee)	
4. 2023-01-004–Sierra Abbott/Inlet Trade Center	69-79
Inlet Square Drive, Murrells Inlet (Council Member Servant)	
5. 2023-01-005–Robert Guyton, agent for CCC-Myrtle Beach LLC	80-92
388 Hinson Drive, Myrtle Beach (Council Member Hardee)	
6. 2023-01-006–Ken Hayes, agent for Richard Edwards	WITHDRAWN 93-95
2061 Deerfield Ave., Myrtle Beach (Council Member Loftus)	
7. 2023-01-007–Mike Kinsey/Carolina Pro Exteriors, agent for Don and Joyce Vogler	96-106
515 Whiddy Loop, Conway (Council Member Hardee)	
8. 2023-01-008–Kenneth Moss, agent for Highway Ninety Investors & Waterfall POA	107-123
101 – 425 (Odd) Waterfall Circle, Little River (Council Member Causey)	
9. 2023-01-009–Palmetto Architecture/Robin Roberts, agent for 128 East Main Street Duncan LLC	124-134
1571 Hwy 544, Conway (Council Member Masciarelli)	
10. 2023-01-010–Tarr Group, LLC, agent for WMG Exchange 1 LLC	135-145
9608 Hwy 707, Myrtle Beach (Council Member Crawford)	
11. 2023-01-011–Thomas and Hutton, agent for Lennar Carolinas, LLC	146-158
1503-1607 (Odd) Swing Bridge Way, Myrtle Beach (Council Member Crawford)	



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- 12. 2023-01-012–Venture Engineering, agent for Carl Meares Jr. 159-170**
1568 Watson Ave., Little River (Council Member Dukes)
 - 13. 2023-01-013–Venture Engineering, agent for Carl Meares Jr. 171-181**
1568 Watson Ave., Little River (Council Member Dukes)
 - 14. 2023-01-017–The Earthworks Group, agent for Ronaldo Nogueira 182-195**
4127 Jeremy Loop, Myrtle Beach (Council Member Masciarelli)

Special Exceptions

- 15. 2023-01-014–Chang Yan Lin, agent for Myrtle Beach Dining, LLC 196-205**
124 Loyola Dr., Myrtle Beach (Council Member Loftus)
- 16. 2023-01-015 –Erikka Parlin, agent for Ralph Pandure 206-216**
4311 Mineola Ave., Little River (Council Member Dukes)
- 17. 2023-01-016 – Omar Satavia, agent for Hickman Road LLC 217-228**
6100 Red Bluff Road, Loris (Council Member Hardee)

VII. Adjourn



Communications



Minutes

STATE OF SOUTH CAROLINA) Horry County Zoning Board of Appeals
)
COUNTY OF Horry) MINUTES – January 9, 2023

The Horry County Zoning Board of Appeals held its scheduled meeting on Monday, January 9, 2023 at 5:30 p.m. in the Horry County Government Center, Multi-purpose Room B, located at 1301 Second Avenue in Conway, South Carolina.

Board Members present: Kirk Truslow, Bobby Page, J. Marshall Biddle, Neal Hendrick, Drew Parks, Jeffrey Miller, Blake Arp and Jody Nyers

Staff present: Marnie Leonard, Stewart Miller, David Jordan, Jordan Todd, Stevie Brown, Brandon Gray and Taylor Jones

In accordance with the SCFOIA, notices of the meeting were sent to the press (and other interested persons and organizations requesting notification) providing the agenda, date, time and place of the meeting.

Chairman Drew Parks called the meeting to order at 5:30 p.m. There was a valid quorum for voting purposes. Jody Nyers delivered the invocation and Blake Arp led in the Pledge of Allegiance.

Chairman Drew Parks swore in staff.

PUBLIC INPUT

Danny Allen (Case - 2022-10-013) stated that he applied for a variance in November of 2022, for the December 12th 2022 meeting. Mr. Allen explained that he missed the meeting and that his variance was denied, and he would like the board to reconsider his case.

Vice Chairman J. Marshall Biddle made a motion to reconsider the case. Kirk Truslow seconded the motion. The board unanimously voted to reconsider case number 2022-10-013 on February 13, 2023.

COMMUNICATIONS

2022-12-010 – Deferred

REGULAR MEETING MINUTES - December 12, 2022

Chairman Drew Parks asked if there were any additions, deletions or changes to the minutes. Vice Chairman J. Marshall Biddle made a motion to accept the minutes as amended. Neal Hendrick seconded. The motion carried unanimously. *The minutes for December 12, 2022 were approved.*

OLD BUSINESS

The first case number was 2022-11-009 Attorney Shep Guyton, agent for BCWW Partnership. David Jordan presented the case to the Board. PIN 312-05-02-0063 identified the parcel located at 1381 Hwy 17, Little River. The applicants requested a variance from Article V, Section 505 C in regards to the removal of live oak specimen trees in the Highway Commercial (HC) zoning district. The applicants requested a variance to remove two (2) specimen live oak trees from this parcel. The existing structure was constructed in 1948 according to the Tax Assessor's records. The applicants proposed to remove the existing structure and construct a new commercial use on the site. The live oak trees were inspected by the Zoning Department on November 10th. Our inspection exhibited Tree 1 was a 45" DBH and Tree 2 was a 32.3" DBH for a total of 78" DBH which would require 47 replacement trees at 2.5" caliper or a \$7,050 fee in lieu. The fee in lieu could increase after the County Council meeting on January 24th. The applicant provided a Tree Risk Assessment from a Certified Arborist. **(Please refer to the January 9, 2023 packet for further information.)**

Should the Board decide that this variance request satisfied all five required factors and grants approval of the requested variance, staff recommended the following conditions:

1. The removed tree shall be replaced according to the mitigation and planting requirements or a fee in lieu as outlined in the Zoning Ordinance.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Attorney Shep Guyton explained that at last month's meeting they did not have the letter from the arborist, they have since then obtained such letter.

Vice Chairman J. Marshall Biddle asked if the variance was for three trees or two. To which Shep Guyton answered, only two trees were being removed, one was not a live oak.

There was no public input.

Vice Chairman J. Marshall Biddle made a motion to grant the variance with the conditions as stated by staff. Blake Arp seconded the motion. The motion carried unanimously. ***The variance was approved with conditions.***

NEW BUSINESS

The second case number was 2022-12-001 Tyler Thomas McGalliard. David Jordan presented the case to the Board. PIN 470-03-04-0025 identified the parcel located at 355 Oak Ave, Murrells Inlet. The applicant requested a variance from Article II regarding the setback requirements in the Residential (MSF 10) zoning district. The applicant requested a side and rear setback variance to construct a 24' x 65' (1560 sq. ft.) detached garage on the rear of the property. The proposed detached garage would be located 5' from the left and right-side property lines instead of the required 10' for a variance of 5', and 5' from the rear property line instead of the required 15' for a variance of 10'. **(Please refer to the January 9, 2023 packet for further information.)**

Should the Board decide that this variance request satisfied all five required factors and grants approval of the requested variance, staff recommended the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Chairman Drew Parks swore in Tyler McGalliard who explained that he planned to build a 24' X 36' garage. He also stated that he wanted to be able to pull into the garage, meaning that the structure would have to shift toward one side or the other if he was denied the variance on the rear of the building. Mr. McGalliard said that his neighbors were in agreeance with the requested variance.

There were no board or staff comments.

There was no public input.

Vice Chairman J. Marshall Biddle made a motion to grant the variance with the conditions as stated by staff. Jody Nyers seconded the motion. The motion carried unanimously. ***The variance was approved with conditions.***

The third case number was 2022-12-002 David Inman. David Jordan presented the case to the Board. PIN 344-14-01-0003 identified the parcel located at 5300 Hwy. 90, Conway. The applicants requested a variance from Article II regarding setback requirements in the Commercial Forest Agriculture (CFA) zoning district. In May 2022 the applicants received Permit #147199 to construct a two story Barndominium single family home with a garage on this site. There was 2,614 sq. ft. area that would be used for the single-family home with an attached garage area of 4,120 sq. ft. for a total area of 6,734 sq. ft. The post foundation survey revealed that the structure did not meet the required 40' front setback in the CFA zoning district. The proposed structure would be located 29' from the front property line instead of the required 40' for a variance of 11'. Zoning would only allow the garage to be used for personal use storage. Any home occupation business would be required to adhere to the requirements of Section 927 and could not use over 35% of the total square footage of the dwelling or 2,356 sq. ft. area. **(Please refer to the January 9, 2023 packet for further information.)**

Should the Board decide that this variance request satisfied all five required factors and grants approval of the requested variance, staff recommended the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Chairman Drew Parks swore in David Inman who explained that he needed an 11' variance because the post foundation unveiled that they had measured from the center line of the road instead of the property line.

Chairman Drew Parks asked for a show of hands of the audience who was in favor of this request. Three people raised their hands. No one was in opposition of the variance.

There was no public input.

Jody Nyers made a motion to grant the variance with the conditions as stated by staff. Blake Arp seconded the motion. The motion carried unanimously. ***The variance was approved with conditions.***

The fourth case number was 2022-12-005 Venture Engineering, agent for Pinnacle Storage Hwy. 9 LLC. David Jordan presented the case to the Board. PIN 216-14-02-0015 identified the parcel located at located off of Hwy 9 in Longs. The applicants are requesting a variance from Article V, Section 505 C regarding the removal of live oak specimen trees in the Black Bear PDD. This is a commercial tract located within the Black Bear PDD. The applicants are proposing a Storage Facility on the property with a total of 5 buildings. The applicants are requesting to remove five (5) specimen live oak trees from this site. The live oak trees were inspected by the Zoning Department on November 30th. Our inspection shows each trees DBH as follows: Tree 2 is 25", Tree 3 is 30.2" , Tree 4 is 24", Tree 70 is 27.5" and Tree 71 is 24.3" for a total of 131" DBH which will require 80 replacement trees at 2.5" caliper or pay the required fee in lieu. **(Please refer to the January 9, 2023 packet for further information.)**

Should the Board decide that this variance request satisfied all five required factors and grants approval of the requested variance, staff recommended the following conditions:

1. The removed tree shall be replaced according to the mitigation and planting requirements or a fee in lieu as outlined in the Zoning Ordinance.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Chairman Drew Parks swore in Jake Powell, with Venture Engineering, who stated they were requesting to remove 5 oak trees. Mr. Powell stated that the fire access around the buildings would be impacted, and his client has agreed to plant 80 trees or pay a fee in lieu.

Jody Nyers asked if the trees were damaged or diseased in any way, Jake Powell answered, to his knowledge, no, they were perfectly fine, they were just in the way.

Chairman Drew Parks asked if they had looked at changing the site plan to not have to remove the trees. Jake Powell stated that he personally had not but he was sure that his office had looked at making the existing site work without moving the trees.

There was no public input.

Vice Chairman J. Marshall Biddle made a motion to grant the variance with the conditions as stated by staff. Bobby Page seconded the motion. The motion failed with a 7 – 1 vote, with Chairman Drew Parks voting in favor. ***The variance was denied.***

The fifth case number was 2022-12-006 Thomas and Hutton, agent for Eagle South, LLC. David Jordan presented the case to the Board. PIN 400-00-00-0017 identified the parcel located at 787 Myrtle Ridge Dr., Myrtle Beach. The applicants are requesting a variance from Article II Table 2-2 regarding building separation requirements in the General Residential (GR-5) zoning district. The applicants proposed to develop this 80.78-acre parcel (Ascend at Myrtle Ridge) which is within the Ridgefield Master Plan Development. This parcel had 62 acres of jurisdictional wetlands leaving 18.6 acres available for development. They proposed 90 duplex buildings with 180 units total. Art. II, Table 2-2 required a minimum 20' building separation between individual buildings in the GRn zoning district. The applicants were requesting a variance to allow a 10' building separation instead of the required 20' for a variance of 10'. **(Please refer to the January 9, 2023 packet for further information.)**

Should the Board decide that this variance request satisfied all five required factors and grants approval of the requested variance, staff recommended the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Chairman Drew Parks swore in John Danford with Thomas and Hutton who explained that this parcel had extraordinary and exceptional conditions, including 62 acres of wetlands that were undevelopable and various types of easements.

Chairman Drew Parks verified with John Danford and staff that the density was based off of gross acreage and would allow for 400 apartments if the applicants wanted to go that route.

John Danford confirmed that was correct, but that was not the avenue that the applicants wanted to go because it would not match the characteristic of the community.

There was no public input.

Vice Chairman J. Marshall Biddle made a motion to grant the variance with the conditions as stated by staff. Blake Arp seconded the motion. The motion carried unanimously. ***The variance was approved with conditions.***

The sixth case number was 2022-12-007 Kelly Reighard. David Jordan presented the case to the Board. PIN 469-06-02-0001 identified the parcel located at 11202 Lee Circle, Murrells Inlet. The applicant requested a variance from Article II regarding setback requirements in the Residential (SF20) zoning district, the applicant proposed to construct a new single-family home on this parcel. The SF20 zoning district only allowed one dwelling on the 22,582 sq. ft. lot. The existing home was constructed in 1988 per the Tax Assessor's records. Before a certificate of occupancy can be given on the new home the existing home would need to be converted to a storage building or garage. This lot was originally split in 1997 (PB 151-132) with a two (2) story frame dwelling and a wood storage bldg. located on the site. A survey was approved in September of 2022 to move the property lines and move the shared private driveway and cul-de-sac from the left to the right side. Art. II, Section 205 stated, when a shared private driveway

easement is utilized for access, the required setback shall be measured from the easement line. The home is required to meet a 40' front setback off the cul-de-sac which pushed the home further to the rear. The proposed single-family home would be located 20' from the rear property line instead of the required 25' for a variance of 5'. **(Please refer to the January 9, 2023 packet for further information.)**

Should the Board decide that this variance request satisfied all five required factors and grants approval of the requested variance, staff recommended the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Chairman Drew Parks swore in Kelly Reighard who stated that the small shed pictured on the site plan had since been moved, and her newly proposed home would encroach into the setbacks.

There was no board or staff comments.

There was no public input.

Jody Nyers made a motion to grant the variance with the conditions as stated by staff. Kirk Truslow seconded the motion. The motion carried unanimously. ***The variance was approved with conditions.***

The seventh case number was 2022-12-009 Glenn Ashley. David Jordan presented the case to the Board. PIN 462-14-03-0146 identified the parcel located at 351 A Seabreeze Dr., Murrells Inlet. The applicants requested a variance from Article II and Article IV, Section 412 regarding setback and fencing requirements in the Residential (MSF6) zoning district. The applicants proposed to construct an 8' x 58.8' raised deck and lift to make the house handicap accessible for the owner. The deck would be located 7' from the right corner side instead of the required 11.25' for a variance of 4.25'. There was an existing 9.5' x 7.7' shed located on the right corner side that had not been permitted. The shed was located 3.5' from the right corner side instead of the required 11.25' for a variance of 7.75' and 1.8' from the rear property line instead of the required 15' for a variance of 13.2'. A 9.7' x 11.6' gazebo/lean to roof was located 1.2' from the right corner side instead of the required 11.25' for a variance of 10.05'. Section 412 required privacy fences in a front or corner side yard to meet a 10' setback. The privacy fence was located 0' from the right corner side property line instead of the required 10' for a variance of 10'. **(Please refer to the January 9, 2023 packet for further information.)**

Should the Board decide that this variance request satisfied all five required factors and grants approval of the requested variance, staff recommended the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. Any replacement of the shed and/or gazebo/lean to roof will need to meet the required setbacks.

4. All other applicable County requirements shall be met.

Chairman Drew Parks swore in Glenn Ashley who explained that they purchased the home 12 years ago. He was retiring soon and wanted to make this his primary residence. Mr. Ashley explained that he needed to install an ADA ramp which fell within the setbacks.

There were no board or staff comments.

There was no public input.

Blake Arp made a motion to grant the variance with the conditions as stated by staff. Neal Hendrick seconded the motion. The motion carried unanimously. ***The variance was approved with conditions.***

The eighth case number was 2022-12-011 Daniel Ben-Yisrael, agent for James E. Daniels. David Jordan presented the case to the Board. PIN 457-11-01-0022 identified the parcel located at 4701 Holmestown Rd., Myrtle Beach. The applicants requested a variance from Article IV, Section 408 and Article VIII, Section 804 B regarding dumpster and parking requirements in the Hwy. 707 overlay zoning district. The applicants proposed a Parkers Kitchen Convenience store on this site. The parcel was located within the Hwy. 707 overlay district at the corner of Hwy. 707 and Holmestown Rd. The Zoning Board denied a previous variance (Case 2020-07-006) on August 10, 2020 for this site. Article IV, Section 408 required dumpsters to be stored on the property behind the front building line of the principal structures. The applicants requested a variance to allow the dumpster to be forward of the principle structure on Holmestown Rd. Art. VIII, Section 804 B of the Hwy. 707 overlay required no more than 50% of total parking to be located in front of the principal building. The applicants requested a variance to allow all parking to be forward the principal building. **(Please refer to the January 9, 2023 packet for further information.)**

Should the Board decide that this variance request satisfied all five required factors and grants approval of the requested variance, staff recommended the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Chairman Drew Parks swore in Daniel Ben-Yisreal who explained that Parker's Kitchen had 73 stores throughout SC and GA, and planned to add 10 to 20 stores in the area within the next 4 to 5 years. Mr. Yisreal explained that the parking in front of the store was not uncommon to the nature of the other Parker's Kitchens.

Chairman Drew Parks swore in Emma Herndon, who explained the site constraints including the double overlays and being on a corner lot made developing this site tough. Mrs. Herndon explained that if they were to move the building forward the parking and a drive isle would not fit behind the building. She also stated that this site plan fit the character of the surrounding

properties, with two other convenience stores being located on two of the other corner properties of the intersection.

Brandon Gray stated that this property was located in two overlay zones and had a double front.

Jody Nyers asked if the store was a standard size, or did they have a smaller building footprint they could use for this location.

Mr. Ben-Yisreal explained that they had just approved a smaller design for a different location and was willing to look at the smaller building for this property.

Jeffrey Miller asked if the smaller building was used, would they still need a variance for the parking and the dumpster. He also asked were they using underground retention.

Mr. Ben-Yisreal stated that they would probably still need the parking variance, but they could possibly move the dumpster closer to the residential lot.

Chairman Drew Parks stated that the dumpster further away from the neighboring residential property may be beneficial.

Mrs. Herndon stated that they were using underground retention, and they were placing a privacy fence closer to the neighboring residential lot, with plantings and vegetation on the outside of that fence.

Vice Chairman J. Marshall Biddle asked if the applicant would like to defer the case or would he like the board to go ahead and vote on the variance as it was requested.

Mr. Ben-Yisreal stated if the board was leaning towards denying the variance, he would rather it be deferred.

Chairman Drew Parks swore in Richard L. Knox III who expressed deep concerns about the consumer related business proposed to go on the parcel neighboring his home. Mr. Knox was concerned about traffic problems, toxic chemicals in the air and ground, children's safety, unfair competition, and the protection of the residential character of this area.

Chairman Drew Parks swore in Rafael Carr who stated that he was a resident of the area for 50 years and adding another business at the intersection would just add to the traffic and impact the safety of the families trying to access their homes.

Chairman Drew Parks swore in Bob Zigler who explained that he represented the Greater Burgess Community. He stated that there were already two gas stations in this area, and it would only increase traffic issues. Mr. Zigler said that the dumpster needed to be screened, but the biggest concern was traffic.

Chairman Drew Parks swore in Jim Daniels who stated that he had been paying taxes on the property for 30 years and it was already zoned to allow the business.

Vice Chairman J. Marshall Biddle made a motion to go into executive session. Jody Nyers seconded the motion. The motion carried unanimously. Executive Session began at 6:50 pm.

Vice Chairman J. Marshall Biddle made a motion to end executive session. Blake Arp seconded the motion. The motion carried unanimously. Executive Session ended at 6:57 pm.

County Attorney Stewart Miller stated that during executive session, the Board/Commission/Council met with its attorney for the purpose of obtaining legal advice in relation to procedural questions and the bylaws or other matters covered by the attorney-client privilege. No decisions were made or votes were taken during that time.

Vice Chairman J. Marshall Biddle made a motion to defer the case for 60 days, to give the applicant a chance to reach out to the community. Bobby Page seconded the motion. The motion carried unanimously *The variance was deferred.*

The ninth case number was 2022-12-012 James Moore, agent for City of Myrtle Beach.

David Jordan presented the case to the Board. PIN 460-00-00-0001 (Lot 2016 – PIN 460-01-02-0170) identified the parcel located at 2016 St. James Way, Myrtle Beach. The applicants requested a variance from Article V, Section 505 C regarding the removal of a live oak specimen tree in the Destination Park (DP) zoning district. The applicants requested a variance to remove a protected live oak tree from a parcel within Pirateland Campground. The live oak tree was inspected by the Zoning Department on October 12th. The City of Myrtle Beach was the owner of the property and have given permission to James Moore, who lived on the site, to handle the request. The protected live oak is 29.7" DBH and would require 18 replacement trees at 2.5" caliper or a \$2,700 fee in lieu. The fee in lieu could increase after the County Council meeting on January 24th. **(Please refer to the January 9, 2023 packet for further information.)**

Should the Board decide that this variance request satisfied all five required factors and grants approval of the requested variance, staff recommended the following conditions:

1. The removed tree shall be replaced according to the mitigation and planting requirements or a fee in lieu as outlined in the Zoning Ordinance.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Chairman Drew Parks swore in James Moore who stated that going through the porch was a tree that was damaging the foundation and the Carolina room of the home, and he wished to remove the tree.

Jody Nyers asked if the tree was damaged or diseased in any way. Mr. Moore confirmed that to his knowledge it was not damaged or diseased it was just causing damage to the structure of the home.

There was no public input.

Kirk Truslow made a motion to grant the variance with the conditions as stated by staff. Blake Arp seconded the motion. The motion failed with a 4-4 vote, with Vice Chairman J. Marshall Biddle, Neal Hendrick, Blake Arp and Jody Nyers voting in opposition. ***The variance was denied.***

The tenth case number was 2022-12-013 Dozier D. & Susan Miller. David Jordan presented the case to the Board. PIN 363-08-01-0013 identified the parcel located at 3246 Wildhorse Dr., Conway. The applicants requested a variance from Article II regarding setback requirements in the Residential (SF40) zoning district. The applicants proposed to construct a 30' x 35' (1,050 sq. ft.) garage on this parcel. The proposed garage would be located 10' from the left side property line instead of the required 20' for a variance of 10' and 15' from the rear property line instead of the required 30' for a 15' variance. The adjacent property on the left side was zoned Commercial Forest Agriculture (CFA) which would have allowed for a 10' side and a 15' rear setback. The applicant stated they need to move the building further to the rear to safely maneuver a 44' boat and trailer around an underground propane tank and generator located on the side of the home. **(Please refer to the January 9, 2023 packet for further information.)**

Should the Board decide that this variance request satisfied all five required factors and grants approval of the requested variance, staff recommended the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Chairman Drew Parks swore in Dozier Dale Miller who stated that they were proposing a garage and removing the existing shed. Mr. Miller explained that he was trying to keep the garage in-line with the existing home and needed room to back the boat into the garage without having to maneuver around the existing propane and generator.

Chairman Drew Parks asked if Mr. Miller had an HOA. Mr. Miller stated that they had no HOA at this time and that his neighbors were in agreeance with his request.

There was no public input.

Neal Hendrick made a motion to grant the variance with the conditions as stated by staff. Jody Nyers seconded the motion. The motion carried unanimously. ***The variance was approved with conditions.***

The eleventh case number was 2022-12-014 Venture Engineering, agent for Lakeside Investments LLC. David Jordan presented the case to the Board. PIN 420-16-03-0052 identified the parcel located at the intersection of Church Street & Chaucer Lane, Myrtle Beach. The applicants requested a variance from Article II and Article V, Section 504 C regarding setbacks, minimum lot area per unit and perimeter landscape buffers requirements in the General Residential (GR) zoning district. The applicants proposed four (4) multi-family buildings with twenty-two (22) townhomes on the site. Planning had only reviewed a sketch plan on this site and are not sure if there would be more variances. General Residential (GR) requires a 30'

setback along all three roads. Buildings 1 and 3 would be located 20' from Old Bryan Dr. instead of the required 30' for a variance of 10'. Buildings 2 and 4 would be located 20' from Chaucer Ln. instead of the required 30' for a variance of 10'. The density limit in GR was configured using a minimum lot area per unit, the proposed development would require 3,175 sq. ft. per unit for 3 bedroom/ 2 story units x 22 units = 69,850 sq. ft. The applicant requested to provide a minimum lot area of 58,783 sq. ft. (18 units) instead of the required 69,850 sq. ft. for a variance of 11,067 sq. ft. A 25' Type C streetscape buffer was required along all roads. The applicants proposed a 20' streetscape buffer on Old Bryan Dr. and Chaucer Ln. instead of the required 25' for a variance of 5'. The applicant stated they would plant the required number of trees and shrubs for a 25' buffer. **(Please refer to the January 9, 2023 packet for further information.)**

Should the Board decide that this variance request satisfied all five required factors and grants approval of the requested variance, staff recommended the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Chairman Drew Parks swore in Jake Powell, with Venture Engineering, who explained that the 3 fronts limit the development of this site, and they had requested variances in regards to the dimensional standards, density and the buffer requirements.

Chairman Drew Parks swore in Jimmy Sessions who stated that the choice to add 22 townhomes would just add traffic to this area. Mr. Sessions explained that he owned the adjacent vacant lot and his nephew was planning to build a home on this property.

Chairman Drew Parks swore in Joseph Hyde who explained that there was too much traffic and too many pedestrians in that area for the current infrastructure. Mr. Hyde explained that there were no sidewalks and his issue was more with the density variance than with the setbacks.

Chairman Drew Parks swore in Catherine Powell who voiced that she was the third generation to own the property across the street and she didn't want to see her property value decrease with the stroke of a pen.

Chairman Drew Parks swore in Melody Russell who explained that there were already two churches and two housing developments in this area, and the small piece of property before them would not hold 22 units. Mrs. Russell stated that the church down the street already had to obtain offsite parking to accommodate them.

Jake Powell stated that the sidewalks and infrastructure was not his job to install and the complex across the street was almost identical to what he was looking to build.

Blake Arp made a motion to defer the case for 60 days to let the applicant meet with the adjacent property owners. Jeffrey Miller seconded the motion. The motion carried unanimously. ***The variance was deferred.***

The twelfth case number was 2022-12-015 Venture Engineering, agent for Molee Land Company. David Jordan presented the case to the Board. PIN 389-13-04-0020 identified the parcel located at 9712 N. Kings Hwy., Myrtle Beach. The applicants requested a variance from Article II regarding setback requirements in the Highway Commercial (HC) zoning district. This was the proposed location of Dunkin Donuts at Magnolia Center. In June 2022 construction was started on the Dunkin Donuts (Permit # 148570). In December 2022 a post foundation survey revealed that the building was encroaching into the setbacks, and a stop work order was issued. The building would be located 49.4' from the front property line instead of the required 50' for a variance of .6'. **(Please refer to the January 9, 2023 packet for further information.)**

Should the Board decide that this variance request satisfied all five required factors and grants approval of the requested variance, staff recommended the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Chairman Drew Parks swore in Jake Powell, with Venture Engineering, who explained that the post foundation revealed the building was 6'' into the setbacks. Mr. Powell said that the building was assembled in North Carolina, delivered to and set on the site. Mr. Powell stated that for Dunkin Donuts to have the building moved 6'' it would cost them double what they had already spent in the project.

Chairman Drew Parks swore in Mark Chestnut who explained that he owned the adjacent property and business. Mr. Chestnut said that the building was brought in and set there, but if they had to move it, they needed to move it. Mr. Chestnut told the board that his building sat at 45' back and it looked to him that Dunkin's building sat closer to the road than his. Mr. Chestnut felt that the pins had been moved by someone, before the survey had been done. Mr. Chestnut asked the board if Dunkin were to add canopies or awnings would those have to meet setbacks as well.

Mr. Jake Powell stated that he wasn't aware of the animosity between the neighbors, and he wasn't sure about awnings. Mr. Powell stated that the surveyors did go back out there again, what started out as almost 7' into the setbacks turned out to be 7'' into the setbacks.

Brandon Gray stated that the roof overhang could be up to 18'' into the setback but no awnings could be in the setbacks.

Vice Chairman J. Marshall Biddle made a motion to grant the variance with the conditions as stated by staff. Jody Nyers seconded the motion. The motion carried unanimously. ***The variance was approved with conditions.***

The thirteenth case number was 2022-12-017 Seth Rabon, agent for Rabon Land Holdings, LLC. David Jordan presented the case to the Board. PIN 367-14-04-0032 identified the parcel located at 1094 E. Hwy 501, Conway. The applicants requested a variance from Article II

regarding setbacks, Article V, Section 504 regarding landscape and buffer requirements, Article VII, Section 701 regarding parking and Article VIII, Section 801 regarding requirements in the Hwy 501 Overlay. This was the location of Rabon's Mobile Home Sales that had been operating since 1976. The applicant wanted to replace the existing office building with a larger office building in the same location. The cost of modifications required the applicant to come into full compliance with the Hwy. 501 overlay. Due to the operation of the business and maneuverability on the site, the applicant has requested the following variances: Setbacks - The proposed sales office would be 33' from the front property line instead of the required 50' for a variance 17'. Right (West) Side of Parcel - Type B Spatial Buffer - Applicant was required 137' buffer along the west side of the parcel, applicant has requested 100% relief from this requirement. Rear (South) Side of Parcel - Type C Streetscape Buffer - Applicant was required a 380' buffer along the south side of the property adjacent to Causey Rd, they requested 100% relief from this requirement. Left (East) Side of Parcel - Type B Spatial Buffer- Applicant was required a 392' buffer along the east side of the property, they requested 100% relief from this requirement. Front (North) Side of Parcel - Type C Streetscape Buffer - Applicant was required a 96' buffer along the north side of the property adjacent to Hwy. 501, they requested 100% relief from this requirement. Foundation Landscaping - The applicant requested to retain the existing foundation landscaping area 2.5' in width instead of the required 5' buffer for a variance of 2.5'. Parking - Depth of 70° angle parking - The applicant wanted to retain the existing parking spaces. The existing 70° angle parking spaces were 17' in depth instead of the required 21' for a variance of 4'. These parks were located within the highway right of way and would need approval from SCDOT to continue to use them. Parking - Aisle Width of 90° angle parking - The applicant wanted to retain the existing parking spaces. The existing 90° angle parking spaces had a 15' aisle width instead of the required 22' for a variance of 7'. Internal Pedestrian Walkway - Applicant did not want to establish an internal pedestrian walkway. **(Please refer to the January 9, 2023 packet for further information.)**

Should the Board decide that this variance request satisfied all five required factors and grants approval of the requested variance, staff recommended the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. Need approval from SCDOT to continue to use existing parking located in the right of way.
4. All other applicable County requirements shall be met.

Chairman Drew Parks swore in Seth Rabon who reiterated that the business had been there since 1976 and they were looking to upgrade their office to make it ADA compliant and to give them more office space.

There was no board of staff comments.

There was no public input.

Vice Chairman J. Marshall Biddle made a motion to grant the variance with the conditions as stated by staff. Jeffrey Miller seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The fourteenth case number was 2022-12-018 John Danford with Thomas and Hutton, agent for RL Bell, Inc. David Jordan presented the case to the Board. PIN 313-08-04-0005 and 313-00-00-0005 identified the parcel located at 180 E. Hwy 9, Little River. The applicants requested a variance for Article V, Section 504 regarding perimeter buffer and landscaping requirements in the Highway Commercial (HC) and Commercial Forest Agriculture (CFA) zoning districts. The applicants proposed to develop these two tracts of land with a total of 18.95 acres. A rezoning request had been submitted to rezone the property from Highway Commercial (HC) and Commercial Forest Agriculture (CFA) to Multi-Residential (MRD3) district to allow 376 multi-family units. The applicant stated that due to existing easements and SCDOT access management issues they were requesting the following variances for reduction of the required Type C streetscape buffer widths and plantings; Hwy. 9 - 35' streetscape buffer was required; they were proposing a 10' for a variance of 25'; SCPSA 50' easement (East) - 25' streetscape buffer is required they were proposing a 5' for a variance of 20'; SCPSA 50' Easement (West) - 25' streetscape buffer was required they were proposing 5' for a variance of 20'; Pecan St. (North) - 25' streetscape buffer was required they were proposing a 10' for a variance of 15'; Pecan St. (South) - 25' streetscape buffer was required they were proposing 0' for a variance of 25'; All roads listed above - Reduction in plantings as indicated on chart above. **(Please refer to the January 9, 2023 packet for further information.)**

Should the Board decide that this variance request satisfied all five required factors and grants approval of the requested variance, staff recommended the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Chairman Drew Parks swore in John Danford, with Thomas and Hutton, who explained they had also submitted for a rezoning. Mr. Danford stated that there was a powerline easement on the property, Hwy. 9 had a 140' Right-of-Way and was required a 35' streetscape buffer. Mr. Danford said there was a list of easements that were on this property, and also a billboard that they had to work around. He explained that if all the setbacks were followed as required, in consideration with the easements that they were not allowed to be in; there would be 170,000 sq. ft. that would be undevelopable.

There were no board or staff comments.

There was no public input.

Blake Arp made a motion to grant the variance with the conditions as stated by staff. Robert Page seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The fifteenth case number was 2022-12-019 Venture Engineering, agent for Fred Rick Builders, Inc. David Jordan presented the case to the Board. PIN 8350 Hwy 544, Myrtle Beach identified the parcel located at 429-05-01-0001. The applicants requested a variance from Article V, Section 504 C and Article VIII, Section 803 regarding landscape buffer requirements of the Hwy 544 Overlay in the Retail with Accessory Outdoor Storage (RE4) zoning district. This was the location of Thompson Stone & Marble. The applicants proposed construction of an addition onto the existing main building. The cost of modification required the applicant to come into a "significant" level of modification per the Hwy. 544 overlay. The level of modification required all new & existing walls to adhere to the facade requirements and compliance with landscaping standards. The applicant requested the following variances: Front (West) side of Parcel - Type C Streetscape Buffer - Applicant was required a 336' in length buffer along Hwy. 544, applicant requested to only install 3 Canopy Trees instead of 10 for a variance of 7 and 23 shrubs instead of 68 for a variance of 45. Right (South) side of Parcel - Type B Spatial Buffer - Applicant was required a 485' in length buffer along the south property line, applicant requested a variance to only install 63 of the 97 shrubs for a variance of 34 shrubs. Rear (East) side of Parcel - Type A Opaque Buffer - Applicant was required a 156' in length buffer along the east property line, applicant requested 100% relief from the requirement. Left (North) side of Parcel - Type A Opaque Buffer - Applicant was required a 15' buffer width for 620' in length and a 6' privacy fence for the length of the buffer. The applicant proposed a 6' buffer width for a variance of 9' and asked for 100% relief from the plantings and fencing requirements. Facade - Existing 1,605 sq. ft. enclosed storage building - Applicant requested a variance to not improve the exterior facade and to retain the prefabricated steel panels on the exterior. Facade - Existing 1,200 sq. ft. metal shed – Applicant requested a variance to not treat the columns on the existing shed and to retain the existing metal post. **(Please refer to the January 9, 2023 packet for further information.)**

Should the Board decide that this variance request satisfied all five required factors and grants approval of the requested variance, staff recommended the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Chairman Drew Parks swore in Dan Senema, with Venture Engineering, explained that no oak trees would be affected. Mr. Senema stated that the business had been at this location since 1985 and the overlay requirements and the landscape buffers did not exist then. Mr. Senema explained that the conex boxes on site had accumulated 30 years-worth of material. He also stated that a crane would have to relocate the conex boxes and the open-air building, and he did not see the reasoning behind having to put a stone façade on a metal carport. Mr. Senema thought that it would be of no substantial benefit to the site, and would negatively impact the business at this location.

Chairman Drew Parks swore in Luke Rankin who stated that Billy and Andrew Thomson's current business complied with the intent of the site, and he wanted them to be able to continue their successful business.

There was no board or staff comments.

Jody Nyers made a motion to grant the variance with the conditions as stated by staff. Neal Hendrick seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The sixteenth case number was 2022-12-016 The Earthworks Group, agent for RSG Myrtle Beach LLC. David Jordan presented the case to the Board. PIN 401-13-04-0041 identified the parcel located at 2315 Hwy 544, Conway. The applicant was appealing a determination by the Zoning Administrator that motor freight transportation and warehousing was not a permitted use within the Highway Commercial (HC) zoning district. **(Please refer to the January 9, 2023 packet for further information.)**

Pursuant to Section 1402 of the Zoning Ordinance "the concurring vote of a majority of the members present at a meeting of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator..." Therefore, the Chairman should ask the Board if there is a motion to reverse the determination of the Zoning Administrator in this case. Unless such a motion is made, seconded and concurred upon by a majority of the members present, the determination will stand.

Chairman Drew Parks swore in Daniel Park, with The Earthworks Group, who explained to the board that Two Men and a Truck had been doing business in the area since 1999. Mr. Park said that only 3 parcels in the entire county were zoned PA1, the zoning district that he was suggested to rezone to. Mr. Park read the definition of motor freight/transportation per county ordinance, and stated that there would be no outdoor storage on this site. Mr. Park also was under the impression that PA1 would not allow the warehousing and/or retail portion of his client's business. Mr. Park proceeded to pass out a handout of other companies, listing their name, address and zoning district they were located in.

Chairman Drew Parks swore in the Greg Savitski, the owner of Two Men and a Truck. Mr. Savitski stated that he had 14 or 15 signatures in agreeance of this appeal and believed that he was no different than any other moving company in the area.

David Jordan stated that a few of the companies on the list that Mr. Park provided the board, were mini-warehouses/storage facilities with an accessory use of rental trucks; they were not moving companies. Mr. Jordan read the purpose and definition of PA1; which is what staff had recommended to the applicant to rezone the property to, to allow the use.

Chairman Drew Parks asked the applicant why wouldn't they want to follow staff's recommendation to rezone this property to PA1.

Mr. Daniel Park stated that they didn't want to rezone because the neighborhood may not agree with rezoning. Also, if they were to rezone the property to PA1 it would allow Amazon or companies like Amazon to utilize that property, and as of now they couldn't.

Chairman Drew Parks swore in Mr. Blair Zoll who said Mr. Savitski had worked hard to make the surrounding home owners happy, he even agreed to re-pave the private road (Meadowbrook Drive) with his own money. Mr. Zoll explained that the road was in terrible condition, and since the road was private the county wouldn't do anything with it.

Mr. Daniel Park mentioned that the idea of repaving a portion of Meadowbrook Dr. was recommended by a county council member.

Chairman Drew Parks stated that since they were operating at their current location without a zoning compliance or a business license; would we pursue the warning/ticket if they were working to get the proposed site in compliance?

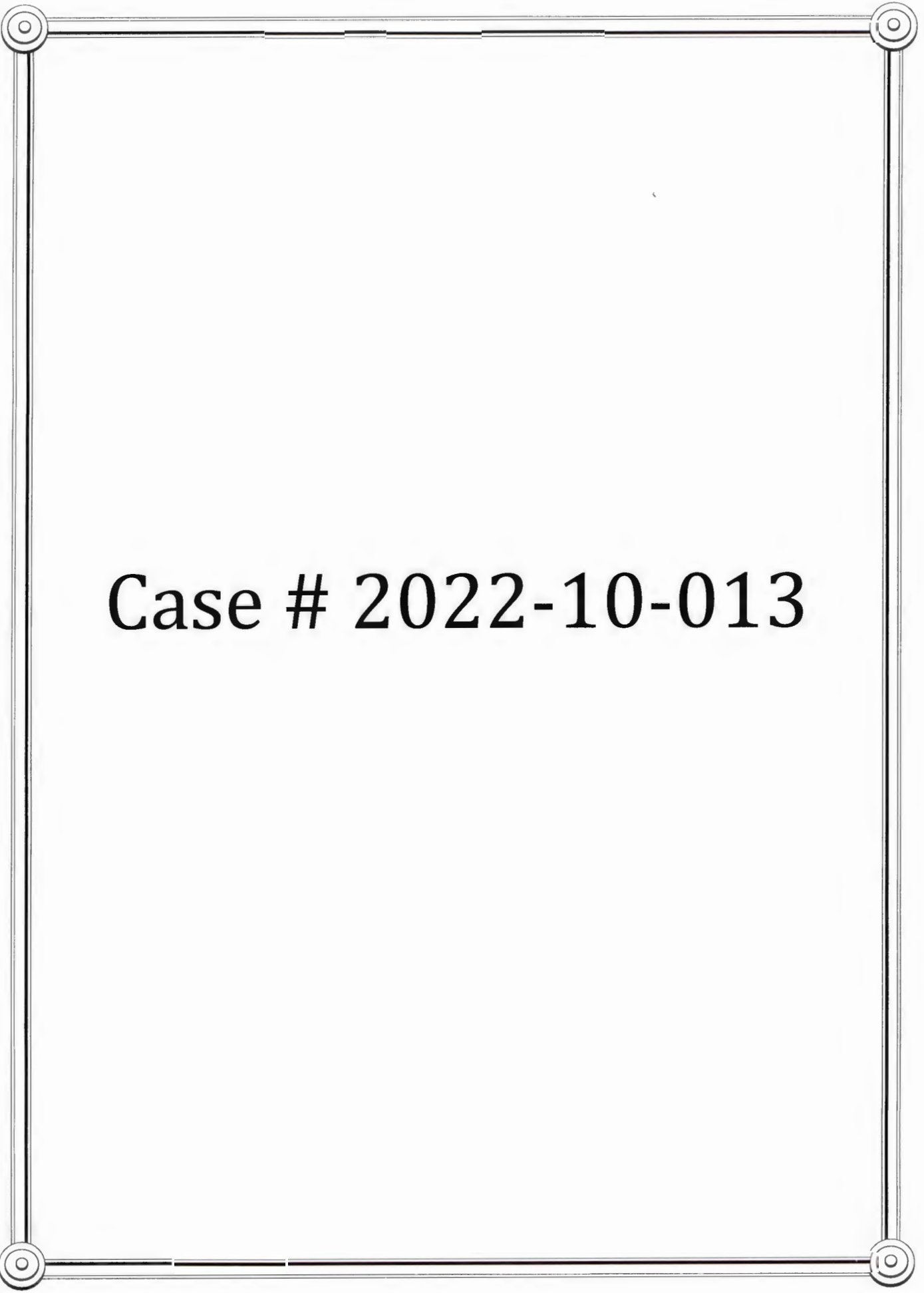
David Jordan stated that Planning and Zoning would not pursue the ticket if the new site was actively coming into compliance.

Kirk Truslow made a motion to approve/uphold the decision made by the Zoning Administrator. Vice Chairman J. Marshall Biddle seconded the motion. The motion carried unanimously. ***The appeal was denied.***

With no further business, a motion to adjourn was made and seconded. The meeting was adjourned at approximately 8:30 pm.



Old Business

A rectangular frame with a double-line border. At each of the four corners, there is a decorative circular element consisting of a small inner circle and a larger outer circle.

Case # 2022-10-013

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2022-10-013	Zoning Information	
Applicant	Danny Allen	Zoning District	AG2
Parcel Identification (PIN) #	207-01-03-0003	Parcel Size	3 acres
Site Location	193 Demo Place, Galivants Ferry	Proposed Use	Tradeshop/ Contractor's Office
Property Owner	Danny Allen		
County Council District #	11- Allen		

Requested Variance(s)

The applicant is requesting a variance from Article V, Section 504 C regarding the landscaping requirements in the Agricultural (AG2) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Art. V, Section 504 C Perimeter Buffers				
Left (North) Side - Type B Spatial Buffer	7 Canopy (50% evergreen) 7 Understory (50% evergreen) 64 Shrubs (50% evergreen)	7 Canopy 0 Understory 0 Shrubs	7 Understory 64 Shrubs	100% understory & shrubs
Right (South) Side - Type B Spatial Buffer	6 Canopy (50% Evergreen) 7 Understory (50% Evergreen) 56 Shrubs	6 Canopy 0 Understory 0 Shrubs	7 Understory 56 Shrubs	100% understory & shrubs
Front (SW) cul-de-sac - Type C Streetscape Buffer	2 Canopy (20% Evergreen) 2 Understory (25% Evergreen)	0 Canopy 0 Understory	2 Canopy 2 Understory	100%
Foundation landscaping	33 shrubs	0 shrubs	33 shrubs	100%
Parking/Landscaping	50' from the trunk of a tree	100% relief	No parking within 50' of the trunk of a tree	100%
Irrigation	All planting's within 100' of a hose bib or automatically irrigated	100% Relief	No irrigation	100%

VARIANCE REVIEW SHEET

Bedding material	Planting's to be stabilized with bedding material	100% Relief	No mulch or bedding for plantings	100%
Art. V, Section 411 Screening	Opaque 6' fence in height	No fencing	Opaque 6' fence in height	100%

Background/Site Conditions

This is the location of Allen's Demolition & Workhouse Industries. This case was denied by the Zoning Board of Appeals at the Dec. 12, 2023 meeting. The applicant attended the January 9, 2023 meeting and stated that he respectfully asked the board to reconsider his request because he inadvertently missed the December meeting. The Board made a motion and voted to reconsider this case at the Feb. 13th meeting. The parcel was rezoned by Council on May 15, 2018 to AG2 to allow a commercial contractor's office and warehouse. The outdoor storage has not been approved by Planning & Zoning. Before final inspection could be given to the building and outdoor storage the required landscaping and screening is required. The applicants requested the following variances of Art V, Section 504 C : 1) Type B spatial buffers on the left side property line variance of 7 understory trees and 64 shrubs; 2) Type B spatial buffers on the right side property line variance of 7 understory trees and 56 shrubs; 3) 100% relief from the Type C streetscape buffer along the front/cul-de-sac; 4) Foundation landscaping; 5) 100% relief from having all parks location within 50' of the trunk of a tree; 6) 100% relief from supplemental plantings within 100' of a hose bib or be automatically irrigated; and 7) Supplemental plantings to be stabilized with a bedding material such as pine straw or mulch. A 100% relief from Art. IV, Section 411 which required outdoor storage to be screened by a completely opaque fence a minimum 6' in height.

Ordinance and Analysis

Before a variance can be granted, the Board must first find that the strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following five findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; (Is this request special?)

There are none.

2. These conditions do not generally apply to other property in the vicinity; (Is this request unique?)

These conditions apply to all commercial uses.

3. 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.

4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

VARIANCE REVIEW SHEET

5. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Proposed Order/Conditions

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)
 In re: Danny Allen)
 _____)

**BEFORE THE BOARD OF
 ZONING APPEALS**
 Case No.: 2022-10-013
ORDER OF THE BOARD

Hearing was held before this Board on December 12, 2022, pursuant to the request of the applicant for a variance from Article IV, Section 411 and Article V, Section 504 C I regarding landscaping and fencing requirements in the Agricultural (AG2) zoning district. The property is identified by PIN 207-01-03-0003 and is located at 193 Demo Place in the Galivants Ferry area of Horry County. The applicant has requested the following variances from the requirements:

	Requirement	Requested	Variance Needed	Percentage
Art. V Section 504 C Perimeter Buffers				
Left (North) side - Type B Spatial Buffer	7 Canopy (50% evergreen), 7 Understory trees (50% evergreen), & 64 Shrubs (50% evergreen)	7 Canopy, 0 Understory trees 0 Shrubs	0 Canopy 7 Understory trees 64 Shrubs	100% for understory & shrubs
Right (South) side - Type B Spatial Buffer	6 Canopy trees (50% evergreen), 7 Understory trees (50% evergreen) 56 shrubs	6 Canopy, 0 Understory trees 0 Shrubs	0 Canopy 7 Understory trees 56 shrubs	100% for understory & shrubs
Front (Southwest) cul-de-sac - Type C Streetscape Buffer	2 Canopy trees (25% evergreen), 2 Understory trees (25% evergreen)	0 Canopy, 0 Understory trees	2 Canopy trees & 2 Understory trees	100%
Foundation Landscaping	33 Shrubs	0 Shrubs	33 Shrubs	100%
Parking / Landscaping	50' from the trunk of a tree	100% Relief	No parking within 50' of the trunk of a tree	100%
Irrigation	All Plantings within 100' of a hose bib or automatically irrigated	100% Relief	No irrigation	100%
Bedding Material	Plantings to be stabilized with bedding material	100% Relief	No mulch or bedding for plantings	100%
Art. V, Section 411 - screening	Opaque 6' fence in height	No fencing	Opaque 6' fence in height	100%

The applicants and the Zoning Administrator were given the opportunity to offer witnesses and exhibits and to make argument for the record. A public hearing was held and all interested parties were invited to comment before the Board.

Under the South Carolina Code of Laws 6-29-800 (A) (2), a variance from the requirements of the Zoning Ordinance may only be granted in an individual case of unnecessary hardship upon the following findings: (a) extraordinary and exceptional conditions pertaining to the property at issue; (b) the extraordinary and exceptional conditions do not generally apply to other property in the vicinity; (c) because of the extraordinary and exceptional conditions, application of the ordinance to the property, would, in effect prohibit or unreasonably restrict the property owner's utilization of the property; (d) authorization of a variance will not be of a substantial detriment to adjacent property or the public good or harm to the character of the zoning district; and (e) a variance may not be granted which in effect, would establish a use not otherwise permitted in the zoning district or physically extend a non-conforming use. The statute also provides that the fact that the property may be utilized more profitably if a variance is granted is not grounds for a variance.

FINDINGS OF FACT

1. The property is identified by PIN 207-01-03-0003. It is zoned Agricultural (AG2) and is located at 193 Demo Place in the Galivants Ferry area of Horry County.
2. This is the location of Allen's Demolition & Workhouse Industries.
3. The parcel was rezoned by County Council on May 15, 2018 to AG2 to allow a commercial contractor's office and warehouse.
4. The outdoor storage has not been approved by Planning & Zoning. Before final inspection can be given to the building and outdoor storage the required landscaping and screening is required.
5. The applicants are requesting the following variances of Art V, Section 504 C:
 - 1) Type B spatial buffers on the left side property line variance of 7 understory trees and 64 shrubs;
 - 2) Type B spatial buffers on the right-side property line variance of 7 understory trees and 56 shrubs;
 - 3) 100% relief from the Type C streetscape buffer along the front/cul-de-sac;
 - 4) Foundation landscaping;
 - 5) 100% relief from having all parks location within 50' of the trunk of a tree;
 - 6) 100% relief from supplemental plantings within 100' of a hose bib or be automatically irrigated; and
 - 7) 100% relief from supplemental plantings to be stabilized with a bedding material such as pine straw or mulch.
6. A 100% relief from Art. IV, Section 411 which requires outdoor storage to be screened by a completely opaque fence a minimum 6' in height.

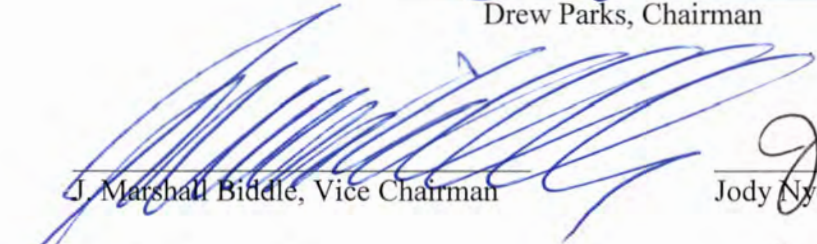
CONCLUSIONS OF LAW

The Board finds that the request **does not meet** the criteria set forth in Horry County Code § 1404 (B) and S.C. Code Ann. §6-29-800. Therefore, the **variance is denied**

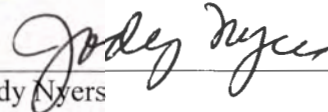
AND IT IS SO ORDERED, this 12th day of December, 2022.



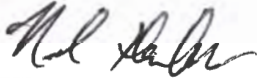
Drew Parks, Chairman



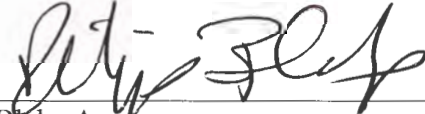
J. Marshall Biddle, Vice Chairman



Jody Nyers



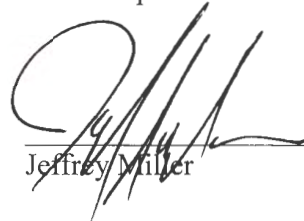
Neal Hendrick



Blake Arp



Robert Page

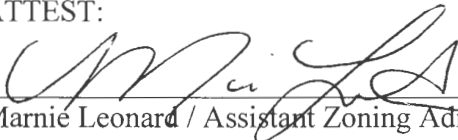


Jeffrey Miller



Kirk Truslow

ATTEST:



Marnie Leonard / Assistant Zoning Administrator

** All orders may be revised until the following meeting of the Zoning Board of Appeals.



HC Government


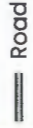
Zoning Map
 Variance Case Number
 2022-10-013
 Danny Allen
 PIN: 20701030003

Parcel for Consideration (Blue outline)
Parcel Boundary (Black outline)
Road (Double line)


0 250 500 Feet

N



 Parcel for Consideration
 Road

Aerial Map
Variance Case Number
2022-10-013
Danny Allen
PIN: 20701030003

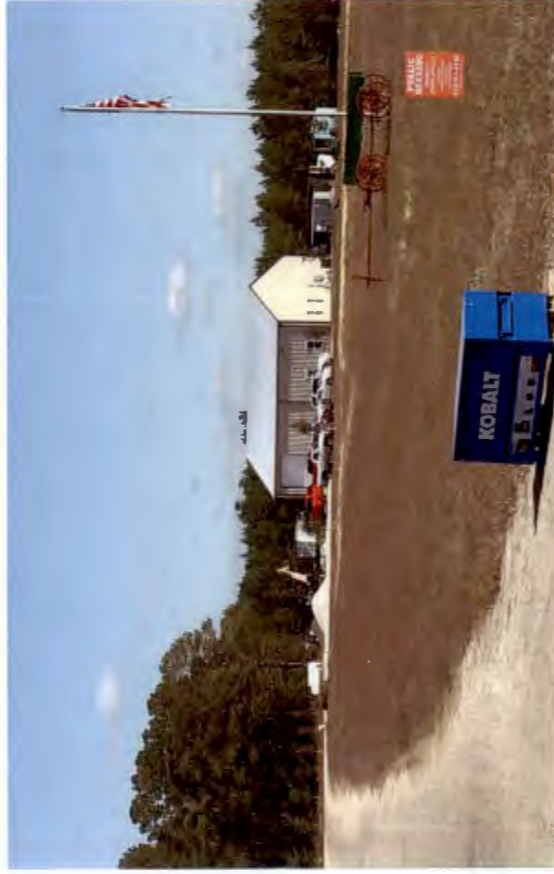
 **HC Government**
0 150 300 Feet
N 



Intersection of Joyner Swamp & Demo Pl



Entrance to Site



Entrance to Site



Adjacent home to the right



Left side



Outdoor Storage



Applicant Submittal

VARIANCE REQUEST

1. Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:

Article(s): _____ Section(s): _____

2. Description of Request: I am requesting Relief from Nort, South, & West Buffers, also Foundation Landscaping & Screening requirements

<u>Required</u>	<u>Requested</u>
Front Setback: _____	Front Setback: _____
Side Setback: _____	Side Setback: _____
Rear Setback: _____	Rear Setback: _____
Minimum Lot Width: _____	Minimum Lot Width: _____
Min Lot Width @ Bldg. Site: _____	Min. Lot Width @ Bldg. Site: _____
Max Height of Structure: _____	Max Height of Structure: _____

Other Variances: _____

3. South Carolina Law 6-29-800(A)(2) required the following findings in order for the ZBA to grant a variance. **The failure to completely answer these questions will render your application incomplete and your case will not be heard.**

- a. What extraordinary and exceptional conditions pertain to this particular piece of property?
This property is Out of sight of any other roads, but a private driveway
- b. Why do these conditions not apply to other properties in the vicinity?
This property is surrounded on 2 sides by my personal property. And the other side is farm land
- c. Why do the conditions listed in 2a and 2b along with the zoning ordinance sections cited in 1 prohibit or reasonably restrict the utilization of the property?
These buffer would change the Waterflow from my Residential Property beside it.
- d. Will the authorization of the variance cause a substantial detriment to the adjacent property, public good or harm the character of the district?
Absolutely Not.

**** The fact that property may be utilized more profitably may not be considered grounds for a variance.**

4. Are there Restrictive Covenants on this property that prohibit or conflict with this request?

YES NO

5. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

[Signature]
Applicant's Signature

10-6-22
Date

Landscaping Plan

Site Plan

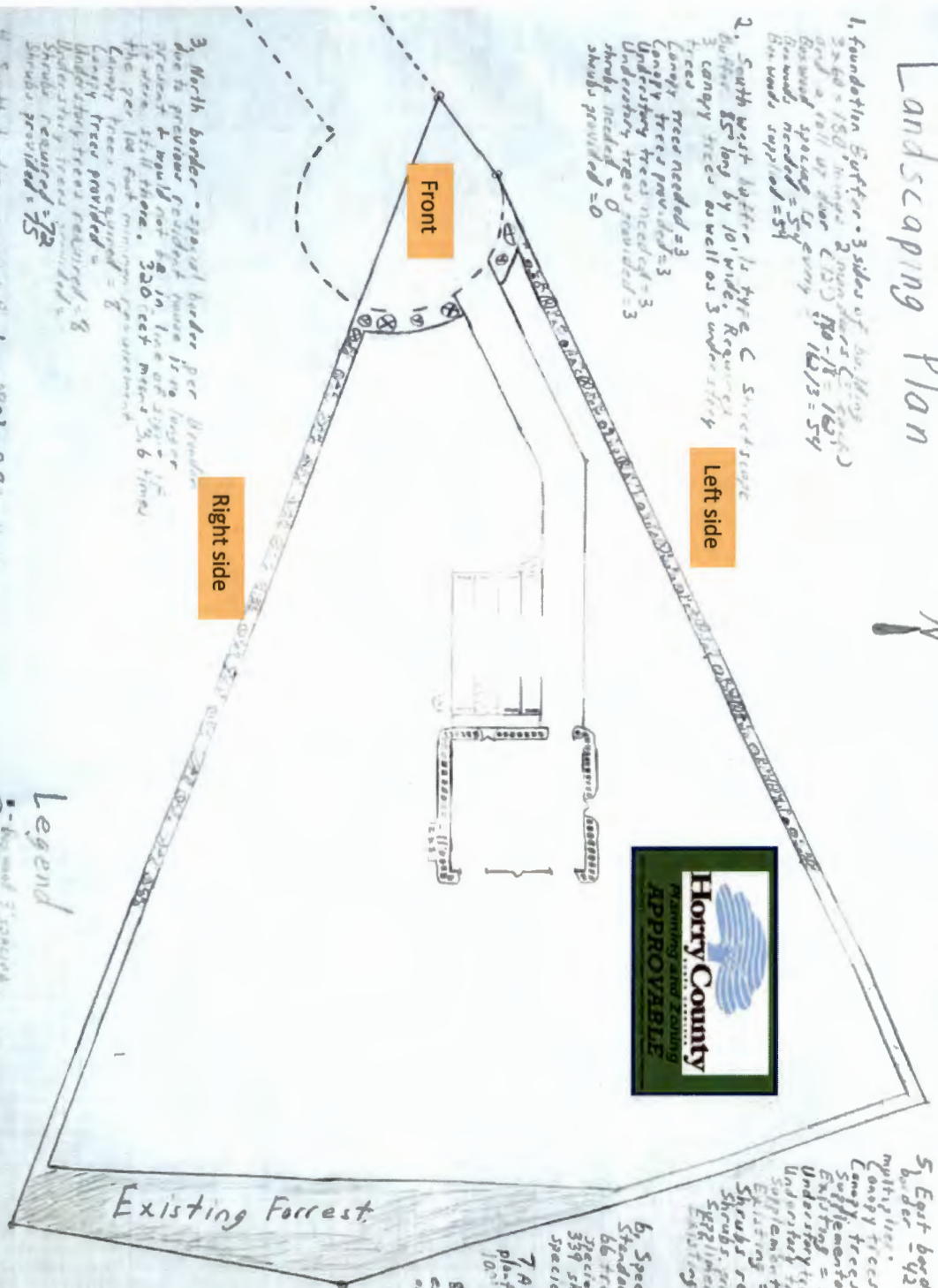
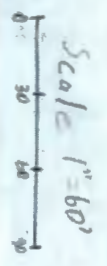


1. Foundation Buffer - 3 sides of building
 2 x 60' = 120' width, 2 rows of trees (120' x 2) = 240'
 and a row of shrub (120' x 1) = 120'
 Row of trees = 54
 Row of shrub = 54
 Shrubs provided = 54
2. South west buffer in type C Street
 Buffer 85' long by 10' wide, Requirements
 3 canopy trees as well as 3 under story
 trees trees needed = 3
 Canopy trees provided = 3
 Under story trees needed = 3
 Under story trees provided = 3
 shrubs provided = 0

Left side

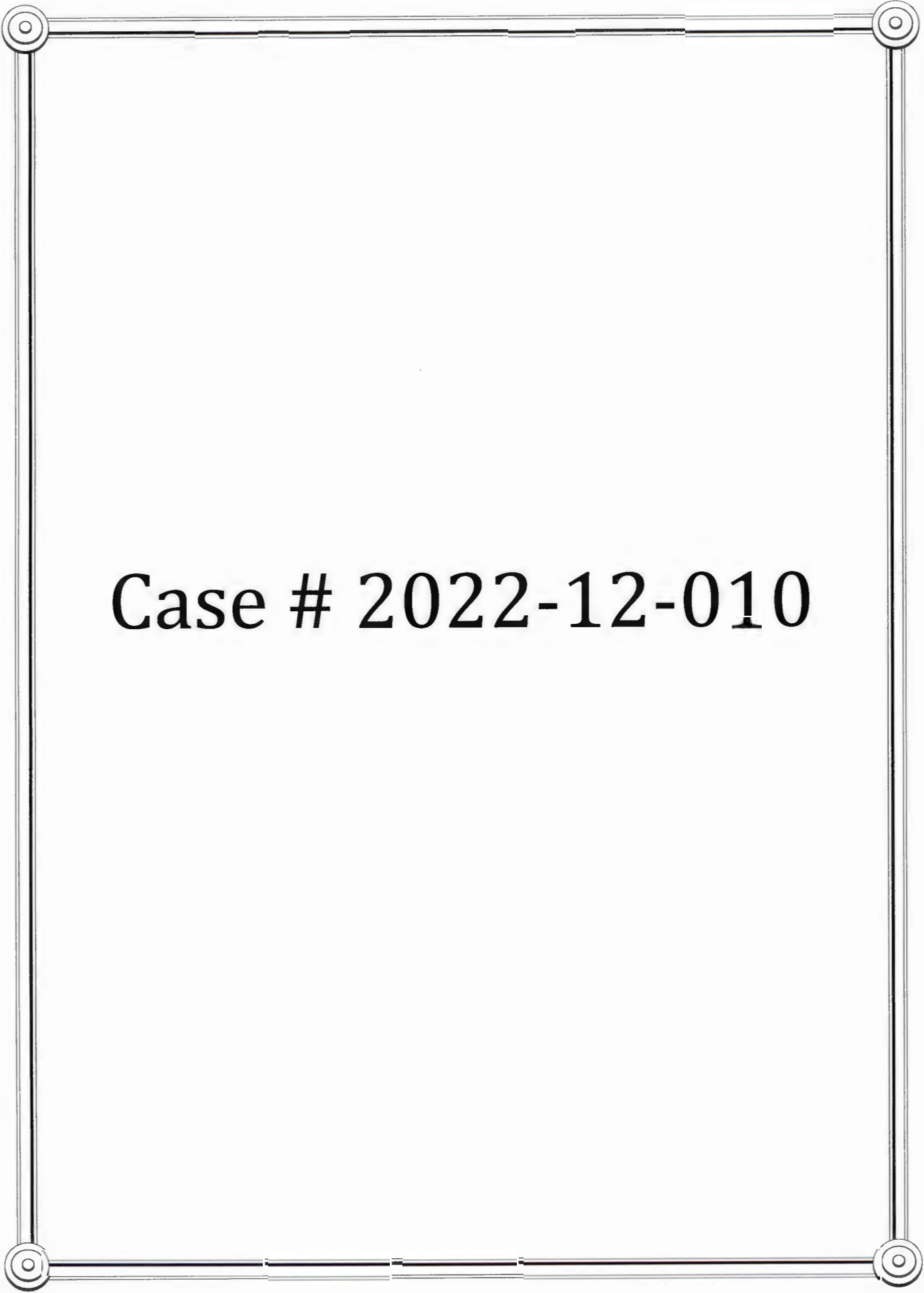
Right side

3. North border - special border per boundary
 due to previous resident house is no longer
 present & would not be in line of sight
 it was still there. 320' set back
 the per lot feet minimum measurement
 Canopy trees required = 8
 Canopy trees provided = 8
 Under story trees required = 8
 Under story trees provided = 8
 Shrubs required = 72
 Shrubs provided = 72
4. South border - special border - 280' x 2'8" width
 Canopy trees required = 0
 Canopy trees provided = 7
 Under story trees required = 6
 Under story trees provided = 6
 Shrubs required = 56
 Shrubs provided = 56



- ### Legend
- ⊗ - 3" spacing of live oak - 3" Caliper
 - ⊙ - Under story tree - Flowering dogwood
 - ⊖ - shrub - Hydrangea 4" spacing
 - ⊕ - Under story - 3" spacing
 - ⊗ - Canopy tree - 2" Caliper
 - ⊙ - Under story tree - River Birch - 3" Caliper
 - ⊖ - Under story tree - Maple
 - ⊕ - Under story tree - Magnolia
- * All Under story trees will be 5' High there is a 10' canopy of Plantain

5. East border - special border 424' or 424' x 4'
 Multiples:
 Canopy trees required = 0
 Canopy trees provided = 0
 Supplemental = 0
 Existing = 54
 Under story trees required = 0
 Under story trees provided = 0
 Supplemental = 0
 Existing = 0
 Shrubs required = 0
 Shrubs provided = 0
 Supplemental = 0
 Existing = 454
6. Species diversity
 Standard = 66 trees - 7 different species
 339 shrubs - 8 different species
7. All supplemental planting will be within 100' of a live oak.
8. There are no existing live oaks on the property.

A rectangular frame with decorative corner pieces. The frame consists of two parallel lines forming the border. At each of the four corners, there is a circular decorative element with a smaller circle inside it, resembling a rivet or a bolt head.

Case # 2022-12-010

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2022-12-010
Applicant	Venture Engineering, agent
Parcel Identification (PIN) #	177-00-00-0011
Site Location	Hwy 747 & Hwy 66, Loris
Property Owner	Princefield, LLC
County Council District #	9 - Causey

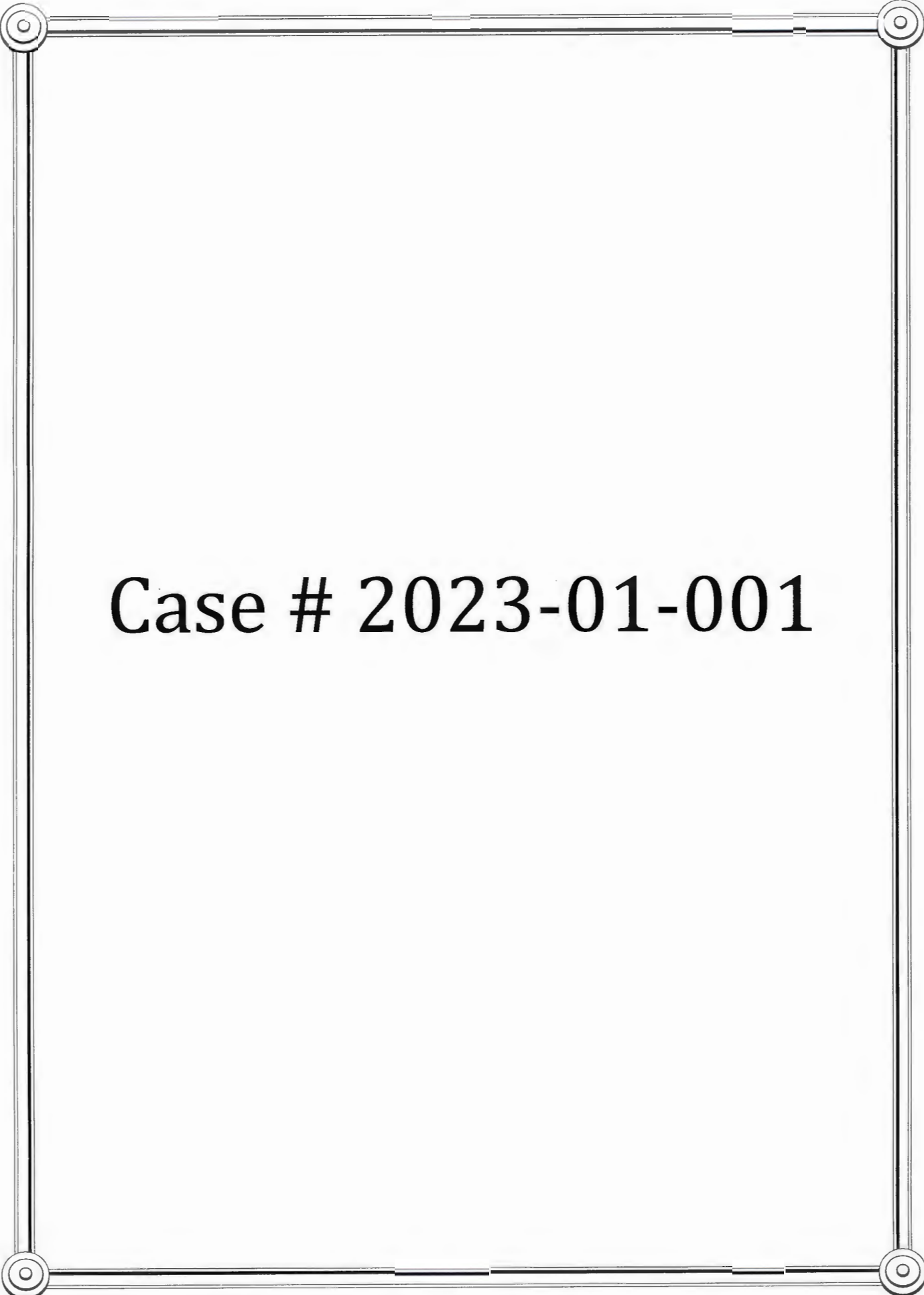
Zoning Information

Zoning District	MSF10
Parcel Size	31.72
Proposed Use	Single Family Subdivision

This case has been deferred until such time a revised site plan has been submitted.



New Business

A rectangular frame with decorative corner pieces. The frame consists of two parallel lines forming the border. At each of the four corners, there is a circular decorative element with a smaller circle inside it, resembling a rivet or a fastener.

Case # 2023-01-001

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-01-001	Zoning Information	
Applicant	Nakita Stevens, agent	Zoning District	FA
Parcel Identification (PIN) #	177-14-02-0003	Parcel Size	1.21 Acre
Site Location	6298 Hwy 66, Loris	Proposed Use	Residential
Property Owner	Issac Brown Sr. ETAL		
County Council District #	9 - Causey		

Requested Variance(s)

The applicants are requesting a variance from Article II regarding setback requirements in the Forest Agriculture (FA) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Front setback	40'	21'	19'	48%

Background/Site Conditions

The applicants are requesting to permit two mobile home on this parcel. The site plan shows three mobile homes on the parcel. This parcel size will only allow two dwellings therefore the abandoned mobile home will need to be removed. The mobile home on the front of the parcel will be located 21' from the front property line instead of the required 40' for a variance of 19'.

Ordinance and Analysis

Before a variance can be granted, the Board must first find that the strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following five findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; (Is this request special?)

There are none.

2. These conditions do not generally apply to other property in the vicinity; (Is this request unique?)

These setbacks apply to all residential parcels in the FA zoning district.

3. 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.

VARIANCE REVIEW SHEET

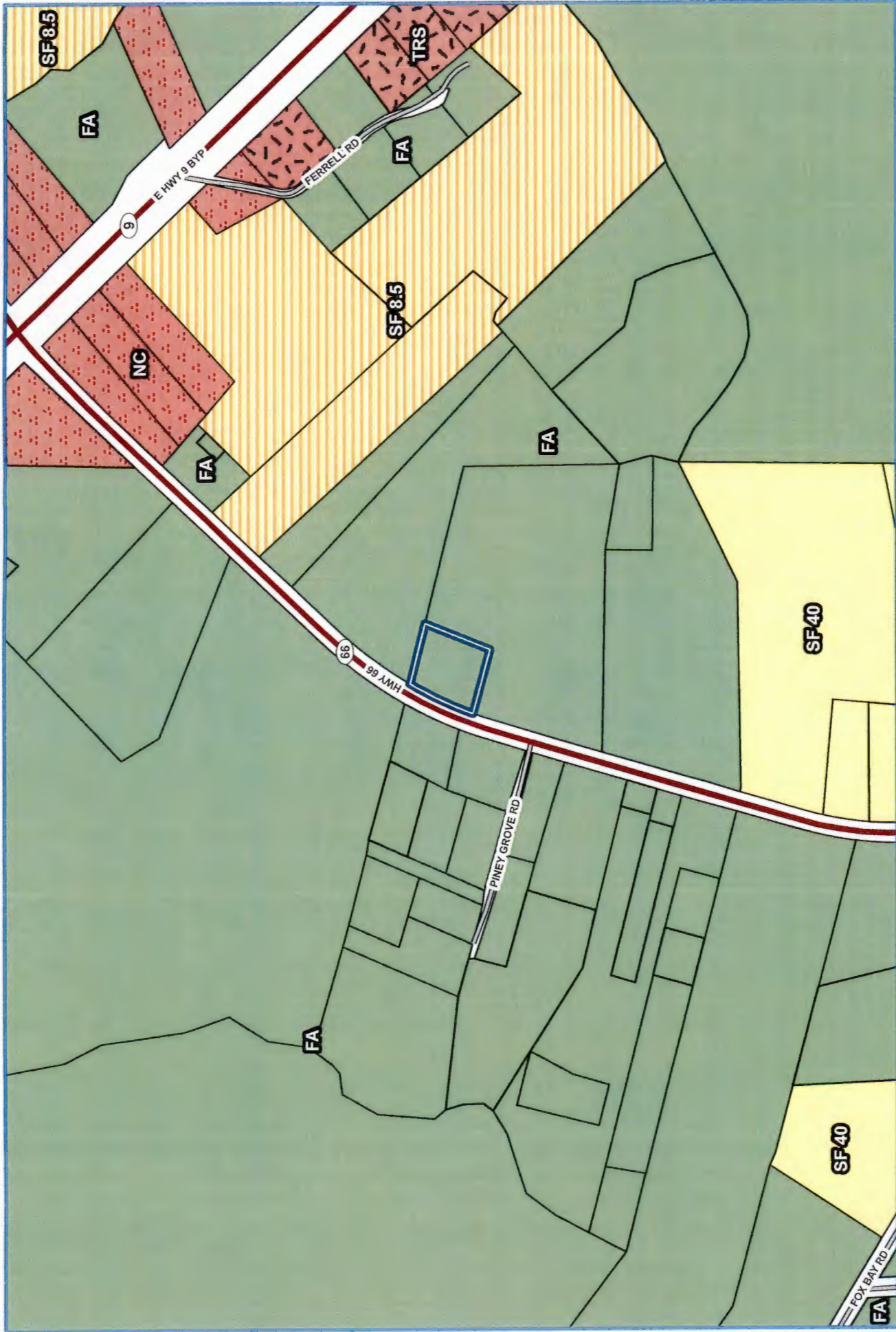
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

5. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Proposed Order/Conditions

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.



- Parcel for Consideration
- Parcel Boundary
- Major Road
- Road

Zoning Map
 Variance Case Number
 2023-01-001
 Nakita Stevens agent for
 Isaac Brown
 PIN: 17714020003

HC Government

0 250 500 Feet

N



Aerial Map
Variance Case Number
2023-01-001
Nakita Stevens agent for
Issac Brown
PIN: 17714020003

HC Government

Parcel for Consideration
Major Road
Road

0 50 100 Feet

N



Applicant Submittal

VARIANCE REQUEST

1. Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:

Article(s): 11 Section(s): _____

2. Description of Request:

Set back - permit for home to get electric. Variance.
The home is only encroachment on front set back

Required	Requested
Front Setback: <u>40'</u>	Front Setback: <u>29.6'</u>
Side Setback: <u>10'</u>	Side Setback: <u>19'</u>
Rear Setback: <u>15'</u>	Rear Setback: <u>28.6'</u>
Minimum Lot Width: <u>90'</u>	Minimum Lot Width: _____
Min Lot Width @ Bldg. Site: _____	Min. Lot Width @ Bldg. Site: _____
Max Height of Structure: <u>35'</u>	Max Height of Structure: _____

Other Variances: None

3. South Carolina Law 6-29-800(A)(2) required the following findings in order for the ZBA to grant a variance. **The failure to completely answer these questions will render your application incomplete and your case will not be heard.**

- a. What extraordinary and exceptional conditions pertain to this particular piece of property?
I did not understand where the, or what set backs were when the house was moved and set up on my property.
- b. Why do these conditions not apply to other properties in the vicinity?
~~They were~~ They were already there when home was moved to the property to be set up.
- c. Why do the conditions listed in 2a and 2b along with the zoning ordinance sections cited in 1 prohibit or reasonably restrict the utilization of the property?
~~prohibit or reasonably restrict the utilization of the property?~~ The home was already set up and tied down before knowing that there were
- d. Will the authorization of the variance cause a substantial detriment to the adjacent property, public good or harm the character of the district?
It would add value to the property itself.

**** The fact that property may be utilized more profitably may not be considered grounds for a variance.**

4. Are there Restrictive Covenants on this property that prohibit or conflict with this request?

YES NO

5. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

Isaac Brown
 Applicant's Signature

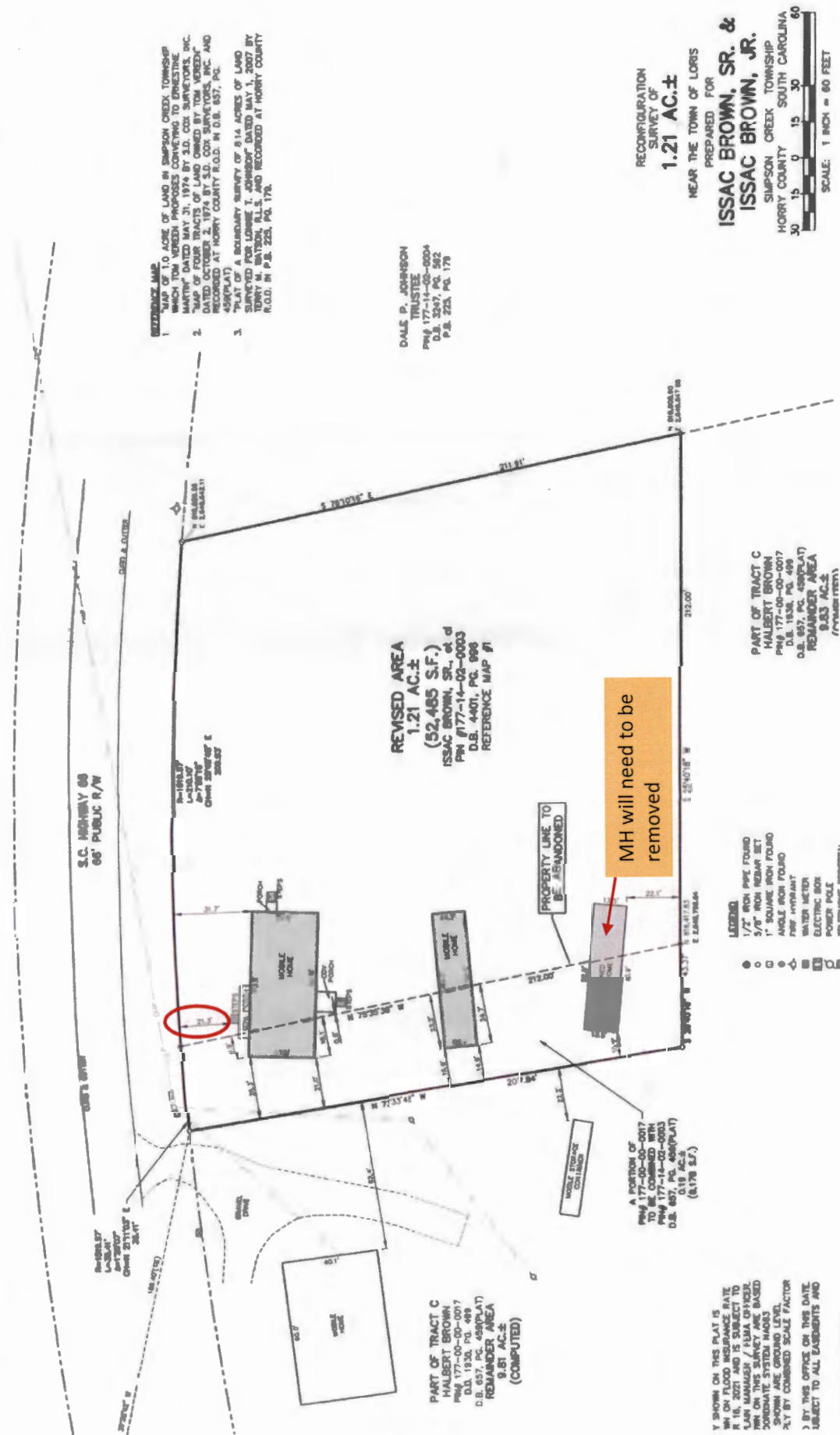
11/7/20
 Date

Site Plan

1. LICENSE USE
SOUTH CAROLINA PROFESSIONAL LAND SURVEYOR
LICENSE NO. 28880

Halbert Brown 12-06-2021
DATE

PROPERTY OWNER SIGNATURE



REFERENCE MAP

- MAP OF 1.0 ACRE OF LAND IN SIMPSON CREEK TOWNSHIP WHICH TOM VEREEN PROPOSES CONVERTING TO DRINESTINE MARTIN DATED MAY 31, 1974 BY S.D. COE SURVEYORS, INC. MAP OF 1.0 ACRE OF LAND OWNED BY TOM VEREEN DATED OCTOBER 2, 1974 BY S.D. COE SURVEYORS, INC. AND RECORDED AT Horry County R.O.D. IN D.B. 657, PG. 459(PLAT)
- PLAT OF A BOUNDARY SURVEY OF 9.14 ACRES OF LAND SURVEYED FOR LORIS T. JOHNSON DATED MAY 1, 2007 BY DALE P. JOHNSON TRUSTEE AND RECORDED AT Horry County R.O.D. IN P.B. 225, PG. 178.

DALE P. JOHNSON
TRUSTEE
PIN 177-14-02-0004
D.B. 2047, PG. 562
P.B. 225, PG. 178

RECONFIGURATION
SURVEY OF
1.21 AC.±
NEAR THE TOWN OF LORIS
PREPARED FOR
**ISSAC BROWN, SR. &
ISSAC BROWN, JR.**
SIMPSON CREEK TOWNSHIP
Horry COUNTY SOUTH CAROLINA
30 15 0 15 30 60
SCALE: 1 INCH = 60 FEET

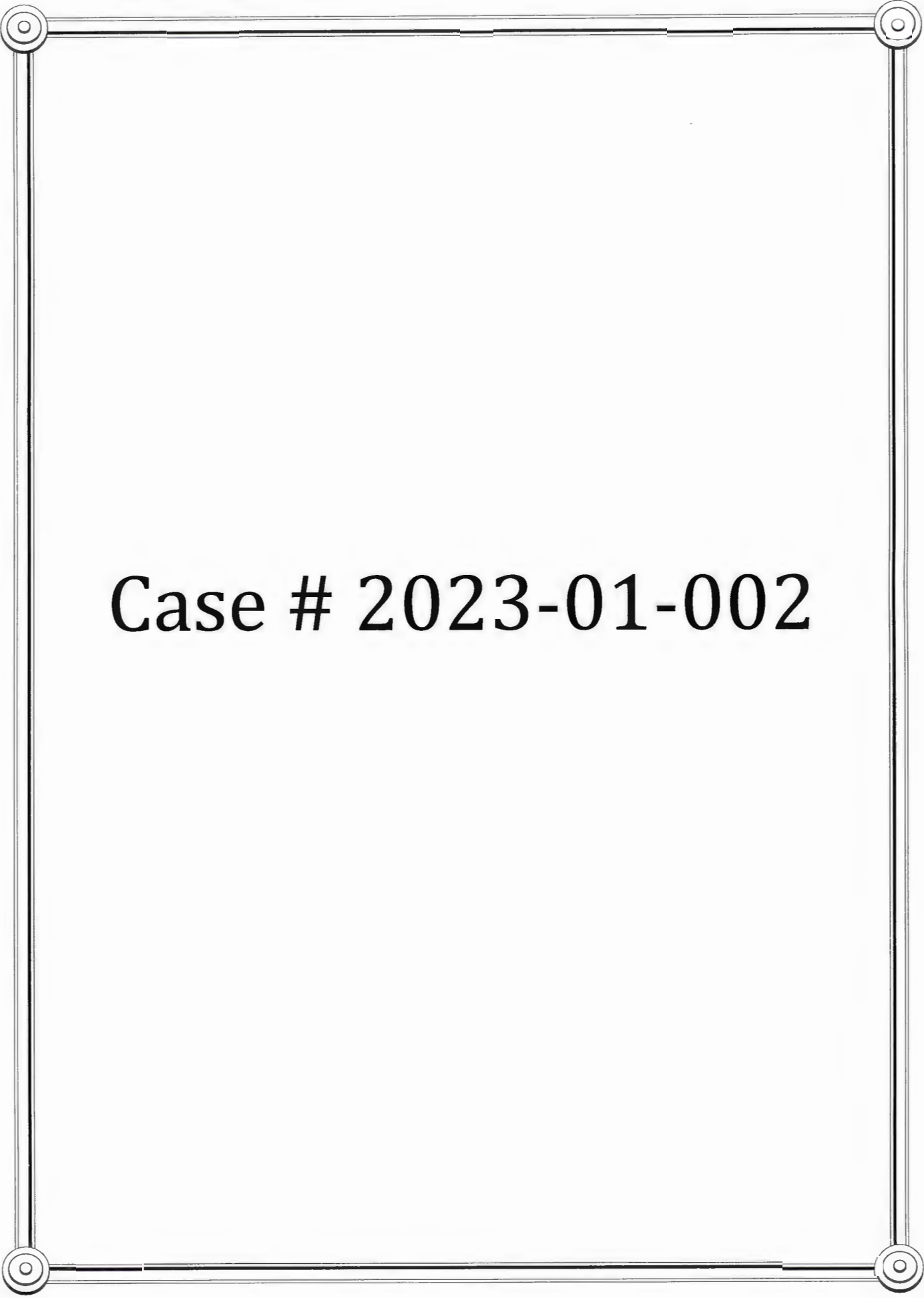
REMOVED AREA
1.21 AC.±
(52,485 S.F.)
ISSAC BROWN, SR., et al
PIN #177-14-02-0003
D.B. 4401, PG. 998
REFERENCE MAP #1

MH will need to be removed

PART OF TRACT C
HALBERT BROWN
PIN 177-00-00-0017
D.B. 1938, PG. 499
D.B. 657, PG. 459(PLAT)
REMAINDER AREA
9.81 AC.±
(COMPUTED)

- LEGEND**
- 1/2" IRON PIPE FOUND
 - 7/8" IRON REBAR SET
 - REBAR IRON FOUND
 - ANCHOR FOUND
 - FIBER OPTIC
 - WATER METER
 - ELECTRIC BOX
 - POWER POLE

1. SHOWN ON THIS PLAT IS
WH ON FLOOD INSURANCE RATE
R 10, 2021 AND IS SUBJECT TO
LAND MANAGER / FLUA OFFICER
COORDINATE SYSTEM MARKS
SHOWN ARE GROUND LEVEL.
PLT BY CORNER SCALE FACTOR
2. BY THIS OFFICE ON THIS DATE
SUBJECT TO ALL EASEMENTS AND

A rectangular frame with a double-line border. At each of the four corners, there is a decorative circular element consisting of a small inner circle and a larger outer circle.

Case # 2023-01-002

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-01-002	Zoning Information	
Applicant	Berth Georgina Blenis	Zoning District	CFA
Parcel Identification (PIN) #	313-16-01-0007	Parcel Size	1.01 Acres
Site Location	3951 Evans Estate Drive, Little River	Proposed Use	Residential
Property Owner	Berth Georgina Blenis		
County Council District #	9 - Causey		

Requested Variance(s)

The applicant is requesting a variance from Article II regarding the setback requirements in the Commercial Forest Agriculture (CFA) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Side setback	10'	7.5'	2.5'	25%

Background/Site Conditions

The applicant is proposing a 12'x16' addition to an existing storage building. On March 14, 2022 the applicant received a variance (Case 2022-02-006) to allow this addition to be 10' from the right side property line. However, a foundation survey shows the addition is located 7.5' from the right side property line instead of the required 10' for a variance of 2.5'.

Ordinance and Analysis

Before a variance can be granted, the Board must first find that the strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following five findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; (Is this request special?)

There are none.

2. These conditions do not generally apply to other property in the vicinity; (Is this request unique?)

These setbacks apply to all residential lots in the CFA zoning district.

3. 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.

VARIANCE REVIEW SHEET

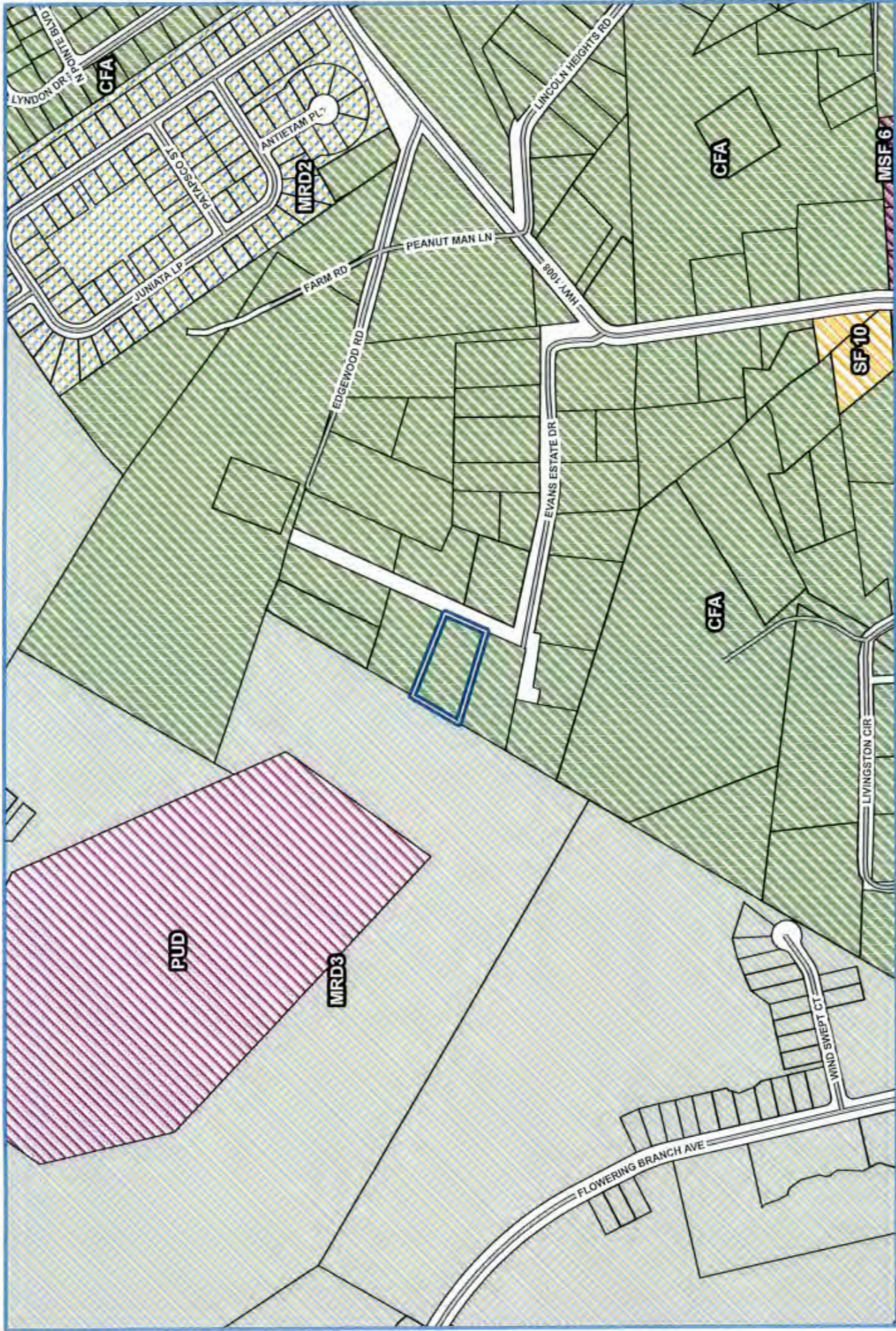
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

5. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Proposed Order/Conditions

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.



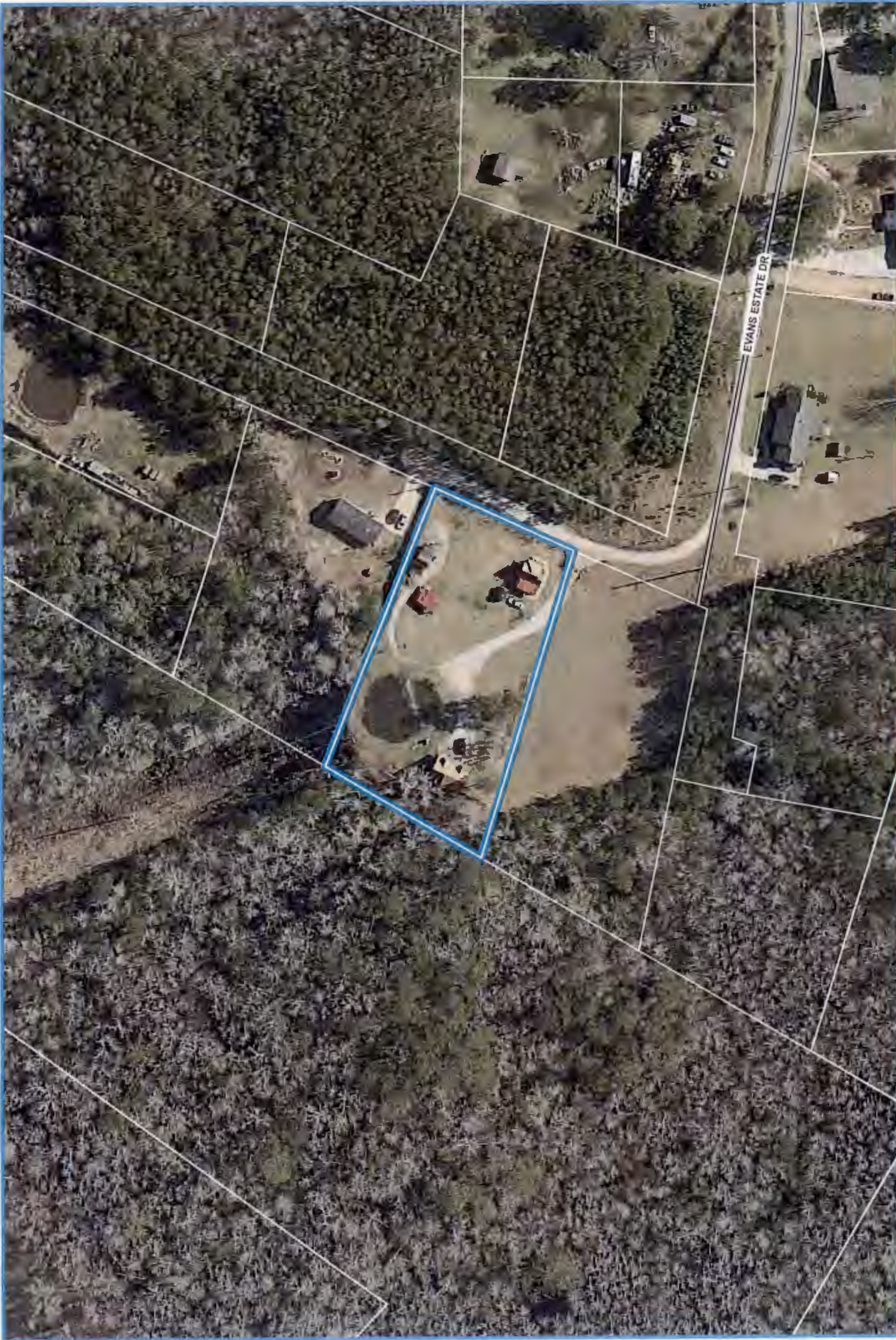
Zoning Map
 Variance Case Number: 2023-01-002
 Bertha Georging Blenis
 PIN: 17714020003

HC Government

Parcel for Consideration
 Parcel Boundary
 Road

0 250 500 Feet

N



Parcel for Consideration

Road

Aerial Map
Variance Case Number
2023-01-002

Bertha Georging Blenis
PIN: 17714020003



HC Government





Street View of Evans Estate Drive



View of Proposed Structure in Rear of Property



Front Street View of Property



Front View of Property Across Evans Estate Drive

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)
 In re: Bertha Georgina Blenis)
)
)

**BEFORE THE BOARD OF
 ZONING APPEALS**
 Case No.: 2022-02-006

ORDER OF THE BOARD

Hearing was held before this Board on March 14, 2022, pursuant to the request of the applicant for a variance from Article VIII regarding the setback requirements in the Commercial Forest Agricultural (CFA) zoning district. The property is identified by PIN 313-16-01-0007 and is located at 3951 Evans Estate Drive in the Little River area of Horry County. The applicant has requested the following variances from the requirements:

	Requirement	Requested	Variance Needed	Percentage
Side setback for storage bldg. addition	15'	10'	5'	33%

The applicants and the Zoning Administrator were given the opportunity to offer witnesses and exhibits and to make argument for the record. A public hearing was held and all interested parties were invited to comment before the Board.

Under the South Carolina Code of Laws 6-29-800 (A) (2), a variance from the requirements of the Zoning Ordinance may only be granted in an individual case of unnecessary hardship upon the following findings: (a) extraordinary and exceptional conditions pertaining to the property at issue; (b) the extraordinary and exceptional conditions do not generally apply to other property in the vicinity; (c) because of the extraordinary and exceptional conditions, application of the ordinance to the property, would, in effect prohibit or unreasonably restrict the property owner's utilization of the property; (d) authorization of a variance will not be of a substantial detriment to adjacent property or the public good or harm to the character of the zoning district; and (e) a variance may not be granted which in effect, would establish a use not otherwise permitted in the zoning district or physically extend a non-conforming use. The statute also provides that the fact that the property may be utilized more profitably if a variance is granted is not grounds for a variance.

FINDINGS OF FACT


1. The property is identified by PIN 313-16-01-0007.
2. It is zoned Commercial Forest Agricultural (CFA) and is located at 3951 Evans Estate Drive in the Little river area of Horry County.
3. The applicant is proposing a 12'x16' addition to an existing storage building.
4. On January 4, 2022 Council passed Ord# 153-2021 which increased the side setbacks in the agricultural zoning districts from 10' to 15'.
5. The addition will be located 10' from the right-side property line instead of the required 15' for a variance of 5'.

CONCLUSIONS OF LAW

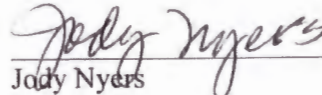
The Board finds that the request **meets** the criteria set forth in Horry County Code § 1404 (B) and S.C. Code Ann. §6-29-800. Therefore, the **variance is granted, provided that the following conditions are met:**

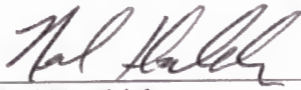
1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.


AND IT IS SO ORDERED, this 14th day of March, 2022.



Marion Shaw, Chairman

Jeffrey Miller

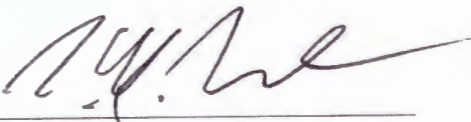

Jody Nyers

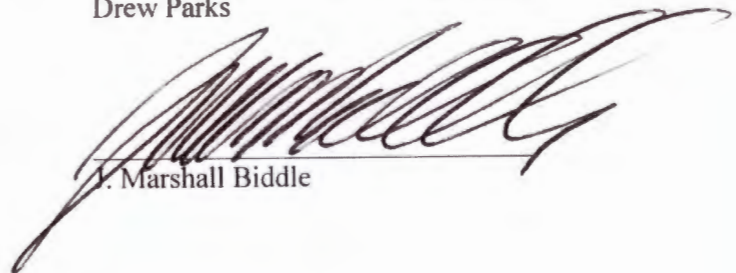

Neal Hendrick


William Livingston


Robert Page


Drew Parks


Kirk Truslow


J. Marshall Biddle

ATTEST:

Marnie Leonard / Assistant Zoning Administrator

** All orders may be revised until the following meeting of the Zoning Board of Appeals.



Applicant Submittal

VARIANCE REQUEST

1. Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:

Article(s): _____ Section(s): _____

2. Description of Request: I would appreciate very much if you could kindly grant me a 2 1/2' variance on a 10ft setback on only one corner of my new building being built.
Thanks

<u>Required</u>	<u>Requested</u>
Front Setback: <u>40 ft</u>	Front Setback: <u>40 ft</u>
Side Setback: <u>10 ft</u>	Side Setback: <u>7 1/2</u>
Rear Setback: <u>25 ft</u>	Rear Setback: <u>25 ft</u>
Minimum Lot Width: <u>90'</u>	Minimum Lot Width: _____
Min Lot Width @ Bldg. Site: _____	Min. Lot Width @ Bldg. Site: _____
Max Height of Structure: <u>85</u>	Max Height of Structure: <u>35</u>

Other Variances: N/A

3. South Carolina Law 6-29-800(A)(2) required the following findings in order for the ZBA to grant a variance. **The failure to completely answer these questions will render your application incomplete and your case will not be heard.**

- a. What extraordinary and exceptional conditions pertain to this particular piece of property?
10ft set back on building an addition of a recreation room
- b. Why do these conditions not apply to other properties in the vicinity?
Because I am encroaching on my own setback of 10ft by only 2 1/2 feet on one corner only.
- c. Why do the conditions listed in 2a and 2b along with the zoning ordinance sections cited in 1 prohibit or reasonably restrict the utilization of the property?
Because I am encroaching on the setback in one corner only. Sorry
- d. Will the authorization of the variance cause a substantial detriment to the adjacent property, public good or harm the character of the district?
Not at all

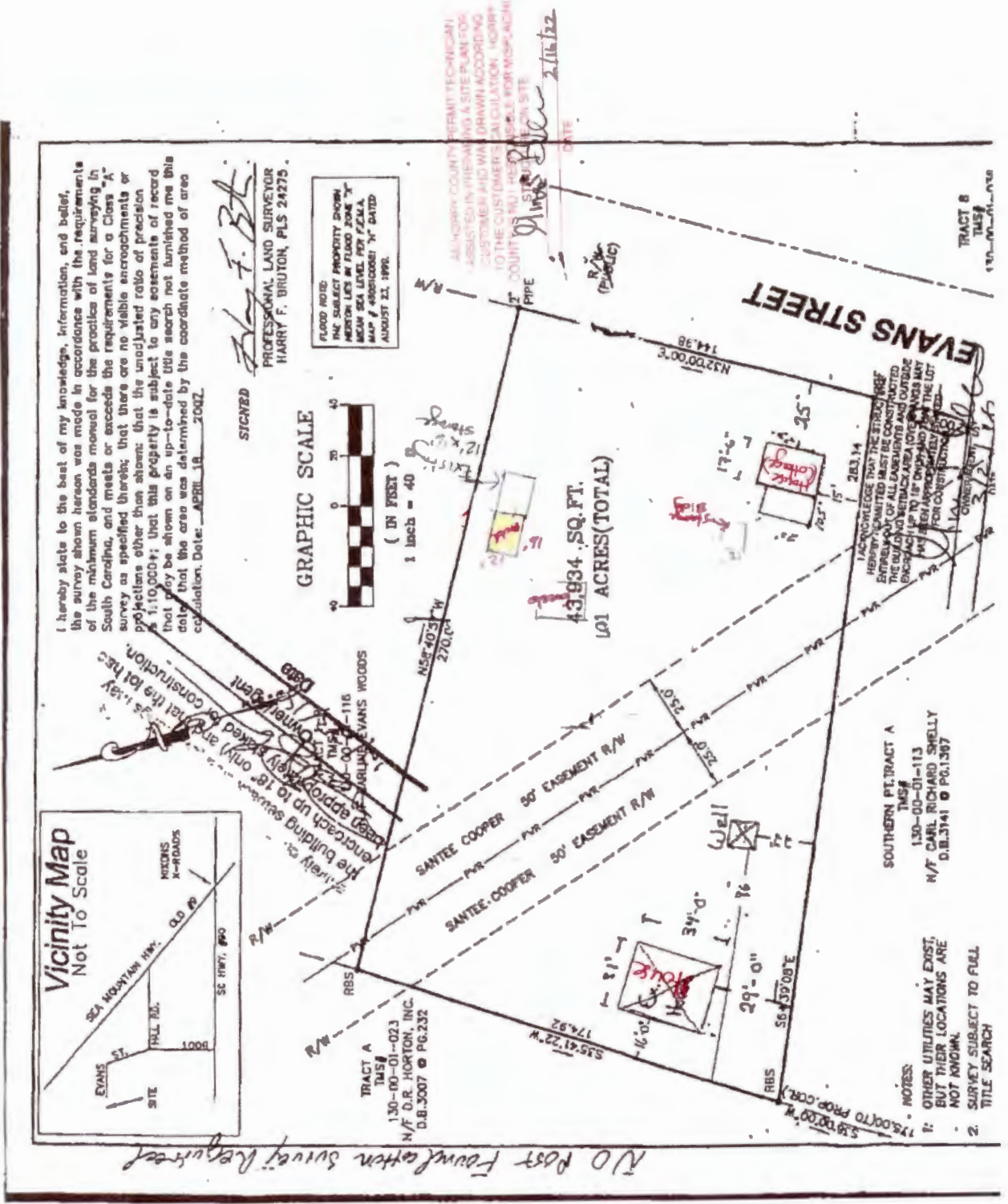
**** The fact that property may be utilized more profitably may not be considered grounds for a variance.**

4. Are there Restrictive Covenants on this property that prohibit or conflict with this request? YES NO

5. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

Anna Blen _____ 12/6/22 _____
Applicant's Signature Date

Site Plan showing all structures



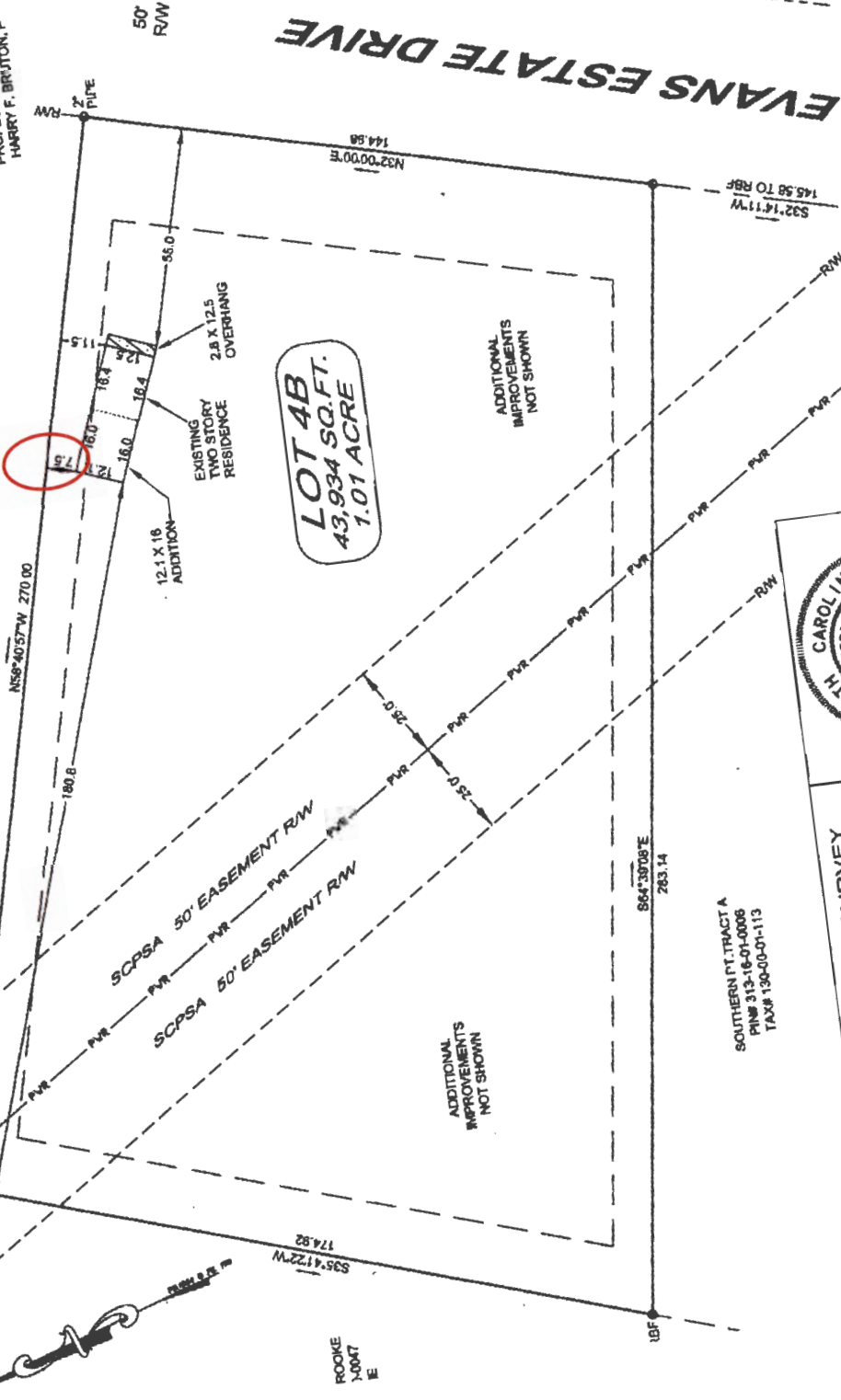
Site Plan

The survey shown hereon was made in accordance with the minimum standards manual for the practice of land surveying in the State of South Carolina, and meets or exceeds the requirements of the said manual; that there are no visible errors or omissions in this survey; that the unadjudicated calculations shown hereon are subject to any error or omission that may be shown on an up-to-date survey not to exceed 1:10,000; that the area was determined by the coordinate method; that the area was determined by the coordinate calculation.

Date: DECEMBER 2, 2022

SIGNED:  PROFESSIONAL LAND SURVEYOR
HARRY F. BRUTON, P.

TRACT 1-B
PIN# 313-16-01-0008
TAX# 130-00-01-116



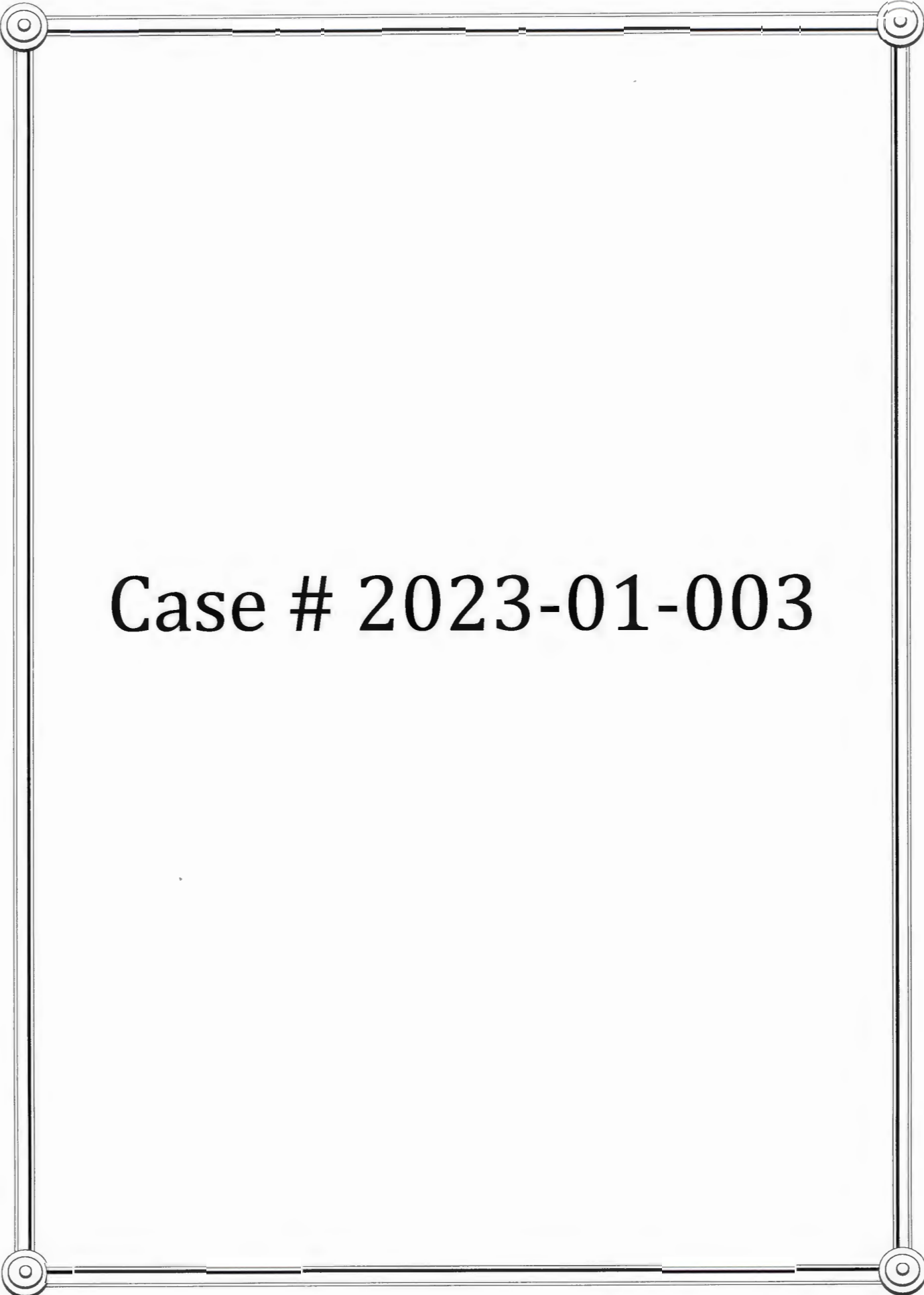
LOT 4B
43,934 SQ.FT.
1.01 ACRE

SOUTH CAROLINA
PROFESSIONAL
NO. 24275

APOST FOUNDATION SURVEY
of
LOT 4B
of the JAKE EVANS ESTATE
LITTLE RIVER TOWNSHIP, Horry County, SOUTH CAROLINA

SOUTHERN PT TRACT A
PIN# 313-16-01-0008
TAX# 130-00-01-113

ROOKE
LADY
E



Case # 2023-01-003

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-01-003
Applicant	Tyson Sign Co., agent
Parcel Identification (PIN) #	396-12-04-0018
Site Location	International Dr. & McLeod Health Blvd., Myrtle Beach
Property Owner	Anderson Brothers Bank
County Council District #	10 - Hardee

Zoning Information

Zoning District	HC
Parcel Size	1.19
Proposed Use	Commercial

Requested Variance(s)

The applicants are requesting a variance from Article VI, Section 608 B 1 regarding the commercial subdivision sign requirements in the Highway Commercial (HC) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Monument Sign - Max height	8'	16.3'	8.3'	104%

Background/Site Conditions

The applicants are proposing to install a monument sign for Anderson Brothers Bank. This is Lot 30 located within the Towne Centre Commons commercial subdivision. Art. VI, Section 608 B 1 allows a monument sign 8' in height for out-parcels that are part of a commercial subdivision. The proposed monument sign will be 16.3' in height instead of the required 8' for a variance of 8.3' in height. The applicants have provided a letter of approval from the Towne Centre Commons POA.

Ordinance and Analysis

Before a variance can be granted, the Board must first find that the strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following five findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; (Is this request special?)

There are none.

2. These conditions do not generally apply to other property in the vicinity; (Is this request unique?)

These conditions apply to all signage within a commercial subdivision development.

3. 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.

VARIANCE REVIEW SHEET

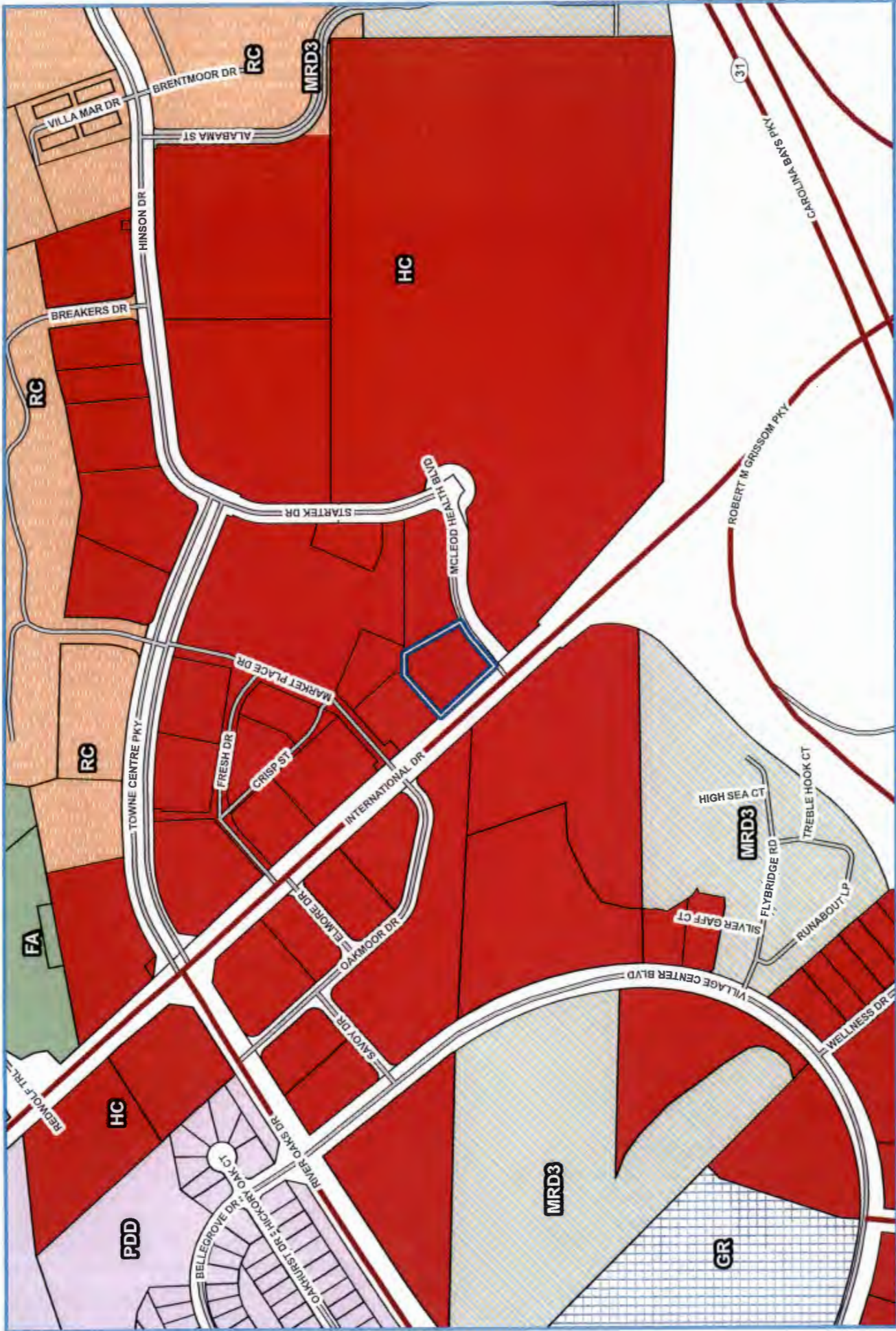
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

5. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Proposed Order/Conditions

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.






Zoning Map
 Variance Case Number
 2023-01-003
 Tyson Sign Company agent for
 Anderson Brothers Bank
 PIN: 38612040018


HC Government

Parcel for Consideration
 Parcel Boundary
 Major Road
 Road




-  Parcel for Consideration
-  Major Road
-  Road

Aerial Map
 Variance Case Number
 2023-01-003
 Tyson Sign Company agent for
 Anderson Brothers Bank
 PIN: 39612040018

 **HC Government**

0 50 100 Feet

N 



Street View of International Drive



Front View of Proposed Building Site



Front View of Property at International Drive & McLeod Health Blvd



Street View of McLeod Health Blvd



Applicant Submittal

VARIANCE REQUEST

1. Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:

Article(s): VI-Sign Regulations Section(s): 608-Signs Allowed In Specified Zoning Districts

2. Description of Request: The request is for a larger sign than the Town Centre Commons Owners Association's recorded document allows. The association has approved the larger sign being requested due to the fact that it fronts on International Drive and is comparable in size to all the other signs fronting this road. See approval document attached.

Table with 2 columns: Required and Requested. Rows include Front Setback (10'), Side Setback (10'), Rear Setback (10'), Minimum Lot Width (N/A), Min Lot Width @ Bldg. Site (N/A), and Max Height of Structure (8' vs 18'-3').

Other Variances:

3. South Carolina Law 6-29-800(A)(2) required the following findings in order for the ZBA to grant a variance. The failure to completely answer these questions will render your application incomplete and your case will not be heard.

a. What extraordinary and exceptional conditions pertain to this particular piece of property? The property has frontage on International Drive unlike many of the parcels in this development.

b. Why do these conditions not apply to other properties in the vicinity? Other properties do not front on International Drive so a smaller sign is effective within the development.

c. Why do the conditions listed in 2a and 2b along with the zoning ordinance sections cited in 1 prohibit or reasonably restrict the utilization of the property? The association document was written with the intent for all signs within the development to be smaller and similar in size.

d. Will the authorization of the variance cause a substantial detriment to the adjacent property, public good or harm the character of the district? The approval will not cause a detriment to adjacent property owners. Instead, the new sign for the bank will be comparable to other neighboring signs on International Drive.

** The fact that property may be utilized more profitably may not be considered grounds for a variance.

4. Are there Restrictive Covenants on this property that prohibit or conflict with this request? YES NO [] [x]

5. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

Applicant's Signature [Handwritten Signature]

Date 12/8/2022

Towne Centre Commons POA, Inc.

MEMORANDUM

TO: Drew Parks – Chairman, Horry County Zoning Board of Appeals

FROM: Roger E. Grigg / President, Town Centre Commons Owners Association

RE: Developer Approval of Monument Signage – Anderson Brothers Bank –
Towne Centre Commons Lot 30 - Horry County - PIN: 39612040018

DATE: October, 22 2022

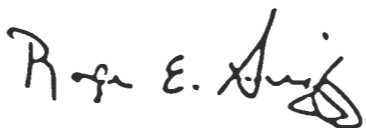
Please accept this correspondence as certificate of approval by the Town Centre Commons Owners Association to allow the monument sign shown on the attached Exhibit A for the Anderson Brothers Bank site located at the corner of McLeod Seacoast Blvd and International Drive.

Further defined as: Towne Centre Commons Lot 30 - Horry County - PIN: 39612040018

See attached aerial image of the lot & signage exhibit for further clarification.

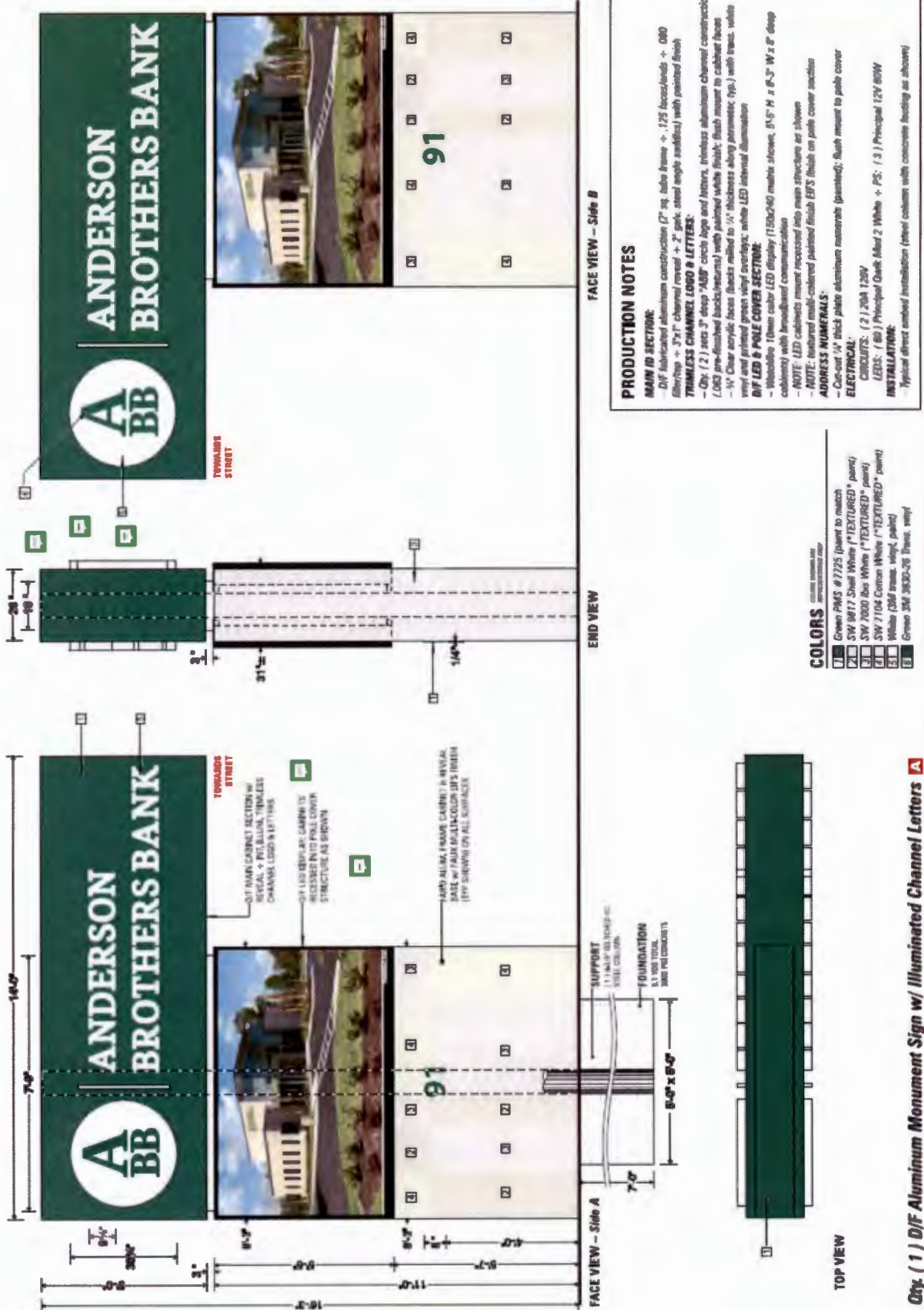
Please contact me if you have any questions.

Thanks!



Roger E. Grigg
President
Town Centre Commons Owners Association

Sign Rendering



Production Notes

- MAIN ID SECTION:** D/F fabricated aluminum construction (2" sq. tube frame → 125 faceted → 000 finish) → 3/4" channel reveal → 2" gen. steel angle (stainless) with painted finish
- FRAMELESS CHANNEL LED & LETTERS:** Qty: (2) sets 3" deep "ADB" circ logo and letters, thinlip aluminum channel construction (0.03 pre-finished backgrounds) with painted white finish; flush mount to cabinet face
- Clear acrylic faces (beads milled to 1/4" thickness along perimeter, typ.) with brass, white vinyl and printed green vinyl overlays; white LED internal illumination
- DIF LED & POLE COVER SECTION:** Woodline 10mm color LED display (150x40) multi shows, 5 1/2" H x 6-3/4" W x 8" deep cabinets with broadleaf communcation
- NOTE: LED cabinets mount recessed into main structure as shown
- NOTE: textured multi-colored painted finish DIF finish on pole cover section
- ADDRESS NUMERALS:** Cut-out 1/2" thick plate aluminum manorah (painted); flush mount to pole cover
- ELECTRICAL:** CIRCUITS: (2) 20A 120V LEADS: (8) Principal Quilt Mud 2 White + PS: (3) Principal 12V 60W
- INSTALLATION:** Typical direct embed installation (steel column with concrete footing as shown)

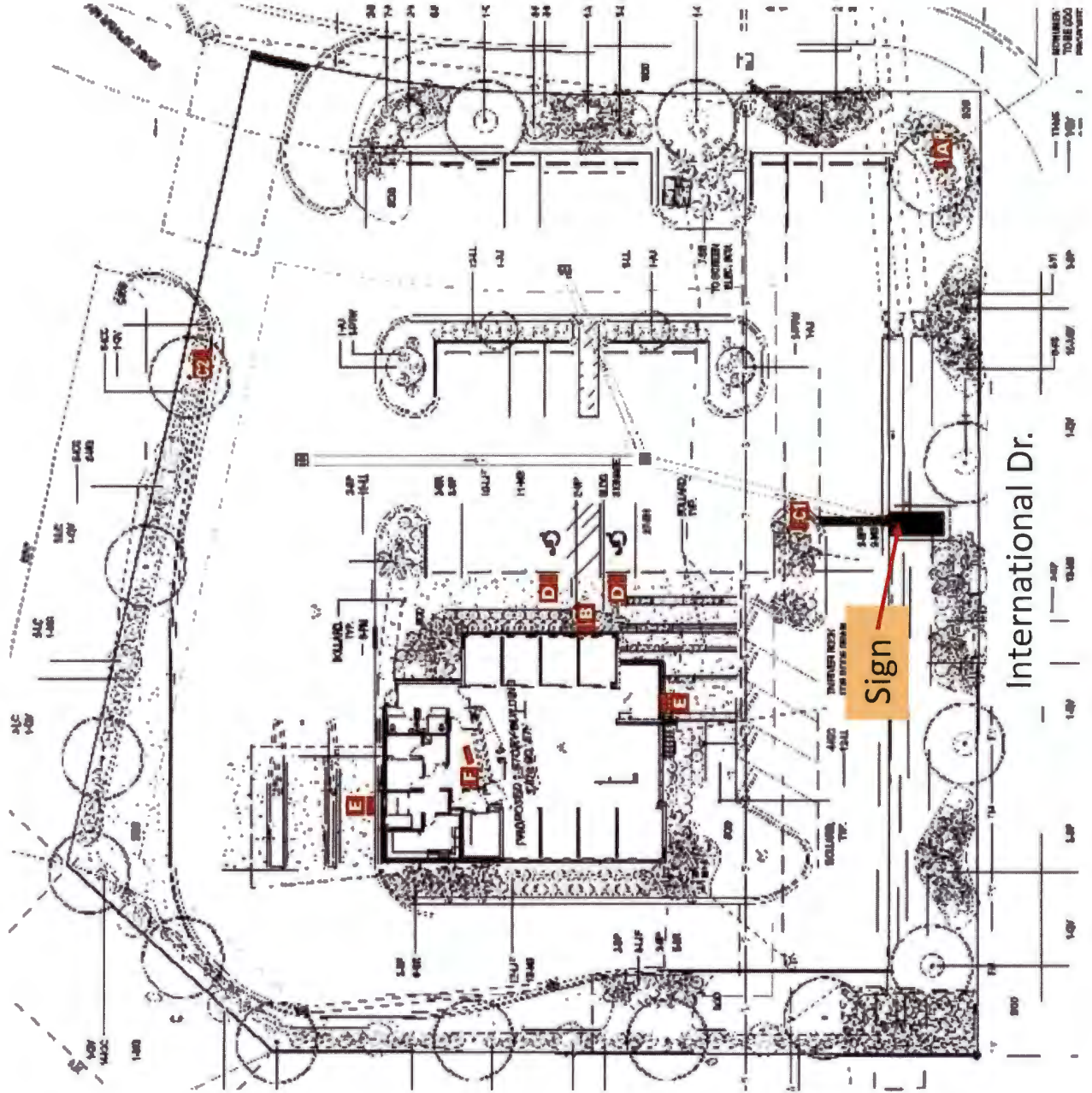
Colors

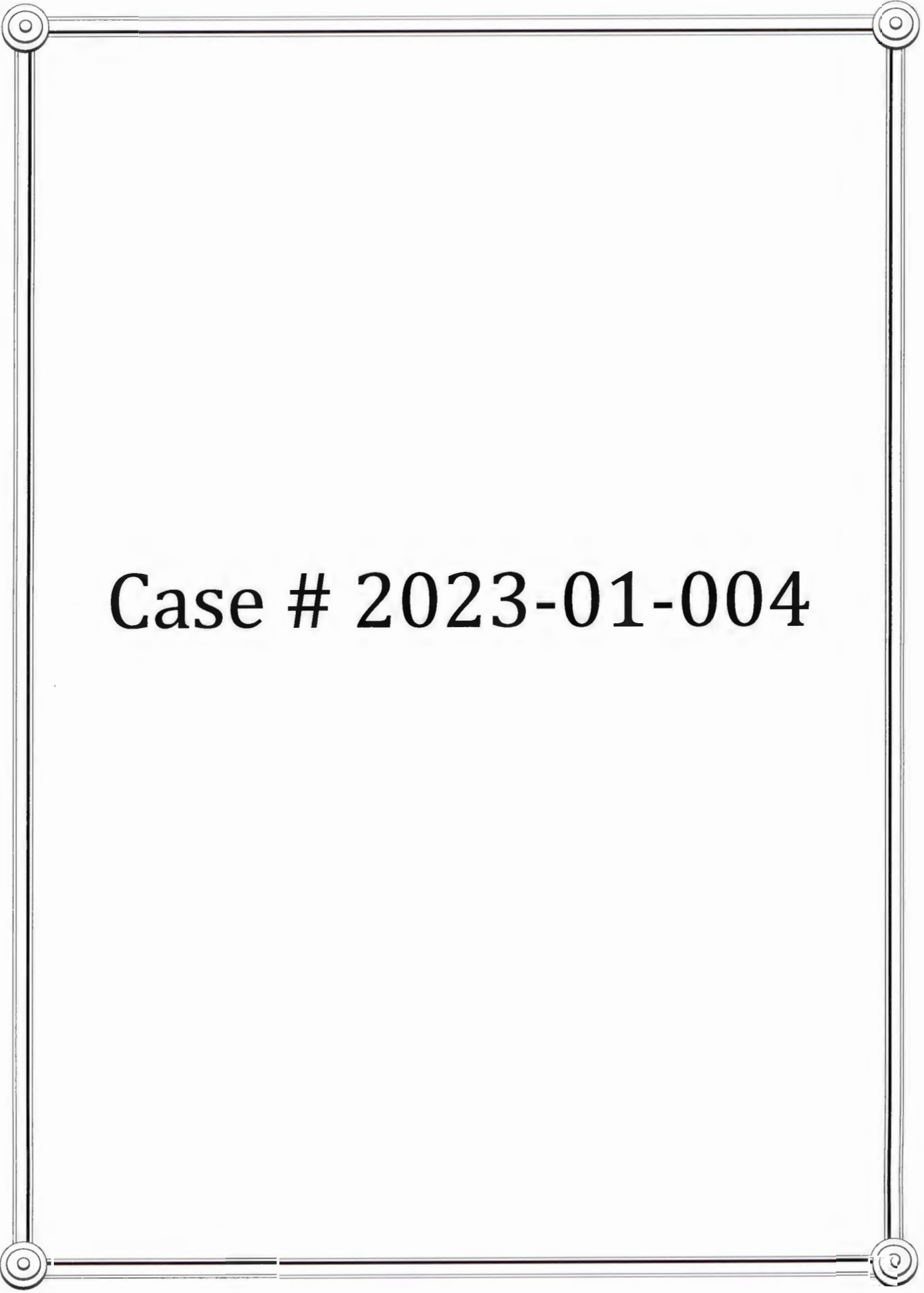
- 1. Green FMS #7725 (paint to match)
- 2. SW 9817 Shell White ("TEXTURED" paint)
- 3. SW 7000 Bis White ("TEXTURED" paint)
- 4. SW 7104 Cotton White ("TEXTURED" paint)
- 5. White (SM brass, vinyl, plate)
- 6. Green SM 3830-26 (brass, vinyl)

Colors

- 1. Green FMS #7725 (paint to match)
- 2. SW 9817 Shell White ("TEXTURED" paint)
- 3. SW 7000 Bis White ("TEXTURED" paint)
- 4. SW 7104 Cotton White ("TEXTURED" paint)
- 5. White (SM brass, vinyl, plate)
- 6. Green SM 3830-26 (brass, vinyl)

Site Plan





Case # 2023-01-004

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-01-004	Zoning Information	
Applicant	Sierra S. Abbott	Zoning District	HC
Parcel Identification (PIN) #	469-04-04-0011	Parcel Size	1.41 Acres
Site Location	901 Inlet Square Dr. Murrells Inlet	Proposed Use	Commercial
Property Owner	Sierra S. Abbott		
County Council District #	6 - Servant		

Requested Variance(s)

The applicant is requesting a variance from Article IV, Section 411 and 412 B regarding fencing requirements in the Highway Commercial (HC) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Art. IV, Section 412 B Front Fencing setback	10'	0'	10'	100%

Background/Site Conditions

This site known as Inlet Trade Center has been used for offices, car sales, storage buildings and repair services. The applicant is requesting to also have outdoor storage of RV/boats/cars, equipment storage and a tree service business. Art. IV, Section 412B states a privacy fence must meet a 10' setback from any front or corner side property lines abutting a road right of way. Art. IV, Section 411 requires all outdoor storage to be screened with a 6' fence or wall. The applicant states they will screen the fencing but are asking for a variance to keep the existing fence that is located 0' from the front property line instead of 10' for a variance of 10'.

Ordinance and Analysis

Before a variance can be granted, the Board must first find that the strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following five findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; (Is this request special?)

There are none.

2. These conditions do not generally apply to other property in the vicinity; (Is this request unique?)

These conditions apply to all commercially developed parcels with outdoor storage.

3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit

VARIANCE REVIEW SHEET

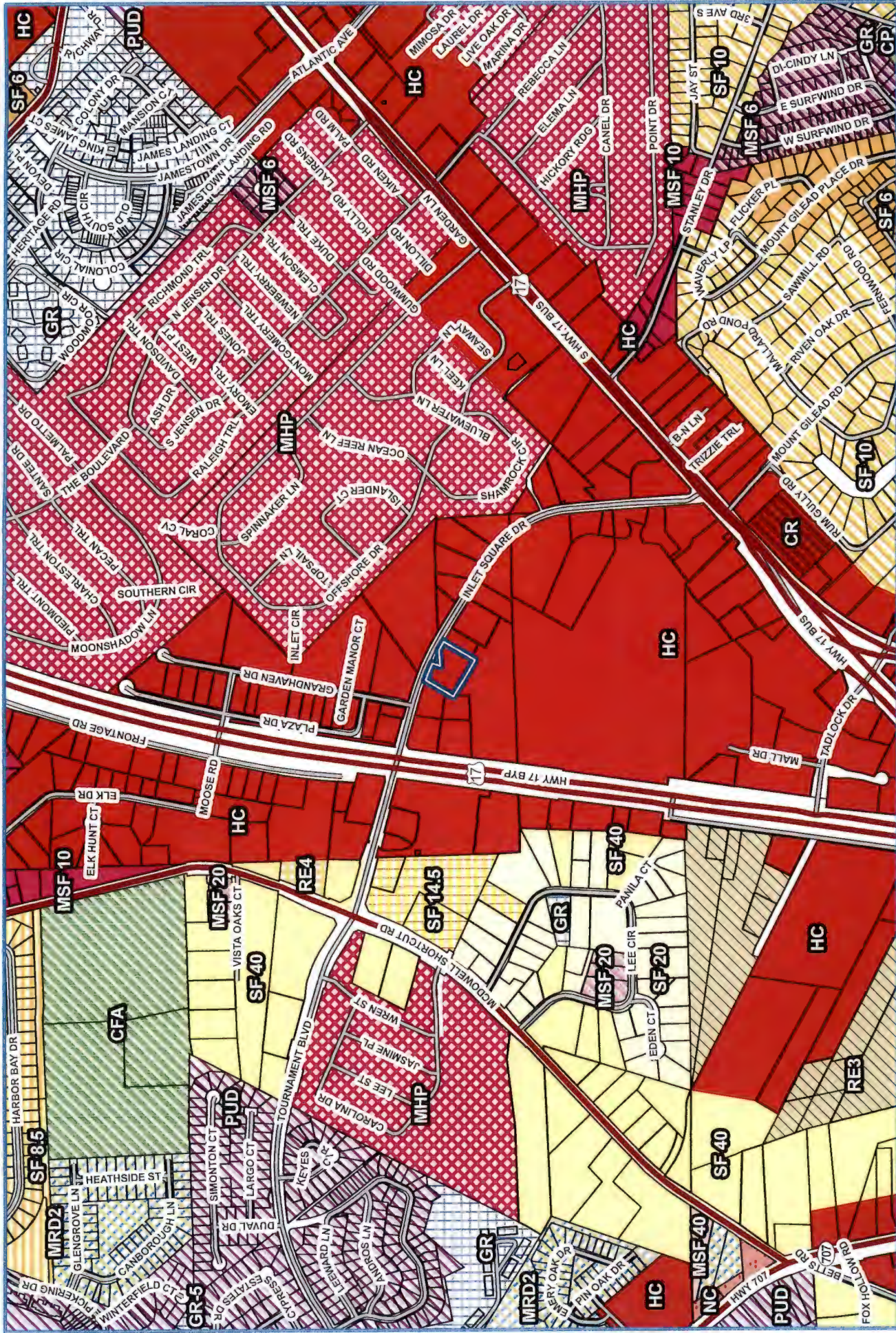
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

5. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Proposed Order/Conditions

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.



Zoning Map
 Variance Case Number
 2023-01-004
 Sierra Abbott/Inlet Trade Center
 PIN: 46904040011

- Parcel for Consideration
- Parcel Boundary
- Major Road
- Road



Parcel for Consideration
 ——— Road

Aerial Map
 Variance Case Number
 2023-01-004
 Sierra Abbott/Inlet Trade Center
 PIN: 4690404001

HC Government

0 50 100 Feet

N



Fence on front left on Inlet Square Drive



Fence on front right on Inlet Square Drive



Existing Office



Front - Outdoor storage area



Outdoor storage area



Rear - Inlet Engine Repair

Rear - Saw-Rite Tree Service



Applicant Submittal

VARIANCE REQUEST

1. Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:

Article(s): B. 4.A Section(s): 412

2. Description of Request: Requesting to keep existing fence on property line & screening entire fence to code.

<u>Required</u>		<u>Requested</u>
Front Setback:	<u>50</u>	Front Setback: _____
Side Setback:	<u>10</u>	Side Setback: _____
Rear Setback:	<u>15</u>	Rear Setback: _____
Minimum Lot Width:	<u>212 E to W</u>	Minimum Lot Width: <u>212</u>
Min Lot Width @ Bldg. Site:	<u>212 E to west</u>	Min. Lot Width @ Bldg. Site: <u>212</u>
Max Height of Structure:	<u>16ft</u>	Max Height of Structure: _____

Other Variances: _____

3. South Carolina Law 6-29-800(A)(2) required the following findings in order for the ZBA to grant a variance. **The failure to completely answer these questions will render your application incomplete and your case will not be heard.**

Grandfather clause
 a. What extraordinary and exceptional conditions pertain to this particular piece of property?
The west side of property shares the fence with garden city storage and the run of pond. The east side of property shares fence with Grand Strand water for
 b. Why do these conditions not apply to other properties in the vicinity? the pump lift station. we are in a unique location

c. Why do the conditions listed in 2a and 2b along with the zoning ordinance sections cited in 1 prohibit or reasonably restrict the utilization of the property?

If we move the west fence in 10 feet from prop line it would make the property vulnerable to theft, If we move the east fence we would lose our sign & fence
 d. Will the authorization of the variance cause a substantial detriment to the adjacent property, over public good or harm the character of the district?

NO

**** The fact that property may be utilized more profitably may not be considered grounds for a variance.**

4. Are there Restrictive Covenants on this property that prohibit or conflict with this request?

YES NO

5. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

[Signature]
 Applicant's Signature

 Date

SPEAR DESIGNS

January 2, 2023

Horry County
Planning and Zoning
Conway, SC

Re: Saw Rite Tree Service

Dear Planners,

This letter is a written response to accompany the revised plan per Horry County comments on this project dated 11-9-22.

1. Show outdoor storage area with all RV/boat/car spaces.
2. Parking calculations for all buildings/uses.
3. Parking spaces shown for all required uses.
4. Required trees shown within 50' of parking spaces.
5. Show existing 6' screen fence around entire property.
6. Detail of existing 6' fence with black mesh screening installed.
7. Label gate as existing.
8. Note to clean existing ditch for positive drainage.
9. Note that the remaining pre-fab storage unit will be removed, one is already removed.
10. Two shipping containers have been sold and will be removed.

Let me know if you have any questions.

Thank you.

Sincerely,

Will Spear

P. O. Box 8804

Myrtle Beach, S.C. 29578

843-450-8769

Site Plan

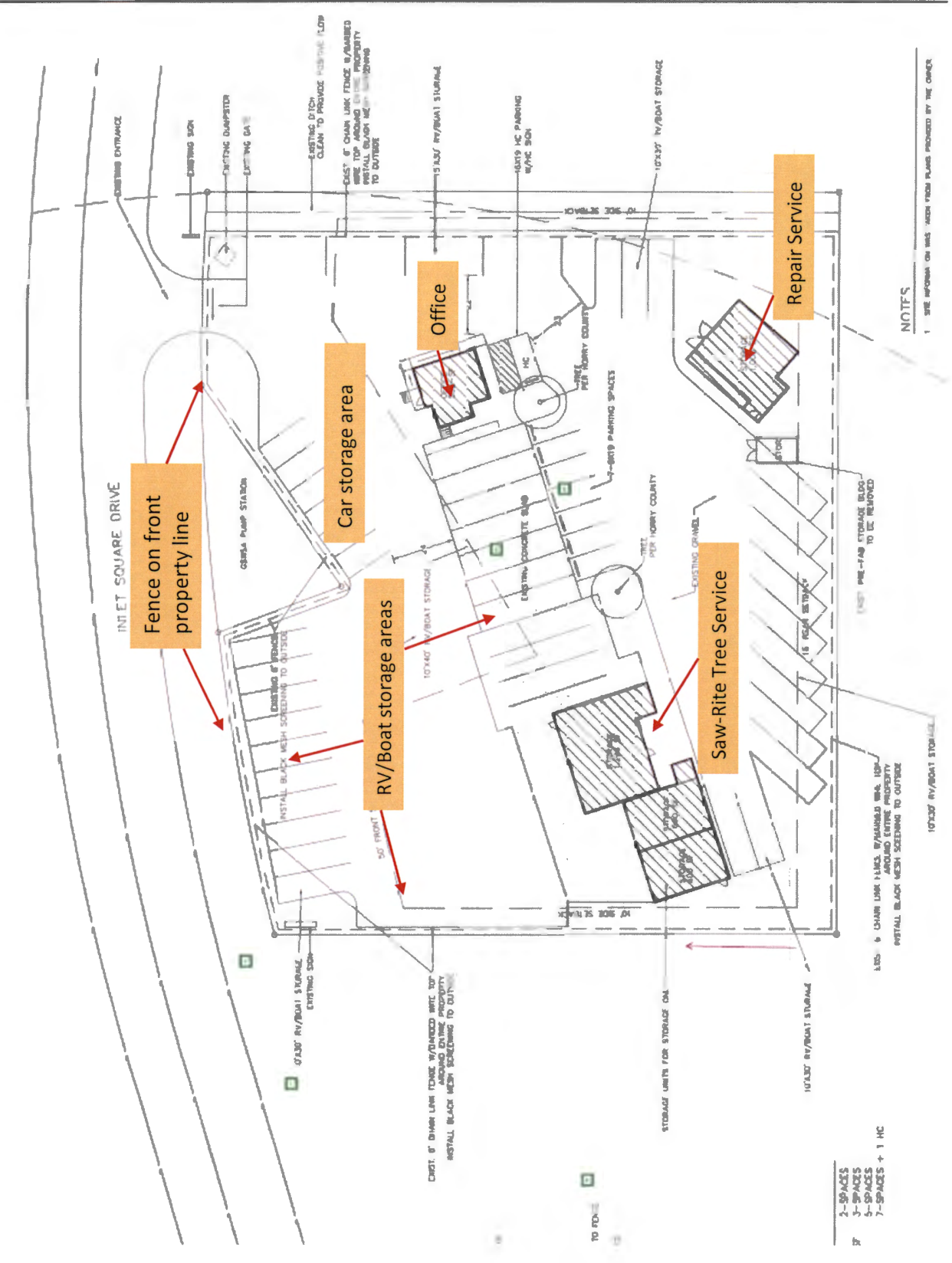
SIERA ABBOTT
AS BUILT SITE PLAN
901 INLET SQUARE DRIVE
HORRY COUNTY, SC

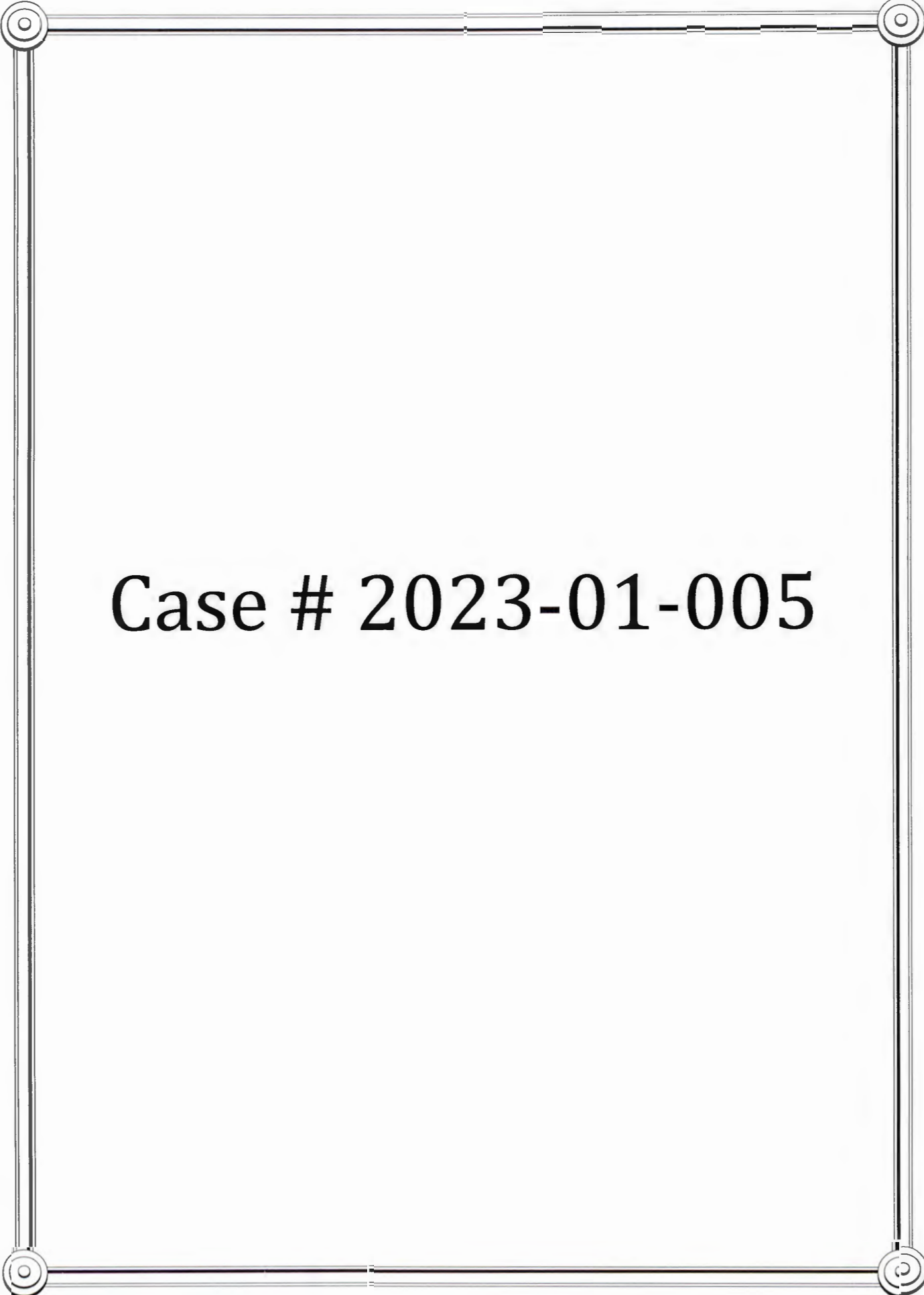
DATE: 1-2-23
DESIGNER: WAS
CHECKED BY: [REDACTED]

SPEAR DESIGNS

(803) 480-9700

THIS DRAWING IS THE PROPERTY OF SPEAR DESIGNS AND MAY NOT BE USED WITHOUT THEIR WRITTEN CONSENT.





Case # 2023-01-005

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-01-005
Applicant	Robert Guyton, agent
Parcel Identification (PIN) #	395-00-00-0031
Site Location	716 Houston St., Myrtle Beach
Property Owner	CCC- Myrtle Beach LLC
County Council District #	10 - Hardee

Zoning Information

Zoning District	MRD3
Parcel Size	31.36 Acres
Proposed Use	In-common Development

Requested Variance(s)

The applicants are requesting a variance from Article II regarding setback requirements in the Multi-Residential District (MRD3) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Cottage/Unit 166				
Left side setback - exterior	25'	20'	5'	20%

Background/Site Conditions

This is the location of the Cottages at Myrtle Beach in common development consisting of a mixture of 290 single family and duplex units. The property was rezoned Nov. 17, 2020 (Ord. 56-2020) and amended on March 2, 2021 (Ord.29-2021). The Zoning Board also granted a variance (Case 2022-06-011) on July 11, 2022 for setbacks on the freestanding sign. The MRD3 requires a 25' setback from all exterior property lines. A post foundation survey shows Cottage/Unit 166 is located 20' from the left side exterior property line instead of the required 25' for a variance of 5'.

Ordinance and Analysis

Before a variance can be granted, the Board must first find that the strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following five findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; (Is this request special?)

There are none.

2. These conditions do not generally apply to other property in the vicinity; (Is this request unique?)

These conditions apply to all units within this MRD3.

3. 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.

VARIANCE REVIEW SHEET

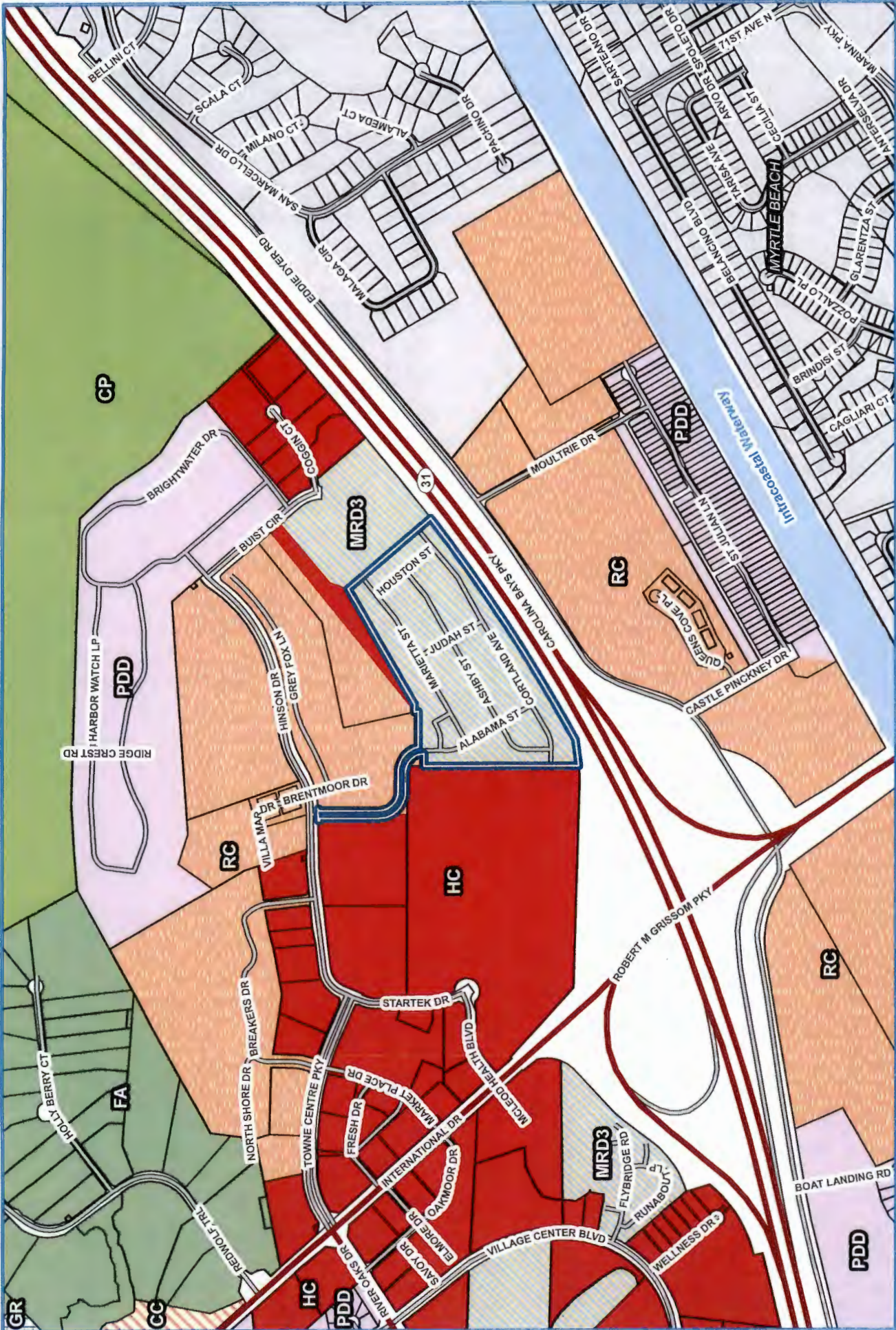
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

5. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Proposed Order/Conditions

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.



HC Government

Zoning Map

Variance Case Number
2023-01-005

Robert Guyton agent for
CCC-Myrtle Beach LLC
PIN: 39500000031

Parcel for Consideration
Parcel Boundary
Municipality

Waterbody
Major Road
Road

0 500 1000 Feet



Aerial Map
 Variance Case Number
 2023-01-005
 Robert Guyton agent for
 CCC-Myrtle Beach LLC
 PIN: 39500000031

Parcel for Consideration
 Major Road
 Road

HC Government
 0 250 500 Feet
 N



Front on Houston St.



Rear encroachment



Side View of Building



Adjacent Buildings

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)
 In re: William Yandell, Agent)
 CCC Myrtle Beach, LLC)
 _____)

**BEFORE THE BOARD OF
 ZONING APPEALS**
 Case No.: 2022-06-011

ORDER OF THE BOARD

Hearing was held before this Board on July 11, 2022, pursuant to the request of the applicant for a variance from Article X, Section 1003 B 6 regarding the sign setback requirements. The property is identified by PIN 395-00-00-0031 and is located at 388 Hinson Drive in the Myrtle Beach area of Horry County. The applicant has requested the following variances from the requirements:

	Requirement	Requested	Variance Needed	Percentage
Freestanding Sign				
Right (west) side setback	10'	4'	6'	60%
Right (south) side setback	10'	0'	10'	100%

The applicants and the Zoning Administrator were given the opportunity to offer witnesses and exhibits and to make argument for the record. A public hearing was held and all interested parties were invited to comment before the Board.

Under the South Carolina Code of Laws 6-29-800 (A) (2), a variance from the requirements of the Zoning Ordinance may only be granted in an individual case of unnecessary hardship upon the following findings: (a) extraordinary and exceptional conditions pertaining to the property at issue; (b) the extraordinary and exceptional conditions do not generally apply to other property in the vicinity; (c) because of the extraordinary and exceptional conditions, application of the ordinance to the property, would, in effect prohibit or unreasonably restrict the property owner's utilization of the property; (d) authorization of a variance will not be of a substantial detriment to adjacent property or the public good or harm to the character of the zoning district; and (e) a variance may not be granted which in effect, would establish a use not otherwise permitted in the zoning district or physically extend a non-conforming use. The statute also provides that the fact that the property may be utilized more profitably if a variance is granted is not grounds for a variance.

FINDINGS OF FACT

1. The property is identified by PIN 395-00-00-0031.
2. It is zoned MRD3 and is located at 388 Hinson Drive in the Myrtle Beach area of Horry County.
3. The applicants are requesting a variance from Article X, Section 1003 B 6 regarding the sign setback requirements.
4. This is the proposed location of The Cottages at Myrtle Beach an in common development consisting of single family, duplexes and amenities.
5. Art. X, Section 1003 B 6 requires all freestanding signs to be at least 10 ft. from any front, side or rear property line.
6. The freestanding sign for this development is proposed to be 4' from the right (west) side property line instead of the required 10' for a variance of 6' and 0' from the right side (south) property line instead of 10' for a variance of 10'.

CONCLUSIONS OF LAW

The Board finds that the request **meets** the criteria set forth in Horry County Code § 1404 (B) and S.C. Code Ann. §6-29-800. Therefore, the **variance is granted, provided that the following conditions are met:**


1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

AND IT IS SO ORDERED, this 11th day of July, 2022.



Drew Parks, Chairman

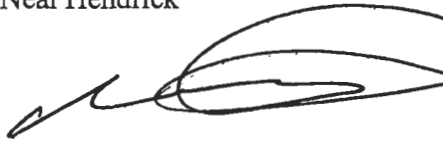
~~_____
Drew Parks, Vice Chairman~~




Jody Myers

Neal Hendrick

Blake Arp



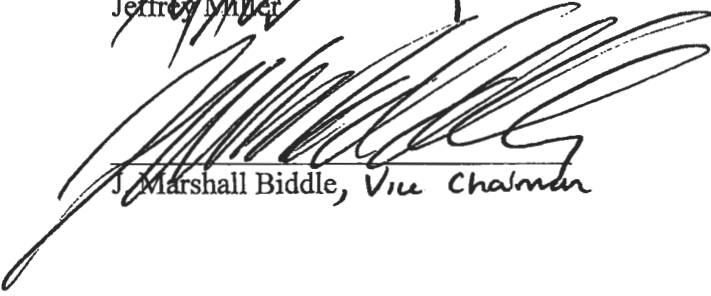
Robert Page



Jeffrey Miller

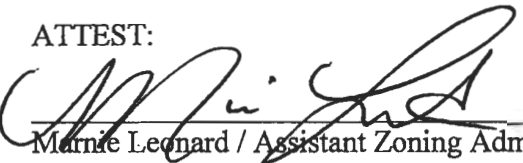


Kirk Truslow



J. Marshall Biddle, Vice Chairman

ATTEST:



Marnie Leonard / Assistant Zoning Administrator

** All orders may be revised until the following meeting of the Zoning Board of Appeals.



Applicant Submittal

VARIANCE REQUEST

1. Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:

Article(s): Article II Section(s): 207 Table 1

2. Description of Request: Reduce the rear setback for Unit 166 only from 25 feet to 20 feet.

<u>Required</u>		<u>Requested</u>	
Front Setback:	<u>30'</u>	Front Setback:	<u>30'</u>
Side Setback:	<u>20'</u>	Side Setback:	<u>20'</u>
Rear Setback:	<u>25'</u>	Rear Setback:	<u>20'</u>
Minimum Lot Width:	_____	Minimum Lot Width:	_____
Min Lot Width @ Bldg. Site:	_____	Min. Lot Width @ Bldg. Site:	_____
Max Height of Structure:	_____	Max Height of Structure:	_____

Other Variances: None

3. South Carolina Law 6-29-800(A)(2) required the following findings in order for the ZBA to grant a variance. **The failure to completely answer these questions will render your application incomplete and your case will not be heard.**

a. What extraordinary and exceptional conditions pertain to this particular piece of property?

This multi-unit complex is being constructed by a single owner, as a single project. In the efforts to install all foundations, Unit 166 was inadvertently set back 20'4" rather than 25'.

b. Why do these conditions not apply to other properties in the vicinity?

None of the other foundations were installed to encroach upon the rear setback.

c. Why do the conditions listed in 3a and 3b along with the zoning ordinance sections cited in 1 prohibit or reasonably restrict the utilization of the property?

Without the approval of the requested variance, Unit 166 would have to be demolished, and as a single unit without a multiple unit complex the required subcontractors wouldn't be available.

d. Will the authorization of the variance cause a substantial detriment to the adjacent property, public good or harm the character of the district?

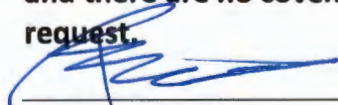
No detriment to the adjacent property, the public good or the character of the district would result from the approval of the variance.

** The fact that property may be utilized more profitably may not be considered grounds for a variance.

4. Are there Restrictive Covenants on this property that prohibit or conflict with this request?

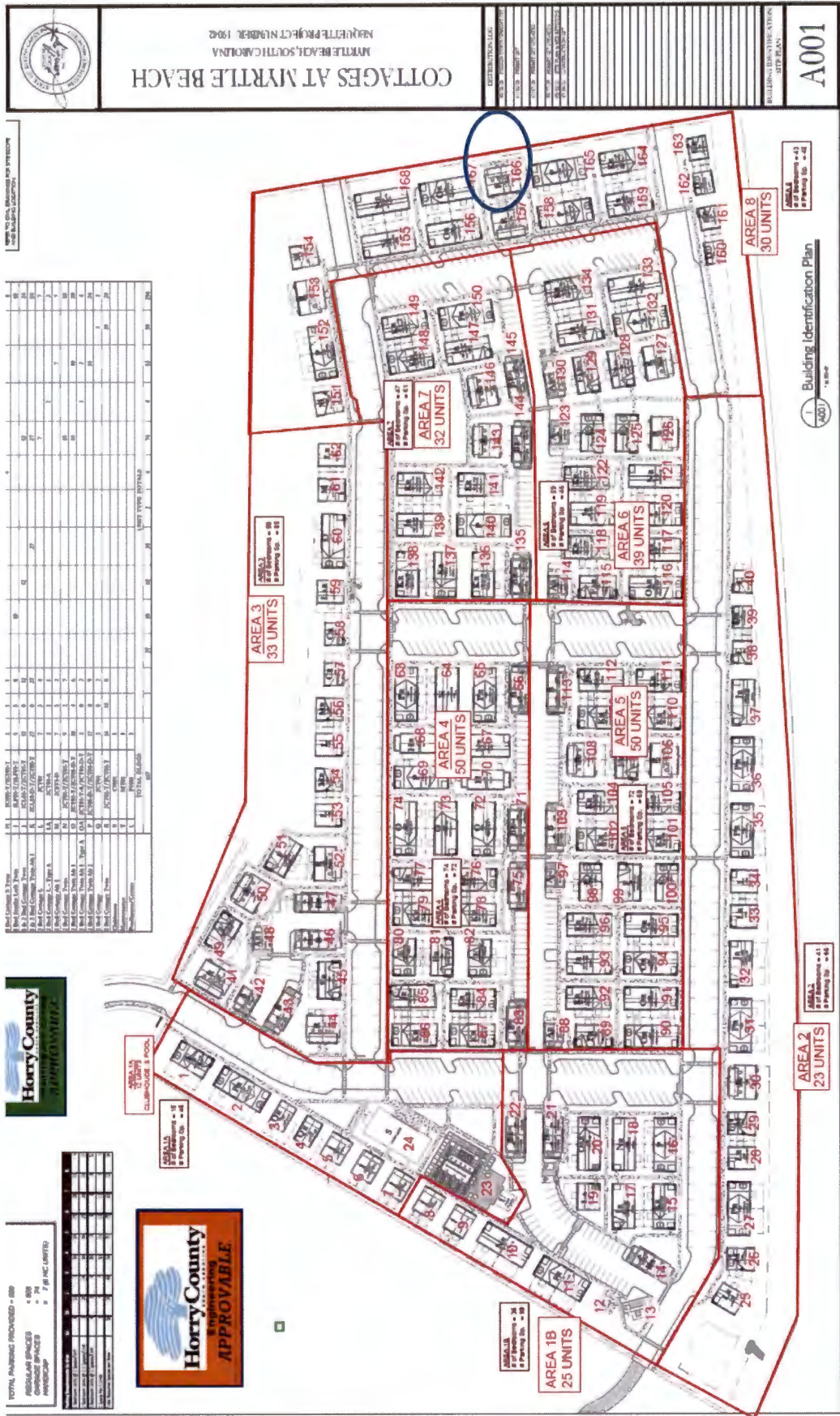
YES NO

5. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.


Applicant's Signature

12/20/22
Date

Master Plan



TOTAL UNITS PROVIDED = 312
 TOTAL UNITS APPROVED = 312
 UNITS TO BE PROVIDED BY OTHERS = 0

NO.	DESCRIPTION	AMOUNT	DATE	BY	REVISION
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NOTE: SEE DRAWING FOR SPECIFICATIONS AND DIMENSIONS.



COTTAGES AT MYRTLE BEACH
 MYRTLE BEACH, SOUTH CAROLINA
 PROJECT NUMBER: 1902

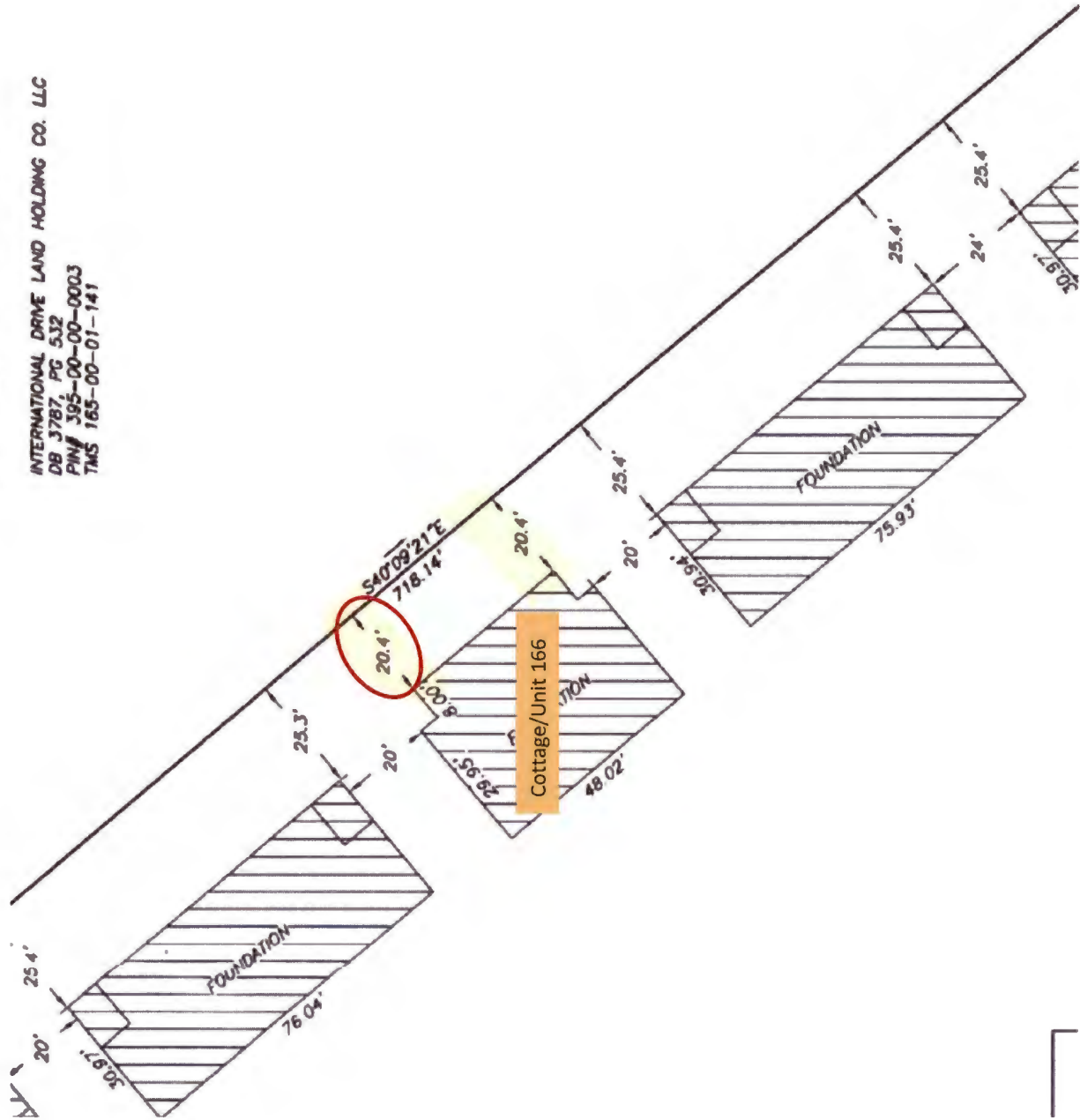
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A001

Building Identification Plan
 12/18/20

Site Plan

INTERNATIONAL DRIVE LAND HOLDING CO. LLC
 DB 3787, PG 532
 PIN# 395-00-00-0003
 TMS 165-00-01-141



Case # 2023-01-006

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-01-006	Zoning Information	
Applicant	Ken Haynes, agent for Richard Edwards	Zoning District	SF6
Parcel Identification (PIN) #	458-05-03-0025	Parcel Size	12,104 Sq. Ft
Site Location	2061 Deerfield Ave, Myrtle Beach	Proposed Use	Residential
Property Owner	Richard Edwards		
County Council District #	4 - Loftus		

Case has been withdrawn by the applicant. Email attached.

Thompkins, Pam

From: Kenneth Haynes <kenhaynessc@gmail.com>
Sent: Friday, January 20, 2023 10:00 AM
To: Thompkins, Pam
Subject: Re: Richard Edwards variance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I do apologize, they decided not to proceed with the variance. If you could withdraw the application.

Thank you,
Ken Haynes
843-344-7350

On Thu, Jan 19, 2023 at 3:06 PM Thompkins, Pam <Thompkp@horrycountysc.gov> wrote:

Mr. Haynes,

I am reviewing the variance request for Mr. Edwards screen enclosure over his pool. I am concerned that it may not meet an 11' setback. Since you don't have a survey I would suggest you ask to be 10' instead just to be safe.

Please advise.

Pam Thompkins / Zoning Administrator

Horry County Government

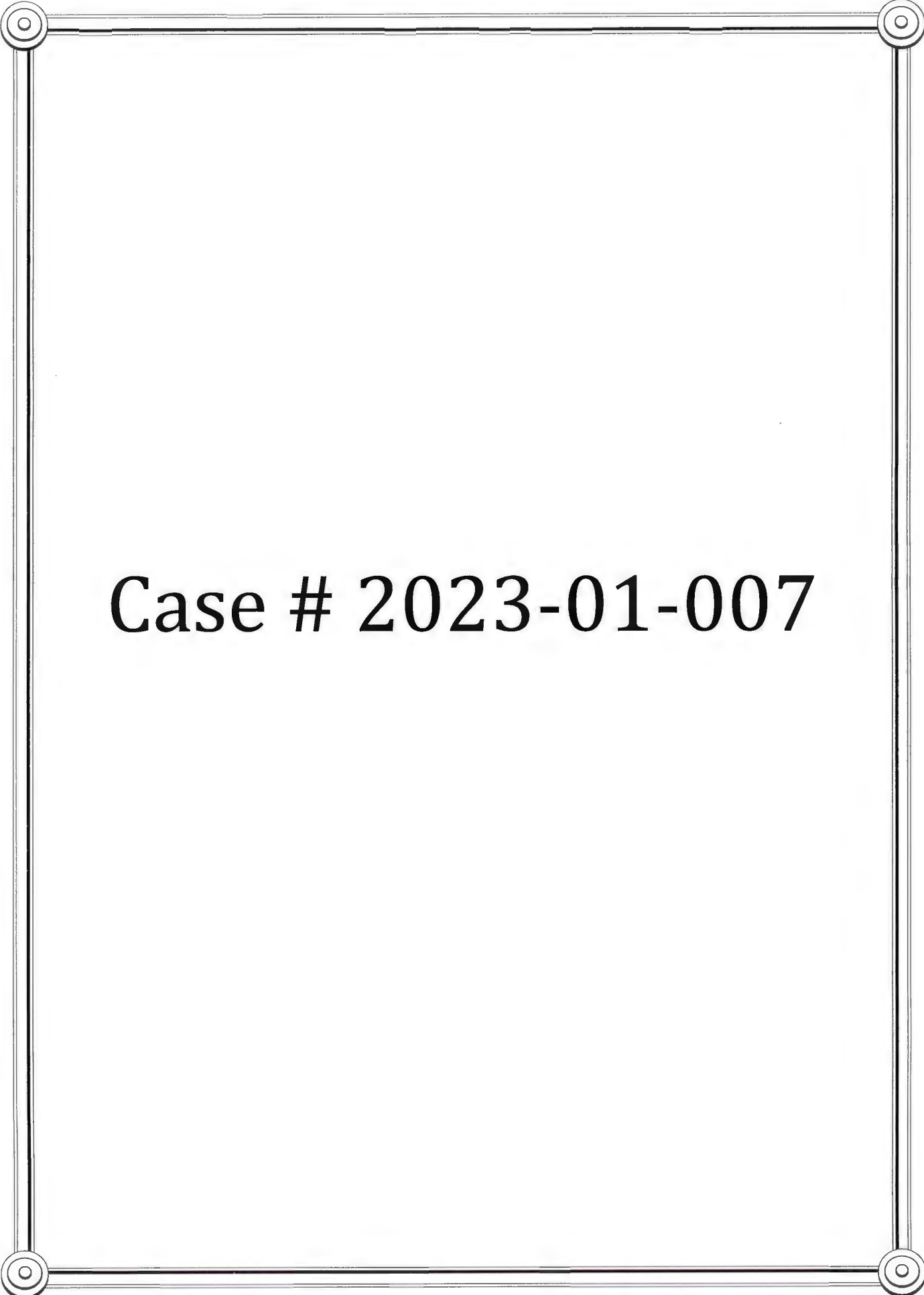
Planning & Zoning

1301 2nd Avenue, Conway, South Carolina 29526

Tel 843-915-8732 | Fax 843-915-6340 | thompkp@horrycountysc.gov

www.horrycounty.org

All Zoning Ordinance requirements can be accessed with the hyperlink below.



Case # 2023-01-007

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-01-007	Zoning Information	
Applicant	Carolina Home Exteriors	Zoning District	PDD
Parcel Identification (PIN) #	298-10-04-0040	Parcel Size	8,400 SqFt
Site Location	515 Whiddy Loop, Conway	Proposed Use	Residential
Property Owner	Don & Joyce Vogler		
County Council District #	10- Hardee		

Requested Variance(s)

The applicants are requesting a variance from Article II regarding setback requirements in the Shaftesbury Glenn PDD Zoning District.

	Requirement	Requested	Variance Needed	Percentage
Pool Enclosure				
Rear setback	15'	12'	3'	20%

Background/Site Conditions

This parcel is Lot 22 at The Landing at Shaftesbury Glen. The home (permit #124420) was built in 2021 and the pool (permit # 124420) was constructed in 2022. The applicants are proposing to construct a pool enclosure. The pool enclosure will be located 12' from the rear property line instead of the required 15' for a variance of 3'. There is a 12' private lake maintenance easement on the rear of this parcel that the pool will abut but not encroach into. The applicants have obtained an approval letter from The Landing at Shaftesbury Glen POA.

Ordinance and Analysis

Before a variance can be granted, the Board must first find that the strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following five findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; (Is this request special?)

There are none.

2. These conditions do not generally apply to other property in the vicinity; (Is this request unique?)

These setbacks apply to all parcels within this phase of Shaftesbury Glenn PDD.

3. 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.

VARIANCE REVIEW SHEET

4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

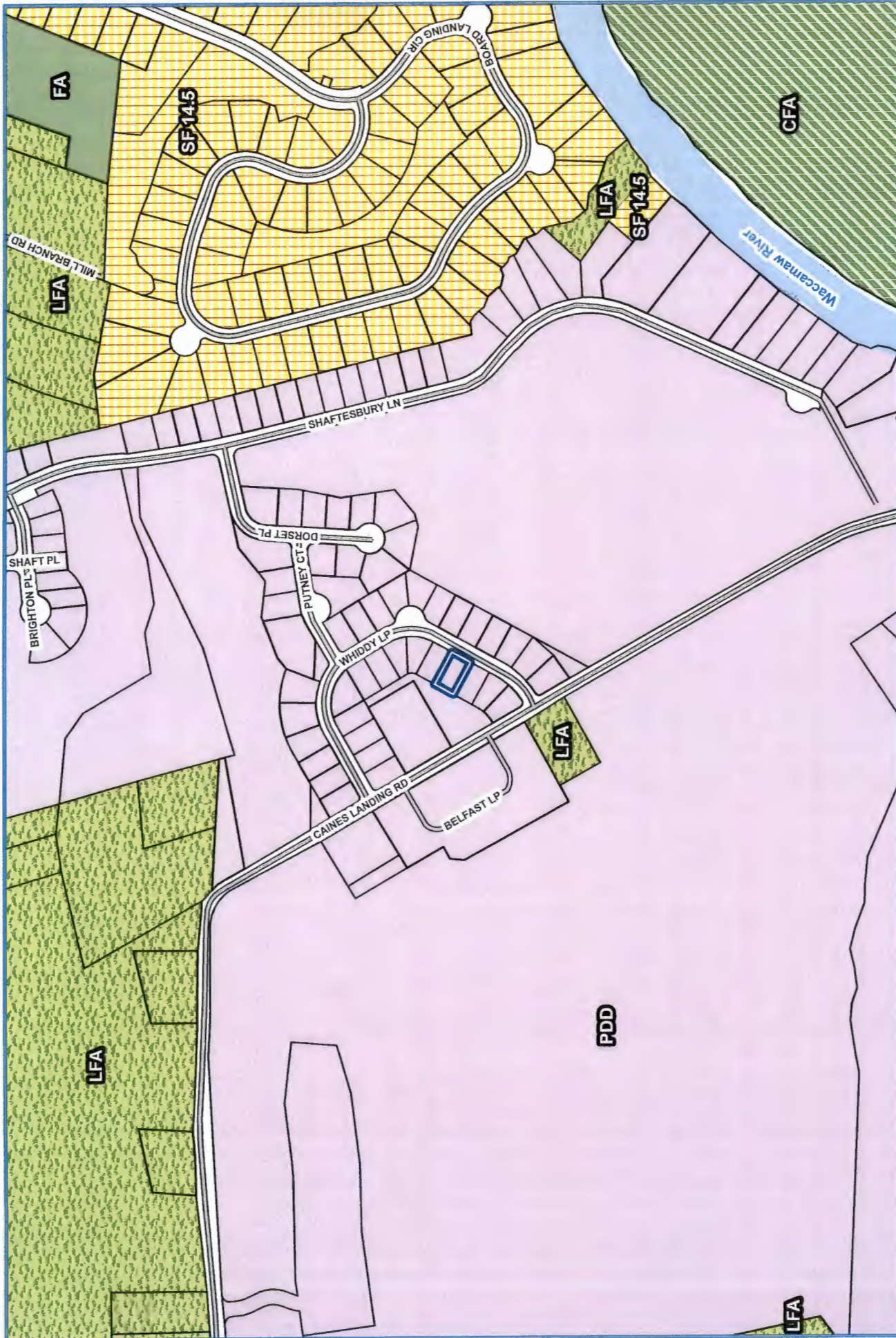
The applicants have provided a letter of approval from The Landing @ Shaftesbury Glen POA.

5. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Proposed Order/Conditions

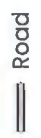
Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.





Parcel for Consideration



Road

Aerial Map
Variance Case Number
2023-01-007
Mike Kinsey agent for
Don & Joyce Vogler
PIN: 29810040040





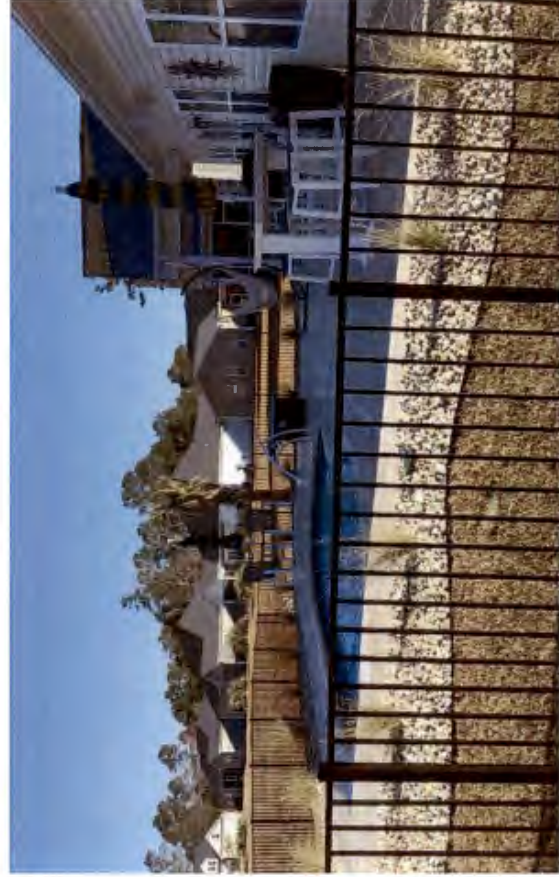
Front View of Property



Adjacent Property on Left



View of Rear of Property



Location of Proposed Enclosure



Applicant Submittal

VARIANCE REQUEST

1. Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:

Article(s): 3 Section(s): 17.7-32

2. **Description of Request:** The required rear setback is 15' from the rear property line. We are requesting a 12' rear setback to construct a screen pool enclosure. Screen walls and screen roof. The Landing at Shaftesbury Glen's HOA has approved the installation.

<u>Required</u>	<u>Requested</u>
Front Setback: _____	Front Setback: _____
Side Setback: _____	Side Setback: _____
Rear Setback: <u>15'</u>	Rear Setback: <u>12'</u>
Minimum Lot Width: _____	Minimum Lot Width: _____
Min Lot Width @ Bldg. Site: _____	Min. Lot Width @ Bldg. Site: _____
Max Height of Structure: _____	Max Height of Structure: _____

Other Variances: _____

3. South Carolina Law 6-29-800(A)(2) required the following findings in order for the ZBA to grant a variance. **The failure to completely answer these questions will render your application incomplete and your case will not be heard.**

a. What extraordinary and exceptional conditions pertain to this particular piece of property?

This property is located in a low lying rural section of Horry County and sits beside a pond. Due to this location, insect infestation is an extraordinary and exceptional condition. The proposed pool enclosure will also minimize harmful UVA and UVB rays.

b. Why do these conditions not apply to other properties in the vicinity?

The extraordinary and exceptional conditions do not generally apply to other properties in the vicinity due to the pond location. Also, Mr. Vogler is a Type 1 Diabetic and has previously developed a severe bacterial skin infection from an insect bite.

c. Why do the conditions listed in 3a and 3b along with the zoning ordinance sections cited in 1 prohibit or reasonably restrict the utilization of the property?

The zoning ordinance prohibits building the pool enclosure. A variance is required to obtain a permit.

d. Will the authorization of the variance cause a substantial detriment to the adjacent property, public good or harm the character of the district?

The authorization of the variance will not cause detriment to the adjacent property and will not harm the public or harm the character of the district. HOA approval is attached.

**** The fact that property may be utilized more profitably may not be considered grounds for a variance.**

4. Are there Restrictive Covenants on this property that prohibit or conflict with this request?

YES NO

5. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

[Signature]
 Applicant's Signature

12/15/22
 Date

**THE LANDING AT SHAFTESBURY GLEN
PROPERTY OWNERS' ASSOCIATION, INC**

Notice of Approval

December 1, 2022

Donald & Joyce Vogler
515 Whiddy Loop
Conway SC 29526

Re: Screen Pool Enclosure

Dear Mr & Mrs Vogler,

The Architectural Request that you submitted on November 29, 2022 to install a screen pool enclosure by Carolina Home Exteriors **has been approved** by The Landing at Shaftesbury Glen POA's Board of Directors.

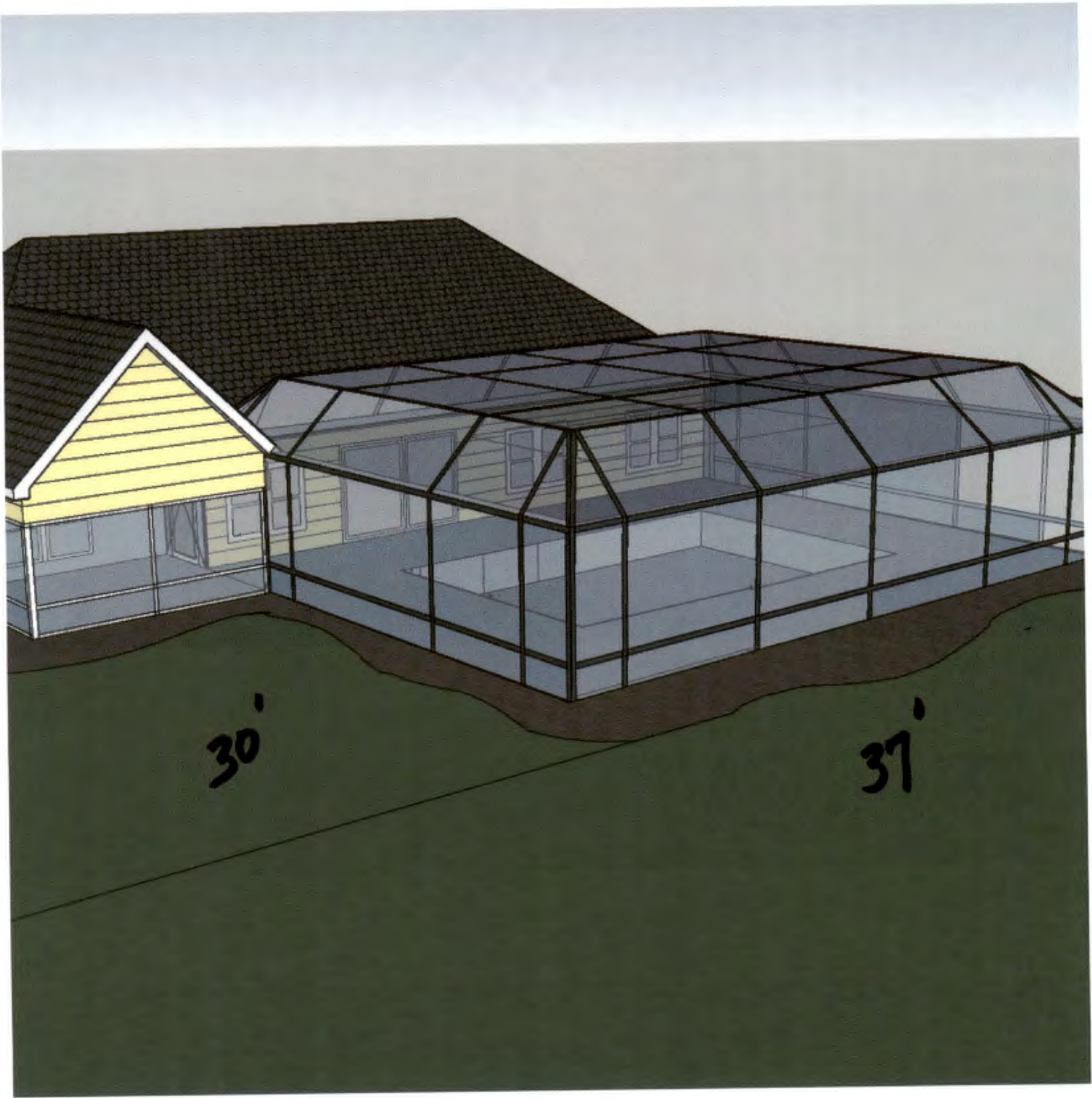
You must follow all local building codes and setbacks when making this addition, with the exception that you have our approval to cross Horry County's required 15' rear setback by 3'.

The Board reserves the right to inspect the addition to make sure the Architectural requests are met. We appreciate your cooperation in submitting the Request for Approval.

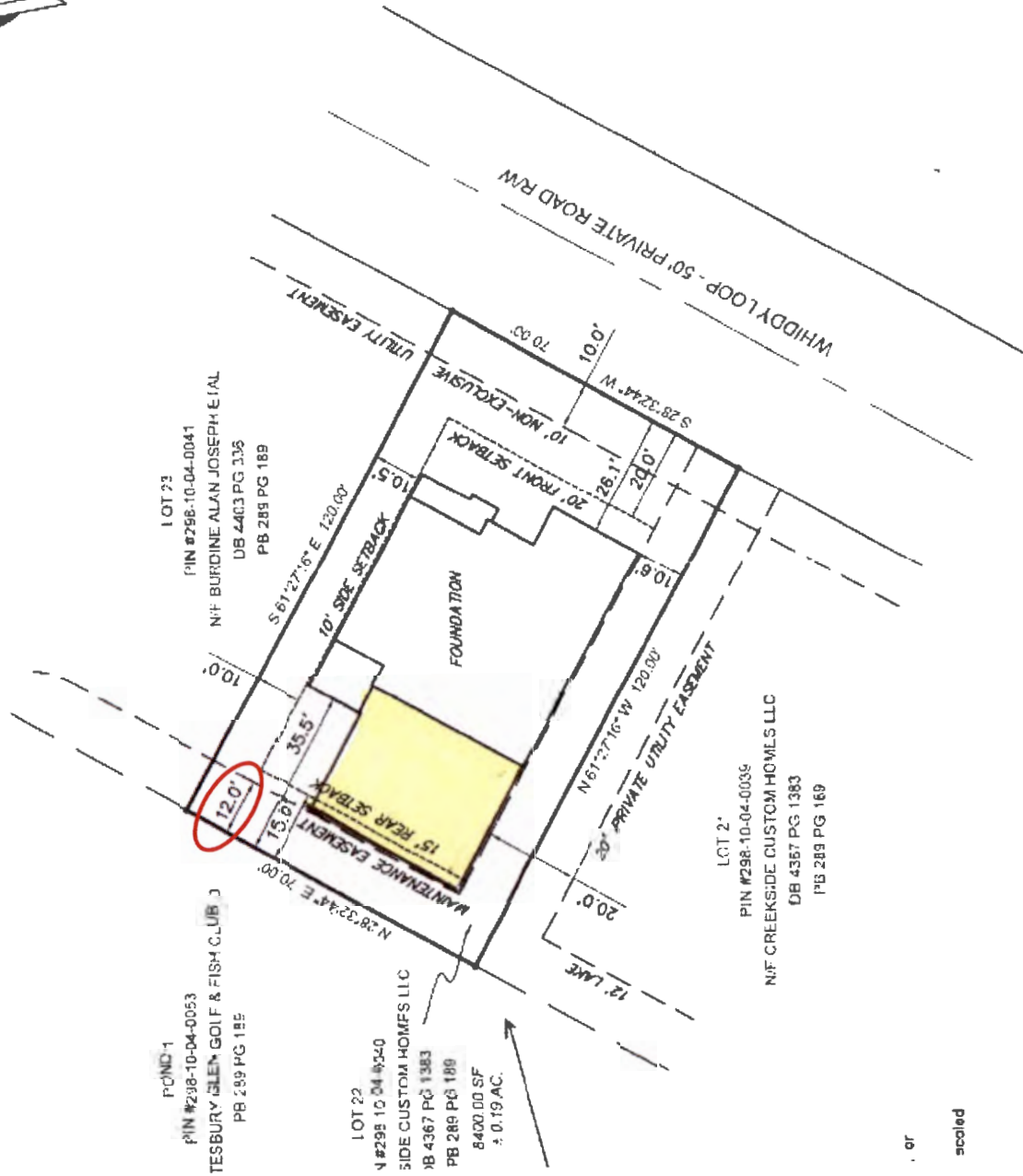
Sincerely,



Lorenzo Lewis
POA President
The Landing at Shaftesbury Glen
512 Whiddy Loop
Conway SC 29526



Site Plan



LOT 21
PIN #296-10-04-0041
N/F BURDINE ALAN JOSEPH E/AL
DB 4403 PG 136
PB 289 PG 169

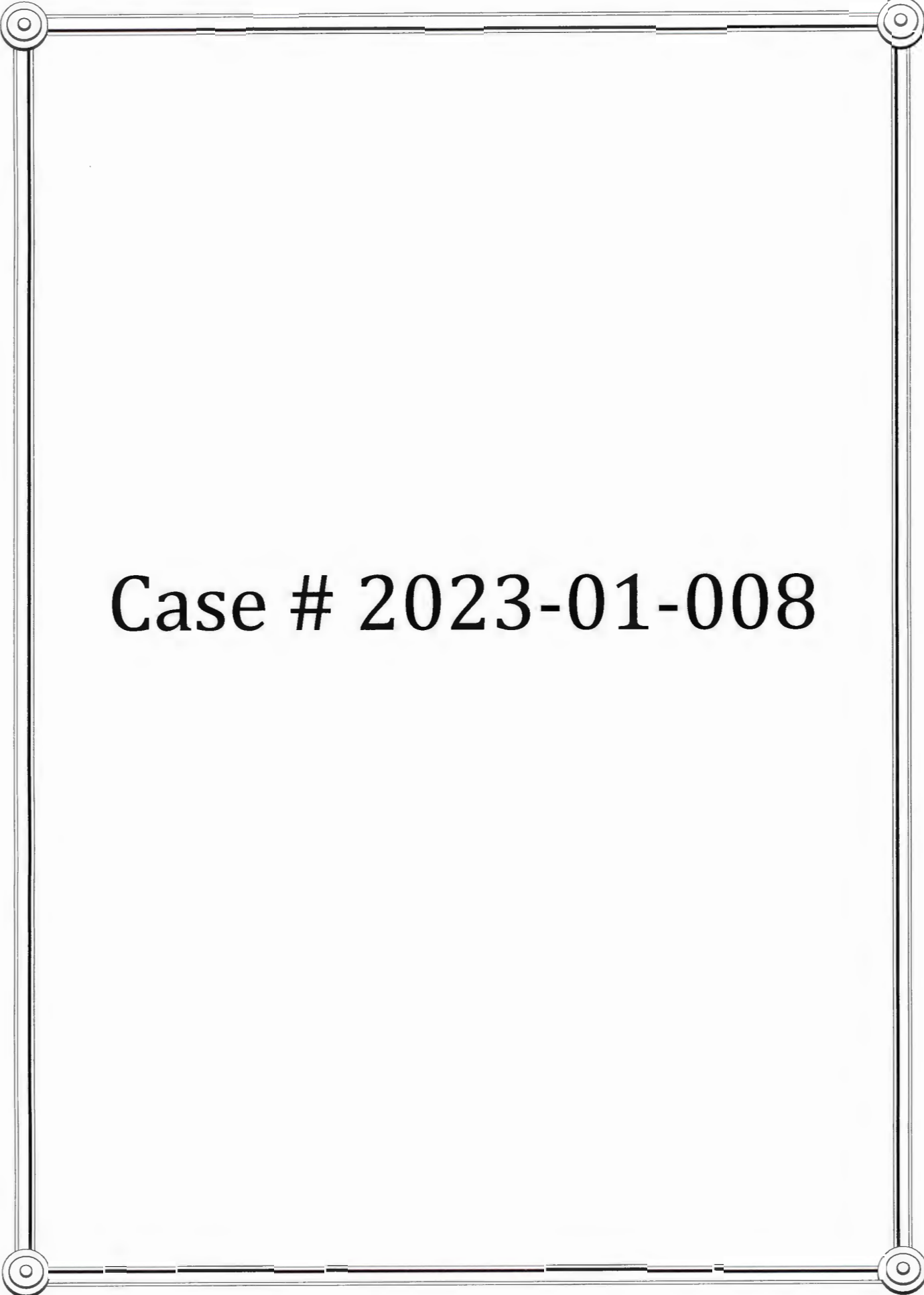
POND 1
PIN #298-10-04-0053
TESBURY GLEN GOLF & FISH CLUB J
PB 289 PG 169

LOT 22
PIN #298-10-04-0030
SIDE CUSTOM HOMES LLC
PB 4367 PG 1383
PB 289 PG 169
8400.00 SF
± 0.19 AC.

LOT 2
PIN #298-10-04-0039
N/F CREEKSIDE CUSTOM HOMES LLC
DB 4367 PG 1383
PB 289 PG 169

or

scaled



Case # 2023-01-008

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-01-008	Zoning Information	
Applicant	Kenneth Moss	Zoning District	PUD
Site Location	Located at Waterfall Circle, Little River	Parcel Size	47 acres
Property Owner	Highway Ninety Investors & Waterfall POA Inc	Proposed Use	Residential
County Council District #	9 - Causey		
Parcel Identification (PIN's) #'s	34903010022 , 31414040056, 31414040036, 34903010007, 34903010013, 34903010023, 34903010008, 34903010010, 31414040041, 31414040053, 34903010012, 31414040054, 31414040062, 31414040059, 34903010020, 34903010017, 31414040037, 31414040061, 31414040043, 31414040044, 34903010014, 34903010024, 34903010009, 31414040038, 31414040047, 34903010019, 31414040040, 31414040051, 31414040060, 34903010011, 31415030003, 34903010015, 31414040046, 31414040035, 31414040058, 31414040063, 31414040042, 31414040045, 31414040034, 31414040033, 34903010021, 31414040064, 31414040065, 31414040055, 31414040039, 34903010018, 31414040048, 31414040052, 31415030001, 31414040049, 31415030002, 34903040019, 31414040057, 31414040050, 34903010016, 34902020001, 34903040018, 34903040017, 34903040016, 34903040015, 34903040014, 34903040013, 34903040011, 34903010070, 34903010069, 34903010068, 34903010067, 34903010066, 34903010065, 34903010064, 34903010063, 34903010062, 34903010061, 34903010060, 34903010059, 34903010058, 34903010057, 34903010056, 34903010055 & 34903010054		

Requested Variance(s)

The applicants are requesting a variance from setbacks and buffer requirements in the Waterfall PUD zoning district.

	Requirement	Requested	Variance Needed	Percentage
Exterior lots of the Waterfall PUD				
Rear setback for Pools	15'	10'	5'	33%
Rear setback for masonry walls without berm	15'	0'	15'	100%

Background/Site Conditions

The Waterfall Subdivision was rezoned to a Residential PUD by County Council on February 16, 1999 (Ord 8-99). The PUD required a 25' buffer along the perimeter of the entire subdivision. The Zoning Board of Appeals granted a variance on Feb. 14, 2005 (Case 2005-01-006) to reduce the 25' PUD buffer requirement to a 0' PUD buffer with the following conditions: 1) The developer must maintain the landscape berm until such time as it turns it over to the POA and then the POA must maintain it; and 2) Other than the retaining wall, no other structures of any kind (including, but not limited to, fencing) be placed on the berm. Exhibit B was presented by the applicant showing a 15' setback for all exterior lots which included a berm with a wall built at the 15' setback line. In 2018 the Zoning Department recognized that the berm and retaining walls were not being constructed in the correct location. There were lots that had walls constructed on the property line with no berm. There were also pools being built within the required 15' setback. Staff along with the County Attorney recommended that the POA ask for a variance for the entire subdivision to have a 10' rear setback which would clear up any non-conformities. The ZBA has granted five (5) variances for pools and walls in this subdivision since 2005 and denied an appeal in 2021. The Waterfall POA met on May 21, 2021 and agreed to seek a variance for the 80 exterior lots. The applicants and their attorney are requesting the following variances for all exterior lots within this PUD. 1) Allow the masonry wall without a berm to be located on the rear property line instead of the required 15' for a variance of 15'. 2) Allow the pools to be located 10' from the rear property line instead of the required 15' for a variance of 5'.

VARIANCE REVIEW SHEET

Ordinance and Analysis

Before a variance can be granted, the Board must first find that the strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following five findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; (Is this request special?)

The PUD buffer was designed to be included within the exterior lot lines instead of having the buffer abut the buffer.

2. These conditions do not generally apply to other property in the vicinity; (Is this request unique?)

These conditions apply to all PUD subdivisions.

3. 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.

Since the majority of lots within this subdivision did not adhere to the PUD requirements the application of the ordinance would restrict the few lots that are undeveloped and require them to seek variances.

4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

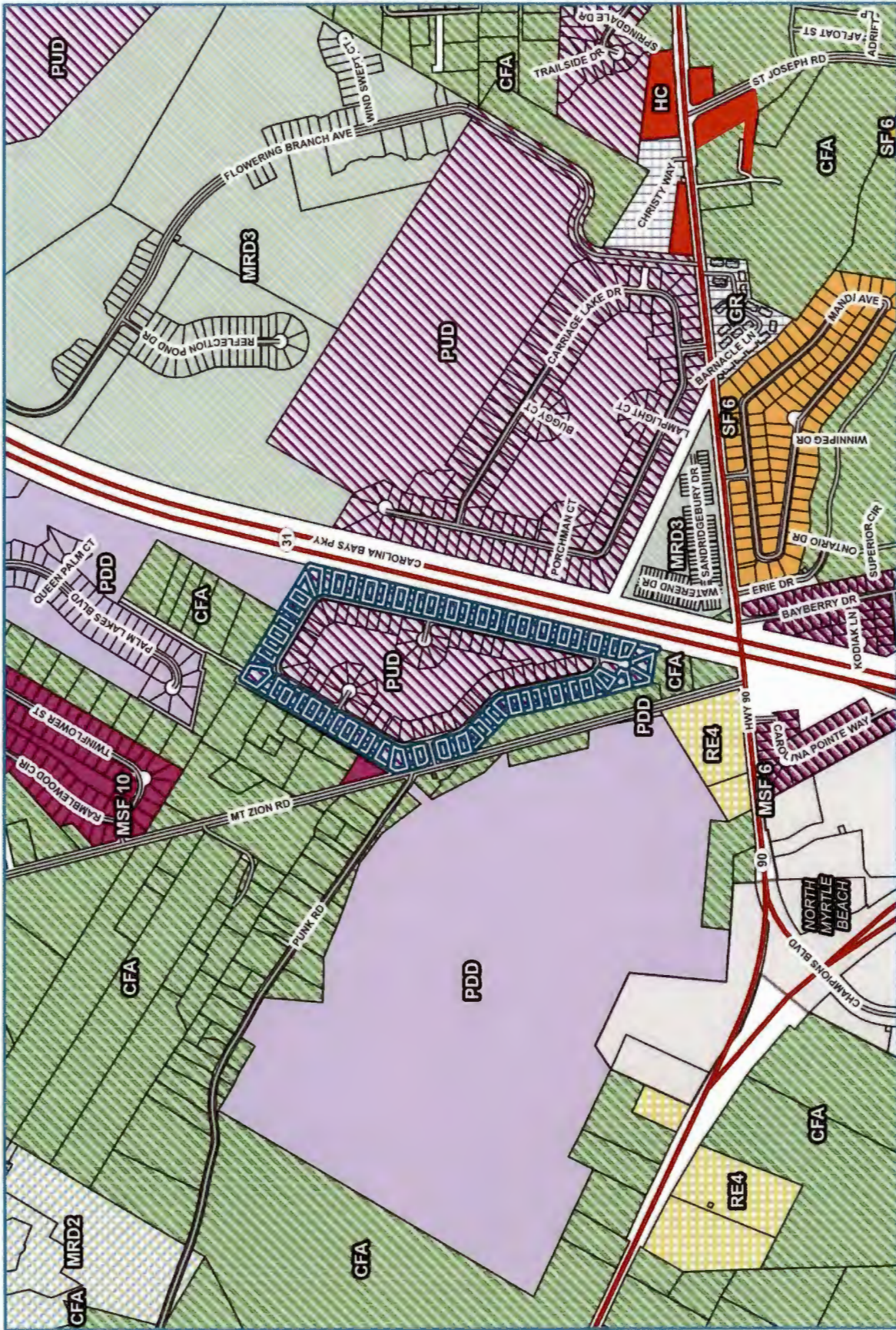
The HOA and property owners are in agreement with this variance.

5. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Proposed Order/Conditions

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.



Zoning Map

Parcel for Consideration Major Road

Parcel Boundary Road

Municipality

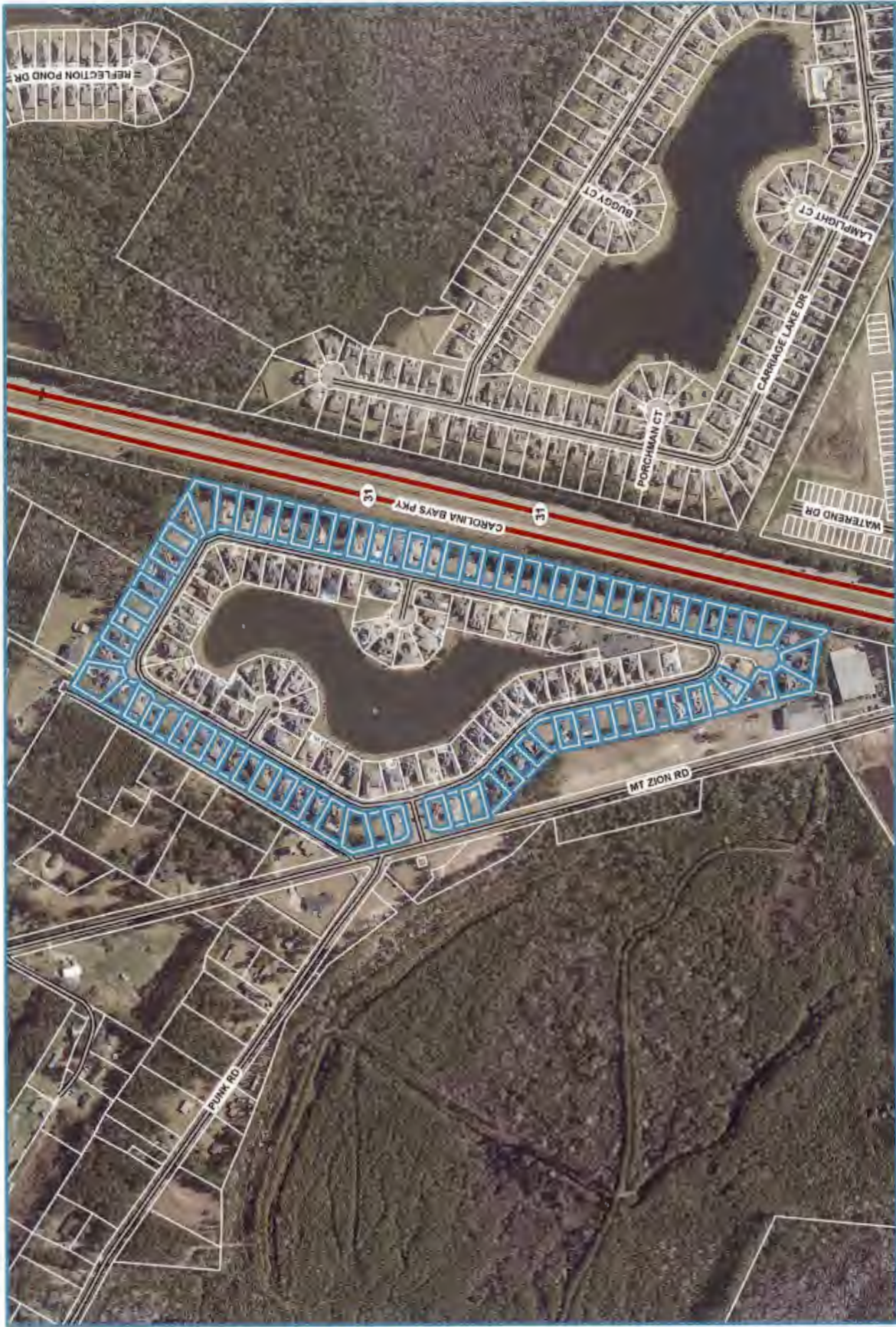
Zoning Case Number
2023-01-008

Kenneth Moss agent for
Highway Ninety Investors, LLC
PIN: 79 total parcels

HC Government

0 500 1000 Feet

N



Parcel for Consideration
Major Road
Road

Aerial Map
 Variance Case Number
 2023-01-008
 Kenneth Moss agent for
 Highway Ninety Investors, LLC
 PNT, 79 total parcels

HC Government

0 280 560 Feet

N



Street View of Development on Waterfall Circle



Front Entrance View of Development



View of Exterior Wall on Waterfall Circle

Rezoning

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

Ordinance Number 8-99

AN ORDINANCE TO APPROVE THE REQUEST TO AMEND THE OFFICIAL ZONING MAPS FOR HORRY COUNTY, SOUTH CAROLINA, SO AS TO REZONE TMS#130-00-01-009 FROM FOREST AGRICULTURE (FA) TO FOREST AGRICULTURE (FA) & RESIDENTIAL PLANNED UNIT DEVELOPMENT (R-2-PUD).

WHEREAS, Ordinance Number 1-87 authorizes County Council to periodically amend the Official Zoning Maps for Horry County; and,

WHEREAS, a request has been filed to amend the maps for the above mentioned parcel(s) of land; and

WHEREAS, County Council thinks that the present Forest Agriculture (FA) zone is not appropriate for the above mentioned parcel(s) of land; and

WHEREAS, County Council thinks that the request to rezone the property from Forest Agriculture (FA) to Forest Agriculture (FA) & Residential PUD (R-2-PUD) is in compliance with the Comprehensive Plan and the good of the public welfare and is a reasonable request:

THEREFORE, BE IT ORDAINED IN COUNCIL DULY ASSEMBLED that the parcel of land identified by tax map number 130-00-01-009 is hereby rezoned from Forest Agriculture (FA) to Forest Agriculture (FA) & Residential PUD (R-2-PUD) on the Official Zoning Maps for Horry County, South Carolina.

FIRST READING: 1-19-99
SECOND READING: 2-2-99
THIRD READING: 2-16-99

Jon Taylor, Agent for James Ellis, etal (98-12-008)

ZONING MAP AMENDMENT (98-12-008)
James Ellis, et al - Highway 90 and Mt. Zion Road
Mandarin Point and Carodel Subdivisions

GENERAL INFORMATION

Applicant: Jon Taylor, agent for James Ellis, et al
Site Location: Hwy. 90 approximately 1.5 miles west of Nixon Crossroads
Map Number (TMS): 130-00-01-009
Present Site Zoning: FA

Council District: (9) Ulysses Dewitt
Purpose of Request (according to applicant): To develop 2 distinct subdivision - Mandarin Pointe to be "stick-built" and Carodel to be a modular home subdivision
Requested Site Zoning: FA/R-2/ HC PUD
 FA/R-2 PUD (REVISED 1/7/99)

SITE CONSIDERATIONS

Lot Size: 201.39 acres
Surrounding Zoning, Land Uses, & Buffer Types:
 North: FA, vacant (Type C)
 South: R-7/MR-7/GR, residential (no buffer)
 East: MR-4 PUD/FA, residential (Type B & C)
 West: FA, residential (no buffer)

Future Land Use Plan: Residential uses

Current County Land (in acres) Within the Requested Zoning Classification: FA - 140,310 acres, R-2 - 5,501 acres
 HC-10,624 acres, PUD-10,657 acres

Buffer Requirements: Type B buffer requires a min. 5' buffer width. Type C buffer requires a min. 6' buffer width.

TRANSPORTATION INFORMATION

(Provided by Waccamaw Regional Planning and Development Council and Coastal Rapid Public Transit Authority)

Closest Traffic Station: 227 (Hwy. 90) Between Hwy 57 to Hwy 20	Estimated Daily Trips Generated If Rezoning Were Approved: FA -282 to 37,077 trips, R-2 903 trips, HC - 6,261 trips
Average Annual Daily Traffic: 1995: 7,400 1996: 8,900 1997: 8,000	Potential Trips Generated If Current Zoning Remains: 1429 to 115,776 trips
Volume to Capacity Ratio: .90 (Roadway is at 90% capacity)	Traffic Analysis Zone (TAZ): 116
5-year Roadway Improvements: The Carolina Bays Parkway will be constructed through this project site.	
Transit Availability: None	

COMMENTS & RECOMMENDATION

Staff comments include the following:

- Current FA zoning allows for 232 lots. This PUD proposes 347 lots -115 lot increase. In exchange for the increase in lots and reduction in setbacks, 4.10 acres of upland open space has been provided.
- Future population within this PUD may include 798 persons. (Based on 2.3 persons/unit)
- Sidewalks have been provided throughout the development.
- Rezoning 126 acres of the site from FA to R-2 (Mandarin Point) will eliminate potential for commercial development.
- Nothing has been provided on the plan that shows that the project meets the intent of a PUD (Sec. 721 of the zoning ordinance) by using "new techniques" of development.
- The PUD proposes stick-built and mobile homes on lots that are a minimum of 7500 sq.ft. This proposed lot size is 14,250 sq.ft., smaller than the FA & R-2 one-half acre requirements.
- The PUD does provide "safe circulations" as required by Sec. 721 of the zoning ordinance. The PUD proposes only one ingress/egress to each of the developments. According to the National Fire Protection Association and standards enumerated in The Subdivision and Site Plan Handbook (Listokin and Walker, 1989.), a development of twenty-five residential lots or more should include more than one means of ingress and egress.

Case Number/Staff Contact: 98-12-008 / Patrick R. Zenner
 Report Completion Date: 12/21/98
 Revision Date:

ZONING MAP AMENDMENT
James Ellis, et al - Highway 90 and Mt. Zion Road
Mandarin Point and Carodel Subdivisions

Staff comments (continued)

- The proposed uses within the PUD are consistent with the future land use plan.
- The proposed PUD may generate 2485 trips that will access Hwy. 90 (currently at 90% of the roadway's capacity) and is within one-half mile of two schools, NMB Elementary & Middle, where existing traffic on Hwy 90 creates school safety zone hazards.
- A letter has been received from Horry County Schools requesting that the proposed density of this project be decreased to lessen potential traffic congestion and safety hazards.
- The PUD proposes setbacks of 20 feet front, 5 feet side, 10 feet rear. The FA zone requires 25 feet front, 10 feet side, and 15 feet rear. The R-2 zone requires 40 feet front, 15 feet side, and 25 feet rear.
- Mandarin Point density: Gross 1.53 du/ac, Net: 3.16 du/ac., Carodel density: Gross 3.18 du/ac, Net 3.49 du/ac.
- Project has been revised to eliminate HC zoning; therefore, the public hearing on the FA/R-2 PUD request will need to be heard before County Council.

Staff recommendation: Denial, unless the following conditions are met:

PUD Approval Conditions:

- 1- Provide secondary improved access, to county roadway standards, on the conceptual PUD plans and the subdivision plat.
- 2- To balance the requested lot increase and setback reductions, open space shall be increased or the density of the development reduced.

APPLICANT REVISED THIS SUBMITTAL TO ADDRESS THE ABOVE CONDITIONS ON JANUARY 7, 1999; THEREFORE STAFF RECOMMENDS APPROVAL OF THIS REQUEST.

Planning Commission Recommendation (1/7/99): Approved (unanimous)

Public Input: 1 individual spoke in opposition to the inclusion of commercial within the project. Staff explained that the commercial was removed from the request; therefore, this individual's concern was eliminated.

Public Notification Information:

Date Advertised: 12/23/98

Date Property Posted: 12/8/98

Number of Surrounding Property Owners Notified: 38

By: Joe Feest

Date Notification Mailed: 12/15/98

Case Number/Staff Contact: 98-12-008 / Patrick R. Zenner

Report Completion Date: 12/21/98

Revision Date: 1/11/99

STATE OF SOUTH CAROLINA)	BEFORE THE BOARD OF
)	ZONING APPEALS
COUNTY OF HORRY)	Case No.: 2005-01-006
In re: Highway Ninety Investors,)	ORDER OF THE BOARD
LLC,)	
Property Owner.)	
_____)	


Hearing was held before this Board on February 14, 2005, pursuant to the request of Daryl Crawford, authorized agent of the above-captioned property owner, for a variance from Article VII, §721.2(C) and Article VIII of the Horry County Zoning Ordinance regarding perimeter buffer requirements for forty-five (45) lots zoned Planned Unit Development (PUD) and located in the unincorporated portion of Horry County (Waterfall Circle, Waterfall Subdivision, Little River); TMS # 130-33-01-003 through -014, -048 through -063, and -066 through -082. Also included are those exterior lots which were created in Phase II and which were approved by Horry County Planning.

Article VII, §721.2(C) and Article VIII require an exterior planned unit development buffer width of twenty-five feet (25') for this property, and the applicant is requesting an exterior planned unit development buffer width of zero feet (0'), for a variance of twenty-five feet (25').

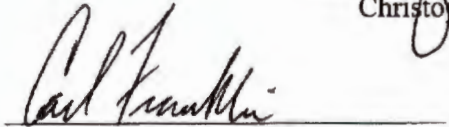
The property owner, its agent, and the zoning administrator were given the opportunity to offer witnesses and exhibits and to make argument for the record. A public hearing was held and all interested parties were invited to comment before the Board. After due consideration of all relevant evidence, motion was made and seconded to **grant** the variance requested **with conditions**, because the five-part criteria set forth in S.C. Code Ann. §6-29-800 were met by the facts of this case. Motion passed, and the **variance** was **granted with the following conditions**:

- The developer must maintain the landscape berm until such time as it turns it over to the homeowners' association, and then the homeowners' association must maintain it; and
- Other than the retaining wall, no other structures of any kind (including, but not limited to, fencing) be placed on the berm.


AND IT IS SO ORDERED, this 14th day of February, 2005.




 Christopher Hanna, Chairman




 Carl Franklin, Vice-Chairman



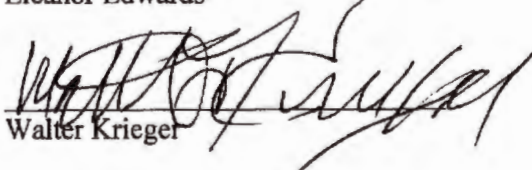
 William "Stoney" Cantor



 Eleanor Edwards



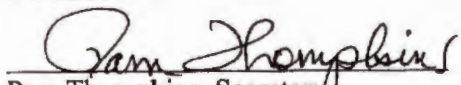
 James Hall



 Walter Krieger

 Wendell Todd

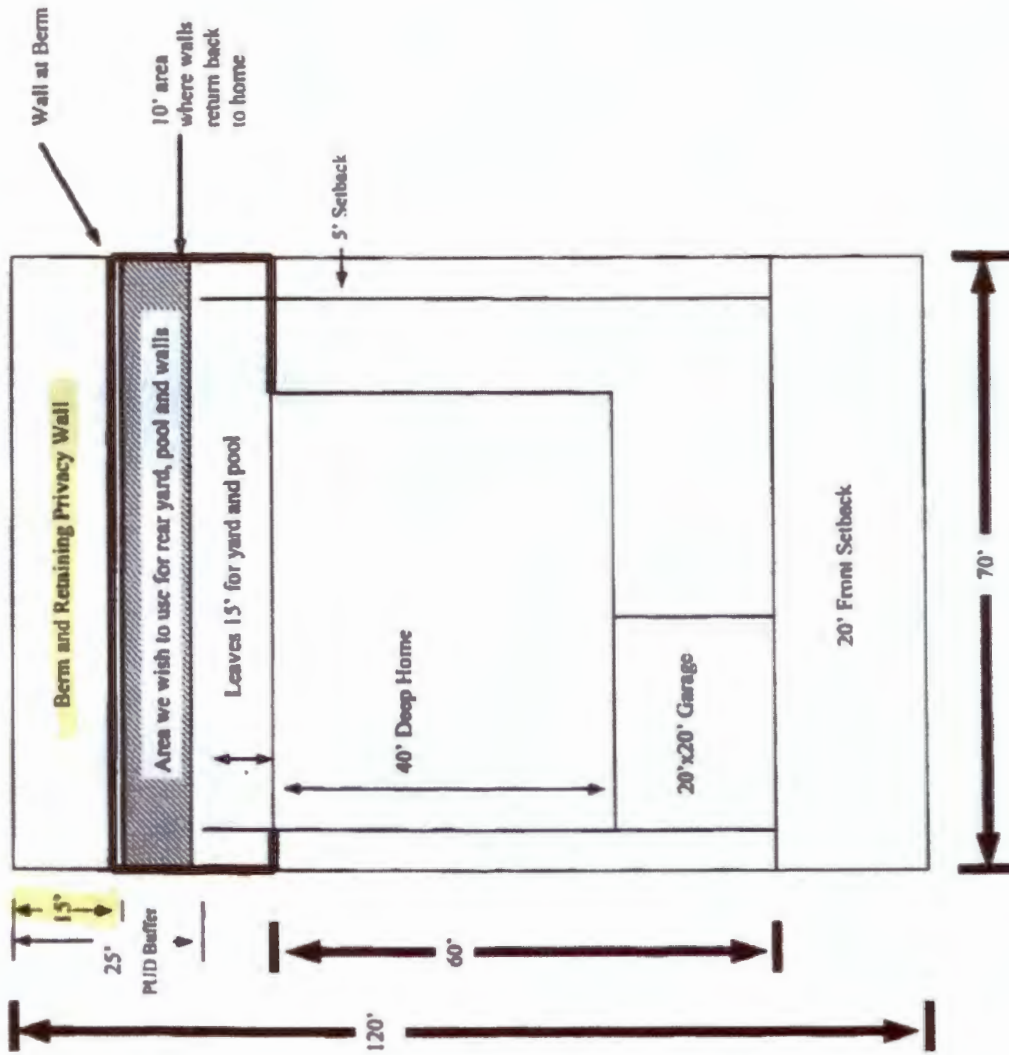
ATTEST:



 Pam Thompkins, Secretary

EXHIBIT B

(Areas in red pertain to the variance request)





Applicant Submittal

VARIANCE REQUEST

Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance: Article(s) Article VII, 721.2(c) & Article VIII Section(s)

Description of Request: The applicant request a variance of 25' from the PUD buffer requirements for the Waterfall PUD in order that residents may construct in ground pools and concrete masonry unit (CMU) fences along the rear property lines of the subdivision in keeping with the scheme of development, and to be consistent with numerous variances granted for lots within the Waterfall subdivision.

Table with 2 columns: Required and Requested. Rows include Front Setback, Side Setback, Rear Setback, Bldg. Separation, Minimum Lot Width, Min Lot Width/Bldg Site, and Max Height of Structure.

Are there Restrictive Covenants on this property that prohibit or conflict with this request? Y N

A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the finding as stated below:

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. 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.
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
5. The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or change the zoning district boundaries shown on the official zoning map.

To the best of your ability please explain in detail how the aforementioned findings apply to your request: (may include attachments)

- 1. The subdivision has been constructed and improved in a manner that is consistent with Applicant's request, as evidenced by the construction of CMU fencing along the property lines of the perimeter lots.
2. The BOZA has previously granted variances for lots within this PUD, subject to the requirements that an existing berm be maintained.
3. All perimeter lots within the Waterfall PUD are required to have a CMU fencing along the rear property lines.

The following documents are submitted in support of this application: (an accurate legible plot plan prepared by a registered architect, engineer or surveyor showing property dimensions and locations of all existing and proposed structures may be required)

Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

Highway Ninety Investors, LLC
Applicants Signature: David A. Brown, Agent
Date: 12-15-22
By: Waterfall POA, Inc.
David A. Brown, Agent



285 Waterfall Circle
Little River, South Carolina 29566
Phone: 817-490-5627
Email: waterfallpoaboard@gmail.com

**Resolution of the Board of Directors for
Waterfall POA, Inc.**

Whereas, it has come to the attention of the Board of Directors for the Waterfall POA, Inc. ("the Board") that Highway Ninety Investors, LLC has applied to the Board of Zoning Appeals in and for Horry County, South Carolina for variances from the Planned Unit Development ("PUD") buffer concerning Lots 21 & 25 in the Waterfall development in order that the purchasers can install in ground pools in the rear yards of those lots at the County's ten foot (10') setback line and also concrete masonry walls at or near the perimeter boundary lines of the lots; and

Whereas, the Board has also become aware that the large majority of the lots in the Waterfall development have been developed in a manner that is inconsistent with the strict requirements of a 25' PUD buffer in that concrete masonry walls have been installed at or near the perimeter boundary lines of the lots as required by the restrictive covenants for the development; and


Whereas, the Board has determined that it is in the best interest of the Waterfall subdivision and its members if the remaining perimeter lots within the subdivision are improved in a manner that is consistent with the majority of the perimeter lots within the subdivision, in that that concrete masonry walls may installed at or near the perimeter boundary lines of the lots as required by the restrictive covenants for the development; and


Now therefore, the Board has resolved and does hereby resolve as follows:

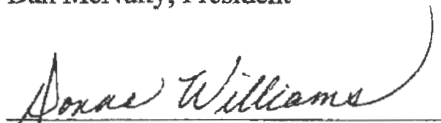
1. The Board joins in the request by Highway Ninety Investors, LLC in the request that the Horry County Board of Zoning Appeals grant the requested variances for Lots 21 & 25 within the Waterfall subdivision in order that the builder may construct in ground pools in the rear yards and concrete masonry walls at or near the perimeter boundary lines of the subdivision and tie the walls into existing concrete masonry walls on the adjacent lots.

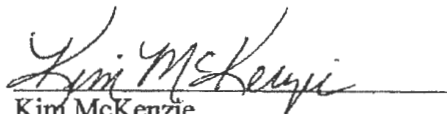
2. The Board does hereby authorize and direct Mr. David Brown, as agent for the Waterfall POA, Inc., to apply for and seek a variance for the entirety of the Waterfall subdivision to seek an additional variance from the Board of Zoning Appeals in and for Horry County, South Carolina in order that all perimeter lots within the Waterfall subdivision may be improved with concrete masonry walls being constructed at or near the perimeter boundary lines of the development in conformity with the restrictive covenants for the development and in a manner consistent generally with how the majority of the development has been constructed.


It is so resolved this 21 day of May 2021.

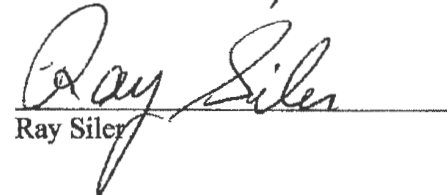

Dan McNulty, President


Cora Badagliacca, Vice President


Donna Williams, Secretary


Kim McKenzie

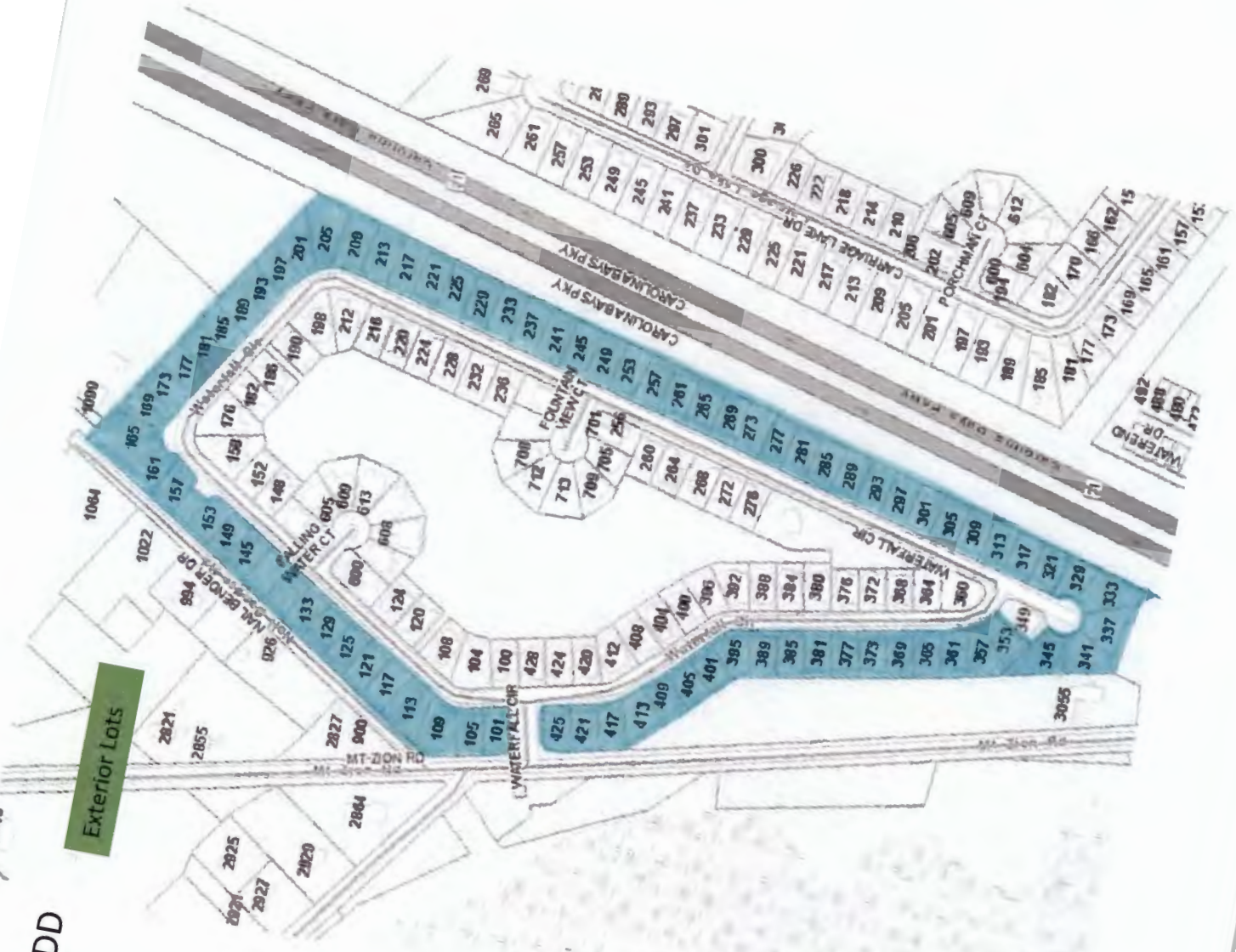

Colleen Rhodes


Ray Siler


David Brown

Waterfall PDD

Exterior Lots



Case # 2023-01-009

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-01-009	Zoning Information	
Applicant	Palmetto Architecture	Zoning District	RE1
Parcel Identification (PIN) #	401-04-04-0007	Parcel Size	1.08 Acres
Site Location	1571 Hwy 544, Conway	Proposed Use	Dental Office
Property Owner	128 East Main Street Duncan LLC		
County Council District #	8 - Masciarelli		

Requested Variance(s)

The applicants are requesting a variance from Article VII, Section 704 regarding parking requirements for medical offices in the RE1 zoning district.

	Requirement	Requested	Variance Needed	Percentage
Art. VII, Section 704 - Medical Office Parking Spaces	80	62	18	23%

Background/Site Conditions

This is the location of Grand Strand Dentistry. The applicants are proposing a 2,155 sq. ft. addition to the building. Medical office uses require five (5) parks per treatment room. The medical office use with a total of 16 treatment rooms requires 80 parking spaces the applicants are providing 62 (3.5 parks per treatment room) for a variance of 18.

Ordinance and Analysis

Before a variance can be granted, the Board must first find that the strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following five findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; (Is this request special?)

There are none.

2. These conditions do not generally apply to other property in the vicinity; (Is this request unique?)

These conditions apply to all medical office uses.

3. 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.

VARIANCE REVIEW SHEET

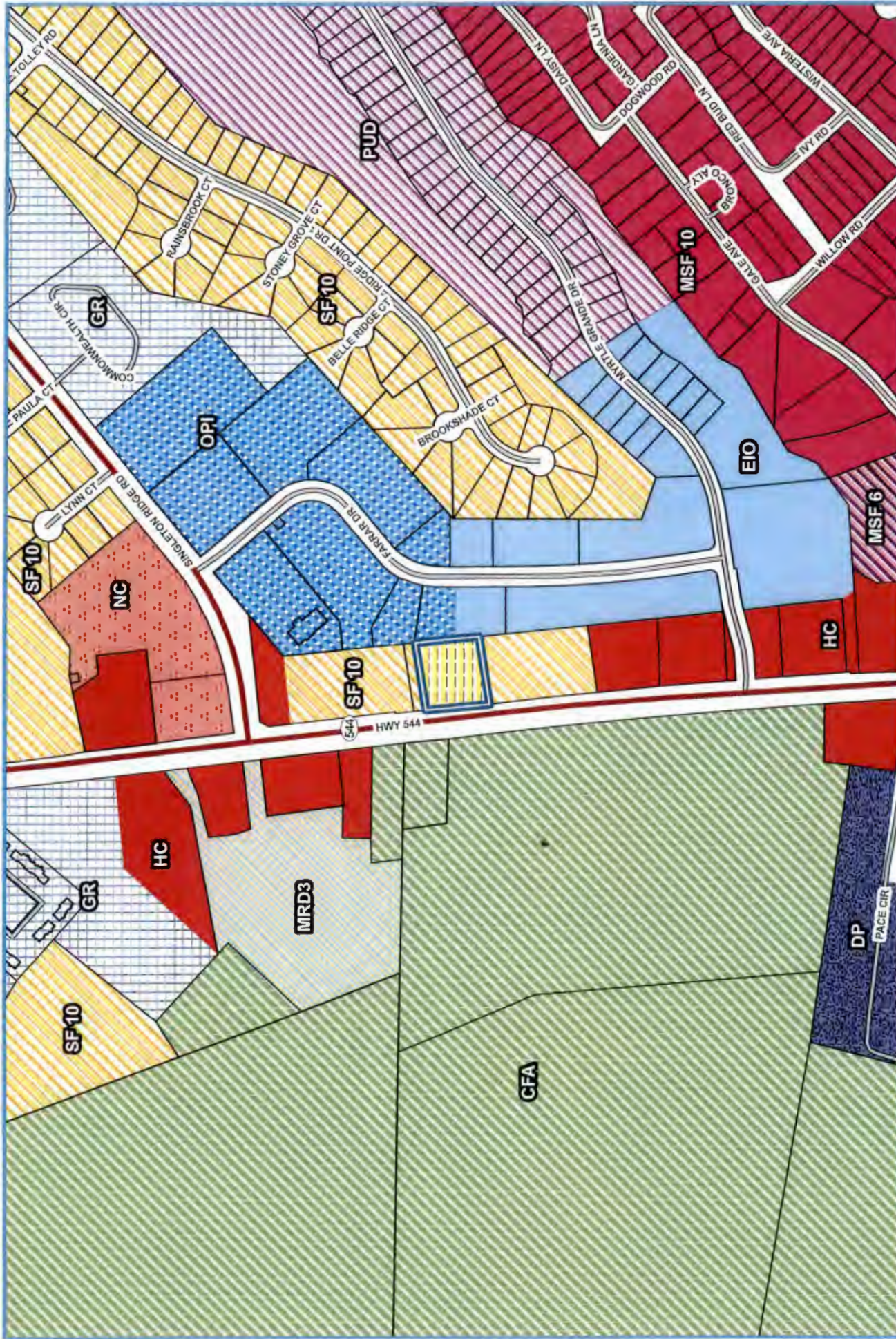
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

5. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Proposed Order/Conditions

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.





- Parcel for Consideration
- Parcel Boundary
- Major Road
- Road


Zoning Map
 Variance Case Number
 2023-01-009
 Palmetto Architecture agent for
 128 East Main Street Duncan LLC
 PIN: 40104040007






-  Parcel for Consideration
-  Major Road
-  Road

Aerial Map
 Variance Case Number
 2023-01-009
 Palmetto Architecture agent for
 128 East Main Street Duncan LLC
 PIN: 40104040007

 **HC Government**

0 50 100 Feet

N 



Parking in Front of Building



Additional Parking on Rear



Street View off Hwy 544



Parking on front - Hwy. 544



Left side of drive thru 6 parks



Right side 14 parks



Applicant Submittal

VARIANCE REQUEST

1. Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:

Article(s): XI Section(s): 1104 - Off Street Parking Requirements per Land Use

2. Description of Request: Current Zoning requires 5 Parking Spaces per Treatment Room. We are requesting this be modified to 3.5 parking spaces per Treatment room. That equals 1 space per employee as in Dental this is usually 1 employee per treatment room. 1 space per patient in the exam room, 1 space per patient waiting and .5 parking spaces for patients leaving or arriving very early. Dr. Armstrong has reported that their current parking lot is never over 70% full under current conditions. Cont. Below

Table with 2 columns: Required and Requested. Rows include Front Setback, Side Setback, Rear Setback, Minimum Lot Width, Min Lot Width @ Bldg. Site, and Max Height of Structure.

Other Variances: The renovation will have a total of 16 exam rooms requiring 80 Parking spaces. Maximum parking layout will yield 62 parking spaces. which is about 3.8 parks per exam room or 12 more than history deems needed. Please Note Hospitals only require 1 per doctor and 1 per 2 employees.

3. South Carolina Law 6-29-800(A)(2) required the following findings in order for the ZBA to grant a variance. The failure to completely answer these questions will render your application incomplete and your case will not be heard.

- a. What extraordinary and exceptional conditions pertain to this particular piece of property? The site will not yield more than 62 parking spaces and comply with all other zoning requirements. 62 spaces is more than needed based on logical assumptions.
b. Why do these conditions not apply to other properties in the vicinity? This is the only dental office in this vicinity that would be required to comply with 5 parking spaces per exam room.
c. Why do the conditions listed in 3a and 3b along with the zoning ordinance sections cited in 1 prohibit or reasonably restrict the utilization of the property? The site has been redesigned to it's maximum potential parking and complying with other zoning. There is no available space to add parking beyond 62 spaces.
d. Will the authorization of the variance cause a substantial detriment to the adjacent property, public good or harm the character of the district? The redesigned site will comply with all other zoning including new landscaping. The adjacent Cemetery will not be affected by this variance.

** The fact that property may be utilized more profitably may not be considered grounds for a variance.

4. Are there Restrictive Covenants on this property that prohibit or conflict with this request?

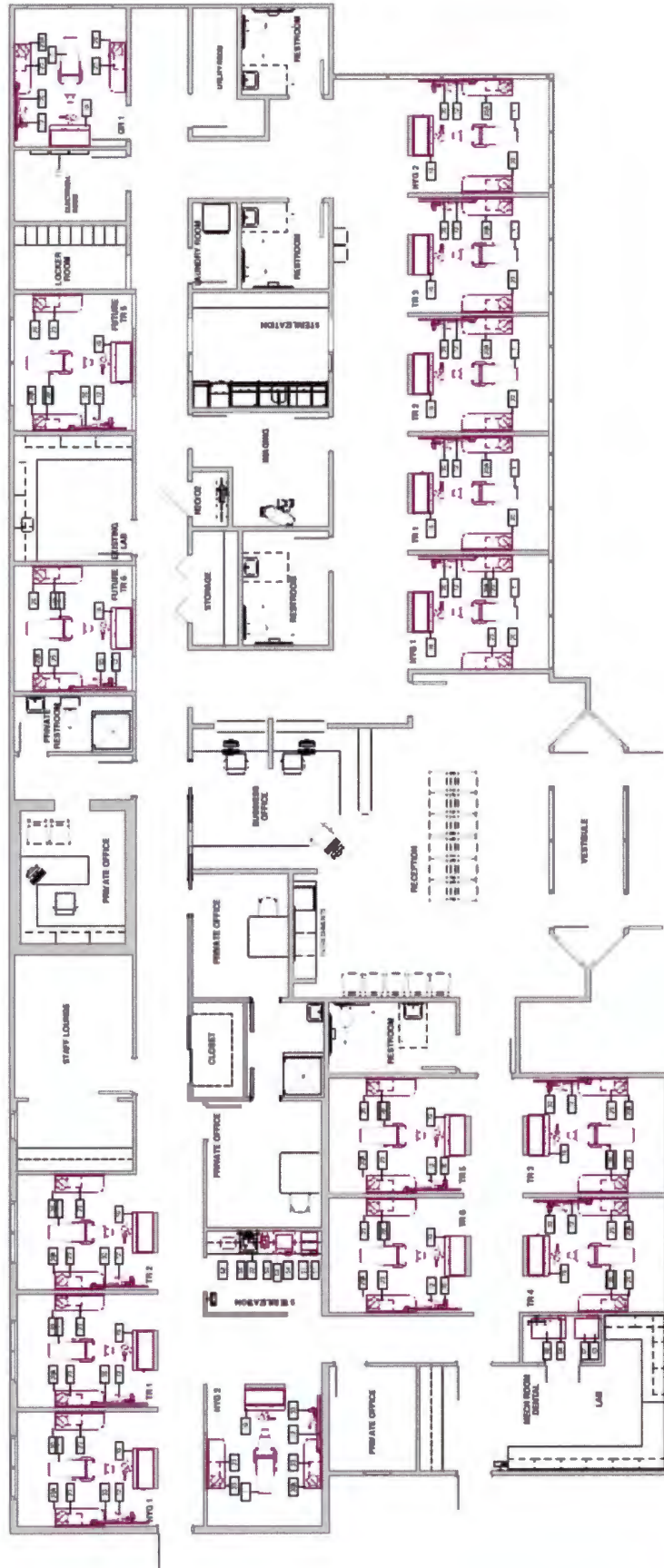
YES [] NO [X]

5. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

Robin Roberts
Applicant's Signature

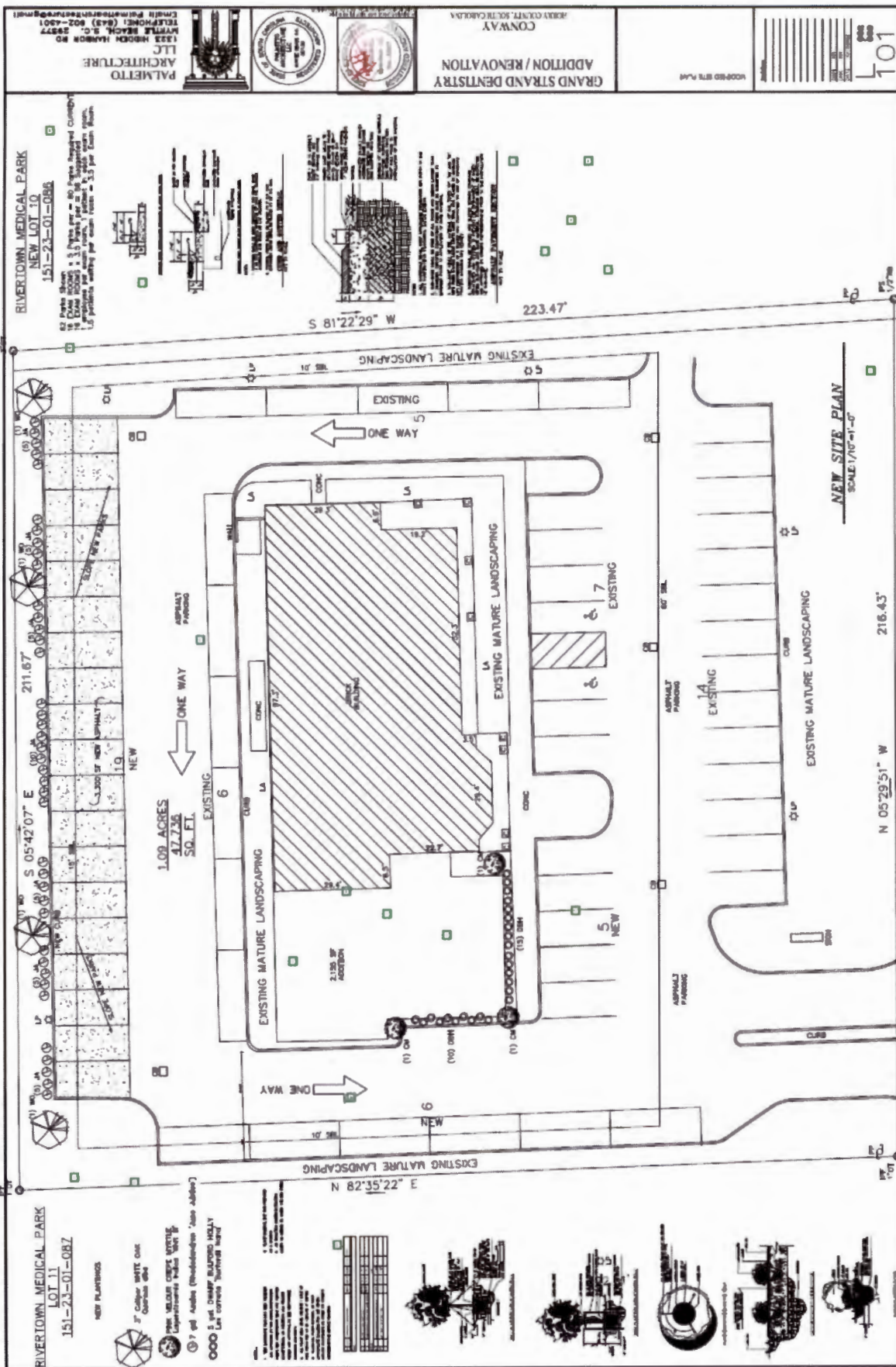
12/30/2022
Date

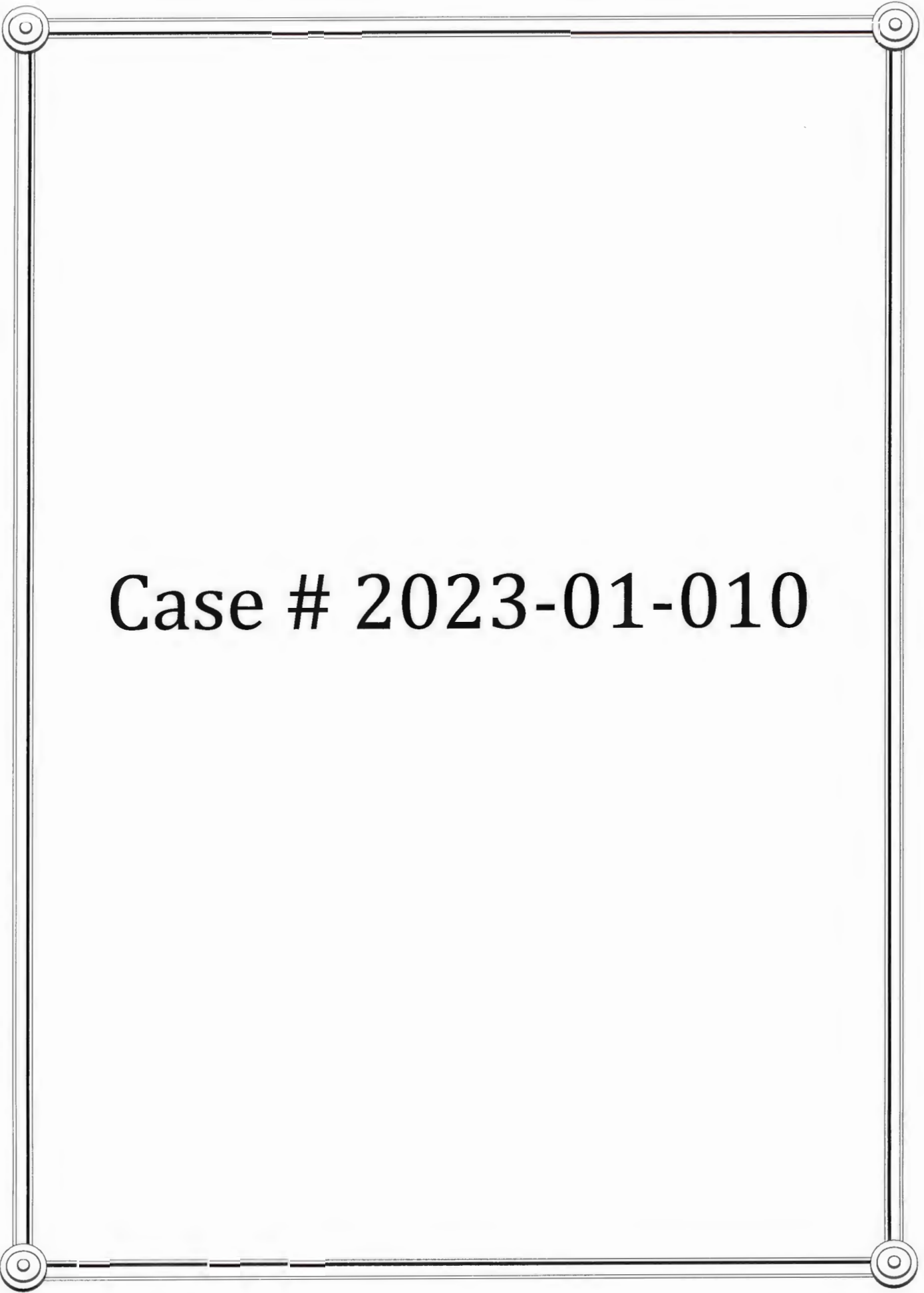
Floor Plan – 16 treatment rooms



16
16

Site Plan



A rectangular frame with a double-line border. At each of the four corners, there is a decorative circular element consisting of a small inner circle and a larger outer circle.

Case # 2023-01-010

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-01-010
Applicant	Tarr Group LLC, agent
Parcel Identification (PIN) #	457-10-02-0049
Site Location	9608 Hwy 707, Myrtle Beach
Property Owner	WMG Exchange LLC
County Council District #	6 - Crawford

Zoning Information

Zoning District	RE3
Parcel Size	.84 Acres
Proposed Use	Dental Office

Requested Variance(s)

The applicants are requesting a variance from Article VII, Section 704 regarding parking requirements in the RE3 zoning district.

	Requirement	Requested	Variance Needed	Percentage
Art. VII, Section 704 Medical Office parking				
Parking Spaces	60	34	26	44%

Background/Site Conditions

This is the proposed location of Myrtle Beach 707 Dental office with 12 treatment rooms. The parking ordinance requires five (5) parking spaces per treatment room. The applicants are proposing 34 parking spaces (2.83 spaces per treatment room) instead of the required 60 for a variance of 26.

Ordinance and Analysis

Before a variance can be granted, the Board must first find that the strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following five findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; (Is this request special?)

There are none.

2. These conditions do not generally apply to other property in the vicinity; (Is this request unique?)

These conditions apply to all medical office uses.

3. 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.

VARIANCE REVIEW SHEET

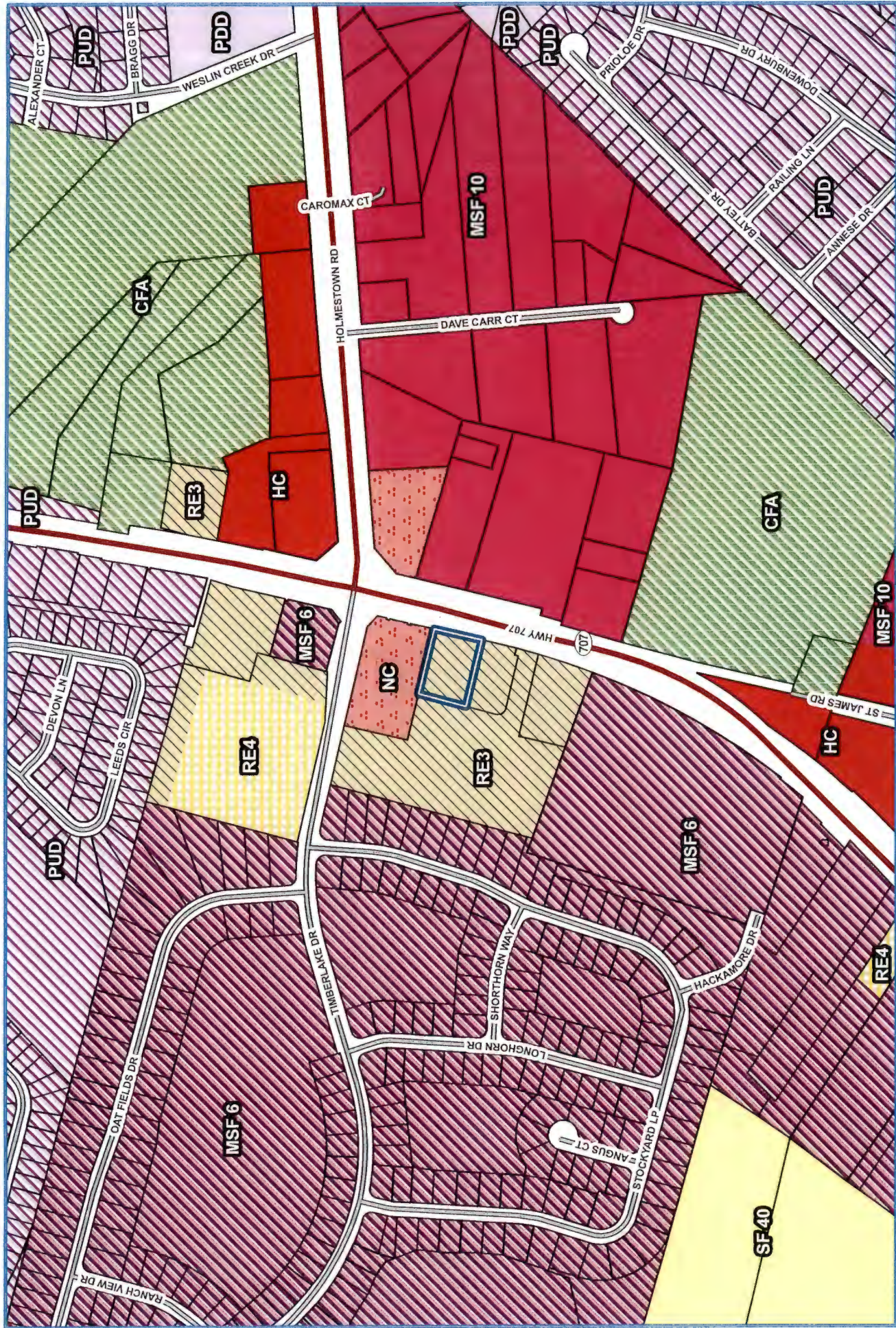
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

5. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Proposed Order/Conditions

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.



Zoning Map
 Variance Case Number: 2023-01-010
 Tarr Group LLC agent for WMG Exchange 1 LLC
 PIN: 45710020049

HC Government

Parcel for Consideration
 Parcel Boundary
 Major Road
 Road

0 250 500 Feet

N



Parcel for Consideration
Major Road
Road

Aerial Map
Variance Case Number
2023-01-010
Tarr Group LLC agent for
WMG Exchange 1 LLC
PIN: 45710020049

HC Government

0 50 100 Feet



Street View of Property off Hwy 707



View of Adjacent Property on Left



View of Purposed Building Site



View of Commercial Center Adjacent to Property



Applicant Submittal

VARIANCE REQUEST

1. Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:

Article(s): XI Section(s): 1104

2. Description of Request: To reduce the number of required parking spaces from 60 to 34

Table with 2 columns: Required and Requested. Rows include Front Setback (50'), Side Setback (10'), Rear Setback (15'), Minimum Lot Width (N/A), Min Lot Width @ Bldg. Site (N/A), and Max Height of Structure (35').

Other Variances: Required parking for dental offices is 5 per treatment room. The building has 12 proposed treatment rooms making the required parking county 60. We are proposing 34 spaces which equates to 2.83 spaces per treatment room.

3. South Carolina Law 6-29-800(A)(2) required the following findings in order for the ZBA to grant a variance. The failure to completely answer these questions will render your application incomplete and your case will not be heard.

a. What extraordinary and exceptional conditions pertain to this particular piece of property? see attached responses

b. Why do these conditions not apply to other properties in the vicinity? see attached responses

c. Why do the conditions listed in 3a and 3b along with the zoning ordinance sections cited in 1 prohibit or reasonably restrict the utilization of the property?

d. Will the authorization of the variance cause a substantial detriment to the adjacent property, public good or harm the character of the district? see attached responses

** The fact that property may be utilized more profitably may not be considered grounds for a variance.

4. Are there Restrictive Covenants on this property that prohibit or conflict with this request?

YES [] NO [x]

5. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

Jonathan Brumleve

Applicant's Signature

1/4/2023

Date

1. Describe the extraordinary and exceptional conditions pertaining to the particular piece of property.

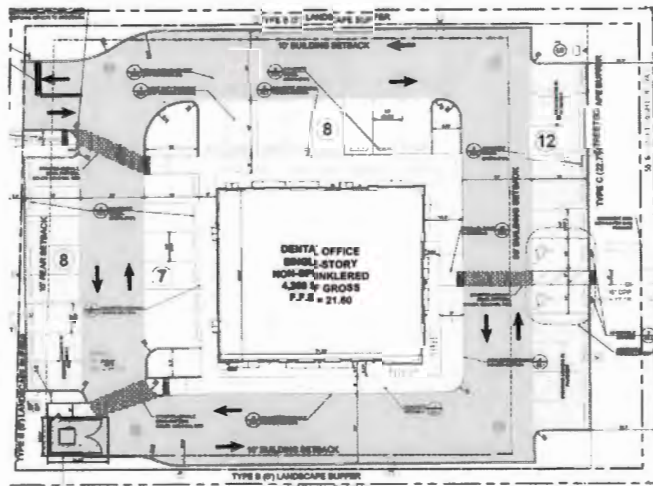
The subject property is 0.83 acres and was the subject of a minor subdivision plat that was recorded prior to the applicant's purchase of the property. The parcel is bound by a state highway and shared access drive aisle to the east and west, respectively, as well as developed commercial parcels to the north and south. The property is also subject to a recorded Memorandum of Lease related to the adjacent grocery store that places limits on the types of uses that can be developed. A dental office is one of the permitted uses of the property.

2. Why do these conditions not apply to other properties in the vicinity?

A review of Article XI, Parking Regulations, shows that the ratio for many non-residential uses is based purely on square footage or number of employees, even general "office" uses are 1 space per 300 square feet. Medical offices, including dental, have a specialized ratio that is based on "treatment rooms". The strict application of this requirement does not take into account how the entirety of the building is utilized and whether it been efficiently designed.

3. Why do the conditions listed in 3a and 3b along with the zoning ordinance sections cited in 1 prohibit or reasonably restrict the utilization of the property?

The company's prototype building is 4,200 square feet. This is a design that has been perfected over time and one that efficiently supports 12 treatment rooms and an office staff of 14 employees. The site plan demonstrates that all available land has been utilized while still complying with required setbacks and buffers. There is no available, additional space that could be used for parking spaces.



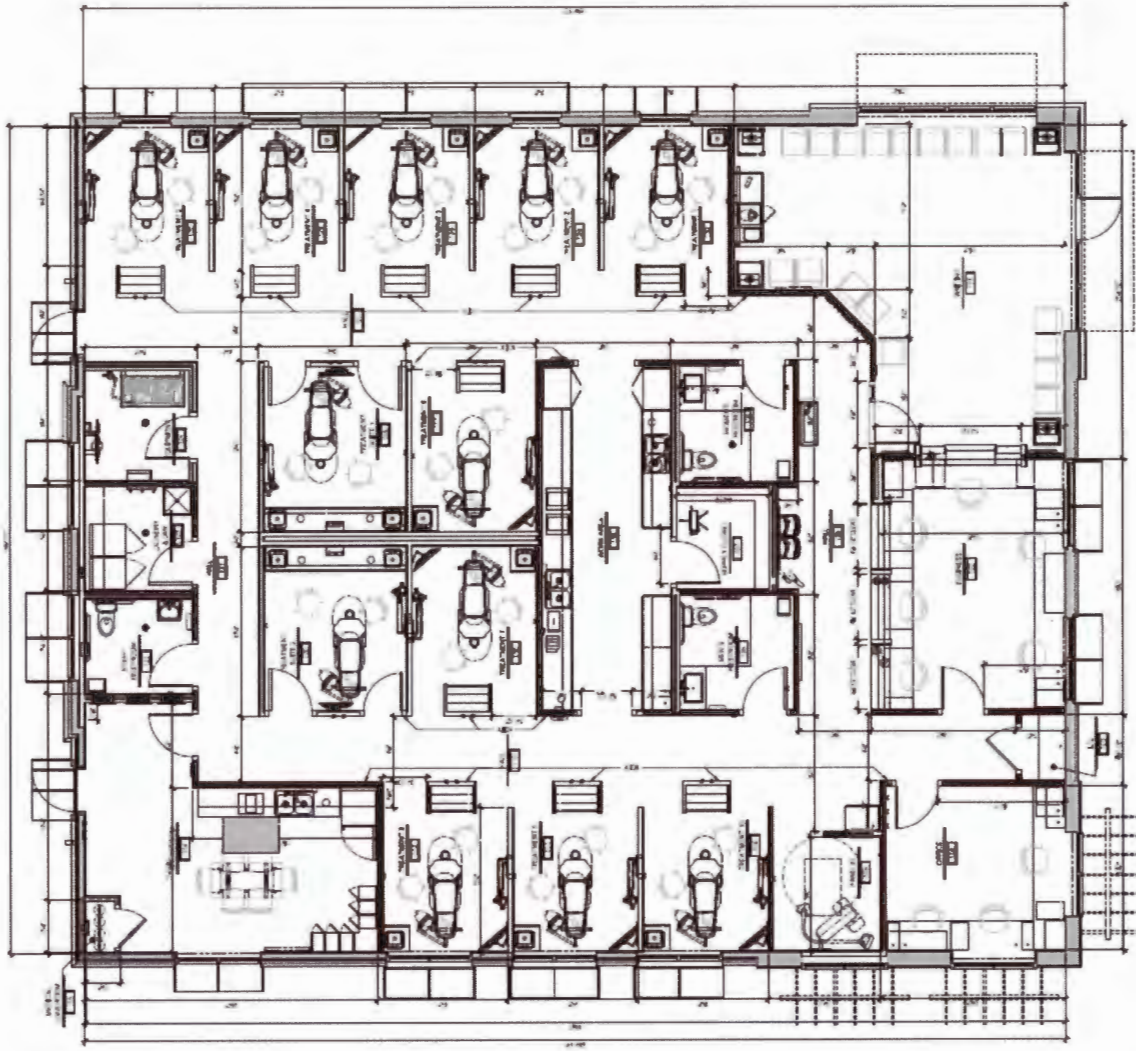
Floor Plan

HEARTLAND DENTAL UPTII
Myrtle Beach (Holmestown)
Project #22234
Date: 9/27/2022

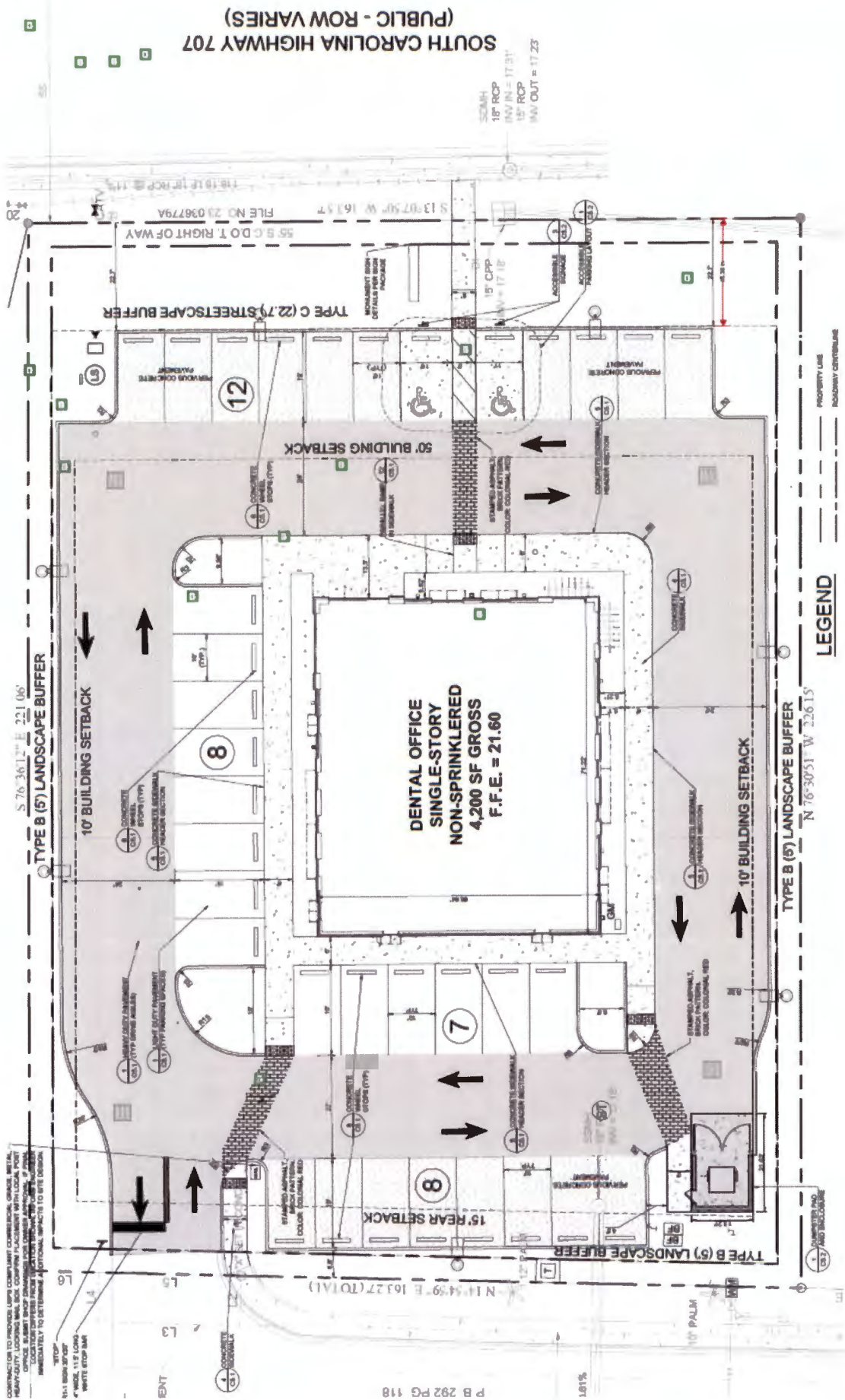
DIMENSIONS AND AREA

Gross Area: 4,310 S.F.
Total Area: 4,002 S.F.
Overall Dimensions:
69'-1 1/2" x 58'-1 1/2"

Waiting Area: 14 Single
2 Bariatric
Treatment Rooms: 10
Treatment Suites: 2



Site Plan





Case # 2023-01-011

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-01-011	Zoning Information	
Applicant	Thomas and Hutton	Zoning District	MRD3
Parcel Identification (PIN) #	439-06-01-0036	Parcel Size	3.8 acres
Site Location	Coopers Bluff Ph. 4 & 5 lots located between PeachTree and Swing Bridge Way, Myrtle Beach	Proposed Use	Single family
Property Owner	Lennar Carolinas, LLC		
County Council District #	6 - Crawford		
Parcel Identification (PIN's)	43906010036, 43906010036, 43906040077, 43906040078, 43906030008, 43906030009, 43906030010, 43906030011, 43906030012, 43906030013, 43906030014, 43906030015, 43906030016, 43906030017, 43906030018, 43906030019, 43906030117, 43906030118, 43906030119, 43906030120, 43906030121, 43906030122, 43906030123, 43906030124, 43906030125, 43906030126, 43906030127		

Requested Variance(s)

The applicants are requesting a variance from Article IV, Section 412.B 4 a regarding fence requirements in the Multi-Residential (MRD3) zoning district.

	Requirement	Requested	Variance Needed	Percentage
27 Lots along Peachtree Rd within Cooper's Bluff Ph. 4 & 5				
Privacy Fences	10'	0'	10'	100%

Background/Site Conditions

These lots are part of the Cooper's Bluff subdivision in Phases 4 & 5. There are 27 single family lots abutting Peachtree Rd within these phases. These phases were approved in 2021 which did not require the streetscape buffer, however the plans were approved with a 10' private landscape easement on the rear of these parcels, not a fence. Art. IV Section 412 B 4 a requires any privacy fence or wall installed in a front and/or corner side yard to meet a 10' setback from the front and corner side property lines abutting the right of way. The applicants are requesting a variance to allow a privacy fence along these 27 lots to be 0' from the front property line of Peachtree Rd instead of the required 10' for a variance of 10'. A letter of approval has been provided from Waccamaw Management stating there are no restrictive covenants that prohibit the fence in these phases. Andy Markunas, County Engineer, reviewed the site triangle map and states vision of traffic on Peachtree from both side street intersections would be less restricted if this fence had not been installed, but available site distance at both locations are still well in excess of minimum requirements- even with the fence in place.

Ordinance and Analysis

Before a variance can be granted, the Board must first find that the strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following five findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; (Is this request special?)

There are none.

VARIANCE REVIEW SHEET

2. These conditions do not generally apply to other property in the vicinity; (Is this request unique?)

These requirements apply to all privacy fences abutting a right of way.

3. 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.

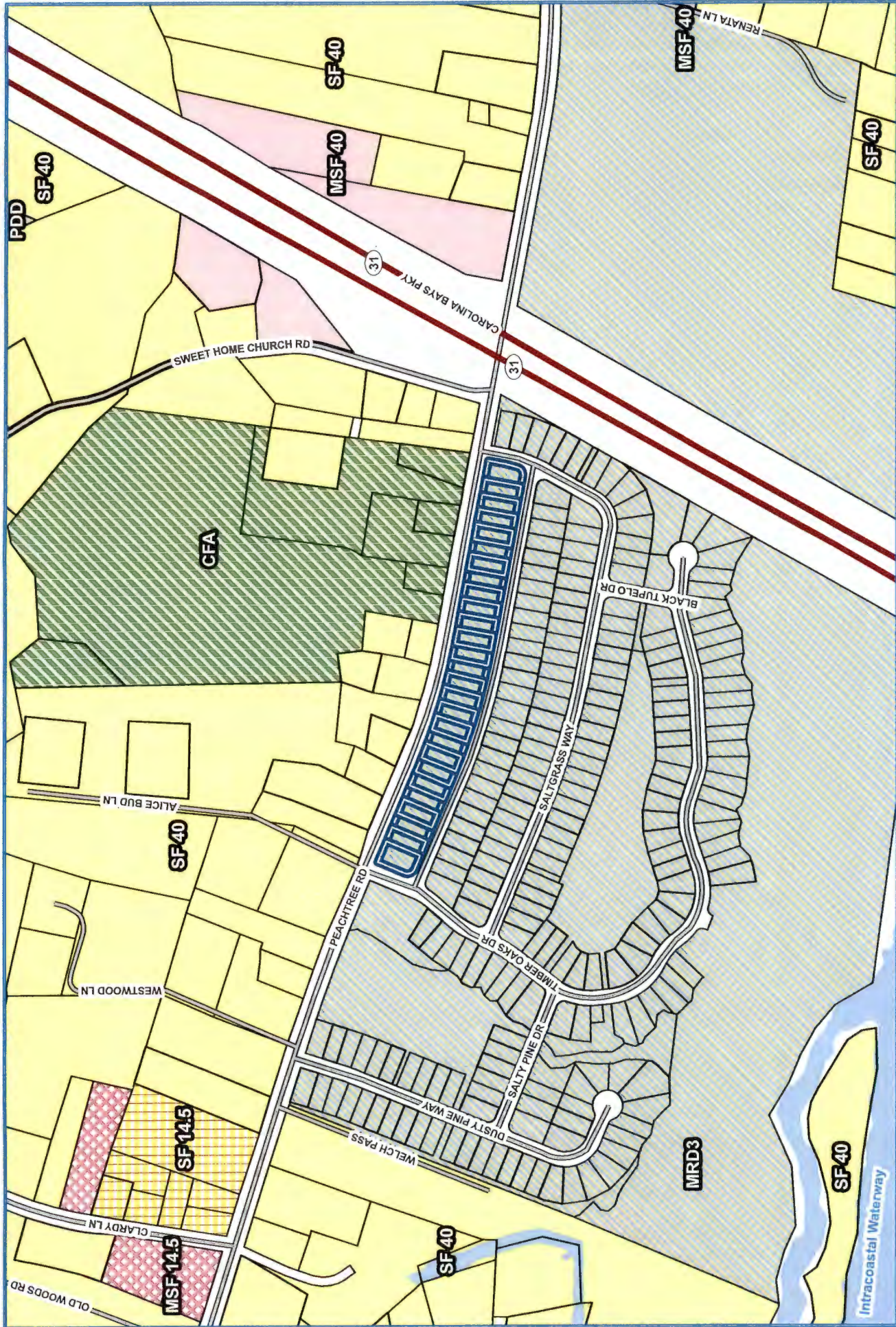
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

5. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Proposed Order/Conditions

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. Revised plans to be submitted showing fence instead of previously approved landscape easement.
4. All other applicable County requirements shall be met.



Zoning Map
 Variance Case Number
 2023-01-011
 Thomas & Hutton agent for
 Lennar Carolinas, LLC
 PIN: 43906010036, 43906040076-0078, 43906030008-0019, 43906030117-0127

HC Government




Parcel for Consideration Major Road
 Parcel Boundary Road
 Waterbody

0 250 500 Feet


N

Intracoastal Waterway




-  Parcel for Consideration
-  Major Road
-  Road

Aerial Map
 Variance Case Number
 2023-01-011
 Thomas & Hutton agent for
 Lennar Carolinas, LLC
 PIN: 43906010036, 43906040076-0078, 43906030008-0019, 43906030117-0127

 **HC Government**

0 100 200 Feet

N 



1st Entrance to Development at Cooper's Bluff



2nd Entrance to Development at Cooper's Bluff



View of Exterior Wall of Development on Swing Bridge Way



View of Wall at the Rear of Homes on Swing Bridge Way



Applicant Submittal

VARIANCE REQUEST

1. Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:

Article(s): Article IV Section(s): Section 412.B.4.a

2. Description of Request:

Requesting variance on 10' required setback for fences and walls.

Table with 2 columns: Required and Requested. Rows include Front Setback, Side Setback, Rear Setback, Minimum Lot Width, Min Lot Width @ Bldg. Site, and Max Height of Structure. All values are N/A.

Other Variances: Fence required setback = 10', Fence requested setback = 0'

3. South Carolina Law 6-29-800(A)(2) required the following findings in order for the ZBA to grant a variance. The failure to completely answer these questions will render your application incomplete and your case will not be heard.

a. What extraordinary and exceptional conditions pertain to this particular piece of property?

If the fence is moved, the houses along that line would lose a functional backyard and would no longer benefit from the interior landscaping.

b. Why do these conditions not apply to other properties in the vicinity?

No other Major subdivisions in close proximity. There is a privacy fence on Peachtree associated with the Kenzgar subdivision that appears to be constructed along the edge of R/W appx. 1-mile from Cooper's Bluff.

c. Why do the conditions listed in 3a and 3b along with the zoning ordinance sections cited in 1 prohibit or reasonably restrict the utilization of the property?

The landscaping along the interior of the fence was designed for the beautification and use of the rear yards along the fenceline. Moving the fence would prohibit the use of the landscaping and the general use of the yard itself.

d. Will the authorization of the variance cause a substantial detriment to the adjacent property, public good or harm the character of the district?

No, because the fence runs parallel to the arterial road, it does not pose a danger to vision clearance. See attached Sight Triangle Exhibit.

** The fact that property may be utilized more profitably may not be considered grounds for a variance.

4. Are there Restrictive Covenants on this property that prohibit or conflict with this request?

YES NO
[] [X]

5. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

David J. Ellis Jr
Applicant's Signature

1/3/23
Date



January 3, 2023

Horry County Planning & Zoning
1301 2nd Avenue
Conway, SC 29526

Re: Coopers Bluff Phases 4 & 5 – Fence Variance

Please accept this correspondence as authorization to include the following Parcel Identification Numbers with the Request for Variance on the fence location at Coopers Bluff Phases 4 and 5.

439-06-01-0036	439-06-03-0013	439-06-03-0119
439-06-04-0076	439-06-03-0014	439-06-03-0120
439-06-04-0077	439-06-03-0015	439-06-03-0121
439-06-04-0078	439-06-03-0016	439-06-03-0122
439-06-03-0008	439-06-03-0017	439-06-03-0123
439-06-03-0009	439-06-03-0018	439-06-03-0124
439-06-03-0010	439-06-03-0019	439-06-03-0125
439-06-03-0011	439-06-03-0117	439-06-03-0126
439-06-03-0012	439-06-03-0118	439-06-03-0127

This correspondence shall also serve as verification that there are no restrictive covenants on the property that prohibit the fence.

Should you have questions regarding this matter, please do not hesitate to contact our office at 843-903-9551.

On behalf of the Board of Directors,

Waccamaw Management,
An Associa® Company
Managing Agent

Debor Alexander, CMCA
Community Association Manager

Managed by:

www.waccamawmanagement.com
info@waccamawmanagement.com



Pawleys Island Office
P.O. Box 2308
Pawleys Island, SC 29585
843.237.9551

Carolina Forest Office
P.O. Box 51558
Myrtle Beach, SC 29579
843.903.9551

Briarwood Office
605 Briarwood Drive, Suite C
Myrtle Beach, SC 29572
843.272.8705



611 BURROUGHS & CHAPIN BOULEVARD, SUITE 202
MYRTLE BEACH, SC 29577 | 843.839.3545
THOMASANDHUTTON.COM

January 3, 2023

Horry County Planning & Zoning
Attn: Pam Thompkins, Zoning Administrator
1301 2nd Avenue
Conway, SC 29526

RE: Cooper's Bluff Phs 4 & 5 – Fence Variance PIN's

Dear Pam:

The following Parcel Identification Numbers are associated with the Request for Variance on the fence location for Cooper's Bluff Phases 4 & 5.

439-06-01-0036	439-06-03-0018
439-06-04-0076	439-06-03-0019
439-06-04-0077	439-06-03-0117
439-06-04-0078	439-06-03-0118
439-06-03-0008	439-06-03-0119
439-06-03-0009	439-06-03-0120
439-06-03-0010	439-06-03-0121
439-06-03-0011	439-06-03-0122
439-06-03-0012	439-06-03-0123
439-06-03-0013	439-06-03-0124
439-06-03-0014	439-06-03-0125
439-06-03-0015	439-06-03-0126
439-06-03-0016	439-06-03-0127
439-06-03-0017	

Please contact our office if you have any questions.

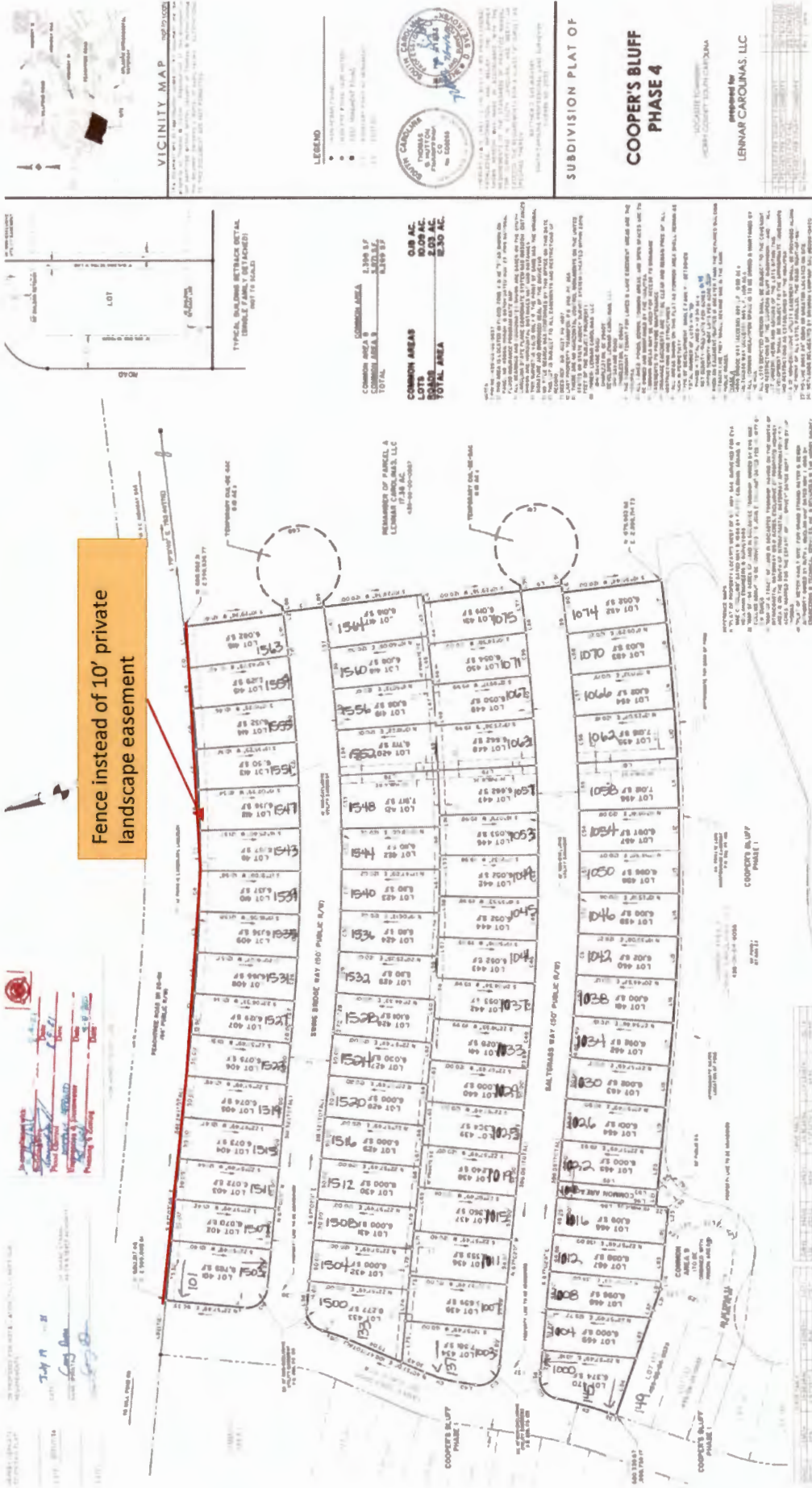
Regards,

John Danford
Project Manager
843.315.5906

Danford.j@tandh.com

Phase 4

Fence instead of 10' private landscape easement



- LEGEND
- UNIMPROVED LOT
 - IMPROVED LOT
 - LOT WITH PRIVATE LANDSCAPE EASEMENT
 - LOT WITH TEMPORARY PRIVATE LANDSCAPE EASEMENT
 - LOT WITH 10' PRIVATE LANDSCAPE EASEMENT

COMMON AREA 1
 COMMON AREA 2
 TOTAL

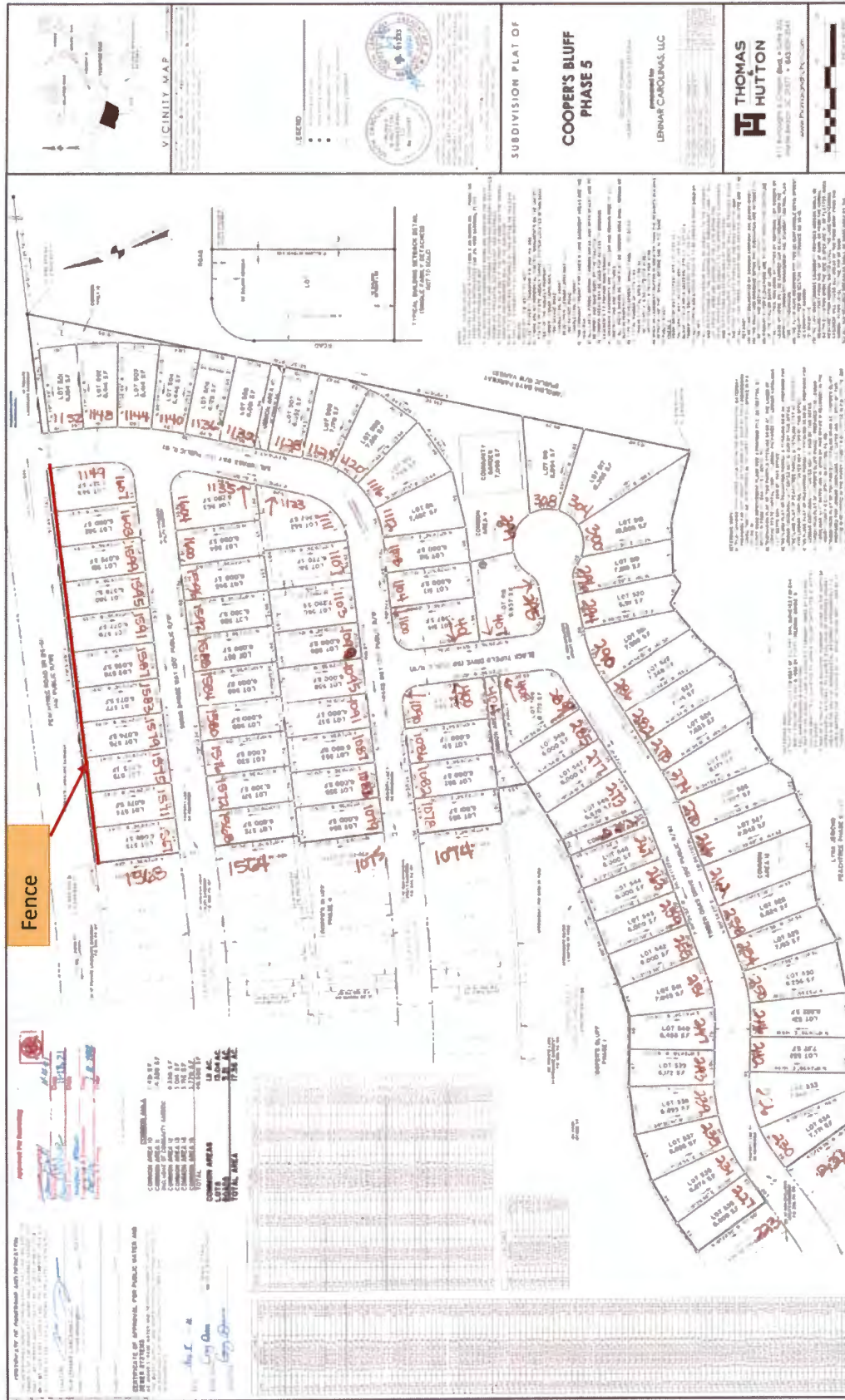
COMMON AREAS
 LOTS
 TOTAL AREA

OUR AC
 83.30 AC
 83.30 AC

PROPOSED LOTS TO BE ADDED TO THIS PHASE 4
 THE LOTS TO BE ADDED TO THIS PHASE 4 ARE SHOWN IN THE ATTACHED MAPS AND ARE SUBJECT TO THE APPROVAL OF THE NORTH CAROLINA DEPARTMENT OF REVENUE AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND TRAVEL. THE LOTS TO BE ADDED TO THIS PHASE 4 ARE SUBJECT TO THE APPROVAL OF THE NORTH CAROLINA DEPARTMENT OF REVENUE AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND TRAVEL.

SUBDIVISION PLAT OF
**COOPER'S BLUFF
 PHASE 4**
 PREPARED BY
LENNAR CAROLINAS, LLC

Phase 5



Site Triangle map

DATE: 10/15/03
 BY: [illegible]

1. ALL LOTS TO BE DEVELOPED WITH A MINIMUM OF 10% OPEN SPACE.

2. ALL LOTS TO BE DEVELOPED WITH A MINIMUM OF 10% OPEN SPACE.

3. ALL LOTS TO BE DEVELOPED WITH A MINIMUM OF 10% OPEN SPACE.

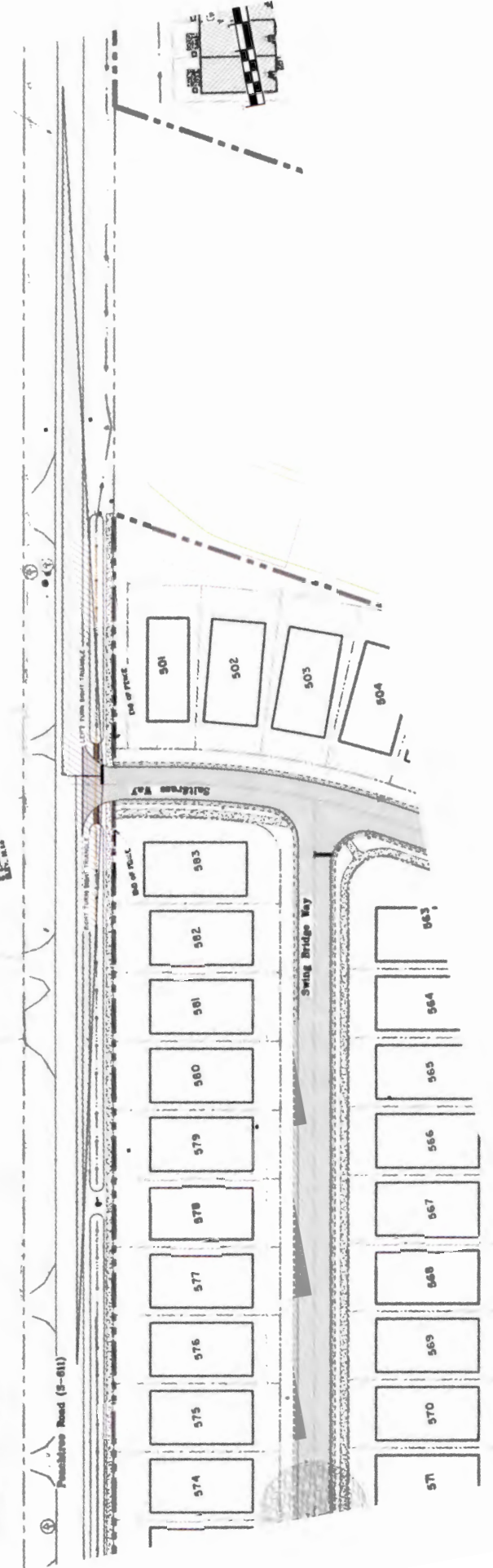
4. ALL LOTS TO BE DEVELOPED WITH A MINIMUM OF 10% OPEN SPACE.

5. ALL LOTS TO BE DEVELOPED WITH A MINIMUM OF 10% OPEN SPACE.

6. ALL LOTS TO BE DEVELOPED WITH A MINIMUM OF 10% OPEN SPACE.

7. ALL LOTS TO BE DEVELOPED WITH A MINIMUM OF 10% OPEN SPACE.

8. ALL LOTS TO BE DEVELOPED WITH A MINIMUM OF 10% OPEN SPACE.



Case # 2023-01-012

**VARIANCE REVIEW SHEET
TREE PRESERVATION**

Property Information

Variance Request #	2023-01-012	Zoning Information	
Applicant	Venture Engineering	Zoning District	RC
Parcel Identification (PIN) #	311-08-03-0086	Parcel Size	8.3 Acres
Site Location	1568 Watson Ave. Little River	Proposed Use	Boat Charter/tours
Property Owner	Carl Meares Jr.		
County Council District #	1 - Dukes		

Requested Variance(s)

The applicants are requesting a variance from Article V, Section 505 C regarding the removal of a live oak specimen tree in the RC zoning district.

Background/Site Conditions

The applicants are proposing to develop this 8 acre parcel for boat charter/tours. Commercial plans for the Intracoastal Fishing Village were approved for development in December 2019. There is a protected live oak tree located near the location of the proposed office building. The live oak was inspected by the Zoning Department on Jan. 11, 2023. Our inspection shows the tree is a 31.5" DBH which will require 19 replacement trees at 2.5" caliper or a \$2,850 fee in lieu.

Ordinance Requirements

Article V, Section 505 C states that it shall be unlawful to injure, participate in, authorize or cause the removal of any specimen live oaks 24" or greater. Authorization to do so shall require a variance from the Horry County Zoning Board of Appeals finding that the tree:

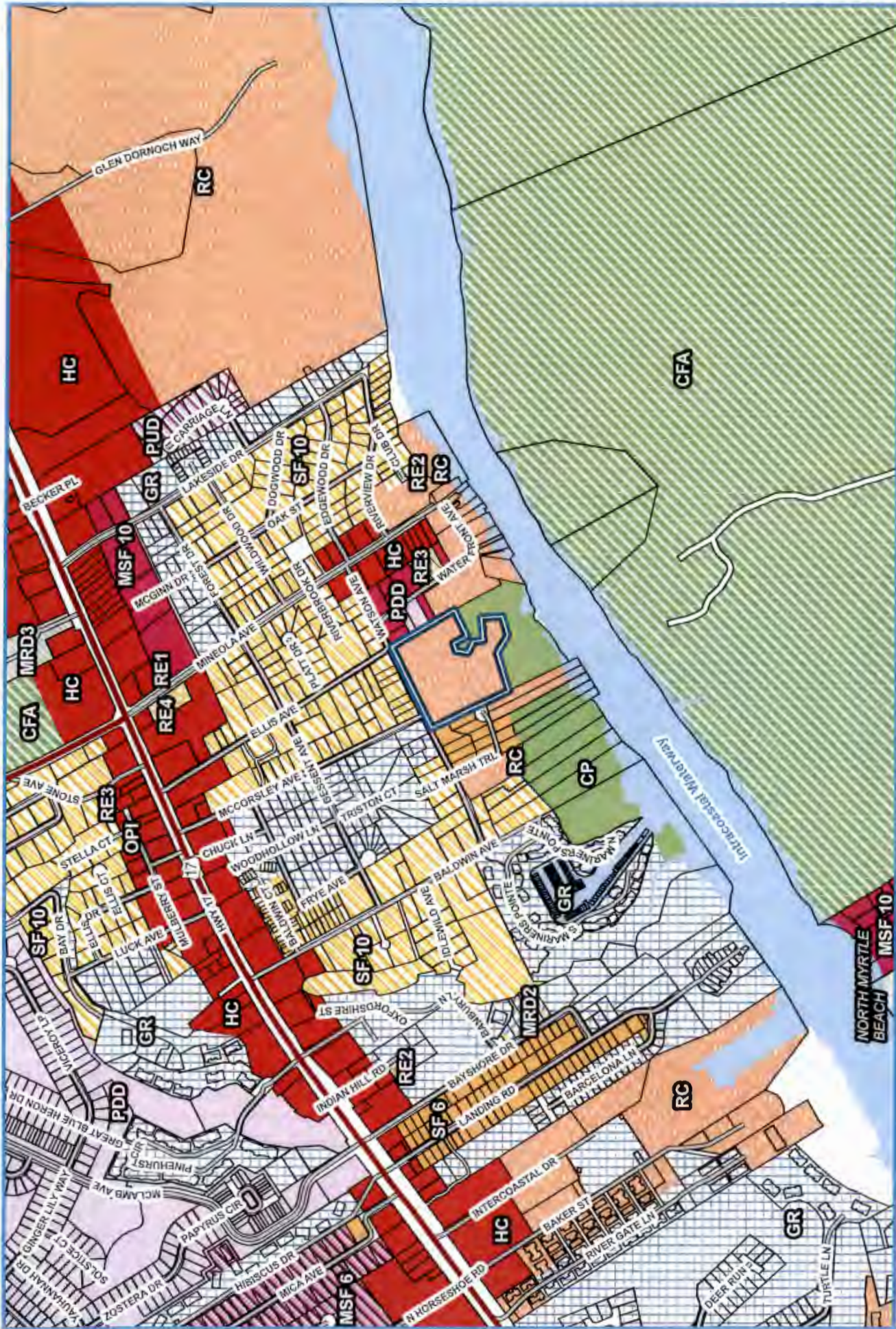
- a) Presentation of a safety hazard to pedestrian or vehicular traffic, buildings, structures or utility structures;
- b) Removal presented the only reasonable means to comply with appropriate agency requirements including parking, ingress or egress, or other required infrastructure such as stormwater;
- c) Justification according to good urban forestry practices (i.e., to reduce competition among trees or to remove invasive species) or presence of dead, dying or diseased trees;
- d) A planned grade cut placing the tree protection zone four (4) feet above final grade or introduction of fill twelve (12) inches or greater elevating the parcel above the required flood protection elevation; or
- e) Reasonable use of the property will be significantly impaired.

If approval to remove Live Oak specimen tree is given, the removed trees shall be replaced according to the provisions of these regulations. Individuals failing to obtain the proper tree permit shall be cited as provided for herein.

Proposed Order/Conditions

Should the Board approve removal of the Live Oak specimen tree, Staff recommends the following conditions:

1. The removed tree shall be replaced according to the mitigation and planting requirements or a fee in lieu as outlined in the Zoning Ordinance.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.



Zoning Map
 Variance Case Number
 2023-01-012
 Venture engineering agent for
 Little River Campground Inc.
 PIN: 31108030086

- Parcel for Consideration
- Waterbody
- Major Road
- Parcel Boundary
- Road
- Municipality





Parcel for Consideration
 Road

Aerial Map
 Variance Case Number
 2023-01-012
 Venture Engineering agent for
 Little River Campground Inc.
 PIN: 31108030086

HC Government

0 100 200 Feet

N

PZ-Zoning Compliance

Passed

1568 WATSON AVE

VAR-01-23-060553

Summary

Report

Email Print Regenerate

INSPECTION WORKSHEET (IPZ-7154303-2023)

Horry County Government

Case Number:	VAR-01-23-060553	Case Module:	Plan
Inspection Date:	Wed Jan 11, 2023	Inspection Status:	Passed
Inspector:	Tyler, Justin	Inspection Type:	PZ-Zoning Compliance

Job Address:	1568 WATSON AVE Little River, SC, 29566	Parcel Number:	31108030086
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Contact Type	Company Name	Name
Applicant	VENTURE ENGINEERING, INC.	Powell, Steve
Owner		MEARES, CARL W JR TR ETAL
Applicant	Venture Engineering	Rodes, Jordan

Checklist Item	Status
Inspector Comments - Inspector Comments	Passed

- 1.) Upon inspection, the tree of concern was identified as a live oak.
- 2.) A contractor on site confirmed the tree that the developer wants to remove is in the way of a proposed building for the site.
- 3.) The live oak measures 31.5 inches in diameter and appears healthy.
- 4.) A variance will be needed for the removal of the tree.
- 5.) Photos attached in energov.



Tyler, Justin

31.5" DBH Live Oak





Tree on left to remain - Tree on right to be removed





Applicant Submittal

VARIANCE REQUEST

1. Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:

Article(s): V (General Provisions) Section(s): Live Oak Standards

2. Description of Request: Please see attached narrative

<u>Required</u>	<u>Requested</u>
Front Setback: _____	Front Setback: _____
Side Setback: _____	Side Setback: _____
Rear Setback: _____	Rear Setback: _____
Minimum Lot Width: _____	Minimum Lot Width: _____
Min Lot Width @ Bldg. Site: _____	Min. Lot Width @ Bldg. Site: _____
Max Height of Structure: _____	Max Height of Structure: _____

Other Variances: _____

3. South Carolina Law 6-29-800(A)(2) required the following findings in order for the ZBA to grant a variance. **The failure to completely answer these questions will render your application incomplete and your case will not be heard.**

a. What extraordinary and exceptional conditions pertain to this particular piece of property?
Please see attached narrative

b. Why do these conditions not apply to other properties in the vicinity?
Please see attached narrative

c. Why do the conditions listed in 2a and 2b along with the zoning ordinance sections cited in 1 prohibit or reasonably restrict the utilization of the property?
Please see attached narrative

d. Will the authorization of the variance cause a substantial detriment to the adjacent property, public good or harm the character of the district?
Please see attached narrative

**** The fact that property may be utilized more profitably may not be considered grounds for a variance.**

4. Are there Restrictive Covenants on this property that prohibit or conflict with this request?

YES NO

5. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

Cassidy R Callaghan
Applicant's Signature

12/20/2022
Date

**Horry County
Variance Application
for
Intracoastal Fishing Village**



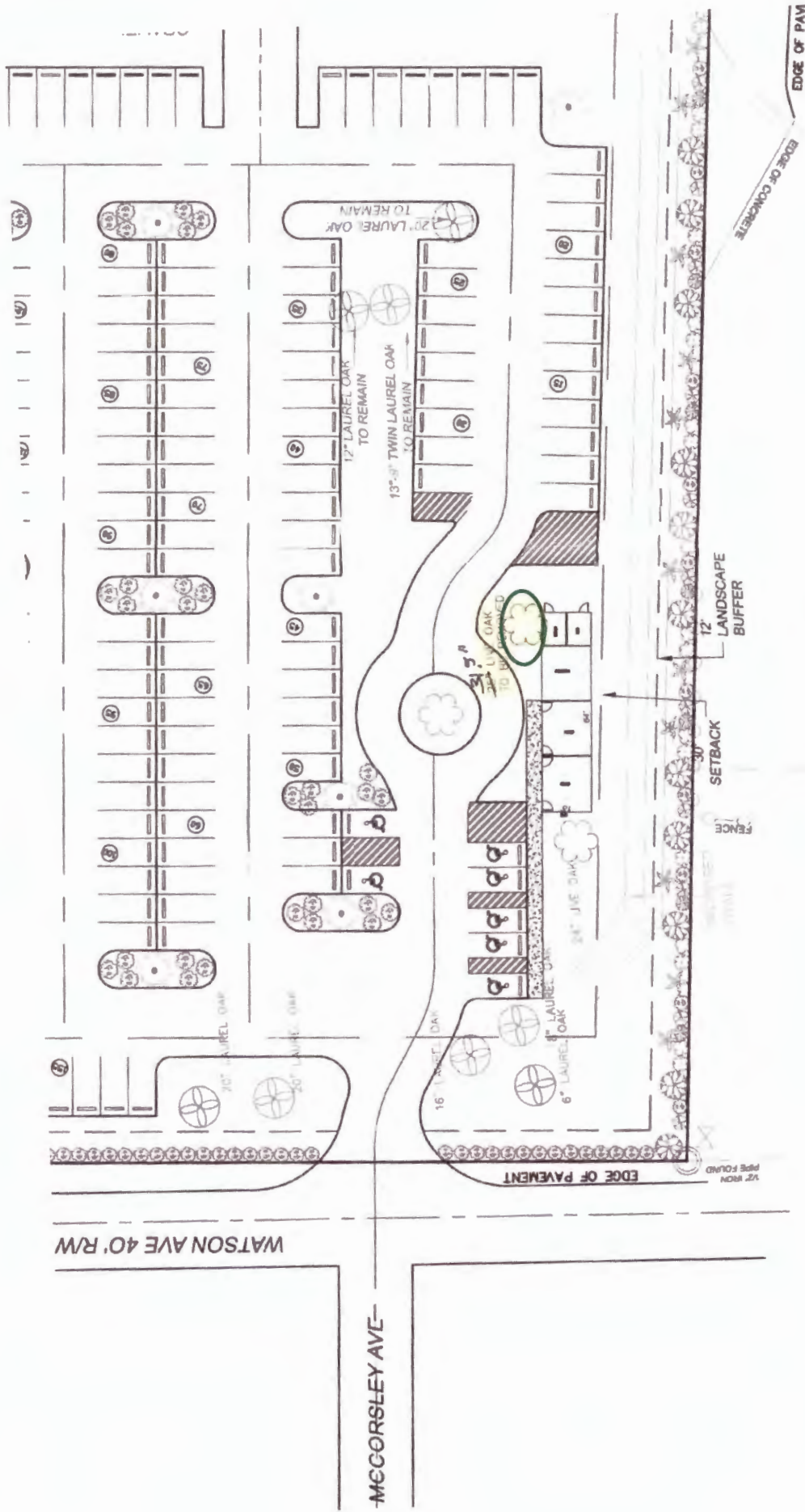
Background

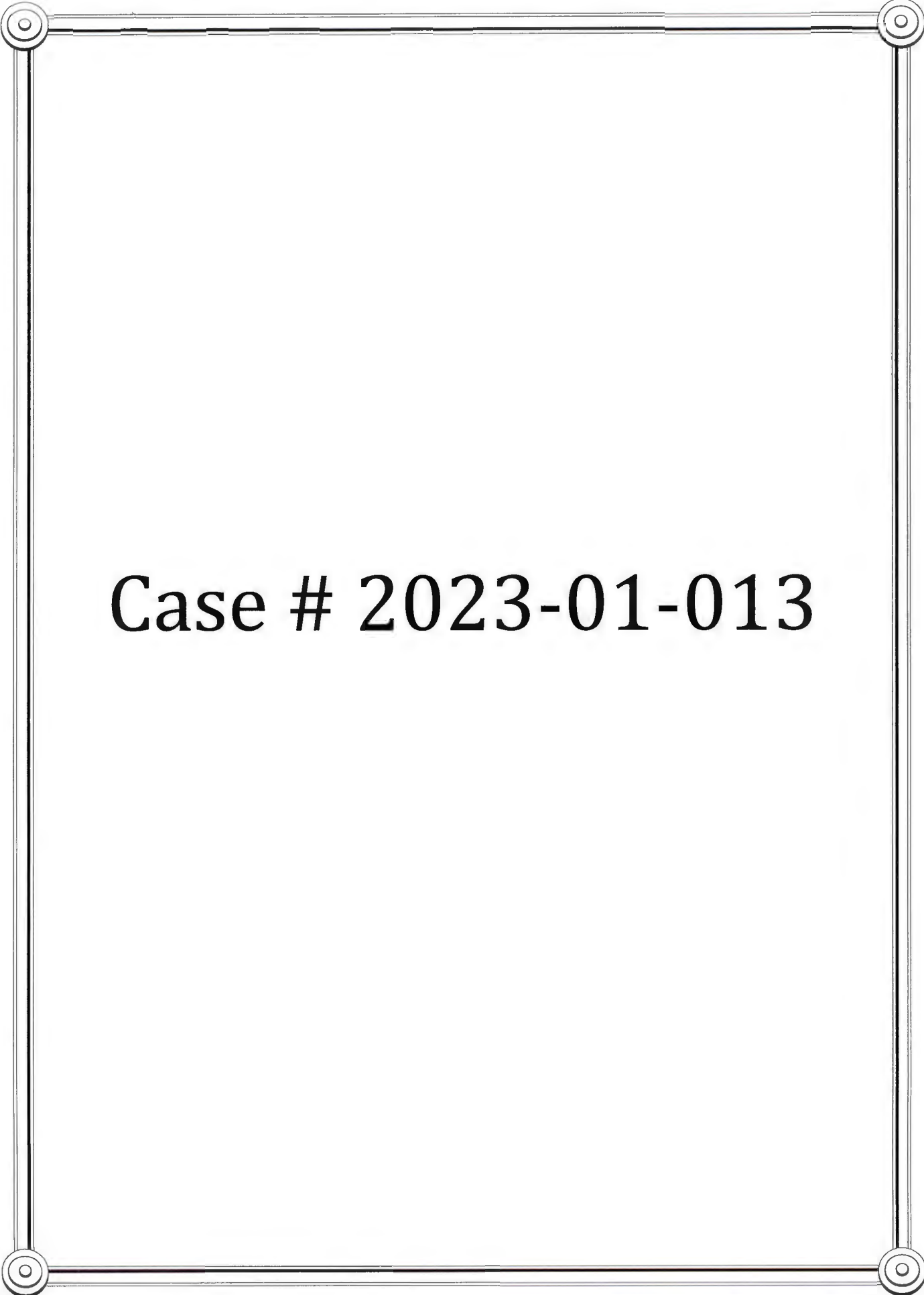
The civil engineering plans for Intracoastal Fishing Village were previously approved in 2018. Since then, the owners and contractors have decided to push off development until recent months, due to changes in ownership amongst other legal situations. The approved plans have since then expired, and local governing ordinances have changed, specifically those addressing landscaping. Intracoastal Fishing Village plans to do deep sea charters, which will attract more tourism to the Little River area and in return, create more jobs.

Variations Requested

- Article V General Provisions, 527. Tree Protection, C. Live Oak Standards
 - *It is unlawful to injure, participate in, authorize, or cause the removal of any Specimen Live Oak (DBH twenty-four (24) inches or greater). Authorization to do so shall come from a variance granted by the Zoning Board of Appeals finding that the tree: a) Presented a safety hazard to pedestrian or vehicular traffic, buildings, structures or utility structures; b) reasonable use of the property would be significantly impaired.*
 - These conditions do not generally apply to other properties in the area because they are residentially zoned parcels that do not have the capacity for a commercial site. This 25" Live Oak (colored orange on the site plan) is located too close to a building that is essential to the functioning of the fishing village. This building will serve as a ticketing office, office for employees, and breezeway parking for golf cart shuttles.
 - Not allowing the property owner to remove this Live Oak would unreasonably restrict the utilization of the property and significantly impact the creation of additional tourism and jobs in the Little River area. Additionally, the building is already relatively close to the setback line, and to ensure there are not any errors in the construction phase, the best course of action would be to remove the Live Oak.
 - The authorization of a variance will not be of any detriment to adjacent properties or to the public good, and the character of the district will not be harmed by the granting of the variance because there is nothing detrimental being done to the adjacent properties. Additionally, there are a significant amount of existing trees that are being left on site to preserve the natural state of the property.
 - Due to these reasons surrounding this property, we request a variance for the removal of the 25" Live Oak colored in orange on the site plan.

Enlarged Site Plan



A rectangular frame with a double-line border. At each of the four corners, there is a decorative circular element consisting of two concentric circles.

Case # 2023-01-013

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-01-013
Applicant	Venture Engineering, agent
Parcel Identification (PIN) #	311-08-03-0086
Site Location	1568 Watson Ave. Little River
Property Owner	Carl Meares Jr.
County Council District #	1 - Dukes

Zoning Information

Zoning District	RC
Parcel Size	8.3 Acres
Proposed Use	Boat Charter/tours

Requested Variance(s)

The applicants are requesting a variance from Article V, section 504.C regarding buffer requirements in the Resort Commercial (RC) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Art. V Section 504 - Perimeter Buffers and plantings				
Front Type C Streetscape buffer width on Watson Ave.	10'	7'	3'	30%
Right side Type A Opaque buffer width	25'	12'	13'	52%
Right side - Plantings per 100 lf.	17 Canopy Trees 17 Understory Trees 114 Shrubs	17 Canopy Trees 14 Understory Trees 48 Shrubs	3 Understory Trees 66 Shrubs	18% 58%

Background/Site Conditions

The applicants are proposing to develop this 8 acre parcel for boat charter tours. Commercial plans for the Intracoastal Fishing Village were approved for development in December 2019. Jan. 4, 2022 the perimeter buffers were increased by Council. The applicants are requesting the following perimeter buffer variances. 1) Watson Avenue -front requires a 10' streetscape buffer, the applicants are proposing 7' for a variance of 3'; 2) The right side, adjoining residential SF6, requires a 25' opaque buffer, the applicants are proposing 12' for a variance of 13' ; and 3) Right side variance on 3 understory trees and 66 shrubs.

Ordinance and Analysis

Before a variance can be granted, the Board must first find that the strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following five findings:

VARIANCE REVIEW SHEET

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; (Is this request special?)

There are none.

2. These conditions do not generally apply to other property in the vicinity; (Is this request unique?)

These buffers apply to all commercially developed parcels.

3. 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.

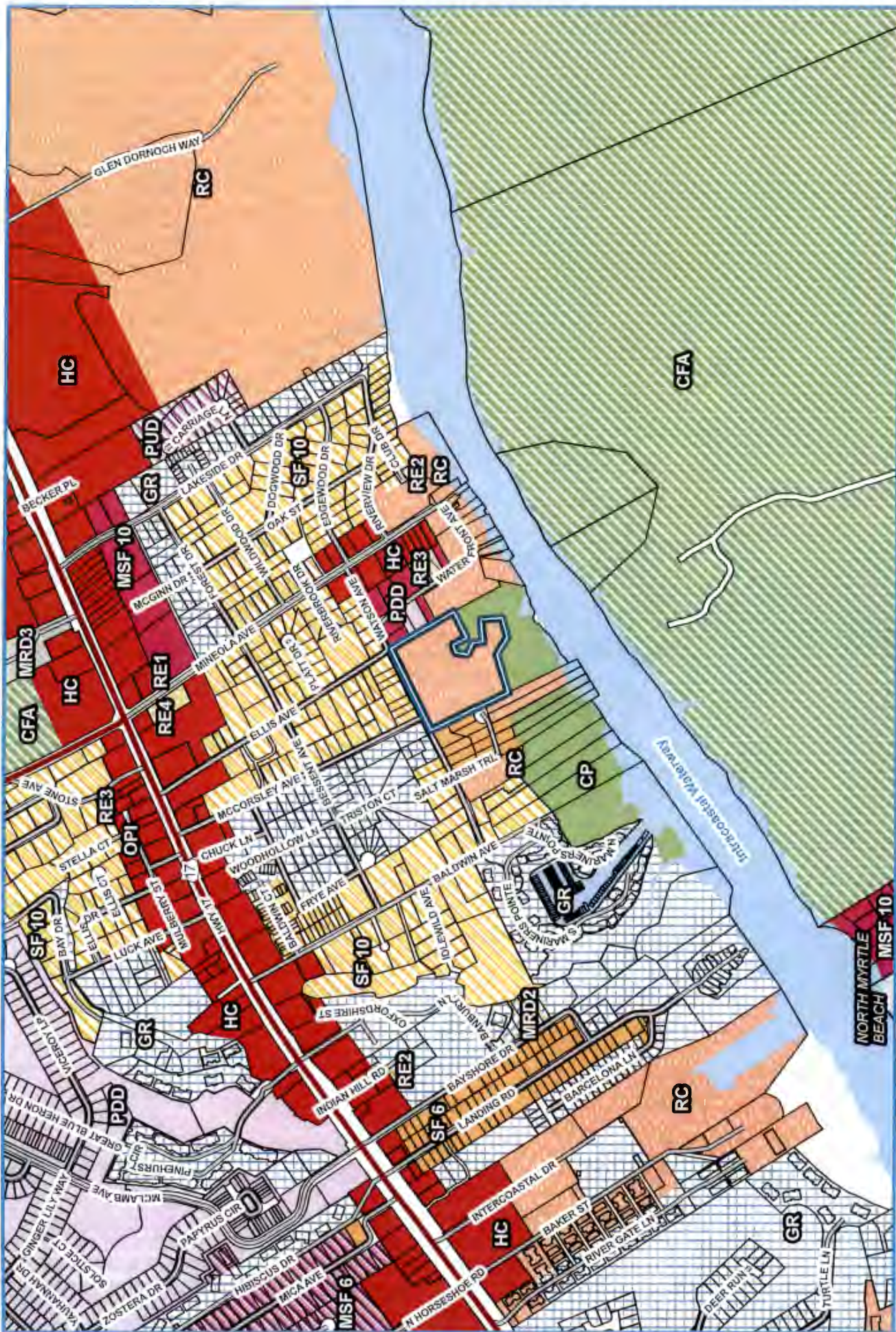
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

5. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Proposed Order/Conditions

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.



Zoning Map
 Variance Case Number
 2023-01-013
 Venture Engineering agent for
 Little River Campground Inc.
 PIN: 31198030086

Parcel for Consideration
 Waterbody
 Parcel Boundary
 Major Road
 Road
 Municipality

HC Government
 0 500 1000 Feet
 N



Parcel for Consideration

Aerial Map
 Variance Case Number
 2023-01-013
 Venture Engineering agent for
 Little River Campground Inc.
 PIN: 31108030086

HC Government

0 100 200 Feet

Parcel for Consideration
 Road



Front of Property off Watson Avenue



Property Across Watson Avenue



Site



Right side adjoining residential



Applicant Submittal

VARIANCE REQUEST

1. Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:

Article(s): V (General Provisions) Section(s): Perimeter Buffer Type Requirements, Streetscape Buffer

2. Description of Request: Please see attached narrative

Table with 2 columns: Required and Requested. Rows include Front Setback, Side Setback, Rear Setback, Minimum Lot Width, Min Lot Width @ Bldg. Site, and Max Height of Structure.

Other Variances:

3. South Carolina Law 6-29-800(A)(2) required the following findings in order for the ZBA to grant a variance. The failure to completely answer these questions will render your application incomplete and your case will not be heard.

a. What extraordinary and exceptional conditions pertain to this particular piece of property? Please see attached narrative

b. Why do these conditions not apply to other properties in the vicinity? Please see attached narrative

c. Why do the conditions listed in 2a and 2b along with the zoning ordinance sections cited in 1 prohibit or reasonably restrict the utilization of the property? Please see attached narrative

d. Will the authorization of the variance cause a substantial detriment to the adjacent property, public good or harm the character of the district? Please see attached narrative

** The fact that property may be utilized more profitably may not be considered grounds for a variance.

4. Are there Restrictive Covenants on this property that prohibit or conflict with this request?

YES NO checkboxes with a checkmark in the NO box.

5. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

Cassidy R Callaghan Applicant's Signature

12/20/2022 Date

Background

The civil engineering plans for Intracoastal Fishing Village were previously approved in 2018. Since then, the owners and contractors have decided to push off development until recent months, due to changes in ownership amongst other legal situations. The approved plans have since then expired, and local governing ordinances have changed, specifically those addressing landscaping. Intracoastal Fishing Village plans to do deep sea charters, which will attract more tourism to the Little River area and in return, create more jobs.

Variances Requested

- Article V General Provisions, Table 4, Perimeter Buffer Type Requirements
 - This article discusses the different types of streetscape and perimeter buffers. For this particular variance, we are focusing on the Type A Opaque buffer between the non-residential fishing village and adjacent parcels zoned for residential housing. According to Table 4, (Perimeter Buffer Type Requirements), the Type A Opaque buffer is required to be equal to the setback requirement of the zoning district or 25', whichever is less. On this particular site, we were able to fit a 12' wide landscape buffer, due to a drainage swale (in orange on the site plan) that runs through where the rest of the landscape buffer should be. It is imperative to preserve this drainage swell to ensure adequate drainage for the site and its neighbors, so we are asking for relief in landscaping width.
 - These conditions do not generally apply to other properties in the area because they have been previously developed prior to the implementation of this landscaping ordinance. Additionally, the other properties in the area are not commercial sites, so they do not have large drainage systems that could potentially interfere with landscaping. We have attempted to save as many trees as possible in and around the landscape buffers to enhance the natural state of the property.
 - Not allowing the property owner to reduce the size of the landscape buffer would unreasonably restrict the utilization of the property and significantly impact the development of needed recreational activities in the Little River area. The drainage swale that runs along the landscape buffer is an important part of the whole drainage system, and is needed to ensure runoff will not be dumped onto adjacent properties.
 - The authorization of a variance will not be of any detriment to adjacent properties or to the public good, and the character of the district will not be harmed by the granting of the variance because there is nothing detrimental being done to the adjacent properties. The previous plans were approved with the 12' landscape buffer, and this buffer remains the same size, so there will not be any detriment to the adjacent neighbors.
 - Due to these reasons surrounding this property, we request a variance for the reduction of the 25 foot perimeter buffer to 12 feet, without reducing the number of trees and shrubs required per linear feet.
- Article V General Provisions, Table 4, Perimeter Buffer Type Requirements
 - This article discusses the different variations of streetscape and perimeter buffers. In this particular situation, we are focusing on the Type C Streetscape

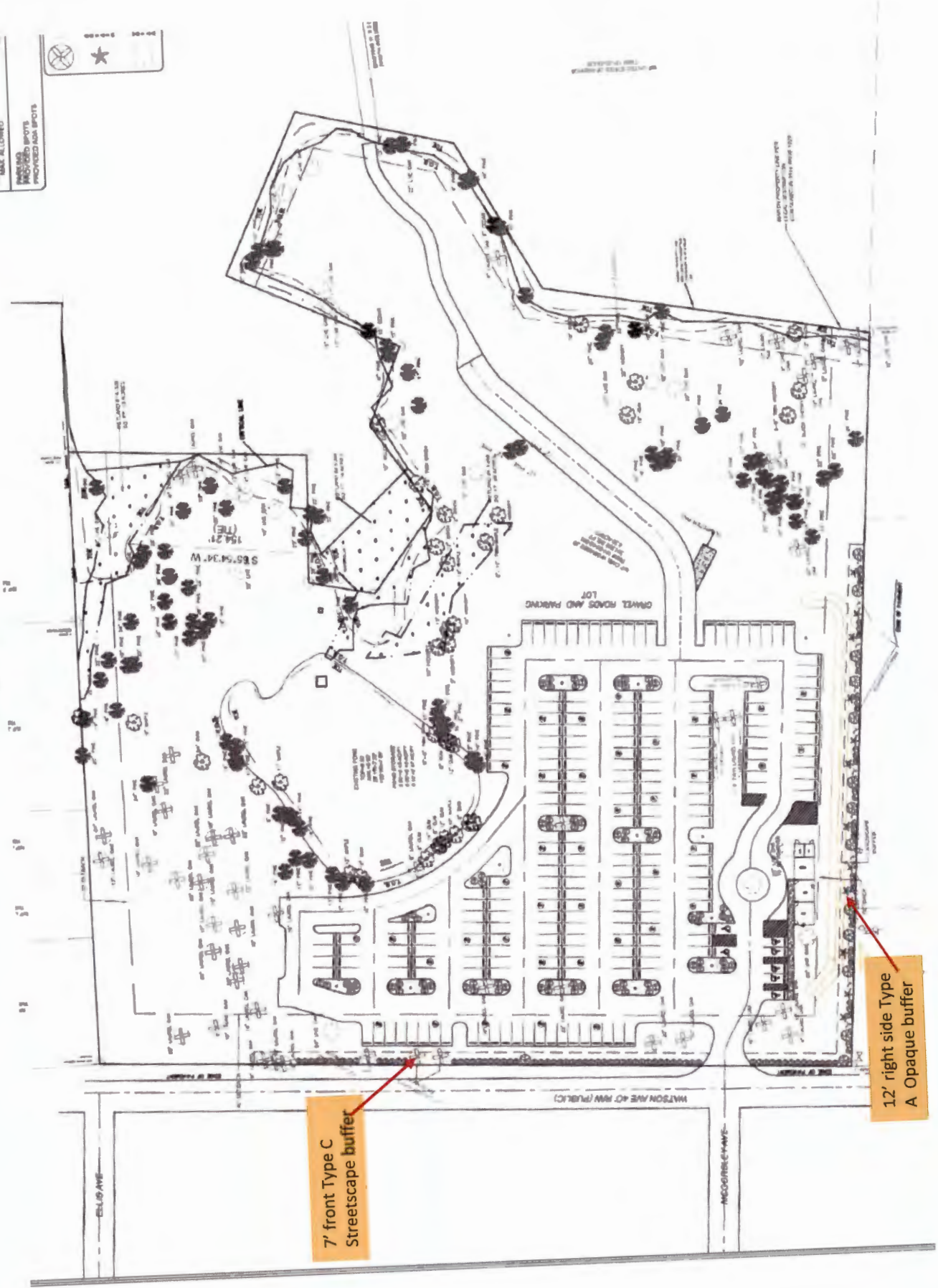
Buffer for non-residential properties. According to Table 4, "Perimeter Buffer Type Requirements", the non-residential buffer must be 10' in width, with 3 canopy trees and 3 understory trees every 100 linear feet. In this streetscape buffer, shrubs are only required when providing screening from vehicle use areas. On the previously approved plans for the Intracoastal Fishing Village, the streetscape buffer was approved with shrubs, 2 understory trees and the existing Laurel Oak canopy trees. We are requesting that the streetscape buffer for the new plans be left to reflect the buffer on the old plan set.

- These conditions do not generally apply to other properties in the area because they have been previously developed prior to the new landscaping ordinance.
- Not allowing the property owner to reduce the size of the landscape buffer would unreasonably restrict the utilization of the property and significantly impact the development of a new recreational spot in Little River. The Intracoastal Waterway is a phenomenal source of entertainment for locals and tourists, and this fishing village will show the true beauty of our area.
- The authorization of a variance will not be of any detriment to adjacent properties or to the public good, and the character of the district will not be harmed by the granting of the variance because the plans were previously approved. There are also multiple Laurel Oaks that are located just behind the designated streetscape buffer area that will provide additional screening.
- Due to these reasons surround this property, we request a variance to reduce the number of understory and canopy trees that need to be planted in the Type C Streetscape buffer along Watson Avenue.

Site Plan

PAVING LEGS
MAY ALLOWED

PERMITS
PROVIDED SPOTS
PROVIDED AND SPOTS



7' front Type C
Streetscape buffer

12' right side Type
A Opaque buffer

Case # 2023-01-017

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-01-017	Zoning Information	
Applicant	The Earthworks Group, agent	Zoning District	Retail with Accessory Outdoor Storage (RE4)
Parcel Identification (PIN) #	429-13-02-0042	Parcel Size	1.99 acres
Site Location	4127 Jeremy Loop, Myrtle Beach	Proposed Use	Commercial
Property Owner	Ronaldo Nogueira		
County Council District #	8 - Masciarelli		

Requested Variance(s)

The applicants are requesting a variance from Article V, section 504.C regarding the landscaping and buffer requirements in the Retail with Accessory Outdoor Storage (RE4) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Perimeter landscape buffer on Jeremy Loop	15'	10'	5'	33%

Background/Site Conditions

The applicants received a permit (#140877) to construct a 50' x 25' garage in May 2022. This parcel is located within the Hwy. 544 overlay with roads on all sides. The Zoning Board of Appeals granted a variance on Dec. 14, 2020 to reduce the perimeter landscape buffer on Jeremy Loop to 15' and 10' on Joe Mill Trail. The required perimeter buffer width is 25' along all roads. The applicants are now requesting to reduce the perimeter buffer on Jeremy Loop to 10' instead of the required 15' for a variance of 5'. They are requesting no reduction in plantings. There is a carport structure located to the rear of the garage that does not have a permit. A permit will need to be received and the structure must meet all zoning requirements.

Ordinance and Analysis

Before a variance can be granted, the Board must first find that the strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following five findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; (Is this request special?)

The extraordinary condition is this parcel is completely surrounded by roads.

2. These conditions do not generally apply to other property in the vicinity; (Is this request unique?)

This condition applies to all parcels directly abutting the corridor within the Hwy. 544 overlay.

3. 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.

VARIANCE REVIEW SHEET

4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

5. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Proposed Order/Conditions

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. The carport structure will need to be permitted.
4. All other applicable County requirements shall be met.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)
 In re: United Marine & Storage, LLC)
 Agent for Ronaldo Nogueira)
 _____)

**BEFORE THE BOARD OF
 ZONING APPEALS**
 Case No.: 2020-11-011

ORDER OF THE BOARD

Hearing was held before this Board on December 14, 2020, pursuant to the request of the applicant for a variance from Article VII, Section 723.4 E (3) b regarding perimeter landscape buffer requirements in the Hwy 544 Overlay district. The property is identified by PIN 429-13-02-0042 and is located at 4127 Jeremy Loop in the Myrtle Beach area of Horry County. The applicant has requested the following variances from the requirements:

	Requirement	Requested	Variance Needed	Percentage
Perimeter landscape buffer width on Jeremy Loop	25'	15'	10'	40%
Perimeter landscape buffer width on Joe Mill Trail	25'	10'	15'	60%

The applicants and the zoning administrator were given the opportunity to offer witnesses and exhibits and to make argument for the record. A public hearing was held and all interested parties were invited to comment before the Board.

Under the South Carolina Code of Laws 6-29-800 (A) (2), a variance from the requirements of the Zoning Ordinance may only be granted in an individual case of unnecessary hardship upon the following findings: (a) extraordinary and exceptional conditions pertaining to the property at issue; (b) the extraordinary and exceptional conditions do not generally apply to other property in the vicinity; (c) because of the extraordinary and exceptional conditions, application of the ordinance to the property, would, in effect prohibit or unreasonably restrict the property owner's utilization of the property; (d) authorization of a variance will not be of a substantial detriment to

adjacent property or the public good or harm to the character of the zoning district; and (e) a variance may not be granted which in effect, would establish a use not otherwise permitted in the zoning district or physically extend a non-conforming use. The statute also provides that the fact that the property may be utilized more profitably if a variance is granted is not grounds for a variance.

FINDINGS OF FACT

1. The property is identified by PIN 429-13-02-0042. It is zoned RE4 and is located at 4127 Jeremy Loop in the Myrtle Beach area of Horry County.
2. The applicants are proposing to construct a new commercial building for boat sales and repair on this parcel.
3. This parcel is located within the Hwy. 544 Overlay with roads on all sides.
4. The required perimeter landscape buffer width is 25'.
5. The site plan shows they will provide the 25' landscape buffer width on Hwy. 544 but are requesting to be able to reduce the buffer on Jeremy Loop to 15' for a variance of 10' and reduce the buffer on Joe Mill Trail to 10' for a variance of 15'.

CONCLUSIONS OF LAW

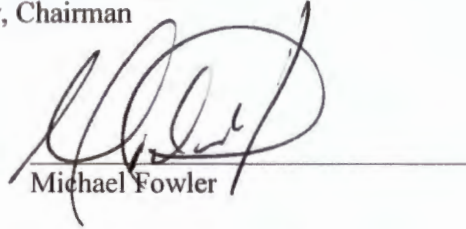
The Board finds that the request **meets** the criteria set forth in Horry County Code § 1404 (B) and S.C. Code Ann. §6-29-800. Therefore, the **variance is granted, provided that the following conditions are met:**

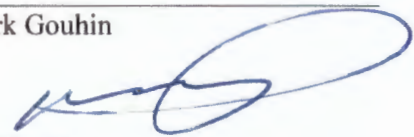
1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

AND IT IS SO ORDERED, this 14th day of December, 2020.


Marion Shaw, Chairman



John Brown


Michael Fowler

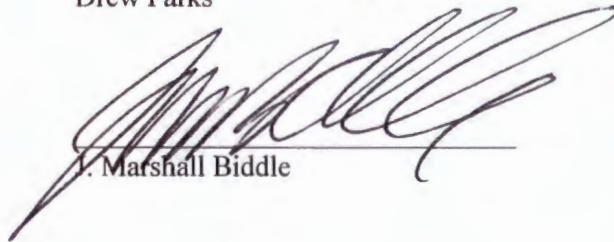
Mark Gouhin



William Livingston

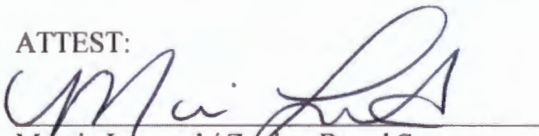

Robert Page


Drew Parks

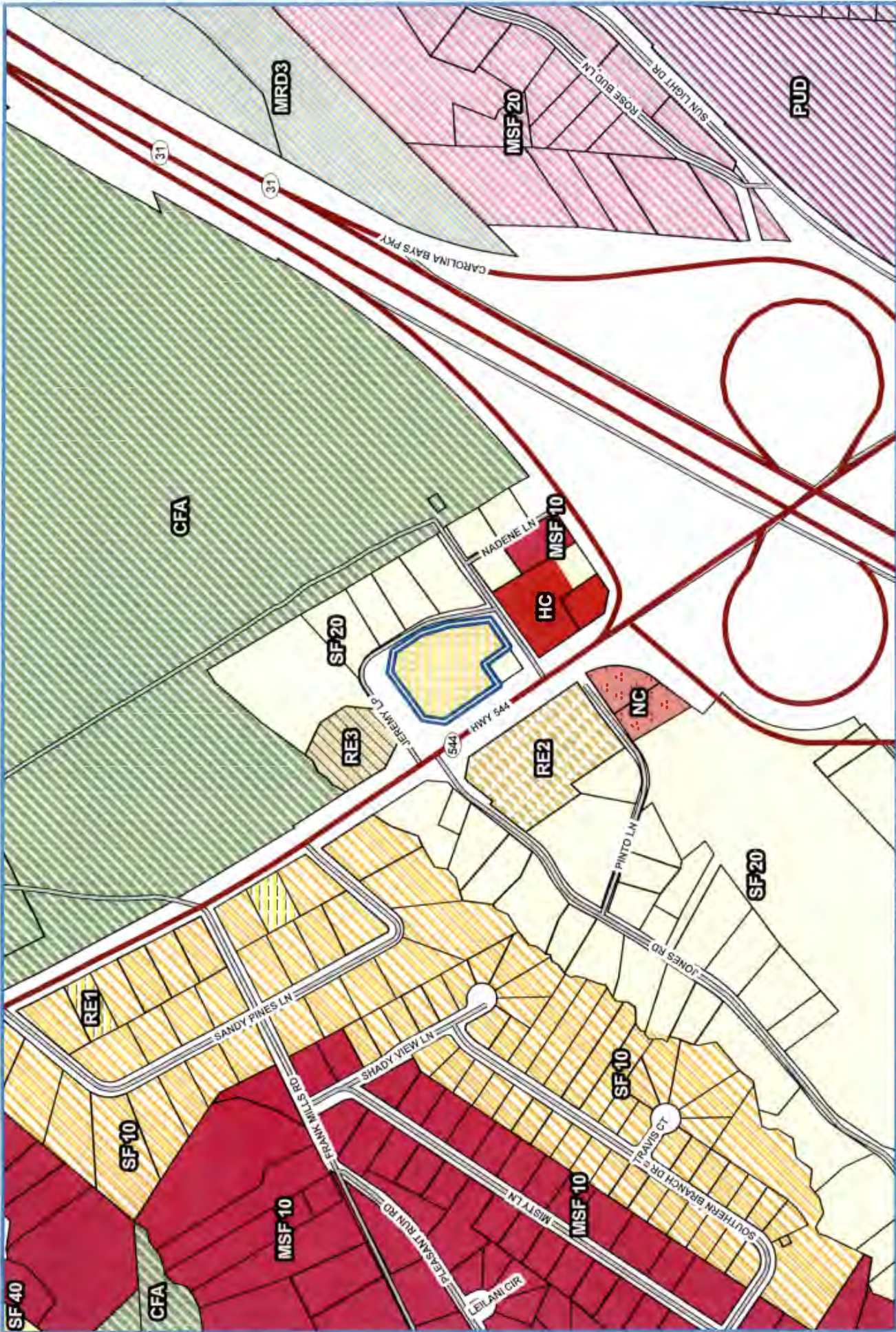

Kirk Truslow


J. Marshall Biddle

ATTEST:


Marnie Leonard / Zoning Board Secretary

** All orders may be revised until the following meeting of the Zoning Board of Appeals.






Zoning Map
 Variance Case Number: 2023-01-017
 The Earthworks Group agent for: Ronaldo Nogueira
 PIN: 42813020042

HC Government

Legend:
 Parcel for Consideration (Red outline)
 Parcel Boundary (Thin black line)
 Major Road (Thick red line)
 Road (Thin grey line)

Scale: 0, 250, 500 Feet
 North Arrow



-  Parcel for Consideration
-  Major Road
-  Road

Aerial Map
 Variance Case Number
 2023-01-017
 The Earthworks Group agent for
 Ronaldo Nogueira
 PIN: 42913020042

 **HC Government**

N 

0 75 150  Feet



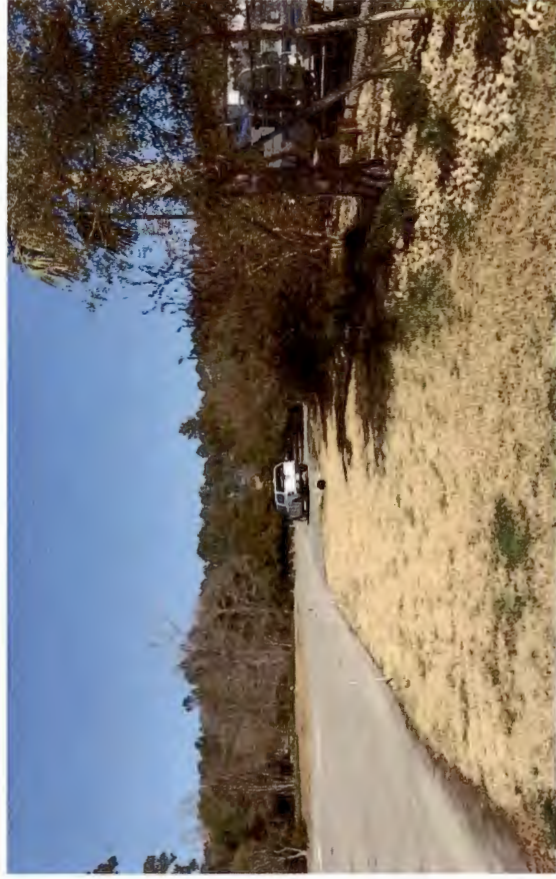
Front View of Property From Hwy 544



Entrance to Business off Jeremy Loop



Jeremy Loop - Landscape Buffer





Applicant Submittal

VARIANCE REQUEST

Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:
Article(s) Article VIII Section(s) 803.B.2

Description of Request: We are requesting a variance to Article VIII Section 803.B.2 for a reduction in the landscape buffer along Jeremy Loop from 15' to 10' for a total variance of 5'. No reduction to the size quantity or quality of the plants to be placed in the landscape buffer is requested.

Table with 2 columns: Required and Requested. Rows include Front Setback, Side Setback, Rear Setback, Bldg. Separation, Minimum Lot Width, and Max Height of Structure. All requested values are N/A.

Are there Restrictive Covenants on this property that prohibit or conflict with this request? Y [N]

A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the finding as stated below:

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. 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.
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
5. The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

To the best of your ability please explain in detail how the aforementioned findings apply to your request: (may include attachments)

See Attached

The following documents are submitted in support of this application: (an accurate legible plot plan prepared by a registered architect, engineer or surveyor showing property dimensions and locations of all existing and proposed structures may be required)
Landscaping Variance Plan

Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

Applicants Signature

Date 01/04/2023

January 4, 2023

Horry County Zoning Board of Appeals:

Dear Members of the Zoning Board of Appeals,

I need your help in getting approval for the expansion of my business on Highway 544 in the form of a Zoning Variance to reduce the perimeter landscape buffers and allow a reasonable use of the property. The specific issue is that the site has been adversely impacted by the widening of Hwy 544, which has limited the access, and the combined site is now completely surrounded by public roads (no other commercial properties on Highway 544 are surrounded on all sides by public roads). This has created a situation where the entire property is required to provide a streetscape buffer and the landscaping buffer must be 15 feet the entire length of Jeremy Loop. The existing landscape buffer requirements account for a little over 21% of the site. The county's standard streetscape buffer is 10 feet wide. Due to the fact the site is completely surrounded by streetscape buffers we are requesting that the buffer along Jeremy loop be reduced to 10 feet to match the buffer along Joe Mill Trail. There will be no reduction to the number of plants that are required only a reduction to the width of the buffer. Granting this request will allow us to have more available space to increase the onsite parking, meet the county's stormwater requirements and expand my existing business.

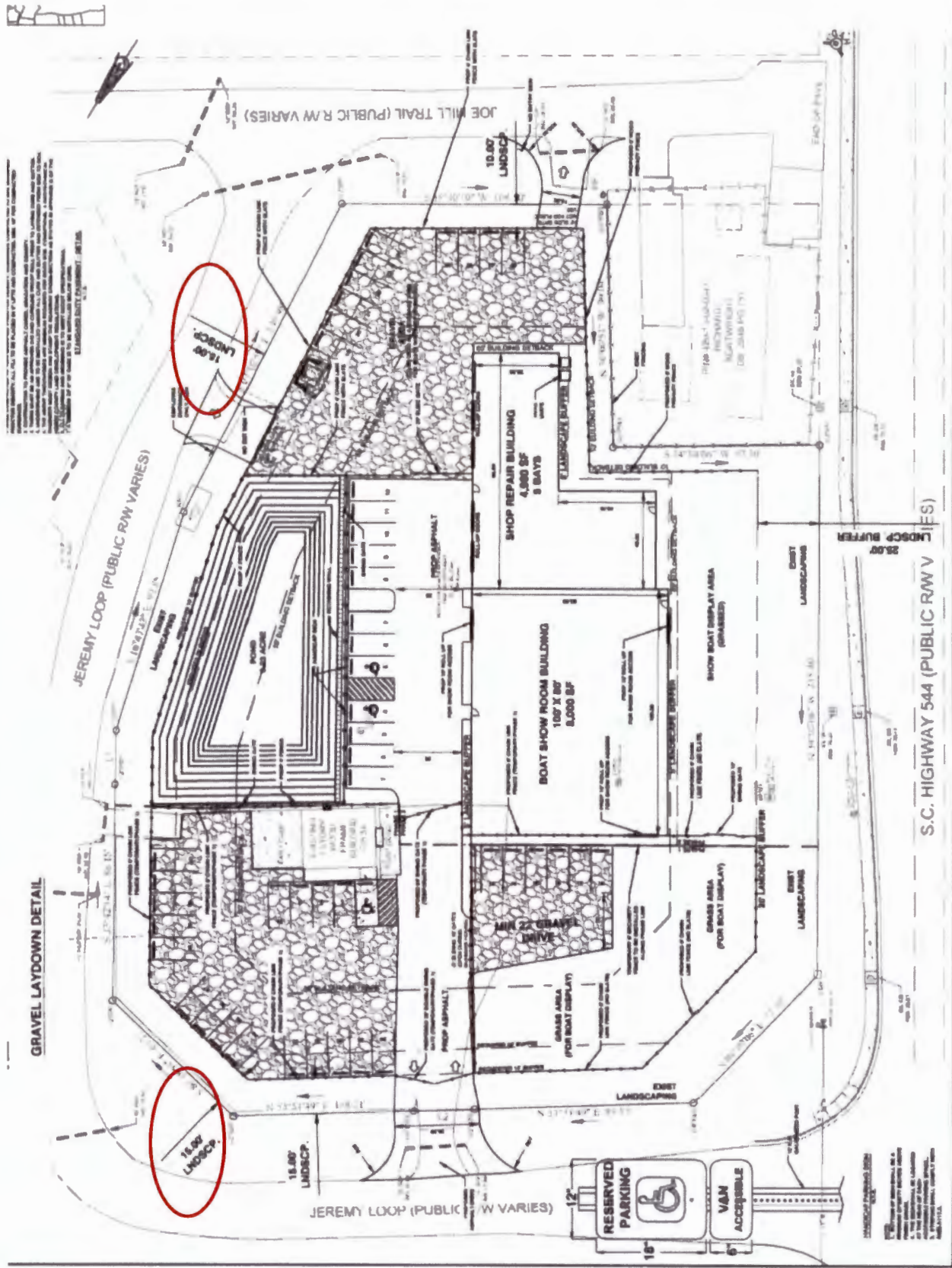
Thank you for your assistance.

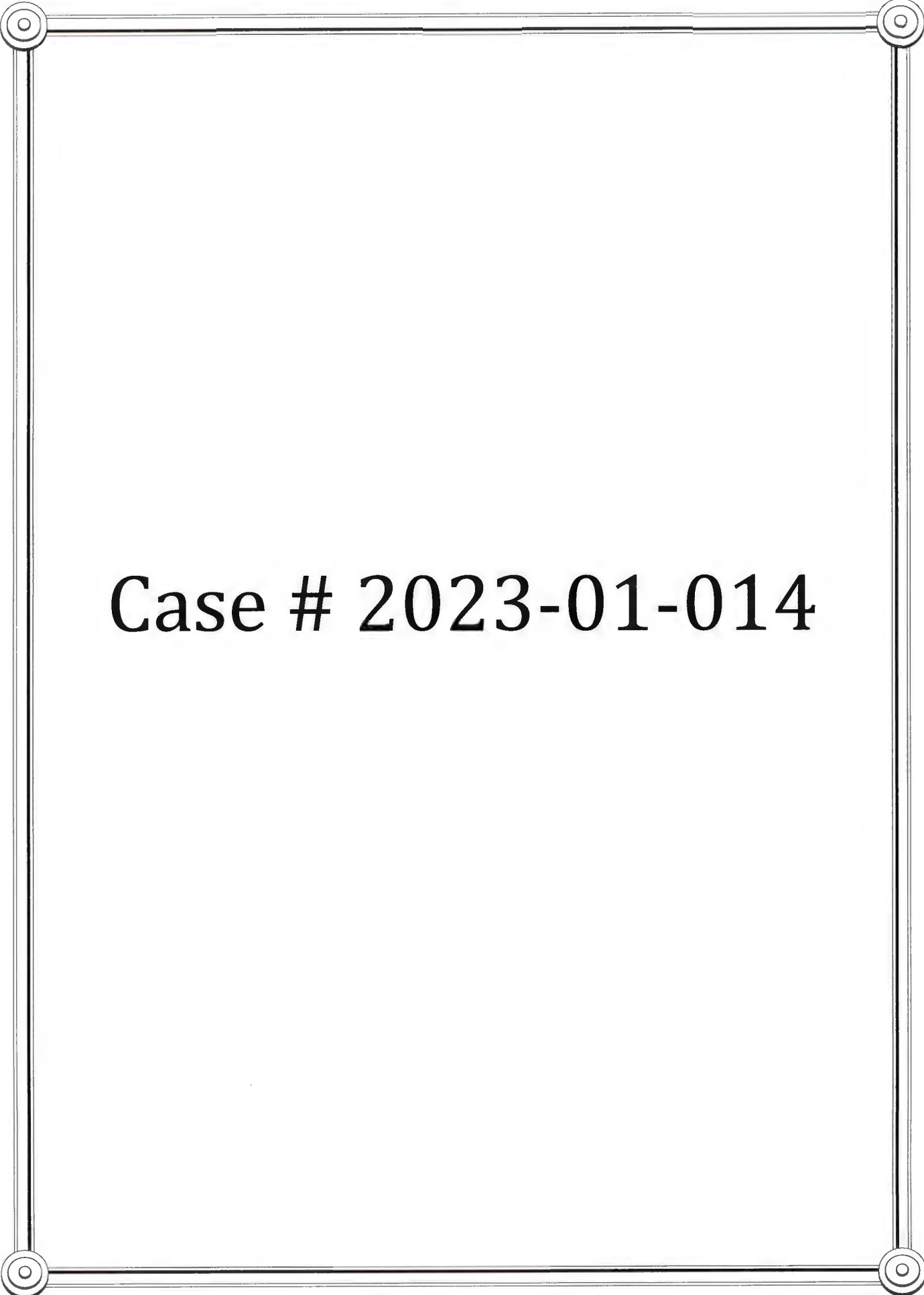
Sincerely



Ronaldo Gomes Nogueira

Previous Variance Site Plan



A rectangular frame with a double-line border. At each of the four corners, there is a decorative circular element consisting of two concentric circles.

Case # 2023-01-014

SPECIAL EXCEPTION REVIEW SHEET
ON-SITE CONSUMPTION OF ALCOHOL

Property Information

Special Exception Request #	2023-01-014
Applicant	Chang Yan Lin, agent
Parcel Identification (PIN) #	458-04-02-0007
Site Location	124 Loyola Drive, Myrtle Beach
Property Owner	Myrtle Beach Dining LLC
County Council District #	4 - Loftus

Zoning Information

Zoning District	Queens Harbour PUD
Parcel Size	1.05 acres
Proposed Use	Commercial

Distance from Residential

275 ft from the Sunscapes multi-family project located across Hwy. 17 Bypass.

Requested Special Exception

The applicants are requesting special exception approval from Article XI, Section 1106 regarding on site consumption of alcohol for a Restaurant/Bar in the Queens Harbour PUD zoning district.

Background/Site Conditions

This is the proposed location of Korean Hot Pot & BBQ. The applicants are requesting a special exception to allow on-site consumption of alcohol. The closest residential parcel is 275 ft. across Hwy 17 Bypass in the Sunscapes multi-family project. The proposed hours of operation are 11:00 AM until 11:00 PM, Monday thru Sunday.

Ordinance and Analysis

Article XIV, Section 1106 of the Zoning Ordinance states: Owing to their potential negative impact on the community, the following uses may be approved as special exceptions by the Board of Zoning Appeals: bar, restaurant, nightclub or business establishment meeting the definition of a bar is subject to the following conditions:

1. That the special exception complies with all applicable development standards, including off-street parking and dimensional requirements.

This site was developed in 2009 and complies with all development standards.

2. That the special exception will be in substantial harmony with the area in which it is to be located.

This parcel is located on a commercial corridor with like uses located within the vicinity.

3. That the special exception will not be injurious to adjoining properties.

This parcel is in close proximity to other similar uses.

4. That the special exception will contribute to the economic vitality and promote the general welfare of the community.

SPECIAL EXCEPTION REVIEW SHEET
ON-SITE CONSUMPTION OF ALCOHOL

5. That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.

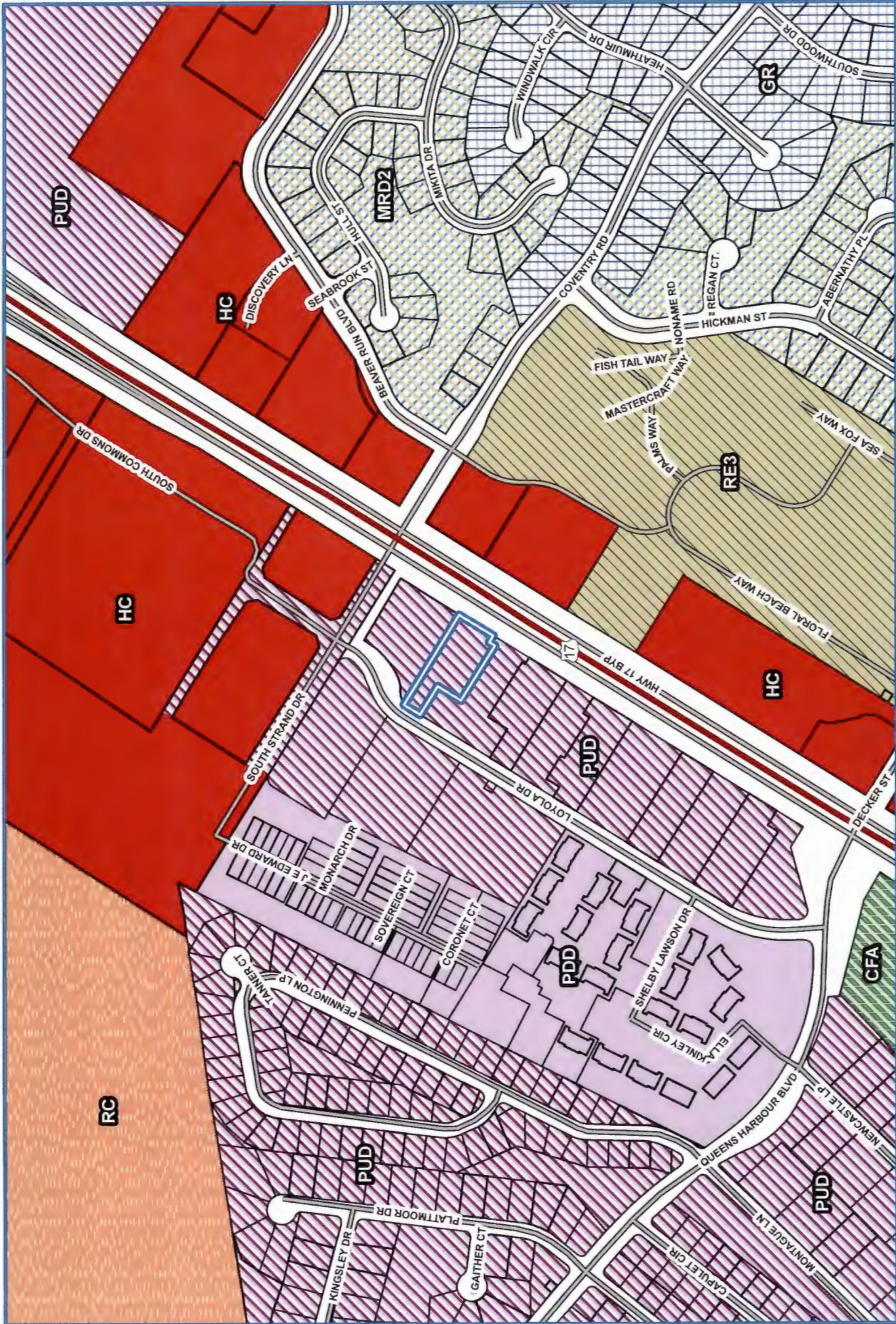
The use is allowed in the Queens Harbour PUD.

6. In granting a special exception, the Board of Zoning Appeals may impose such reasonable and additional stipulations, conditions or safeguards as, in its judgment, will enhance the citing or reduce any negative impacts of the proposed special exception.

Proposed Order/Conditions

Should the Board find that the special exception request for **Korean Hot Pot & BBQ** meets the required conditions of Section 1106, the standard conditions imposed by the Board are:

1. No outdoor entertainment or amplified outdoor speakers unless a special event permit has been obtained from Public Safety;
2. No hosting of vendors during spring and fall bike rallies;
3. No outdoor displays or tents on the property;
4. No temporary banners or signs on the property;
5. No spotlight advertising;
6. No outdoor dining or beverage services allowed;
7. Hours of operation - Monday thru Sunday 11:00 am - 11:00 pm;
8. Applicant will comply with all State and local laws;
9. All future buildings and building additions must conform to Horry County regulations;
10. Any changes in character or hours shall result in the suspension of this approval and a rehearing of the Zoning Board of Appeals shall be required.



HC Government

Zoning Map

Variance Case Number
2023-01-014

Chang Yan Lin
PIN: 45804020007

Parcel for Consideration
Parcel Boundary
Major Road
Road

0 250 500 Feet

N



Aerial Map
Variance Case Number
2023-01-014
Chang Yan Lin
PIN: 4580402007

Parcel for Consideration
Major Road
Road

HC Government



View From Rear of Property off Loyola Drive



View at Rear of Property Facing Hwy 17 Bypass



View of Location for Proposed Restaurant



View of Adjacent Property on Right



Applicant Submittal

SPECIAL EXCEPTION REQUEST

Owing to their potential negative impact on the community, the following uses may be approved as a special exception by the Board of Zoning Appeals.

Applicant hereby appeals for a special exception from the requirements of the following provisions of the Zoning Ordinance: Article(s): V Section(s): 534

Please check the one that applies to your request: (see attachments for conditions on each use)

- On-Premises Consumption of Alcohol
- Bed & Breakfast Establishment
- Outpatient Treatment Facility
- Casino Boat
- Community Storage Lots for Recreation Equipment and Boats

Name of Business: Korean Hot Pot & BBQ

Type of Business: Hot Pot & BBQ restaurant

Hours of Operation: 11:00 (AM/PM) until 11:00 (AM/PM)

Days of the Week: Su-Sat

•If this is a Restaurant/Bar please include a copy of your menu and a floor plan.

The Board of Zoning Appeals shall consider the following criteria for special exceptions:

1. Traffic impact
2. Vehicle and pedestrian safety
3. Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property
4. Adverse impact of the proposed use on the aesthetic character of the environs, to include the possible need for screening from view
5. Orientation or spacing of improvements or buildings.

To the best of your ability explain how the aforementioned apply to your request (may include attachments):

 If a restaurant opens up, it will attract traffic in the highway. But if Denny's is able to open up there shouldn't be an issue with us. I have reviewed the standard conditions listed in applying for exemption of onsite consumption of alcohol and confirm that we are and will be in compliance with these conditions.

Special exception approvals are subject to conditional requirements as stated in the applicable section of the Zoning Ordinance. In granting a special exception, the Board of Zoning Appeals may impose such reasonable and additional stipulations, conditions or safeguards as, in its judgment, will enhance the siting of the proposed special exception.

Applicant/Agent hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

Applicant/Agent's Signature
(If in LLC or Corp. name please provide authorization to sign)

Date



HOT CHILI OIL BOWL 水煮类

- 水鱼片 / Fish Fillet Hot Bowl
- 水牛肉 / Beef Steak Hot Bowl
- 水牛三宜 / Beef Omassun Hot Bowl
(牛乳, 牛腰, 牛肚)
- 水牛三宜 / Beef Combo Hot Bowl
(牛乳, 牛腰, 牛肚)

Spicy Boiling Pot 麻辣烫 (可加配菜)

- 羊肉麻辣烫 / Lamb Boiling Pot
- 牛肉麻辣烫 / Beef Boiling Pot
- 海鲜麻辣烫 / Seafood Boiling Pot

Hot Pot Available For Dining In



SEAFOOD ENTREES 海鲜类

- 宫保球 / Kung Pao Shrimp
- 椒盐球 / Cashew Shrimp
- 葱油球 / Curry Shrimp
- 椒盐球 / Broccoli Shrimp
- 合家欢 / Happy Family
- 香酥球 / Fried Shrimp w. Egg
- 核桃球 / Walnut Shrimp
- 椒盐球 / Pepper Salt with Shrimp
- 椒盐球 / Pepper Salt with Squid
- 椒盐球 / Squid w. Black Bean Sauce
- 椒盐球 / Shrimp with Garlic Sauce

CLAY POT 煲仔类

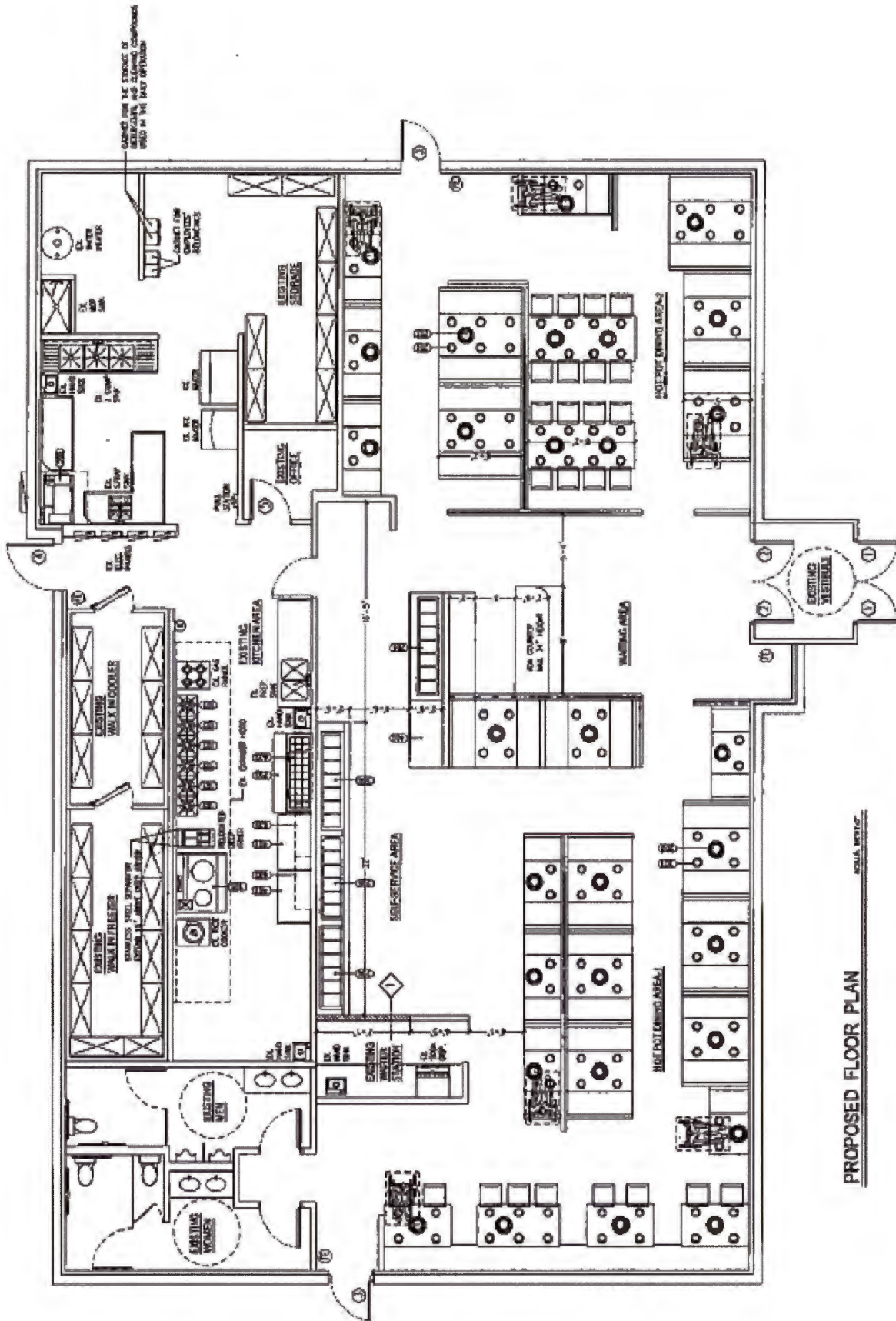
- 肉片 / Garlic Eggplant Pot w. Pork
- 川香 / Spicy Pork Ribs Pot
- 川香 / Beef Brisket Tomato Pot
- 川香 / Beef Brisket Radish Pot
- 川香 / Seafood Tofu Pot



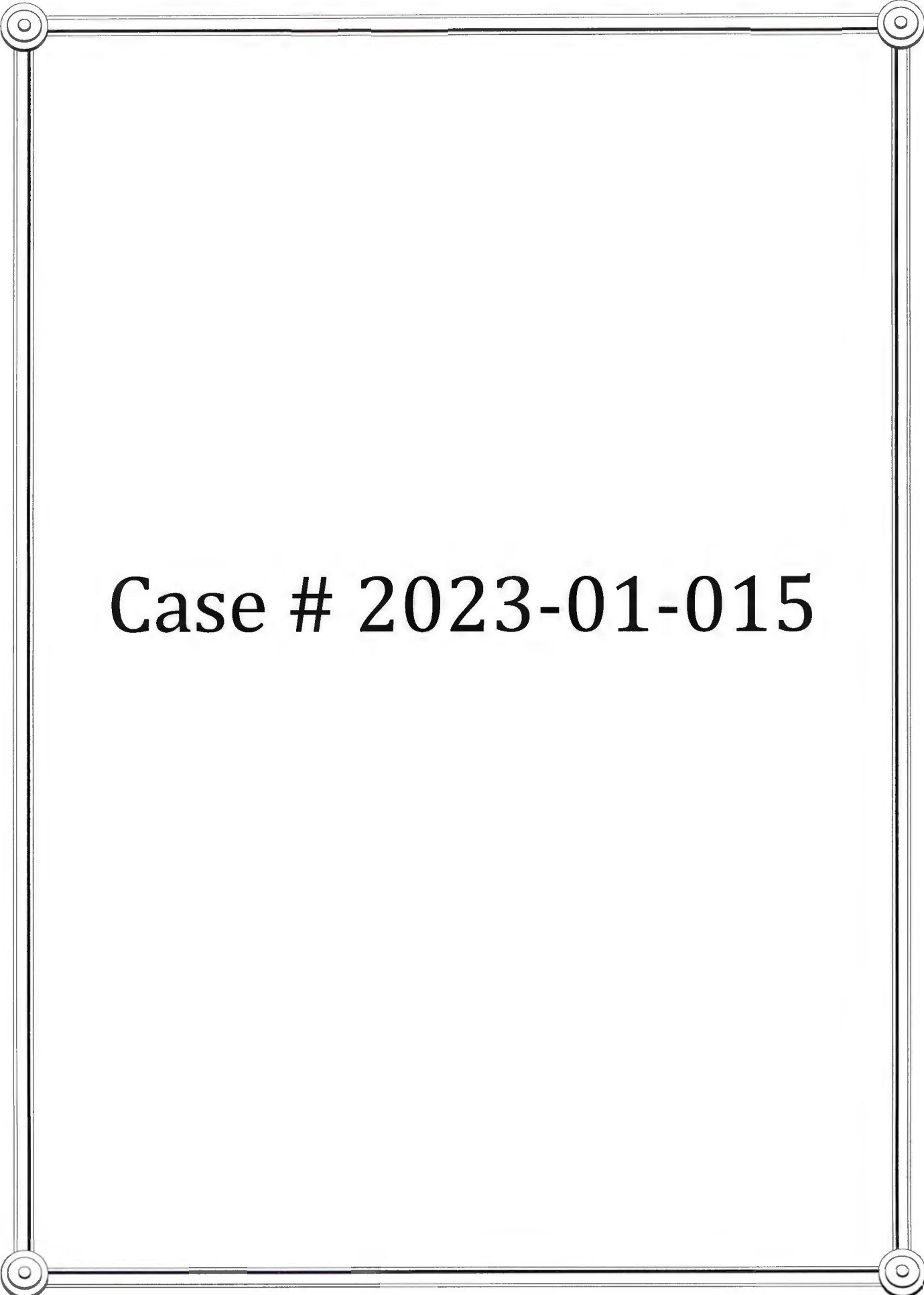
ALL YOU CAN EAT



Floor Plan



PROPOSED FLOOR PLAN

A rectangular frame with a double-line border. At each of the four corners, there is a decorative circular element consisting of three concentric circles. The text "Case # 2023-01-015" is centered within the frame.

Case # 2023-01-015

SPECIAL EXCEPTION REVIEW SHEET
ON-SITE CONSUMPTION OF ALCOHOL

Property Information

Special Exception Request #	2023-01-015	Zoning Information	
Applicant	Erikka Parlin, agent	Zoning District	Neighborhood Retail Services (RE1)
Parcel Identification (PIN) #	311-08-02-0015	Parcel Size	0.5 Acre
Site Location	4311 Mineola Ave., Little River	Proposed Use	Commercial
Property Owner	Ralph Pandure, Jr.		
County Council District #	1- Dukes		

Distance from Residential

Adjacent parcel to the right is zoned Residential (MSF10)

Requested Special Exception

The applicants are requesting special exception approval from Article XI, Section 1106 regarding on site consumption of alcohol for a Restaurant/ Bar in the Neighborhood Retail Services (RE1) zoning district.

Background/Site Conditions

This is the proposed location of Fresh Brunch restaurant. The applicants are requesting a special exception to allow on-site consumption of alcohol. The closest residential parcel is the adjacent parcel on the right. The proposed hours of operation are 7:30 AM until 3:00 PM, Tuesday thru Sunday.

Ordinance and Analysis

Article XIV, Section 1106 of the Zoning Ordinance states: Owing to their potential negative impact on the community, the following uses may be approved as special exceptions by the Board of Zoning Appeals: bar, restaurant, nightclub or business establishment meeting the definition of a bar is subject to the following conditions:

1. That the special exception complies with all applicable development standards, including off-street parking and dimensional requirements.

The restaurant was permitted in 2022 and met all zoning requirements.

2. That the special exception will be in substantial harmony with the area in which it is to be located.

This parcel is located on a commercial corridor with like uses located in the vicinity.

3. That the special exception will not be injurious to adjoining properties.

This parcel is in close proximity to other similar uses.

4. That the special exception will contribute to the economic vitality and promote the general welfare of the community.

SPECIAL EXCEPTION REVIEW SHEET
ON-SITE CONSUMPTION OF ALCOHOL

5. That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.

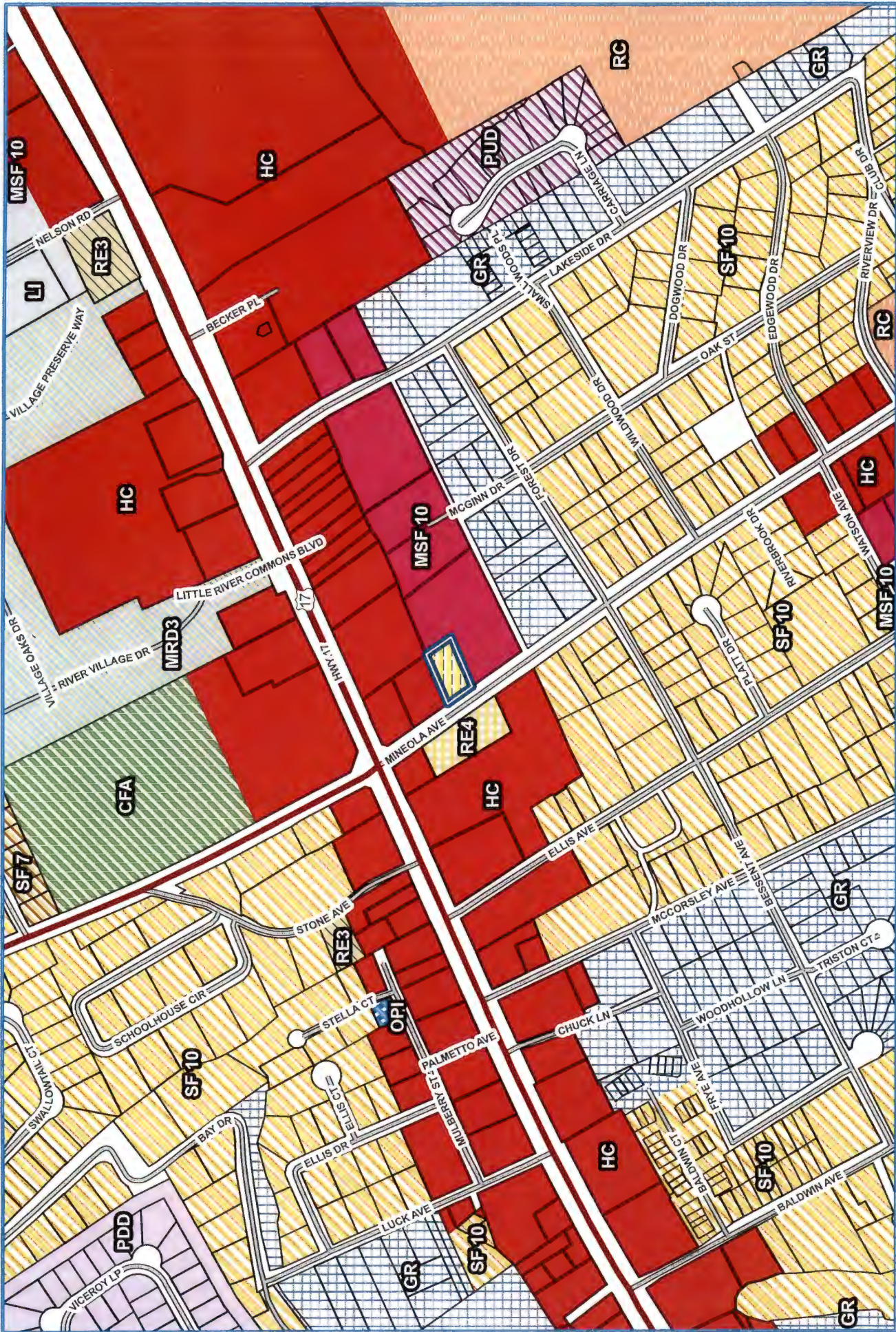
A restaurant/bar use is allowed in the RE1 zoning district.

6. In granting a special exception, the Board of Zoning Appeals may impose such reasonable and additional stipulations, conditions or safeguards as, in its judgment, will enhance the citing or reduce any negative impacts of the proposed special exception.






Proposed Order/Conditions

Should the Board find that the special exception request for Fresh Brunch meets the required conditions of Section 1106, the standard conditions imposed by the Board are:




1. No outdoor entertainment or amplified outdoor speakers unless a special event permit has been obtained from Public Safety;
2. No hosting of vendors during spring and fall bike rallies;
3. No outdoor displays or tents on the property;
4. No temporary banners or signs on the property;
5. No spotlight advertising;
6. **Outdoor dining or beverage services allowed on the outdoor deck only;**
7. **Hours of operation - 7:30 am until 3:00 pm; Tuesday - Sunday;**
8. Applicant will comply with all State and local laws;
9. All future buildings and building additions must conform to Horry County regulations;
10. Any changes in character or hours shall result in the suspension of this approval and a rehearing of the Zoning Board of Appeals shall be required.




Zoning Map
 Variance Case Number
 2023-01-015
 Erika Parlin agent for
 Ralph Pandure
 PIN: 31108020015

-  Parcel for Consideration
-  Major Road
-  Parcel Boundary
-  Road
-  Waterbody




-  Parcel for Consideration
-  Major Road
-  Road

Aerial Map
 Variance Case Number
 2023-01-015
 Erikka Parlin agent for
 Ralph Pandure
 PIN: 31108020015

 **HC Government**

0 50 100 Feet

N 



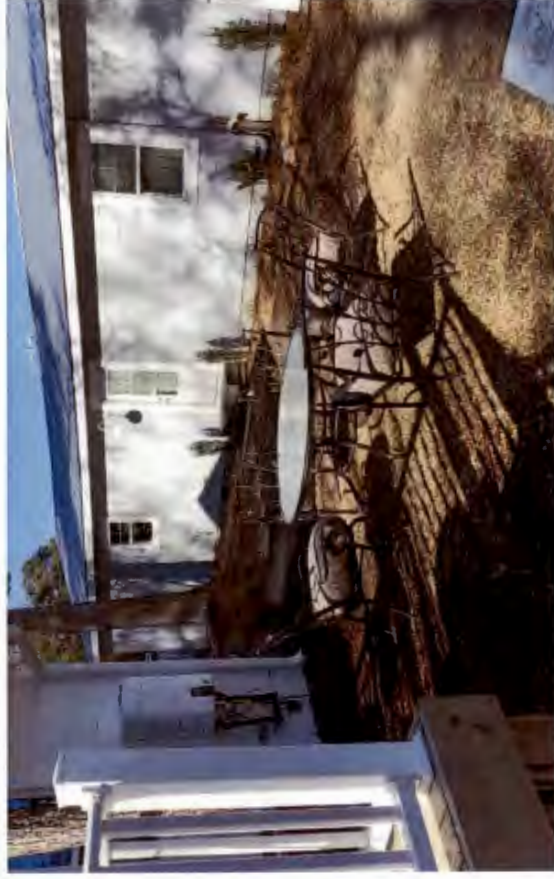
Front View of Property off Mineola Avenue



Front of restaurant



Outdoor Seating on rear deck



Additional Outdoor Seating in the yard - Not allowed



Applicant Submittal

SPECIAL EXCEPTION REQUEST

Owing to their potential negative impact on the community, the following uses may be approved as a special exception by the Zoning Board of Appeals.

1. Applicant hereby appeals for a special exception from the requirements of the following provisions of the Zoning Ordinance:

Article(s): _____ Section(s): _____

2. Please check the one that applies to your request: (see attachments for conditions on each use)

- On-Premises Consumption of Alcohol
- Bed & Breakfast Establishment
- Outpatient Treatment Facility
- Casino Boat
- Community Storage Lots for Recreation Equipment and Boats

- 3. Name of Business:** Fresh Brunch
- 4. Type of Business:** Breakfast Restaurant
- 5. Hours of Operation:** 7:30 ~~AM~~ (AM/PM) until 3:00 (AM/PM)
- 6. Days of The Week:** Tuesday - Sunday
- If this is a Restaurant/Bar please include a copy of your menu and a floor plan

7. The Zoning Board of Appeals shall consider the following criteria for special exceptions:

- Traffic Impact
- Vehicle and pedestrian safety
- Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property
- Adverse impact of the proposed use on the aesthetic character of the environs, to include the possible need for screening from view
- Orientation or spacing of improvements or buildings.

To the best of your ability explain how the aforementioned apply to your request (may include attachments):

I have restored a 1950's Cottage inside and out to comply with the Commercial Restaurant safety and security of its guests. I have talked to neighbors and businesses around the house, and I have full support. I have built a beautiful parking lot that complies with DOT and Henry County Standards. I will only be serving wine and beer, and will not be of any negative impact on my neighbors. I also plan on providing outdoor seating.

Special exception approvals are subject to conditional requirements as stated in the applicable section of the Zoning Ordinance. In granting a special exception, the Zoning Board of Appeals may impose such reasonable and additional stipulations, conditions or safeguards as, in its judgment, will enhance the siting of the proposed special exception.

8. Are there Restrictive Covenants on this property that prohibit or conflict with this request? YES NO

9. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

Ralph Paul 01/04/2023
 Applicant/ Agent's Signature Date

EMPa 1/4/23

Menu

Craft Cocktails

Bloody Mary
 George Killians Red Ale, lime juice,
 Worcestershire, celery salted rim,
 green olives, chocolate covered
 bacon with choice of Charleston Mix, Clamato,
 or Zing-Zang

Hawaiian 5 Mimosa
 Champagne, pineapple juice,
 coconut milk, coconut sugar flakes,
 and fresh whipped cream.

Blueberry Mimosa
 Champagne, OJ, orange liqueur,
 blueberries, and salt.

Apuril Spritz
 Durrans Italian Anand cranberry

**Pepsi, Diet Pepsi, Mountain Dew,
 Sierra Mist, and Ginger Ale**
 Iced tea, iced coffee, milk,
 chocolate milk, orange juice, cranberry juice,
 apple juice, grapefruit juice, tomato juice

Hot coffee, hot tea, hot chocolate

Breakfast (served with hot coffee or hot tea)

Two large eggs with

Buttermilk biscuits and sausage
 gravy with

Eggs benedict with

Prosecco, St. Germain, and fresh
 mint leaves.

Black Velvet
 Guinness, champagne, and
 garnished with strawberry.

Mango Cyn
 Mango hard seltzer, cranberry,
 apple, and garnished with lime.

S'mores
 Baileys, chocolate liqueur, almond
 milk, graham cracker, and
 marshmella.

Lemon Shandy
 Allagash white ale, fresh squeezed
 lemon, lemon peel, mint leaves,
 and a sugared rim.

House Made Desserts

Banana Bread
 Warm banana bread topped with
 sliced bananas, strawberries,
 chopped pecan, strawberry sauce,
 fresh whipped cream and vanilla ice cream.
 (large shareable plate)

Key Lime Pie
 Made with a brown sugar graham
 cracker crust and topped with
 fresh whipped cream. (served by
 the large slice)

Strawberry Cheese Cakes
 Tangy cheesecake in a brown
 sugar graham cracker crust,
 topped with strawberry sauce and
 homemade whipped cream. (served by the
 large slice)

Apple Pie
 Grandma's warm apple pie and
 vanilla ice cream. (served by the

with

Buttermilk pancakes with

Thick French toast with

Handmade crepes with

Build Your Own Items

MEATS AND PROTEINS
 Hot: Thick sliced bacon, candied
 pork belly, sausage, country
 sausage gravy, ham steak, seared
 ahi-tuna strips, seared chicken breast, seared

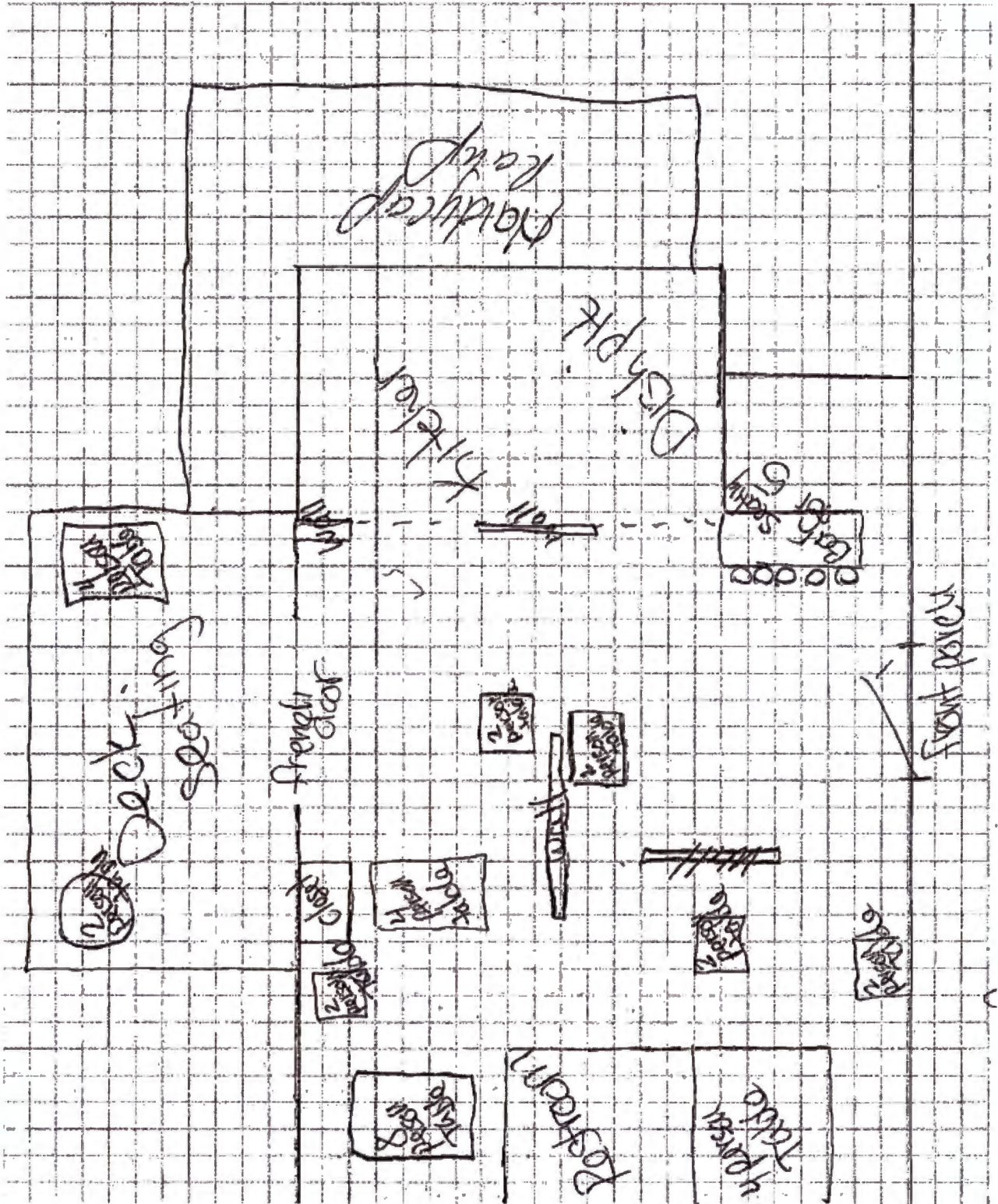
American, Swiss, pepperjack,
 shredded cheddar, brie, parmesan,
 feta, cream cheese, fresh whipped
 cream, sour cream, bleu cheese, goat cheese,
 yogurt.

VEGETABLES

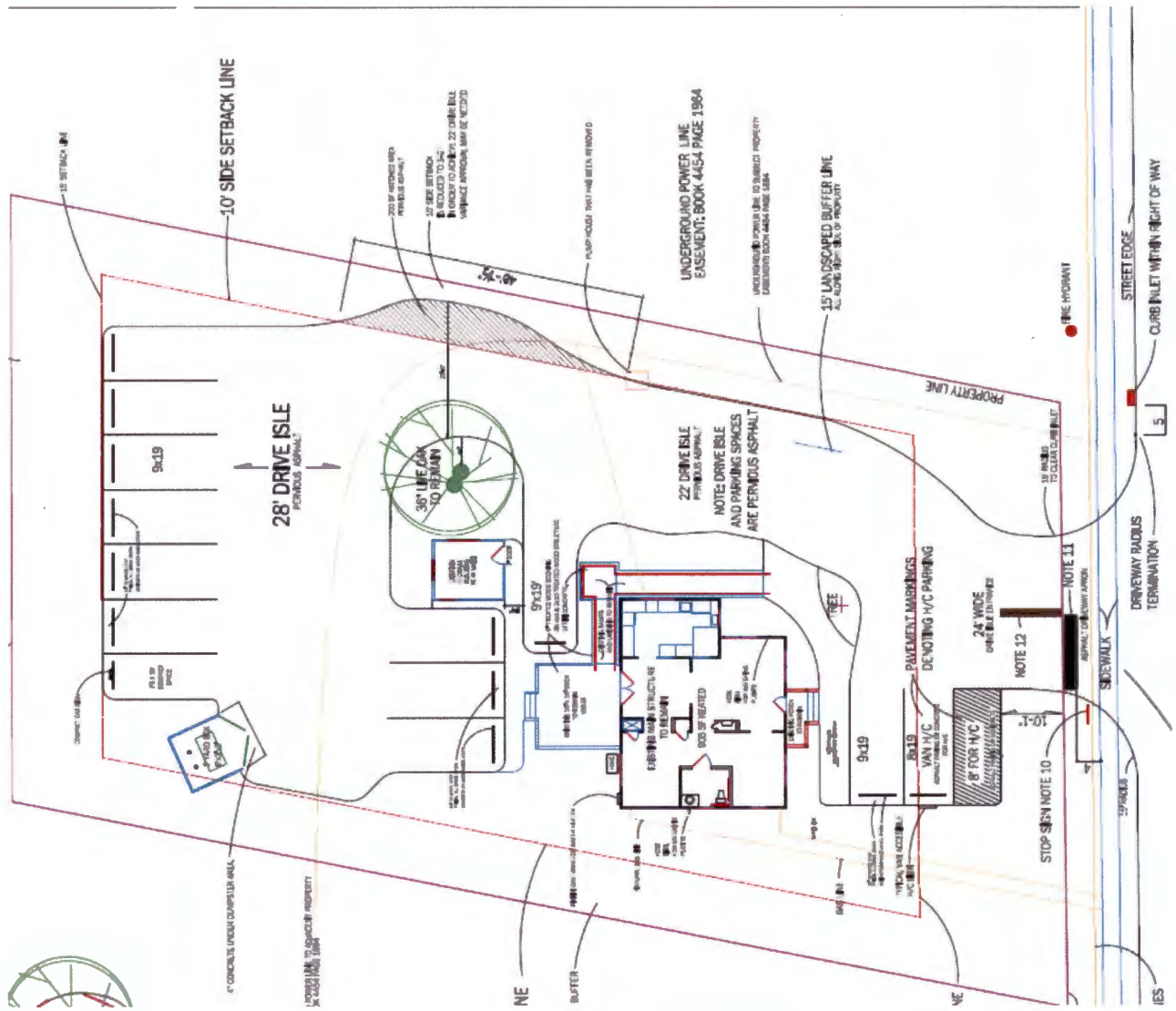
sautéed peppers, sautéed onions,
 sautéed mushrooms, sautéed
 spinach, sautéed green beans,
 roasted red tomatoes, fried green tomatoes,
 sliced tomato, sliced red onion, slice peppers,
 sliced mushroom, sliced cucumber, iceberg
 lettuce, romaine lettuce, spinach, salsa,
 jalapeno, pickle chips, pickle spear, corn,
 sauerkraut.

FRUITS, NUTS, AND SWEETS
 strawberry, blueberry, banana,
 peach, pineapple, grapes,
 avocado, fruit salad, orange
 marmalade, strawberry jam, raspberry jam,
 chocolate chips, shaved chocolate, peanut
 butter, honey, brown sugar, walnut, pecan,
 granola, coconut flakes.

Floor Plan



Site Plan



Case # 2023-01-016

SPECIAL EXCEPTION REVIEW SHEET
ON-SITE CONSUMPTION OF ALCOHOL

Property Information

Special Exception Request #	2023-01-016
Applicant	Omar David Satavia, agent
Parcel Identification (PIN) #	300-01-03-0001
Site Location	6100 Red Bluff Road, Loris
Property Owner	Hickman Road LLC
County Council District #	10- Hardee

Zoning Information

Zoning District	Smugglers Island PDD
Parcel Size	1.9 Acres
Proposed Use	Mixed Use

Distance from Residential

Abutting Chase Cottages subdivision zoned Residential (SF10).

Requested Special Exception

The applicants are requesting special exception approval from Article XI, Section 1106 regarding on site consumption of alcohol for a Restaurant/ Bar in the Smugglers Island PDD zoning district.

Background/Site Conditions

This parcel was rezoned April 17, 2007 (Case 2007-02-010) to allow a restaurant and single family home on the same parcel. The Old Oyster Shack restaurant operated from 2003-2006, Smuggler's Island Tiki Bar & Grill from 2006-2014, and El Abuelo Tomy Mexican from Sept. 2022 to Dec. 2022. This parcel is abutting Chase Cottages subdivision which is zoned Residential (SF10). The applicants are requesting to amend the previous special exception to revise the hours of operation for on-site consumption of alcohol. The proposed hours of operation are Sunday thru Thursday 11:00 am to 9:00 pm and Friday and Saturday 11:00 am until 11:00 pm.

Ordinance and Analysis

Article XIV, Section 1106 of the Zoning Ordinance states: Owing to their potential negative impact on the community, the following uses may be approved as special exceptions by the Board of Zoning Appeals: bar, restaurant, nightclub or business establishment meeting the definition of a bar is subject to the following conditions:

1. That the special exception complies with all applicable development standards, including off-street parking and dimensional requirements.

The site was developed in 2003 and met zoning requirements at that time.

2. That the special exception will be in substantial harmony with the area in which it is to be located.

3. That the special exception will not be injurious to adjoining properties.

SPECIAL EXCEPTION REVIEW SHEET
ON-SITE CONSUMPTION OF ALCOHOL

4. That the special exception will contribute to the economic vitality and promote the general welfare of the community.

5. That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.

The PDD allows a restaurant and bar.

6. In granting a special exception, the Board of Zoning Appeals may impose such reasonable and additional stipulations, conditions or safeguards as, in its judgment, will enhance the citing or reduce any negative impacts of the proposed special exception.

Proposed Order/Conditions

Should the Board find that the special exception request for **Las Glorias Mexican Restaurant** meets the required conditions of Section 1106, the standard conditions imposed by the Board are:

1. No outdoor entertainment or amplified outdoor speakers unless a special event permit has been obtained from Public Safety;
2. No hosting of vendors during spring and fall bike rallies;
3. No outdoor displays or tents on the property;
4. No temporary banners or signs on the property;
5. No spotlight advertising;
6. No outdoor dining or beverage services allowed;
7. Hours of operation - Sunday - Thursday 11:00 am to 9:00 pm and Friday - Saturday 11:00 am to 11:00 pm;
8. Applicant will comply with all State and local laws;
9. All future buildings and building additions must conform to Horry County regulations;
10. Any changes in character or hours shall result in the suspension of this approval and a rehearing of the Zoning Board of Appeals shall be required.

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)
In re: Kari Flores, agent for)
Hickman Road, LLC)
_____)

**BEFORE THE BOARD OF
ZONING APPEALS**
Case No.: 2020-12-001
ORDER OF THE BOARD

Hearing was held before this Board on January 11, 2020, pursuant to the request of the applicants for Special Exception approval from Article V, Section 534, regarding on premise consumption of alcohol for **El Abuelo Tomy Restaurante Mexicana**. The property is zoned Planned Development District (PDD) and is located at 6100 Red Bluff Rd in the Loris area of Horry County. The property is identified by PIN 300-01-03-0001. The applicant has requested a special exception to allow on premise consumption of alcohol for a bar and grill to be known as “**El Abuelo Tomy Restaurante Mexicana**.”

The applicant and the zoning administrator were given the opportunity to offer witnesses and exhibits and to make argument for the record. A public hearing was held, and all interested parties were invited to comment before the Board.

Special exceptions are authorized under the South Carolina Code of Laws 6-29-800, (A) (3) and Article V, Section 534 (B) of the Horry County Zoning Ordinance. The zoning ordinance states: Owing to their potential negative impact on the community, the following uses may be approved as special exceptions by the Board of Zoning Appeals: bar, restaurant, nightclub or business establishment meeting the definition of a bar is subject to the following conditions whenever a residential property is located within 500’:

1. That the special exception complies with all applicable development standards, including off-street parking and dimensional requirements;
2. That the special exception will be in substantial harmony with the area in which it is to be located;
3. That the special exception will not be injurious to adjoining properties;

4. That the special exception will contribute to the economic vitality and promote the general welfare of the community;
5. That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right; and,
6. In granting a special exception, the Board of Zoning Appeals may impose such reasonable and additional stipulations, conditions or safeguards as, in its judgment, will enhance the citing or reduce any negative impacts of the proposed special exception.

FINDINGS OF FACT

1. The property is identified by PIN 300-01-03-0001. It is zoned Planned Development District (PDD) and is located at 6100 Red Bluff Rd in the Loris area of Horry County.
2. This parcel was rezoned April 17, 2007 under Case 2007-02-010 to allow a restaurant and single family home on the same parcel.
3. The Old Oyster Shack restaurant operated from 2003 - 2006 and Smuggler's Island Tiki Bar & Grill from 2006-2014. Since the business has been closed for over a year a special exception is required.
4. The site was developed in 2003 and met zoning requirements at that time.
5. This parcel is abutting Chase Cottages subdivision which is zoned Residential (SF10).
6. The applicant is proposing to open El Abuelo Tomy Restaurante Mexican. The proposed hours of operation are 9:00 AM until 9:00 PM, Monday thru Sunday.

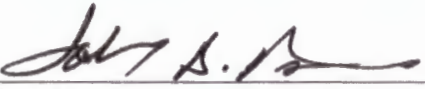
CONCLUSIONS OF LAW

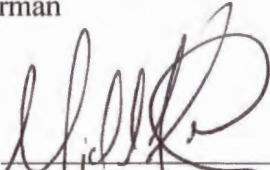
The Board finds that the request for **El Abuelo Tomy Restaurante Mexicana** meets the criteria set forth in Horry County Code Article V, Section 534. Therefore, the **special exception** is granted subject to the following conditions:

1. No outdoor entertainment or amplified outdoor speakers unless a special event permit has been obtained from Public Safety;
2. No hosting of vendors during spring and fall bike rallies;
3. No burnout pits;
4. No outdoor displays or tents on the property;
5. No temporary banners or signs on the property;
6. No spotlight advertising;
7. No adult entertainment, or temporary adult entertainment permits;
8. No outdoor dining;
9. No sweepstakes and/or internet gaming permitted at any time;
10. **Hours of operation - 9:00 AM until 9:00 PM, Monday thru Sunday;**
11. Applicant will comply with all State and local laws;
12. All future buildings and building additions must conform to Horry County regulations;
13. Any changes in character or hours shall result in the suspension of this approval and a rehearing of the Zoning Board of Appeals shall be required.

AND IT IS SO ORDERED, this 11th day of January, 2021.


Marion Shaw, Chairman


John Brown

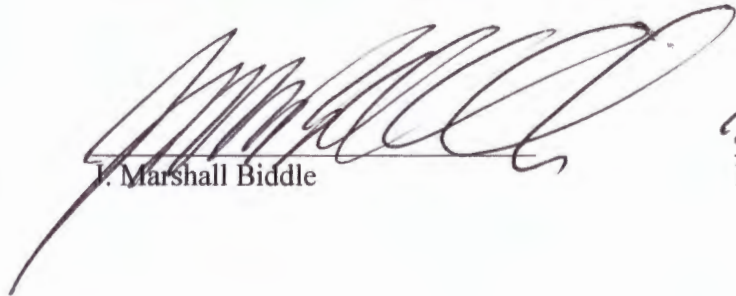

Michael Fowler


Mark Gouhin

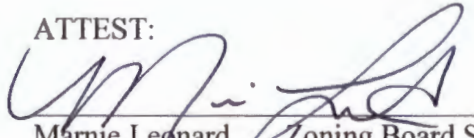

William Livingston


Robert Page

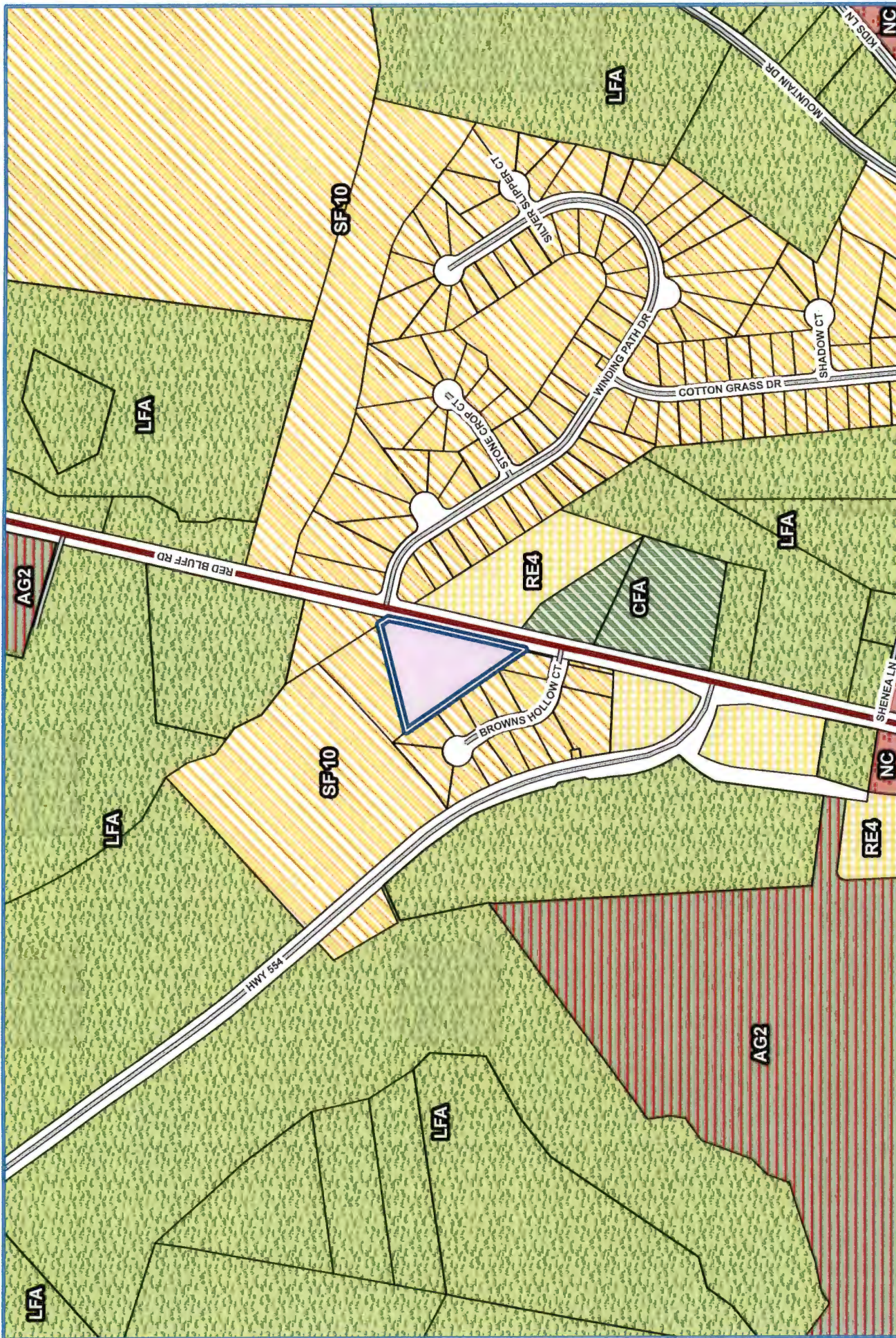

Drew Parks


J. Marshall Biddle


Kirk Truslow

ATTEST:

Marnie Leonard Zoning Board Secretary

** All orders may be revised until the following meeting of the Zoning Board of Appeals.



HC Government

Zoning Map

Variance Case Number
2023-01-016

Omar David Satavla agent for
Hickman Road LLC
PIN: 30001030001

Parcel for Consideration
Parcel Boundary
Major Road
Road

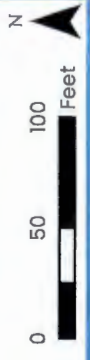
0 250 500 Feet

N



Aerial Map
Variance Case Number
2023-01-016
Omar David Satavia agent for
Hickman Road LLC
PIN: 30001030001

- Parcel for Consideration
- Major Road
- Road





Front View of Restaurant from Red Bluff Road



View of Rear of Property



Front Street View from Red Bluff Road



View of Development Across Red Bluff Road



Applicant Submittal

SPECIAL EXCEPTION REQUEST

Owing to their potential negative impact on the community, the following uses may be approved as a special exception by the Zoning Board of Appeals.

1. Applicant hereby appeals for a special exception from the requirements of the following provisions of the Zoning Ordinance:

Article(s): _____ Section(s): _____

2. Please check the one that applies to your request: (see attachments for conditions on each use)

- On-Premises Consumption of Alcohol
- Bed & Breakfast Establishment
- Outpatient Treatment Facility
- Casino Boat
- Community Storage Lots for Recreation Equipment and Boats

3. Name of Business: Las Glorias Mexican Restaurant LLC
4. Type of Business: Restaurant
5. Hours of Operation: _____ (AM/PM) until _____ (AM/PM)
6. Days of The Week: Sunday thru Thursday 11am to 9pm. Friday & Saturday 11am to 11pm
- If this is a Restaurant/Bar please include a copy of your menu and a floor plan

7. The Zoning Board of Appeals shall consider the following criteria for special exceptions:

- Traffic Impact
- Vehicle and pedestrian safety
- Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property
- Adverse impact of the proposed use on the aesthetic character of the environs, to include the possible need for screening from view
- Orientation or spacing of improvements or buildings.

To the best of your ability explain how the aforementioned apply to your request (may include attachments):

Special exception approvals are subject to conditional requirements as stated in the applicable section of the Zoning Ordinance. In granting a special exception, the Zoning Board of Appeals may impose such reasonable and additional stipulations, conditions or safeguards as, in its judgment, will enhance the siting of the proposed special exception.

8. Are there Restrictive Covenants on this property that prohibit or conflict with this request? YES NO
9. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

[Signature]
Applicant/ Agent's Signature

Date

Floor Plan

